

**PC Number:** 2021-0173

**Date:** 2021-03-19

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Whereas the Administrator in Council is of the opinion, based on the declaration of a pandemic by the World Health Organization, that there is an outbreak of a communicable disease, namely coronavirus disease 2019 (COVID-19), in the majority of foreign countries;

Whereas the Administrator in Council is of the opinion that the introduction or spread of the disease would pose an imminent and severe risk to public health in Canada;

Whereas the Administrator in Council is of the opinion that the entry of persons into Canada who have recently been in a foreign country may introduce or contribute to the spread in Canada of the disease or of new variants of the virus causing COVID-19 that pose risks that differ from those posed by other variants but that are equivalent or more serious;

And whereas the Administrator in Council is of the opinion that no reasonable alternatives to prevent the introduction or spread of the disease are available;

Therefore, His Excellency the Administrator of the Government of Canada in Council, on the recommendation of the Minister of Health, pursuant to section 58 of the *Quarantine Act*, makes the annexed *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from the United States)*.

Attendu que l'administrateur en conseil est d'avis, compte tenu de la déclaration de pandémie de l'Organisation mondiale de la santé, que la majorité des pays étrangers est aux prises avec l'apparition d'une maladie transmissible, soit la maladie à coronavirus 2019 (COVID-19);

Attendu que l'administrateur en conseil est d'avis que l'introduction ou la propagation de cette maladie présenterait un danger grave et imminent pour la santé publique au Canada;

Attendu que l'administrateur en conseil est d'avis que l'entrée au Canada de personnes qui ont récemment séjourné dans un pays étranger pourrait favoriser l'introduction ou la propagation au Canada de la maladie ou de nouveaux variants du virus qui cause la COVID-19, lesquels présentent des risques qui sont différents de ceux présentés par d'autres variants, mais qui sont équivalents ou plus graves;

Attendu que l'administrateur en conseil est d'avis qu'il n'existe aucune autre solution raisonnable permettant de prévenir l'introduction ou la propagation de la maladie au Canada,

À ces causes, sur recommandation de la ministre de la Santé et en vertu de l'article 58 de la *Loi sur la mise en quarantaine*, Son Excellence l'administrateur du gouvernement du Canada en conseil prend le *Décret visant la réduction du risque d'exposition à la COVID-19 au Canada (interdiction d'entrée au Canada en provenance des États-Unis)*, ci-après.

## **Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from 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*)

***dependent child*** has the same meaning as in section 2 of the *Immigration and Refugee Protection Regulations*. (*enfant à charge*)

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

**(a)** an individual who is 18 years of age or older and is in an exclusive dating relationship with the person — who is also 18 years of age or older — and who has been in such a relationship for at least one year and has spent time in the physical presence of the person during the course of the relationship;

**(b)** a dependent child of the individual referred to in paragraph (a);

**(c)** a child of the person or of the person's spouse, common-law partner or the individual referred to in paragraph (a) other than a dependent child;

**(d)** a dependent child of the child referred to in paragraph (c);

**(e)** a sibling, half-sibling or step-sibling of the person or of the person's spouse or common-law partner; or

**(f)** a grandparent of the person or of the person's spouse or common-law partner. (*membre de la famille élargie*)

**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 of the person or of the person's spouse or common-law partner;
- (c) a dependent child of the 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*)

**international single sport event** means an event that is governed by the sport's International Federation or its regional or continental counterpart, that has a nationally or internationally established qualification process and that is identified as part of the long-term development plans for high-performance national team athletes of the National Sport Organization for that sport. (*événement unisport international*)

**permanent resident** has the same meaning as in subsection 2(1) of the *Immigration and Refugee Protection Act*. (*résident permanent*)

**protected person** means a protected person within the meaning of subsection 95(2) of the *Immigration and Refugee Protection Act*. (*personne protégée*)

**study permit** has the same meaning as in section 2 of the *Immigration and Refugee Protection Regulations*. (*permis d'études*)

**temporary resident** means a temporary resident within the meaning of the *Immigration and Refugee Protection Act*. (*résident temporaire*)

### **Prohibition — signs and symptoms**

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

### **Non-application — certain persons**

**(2)** Subsection (1) does not apply to persons referred to in subsection 5(1) or (2) who seek to enter Canada from the United States for the purpose of making a claim for refugee protection.

### **Prohibition — COVID-19 molecular test**

**2.1** A foreign national five years of age or older is prohibited from entering Canada from the United States if they do not comply with the applicable requirement, under any order with respect to mandatory isolation or quarantine made under section 58 of the *Quarantine Act*, to provide, before or when entering Canada, evidence that they received a COVID-19 molecular test result before entering Canada.

**Prohibition — optional or discretionary purpose**

**3 (1)** 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.

**Non-application — immediate family member**

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

**Non-application — extended family member**

**(3)** Subsection (1) does not apply to a foreign national who is an extended family member of a Canadian citizen, permanent resident or person registered as an Indian under the *Indian Act* if the foreign national

**(a)** intends to enter Canada to be with the Canadian citizen, permanent resident or person registered as an Indian and can demonstrate their intent to stay in Canada for a period of at least 15 days;

**(b)** has a statutory declaration attesting to their relationship with the Canadian citizen, permanent resident or person registered as an Indian that is signed by the Canadian citizen, permanent resident or person registered as an Indian; and

**(c)** 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 referred to in paragraph (a).

**Prohibition — extended family member**

**3.1** A foreign national who is an extended family member of a Canadian citizen, permanent resident or person registered as an Indian under the *Indian Act* and who intends to enter Canada to be with the Canadian citizen,

permanent resident or person registered as an Indian is prohibited from entering Canada from the United States unless the foreign national

(a) has a statutory declaration attesting to their relationship with the Canadian citizen, permanent resident or person registered as an Indian that is signed by the Canadian citizen, permanent resident or person registered as an Indian; and

(b) is authorized, in writing, by an officer designated under subsection 6(1) of the *Immigration and Refugee Protection Act* to enter Canada for that purpose.

#### **Prohibition — other orders**

4 (1) A foreign national is prohibited from entering Canada from the United States if, based on the purpose of entry or the length of their stay, they cannot comply with the applicable requirement to quarantine under any order with respect to mandatory isolation or quarantine made under section 58 of the *Quarantine Act*.

#### **Non-application — certain persons**

(2) Subsection (1) does not apply to persons referred to in subsections 5(1) or (2) who seek to enter Canada from the United States for the purpose of making a claim for refugee protection.

#### **Prohibition — claim for refugee protection**

5 (1) A foreign national is prohibited from entering Canada from the United States for the purpose of making a claim for refugee protection unless the person

(a) seeks to enter Canada at a land port of entry designated by the Minister of Public Safety and Emergency Preparedness under section 26 of the *Immigration and Refugee Protection Regulations* and

(i) is a claimant referred to in section 159.2, 159.5 or 159.6 of the *Immigration and Refugee Protection Regulations*, or

(ii) is a citizen of the United States; or

(b) is a person or any person in a class of persons whose presence in Canada, as determined by the Minister of Public Safety and Emergency Preparedness or the Minister of Citizenship and Immigration, is in the national or public interest, while recognizing the paramount public health interests of Canada and Canadians.

#### **Non-application — certain persons**

**(2)** Subsection (1) does not apply to the following persons who seek to enter Canada at any place referred to in paragraph 159.4(1)(a), (b) or (c) of the *Immigration and Refugee Protection Regulations*:

**(a)** a citizen of the United States;

**(b)** a stateless habitual resident of the United States; or

**(c)** a person who

**(i)** has not attained the age of 18 years and is not accompanied by their mother, father or legal guardian within the meaning of the *Immigration and Refugee Protection Regulations*,

**(ii)** has neither a spouse nor a common-law partner within the meaning of those Regulations, and

**(iii)** has neither a mother or father nor a legal guardian within the meaning of those Regulations in the United States.

### **Prohibition — international students**

**5.1 (1)** A foreign national is prohibited from entering Canada from the United States for the purpose of attending an institution other than a listed institution.

### **Prohibition — listed institution**

**(1.1)** A foreign national is prohibited from entering Canada from the United States for the purpose of attending a listed institution unless they are

**(a)** a person who holds a valid study permit;

**(b)** a person who may apply for a study permit when entering Canada under section 214 of the *Immigration and Refugee Protection Regulations*; or

**(c)** a person whose application for a study permit was approved under the *Immigration and Refugee Protection Act* and who received written notice of the approval but who has not yet been issued the permit.

### **Listed institution**

**(2)** For the purposes of subsections (1) and (1.1), a listed institution is an institution that is

**(a)** determined, by the government of the province in which the institution is located, to have appropriate measures in place to ensure that the students who attend the institution can meet applicable obligations under any order with respect to mandatory isolation or quarantine made under section 58 of the *Quarantine Act*; and

**(b)** included in a list that is published by the Department of Citizenship and Immigration on its website, as amended from time to time, for the purposes of this Order.

### **Non-application — compassionate grounds**

**5.2** Subsection 3(1), section 3.1 and subsection 4(1) do not apply to a foreign national if

**(a)** the Minister of Health determines that the foreign national intends to enter Canada in order to engage in one of the following activities:

**(i)** to attend to the death of or provide support to a Canadian citizen, permanent resident, temporary resident or protected person, or person registered as an Indian under the *Indian Act*, who is residing in Canada and who is deemed to be critically ill by a licensed health care practitioner,

**(ii)** to provide care for a Canadian citizen, permanent resident, temporary resident or protected person, or person registered as an Indian under the *Indian Act*, who is residing in Canada and who is deemed by a licensed health care practitioner to have a medical reason that they require support, or

**(iii)** to attend a funeral or end-of-life ceremony,

**(b)** in the case where a foreign national is, based on the purpose of entry and the length of their stay, unable to comply with the applicable requirement to quarantine under any order with respect to mandatory isolation or quarantine made under section 58 of the *Quarantine Act*, the Minister of Health

**(i)** has not received written notice from the government of the province where the activity referred to in paragraph (a) will take place indicating that that government opposes the non-application of subsections 3(1) and 4(1) to persons who engage in the activity referred to in paragraph (a) in that province and who are unable to comply with the applicable requirement to quarantine under any order with respect to mandatory isolation or quarantine made under section 58 of the *Quarantine Act*, and

**(ii)** if the foreign national intends to engage in the activity referred to in paragraph (a) in a location other than a public outdoor location, determines that the person in charge of the location does not object to the presence of the foreign national at that location in order to engage in that activity; or

**(c)** the foreign national has obtained a limited release from quarantine on compassionate grounds under an order with respect to mandatory isolation or quarantine made under section 58 of the *Quarantine Act* in order to engage in the activity referred to in paragraph (a).

## **Non-application — sports**

**5.3 (1)** Subsection 3(1) does not apply to a foreign national who is authorized by a letter issued under subsection (2) to enter Canada as a high-performance athlete taking part in or a person engaging in an essential role in relation to an international single sport event, if the athlete or the person is affiliated with a national organization responsible for that sport.

### **Letter of authorization**

**(2)** The Deputy Minister of Canadian Heritage may, if he or she considers it appropriate, issue a letter of authorization to enter Canada after receiving, from the individual or entity in charge of an international single sport event,

**(a)** the names and contact information of all persons referred to in subsection (1); and

**(b)** a letter of support for the entry into Canada of all persons referred to in subsection (1) from the government of the province where the international single sport event will take place and from the local public health authority.

### **Cancellation or withdrawal of support**

**(3)** Despite subsection (1), a foreign national is prohibited from entering Canada from the United States to take part in an international single sport event if the Deputy Minister of Canadian Heritage withdraws the letter of authorization for one of the following reasons:

**(a)** the event is cancelled by the individual or entity in charge of the event; or

**(b)** the local public health authority or the government of the province withdraws the letter of support referred to in paragraph (2)(b).

## **Non-application — order**

**6** This Order does not apply to

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

**(b)** a person who, as determined by the Chief Public Health Officer appointed under subsection 6(1) of the *Public Health Agency of Canada Act*, does not pose a risk of significant harm to public health;

**(c)** a protected person; or

**(d)** 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 to another place outside Canada, if the



person was continuously on board that conveyance while in Canada and

(i) 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, or

(ii) in the case of an aircraft, the conveyance did not land while in Canada.

### **Powers and obligations**

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

### **Repeal**

8 The *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from the United States)*<sup>1</sup> is repealed.

### **Effective period**

9 This Order has effect for the period beginning at 11:59:59 p.m. Eastern Daylight Time on the day on which it is made and ending at 11:59:59 p.m. Eastern Daylight Time on April 21, 2021.

<sup>1</sup> P.C. 2021-76, February 14, 2021

## **Décret visant la réduction du risque d'exposition à la COVID-19 au Canada (interdiction d'entrée au Canada en provenance des États-Unis)**

### **Définitions**

1 Les définitions qui suivent s'appliquent au présent décret.

**conjoint de fait** S'entend au sens du paragraphe 1(1) du *Règlement sur l'immigration et la protection des réfugiés*. (*common-law partner*)