



GMS Flash Alert

Immigration Edition

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United States - Biden Administration Removes Travel Ban on Southern African Nations

On December 31, 2021, at 12:01am (ET), the Biden Administration revoked Presidential Proclamation 10315 suspending travel from the southern African nations of Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, South Africa, and Zimbabwe enacted on November 29, 2021.¹ (For prior coverage, see [GMS Flash Alert 2021-295](#), December 1, 2021.) As a result, foreign nationals present in those nations will be subject to the same travel requirements for *all* international travelers arriving in the United States by air as per President Biden's December 2, 2021 announcement.² (See [GMS Flash Alert 2021-302](#), December 3, 2021).²

WHY THIS MATTERS

As the Biden Administration continues to evaluate its strategy for containing and addressing the coronavirus pandemic, and specifically the omicron variant, we anticipate there will be continuing updates to the U.S. travel and entry requirements, thus creating uncertainty among employers and their global workforce. In light of constantly evolving travel restrictions, it is important for foreign nationals stationed in the United States to re-evaluate the necessity of their international trips, despite the recent revocation of travel bans by the U.S. government.

Individuals may be unable to re-enter the U.S. should the Administration unexpectedly adopt additional measures to its travel suspension policies. Furthermore, there may be unforeseen circumstances making it difficult to comply with the present pre-departure requirement of presenting a negative coronavirus test taken within one (1) day before boarding, regardless of vaccination status. Given the fluidity of the circumstances, it may be prudent to remain in the U.S. and avoid international travel where possible.

Revocation of the Travel Ban and Return to Existing Entry Requirements

Foreign nationals who were subject to the travel ban will now be able to enter the United States by air, despite having been physically present in one of previously banned southern African nations, so long as they meet the U.S. government's COVID-19 vaccination and testing requirements (see, [GMS Flash Alert 2021-268](#), October 28, 2021, and [GMS Flash Alert 2021-302](#), December 3, 2021). These include the pre-departure requirement for passengers two (2) years or older to either test negative for coronavirus no more than one (1) day prior to an international flight to the U.S., regardless of vaccination status, or provide documentation confirming recovery from COVID-19 in the past 90 days.

The revocation of the travel ban comes after the Centers for Disease Control and Prevention (CDC) acquired additional information and a greater understanding of the omicron variant's severity and transmission, especially for those who are fully vaccinated. The determination that those who are fully vaccinated against COVID-19 are highly protected from severe illness and hospitalization, as well as the fact that the omicron variant has spread to over 100 countries, made blanket travel bans on the several southern African nations unnecessary and ineffective.

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 See the White House, "[A Proclamation on Revoking Proclamation 10315](#)" (December 28, 2021).
- 2 See CDC, "[Requirement for Proof of Negative COVID-19 Test or Documentation of Recovery from COVID-19](#)" (December 17, 2021).

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Contact us

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