



Information Sheet for Commercial Marine Industry

COVID-19 – Marine Mode Enhanced Border Measures

Current as of **January 20, 2021**

The following information describes the Canada Border Services Agency's (CBSA) enhanced border measures for the processing of commercial marine vessels, including the screening and clearance of crew, passengers, supernumeraries or other persons on cargo vessels.

1. **Obligations of carriers and travellers under the *Quarantine Act***

As per subsection 34(2) of the [Quarantine Act](#), conveyance operators must provide advance notification to a quarantine officer if suspicion exists that anyone on board may be ill with a communicable disease, including COVID-19, tuberculosis, and others, as listed in the [Schedule](#) to the *Quarantine Act*. This notification requirement continues up to the moment the vessel arrives at the first port of arrival (FPOA) in Canada. In practice, Transport Canada assists the Public Health Agency of Canada (PHAC) in prompting carriers to provide this information with the normal pre-arrival information report (PAIR). However, this information could be provided to the CBSA National Targeting Centre (NTC) with the 96 hrs pre-arrival notification (PAN) or directly to PHAC. Information on how to do this is included in an automated message from the NTC back to the carrier upon submission of PAN.

Once the vessel arrives at the FPOA, all persons on board must report to a screening officer for a health screening as per section 12 of the *Quarantine Act*. CBSA officers are screening officers under the *Quarantine Act*. Normally, in the marine mode, health screening may take place in person (when CBSA officers board the arriving vessel) or over the phone with the captain and/or each person on board, as required. Health screening is not optional and failure to submit to it, or to follow reasonable measures ordered by a screening officer, may result in severe penalties including criminal charges, fines and/or imprisonment.

Furthermore, as per section 15, each person arriving in Canada, must disclose to a screening officer or a PHAC quarantine officer if they suspect they may be ill with a communicable disease. This requirement to disclose is separate from the requirement to submit oneself for a health screening by a screening officer. This means that persons who suspect that they may be ill with a communicable disease must seek out a screening officer or a quarantine officer and report their suspicions, whether or not a screening officer asks them health-related questions.

2. **Pre-arrival COVID-19 molecular test requirement**

As of January 7, 2021 relief crew members, who arrive by air mode, must have proof of a negative COVID-19 molecular test performed on a specimen collected no more than 72 hours before the aircraft's initial scheduled departure time to Canada. This applies to all commercial, charter, cargo and private air operators flying into Canada, unless the travellers are exempt from the pre-arrival testing requirement. See reference section for more information on the testing requirement.

Exemption to pre-arrival testing:

- A member of a crew as defined in subsection 3(1) of the *Immigration and Refugee Protection Regulations* who is re-entering Canada after having left to participate in mandatory training in relation to the operation of a conveyance, and who is required by their employer to return to

work as a member of a crew on a conveyance within the 14-day period that begins on the day on which they return Canada. (Paragraph 1.1(2)(b) of the Mandatory Isolation OIC).

3. Advance notification of illness on board vessels

All carriers are required to disclose to a quarantine officer, in advance of the vessels' arrival at a Canadian port, information about persons onboard their vessels whom they reasonably suspect to have a communicable disease, including COVID-19, or who have been in close proximity to a person who has or is reasonably likely to have such disease. Carriers may provide this information to Transport Canada when submitting pre-arrival information report (PAIR), or to the CBSA National Targeting Centre, or directly to a Public Health Agency of Canada (PHAC) quarantine officer by emailing phac.cns-snc.aspc@canada.ca. Should a carrier need to reach a quarantine officer urgently, they may call 1-833-615-2384. PHAC should be notified only if there are concerns with respect to a communicable disease, including COVID-19. This notification requirement continues up to the moment the vessel arrives at the FPOA in Canada.

4. Travel Restrictions

Crew members arriving on cargo vessels **are exempt** from the prohibition to enter Canada under the PHAC Orders in Council (OICs) if they do not show signs or experience symptoms of COVID-19 (either a **fever and cough, or fever and difficulty breathing**) and if they are seeking to enter for a purpose that is **not discretionary or optional**.

Crew members with proper documentation consisting of a passport, visa (if from a visa required country), and contract indicating they are joining a vessel, will not be prohibited from entering Canada. Crew members will be directed to wear a mask while in transit to the vessel. If the vessel is not in port when the crew member arrives in Canada, the agent must make arrangements for the crew member to quarantine, at a suitable location, such as a hotel, until they can join the vessel.

Important: Persons employed as mariners in the marine shipping industry, are only exempted from the prohibition of entry and quarantine if they enter Canada in their capacity as crew members engaged in the operation of a vessel or in order to join a vessel in Canada. Professional marine crew who travel abroad for personal reasons (e.g., shopping, visiting family or friends, etc.), upon return to Canada, are subject to all standard COVID-19 border measures including the requirement to quarantine for 14 days.

Generally, passengers (paying and non-paying passengers, family members of the crew, or other personnel not engaged in the operation of the vessel) are not considered crew members. In most cases, under current PHAC OICs, their travel to Canada is considered discretionary and optional. Therefore, they are prohibited to enter Canada. Transporters have an obligation not to carry to Canada foreign nationals who are prohibited from entering Canada by an order or regulation made by the Governor in Council under the *Emergencies Act* or the *Quarantine Act*. It is strongly recommended that no passengers be carried on board vessels arriving in Canada while the PHAC OICs are in force. Should there be family members of crew onboard, they may discharge along with the crew to be repatriated to their home country.

In some cases, certain supernumeraries may be permitted to enter Canada, either on the vessel or by air mode, if their presence on board is essential to the activities conducted by the vessel while in Canada (a worker in the marine transportation sector who is essential for the movement of goods by vessel, as defined in section 2 of the *Canada Shipping Act, 2001*, and as defined in the [list of Acts and Regulations, under Group Exemptions](#) and who seeks to enter Canada for the purpose of performing their duties in that sector). Furthermore supernumeraries who perform functions on commercial fishing vessels are exempt from PHAC OICs. It is recommended that the carrier identify these persons to the CBSA when submitting the Pre-arrival Notification (PAN). These persons are not exempt from documentary requirements for admissibility to Canada under immigration legislation and must be in possession of suitable travel documents (i.e., passports and visas, if arriving from a visa-required country).

Definition of member of a crew as per *Immigration and Refugee Protection Regulations*:

3 (1) For the purposes of these Regulations,

- **(a) member of a crew** means a person who is employed on a means of transportation to perform duties during a voyage or trip, or while in port, related to the operation of the means of transportation or the provision of services to passengers or to other members of the crew, but does not include
 - **(i)** any person whose fare is waived in exchange for work to be performed during the voyage or trip,
 - **(ii)** any person who performs maintenance or repairs under a service contract with a transporter during the voyage or trip or while the means of transportation is in Canada,
 - **(iii)** any other person who is on board the means of transportation for a purpose other than to perform duties that relate to the operation of the means of transportation or to provide services to passengers or members of the crew.

5. General Information Regarding Crew Members

As screening officers under the *Quarantine Act*, border services officers will be questioning crew members regarding their health, in addition to posing the usual customs and immigration related questions.

Crew members who are asymptomatic for COVID-19 and on commercial vessels engaged in international service/delivery of goods to Canada are exempt from the entry restrictions found in the PHAC OICs for the duration of their duties on the vessel. However, **they are required** to fill out the **Coronavirus Form** (traveller contact information) or submit their information to PHAC through the [ArriveCAN Online Portal](#) or the [ArriveCAN Mobile Application](#) on their personal electronic devices, whichever is feasible or preferred.

Important: Crew members arriving by air mode to join a vessel **must** provide their contact information (phone number and email address) before boarding their flight to Canada by the ArriveCAN online portal or mobile application.

How to use ArriveCAN: <https://www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19/arrivecan.html#a3>

Symptomatic crew members will be referred to and assessed by a PHAC QO and further instructions with respect to the ill crew member will be provided by the QO.

If a crew member is not permitted entry to Canada, for any reason, the carrier will be responsible for removing this person from Canada.

6. Crew members departing a vessel in Canada

At the FPOA, the vessel will be required to provide names of all crew members being discharged (cessation of duties by termination of employment) or is signing off (a break in duties due to time off) at the FPOA or at any subsequent ports of call in Canada.

Once their employment status is terminated by the transporter, a foreign crew member retains temporary resident status for a full 72 hours on entry into Canada. This period may be shortened or lengthened by a BSO where warranted (e.g., no flight availability).

The 72 hour timeframe only applies to discharged crew; crew members signing off do not have a prescribed timeframe within which they must leave Canada.

All crew members signing-off are covered by the exemption from the quarantine order. Discharged foreign crew members, who cease to be engaged in an operation of a vessel (contract has ended or

they have been terminated), who are unable to leave Canada immediately, must remain in a suitable location (e.g., hotel) and practice physical distancing until they are able to leave Canada.

As such, asymptomatic discharged/signed-off crew members will be processed as follows:

- Canadian crew member returning to Canada are exempt from the need to quarantine for 14 days after entering and will be directed to wear a mask and to take every precaution and maintain physical distancing on the way to their residence.
- Foreign crew, including their family members, will be permitted to go to the airport to take a flight outside of Canada and will be instructed to wear a mask and take every precaution and maintain physical distancing during their trip.
- During FPOA processing, these instructions will also be issued to crew members discharging/signing-off at a subsequent port of call in Canada.

7. **Shore leave**

The CBSA is not prohibiting shore leave for crew members who meet the exemptions in the PHAC OICs and are admitted for entry to Canada under the *Immigration and Refugee Protection Act*. However, the captain/carrier might take into consideration the seriousness of physical distancing, and that this may be compromised should a crew member leave the vessel and come into contact with someone who may have been exposed to COVID-19, and choose to voluntarily restrict shore leave.

8. **Commercial passenger vessels**

Entry into Canada (including Canadian territorial and boundary waters) of foreign nationals arriving for discretionary, optional, leisure purposes continues to be prohibited under the PHAC OICs. This includes those on commercial passenger vessels such as tour boats, whale watching tours, and leisure fishing tours, as examples. As such, cross-border entry of foreign commercial passenger vessels is not permitted.

Reference:

[Current Quarantine Act Orders in Council in effect](#)

[COVID-19 testing required for people flying into Canada](#)

Immigration and Refugee Protection Regulations [R268\(1\)](#) and [R184\(2\)\(b\)](#)

[Enforcement Manual 17, Section 8.6](#)

[Enforcement Manual 4, Section 13.24](#)

[Enforcement Manual 4, Section 13.26](#)