



GMS Flash Alert

Immigration Edition

2020-240 | May 21, 2020



United States - Land Border Restrictions with Canada, Mexico Extended Through June 22

As a result of the COVID-19 pandemic, United States Customs and Border Protection (CBP) has announced a one-month extension of restrictions on “non-essential” travel across U.S. land borders with Canada and Mexico through June 22, 2020.¹ (For prior coverage, see GMS [Flash Alert 2020-194](#), April 23, 2020.) The restriction on non-essential travel is also applicable to international travelers seeking admission to the U.S. via ferry and passenger rail.

These restrictions were originally implemented on March 21, 2020, for an initial period of 30 days and have subsequently been extended in 30-day increments. They may continue to be similarly extended in the coming months as deemed necessary.

The extension was formally published by the Centers for Disease Control and Prevention (CDC) and will also be published in the *Federal Register*.²

WHY THIS MATTERS

Those who travel across the U.S. via land borders and ferries 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 CBP that provides further evidence to support their statements.

The general restrictions in force at the land borders will likely continue to impact employers and their employees who frequently travel between the United States, Canada, and Mexico as business visitors. Travelers should anticipate facing additional scrutiny from CBP when seeking admission to the U.S., and to the extent possible avoid travel to prevent complications and the possibility of being refused entry at the border.

“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 the 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.

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 of who may enter³:

- 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 schedules.

Air Travel

Air travel is not affected at this time, but those travelling by air should also anticipate additional scrutiny from CBP officers and similarly prepare accordingly with relevant documentation describing the critical nature of their activities in the United States.

KPMG NOTE

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 the United States via Canada or Mexico. Our office encourages travelers to review the CBP guidance included in the footnotes and contact their global mobility advisers, travel agents, and immigration counsel before planning any such travel.

FOOTNOTES:

1 [CBP Press Release](#), May 19, 2020.

2 Sources: [Temporary Notices, Department of Homeland Security](#), May 19, 2020; CDC [Interim Final Rule](#), May 19, 2020.

3 This list of individuals allowed to enter can be found in “Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Canada” at: https://www.dhs.gov/sites/default/files/publications/20_0519_as1_frn_us-canada-border.pdf .

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Contact us

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