

PUBLICATION

Travel to U.S. by Land and Ferry: New Vaccination Requirements and Exceptions Announced

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Following through on its announcement last November, the Department of Homeland Security (DHS) has implemented the administration's COVID-19 vaccination requirement at land and ferry ports-of-entry as of January 22, 2022. These new restrictions mirror those that have applied to air travel since October 25, 2021, with one exception: Travelers entering via a land or ferry port-of-entry are not required to complete any pre-entry COVID-19 testing; they must only present proof of vaccination to be admitted. Air travelers are required to present both proof of vaccination and negative test results from a COVID-19 test taken within one day of travel. For more details about air travel restrictions, see our previous alert, "Air Travel to the U.S.: Testing and Vaccination Requirements, Exceptions, Old Bans Dropped" (last updated 12/3/21).

These requirements apply to all non-U.S. persons – anyone who is not a U.S. citizen, national, or lawful permanent resident – who seek to enter the U.S. by land or ferry. A non-U.S. traveler must qualify for one of the following exceptions to enter the U.S. unvaccinated:

- Certain categories of individuals on diplomatic or official foreign government travel as specified in the Centers for Disease Control (CDC) Order;
- Children under 18 years of age;
- Certain participants in certain COVID-19 vaccine trials as specified in the CDC Order;
- Individuals with medical contraindications to receiving a COVID-19 vaccine as specified in the CDC Order;
- Individuals issued a humanitarian or emergency exception by the Secretary of Homeland Security;
- Members of the U.S. Armed Forces or their spouses or children (under 18 years of age) as specified in the CDC Order; and
- Individuals whose entry would be in the U.S. national interest, as determined by the Secretary of Homeland Security.

Exceptions to the vaccination requirement are limited and do not include exceptions for religious or personal beliefs. Both the DHS and the U.S. Department of State have deferred to the CDC to evaluate and approve national interest exceptions to the vaccination requirement. The CDC has released limited guidance on exceptions to the vaccination requirement and required travel attestations to date. Based on information provided by these agencies since the air-travel vaccination requirement was first implemented, non-U.S. travelers should anticipate such exceptions will be issued sparingly by the CDC. This may mean postponing or cancelling plans to travel to the U.S. if an exception cannot be obtained. If you have any questions, please contact one of the authors or any member of Baker Donelson's [Immigration Team](#).