

### ABOUT US

At Borderlaw® we are, first and foremost, immigration law experts. Our exclusive focus means that we are able to provide expert advice and comprehensive services in an increasingly complex area of law.

### PERSONAL SERVICES

When you contact us, you deal with a qualified and experienced lawyer who will take the time to identify and address your specific immigration issues.

### FLEXIBILITY

We can help with a specific immigration problem or develop your business immigration plan. We provide services on a fixed fee basis or bill hourly, in US or Canadian currency, as per our clients' request.

### REFERRALS

We value referral relationships. Because of our restricted practice area, we regularly assist Canadian, US & international law firms. We work hard to support you and your clients.

### ACCOUNTABILITY

Qualified and licensed in Canada and the US, at Borderlaw® we adhere to stringent regulatory requirements applicable to practice, accounting and ethical conduct, in both countries.

## BEREZOWSKI'S BORDERLAW®

\*\*\* UPDATE \*\*\*

### Canadian Immigration in the time of Corona - Part 2

**To: Berezowski Business Immigration Law Clients**  
**From: Nan Berezowski,**  
**Barrister & Solicitor & Attorney-at Law**  
**Date: March 24, 2020**

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Borders worldwide have been dramatically impacted by the COVID-19 crisis. I have no doubt that the virus, and specifically the drastic measures governments have imposed to suppress it, will have a lasting legacy on how borders function, how we travel, how we do business and how we live. For today however, I will focus on Immigration, Refugees & Citizenship Canada's (IRCC) and the Minister of Public Safety's most recent announcements.

In Canada there is a wide-ranging travel ban, however there are also exceptions to the travel ban. Below is a follow up to my two most recent Borderlaw® Updates of March 16 and 20th.

**General Travel Ban** ~ The travel ban implemented on Wednesday, March 18 applies to all foreign nationals who would normally have flown into Canada or have been outside of either Canada or the United States in the 14-days prior to their flight. The travel ban also applies to anyone who is symptomatic - regardless of their immigration status. Additionally, individuals entering Canada from abroad are expected to self-isolate for 14 days upon their arrival in Canada. The ban will be in place until June 30, 2020. However, the government has announced additional exemptions to the travel ban which include:

- ❖ Temporary Foreign Workers: this group includes Seasonal Agricultural Workers and Caregivers;
- ❖ International Students who hold a valid Study Permit;
- ❖ Permanent Residence applicants who were approved for 'landing' before the travel restrictions were announced on March 16 but have not yet travelled to Canada; and
- ❖ Transiting passengers.

Language in the Government of Canada's earlier announcement referring to those "already committed to working, studying or making Canada their home" initially concerned me because it implied that intending applicants should not apply. Fortunately, the Minister's office has now indicated that this is not the case.

Temporary workers, students and approved but not yet 'landed' Permanent Residents should not travel. Although IRCC has announced their exemption, it has yet to determine an implementation date. According to an IRCC announcement on March 24, 2020:

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The principal lawyer at Berezowski Business Immigration Law, I am an internationally recognized Canadian lawyer (Ontario) and a licensed US Attorney-at-Law (New York) who has been featured in Who's Who Corporate Immigration for over a decade.

Only Canadian citizens, and permanent residents, and some foreign nationals travelling from the United States (US) who have been in the US for at least 14 days and are asymptomatic, are able to enter Canada by air at this time.

**Canada/US Border** ~ Canada and the United States have agreed to dramatically reduce travel across their border. Non-essential travel will no longer be allowed. This provision came into effect on March 21, 2020 and will be in place for at least 30 days. Exceptions are available for:

- ❖ Those authorized, in writing, by a consular officer of the Government of Canada to enter Canada for the purpose of reuniting immediate family members;
- ❖ Foreign nationals whose entry would be in the national interest, as determined by the Minister of Foreign Affairs, the Minister of Immigration, Refugees and Citizenship, or the Minister of Public Safety.

My understanding is that cross border visits to family members will not be routinely permitted. Asked about compassionate grounds for crossing, Public Safety Minister Bill Blair said it will be up to Canadian and American border agents to “exercise the appropriate discretion” in determining “exceptional circumstances”.

As a reminder, ‘flag poling’ where a foreign national leaves Canada to briefly enter the U.S. and return to Canada for the purpose of obtaining an immigration service, has been deemed non-essential; CBSA will not entertain such requests. If you are inside Canada and your status is expiring, you should apply to have your status extended.

**Additional Information** ~ Since the initial shock of last week's announcements we have learned that:

1. IRCC has cancelled Citizenship interviews, tests and ceremonies until further notice;
2. Service Canada has cancelled Biometrics collection until further notice;
3. Immigration medical examination appointments have been cancelled until further notice;
4. The deadline to submit an Express Entry Permanent Residence Application has been extended from 60 to 90 days;
5. The definition of “family member” has been expanded to include a foreign national's own parents or stepparents, the parents or stepparents of the foreign national's spouse or common-law partner and the foreign national's guardian or tutor; and
6. IRCC is advising that those who are in Canada and in the final stages of their permanent residence application to wait for instructions relating to “telephone landings” so as to avoid going to local offices.

Although some immigration offices are still open and are processing applications the restrictions leave many unanswered questions. For instance, can one renew a permit beyond passport validity given that some foreign consulates are not renewing passports? Will government agencies accept electronically reproduced signatures? And, will those in Canada in Visitor status, who have approved work permit letters from abroad (such as working holiday work permits) be able to obtain their Work Permit in Canada?

Finally, please remember that while some automatic extensions are being provided, whenever possible, you should provide an explanation as to why you are unable to provide a document or meet a deadline. Please contact my office if you have any such concerns so that we can best assist you.

Nan Berezowski (BA. LL.B, LL.M) compiled this Update with the latest available information for the general information of Berezowski Business Immigration Law clients and other interested parties. This Update is not comprehensive and should not be relied upon without appropriate legal advice.