

3/23/2020

Law Enforcement Partners,

U.S. Customs and Border Protection has received multiple questions from stakeholders regarding the recently enacted decision to restrict non-essential travel across the northern and southwestern borders. Possibly the most common question we've received so far is with regard to the definitions of "essential" versus "non-essential" travel. Please see the below Department of Homeland Security press release discussing the travel restrictions and additional guidance regarding essential and non-essential travel. Please note the blue box at the bottom of the release discusses "essential travel." Please let me know if you have any questions about CBP's ongoing response to the COVID-19 pandemic. Thank you.

v/r,  
David

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Intergovernmental Affairs

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<https://www.dhs.gov/news/2020/03/23/fact-sheet-dhs-measures-border-limit-further-spread-coronavirus>

In order to limit the further spread of coronavirus, the U.S. has reached agreements with both Canada and Mexico to limit all non-essential travel across borders. Working closely and collaboratively, the Department of Homeland Security is part of a North American approach to stop the spread of the virus.

Additionally, CBP will no longer detain illegal immigrants in our holding facilities and will immediately return these aliens to the country they entered from – Canada or Mexico. Where such a return is not possible, CBP will return these aliens to their country of origin.

These measures will be implemented on March 21, 2020 and will be in place for 30 days, at which point it will be reviewed by both parties.

The U.S., Mexican, and Canadian governments are taking necessary action to fight against this pandemic together.

## Northern Border

- March 20, 2020: [Joint Statement on US-Canada Joint Initiative: Temporary Restriction of Travelers Crossing the US-Canada Land Border for Non-Essential Purposes](#)



The US-Canada land border serves as an economic engine that supports over \$1.7 billion (USD) dollars in daily cross-border trade. As a result of the COVID-19 pandemic, the United States and Canada are temporarily restricting all non-essential travel across its borders. In each of our countries, we are encouraging people to exercise caution by avoiding unnecessary contact with others. This collaborative and reciprocal measure is an extension of that prudent approach.

“Non-essential” travel includes travel that is considered tourism or recreational in nature. The United States and Canada recognize it is critical we preserve supply chains between both countries. These supply chains ensure that food, fuel, and life-saving medicines reach people on both sides of the border. Supply chains, including trucking, will not be impacted by this new measure. Americans and Canadians also cross the land border every day to do essential work or for other urgent or essential reasons, and that travel will not be impacted.

This decision will be implemented on March 21, 2020, at which time the US and Canada will temporarily restrict all non-essential travel across the US-Canada land border. The measure will be in place for 30 days, at which point it will be reviewed by both parties.

## Southern Border

- March 20, 2020: [Joint Statement on US-Mexico Joint Initiative to Combat the COVID-19 Pandemic](#)



The strong partnership and close cooperation between the United States and Mexico has allowed us to maintain a productive border environment. We value the health and safety of our citizens and keep that at the forefront of joint decisions made by our respective leaders regarding cross-border operations.

Recognizing the robust trade relationship between the United States and Mexico, we agree our two countries, in response to the ongoing global and regional health situation, require particular measures both to protect bilateral trade and our countries' economies and ensure the health of our nations' citizens. We agree to the need for a dedicated joint effort to prevent spread of the COVID-19 virus and address the economic effects resulting from reduced mobility along our shared border.

The U.S. and Mexican governments further recognize critical services such as food, fuel, healthcare and life-saving medicines must reach people on both sides of the border every day. Essential travel must therefore continue unimpeded during this time. In order to ensure that essential travel can continue, the United States and Mexico are also temporarily restricting all non-essential travel across its borders.

"Non-essential" travel includes travel that is considered tourism or recreational in nature. Additionally, we are encouraging people to exercise caution by avoiding unnecessary contact with others.

This collaborative and reciprocal initiative is an extension of our nations' prudent approach that values the health and safety of our citizens in the joint decisions made by our respective leaders regarding cross-border operations.

This joint initiative will commence at 00:01 Saturday March 21 throughout the US-Mexico land border for a period of 30 days subject to extension upon review.

## **Detention Facilities**

CBP is the first line of defense of our nation's borders. To help prevent the introduction of COVID-19 into our border facilities and into our country, aliens subject to the order will not be held in congregate areas for processing by CBP and instead will immediately be turned away from ports of entry.

Those encountered between ports of entry after illegally crossing the border similarly will not be held in congregate areas for processing and instead, to the maximum extent feasible, will immediately be returned to their country of last transit. These aliens are processed in stations designed for short-term processing, where distancing is not a viable option, creating a serious danger of an outbreak.

The Centers for Disease Control and Prevention (CDC) has determined that these conditions present a serious infection control challenge and are a risk to public health. Should an outbreak occur at these facilities, local medical facilities would be forced to devote extensive resources and may become overwhelmed.

This action will also protect the health of our country's dedicated border agents and other law enforcement personnel, who are vital to the security of our Nation.

Apprehension of illegal immigrants along both borders between POEs:

- *Migrants from Coronavirus Impacted Areas:* Since the beginning of the FY20 fiscal year in October 2019 through the end of February 2020 (over the period of October 1, 2019 to February 29, 2020), foreign nationals from 122 separate countries have been apprehended or denied entry (inadmissible) at the U.S. Southwest border, for a total of over 190,000 apprehended or inadmissible migrants from countries currently with confirmed COVID cases.
- *Size and Scale:* Every week, CBP apprehends between 7,000 – 9,000 individuals between ports of entry—the equivalent of 2.5 Diamond Princess cruise ships per week.
- *Human-to-human Spread:* The spread of coronavirus is exacerbated by human-to-human transmission and the need for detention. CBP law enforcement facilities are for short-term holding and do not provide for needed large-scale isolation, diagnosis, or treatment of such a novel disease.
- *CBP Facilities:* CBP facilities are not structured or equipped to effectively quarantine an infected population. CBP would be forced to rely on state and local hospitals to provide longer-term medical care for individuals who fall ill, further burdening our strained healthcare system and depriving Americans of key medical resources.

Although CBP has policies and procedures in place to handle transmittable diseases, COVID-19 will impact already strained holding capacities and place an extreme burden on what is forecasted to be a stretched healthcare system and the nation's critical medical professionals who are needed to attend to U.S. citizens and legal residents.

Migrants should shelter-in-place in their homes and communities, rather than attempting a long and dangerous journey to the United States borders at the hands of traffickers and smugglers.

**U.S. Citizens:**

U.S. citizens, lawful permanent residents and certain other travelers are exempt from this action. They will receive the same processing, evaluation and potential CDC medical screening that all entrants undergo at U.S. Ports of Entry.

**Authority:**

Effective at March 21, 2020 at 12:00 a.m. EDT, CBP will, as authorized, implement CDC authority under 42 U.S.C. § 265 to prohibit entry of certain persons into the United States. CBP will assist the Department of Health and Human Services’ (HHS) and U.S. Centers for Disease Control and Prevention (CDC) to protect against the spread of the novel coronavirus (COVID-19) by implementing the emergency authorities under 42 U.S.C. § 265 at the nation’s land borders to prohibit the introduction of certain persons in the interest of public health.

**Additional Information**

- [DHS Response to Coronavirus Disease 2019](#)
- [Coronavirus.gov](#)
- [CDC.gov: Coronavirus Disease 2019 \(COVID-19\)](#)
- [USA.gov: What the U.S. Government is Doing](#)

<https://twitter.com/CBP/status/1241866251145752577>

“Essential travel,” which includes, but is not limited to—

- U.S. citizens and lawful permanent residents returning to the US;
- Individuals traveling for medical purposes (e.g., to receive medical treatment in the US);
- Individuals traveling to attend educational institutions;
- Individuals traveling to work in the United States (e.g., individuals working in the farm and agriculture industry who must travel between the US and Canada or the US and Mexico for the furtherance of such work);
- Individuals traveling for emergency response and public health purposes (e.g., government officials or emergency responders entering the US to support Federal, state, local, 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 US and Canada or the US 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 US; and
- Individuals engaged in military-related travel or operations.

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