

# Mobility: immigration alert

November 2021

## United States

Travel restrictions suspending entry of noncitizens from certain countries

### Executive summary

On 26 November 2021, President Joseph R. Biden issued a Presidential Proclamation (PP) suspending the entry of noncitizens traveling from eight (8) African countries to the United States. The PP took effect at 12:01 am on 29 November and will remain in effect until terminated by the President.

### Analysis

On 24 November 2021, the Republic of South Africa notified the World Health Organization (WHO) of a new B.1.1.529 (Omicron) variant of the virus that causes COVID-19 (SARS-CoV-2) detected in that country. Based on the announcement of the WHO Technical Advisory Group on SARS-CoV-2 that Omicron is a variant of concern on 26 November, President Biden issued the PP to suspend and limit entry of non-U.S. Citizens, as immigrants or nonimmigrants, who were physically present within the Republic of Botswana, the Kingdom of Eswatini, the Kingdom of Lesotho, the Republic of Malawi, the Republic of Mozambique, the Republic of Namibia, the Republic of South Africa, and the Republic of Zimbabwe during the 14-day period prior to their entry or attempted entry into the United States.

### What this means

Noncitizens who were physically present in one of the eight impacted countries within 14 days preceding their proposed travel to the United States are restricted from entering the United States as of 29 November 2021 at 12:01 a.m. EST. As with earlier country-specific PPs banning travel to the United States, there are multiple exemptions, including Lawful Permanent Residents (LPRs), spouses of U.S. Citizens and LPRs, and parents and legal guardians of unmarried U.S. Citizens and LPRs under the age of 21.

All air travelers to the United States will continue to be subject to the vaccination and testing requirements previously established by the U.S. Centers for Disease Control.

Any noncitizens present in one of the eight impacted countries who do not fall within one of the exempted groups listed in the PP may seek a National Interest Exception (NIE) from the U.S. Department of State, but it is anticipated that consular services in these countries will be impacted by concerns relating to the variant, and the processing of NIE requests could therefore be lengthy. Rather than pursuing an NIE, travelers have the option of traveling to a third country that has yet to implement a travel ban relating to the Omicron variant, and then travel to the United States after the requisite 14-day period.

We will continue to monitor and review future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional.



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