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# PUBLIC HEALTH AGENCY OF CANADA

## QUARANTINE ACT

### ***Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from any Country Other than the United States)***

P.C. 2020-588 August 30, 2020

Whereas the Governor in Council is of the opinion that

- (a) based on the declaration of a pandemic by the World Health Organization, there is an outbreak of a communicable disease, namely coronavirus disease 2019 (COVID-19), in the majority of foreign countries;
- (b) the introduction or spread of the disease poses an imminent and severe risk to public health in Canada;
- (c) the entry of persons into Canada who have recently been in a foreign country may introduce or contribute to the spread of the disease in Canada; and
- (d) no reasonable alternatives to prevent the introduction or spread of the disease are available;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of Health, pursuant to section 58 of the *Quarantine Act* <sup>b</sup>, makes the annexed *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from any Country Other than the United States)*.

## **Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from any Country Other than the United States)**

### **Definitions**

1 The following definitions apply in this Order.

**common-law partner** has the same meaning as in subsection 1(1) of the *Immigration and Refugee Protection Regulations*. (*conjoint de fait*)

**foreign national** has the same meaning as in subsection 2(1) of the *Immigration and Refugee Protection Act*. (*étranger*)

**immediate family member**, in respect of a person, means

- (a) the spouse or common-law partner of the person;
- (b) a *dependent child*, as defined in section 2 of the *Immigration and Refugee Protection Regulations*, of the person or of the person's spouse or common-law partner;
- (c) a *dependent child*, as defined in section 2 of the *Immigration and Refugee Protection Regulations*, of a dependent child referred to in paragraph (b);
- (d) the parent or step-parent of the person or of the person's spouse or common-law partner; or
- (e) the guardian or tutor of the person. (*membre de la famille immédiate*)

## Prohibition

**2** Any foreign national 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

- (a) an immediate family member of a Canadian citizen or of a *permanent resident* as defined in subsection 2(1) of the *Immigration and Refugee Protection Act*;
- (b) a person who is authorized, in writing, by an officer designated under subsection 6(1) of the *Immigration and Refugee Protection Act*, to enter Canada for the purpose of reuniting immediate family members;
- (c) a *crew member* as defined in subsection 101.01(1) of the *Canadian Aviation Regulations* or a person who seeks to enter Canada only to become such a crew member;
- (d) a *member of a crew* as defined in subsection 3(1) of the *Immigration and Refugee Protection Regulations* or a person who seeks to enter Canada only to become such a member of a crew;
- (e) a person who is exempt from the requirement to obtain a temporary resident visa under paragraph 190(2)(a) of the *Immigration and Refugee Protection Regulations* and the immediate family members of that person;
- (f) a person who seeks to enter Canada at the invitation of the Minister of Health for the purpose of assisting in the COVID-19 response;
- (g) a person who arrives by any means of a conveyance operated by the Canadian Forces or the Department of National Defence;
- (h) a member of the Canadian Forces or a *visiting force*, as defined in section 2 of the *Visiting Forces Act*, and the immediate family members of that member;
- (i) a French citizen who resides in Saint-Pierre-et-Miquelon and has been only in Saint-Pierre-et-Miquelon, the United States or Canada during the period of 14 days before the day on which they arrived in Canada;

- (j)** a person or any person in a class of persons who, as determined by the Chief Public Health Officer appointed under subsection 6(1) of the *Public Health Agency of Canada Act*
- (i)** does not pose a risk of significant harm to public health, or
  - (ii)** will provide an essential service while in Canada;
- (k)** a person or any person in a class of persons whose presence in Canada, as determined by the Minister of Foreign Affairs, the Minister of Citizenship and Immigration or the Minister of Public Safety and Emergency Preparedness, is in the national interest;
- (l)** the holder of a valid *work permit* or a *study permit* as defined in section 2 of the *Immigration and Refugee Protection Regulations*;
- (m)** a person whose application for a work permit referred to in paragraph (l) 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;
- (n)** a person whose application for a study permit referred to in paragraph (l) 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;
- (o)** a person permitted to work in Canada as a student in a health field under paragraph 186(p) of the *Immigration and Refugee Protection Regulations*;
- (p)** a person permitted to work in Canada as a provider of emergency services under paragraph 186(t) of the *Immigration and Refugee Protection Regulations*;
- (q)** a licensed health care professional with proof of employment in Canada;
- (r)** a person who seeks to enter Canada for the purpose of delivering, maintaining, or repairing medically-necessary equipment or devices;
- (s)** a person who seeks to enter Canada for the purpose of donating or making medical deliveries of stem cells, blood and blood products, tissues, organs or other body parts that are required for patient care in Canada during the validity of the Order or within a reasonable period of time after the expiry of the Order;
- (t)** a person whose application for permanent residence 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 become a permanent resident under that Act;
- (u)** a worker in the marine transportation sector who is essential for the movement of goods by *vessel*, as defined in section 2 of the *Canada Shipping Act, 2001*, and who seeks to enter Canada for the purpose of performing their duties in that sector;
- (v)** a person who seeks to enter Canada to take up a post as a diplomat, consular officer, representative or official of a country other than Canada, of the United Nations or any of its agencies or of any intergovernmental organization of which Canada is a member and the immediate family members of that person;

(w) a person who arrives at a Canadian airport aboard a commercial passenger conveyance and who is transiting to a country other than Canada and remains in a *sterile transit area*, as defined in section 2 of the *Immigration and Refugee Protection Regulations*; or

(x) a person who seeks to enter Canada on board a *vessel*, as defined in section 2 of the *Canada Shipping Act, 2001*, that is engaged in research and that is operated by or under the authority of the Government of Canada or at its request or operated by a provincial government, a local authority or a government, council or other entity authorized to act on behalf of an Indigenous group.

### **Exception — signs and symptoms**

(2) A foreign national is prohibited from entering Canada from a foreign country other than the United States if they have reasonable grounds to suspect they have COVID-19, have signs and symptoms of COVID-19, including a fever and cough or a fever and breathing difficulties, or know that they have COVID-19.

### **Exception — optional or discretionary purpose**

(3) Despite subsection (1), a foreign national 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.

### **Non-application — immediate family member**

(4) Subsection (3) does not apply to a foreign national who is an immediate family member of a Canadian citizen or a *permanent resident*, as defined in subsection 2(1) of the *Immigration and Refugee Protection Act*, if the foreign national intends to enter Canada to be with their immediate family member who is a Canadian citizen or a permanent resident, and can demonstrate the intent to stay in Canada for a period of at least 15 days.

### **Non-application — national interest**

(5) Subsection (3) does not apply to a foreign national referred to in paragraph (1)(k).

### **Non-application — order**

4 This Order does not apply to

(a) a person registered as an Indian under the *Indian Act*;

(b) a protected person within the meaning of subsection 95(2) of the *Immigration and Refugee Protection Act*; or

(c) a person who enters Canadian waters, including the inland waters, or the airspace over Canada on board a conveyance while proceeding directly from one place outside Canada and leaves Canada to another place outside Canada on board the conveyance, as long as the person was continuously on board that conveyance while in Canada and, in the case of a conveyance other than an aircraft, the person did not land in Canada and the conveyance did not make contact with another conveyance, moor or anchor while in Canadian waters, including the inland waters, other than anchoring carried out in accordance with the right of

innocent passage under international law and, in the case of an aircraft, the conveyance did not land while in Canada.

## **Powers and obligations**

**5** For greater certainty, this Order does not affect any of the powers and obligations set out in the *Quarantine Act*.

## **Repeal**

**6** The *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from any Country other than the United States)* <sup>2</sup> is repealed.

## **Effective period**

**7** This Order has effect for the period beginning at 23:59:59 p.m. Eastern Daylight Time on the day on which it is made and ending at 23:59:59 p.m. Eastern Daylight Time on September 30, 2020.

# **EXPLANATORY NOTE**

*(This note is not part of the Order.)*

## **Proposal**

This Order in Council, entitled *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from any Country Other than the United States)*, is made pursuant to section 58 of the *Quarantine Act*.

The Order repeals and replaces Order in Council P.C. 2020-549 of the same name, which came into force on July 30, 2020.

This Order complements the Order in Council entitled *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Mandatory Isolation)*, No. 4.

This Order will be in effect from 23:59:59, Eastern Daylight Time, on the date it is made until 23:59:59, Eastern Daylight Time, September 30, 2020.

## **Objective**

This Order extends the effective date of the previous Order restricting entry into Canada from any country other than the United States (U.S.).

This Order supports Canada's continued focus on reducing the introduction and further spread of COVID-19 by decreasing the risk of importing cases from outside the country. The Order generally continues to prohibit entry into Canada of foreign nationals arriving from countries other than the United States unless they meet a specified list of exemptions and are not travelling for an optional or discretionary purpose. Even those who are exempted from the prohibition may not enter if they knowingly have COVID-19 or they exhibit signs and symptoms of COVID-19.

This Order is amended from the previous version to exempt from the entry prohibition donors of stem cells, blood and blood products, tissues, organs or other body parts required for patient care in Canada, where previously this exemption only applied to persons making deliveries of such items; and persons entering Canada on authorized marine research vessels. The Order is also amended to remove the application of the optional/ discretionary filter for persons entering pursuant to a National Interest Letter issued by the Government of Canada. However, people will continue to be subject to the parameters of the national interest exemption outlined in the letter.

## **Background**

### ***COVID-19***

COVID-19 is caused by a novel coronavirus capable of causing severe illness, named the Severe Acute Respiratory Syndrome coronavirus 2 (SARS-CoV-2). It is part of a family of viruses that includes Middle East Respiratory Syndrome coronavirus (MERS-CoV) and Severe Acute Respiratory Syndrome coronavirus (SARS-CoV).

COVID-19 was first detected in Wuhan, China, in December 2019. The disease is caused by a new strain of coronavirus never before seen in humans. Therefore, information about the virus, how it causes disease, whom it affects, and how to appropriately treat or prevent illness has been limited and based on best practices approaches to coronaviruses at large. Originally seen to be a local outbreak, COVID-19 has now affected the majority of countries across the globe. The science around the virus is still evolving.

Coronaviruses are spread among humans primarily through the inhalation of infectious respiratory droplets (e.g. when an infected individual coughs or sneezes) or through contact with objects or surfaces contaminated by infectious droplets. Human-to-human transmission is the main driving force of the current COVID-19 outbreak and is exacerbated by a lack of immunity in the general population.

COVID-19 has been clearly demonstrated to be a severe, life-threatening respiratory disease. Patients with COVID-19 present with symptoms that may include fever, malaise, dry cough, shortness of breath, and damage to the lungs. In more severe cases, infection can cause pneumonia, severe acute respiratory syndrome, kidney failure and death. Older individuals and those with a weakened immune system or an underlying medical condition have been seen to be at a higher risk of severe disease. The time from exposure to onset of symptoms is currently estimated to be up to 14 days, with an average of 5 days. No vaccine is available to protect Canadians from COVID-19. Current treatment is supportive, aimed at relief of symptoms and treatment of associated medical complications.

The World Health Organization (WHO) declared an outbreak of what is now known as COVID-19 to be a Public Health Emergency of International Concern (PHEIC) on January 30, 2020, and a pandemic on March 11, 2020. COVID-19 has demonstrated that it can cause widespread illness if not properly contained. Global efforts are focused on identification of cases and the prevention of further spread. If widespread disease occurs in Canada, the health system could be overwhelmed, further increasing negative health impacts.

## ***Government of Canada response to COVID-19 pandemic***

The Government of Canada's top priority is the health and safety of Canadians. To limit the introduction and spread of COVID-19 in Canada, the Government of Canada has taken unprecedented action to implement a comprehensive strategy with layers of precautionary measures. Measures include, for example, the establishment of a more than \$1 billion COVID-19 Response Fund, restrictions on entry into Canada for optional or discretionary travel, restrictions on cruise ship travel in Canada, and mandatory quarantine and isolation measures to prevent further spread of the virus.

Together, these measures have been effective. For instance, by limiting incoming travel to Canada and requiring mandatory isolation and quarantine, the Government of Canada has reduced travel-related infections to low numbers. While these measures cannot prevent COVID-19 from crossing the borders, they are effective at reducing the risk that community transmission will occur due to international travel.

As the COVID-19 pandemic evolves, the Government of Canada is continuing to evaluate the latest science and situational assessments of what is occurring in various jurisdictions across Canada and internationally when considering any changes to border restrictions or border measures. All changes to international travel restrictions and advice are based on national and international evidence-based risk assessments. The Government is considering the option of opening Canada's borders to lower-risk countries as part of its COVID-19 recovery planning; however, at this time, easing travel restrictions would continue to present an unacceptable risk of imported cases and increases the potential for onward community transmission of COVID-19. This is because, while some countries are starting to see confirmed cases and deaths fall following strict lockdown restrictions, others are still seeing figures rise. Some countries that were believed to have controlled the outbreak are starting to see resurgences in cases including Australia, New Zealand and South Korea.

The global number of cases of COVID-19 is rising at an accelerated pace, with sharp increases in cases in Latin America, Africa, Asia and the Middle East. Cases of COVID-19 in the United States also remain high. As of August 21, 2020, there were 5 573 847 detected cases in the United States, 3 501 975 detected cases in Brazil and 2 905 823 detected cases in India. The WHO has also warned countries to prepare for new outbreaks, especially in areas where lockdowns have been eased.

As a result, there remains significant potential for a resurgence of travel-related cases in Canada if the border entry prohibitions were to be relaxed. The Government is seeking to enhance the role of laboratory testing at ports of entry as part of a multilayered approach to reduce the risk of importation. At this time, it has been determined that taking less restrictive measures, such as easing entry prohibitions or quarantine requirements, would not appropriately protect the health of Canadians.

The Government recognizes that Canadians have been working hard to minimize the risks of COVID-19 transmission, and that entry prohibitions and mandatory quarantine requirements place significant limitations on the Canadian economy.

## **Implications**

## ***Key impacts for travellers***

By limiting the number of incoming foreign nationals, Canada has taken strict border measures to limit the risk of the introduction or spread of COVID-19 transmitted via travellers from foreign countries, while maintaining critical services and support necessary for Canada.

This Order will continue to generally prohibit foreign nationals from entering Canada from countries other than the United States, unless they meet a specified list of exemptions and are entering for non-optional or non-discretionary purposes, or are immediate family members of a Canadian citizen or permanent resident, and entering Canada to be with that person for at least 15 days.

Foreign nationals travelling for any purpose will be denied entry into Canada if they knowingly have COVID-19, or are exhibiting signs and symptoms of COVID-19, subject to certain narrow exemptions. The enforcement of the prohibition on entry for foreign nationals who arrive exhibiting COVID-19 symptoms, despite having appeared healthy prior to boarding an aircraft or vessel, may be deferred to the extent required to maintain public health and ensure the safety of the commercial transportation system.

Upon entry into Canada, all persons become subject to the complementary order that requires asymptomatic persons to quarantine themselves for 14 days, with some exemptions, and symptomatic persons to isolate themselves for 14 days.

The Government of Canada recognizes that the prohibition on entry to Canada has significantly impacted the Canadian economy. However, the measures taken by the Government of Canada continue to be necessary to address the serious health threat presented by COVID-19.

## ***Penalties***

Failure to comply with this Order and other related measures under the *Quarantine Act* are offences under the Act. The maximum penalties are a fine of up to \$1,000,000 or imprisonment for three years, or both.

## **Consultation**

The Government of Canada has engaged provinces and territories to coordinate efforts and implementation plans. In addition, there has been consultation across multiple government departments, including the Canada Border Services Agency, Immigration, Refugees and Citizenship Canada, Transport Canada, Public Safety Canada, and Global Affairs Canada, given linkages to other statutory instruments.

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## Footnotes

a S.C. 2005, c. 20

1 P.C. 2020-524, June 29, 2020

b S.C. 2005, c. 20

2 P.C. 2020-549, July 30, 2020

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