



News & Types: Client Advisories

U.S. Eases Travel Restrictions

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Practices: Immigration

As announced earlier in our advisory Goodbye NIE, Hello Vaccinations, on November 8, 2021, the United States took another step towards easing COVID-19 travel restrictions and supporting the return of tourism. However, obtaining a visa from a U.S. consular post abroad may still be a challenge.

How to comply with the new U.S. travel requirements in effect from November 8th will depend upon whether travel is by air or land/ferry and the traveler's immigration status.

RETURN TO AIR TRAVEL

For flights departing to the United States after 12:01AM (Eastern) on November 8, 2021, any air passenger age 18 and above traveling to the United States on a nonimmigrant visa or under the Visa Waiver Program (commonly referred to as Electronic System for Travel Authorization (ESTA)), will need to provide official documentation of being fully vaccinated for COVID-19. All travelers age 2 and older will need proof of a negative result of a COVID-19 test taken within 3 days of boarding a flight to the United States. This new international travel policy eliminates the need to obtain a National Interest Exception (NIE) if traveling from Brazil, China, India, Iran, Ireland, South Africa, the United Kingdom, or a country in the Schengen Area. Having a NIE does not exempt a traveler from the vaccination requirement, and exceptions to the vaccination requirement are limited.

Air passengers traveling to the United States who are U.S. citizens, U.S. nationals, U.S. permanent residents or traveling on an immigrant visa who are fully vaccinated will need to provide documentation of negative results of a COVID-19 test taken within 3 days of boarding the flight to the United States. If the U.S. citizen, U.S. national, U.S. permanent resident or person traveling on an Immigrant Visa is not fully vaccinated, documentation of negative results of a COVID-19 test taken within 1 day of boarding the flight to the United States is required. Children under the age of 2 are exempt from COVID-19 testing.

For flights to the United States, the airline will be responsible for verifying the traveler's vaccination status.

RETURN TO BORDER CROSSINGS

Travelers age 18 and above crossing into the United States by land or ferry who are visa holders, ESTA travelers, have Border Crossing Cards or are Canadian citizens will need to provide official documentation of being fully vaccinated for COVID-19. If the traveler is not fully vaccinated, entry to the United States is limited to an "essential purpose." However, this limitation is anticipated to be cancelled in January 2022. U.S. citizens, U.S. nationals, and U.S. permanent residents are exempt from providing documentation of their vaccination status when entering by land or by ferry. A pre-departure COVID-19 test is not required for any traveler

entering the United States by land or ferry. With this “opening of the border” for tourism, immigration wait-times at the border may become lengthy. U.S. Customs and Border Protection encourages border crossers to use its CBP One™ mobile app.

Documentation of receiving the COVID-19 vaccine must be issued by an official source (government or public health agency) and the vaccine must have been received at least 2 weeks (14 days) before the travel date.

Fully vaccinated travelers are no longer required to self-quarantine upon arrival in the United States but are encouraged to complete a COVID-19 test three to five days after arrival as a health precaution.

While ease of the international travel restrictions is good news, for individuals needing a visa for travel to the United States, securing an appointment at a U.S. Consular Post may still be a challenge. U.S. Consular Posts are operating with limited staff and are impacted by COVID-19 compliance requirements in the area located. As a result, available appointments continue to be limited. Visa appointments remain prioritized for foreign students (F/M visas) and exchange visitors (J visa). With the resumption of travel, a large demand of visa applicants will also impact appointment availability and visa applicants are encouraged to check the appointment system of the U.S. Consular Post for possible additional appointment availability. Obtaining a visa appointment on an expedited basis may be further limited. With the upcoming year-end holiday travel desirability, persons needing a visa for travel to the United States are encouraged to start the visa appointment scheduling process soon and secure an appointment in advance of making travel plans. While an appointment may be scheduled, there continues to be a risk that the Consular Post will cancel the appointment due to staffing limitations or COVID-19.

We strongly encourage travelers to review the latest guidance from the Center for Disease Control before traveling. For additional questions related to COVID-19 travel compliance or visa processing, please contact Masuda, Funai, Eifert & Mitchell, Ltd.