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Trump's Travel Ban: America's Loss, Canada's Enduring Opportunity

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Canada and the United States are friends, partners and allies; in trade, in security, and in international affairs. What happens south of the border impacts Canada (and Canadians) heavily, for better or for worse. It is no wonder, then, that when Canadians woke up on January 27, 2017 to news of Trump's Executive Order restricting travel from seven Muslim-majority countries, they wondered "what does this mean for Canada?"

In the immediate term, our concerns as immigration lawyers were for our clients holding passports from these nations. Does the ban affect dual citizens? Green card holders? Should we advise recent arrivals to Canada not to travel to the United States? These questions continue to occupy many of us, especially as chaos still reigns in airports across the world, Canada included.

Today, the question remains: how are the policies of the U.S. administration affecting Canada? America's loss continues to be Canada's gain. Equally, many of those who initially intended to move to the U.S. have looked forward to a bright and more welcoming future in Canada.

Over 130 million people from some of the world's most vulnerable countries fell under the initial travel ban of the U.S. administration. Until 27 January 2017, the United States was the next frontier for many doctors, scientists, tech workers,



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engineers, and entrepreneurs who saw their futures not in the failing states and war-torn countries affected by the ban, but rather in North America. Like many before them, they were inspired by the symbol of Lady Liberty in the New York City Harbor and the poem etched at her base: “I lift my lamp beside the golden door!?” While America’s lamp now burns dimmer, Canada’s still burns bright. On 31 January 2020, the U.S. administration added six predominantly African countries to their list of nations facing travel and visa restrictions, bringing the total number of countries to 13, affecting over 350 million people.

Diversity will be even more important to Canada in the future. Canada’s demographics like those of most Western countries, are shifting. As Canadians get older, a heavier and heavier burden is being placed on a gradually shrinking population of working-aged people who will fund the health care and other needs of our aging parents and grandparents. As the population pyramid swells at the top, Canada must supplement the younger segment of the population in order to prevent that pyramid, and by extension, our economy, from toppling over. A robust and positive immigration program is part of the solution.

While we have proceeded carefully, Canada should continue to take these restrictive U.S. Executive Orders as the spark of an enduring opportunity to attract the best and brightest to our country, to help Canada build a dynamic and sustainable 21st century economy. Our local experience in Ottawa is that business leaders, large and small, identify finding talent to fill jobs as their greatest challenge. There are many ways to bridge this talent gap. One of the best is to attract skilled workers from abroad. Canada’s economy is driven by those from abroad who work tirelessly to power the engines that propel our country forward. Among these are immigrants and refugees from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen. Individuals from these countries have contributed to every sector of our economy. Those who come to Canada seeking to build new lives devote themselves, in return, to making our country stronger.



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Canada should look favourably upon those currently in other countries who have already been vetted and approved by U.S. authorities and consider welcoming them as foreign workers and ultimately permanent residents. This chance to add to our human capital with skilled individuals seeking a new home should not be squandered.

Apart from the economic opportunity that a new wave of talented immigrants could mean for Canada, we cannot forget our obligation, grounded in international law, to accept refugees and provide safe haven for those fleeing war, terror and persecution. The Canadian Bar Association, Amnesty International, the Canadian Association of Refugee Lawyers and law professors from across the country, among others, have all called on the Government of Canada to reassess its Safe Third Country Agreement with the United States. As long as many refugees are barred from the United States, Canada should be considering whether we can do more to alleviate the suffering of refugees the world over. This should start with considering the claims of asylum-seekers who have already been approved to be re-settled in the United States but who are now barred from entry due to the Executive Orders.

Canada has an opportunity to become the global leader in immigrant attraction and refugee resettlement. We can use this opportunity to attract the skills we need to power our economy and support our population growth into the future. While the U.S. President continues to ban millions through the politics of fear, Canada must show those potential immigrants and refugees that our best days, as well as theirs, are still ahead of us. We can get there together.