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Immigration lawyers on COVID-19 travel restrictions

Guidance on travel restrictions has been confusing, say lawyers



Sergio Karas says the government is sending mixed messages on travel guidelines.

By [Aidan Macnab](#)

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Immigration lawyers say they are hustling to keep up-to-date – and keep their clients informed on fast-moving developments – as the government moves quickly and every day new measures are taken to limit the spread of COVID-19.

“The biggest issue we have is that you have individuals who have temporary work permits who are unable to get back to the country,” says Evan Green, senior partner at Green and Spiegel. “That’s the biggest issue.”

On Wednesday, the federal government announced an order in council, made under s. 58 of the Quarantine Act, which prohibits entry to Canada to any foreign national if they arrive by airplane from a foreign country.

The order in council came as people around the world are practising social-distancing and working from home amid the COVID-19 pandemic. Businesses are closing to prevent public mixing and governments, globally, are telling their citizens to stay home and isolate. The same is being implemented internationally, as governments attempt to prevent the virus proliferating across borders.

Evan Green has a client who is chief operating officer of a large corporation, currently in Europe, who can’t get back into Canada and he says the ability of temporary work-permit holders to get into the country is a major concern.

Those who have been in the U.S. for the last 14 days prior to showing up in Canada, non-Canadian immediate family members of Canadian citizens or permanent residents and those who “will provide an essential service while in Canada,” are exempt from the entry restrictions in the order in council.

“It’s important to let people know that as long as you have access to the United States and you can spend 14 days in the United States, you can come in as a worker, and you can come

in as a student," says immigration lawyer Stephen Green, also a senior partner at Green and Spiegel in Toronto.

Canada and the United States have agreed to restrict all non-essential travel across the border and exempt from Wednesday's travel restrictions is those providing essential services. Though, says immigration lawyer Sergio Karas, it's unclear at this point what "essential" means.

"Who defines what essential travel is? Well that's what they're trying to work out because they better they better define this very, very clearly to avoid chaos and confusion at the port of entry," says Karas.

Karas says keeping clients up-to-date has been difficult because the government has not communicated guidance effectively.

"The rollout of the travel measures was an absolute disaster," says Karas. "It's like Keystone cops. It was an absolute disaster because they left many, many questions unanswered."

The information from the feds has been "very fragmented," says Karas. What is being posted online by federal agencies – Immigration, Refugees and Citizenship Canada, Health Canada, the Canadian Border Services Agency and Transport Canada – is all different, he says.

"Why they couldn't have marshalled all the information into one website or one link? I do not know. But it would have been a very good thing for people to have a centralized point of contact, which they haven't done. This creates confusion," Karas says.

Stephen Green says the non-essential services prohibition will not apply to truckers, whose cross-border travel is necessary to keep the grocery stores stocked.

"The 14-day thing will not apply to truckers because they're balancing the need for logistics versus the health concerns," he says. "They're saying it's more important that our food chain is maintained."

Green added the 14-day rule will also not apply to airline pilots.

Everyone coming back into Canada also must also agree to a 14-day quarantine. Though Karas and the Greens note that requirement is voluntary.

"It's all based on honour. For now," says Stephen Green.

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