

Canada Lifts Temporary Resident Visa Requirements for Citizens of Mexico

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[As I previously reported](#), on June 28, 2016, Prime Minister Justin Trudeau formally announced that the Temporary Resident Visa ("TRV") requirement for citizens of Mexico travelling to Canada would be eliminated as of December 1, 2016. Mexican citizens may now enter Canada without first obtaining a TRV from a Canadian embassy or consulate.

This new visa exemption reverses the Government of Canada's prior decision to impose TRV requirements on Mexican citizens, which became effective on July 14, 2009. At the time, Citizenship and Immigration Canada (now known as Immigration, Refugees, and Citizenship Canada) indicated that Mexican refugee cases had almost tripled since 2005, making it the number one source country for refugee claims. In 2008, more than 9,400 claims filed in Canada came from Mexican nationals, representing 25% of all claims received. Of the Mexican claims reviewed and finalized in 2008 by the Immigration and Refugee Board, an independent administrative tribunal, only 11% were accepted.

Some critics have alleged that Canada will experience a significant increase in Mexican refugee claims now that the TRV requirement has been lifted. Although some increase in such claims is likely to occur, it may not be as significant as they believe. This is because Mexican citizens (in fact, all foreign nationals except United States citizens) who wish to enter Canada as temporary residents must now obtain an Electronic Travel Authorization ("eTA") prior to travelling to Canada by air; [this requirement has been in effect since November 9, 2016](#).

Foreign nationals who apply for an eTA online are required to answer many of the same questions that would be asked in a TRV application; this is intended to prevent high risk applicants from entering Canada without a visa. For example, foreign nationals who have

insufficient ties to their home country, who have violated their status in Canada (or any other country), or who have criminal records are unlikely to receive an eTA. Foreign nationals who cannot obtain an eTA will not be allowed to board their flight to Canada.

Although the eTA requirement applies only to travel by air, it is generally not possible to make a refugee claim at a land port of entry. This is because, according to the [Canada-U.S. Safe Third Country Agreement](#), which became effective on December 29, 2004, most refugee claimants are required to request refugee protection in the first safe country in which they arrive. Therefore, a Mexican citizen who initially enters the United States will not be permitted to make a Canadian refugee claim at the Canada-U.S. border.

Hopefully, the new visa exemption for citizens of Mexico will facilitate legitimate travel to Canada without causing a significant increase in frivolous refugee claims. However, due to both the eTA requirement and the *Canada-U.S. Safe Third Country Agreement*, it appears likely that this will occur.