

## COVID-19 RESOURCE CENTER

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### *5 Things to Consider Related to Canadian Immigration*

March 20, 2020

In light of the global outbreak of COVID-19, many organizations are considering how this will impact their employees working in Canada at this time. To answer questions you may have, below is an overview of the recent measures announced with respect to the Canadian Border in response to the COVID-19 pandemic. As this is a very fluid situation with changes coming by the hour, note that these measures are subject to change with little to no notice.

#### **Is the border closed?**

Currently, the Canadian border is effectively closed to all but the following:

- Canadian Citizens or Canadian Permanent Residents;
- Immediate family members (spouse, common-law spouse & dependent children) of Canadian Citizens or Permanent Residents;
- Diplomats and their immediate family members (spouse, common-law spouse & dependent children); and
- Certain US Citizens (subject to full discussion below).

For Canadians and Permanent Residents to board a commercial airline bound for Canada, they will need to show either current proof of their Canadian Citizenship (Citizenship Card/Certificate or valid CDN Passport) or of their Permanent Resident status (valid PR Card or Travel Document issued by a Visa Office abroad).

We have received guidance from Canada Border Services Agency (CBSA), Immigration, Refugees & Citizenship Canada (IRCC), and Transport Canada that individuals who are not Canadian Citizens or Permanent Residents but are immediate family members of same will be required to provide proof of that relationship (original birth certificates, marriage certificates/licenses or statutory declarations of common-law status) in order to board commercial carriers to Canada and again at the port of entry. Remember that individuals from countries that require a visa to travel to Canada must already possess a valid Temporary Resident Visa. Individuals from countries that do not require a visa to travel to Canada must possess a valid electronic travel authorization.

With respect to the US/Canada land border, the US and Canada jointly announced that the border would be closed temporarily. There has been no mutual confirmation as to when that policy will take effect (latest word is Friday night) but we are advising that the border is essentially closed at this point but for entry associated with international trade (supply chain) and for citizens of the US or Canada that are required to cross in order

to provide “essential services”. What constitutes “essential services” remains unclear. Our current understanding is that individuals on existing work permits employed to provide an essential service (to be determined by a CBSA officer on a case by case basis) and individuals with study permits related to public health (ie medical residents) will still be able to cross the border. Individuals who may be eligible for such status but have not yet had their status confirmed and documents issued are now advised that they can NOT do so at a port of entry. That said, we believe an exception may be made if it is possible to show that the admission of the individual will have significant positive benefits for Canada and the community at large (ie – maintenance workers for essential utility companies). Again, details are still being worked out but we are in direct contact with CBSA and IRCC and can confirm that, as it stands, ports of entry in Canada will NOT be adjudicating work permit or study permit applications for US citizens regardless of mode of arrival if the purpose of entry cannot be tied to an essential service.

Further, it is important to note that ANYONE travelling to Canada on a private or commercial carrier, arriving by land, sea or air, will be subject to a health screen prior to departure and/or on arrival in Canada. Further, arrivals from outside Canada will be required to self-isolate for 14 days on arrival.

Finally, if you have Canadian employees abroad, you may wish to assist in their return to Canada as soon as possible. It is our understanding that most commercial air carriers will temporarily cease, or drastically reduce, international flights by the end of March. Further, it is our understanding that many of the providers of insurance coverage for international travel are looking at refusing coverage for Canadians abroad for COVID related treatment effective the end of the month.

## **5 immediate issues for your consideration:**

1. If you have applications pending either through the overseas network of visa offices or in-Canada applications pending, expect processing times to lengthen. Almost 100% of the IRCC officers are working remotely. This will likely not affect the overseas posts as much as the domestic network.
2. If you have employees on work permits that expire within the next 6-8 months, consider filing early for an extension of that work permit. Processing times (currently at four months) will grow. Especially troublesome is the fact that certain Provincial medical services plans do NOT recognize implied status for the continuation of healthcare coverage (something the Immigration section of the CBA is working to change). Thus, if your work permit expires in two months and you apply now for an extension, even though you will still be eligible to continue working during the time it takes to process your application after the expiry of your work permit (this is called “implied status”), you may not be eligible for continued coverage through your Provincial health care plan.
3. Consider re-patriating any non-essential foreign workers now while there is an opportunity.
4. Applications that are already processed and are awaiting in-person program delivery (inland landing as a permanent resident, Citizenship tests, Citizenship oaths, in-person PR Card pickups, etc.) are all temporarily suspended. Expect considerable delays when in-person services come back online.

5. If you are an individual and are in the process of compiling a spousal sponsorship application, application for proof of Canadian citizenship based on birth abroad to a Canadian citizen or application for a grant of Canadian citizenship, you are encouraged to continue to pursue these applications with haste. As events begin to stabilize we anticipate a large wave of Canadians returning from abroad with their local families and these applications will likely require longer processing times.



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