

Non-U.S. Nonimmigrants to Provide Proof of COVID-19 Vaccination Prior to U.S. Entry

Overview

- All nonimmigrant foreign nationals are required to present proof of being fully vaccinated against COVID-19 prior to boarding a flight to the United States from a foreign country
- Applies only to nonimmigrant foreign nationals entering the United States.
- Nonimmigrant means someone who is NOT a: U.S. citizen, U.S. national, lawful permanent resident, or traveling to the United States on an immigrant visa
- This latest requirement is an extension of a previous requirement which was set to expire on November 8, 2022

The Transportation Security Administration (TSA) has extended the requirement for all nonimmigrant foreign nationals to present proof of being fully vaccinated prior to entering the United States. Below, we have defined “fully vaccinated” along with the documentation required to establish proof as well as exceptions to this requirement.

Definition of Fully-Vaccinated

This becomes effective November 9, 2022, and *continues* the requirement for all nonimmigrant foreign nationals to provide proof of COVID-19 vaccination prior to boarding a flight to the United States. The definition of a *Fully Vaccinated Against COVID-19* includes:

- two weeks (14 days) since a person received one dose of an accepted single-dose-series COVID-19 vaccine (e.g., Janssen/J&J); OR
- two weeks (14 days) since a person’s second dose in a two-dose series of an accepted COVID-19 vaccine; OR
- two weeks (14 days) since a person received the full series of an accepted COVID-19 vaccine (not placebo) in a clinical trial; OR
- two weeks (14 days) since the person received two doses of any “mix-and-match” combination of accepted COVID-19 vaccines administered at least 17 days apart
- **NOTE:** A full 14 days must have passed since the day the COVID-19 vaccine series was completed. For example, if the vaccine series was completed on the first day of the month, the person is considered fully vaccinated on the 15th of that month.

Types of Proof of COVID-19 Vaccination

Several types of documentation are acceptable for proof of COVID-19 vaccination, including verifiable (digital or paper), non-verifiable paper records, and non-verifiable digital records.

- A verifiable vaccination record, also known as a verifiable vaccination credential, may be paper or digital and typically includes a QR code (Quick Response code) that links to information confirming the credential was generated from an immunization record in an official database and is protected from tampering. When available, verifiable records are preferred as they indicate that the verifiable credential was generated from an immunization record in an official database and that the credential is valid and legitimate.
- A non-verifiable vaccination record is an official record of vaccination that is not digitally linked to an official database with official immunization records and is protected from tampering.
 - All forms of proof of COVID-19 vaccination must have personal identifiers (full name plus at least one other identifier such as date of birth or passport number) that match the personal identifiers on the passenger’s passport or other travel



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Related Practice Areas

- Immigration Policy & Strategy
- Labor & Employment

documents.

- Airlines and aircraft operators must determine when the translation of documentation of vaccination is necessary for review.

Exceptions to this Requirement

The Center for Disease Control (CDC) has established certain exceptions to this requirement, including:

- Persons on diplomatic or official foreign government travel
- Children under 18 years of age
- Participants in certain COVID-19 vaccine trials
- Persons with medical contraindications to receiving a COVID-19 vaccine
- Persons issued a humanitarian or emergency exception
- Persons with valid nonimmigrant visas (excluding B-1 [business] or B-2 [tourism] visas) who are citizens of a country with limited COVID-19 vaccine availability (Table 4)
- Members of the U.S. Armed Forces or their spouses or children (under 18 years of age)
- Sea crew members traveling pursuant to a C-1 and D nonimmigrant visa
- Persons whose entry would be in the U.S. national interest, as determined by the Secretary of State, Secretary of Transportation, or Secretary of Homeland Security (or their designees)

NOTE: It is strongly recommended that nonimmigrant travelers confirm and ensure that they meet one of these exceptions prior to boarding a flight to the United States. A complete list of required documentation for excepted travelers can be found on the CDC website.
