

Publications

Presidential Proclamation Revokes Country-Based Travel Bans, Institutes New Vaccination Requirements for International Travelers Entering the U.S. as CDC Tightens Testing Requirements for Entry

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On October 25, 2021, President Biden signed a Presidential Proclamation revoking the country-based travel bans that prevented most nonimmigrant visa holders who were physically present in specified countries from entering the U.S. The new Proclamation also imposes a vaccination requirement for most nonimmigrant visa holders unless they qualify for an exception. Both the revocation of the country-based travel bans and the imposition of the new vaccination requirement will go into effect on **November 8, 2021**.

The country-based travel bans prevented travel to the U.S. by most nonimmigrant visa holders, and those who would otherwise be eligible for nonimmigrant visas, who had been physically present in specified countries within 14 days of entry into the U.S. Affected countries included India, China, European Schengen area countries, United Kingdom, Republic of Ireland, Brazil, South Africa, and Iran.

The new vaccination requirement will only apply to travelers entering the U.S. by air. In addition, unlike the country-based travel bans, it will not affect the eligibility of an individual to be issued a visa at a U.S. Consulate or Embassy.

To meet the vaccination requirement, a nonimmigrant visa holder must be “fully vaccinated” as defined by the Centers for Disease Control and Prevention (CDC), generally meaning that you must have completed a full series of an approved vaccine at least 14 days prior to the date of entry into the U.S. The complete definition for “fully vaccinated” status is available at the [CDC website](#).

The following individuals qualify for exceptions to the vaccination requirement under the Proclamation:

- Individuals on diplomatic or official foreign government travel;
- Children under 18 years of age;

- Individuals with medical contraindications (medical symptoms or conditions that make a particular treatment inadvisable) to receiving a COVID-19 vaccine;
- Participants in specified COVID-19 vaccine trials;
- Persons issued a humanitarian or emergency exception;
- Persons with valid visas (other than B-1 or B-2 visitor visas) who are citizens of a foreign country with limited COVID-19 vaccine availability **as determined by the CDC**;
- Members of the U.S. Armed Forces, their spouses, or their children under the age of 18;
- Sea crew members traveling to the U.S. on a C-1 or D nonimmigrant visa; and
- Persons whose entry would be in the national interest, as determined by the Secretary of State, Secretary of Transportation, or Secretary of Homeland Security (or their designees).

Those who enter the U.S. pursuant to one of these exceptions must attest to the intention to undergo viral testing within 3-5 days after arrival, to self-quarantine for 7 days regardless of the test results, and to self-isolate if the test is positive or upon developing COVID-19 symptoms. Further, nonimmigrants who intend to stay in the U.S. for longer than 60 days must attest to agree to be vaccinated against COVID-19 and to arrange to become fully vaccinated within 60 days of arriving in the U.S. or soon thereafter as is medically appropriate, with the exception of children too young to be vaccinated.

The vaccination requirement **does not** apply to the following individuals:

- Any U.S. citizen or national;
- Any U.S. Lawful Permanent Resident (“Green Card” holder); and
- Any noncitizen traveling to the U.S. on an immigrant visa.

Coinciding with the Presidential Proclamation, the CDC announced stricter testing requirements for individuals who are not fully vaccinated (regardless of immigration status), also to take effect on **November 8, 2021**.

The **new CDC order** imposes stricter COVID-19 testing requirements for international air travelers who are not fully vaccinated. The prior CDC order announced on January 25, 2021, already required all international air travelers ages 2 years or older (including U.S. citizens and Lawful Permanent Residents) who are entering the U.S. to provide either a negative COVID-19 test result obtained within 3 days (72 hours) of the flight departure time or documentation of recovery from COVID-19 within the past 90 days. With the new order, international air travelers who do not present documentation of being fully vaccinated as defined by the CDC must provide a negative COVID-19 test obtained no more than **1 day prior** to the flight departure time. Those who are fully vaccinated must still provide a negative COVID-19 test obtained no more than 3 days prior to the flight departure time. Alternatively, individuals who have recently recovered from COVID-19 may present a positive COVID-19 test result from no more than 90 days prior to the flight's departure, together with a letter from a licensed healthcare provider or public health official clearing the person for travel.

If you have any questions regarding the Presidential Proclamation or new vaccination and testing requirements, or any other visa or immigration matter, we encourage you to contact your Vorys attorney.