

Traveling to the U.S. with Someone Whose Travel is Not "Essential"

By [Elizabeth M. Klarin](#)

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In line with an earlier [post](#), we wish to clarify the question of whether someone traveling to the U.S. for legitimate business purposes can bring along a spouse and/or dependent children.

While Canadians applying for status such as TN and L-1 continue to be granted new status at land ports of entry, we have received reports that accompanying spouses wishing to obtain derivative status to travel with their work-authorized spouse are being denied entry based on certain Customs and Border Protection adjudicating officers' belief that the travel by the accompanying spouse is "not essential" (i.e., it is being viewed as for tourism or recreation). We do not believe that these reports necessarily reflect all CBP officers' views on what constitutes an entry for recreation at a land port, but—as always—admission to the U.S. is subject to officer discretion, and work-authorized travelers entering at land ports of entry run the risk of spouses and/or dependent children not being granted U.S. status to accompany them to the U.S., at this time.

To avoid this confusion, travelers can currently enter the U.S. via air instead. We have not aware of any reports of problems for spouses or children of work-authorized Canadians, or even individual tourists entering the U.S. as B-2 visitors for pleasure, who are traveling by air.

Please reach out to your LMWF immigration professional with any questions regarding travel to the U.S. during COVID-19.

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