

IMMIGRATION ALERT: CANADIAN ELECTRONIC TRAVEL AUTHORIZATION (ETA) REQUIREMENTS COMING INTO EFFECT

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Starting March 15, 2016, visa-exempt foreign nationals who fly to or transit through Canada will require an Electronic Travel Authorization (**eTA**). The new eTA requirement is a result of the *Canada-United States Perimeter Security and Economic Competitiveness Action Plan*, which requires Canada and the United States to establish a common approach to screening visa-exempt foreign nationals before they travel by air to either nation. As a result of amendments to the *Immigration and Refugee Protection Regulations*, the new eTA requirement becomes effective on March 15, 2016.

Who Requires an eTA?

Subject to the exceptions noted below, all visa-exempt foreign nationals who fly to or transit through Canada will require an eTA. A list of visa-exempt countries whose citizens will require an eTA is located at this link on the Citizenship and Immigration Canada (CIC) [website](#).

Notably, citizens of the United States do not need an eTA (or a visa) to fly to or transit through Canada; however, all lawful permanent residents of the United States must obtain an eTA when travelling to or through Canada by air.

Certain other individuals are also exempt from the eTA requirements, including some transportation crew members, accredited diplomats, not surprisingly members of the Royal Family including Her Majesty Queen Elizabeth II, and certain other individuals travelling through Canada en route to a final destination, such as:

- a foreign national who seeks to transit through Canada as a passenger on a flight stopping in Canada for the sole purpose of refuelling and: (i) they are in possession of the documents required in order to enter the United States and their flight is bound for that country, or (ii) they were lawfully admitted to the United States and their flight originated in that country;
- a foreign national who seeks to transit through Canada as a passenger on a flight that, owing to an emergency or other unforeseen circumstances, makes an unscheduled stop in Canada; and
- a foreign national who seeks to transit through Canada as a passenger on a flight if the foreign national: (i) is transported by a commercial transporter and there is a memorandum of understanding in effect

between the Minister and the commercial transporter concerning the transit of passengers through Canada without a Canadian visa, (ii) holds a passport or travel document that was issued by the country of which the foreign national is a citizen or national and that country is listed in the memorandum of understanding, and (iii) is in possession of any visa required to enter the country of destination.

How to Obtain an eTA

As the name suggests, applying for and obtaining an eTA will be done online. A traveler must log into this link on the CIC [website](#), complete the online application form and pay a \$7.00 processing fee. Travelers who apply online for an eTA will receive an email from CIC indicating the status of their eTA application. The traveler is not required to print the eTA status confirmation as the eTA will be electronically linked to the traveler's passport.

An eTA will be valid for five years from the day on which it is issued or until the traveler's passport (or other travel document) expires, whichever comes first. An eTA may be cancelled by an appropriate officer sooner if the officer determines that the traveler is inadmissible.

Visa-exempt foreign nationals who submit an application for a Canadian work permit or a Canadian study permit will automatically be considered for an eTA. Such persons are not required to file an application for an eTA separate and apart for their applications for either a Canadian work permit or a Canadian study permit.

In respect of processing times, CIC anticipates that most travelers will receive a confirmation of status within minutes; however it notes that some applications may need more time to process. In a small number of cases, CIC will require more information from travelers before the application is approved.

It is also worth noting that an eTA does not guarantee entry into Canada. As always that determination is left to the examining immigration officer at the port of entry.

by David Elenbaas and Stefanie Di Francesco

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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