

# The United States expands COVID-19 air travel restrictions to Brazil

May 26, 2020

We previously reported that President Trump had implemented several air travel restrictions in response to the COVID-19 pandemic, by means of four Presidential Proclamations. As a result of these Presidential Proclamations, most aliens who have been physically present in China, Iran, the Schengen Area, the United Kingdom, or Ireland, within the preceding 14 days, are now prohibited from entering the United States.

We also previously reported that United States Customs and Border Protection (USCBP) subsequently imposed strict land travel restrictions along the Canada-US border. These land travel restrictions prohibit most aliens from entering the United States at land ports of entry along the Canada-US border, except in the case of essential travel. However, the USCBP Notice that implemented these strict land travel restrictions made clear that they would not apply to air travel.

On May 24, 2020, President Trump issued a fifth Presidential Proclamation (the Fifth Proclamation), which expanded the air travel restrictions to Brazil. The Fifth Proclamation will now prohibit the entry of most aliens (by air) who were physically present within the Federative Republic of Brazil during the preceding 14 days. However, as in the case of the prior Presidential Proclamations, the following aliens will be exempt from the Fifth Proclamation:

- Any lawful permanent resident of the United States (i.e., a green card holder);
- Any alien who is the spouse of a US citizen or lawful permanent resident;
- Any alien who is the parent or legal guardian of a US citizen or lawful permanent resident, provided that the US citizen or lawful permanent resident is unmarried and under the age of 21;
- Any alien who is the sibling of a US 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 US citizen or lawful permanent resident, or who is a prospective adoptee seeking to enter the United States pursuant to an IR-4 or IH-4 visa (children from non-Hague Convention countries and Hague Convention countries who are coming to the US in order to be adopted);
- Any alien traveling at the invitation of the United States government for a purpose related to containment or mitigation of the virus;
- Any alien traveling under a C or D visa, as a crewmember or any alien otherwise traveling to the United States as air or sea crew;
- Any alien seeking entry into or transiting the United States pursuant to an A-1, A-2, C-2, C-3 (as a foreign government official or immediate family member of an official), E-1 (as an employee of TECRO or TECO or the employee's immediate family members), G-1, G-2, G-3, G-4, NATO-1 through NATO-4, or NATO-6 visa;
- Any alien whose travel falls within the scope of Section 11 of the United Nations Headquarters Agreement (which

includes representatives of United Nations members and officials of the United Nations, who are transiting to and from the United Nations Headquarters District);

- Members of the US Armed Forces, and spouses and children of members of the US Armed Forces;
- Any alien whose entry would not pose a significant risk of introducing, transmitting or spreading the virus, as determined by the Centers for Disease Control Director or his designee;
- Any alien whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees based on a recommendation of the Attorney General or his designee; and
- Any alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security or their designees.

The Fifth Proclamation will become effective at 11:59 p.m. Eastern Daylight Time on May 28, 2020. However, it will not apply to persons aboard a flight scheduled to arrive in the United States that departed prior to this date/time. The Fifth Proclamation will remain in effect until terminated by the President of the United States.

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