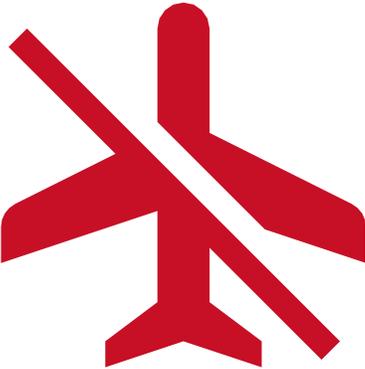


COVID-19 TRAVEL RESTRICTIONS ON U.S VISAS AND ENTRY: THE NATIONAL INTEREST EXCEPTION (NIE)



The Biden administration announced that in November 2021, it will lift the COVID-19 travel restriction for specific countries and instead require all foreign travelers to provide proof of COVID-19 vaccination before boarding a flight to the United States.

Non-essential travel from certain countries to the U.S. is currently not permitted due to the global COVID-19 pandemic. Regional COVID-19 public health bans restrict travel for foreign nationals who have been physically present in a designated country within 14 days of seeking entry to the United States. Transit through an airport in a designated country counts as presence in that country.



Certain individuals are exempt from the bans, including:

- U.S. citizens and lawful permanent residents (green card holders) and their immediate family members.
- An individual traveling at the invitation of the U.S. government or pursuant to a UN agreement
- Individuals traveling on A, C, D, certain E-1, G, or NATO visas.
A member of the U.S. Armed Forces and his or her spouse or child.

Individuals may also be eligible for an exception to the travel ban if their travel is found to be in the national interest or would further U.S. law enforcement objectives.

To determine whether you may be exempt from the COVID-19 travel bans or are eligible to apply for an exception, please contact your attorney.

National Interest Exceptions (NIEs) for Certain Travelers

Travelers with immigrant, fiancé(e) and certain F and M student visas are eligible for a blanket NIE and do not need to apply for individual NIEs.

Other individuals who are eligible to apply for an NIE include:

- Foreign nationals seeking to provide executive direction or vital support for “critical infrastructure sectors” or directly linked supply chains (as outlined at <https://www.cisa.gov/critical-infrastructure-sectors>), which could be travel pursuant to H, L, O, B, Visa Waiver Program (VWP)/Electronic System for Travel Authorization (ESTA), or other nonimmigrant business or work categories;
- Journalists (I visas);
- Certain exchange visitors, exchange students, and academics covered by exchange visitor programs (J-1).

For the complete list, please refer to the June 24, 2021, State Department policy statement.

Travelers can also apply for an NIE if they are seeking to enter the United States for purposes related to humanitarian travel, a public health response, or national security.

Travelers with valid visas or ESTA registrations from banned countries must also apply for an NIE from the U.S. government. Typically, you must first apply with a U.S. embassy/consulate and if their response is delayed or negative, then an application may be made with Customs and Border Protection (CBP).

For more information on how to apply for an NIE or information about traveling to the United States, we encourage you to contact our office.

What Countries Are Affected by the Travel Ban?

The regional COVID-19 travel ban countries include Ireland, the UK, the Schengen Area (the Schengen Area consists of 26 countries and covers nearly all of mainland Europe including 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), Brazil, China, Iran, South Africa, and India.