



**IMMIGRATION AND NATIONALITY
LAW GROUP PLLC**

National Interest Determination Rescinded Regarding Categories of Travelers Eligible for Exceptions Under Presidential Proclamation 10143 as related to the Schengen Area, U.K., and Ireland

The Department of State Secretary rescinded the previous national interest determination regarding categories of travelers eligible for exceptions under Presidential Proclamation 10143 as related to the Schengen Area, U.K., and Ireland.

The previous National Interest Exception (NIE) categories covered certain technical experts and specialists, senior-level managers and executives, treaty traders and investors, professional athletes, and their dependents.

The only National Interest Exceptions remaining are for those travelers seeking to provide vital support for critical infrastructure and travelers seeking to enter the United States for purposes related to humanitarian travel, public health response, and national security.

Previously granted NIEs remain valid and will not be revoked due to this new determination.

Qualified travellers who are applying for or have valid visas or ESTA authorization may travel to the United States following the procedures below even as PP 10143 remains in effect.

Therefore, as of March 2, 2021, the Department of State has revised the NIE determination for the Schengen Area, U.K., and Ireland to cover the following categories of travelers:

1. Students travelling from the Schengen Area, U.K., and Ireland with valid F-1 and M-1 visa **do not** need to contact an embassy or consulate to seek an individual NIE to travel.

2. Students seeking to apply for new F-1 or M-1 visas should check the status of visa services from the nearest embassy or consulates. **Those applicants qualified for an F-1 and M-1 visa will automatically be considered for a NIE to travel.**
3. Travelers offering **vital support for critical infrastructure** with a valid visa, an ESTA authorization or seeking to apply for a visa and believe they may qualify for an NIE should contact the nearest embassy or consulate to seek an individual NIE to travel. If the NIE is approved, they may travel either on a valid visa or ESTA authorization, as appropriate. List of Essential Critical Infrastructure: **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, Materials, and Waste, Transportation Systems, and Water and Wastewater Systems.**
4. Academics, J-1 students, and journalists seeking to apply for a new visa, or who have a valid visa or an ESTA authorization should check the status of visa services from the nearest embassy or consulates to seek an individual NIE to travel.
5. Qualified travelers travelling to U.S. for purposes related to humanitarian travel, public health response, and national security continues to get a grant for NIEs. These travelers should also review the website of the nearest embassy or consulate to seek an individual NIE to travel.

We appreciate the transparency and concerted efforts of our European partners and allies to combat this pandemic and welcome the EU's reciprocal action to allow key categories of essential travel to continue.

If you have have any questions regarding this new NIE determination, we are available to answer any of your questions.

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