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## IMMIGRATION AND COMPLIANCE BRIEFING: FALL TRAVEL & COVID-19 POLICY UPDATE

### **Biden Administration Announces Timeline for New International Travel Policy**

On October 25, 2021, the Biden Administration issued a Presidential Proclamation to lift the travel bans which currently restrict entry into the U.S. directly from specific geographic areas (for a full list of restricted countries, see our prior client alert [here](#)), to be effective **November 8, 2021**. Instead of banning entry from specific locations abroad, the U.S. will utilize vaccine status-based restrictions for incoming travelers entering the country as noncitizen nonimmigrants (i.e., temporary visa holders or visa-free travelers). Once the new rules go into effect, most travelers will be required to provide proof of being fully vaccinated for COVID-19 prior to boarding an airplane, regardless of recent travel history ("fully vaccinated" refers to individuals who received the final dose of the COVID-19 vaccine more than 14 days prior).

Currently, the list of acceptable vaccines approved/authorized by the U.S. Food and Drug Administration (FDA) and World Health Organization (WHO), are as follows:

- Pfizer-BioNTech
- Moderna
- Johnson & Johnson
- Oxford-AstraZeneca/Covishield
- Sinopharm
- Sinovac
- Mixed doses comprising of any two authorized/approved vaccines

As additional vaccines receive authorization/approval by either the FDA or WHO, it is anticipated that they will be added to the list of acceptable vaccines. 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.

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Exceptions include, but are not limited to, the following types of noncitizen nonimmigrants:

- Certain noncitizen nonimmigrants traveling in an official capacity (i.e., foreign government officials and their family, individuals entering pursuant to a NATO visa classification, or individuals traveling pursuant to the United Nations Headquarters Agreement)
- Children under the age of eighteen (18) years
- Individuals participating in COVID-19 clinical trials\*
- Individuals unable to receive the vaccine due to a medical contraindication, as determined by the CDC
- Individuals unable to receive the vaccine due to unavailability in their country of residence who are seeking to enter the U.S. on a nonimmigrant visa **except B-1/B-2**
- Members of the U.S. Armed Forces
- Sea crew members
- Individuals whose entry is in the national interest
- Individuals granted exceptions for humanitarian or emergency reasons

\* *The CDC will determine the qualifying criteria for individuals seeking to enter under this exception.*

**In addition to the restrictions above, all unvaccinated travelers traveling to the U.S. must show proof of a negative COVID-19 test taken *within one day of travel*. This requirement includes unvaccinated U.S. citizens and Lawful Permanent Residents (“green card” holders).**

**Vaccinated U.S. citizens and Green Card holders must show proof of a negative COVID-19 test within *three days of travel*.**

Finally, additional measures may be required for certain types of travelers, including self-quarantine and vaccination within sixty (60) days of entry.

This policy will remain in place for an initial period of sixty (60) days and may be renewed on a monthly basis after that.

**U.S. Land Border Updates**

The Department of Homeland Security (DHS) announced that it will lift travel restrictions for land and ferry border crossings from Canada and Mexico in two phases, beginning **November 8, 2021**. Instead of keeping the land borders closed to nonessential travel, the Biden administration will implement the same policy as for air travel. Beginning November 8, nonessential travel will be permitted for fully vaccinated individuals, as described above. Nonessential travel will continue to be permitted regardless

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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.*

of vaccination status. However, beginning in early **January 2022**, all individuals entering the U.S. via the land border or ferry will be required to be fully vaccinated. This decision will permit nonessential travel via the land border between Canada and Mexico for the first time since **March 21, 2020**.

### **Vaccine Requirement for Individuals Seeking Permanent Immigrant Status**

Effective October 1, 2021, applicants for immigrant status (i.e., a “green card”) in the U.S. who are subject to submitting Form I-693, Report of Medical Examination and Vaccination Record must be fully vaccinated as described above against COVID-19, before a civil surgeon designated by the Immigration Service can complete and sign the Form I-693 medical exam.

Waivers may be granted in certain circumstances, including where the COVID-19 vaccine is:

- Not age appropriate;
- Contraindicated due to a medical condition;
- Not routinely available where the civil surgeon practices; or
- Limited in supply and would cause significant delay for the applicant to receive the vaccination..

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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](mailto:nkhalid@wiggin.com) if you have any questions.