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# Canada Gazette, Part I, Volume 154, Number 17: GOVERNMENT NOTICES

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April 25, 2020

## DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

### IMMIGRATION AND REFUGEE PROTECTION ACT

#### ***Ministerial Instructions with respect to the processing of certain new and existing applications for temporary residence to further support Government-wide measures to limit the spread of COVID-19 (Coronavirus)***

These Instructions are published in the *Canada Gazette*, in accordance with subsection 87.3(6) of the *Immigration and Refugee Protection Act*.

These Instructions are given, pursuant to section 87.3 and subsections 92(1.1) and (2), by the Minister of Citizenship and Immigration as, in the opinion of the Minister, these Instructions will best support the attainment of the immigration goals established by the Government of Canada over the next 21 days.

These Instructions are consistent with the *Immigration and Refugee Protection Act* objectives, as laid out in section 3, and are compliant with the *Canadian Charter of Rights and Freedoms*.

Authority for these Ministerial Instructions is pursuant to section 87.3 of the *Immigration and Refugee Protection Act*. Instructions are directed to officers who are charged with handling and/or reviewing certain applications for temporary residence.

#### **Considerations**

Recognizing the declaration by the World Health Organization regarding the pandemic of COVID-19 (Coronavirus);

Recognizing also that the increased spread of the disease would pose an imminent and severe risk to public health in Canada;

Recognizing also that the entry of persons into Canada who have been in a foreign country may contribute to the spread of the disease in Canada;

Recognizing how the related response measures have reduced Immigration, Refugee and Citizenship Canada's capacity for processing applications, both in Canada and overseas;

Noting that Canada's immigration objectives, as laid out in section 3 of the *Immigration and Refugee Protection Act*, include the protection of the health and safety of Canadians; and

Recognizing that in order to meet the objective of protecting the health and safety of Canadians, these Instructions are to operate consistently with two emergency orders under the *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)*, and *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from the United States)*, as well as the *Interim Order to Prevent Certain Persons from Boarding Flights to Canada due to COVID-19*, made pursuant to the *Aeronautics Act*. These Orders restrict travel to and entry into Canada, with limited exceptions.

To view the language of the emergency orders issued under the *Quarantine Act*, including details regarding foreign nationals whose entry into Canada is not prohibited by these orders, please consult the [Orders in Council online database \(https://orders-in-council.canada.ca/\)](https://orders-in-council.canada.ca/). For the text of the Interim Order issued under the *Aeronautics Act*, please consult the [webpage on the COVID-19 measures, updates, and guidance issued by Transport Canada \(https://www.tc.gc.ca/en/initiatives/covid-19-measures-updates-guidance-tc.html\)](https://www.tc.gc.ca/en/initiatives/covid-19-measures-updates-guidance-tc.html).

This information is also published in the [Canada Gazette \(http://canadagazette.gc.ca/accueil-home-eng.html\)](http://canadagazette.gc.ca/accueil-home-eng.html).

## Scope

These Instructions apply for the period of 21 calendar days following the day they come into force.

These Instructions apply to certain applications for temporary resident visas, work permits, study permits, and electronic travel authorizations (eTAs) received by Immigration, Refugees and Citizenship Canada before the coming into force of these Instructions, and in respect of which a final decision has not been made, and to certain new applications received by Immigration, Refugees and Citizenship Canada on or after the coming into force of these Instructions.

Any categories for which Instructions are not specifically issued shall continue to be processed.

Applications submitted from outside Canada to be submitted by electronic means — Temporary residence

All applications for a temporary resident visa (including a transit visa), a work permit, or a study permit submitted by persons who are outside Canada at the time of application must be submitted using electronic means (apply online).

## **Temporary suspension on processing of certain applications for temporary resident visas and electronic travel authorizations for visitors**

Applications for temporary resident visas for visitors that were received before the coming into force of these Instructions and in respect of which a final decision has not been made, and those that are received on or after the coming into force of the Instructions, will not be processed while these Instructions are in effect, unless they pertain to foreign nationals who are not prohibited from entering Canada or from boarding an aircraft for a flight to Canada, per the Emergency Orders under the *Quarantine Act*, and the Interim Order under the *Aeronautics Act*, referenced above.

Any eTA applications that require processing by any means other than the electronic automated system will not be processed while these Instructions are in effect, unless they pertain to foreign nationals who are not prohibited from entering Canada or from boarding an aircraft for a flight to Canada, per the Emergency Orders under the *Quarantine Act*, and the Interim Order under the *Aeronautics Act*, referenced above.

### **Retention/Disposition**

Applications received prior to the coming into force of the Instructions, and in respect of which a final decision has not been made, and those that are received on or after the coming into force, will be retained and processing fees shall not be returned, as Instructions are temporary in nature.

### **Effective period**

These Instructions have effect during the period beginning on the date they are signed and ending 21 days after that date.

Ottawa, April 9, 2020

**Marco E. L. Mendicino, P.C., M.P.**

Minister of Citizenship and Immigration

## **DEPARTMENT OF TRANSPORT**

### **CANADA SHIPPING ACT, 2001**

#### ***Interim Order Respecting Passenger Vessel Restrictions Due to the Coronavirus Disease 2019 (COVID-19)***

Whereas the Minister of Transport is of the opinion that the annexed *Interim Order Respecting Passenger Vessel Restrictions Due to the Coronavirus Disease 2019 (COVID-19)* is required to deal with a direct or indirect risk to marine safety or to the marine environment;

And whereas the provisions of the annexed Order may be contained in a regulation made pursuant to subsection 120(1) <sup>a</sup> and paragraphs 136(1)(f) <sup>b</sup> and (h) <sup>b</sup> and 244(f) <sup>c</sup> of the *Canada Shipping Act, 2001* <sup>d</sup>;

Therefore, the Minister of Transport, pursuant to subsection 10.1(1) <sup>e</sup> of the *Canada Shipping Act, 2001* <sup>d</sup>, makes the annexed *Interim Order Respecting Passenger Vessel Restrictions Due to the Coronavirus Disease 2019 (COVID-19)*.

Ottawa, April 4, 2020

Marc Garneau  
Minister of Transport

## **Interim Order Respecting Passenger Vessel Restrictions Due to the Coronavirus Disease 2019 (COVID-19)**

### **Definitions**

#### **Definitions**

**1** The following definitions apply in this Interim Order.

**arctic waters** means

- (a) the Canadian waters located north of the 60th parallel of north latitude; and
- (b) the territorial sea of Canada in the vicinity of Nunatsiavut, Nunavik and the Labrador coast. (*eaux arctiques*)

**COVID-19** means the coronavirus disease 2019. (*COVID-19*)

**ferry vessel** means any vessel, having provision only for deck passengers and for vehicles, that is operated on a short run on a schedule between two points over the most direct water route and offers a public service of a type normally attributed to a bridge or tunnel. (*transbordeur*)

**Minister** means the Minister of Transport. (*ministre*)

**passenger vessel** means a ferry vessel, or a vessel that is certified to carry more than 12 passengers as indicated on its inspection certificate or Passenger Ship Safety Certificate issued under the *Vessel Certificates Regulations* or on an equivalent certificate issued by a foreign government. (*bâtiment à passagers*)

**passenger vessel that provides essential services** means a passenger vessel that is set out in the schedule. (*bâtiment à passagers exploité pour fournir des services essentiels*)

### **Application**

#### **Application**

**2** This Interim Order applies to passenger vessels

- (a) from 12:00 p.m Eastern Daylight Time, April 6, 2020 to October 31, 2020, in the case of vessels in arctic waters; and
- (b) from 12:00 pm Eastern Daylight Time, April 6, 2020 to June 30, 2020, in the case of vessels in any other Canadian waters.

### **Prohibition**

#### **Prohibition — passenger vessels**

**3 (1)** A passenger vessel must not navigate, moor or berth in Canadian waters.

### **Exceptions**

**(2)** Subsection (1) does not apply to

- (a)** a vessel that is in distress or providing assistance to a vessel or person in distress;
- (b)** a vessel that is forced to navigate, moor or berth to avoid immediate danger;
- (c)** a vessel 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;
- (d)** a vessel that carries
  - (i)** employees of the Government of Canada or a provincial or territorial government, or
  - (ii)** peace officers who require a transportation service in the course of performing their duties or functions;
- (e)** a foreign vessel in Canadian waters that is exercising the right of innocent passage in accordance with international law and article 19 of the *United Nations Convention on the Law of the Sea*, done at Montego Bay on 10 December 1982;
- (f)** a vessel that does not carry a passenger and that navigates in Canadian waters other than arctic waters for the purposes of repositioning or repair; and
- (g)** a vessel that is not in service.

**Passenger Vessels That Provide Essential Services and Ferry Vessels****Permission**

**4 (1)** Subsection 3(1) does not apply to a passenger vessel that provides essential services or a ferry vessel if

- (a)** the vessel, at all times, carries not more than 50 percent of the maximum number of passengers that it is certified to carry, as indicated on its inspection certificate or Passenger Ship Safety Certificate issued under the *Vessel Certificates Regulations* or on an equivalent certificate issued by a foreign government; or
- (b)** its authorized representative implements the measures to reduce transmission risks of COVID-19 set out in the Ship Safety Bulletin entitled *Measures to Mitigate the Spread of COVID-19 on Passenger Vessels and Ferries*, SSB No. 10/2020, published on April 4, 2020, by the Marine Safety Directorate of Transport Canada.

**Notice to the Minister**

**(2)** The authorized representative of a vessel that implements measures in accordance with paragraph (1)(b) must notify the Minister, in writing, of the measures before implementing them and must keep a copy of the notice on board.

**Guidelines**

**5** The authorized representative and master of a passenger vessel that provides essential services or a ferry vessel must make reasonable efforts to implement and put in place the measures contained in the guidelines that are set out in the document entitled *COVID-19: Guidance Material for Passenger Vessel and Ferry Operators* published on April 4, 2020 by the Marine Safety Directorate of Transport Canada.

## **Arctic Waters**

### **Foreign vessels in arctic waters**

**6 (1)** At least 60 days before the expected date of arrival in arctic waters of a vessel referred to in paragraph 3(2)(e), the master of the vessel must give written notice to the Minister of the arrival of the vessel in those waters.

### **Conditions**

**(2)** The Minister may impose, in respect of a vessel for which notice has been given, any conditions that the Minister considers appropriate.

### **Responsibility of master**

**(3)** The master must ensure that the vessel and its crew comply with any conditions that the Minister imposes.

## **Prohibition — Authorized Representative and Master**

### **Prohibition**

**7** The authorized representative and master of a passenger vessel must not permit the vessel to contravene any of the restrictions or prohibitions set out in this Interim Order.

## **Ministerial Exemptions**

### **International obligations and external affairs of Canada**

**8 (1)** The Minister may, in writing, exempt a passenger vessel from any of the restrictions or prohibitions set out in this Interim Order if

**(a)** after consulting with the Minister of Foreign Affairs, the Minister is of the opinion that the exemption is necessary to ensure

**(i)** that Canada meets its international obligations, or

**(ii)** the proper conduct of the external affairs of Canada; and

**(b)** the Minister is of the opinion that public health and safety and the protection of the marine environment will, to the extent possible, be maintained.

### **Particular circumstances — Canadian vessels**

**(2)** The Minister may, in writing, exempt a passenger vessel that is a Canadian vessel from any of the restrictions or prohibitions set out in this Interim Order if

**(a)** it is not practical under the circumstances for the vessel to comply with the prohibition or restriction; and

(b) the Minister is of the opinion that public health and safety and the protection of the marine environment will, to the extent possible, be maintained.

### **Application for exemption**

**9 (1)** An application to the Minister for an exemption under section 8 may be made by the authorized representative of the passenger vessel.

### **Conditions of exemption**

(2) An exemption is subject to any conditions that the Minister considers appropriate.

### **Amending conditions**

(3) The Minister may add, amend or remove conditions if the Minister determines that it is necessary to do so for public health or safety or the protection of the marine environment.

### **Exemption on board**

(4) The exemption must be kept on board the vessel.

### **Suspension or revocation**

(5) The Minister may suspend or revoke an exemption if

- (a) the authorized representative knowingly provides false or misleading information to obtain the exemption;
- (b) a condition that was attached to the exemption is not complied with, and the non-compliance constitutes a risk to public health or safety or to the marine environment; or
- (c) it is necessary to do so for public health or safety or the protection of the marine environment.

### **Notice**

(6) If the Minister suspends or revokes an exemption, the Minister must give notice in writing of the suspension or revocation.

### **Enforcement**

#### **Persons ensuring compliance**

**10 (1)** The following persons may ensure compliance with this Interim Order:

- (a) a marine safety inspector;
- (b) a member of the Royal Canadian Mounted Police;
- (c) a member of any harbour or river police force; and
- (d) a member of any provincial, county or municipal police force.

#### **Powers and duties**

(2) A person who may ensure compliance with this Interim Order may

- (a) prohibit the movement of any vessel or direct it to move;

**(b)** stop and board any vessel at any reasonable time and

**(i)** direct any person to answer reasonable questions and provide reasonable assistance, and

**(ii)** require any person to provide, for examination, any document that the person is required to have in their possession or that is required to be kept on board; and

**(c)** verify by any means that the requirements of this Interim Order are met.

### **Obligation to comply**

**11** A person or vessel must comply with any direction, requirement or prohibition referred to in subsection 10(2).

### **Violations**

#### **Violations**

**12** A person or passenger vessel that does not comply with this Interim Order commits a violation and is liable to a penalty in the amount of

**(a)** in the case of an individual, \$5,000; and

**(b)** in the case of any other person or vessel, \$25,000.

### **SCHEDULE**

(Section 1)

#### **Passenger Vessels That Provide Essential Services**

<b>Item</b>	<b>Vessels</b>
1	A vessel operating to protect public health or safety or the marine environment including a vessel that is involved in <ul style="list-style-type: none"> <li>(a) search and rescue operations; or</li> <li>(b) emergency or environmental response.</li> </ul>
*	Medical equipment, testing and laboratory services.
**	Primary health care services and pharmacies.



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- 2 A vessel that supports the activities of any of the following at their request:
- (a) the Minister;
  - (b) the Minister of Fisheries and Oceans;
  - (c) a member of the Canadian Coast Guard; or
  - (d) a peace officer in the performance of their duties.
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- 3 A vessel that operates when it is the most practical means to
- (a) give passengers access to their domicile or residence or their place of employment;
  - (b) give passengers access to essential goods and services, including
    - (i) goods or services directly related to the response to COVID-19 <sup>\*</sup>,
    - (ii) essential health services <sup>\*\*</sup>, and
    - (iii) food, clean water, pharmaceuticals and fuel.
  - (c) transport cargo to resupply communities, businesses or industry; or
  - (d) give passengers access to services that are declared to be essential services by the Government of Canada, a provincial government, a local authority or a government, council or other entity authorized to act on behalf of an Indigenous group.
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<sup>\*</sup> Medical equipment, testing and laboratory services.

<sup>\*\*</sup> Primary health care services and pharmacies.

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## Footnotes

a S.C. 2018, c. 27, s. 694

b S.C. 2005, c. 29, s. 18

c S.C. 2014, c. 29, s. 75(1)

d S.C. 2001, c. 26

e S.C. 2018, c. 27, s. 690

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