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Secretary of Homeland Security Extends Restrictions on Travel between the United States and Canada and the United States and Mexico

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On September 18, 2020, the Secretary of Homeland Security announced that it would place continued limitations on travel between the United States and Canada and the United States and Mexico that were first put in place on March 24, 2020. The limitations went into effect at 12:00 a.m. (EDT) on September 22, 2020 and will remain in effect until 11:59 p.m. (EDT) on October 21, 2020.

The restrictions do not apply to air, freight rail, or sea travel. The restrictions are only applicable to land ports of entry and ferry terminals along the U.S.-Canada border and the U.S.-Mexico border including passenger rails, passenger ferry travel, and pleasure boat travel between the United States and Canada or Mexico. The Secretary of Homeland Security has suspended normal entry through these ports, but will allow entry for travelers engaged in “essential travel.”

“Essential travel” includes but is not limited to the following:

- 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 Mexico 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

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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 Mexico);
- 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.

The travel restrictions are aimed at limiting unnecessary travel like tourism which the Department of Homeland Security has deemed non-essential travel. The restrictions are not intended to disrupt legitimate trade or disrupt the exchange of critical supplies. Despite the current limitations, the U.S. Customs and Border Protection Commissioner may, on an individualized basis and for humanitarian reasons or for other purposes in the national interest, permit the processing of travelers to the United States not engaged in “essential travel.”

For more information on updates concerning travel between the United States and Canada and the United States and Mexico please contact any member of the Butzel Long Immigration Practice Group.

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