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PUBLICATION

Eligible Bulgarians, Romanians, Brazilians May Now Travel Visa-Free to Canada

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Until May 1, 2017, all citizens of Bulgaria, Romania, and Brazil were required to obtain a Temporary Resident Visa ("TRV") before applying for admission to Canada. However, as of May 1, 2017, many citizens of these countries are now permitted to enter Canada without a TRV.

The prior TRV requirement for citizens of Bulgaria and Romania was a significant issue for the European Union ("EU"), of which Bulgaria and Romania are Member States. The EU has a common list of countries whose citizens must have a visa and of countries whose citizens are exempt from that requirement. A fundamental principle of EU visa policy is to ensure that third countries on the visa-free list grant a reciprocal visa waiver to citizens of all EU Member States.

On April 12, 2016, the European Commission adopted a Communication on the visa reciprocity situation with both Canada and the United States, evaluating the progress achieved in discussions with both countries and setting out the next steps. The Communication stated that the consequences of a potential suspension of the visa waiver would have a substantial impact on the EU's external relations with Canada and the United States. It also stated that a suspension would very likely lead to negative economic impacts for the EU, without bringing about full visa reciprocity. However, the European Commission invited the European Parliament and the European Council to take a position on the most appropriate way forward by July 12, 2016.

Faced with increased pressure from the EU, the Government of Canada has apparently capitulated and granted a TRV exemption to citizens of Bulgaria and Romania, at least in certain situations. As of May 1, 2017, citizens of Bulgaria and Romania (and also Brazil) who: (a) have held a TRV in the last ten years, or (b) currently hold a valid U.S. nonimmigrant visa

will now have the option of applying for an Electronic Travel Authorization ("eTA") instead of a TRV, if they will be travelling to Canada by air. However, those who cannot qualify for an eTA or who will be travelling to Canada by land or sea will still need a TRV.

An eTA requirement itself is not unreasonable, since it is imposed on all visa-exempt citizens (with the exception of United States citizens) who travel to Canada by air. However, while citizens of other visa-exempt countries may enter Canada by land or sea without a TRV or an eTA (which is only required for air travel), citizens of Bulgaria, Romania, and Brazil will continue to require TRVs in such cases. In addition, by making the eTA option available only to those who have held a TRV in the last ten years or who currently hold a U.S. nonimmigrant visa, it is clear that the Government of Canada is only interested in extending the TRV exemption to low risk travelers.