

## Legal update

### Canada's biometrics expansion project

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**June 2018**

#### **Employment and labour Immigration law**

In view of the growing number of immigration applications in the world and the increasing intricacies of detecting identity fraud, countries are looking for ways to enhance their capacity to accurately determine people's identity. More than 70 countries have made biometrics part of their immigration screening and border management process or are in the process of doing so.

Currently, Canadian legislation limits the country's capacity and authority to use biometrics. Consequently, and in order to follow global trends in the use of biometrics, the Canadian government has recently proposed regulations called the *Regulations Amending the Immigration and Refugee Protection Regulations* (Proposed Regulations), which are expected to come into force on July 31, 2018.

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#### **New requirement to provide biometrics**

The provisions of the Proposed Regulations broaden the requirement to provide biometrics. The new requirements that will apply are summarized in the table below:

	Applications for Temporary Residency				Applications for Permanent Residency
	Temporary resident visa (visitor)	Work permit	Study permit	Temporary resident permit	
➤ Foreign nationals required to obtain a visa	√	√	√	√	√
➤ Visa-exempt foreign nationals		√	√	√	√
➤ Nationals of the United States					√

Individuals who are exempt from the requirement include, among others:

- persons under the age of 14 and over the age of 79;
- foreign nationals of visa-exempt countries who travel to Canada as tourists and who have a valid electronic travel authorization (eTA); and
- cabinet ministers and accredited diplomats of other countries and the United Nations who travel to Canada in the course of their official duties or heads of state and government leaders.

The Proposed Regulations will not affect people who are currently Canadian citizens, candidates for Canadian citizenship and permanent residents of Canada.

To reduce the compliance burden, the biometrics provided by a foreign national in support of a temporary resident visa, status or permit will be valid for 10 years. A temporary resident visa, status or permit will therefore not be issued for a period of authorization (or stay) beyond the validity of the applicant's biometrics. In the case of applications for permanent residency, applicants will be required to provide biometrics in support of their application.

Lastly, applicants will be required to pay a biometric fee of C\$85. For families who make a joint application, a maximum fee of \$170 is currently expected to apply. For groups of three or more performing artists who jointly apply for a work permit, a maximum fee of C\$255 will apply.

## The takeaway

With these Proposed Regulations, Canada wishes to fall into step with its partners and improve its identity verification capacity through the increased use of biometrics. These regulatory changes are expected to be implemented in two phases, with a first phase, targeting 134 countries in Europe, Africa and the Middle East, anticipated for July 31, 2018 and a second phase, targeting 60 countries in Asia and the Americas, anticipated for December 31, 2018. As a result of these changes, most people, with some exceptions, will be required to provide biometrics.

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