



Impact of COVID-19 on Canadian Immigration

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FRAGOMEN

WITH YOU TODAY



RICK LAMANNA

Senior Manager – Canadian Immigration
Rick.Lamanna@Fragomen.com



KARLI ROBYN

Manager – US Immigration
KRobyn@Fragomen.com

Fragomen Canada
55 York Street, Suite 1500
Toronto, ON M5J 1R7





WHO CAN ENTER CANADA?

MORE PEOPLE THAN YOU MIGHT THINK

- ▶ The entry ban does *not* apply to asymptomatic:
 - Canadian citizens, Permanent Residents (PR), and the immediate family members of both groups
 - If coming to work, valid work permit holders and those approved for a work permit on or before March 18th
 - Foreign nationals intending to perform *specific duties* in ten sectors including Energy, IT, Finance, Health, Food/Water, Transport, Manufacturing, etc. Specifics can be found [here](#)
 - If coming to study, valid study permit holders and those approved for a study permit on or before March 18th
 - Those approved for PR status but who did not land to acquire it by March 18th
 - Foreign nationals with immediate family members legally residing in Canada as temporary residents
 - Other various groups



TRAVEL RESTRICTIONS

INBOUND AND DOMESTIC

- ▶ Foreign nationals cannot enter Canada for a “non-essential” purpose – defined as tourism, entertainment or recreation.
- ▶ Medical pre-screening in place for all incoming and domestic flights/trains. Symptomatic passengers will be denied boarding and face a 14-day ban on such travel
- ▶ Medical screening also in place at all land crossings
- ▶ If entering from the US, foreign national must be exclusively present in Canada and/or the US in the 14 days prior to entry
- ▶ All incoming flights except those from the US, Mexico and the Caribbean are landing at one of Toronto-YYZ, Montreal-YUL, Calgary-YYC or Vancouver-YVR only.
- ▶ Helpful “Decision trees” issued by Transport Canada for anyone looking to fly to Canada:
 - International flights to Canada: [see here](#)
 - Transborder flights (US to Canada direct): [see here](#)



MANDATORY SELF-ISOLATION

14 DAYS - WITH NARROW EXEMPTIONS

- ▶ All travelers to Canada will have their health assessed prior to leaving the POE. A mandatory 14-day isolation period follows immediately thereafter, even if showing no symptoms.
- ▶ Foreign nationals **must** present an isolation plan upon arrival. Absence of a plan may result in a refusal to enter.
- ▶ Nonadherence is punishable by fines and/or imprisonment.
- ▶ Exemption to the mandatory 14-day self-isolation applies to those providing essential services: i.e. truck drivers regularly crossing to maintain the flow of critical goods, medical service providers, certain health care professionals. Specific can be found [here](#).
- ▶ Inconsistent outcomes being experienced for daily, cross-border commuters doing so for work. Calling the POE beforehand is advised.

HOW TO NAVIGATE THE CURRENT ENVIRONMENT



▶ Entry strategies

- Are you preparing your foreign national employee for entry?
- Alternative methods of obtaining approval: i.e. visa office filings
- How do I prove the job and/or foreign national is “essential”



▶ Common questions about foreign workers presently in Canada

- Can they work from home?
- What happens if we need to layoff/furlough any foreign workers?
- What about a reduction in salary/hours/benefits for a foreign worker?
- Can a foreign national stranded here and who can't return home work in Canada?
- Can employees who need to travel to another country do so?



WHAT'S HAPPENING AT THE US LAND BORDERS?

- ▶ US-Canada Land Borders Closed to Non-Essential Traffic
 - Effective March 21 for at least 30 days
 - “Non-essential” travel is defined as travel that is considered tourism or recreational in nature (e.g., sightseeing)
 - “Essential” travel includes, but is not limited to:
 - US citizens and lawful permanent residents returning to the US
 - Individuals engaged in lawful cross-border trade (e.g., truck drivers carrying cargo)
 - *Individuals traveling to work in the US*
 - Individuals traveling for medical purposes (e.g., to receive medical treatment in the US)
 - Individuals traveling to attend educational institutions
 - Individuals traveling for emergency response and public health purposes
 - Travel by members of the US Armed Forces, returning to the US
 - Other forms of travel as determined by CBP on a case-by-case basis

WHAT IS ACTUALLY HAPPENING AT THE US LAND BORDERS?

- ▶ CBP Peace Bridge port of entry in New York
 - Still accepting initial TN and L-1 applications (in most cases, but not all), and readmitting those granted any employment-based nonimmigrant status
 - POE indicated it is doing so “for now”
- ▶ Mixed reports from other ports of entry
 - Detroit POE approved new TN
 - But anecdotes of denials, some ports awaiting guidance from CBP Headquarters

WHAT'S HAPPENING AT US PREFLIGHT INSPECTION LOCATIONS AND CONSULATES?

- ▶ Air travel is exempt from “essential travel” restrictions
 - New travel restrictions do not affect air travel between Canada (or Mexico) and the United States
 - “As of now”, all Preclearance in Canada is open and will continue to adjudicate employment visas
 - Preflight Inspection at Toronto Pearson International Airport has confirmed it continues to adjudicate initial TN and L-1 applications, and to conduct business as usual
- ▶ US Consulates globally have cancelled routine visa appointments
 - Emergency services only
 - For non-Canadian residents (TCNs) – US Consulates in Canada are completely booked; unable to schedule future appointment dates at this time
 - For Canadian residents – limited appointments available, in July/August and only at certain consular posts



We are pleased to take your questions.

For global immigration news, including all Canadian updates, we invite you to visit Fragomen's dedicated COVID-19 [website](#), revised daily.