



Immigration, Refugees and Citizenship Canada

Immigration, Réfugiés et Citoyenneté Canada

Deputy Minister

Sous-ministre

s.21(1)(a)

Ottawa K1A 1L1

s.21(1)(b)

F-01247356

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## MEMORANDUM TO MINISTER

### AIR TRANSIT POLICY AND PROGRAMMING

#### FOR INFORMATION

##### SUMMARY

- This memorandum describes Canada's current approach to air transit travel, and a strategy for the future that aligns with the objectives of Visitor Transformation.
- Any foreign national who holds a valid Temporary Resident Visa or electronic travel authorization (eTA) can transit through Canadian airports. Additionally, clients may apply for a free transit visa, and a select group of foreign nationals may transit through Canada to the U.S. without any pre-departure screening in limited circumstances.

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which also offers transit benefits.

N/R

#### BACKGROUND:

- Foreign nationals connecting through a Canadian airport to any other country may do so on a valid Temporary Resident Visa (TRV). TRVs are normally valid for 10 years and allow multiple entries to incentivize return travel to *and through* Canada. Nationals from Canada's 54 visa-exempt countries (and eligible nationals from Brazil, the only member of the eTA Expansion program) can travel to or through Canada on a light-touch, digital eTA for \$7 CAD. eTAs allow multiple entries, and are valid for up to five years. Over 18 million eTAs have been issued since the program launched in 2015; however, a breakdown on the number of eTAs obtained specifically for transit is not available. 98% of all eTAs are approved.
- A transit visa is required in the absence of an eTA or TRV. The transit visa is free, and if the applicant is travelling by air to/from the U.S., and holds a valid U.S. visa, they are exempt

Canada

from biometrics. All other requirements of a regular TRV apply to a transit visa, but client information is assessed differently because these travellers are not staying in Canada. For example, the funds required to support an individual's stay in Canada are negligible in the transit context and therefore, less supporting documentation is needed by officers. Clients are generally required to provide a copy of their travel itinerary. Transit visas are typically valid for a short duration and allow one or two entries, depending on the travel plans.

- In addition to the above, since approximately 1997, Canada has operated two boutique air transit programs: the Transit Without Visa Program (TWOV) and the China Transit Program (CTP). Both programs allow specific foreign nationals to transit through Canada to or from the U.S. if they are flying with certain airlines and using specific Canadian airports with sterile infrastructure that prevents these travellers from officially entering Canada or intermingling with other passengers. Air carriers and airports seeking membership must meet specific criteria and undergo assessment by the Canada Border Services Agency (CBSA) before signing a Memorandum of Understanding. Under these programs, the air carrier must confirm that the passenger holds a valid U.S. visa before boarding, and member airports must ensure the secure and sterile movement of transiting passengers while the connection is completed. Because IRCC does not screen these travellers before departure, reporting by carriers on program usage is relied on to assess their value. Pre-pandemic, reported usage was very low, with only 4,500 clients benefitting from both programs in 2019. For more detail on TWOV and CTP, please see [Annex](#).

- Over the years however, IRCC officials or the Minister of IRCC have approved the addition of new member carriers and airports, which the Department argues is standard management within the scope of both programs.

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## CONSIDERATIONS:

- TWOV and CTP are facilitative in principle, because they allow a traveller to connect through Canada to and from the U.S. without any Canadian screening (because the U.S. visa is considered sufficient). But, they are not actually facilitative in practice.

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The program also relies on airline agent inspection of a physical U.S. visa counterfoil in a traveller's passport before boarding. These factors combined are assumed responsible for low overall program usage, despite the nationalities representing major travel volumes (e.g. China, the Philippines).

- For clients who require a transit visa, current intake this year appears to be trending towards reflecting pre-pandemic levels of applications received annually for this line of business. Between January and July 2022, IRCC has received approximately 12,000 applications compared to the average from 2017 to 2019 of about 25,000 for the full year. The average refusal rate for transit visas this year is 68%. Reasons for refusal include a client's failure to meet eligibility requirements, such as insufficient evidence regarding the intent to transit, or the transit itinerary provided is deemed unreasonable (e.g. travel time, ticket costs, when compared to direct flights or other transit options between origin and destination). In this regard, the transit visa is an effective tool in protecting against irregular migration, given

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- In the context of efforts to eliminate the TRV backlog and return to competitive processing times

N/R

focus on ..... Efforts therefore should continue to  
 ..... to streamline and speed up processing.

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- In the meantime, Canada is working to facilitate more transit clients in the short-term by

N/R

#### **COMMUNICATIONS IMPLICATIONS:**

- There has been little media or social attention on transit visas or eTAs as of late. While the TRV backlog has been attracting a significant amount of attention due to processing delays, the ability for clients to obtain a transit visa has not been identified as a contributing factor. Should a new approach to air transit be pursued, a proactive communications strategy will be developed to ensure clients and Canadians are aware of changes. At this time, a responsive approach is recommended; any media calls will be handled on a case-by-case basis. Existing messaging will continue to be used respond to enquiries on the TRV inventory.

#### **NEXT STEPS:**

- A detailed briefing can be scheduled at your convenience.

Christiane Fox  
 Deputy Minister

## Transit Without Visa and China Transit Programs Backgrounder

Both the Transit Without Visa Program (TWOV) and the China Transit Program (CTP) began as pilots. Records on the creation of the first TWOV pilot in 1997 are no longer available, but were

Increasing the volume of transiting passengers has important economic benefits, allowing airlines to expand and diversify route networks, and supporting the efforts of Canadian airports to grow beyond demand from local areas and inbound business and leisure travellers. The *Immigration and Refugee Protection Regulations* were amended in 2002, to provide authority for visa-free transit for passengers under certain circumstances, and for the creation of a Memorandum of Understanding between the Minister and relevant airports/air carriers to carry transiting passengers. Airlines and airport authorities have been successfully welcomed into the program since 2009, with decisions on membership delegated in the vast majority of circumstances to directors general at IRCC and the CBSA.

Program parameters are maintained through Memoranda of Understanding between Government and individual air carriers and airport authorities; there is no official framework beyond the program's description and membership requirements, which are available [online](#) and summarized below.

TWOV and CTP	
Qualifying Nationalities	<ul style="list-style-type: none"> <li>• Indonesia</li> <li>• Thailand</li> <li>• Philippines</li> <li>• China</li> <li>• Taiwan (passport holders who do not qualify for visa exemption to visit Canada may still benefit from the TWOV)</li> </ul>
Document requirements	<ul style="list-style-type: none"> <li>• Hold a valid passport or travel document issued by the country of which they are a citizen</li> <li>• Hold a valid U.S. visa</li> </ul>
Transit requirements	<p><i>En Route</i> to the U.S.</p> <ul style="list-style-type: none"> <li>• Arrive on a flight to Canada that has access to U.S. In-transit pre-clearance facilities</li> <li>• Hold onward ticket for a direct flight to the U.S. departing Canada within 24 hours of arrival.</li> </ul> <p>Departing from the U.S.</p> <ul style="list-style-type: none"> <li>• Arrive in Canada on a direct, non-stop flight from the U.S. and proceed to the CBSA area for clearance, or remain in an isolated transit area while waiting for a connecting flight</li> <li>• Not under a removal or deportation order</li> <li>• Had a valid U.S. visa to enter the U.S. and have not overstayed the period of time they were authorized to remain in the U.S.</li> <li>• Destined for a third country, including their country of nationality, and hold the required travel documents to enter that third country, as well as the required travel documents for any countries through which they may transit</li> </ul>

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**Annex**

TWOV and CTP			
	<ul style="list-style-type: none"> <li>Hold onward ticket for a flight that will leave Canada within 24 hours of arrival.</li> </ul>		
Eligible Air Carriers	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <ol style="list-style-type: none"> <li>1. Cathay Pacific</li> <li>2. Philippines Airlines</li> <li>3. Air Canada</li> <li>4. Air Canada Rouge</li> <li>5. Jazz Air</li> <li>6. Air China</li> <li>7. Air Georgian</li> </ol> </td> <td style="width: 50%; vertical-align: top;"> <ol style="list-style-type: none"> <li>8. China Airlines</li> <li>9. Sky Regional Airlines Inc.</li> <li>10. China Southern Airlines</li> <li>11. WestJet</li> <li>12. China Eastern Airlines</li> <li>13. Hainan Airlines</li> <li>14. Xiamen Airlines</li> </ol> </td> </tr> </table>	<ol style="list-style-type: none"> <li>1. Cathay Pacific</li> <li>2. Philippines Airlines</li> <li>3. Air Canada</li> <li>4. Air Canada Rouge</li> <li>5. Jazz Air</li> <li>6. Air China</li> <li>7. Air Georgian</li> </ol>	<ol style="list-style-type: none"> <li>8. China Airlines</li> <li>9. Sky Regional Airlines Inc.</li> <li>10. China Southern Airlines</li> <li>11. WestJet</li> <li>12. China Eastern Airlines</li> <li>13. Hainan Airlines</li> <li>14. Xiamen Airlines</li> </ol>
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Embarkation points	<p>***Applies only to Chinese nationals using the CTP – no departure restrictions for TWOV passengers</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <ol style="list-style-type: none"> <li>1. Beijing</li> <li>2. Shanghai</li> <li>3. Guangzhou</li> <li>4. Hong Kong</li> <li>5. Manila, Philippines</li> <li>6. Taipei, Taiwan</li> <li>7. Tokyo, Japan</li> <li>8. Seoul, South Korea</li> </ol> </td> <td style="width: 50%; vertical-align: top;"> <ol style="list-style-type: none"> <li>9. Xiamen</li> <li>10. Fuzhou</li> <li>11. Chengdu</li> <li>12. Shenyang</li> <li>13. Harbin</li> <li>14. Nagoya, Japan</li> <li>15. Osaka, Japan</li> </ol> </td> </tr> </table>	<ol style="list-style-type: none"> <li>1. Beijing</li> <li>2. Shanghai</li> <li>3. Guangzhou</li> <li>4. Hong Kong</li> <li>5. Manila, Philippines</li> <li>6. Taipei, Taiwan</li> <li>7. Tokyo, Japan</li> <li>8. Seoul, South Korea</li> </ol>	<ol style="list-style-type: none"> <li>9. Xiamen</li> <li>10. Fuzhou</li> <li>11. Chengdu</li> <li>12. Shenyang</li> <li>13. Harbin</li> <li>14. Nagoya, Japan</li> <li>15. Osaka, Japan</li> </ol>
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Eligible Airports	<ul style="list-style-type: none"> <li>Vancouver International Airport</li> <li>Toronto Pearson International Airport (Terminal 1 only)</li> <li>Calgary International Airport</li> <li>Aéroport International Montréal-Trudeau (CTP and Air Canada flights only)</li> <li>Winnipeg International Airport</li> </ul>		

To become a partner under TWOV/CTP:

*An airline* must meet specific criteria in order to be eligible including, but not limited to, the following:

- It meets all requirements to fly into Canada and to operate in Canadian airspace;
- It flies to an approved airport;
- It has access to U.S. in-transit pre-clearance facilities at the airport or a designated transit area for Fifth Freedom Right flights<sup>1</sup>; and
- It holds a Memorandum of Understanding with the Canada Border Services Agency that is in good standing as per section 280 of the Immigration and Refugee Protection Regulations (this MOU outlines the requirements for transporting passengers to Canada).

*A Canadian airport authority* must meet the following criteria in order to be eligible for the program:

- There is a functioning U.S. in-transit pre-clearance facility at the airport; and

<sup>1</sup> The Fifth Freedom Right is the right of an airline from one country to land in a second country, pick up passengers and fly them to a third country where passengers then deplane.

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- It has the required facilities to allow passengers to go from the airplane directly to a U.S. in-transit pre-clearance facility, to the Canada Border Services Agency area for examination, or to a designated transit area for Fifth Freedom Right flights whose passengers are to be examined upon arrival in the United States.

<b>Timeline of Program Management</b>		
<b>Year</b>	<b>TWOV</b>	<b>CTP</b>
1997	Pilot launched with Vancouver International Airport, Cathay Pacific, Philippine Airlines, and China Airlines	
2009	Program regularized, no change in membership	Pilot launched with Vancouver International Airport, Cathay Pacific, Philippine Airlines, and China Airlines
2011	Toronto Pearson International Airport (Terminal 1) and Air Canada join	Toronto Pearson International Airport (Terminal 1) and Air Canada, Jazz Aviation LP join
2012		Program regularized; Air China joins
2013	Air China, Air Georgian, Jazz Airlines, and Sky Regional Airlines join	Air China, Air Georgian, Jazz Airlines, and Sky Regional Airlines join
2014	Air Canada Rouge, China Southern, and WestJet join	Air Canada Rouge, China Southern, and WestJet join
2016	Calgary International Airport and Hainan Airlines join	Calgary International Airport and Hainan Airlines join
2017		Osaka and Nagoya, Japan pass a risk assessment and join as new departure cities
2018	Winnipeg International Airport, China Eastern, and Xiamen Airlines join	Winnipeg International Airport, Aéroport International Montréal-Trudeau (Air Canada flights only), China Eastern, and Xiamen Airlines join
2019	<p>Fulfilled 2017 mandate commitment to “review the visa policy framework, <b>including its application to the transit of passengers through Canada</b>, in a way that promotes economic growth while ensuring program integrity.”</p> <p>Minor administrative changes made to both programs using existing resources, including allowing passengers to spend up to 24 hours in an airport’s sterile zone before reporting to the CBSA for examination, clarifying membership requirements, and standardizing airline reporting for transiting passengers.</p>	
2022	Website updated to reflect two air carriers that folded and are now longer members: Sky Regional, Air Georgian	