

Biden Administration: C-19 Travel Bans to be Lifted for Fully Vaccinated

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The Biden Administration announced on Monday, September 20, 2021 that it plans to rescind travel bans beginning November 2021 and will instead require proof of vaccination for international travelers. This refined directive, shared by the White House with the American Immigration Lawyers Association (AILA), will continue to deter the spread of COVID-19 but shifts the focus to individuals, rather than restrictions placed on entire countries or regions. The White House will rescind the current geographic COVID-19-related travel bans implemented for individuals from China, Iran, the Schengen Area, the United Kingdom, Ireland, Brazil, South Africa, and India.

In place of these bans, international travelers will be required to prove that they have been fully vaccinated against COVID-19 and produce a negative COVID-19 test administered within three days of boarding a flight to the United States. Information regarding which vaccines will be acceptable for entry will be denoted on the U.S. Centers for Disease Control (CDC) website. The CDC will also issue a Contact Tracing Order that will require airlines to collect comprehensive contact information for every passenger coming to the United States and to provide that information promptly to CDC upon request, to follow up with travelers who have been exposed to COVID-19 variants or other pathogens. Further details on the Contact Tracing Order have not been disclosed at this time. These requirements will apply globally.

The White House is currently finalizing processes and procedures to fully implement this decision and anticipates that these policies will be in effect by early November. Additional information will be relayed as it becomes available.

Please see below for the formal Q&A issued by the White House.

Q: Why have you kept the previous policies in place for so long? Why make this change now? What changed between now and January when you took over this system and kept it in place for 8 months?

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- Maintaining the prior system while vaccinations ramped up around the world was the most effective way to keep Americans safe.
 - Now, nearly 6 billion shots have been given globally and dozens of countries have strong vaccination rates.
 - This new system allows us to implement strict protocols to prevent the spread of COVID-19 from passengers flying internationally into the United States, by requiring that adult foreign nationals traveling to the United States be fully vaccinated.

Q: Why are you announcing it now if it won't be active until November? What are next steps?

- Announcing the changes now gives the appropriate amount of time for strong implementation.
- Airlines and other private businesses need some lead time to make business decisions about travel later in the year and to prepare for putting the changes in place.
- CDC will be replacing the current Global Testing Order with an updated approach that requires vaccination for foreign nationals, tightens the pre-departure testing requirements, and adds a post-arrival testing requirement for unvaccinated travelers. They will also be issuing a new Contact Tracing Order.
- DHS, FAA, and State will also be working to develop the directives and processes for implementing these changes via the boarding process with airlines and through consular affairs offices.
- So, we are going to take the time to get this right.

Q: Won't this change increase travel to the United States? Doesn't that add to risk at a time when hospitals are overflowing in many parts of the country?

- This enhances the protections for the American people by requiring ALL foreign nationals to be fully vaccinated before boarding a plane to come to the United States, with very limited exceptions.
- It will also require American citizens and residents who are not vaccinated to test within a day of boarding a plane rather than three days, which will provide stronger protections against infected people boarding planes.

Q: Isn't this just an admission that the travel restrictions do not make sense?

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Q: What proof of vaccination status will you accept?

- We will be requiring proof of vaccination status to be presented before boarding.
- The type of proof required will be worked out as the detailed implementation plan is developed in the coming weeks.

Q: What vaccines will you accept?

- We will look to CDC to guide which vaccines will be accepted, as part of their standard role in determining who is considered fully vaccinated for the purposes of recommended or required international travel protocols.

Q: Are you planning to end Title 19 restrictions on non-essential travel at the land border?

- Title 19 is being extended for another month through October 21, and we do not have further updates to that policy at this time.

Q: What are you doing to step up mitigation at the land border, if anything? Or instead are you going to have an inconsistency where unvaccinated people can cross the land border but not get on a plane?

- Today, the administration is announcing a move to a safer and more harmonized global approach to international inbound air travel, and our focus will be on implementing those changes.
- We do not have any updates to the land border policies at this time.

Q: Who will be excepted from the full vaccination requirement for foreign nationals?

- The exceptions will be very narrow, such as for children; COVID-19 vaccine clinical trial participants; and, humanitarian exceptions for people traveling for an important reason and who lack access to vaccination in a timely manner. But let me stress that these will be very limited exceptions.

- And we will be requiring that people who receive these very limited exceptions agree to get vaccinated upon arrival.

Q: Won't requiring vaccination be highly inequitable, especially for countries with low vaccine access?

- We believe that the vast majority of people who can travel internationally to the U.S. will be able to access a vaccine.
- For those who have a compelling and urgent reason to come to the United States and are not able to access a vaccine in a timely manner prior to departure, we will have in place very limited exceptions for which they can apply.
- And we will be requiring that people who receive these very limited exceptions agree to get vaccinated upon arrival.

Q: What additional mitigation steps are you taking beyond the vaccination requirement?

- We have extended the masking order through January 18, 2022.
- CDC will also be stepping up pre-departure and post-arrival testing requirements.
- CDC will also be putting in place a contact tracing order.

Q: Why not take down 212(f) now?

- We are taking down 212(f) for the countries to which it applies today concurrent with the early November start of the new system.

Q: When will the policies be finalized and made public?

- We anticipate these policies will be effective by early November.

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