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Immigration

Department of State Issues New Guidance on Exceptions for Travelers from Schengen Area, United Kingdom and Ireland

Legal Update

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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.

On March 2, 2021, the Department of State rescinded the previous national interest determination regarding categories of travelers eligible for exceptions under Presidential Proclamation (PP) 10143, issued on January 25, 2021. That proclamation barred the admission into the United States of individuals (other than U.S. citizens, lawful permanent residents and certain other classes of foreign nationals) who were physically present in the Schengen area, the United Kingdom, the Republic of Ireland, Brazil and South Africa during the 14 days prior to seeking admission to the United States. Affected categories of exceptions included "certain technical experts and specialists, senior-level managers and executives, treaty traders and investors, professional athletes, and their dependents."

The Department also made a new national interest determination covering "certain travelers seeking to provide vital support for critical infrastructure. Travelers in these categories, as well as certain academics, students and journalists, may qualify for national interest exceptions (NIEs) to PP 10143 related to the Schengen Area, the United Kingdom and Ireland.

The Department said that no previously issued visas or NIEs will be revoked due to the new policy, and that qualified travelers who are applying for or have valid visas or ESTA authorization may travel to the United States even while PP 10143 remains in effect. The Department also continues to grant NIEs for qualified travelers seeking to enter the United States for purposes related to humanitarian travel, public health response and national security.

- "Proclamation on the Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease, " January 25, 2021