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Immigration

Biden Admin Announces New Policy for Travelers to United States

Legal Update

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By Immigration Group

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

According to reports, the Biden administration announced on September 20, 2021, a major easing of pandemic travel restrictions that will allow fully vaccinated travelers to enter the United States beginning in November 2021. Under the new policy, all foreign travelers flying to the United States must present proof of vaccination before boarding a U.S.-bound airline, as well as proof of a negative COVID-19 test taken within 72 hours before flying.

There will be no quarantine requirement. The Biden administration will implement enhanced contact tracing and continue to require masks on flights. Additionally, unvaccinated Americans returning to the United States will need to provide a negative test within one day of leaving and again after arriving.

The administration said that it will task the Centers for Disease Control and Prevention (CDC) with determining which vaccines qualify under the new policy. The Associated Press reported that CDC has announced that the United States will accept any of the vaccines approved for emergency use by the World Health Organization.

Biden administration officials shared with the American Immigration Lawyers Association that limited exceptions will be available, 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. Individuals who are exempted from the vaccine requirement may be required to be vaccinated upon arrival.

The administration will also be making additional recommendations to stop the spread of COVID-19, including continuing the mask mandate through January 18, 2022, expanding pre-departure and post-arrival testing requirements and implementing a contact tracing order for airlines.

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Administration officials also indicated that they are lifting restrictions under INA § 212 (f) for the countries to which it applies now, concurrent with the early November start of the new policy.

Separately, President Biden signed an executive order adding measles to the list of quarantinable communicable diseases.