

Could the End of Covid-Related International Travel Bans Mean a New Beginning?

By [Michael Wildes](#), Managing Partner, Wildes and Weinberg PC | December 26, 2021



On October 15, the White House officially announced the end of a series of restrictive travel bans that resulted in a precipitous decrease in international travel since their implementation in the late spring of 2020.

Starting on November 8, fully vaccinated travelers have been able to travel to the U.S. This represents an enormous opportunity for the hospitality industry, as foreign travel and employment have long been a major sources of revenue for the industry.

To fully appreciate the importance of this development, it is important to understand how the travel bans came about and what to expect once they come to an end.

The Beginning: Bans, Backlogs, and a World of Confusion

The initial rollout of the travel ban, which was announced through a presidential proclamation signed by President Trump on January 31st, 2020, was aimed at individuals who had been present in China [within the preceding 14 days](#). While the country-specific restriction was deemed essential because the U.S. government was "unable to effectively evaluate and monitor all of the travelers continuing to arrive from China," there were a number of exceptions that exempted an array of people despite their potential exposure to the virus, including U.S. citizens and permanent residents (and their immediate family), air crew members, students, and, "any alien whose entry would be in the national interest."

This latter category would prove particularly consequential in the following months, because as additional proclamations were implemented that added new countries like the United Kingdom, Ireland, and most of Europe to the list of "banned" areas, more and more travelers applied for "National Interest Exception" requests. A National Interest Exception request, known more familiarly as an "NIE," soon became essential for travel by most non-immigrant visa holders, business travelers traveling into the country for meetings using the Visa Waiver Program's Electronic System for Travel Authorization ("ESTA"), and by individuals who had been approved for work visas but still had to interview at consulates in countries subject to one of the proclamations.

The NIE standard was something of a moving target, as it was not only the subject of often confusing updates by the Department of State, but various consulates and ports of entry in the U.S. applied metrics for evaluating requests that were inconsistent and frequently contradictory. The result was a significant reduction in travel by even the most senior business people from places like Europe and China, while entry by students or tourists arriving from countries with high rates of COVID-19 was left largely unchecked.

While President Trump attempted to rescind his proclamations in the waning days of his administration, the Biden administration almost immediately announced a resumption of travel restrictions that were nearly identical to their 2020 antecedents. Biden's team credibly claimed that extending the bans was necessary due to the surge of cases in parts of the U.S. and the spread of variants in first half of 2021.

However, their "science based" approach was largely identical to what was being replaced, further exacerbating congestion at consulates and ports of entry where NIEs were being adjudicated. It also added to complications caused by COVID-19 related staffing reductions at most of the U.S. consulates, and soon applicants were faced with backlogs of several months to interview for a visa, with some posts reporting waits stretching well into 2022.

The disruption caused by the bans and by COVID-19 in general has been well documented, and millions of travelers who ordinarily entered the U.S. for business or pleasure before the pandemic were left with few options. The bans, combined with an overall wariness to engage in international travel, effectively crippled travel for the purposes of tourism and business, and data from USTravel.org confirms that international arrivals dropped more than 81% between 2019 and 2020, accounting for more than [\\$150 billion dollars](#) in lost spending.

The hospitality industry was perhaps hit hardest of all, as loss of business due to closures, costly safety protocols, and dwindling business resulted in closures and mass layoffs. In many areas that depend on international tourism to fuel local economies, the

downturn has been catastrophic.

Fortunately, things appear to be changing. With the wide availability of reliable vaccines and months of steady declines in cases, vaccinated travelers will be able to visit the U.S. for the first time in almost two years. The reintroduction of international travel should be seen as reason for hope. Some 57% of international travelers have indicated that the announcement has encouraged them to book travel to the U.S. [within the next 6 months](#).

At the same time, immigration attorneys are seeing movement at consulates which have been backlogged for months, and travel by foreign workers is likely to increase exponentially as impediments to visa issuance associated with pandemic mitigation efforts are removed. It is likely that this holiday season will see a major influx of travelers entering the U.S. to see loved ones, to say nothing of travel from the U.S. by foreign nationals who have been discouraged from travelling abroad since March of 2020.



The author, pictured with his client former first lady Melania Trump, has helped navigate Covid-19-related travel bans as well as a range of other hospitality immigration matters.

Re-Opening the Golden Door: What Comes Next?

It is still too early to predict how quickly international travel will recover, but all indications suggest that the rescission of the onerous travel bans will encourage international travelers to return to the U.S., particularly at a moment when infection rates are dropping. The pandemic might not be over, but there is reason to hope that it has entered a phase where it is more manageable. Travel for pleasure and business will likely continue to experience a steady climb, and foreign workers, who represent an important pool of talent for understaffed operations, will once again factor into hiring decisions.

The largest class of travelers that have been most affected by the travel bans have been tourists. Those attempting to enter for pleasure, particularly travelers who had relied on obtaining permission to enter without a visa under ESTA, have had few options for entering the U.S. during the pandemic. For example, European tourists attempting to apply for an NIE were frequently denied, as they were not entering to performing work in critical infrastructure areas or generate significant revenue for an American business or industry. The workaround of waiting for 14 days in a country not subject to a proclamation was expensive, confusing, and not without risk of exposure to the virus.

Even Mexican and Canadian citizens, who were not directly impacted by the bans, were subject to air and land border closures (these, too, have been rescinded). Observers can expect, therefore, that travel for tourism will increase in the near term. The removal of travel restrictions also come at time when congestion in major destinations is comparatively low and visitors from abroad can expect to see significant discounts at notable properties and businesses that provide leisure activities [like scuba diving and cycling tours](#).

Taken with COVID-19 mitigation protocols, which are even being evaluated in reviews conducted by such venerable institutions as the Forbes Travel Guide, there is a wide array of inducements available that could encourage international travelers to make their return to the U.S. in style.

Although business travel may still look very different following the pandemic thanks to innovations like Zoom and remote work, corporate travel to attend meetings, liaise with clients, and participate in conferences [was already beginning to rebound](#) even before the news that the travel ban was ending was announced. This will be a boon for cities like New York, Los Angeles, and Washington, D.C. that welcome travelers arriving for both business and pleasure and conference stalwarts like Las Vegas and New Orleans that have long played host to professional events.

In addition to a return of business, hotels, resorts, and restaurants will also be able to once again look overseas to find new talent. This is particularly valuable for any business that relies on star chefs or international performers to generate business, to say nothing of the firms that employ the 85,000 skilled workers who come to the US every year under the H1B visa. While the impact of next round of H1B selection will not be fully felt until October of 2022, enthusiasm for the visa remains high, which in itself is a bellwether for the confidence employers feel about the return to normalcy.

Further, the O "extraordinary ability" visa as well as J and M visas, traditional sources for both highly skilled and more prosaic work, continue to be strong options for hospitality, particularly as consulates appear to be working to address delays in interview availability and visa issuance.

The Biden administration's repeal of the international travel bans is an important development in the country's fight to rebound from COVID-19. The coming months will show just how enthusiastic travelers and workers will be to return, but this is without question an important moment and one that the hospitality industry should be ready to embrace. As has always been the case in the U.S., immigrants and foreign travelers will have a part to play in our success, and now more than ever we need to show the world that we are once again open for business.



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[Extended Biography](#)

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