

COVID-19 RESOURCE CENTER

#NowIsNotTheTime, but when will it be, and what will it look like? Canadian Immigration Policies During a Global Pandemic and What our Future Holds

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In April 2020, only a few weeks into what has become a multi-agency, sustained response to the COVID-19 pandemic, the Canada Border Services Agency started using #NowIsNotTheTime in a focused campaign through their social media platforms. The message behind the slogan was to highlight the importance of limiting discretionary or non-essential travel to Canada. The decisions taken by the Canada Border Services Agency and Immigration, Refugees and Citizenship Canada in conjunction with the Public Health Agency of Canada along with multiple provincial agencies across the country have resulted in severely limiting the ability of foreign nationals to travel to Canada. These policies, coupled with CBSA's public messaging, have resulted in a historic reduction of international arrivals in Canada since the pandemic began. While COVID-19's roots can be traced back to at least the end of 2019, from a Canadian immigration perspective, COVID-19 started on February 3, 2020, with the issuance of the first of what would become a series of orders-in-council limiting international arrivals in Canada. The government's first response was geographically limited to travellers from Hubei province in China as the attempt was to manage individuals from a known "hot spot" without unduly upsetting international trade and commerce. As the weeks unfolded, the infection rates rose, the disease rapidly spread across Europe and North America and the full effects of this global pandemic started to make themselves known; the restrictiveness, and the geographical catchment areas widened. By mid-March, the provinces had declared states of emergency, all but the most essential employees had been sent home and, from an immigration perspective, Canada had largely closed its borders to arrivals from overseas.

Over the following months, the federal government has continued to adjust immigration policies to best protect Canadians while attempting to minimize negative effects on trade/commerce and also family reunifications. While the government's response has been fine-tuned repeatedly over the past four months (including issuing 18 orders-in-council to date amending regulations under the Aeronautics, Quarantine and Immigration Acts), at the time of writing this article, certain themes have become well established:

- Non-essential travel to Canada is essentially prohibited.
- Travel for business purposes will be permitted but will be complicated by the requirement to get advance approval to board flights to Canada.
- Arrival in Canada carries a two-week quarantine requirement to which there exists only limited specific exemptions.

One of the most challenging aspects to navigate for many foreign nationals seeking to travel to Canada, or for Canadian companies trying to bring in business travellers or foreign workers, has been the fact that the federal

government has continued to publicly state that Canada is “open for business” and that they are still processing work permit, visitor visa and study permit applications. While this may technically be true, the nature of COVID-19 and its ability to shut down whole countries has resulted in the inability of applicants to provide in-person biometrics (electronic fingerprints and photos at a secure collection point) and, as such, has resulted in a total lack of processing at visa posts abroad. Combine this with the requirement for anyone seeking to travel to Canada to apply in advance for approval (even those from countries which have traditionally been visa-exempt), and the result has been an almost grinding halt to any international arrivals of foreign nationals in Canada.

The effects of COVID-19 pose a serious public health concern, and there is currently no silver bullet in sight. Accordingly, these restrictions are likely to remain in place for the foreseeable future. However, while NOW is not the time, this too will come to an end. Alternatively, the virus may be partially controlled to the point that Canada will start opening up its borders again and so when we do, what will our immigration and travel policies look like?

If the government moves to a phase in return to international arrivals, who will be the first to be welcomed? If the “group exemptions” to the Quarantine Act are any clue, it’s clear that international business travel associated with work in the Canadian biotech industry may be positioned to welcome some of the first international travellers back. Currently there are key designations for individuals who can be exempted from the 14-day quarantine requirements on arrival in Canada.

Individuals involved in work associated with public health are included. For many biotech companies, arguments can certainly be put forth as to their connection to same.

In anticipation of relaxed travel restrictions, there are some general themes to consider as we move forward through the pandemic and eventually return to a normal immigration and international travel policy:

- **Extensive Processing Times** – For the immediate future, all applications may continue to require processing in advance of travel through a visa office abroad, even travellers from traditionally visa-exempt countries. Applying well in advance of anticipated travel dates will minimize travel interruption.
- **A Solid Business Case For Travel** – Full discretionary travel will likely be a long time in returning. If travel is related to services in public health, this will be advantageous to process, and there could be processes initiated to fast track applications that can be associated with same.
- **Applications Processed Entirely Online** – IRCC is moving away from any further paper processing and has recently issued a detailed RFP for companies to design procedures and technologies that will allow for moving the remaining in-person processes completely online.

- **Potential For Phased In Return To Travel** – Canadian travel may initially only be reopened to citizens/residents of countries/areas where COVID-19 is “controlled.”

It is important to note that this article was written in July, and while it is anticipated that the information contained herein will be correct at the time of publication, given the rapidly changing landscape, this cannot be guaranteed. You are encouraged to review updates on IRCC and CBSA's official websites often.



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