



February 3, 2021

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## Regarding Travel Restrictions Announced 1/29/21

Delivered by email

Dear Ministers,

We are writing about the federal government's plans to impose restrictions on Canadians returning to the country, which were announced on January 29, 2021.<sup>1</sup> Our questions boil down to the proportionality of these restrictions and whether they unnecessarily infringe on the mobility and liberty of Canadians.

Canadians' rights to life and security of the person stand alongside their rights to liberty, equality, privacy and due process. The requirement to quarantine in a government facility at an individual's own expense appears to be premised on the risk that individuals will not safely self-isolate at home. Is this a hypothetical risk or empirically demonstrable? We would like to know what evidence the government has of self-quarantine compliance, particularly in light of the government's own admission that travel is not a significant source of transmission or cases.

In addition, as your government develops the rules and regulations that will operationalize these restrictions, the impact that these rules will have on vulnerable and marginalized Canadians ought to be front and centre. Although the restrictions' intent may be to deter vacationers, their reach will be much broader.

The government's definition of what constitutes "essential travel" for these purposes will be important. The quarantine rules will almost certainly impact those who travel to care for ill relatives or attend funerals, those who travel to receive specialized medical care, and those who have health conditions that will make isolating in a hotel a particularly challenging and potentially dangerous proposition. For these individuals, travel is not a luxury. The regulations

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<sup>1</sup> The announcement noted that those returning to Canada from non-essential travel would be required to undergo PCR testing upon arrival in the country (in addition to the negative test result already required to board a plane destined for Canada) and then quarantine at a hotel of the government's choosing for up to three days, at the traveler's own expense, until a test result has been obtained. A negative result would require the traveler to complete their 14-day isolation period at home, while a positive result would mean quarantining in a government quarantine facility. Another test ten days after returning may also be required.

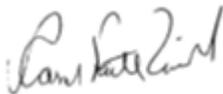
must ensure appropriate exemptions for individuals in these situations as well as the possibility of fee waivers for those whose financial situation would preclude them from the cost associated with the mandatory hotel quarantine.

As we have seen throughout this pandemic, the burden of both disease and public health regulation is not borne equally by all segments of society. Do not further disadvantage individuals whose circumstances require them to travel, particularly if they are willing and able to isolate at home.

Finally, we would be remiss if we failed to note that the government has, once again, announced a new regulatory regime via a press briefing and the details (likely to be laid out in an Order-in-Council) are not yet available or accessible for review. This has caused undue stress for Canadians who may find themselves out of the country and still do not know what restrictions may be in place by the time they return. We have already been contacted by individuals who have been caught unawares upon return to Canada and learned that the particular test they took abroad is not acceptable to Canadian officials (although it was accepted by the airline on which they flew). These individuals are now being forced to isolate in a hotel even though they attempted to follow and believed they complied with all of the legal requirements necessary for entry to the country.

Canadians have the right to know the laws that govern them. It seems clear that one of the primary purposes of the new rules is to deter unnecessary travel and encourage people to bear the rules and restrictions in mind when making future plans. For this purpose to be meaningfully achieved, the details associated with the rules are of vital importance. We look forward to some clarity on these issues from the government as soon as possible.

Yours truly,



Cara Zwibel  
Director, Fundamental Freedoms Program