

A microscopic image of a human hand, rendered in a blue, semi-transparent style. The hand is positioned as if it is about to touch or has just touched a surface. Numerous small, spherical virus particles are scattered around the hand, particularly concentrated near the fingers, suggesting the spread of a virus like COVID-19.

# Workplace Topics Related to COVID-19:

**Canadian immigration planning for  
Employers**

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May 7<sup>th</sup>, 2020

**FASKEN**

# ▼ Agenda

1. Travel Bans and Exemptions
2. Impact of COVID-19 Policy on Immigration Process
3. Tips for B.C. Employers

## ▼ COVID-19 Immigration Policy

- **Emergency legislation** announced on March 18, 2020 by the Government of Canada
  - *Quarantine Act and Aeronautics Act*
- Centralized screening of all foreign nationals entering Canada at four major international airports
- Travel Bans for foreign nationals\*
- **Temporary measure** (not permanent)

\*Note: Policy has been continually updated since March 18, 2020.

## ▼ Who can enter Canada? Who can't?

- **Exemptions to the travel ban\***
- **Legal Tests being applied:\***
  - Person must be asymptomatic
  - For those seeking entry from U.S.A. - Person must not have been outside of the U.S.A. or Canada in the 14 days before seeking entry to Canada
  - Travel must not be optional or discretionary

\*Note: Policy has been continually updated since March 18, 2020.

## ▼ Impact on Processing

- **Practical challenges:**
  - Lack of consistent application of the law at port of entry
  - No flagpoling
  - Delays and difficulties in finalizing applications (e.g.: cancellation of landing interviews)

## ▼ **Tips for B.C. Employers**

- Be careful when changing terms and conditions of employment for employer-specific work permit holders
- Impact of lay-off or variations to conditions of employment on pending immigration applications

## ▼ **Tips for B.C. Employers**

- Consider how the work can meet the essential purpose test: how does the foreign worker's prospective role and your company serve an essential purpose (on top of regular immigration legal tests)?

## ▼ **Tips for B.C. Employers**

- Global Talent Stream and LMIA process
- Advanced immigration planning recommended due to travel restrictions and considering various immigration options for bringing in foreign workers



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- McGill – B.C.L., LL.B. (2011)
- Fluent in French, Korean and English
- Called to the Bar in 2012; exclusively practising in immigration law since 2014
- Ontario Bar Association’s Immigration Executive (2016-2018) as Member-at-Large
- Canadian Bar Association’s National Executive as Member-at-Large and volunteer on CBSA and Security Working Group
- Teach immigration law at UBC’s Extended Learning program

### Recent examples:

- Secured a work permit for the CEO of a B.C. not-for-profit organization;
- Port-of-entry assistance to an employee of a foreign company detained at the airport;
- Rehabilitation for a serious criminality (DUI while causing bodily injury to another)
- Successful advocacy to employer being audited

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