

It Is Finally Here – Changes to U.S. Inbound International Travel Restrictions

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In response to the COVID-19 pandemic, the United States implemented restrictions for certain foreign nationals traveling from Brazil, Britain, China, India, Iran, Ireland, South Africa, and the European Schengen Area. Via an Executive Order[1], these country-specific restrictions are rescinded as of November 8, 2021 and replaced with COVID-19 vaccination requirements.

Beginning November 8, 2021, fully vaccinated foreign nationals may enter the United States by air, subject to proof of vaccination and a negative COVID-19 test. For purposes of entry into the United States, the U.S. Centers for Disease Control (“CDC”) has said it will accept any vaccine authorized for use by U.S. regulators and the World Health Organization (“WHO”), including those listed on the WHO Emergency Use Listing and mixed-dose vaccinations.

Foreign nationals who are not fully vaccinated may also enter the United States by air, but must agree to comply with additional pre- and post-travel requirements as directed by the CDC. Such requirements currently include obtaining a COVID-19 viral test 3-5 days after arrival (with limited exceptions), self-quarantine for 7 days after arrival (with limited exceptions), and an agreement to become fully vaccinated against COVID-19 within 60 days of arrival (or, on a case-by-case basis, as soon as determined medically appropriate by the CDC).

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Exempt from these vaccination requirements are U.S. citizens, U.S. nationals, and U.S. immigrants. There are also limited exceptions to the vaccination requirement, such as if the individual is a child under age 18, is a medically contraindicated individual, are non-tourist foreign nationals from a country with limited availability of vaccination,[2] individuals holding C-1 transit or D crew member visas, and for certain national interest, humanitarian, or emergency exemptions.

Future updates from the CDC regarding pre- and post-travel requirements and details regarding exceptions can be found here: <https://wwwnc.cdc.gov/travel/> or <https://www.cdc.gov/coronavirus/2019-ncov/travelers/noncitizens-US-air-travel.html>.

Although this easing of the travel restrictions is welcome news, it is also important to understand the broader landscape and potential continued travel difficulties for foreign nationals. Specifically, foreign nationals entering the U.S. must still be in possession of a valid visa or other valid travel documentation. With most of the U.S. Consulates and Embassies around the world still largely closed for routine processing, many foreign nationals will likely face barriers traveling into the U.S. Foreign nationals who are currently in the U.S. and are considering traveling abroad for the holiday season should understand their current visa status, and, if visa stamping is necessary before returning to the U.S., closely monitor appointment availability and/or drop box options in their home country.

If you have further questions about U.S. inbound travel requirements, or other general questions about employment-based immigration, please contact one of the immigration specialists in Koley Jessen's Employment, Labor, and Benefits Practice Group.

[1] <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/10/25/a-proclamation-on-advancing-the-safe-resumption-of-global-travel-during-the-covid-19-pandemic/>

[2] Those countries include Nigeria, Egypt, Algeria, Armenia, Myanmar, Iraq, Nicaragua, Senegal, Uganda, Libya, Ethiopia, Zambia, Congo, Kenya, Yemen, Haiti, Chad and Madagascar. See <https://covid.cdc.gov/covid-data-tracker/#global-vaccinations>. Those receiving this type of exemption will generally need to be vaccinated within 60 days after arriving in the United States.