New Presidential Proclamation Restricts Travel From 8 African Countries

December 2, 2021

On November 26, 2021, citing the appearance of the COVID Omicron variant, President Biden [issued a Proclamation](1) (Proclamation 10315) that suspends the entry to the U.S. of noncitizens who have been physically present in any of the following countries during the 14-day period preceding their entry or attempted entry into the United States:

- Botswana
- Eswatini
- Lesotho
- Malawi
- Mozambique
- Namibia
- South Africa
- Zimbabwe

This Proclamation does NOT apply to the following individuals:

- U.S. citizens
- any lawful permanent resident (Green Card holder) of the U.S.
- any noncitizen national of the U.S.
- any noncitizen who is:
  - the spouse of a U.S. citizen or lawful permanent resident
the parent or legal guardian of a U.S. citizen or lawful permanent resident, provided that the U.S. citizen or lawful permanent resident is unmarried and under the age of 21

- the sibling of a U.S. citizen or lawful permanent resident, provided that both are unmarried and under the age of 21

- any noncitizen or group of noncitizens whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their designees

There are also few other exemptions as identified in Section 2 of the Proclamation [1].

If you have been in any of the eight countries affected by the Proclamation 10315 in the past 14 days or have made plans to travel to these countries soon, we recommend that you revise your travel plans. You can always discuss your travel plans with your designated OISS adviser [2]. Please note that the current Proclamation, like previous ones, includes possible “national interest exception (NIE)” for certain noncitizens, however neither the Department of State nor the Department of Homeland Security have made any announcements whether certain visa categories (such as F-1 and J-1 students, J-1 scholars, or H-1Bs) would be automatically considered for an NIE or published the eligibility criteria for NIEs under Proclamation 10315. NIEs approved under the four prior, now revoked geographic proclamations [3] are now void and will not work under Proclamation 10315 of November 26, 2021. A CBP Carrier Liaison Program bulletin [4] published on November 28, 2021 clarifies that “Any NIE granted to a noncitizen under previous proclamations are void with respect the Proclamation of November 26, 2021”. If you need to apply for a new visa at any of the eight countries covered by the Proclamation, we recommend that you contact the relevant U.S. Embassy or Consulate to inquire whether you would be eligible for an NIE specifically for Proclamation 10315. In the absence of a new NIE, any individual who has been physically present in one of the designated countries within the past 14 days would need to travel to a third country that is not subject to the restrictions, and stay in that third country for at least 14 days before they would be allowed to enter the U.S.

OISS will continue to monitor the situation and provide updates in our Current Travel Guidance and Restrictions page [5]. Please do not hesitate to contact your OISS adviser [2] if you have any questions.

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[2] https://oiss.yale.edu/about/connect-with-oiss