



GMS Flash Alert

Immigration Edition

2020-194 | April 23, 2020



United States - Border Restrictions with Canada, Mexico Extended Through May 20

As a result of the COVID-19 pandemic, the U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) has announced it will continue to enforce restrictions on “non-essential” travel across U.S. land borders with Canada and Mexico through May 20, 2020.¹

These restrictions were originally implemented on March 21, 2020, for an initial period of 30 days, and may continue to be similarly extended in the coming months as deemed necessary. (For prior coverage, see GMS [Flash Alert 2020-110](#), March 25, 2020.)

The extension was formally published by the Centers for Disease Control (CDC) via notice to the *Federal Register*.²

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, including valid travel documents, with them to give to the CBP that provides further evidence to support their statements.

The situation continues to be 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.

“Essential Travel” Defined

The U.S., Canada, and Mexico have confirmed that normal operations and processes 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 and businesses on both sides of the border.

The DHS will have discretion to determine what qualifies as essential travel. Authorities can also determine that other forms of travel, 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 in the Visa Waiver Program who are not otherwise subject to travel restrictions;
- Individuals traveling to attend educational institutions;
- Individuals traveling to work in the United States who hold valid travel documents (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 [CBP Press Release](#), April 22, 2020.

2 See *Federal Register* [Notice dated April 22, 2020](#).

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Contact us

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