



Facts on Travel Restrictions Directed at the Republic of India

COVID-19
05.03.2021

On April 30, 2021, President Biden issued a Presidential Proclamation that will place restrictions on people traveling to the United States from the Republic of India.

The restriction will take effect at 12:01 AM U.S. EDT on Tuesday, May 4, 2021. As of that time, if a foreign national (non-citizen) has been physically present in India during the last 14 calendar days, he/she will not be admitted to the U.S. The ban will be in effect until lifted by the President. One should note that similar travel restrictions imposed as early as January of 2020 remain in effect.

Exceptions:

It is important to note that the ban **does not** apply to the following groups:

- Lawful permanent residents (LPR) (people who have green cards)
- Spouses of U.S. citizens or LPRs
- Parents or legal guardians of children who are U.S. citizens or LPRs, if the children are under 21 and unmarried
- Siblings of U.S. citizens or LPRs, if both siblings are under 21 and unmarried
- Children, foster children, wards, or prospective adoptees of U.S. citizens or LPRs
- Members of the U.S. Armed Forces and their spouses and children

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- Diplomats, certain trade organization employees, and certain UN workers
- Non-citizen traveling at the invitation of the U.S. government for purposes related to COVID-19 containment or mitigation
- Non-citizen crew members who hold a C or D visa (pilots, flight attendants, ship captains and crew, etc.)
- Non-citizens whose entry would further important law enforcement objectives or other national interests as determined by the U.S. government.

The restriction will prevent anyone who does not fit one of the above exception categories from traveling directly to the United States from India. Individuals subject to the restrictions will not be permitted to board a plane or ship traveling directly to the United States. The practical effect of the restriction is that individuals subject to the restrictions may enter the United States after spending 14 days in a third country that is not the subject of U.S. travel restrictions. Other countries currently subject to U.S. travel restrictions are:

- China
- Iran
- Countries in the Schengen region (Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland)
- The United Kingdom and Ireland
- Brazil
- South Africa
- Canada and Mexico (nonessential travel by land only, essential travel and all air travel is permitted)

Each country's own visa requirements and travel restrictions related to COVID-19 should be researched and dealt with in advance of scheduling travel.

There are some opportunities for State Department, Homeland Security, and Health and Human Services to exercise some discretion on a case-by-case basis. U.S. consular posts and U.S. Customs and Border Protection routinely entertain requests that have become known as National Interest Exception (NIE) requests. Individuals who are subject to the restrictions, but who have urgent business or humanitarian reasons to travel directly to the United States, may qualify for an exception that would permit direct travel to the United States without first quarantining in a third country for 14 days. However, individuals approved for an NIE are still required to produce negative COVID-19 tests before traveling and may be required to take an additional test or even self-quarantine upon arrival in the United States.

The Immigration Team at Burr & Forman is closely monitoring the situation and will be providing updates as government agencies continue to decide how they are going to enforce this proclamation.