



## **Quarantine Act & Travel Restrictions**

**May 8, 2020** - The Immigration Advisory Committee (IAC) is sharing the following summary with the intention of helping members to clarify the different travel restrictions related to the Quarantine Act.

The following is *not an update or statement from IRCC*, but rather a clarification of current orders in place, based on recent experiences, sent on behalf of the IAC to help CBIE membership understand the different impacts of the two Orders in Council issued under the *Quarantine Act*.

As noted below, the two part test to allow foreign nationals to travel into Canada (outside of the US) is of particular note when advising students, specifically the issue around discretionary travel into Canada.

Please consult the provided hyperlinks for more details.

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There are currently in force two Orders in Council issued under the *Quarantine Act* that prohibit the entry of certain foreign nationals into Canada. These are:

1. [\*Minimizing the Risk of Exposure to COVID-19 in Canada Order \(Prohibition of Entry into Canada from \*\*any Country other than the United States\*\*\)\*](#) – in force until June 30, 2020
2. [\*Minimizing the Risk of Exposure to COVID-19 in Canada Order \(Prohibition of Entry into Canada from \*\*the United States\*\*\)\*](#) - in force until May 21, 2020

The first Order applies to foreign nationals entering **Canada from all countries except the United States**. Under this Order, a foreign national will be allowed to enter Canada if they demonstrate that they meet **two requirements**:

- 1) They fall under an exemption as per the Order **AND**
- 2) Their entry to Canada is essential (not optional or not discretionary)

For international students this means they must meet the **two requirements**:

- 1) They fall under one of the two following exemptions:
  - a. They hold a valid study permit; OR
  - b. They have been issued a study permit approval letter on or before March 18, 2020; **AND**
- 2) Their entry to Canada is essential (not optional or not discretionary)

Therefore, even if an international student is exempt under the order their entry may be deemed optional or discretionary (non-essential) by CBSA and they may be denied entry to Canada.

As per the [Order \(Prohibition of Entry into Canada from any Country other than the United States\)](#):

**Prohibition**

**2** Any foreign national, as defined in subsection 2(1) of the Immigration and Refugee Protection Act, is prohibited from entering Canada if they arrive from a foreign country other than the United States.

**Non-application**

**3 (1)** Section 2 does not apply to

**(m)** the holder of a valid work permit or a study permit as defined in section 2 of the Immigration and Refugee Protection Regulations;

**(n)** a person whose application for a work permit referred to in paragraph (m) was approved under the Immigration and Refugee Protection Act and who has received written notice of the approval, but who has not yet been issued the permit;

**(o)** a person whose application for a study permit referred to in paragraph (m) was approved under the Immigration and Refugee Protection Act, and who received written notice of the approval before noon, Eastern Daylight Time on March 18, 2020, but who has not yet been issued the permit;

**Exception — optional or discretionary purpose**

**(3)** Despite subsection (1), a person who seeks to enter Canada for an optional or discretionary purpose, such as tourism, recreation or entertainment, is prohibited from entering Canada from a foreign country other than the United States

This is why it is so important to get clarification from IRCC, actually more CBSA, about online courses and if this is considered essential or not. If deemed non-essential which is plausible, then even students with valid study permit could be denied entry to Canada. It is a two-part test that foreign nationals have to pass when entering Canada from a country other than the US.

The second Order applies to foreign nationals entering **Canada from the United States**. Under this Order, a foreign national will be allowed to enter Canada if they demonstrate that they meet **one requirement**:

1) Their entry to Canada is essential (not optional or not discretionary).

Therefore for entry from the US only, there is only one test which is the essential test, as per the [Order \(Prohibition of Entry into Canada from the United States\)](#):

**Prohibition — optional or discretionary purpose**

**3** A foreign national is prohibited from entering Canada from the United States if they seek to enter for an optional or discretionary purpose, such as tourism, recreation or entertainment.

Therefore, for international students entering Canada from the United States, they will have to demonstrate that their entry to Canada is for an essential (not optional or not discretionary) purpose which will be assessed by CBSA.