

## 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 Covid-19 - PART 3 Visitors, Students, Workers & Immigrants Where are we now?

**To: Berezowski Business Immigration Law Clients**  
**From: Nan Berezowski,**  
**Barrister & Solicitor & Attorney-at Law**  
**Date: June 17, 2020**

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Since the start of the Covid-19 pandemic, Canada has imposed a series of travel and immigration restrictions on those who are not Canadian citizens or permanent residents. These restrictions apply to the border, to airline carriers transporting foreign nationals to Canada and to immigration processes and procedures and they impact those seeking to visit, study, work or immigrate to Canada. I provide an updated summary below:

- 1. Border Closure Extended** ~ Prime Minister Trudeau announced on June 16, 2020 that the closure of the border between the US and Canada will be extended for an additional month. The US and Canada first agreed to ban non-essential travel commencing March 22 of this year. They extended the border closure for another month in mid-April, and again in mid-May. The present closure will end July 21, 2020.
- 2. Visitors** ~ For foreign nationals seeking to visit Canada from outside the United States, travel is not permitted save for those who are immediate family members or are travelling for a *non-discretionary* purpose.

Trudeau recently addressed ongoing criticism of the Canada Border Service Agency "CBSA" and its unpredictable application of travel restrictions to immediate family members. On June 8, 2020, the federal government tweaked its policy for immediate family members who it defines as spouses, common-law partners, dependent children, parents or stepparents, and guardians or tutors. Starting June 16, Canada is allowing such family members to reunite on this side of the border without meeting additional Covid-19 requirements, provided they are staying for at least 15 days.

Generally, foreign nationals seeking to visit Canada from the United States have been required to demonstrate that their reason for entering Canada is 'essential' and 'non-discretionary' (reasons include critical infrastructure support, certain types of work, and economic services and supply chains). My office has successfully assisted clients to enter Canada in this regard.

Canadian visa application centres that collect biometrics are temporarily closed. Additionally, applicants who are required to undergo a medical exam with a designated physician are usually unable

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to do so given that most, if not all, designated physicians, are not currently performing medical examinations because of the Covid-19 outbreak. The inability to provide biometrics or undergo a medical examination effectively prevents many foreign nationals from applying to enter Canada, even if they are exempt from the travel restrictions.

Visa exempt foreign nationals, whose objective in travelling to Canada is to perform work normally exempt from the requirements of a Work Permit (such as urgent aftersales service or emergency repair work), can self-identify to commercial air carriers with a letter of support from their Canadian customer and documentation outlining the urgency of their entry, which will also need to persuade a CBSA Officer of the non-discretionary and non-optional purpose of their entry. My office has successfully assisted clients with this as well.

- 3. Students** ~ International students who have a valid Study Permit or who were approved for a Study Permit on or before March 18, 2020, can still travel to Canada. IRCC has demonstrated flexibility by allowing candidates to enroll in online Canadian educational programs from abroad this fall and remain eligible for the Post-Graduation Work Permit (PGWP) once they are able to make their way to the country. The PGWP allows candidates to gain Canadian work experience following the completion of an eligible course which must last at least eight (8) months and lead to a diploma, degree or certificate. However, for the time being, to be eligible applicants must have already received approval to study in Canada.
- 4. Temporary Foreign Workers** ~ Foreign Nationals who hold valid Work Permits and normally live in Canada (even if they have been laid off) can still enter Canada. Temporary workers who have applied for work permits from outside of Canada and have a Work Permit approval letter from Canadian authorities can also enter.

IRCC has implemented a temporary policy that allows those already in Canada on employer specific work permits to change jobs while their new Work Permit is processed. Normally, any change in conditions would require the foreign worker to apply for and receive a new Work Permit before starting a new job. Under the temporary new process, workers in Canada apply for their new Work Permit and fill out an IRCC web form. Following a pre-screening process, they receive an emailed reply within 10 days confirming their ability to start the new job while their Work Permit is pending.

IRCC is not processing applications for most foreign nationals who do not already hold a Work Permit. However, those with offers of employment in critical industries such as agriculture, food processing, health, transportation and emergency services are being processed on a priority basis. However, it is important to note that CBSA Officers make the final determination on admission and there have been ongoing issues relating to CBSA's interpretation of the current Covid-19 restrictions and exemptions.

- 5. Spousal Sponsorships** ~ IRCC is accepting and processing spousal applications for permanent residence and has indicated a willingness to make allowances for difficulties obtaining documents as a result of Covid-19-related service disruptions.
- 6. Express Entry** ~ There continue to be regular draws and Invitations to Apply (ITAs) for permanent residence. IRCC is targeting candidates already in Canada and has thus focused on the Canada Experience Class. Right now, CEC candidates are benefiting from relatively low Comprehensive Ranking System (CRS) qualifying scores. Early indicators are that the number of ITAs will be lower than expected this year and perhaps as a result, the acceptance threshold has dipped.

Amidst the patch work of policy and processing changes I have described, there is uncertainty and delay. Nonetheless, the federal government is bracing for a post-pandemic surge in demand for immigration to Canada and has announced that a complete overhaul of Canada's immigration processes is in the works. IRCC says the "new normal" will require a revamp of the technology it uses and will further limit the amount of in-person contact between officials and potential newcomers. Thus, it appears that immigration to Canada has and will continue to be a Canadian priority, albeit in an evolving capacity, and despite the challenges of a pandemic.

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.