

SEPTEMBER 21, 2021

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IMMIGRATION AND COMPLIANCE BRIEFING: COVID-19 TRAVEL AND VACCINATION UPDATES

Biden Administration to Soon Lift U.S. Entry Travel Bans for Fully Vaccinated Individuals

On September 20, 2021 the Biden Administration announced its plans to rescind travel bans which restrict entry into the U.S. directly from specific geographic areas. Instead of banning travelers coming from specific locations abroad, the U.S. will utilize vaccine status-based restrictions for incoming travelers. While the administration has not confirmed any dates, the policy changes are expected to be implemented in early November.

Currently it is still prohibited, with some exceptions, for most travelers to enter the U.S. if they have been in any of the following countries at any time (including for transit) within the 14 days prior to traveling: **China; Iran; European Schengen area** (Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Monaco, San Marino, Vatican City); **United Kingdom** (England, Scotland, Wales, Northern Ireland); **Republic of Ireland; Brazil; South Africa; India.**

Pursuant to the proposed changes, physical presence in the aforementioned

countries within 14 days prior to direct travel will no longer prevent entry into the U.S. However, most travelers will be required to provide proof of being fully vaccinated for COVID-19 prior to boarding an airplane. In addition, the U.S. Centers for Disease Control will implement contact-tracing protocols. Mask mandates for airlines and airports, as well as the pre-travel negative COVID-19 test requirements, will remain in place until at least mid-January.

Limited exceptions to the vaccine requirement have been announced for children and COVID-19 clinical trial participants. Some humanitarian purposes also qualify for vaccination exemption.

U.S. Land Border Updates

U.S. land borders have been closed since **March 21, 2020**. While the closure provisions expire on October 21, they may be extended for additional 30-day periods. Currently the closures apply as follows:

- The border between the U.S. and Canada remains closed until October 21, 2021 except for essential workers and services. As of July 5, fully vaccinated Canadian citizens and permanent residents are not required to quarantine upon entry.

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This publication is a summary of legal principles. Nothing in this article constitutes legal advice, which can only be obtained as a result of a personal consultation with an attorney. The information published here is believed accurate at the time of publication, but is subject to change and does not purport to be a complete statement of all relevant issues.

- The border between the U.S. and Mexico remains closed until October 21, 2021 except for essential workers and services.

As a reminder, the following types of travel/travelers are exempt from the border closures:

- U.S., Canadian, and Mexican citizens and permanent residents returning to their **home country**
- Individuals traveling for medical purposes (e.g., to receive medical treatment)
- Individuals traveling to attend educational institutions
- Individuals traveling to work in the U.S.
- Individuals traveling for emergency response and public health purposes (e.g., government officials or emergency responders)
- Individuals engaged in lawful cross-border trade (e.g., truck drivers supporting the movement of cargo between the United States and Canada and Mexico)
- Individuals engaged in official government travel or diplomatic travel
- Individuals engaged in military-related travel or operations

New COVID-19 Vaccination Requirement for Intending Immigrants

Beginning October 1, 2021 U.S. Citizenship and Immigration Services ("USCIS") and the U.S. Department of State will require COVID-19 vaccinations for all individuals

applying for refugee status or lawful permanent residence. This requirement applies to all applicants who complete a medical examination from a Civil Surgeon or Panel Physician on or after October 1, 2021. Pursuant to the rule, the Civil Surgeon or Panel Physician must inspect and confirm the applicant's documentation demonstrating full vaccination. Blanket exceptions to the COVID-19 vaccination rule include applicants who are:

- Not yet eligible to receive the vaccine due to age
- Medically unable to receive the vaccine
- Do not have access to an approved COVID-19 vaccine

Applicants may apply for an individual waiver based on religious or moral convictions. Government discretion applies as to the review of such waivers.

Due to the COVID-19 vaccination changes, the government will release an updated Form I-693, Report of Medical Examination and Vaccination Record, and related instructions.

Associate **Ashley Moore** contributed to this briefing.

Wiggin and Dana's Immigration and Compliance Practice Group will continue to provide briefings as more information becomes available. Please contact the practice group leader, Najia Khalid, at 203.498.4314 or nkhalid@wiggin.com if you have any questions.