

GMS Flash Alert

Immigration Edition

2021-032 | January 19, 2021



United States – Some COVID-19 Travel Bans to Be Lifted, Reversal Likely

On January 18, 2021, U.S. President Donald Trump issued a proclamation lifting the travel suspension for individuals who have been in the Schengen Area of the European Union, the United Kingdom (“U.K.”), Ireland, and Brazil within the 14 days preceding their intended entry into the United States (“U.S.”).¹ The travel suspension for individuals who have been physically present in the People’s Republic of China (“China”) and Iran will not be lifted as part of this latest proclamation.

The proclamation lifting the regional COVID-19-related travel bans is scheduled to be effective as of January 26, 2021, however, the incoming Biden Administration has indicated that it will reverse President Trump’s order to lift the travel bans, citing concerns over a worsening pandemic.²

WHY THIS MATTERS

The full impact of the presidential proclamation is uncertain at this time, as the incoming Biden Administration has stated that it will reverse the order to lift the COVID-related travel bans once taking office on January 20, 2021. If the order to lift the travel bans takes effect on January 26, 2021, foreign nationals traveling from the Schengen Area, the U.K., Ireland, and Brazil would no longer be required to seek exemptions to the bans in order to be admitted into the United States, which would make travel to the U.S. easier for individuals who have been physically present in these countries.

Given the anticipated reversal of this travel ban lift by the incoming Biden Administration, it may be prudent for individuals currently in the U.S. to avoid all international travel. If the Biden Administration maintains the regional COVID-19-related travel bans, affected foreign nationals traveling to the U.S. by air will continue to be subject to the restrictions, and also be required to comply with pre-departure requirements that will be enforced starting on January 26, 2021.³

Background

U.S. President Donald Trump issued a proclamation late on January 18, 2021, terminating the travel suspension for individuals who have been in the Schengen Area of the European Union, the U.K., Ireland, and Brazil within the 14 days

preceding their intended entry into the United States. The proclamation is scheduled to take effect at 12:01 a.m. EST on January 26, 2021.

The travel restriction for the European countries was first introduced in March 2020 in response to the ongoing COVID-19 pandemic. Brazil was subsequently added to the list of countries subject to the travel suspension in May 2020.⁴

As a result of the COVID-19 pandemic, travel restrictions were also introduced for the U.S.-Canada and U.S.-Mexico land borders,⁵ as well as for those who have been physically present in China and or Iran within the 14 days prior to their intended U.S. entry.⁶ The January 18, 2020 proclamation does not impact the U.S.-Canada-Mexico land border restrictions, nor does it impact the travel suspension of individuals who have been physically present in China or Iran.

Anticipated Reversal of Travel Ban Lift

The incoming Biden Administration has indicated that due to concerns over a worsening pandemic, it will reverse President Trump's order to lift the regional COVID-related travel bans after taking office on January 20, 2021.⁷ The new Administration also plans to issue further public health measures related to international travel, according to the Biden team's spokesperson.⁸

KPMG NOTE

KPMG LLP Law in Canada is tracking this matter closely. We will endeavor to keep readers of *GMS Flash Alert* posted on any important developments as and when they occur.

FOOTNOTES:

1 To review the presidential proclamation issued on January 18, 2021, [click here](#).

2 See "Biden to block Trump's Covid rule change on president's final day in office," [BBC \(online\) coverage](#) of the January 18, 2021 proclamation and the incoming Biden Administration's statement that the travel bans will remain in place. (Note that this is a 3rd-party (non-governmental, non-KPMG) website. Provision of this link does not represent an endorsement of the website by KPMG.)

3 For more details on this new pre-departure requirement for air travel to the U.S., see [GMS Flash Alert 2021-026](#) (January 15, 2021).

4 For information on the travel restriction from Brazil to the United States, read the following issue of *GMS Flash Alert*: [2020-251](#) (May 27, 2020). On European countries to the United States, read the following issues of *GMS Flash Alert*: [2020-059](#) (March 15, 2020) and [2020-055](#) (March 12, 2020).

5 For prior coverage of the U.S., Canada, and Mexico border restrictions, read the following issues of *GMS Flash Alert*: [2021-031](#) (January 19, 2021), [2020-512](#) (December 23, 2020), [2020-475](#) (November 30, 2020), [2020-407](#) (September 23, 2020), [2020-366](#) (August 21, 2020), [2020-286](#) (June 17, 2020), [2020-240](#) (May 21, 2020), [2020-194](#) (April 23, 2020), and [2020-110](#) (March 25, 2020).

6 To review the presidential proclamation issued on March 11, 2020, restricting entry of travelers from the European Union's Schengen Area, the United Kingdom, Ireland, People's Republic of China, and Iran, [click here](#).

7 *Supra* note 2.

8 *Supra* note 2.

Contact us

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