



GMS Flash Alert

Immigration Edition

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United States - U.S.-Canada Border Closed to Non-Essential Travel

As a result of the COVID-19 pandemic, the United States and Canada are temporarily restricting all “non-essential travel” across its borders. The restriction, which took effect on March 20, 2020, applies to land ports of entry along the US-Canadian border.¹

The U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection published a “Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Canada.”² This action does not apply to air, rail or sea travel between the United States and Canada. It does apply to passenger rail and ferries between the two countries.

The restrictions are temporary in nature and are to remain in effect until April 20, 2020.

WHY THIS MATTERS

Those who travel across the land borders must be prepared to explain how their work can be defined as essential. They should have documentation on them to give to the CBP that provides further evidence to support their statements.

The situation is fluid and highly discretionary. Thus, it is imperative that employers confirm the state of affairs at a particular port of entry before their employees seek to enter.

What Is Essential Travel?

The U.S. and Canada have confirmed that normal operations and process for entry will be limited to only those travelers engaged in “essential travel.” The temporary land border closure should not impact trade between both countries or disrupt critical supply chains that help to ensure food, fuel, medicine, and other critical materials reach individuals on both sides of the border.

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The DHS will have discretion to determine what qualifies as essential travel. Authorities can also determine that other forms of travel such as, in furtherance of economic stability or social order, constitute essential travel. Such determinations can extend to individual humanitarian services or other purposes in the national interest. The notification provides the following non-exhaustive list:

- U.S. citizens and lawful permanent residents returning to the United States;
- Individuals traveling for medical purposes (e.g., to receive medical treatment in the United States);
- Individuals traveling to attend educational institutions;
- Individuals traveling to work in the United States (e.g., individuals working in the farming or agriculture industry who must travel between the United States and Canada in furtherance of such work);
- Individuals traveling for emergency response and public health purposes (e.g., government officials or emergency responders entering the United States to support federal, state, local, tribal, or territorial government efforts to respond to COVID-19 or other emergencies);
- Individuals engaged in lawful cross-border trade (e.g., truck drivers supporting the movement of cargo between the United States and Canada);
- Individuals engaged in official government travel or diplomatic travel;
- Members of the U.S. Armed Forces, and the spouses and children of members of the U.S. Armed Forces, returning to the United States; and
- Individuals engaged in military-related travel or operations.

Further communications have emphasized that those who work in a critical infrastructure industry, as defined by the DHS, have a special responsibility to maintain their normal work schedule.

FOOTNOTES:

1 See DHS [March 20 Joint Statement](#).

2 See *Federal Register* [notice](#) March 24, 2020.

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Contact us

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