

Mobility: immigration alert

January 2021

United States

COVID-19 travel restrictions

Executive summary

On 21 January 2021, President Biden issued an Executive Order on Promoting COVID-19 Safety in Domestic and International Travel (the Executive Order).

Background

The Executive Order is aimed at increasing restrictions on domestic and foreign travel in order to combat the COVID-19 pandemic and allow Americans to travel and work safely. The Executive Order implements several initiatives, including the following:

- **A mask requirement.** Executive departments and agencies must immediately require masks to be worn in compliance with The Centers for Disease Control and Prevention (CDC) requirements while in airports, or on commercial aircraft, trains, public maritime vessels (including ferries), intercity buses, and all forms of public transportation. The Coordinator of the COVID-19 Response and Counselor to the President (COVID-19 Response Coordinator) is responsible for encouraging physical distancing on public modes of transportation.
- **Domestic (U.S.) Travel.** Certain executive departments and agencies will have to impose new, additional public health measures for domestic travel. Currently, the CDC simply recommends that domestic travelers get tested for COVID-19 three to five days after travel and reduce non-essential activities for seven days.

- **International Travel.** Travelers seeking admission to the U.S. from a foreign country will be required to:
 - produce proof of a negative COVID-19 test prior to entry
 - comply with CDC guidelines for self-quarantine or self-isolation

The CDC's international testing requirement, which becomes effective on 26 January 2021, requires air passengers to be tested no more than three days before their flight departs. Individuals must present the negative result (or proof of having recovered from COVID-19) to the airline before boarding. The rule applies to all individuals two years of age or older, including U.S. citizens and legal permanent residents. The order does not currently apply to land border crossings. Additional clarifications on restrictions for travel by land and sea are likely forthcoming.

Importantly, a federal quarantine and/or self-isolation mandate, if there will be one, has not yet been formally announced, but is being reviewed by the Biden Administration. The Executive Order requires that: "The Secretary of HHS, in coordination with the Secretary of Transportation . . . and the Secretary of Homeland . . . provide to the President, through the COVID-19 Response Coordinator, a plan for how the Secretary and other Federal Government actors could implement the policy... with respect to CDC-recommended periods of self-quarantine or self-isolation after a flight to the United States from a foreign country . .



The plan shall identify agencies' tools and mechanisms to assist travelers in complying with such policy."

The current CDC guidelines at this time simply recommend a home-stay period for seven days after international travel. In addition, states have individual, online requirements that should be reviewed prior to any interstate or international travel.

What this means

President Biden has made clear under the new Executive Order that individuals will be required to wear masks when using public transportation. In addition, everyone flying into the U.S. from another country will need to obtain a negative COVID-19 test before they depart.

The start date for a quarantine or stay-at-home element is still unclear and is not yet being enforced. However, the CDC will likely announce additional details in the coming days and is also expected to unveil additional domestic travel restrictions.

EY Law will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our U.S. immigration professionals.

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