

COVID-19 European Travel Ban

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On March 11, 2020 President Trump issued a proclamation that limits certain travelers from certain EU countries into the U.S. effective at 11:59 p.m. EDT on March 13, 2020. Specifically, the proclamation limits the entry of people with visas to the U.S., including people traveling on the Visa Waiver Program (commonly but erroneously called an “ESTA visa” by travelers from the EU) until such time as the president determines to lift the travel ban. The president announced that initially the EU travel ban will last for 30 days, subject to be adjusted to conditions as they exist on the ground.

Important facts to know:

1. The EU travel ban prohibits entry into the U.S., as immigrants or non immigrants, of all aliens who were physically present within the Schengen Area during the 14-day period preceding their entry or attempted entry into the U.S.

The Schengen area comprises most of Europe, but does not include the United Kingdom. For purposes of the EU travel ban, the Schengen Area comprises 26 European states: *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.*

1. The EU travel ban does not prevent the return of:
 - Any U.S. Citizen, Lawful Permanent Resident (a “Green Card” holder), or any alien who is the spouse of a U.S. citizen or lawful permanent resident;
 - Any alien who is 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;
 - Any alien who is the sibling of a U.S. citizen or lawful permanent resident, provided that both are unmarried and under the age of 21;
 - Any alien who is the child, foster child, or ward of a U.S. citizen or lawful permanent resident, or who is a prospective adoptee

seeking to enter the U.S. pursuant to the IR-4 or IH-4 visa classifications;

- Any alien traveling at the invitation of the U.S. Government for a purpose related to containment or mitigation of the virus;
- Any alien traveling as a non immigrant pursuant to a C-1, D, or C-1/D non immigrant visa as a crew member or any alien otherwise traveling to the U.S. as air or sea crew.

Other additional categories apply such as members of the U.S. Armed Forces and spouses and children of members of the U.S. Armed Forces.

All employers should consider assessing their preparedness for employees traveling on behalf of the business, whether they are directly affected by the current travel bans or not. At a minimum, employers will want to know where their employees are traveling, including their accommodation locations, what their travel plans are, and have procedures in place to be able to communicate with their employees while they are traveling. Remember that employers have a general duty of care to their employees and that courts have held employers responsible for accidents and illnesses of their employees while traveling.

If you have questions or concerns, the employment attorneys at Nexsen Pruet can help.

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