

## Business

## Provincial border bans during COVID-19 spark lawsuits, anger from Canadians denied entry

Provinces say travel restrictions remain necessary to avoid spreading coronavirus

[Sophia Harris](#) · CBC News · Posted: Jun 06, 2020 4:00 AM ET | Last Updated: June 6



Peace officers stationed at New Brunswick land border crossings are authorized to turn away visitors who don't have permission to enter. (Shane Fowler/CBC)

[comments](#)



Lesley Shannon of Vancouver was devastated when New Brunswick rejected her request last month to enter the province to attend her mother's burial.

"I'm mystified, heartbroken and angry," said Shannon on Wednesday. "They're basically saying my mother's life has no value."

Due to the COVID-19 pandemic, New Brunswick, Newfoundland and Labrador, Prince Edward Island and the three territories have temporarily barred Canadian visitors from entering their borders unless they meet specific criteria, such as travelling for medical treatment.

The provinces and territories say the extreme measures are necessary to protect their residents from the spread of the novel coronavirus that causes the COVID-19 illness.

But the border bans have fuelled criticism from civil rights advocates who argue barring fellow Canadians is unconstitutional. The travel restrictions have also angered Canadians [denied entry](#) for travel they believe is crucial.

"I'm not trying to go to my aunt's or cousin's funeral. This is my mother, my last living parent," said Shannon, who grew up in Rothesay, N.B.



Lesley Shannon of Vancouver, right, pictured with her late mother, Lorraine, was infuriated when New Brunswick rejected her request last month to enter the province to attend her mother's burial. (Submitted by Lesley Shannon)

## Protecting health of its citizens

On Thursday, shortly after CBC News asked for comment on Shannon's case, [the New Brunswick government announced](#) it will reopen its borders starting June 19 to Canadian travellers with immediate family or property in New Brunswick. It also plans to grant entry to people attending a close family member's funeral or burial.

The province's [Campbellton region](#), however, remains off limits.

Shannon was happy to hear the news, but is unsure at this point if she'll get permission to enter the province in time for her mother's burial. She would first have to self-isolate for 14 days upon arrival, as required by the province, and the cemetery holding her mother's body told her the burial must happen soon.

"I'm just hoping that [permission comes] fast enough for me."

- ['You can't delay grief': Families call on province to add burials to reasons for compassionate visits](#)

New Brunswick told CBC News that restricting out-of-province visitors has served as a key way to protect the health of its citizens.

"It's necessary because of the threat posed by travel: all but a handful of New Brunswick's [COVID-19] cases are travel cases," said Shawn Berry, spokesperson for the Department of Public Safety, in an email.

## Legal challenges

Kim Taylor of Halifax was so upset over being denied entry in early May to attend her mother's funeral in Newfoundland and Labrador she [launched a lawsuit](#) against the province.

"I certainly feel like the government has let me and my family down," she said.

“It's not right. No province in Canada can shut its borders to Canadian citizens.”

- John Drover, lawyer



Shortly after speaking publicly about her case, Taylor got permission to enter the province —11 days after initially being rejected. But the court challenge is still going ahead — on principle.

"It's not right. No province in Canada can shut its borders to Canadian citizens," [alleged Taylor's lawyer](#), John Drover.



Kim Taylor said Newfoundland and Labrador's decision to deny her entry into the province following her mother's death exacerbated her grief. (CBC)

## Violates charter, CCLA says

The Canadian Civil Liberties Association (CCLA) has [joined the lawsuit](#) and has [sent letters](#) to each of the provinces and territories banning Canadian visitors, outlining its concerns.

The CCLA argues provinces and territories barring Canadians violates the country's Charter of Rights and Freedoms, which [states](#) that every Canadian has the right to live and work in any province.

The CCLA said if a province or territory limits those rights, its reasons must be justified.

"So far, what we've seen from these governments hasn't convinced us that there is good evidence that these limits are reasonable," said Cara Zwibel, director of CCLA's fundamental freedoms program.

"The existence of a virus in and of itself is not enough of a reason."



Cara Zwibel is director of the Canadian Civil Liberties Association's fundamental freedoms program. The CCLA argues provinces and territories barring Canadians violates the country's Charter of Rights and Freedoms. (Submitted by the Canadian Civil Liberties Association)

Newfoundland and Labrador also faces a [proposed class-action lawsuit](#) launched this month, representing Canadians denied entry who own property in the province.

"The issue that our clients take is that this [restriction] is explicitly on geographic grounds and that seems to be contrary to the Charter of Rights," said Geoff Budden, a lawyer with the suit, which has not yet been certified.

The Newfoundland and Labrador government told CBC News it's reviewing the lawsuits. They have both been filed in the province's Supreme Court.

On Wednesday, Newfoundland and Labrador Premier Dwight Ball defended the province's travel restrictions, arguing they remain necessary to avoid spreading the virus.

"This is put in place to protect Newfoundlanders and Labradorians; it's not about shutting people out," he said.

***WATCH | Inside the fight against COVID-19:***

## What about a 14-day isolation?

The rest of Canada's provinces have each advised against non-essential travel for now but [are still allowing](#) Canadian visitors to enter their province. Nova Scotia and Manitoba, however, require that visitors self-isolate for 14 days. CCLA's Zwibel said that rule may be a less restrictive way for a province to protect its residents during the pandemic.

"The Charter of Rights does require that if governments do place limits on rights, they do so in a way that impairs them as little as possible," she said.

- [B.C. man forced to leave N.B. after dream of moving to P.E.I. sours at Confederation Bridge](#)
- [Planning a Canadian vacation? Some provinces may be off limits. Here's what you need to know](#)

Back in Vancouver, a frustrated Shannon points out that New Brunswick is already [allowing temporary foreign workers into the province](#) — as long as they self-isolate for 14 days. However, her invitation is still pending.

"It's very upsetting to think I'm less welcome in New Brunswick than somebody who was not even born in Canada," she said.



### Coronavirus Brief

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