Canada's Expanded Biometrics Program to Take Effect on July 31, 2018

June 27, 2018

Immigration, Refugees, and Citizenship Canada ("IRCC") is expanding its Biometrics Program beginning July 31, 2018. The stated goal of the new regime is to make legitimate travel to Canada easier while protecting national security, preventing identity fraud and increasing information sharing with the "Migration 5 Partners" – Canada, the United States, Australia, New Zealand and the United Kingdom.

Under the IRCC's Biometrics Initiative, the population of visitors and newcomers required to provide biometrics to travel to Canada will be expanded significantly over a two-year period. As a result, everyone who applies for the following will be required to provide fingerprints and a photograph as part of the application process beginning July 31, 2018:

- a visitor visa;
- a work or study permit (*excluding U.S. nationals*);
- permanent residence; or
- refugee or asylum status.

Biometrics is the measurement of unique physical characteristics, such as fingerprints and facial features, for the purpose of verifying identity with a high level of certainty. Biometric verification greatly reduces the chance that one individual could pose as, or be mistaken for, another.

Upon arrival in Canada, an applicant's biometric information will be used by the Canada Border Service Agency ("CBSA") to confirm the individual's identity. Fingerprint verification will be possible at 19 Canadian airports and 38 ports of entry ("POE").

Biometric information will be sent to the Royal Canadian Mounted Police ("RCMP") to be checked against fingerprint records of criminals, refugee claimants, deportees, and temporary resident applicants to assist in determining whether an applicant is admissible to Canada. The biometric information will be valid for a 10-year period and will be shared with the Migration 5 Partners.

Applications filed online are supposed to receive a biometrics collection letter within 24 hours of submission. Upon receiving a biometrics collection letter, applicants must visit

a Visa Application Center ("VAC") or an Application Support Centre ("ASC") in the U.S. to provide their biometrics. IRCC can only collect biometrics in support of an existing application; the system will not support up-front biometrics. There are currently 137 VACs in 95 countries globally and 135 ASCs in the U.S. IRCC has committed to increasing this number to at least 147 VACs in 99 countries as part of the Biometrics Initiative.

Visa-exempt foreign nationals eligible to apply for a work permit or study permit directly at the POE may enroll for biometrics upon their arrival in Canada. Biometrics must be reviewed prior to the favourable adjudication of a work permit or study permit at the port of entry. The RCMP has committed to a two-hour turnaround to review the biometrics. This is the stated service standard but responses have been generated within 15-20 minutes during the test phase.

Both the CBSA and IRCC will have the discretion to waive biometric collection in exceptional circumstances. In doing so, a temporary resident permit may be issued to a foreign national.

The cost of biometric collection will be C$85 per applicant, or a maximum of C$170 per family. Biometric information will be valid for a 10-year period.

There are some exemptions from the requirement to provide biometric information:

- Canadian citizens, citizenship applicants (including passport applicants), and existing permanent residents;
- Visa-exempt nationals coming to Canada as tourists who hold a valid Electronic Travel Authorization ("eTA");
- Children under 14 years of age;
- Applicants over 79 years of age (excluding asylum claimants);
- Heads of state and heads of government;
- Cabinet ministers and accredited diplomats of other countries and the United Nations coming to Canada on official business;
- U.S. visa holders transiting through Canada;
- Refugee claimants or protected persons who have already provided biometric information and are applying for a study permit or work permit; and
- Temporary resident applicants who have already provided biometric information in support of a permanent resident application that is still in progress.

Takeaway for Employers

The Biometric Initiative will significantly expand the number of individuals required to provide biometric information in order to be able to travel to Canada. It is critical that employers and their employees are aware of these new requirements to ensure that business travellers will be permitted to travel to Canada on a timely basis.

Please contact a member of BLG's Business Immigration Law Focus Group for further details on how these changes will impact your workforce's ability to travel to Canada.

By

Brian Dingle

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2024 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.