

# Rebel News employee loses court bid to halt quarantine order after covering Michigan Trump event

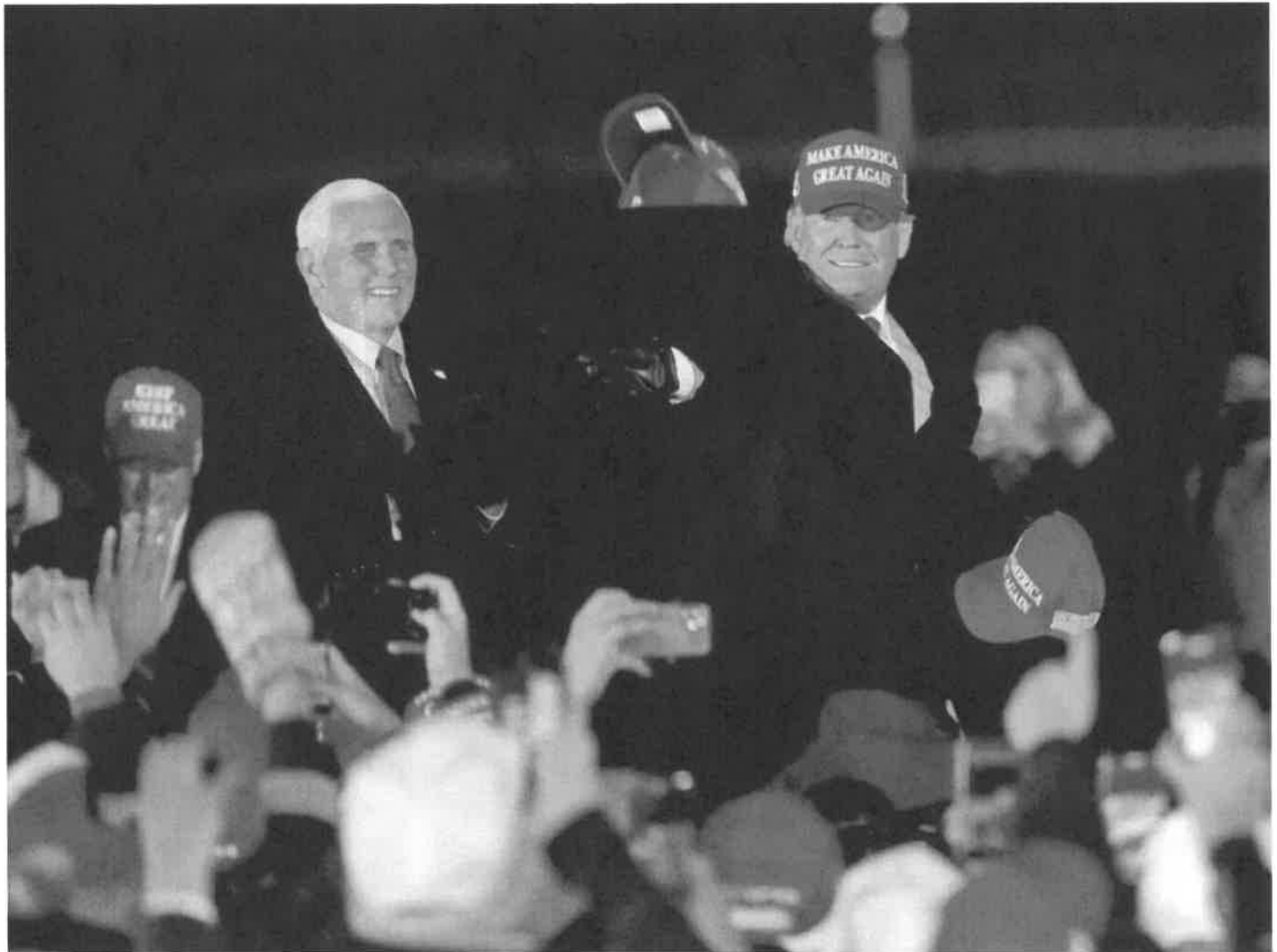
'The (Rebel employee's) statements that he takes appropriate precautions are not sufficient in the context to show that he is not a risk to spread the virus'



Tom Blackwell

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U.S. President Donald Trump, followed by Vice President Mike Pence, throws hats to the crowd during his final Make America Great Again rally of the 2020 U.S. Presidential campaign at Gerald R. Ford International Airport on November 2, 2020, in Grand Rapids, Michigan. *JEFF KOWALSKY/AFP VIA GETTY IMAGES*

A journalist for far-right news site Rebel News has lost a court challenge to the quarantine order he faced after crossing the border to cover a campaign event for President Donald Trump in Michigan.

It was a rare legal test of the cabinet order that largely closed the Canada-U.S. frontier eight months ago.

A Toronto-based Federal Court judge said Efrain Oswaldo Flores Monsanto failed to qualify under any of the exemptions to the edict requiring people entering Canada from the United States to isolate for 14 days.

Monsanto, Rebel's head of video, said he spent only a day in the U.S. before heading back to his home base in the Toronto area.

He argued he fell under part of the cross-border quarantine rules that make an exception for people returning after an "everyday function" that requires entering the U.S.

The section is generally considered to apply to individuals who commute back and forth regularly for work. Justice Andrew Little ruled the section did not apply to a journalist like Monsanto, who said he travelled to the U.S. about once a year.

The judge rejected a request for an injunction suspending the quarantine order until a full "judicial review" of it could be heard.

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Monsanto said 14 days of isolation would seriously impede his ability to do his job, but Little said that was outweighed by the "harm to the public interest," noting the journalist had not told court about the nature of his activities in Michigan and potential there for coming in contact with COVID-19.

"The (Rebel employee's) statements that he takes appropriate precautions are not sufficient in the context to show that he is not a risk to spread the virus following his overnight trip to the United States."

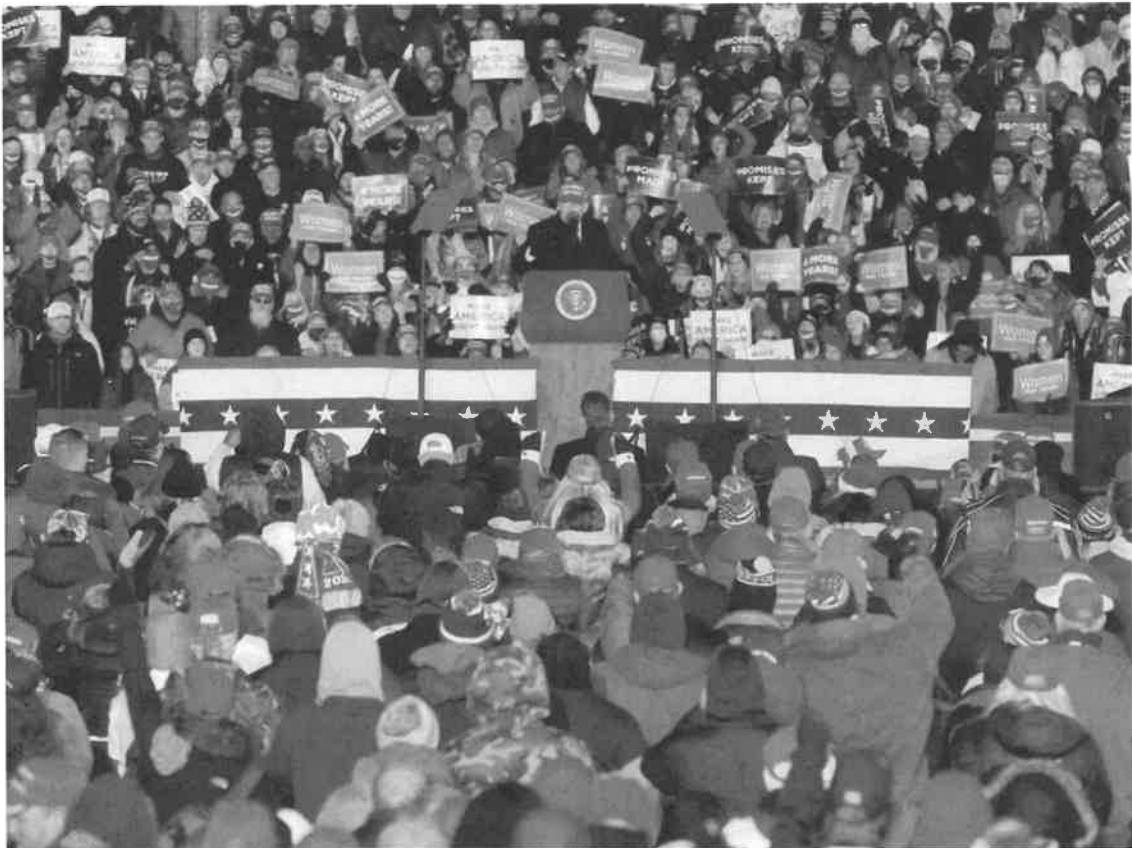
Monsanto's lawyer said Monsanto attended a Republican event Nov. 2 in Traverse City, Mich., the same day President Donald Trump and Vice President Mike Pence appeared there for a rally.

(<https://www.rev.com/blog/transcripts/donald-trump-mike-pence-rally-speech-transcript-traverse-city-michigan-november-2>). Such Trump gatherings are known to attract large numbers of supporters in close quarters.

Rylee Raeburn-Gibson, the Rebel employee's lawyer, said he appreciated Little's lengthy ruling on the issue and called it well-reasoned.

But he suggested the rules should be modified to reflect the importance of journalists doing their jobs in other countries. The requirement to quarantine is a barrier to outlets that lack permanent U.S. correspondents, Raeburn-Gibson said.

"Canadians I don't think should be able to travel willy-nilly across the border," he said. "(But) there must be a way to at least provide some certainty on what kind of journalistic work cross border is going to be allowed without quarantine."



U.S. President Donald Trump speaks during a campaign rally at Gerald R. Ford International Airport on November 2, 2020, in Grand Rapids, Michigan. *JEFF KOWALSKY/AFP VIA GETTY IMAGES*

The current rules provide exemptions for a variety of groups, including truck drivers, fishermen working international waters, soldiers, airline crew, critical-infrastructure technicians and students working in health care.

In fact, about 80 per cent of the millions who have entered Canada since March have fallen under one of the exemptions, according to government statistics.

Sergio Karas, a Toronto immigration lawyer not involved in the case, said the Monsanto judgment was logical and sent "a very strong message that the court will not entertain this sort of application."

But he said that the isolation requirement generally is having a serious economic and human impact.

While many of his clients qualify for one of the exemptions, many others do not and it impacts their operations, said Karas.

"There is no question that the quarantine of 14 days is creating a very serious issue for business," he said. "They are creating delays and they are creating extra cost and they are creating also a level of uncertainty."

Karas suggested Canadian officials are implementing the quarantine order somewhat haphazardly and "whimsically."

One of his client companies sent five employees to inspect a plant in the U.S. recently. When they returned, four were exempted from quarantine but one had to isolate for two weeks.

Someone else contacted his office recently who had intended to apply for a work permit at a U.S. border post. The appropriate American official was not available so he turned back, not having actually entered the U.S. Canadian border guards still required the person to quarantine, noting that he had gotten out of his car at the American station, said Karas.

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