

Who Can Enter Canada during COVID-19

This fact sheet explains the law in general. It is not intended as legal advice for your particular problem. Because each person's situation is different, you may need to seek legal advice. The information in this fact sheet was reviewed by a lawyer, and was last updated on 26 February 2021.

Like many other countries in the world, Canada has temporary travel restrictions on who can enter the country during the COVID-19 pandemic. As a migrant worker, your travel may be impacted by these restrictions. This fact sheet explains the current COVID-19 travel restrictions, the mandatory quarantine requirement, and the relevant exemptions.

IMPORTANT: The information contained in this fact sheet is up to date as of date indicated above. However, the regulations on travel restrictions in response to COVID-19 are changing rapidly and frequently. It is strongly recommended that you do not rely on this content without also checking whether there have been any updates.

What are the current COVID-19 travel restrictions that Canada has?

As a general rule, foreign nationals with COVID-19 symptoms will not be allowed to enter Canada, regardless of their legal status in the country.

Foreign nationals need to satisfy certain requirements in order to travel to Canada. What the requirements are depends on whether a foreign national is travelling to Canada from the United States or not.

If you are a foreign national travelling to Canada from any country other than the United States, your travel is barred **unless** it meets **both** of the following requirements:

- Your travel fits within one of the below exemptions:
 - family members;
 - workers, students and PRs;
 - discretionary categories; and
- Your travel is non-optional and non-discretionary.

For detailed information on the requirements, visit <https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-covid19/travel-restrictions-exemptions.html>.

If you are a foreign national travelling to Canada from the United States, your travel will be allowed if it is non-optional and non-discretionary. This restriction will be in effect until at least 21 January 2021. Some examples of optional or discretionary travel includes tourism, recreation or entertainment. Whether each travel is optional or discretionary is assessed by individual CBSA officers.

What do I need to do before departing for Canada?

You will need to 1) get a negative COVID-19 test result and 2) submit your information through the ArriveCAN platform. These are explained in detail below.

1) COVID-19 test

Starting on 7 January 2021, all passengers travelling by air from another country to Canada (who are five years of age or older) are required to test negative for COVID-19 before their travel. Documentation of a negative test result must be presented to the airline before a passenger travels to Canada.

Specific requirements of the test include:

- The test must be conducted within 72 hours prior to their scheduled boarding;
- The test must be performed by an accredited lab in the departing country using one of two types of COVID-19 tests – either a molecular polymerase chain reaction (PCR) or loop-mediated isothermal amplification (LAMP) test.

On 6 January 2020, the Canadian government announced certain exceptions to the requirement:

- Travellers departing from Saint Pierre and Miquelon do not need to provide a negative COVID-19 test result until January 14, 2021;
- Travellers departing from Haiti do not need to provide a negative COVID-19 test result until January 21, 2021;
- Travellers departing from a list of countries, including Mexico and Jamaica, can use tests conducted within 96 hours of departure (instead of 72 hours) until 00:01 EST on January 14, 2021. For a full list of countries that fall within this exception, visit <https://www.canada.ca/en/transport-canada/news/2021/01/covid-19-pre-departure-testing-and-transport-canadas-interim-order.html>.

2) ArriveCAN app

As of 21 November 2020, all travellers coming to Canada by air will be required to submit their information electronically through ArriveCAN before they board their flight. ArriveCAN is an app that allows a traveller to submit mandatory information electronically before they arrive in Canada. The required information is:

- Your travel and contact information;
- Your quarantine plan upon arrival in Canada (unless exempted);
- Your COVID-19 symptom self-assessment.

There are two ways to submit the required information through ArriveCAN. You may download the ArriveCAN app on your smartphone or sign in to the platform online using a computer at <https://arrivecan.cbsa-asfc.cloud-nuage.canada.ca/privacy>.

For travellers coming to Canada by land or sea, they are strongly encouraged by the government to submit information electronically through ArriveCAN before their arrival. Doing so may help avoid additional delays for public health questioning at the border.

For more information on the ArriveCAN platform, visit <https://www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19/arrivecan.html>

How do the restrictions affect migrant workers?

As outlined in general terms above, the current travel restrictions only allow certain groups of foreign nationals to travel to Canada. A migrant worker will be permitted to travel to Canada **only if their travel is for an essential purpose.**

Travel for an essential purpose refers to travel that is non-optional and non-discretionary. Immigration, Refugees and Citizenship Canada (IRCC) has listed requirements for a migrant worker's travel to be essential, which can be explained as follows:

First of all, you will need to have either a valid work permit or a letter of introduction from Immigration, Refugees and Citizenship Canada (IRCC) for your work permit application. Then, depending on the type of document that you hold:

- For holders of a valid work permit, your travel will be essential if you normally live in Canada. Even if you have been laid off from your work and don't currently have a job in Canada, your travel is still essential as long as your work permit is still valid and you normally live in Canada.
- For holders of a letter of introduction (for both open or employer-specific work permits), which means that you have not yet obtained your actual work permit, your travel will be essential if you have a valid job offer and you can work after completing a 14-day quarantine after entering Canada (unless you are exempted).

What would be some examples of non-essential travel for migrant workers?

If you are a holder of a letter of introduction, your travel can be determined as non-essential if:

- Your work permit will be employer-specific, but the potential employer has closed their business due to COVID-19; or
- Your work-permit will be open, but you don't yet have a job contract upon your arrival at the Canadian border.

What are the requirements after I arrive in Canada?

Under the current rules, all persons allowed to enter Canada are required to complete a 14-day mandatory quarantine or isolation, unless exempted. To quarantine or isolate means to stay at home and monitor yourself for symptoms. You should avoid contact with other people during your quarantine or isolation period. Penalties of up to \$750,000 and/or 6 months in prison can be levied against any person who violates the quarantine requirements. Furthermore, if you break your mandatory quarantine or isolation requirements and you cause the death or serious bodily harm to another person, you could face of up to \$1,000,000 and/or up to three years of imprisonment.

As of 21 November 2020, all travellers who enter Canada and are under the mandatory quarantine will be required to submit information during their quarantine period through ArriveCAN or by calling 1-833-641-0343.

On 29 January 2021, the government of Canada announced additional quarantine measures. Starting 22 February 2021, travellers will be required to:

- take a COVID-19 molecular test on arrival in Canada;
- stay in a hotel for 3 nights while they await the results of the COVID-19 molecular test they received on arrival;
- pay for their hotel, as well as all associated costs for food, cleaning and security.

Essential workers may be exempted from the mandatory quarantine requirement and the three-day hotel stopover requirement. In other words, you may not need to be quarantined or stay in a hotel for three nights upon your arrival if you are entering Canada for the purposes of performing an essential job or function. However, if an essential worker displays any signs or symptoms upon entering Canada, this exemption will not apply. It is worth noting that traveling as a worker for an essential purpose does not automatically make you an essential worker.

For people who are exempted from the quarantine requirement, it is still required that they:

- Monitor their health for COVID-19 symptoms;
- Wear a non-medical mask or face covering while in public settings if physical distancing can't be maintained; and
- Follow public health guidance and prevention measures from their local health authority and their employer.

Who are essential workers?

Generally speaking, an essential worker is someone who provides an essential service. For the purpose of quarantine exemptions, this may refer to anyone that the Chief Public Health Officer determines will provide an essential service. Whether a traveller is exempted by way of being an essential worker is to be determined upon their arrival at the Canadian border by a government representative. Some of the workers who have been granted quarantine exemptions for being essential workers include truck drivers, critical infrastructure workers and some technicians.