



# GMS Flash Alert

Immigration Edition

2021-268 | October 28, 2021



## United States - Biden Administration Plan on Resuming Safe Global Travel

On October 25, 2021, U.S. President Joseph R. Biden, issued a proclamation formally rescinding the COVID-19 regional travel restrictions and outlining a new policy requiring full vaccination against COVID-19 for non-citizen, non-immigrants entering the United States by air. The proclamation is to take effect at 12:01a.m. (Eastern time) on November 8, 2021.<sup>1</sup>

Over the course of the pandemic, regional travel restrictions were placed on foreign nationals, barring entry of travelers who were physically present in the People's Republic of China, India, Iran, Brazil, South Africa, the Schengen Area, and the United Kingdom and Ireland during the fourteen (14) days prior to their entry into the United States. As earlier reported in [GMS Flash Alert 2021-246](#), the White House would in the coming weeks revoke these country-specific travel bans and implement a new vaccination-driven policy.

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### WHY THIS MATTERS

This announcement from the Biden Administration is highly significant for foreign nationals who have been restricted from entering the U.S. for over 18 months to participate in business, employment, or personal activities. The withdrawal of the regional COVID-19 travel restrictions further eliminates the need for U.S.-bound travelers to navigate the complex web of national interest exceptions (NIEs) to the travel bans. With the new policy requiring full vaccination for international travelers, the Administration has set out a detailed plan aimed at advancing the safe resumption of international travel to the United States.

Companies and travelers should be aware that pre-entry requirements, such as the negative COVID-19 test result, have been amended based on vaccination status. For those who are fully vaccinated, the test must be taken three (3) days prior to departure and must return negative in order to enter the United States. For those who are unvaccinated or not fully vaccinated – because of an exemption or exception to the new policy listed below – the proclamation implements a new one (1) day negative COVID-19 test result requirement prior to departure. The prior rule for those who have recently recovered from COVID-19, which includes presenting medical documentation of recovery from COVID-19, will remain in place (see, [GMS Flash Alert 2021-026](#), January 15, 2021).

Finally, all travelers should know that they are required to provide contact information to their airline prior to boarding so that they may be contacted by the applicable public health authority in the event of exposure to COVID-19.

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## Acceptable Vaccinations and Approved Documentation

Taking direction from the U.S. Centers for Disease Control and Prevention (CDC), only vaccines authorized by the Food and Drug Administration (FDA) or listed for emergency use by the World Health Organization (WHO) will be permitted under the new policy. An individual is “fully vaccinated” two (2) weeks after receiving the last dose of a two-dose series or the single dose of the Janssen/Johnson & Johnson vaccine. Those who have received “mix-and-match” combinations of accepted COVID-19 vaccines will be permitted entry if they have received both doses at a minimum of 17 days apart.<sup>2</sup>

The list of currently approved vaccines is as follows:<sup>3</sup>

- Pfizer-BioNTech
- Moderna
- Janssen/Johnson & Johnson
- AstraZeneca
- Covishield
- BIBP/Sinopharm
- Sinovac

Individuals can demonstrate proof of vaccination prior to boarding with:<sup>4</sup>

- **verifiable digital or paper documentation**, such as: QR code<sup>1</sup>, digital pass via Smartphone application with QR code<sup>1</sup> (e.g., U.K. National Health Service COVID Pass, EU Digital COVID Certificate);
- **non-verifiable paper records**, such as: print-outs of the COVID-19 vaccination record or a COVID-19 vaccination certificate issued at the national or subnational level or by an authorized vaccine provider (e.g., the CDC vaccination card); and
- **non-verifiable digital records**, such as: digital photos of vaccination card or record, down-loaded vaccine record or vaccination certificate from an official source (e.g., public health agency, government agency, or other authorized vaccine provider), or a mobile phone application without a QR code.

The following information is required by the CDC on any form of the documentation provided above:<sup>5</sup>

- The vaccinated traveler’s biographical information (at a minimum, full name and date of birth) that matches the traveler’s passport;
- The name of the source that issued the documentation (e.g., public health agency, government agency, or other authorized vaccine provider);
- The vaccine manufacturer; and
- The date(s) of the vaccination.

## Exemptions and Exceptions to the New Policy

Citizens of the United States and lawful permanent residents (LPRs) will not be subject to the new vaccination requirement prior to air travel. However, all international travelers regardless of citizenship will continue to be subject to the stringent testing requirements prior to boarding a flight to the United States, or will need to provide evidence that they have recently recovered from COVID-19.<sup>6</sup>

The following is a list of exceptions to the upcoming policy requiring full vaccination in order to board a U.S.-bound flight:<sup>7</sup>

1. Non-citizens seeking entry or transiting through the United States while holding one of the following visa types: **A, C, E-1** (as an employee of TECRO or TECO or immediate family member of the employee), **G**, and **NATO-1 through -4 and -6**;
2. Non-citizens whose entry falls within the scope of **Section 11 of the UN Headquarters Agreement** or under a U.S. legal obligation (evidenced by a letter of invitation from the United Nations);
3. Non-citizens for whom, given their **age (under 18 years)**, requiring vaccination would be inappropriate as determined by the CDC and taking into consideration global vaccine availability for that age group;
4. Non-citizens who participated or are **participating in clinical trials** for a COVID-19 vaccination, as determined by the CDC;
5. Non-citizens for whom vaccination against COVID-19 has been **medically contra-indicated**, as stated by the CDC;
6. Non-citizens granted an exception by the CDC for **humanitarian or emergency reasons**;
7. Non-citizens of countries where the **availability of COVID-19 vaccination is limited** (less than 10 percent of the entire country's population is fully vaccinated) and who are entering the U.S. on a non-immigrant visa (other than a B-1 or B-2 visa);
8. Non-citizens who are **members of the U.S. Armed Forces** or who are spouses or children of such members;
9. Non-citizens entering as a **crew member of an airline or other aircraft operator** so long as the crew member adheres to the industry standards for prevention of COVID-19 set forth by the CDC or by the Federal Aviation Administration (FAA);
10. Non-citizens seeking entry as a **sea crew member** travelling under a C-1 or D non-immigrant visa, so long as the crew member adheres to the industry standards for prevention of COVID-19 set forth by the CDC;
11. Non-citizens whose entry would be in the **national interest**, as determined by the Secretary of State, Secretary of Transportation, Secretary of Homeland Security, or their designees.

Travelers not considered fully vaccinated who are exempted and excepted from the new air travel vaccination policy must engage in heightened CDC public health requirements prior to and post-travel.

- (1) **One (1) day pre-departure negative test requirement.** Individuals who are unvaccinated and seeking entry in accordance with an exception must provide proof of a negative test taken within one day prior to the flight's departure to the United States. Children between the ages of 2 and 17 are included in this mandate unless travelling with a fully vaccinated adult, whereby the existing three-day pre-departure negative-test requirement will be accepted.

- (2) **Post-entry vaccination requirement.**<sup>8</sup> Individuals excepted under the new policy must agree to get fully vaccinated against COVID-19 either within 60 days of arriving in the U.S. or within a timeframe announced by the CDC, unless:
- the individual's stay in the United States is less than 60 days;
  - the individual is too young to be vaccinated (under 18 years) or his/her medical status makes it inappropriate;
  - the individual has participated in a COVID-19 clinical vaccine trial; or
  - the individual is a diplomat or was determined to be excepted by the CDC.
- (3) **Post-entry testing, quarantine, and isolation requirements.** Unvaccinated individuals may be required to take a COVID-19 viral test within three (3) to five (5) days after arriving in the United States as well as quarantine for a full seven (7) days despite testing negative. If an individual tests positive on the arrival test, isolating himself/herself in line with directives set by the CDC is required.

## Looking Ahead

Foreign nationals are reminded that until 12:01a.m. on November 8, the prior policy involving regional COVID-19 travel bans and NIEs remains in force. Companies and travelers should know that the U.S. government will be granting exceptions in extremely limited circumstances. Those who believe they may qualify for an exception should actively seek additional information and approval from the CDC and any other applicable agency.

In addition, individuals applying for visas through consulates should continue to anticipate heightened delays. The incoming vaccination policy does not bar visa processing by U.S. consulates; however, foreign nationals requiring travel visas should remain vigilant that backlogs and delays at U.S. consulates and embassies worldwide continue. Non-immigrant visa processing is prioritized below U.S. citizen and immigrant services by the State Department. U.S. workers on visas are reminded to continue to make flexible travel plans and provide ample time to complete their paperwork due to the reduced capacity of consular operations. Visa appointments may be cancelled with little to no notice due to pandemic-related staffing issues.

For those awaiting additional information on travel through U.S. land ports of entry shared with Canada and Mexico, please see [GMS Flash Alert 2021-260](#) (October 15, 2021). The Biden Administration's separate policy addressing land border travel will be coming in the days ahead.

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## 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.

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## FOOTNOTES:

- 1 See the White House, "[A Proclamation on Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic](#)" (October 25, 2021).
- 2 To more closely examine the CDC's vaccination dose administration requirements, see Centers for Disease Control and Prevention, "[Requirement for Proof of Negative COVID-19 Test or Documentation of Recovery from COVID-19.](#)"
- 3 For the list of approved vaccines acceptable proof of COVID-19 vaccination, see Centers for Disease Control and Prevention, "[Requirement for Proof of COVID-19 Vaccination for Air Passengers.](#)"
- 4 For the list of approved vaccines acceptable proof of COVID-19 vaccination, see id.
- 5 For the list of information required on the proof of COVID-19 vaccination, see id.
- 6 For travel requirements for those exempted from the COVID-19 vaccination, see <https://www.cdc.gov/coronavirus/2019-ncov/travelers/international-travel-during-covid19.html> .
- 7 For original list of exceptions provided by the White House (October 25, 2021), see "[A Proclamation on Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic.](#)"
- 8 For more information on the post-vaccination requirement from the CDC, see "[Non-U.S. citizen, Non-U.S. immigrants: Air Travel to the United States](#)" (October 25, 2021).

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## Contact us

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

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