On October 25, 2021, the White House announced the President’s new Proclamation on Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic. The new travel Proclamation will take effect on November 8, 2021, and will replace the geographic COVID-19 travel bans with proof of vaccination requirements for all nonimmigrant travelers seeking to enter the United States, with very limited exceptions. As we previously posted, this Proclamation will govern the entry of nonimmigrants from any part of the world entering the United States by air, but will not affect visa issuance. For example, someone who is not fully vaccinated at the time of a visa appointment or interview could still be issued a visa by a U.S. consulate. However, that individual would still have to be fully vaccinated to be admitted to the United States.
Who will be affected by the proclamation?

Nonimmigrant air travelers to the U.S. will be required to show proof that they are fully vaccinated with an acceptable COVID-19 vaccine. Nonimmigrants traveling to the United States by air must provide proof of their fully vaccinated status prior to boarding an aircraft destined for the United States. The CDC defines fully vaccinated as two weeks after the last required dose.

The CDC has determined that for purposes of these travel restrictions, acceptable COVID vaccines will include FDA approved or authorized and World Health Organization (WHO) emergency use listed vaccines which are the Pfizer-BioNTech, Moderna, and Johnson & Johnson, Oxford-AstraZeneca, Covishield, BIBP/Sinopharm, and Sinovac vaccines.

What type of documentation of vaccination will be accepted?

The CDC guidance specifies which documents will be accepted by airlines and aircraft operators for proof of COVID-19 vaccination, including digital or paper documentation. The CDC guidance also indicates that vaccination records indicating a “mix-and-match” of the approved vaccinations would be acceptable documentation of vaccination under the Proclamation.

In addition, per CDC guidance, airlines or aircraft operators must review each passenger’s paper or digital proof of COVID-19 vaccination to confirm:

- The biographical information (at a minimum, full name, and date of birth) on the proof of vaccination matches the passenger’s passport or other travel identification document; AND
- The passenger meets CDC’s definition of fully vaccinated against COVID-19.

Who is exempted from the proclamation?

- Children under 18.
- Individuals with certain medical issues for whom a COVID-19 vaccination is contraindicated or inappropriate.
- Diplomats, foreign officials, and employees of international organizations.
- S. Armed Forces members, their spouses, and children.
- Sea crew members.
- Certain COVID-19 vaccine clinical trial participants.
- Those who need to travel for emergency or humanitarian reasons, and have a U.S. government-issued letter affirming the urgent need to travel.
• Non-immigrant visa travelers, except for B-1 or B-2 visa holders, from countries where the availability of COVID-19 vaccination is limited.

• Any foreign national whose entry would be in the national interest as determined by the Secretary of State.

**Additional entry requirements**

• All fully vaccinated travelers, including U.S. citizens and permanent residents, will have to provide proof of a negative test taken no more than **three days** before embarking on a flight to the U.S.

• Unvaccinated U.S. citizens and permanent residents and foreign nationals receiving exemptions would need to provide proof of a negative COVID-19 test within **one day prior** to their departure flight to the U.S.

• Children between the ages of 2 and 17 must take a pre-departure test and provide proof of a negative COVID-19 test.

• If traveling with a fully vaccinated adult, an unvaccinated child can test three days before departure (consistent with the timeline for fully vaccinated adults). If an unvaccinated child is traveling alone or with unvaccinated adults, they will have to test within one day of departure.

**Limited Exceptions from Vaccination and Testing Requirements**

The Proclamation and CDC guidance do not include any exceptions based on religious or moral convictions. As referenced above, travelers seeking an exception for humanitarian reasons will need to obtain a “U.S. government-issued letter affirming the urgent need to travel.” Furthermore, the White House Proclamation Fact Sheet indicated “those who receive an exception will generally be required to attest they will comply with applicable public health requirements, including, with very limited exceptions, a requirement that they be vaccinated in the U.S. if they intend to stay here for more than 60 days.”

Furthermore, CDC indicated it may grant humanitarian exemptions for the testing requirements in limited circumstances only for someone who “must travel to the United States to preserve health and safety (e.g., emergency medical evacuations) and is unable to access or complete the testing requirement before travel.” National Interest Exceptions will not be granted as broadly as they have been in the past for the country-by-country COVID-19 travel bans. Exemption requests should be submitted to the nearest U.S. Embassy or Consulate.

**Reopening of U.S. Land Border and Ferry Terminals to Non-essential Travel**

Consistent with these changes, the U.S. Department of Homeland Security (DHS) just announced details to lift restrictions at land border crossings (along the borders with Canada and Mexico) and ferry terminal ports of entry (POEs) on November 8, 2021 for vaccinated foreign nationals. As of November 8th, fully vaccinated, foreign
national travelers with appropriate documentation will be permitted to enter the United States for non-essential travel (i.e., tourism) via land POEs and ferry terminals. Upon arrival at the POE, the traveler should be prepared to: present proof of COVID-19 vaccination as outlined above and on the CDC website; and, verbally attest to their reason for travel and COVID-19 vaccination status. Unvaccinated travelers, until further changes are implemented in January 2022, may continue to cross the border for essential purposes including lawful trade, work, emergency response, and public health purposes. This includes U.S. citizens and permanent residents.

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