

No Entry for Certain Individuals Who Have Recently Been in Brazil

By Elizabeth M. Klarin

May 27, 2020 | **IMMIGRATION**

President Trump issued a new [proclamation](#) on Monday suspending entry to the U.S. by any individual who has been in Brazil in the 14 day period preceding their entry or attempted entry to the U.S., due to the risk of such individuals transmitting COVID-19. Specifically, the proclamation states:

*“The Centers for Disease Control and Prevention (CDC), a component of the Department of Health and Human Services, working in close coordination with the Department of Homeland Security, has determined that the **Federative Republic of Brazil is experiencing widespread, ongoing person-to-person transmission of SARS-CoV-2.** As of May 23, 2020, the World Health Organization reported that the Federative Republic of Brazil had 310,087 confirmed cases of COVID-19, which is the third highest number of confirmed cases in the world.*

*The potential for undetected transmission of the virus by infected individuals seeking to enter the United States from the Federative Republic of Brazil threatens the security of our transportation system and infrastructure and the national security, and 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 immigrants or nonimmigrants, of all aliens who were physically present within the Federative Republic of Brazil during the 14-day period preceding their entry or attempted entry into the United States.**”*

Brazil joins a long list of countries from which entry has been limited for those who enter or attempt to enter the U.S. within two weeks of being in-country. Other countries currently still garnering similar restrictions include the People’s Republic of China (excluding the Special Administrative Regions of Hong Kong and Macau), the Islamic Republic of Iran, the Schengen Area, the United Kingdom (excluding overseas territories outside of Europe), and the Republic of Ireland.

Of note, this proclamation does not pertain to the following:

- i. Any lawful permanent resident of the United States;
- ii. Any alien who is the spouse of a U.S. citizen or lawful permanent resident;
- iii. 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;
- iv. 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;
- v. 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 United States pursuant to the IR-4 or IH-4 visa classifications;

- i. Any alien traveling at the invitation of the United States Government for a purpose related to containment or mitigation of the virus;
- l. Any alien traveling as a nonimmigrant pursuant to a C-1, D, or C-1/D nonimmigrant visa as a crewmember or any alien otherwise traveling to the United States as air or sea crew;
- l. Any alien:
 - l. 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
 - l. whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement;
- l. Any alien who is a member of the U.S. Armed Forces and any alien who is a spouse or child of a member of the U.S. Armed Forces;
- l. Any alien whose entry would not pose a significant risk of introducing, transmitting, or spreading the virus, as determined by the Secretary of Health and Human Services, through the CDC Director or his designee;
- l. 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; or
- l. 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.

Please contact your LMWF immigration team with any questions or concerns about this update.

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