

## Travel from the United States to Canada

**30 October 2020**

Pre-boarding obligations?	Are travellers allowed to transit through Canada?	Who is allowed to enter Canada?	What are travellers' obligations once they enter Canada?
<p><b><u>What are the obligations?</u></b></p> <p><b>Foreign nationals must:</b></p> <ul style="list-style-type: none"> <li>• Confirm to the airline that have read the order and certify, to the best of their ability, that they are eligible to enter Canada; and</li> <li>• Not provide a confirmation under false or misleading pretenses.</li> </ul> <p><b>Airlines must:</b></p> <ul style="list-style-type: none"> <li>• Notify every foreign national that they may be denied entry to Canada if they are not exempt under order;</li> <li>• Not board a foreign national, who is a competent adult, on a flight to Canada if they do not provide confirmation that they are eligible to enter Canada;</li> <li>• Conduct a health check of every person prior to boarding; and</li> <li>• Ask the traveller the following: <ul style="list-style-type: none"> <li>○ Has the traveller been denied boarding in the past 14 days due to a medical reason related to COVID-19?</li> </ul> </li> <li>• Not board a person if their answers to the health questions indicate they exhibit: <ul style="list-style-type: none"> <li>○ a fever and a cough, or</li> <li>○ a fever and breathing difficulties;</li> </ul> </li> <li>• Not board a person if the airline observes, during the health check, that the person is exhibiting: <ul style="list-style-type: none"> <li>○ a fever and a cough, or</li> <li>○ a fever and breathing difficulties;</li> </ul> </li> <li>• Deny boarding if the passenger tells the airline that they <b>HAVE</b> been denied boarding for reason related to COVID-19 in the past 14 days;</li> </ul>	<p><b><u>Are travellers allowed to transit through Canada?</u></b></p> <ul style="list-style-type: none"> <li>• Yes, as long as the foreign national is not showing symptoms of COVID-19 (a fever and a cough; or a fever and difficulty breathing), they are allowed to transit from international-to-international in Canada.</li> <li>• The traveller must be a person who arrives at a Canadian airport aboard a commercial passenger conveyance and who is transiting to a country other than Canada (i.e., is booked and confirmed on an onward international flight departing within 24 hours), and the traveller must remain in a sterile transit area within the meaning of section 2 of the <i>Immigration and Refugee Protection Regulations</i>. <ul style="list-style-type: none"> <li>○ An exemption applies to transiting travellers who are required to leave airside and formally enter Canada in order to make their transit connection (e.g. to change terminals at an airport); and</li> <li>○ Who face delays in catching</li> </ul> </li> </ul>	<p><b><u>Who is prohibited from entry to Canada?</u></b></p> <ul style="list-style-type: none"> <li>• Order 31 prohibits entry of all foreign nationals travelling in all modes from the US to Canada who: <ul style="list-style-type: none"> <li>○ Exhibit signs or symptoms of COVID-19, either a fever and a cough, or a fever and breathing difficulties;</li> <li>○ Seek to enter for an optional or discretionary purpose, such as tourism, recreation or entertainment;</li> <li>○ Cannot comply with the requirement to quarantine under the <i>Minimizing the Risk of Exposure to COVID-19 in Canada Order (Mandatory Isolation)</i>; or</li> <li>○ Seek to enter Canada for the purpose of claiming refugee status.</li> </ul> </li> </ul> <p><b><u>Are there exceptions to the ban on seeking to enter for optional or discretionary purposes? Yes.</u></b></p> <ul style="list-style-type: none"> <li>• The ban on foreign nationals seeking to enter for optional or discretionary purposes (e.g. tourism, recreation, entertainment) does <b>not</b> apply to a foreign national who is an <b>immediate family member</b> of a Canadian citizen or permanent resident <b>or a person registered as an Indian under the <i>Indian Act</i> OR who is an extended family member</b> of a Canadian citizen or a permanent resident <b>or a person registered as an Indian under the <i>Indian Act</i> AND</b> the foreign national can demonstrate their intention to be with their Canadian citizen or permanent resident or a person registered as an Indian under the <i>Indian Act</i>, family member for a period of <b>at least 15 days</b>. In the case of an <b>extended family member</b>, the foreign national <b>must</b> have in their possession a statutory declaration attesting to their relationship with the Canadian citizen or permanent resident or <b>a person registered as an Indian under the <i>Indian Act</i></b>, signed by the Canadian citizen or permanent resident or <b>a person registered as an Indian under the <i>Indian Act</i></b>, and must be further authorized in writing by an officer designated under subsection 6(1) of the <i>Immigration and Refugee Protection Act</i>.</li> </ul> <p><b><u>Are there exceptions to the prohibition on seeking to enter for optional or discretionary purposes AND the prohibition in relation to an inability to comply with the requirement to quarantine under the <i>Minimizing the Risk of Exposure to COVID-19 in Canada Order (Mandatory Isolation)</i>? Yes.</u></b></p> <ul style="list-style-type: none"> <li>• The ban on foreign nationals seeking to enter for the above do not apply to a foreign national who, as determined by the <b>Minister of Health</b>, intends to enter Canada to</li> <li>• attend to the death of, or provide support to a Canadian citizen, permanent resident, temporary resident, protected person, or a person registered as an Indian under the <i>Indian Act</i> who is residing in Canada and who is deemed by a licensed health care professional to be critically ill;</li> <li>• provide care for a Canadian citizen, permanent resident, temporary resident, protected person, or a person registered as an Indian under the <i>Indian Act</i> who is residing in Canada and who is deemed by a licensed health care professional to have a medical reason as to why they require support; or</li> <li>• attend a funeral or end of life ceremony.</li> </ul> <p><b><u>What is the definition of an “immediate family member” of a Canadian citizen or permanent resident?</u></b></p> <ul style="list-style-type: none"> <li>• An “immediate family member” of a Canadian citizen or permanent resident, <b>and persons registered as an Indian under the <i>Indian Act</i></b> includes: <ul style="list-style-type: none"> <li>• the spouse or common-law partner of the person;</li> <li>• a dependent child of the person, or of the person’s spouse or common-law partner;</li> <li>• a dependent child of a dependent child referred to paragraph (b);</li> </ul> </li> </ul>	<p><b><u>What are travellers' obligations once they enter Canada?</u></b></p> <ul style="list-style-type: none"> <li>• Every person must wear a non-medical mask or face covering upon entry and while in transit to the place of quarantine or isolation, a health care facility, or a place of departure from Canada, unless they are alone in a private vehicle.</li> <li>• Upon entry to Canada, all travellers will have to answer additional screening questions regarding their intended place of quarantine.</li> <li>• During their first 14 days in Canada, all travellers will have to answer relevant health screening questions.</li> <li>• All <b>asymptomatic</b> travellers must quarantine themselves for 14 days and monitor for any symptoms of COVID-19. <ul style="list-style-type: none"> <li>○ From their answers, if they are considered unable to quarantine themselves, they will be transferred to a quarantine facility.</li> <li>○ A series of exemptions to the quarantine obligation apply for some categories of asymptomatic travellers, such as crew members, members of the armed forces, persons providing an essential service et al. They will still be required to wear a non-medical mask or face covering in public.</li> </ul> </li> <li>• Any <b>symptomatic</b> traveller must isolate themselves for 14 days and undergo any health assessment requested by a quarantine officer. <ul style="list-style-type: none"> <li>○ From their answers, if they are considered unable to isolate themselves, they will be placed into isolation in a quarantine facility.</li> <li>○ Of note, a person is considered unable to isolate themselves if they must use public transportation (plane, train, bus, taxi) from the place they enter Canada to arrive at their place of isolation.</li> </ul> </li> </ul> <p><b><u>Are there exceptions to these obligations? Yes.</u></b></p> <ul style="list-style-type: none"> <li>• Crew members;</li> <li>• A person who enters at the invitation of the Minister of Health for the purpose of assisting in the COVID-19 response;</li> <li>• A member of the Canadian military or visiting forces;</li> <li>• A person or any person in a class of persons whom the Chief Public Health Officer determines will provide an essential service; as long as the person complies with any conditions imposed on them by the Chief Public Health Officer to minimize the risk of introduction or spread of COVID-19;</li> <li>• A person or any person in a class of persons whose presence in Canada is determined by the Minister of Foreign Affairs, the Minister of Citizenship and Immigration or the Minister of</li> </ul>

<ul style="list-style-type: none"> <li>Deny boarding if a traveller (who is a competent adult) refuses to answer the health check or additional questions.</li> <li>Ensure that every passenger has and wears a mask or face covering.</li> </ul>	<p>connecting flights due to unexpected cancellations, delays, and layovers where they cannot reasonably remain airside and have to remain in Canada (e.g. overnight); or,</p> <ul style="list-style-type: none"> <li>Who are being repatriated by their governments on flights that require a stop-over in Canada.</li> </ul>	<ul style="list-style-type: none"> <li>the parent or step-parent of the person, or of the person’s spouse or common-law partner; or,</li> <li>the guardian or tutor of the person.</li> </ul> <p><b>What is the definition of an “extended family member” of a Canadian citizen or permanent resident or a person registered as an Indian under the Indian Act?</b></p> <ul style="list-style-type: none"> <li>An “extended family member” of a Canadian citizen or permanent resident or a person registered as an Indian under the <i>Indian Act</i> includes:</li> <li>an individual who is in an exclusive dating relationship with the person, has been in such a relationship for at least one year, and has spent time in the physical presence of the person during the course of the relationship;</li> <li>a dependent child of the person referred to in paragraph (a);</li> <li>a child of the person or of the person’s spouse, common-law partner or the person referred to in paragraph (a) other than a dependent child;</li> <li>a dependent child of a child referred to in paragraph (c);</li> <li>a sibling, half-sibling or step-sibling of the person or of the person’s spouse or common-law partner; or</li> <li>a grandparent of the person or of the person’s spouse or common-law partner.</li> </ul> <p><b>Are there exceptions to this ban on refugee claims? Yes.</b></p> <ul style="list-style-type: none"> <li>There are several exceptions to the ban on refugee claims, including: <ul style="list-style-type: none"> <li>A foreign national seeking to enter Canada at a land port of entry designated by the Minister of Public Safety and Emergency Preparedness under section 26 of the <i>Immigration and Refugee Protection Regulations</i>, and <ul style="list-style-type: none"> <li>is a person referred to in section 159.2, 159.5 or 159.6 of the IRPR; or,</li> <li>is a citizen of the United States; or,</li> </ul> </li> <li>A person or any person in a class of persons whose presence in Canada is determined by the Minister of Public Safety and Emergency Preparedness or the Minister of Citizenship and Immigration to be in the national or public interest, while recognizing the paramount public health interests of Canada and Canadians; or,</li> <li>A person who seeks to come into Canada at a port of entry other than a land port of entry – including airports, harbour ports, ferry landings, and locations that are not ports of entry – and who is either a citizen of the United States; or, a stateless habitual resident of the United States; or, an unaccompanied minor (who is not married, including no common-law partnership) and who does not have a parent or a legal guardian in the United States.</li> </ul> </li> </ul> <p><b>What happens if a foreign national arrives at the border to make a refugee claim?</b></p> <ul style="list-style-type: none"> <li>If the foreign national is coming from the US to make their claim in Canada, and they do not fall under any of the exceptions to the ban noted above, they will be <b>DIRECTED BACK</b> to the US.</li> </ul> <p><b>Are there special provisions regarding international students? Yes.</b></p> <ul style="list-style-type: none"> <li>The prohibition on foreign nationals does not apply to international students who seek to enter Canada for the purpose of attending a <b>listed educational institution</b> as determined by a government of a province or territory to have appropriate measures in place to ensure students can meet obligations under any order made under section 58 of the <i>Quarantine Act</i> with respect to mandatory isolation or quarantine, and which is published or listed by IRCC on its website for the purposes of this Order.</li> <li>The prohibition includes and applies to international students who are <b>not</b> destined to a <b>listed educational institution</b>, notwithstanding the foreign national may hold an existing and valid study permit, or have</li> </ul>	<p>Public Safety and Emergency Preparedness to be in the national interest, as long as the person complies with any conditions imposed on them by that Minister to minimize the risk of introduction or spread of COVID-19*;</p> <ul style="list-style-type: none"> <li>A provider of emergency services;</li> <li>A person who enters Canada for the purposes of providing medical care or transporting essential medical equipment, supplies, or means of treatment, or delivering, maintaining or repairing medically necessary equipment or devices, as long as they do not directly care for persons 65 years of age or older within the first 14 days after their entry to Canada (also students in a health field, licenced health care professionals);</li> <li>A person who enters Canada for the purpose of receiving essential medical services or treatment, within 36 hours of entering Canada, <b>OTHER</b> than services or treatments related to COVID-19;</li> <li>Certain persons supporting fishing-related activities; or,</li> <li>Certain habitual residents of integrated trans-border communities.</li> <li>A person who seeks to enter Canada on board a vessel, as defined in section 2 of the <i>Canada Shipping Act, 2001</i>, that is engaged in research and that is operated by or under the authority of the Government of Canada or at its request or operated by a provincial government, a local authority or a government, council or other entity authorized to act on behalf of an Indigenous group, as long as the person remains on board the vessel.</li> </ul> <p>Be mindful of provincial border closures and quarantine requirements as this could impact the traveller’s ability to return home.</p> <p><b>Are there exceptions to the requirement to quarantine or isolate? Yes.</b></p> <p>The requirements <b>to remain in quarantine do not apply to a person if the Minister of Health determines that the person will only leave quarantine for one of the following purposes and if the person only leaves quarantine to:</b></p> <ul style="list-style-type: none"> <li>attend to the death of, or provide support to a Canadian citizen, permanent resident, temporary resident, protected person or a person registered as an Indian under the Indian Act who is residing in Canada who is deemed by a health care professional entitled under the laws of a province to provide health services in the province to be critically ill;</li> <li>provide care for a Canadian citizen, permanent resident, temporary resident, protected person or a person registered as an Indian under the <i>Indian Act</i> who is residing in Canada and who is deemed by a medical health care professional entitled under the laws of a province to provide health services in the province to have a medical reason as to why they require support; or</li> <li>attend a funeral or end of life ceremony.</li> </ul>
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received written notice from IRCC of approval of a study permit application, or be entitled to apply for a study permit at the time of seeking entry to Canada.

**Is anyone completely exempt from this order? Yes.**

- A person registered as an Indian under the *Indian Act*;
- A person who, as determined by the Chief Public Health Officer, does not pose a risk of significant harm to the public health;
- A Protected person; or
- A person who enters Canadian waters, including the inland waters, or the airspace over Canada on board a conveyance while proceeding directly from one place outside Canada to another place outside Canada, as long as the person was continuously on board that conveyance while in Canada and in the case of a conveyance other than an aircraft, the person did not land in Canada and the conveyance did not make contact with another conveyance, moor or anchor while in Canadian waters, including the inland waters, other than anchoring carried out in accordance with the right of innocent passage under international law; or in the case of an aircraft, the conveyance did not land while in Canada; .

**When does Order 31 end?**

- November 21, 2020

**When does Order 33 end?**

- November 30, 2020

\*Professional athletes and staff members of the National Hockey League have been exempted from the requirement to quarantine on national interest grounds.