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Top 5 things you should know about Canada-U.S. travel

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Concerns about the spread of COVID-19 led U.S. and Canadian officials to agree that non-essential travel across the land ports of entry along the border should be temporarily suspended. These restrictions have since been extended, most recently until October 21.

Here are the top five things to know about traveling from Canada to the United States:

No. 1: Fly if you can. The travel restrictions apply only to land ports of entry, including entry by passenger rail and ferry. They do not apply to travel by air, sea, or freight rail. The restrictions apply only to the land ports of entry (including passenger rail and ferry travel). Moreover, even travel across the land border by motor vehicle, passenger train, or ferry is not closed entirely -- rather, entry is limited to those entering the United States for "essential travel." Tourism is the only purpose that the restrictions define specifically as non-essential. Most land ports of entry will require proof of essentiality. On the other hand, if you fly, you are likely to be asked only for a verbal response regarding the essentiality of your travel.

No. 2: If you can, make sure your travel is "essential." For the most part, anyone flying from Canada to the United States to work will not have an issue if they have appropriate documentation. Here are the categories that may be admitted:

- U.S. citizens and lawful permanent residents returning to the United States.
- Individuals traveling to attend educational institutions.
- People traveling to receive medical treatment.
- 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



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emergencies).

- Individuals traveling to work in the United States (e.g., individuals working in farming, or in the agriculture industry, who must travel between the United States and Canada in furtherance of their work).
- Individuals engaged in lawful cross-border trade (e.g., truck drivers supporting the movement of cargo between the United States and Canada).
- Official government/ diplomatic travel.
- Members of the U.S. armed forces and their spouses and children who are returning to the U.S. or who are engaged in military-related travel or operations.

In practice, most ports of entry consider employment-based primary beneficiaries (such as TN/TD, H-1B/H-4, or L-1/L-2) and their dependents to be “essential” if they are traveling in connection with that status.

No. 3: Bring documentation. Routine adjudications of TN applications and L-1 petitions at the port of entry are continuing, although some land ports are requiring proof that the proposed employment is in an essential industry, or that the work the foreign national will perform is essential. It is important to carry documentation to evidence this.

No. 4: It’s generally all right for Canadians to “flag-pole” back to the United States. Despite Canada’s **Quarantine Act**, Canadian citizens currently in the United States may “flagpole.” That means they may return to Canada, make a U-turn *while not leaving their vehicles*, and apply at the U.S. border or port of entry for a TN or L visa. Under the Canadian Quarantine Act, anyone who is allowed to enter Canada must self-isolate for 14 days unless flag-poling. It is important to check the specific port of entry before travelling to do this.

No. 5: File online for U.S. nonimmigrant waivers. The U.S. Customs and Border Protection has **limited the locations** at which Canadian citizens can apply for nonimmigrant waivers on Form I-192. Online filing is encouraged.

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