



COVID-19 Practice Pointer

COVID Testing & Vaccination Requirements for Travel to the United States

April 2022

On October 25, 2021, President Biden issued “A Proclamation on Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic”¹ (“Presidential Proclamation”) that relies primarily on vaccination against COVID-19 to advance safe air travel to the United States.

Following this, the Centers for Disease Control and Prevention (CDC) issued “Order: Implementing Presidential Proclamation on Safe Resumption of Global Travel During the COVID-19 Pandemic.”² On April 4, 2022, the CDC issued an Amended Order³ that took effect on April 14, 2022. The CDC has also released Technical Instructions to implement the Presidential Proclamation.⁴

Immigration practitioners should be aware of the separate COVID-19 testing and COVID-19 vaccination requirements for noncitizens traveling to the U.S. and encourage their clients who are outside the U.S. to get vaccinated as soon as possible and, as they plan their travel to the U.S., to factor in the need for a negative COVID-19 test prior to their departure.

¹ [A Proclamation on Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic](#) (Oct. 25, 2021).

² [Order: Implementing Presidential Proclamation on Safe Resumption of Global Travel During the COVID-19 Pandemic](#) (Oct. 25, 2021).

³ [Amended Order: Implementing Presidential Proclamation on Safe Resumption of Global Travel During the COVID-19 Pandemic](#) (Apr. 4, 2022; effective Apr. 14, 2022).

⁴ The CDC’s [Technical Instructions for Implementing Presidential Proclamation Advancing Safe Resumption of Global Travel During the COVID-19 Pandemic and CDC’s Associated Amended Order](#), which apply to noncitizen nonimmigrants, implement the Presidential Proclamation and detail who must be fully vaccinated against COVID-19, defines key terms relating to the COVID-19 vaccination requirement, and describes what documentation will satisfy this requirement. These technical instructions do not apply to U.S. citizens or nationals, lawful permanent residents, or to immigrants.

This Practice Pointer discusses the different requirements for COVID-19 testing and COVID-19 vaccination, how these requirements may apply differently to immigrants or nonimmigrants, and what exceptions or waivers may exist. As the pandemic wears on, practitioners should continue to review any updates or changes to these requirements.

A. COVID-19 Testing & Entry into the United States

1. COVID-19 Testing Requirements

Regardless of vaccination status, all individuals aged two (2) and older who are entering the U.S. via air must present a negative COVID-19 test, taken within one (1) calendar day of travel.⁵ The traveler must show the negative test result to the airline before boarding their flight.

The tests must be a viral test to look for current infection. A rapid test may be acceptable if it meets the CDC requirements.⁶

This requirement applies regardless of immigration or citizenship status and includes VAWA Self-Petitioners and U Nonimmigrants who are traveling to the U.S. by air. This requirement does not apply to those entering via land border or ferry terminal.

Those who have recently recovered from COVID-19 can instead travel with documentation of their recovery from COVID-19. That documentation includes their positive COVID-19 viral test result taken no more than 90 days before the flight's departure and a letter from a licensed healthcare provider or public health official that states they are cleared to travel.

2. Practice Pointer

It is important to remember that the COVID-19 testing requirement applies to all air passengers over age 2 regardless of their citizenship or COVID-19 vaccination status.

Practitioners should advise clients abroad of this testing requirement so that they can consider what arrangements to make prior to their travel to the U.S.

If the individual intends to travel after having recovered from COVID-19, as opposed to presenting a negative COVID-19 test, they must have the documentation listed above to demonstrate that they are cleared to travel.

B. COVID-19 Vaccination Requirements for Nonimmigrants

⁵ [CDC Requirement for Proof of Negative COVID-19 Test or Documentation of Recovery from COVID-19](#) (updated Jan. 27, 2022).

⁶ See "[What types of SARS-CoV-2 tests are acceptable under the Order?](#)" for more information on accepted viral tests.

In addition to the COVID-19 testing requirements, nonimmigrants, such as U and T nonimmigrants, must show proof that they have received an accepted COVID-19 vaccine and are fully vaccinated against COVID-19 before traveling to the U.S. by air.⁷ Additionally, unlike the COVID-19 testing requirement, the vaccination requirement does apply to those entering via land ports of entry and ferry terminals.⁸

The CDC defines “accepted COVID-19 vaccine” as:⁹

- A vaccine approved or authorized for emergency use by the U.S. Food and Drug Administration;
- A vaccine listed for emergency use by the World Health Organization; or
- A vaccine or combination of vaccines listed by the CDC in the Technical Instructions.

The CDC defines “fully vaccinated” as:¹⁰

- 2 weeks (14 days) after your dose of an accepted single-dose vaccine of an accepted COVID-19 vaccine;
- 2 weeks (14 days) after your second dose of an accepted 2-dose series an accepted COVID-19 vaccine;
- 2 weeks (14 days) after you received the full series of an accepted COVID-19 vaccine (not placebo) in a clinical trial;
- 2 weeks (14 days) after you received 2 doses of any “mix-and-match”¹¹ combination of accepted COVID-19 vaccines administered at least 17 days apart;¹²
- 2 weeks (14 days) or more since the person received a complete series of a vaccine or combination of vaccines listed by the CDC in the Technical Instructions.

⁷ [CDC Requirement for Proof of COVID-19 Vaccination for Air Passengers](#) (updated Apr. 14, 2022).

⁸ The “fully vaccinated” requirement for entry via land ports of entry and ferry terminals does not apply to U.S. citizens or nationals or to lawful permanent residents. [DHS Fact Sheet: Guidance for Travelers to Enter the U.S. at Land Ports of Entry and Ferry Terminals](#).

See also [DHS to Require Non-U.S. Individual Travelers Entering the United States at Land Ports of Entry and Ferry Terminals to be Fully Vaccinated Against COVID-19](#).

⁹ This definition is taken from the CDC’s [Amended Order](#) at 3.

¹⁰ *Id.*, 4-5.

¹¹ The CDC does not recommend the use of “mix-and-match” combination of COVID-19 vaccine primary series. The CDC will accept it, however, given this strategy is increasingly common in many countries.

¹² Amended Order at 5 n.6 states that “for purposes of interpretation of vaccine records, the second dose in a two dose heterologous series must have been received no earlier than 17 days (21 days with a 4-day grace period) after the first dose.”

If the nonimmigrant does not meet these requirements, they will not be considered fully vaccinated for travel to the U.S. and will not be allowed to board a flight unless they meet an exception.

“Full vaccination” is defined as starting on the 14th day after the last dose completing the vaccination series. For example, if the last dose was taken on April 6, the individual would be considered fully vaccinated starting April 20.

Individuals older than aged two (2) must present a “Covered Individual Attestation” before boarding aircraft destined to the U.S. to attest that they meet the criteria set forth in the Technical Instructions.¹³

Booster shots, while recommended, are not required to meet the definition of “fully vaccinated.”

1. *Exceptions to the “Fully Vaccinated” Requirement:*

Individuals excepted from the Proclamation and the CDC’s order include:¹⁴

- US. Citizens and nationals
- Lawful Permanent Residents
- Immigrants
- Special Immigrant Visa holders
- Non-U.S. citizens eligible for asylum, withholding of removal, or for protection under the Convention Against Torture
- Non-U.S. citizens admitted as refugees
- Non-U.S. citizens granted parole into the U.S.

Nonimmigrants may also meet the criteria for an exception to the requirements under the Presidential Proclamation and CDC Order. This includes:¹⁵

- Children under age 18
- Persons with documented medical contraindications to receiving a COVID-19 vaccine
- Participants in certain COVID-19 vaccine trials¹⁶
- Persons issued a humanitarian or emergency exception¹⁷
- Persons with valid visas (excluding B-1/B-2) who are citizens of a country with limited COVID-19 vaccine availability¹⁸

¹³ The [Combined Passenger Disclosure and Attestation to the United States](#) is also available in a fillable format in [English](#), [Arabic](#), [Chinese](#), [French](#), [Russian](#), and [Spanish](#).

¹⁴ The [CDC notes](#) that certain categories of non-U.S. citizens and those seeking entry by land or sea travel may be subject to separate vaccination requirements.

¹⁵ See “[Noncitizens, Nonimmigrants \(Covered Individuals\)](#)” for the complete list of exceptions.

¹⁶ See “[Participants in Certain COVID-19 Vaccine Trials](#)” for more information.

¹⁷ See addendum for a sample request for a CDC humanitarian exception letter.

¹⁸ See “[List of Foreign Countries with Limited COVID-19 Vaccine Availability as of April 14, 2022](#)” for more information.

- Persons whose entry would be in the national interest, as determined by Secretary of State, Secretary of Transportation, or Secretary of Homeland Security (or their designees)

An individual traveling under an exception will be required to attest that they are excepted from the vaccination requirement. They may also have to further attest that they will be tested for COVID-19 3-5 days after arrival, self-quarantine after their arrival, and/or self-isolate after a positive test or developing COVID-19 symptoms.

Further, an individual traveling under an exception may be required to attest that they will get vaccinated within 60 days of their arrival.

2. *Practice Pointer*

Practitioners should advise nonimmigrants of the COVID-19 vaccination requirement and the need to be fully vaccinated prior to their travel to the U.S. so that they can schedule their travel accordingly.

The vaccination requirement is separate from the COVID-19 testing requirement so, unless they have the required documentation to show that they have recovered from COVID-19 and are cleared for travel, nonimmigrant travelers will also need to schedule a COVID-19 test, if traveling by air.

If a nonimmigrant falls under an exception to the vaccination requirement, they must provide the appropriate documentation to demonstrate that they qualify for the exception.

C. **COVID-19 Vaccination Requirement for Immigrants**

While intending immigrants, i.e., adjustment of status and Immigrant Visa applicants, are not covered by the CDC order, they are subject to medical examination and vaccination requirements found at INA § 212(a)(1)(A); 8 U.S.C. § 1182(a)(1)(A).¹⁹

The COVID-19 vaccine is a required vaccination for applicants eligible for the vaccine and, therefore, they must complete the vaccine series and provide documentation to the civil surgeon *before* completion of the medical exam.

1. *Waivers to the COVID-19 Vaccination Requirement for Immigrants & Other Reasons an Applicant Does Not Complete the COVID-19 Vaccine Series*

¹⁹ [CDC Requirements for Immigrant Medical Examinations: COVID-19 Technical Instructions for Panel Physicians](#)

The CDC lists three blanket waivers²⁰ to the COVID-19 vaccination requirement for immigrants. The three blanket waivers are:

- Not age-appropriate. This blanket waiver should be documented where the applicant is younger than the lowest age limit for the formulations in use.
- Contraindication. This reason should be documented where the applicant has a contraindication or precaution to the COVID-19 vaccine formulation available.
- Not routinely available. This reason should be indicated where no COVID-19 vaccine is routinely available in the state where the civil surgeon practices. This includes where the vaccine is available but, due to limited supply, it would cause significant delay for the applicant to receive the vaccination.

An applicant who does not fall under a blanket waiver category may still have a religious or moral objection to the vaccination. This is not grounds for a blanket waiver and the applicant will have to submit a separate waiver request to USCIS.

If an applicant refuses the COVID-19 vaccine series in part or in its entirety, the applicant will be inadmissible to the U.S.

2. *Practice Pointer*

Immigrants, while not subject to the Presidential Proclamation, must be vaccinated against COVID-19, as it is a required vaccination for the medical examination. Practitioners should advise immigrant clients to get vaccinated as soon as possible before their medical examination.

Further, if they do not fall under one of the blanket waiver categories but have a religious or moral exception to the vaccination, they must file a waiver request with USCIS. Otherwise, they will be inadmissible to the U.S.

²⁰ *Id.*



Re: URGENT Emergency Humanitarian Vaccination Waiver Request; [REDACTED]

Emma Morgenstern <EMorgenstern@volspobono.org>
To: "Guatemala, Covid Waiver Emergency" <GTMCVIDWaiverEmergency@state.gov>

Wed, Mar 9, 2022 at 4:44 PM

Thank you for your response. I understand the urgency of the situation. Please find answers to your questions below:

1. Type of Humanitarian or emergency request : vaccine requirement only; health, life, and physical safety at risk
 - Justification for exception to requirement for proof of being fully vaccinated: [REDACTED] is a Guatemalan citizen (DOB: [REDACTED]) who has been separated from her mother, [REDACTED] since she was very young. Her mother was able to file for her to have derivative U visa status so they could be reunited. However, if [REDACTED] does not arrive in the United States by [REDACTED] 2022, the day before she turns twenty-one, she will not be able to enter at all. [REDACTED] s mother, has been extremely ill with uncontrolled and advanced diabetes. She is unable to work and urgently needs her daughter in the United States to help care for her. She was recently hospitalized at least twice since [REDACTED], and is undergoing testing for additional health complications. If her daughter is not able to come to the United States, she fears for her life. She also fears she will never be able to see her child again, as she herself cannot travel. In addition, [REDACTED] s support network has been decreased during COVID19 as she has lost family members, and she fears for her continued safety if she cannot leave Guatemala and rejoin her mother. [REDACTED] has received one dose of AstraZeneca but due to the accelerated timing of her case, she will not be able to be double-vaccinated prior to the date she must be in the United States.
2. Name (family name/surname, given name), passport number, and nationality: [REDACTED]
[REDACTED] Passport # [REDACTED] Nationality: Guatemala
3. Cell phone number (including country code) of passenger or head of household if family unit: +502 [REDACTED]
4. Email address of passenger or head of household if family unit: emorgenstern@volspobono.org (representative; client does not have email)
5. U.S. destination address: [REDACTED] NY [REDACTED]
 - o Is U.S. destination home address?: It will be upon arrival
6. Flight itinerary, including any connecting flights: currently TBD pending visa issuance, but planned:
 - o Airline: [REDACTED]
 - o Flight # [REDACTED] Flight # [REDACTED]
 - o Departure airport and date of departure: GUA [REDACTED]; Miami [REDACTED]
 - o Arrival airport and date of arrival: Miami [REDACTED] LGA [REDACTED]
7. Vaccination Status
 - o Fully Vaccinated
 - i. Name of vaccine product (or products if a combination)
 - ii. Date of first dose
 - iii. Date of second dose (if a two-dose series)
 - iv. PDF or photograph of vaccination record
 - o NOT Fully Vaccinated: One dose of AstraZeneca, [REDACTED]
8. Purpose of travel to the United States (provide brief explanation of why urgent travel is needed and how travel will contribute to health and safety of passengers(s)): [REDACTED] is coming to the U.S. on a U-3

derivative visa to be reunited with her mother, [REDACTED] a U-1 holder who is very sick. If [REDACTED] does not arrive in the U.S. before [REDACTED] 2022, she will not be able to be reunited with her mother at all as she will no longer be able to use her U-3 visa, which she will age out of on [REDACTED] 2022. Her mother requires her assistance and care and was recently released from the hospital for complications based on her uncontrolled, advanced diabetes. In addition, if [REDACTED] is not able to enter the United States and be reunited with her mother, she is worried for her own safety as her support network in Guatemala has been impacted by the pandemic.

9. As applicable:

- o Justification for humanitarian exemption for testing requirement (e.g., no testing available where passenger is located): N/A - [REDACTED] plans to be tested
- o Justification for humanitarian or emergency exception to providing proof of being fully vaccinated (e.g., vaccine availability, passenger ineligible for vaccine at location, insufficient time to become fully vaccinated): [REDACTED] faced limited vaccine availability and now has insufficient time to become fully vaccinated. She lives in a rural region and got her first dose in [REDACTED]. When the people providing vaccines came back to provide second doses, [REDACTED] had a fever and an unrelated flu illness, so they wouldn't give her the second dose. Since then, the vaccine site did not return. Further, although she did try to get vaccinated in advance, she has insufficient time to become fully vaccinated before she will no longer be able to enter the United States after [REDACTED] 2022. This visa is being processed on an emergency basis, as her mother is ill and [REDACTED] is aging out of her status. She has one week before she must arrive in the United States or risk not being able to provide support to her mother and will not be able to travel at all.

10. Documentation to support justification for exception if provided (e.g., medical records or orders for medical evacuation): hospital discharge paperwork for [REDACTED] s mother, [REDACTED] from two recent hospital stays dated [REDACTED] 2022 and [REDACTED] 2022, citing her uncontrolled diabetes, showing she needs her daughter's care in the United States and will be at risk if [REDACTED] is not able to travel by [REDACTED]. Photograph of [REDACTED] s mother, [REDACTED] in the hospital taken [REDACTED] 2022. [REDACTED] s vaccination card and I-918A approval showing her U-3 derivative eligibility.

11. Information regarding any other solutions that were sought prior to application (e.g., flight changes, testing en route, assistance in obtaining testing/vaccination, etc.): [REDACTED] cannot change her plans due to the very short timeframe she has; her visa interview was only scheduled [REDACTED] on an emergency basis for [REDACTED] 2022 and was only just approved and issued on [REDACTED] 2022. [REDACTED] plans to obtain negative COVID-19 test prior to travel and become fully vaccinated as soon as possible once in the United States.

If you need anything further, please do not hesitate to ask.

Thank you,

Emma E. Morgenstern

Immigrant Justice Corps Fellow, Immigration Project | she / her

Volunteers of Legal Service

Tel: 347-521-5726 | Fax: 347-521-5734 | emorgenstern@volsprobono.org

[Thank You Video](#) | [2021 Report](#) | [Donate to VOLS](#)

From: Guatemala, Covid Waiver Emergency <GTMCOVIDWaiverEmergency@state.gov>

Sent: Wednesday, March 9, 2022 4:45 PM

To: Emma Morgenstern <EMorgenstern@volsprobono.org>

Subject: RE: URGENT Emergency Humanitarian Vaccination Waiver Request; [REDACTED]

Please read the following carefully before seeking a waiver.

The Centers for Disease Control and prevention (CDC) has **sole authority** to approve waivers of COVID-19 testing and vaccination requirements. Exemptions may be granted on an **extremely limited** basis when emergency travel (such as an emergency medical evacuation) must occur to preserve someone's life, health, or physical safety and testing cannot be completed before travel to the United States.

Travelers are **strongly advised** to seek an approved COVID-19 vaccination and test before travel, and to reconsider requesting a waiver.

Effective November 8, 2021, all non-immigrant, non-U.S. citizen air travelers to the United States will be required to be fully vaccinated and to provide proof of vaccination status prior to boarding an airplane to the United States. The CDC has determined that for the purposes of entry into the United States, vaccines accepted will include those FDA approved or authorized, as well as vaccines with an emergency use listing (EUL) from the World Health Organization (WHO). See the [CDC's website](#) for more details.

CDC also requires all aircraft passengers, with very limited exceptions, age two and over departing from any foreign country with a destination in the United States to have a negative COVID-19 test within the three days before their flight to the United States departs, or three days preceding departure of the initial flight if the passenger is arriving via one or more connecting flights, and show written or electronic documentation of their negative test result to the airline or provide documentation of recovery from COVID-19 in the form of a positive viral test result and a letter from a licensed health care provider or public health official stating that the passenger has been cleared for travel. U.S. citizens and Lawful Permanent Residents (LPRs) who are eligible to travel but are not fully vaccinated will need to provide proof of a negative COVID-19 test one (1) day before their flight. U.S citizens and LPRs who are fully vaccinated will need to present airlines with proof of vaccination and of a negative COVID-19 test three (3) days before their flight.

Currently, adequate numbers of COVID-19 RT-PCR tests are available from private laboratories in Guatemala to meet the needs of travelers to the United States. For complete information regarding private laboratories offering such tests, please visit <https://gt.usembassy.gov/alert-covid-19-2/>.






Individuals - or air carriers seeking to allow boarding by potentially qualifying individuals - who believe they meet the criteria for a waiver are required to provide the information below to GTMCOVIDWaiverEmergency@state.gov. A separate form must be submitted for each traveler. The U.S. Embassy will then submit the request to the CDC for consideration. Please note: **The Embassy cannot predict a timeline for the response or whether the waiver will be granted.**

The following information must be provided for each passenger:

1. Type of Humanitarian or emergency request
 - Justification for exemption from predeparture testing requirement; and/or
 - Justification for exception to requirement for proof of being fully vaccinated
2. Name (family name/surname, given name), passport number, and nationality
3. Cell phone number (including country code) of passenger or head of household if family unit

4. Email address of passenger or head of household if family unit
5. U.S. destination address
 - o Is U.S. destination home address?
6. Flight itinerary, including any connecting flights
 - o Airline
 - o Flight #
 - o Departure airport and date of departure
 - o Arrival airport and date of arrival
7. Vaccination Status
 - o Fully Vaccinated
 - i. Name of vaccine product (or products if a combination)
 - ii. Date of first dose
 - iii. Date of second dose (if a two-dose series)
 - iv. PDF or photograph of vaccination record
 - o NOT Fully Vaccinated
8. Purpose of travel to the United States (provide brief explanation of why urgent travel is needed and how travel will contribute to health and safety of passengers(s))
9. As applicable:
 - o Justification for humanitarian exemption for testing requirement (e.g., no testing available where passenger is located)
 - o Justification for humanitarian or emergency exception to providing proof of being fully vaccinated (e.g., vaccine availability, passenger ineligible for vaccine at location, insufficient time to become fully vaccinated)
10. Documentation to support justification for exception if provided (e.g., medical records or orders for medical evacuation)
11. Information regarding any other solutions that were sought prior to application (e.g., flight changes, testing en route, assistance in obtaining testing/vaccination, etc.)

5 attachments

-  **Hospital Discharge [REDACTED].pdf**
347K
-  **Hospital Discharge [REDACTED].pdf**
298K
-  **[REDACTED] Vax Card.pdf**
173K
-  **I-918A Approval Notice.pdf**
736K
-  **Photograph of [REDACTED] in Hospital [REDACTED].pdf**
246K