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Three Things to Know: India Travel Ban Proclamation

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CHRISTINE E. FABIN
KANSAS CITY:
816.983.8000
CHRISTINE.FABIN@HUSCHBLACKWELL.COM

On April 30, 2021, the Biden Administration issued a Presidential Proclamation suspending the entry of certain foreign national travelers who have been physically present in India during the 14-day period preceding their travel to the United States. The Proclamation cites the recent surge in COVID-19 cases in India as the bases for the travel ban and U.S. Centers for Disease Control and Prevention (CDC) findings that "proactive measures are required to protect the Nation's public health from travelers entering the United States" from India.

The Proclamation went into effect on Tuesday, May 4, 2021, and will be re-evaluated every 30 days. Affected travelers should expect the travel ban to remain in place for a significant period of time.

Foreign national travelers and employers who employ foreign nationals should keep the following in mind:

1. Not everyone is subject to the travel ban. The following travelers are not subject to the travel ban but may be required to undergo additional screening upon arrival to the United States:

U.S. citizens and lawful permanent residents;

Spouses of U.S. citizens and lawful permanent residents;

Parents and legal guardians of unmarried U.S. citizen children or lawful permanent resident children, under the age of 21;

Siblings of U.S. citizens or lawful permanent residents, provided that both are unmarried and under the age of 21;

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Foreign nationals traveling at the invitation of the U.S. Government for a purpose related to containment or mitigation of COVID-19;

Foreign national air or sea crewmembers;

Foreign nationals, including immediate family members, who hold certain A, C, E-1 (as employees of Taipei Economic and Cultural Representative Office [TECRO] or Taipei Economic and Cultural Office [TECO]), G and NATO nonimmigrant Visa classifications;

Foreign nationals who fall within the scope of Section 11 of the United Nations Headquarters Agreement;

Foreign nationals whose entry would not pose a significant risk of introducing, transmitting or spreading the virus, as determined by the CDC;

Members of the U.S. Armed Forces as well as their spouses and children;

Foreign nationals whose entry would add further importance to U.S. law enforcement objectives.

2. There are exceptions to the travel ban. The Proclamation carves out an exception for those whose entry would be in the national interest. Waiver requests are accepted at the U.S. Consulate.

3. Foreign nationals outside of the United States may not be able to travel to the United States even if they are not subject to the travel ban. Employers should prepare for the possibility that employees who are physically present abroad may be unable to obtain a Visa from a U.S. Consulate or, if they possess a valid Visa, may not be able to enter the United States. Flights may be limited and may be cancelled at the last minute. Employers should use extreme caution before sending their foreign national employees internationally and clearly communicate those risks to their employees. As of the date of this posting, the COVID-19-related travel bans for the following countries remain in effect: China, United Kingdom, Schengen Area, South Africa, Brazil and Iran.

Contact us

Our attorneys are closely monitoring the impact of COVID-19 on international travel. Please contact Kelli Meilink, Christine Fabin or your Husch Blackwell attorney if you have any questions.

Your Comprehensive COVID-19 Legal Resource

Since the pandemic's onset, Husch Blackwell has continually monitored state-by-state orders regarding capacity, masking, vaccines, and more. We regularly address your FAQs and provide you with easy-to-use COVID-19 tools about returning to work and navigating federal programs. Contact

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our industry-specific legal teams or your Husch Blackwell attorney to plan through and beyond the pandemic.

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