

Mobility: immigration alert

October 2021

United States

Global vaccination status protocol coming into effect November 8

Executive summary

The White House has announced that beginning 8 November 2021, a global vaccination status protocol will be introduced allowing international air travelers to enter the U.S. if they are fully vaccinated and present a negative coronavirus test before boarding a flight to the United States. Travelers will be considered fully vaccinated two weeks after they receive a single-dose vaccine approved/authorized by the Food & Drug Administration (FDA) or the World Health Organization (WHO), such as Johnson & Johnson, or any combination of two doses of fully- or emergency-approved/authorized FDA or WHO vaccines. The CDC provided additional travel guidance on 15 October 2021 confirming that visitors with mixed vaccines approved by the FDA or WHO will be recognized. The U.S. Department of Homeland Security also announced on 12 October 2021, that fully vaccinated, non-essential travelers will be permitted to enter the United States via land and ferry ports-of-entry from Canada and Mexico.

Analysis

Individuals are considered fully vaccinated:

- ▶ Two weeks after their second dose in a two-dose series, such as the Pfizer or Moderna vaccines, or
- ▶ Two weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine

Persons with mixed vaccines will be considered fully vaccinated two weeks or more after getting the last dose of the single-dose or two-dose series that are approved / authorized by FDA or WHO. For two-dose series, the second dose "must have been received no earlier than 17 days (21 days with a four (4)-day grace period) after the first dose" according to the CDC.

Currently, the FDA approved/authorized and WHO Emergency Use List approved vaccines include:

FDA:

- ▶ Moderna
- ▶ Janssen (Johnson & Johnson)
- ▶ Comirnaty and Pfizer-BioNTech

WHO:

- ▶ Moderna
- ▶ Janssen (Johnson & Johnson)
- ▶ Comirnaty and Pfizer-BioNTech
- ▶ Oxford-AstraZeneca
- ▶ Covishield
- ▶ Sinopharm / BIBP
- ▶ Sinovac

What this means

First, country-based travel restrictions and National Interest Exemptions are being replaced by vaccination & testing protocol.

The United States is striving for coherent, consistent travel policies while moving toward a new travel system that requires full vaccination for foreign national travelers. Effective 8 November 2021, all foreign visitors who are fully vaccinated against COVID-19 can seek admission to the United States with proof of vaccination and a negative coronavirus test or proof of recovery within the last 90 days. Proof of negative COVID-19 testing, will be necessary for air travelers, including the U.S. citizens, U.S. permanent residents, and fully vaccinated visitors two years of age or older.



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Travelers who were physically present in China, Iran, the Schengen countries, the United Kingdom, Ireland, Brazil, India, and South Africa within 14 days preceding their proposed air travel to the United States will no longer be subject to travel restrictions. Instead, they will be subject to the same vaccination and testing requirements as all other international travelers. Documentary requirements for proof of vaccination under this new travel protocol remains unclear and further guidance from CDC and the Department of Homeland Security is pending.

U.S. citizens, U.S. permanent residents, and other exempted travelers will continue to be permitted to return to the United States, provided that they present the required negative test result or documentation of having recovered from COVID-19 if traveling via air.

Second, a two-Phase approach for entry at land borders and ferry crossings from Canada and Mexico will be implemented.

U.S. Secretary of Homeland Security Alejandro N. Mayorkas announced the two-phase modification to the Title 19 regulations on 12 October 2021 easing restrictions at land borders and ferry crossings from Canada and Mexico. On 8 November 2021, fully vaccinated foreign national travelers will be able to seek entry to the United States from Mexico and Canada via land and ferry ports-of-entry for non-essential reasons, such as leisure tourism. Non-essential travelers will be required to present proof that they are fully vaccinated. In early January 2022, all foreign national travelers, including those whose travel is considered essential, must be fully vaccinated with related proof of vaccination in order to enter the United States. This provides additional time for cross-border and essential workers to become fully vaccinated.

Fully vaccinated individuals who enter the United States via land and ferry border crossings will not need to present a negative coronavirus test. However, most people five (5) years of age or older, including Canadian citizens and Canadian permanent residents, must present a negative molecular test taken within 72 hours before their planned entry to Canada from the United States regardless of their vaccination status. More information regarding Canada's entry requirements is available on the Canadian government's webpage [COVID-19: Checklist for Requirements and Exemptions](#).

Please visit the [CDC](#) website for the *Interim Public Health Recommendations for Fully Vaccinated People*. Visitors between Canada and the United States may visit the [Canadian government's](#) website to confirm travel requirements. The initial announcement regarding the reopening of land border and ferry crossings is available on the [U.S. Department of Homeland Security](#) website.

EY Law LLP will continue to monitor the developments as they occur. For further information, please contact your EY Law professional.

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