



C. STEWART VERDERY, JR.'S WEBINAR ON THE EUROPE TRAVEL BAN

On Thursday, March 12, 2020, Monument Advocacy's CEO and Founder, C. Stewart Verdery, Jr., held a webinar to discuss the new White House proclamation that will expand travel restrictions to include much of Europe in the wake of COVID-19 outbreaks. Stewart provided a detailed explanation of the stated purpose, procedures, and effects of the proclamation. The following is a list of his key points:

Who is affected by the new travel restrictions?

The White House proclamation bars from entry to the U.S. any foreign national who was "physically present within the Schengen Area during the 14-day period preceding their entry or attempted entry into the United States" (with some exceptions).

The 26 European countries in the Schengen Area include: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland. The United Kingdom is not included, nor are EU members Bulgaria, Croatia, or Cyprus.

Thus the proclamation covers both residents of those countries and nationals from other countries who have been in the Schengen Area, including connecting at an airport in the Area.

Who is excluded from the travel restrictions?

U.S. citizens and legal permanent residents, as well as their immediate families (spouses, unmarried siblings under 21, and children), are excluded from the travel restrictions. Other excluded persons include health professionals that are part of international efforts to combat the spread of the virus, diplomats, air or sea crew, and asylum seekers. The proclamation also provides for several waiver systems for special entry, including waivers to allow "any alien whose entry would be in the national interest" and "any alien whose entry would further important . . . law enforcement objectives."

When do the travel restrictions actually start and how long will they last?

The ban will start Friday, March 13, 2020 at 11:59 p.m. U.S. eastern time. Passengers on flights headed to the U.S. that are in the air at the time the restrictions come into force will not be affected. There is no provision in the proclamation stating how long these travel restrictions will last, but there are media reports that the restrictions are set to last for 30 days.

How will banned travelers be identified?

Airlines will be required to identify passengers flying on passports from affected countries. In addition, U.S. Customs and Border Protection will review passenger manifests at its National Targeting Center to

identify additional individuals with travel histories indicating they have been in the Schengen Area in the past 14 days.

How will U.S. citizens and exempted travelers traveling from the Schengen Area be handled?

Americans returning from the Schengen Area, and those with exemptions to the ban, will be funneled through 13 airports for additional medical screening and will be asked to self-quarantine for 14 days. It is expected that the list of airports will include:

1. John F. Kennedy International Airport (JFK), New York
2. Chicago O'Hare International Airport (ORD), Illinois
3. San Francisco International Airport (SFO), California
4. Seattle-Tacoma International Airport (SEA), Washington
5. Honolulu Daniel K. Inouye International Airport (HNL), Hawaii
6. Los Angeles International Airport (LAX), California
7. Hartsfield-Jackson Atlanta International Airport (ATL), Georgia
8. Washington Dulles International Airport (IAD), Virginia
9. Newark Liberty International Airport (EWR), New Jersey
10. Dallas/Fort Worth International Airport (DFW), Texas
11. Detroit Metropolitan Wayne County Airport (DTW), Michigan
12. Boston Logan International Airport (BOS), Massachusetts
13. Miami International Airport (MIA), Florida

Acting Department of Homeland Security Secretary Chad F. Wolf is expected to provide more detail on this issue when he publishes a supplemental Notice of Arrivals Restriction "in the next 48 hours."

What is the reasoning behind the travel restrictions?

Europe is reporting a total of 23,000 COVID-19 cases and several countries in the Schengen zone, including Italy, France, and Spain, have struggled to contain COVID-19 outbreaks. The proclamation expressly states, "[t]he potential for undetected transmission of the virus by infected individuals seeking to enter the United States from the Schengen Area threatens the security of our transportation system and infrastructure and the national security."

Which agencies will be charged with implementing the travel restrictions?

The proclamation provides bifurcated responsibility between the Department of Homeland Security (DHS) and the State Department. DHS, through Customs and Border Protection, will be charged with implementing travel restrictions from the Schengen Area at the point of departure and will be assisting Schengen Area airport personnel with boarding decisions. The State Department will soon issue guidance as to what types of exceptions are eligible for people acting under the visa process.

Will the travel restrictions affect trade between the Schengen Area countries and the United States?

No. The proclamation states, "[t]he free flow of commerce between the United States and the Schengen Area countries remains an economic priority for the United States, and I remain committed to facilitating trade between our nations."

How did Schengen Area countries respond to the new travel restrictions?

European Council President Charles Michel and European Commission President Ursula von der Leyen issued the following joint statement: “The European Union disapproves of the fact that the US decision to impose a travel ban was taken unilaterally and without consultation. The coronavirus is a global crisis, not limited to any continent and it requires co-operation rather than unilateral action.”
