IMMIGRATION UPDATE AND RECOMMENDATIONS (2020-06-01)

There are currently three Orders in Council that concern the travels of our temporary foreign workers (TFW). They apply to all workers: TT Professors, Visiting Academics, Contract Academic Staff and Postdocs:

1) Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from the United States)

2) Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from any country other than the United States)

3) Minimizing the Risk of Exposure to COVID-19 in Canada Order (Mandatory Isolation)

Main points:

- Purpose of travels must be non-discretionary/non-optional
- If a TFW currently has a valid work permit or a work permit approval letter there should be no problem entering Canada if their purpose is to work
- All who enter Canada must self-isolate for 14-days (**please refer to our previous communication on self-isolation for more information).

For travels from the United States:

- The TFW must be asymptomatic
- The entry must not be for a purpose that is optional or discretionary (non-essential)
- They must be able to comply with the requirement to self-isolate for 14 days
Establishing that the purpose of entering Canada is not optional or discretionary is a question of proof. The Canadian Border Services Agency (CSBA) agents have extensive discretionary power to decide what is or is not optional/discretionary. To maximize the chances of gaining admission to Canada, our suggestions are as follows:

- Instruct TFWs that they should not enter Canada prematurely. This is important because if, for example, a worker seeks to enter Canada more than two weeks in advance of the start date of their employment period then the CBSA may determine that entering Canada at that time is optional/discretionary.

- Provide TFWs with a letter explaining why their physical presence is required on campus. For example, is the worker required to operate or work in a lab? Supervise graduate students? What are the consequences for your unit should the foreign worker not be physically present for the start of their employment period?

For travels from a country other than the United States:

- The TFW must be asymptomatic
- The entry must not be for a purpose that is optional or discretionary (non-essential)
- Before travelling to Canada, the TFW must have a valid work permit or work permit approval letter (“Letter of Introduction”)
- They must be able to comply with the requirement to self-isolate for 14 days

A work permit application cannot be submitted at the Point of Entry when traveling from a country other than the United States (except for some very specific essential purposes). This means that the application must be submitted online, and the foreign worker must wait for it to be approved. Every applicant except US citizens must submit their biometrics before the application is approved which creates an additional delay as most biometrics collection centers in the world are currently closed. This makes it difficult to know the processing time associated with an online application for a Work Permit.

For Students/Teaching Assistants (TAs):

- International students who are outside of Canada and hold a valid Canadian study permit and those who have received a letter approving their study permit applications before March 18, 2020 can travel to Canada if they are travelling for a non-optional or non-discretionary purpose.

- Students who were studying in Canada prior to March 18, 2020 or whose programs of study began in May or June 2020 and whose programs of study are temporarily shifted to an online format will still be considered compliant with their study permit conditions if they remain enrolled and continue to actively pursue their studies online. Although these
students can continue to work on or off campus, they are still subject to the authorized number of hours they would have been permitted to work as full-time students.

- International students outside of Canada who are not exempt from the travel ban may begin their classes while outside Canada and complete up to 50% of their program via distance learning if they cannot travel to Canada sooner. These students, including Teaching Assistants, are not yet in a position to benefit from the work authorization provisions generally associated with their Study Permits as these have not yet been issued and they do not have a Social Insurance Number. These students are encouraged to apply for their CAQs and Study Permits as soon as possible.

**Resources:**


How to apply for a work permit online: [https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/apply.html](https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/apply.html)


McGill University guidance on employer compliance (attach the document here)

Email address for any question regarding immigration for foreign workers at McGill: immigration.apo@mcgill.ca

Resources for International Students: [https://www.mcgill.ca/internationalstudents/](https://www.mcgill.ca/internationalstudents/)