

# GMS Flash Alert

## Immigration Edition

2021-131 | May 4, 2021



## United States - India Added to COVID-19 Travel Ban

On April 30, 2021, U.S. President Joseph R. Biden issued a proclamation suspending the entry of certain nonimmigrants from India due to the widespread, ongoing person-to-person transmission of COVID-19 in that country.<sup>1</sup> Citing measures that are necessary to protect the public health amidst growing concerns of increased COVID-19 transmission with a new variant strain in the region, India has been added to the list of several other countries that are experiencing similar U.S. travel restrictions. For a list of the countries where travelers are restricted from entry, please see our [GMS Flash Alert 2021-039](#), January 26, 2021.

Starting 12:01am (EST) on May 4, 2021, travelers who were physically present in India during the 14-day period immediately preceding their entry or attempted entry will not be able to enter the U.S. unless they qualify for an exemption.

---

### WHY THIS MATTERS

As the Biden Administration continues to evaluate its strategy to contain and address the COVID-19 pandemic, there could be more updates to U.S. travel restrictions and entry requirements; thus creating uncertainty among employers and their global workforce.

In light of the evolving travel restrictions, it is important for foreign nationals in the U.S. to re-evaluate the necessity of their international trips, even to countries not currently impacted by a travel ban. Individuals may be unable to re-enter the U.S. should the Administration unexpectedly adopt additional measures to its travel suspension policies.

As well, there may be unforeseen circumstances making it difficult to comply with the now in-effect pre-departure requirement to present a negative COVID-19 test prior to boarding.<sup>2</sup>

Given the fluidity of the circumstances, it may be prudent to remain in the U.S. and avoid international travel where possible.

---

## Who Is Exempt from COVID-19 Regional Travel Restrictions

Mirroring much of the list of exemptions outlined in former President Donald J. Trump's COVID-19 regional travel bans and President Biden's more recent travel ban for South Africa<sup>3</sup>, the below list of individuals will not be subject to the Biden Administration's current travel restrictions. Nevertheless, all U.S.-inbound air travelers two (2) years of age or above, regardless of citizenship, will be required to comply with the pre-departure requirement to either test negative for COVID-19 within three (3) calendar days of their flight to the U.S., or provide documentation confirming recovery from COVID-19. The Centers for Disease Control and Prevention (CDC) continues to require this even if an individual is vaccinated against COVID-19.<sup>4</sup>

Those exempt from President Biden's COVID-19 regional travel restrictions are:

- U.S. citizens and U.S. lawful permanent residents (green card holders);
- Spouses of U.S. citizens and lawful permanent residents;
- A noncitizen who is the parent or legal guardian of an unmarried U.S. citizen or lawful permanent resident under the age of 21;
- A noncitizen who is the sibling of a U.S. citizen or lawful permanent resident, provided they are both unmarried and under 21;
- A noncitizen who is the child, foster child, or ward of a U.S. citizen or lawful permanent resident, or who is a prospective adoptee seeking to enter the United States on an IR-4 or IH-4 visa;
- A noncitizen traveling at the invitation of the U.S. government for a purpose related to containment or mitigation of the COVID-19 virus;
- An air or sea crew-member;
- Certain A, C, E-1 (TECRO or TECO employees), G, and NATO nonimmigrants;
- Noncitizen members of the U.S. Armed Forces, and their spouse and children;
- A noncitizen whose entry would further U.S. law enforcement objectives; and
- A noncitizen whose entry would be in the national interest.

## Looking Ahead

The proclamation and travel ban will remain in effect until terminated by the president. The proclamation further directs the Secretary of Health and Human Services, every 30 days following publication of the proclamation, to review the ongoing measures and recommend whether the president should continue, modify, or terminate the proclamation.

Moreover, while a "national interest" exception exists in this proclamation, the U.S. consulates in India are only accepting emergency appointments. Emergency appointments are generally granted only where the applicant can demonstrate a medical emergency or humanitarian need to travel to the U.S., or travel is required for national security. Those individuals who may otherwise qualify for such an exception will likely face some difficulty in obtaining appointments at the consulates, if visa renewal is required.

Those with existing valid visas will likely face extremely long response times from the U.S. Consulate in the granting of the exception. To qualify for the exception, visa applicants need to demonstrate their travel to the U.S. is essential to provide vital support for a critical infrastructure sector as listed in the [guidance issued by the Department of State](#).

Employers and all potential travelers should further be advised that the Biden Administration intends on imposing a mandatory self-quarantine for all U.S.-inbound travelers, regardless of citizenship or national origin. In a presidential action published January 21, 2021, the president directed the department heads at Health and Human Services, CDC, Department of Transportation, and Department of Homeland Security to develop a plan outlining the viability of implementing a mandatory self-quarantine requirement for all international travelers.<sup>5</sup> We are anticipating further announcements in the coming weeks to address enforcement measures for self-quarantine as well as any possible exemptions.

---

## KPMG NOTE

KPMG Law LLP 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 April 30, 2021, [click here](#).
- 2 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).
- 3 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). On travel restrictions from South Africa to the United States, read the following issue of *GMS Flash Alert*: [2021-039](#) (January 26, 2021).
- 4 To review the CDC's guidance on international travel during COVID-19, [click here](#).
- 5 To review the presidential action issued on January 21, 2021, [click here](#).

\* \* \* \*

## Contact us

For additional information or assistance, please contact your local GMS or People Services professional\* or one of the following professionals with the KPMG International member firm in Canada:



**Faizan Mohammad**  
**Manager, Attorney,**  
**U.S. Immigration**

KPMG Law LLP – Tax + Immigration, Canada

Tel. +1 416-468-7911

[faizmohammad@kpmg.ca](mailto:faizmohammad@kpmg.ca)



**Chelsea Hsieh**  
**Attorney,**  
**U.S. Immigration**

KPMG Law LLP – Tax + Immigration, Canada

Tel. +1 416-943-7874

[chelseahsieh@kpmg.ca](mailto:chelseahsieh@kpmg.ca)

*\* Please note the KPMG International member firm in the United States does not provide immigration or labor law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

**The information contained in this newsletter was submitted by the KPMG International member firm in Canada.**

© 2021 KPMG LLP, an Ontario limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

[www.kpmg.com](http://www.kpmg.com)

[kpmg.com/socialmedia](http://kpmg.com/socialmedia)



© 2021 KPMG LLP, a Delaware limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

The KPMG name and logo are registered trademarks or trademarks of KPMG International. The KPMG name and logo are trademarks used under license by the independent member firms of the KPMG global organization.

KPMG LLP is the U.S. firm of the KPMG global organization of independent professional services firms providing Audit, Tax and Advisory services. The KPMG global organization operates in 147 countries and territories and has more than 219,000 people working in member firms around the world.

Each KPMG firm is a legally distinct and separate entity and describes itself as such. KPMG International Limited is a private English company limited by guarantee. KPMG International Limited and its related entities do not provide services to clients.

Flash Alert is a GMS publication of KPMG LLP's Washington National Tax practice. To view this publication or recent prior issues online, please click [here](#). To learn more about our GMS practice, please visit us on the Internet: click [here](#) or go to <http://www.kpmg.com>.