

Q&A: NYS Quarantine Rules and Requirements for International Travelers

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We have been receiving multiple inquiries from our cross-border clients regarding who is required to quarantine under the new executive order published September 28th, and who may be exempt. The following Q&A addresses some of the most frequently asked questions and concerns.

I live in and/or I travel internationally to both Canada and the U.S. Do I have to quarantine when I return to NYS from travel to Canada?

The answer depends on what you do in the U.S., and whether you are considered an essential worker.

However, if you are deemed an essential worker/working for an essential business, you may not be required to quarantine or only be required to limit activities depending on the [intended duration of your time in New York](#) . Please see the [NYS Guidance on Executive Order 202.6](#) to determine whether you may fit into one of the categories that exempts you from the NYS quarantine requirements. Additionally, the NYS Commissioner of Health may grant an exemption to the travel advisory based upon extraordinary circumstances that do not warrant quarantine, but may be subject to the terms and conditions applied to essential workers or terms and conditions otherwise imposed by the Commissioner in the interest of public health.

How will NYS know if I have traveled to the state from Canada?

A travel enforcement operation will commence at airports across the state to help ensure travelers are following the state's quarantine restrictions. As part of the enforcement operation, enforcement teams will be stationed at airports statewide to meet arriving aircrafts at gates and greet disembarking passengers to request proof of completion of the State Department of Health traveler form, which is being distributed to passengers by airlines prior to, and upon boarding or disembarking flights to New York State.

All out-of-state travelers from designated states must complete the form upon entering New York. Travelers who leave the airport without completing the form are potentially subject to a \$2,000 fine and may be brought to a hearing and ordered to complete mandatory quarantine.

Travelers coming to New York from designated states through other means of transport, including trains and cars, must fill out the form online. The consequences for not doing so are unclear, and the only tracing of who has traveled by train or car to or from the state appears to be via voluntary answers to contact tracing-related inquiries. While there has been some concern that NYS could track entries to the state from Canada using electronic tools

such as EZPass/toll cameras, there has not been any evidence to date of this occurring, and the state has widely denied that it is or will be doing this. Despite this, the state has signaled its intention to impose civil penalties if individuals refuse to fill out the required form, where individuals are identified.

Who is an “essential worker” according to NYS?

According to the NYS Department of Health [interim guidance published June 24, 2020](#), an “essential worker” is:

- 1. Any individual employed by an entity included on the [Empire State Development \(ESD\) Essential Business list](#) ;
- 2. Any individual who meets the COVID-19 testing criteria, pursuant to their status as either an individual who is employed as a health care worker, first responder, or in any position within a nursing home, long-term care facility, or other congregate care setting, or an individual who is employed as an essential employee who directly interacts with the public while working, pursuant to DOH Protocol for COVID-19 Testing, issued May 31, 2020; or
- 3. Any other worker deemed such by the Commissioner of Health.

Clear examples of “Essential Businesses” are businesses operating in or as:

- Health care operations, such as hospitals, veterinary clinics, research and laboratory facilities/services, etc.
- Infrastructure, including public and private utilities, telecommunications and data centers, airlines/airports, airlines/airports, hotels, etc.
- Manufacturing, including food and beverage manufacturers, pharmaceuticals, automotive, telecommunications, etc.
- Identified retail businesses, including grocery stores, pharmacies, convenience stores, etc.
- Certain services, such as mail and shipping services, child care services, auto repair and maintenance, warehouse/distribution and fulfillment, storage for essential businesses, etc.
- Financial institutions
- Providers of basic necessities to economically disadvantaged populations
- Certain construction activities
- Defense and national security-related operations
- Services necessary to maintain the safety, sanitation and essential operations of residences or other businesses
- Vendors that provide certain essential services or products, including logistics and technology support, child care, etc.
- Certain recreational spaces and activities
- Legal and real estate services (with extensive restrictions)

Please see the guidance for specifics regarding what types of businesses fall within the “essential business” designation in each of the above categories.

Do I need to request an exemption?

If the function of your business falls under one of the categories of exemptions listed on the [Empire State Development website](#), it appears that you do NOT need to request any special designation or approval to operate. However, Lippes Mathias recommends that best practice is to request confirmation of exemption, where you feel that you qualify and/or there is any question regarding qualification. Exemption requests should be sent to TravelAdvisoryExemption@health.ny.gov.

Are there national or regional quarantine/self-isolation rules in the U.S.?

Not currently; restrictions, limitations and requirements for reporting travel are dictated on a state-by-state basis, and are subject to change at any time. If you intend to travel to any U.S. state or multiple states, we recommend checking immediately before your trip and throughout your trip to see what the restrictions and exemptions are in the specific state(s) you plan to visit.

Can I qualify for a single exemption that covers me for travel both to Canada and to the U.S.?

No. Canada and different states across the U.S. have varying (and changing) requirements for self-isolation/quarantine, restrictions on travel and/or requirements relating to reporting travel. Those seeing an exemption from quarantine/self-isolation requirements upon their return to Canada from the U.S. should contact a qualified Canadian immigration lawyer who is assisting clients with these types of requests. If you would like a recommendation, please contact any member of the [Lippes Mathias Immigration Team](#).

Please contact your Lippes Mathias immigration professional with additional questions.

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