

Administration of Joseph R. Biden, Jr., 2021

Proclamation 10199—Suspension of Entry as Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease 2019

April 30, 2021

By the President of the United States of America

A Proclamation

The national emergency caused by the coronavirus disease 2019 (COVID–19) outbreak in the United States continues to pose a grave threat to our health and security. As of April 29, 2021, the United States had experienced more than 32 million confirmed COVID–19 cases and more than 570,000 COVID–19 deaths. It is the policy of my Administration to implement science-based public health measures, across all areas of the Federal Government, to act swiftly and aggressively to prevent further spread of the disease.

The Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services, working in close coordination with the Department of Homeland Security, has determined that the Republic of India is experiencing widespread, ongoing person-to-person transmission of SARS–CoV–2, the virus that causes COVID–19. The World Health Organization has reported that the Republic of India has had more than 18,375,000 confirmed cases of COVID–19. The magnitude and scope of the COVID–19 pandemic in the Republic of India is surging; the Republic of India accounts for over one-third of new global cases, and the number of new cases in the Republic of India is accelerating at a rapid rate. There have been more than 300,000 average new daily cases in the Republic of India over the past week. A variant strain of the virus, known as B.1.617, is also circulating in the Republic of India, along with other variant strains, including B.1.1.7, first detected in the United Kingdom, and B.1.351, first detected in the Republic of South Africa. The CDC advises, based on work by public health and scientific experts, that these variants have characteristics of concern, which may make them more easily transmitted and have the potential for reduced protection afforded by some vaccines.

After reviewing the public health situation within the Republic of India, CDC has concluded that proactive measures are required to protect the Nation's public health from travelers entering the United States from that jurisdiction.

Given the determination of CDC, working in close coordination with the Department of Homeland Security, described above, I have determined that it is in the interests of the United States to take action to restrict and suspend the entry into the United States, as nonimmigrants, of noncitizens of the United States ("noncitizens") who were physically present within the Republic of India during the 14 day period preceding their entry or attempted entry into the United States.

Now, Therefore, I, Joseph R. Biden Jr., President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that the unrestricted entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 2 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. Suspension and Limitation on Entry. The entry into the United States, as nonimmigrants, of noncitizens who were physically present within the Republic of India during

the 14-day period preceding their entry or attempted entry into the United States is hereby suspended and limited subject to section 2 of this proclamation.

Sec. 2. Scope of Suspension and Limitation on Entry.

(a) Section 1 of this proclamation shall not apply to:

- (i) any lawful permanent resident of the United States;
- (ii) any noncitizen national of the United States;
- (iii) any noncitizen who is the spouse of a U.S. citizen or lawful permanent resident;
- (iv) any noncitizen 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;
- (v) any noncitizen who is the sibling of a U.S. citizen or lawful permanent resident, provided that both are unmarried and under the age of 21;
- (vi) any noncitizen 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 United States pursuant to the IR-4 or IH-4 visa classifications;
- (vii) any noncitizen traveling at the invitation of the United States Government for a purpose related to containment or mitigation of the virus;
- (viii) any noncitizen traveling as a nonimmigrant pursuant to a C-1, D, or C-1/D nonimmigrant visa as a crewmember or any noncitizen otherwise traveling to the United States as air or sea crew;
- (ix) any noncitizen
 - (A) seeking entry into or transiting the United States pursuant to one of the following visas: 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 (or seeking to enter as a nonimmigrant in one of those NATO categories); or
 - (B) whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement;
- (x) any noncitizen who is a member of the U.S. Armed Forces or who is a spouse or child of a member of the U.S. Armed Forces;
- (xi) any noncitizen 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; or
- (xii) any noncitizen whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their designees.

(b) Nothing in this proclamation shall be construed to affect any individual's eligibility for asylum, withholding of removal, or protection under the regulations issued pursuant to the legislation implementing the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, consistent with the laws and regulations of the United States.

Sec. 3. Implementation and Enforcement. (a) The Secretary of State shall implement this proclamation as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish. The Secretary of Homeland Security shall implement this proclamation as it applies to the entry of noncitizens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

(b) The Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security shall endeavor to ensure that any noncitizen subject to this proclamation does not board an aircraft traveling to the United States, to the extent permitted by law.

(c) The Secretary of Homeland Security may establish standards and procedures to ensure the application of this proclamation at and between all United States ports of entry.

(d) Where a noncitizen circumvents the application of this proclamation through fraud, willful misrepresentation of a material fact, or illegal entry, the Secretary of Homeland Security shall consider prioritizing such noncitizen for removal.

Sec. 4. Termination. This proclamation shall remain in effect until terminated by the President. The Secretary of Health and Human Services shall, as circumstances warrant and no more than 30 days after the date of this proclamation and by the final day of each calendar month thereafter, recommend whether the President should continue, modify, or terminate this proclamation.

Sec. 5. Effective Date. This proclamation is effective at 12:01 a.m. eastern daylight time on May 4, 2021. This proclamation does not apply to persons aboard a flight scheduled to arrive in the United States that departed prior to 12:01 a.m. eastern daylight time on May 4, 2021.

Sec. 6. Severability. It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the national security, public safety, and foreign policy interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 7. General Provisions. (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

In Witness Whereof, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.

JOSEPH R. BIDEN, JR.

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NOTE: This proclamation was published in the *Federal Register* on May 6.

Categories: Proclamations : 2019 coronavirus disease, nonimmigrants who pose risk of transmitting, suspension of U.S. entry.

Subjects: Diseases : Coronavirus, domestic prevention efforts; Health and Human Services, Department of: Centers for Disease Control and Prevention; Immigration and naturalization : Foreign nationals and refugees, U.S. admission policy; India : Coronavirus outbreak; World Health Organization.

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