



# Europe: Updated Guidance on Qualifications for National Interest Exceptions

## Summary

Since March 2021, the National Interest Exceptions (NIEs) allowing foreign nationals entry to the United States from Schengen Area, Ireland, and the United Kingdom (UK) have changed. Categories of travel considered to be in the national interest have become more restrictive. Fewer individuals will be permitted to travel to the United States from Europe, and some travelers who previously received NIEs will no longer be eligible. NIE criteria for academics, students, and journalists has not changed. This report details the recent changes to the NIEs and outlines the process for applying to travel to the United States.

## Presidential Proclamation Banning Entry from Europe

On January 25, President Biden [signed](#) Presidential Proclamation (PP) 10143, continuing the suspension of entry of all foreign nationals to the United States, who have been present in the Schengen Area, the United Kingdom (UK), and the Republic of Ireland 14-day period preceding travel. However, the secretaries of the Department of Homeland Security (DHS) and the Department of State (DoS) determined that the benefits of certain travel to United States' interests occasionally outweigh the health risks, which resulted in the decision to allow National Interest Exceptions (NIEs) that permit travel. This is a continuation of March 2020 Presidential Proclamations PP 9993 and PP 9996. There is no further information on when the ban will be lifted and the NIEs will no longer be needed.

## Key Changes for Travelers

The changes to the NIEs aim to combat the spread of COVID-19 by further reducing non-essential international travel. The new guidelines outlined below will result in fewer NIE approvals if the travel does not provide vital support to critical infrastructure sectors or qualify for another available exception.

- The Secretary of State rescinded the previous national interest determination that allowed certain technical experts and specialists, senior-level managers and executives, treaty-traders and investors, professional athletes, and their dependents to enter the United States.

The Secretary of State made a new national interest determination covering certain travelers seeking to provide "vital support of critical infrastructure sectors as defined by DHS or critical infrastructure linked supply chain." Travelers in these categories, as well as academics, students, and journalists for whom NIE criteria has not changed, may qualify for NIEs to PP 10143 as related to the Schengen Area, the UK, and Ireland.

- No previously issued visas or NIEs will be revoked due to the new policy. Those NIEs were generally valid for travel within 30 days of issuance and allowed one entry into the United States. Many travelers who are now in the United States entered with a NIE that was approved under the former criteria and will likely not qualify for another NIE under the new criteria. Travelers who are already working temporarily in the United States should closely review the new guidance when considering trips to Europe.

## Travel That **Does Not Qualify** for a NIE

Embassies and Consulates can no longer approve NIEs for the following purposes of business travel:

- Senior executives traveling to observe operations, hold regular meetings, or conduct routine operational travel.

- Senior-level employees, investors, and treaty traders (including individuals with valid E-1 and E-2 non-immigrant visas or applications) whose travel does not provide vital support of critical infrastructure sectors or critical infrastructure linked supply chain.

In compelling circumstances, travel that does not provide vital support of critical infrastructure sectors may still be considered in the national interest if it will directly support the creation or retention of U.S. jobs. Individuals making such requests must demonstrate that their personal travel is vital, that the personal travel directly supports the creation or retention of U.S. jobs, and that the proposed activity must physically take place in the United States and cannot be postponed or conducted remotely. Embassies and consulates are not authorized to approve such requests; these cases require significant justification and must be approved by the Department of State's Assistant Secretary for Consular Affairs.

## Travel that **May Qualify** for a NIE

NIEs are still available to travelers holding a current visa or Electronic System for Travel Authorization (ESTA) registration, as well as new visa applicants, in the categories noted below. Approvals are based on the traveler's function and visa classification as noted below. U.S. nationals, U.S. Legal Permanent Residents, their spouses, and minor children, as well as parents of minor U.S. nationals and U.S. Legal Permanent Residents, remain exempt.

- **Individuals who provide vital support of critical infrastructure sectors as defined by DHS or critical infrastructure linked supply chain.** Vital support, for example, pertains to the installation, acquisition, maintenance, and essential safety training necessary to sustain the supply and production chains in the sectors listed in the second bullet below. It also applies to other functions performed by specialists or other individuals that are essential to continuity within a given sector.

**The DHS-defined critical infrastructure sectors are:** chemical, commercial facilities, communications, critical manufacturing, dams, defense industrial base, emergency services, energy, financial services, food and agriculture, government facilities, healthcare and public health, information technology, nuclear reactors, transportation, and water/wastewater systems.

- **Public Health Professionals.** Travel as a public health or healthcare professional or researcher to alleviate the effects of the COVID-19 pandemic, or to continue ongoing research in an area with substantial public health benefit.
- **Foreign Policy or U.S. Government Invitation.** Travel based on a request from a U.S. government agency or entity to meet foreign policy objectives or to satisfy treaty or contractual obligations.
- **Travel by journalists from Schengen area countries.**
- **Spouses and/or children who will accompany or follow a principal applicant who is excepted from, or not subject to, the Presidential Proclamations, for travel that would reasonably be expected to include family members.**

## No Change for Students

Students traveling from the Schengen Area, the UK, and Ireland with valid F-1 and M-1 visas do not need to contact a U.S. embassy or consulate to seek an individual NIE to travel. Students seeking to apply for new F-1 or M-1 visas should check the status of visa services at the nearest U.S. embassy or consulate; those applicants who are found to be otherwise qualified for an F-1 or M-1 visa will automatically be considered for a NIE to travel.

## Impact on OSAC Members

Some members expressed that they would seek NIEs for their employees, but OSAC does not have any information on approval rates. There are no indications of when the travel restrictions imposed by PP 10143 will end and the NIEs will no longer be needed.

Travelers who wish to visit the United States and believe they may qualify for a NIE should contact the Consular Affairs section at the nearest U.S. embassy or consulate before attempting to travel. Country-specific information about how to apply for NIEs can be found on the [U.S. Embassies' COVID-19 information pages](#).

If a NIE is approved, an individual may travel on either a valid visa or ESTA authorization, as appropriate. If approved, NIEs are valid only for a single entry to the United States within 30 days of the approval. Please plan the timing of your request and itinerary accordingly, as processing times could lengthen.

As a condition of receiving a NIE, travelers must agree to comply with all applicable federal, state, and local health regulations as they relate to the requirements for self-isolation and preventing the spread of COVID-19 upon arrival in the United States. Check the [state and local public health websites](#) of your destination for COVID-19 entry requirements before you travel.

## Additional Information

For more information on the security environment across Europe, contact [OSAC's Europe team](#).

- [OSAC Report: National Interest Exceptions for Certain Travelers from Europe](#)
- [Bureau of Consular Affairs: COVID-19 Frequently Asked Questions for U.S. Citizens](#)
- [U.S. Embassies' COVID-19 Information Pages](#)

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