



Annex B to 2020-HQ-03-26 and 2020-HQ-AC-03-26-B

Determining whether entry will be for a discretionary/optional purpose and whether an individual is exempt from mandatory self-isolation

Scenarios have been developed to assist border services officer (BSOs) and liaison officers (Los) in determining whether entry is for a discretionary/optional purpose and therefore prohibited. Entry may be considered not to be discretionary/optional in a range of situations.

These scenarios only apply to FNs who are not otherwise excepted or exempt from the OIC under another category. All scenarios below involve a FN who is neither a registered Indian nor protected person, and who is not symptomatic for COVID-19. References to "Canadian" pertain to both CC and PRs, unless otherwise specified.

Scenario	Type of Travel: Discretionary / Non-discretionary	Rationale	Self-Isolation?
Emergency workers that serve cross-border communities either because there is no emergency services at all or because the closest service is in the US	Non-discretionary (Essential)	Safety and security	Exempt pursuant to OIC8 s.3(g) (Essential Service and provider of emergency services)
Emergency workers in the US who need to transit Canada to get to another US location because it is faster to transit Canada	Non-discretionary (Essential)	Safety and security	Exempt pursuant to OIC8 s.3(g) (Essential Service and provider of emergency services)
Some utilities for border communities are provided by one country or the other and may need servicing (e.g. power lines)	Non-discretionary (Essential)	Critical Infrastructure Support	Exempt pursuant to OIC8 s.3(g) (Essential Service and provider of emergency services)
Foreign national (work or study permit holder) whose primary residence is in Canada.	Non-discretionary (Essential)	Primary Residence is Canada	14 days
Foreign national with secondary residences in Canada (including hunting/fishing cabins, etc.)	Discretionary/ Optional (Non-Essential)	Optional or discretionary	N/A – not admitted

Essential workers (nurses, fire fighters, infrastructure maintenance crews, etc.) that live in one country and work in the other	Non-discretionary (Essential)	Cross-border employment	Exempt pursuant to OIC8 s.3(g) and (h) (Essential Service and provider of emergency services)
Essential workers that live in one country and want to have dinner with friends in the other.	Discretionary/ Optional (Non-Essential)	Optional or discretionary	N/A – not admitted
Workers who live in one country and work in the other	Dependent on circumstances	If business is permitted to be open then travel would be considered non-discretionary (e.g. supply chain). If business is shuttered, need to determine what is the purpose of their travel. If business is shuttered due to COVID-19 restrictions, rationale for entry would not satisfy non-discretionary requirement.	N/A – if FN not admitted If admitted from US border – Depending on nature of work exempt pursuant to CPHO “essential services” or other OIC8 exception
Travelling to Canada to work under the Seasonal Agricultural Worker Program (SAWP).	Non-discretionary (Essential)	This type of work associated with an essential service (food production).	14-days
Foreign nationals who receive pension payments from Canadian banks	Non-discretionary (Essential)	Economic services– no stop-overs or dual purpose trips. Exemption only applies if they are solely visiting to pick up their cheque and immediately return home to the US.	14 days
Foreign national who reside in Canada but are waiting for their Permanent Residency – primary residence or work in Canada	Non-discretionary (Essential)	Primary residence in Canada	14 days
People who need medical treatments that aren't available in the US	Depends on nature and required immediacy of medical treatment	health (immediate medical care). The Federal Government has encouraged health centers to delay non-essential surgeries while weighing the severity of the patient's condition and the availability of personal protective equipment, beds, and staffing at hospitals.	Depending on nature and immediacy of treatment, exempt pursuant to OIC8, s3(i) (Person who has to cross the border to receive an essential service or person who enters Canada for the purpose of receiving essential medical services or treatments)
Religious reasons	Discretionary/ Optional (Non-Essential)	Discretionary – many religious services in Canada are cancelled or being done virtually. Provinces have placed limits on the number of people who can gather in a room.	N/A – not admitted
Foreign nationals who need to transit through Canada to reach their primary residence or for work in the US.	Non-discretionary (Essential)	Cross-border employment – minimal stop-overs and self-isolate while in Canada. Cannot use the opportunity to meet friends for dinner etc.	14 days
Foreign nationals who transit through Canada for a shorter route	Depends on circumstances	Could be non-discretionary if shorter route is beneficial to the provision of an essential service in Canada (e.g. critical infrastructure) or is conducted for a commercial purpose (e.g. supply chain).	N/A- if FN not admitted If admitted - may be exempt pursuant to OIC8, s.3(e) or (g)

		It would be considered discretionary if related to tourism, recreational or entertainment or other optional travel reasons.	(Essential Service) 14 days otherwise
Foreign nationals who transit through Canada to go hunting	Discretionary/ Optional (Non-Essential)	Optional or discretionary	N/A – not admitted
Individual with business not yet open due to seasonality	Depends on circumstances	Individuals opening a seasonal business considered an essential service or function are permitted to enter (e.g. seasonal restaurant offering delivery or pick up; seasonal harvesting activity). Individuals associated with businesses not considered an essential service, would not be permitted.	N/A if FN not admitted 14 days for FN admitted
Foreign national who owns a businesses which is still open in Canada.	Depends on circumstances	If the business falls within the designated essential service or function listing, then travel may be considered non-discretionary (depending on why business owner needs to enter Canada). Non-Essential business are closed, so travel could be discretionary (depending on purpose of travel – is owner returning to close business?).	N/A – not admitted for Non-Essential business If admitted - may be exempt pursuant to OIC8 depending on nature of business 14 days for FN admitted
Foreign nationals who are Canadian veterans to get their medical care from Canada	Non-discretionary (Essential)	Health (immediate medical care)	14 days Depending on nature and immediacy of treatment, exempt pursuant to OIC8, s3(i) (Person who has to cross the border to receive an essential service or person who enters Canada for the purpose of receiving essential medical services or treatments)
Foreign national children going to school cross-border	Discretionary/ Optional (Non-Essential)	Schools throughout Canada are closed.	N/A – not admitted.
Students returning to continue studies or begin studies	Depends on circumstances	While schools throughout Canada are closed and many colleges and universities, classes are generally continuing on-line if students are returning to continue studies, there may be an implication that they reside here and have a home here. Returning home is non-discretionary.	N/A – not admitted. 14 days for FN admitted

Highway closures (avalanches, etc.) that require foreign national to go through Canada to get to a US community	Non-discretionary (Essential)	Transiting through Canada for essential purposes – no optional or discretionary activities during their transit in Canada.	14 days
In case of natural disaster, some US communities have evacuation plans that route through Canada	Non-discretionary (Essential)	Transiting through Canada for essential purposes – no other optional or discretionary activities during their transit in Canada.	14 days
Foreign national who orders essential goods to a PO box in Canada (example: medication)	Non-discretionary (Essential)	Essential goods or services	14 days, subject to potential exemption for “essential services” in extraordinary case
Foreign national who orders non-essential goods to a PO box in Canada (example: clothing or electronics)	Discretionary/ Optional (Non-Essential)	Optional travel	N/A – not admitted
Coming to Canada to go shopping for new designer apparel.	Discretionary/ Optional (Non-Essential)	Optional travel	N/A – not admitted
Coming to Canada to go shopping for basic essentials (food, groceries, pharmacy)	Dependent on circumstances	Considered to be non-discretionary if there are no stores or no stores nearby (e.g. St. Pamphile, US) that have basic essentials (food, pharmacy or gasoline). If not required to cross the border to purchase basic essentials as they are available in close proximity in the U.S, the travel is operational/ non-essential.	If admitted - may be exempt pursuant to “essential services” exception N/A – not admitted
Canadian citizen who is refused entry to the US by US CBP	Enters by right	Canadian enters by right.	If an immediate direct back from US border (e.g. car turned around), no 14 days required. If sufficient time elapsed, or person somehow spent time in the US, 14 days
Akwesasne	Non-discretionary (Essential)	Geographic inhibitor present which requires community to transit through the US to get to Canadian essential services or functions	Exempt pursuant to “essential services” exception
Persons registered as an Indian under the <i>Indian Act</i>	Enter by right	Individuals enter Canada by rights	14 days
Travelling on a diplomatic passport to return to posting in Canada.	Non-discretionary (Essential)	Returning to post so will be properly documented (passport with diplomatic acceptance, properly accredited). Essential purpose.	14 days
Travelling on a diplomatic passport to check on child at university in Canada.	Discretionary/ Optional (Non-Essential)	Purpose of travel is to visit.	N/A

Nanny travelling with Canadian family	Dependent on circumstances	The travel may not be discretionary/optional if no other care options exist. This analysis may change if there are other options (other family members in Canada) available to assist.	14 days
Commercial shipping crews in the Great Lakes who disembark in Canada to fly home and the replacement crews who need to replace them	Non-discretionary (Essential)	Transiting through Canada for essential purposes – no optional or discretionary activities while in Canada.	Exempt for fishing-related or non-discretionary personal purposes only per OIC8, 3(e). (Essential Service) No discretionary shore leave permitted.
B3 importers using parcel pickup services	Non-discretionary (Essential)	Economic services and supply chains – no optional or discretionary activities while in Canada.	If medical delivery: exempt per OIC8, s.3(h) (Essential service/ cross the border to provide essential services inc. providing medical care or transporting essential medical equipment, supplies, or means of treatment) If other: 14 days
People who have farm land or livestock in both Canada and the U.S and need to tend for commercial and economic reasons	Non-discretionary (Essential)	Economic services and supply chains – no optional or discretionary activities while in Canada.	14 days
Farmers travelling to Canada to buy equipment for spring planting	Non-discretionary (Essential)	Economic services and supply chains – no optional or discretionary activities while in Canada.	14 days
Access to mining camps in US that can only be accessed through Canada	Non-discretionary (Essential)	Transiting through Canada for essential purposes – no optional or discretionary activities while in Canada.	14 days
Northern communities that are accessed through Alaska waters	Non-discretionary (Essential)	Transiting through Canada for essential purposes – no optional or discretionary activities while in Canada.	14 days
Canadian first responders attending emergencies on marine vessels in Northern BC	Canadian enters by right	Canadians enter by right	Exempt per OIC8, s.3(g) (Essential Service and provider of emergency services)
Coming to Canada for dinner with Canadian spouse.	Discretionary/ Optional (Non-Essential)	Discretionary or optional trip for social reasons.	N/A – not admitted
Joining spouse/parent while they are working in an essential job in Canada (work permit).	Depends on circumstances	The purpose of the trip may not be discretionary if the family is re-locating to Canada. The exemption likely would apply if this is a relocation move. Child care may also be a consideration. For example, the spouse of the essential worker may be	14 days if admitted.

		required to move to Canada to care for their children, given that schools are closed.	
Foreign national coming to Canada to temporarily reside with spouse or immediate family during the pandemic.	Depends on circumstances	To the extent the sole purpose for which the foreign national spouse was seeking to enter was to minimize his own risk to the pandemic in the US and potentially access Canada's health-care system, it arguably would be reasonable to deny entry. However, to the extent the foreign national spouse was seeking to enter in order to be with his Canadian citizen spouse so they could help to ensure each other's health, safety and well-being during the pandemic period, it arguably would be reasonable to authorize entry.	N/A – not admitted 14 days if admitted.
Spouse/child of truck driver accompanying on trip to Canada.	Non-discretionary (Essential) – if there are no reasonable means for the spouse/child to return home or if the spouse/child share driving responsibilities Discretionary/ Optional (Non-Essential) - if there are means for the spouse/child to return home (not applied to minor children travelling alone with the driver)	The goal of the Government of Canada is to not turn the truck around simply because of the OIC. Though the spouse/child may not be essential, given their familial ties to the driver, and that the only conveyance is the truck delivering essential goods, they should not be denied entry. Also essential if they are co-drivers. If, however, the spouse/child is able to seek alternate ways to return home from the POE, then the travel would be non-essential.	Driver - may be exempt pursuant to "essential services" exception. If additional passenger is a co-driver, may be exempt pursuant to CPHO "essential services" exception, OIC8, 3(e) (Essential Service) If not co-driver admitted 14 days
Same truck driver as above accompanied by a non-family member (i.e. friend)	Discretionary/ Optional (Non-Essential)	The circumstances in this case are different given the absence of familial ties/compassionate reasons. The argument here is that the other person, provided they're an adult, can make arrangements to return home from the POE. This analysis may change if the passenger shares in the driving duties.	N/A – not admitted
Coming to visit Canadian spouse during their days off.	Discretionary/ Optional (Non-Essential)	Recreational/leisure in nature.	N/A – not admitted
Coming to Canada to visit with Canadian family.	Discretionary/ Optional (Non-Essential)	Recreational/leisure in nature	N/A – not admitted
FN travelling with their Canadian Citizen immediate family member for a discretionary or optional purpose (e.g. dinner in Canada)	Discretionary/ Optional (Non-Essential) Canadian enters by right.	Recreational/leisure in nature. Canadian enters by right	N/A – not admitted 14 days for Canadian

Coming to be caregiver for Canadian family member (pregnancy, disabilities or elderly)	Dependent on circumstances	The travel may not be discretionary/optional if no other care options exist. This analysis may change if there are other options (other family members in Canada) available to assist. Also to consider: person will have to self-isolate for 14 days – meaning care could not be given during that period of time. If care is required immediately, this may suggest that the purported purpose for which a person seeks to enter is invalid because they must self isolate.	14 days.
Member of family of the above caregiver.	Depends on the circumstances (e.g. minor)	Though the caregiver may be essential, their family may not necessarily be essential too. All factors need to be considered. For example if family member is a minor with no alternate for care options for them.	N/A – If FN not admitted 14 days if FN admitted
Shared custody agreement across borders	Non-discretionary (Essential)	Not discretionary/optional. Compliance with Court Order.	14 days.
Coming to Canada for the birth of a child	Dependent on circumstances	May be non-discretionary. However, many hospitals have imposed restrictions on visitation including a requirement that visitors must not have travelled outside Canada in the past 14 days which may suggest that the purported purpose for which a person seeks to enter is invalid because they won't be able to visit the hospital, and therefore their entry may be prohibited.	N/A if FN not admitted 14 days for FN (if admitted).
Coming to Canada for: compassionate visitation (i.e. imminent death)	Dependent on circumstances	May be non-discretionary. However, many hospitals have imposed restrictions on visitation including a requirement that visitors must not have travelled outside Canada in the past 14 days which may suggest that the purported purpose for which a person seeks to enter is invalid because they won't be able to visit the hospital, and therefore their entry may be prohibited.	N/A if FN not admitted 14 days for FN (if admitted).
Coming to Canada for the birth of grandchild	Discretionary/ Optional (Non-Essential)	Considered to be discretionary or optional travel.	N/A = not admitted.
Foreign national parent with Canadian child going to visit family in Canada for recreational purposes	Discretionary/ Optional (Non-Essential) for US parent Canadian enters by right	Recreational/leisure in nature Canadian citizen enters by right so the child would be permitted to enter Canada.	N/A – not admitted US parent 14 days for Canadian Child.
Foreign national parent with Canadian child dropping child off at grand parents for child care	Dependent on circumstances	Generally this would be considered not discretionary.	N/A if not admitted US parent 14 days – for travellers admitted
Foreign national coming to pick up student on study permit to all go back in the US.	Dependent on circumstances	Generally this would be considered not discretionary.	N/A if not admitted US parent

			14 days – if admitted
Travelling with Canadian for the purposes of visiting Canadian’s family.	Discretionary/ Optional (Non-Essential)	Canadian enters by right but the purpose of the FN’s trip is recreational.	N/A – FN not admitted 14 days – for Canadian
Travelling with Canadian for the purpose of getting on a flight to another destination (non-ITI context).	Dependent on circumstances Canadian enters by right	Canadian enters by right but circumstances (availability/timing of flights from US, specific purpose of travel) will help determine whether travel is discretionary or not for the FN.. Consider itinerary and other alternate arrangements that could be made. If Canada is their only way out, Quarantine Officer may need to be engaged for consultation.	N/A – If FN not admitted 14 days – for Canadian and FN (if admitted)
FN spouse travelling with Canadian who is not a resident of Canada but seeks to return to re-establish residence (along with FN spouse)	Non-discretionary (Essential) Canadian enters by right	This is in line with new immigrants whom we are excepting. Coming to live in Canada. Purpose of trip is not discretionary.	14 days for Canadian and FN
Travelling with Canadian spouse (who is non-resident) to spend the weekend/summer at their Canadian cottage.	Discretionary/ Optional (Non-Essential) Canadian enters by right	Canadian enters by right but the purpose of the FN’s trip is discretionary or optional.	N/A –FN not admitted 14 days for Canadian
Coming to Canada to attend funeral of family member.	Discretionary/ Optional (Non-Essential)	Considered to be discretionary or optional travel. The ability to attend the event and still comply with self-isolation obligations would be difficult and most provinces have restrictions in place with respect to size of funerals.	N/A – not admitted