

## How Does Vaccination Status Impact Your Travel to the U.S.?



By [Elizabeth M. Klarin](#)

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On November 8, 2021, U.S. requirements for travel to the U.S. were updated to include new COVID-19 vaccination requirements for travelers. To provide clarity, here are the basics of travel under the new requirements, and some helpful links to specific instructions and frequently asked questions:

### **NOW (as of November 8th, 2021)**

- **Most nonimmigrant, non-U.S. citizen travelers entering the U.S. by air** must show [proof of COVID-19 vaccination](#); this requirement does not apply to U.S. citizens, U.S. nationals, U.S. lawful permanent residents (Green Card holders), or other non-U.S. citizen who has a visa listed in “Immigrant Visa Categories” on the U.S. Department of State’s webpage Directory of Visa Categories. This includes:

- i. Non-U.S. citizens eligible for asylum;
- ii. Non-U.S. citizens eligible for withholding of removal;
- iii. Non-U.S. citizens eligible for protection under the regulations issued pursuant to the legislation implementing the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- iv. Non-U.S. citizens admitted to the United States as refugees;
- v. Persons with a visa 92 or 93 (Follow-to-Join) status; and
- vi. Non-U.S. citizens granted parole into the United States.

The requirements also do not apply to crew members of airlines or other aircraft operators while on official duty status if such crewmembers and operators adhere to all industry standard protocols for the prevention of COVID-19 as set forth in relevant guidance for crewmember health issued by the CDC or by the Federal Aviation Administration in coordination with the CDC.

The only **exceptions** to this requirement apply to:

- i. Persons on diplomatic or official foreign government travel;
- ii. Children under 18 years of age;
- iii. Persons with documented medical contraindications to receiving a COVID-19 vaccine;
- iv. Participants in certain COVID-19 vaccine trials;
- v. Persons issued a humanitarian or emergency exception;
- vi. Persons with valid visas (excluding B-1 (business) or B-2 (tourism) visas) who are citizens of a foreign country with limited COVID-19 vaccine availability;
- vii. Members of the U.S. Armed Forces or their spouses or children (under 18 years of age);
- viii. Sea crew members traveling with to a C-1 and D nonimmigrant visa;
- ix. Persons whose entry would be in the national interest, as determined by the Secretary of State, Secretary of Transportation, or Secretary of Homeland Security (or their designees); and

However, based on the category of the exception, if you intend to stay in the United States for longer than 60 days, you may additionally be required to attest that:

- You agree to be vaccinated against COVID-19; and
- You have arranged to become fully vaccinated against COVID-19 within 60 days of arriving in the United States, or as soon thereafter as is medically appropriate.
- **All air passengers ages 2 or older**, regardless of citizenship or vaccination status, must show a negative result of a COVID-19 viral test or documentation of recovery from COVID-19 before they board a flight to the United States.
- **Non-U.S. persons entering by land or sea**, however, may have a limited opportunity to enter the U.S. still, if they are not vaccinated. Those engaged in “essential travel” will not be required to be vaccinated up until January 22, 2022, including the following:
  - Individuals traveling for medical purposes (e.g., to receive medical treatment in the United States).
  - Individuals traveling to attend educational institutions.
  - Individuals traveling to work in the United States (e.g., individuals working in the agriculture industry who must

travel between the United States and Canada or Mexico in furtherance of such work).

- Individuals traveling for emergency response and public health purposes (e.g., government officials or emergency responders entering the United States to support federal, state, local, tribal, or territorial government efforts to respond to COVID-19 or other emergencies).
- Individuals engaged in lawful cross-border trade (e.g., truck drivers supporting the movement of cargo between the United States and Canada and Mexico).
- Individuals engaged in official government travel or diplomatic travel.
- Individuals engaged in military-related travel or operations.

#### **BEGINNING ON JANUARY 22, 2022:**

Beginning in early January 2022, DHS will require that all inbound non-U.S. persons crossing U.S. land or ferry ports of entry— whether for essential or non-essential reasons – be fully vaccinated for COVID-19 and provide related proof of vaccination. It is not yet clear whether the same exceptions will apply to land and sea entries as apply to individuals entering the U.S. by air, come January 22, 2022. However, since the U.S. government has touted the new requirements at the land and seaports of entry as being put in place to provide consistent protocols for all foreign nationals traveling to the U.S., it is strongly implied that the same exceptions will be in place for land and sea entrants to the U.S. as are currently available to travelers entering by air.

Please check back frequently on this blog for updates, or reach out to any member of the Lippes Mathias [immigration team](#), for specific inquiries.

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