

BORDER CROSSING REQUIREMENTS FOR POPULAR HOLIDAY DESTINATIONS AND THEIR STANCE ON SEX WORK¹



Every country has its own entry requirements, which vary depending on your country's passport. This document contains border crossing information for people who hold a Canadian passport. Additionally, this information is concerning border crossing for holiday/tourism purposes only. Thus, it should not be relied on for engaging in sex work while travelling. Lastly, this information is concerning individuals who are 18 years and older. Each country has specific border crossing requirements for minors.

For safe border crossing tips for sex workers visit: https://a4dcbdb4-c9cf-450d-ae8d-4428f723aa23.filesusr.com/ugd/dfdf94_54823c17a69249e19333a2bad9387deb.pdf

¹ The content in this document is provided for general information purposes only and does not constitute legal or other professional advice or an opinion of any kind. Users are advised to seek specific legal advice regarding any specific legal issues.

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NORTH AMERICA

Mexico

Entry Requirements²

In addition to a valid passport, you require a:

- Tourist card which is usually provided by the airline if travelling by air. If travelling by land it is each traveller's responsibility to obtain and complete one at an immigration facility at the border. **This card must be surrendered when departing Mexico.**

Border officials may also ask³:

- Why are you travelling to Mexico? What activities will you be engaging in?
- Where will you be staying?
- Do you have any acquaintances in the country?
- How will you be covering your expenses while in Mexico?
- How long will you be staying in Mexico?
- How will you be leaving the country?

Grounds for Rejecting Entry⁴

You may be refused entry into Mexico if:

- You are facing criminal charges or have been convicted of criminal charges; or
- You have a criminal history in Mexico or in any other country which may put at risk Mexico's national or public security.

Is Sex Work Legal in Mexico?⁵

Although sex work is legal in Mexico, each Mexican state has its own laws on how sex work is regulated. Furthermore, it is an offence to:

- Have sex with anybody who is under 18 or has any form of disability for commercial purposes;
- Procure any person to engage in sex work; and
- Own, manage, administer, or gain financial benefit from bawdy houses.

² Government of Canada, *Mexico* (Ottawa: 9 July, 2020) online: <https://travel.gc.ca/destinations/mexico>.

³ Government of Mexico, Secretariat of Foreign Affairs, *Información Migratoria* (Mexico DF: September 28, 2012), online: <https://consulmex.sre.gob.mx/reinounido/images/stories/pdf/additionalinfo.pdf>.

⁴ Government of Mexico, Secretariat of Foreign Affairs, *FAQ* (Mexico DF: 7 October, 2019), online: <https://consulmex.sre.gob.mx/toronto/index.php/en/faq>.

⁵ Bet Biral Nieto, "Prostitución...legal", *EjeCentral* (21 April 2018), online: <https://www.ejecentral.com.mx/prostitucion-legal/>; Government of Mexico, Chamber of Deputies, *Código Penal Federal* (Mexico D.F: 1 July 2020), online: http://www.diputados.gob.mx/LeyesBiblio/pdf/9_010720.pdf.

United States

Entry Requirements⁶

In addition to a valid passport, border officials will ask for:

- Address(es) of where you will be staying while in the United States and/or Puerto Rico.

Border officials may also ask for:

- Evidence that you have residential, professional, or educational ties to Canada. This can include copy of your lease, phone bills, transcripts, tuition receipts and taxes;
- Proof that the trip is for holiday purposes and of a reasonable length; and
- Proof that you have enough funds for the purpose of your trip.

Grounds for Rejecting Entry⁷

You may be stopped, questioned, and prevented entry into the US if a border guard suspects that you have:

- A criminal record;
- A history of drug use (including marijuana); and
- A history of having done sex work during any time in the past 10 years.

Is Sex Work Legal in the US?⁸

Sex Work is only legal in 10 of 17 counties in Nevada. These counties are: Churchill, Eiko, Esmeralda, Humboldt, Lander, Lyon, Mineral, Nye, Storey, and White Pine. In all these counties sex work can only be practiced in licenced venues.

⁶ Government of Canada, *United States* (Ottawa: 9 July, 2020) online: <https://travel.gc.ca/destinations/united-states>.

⁷ Global Network of Sex Work Projects, "Sex Workers and Travel Restrictions" (2019), online: https://www.nswp.org/sites/nswp.org/files/sex_workers_and_travel_restrictions_-_nswp_2019_0.pdf.

⁸ Jesse Mckinley, "Several US states consider legislation to decriminalise prostitution", *Independent* (2 June 2019), online: <https://www.independent.co.uk/news/world/americas/us-politics/prostitution-decriminalisation-bill-sex-work-new-york-maine-us-a8939586.htm>; Jenny Heineman, Rachel MacFarlane, & Barbara G. Brents, "Sex Industry and Sex Workers in Nevada" (2012) Soc Health Nv 1, online: https://www.leg.state.nv.us/App/NELIS/REL/80tH2019/ExhibitDocument/OpenExhibitDocument?exhibitId=43800&fileDownloadName=SenLOE1170%20AJR6_%20report%20sex%20industry%20and%20sex%20workers%20in%20Nevada_University%20Nevada%20Las%20Vegas.pdf.

CARIBBEAN

Aruba

Entry Requirements⁹

In addition to a valid passport, you require a:

- A completed Embarkation and Disembarkation card (ED-card);
- A valid ticket out of Aruba;
- Required vaccinations and proof of vaccinations; and
- The necessary documents for returning to the country of origin or to a country the country you will be visiting after Aruba.

Border officials may also ask for:

- A valid reservation for an accommodation in Aruba (e.g. hotel or apartment) or that you own property in Aruba (a residence, condominium, apartment, timeshare apartment or a pleasure yacht moored in Aruba with a length of at least 14 meters (46 feet) measured at the nominal water line); and
- Proof that you have sufficient funds to cover the costs of your trip in Aruba.

Is Sex Work Legal in Aruba?¹⁰

Yes. Aruba is part of the Netherlands. Thus, all the same laws apply to Aruba including its legalization of sex work.

Cuba

Entry Requirements¹¹

In addition to a valid passport, border officials will ask for:

- A tourist card which is usually given to you in the flight;
- Travel medical insurance.

Is Sex Work Legal in Cuba?

It is unclear. Although there are no criminal code provisions that criminalize sex workers specifically, the government has clear policies in place that do not tolerate sex work.¹²

⁹ Visit Aruba, *Entry Requirements and Visas*, online: <https://www.visitaruba.com/traveling-to-aruba/entry-requirements-and-visas/>.

¹⁰ Aleia Walker, "Sex Tourism and Trafficking in the Dutch Caribbean", *Curaçao Chronicle* (26 November 2012), online: <http://curacaochronicle.com/judicial/sex-tourism-and-trafficking-in-the-dutch-caribbean/>.

¹¹ Government of Cuba, Consular Services, *Tourist Visa*, online: http://misiones.minrex.gob.cu/en/canada/consular-services#visa_turismo.

¹² United Nations High Commissioner for Refugees, *UN Concerns About Prostitution in Cuba*, online: <https://www.refworld.org/docid/52175b814.html>.

The following are offences related to sex work:

- Procure someone to do sex work;
- Own, manage, administer, or gain financial benefit from bawdy houses;
- Benefit in any way from someone else's sex work;
- Procure an individual under 16 to do sex work, have sex with an individual under 16 or being involved in any way with an individual under 16 for any commercial purposes; and
- Because of one's negligence as a parent or guardian, a child has resorted to drugs and sex work.

Dominican Republic

Entry Requirements¹³

In addition to a valid passport, border officials will ask for:

- Tourist card which is usually provided on the airplane.

Exiting the Dominican Republic¹⁴

The Dominican Republic is actively trying to stop drug trafficking. If an immigration officer suspects you may be trafficking drugs, they may:

- Do a drug screening;
- Search your luggage;
- Have you sign a declaration form in Spanish stating that you underwent drug search as part of their country's procedural requirements; or
- Request that you undergo an X-ray.

Is Sex Work Legal in the Dominican Republic?¹⁵

Yes. However, it is an offence to:

- Procure or assist in any way somebody doing sex work;
- Receive material benefit from sex work of others;
- Own, manage, administer, or gain financial benefit from bawdy houses; and
- Solicit some for the purposes of sex work.

¹³ Go Dominican Republic, *Getting Here*, online: <https://www.godominicanrepublic.com/travel-to-dr/getting-here/>.

¹⁴ Government of Canada, *Dominican Republic* (Ottawa: 2 July, 2020), online: <https://travel.gc.ca/destinations/dominican-republic>.

¹⁵ Sandra E Garcia, "US Man Gets 17 Years in Prison for Traveling to Dominican Republic to Prey on Girls", *The New York Times* (21 August 2018), online: <https://www.nytimes.com/2018/08/21/us/sex-minors-arrest-dominican-republic.html>; Government of Dominican Republic, *Código Penal de la República Dominicana* (Santo Domingo: 1998), online: https://www.oas.org/juridico/spanish/mesicic2_repdom_sc_anexo_21_sp.pdf.

Jamaica

Entry Requirements¹⁶

In addition to a valid passport, border officials will ask for:

- Completed Landing Card
- Evidence that you have sufficient funds for your stay in Jamaica;
- Travel ticket out of Jamaica; and
- Appropriate documentation for your next destination if it is not home.

Grounds for Rejecting Entry¹⁷

You may be stopped from entering Jamaica if you:

- Have been sentenced in a foreign country for extradition; and
- Have a deportation order in force.

Is Sex Work Legal in Jamaica?¹⁸

It is unclear. Although there are no criminal code provisions that criminalize sex workers specifically for doing sex work, there are several provisions that affect sex workers.

- Soliciting;
- Loitering between 9pm and 6am in any highway, piazza, or open place.
- Procuring someone to do sex work;
- Exposing oneself in a public place.
- Owning, managing, administering, or gaining financial benefit from bawdy houses;
- Benefiting in any way from someone else's sex work; and
- Not moving when a constable requests that an individual move. "Sex workers, who congregate at particular public locations and on public streets, especially in busy commercial areas, in order to attract clients, need to be aware that failing to obey such commands, can result in their arrest."

Puerto Rico

Since Puerto Rico is US territory, it has the same travelling requirements and laws as the US.¹⁹ See the section on the United States in this document for more information.

¹⁶ Consular General of Jamaica, *Travel Information*, online: <https://jcgtoronto.ca/travel-information/> [Consular General of Jamaica].

¹⁷ *Consular General of Jamaica*, supra note 16.

¹⁸ <http://www.cvccoalition.org/sites/default/files/SW%20HR%20Manual%20version%203.pdf>

¹⁹ Government of Canada, *Puerto Rico* (Ottawa: 22 June, 2020), online: <https://travel.gc.ca/destinations/puerto-rico>.

EUROPE

Germany

Entry Requirements²⁰

Passport only.

Grounds for Rejecting Entry²¹

You may be refused entry into Germany if you:

- Have been sentenced to 2 or more years imprisonment;
- Have been convicted of human or narcotics trafficking;
- Participated in acts of violence that endangered public safety;
- Are believed to endanger national security;
- Have an active expulsion order; or
- Belong to an organization that has been banned because its activities are in breach of criminal laws.

Is Sex Work Legal in Germany?²²

Yes. However, since July 2017 it is mandatory for all sex workers to personally register their work. The registration certificate is valid for two years for persons over 21 and one year for those under 21.

Netherlands

Entry requirements²³

In addition to a valid passport, border officials will ask for:

- Evidence of your travel purpose such a hotel reservation;
- Proof of enough funds for the length of your trip; or
- Evidence that you have reason to return to your country of residence such as a job, school, or children. Note, that a return ticket is not considered enough evidence.

Border officials may also ask for:

- Proof of medical travel insurance.

²⁰ Government of Canada, *Germany* (Ottawa: 3 July, 2020), online: <https://travel.gc.ca/destinations/germany>.

²¹ European Parliament, International Organization for Migration, *Laws for Legal Immigration in the 27 EU Member States* (Switzerland: 2009), online: https://publications.iom.int/system/files/pdf/iml_16.pdf.

²² Government of Germany, Ministry of Family, Seniors, Women and Youth, *The New Prostitution Act*, online: <https://www.bmfsfj.de/blob/117624/ac88738f36935f510d3df8ac5ddcd6f9/prostschg-textbausteine-en-data.pdf>

²³ Government of The Netherlands, Ministry of Justice and Security, *Holiday and Family Visit*, online: <https://ind.nl/en/short-stay/Pages/Holiday-and-family-visit.aspx>

Grounds for Rejecting Entry²⁴

You may be rejected from entering if:

- You have a history of not leaving the Netherlands in time during a previous visit; or
- You have stayed in another Schengen Area country²⁵ for more than 90 days in a 180-day period.

Is Sex Work Legal in The Netherlands?²⁶

Yes. However, there are specific conditions that need to be met if you are a non-European Union citizen.

United Kingdom

Entry Requirements²⁷

In addition to a valid passport, border officials may also ask for:

- Evidence of the purpose of your trip;
- Proof that you have sufficient funds to cover the costs of your trip in the UK; or
- Evidence that you have reason to leave the UK such as details of your employment and studies;

Grounds for Rejecting Entry²⁸

You may be rejected from entering if:

- You are suspected of engaging in prohibited activities (i.e. work, receive payment from a UK source for any activity done in the UK, study, intend to receive medical treatment, or marry in the UK). Note that sex work could be considered a prohibited activity (for more information see below “Is Sex Work Legal in the UK?”);
- The purpose of the trip does not meet the type of entry you are requesting (i.e. border officials suspect you are intended to work or receive financial benefit while entering as a tourist);

²⁴ Government of The Netherlands, Immigration and Naturalisation Service, *Entry ban, return decision and pronouncement of undesirability*, online: <https://ind.nl/en/Pages/entry-ban-return-decision-and-pronouncement-of-undesirability.aspx>

²⁵ Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland.

²⁶ Government of The Netherlands, Chamber of Commerce, *Starting as a Self-employed Sex Workers in The Netherlands*, online: <https://business.gov.nl/starting-your-business/checklists-for-starting-a-business/starting-as-a-self-employed-sex-worker-in-the-netherlands/>

²⁷ Government of the United Kingdom, *Check If You Need a UK Visa*, online: <https://www.gov.uk/check-uk-visa/y/canada/tourism>; Government of the United Kingdom, UK Visas and Immigration, *Guide to Supporting Documents: Visiting the UK* (6 June 2019), online: <https://www.gov.uk/government/publications/visitor-visa-guide-to-supporting-documents/guide-to-supporting-documents-visiting-the-uk>; Government of the United Kingdom, Home Office, *Immigration Rules Appendix V: Visitor Rules* (4 June 2020), online: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-v-visitor-rules> [Immigration Rules Appendix V].

²⁸ *Immigration Rules Appendix V*, supra note 27; Government of the United Kingdom, Home Office, *Immigration Rules Part 9: Grounds for Refusal* (4 June 2020), online: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-9-grounds-for-refusal>.

- You make false representations when answering questions by the border officer or do not disclose material facts;
- You are subject to a deportation order;
- You have been convicted of an offence for an imprisonment sentence of 12 months to 4 years; or
- You have been convicted of an offence in the last five years for an imprisonment sentence of less than 12 months.

Is Sex Work Legal in the UK?²⁹

It is unclear. The Crown Prosecution Service notes that their focus is to prosecute those who force others into sex work. Their goal is to tackle those who:

- Recruit others into sex work;
- Gaining in any way by the sex work of others;
- Controlling another individual for the purposes of sex work;
- Soliciting sex work; or
- Advertising sex work.

²⁹ Government of the United Kingdom, Crown Prosecution Service, *Prostitution and Exploitation of Prostitution* (4 January 2019), online: <https://www.cps.gov.uk/legal-guidance/prostitution-and-exploitation-prostitution>.

OCEANIA

Australia

Entry Requirements³⁰

In addition to a valid passport, border officials will ask for:

- Electronic travel authority (eTA).

Grounds for Rejecting Entry³¹

You may be rejected from entering if:

- The purpose of the trip does not match the type visa you are entering the country with (i.e. intending to work when entering with a tourist ETA);
- You have a disease or condition that may become a public health threat in Australia;
- You require a costly health care or community service;
- You are suspected to being at risk of using health care or community services at the expense of Australians (you can avoid this by having your own travel medical insurance); or
- You have a criminal record and have served a cumulative jail time of 12 months or more.
- You have been convicted of an offence for an imprisonment sentence of 12 months to 4 years; or
- You have been convicted of an offence in the last five years for an imprisonment sentence of less than 12 months.

Is Sex Work Legal in Australia?³²

Depends on where you are visiting. Sex work legislation varies between each state.

New Zealand

Entry Requirements³³

In addition to a valid passport, border officials will ask for:

- New Zealand electronic travel authority (NZeTA);
- A return ticket or ticket to your next destination;
- Visa for your next destination if required; and

³⁰ Government of Australia, *Australia Visa Requirements for Canadian Citizens*, online: <https://www.australiaonlinevisa.org/requirements/canadian-citizens/>

³¹ *Ibid*; Government of Australia, *Travel to Australia with a Criminal Record*, online: <https://www.australiaonlinevisa.org/travel-to-australia-with-criminal-record/>.

³² Coalition Against Trafficking in Women Australia, "What are the Prostitution Laws in Australia", online: <https://www.catwa.org.au/prostitution-laws-in-each-state/>.

³³ Government of Canada, *New Zealand* (Ottawa: 22 June, 2020), online: <https://travel.gc.ca/destinations/new-zealand>; Government of New Zealand, Immigration, *Explore Visa Options for Visiting*, online: <https://www.immigration.govt.nz/new-zealand-visas/options/visit/explore-visitor-visa-options> [*Explore Visa Options*].

- Proof of sufficient funds for your trip in New Zealand (\$1000 New Zealand dollars per person per month or \$400 New Zealand dollars per person per month if you have proof of prepaid accommodation).

Grounds for Rejecting Entry

You may be rejected from entering if:

- You are not in good health;³⁴
- Immigration officers believe you are not of good character³⁵;
- You have “provided or intent to provide commercial sexual services”³⁶;
- You have “acted or intend to act as an operator of a business of prostitution³⁷,” or
- You have “invested or intend to invest in a business of prostitution.”³⁸

Is Sex Work Legal in New Zealand?³⁹

Yes. Sex work was decriminalized in 2003. However, only citizens and residents can legally work in the sex industry.

³⁴ *Explore Visa Options*, supra note 33.

³⁵ *Ibid*

³⁶ *Prostitution Reform Act 2003* (NZ), 2003/28, online: <http://www.legislation.govt.nz/act/public/2003/0028/latest/DLM197871.html>

³⁷ *Ibid*.

³⁸ *Ibid*.

³⁹ Government of New Zealand, New Zealand Parliament, *Prostitution Law Reform in New Zealand* (10 July 2012), online: <https://www.parliament.nz/mi/pb/research-papers/document/00PLSocRP12051/prostitution-law-reform-in-new-zealand/>; Government of New Zealand, *Understanding Sex Industry Rights and Legal Obligations* (1 September 2018), online: <https://www.immigration.govt.nz/about-us/media-centre/media-releases/understanding-sex-industry-rights-and-legal-obligations>.