



January 13, 2021
Jenifer M. Brown, Christl P. Glier

Professionals

- Jenifer Brown
- Christl Glier

Related

- Immigration
- Labor, Employment and Immigration

NEW COVID-19 Requirements for All Entries into the U.S.

Beginning January 26, 2021, all passengers of airlines and aircraft operators (e.g. charter operators and private flights) entering the United States must provide documentation of a negative COVID-19 viral test, taken within three (3) days of the departure of their flight. For passengers arriving via one or more connecting flights, the test must have been taken within three (3) days before the departure of their initial flight as long as the connecting flights were booked as a single record and each connection is no longer than 24 hours. Alternatively, if a passenger has previously tested positive for COVID-19 within three (3) months prior to the passenger's scheduled flight, the passenger may present documentation that he or she has recovered from COVID-19 in the form of a positive test result and a signed letter on official letterhead from a licensed health care provider or public health official stating the passenger has been cleared for travel.

According to the new order from the U.S. Centers for Disease Control and Prevention (CDC), the requirement applies to all passengers aged two years or older, including U.S. citizens and lawful permanent residents (green card holders) returning to the United States. There are narrow exemptions for crew members of airlines or other aircraft operators, provided they follow industry standard protocols for COVID-19 prevention as issued by the Federal Aviation Administration (FAA). Members of the U.S. military when traveling under competent orders and federal law enforcement personnel while on official duty and carrying out a law enforcement function are also exempt.

This new order replaces a previously issued UK-specific order and broadens it to all airline passengers arriving in the U.S. CDC is taking this action in response to concerns about new variants of the SARS-CoV-2 virus that were first detected in the United Kingdom and South Africa. Passengers also will need to complete an attestation form confirming their negative COVID-19 test result or recovery from the disease and clearance to travel, which will be provided to the CDC through the airline or aircraft operator; CDC has recommended this attestation become part of a paperless check-in process for airlines. Passengers must also retain a copy of the negative COVID-19 test result or documentation of recovery and present it for inspection to the airline or aircraft operator and, upon request, to any federal official or a cooperating state or local public health authority.

Importantly, in addition to this order taking effect on January 26, 2021, the various Presidential Proclamations restricting entry to the United States by foreign nationals who were physically present in certain countries remain in effect, unless an

exemption applies or a foreign national secures a National Interest Exception. See our COVID-19 Resource Center for details.

The CDC's new order will be in effect from January 26, 2021 until December 31, 2021 unless terminated earlier if the COVID-19 public health emergency expires or if the CDC Director rescinds or modifies the order.

Please contact Jenifer Brown or Christl Glier with questions regarding current travel and visa restrictions or any other business immigration matters.

This publication is intended for general information purposes only and does not and is not intended to constitute legal advice. The reader should consult with legal counsel to determine how laws or decisions discussed herein apply to the reader's specific circumstances.