

# Travel in the Time of COVID-19

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# Introduction

- Labyrinth of factors affecting international travel, including new impact factors:
  - Consular operations
  - Visa restrictions
  - Geographical policies
  - Quarantine
  - Carrier operations
- Add in: growing linkage of visa restrictions to unemployment levels & COVID-19 crisis

# Structuring the Ecosystem

- Presidential Determinations
- Geographic limitations
- Consular operations
- Global nonimmigrant visa policies
- Quarantine requirements
- Carrier operations
- Global/outbound issues
- Judicial challenges

# Presidential Determinations

- April 22: Immigrant eligibility
- June 22: Nonimmigrant eligibility
- May 29: Chinese graduate students and postdocs
- July 6: International students/July 24 revisions

# Geographic Limitations

- Schengen region, UK, Ireland
- China
- Brazil
- Iran

# Consular Operations

- Phased re-openings (DOS July 14 announcement)
- Individual operations
- Emergency appointment policies
- Machine Readable Visa (MRV) fee
- Medical exam and issued IV

# H-1B, H-2B, L-1, J-1 Restrictions

- Who is affected
- Basic rule – no visa issuance
- Exceptions
- Spouses and children
- Open issues: new visa applications

# H-1B, H-2B, L-1, J-1 Restrictions

- June 24, 2020 – December 31, 2020
- Outside the US on June 24, 2020
- H1B, H2B and H4 applicants
- J1 interns, trainees, teachers, camp counselors, au pairs, summer work/travel
- L1 executive, managers, specialized knowledge



# NIV Restrictions: Exemptions

- Lawful Permanent Residents
- Spouse/child of U.S. Citizen
- Services essential to food chain
- National Interest exemption
- Other: current visa stamp in category
- Canadians (visa exempt)

# National Interest Exemption

- Critical to the defense, law enforcement, diplomacy or national security
- Provision of medical care to COVID-19 patients or COVID-19 research
- Economic recovery of the US
- Consular determination

# Quarantine and Testing Requirements

- No quarantine or testing rules at the federal level
- Quarantine and testing rules at state level
  - Mandatory v. advisory
  - Self-reporting through online health form
  - Quarantine
  - Pre-arrival or post-arrival testing

# Role of Carriers (denial of boarding rights)

- For visas issued under the “national interest” exclusion, request Consulate to arrange for a CPB letter of admissibility
- May need to address quarantine requirements as a term to board carrier

# Satisfactory Departure

- Impossibility of departure
- Extension policies
- Visa Waiver (ESTA) considerations

# Global Restrictions

- U.S.-Canada and U.S.-Mexico border closures
- Travel restrictions for U.S. citizens
- Quarantine, testing, and health declaration/disclosure requirements
- Limited staff to assist at US consulates around the world

# Judicial Challenges

- Gomez v. Trump, et al (AILA suit)
- National Association of Manufacturers et al. v. DHS (U.S. Chamber of Commerce)
- Panda, et al. v. Wolf (Indian nationals)

# Conclusion

- Whether or not to travel: how valid is a culture of “no”?
- How to travel
- Getting ready for a trip abroad



# Presenters



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