

Department of State Retroactively Extends National Interest Exception Validity to 12 Months

Alert

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On July 6, 2021, the U.S. Department of State announced that National Interest Exceptions (NIEs) to presidential proclamations 9984, 9992, 10143 and 10199 will now be valid for 12 months from the date of approval and allow multiple entries to the United States during the validity period. This announcement also applies retroactively to NIEs issued within the past 12 months by a U.S. embassy or consulate. This announcement does not apply to Customs and Border Protection-issued NIEs.

Since January 2020, presidents Trump and Biden issued and/or extended the above presidential proclamations to limit travel to the United States for individuals present in China, Iran, Brazil, South Africa, the Schengen area, the United Kingdom, Ireland and India. Each proclamation has carve-outs for interested travelers to the United States by applying for a NIE directly to the United States embassy or consulate. The NIE requirements generally includes those traveling to provide vital support or executive direction to critical infrastructure; those traveling to provide vital support or executive direction for significant economic activity in the United States; journalists; travel due to extraordinary humanitarian circumstances; or travel in support of national security or public health.

Previously, the NIE was valid for only 30 days for a single entry into the United States. For companies with employees who frequently needed to travel, the additional effort in filing and waiting for adjudication of multiple NIE applications was burdensome. Students holding F or M visas and travelers with immigrant or fiancé(e) visas have been granted an NIE by the Department of State pursuant to an earlier announcement and do not need to obtain NIEs in advance from a consular section.

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In order for an already-approved NIE to be used for multiple entries during a 12-month period: 1) the NIE must have been approved in the last 12 months; and 2) the purpose of travel must be the same as the purpose for which the NIE was originally granted. Likewise, for travelers who have not yet requested an NIE, upon approval they will be valid for 12 months and allow multiple entries.

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