



COVID-19-Related Travel Suspensions: What You Need to Know

Updated March 31, 2020

Centers for Disease Control and Prevention (CDC) Regulation: Notice of Order Under Sections 362 and 365 of the Public Health Service Act Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists

On March 20, 2020, the Centers for Disease Control and Prevention (CDC) and the U.S. Department of Health and Human Services (HHS) issued a [regulation](#) and [notice](#) (CDC rules) which together suspend the “introduction” from Canada and Mexico into the United States of certain categories of individuals who arrive at a port of entry (POE), or enter between POEs, without valid travel documents. Individuals who are subject to the travel suspension will be expeditiously returned to their home countries.

Q: Who is covered by the new CDC rules?

The CDC rules apply to “persons traveling from Canada or Mexico (regardless of their country of origin) who would otherwise be introduced into a congregate setting in a land POE or Border Patrol station at or near the United States border with Canada or Mexico”.

The CDC rules define “covered aliens” to include individuals “seeking to enter the United States at POEs who do not have proper travel documents, aliens whose entry is otherwise contrary to law, and aliens who are apprehended near the border seeking to unlawfully enter the United States between POEs”.

Q: Who is exempt from the CDC rules?

- U.S. citizens, lawful permanent residents, and their spouses and children;
- Members of the armed forces of the United States, and associated personnel, and their spouses and children;
- Persons from foreign countries who hold valid travel documents and arrive at a POE;
- Persons from foreign countries in the visa waiver program who are not otherwise subject to travel restrictions and arrive at a POE.

Additionally, the restrictions do not apply to “persons whom customs officers of DHS determine, with approval from a supervisor, should be excepted based on the totality of the circumstances, including consideration of significant law enforcement, officer and public safety, humanitarian, and public health interests”.

Q: Do the CDC rules extent to asylum seekers?

The rules apply to all individuals seeking to enter the United States at a POE or between POEs without valid travel documents. There is not a specific exemption for asylum seekers.



Q: What is the effective date of the travel suspension?

The travel suspension went into effect at 11:59 PM Eastern Daylight Time (EDT) on March 20, 2020 and remains in effect for 30 days, or until the CDC determines that the danger of further introduction of COVID-19 into the United States has ceased to be a serious danger to the public health, whichever is shorter. The suspension is subject to extension or modification as needed to protect the public health.

Q: What is the rationale for the CDC rules?

According to CDC: “There is a serious danger of the introduction of COVID-19 into the land POEs and Border Patrol stations at or near the United States borders with Canada and Mexico, and into the interior of the country as a whole, because COVID-19 exists in Canada, Mexico, and the other countries of origin of persons who migrate to the United States across the United States land borders with Canada and Mexico”.

The regulation further explains that individuals who enter the United States across the Mexican and Canadian borders are often “subject to immigration processing in the land POEs and Border Patrol stations”, which are not “equipped to quarantine, isolate, or enable social distancing by persons who are or may be infected with COVID-19”.

U.S. Customs and Border Protection (CBP) Notices of Action: Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Mexico/Canada

On March 20, 2020, U.S. Customs and Border Protection (CBP) and the Department of Homeland Security (DHS) released two rules restricting tourist travel across the U.S. land borders with [Mexico](#) and [Canada](#) to help prevent the spread of COVID-19 ([“COVID-19” is the disease which is caused by the virus, “SARS-CoV-2”](#)). These restrictions will go into effect at 11:59 PM Eastern Daylight Time (EDT) on March 20, 2020.

Q: Who is covered by the travel restrictions?

The rules restrict all non-essential travel between Mexico or Canada and the United States.

“Non-essential” travel is defined as “travel that is considered tourism or recreational in nature” (e.g., sightseeing, recreation, gambling, or attending cultural events).

Q: Who is exempt from the travel restrictions?

The rules state that essential travel between Mexico or Canada and the United States must continue unimpeded. Essential travel includes:

- U.S. citizens, lawful permanent residents, and individuals with valid travel documents 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 or 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 Mexico or 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.

The travel restrictions do not apply to air, freight rail, or sea travel between the United States and Mexico or Canada, but do apply to ferry services and passenger rail travel. Entry for trade and business travel will continue to operate, subject to additional scrutiny. Cargo shipments will also be exempt from restrictions.

Q: Do these travel restrictions apply to asylum seekers?

Seemingly, these travel restrictions apply to individuals crossing the United States border from Mexico or Canada for any purpose not defined as “essential travel”.

Q: Do these travel restrictions apply to individuals of non-Mexican or Canadian nationality?

These travel restrictions do not apply to U.S. citizens and permanent residents. However, they appear to apply to all other individuals, regardless of nationality, seeking to cross the United-States border from Mexico or Canada for any purpose not defined as “essential travel”.

Q: Where can I find more information?

The White House has issued a [fact sheet](#) on the COVID-19-related travel suspensions.

The Migration Policy Institute has issued a [policy paper](#) on COVID-19 related immigration changes, including but not limited to the CDC rules.