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IMMIGRATION ALERT | NIXON PEABODY LLP

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## Immigration update — Covid 19 travel ban

By Rachel Winkler and John Sandweg

In response to the Covid 19 pandemic, President Donald Trump announced a [new travel ban](#) that goes into effect **at 11:59 p.m. E.T. on Friday, March 13, 2020**. The ban will remain in place for thirty days and bar certain foreign nationals from entering the United States if they have been physically present in the European Union’s “Schengen” zone within the past 14 days.

### Scope of the travel ban

The Schengen zone consists of 26 countries (Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland).

The ban applies to most foreign nationals who have been “physically present” in any of the 26 Schengen countries at any point within the past 14 days.

The ban does not only apply to those seeking to travel directly from one of the European countries within the Schengen zone or to foreign nationals of one of the Schengen countries—it applies to any foreign national who has stepped foot in one of the Schengen countries within the past 14 days.

Even those foreign nationals seeking to enter the United States through Canada or Mexico will be barred from entering the United States if they have been in a Schengen country within the past 14 days.

### Ban is effective at 11:59 p.m. E.T. on Friday

The ban is effective at **11:59 p.m. E.T. on Friday, March 13, 2020**, however, it will not apply to passengers on incoming flights that depart for the United States before **11:59 p.m.**

### Key exceptions

Although the ban applies to a large swath of the traveling public, key exceptions apply:

The ban does not apply to U.S. citizens, lawful permanent residents (green card holders), their spouses, or minor children.

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Other important exceptions include certain family members of citizens and green card holders as well as those who hold certain visas.

Importantly, the ban exempts those traveling as part of an airline or maritime crew.

Notably, student visa holders and most employment-based visa holders were not exempt from the ban.

### **Waivers available**

The ban leaves room for travel waivers to be issued on a case-by-case basis. These waivers are nominally available to those who pose no health risk to the United States as well as to those who are traveling to the United States at the request of the government or for law enforcement purposes.

Although the travel ban ostensibly allows for certain waivers, no process was announced to apply for a waiver and any such waiver is likely to prove exceptionally rare.

We are available to answer any questions you may have; please reach out to our [Cross-Border Risks team](#), your Nixon Peabody attorney, or:

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