

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

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