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Welcome to the T&R Newsletter

November 2021

This month we discuss the White House rescinding travel bans and new requirements to travel to the United States by plane, a new DHS rule for travel to the United States at land borders and ferries, traveling over the holidays, as well as Trow & Rahal's holiday schedule.

WHITE HOUSE RESCINDS TRAVEL BANS AND OUTLINES REQUIREMENTS TO TRAVEL TO THE UNITED STATES BY PLANE

The White House issued a proclamation on October 25, 2021, rescinding the Covid-19 related travel bans as of 12:01 a.m. on November 8, 2021, from China, Iran, Schengen Countries, the United Kingdom, Ireland, Brazil, South Africa, and India. With the suspension of the travel bans, the White House implements travel requirements for non-citizen, nonimmigrants by air to the United States and imposes vaccination requirements of these nonimmigrants.

What does this mean? People in the travel ban countries can now apply for visas to the United States without having to show that their entry into the United States is in the national interest. They no longer need a National Interest Exception (NIE) or have to spend 14 days in a non-travel ban country.

NOTE: While this opens the ability of people in these countries to apply for visas and travel to the United States, the U.S. embassies around the world are not fully opened and staffed and will likely not be able to process visa applications quickly. In many countries visa appointments are still taking months, if not longer.

What are the rules for non-citizen, nonimmigrants to travel by plane to the United States after November 8th? Any non-citizen, nonimmigrant traveling to the United States must be fully vaccinated against Covid-19. Exceptions include:

- Crew members of airlines (C-1 and D visas),
- Certain government and international organization nonimmigrants (some A visa holders, G visa holders, NATO, etc),
- Travel to the United States due to United Nations headquarters required travel,
- Too young to receive the vaccine,
- Has participated in or is participating in a clinical trial,
- Medically contraindicated as determined by CDC,
- Humanitarian or emergency reasons as determined by the CDC,
- If from a country where less than 10% of the population is vaccinated, or
- Certain members and family members of Armed Forces.

There are no exceptions listed for religious or moral objections to the Covid-19 vaccine. Existing Covid-19 test requirements will remain the same for all fully vaccinated air travelers.

Unvaccinated travelers: The proclamation does allow for those who are not fully vaccinated to travel to the United States, but limited to: U.S. citizens, lawful permanent residents, and nonimmigrants eligible for exceptions to the vaccine requirement. These travelers will be subject to stricter pre-travel Covid-19 testing protocols as well as possible post-flight testing requirements. Some unvaccinated travelers will need to agree to be fully vaccinated within 60 days of entry or as soon as medically appropriate unless their anticipated stay is sufficiently brief; vaccination is inappropriate due to age, is medically contraindicated, or a person has participated in a clinical trial.

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The above White House proclamation does not apply foreign nationals entering the United States through a land border or ferry crossing from Canada or Mexico (but does apply to air travel from Canada or Mexico). Instead, starting November 8, 2021, the U.S. Department of Homeland Security (DHS) will implement a new policy allowing fully vaccinated foreign nationals (with an approved Covid-19 vaccine) to enter the United States through a Canada or Mexico land border or ferry terminal for “non-essential travel”. Non-essential foreign national border travel – which includes tourism and personal visits – has been banned since March 2020 due to Covid-19.

Unvaccinated foreign nationals will still not be able to travel to the United States via land border or ferry for non-essential travel through at least the end of January 2022 (except for children under the age of 18).

According to DHS, it is expected that before the end of January 2022, they will expand the border vaccination requirement to include foreign nationals engaged in border travel for “essential” purposes like business visits and work. Until then, nonimmigrants seeking to enter the United States via land border or ferry for business and work do not need to be vaccinated.

TRAVEL OVER THE HOLIDAYS

While it is expected that many foreign nationals currently in the United States will want to travel abroad during the holidays, they should take note of the above policies and whether they will need a new visa in their passport. It is unlikely that foreign nationals needing a new visa will get them processed quickly over the holidays as most embassies are either operating at a very low staff level or closed for business. Most U.S. embassies have been operating at limited capacity since March 2020 and have long waits for visa appointments.

Recommendation: Unless you have a valid visa in your passport (or are visa exempt), you should not travel outside of the United States if you will need a new visa to return.

THE OFFICE OF TROW & RAHAL WILL BE CLOSED FROM DEC 24 – DEC 31

We wish to advise all our clients that our office will be closed starting December 24th through Friday, December 31st. We will reopen on Monday, January 3rd. We do this to give our staff a well-deserved break to rest, recharge and rejuvenate. We will have someone available during this time to answer phones in case there is a true emergency. We will work with clients before this break to move cases forward that need to be completed before the end of the year.

TROW & RAHAL WEBINARS – THIRD FRIDAY OF EVERY MONTH

Please join Trow & Rahal's monthly webinar from 2:00 pm – 3:00 pm EST on the third Friday (usually) of each month. The format of these webinars will include a brief update of any changes in immigration policies, as well as an overview of one important immigration issue or visa category.

November 19th webinar: This webinar will be held on Friday, November 19th and will provide immigration updates and address travel during the holidays, including whether you should travel. You can register for the webinar using the button below:

[Register Here](#)

Trow & Rahal will continue to provide updates to keep our readers apprised of changes on travel requirements, visa issuance at U.S. Consulates, and all other immigration related matters.



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