

## Covid-19 Travel Update May 5, 2021

By Ellen von Geyso P.A.

### Travel Update

Recent news reports seem to indicate that travel restrictions might soon be lifted. The [New York Times](#) reported at the end of April that “*E.U. Set to Let Vaccinated U.S. Tourists Visit This Summer*”.

Previously, in late March 2021 [Forbes](#) as well as other media outlets, indicated that the new administration will lift the EU and UK travel ban as early as mid-May. Further it is being [reported](#), that the U.S. travel industry is proposing plans in an effort to bring back international travel.

However, to date, the travel restrictions essentially remain unchanged, and some situations have been further restricted. Presidential Proclamation (PP) 10143 is the U.S. travel restriction which suspended the entry of noncitizens who were physically present within the Schengen Area during the 14-day period preceding their entry or attempted entry into the United States. Until recently, travel to the U.S. was only possible with a national interest exception (NIE), which allowed certain technical experts and specialists, senior-level managers and executives, treaty-traders and investors, professional athletes, and their dependents to enter the United States upon proper showing.

Unfortunately, on March 2, 2021, the Department of State rescinded the previous determination criteria for such NIE and has set forth new criteria covering certain travelers. Accordingly, to qualify for an NIE, the applicant must now demonstrate that (s)he will provide “vital support of critical infrastructure sectors as defined by the Department of Homeland Security or critical infrastructure linked to the supply chain.” The change was implemented to combat the spread of COVID-19 by further reducing non-essential international travel. Thus, this new guidance has resulted in fewer NIE approvals due to the high bar required to prove the applicant is coming to provide vital support of a critical infrastructure sector or other available exceptions. Unfortunately, many travelers who are now in the United States entered with an NIE that was approved under the former, broader criteria and will likely not qualify for another NIE under the new restrictive criteria. Accordingly, travelers who are already working temporarily in the United States should closely review the new guidance when considering return trips to Europe. Intercontinental travelers should also be aware that strict quarantine measures are still in place upon returning to Germany. In addition, U.S. Consulates abroad continue to operate under limited capacity with significant processing delays.

Despite the slow progress on lifting travel restrictions, we remain hopeful that the pace of vaccinations in the United States, Europe, and many other countries, will see improvements in the global scene and a return to a more normal state of affairs soon.

Stay tuned for our upcoming Webinar with the GABC regarding the latest travel updates!

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