

Alert

Updated November 2, 2021



UPDATE: President Biden Lifts COVID-19 Travel Ban

President Biden has announced that the current COVID-19 travel bans impacting visitors to the United States will end on Monday, November 8, 2021. This current presidential proclamation will eliminate the travel restrictions set forth in the previous presidential proclamations from 2020 and 2021 as they relate to the suspension of entry into the United States of persons physically present in Brazil, China, India, Iran, Ireland, the Schengen Area, South Africa, and the United Kingdom. In place of these restrictions, the president announced a global vaccination requirement for all noncitizen nonimmigrants (i.e. individuals who are not a U.S. citizen, U.S. national, lawful permanent resident, or traveling to the United States on an immigrant visa). This proclamation applies to persons boarding a flight scheduled to arrive in the United States that departs after 12:01 a.m. (EST) on November 8, 2021.

As previously confirmed with the Centers for Disease Control and Prevention (CDC), only the vaccines that are approved or authorized by the Food and Drug Administration or listed for emergency use by the World Health Organization will be accepted for air travel. As of today, the accepted vaccines are as follows:

- Moderna
- Johnson & Johnson
- Pfizer-BioNTech
- AstraZeneca
- Covishield
- BIBP/Sinopharm
- Sinovac

The CDC will continue to require **all** air passengers two years of age and over entering the United States (including U.S. citizens and legal permanent residents) to present a negative COVID-19 test. If the person is fully vaccinated, the COVID-19 test must be taken within three calendar days before the flight's departure. If the person is not fully vaccinated, the COVID-19 test must be taken no more than one calendar day before the flight's departure. Any noncitizen not vaccinated against COVID-19 will **NOT** be allowed to board a flight to the United States, unless they meet the criteria for an exception under the proclamation and CDC's order.

Categories of noncitizen nonimmigrants that meet the criteria for an exception under the proclamation and CDC's order include:

- Persons on diplomatic or official foreign government travel
- Children under 18 years of age
- Persons with documented medical contraindications to receiving a COVID-19 vaccine
- Participants in certain COVID-19 vaccine trials
- Persons issued a humanitarian or emergency exception
- Persons with valid visas [excluding B-1 (business) or B-2 (tourism) visas] who are citizens of a foreign country with limited COVID-19 vaccine availability
- Members of the U.S. Armed Forces or their spouses or children (under 18 years of age)
- Sea crew members traveling with to a C-1 and D nonimmigrant visa
- Persons whose entry would be in the national interest, as determined by the Secretary of



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Related Practice Areas

- Immigration Policy & Strategy

State, Secretary of Transportation, or Secretary of Homeland Security (or their designees)

If the noncitizen nonimmigrant travels by air to the United States under one of these exceptions, they will be required to attest that they are excepted from the requirement to present proof of being fully vaccinated against COVID-19 based on one of the exceptions listed above. Based on the category of the exception, they may further be required to attest that:

1. They will be tested with a COVID-19 viral test three to five days after arrival in the United States, unless they have documentation of having recovered from COVID-19 in the past 90 days;
2. They will self-quarantine for a full seven days, even if the test result to the post-arrival viral test is negative, unless they have documentation of having recovered from COVID-19 in the past 90 days; and
3. They will self-isolate if the result of the post-arrival test is positive or if they develop COVID-19 symptoms.

Based on the category of the exception, if the noncitizen nonimmigrant intends to stay in the United States for longer than 60 days they may additionally be required to attest that:

1. They agree to be vaccinated against COVID-19; and
2. They have arranged to become fully vaccinated against COVID-19 within 60 days of arriving in the United States, or as soon thereafter as is medically appropriate, unless (for children) they are too young to be vaccinated.

Pursuant to President Biden's proclamation, the Department of State (DOS) will be available to process visa applications for individuals physically present in the affected countries. However, this does not necessarily mean that each U.S. Consulate or Embassy will be able to immediately schedule all affected applicants for visa interviews.

On October 29, 2021, the Department of Homeland Security (DHS) announced that non-citizen travelers who are fully vaccinated for COVID-19 and possess the appropriate documentation will be permitted to enter the United States via land ports of entry (POE) and ferry terminals beginning November 8, 2021. When arriving at a U.S. land POE or ferry terminal, non-citizen travelers

should be prepared to do the following:

1. provide proof of COVID-19 vaccination, as outlined on the [CDC website](#); and
2. verbally attest to their reason for travel and COVID-19 vaccination status during a border inspection.

Any non-citizen attempting to enter the United States through illegal means or without appropriate documentation may be subject to expulsion or removal. Travelers arriving at a U.S. land POE or ferry terminal should be prepared to present any other relevant documents as requested by a Customs and Border Protection (CBP) Officer.

We will continue to monitor any further changes in travel requirements and vaccination policies and alert you to any updates.
