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# canada implements pre-flight electronic travel authorization, counterpart to united states esta program

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*MSK Client Alert*

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Effective September 29, 2016, traveling to Canada as a visa-exempt visitor will require a pre-flight clearance through the newly implemented electronic Travel Authorization ("eTA") program, available online at <http://www.cic.gc.ca/english/visit/eta.asp>

## **History**

The eTA system has been implemented in an effort to mirror the Electronic System for Travel Authorization ("ESTA") that has been in place in the United States for several years. ESTA is an automated system that determines the eligibility of visitors to travel to the United States under the Visa Waiver Program ("VWP"). VWP means an individual who need not obtain a visa prior to entering the United States. ESTA provides U.S. Customs and Border Protection ("CBP") with a means of electronically collecting and storing biographic information and answers to VWP eligibility questions. ESTA applications may be submitted at any time prior to travel, though it is highly recommended that travelers apply as soon as they begin preparing travel plans or prior to purchasing airline tickets, as a rejection from the ESTA program requires travelers to apply for a visitor visa stamp through a U.S. consulate or embassy.

Effective in September 2016, the eTA program implemented by Citizenship and Immigration Canada ("CIC") will enact a similar electronic pre-flight clearance processes for travel to Canada. Visa exempt visitors, those persons who do not need a visa to enter Canada, will not be permitted to board a flight to Canada without first obtaining eTA clearance.

## **Application Procedures**

## **attorneys**

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immigration

immigration



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The eTA program was developed with the goal of identifying inadmissible foreign nationals prior to their departure from their home country en route to Canada. The online application will require biographic information from the applicant, which will primarily focus on questions governing inadmissibility. The application will also require the applicant to submit an electronic attestation that all the information provided is complete and accurate, which presumably may be used against the applicant as a ground of inadmissibility if it is later determined that the applicant made any material misrepresentations.

Guidance from the CIC indicates that most applicants will receive a decision by email from the eTA system within minutes. However, if automatic approval is not available, applicants should expect to receive an email containing further instructions within 72 hours (although "definitive processing times are not yet available"). In most cases, a rejection from the eTA will require that the applicant apply for a visa at the Canadian visa office in the applicant's home country, or country of residence, prior to travel.

### **Implications for U.S. Citizens, Residents, and Nonimmigrants**

It is important to note that while U.S. Citizens are currently exempt from the eTA system, U.S. permanent residents and individuals present and/or working in the United States on any temporary visa ("U.S. nonimmigrants") are not exempt. Therefore, all foreign nationals living and/or working in the United States who are otherwise exempt from the visitor visa requirements for Canada and who are planning future trips to Canada as visitors for business or pleasure are encouraged to complete an application through the eTA online program. eTA applications should be submitted as soon as possible once travel is anticipated and prior to purchasing plane tickets.

*Should you have any questions regarding the topic(s) of this alert, please contact the MSK Immigration attorney with whom you work.*