



Immigration, Refugees  
and Citizenship Canada

Immigration, Réfugiés  
et Citoyenneté Canada

# ENF 4

## Port of Entry Examinations

Canada 

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## Updates to the manual

### Listing by date

#### 2022-05-18

- Entire document reviewed to: fix grammatical errors, fix broken links, add acronyms and links, update form numbers and replace some terminology.
- Updated all sections according to the more recent policies and guidelines such as PDI, OB and SBB.
- Section 5 - added information on the PIK.
- Section 7 - merged sections 7.9 & 7.10 and sections 7.2 & 7.7
- Section 8 – removed former 8.2 and created section 8.9 on electronic devices and 8.10 travel documents issued to non-citizens.
- Section 9 - removed previous section 9.6.
- Section 12 - removed previous section 12.5, 12.11 et 12.12, and added section 12.10 on medical surveillance.
- Section 13 - added information on NDC and Edison, section 13.9 on PG visa, 13.37 on collection of biometrics, removed previous sections 13.28 to 13.32 and updated 13.12 to include eTA-X.
- Section 17 – 17.2 was removed and added to 7.8.
- Section 21 - created a new section on Media cases.
- Section 25 - removed previous sections 25.1 to 25.3.
- Section 27 - remove previous sections 27.4 and 27.5.

#### 2020-09-23

- Section 3 – Clarified wording around obligations
- Section 3 – Added Section R41(d)
- Section 3 – Updated Section R183 to include R183(1)(d)
- Section 3.1 – Changed IMM1262 to BSF821
- Section 4.1 – Clarified Section A55(3) to include inadmissibilities under sections A34, 35, 36, and 37
- Section 8.7 – Added Certificate of Indian Status and Secure Certificate of Indian Status as examples of identity documents
- Section 10 – Clarified wording around “right to enter and remain in Canada”
- Section 10.1 – Added wording around the Temporary Confirmation of Registration Document, and updated address
- Section 11.10 – Clarified wording around GCMS
- Section 13 – Clarified wording around foreign nationals
- Section 13.14 – Clarified wording around BSO MD
- Section 13.20 – Added new COVID-19 conditions under R183(1)(d)
- Section 13.24 – Added use of Visitor Records in cases of work permit exemption for clergy under R186(l)
- Section 13.25 – Clarified BSO cancellation authorities concerning temporary residents
- Section 13.27 – Clarified to whom people should be addressing their cheques when paying deposits or posting guarantees
- Section 15.3 – Clarified wording and added missing links
- Section 15.4 – Added Indigenous cultural considerations as factor to consider

- Section 15.6 – Emphasized wording for clarity
- Section 15.9 – Designated authority to issue a TRP expanded for clarification
- Section 16.2- Updated the text to refer to the right manual
- Section 22.10 – Added further example of training for DART officers
- Section 25.1- Updated the text to refer to the right manual
- Section 25.2- Updated the text to refer to the right manual
- Appendix D: Updated the TRP checklist
- Entire document reviewed to replace “registered Indian” with “people registered under the *Indian Act*”
- Entire document reviewed to fix grammatical errors
- Entire document reviewed to fix broken links

## **2019-08-15**

- Section 8.8 – Additional information has been added on how to conduct GCMS checks

## **2019-02-01**

- Section 10 – Updates to port of entry processing of people who are registered under the *Indian Act*
- Section 10.1 – Change made to federal contact information from INAC to Indigenous Services Canada (ISC); clarification of determination of registered Indian status
- Section 10.2 – Clarification of the procedure for establishing registered Indian status without documents
- Section 10.3 – Clarification of port of entry processing of American Indians

## **2016-12-23**

- Section 4 on Instruments of Delegation expanded for clarification
- Section 4.2 on Delegation of Officers amended persons to officers
- Section 10.1 on Determining Registered Indian status updated for clarification
- Section 11.4 on investigating permanent residents for inadmissibility amended
- Section 12.1 on Permanent resident visas wording updated for clarification
- Section 12.6 on Confirmation of Permanent Residence form [IMM 5292B]updates and procedures Section of completing the Confirmation of Permanent Residence document
- Section 13.14 on eTA validity and cancellation amended
- Sections 13.3 and 13.4 on re-entry into Canada on original visa amended
- Section 28 on Open Skies Treaty deleted
- Entire document updated CIC to IRCC
- Entire document updated to reflect changes for FOSS to GCMS where appropriate
- A number of links updated to become functional throughout document
- Request to make hyperlinks in the table of contents visible (blue)

## **2016-03-18**

- Sections 12.12 and 12.13 on entrepreneurs have been deleted, as conditions are no longer imposed at ports of entry.

## **2016-02-10**



- Sections 3 and 4.1 – added [subsections 16\(1.1\) and 16\(2.1\)](#) of IRPA on the requirement of the person concerned to appear before an officer for an examination and for an interview, respectively.
- Section 9.3 – updated to include document validity dates.
- Section 9.7 – formerly *Emergency passports*, updated for clarity.
- Section 12.3 – updated to include new information on merging client identification numbers.
- Section 13.2 – updated to include Puerto Rico as part of the United States and a link to the [TWOV/CTP Standard Operating Procedures](#) found on Atlas.
- Section 13.3 – updated to include Puerto Rico as part of the United States.
- Section 13.11 – updated to include TRPs.
- Section 13.18 – updated for clarity.
- Section 13.19 – updated to include the U.S. SENTRI card.
- Section 13.24 – updated for clarity.
- Section 13.32 – updated for clarity.
- Section 13.37 – updated for clarity.
- Section 15.3 – new procedures.
- Section 15.7 – new procedures.
- Section 25.4 – information on recovering removal costs.
- Appendix B – updated addresses.
- Appendix D – deleted and replaced with link to [TWOV/CTP Standard Operating Procedures](#) in section 13.2.
- Appendix E – renamed Appendix D and updated with new procedures for reporting and consulting.

## **2015-08-01**

- Section 7.5 – addition of Electronic Travel Authorization (eTA) to part of the basic questioning during primary examination.
- Section 8.9 – addition of eTA to part of the basic questioning during secondary examination.
- Section 11.5 – update concerning the documents with which Canadian permanent residents must travel in order to return to Canada by air mode.
- Section 13.12, section 13.13 and section 13.14 – added to reference the eTA regulations, exemptions, and validity.
- Appendix D – updated to include reference to the eTA requirement.

## **[Updates to the manual prior to 2015](#)**

## Acronyms used throughout this manual

<b>Acronyms</b>	<b>Definitions</b>
AME	Alternate means of examination
API	Advanced Passenger Information
ARC	Authorization to Return to Canada
BOC	Border Operations Centre
BSO	Border Services Officer
BSOMD	BSO Minister's Delegate
CAQ	Québec Acceptance Certificate
CBSA	Canada Border Services Agency
CCA	Customs Controlled Areas
CDRP	Commercial Drivers Registration Program
CDT	Control and Defensive Tactics
CIC	Citizenship and Immigration Canada
CID	Criminal Investigations Division
CIS	Certificate of Indian Status
CoPR	Confirmation of Permanent Residence
CPC-S	Citizenship Case Processing Centre in Sydney
CPIC	Canadian Police Information Centre
CPR	Cardiopulmonary resuscitation
CSIS	Canadian Security Intelligence Service
CSQ	Québec Selection Certificate
CTP	China Transit Program
D&D	Designation and Delegation
DART	Disembarkation and Roving Team
DHS	Department of Homeland Security
DLI	Designated Learning Institution
DOB	Date of birth
DOS	U.S. State Department
EDISON TD	Electronic Documentation and Information System on Investigation Networks with information on Travel Documents
EDL	Enhanced Driver's License
EIC	Enhanced Identification Card
EMT	Emergency Medical Technician
ESDC	Employment and Social Development Canada
ESS	Employee Self-Service
eTA	Electronic Travel Authorization
eTA-X	Electronic Travel Authorization Expansion
ETC	Enhanced Tribal Card
FAST	Free and Secure Trade
FMIOA	Foreign Missions and International Organizations Act
FN	Foreign National
FOSS	Field Operations Support System
FRT	Flexible Response Team
GAC	Global Affairs Canada
GBV	Gender-Based Violence
GCMS	Global Case Management System
IAD	Immigration Appeal Division
IATA	International Air Transport Association

ICAO	International Civil Aviation Organization
ICES	Integrated Customs Enforcement System
ICET	Immigration and Customs Enforcement Team
ICS	Integrated Customs System
ID	Immigration Division or Identifier
IDA	Improperly Documented Arrival
IFHP	Interim Federal Health Program
IME	Immigration Medical Examination
INAC	Indigenous and Northern Affairs Canada
IPIL	Integrated Primary Inspection Line
IRB	Immigration and Refugee Board
IRCA	Initial Refugee Claimant Assessment
IRCC	Immigration, Refugee and Citizenship Canada
IRPA	Immigration and Refugee Protection Act
IRPR	Immigration and Refugee Protection Regulations
ISC	Indigenous Services Canada
LMIA	Labor Market Impact Assessment
LO	Liaison Officer
MD	Minister's Delegate
MHB	Migration Health Branch
MLACMA	Mutual Legal Assistance in Criminal Matters Act
MOU	Memorandum of Understanding
MRZ	Machine Readable Zone
NCB	Non-Computer Based Entry
NCIC	National Crime Information Centre
NDC	National Document Centre
NGO	Non-governmental organization
NHQ	National Headquarters
NI-TRP	National Interest TRP
NIV	Non-immigrant visa
OB	Operational Bulletin
OIC	Order in Council
OSC	Operations Support Centre
PAXIS	Passenger Information System
PDI	Program Delivery Instructions
PDP	Previously Deported Person
PHAC	Public Health Agency of Canada
PHLU	Public Health Liaison Unit
PIK	Primary Inspection Kiosk
PIL	Primary Inspection Line
PNR	Passenger Name Record
POB	Place of birth
POE	Port of Entry
PP	Protected Person
PR	Permanent Resident
RCMP	Royal Canadian Mounted Police
RPD	Refugee Protection Division
SARS	Severe Acute Respiratory Syndrome
SAWP	Seasonal Agricultural Worker Program
SBB	Shift Briefing Bulletin
SCIS	Secure Certificate of Indian Status

SENTRI	Secure Electronic Network for Travellers Rapid Inspection
SFV	Systematic Fingerprint Verification
SIN	Social Insurance Number
SMU	Statement of Mutual Understanding
SP	Study Permit
SRT	Single Reporting Tool
SSI	Support System for Intelligence
TCRD	Temporary Confirmation of Registration Document
TELO	Time, Employment, Lookout, Other
TEPS	Travellers Entry Processing System
TRP	Temporary Resident Permit
TRV	Temporary Resident Visa
TT	Targeting Travellers
TTP	Trusted Traveller Program
TWOV	Transit Without Visa Program
U.S.	United States
UCI	Unique Client Identifier
UNHCR	United Nations High Commissioner for Refugees
USINS	United States Immigration and Naturalization Service
USLPR	United States Lawful Permanent Resident
VR	Visitor record
VTIP	Victims of Trafficking in Persons
WP	Work Permit
WRC	Warrant Response Centre
XDC	Office of Protocol

# 1 What this manual is about

This manual describes how a Border Services Officer (BSO) conducts primary and secondary immigration examinations of:

- Canadian citizens;
- persons registered under the *Indian Act*;
- permanent residents (PR);
- foreign nationals (FNs) (including permanent residence applicants, temporary resident permit (TRP) holders and protected persons).

## 2 Program objectives

The objectives of the Act for conducting primary and secondary immigration examinations are the following:

- facilitate the entry of persons who have the right to enter Canada;
- facilitate the entry of FNs into Canada for purposes such as trade and commerce, tourism, international understanding, and cultural, educational, and scientific activities;
- protect the health and safety of Canadians and maintain the security of Canadian society;
- promote international justice and security by denying access to Canadian territory to those who are criminals or security risks; and
- offer safe haven to persons with a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership in a particular social group, as well as those at risk of torture or cruel and unusual punishment.

## 3 The Act and its Regulations

The authority for a BSO to conduct an examination comes from a variety of sources, including the [Immigration and Refugee Protection Act](#) (IRPA), the [Immigration and Refugee Protection Regulations](#) (IRPR) and the [Designation of Officers and Delegation of Authority](#) documents.

### Statutory requirements relating to persons seeking entry into Canada

The IRPA and IRPR provide for a number of different provisions that impose certain obligations on prescribed classes of persons seeking entry and provide BSOs with a number of different authorities and options when conducting examinations.

<b>Relevant provisions</b>	<b>Requirement</b>	<b>Explanation</b>
<a href="#">A10.01</a>	Provide biometrics	A person who makes a claim, application or request must follow the procedures set out in the regulations for the collection and verification of biometric information

<a href="#">A11(1)</a>	Apply for visa	A foreign national (FN) must, before entering Canada, apply to an officer for a visa or for any other document required by the Regulations.
A11(1.01)	Apply for eTA	A FN must, before entering Canada, apply by means of an electronic system for an electronic travel authorization.
<a href="#">A15(1)</a>	Submit to an examination	An officer is authorized to proceed with an examination if a person makes an application to enter Canada.
<a href="#">A16(1)</a>	Tell the truth and produce required documentation	A person who makes an application to enter Canada must answer truthfully all questions put to them for the purpose of the examination and must produce a visa and all relevant evidence and documents reasonably required by an officer.
<a href="#">A16(1.1)</a>	Appear for an examination	A person who makes an application must, on request of an officer, appear for an examination.
<a href="#">A16(2)</a>	Fingerprints, photographs and a medical examination	A FN must produce photographic and fingerprint evidence if required to establish identity or compliance with the Act and, on request, must submit to a medical examination.
<a href="#">A16(2.1)</a>	Appear for an interview conducted by the Canadian Security Intelligence Service (CSIS) and answer all questions truthfully	A FN who makes an application must, on request by an officer, appear for an interview for the purpose of an investigation conducted by CSIS under <a href="#">section 15</a> of the <i>Canadian Security Intelligence Service Act</i> for the purpose of providing advice or information to the Minister under <a href="#">section 14</a> of that Act. They must answer truthfully all questions put to them during the interview.
<a href="#">A16(3)</a>	Evidence relating to identity	An officer may require or obtain from a PR or a FN who is arrested, detained, subject to an examination or subject to a removal order, any evidence — photographic, fingerprint or otherwise — that may be used to establish their identity or compliance with this Act.
<a href="#">A18(1)</a>	Appear for an examination	A person who seeks to enter Canada must appear for an examination to determine whether they have a right to enter Canada or may be authorized to enter and remain in Canada.
<a href="#">A18(2)</a>	Transit passengers	A person who seeks to leave an area at an airport that is reserved for passengers who are in transit or who are waiting to depart Canada must appear for an examination. Other examples could include when a flight is cancelled due to the weather or persons denied at US pre-clearance.
<a href="#">A20(1)(a)</a>	To become a permanent resident	A FN who seeks to become a PR must establish that they hold the visa or other document required under the Regulations and have come to Canada to establish permanent residence.

<a href="#">A20(1)(b)</a>	Entry of temporary residents	A FN who seeks to become a temporary resident must establish that they hold the visa or other document required under the Regulations and will leave Canada by the end of the period authorized for their stay.
<a href="#">A20(2)</a>	Provincial selection criteria	A FN who seeks to become a PR and intends to reside in a province that has sole responsibility for the selection of FNs under a federal-provincial agreement pursuant to <a href="#">A9(1)</a> must also establish that they hold a document issued by the province, indicating that the competent authority of the province is of the opinion that the FN complies with the province's selection criteria.
<a href="#">A28(1)</a>	Residency obligation	A PR must comply with the residency obligation in A28 with respect to every five-year period.
<a href="#">A29(2)</a>	Obligations of temporary residents	A temporary resident must comply with any conditions imposed under the Regulations and with any requirements under the Act and must leave Canada by the end of the period authorized for their stay.
<a href="#">A30(1)</a>	Work and study	A FN may not work or study in Canada unless authorized to do so under the Act.
<a href="#">R6, R7, R8 and R9</a>	Permanent and temporary resident visas, work and study permits	A FN must obtain these documents prior to entering Canada.
<a href="#">R12.001</a>	Request or application at port of entry	A person may only make a request or application at a port of entry that provides collection services for biometric information.
<a href="#">R12.1</a>	Collection of biometric information	Claims, applications and requests requiring the collection of biometric information.
<a href="#">R12.5</a>	Verification of biometric information	When seeking to enter Canada and when directed, the person shall provide their biometric information for verification.
<a href="#">R27(1) and R27(2)</a>	Appear for examination	A FN must appear without delay before an officer at a POE for an examination or, if entering at a place other than a POE, must appear without delay for examination at the nearest POE.
<a href="#">R28</a>	Making an application	A person who seeks to enter Canada is deemed to be making an application pursuant to <a href="#">A15(1)</a> and must therefore submit to an examination.
<a href="#">R30</a>	Submit to medical examination	A FN who seeks to enter Canada for more than six months and who has resided or stayed in certain countries in excess of six months is required to submit to a medical examination and must hold a medical certificate stating that they are not inadmissible on health grounds.
<a href="#">R37</a>	End of examination	See <a href="#">section 5.6</a> of this manual for details.

<a href="#">R40</a>	Direction to leave	Except in the case of protected persons within the meaning of <a href="#">A95(2)</a> and in the case of refugee protection claimants, an officer who is unable to examine a person who is seeking to enter Canada at a POE will, in writing, direct the person to leave Canada.
<a href="#">R41</a>	Direct back	An officer may temporarily direct back a FN who is seeking to enter Canada from the United States if: <ul style="list-style-type: none"> <li>• the examination cannot be completed;</li> <li>• the Minister's delegate (MD) is not available to review the report;</li> <li>• the admissibility hearing cannot be held by the Immigration Division (ID);</li> <li>• the FN is prohibited from entering Canada by an order or regulation made by the Governor in Council under the <a href="#">Emergencies Act</a> or the <a href="#">Quarantine Act</a>.</li> </ul>
<a href="#">R42</a>	Withdrawing an application	An officer who examines a FN who is seeking to enter Canada and who has indicated that they want to withdraw their application to enter Canada will allow the FN to withdraw their application and leave Canada, unless a report is being or has been prepared under <a href="#">44(1)</a> of the Act.
<a href="#">R43</a>	Mandatory conditions in cases requiring further examination	A FN who has been authorized to enter Canada under <a href="#">A23</a> must comply with the following conditions: <ul style="list-style-type: none"> <li>• report in person for the completion of the examination or the admissibility hearing;</li> <li>• not engage in any work in Canada;</li> <li>• not study in Canada; and</li> <li>• report in person at a POE if they withdraw their application to enter Canada.</li> <li>• comply with all requirements imposed on them by an order or regulation made under the <a href="#">Emergencies Act</a> or the <a href="#">Quarantine Act</a>.</li> </ul>
<a href="#">R45</a>	Deposits or guarantees	An officer can require of a person or a group of persons seeking to enter Canada the payment of a deposit or the posting of guarantee, or both, to guarantee compliance with any conditions imposed.
<a href="#">R50</a>	Documents: applicants for permanent residence	A FN seeking to become a PR requires a PR visa as well as a passport, travel document or other document prescribed by the <i>Regulations</i> . For detailed requirements, see <a href="#">R50(1)</a> , <a href="#">(2)</a> and <a href="#">(3)</a> .
<a href="#">R51</a>	Obligations of applicants for permanent residence	A FN in possession of a PR visa who seeks at a POE to become a PR must inform the officer if: <ul style="list-style-type: none"> <li>• they have become or ceased to be a spouse, common-law partner or conjugal partner after the visa was issued; or</li> </ul>



		<ul style="list-style-type: none"> <li>material facts relevant to the issuance of the visa have changed or were not divulged when the visa was issued.</li> </ul> <p>The FN must also establish that they and their family members, whether accompanying or not, meet the requirements of the Act and Regulations.</p>
<a href="#">R52</a>	Documents: temporary residents	A FN who seeks to become a temporary resident must hold one of the following documents, which must be valid for the period authorized for their stay: a passport, a travel document or another document prescribed by the Regulations. For detailed requirements and exceptions, see <a href="#">R52(1)</a> and <a href="#">R52(2)</a> .
<a href="#">R183</a> and <a href="#">R185</a>	General and specific conditions on temporary residents	A temporary resident must comply with conditions of their entry, including the requirement to leave by the end of the period authorized for their stay and not to work or study unless authorized by the Act or Regulations and comply with all requirements imposed on them by an order or regulation made under the <a href="#">Emergencies Act</a> or the <a href="#">Quarantine Act</a> .
<a href="#">R184</a>	Conditions on crew members	A FN who enters Canada as a crew member or in order to become a crew member is required to join the means of transportation within the period imposed or, if no period is imposed, within 48 hours after they enter Canada. A crew member must leave Canada within 72 hours after ceasing to be a crew member.
<a href="#">R196</a>	Authorization to work	A FN must not work in Canada unless authorized by a work permit (WP) or the Regulations.
<a href="#">R212</a>	Authorization to study	A FN may not study in Canada unless authorized by a study permit (SP) or the Regulations.
<a href="#">R243</a>	Requirement to pay removal costs	A FN is not allowed to return to Canada if they were removed from Canada at the expense of Her Majesty and the debt incurred from removal is outstanding.

### 3.1 Forms

These are some of the forms used during a POE examination

Form title	Form number
Medical Surveillance Undertaking	<a href="#">IMM 0535B</a>
Visitor Record	<a href="#">IMM 1097B</a>
Authorization to Return to Canada Pursuant to Section 52(1) of the <i>Immigration and Refugee Protection Act</i>	<a href="#">IMM 1203B</a>
Direction to Leave Canada	<a href="#">BSF503</a>
Direction to Return to the United States	<a href="#">BSF505</a>
Notice of Seizure of Travel and/or Identity Document(s)	<a href="#">BSF698</a>
Notice to appear for a proceeding under subsection 44(2)	<a href="#">BSF504</a>
Referral Under Subsection 44(2) of the <i>Immigration and Refugee Protection Act</i> for an Admissibility Hearing	<a href="#">BSF506</a>

Acknowledgement of Conditions – <i>The Immigration and Refugee Protection Act</i>	<a href="#">BSF821</a>
Allowed to Leave Canada	<a href="#">IMM 1282B</a>
Declaration	<a href="#">IMM 1392B</a>
Confirmation by Transporter Regarding Passenger(s) Carried	<a href="#">BSF453</a>
Notice to Transporter	<a href="#">BSF502</a>
Voluntary Departure - Confirmation	<a href="#">IMM 5021E</a>
Temporary Resident Permit	<a href="#">IMM 1263B</a>
Subsection A44(1) Highlights Port of Entry Cases	<a href="#">BSF516</a>
Port of Entry (POE)/Secondary Examination Record	<a href="#">IMM 5059B</a>
Entry For Further Examination or Admissibility Hearing	<a href="#">BSF536</a>
Supplementary Identification Form	<a href="#">IMM 5455B</a>
Authority to Release Personal Information to a Designated Individual	<a href="#">IMM 5475E</a>
Use of a Representative	<a href="#">IMM 5476E</a>
Record of Direct Backs for Refugee Claimants at the Land Border	<a href="#">Appendix C</a>
Customs Referral Form (Airport)	<a href="#">E311</a>
In-Person Processing – Air Mode	<a href="#">BSF423</a>
Secondary Referral - Border	<a href="#">BSF235</a>
Report to Warehouse (Border: Commercial Drivers)	<a href="#">Y28</a>

## 4 Instruments and delegations

The instruments explain who has been designated to act as an officer and who has been delegated the authority to do anything that may be done by the Minister, under the Act or Regulations, depending on their position/level. There are two IRPA Designation and Delegation Instruments. One is made by Immigration, Refugees and Citizenship Canada (IRCC) and the other by the Canada Border Services Agency (CBSA). In each instrument, IRCC and the CBSA designate and delegate authorities to their own officers, as well as to officers in other departments. Therefore, it is important to read both documents to know all authorities linked to a position under IRPA.

These instruments can be found in manual [IL 3](#), *Designation of Officers and Delegation of Authority*.

### 4.1 Powers and authorities of an officer

The following sections provide authority for an officer relating to the examination of persons seeking to enter Canada:

<b>Powers of an officer under IRPA and IRPR</b>	<b>Relevant provisions</b>
Authority to conduct an examination where a person makes an application.  <a href="#">R28</a> specifies that every person who seeks to enter Canada is making an application and is, therefore, subject to an examination.	<a href="#">A15(1)</a>
Authority to: <ul style="list-style-type: none"> <li>board and inspect any means of transportation bringing persons to Canada;</li> </ul>	<a href="#">A15(3)</a>

<ul style="list-style-type: none"> <li>• examine any person carried by that means of transportation and any record or document respecting that person;</li> <li>• seize and remove any record or document to obtain copies or extracts; and</li> <li>• hold the means of transportation until the inspection and examination are completed.</li> </ul> <p>This section provides authority for officers to commence an examination prior to the passenger's arrival at the Primary Inspection Line (PIL).</p>	
<p>Authority to require a person being examined to produce a visa and all relevant evidence that the officer reasonably requires, including, in the case of FNs, photographic and fingerprint evidence.</p> <p>Authority to request that the FN undergo a medical examination.</p>	<p><a href="#">A16(1) and (2)</a></p>
<p>Authority to require that a person who makes an application appear for an examination.</p>	<p><a href="#">A16(1.1)</a></p>
<p>Authority to require that a FN who makes an application appear for an interview conducted by CSIS.</p>	<p><a href="#">A16(2.1)</a></p>
<p>Authority to require or obtain from a PR or FN who is arrested, detained, subject to an examination or subject to a removal order, any evidence — photographic, fingerprint or otherwise — that may be used to establish their identity or compliance with this Act.</p>	<p><a href="#">A16(3)</a></p>
<p>Authority to authorize a person to enter Canada for the purpose of further examination or an admissibility hearing at a later time or date.</p>	<p><a href="#">A23</a></p>
<p>Authority to issue a TRP, if justified by the circumstances, to a foreign national who is inadmissible or who does not meet the requirements of the Act, and to cancel the TRP at any time.</p>	<p><a href="#">A24</a></p>
<p>Authority to prepare a report on PRs and FNs who are believed to be inadmissible.</p>	<p><a href="#">A44(1)</a></p>
<p>Authority to impose conditions, including the payment of a deposit or the posting of a guarantee for compliance with any conditions considered necessary, on a PR or FN who is the subject of a report.</p>	<p><a href="#">A44(3)</a></p>
<p>Authority to authorize a FN against whom a removal order has been enforced to return to Canada.</p>	<p><a href="#">A52(1)</a></p>
<p>Authority to issue a warrant for the arrest and detention of a PR or FN who the officer has reasonable grounds to believe is inadmissible and:</p> <ul style="list-style-type: none"> <li>• is a danger to the public or</li> <li>• is unlikely to appear for <ul style="list-style-type: none"> <li>▪ examination,</li> <li>▪ an admissibility hearing or</li> <li>▪ removal from Canada or</li> <li>▪ a proceeding that could lead to the making of a removal order by the Minister under <a href="#">A44(2)</a></li> </ul> </li> </ul>	<p><a href="#">A55(1)</a></p>

<p>Authority to arrest and detain, without a warrant, a foreign national, other than a protected person:</p> <ul style="list-style-type: none"> <li>• who the officer has reasonable grounds to believe is inadmissible and is a danger to the public or is unlikely to appear for examination, an admissibility hearing, removal from Canada, or at a proceeding that could lead to the making of a removal order by the Minister under <a href="#">A44(2)</a>; or</li> <li>• if the officer is not satisfied with the identity of the FN in the course of any procedure under the Act.</li> </ul>	<a href="#">A55(2)</a>
<p>Authority to detain a PR or FN on entry to Canada if the officer considers it necessary to do so in order to:</p> <ul style="list-style-type: none"> <li>▪ complete an examination or</li> <li>▪ has reasonable grounds to suspect that the person is inadmissible under A34, 35, 36, or 37.</li> </ul>	<a href="#">A55(3)</a>
<p>Authority to order the release from detention of a PR or a FN before the first detention review by the ID if the officer is of the opinion that the reasons for the detention no longer exist. This section also allows the officer to impose any conditions, including the payment of a deposit or the posting of a guarantee for compliance with the conditions, that the officer considers necessary.</p>	<a href="#">A56</a>
<p>Authority to conduct eligibility determinations for refugee claimants and to refer eligible claims to the Refugee Protection Division (RPD).</p>	<a href="#">A100(1)</a>
<p>Authority of officers to have the authority and powers of peace officers for the purpose of enforcing the provisions of the Act, including provisions with respect to the arrest, detention and removal of a person from Canada.</p>	<a href="#">A138(1)</a>
<p>Authority to search any person seeking to come into Canada, including their luggage, personal effects, and means of transportation, if the officer believes on reasonable grounds that the person has not revealed their identity or has hidden documents relevant to their admissibility or has committed, or possesses documents that may be used in the commission of an offence referred to in <a href="#">A117</a>, <a href="#">A118</a> or <a href="#">A122</a>.</p>	<a href="#">A139</a>
<p>Authority to seize and hold any means of transportation, document, or other thing that the officer believes on reasonable grounds was fraudulently or improperly obtained or used or that the seizure is necessary to prevent its fraudulent or improper use or to carry out the purposes of the Act.</p>	<a href="#">A140</a>
<p>Authority to impose, vary or cancel conditions on any person who is obliged to submit to a medical examination.</p>	<a href="#">R32</a>
<p>Authority to conduct alternate means of examination.</p>	<a href="#">R38</a>
<p>Authority to direct a person who cannot be examined to leave Canada, in writing, unless this person is a protected person or a refugee claimant.</p>	<a href="#">R40</a>
<p>Authority to direct a FN to return to the United States temporarily.</p>	<a href="#">R41</a>
<p>Authority to allow or to refuse to allow a FN to withdraw their application to enter Canada and leave Canada.</p>	<a href="#">R42</a>
<p>Authority to impose conditions on persons authorized to enter Canada for further examination under <a href="#">A23</a>.</p>	<a href="#">R43</a>

Authority to require the payment of a deposit or the posting of a guarantee.	<a href="#">R45</a>
Authority to impose conditions, including the period of time that a temporary resident may remain in Canada.	<a href="#">R183</a>
Authority to impose, vary or cancel specific conditions on a temporary resident.	<a href="#">R185</a>
Authority to issue a work permit if eligibility is met.	<a href="#">R200</a>
Authority to issue a work permit on the basis of Canadian interests.	<a href="#">R205</a>
Authority to issue a work permit on the basis the FN can not support themselves without working.	<a href="#">R206</a>
Authority to issue a study permit if eligibility is met.	<a href="#">R216</a>
Authority to require a transporter to provide a written report with respect to a stowaway.	<a href="#">R262</a>
Authority to require a transporter to provide copies of a passenger's ticket, itinerary and information about travel and identity documents.	<a href="#">R264</a>
Authority to require a transporter to assemble all members of the crew aboard a vessel.	<a href="#">R266</a>
Authority to require a transporter to provide a written report respecting a FN who has ceased to be a member of the crew.	<a href="#">R268</a>

<b>Powers of officer under the <i>Criminal Code</i></b>	<b>Relevant provisions</b>
Authority within the meaning of the <i>Customs Act</i> , the <i>Excise Act</i> or the <i>Excise Act, 2001</i> or a person having the powers of such an officer to perform any duty in the administration of any of those Acts.	<a href="#">Section CC2</a>
Authority and powers of a peace officer, including those set out in <a href="#">sections 487</a> to <a href="#">492.2</a> of the <i>Criminal Code</i> to enforce IRPA.	<a href="#">Section CC2</a>
Justification, when acting on reasonable grounds, in doing what is authorized or required in the administration or enforcement of Program Legislation, and in using as much force as necessary for that purpose.	<a href="#">Section CC25</a>
Justification to use as much force as is reasonably necessary to prevent the commission of an offence (or to prevent anything being done that on reasonable grounds to believe were it done would be an offence) for which, if it were committed, the person who committed it might be arrested without warrant, and would be likely to cause immediate and serious injury to the person or property of anyone.	<a href="#">Section CC27</a>
Authority to arrest without warrant a person who has committed, is committing or is about to commit a criminal offence.	<a href="#">Subsection CC495(1)</a>
Limitations on when an officer will arrest a person without warrant who has committed, is committing or is about to commit a criminal offence.	<a href="#">Subsection CC495(2)</a>
Authority to issue an appearance notice in lieu of arrest if the offence is listed in <a href="#">section CC553</a> .	<a href="#">Section CC497</a>
Authority to release from custody a person arrested, without warrant, for an offence other than one described in <a href="#">section CC496</a> .	<a href="#">Subsection CC498(1)</a>

<b>Powers of officer under the <i>Customs Act</i></b>	<b>Relevant provisions</b>
In conjunction with section 2 of the <i>Criminal Code</i> , where the definition of “peace officer” includes the term officer described at CA2. The term “Officer” is defined for the purposes of the <i>Customs Act</i> as a person employed in the administration or enforcement of this Act, the <i>Customs Tariff</i> or the <i>Special Import Measures Act</i> and includes any member of the Royal Canadian Mounted Police (RCMP).	<a href="#">Section CA2</a>
Lists the particular sections of the <i>Customs Act</i> that, if violated, are punishable by either indictment or summary conviction; officers, therefore, may arrest for contraventions of those sections listed.	<a href="#">Section CA160</a>
Authorizes designated officers, when at a customs office and performing their normal duties, to make an arrest for a criminal offence under any other Act of Parliament.	<a href="#">Subsection CA163.5(1)</a>

## 4.2 Designation of officers

[A6\(1\)](#) authorizes the Minister of Immigration, Refugees and Citizenship Canada (IRCC) and the Minister of Public Safety and Emergency Preparedness to designate officers or classes of officers to carry out any purpose or provision of the Act. A designation is made, in most cases, where the word “officer” is referred to in the Act or Regulations with respect to a power, duty, requirement, or authority.

## 4.3 Ministerial delegations

[A6\(2\)](#) authorizes the Minister of IRCC and the Minister of Public Safety and Emergency Preparedness to delegate powers to other persons. A delegation is made, in most cases, where the word “minister” is referred to in the Act or Regulations with respect to a power, duty, requirement, or authority. Certain ministerial powers, referred to in [A6\(3\)](#), may not be delegated.

## 4.4 Designations of Ports of Entry (POE)s

The Minister has authority under [R26](#) to designate a place as a POE. The purpose in designating a POE is to ensure that persons seeking to enter Canada are aware of where they are required to report for examination.

See a [list of POEs](#) with detailed information, including the types of services and hours of operation.

# 5 Departmental policy

## 5.1 Examinations

[A15\(1\)](#) authorizes an officer to examine any person making an application in accordance with the Act. This manual deals only with the examination of persons seeking to enter Canada.

[R28](#) stipulates that a person makes an application by:

- submitting an application in writing;
- seeking to enter Canada;
- seeking to transit through Canada in airports as provided for by [R35](#); or
- making a claim for refugee protection.

## 5.2 Persons to be examined

[A18\(1\)](#) provides that every person who seeks to enter Canada, whether they intend to or not, must appear for an examination.

A18(2) provides that this also applies to persons who, without leaving Canada, seek to leave an area at an airport that is reserved for passengers who are in transit or who are waiting to depart Canada.

## 5.3 Primary and secondary examinations

Every person seeking to enter Canada must appear for an examination to determine whether they have a right to enter Canada or may become authorized to enter and remain in Canada. The examination process at a POE may include a primary and a secondary examination. Primary examinations are completed by a BSO at the PIL. In some airports, travellers will use a Primary Inspection Kiosk (PIK) to verify their travel documents, confirm their identity and complete an on-screen declaration. In some remote ports, an RCMP officer may complete the primary examination. Immigration Secondary examinations are conducted by a BSO at Immigration Secondary following a referral from a BSO at the PIL or from the PIK. This manual refers to both primary and secondary examinations at a POE.

## 5.4 Ministerial Instructions

[A15\(4\)](#) provides that an officer will conduct an examination in accordance with any instructions that the Minister of IRCC or the Minister of Public Safety and Emergency Preparedness may give. The authority for the Ministers to give instructions to officers can be used to ensure consistency in the application of the Act with respect to examinations. Ministerial instructions are not regulations (see [A93](#)) but are nevertheless binding on officers.

## 5.5 Duties and conduct of the Border Services Officer (BSO)

A BSO must deal with each person being examined in a courteous, professional and efficient manner. If it is determined that the person has a right of entry under A19, the BSO must not delay their entry into Canada.

A FN who is determined:

- to be admissible, should be authorized into Canada as a temporary resident with minimal delay; and
- to be inadmissible, should be counselled accordingly and the BSO should consider all options afforded by the IRPA and IRPR prior to making a decision.

A BSO should carefully examine all the facts before making a decision and, where appropriate, explain the reasons for that decision to the traveller.

## 5.6 End of examination

[R37](#) provides that the examination of a person seeking to enter or transit through Canada is not final until one of the following outcomes takes place:

Outcome	Explanation
A final determination is made that the person has a right to enter Canada or is authorized to enter Canada and the person leaves the port of entry.	<p>The Regulations provide that an examination is not final until the person has left the controlled area of the POE or, if no controlled area exists, has left the POE.</p> <p>For example, an examination may be continued if, during a Customs Secondary examination, evidence arises that indicates the person may be inadmissible to Canada. If the person's passport has been stamped or even if the person has been granted PR status, these decisions are not final and may be revisited as long as the person has not left the controlled area of the POE.</p>
A person in transit departs from Canada.	Certain passengers in transit through Canada are not required to appear for examination if they remain in a controlled area pending their onward flight out of Canada. They are, nevertheless, subject to examination. If they seek to leave, for any reason, the area at an airport that is reserved for passengers who are in transit or who are waiting to depart Canada, they must report for examination [ <a href="#">A18(2)</a> ].
The person is allowed to leave Canada, and their departure is confirmed.	A BSO may determine a person to be inadmissible and allow them to leave Canada pursuant to <a href="#">R42</a> if no report referred to in <a href="#">A44(1)</a> is prepared or transmitted. The examination concludes once their departure is verified. If, for any reason, the person does not depart, the examination resumes.
Entry is authorized by the Minister and the person leaves the port of entry.	The Minister's delegate, in reviewing a report pursuant to <a href="#">A44(1)</a> , continues the examination of the person seeking entry. If the Minister's delegate determines the report is not founded, the person will be allowed to enter Canada, and the examination will conclude when the person leaves the POE.



A removal order is issued by the Minister and the person leaves the port of entry.	The Minister's delegate, after reviewing a report pursuant to <a href="#">A44(2)</a> , may issue a removal order. The examination ends when the person leaves the POE.
The Minister refers the case to the ID for an admissibility hearing and the person leaves the port of entry.	The Minister's delegate, after reviewing a report pursuant to <a href="#">A44(2)</a> , may determine that the report is well founded and refer it to the ID of the Immigration and Refugee Board (IRB) for an admissibility hearing. The examination ends when the person leaves the POE.
For refugee claims made at a POE, the examination ends when the later of the following occurs: <ul style="list-style-type: none"> <li>the officer determines that their claim is ineligible under <a href="#">A101</a> or the Refugee Protection Division (RPD) accepts or rejects their claim under <a href="#">A107</a>, or</li> <li>a decision in respect of the person is made under <a href="#">A44(2)</a> and the person leaves the POE.</li> </ul>	The point at which examination ends is different where the person is a refugee claimant as the application exists up until the claim has been decided.  <a href="#">R37(2)</a> provides delegated officers the authority to examine a refugee claimant until a decision is made in regards to the claim.  For more details, please consult section 11.6 of <a href="#">ENF 5, Writing 44(1) Reports</a> .

[A23](#) allows an officer to authorize a person to enter Canada for the purpose of further examination or an admissibility hearing.

For more information on pre-removal risk assessments, see IRCC's [Program Delivery Instructions](#).

For more information on removals, see [ENF 10, Removals](#).

## 6 Definitions

Border services officer (BSO)	A person designated as an officer by the Minister, employed by the CBSA [ <a href="#">A6(1)</a> ] [ <a href="#">R2</a> ]
Canadian citizen (CC)	A citizen referred to in <a href="#">subsection 3(1)</a> of the <i>Citizenship Act</i>
Common-law partner	In relation to a person, an individual who is cohabiting with the person in a conjugal relationship, having so cohabited for a period of at least one year [ <a href="#">R1(1)</a> ]
Convention refugee	A person who, by reason of a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group or political opinion,

	(a) is outside of their country of nationality and is unable or, by reason of that fear, unwilling to avail themselves of the protection of that country; or  (b) does not have a country of nationality, is outside the country of their former habitual residence and is unable or, by reason of that fear, unwilling to return to that country [A96]
Foreign national	A person who is not a Canadian citizen or a PR; includes a stateless person [A2(1)]
GCMS	Global Case Management System: IRCC/CBSA client immigration database
Officer	A person designated as an officer by the Minister under A6(1) [R2]
Permanent resident (PR)	A person who has acquired permanent residence status and has not subsequently lost that status under A46 [A2(1)]
Protected person (PP)	A person on whom refugee protection is conferred and whose claim or application has not subsequently been deemed to be rejected because of cessation or vacation proceedings [A95(2)]
Sterile transit area	An area in an airport where in-transit passengers, in-transit pre-clearance passengers or goods that are in transit or pre-controlled are physically separated from other passengers and goods [R2]

## 7 Primary Inspection Line (PIL) examinations

The examination process usually commences upon the arrival of a person at a POE. This may be a land border, an airport, a marine harbour or any other place designated as a POE. BSOs at the PIL are delegated the authority to conduct the initial immigration examination of persons seeking entry into Canada. BSOs at the PIL administer legislation and programs by providing a wide range of inspection, examination and enforcement activities on behalf of many government departments and agencies.

### 7.1 Memorandum of Understanding with Immigration, Refugees and Citizenship Canada (IRCC)

On December 12, 2003, the CBSA was created, and immigration enforcement and intelligence responsibilities under IRPA were transferred to this new agency from IRCC.

The purpose of the Memorandum of Understanding (MOU) is to define, in general terms, the basis for cooperation between IRCC and the CBSA regarding:

- the delivery of the immigration program;
- information sharing; and
- the provision of various services.

For more information on the roles and responsibilities of the CBSA and IRCC, see the [full text of the MOU](#).

## 7.2 Immigration secondary referral list

Paragraph 59 of [part 2, chapter 1 of The People Processing Manual](#) provides the Immigration Secondary Referral List which contains the categories of persons who are mandatory referrals for an Immigration examination, such as:

- inadmissible persons under sections 34 to 42 of the IRPA;
- persons whose citizenship or status is doubtful;
- FNs refusing to answer questions;
- FNs refused entry into another country;
- persons whose documents, such as passport, seems doubtful;
- immigration Lookouts;
- Canadian citizens in possession of an emergency passport issued abroad;
- PRs of Canada who have had extended absences from Canada;
- FNs intending to stay longer than six (6) months;
- FNs seeking medical treatment or appear ill;
- Foreign workers and students on first entry.

BSOs at the PIL may also refer anyone else who they believe should be examined in more detail.

Examples of types of referrals that should be sent to Immigration Secondary include cases where the BSO at the PIL:

- has doubts about the person's identity;
- suspects the FN may have a criminal record;
- believes the FN may require documentation such as a WP or SP;
- has concerns about the length of time the FN is requesting to stay in Canada in light of their actual travel plans.

## 7.3 Liaison with officers at the PIL

BSOs at the PIL are encouraged to inquire about the results of their referrals to Immigration Secondary. BSOs at Immigration Secondary do not operate under the same time constraints as BSOs at the PIL and have more time to conduct immigration examinations effectively. BSOs at Immigration Secondary should, whenever possible, provide feedback on the results of referrals. Liaising between officers is a key element in developing and maintaining an effective and positive working relationship with officers who conduct the primary portion of the examination process. In addition, discussing cases allows BSOs at Immigration Secondary to give guidance to BSOs at the PIL regarding immigration requirements. This increases the quality of referrals from the PIL. BSOs working at the PIL are encouraged to write in referral notes in IPIL when referring someone to secondary. See [OBO-2019-030](#) for more details.

## 7.4 Responsibilities of primary examining officers

BSOs conducting primary examinations are responsible for:

- confirming the identity of the person and verifying that the biometric photograph matches in PIL, when applicable;

- questioning persons and reviewing documentation to determine whether persons have a right to enter Canada (Canadians, PRs and persons registered under the *Indian Act*) or are FNs who may be authorized to enter Canada as temporary residents;
- determining whether or not persons seeking entry into Canada are doing so as new or returning PRs;
- authorizing persons to enter Canada and stamping passports when required. As per the [CBSA Stamp Policy](#), which came into effect on April 2, 2012, BSOs are **not** expected to notate stamps in passports at the PIL except in the following circumstances:
  - Officers will notate the stamp at the PIL (as per the CBSA Operational Bulletin [PRG-2018-40](#)) when authorizing entry under the
    - Parents and Grandparents Extended Stay Temporary Resident Visa (Super Visa), and
    - Authorized Period of Extended Stay;
  - Officers may place a stamp in the holder’s passport on subsequent entry of persons with a valid and subsisting status document.
    - If a stamp is placed in the passport, the officer will notate the initial expiry according to the status document.
    - If a stamp is not placed in the passport, the officer will remind the person of the initial expiry date;
- referring persons for a more detailed Immigration Secondary examination when appropriate, in accordance with the Immigration Secondary [referral list](#); and
- authorizing FNs to leave Canada or directing them to return to the U.S. at ports where there are no BSOs present at the Immigration Secondary.

## 7.5 Primary examination questions

Primary examination questions are designed to elicit essential information about citizenship, residency, intention, employment, length of stay and identity as quickly as possible. Normally, the examining BSO at the PIL begins by asking one or more of the six primary questions below. Under most circumstances, a BSO at the PIL does not need to ask all questions of all travellers.

Issue	Question	Rationale
Identity	What is your name?	If the BSO has any reason to doubt the person’s identity, they will ask for the person’s name. A comparison can then be made with the person’s documents to determine if the name given is the same as the name in the document.
Citizenship	What is your citizenship?	By asking this question, the BSO can identify a person who may enter Canada by right. It is rare that a person who has a right to enter Canada be referred to Immigration Secondary.  If the person is not Canadian, this question enables the BSO to determine whether a passport, a visa or an electronic Travel Authorization (eTA) is required to enter Canada. If the person has a machine-readable passport, the BSO does not necessarily have to ask about citizenship. A passport reader, however, is no substitute for a good verbal examination.

Residency	Where do you reside?	This question helps the BSO to determine, should the person answer they have status in Canada, what their obligations and conditions are. If the person is a PR, the BSO may ask the supplementary question “How long have you been away?” The BSO at the PIL must refer for Immigration Secondary examination all PRs who may not comply with the residency obligation of <a href="#">A28</a> , which requires PRs to reside in Canada for at least 730 days out of every five-year period to maintain their status. The possible loss of PR status under <a href="#">A46</a> can be further explored at a secondary examination.
Intention	What is the purpose of your trip to Canada?	Once the BSO determines that the traveller is a FN, they must establish why the FN is coming to Canada. By asking this question, they can identify the need for a referral to Immigration Secondary for control purposes (for example, to become a PR, to work, or to study).
Employment	Do you intend to take or seek employment while in Canada?	If the BSO has not yet determined whether the person is coming to Canada to work, this question ensures that employment opportunities for Canadians are protected and that the person will comply with relevant employment regulations.
Length of stay	How long do you intend to stay in Canada?	BSOs may allow a FN to enter Canada for a stay of up to six months and should stamp the passport of a person who is otherwise admissible. A FN who is intending to remain in Canada for longer than six months should be referred for a Immigration Secondary examination.

The BSO at the PIL may ask additional questions as warranted but usually does not conduct in-depth examinations. This would create line-ups and delays for the travelling public. A BSO at the PIL who doubts the *bona fides* of a person or believes that a detailed examination may be in order should refer the person to an Immigration Secondary examination.

Most travellers seeking entry at an international airport will use a Primary Inspection Kiosk (PIK) instead of being seen by a BSO at the PIL. Travellers in possession of an ePassport will have the photo stored in their passport’s chip compared to their photo taken at the PIK to authenticate their identity. If the traveller does not have an ePassport or the system was unable to validate their identity, the podium officer will verify their identity by comparing the photograph in the passport with that of the traveller in front of them. Also, travellers who have previously had their biometrics enrolled will be asked to verify their identity via fingerprint verification at PIK.

### 7.6 Criminality

BSOs at the PIL shall not ask a FN about criminality during a PIL examination. Questions about criminality are better suited for Immigration Secondary, where BSOs have more time to conduct a full examination and to question a person in a more private setting. Consequently, when a BSO at the PIL suspects, through questioning, lookouts and IPIL, or other indicators, that a FN may have a criminal record, the FN should be referred to an

Immigration Secondary examination. All BSOs at Immigration Secondary should take care to ensure privacy by not questioning a person about criminality in the presence of accompanying family members or other travellers.

National Crime Information Center (NCIC) queries cannot be conducted as a matter of course and should never be done as a matter of routine. However, travellers can be queried in NCIC if officers have reasonable suspicion indicating criminal activity. If the reasonable suspicion (or reasonable grounds to suspect) standard has been met, name-based checks in NCIC for an investigative purpose or for criminal history are authorized on persons originating from or associated with the United States of America or any of its territories.

BSOs must have completed the mandatory training, M1126-P in the ESS self-service portal prior to doing any NCIC query. Refer to [OBO-2020-080](#) on authorized usage by CBSA of the NCIC.

BSOs may refer to the [NCIC Quick Reference Guide](#) on Atlas for instructions on how to query NCIC.

## 7.7 Referral of FNs with medical conditions

[A38](#) states that FNs are inadmissible to Canada on health grounds if a medical officer has concluded that the applicant's health condition:

- is likely to be a danger to public health;
- is likely to be a danger to public safety; or
- might reasonably be expected to cause excessive demand on health or social services.

Referral for an Immigration Secondary examination is mandatory when a foreign national:

- is seeking to enter Canada in order to undergo medical treatment; or
- is obviously ill.

It is not possible, given the time constraints of the primary examination process, to assess the health status of every FN seeking authorization to enter Canada. BSOs at the PIL should adopt a practical approach based partly on visual risk assessment and partly on common sense and experience.

BSOs should not be consciously looking for medical problems as part of their examination but should refer for further examination those whom a reasonable person would judge to be ill. Examples could include FNs who:

- act abnormally;
- have incoherent speech;
- are on a stretcher or are accompanied by medical personnel (e.g., nurse, personal physician, etc.);
- exhibit obvious signs of illness.

Certain viruses can lead to widespread epidemics/outbreaks in a specific country and could even lead to a global pandemic such as COVID-19 did. In the past, Ebola, Severe Acute

Respiratory Syndrome (SARS) and H1N1 swine flu have threatened the global populations. In response to these epidemics, CBSA and Public Health Agency of Canada (PHAC) work together to screen travellers who might be infected. BSOs at the PIL are to notify PHAC immediately if they believe a person is showing signs of infection. A PHAC quarantine officer will assess the person, either over the phone or in person depending on your work location, and render an opinion. Each POE should have protocols in place for these types of situation.

BSOs can access a health specialist through the new PHAC Notification Line: **1-833-615-2384** and email **phac.cns-snc.aspc@canada.ca**.

On occasion, a FN who is critically ill or injured will be transported to a hospital in Canada via an ambulance. Due to the seriousness of the foreign national's condition, the BSO may feel that conducting a full primary or secondary examination is not advisable at that time. The BSO should not unduly delay a person who needs urgent medical treatment. Information should be obtained from the emergency medical technician (EMT) as to which hospital the FN is being transported to and the FN's passport should be seized so that the BSO can conduct an examination when the FN is release from the hospital.

For more information on medical inadmissibility, see [section 17](#) below or visit [IRCC's PDI](#) on the matter.

## 7.8 CBSA referral forms

There are various forms that a BSO at the PIL uses to refer a person to the Customs or Immigration Secondary examination areas.

<b>CBSA referral forms</b>		
<b>Form</b>	<b>Use</b>	<b>Explanation</b>
E311	Primarily airports	The E311 form is completed by passengers on airplanes destined to Canada and by some bus and train passengers. A passenger presents the E311 form to the BSO at the primary inspection booth, and the BSO verifies the information and codes the form. This form is being phased out and replaced with BSF423.
BSF423	Airports	The BSF423 is completed by a BSO when a passenger is unable to use the PIK.
PIK receipt	Airports with PIK	Primary Inspection Kiosks (PIK) allow travellers to verify their travel documents, confirm their identity and complete an on-screen declaration. Once completed, the PIK will print a receipt for the traveller to present to a BSO.
BSF235 (E67)	Land border crossings and ferry sites	The BSF235 form is completed by a BSO at the PIL at land borders.
Y28	Land border crossings and ferry sites	The Y28 form is completed by a BSO at the PIL for commercial drivers.

These forms facilitate the control and streaming of passengers, provide data for Statistics Canada and are used to refer passengers to Customs and/or Immigration Secondary.

**Note:** The PIK receipt, E311 and BSF423 forms are not only a referral form but also a declaration card. While travellers use PIK, complete an E311 or have a BSF423 completed by a BSO in air mode, the BSF235 (E67) at land and marine modes is only issued if the traveller or vehicle is referred to a secondary examination.

The forms carry a code by which the BSO at the PIL gives the reason for referral to a secondary examination.

The immigration portion of the BSF235 (E67) is coded with four letters: T, E, L, and O. When using the BSF235 (E67), the BSO at the PIL will circle the appropriate letter to indicate the reason for referral.

<b>TELO coding on the BSF235 (E67)</b>		
<b>Letter</b>	<b>Meaning</b>	<b>Explanation</b>
T	Time	The person intends to stay in Canada for an extended or unusual period of time.
E	Employment	The person has indicated an intention to seek employment in Canada.
L	Lookout	The person may be the subject of a "watch for" as being of interest to CBSA's BSOs in Immigration Secondary.
O	Other	This includes any other reason not covered above. In this case, the PIL officer will typically write a few words on the BSF235 (E67) to guide the secondary examination. Officers should be cautious when recording any information on the BSF235 (E67), as the person who is being referred may be able to read the form.

## 8 Secondary examinations

### 8.1 Immigration Secondary examinations

An Immigration Secondary examination is usually initiated by a referral from a BSO at the PIL. It can also result from a referral from a BSO, such as a Disembarkation and Roving Team (DART) member who has boarded and inspected an airplane, bus, train or ship before any of the passengers have presented themselves at the PIL. An Immigration Secondary examination is usually conducted by a BSO in the Immigration Secondary area but may be conducted by a BSO at Customs Secondary if no BSO at Immigration Secondary is available at the POE. An Immigration Secondary examination may also be conducted by telephone or other electronic means if the person is in a remote location, where no BSO is available.

### 8.2 Responsibilities of examining BSOs at Immigration Secondary

BSOs conducting Immigration Secondary examinations are responsible for facilitating the entry of Canadians, persons registered under the *Indian Act*, and PRs as well as *bona fide* FNs and identifying inadmissible persons.

#### **Responsibilities of such officers include:**

- examining persons seeking entry to Canada to determine admissibility;
- facilitating the entry of Canadians, PRs and persons registered under the *Indian Act*;



- confirming identity and biometrics verification;
- collecting biometrics when FNs makes a claim, application or request;
- authorizing FNs to enter Canada as temporary or PRs and issuing documents where appropriate;
- receiving refugee claims and determining eligibility to make such claims;
- reporting persons who are inadmissible;
- reviewing inadmissibility reports;
- issuing removal orders, where appropriate, to inadmissible persons;
- referring cases to the Immigration Division, where appropriate, for an admissibility hearing;
- authorizing inadmissible persons to enter Canada on a TRP;
- denying entry to inadmissible persons, arranging for their removal and confirming their departure;
- allowing persons who have indicated that they want to withdraw their application to enter Canada to do so and leave Canada; and
- arresting and/or detaining persons if applicable grounds exist.

All BSOs working at Immigration Secondary are responsible for “closing the loop” in IPIL as per [OBO-2019-029](#).

### 8.3 Right to counsel at POE examinations

For the purpose of routine information-gathering to establish admissibility during an Immigration Secondary examination, a person is not entitled to counsel unless arrested or detained. A person who is arrested or detained must be informed without delay of their right to counsel and granted the opportunity to retain and instruct counsel.

The Supreme Court of Canada has held that an Immigration Secondary examination at a POE does not constitute a detention within the meaning of [paragraph 10\(b\)](#) of the *Canadian Charter of Rights and Freedoms* [[Dehghani v. Canada](#) (*Minister of Employment and Immigration*), [1993] 1 S.C.R. 1053]. The Court determined that the principles of fundamental justice do not include the right to counsel for routine information-gathering, such as is gathered at POE examination interviews.

This Court decision clarifies that the Charter only gives the right to counsel to those who are arrested or detained. Generally, CBSA’s policy is not to permit counsel at an examination if detention has not occurred. However, if a BSO is dealing with a FN/PR who does have legal representation with them, even though the FN/PR is not entitled to have legal representation present, the BSO should allow the legal representative to remain present as long as they do not interfere with the examination process. If the legal representative does interfere, the BSO or Minister’s delegate (MD) can ask the legal representative to leave, as there is no legal obligation to allow them to be present.

The right to counsel depends on what transpires after the FN/PR is first subject to examination. For example,

- if a FN/PR is being examined, and the examination does not go beyond what is required to establish admissibility, the person is not entitled to legal counsel;
- if the examination becomes very lengthy and exhaustive but not beyond what is required to establish admissibility, the FN/PR is not entitled to legal counsel. The BSO may, however, consider allowing the person to acquire legal counsel;

- if the FN is not restrained in any way but advised to come back the next day for further examination as outlined in [A23](#), then they are not considered detained, and there is no right to counsel;
- if a person is being held for a lengthy period of time and is subject to questioning by other agencies, such as the RCMP or CSIS, then this may constitute detention, and the FN should be notified of their right to counsel;
- if restraining devices are used, or the person is placed in a holding cell, even temporarily, then an officer must inform the person of the reason for the detention and of their right to counsel; and
- if the person is arrested for a criminal offence, they must be informed of the reason for the arrest and of their right to counsel.

At any time an officer arrests and/or detains a FN or PR they must advise them of their right to counsel. The right to counsel is triggered with a physical restriction, such as being placed in a restraint or a holding cell, or mentally, when informed of the arrest and or detention.

For more information on the right to counsel during POE examination, refer to [ENF 6](#), *Review of reports under A44(2)*.

For more information on IRPA arrest and detention, including right to counsel, refer to immigration manuals [ENF 7](#), *Immigration Investigations and IRPA s. 55 Arrests/Detention* and [ENF 20](#), *Detention*.

## 8.4 Use of interpreters

BSOs regularly encounter hundreds of different languages and dialects. Often the person seeking entry to Canada does not speak French, English or any other language familiar to the BSO. In such cases, the BSO may be able to authorize entry on the basis of documentation in the possession of the traveller. In appropriate circumstances, the BSO can ask accompanying friends or family members to assist in translation. At times, a BSO may also solicit help from staff or other persons who are familiar with the language. This is a pragmatic practice that allows a BSO to facilitate the entry of travellers in cases where an official interpreter is not readily available.

A BSO who is using a non-accredited interpreter to conduct a basic examination should suspend the examination if it becomes apparent that the person may be inadmissible or more intrusive questions need to be asked. The examination can be continued once an IRB's accredited and security-cleared interpreter is available. This is important for the following reasons:

- When making a decision on admissibility, the BSO needs a reliable and trustworthy interpreter in order to be sure that information provided by the client is accurately translated. Inaccurate translation could result in a decision based on misinformation, which is detrimental to the person. This would constitute a breach of natural justice.
- Information obtained at examination is often used as evidence in admissibility hearings and, less frequently, in criminal prosecutions. If a competent interpreter is not used, the evidence can be discredited or rendered inadmissible.
- All immigration decisions relating to admissibility are subject to judicial review by the Federal Court. The Federal Court reviews the fairness of the process leading to the decision and will strike down any decision based on evidence obtained through an interpreter whose competency is in doubt.

- It is to the benefit of both the person and the CBSA that a competent interpreter be used in examinations that may lead to a person being found to be inadmissible to Canada.

Further information on the use of interpreters can be found on IRCC Connexion, [Interviews and interpreters](#) page.

## Guidelines for the use of telephone interpretation

Telephone interpretation is a viable alternative to in-person interpretation and should be considered in order to process refugee claimants, establish identity and purpose of travel, issue a removal order, deny entry and detain and/or arrest a FN. BSOs should allow for a degree of discretion when deciding to provide interpretation services in other situations not included in this list.

The following guidelines outline procedures for the use of telephone interpretation when the service is available and appropriate. The BSO should do the following:

- Determine if interpretation services are required. If the person speaks an official language of Canada, the BSO asks them if they would be comfortable conducting the interview in that language or if they would like an interpreter. The BSO records this in their officer notes. The BSO reiterates throughout the interview that if the person should require an interpreter at any point, the BSO will pursue this request.
- Secure an interpreter by accessing the [IRB list of accredited interpreters](#).
- Follow port procedures in terms of completing interpreters' contracts, worksheets and obtaining required payment information.
- Ensure that the interpreter is alone.
- Ensure that the interpreter and the person concerned are not known to each other and that there is no conflict of interest.
- Whenever operationally feasible, provide refugee claimants the option of being interviewed by an officer of the same sex or gender identity with the assistance of interpreters of the same sex or gender identity when cultural sensitivities or signs of gender related persecution exist.
- Ask the question "Do you and the interpreter understand one another?" to begin the dialogue and to ensure that the person and interpreter understand each other.
- Use, when necessary, a series of introductory warm-up questions to observe the person's ability to respond quickly and easily to the questions and to satisfy the BSO that the interpreter is fluent in both languages.
- Ask the person directly whether they are able to clearly understand the interpreter and record this question and the person's response in their officer notes.
- Advise the person and the interpreter to let the BSO know if, at any point in the examination, either the person or the interpreter does not understand or is having difficulties.
- Remain vigilant throughout the examination to ascertain if the person is able to understand the interpretation and communicate effectively.
- Read back the information provided by the person through the interpreter in order to confirm that it accurately captures the person's responses.
- When processing a refugee claimant, record the name of the telephone interpreter on the *Generic Application Form for Canada* [[IMM 0008E](#)], the *Schedule A – Background/Declaration* form [[IMM 5669E](#)], and the *Interpreter Declaration* form [[IMM 1265B](#)] and note that the interpretation was provided over the phone along

with the start and end time of the interview as well as any breaks in interpretation services.

- Make a note if more than one interpreter was used with the corresponding names and start and end times.
- In the case of unaccompanied minors, contact the relevant child protection office and make every attempt to obtain interpretation services in the interim.
- Make attempts to find another interpreter in cases where it is evident that the person is unable to communicate through the current interpreter.
- If no interpretation services are available, note on file all attempts that were made to secure these services. This is especially important in cases of detention.

Situations where it would be inappropriate to conduct a telephone interview include but are not limited to:

- Certain cases where travellers are physically and/or mentally challenged.
- When guidelines for the interpreters are not met, such as
  - when the interpreter does not have access to a landline or is unable to work in a private space; or
  - when telephone line quality or equipment quality makes hearing all parties very difficult.

## 8.5 Confidentiality

Fast-flow counters where BSOs conduct Immigration Secondary examinations are designed to deal with cases expeditiously but offer limited privacy. A BSO should take care to consider the sensitive nature of information that may arise during an examination and, where appropriate, should secure a private setting for the continuation of an examination. Such cases might involve personal medical information or issues of criminality.

Information obtained in the course of a secondary examination is confidential. The *Privacy Act* requires that personal information concerning clients be released only to the client or the client's designated representative.

[Subsection 8\(2\)](#) of the *Privacy Act* contains exceptions to this requirement. For example, pursuant to paragraph 8(2)(f) of the *Privacy Act*, IRCC has entered into a [Statement of Mutual Understanding](#) (SMU) with the United States Immigration and Naturalization Service (USINS), now the Department of Homeland Security (DHS), and the U.S. State Department (DOS), which permits the exchange of information on persons who are inadmissible or whom there are reasonable grounds to believe may be inadmissible or subject to removal. This agreement also allows for the sharing of information between the CBSA and the DHS and DOS.

## 8.6 Pre-questioning procedures

Before questioning a traveller, a BSO at Customs or Immigration Secondary should:

- review the referral information from the PIL, such as that found on the BSF235 (E67), E311 or BSF423 forms or the PIK receipt, to identify the reason for the referral;

- obtain the person’s relevant identity documents, such as a passport, travel document, citizenship card, Certificate of Indian Status/Secure Certificate of Indian Status card, Permanent Resident Card or birth certificate;
- view the airline ticket of anyone travelling by air;
- determine whether the person is in possession of any immigration documents that may assist in quickly establishing the reason the person is seeking entry into Canada; and
- open the PIL referral and verify if the person is flagged and what for.

See section [13.36](#) of this manual for information on processing biometrically enrolled FNs at Primary.

## 8.7 Global Case Management System (GCMS) checks

Using the information on the identity document presented by the person, a BSO at Immigration Secondary completes an integrated search in the GCMS. It is a departmental policy that a GCMS check be completed for every person referred for an Immigration Secondary examination. During secondary examination, it is mandatory that the BSO conduct system queries based on the traveller’s name and date of birth, and not on a unique client or application/document number. This will ensure that potential derogatory information will be identified. Officers must also remain vigilant in identifying close name matches that may be related to the traveller.

Where small POEs do not have access to GCMS, they must call another POE in their district to get them to run the checks.

## 8.8 Basic questioning

Basic questioning by BSOs at immigration secondary should cover the following areas, as appropriate:

<b>Issue</b>	<b>Question</b>	<b>Explanation</b>
<b>Identity</b>	What is your name?	This will enable the BSO to identify the person. The name should be verified against the referral card, identity documents and airline ticket.
<b>Citizenship</b>	What is your country of citizenship?	<p>The BSO should ask this of each person being examined to ensure that the person’s stated citizenship matches the identity document they present. This response will help the BSO determine passport, visa or eTA requirements. If satisfied that the person is a Canadian citizen, the BSO will allow the person to enter Canada without further questioning.</p> <p>Officers should show sensitivity with this question as Indigenous Peoples, including persons registered under the <i>Indian Act</i> may not abide by colonial</p>

		views of citizenship. If the BSO is presented with a Certificate of Indian Status (CIS), a Secure Certificate of Indian Status (SCIS) or an original Temporary Confirmation of Registration Document ( <a href="#">TCRD</a> ) issued by Indigenous Services Canada (ISC), the officer shall allow the person entry by right under <a href="#">A19(1)</a> .
<b>Residency</b>	Where do you reside?	Establishing whether a person is a PR may enable the BSO to authorize entry into Canada with minimal further delay. This question will also help the BSO to determine visa, requirements and to verify whether the person can return to the country of residence if it is different from the country of citizenship. For example, if the person claims to be a resident of the United States but has a passport of another country, the BSO may want to see their US Permanent Resident Card before authorizing entry into Canada.
<b>Intentions</b>	What is the purpose of your trip? How long do you intend to stay in Canada? Where in Canada are you planning to go? Do you intend to look for work in Canada? Do you intend to study in Canada? Where will you be staying while in Canada (hotel or friend's place)?	If the person is not someone who may enter Canada by right, the BSO should establish the person's intention in seeking entry. Questions such as these may assist in this determination.
<b>Funds available</b>	Do you have a return ticket? Show it to me please. What sources of funds do you have access to while in Canada?	Questions such as these are appropriate for determining if a FN possesses the financial means to carry out their intended travel plan and to depart at the end of their authorized time. The BSO should be satisfied that the FN will not take unauthorized employment or have to rely on social assistance while in Canada. Additional questioning may be required if a FN cannot establish how they will support themselves while in Canada. If they indicate that a friend or relative will support them, it may be advisable to contact the support person to verify this information.
<b>Personal history</b>	What is your occupation? Are you currently employed in your country? Do you intend to visit anyone in Canada? Do you have any family or friends in Canada?	If the BSO is concerned that a FN may not leave Canada at the end of the authorized time, further questioning may be necessary to establish ties to the foreign national's homeland. In

		these cases, questions concerning the foreign national's family both abroad and in Canada may be appropriate, including questions concerning marital status.
<b>Background</b>	Do you or have you had any health problems? Have you ever been arrested, charged or convicted of a crime or an offence? Have you ever been refused entry to or removed from Canada?	The person's past may be relevant to admissibility. Questions such as these may be appropriate for determining whether the person is inadmissible due to ill health, criminality or previous non-compliance with immigration requirements.

See manual [ENF 2, Evaluating Inadmissibility](#), for more information on determining admissibility.

### 8.9 Verifying electronic/digital devices

As per the policy guidance, BSOs are responsible for:

- completing the *Examination of Digital Device* online training course (S7188-P) in order to conduct digital device examinations;
- obtaining approval from their Superintendent/Chief prior to conducting a digital examination;
- taking steps to disable network connectivity;
- remaining sensitive to the potential private nature of data stored on digital devices; and
- making timely and comprehensive notes explaining their rationale whenever a traveller's digital device is examined, including what indicators are present and what contravention those indicators are pointing towards.

For more information on CBSA's *Policy on Port Of Entry Examinations Of Travellers' Digital Devices*, consult CBSA's [Enforcement Manual, part 4, chapter 16](#). Also, [OBO-2021-037](#), [OBO-2021-023](#), [OBO-2019-055](#) and [2020-HQ-AC-10-30](#) are good references.

### 8.10 Travel Documents Issued by Canada for Non-Citizens

There are two types of travel documents issued by the government of Canada to protected persons and PRs of Canada. These are:

- *Canada Travel Document* (pale blue passport type) – issued to refugees to whom Canada has conferred protected person status. Can be used to travel internationally except to the country against which they claimed protection from.
- *Certificate of Identity* (grey passport type)– issued to PRs of Canada who are not yet Canadian citizens and are either stateless or can't get a travel document for an unknown reason.

To see examples of these documents, refer to [Part 10 of the Guide for Transporters](#) on the CBSA's website.

## 9 Examining Canadian citizens at POEs

### 9.1 The right to enter Canada

A Canadian citizen within the meaning of the *Citizenship Act* has a right to enter and remain in Canada pursuant to [A19\(1\)](#).

### 9.2 Examination of Canadian citizens

[A15\(1\)](#) provides for an officer to proceed with an examination if a person makes an application to the officer in accordance with the Act.

[R28\(b\)](#) provides that a person seeking to enter Canada is making an application.

Additionally, [A18\(1\)](#) requires every person seeking to enter Canada to appear for an examination to determine whether they have the right to enter Canada or may be authorized to enter and remain in Canada. This includes Canadian citizens.

A BSO at Immigration Secondary will normally examine a Canadian citizen only when the BSO at the PIL doubts the person's citizenship. A BSO at Immigration Secondary should examine Canadian citizens as expeditiously as possible. Once the officer establishes that a person is a Canadian citizen, the examination should end, and the person should be allowed to enter Canada without further delay. It is not appropriate for BSOs at Immigration Secondary to elicit further personal information from a Canadian citizen.

However, Canadian citizens may be asked to willingly provide additional information if it will assist a BSO in determining the admissibility of an accompanying foreign national.

### 9.3 Determining Canadian citizenship

BSOs at POEs have the discretion to authorize the entry of Canadian citizens, even in the absence of documentation. For more details, see section 9.4 of this manual.

The following documents are acceptable proof of Canadian citizenship:

- Canadian passport (regular, diplomatic, special or temporary);
- Emergency Travel Document for a Single Journey Only document (a BSO at the PIL will automatically refer for an Immigration secondary examination a person in possession of a this document. Once the person's identity has been verified, the BSO at Immigration Secondary retains the document and forwards it to:

Passport Program Integrity Branch  
Attention: Intelligence Division, Immigration, Refugees and Citizenship  
Canada  
70 Crémazie, 3<sup>rd</sup> floor  
Gatineau, Quebec, J8Y 3P2



- Enhanced Driver's License (EDL) and/or the Enhanced Identification Card (EIC).

The following documents are good indicators of Canadian citizenship however must be supported by other Canadian government issued photo-identification.

- Certificate of Canadian Citizenship (Issued on or after February 1, 2012: 8.5 x 11 paper format or the wallet-sized card issued before February 1, 2012);
- A Canadian provincial/territorial birth certificate;
- Certificate of Naturalization issued before January 1, 1947;
- Certificate of Registration of Birth Abroad issued between January 1, 1947, and February 14, 1977, inclusively; and
- Certificate of Retention of Canadian Citizenship issued between January 1, 1947 and February 14, 1977, inclusively.

[See if you may be a citizen](#) is a useful link in determining if someone may be a Canadian citizen.

To see examples of these documents, refer to [Part 10 of the Guide for Transporters](#) on the CBSA's website and the [Government of Canada's public website](#) concerning travel documents.

More information on documents can be found in [ENF 32, Passports and Travel Documents](#).

## 9.4 Establishing citizenship without documents

Canadian citizens returning to Canada by air usually have to provide proof of identity and citizenship to get on the flight. Canadian citizens arriving at land borders, however, will frequently be without satisfactory documentary proof of Canadian citizenship. In these cases, the BSO should question the person until the BSO is satisfied with the person's claim of Canadian citizenship. Once the BSO is satisfied that the person is a Canadian citizen, the person must be allowed to enter Canada without further delay.

## 9.5 Citizenship record searches

BSOs at Immigration Secondary may request a search of citizenship records by emailing the Citizenship Case Processing Centre in Sydney (CPC-S), Nova Scotia, at [CPC-SYDNEY-SEARCHENQ@cic.gc.ca](mailto:CPC-SYDNEY-SEARCHENQ@cic.gc.ca).

The official response will be provided via email. Where a record letter is required, BSOs at Immigration Secondary must follow up the email request by submitting a completed *Application for a Search of Citizenship Records* form [[CIT 0058E](#)]. A written response will be forwarded by facsimile as well as by regular mail.

**Note:** Citizenship searches will only reveal if a person has obtained Canadian citizenship through naturalization. The Sydney CPC does not keep records of persons who are Canadian citizens by birth. Proof of citizenship by birth can be established by a search of provincial birth certificates or baptismal records.

After a person has received Canadian citizenship, the information is entered into GCMS.

## 9.6 Canadian Travel Documents

The Canadian passport comes in four categories: regular, special, diplomatic and temporary.

For Canadian citizens who are abroad and in need of a Canadian travel document to return to Canada, Consular Services can issue another type of travel document in urgent cases. This is:

- *The Emergency Travel Document for a Single Journey Only* - may be issued at a Canadian visa office abroad to facilitate the return of a Canadian citizen. It may also be issued as a one-trip document for travel from a Canadian visa office abroad without passport services to another office with full passport services in another country.

The *Emergency Travel Document for a Single Journey Only* is a single page document printed on 8.5 x 11 security paper serially numbered.

BSOs at the PIL are required to refer holders of this document for an Immigration Secondary examination. The Passport Office requires the surrender of an emergency passport immediately on the holder's arrival in Canada or at the destination for which the passport was issued. BSOs at Immigration Secondary recover the emergency passport and promptly forward it to:

Passport Program Integrity Branch  
Attn: Intelligence Division  
Immigration, Refugees and Citizenship Canada  
70 Crémazie, 3rd Floor  
Gatineau, Quebec J8Y 3P2

A space is provided on the back of the document for a signature indicating that the document has been received.

In circumstances where the traveller has not reached their final destination upon arrival at a POE and will be boarding a domestic flight, the BSO may use discretion to provide the traveller with a photocopy of the emergency travel document to present to the airline for identification validation when boarding. The BSO may also issue their contact information (e.g., a business card) for the traveller to provide to the airline should verification be required.

To see examples of these documents, refer to [Part 10 of the Guide for Transporters](#) on the CBSA's website.

## 10 Examining people who are registered under the *Indian Act* at POEs

[A19\(1\)](#) provides that every person registered under the *Indian Act* (Canadian legislation), whether or not that person is a Canadian citizen, has the right to enter and remain in Canada.

[Section 6](#) of the *Indian Act* specifies (subject to provisions in section 7) persons entitled to be registered under the *Indian Act*. Under the terms of the *Indian Act*, Indian status in Canada—and inclusion in the Indian register maintained by Indigenous Services Canada (ISC)—is not determined on the basis of Canadian citizenship but rather on the degree of descent from ancestors who were registered or entitled to be registered as Indians. As a result, it is possible for a FN to be recognized as registered under the *Indian Act* and have the right to enter and remain in Canada under A19(1).

[A15\(1\)](#) provides the authority for an officer to proceed with an examination where a person makes an application to the officer. [R28\(b\)](#) provides that a person seeking to enter Canada is making an application. Additionally, [A18\(1\)](#) requires every person seeking to enter Canada to appear for an examination to determine if they have the right to enter Canada or is or may become authorized to enter and remain in Canada. This includes people who are registered under the *Indian Act*. If a BSO at PIL is not satisfied that the person is registered, the officer can make a referral to Immigration Secondary. Once the officer establishes that a person is registered under the *Indian Act*, the immigration examination should end, and the person must be allowed to enter Canada without further delay.

If a FN is a person registered under the *Indian Act*, they are authorized to work and study in Canada without a permit, per [R186\(x\)](#) and [R188\(d\)](#). See [PRG-2018-72](#) for details.

**Note:** When examining people who are registered under the *Indian Act*, officers should be aware of *People Processing Manual*, part 1, chapter 4, paragraphs 21 to 28, [Articles of Religious, Spiritual and Cultural Significance](#).

## 10.1 Determining status of registration under the *Indian Act*

BSOs at POEs have the discretion to authorize the entry of persons registered under the *Indian Act*, even in the absence of documentation. Acceptable documents establishing one's status as registered under the terms of the *Indian Act* include the Certificate of Indian Status (CIS) and the Secure Certificate of Indian Status cards (SCIS). Both are commonly referred to as the status card and are produced by ISC. The paper-laminate CIS card is issued in partnership with First Nations in 500 communities across Canada through ISC's Indian Registration Administrator Program. An original Temporary Confirmation of Registration Document ([TCRD](#)) issued by ISC may also be used as proof of Indian status. The SCIS is an identity card with enhanced security features. Some but not all SCIS feature a machine readable zone (MRZ).

Subject to an application process, the CIS and SCIS cards are issued to adults, children and dependent adults listed in the Indian Register. The Indian Register, which is maintained by ISC, is the official record identifying people who are registered under the *Indian Act*. Bands also have the option of determining their own membership.

If BSOs require verification of a person being registered under the *Indian Act*, or if officers have reason to doubt the authenticity of a card being presented, they may contact the supervisor of Registration Services at:

Secure Certificate of Indian Status Application Centre  
M006-15 Eddy Street  
Gatineau, QC K1A 0H4

Fax: 1-819-994-2622

Hours of operation: 8 a.m. to 4 p.m. (Eastern Time)

Toll-free telephone: 1-800-567-9604

Email: [InfoPubs@aadnc-aandc.gc.ca](mailto:InfoPubs@aadnc-aandc.gc.ca)

## 10.2 Establishing status of registration under the *Indian Act* without documents

People who are registered under the *Indian Act* and who are seeking entry to Canada may not be in possession of documentary proof of their status. In such cases, the BSO should question the person until they are satisfied with the person's status. The officer's decision on ascertaining identity and status is based on all the evidence presented at that time, including verbal statements and documentation. Once the BSO is satisfied that the person is registered under the *Indian Act*, the person must be allowed into Canada without further delay. Border processing of people who are not registered under the *Indian Act* is discussed in the following paragraph.

## 10.3 American Indians<sup>1</sup> who are not registered in Canada

The authorization of entry to Canada is governed solely by IRPA and IRPR. Travellers who do not meet criteria for a right of entry under A19 are treated as FNs and must meet admissibility and documentary requirements, such as visas and eTAs, to be allowed to enter Canada.

For example, Native Americans (also could be identified by the U.S. legal term "American Indians") who may have cultural or family connections to First Nations in Canada, but who are not Canadian citizens, PRs of Canada or registered under the *Indian Act*, do not have right of entry under A19.

Many First Nations people from Canada and the U.S. assert a right to mobility across the Canada-U.S. border, which in their view, is recognized in Article III of the Jay Treaty of 1794, an international agreement between the U.S. and Great Britain. The courts in Canada, however, have found that the Jay Treaty was abrogated by the War of 1812, and it is not a treaty conferring rights to Indigenous peoples under Canada's laws.

As a result, Native Americans coming to work or study in Canada who are not registered under the *Indian Act* require a WP or SP. Some travellers in these circumstances may object to being processed as FNs to enter Canada. BSOs should deal tactfully with cases of this nature while still upholding the requirements of the IRPA.

Canada's immigration laws regarding the entry of North American Indigenous peoples differ from those of the U.S. Under the U.S. *Immigration and Nationality Act*, a right of entry to the U.S. for the purposes of employment and residence is recognized for "American Indians

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<sup>1</sup> American Indian is the legal term; Native American is the preferred term in the U.S.

born in Canada". This right is conditional, however, on a person being able to demonstrate that, under the terms of the law, they "possess at least 50 per centum of blood of the American Indian race".

In the case of First Nations people from Canada, the U.S. provides an indication that it accepts the CIS and SCIS card, issued to people who are registered under the *Indian Act* by ISC, as evidence of meeting the prescribed "blood quantum" criteria. In some cases, however, more evidence is required.

Indications from concerned U.S. government departments are that the proof of meeting the blood quantum requirement is sufficient to establish both a right of entry and a right to work and reside permanently in the U.S. without obtaining PR status, more commonly known in the U.S. as a "green card."

## 10.4 Haudenosaunee passport

For information on travellers seeking to enter Canada with the Haudenosaunee passport, please consult operational bulletin [OPS-2011-03](#).

## 11 Examining Permanent Residents (PRs) at POEs

[A2\(1\)](#) defines a permanent resident as a person who:

- has acquired PR status; and
- has not subsequently lost that status under [A46](#).

### 11.1 Rights of PRs

[A27\(1\)](#) provides that a permanent resident has the right to enter and remain in Canada subject to the provisions of the Act.

[A19\(2\)](#) requires a BSO to allow a permanent resident to enter Canada if satisfied following an examination on their entry that they have that status.

PRs who are under enforcement proceedings keep their PR status and retain the right to enter Canada until a final determination of their loss of status has been made.

### 11.2 Verifying PR status

The Permanent Resident Card is the best evidence of PR status in Canada.

The following documents may be satisfactory indicators of permanent residence:

- the original Record of Landing (such as [IMM 1000](#));
- a certified true copy of a Record of Landing document issued by IRCC National Headquarters (NHQ);
- a letter issued by IRCC NHQ verifying permanent residence;

- a passport duly stamped showing the date on which permanent residence was granted if the person was granted PR status before 1973;
- a *Confirmation of Permanent Residence* form [[IMM 5292B](#) or [IMM 5688](#)]; and
- a permanent resident travel document (visa counterfoil).

CBSA's [website](#) lists acceptable travel and identity documents.

### 11.3 Establishing PR status without documents

BSOs at POEs have the discretion to authorize the entry of PRs, even in the absence of documentation. If documentary evidence is not available, the BSO at Immigration Secondary must establish the person's PR status by questioning the person and checking the person's status in GCMS. The status of persons who became PRs before 1973 has to be verified by contacting the Operations Support Centre at IRCC's National Headquarters at [OSC-CSO@cic.gc.ca](mailto:OSC-CSO@cic.gc.ca). However, the burden of proof lies on the person who is claiming to be a PR at a POE. An adjournment for further examination can be done under [A23](#) to allow the person to get their documents and return to the POE to show the BSO.

### 11.4 Investigating PRs for inadmissibility

When a PR appears at a POE for examination, the BSO must determine whether the person is a PR. The person is considered a FN until the BSO is satisfied that the person is a PR. The burden of proof lies on the person at a POE examination.

BSOs must remain cognizant of the fact that [A19\(2\)](#) gives permanent residents of Canada the right to enter Canada at a POE once it is established that a person is a PR, regardless of non-compliance with the residency obligation in [A28](#) or the presence of other inadmissibility grounds. Meaning, should a BSO write up an A44(1) report for non-compliance and the superintendent issue a departure order that is not in force, the person still has the right to enter Canada until a final determination has been made regarding their loss of PR status and the removal order becomes in force.

BSOs can not refuse entry to a PR. However, once a person has lost their PR status under [A46](#), they are considered a FN and may be inadmissible if they do not meet the requirements of the Act. For example, when a final determination has been made outside of Canada that the PR has failed to comply with the residency obligations, or when a removal order comes into force and all their rights to appeal have passed.

However, as per [A27\(1\)](#), this right to enter and remain in Canada is subject to the provisions of the Act, and does not preclude the CBSA from ensuring that PRs are in compliance with IRPA and thus admissible to Canada. During the process of determining that a person is a PR, BSOs will sometimes become aware of evidence of inadmissibility. The BSO should explain to the person that while it has been established that they have a right to enter Canada, there is some reason to believe they could be the subject of a report under IRPA which could lead to the issuance of a removal order.

Officers should always remain aware of the principles of procedural fairness in these proceedings. The PR must be given a fair opportunity to know the case to be met; to provide evidence in order

to correct or contradict any concerns related to admissibility; and to have the evidence fully and fairly considered by the decision-maker.

In cases where:

- PR status is established; and
- the BSO believes on a balance of probabilities that the person is in non-compliance with IRPA for failure to comply with residency obligation (A41(b), A28) or for misrepresentation (A40); or
- the BSO has reasonable ground to believe that the person is inadmissible to Canada for any other reasons outlined at A34, A35, A36(1) or A37,

the BSO at Immigration Secondary may report the person (pursuant to [A44\(1\)](#)) if there is sufficient evidence to support an inadmissibility allegation. In the absence of sufficient evidence to support the writing of an inadmissibility report, the BSO may enter any available information into an Info Alert in GCMS without delay (date of entry, last country of embarkation, current address in Canada, etc.) and forward notification of the same to a CBSA inland office in Canada to determine whether an investigation is warranted.

For more information on assessing inadmissibility, refer to [ENF 1, Inadmissibility](#) and [ENF 2, Evaluating inadmissibility](#).

For more information on procedures for dealing with clients who fail to meet the residency obligation, refer to [ENF 23, Loss of Permanent Resident Status](#).

### **Questioning Permanent Residents Regarding Cessation ([A108](#)) and Vacation ([A109](#)):**

In cases where the PR was granted Convention Refugee or Protected Person status prior to becoming a PR, and the BSO has suspicions that the individual has:

- voluntarily reavailed themselves of the protection of their country of nationality;
- voluntarily reacquired their nationality;
- acquired a new nationality and enjoys the protection of the country of that new nationality;
- has voluntarily become re-established in the country that they left or remained outside of and in respect of which they claimed refugee protection in Canada; or
- has obtained protected status directly or indirectly via misrepresentation or withholding of material facts relating to a relevant matter;

the BSO may ask questions of a PR where the officer suspects, on a balance of probabilities, the existence of a potential inadmissibility under A40(1)(c) or A40.1(1) or A40.1(2) in relation to the cessation (A108) and/or vacation (A109) of refugee protection.

The BSO, for example, may ask questions about:

- whether the person has travelled to the country of persecution;
- why they returned;
- for what length of time they were there.

The BSO may also make photocopies of documentation presented at the time of examination. The BSO must have reasonable grounds to believe that the documents that are photocopied are relevant to a potential inadmissibility under A40(1)(c) or A40.1(1) or A40.1(2) and that the photocopies would be reasonably required should the CBSA file an application under A108 or A109 with the IRB.

Any information gathered should be forwarded to the appropriate Hearings Office via the [BSF729E](#) form. For more information, see [IRCC's Program Delivery Instructions \(PDI\)](#) on the subject.

## 11.5 Permanent Resident Card

The PR card is the status document referred to in [A31\(1\)](#) that indicates that the holder is a PR of Canada. A person who holds a PR card is presumed to have PR status unless a BSO at Immigration Secondary determines otherwise. The PR card, or, alternatively, the A31(3) travel document issued by one of Canada's visa offices, is the prescribed document for PRs when boarding a commercial transporter bound for Canada.

Canadian PRs need to show their card when travelling to Canada in order to prove their PR status. PRs who do not have a PR card or who are not carrying their PR card when travelling outside the country will need to obtain a PR travel document (counterfoil) before returning to Canada by air mode in order to comply with eTA requirements.

For more information on the PR card, refer to [ENF 27](#), *Permanent Resident Card*.

## 11.6 Prescribed document

[A148\(1\)\(a\)](#) prohibits commercial transporters from carrying to Canada a person who does not hold a prescribed document. [R259](#) makes the PR card a prescribed document for the purpose of A148. Valid PR cards and [A31\(3\)](#) travel documents are prescribed documents for establishing PR status. Consequently, the PR card or the A31(3) travel document is the prescribed document for PRs for the purposes of boarding a commercial transporter (e.g., aircraft, train or ship) bound for Canada.

## 11.7 Permanent resident cards with one-year validity date

[R54\(2\)](#) provides that a PR card will be issued with a validity of one year instead of five years as per R54(1) if the PR:

- is subject to a process set out in [A46\(1\)\(b\)](#) until there has been a final determination;
- is the subject of a report prepared under [A44\(1\)](#) that is being considered by the Minister;
- is the subject of a removal order made by the Minister pursuant to A44(2) and the period for filing an appeal from the decision has not expired or, if an appeal is filed, there has been no final determination of the appeal; or
- is the subject of a report under A44(1) that has been referred by the Minister to the Immigration Division (ID) under A44(2) and the period for filing an appeal from the



decision of the ID has not expired or, if an appeal is filed, there has been no final determination of the appeal.

## 11.8 Travel document

[A31\(3\)](#) states the following:

A PR outside Canada who is not in possession of a status document indicating PR status shall, following an examination, be issued a travel document if a visa officer at a visa office is satisfied that:

- (a) they comply with the residency obligation under [A28](#);
- (b) an officer has made the determination referred to in [A28\(2\)\(c\)](#); or
- (c) they were physically present in Canada at least once within the 365 days before the examination and they have made an appeal under [A63\(4\)](#) that has not been finally determined or the period of making such an appeal has not yet expired.

The purpose of the travel document is to facilitate the return of all PRs to Canada. This includes those who may have lost their PR card while outside of Canada as well as those who are appealing a decision made outside Canada that they failed to meet the residency obligation under [A28](#).

The travel document will take the same form as a temporary resident visa counterfoil that is placed in a passport or travel document. It is usually valid for one entry to Canada simply to facilitate the PR's return, but it may be issued for multiple entries.

If the travel document was issued for a single entry, the BSO is to strikethrough the counterfoil upon entry to Canada by drawing a line from the top left of the counterfoil to the bottom right. The BSO at Immigration Secondary would counsel the PR that they may apply for a PR card from within Canada. If the travel document was issued for multiple entries, it should be treated like a multiple-entry temporary resident visa.

## 11.9 Coding on the travel document

PRs who have demonstrated that they have complied with the residency obligation listed in [A28](#) will be issued counterfoils bearing the coding "R".

- In cases where PRs have not met the residency requirement, but humanitarian and compassionate considerations grounds exist to support the retention of their status pursuant to [A28\(2\)\(c\)](#), a counterfoil bearing the coding "RC" will be issued.
- In cases where the document has been issued pursuant to [A31\(3\)\(c\)](#) where an appeal of a loss of status determination is filed or the time period for filing an appeal has not expired, and the person has been physically present in Canada at least once in the past 365 days, the counterfoil will bear the coding "RX".
- In cases where the PR does not meet the residency obligation and no humanitarian and compassionate grounds exist, but the Immigration Appeal Division has ordered the PR to appear in person at the hearing, a counterfoil bearing the coding "RA" will be issued.

Counterfoils bearing the "RX" code or the "RA" code will be mandatory referrals to Immigration Secondary for BSOs at the PIL.

If a person with a counterfoil bearing the "RX" or "RA" coding is returning to Canada to attend an appeal of a decision made outside of Canada regarding loss of status or an appeal has yet to be filed and the period for filing has not expired, the BSO at Immigration Secondary should authorize entry without delay if satisfied that no final determination has been made with respect to the person's loss of PR status. The BSO at Immigration Secondary should update GCMS with the person's date of entry into Canada and current address.

The principal difference between a travel document and a one-year PR card is the period of validity. The travel document is used to return to Canada, while the PR card remains valid until the outcome of an appeal is decided or until the period for making an appeal expires. Since the PR is already pending a determination by the Immigration Appeal Division, the BSO should not prepare an A44(1) report for the same inadmissible grounds at the POE.

### **11.10 Persons appealing the loss of PR status**

BSOs at Immigration Secondary who encounter a person in possession of a PR card issued with a one-year validity should check GCMS to determine whether there is a final determination that the person has lost their status under [A46](#). If the person is returning to Canada to attend the appeal of a decision made outside Canada regarding the loss of status or an appeal has yet to be filed, and if the period for filing has not expired and that person is in possession of a travel document, the BSO must acknowledge their right of entry without delay if satisfied that no final determination has been made with respect to the person's loss of status.

The BSO should update GCMS with the person's date of entry into Canada, current address in Canada and contact information.

Upon a final determination of loss of PR status, a person becomes a foreign national. Should they return to Canada, they must be assessed to determine if they meet the requirements of the Act and Regulations for entry as a temporary resident, even if they still possess a PR card . For more information, refer to [ENF 23](#), *Loss of Permanent Resident Status*.

### **11.11 PRs holding other travel documents**

PRs may also travel to Canada with a Canadian Travel Document (pale blue passport-type), a Canadian Certificate of Identity or a Single Journey Travel Document. Where a PR travels on one of these documents in air mode, the PR must be in possession of a PR card or PR travel document (counterfoil).

### **11.12 Residency obligation for PRs**

[A28\(1\)](#) states that a PR must comply with the residency obligation with respect to every five-year period. A28(2) stipulates that a PR complies with this obligation if, on each of a total of at least 730 days in that five-year period, they are:

- physically present in Canada;

- outside Canada accompanying a Canadian citizen spouse or common-law partner or, in the case of a child, their parent;
- outside Canada employed on a full-time basis by a Canadian business or by the public service of Canada or of a province;
- outside Canada accompanying a PR spouse or common-law partner or, in the case of a child, their parent, who is employed on a full-time basis by a Canadian business or by the public service of Canada or of a province; or
- able to meet other conditions for compliance that are set out in the Regulations.

When BSOs are assessing the residency obligation, the period considered is limited to the five years immediately preceding the examination. If a person has been a PR for less than five years, they must be able to comply with the residency obligation for the five-year period immediately after becoming a PR.

For more specifications on how to apply A28(2), refer to [R61](#).

For more information on loss of PR status, see [ENF 23](#), *Loss of Permanent Resident Status*.

Since November 2014, regulatory amendments came into force giving the decision to voluntarily renounce PR status the force of law. For more information, refer to [IRCC's Program Delivery Instructions](#) and *Operational Bulletin PRG-2014-066*.

### 11.13 Issuing removal orders for failure to comply with PR obligations

The decision that a PR has lost their status may be made outside Canada by a visa officer, whereas, at a POE, if following an examination of a PR, an officer concludes that a PR has failed to comply with the residency obligation under A28, the officer may prepare a report for inadmissibility under A41(b), taking into account prescribed considerations set in the IRPA. A28(2)(c) specifically requires officers and the MD to take into account humanitarian and compassionate considerations, including the best interests of a child directly affected by the determination, when assessing whether such considerations overcome any breach of the residency obligation prior to the determination. Officers must articulate consideration of these prescribed factors in the decision to write a report under A44(1) and/or their recommendation to the MD. These considerations must be written in the *Examination's Notes* tab without delay by both the BSO and the MD. If the report is well founded, and insufficient humanitarian grounds exist, the MD will issue a departure order pursuant to [R228\(2\)](#).

The PR has the right to appeal the decision made outside Canada or at the POE to the Immigration Appeal Division, pursuant to [A63](#). PRs who have been issued a removal order maintain their right of entry until the appeal period has elapsed; therefore, BSOs should allow entry into Canada until a final determination of status is made.

For more information, see the following manuals:

- [ENF 2](#), *Evaluating Inadmissibility*
- [ENF 5](#), *Writing 44(1) Reports*
- [ENF 23](#), *Loss of permanent resident status*
- [ENF 6](#), *Review of reports under A44(1)*
- [ENF 19](#), *Appeals before the Immigration Appeal Division (IAD) of the Immigration and Refugee Board (IRB)*

## 11.14 Other inadmissibility allegations

If a BSO believes a PR is inadmissible for reasons other than failure to comply with the residency obligation (A28), they are still required to allow the person to come into Canada. If the PR does not wish to answer any further questions, the BSO at Immigration Secondary should attempt to obtain sufficient information (including current address, phone number, and employment location) to enable follow-up action from an inland office.

See [ENF 2](#), *Evaluating Inadmissibility*, for more information on determining inadmissibility.

## 11.15 Arrest and detention of PRs

If an immigration arrest warrant was issued against a PR pursuant to [A55\(1\)](#), the BSO must execute the warrant and arrest the PR. The BSO may then release the PR from detention if reasons for detention no longer exist as per [A56](#).

In certain circumstances, PRs may also be detained under [A55\(3\)](#), if a BSO believes it necessary to complete the examination or they have reasonable grounds to suspect is inadmissible on grounds of security ([A34](#)), violating human or international rights ([A35](#)), serious criminality ([A36\(1\)](#)), criminality ([A36\(2\)](#)) or organized criminality ([A37](#)).

For more information on arrest and detention procedures, refer to [ENF 7](#), *Immigration Investigations and IRPA s. 55 Arrest/Detention* and [ENF 20](#), *Detention*.

## 11.16 Seizing PR visas and permanent resident cards

[A140\(1\)](#) authorizes an officer to seize and hold a document or other thing if the officer believes on reasonable grounds that:

- it was fraudulently or improperly obtained or used;
- the seizure is necessary to prevent its fraudulent use or improper use; or
- the seizure is necessary to carry out the purposes of the Act.

Even if the BSO prepares an [A44\(1\)](#) report against the PR, unless provisions of A140(1) are met, the PR card should be kept by the holder, who will retain their PR status until a final decision is made respecting their loss of status. Pending this decision, [A31](#) requires that a PR be provided with a status document. [R53\(1\)](#) provides that the status document is the PR card.

BSOs may seize these documents if they have reason to believe that the documents were fraudulently issued or obtained or if they are trying to prevent improper or fraudulent use of these documents. For example, if there is a final determination that the person has lost their PR status or renounced their status, the BSO may seize and retain the documents in order to prevent their improper use, such as using it to travel to Canada instead of obtaining a TRV or eTA.

## 12 Examining FNs seeking to become PRs at POEs

## 12.1 Permanent resident visas and *Confirmation of Permanent Residence (CoPR)* documents

Under [R70\(1\)](#), permanent residence applicants are issued a PR visa when a visa officer was satisfied that, at the time of issuance, the FN named in the document was not inadmissible and met the selection criteria and requirements of the Act and Regulations. This visa and CoPR document [IMM 5688] are to be presented at the POE for processing in order to become a PR.

In December 2011, the use of a counterfoil was eliminated for countries that are visa-exempt. The CoPR is now evidence that a visa officer was satisfied.

## 12.2 Examination of FNs with PR visas/CoPR

When an applicant in possession of a CoPR/PR visa applies to become a PR at a POE, the role of the BSO at Immigration Secondary is to:

- verify the applicant's identity;
- confirm that the information on the CoPR/PR visa is correct;
- establish that the applicant complies with all requirements of the Act and Regulations and is not inadmissible;
- confirm that the applicant's marital, common-law, or family status has not changed since the issuance of the CoPR/PR visa;
- confirm that the applicant and their family members (whether accompanying or not) still meet the requirements of the class of PRs under which the CoPR/PR visa was issued;
- impose and explain any appropriate conditions; and
- welcome the new PR to Canada and provide information about programs and services available to facilitate integration into Canadian society.

The Regulations require that a FN in possession of a CoPR/PR visa and who is seeking to become a PR:

- Inform the officer at examination if their marital status has changed since the CoPR/PR visa was issued, as required by [R51\(a\)\(i\)](#); and
- of any other facts relevant to the issuance of the CoPR/PR visa that have changed since the visa was issued, or that the FN failed to disclose at the time the CoPR/PR visa was issued, as required by [R51\(a\)\(ii\)](#).
- Establish that they and their family members, accompanying or not, meet the requirements of the Act and Regulations, as required at [R51\(b\)](#).

The applicant must be able to show upon landing that their dependents meet the medical and criminal criteria. The BSO should check GCMS for any notes added by the visa office to ensure they were not aware of any changes in the application. Applicants are asked to inform the visa office **immediately** of any change in the composition of their family. If they have not done so, prior to their CoPR/PR visa issuance, a new application will be required for all family members.

If the BSO at Immigration Secondary establishes that the FN failed to notify of the changes to their marital status or did not declare a dependent before or after the issuance of the

CoPR/PR visa, the BSO may prepare a report under [A44\(1\)](#) with the specific regulation stated above that they did not comply with. The MD, if they find the report well founded, will defer the case for inquiry at the ID under [R229\(1\)\(n\)](#).

For more information on report writing, refer to [ENF 5, Writing 44\(1\) Reports](#).

## 12.3 GCMS check

BSOs at Immigration Secondary conduct an integrated name search in GCMS for every FN in possession of a CoPR who is seeking to establish permanent residence in Canada. A name search may reveal that the person has multiple FOSS client identification numbers (IDs) or GCMS Unique Client Identifiers (UCIs), in which case the BSO should create a household to associate the UCIs/IDs together by following the step-by-step on [Wiki](#).

FOSS ID or GCMS UCI numbers under which warrants were issued or sponsorship files must be maintained as the primary identification.

BSOs ensure that there is no information recorded in GCMS that would alter the decision to grant permanent residence.

For example, there may be an outstanding warrant for the applicant's arrest, or the applicant may have been previously deported from Canada. BSOs at Immigration Secondary should carefully review any adverse information to determine whether the applicant satisfies all the requirements of the Act and Regulations. In some cases, it may be useful for the examining BSO to contact the officer who issued the CoPR/PR visa to confirm whether this information would have altered the favorable decision. In some cases, the BSO may need to defer the examination, pursuant to [A23](#), in order to obtain more information before deciding whether to grant PR status.

## 12.4 Documents required by FNs seeking PR status

- [R50\(1\)](#) specifies the type of passport, travel or identity document that an applicant must have in their possession to be given PR status. This document is necessary to verify the identity of the person seeking permanent residence.
- [R50\(2\)](#) provides that a protected person who has been issued a PR visa may become a PR when it is not possible for them to obtain a passport, identity document, or travel document.
- [R6](#) specifies that applicants who are citizens of certain countries must have a PR visa (coded IM).
- *Confirmation of Permanent Residence* document (IMM 5688);
- Proof of settlement funds for those in the Federal Skilled Worker Program and the Federal Skilled Trades Program; and
- A *Certificat de Sélection du Québec/ Quebec Selection Certificate* (CSQ) for those wanting to reside in the province of Québec.

## 12.5 Confirmation of Permanent Residence document [IMM 5688]

Successful permanent residence applicants are issued the *Confirmation of Permanent Residence* document [IMM 5688] from a Canadian consulate or visa office. The *Confirmation of Permanent Residence* (CoPR) is evidence that an officer was satisfied at the time of issuance, that the FN named in the document was not inadmissible and otherwise met the requirements of the Act and its associated regulations.

The CoPR is printed in two copies on regular 8 1/2 x 14 white paper and one copy contains a photo of the holder.

The CoPR by itself is not a prescribed document as per [R259](#) to board a means of transportation to Canada. CoPR holders will be issued a visa counterfoil [IMM 1346] bearing the coding "IM" in order to facilitate their boarding for those needing a TRV to travel to Canada. For visa-exempt FNs, an IMM 5785 e-Foil (electronic facilitation counterfoil) coded IM will be issued.

When a FN arrives at a POE to become a PR and is in possession of a CoPR, the BSO at Immigration Secondary should adhere to the following procedures :

- examine the passport and any other identity documents provided;
- use the applicant's passport and other identity documents to confirm that each name is correctly spelled and that the family and first names are clearly identified;
- verify the date of birth with the identity documents provided by the applicant (the day and month are sometimes transposed due to different international systems for displaying the date);
- for CoPRs where a clerical error has been identified, BSOs must correct the IMM 5688E form to ensure it is consistent with the biographical data in the passport or travel document. The corrections must be made on both copies of the CoPR by placing an asterisk beside the data error and noting the correction in the remarks section of the form. Any corrections made must also be reflected in GCMS.
- check the information on sex and marital status, particularly when dealing with common-law relationships and accompanying family members;
- verify their biometrics for those not verified at PIK;
- confirm that the applicant intends to establish permanent residence in Canada;
- confirm that the applicant is not inadmissible under [A39](#);
  - Persons who do not need to provide proof of funds are those who:
    - have been sponsored;
    - have been issued visas as government-assisted refugees;
    - applied under the Canadian Experience Class; or
    - are authorized to work in Canada and have a valid job offer, even if they applied under the Federal Skilled Worker Program or the Federal Skilled Trades Program.
  - Those who need to provide proof of funds to meet the [minimum requirements](#) are those who:
    - applied under the Federal Skilled Worker Program and
    - applied under the Federal Skilled Trades Program
  - For those immigrating to the province of Quebec, the [capacity for financial self-sufficiency](#) is lower.
- assess that the applicant and family members are not inadmissible for any other IRPA inadmissibility; and
- collect biometrics only from select resettled refugees when **BIO-CDA** is printed in the remarks section

- Refer to Shift briefing bulletins [2019-HQ-AC-06-04](#) and [2021-HQ-AC-03-31](#) for more information.

The examining BSO should then:

- Complete the following fields on both copies of the CoPR using a black pen:
  - **Became PR at:** The officer must write the location of where PR status is granted (either a POE or an inland IRCC office).
  - **Became PR on:** The officer must write the date that PR status is granted.
  - **Flight no.:** BSO must write which flight the client arrived on or if it was at a land border.
  - **Conditions:** Have the client write their initials beside any imposed conditions.
  - **Have you ever been charged/convicted of a crime or offence; refused admission to Canada or required to leave Canada?:** The client must write “yes” or “no” as well as their initials. If the client is a minor, the answer should be “N/A”.
  - **Dependent(s) information:** The client must write “yes” or “no” as well as their initials. If the answer is yes, the dependent’s information must be added only if they have been included in the application and they have been examined.
  - **Signature:** Have the client sign and date.
  - **Officer signature:** BSO must sign with a complete signature, not just initials or badge number. Add the date.
- Complete and confirm the CoPR in GCMS following one of the instructions on the CBSA Wiki:
  - [Become PR with Conditions](#)
  - [Become PR without Conditions](#)
- Update the client’s complete address in Canada in GCMS, including the postal code.
- If an address is already indicated on the CoPR, the officer must check with the client to ensure that it is still accurate and that the client will be able to receive correspondence at that address.
- If they have no address, advise the client that they have 180 days to provide IRCC with their address as per [R58\(1\)](#). BSOs should provide them the [IMM 5456B Address Notification – Permanent Resident Card](#) form and inform the client to send it to IRCC via one of the methods mentioned on the form or the client may update their address in Canada by accessing the online [Change my Address](#) tool.
- Stamp the travel or identity document as per the [stamping policy](#).
- Counsel the client that they will receive their PR card in approximately two – three months and that if they have not received it within four months they should contact the IRCC Call Centre at 1-888-242-2100.
- Give the new PR the second copy and keep the copy with the photograph.
- Once the CoPR has been completed and confirmed in GCMS, the BSO will counsel the PR as to their rights and obligations under IRPA and IRPR. See section [12.14](#) of this manual for more information.

Persons who wish to have their PR card issued in a name that is different from what appears on the CoPR or passport must submit a formal request to the OSC, using the Guide for this



purpose [[IMM 5218E](#)] and the [IMM 1436](#) form *Request to Amend Valid Temporary Resident Documents or Information Contained in the Confirmation of Permanent Residence*.

Applicants should not apply for an amendment to reflect the new name of an adopted child. When an application for Canadian citizenship is submitted, IRCC will be able to issue the citizenship certificate with the new name, provided they have appropriate supporting documents.

## Photographs

There are [specific requirements](#) for the PR photograph:

- The background must be white (use screens provided with camera to take photographs).
- There must not be any objects in the background.
- The photograph should show the full front view of the person with the head and shoulders centred in the photograph.
- There must be no staples, stamps, pen marks, holes or tape on the photograph.
- Eyeglasses in photos are acceptable if they are a normal feature of a person's appearance, as long as the glasses do not hide the eyes.
- Head coverings on photographs, other than those worn for religious reasons, are not acceptable.
- Torn photos are not acceptable.

## Signatures

- Children 14 years of age and over must sign their own form.
- A parent or legal guardian must sign for children under the age of 14, using their own name and not the child's name.
- The signature must match the name on the form except in the case of a child under the age of 14 whose parent or legal guardian has signed on their behalf.
- If the person is illiterate or cannot make a mark (e.g. an X) for a physical reason, a thumbprint should be placed on the form.

For further details on how to properly process a CoPR, see IRCC's [Operational Bulletin 545](#).

## 12.6 Changes in marital and family status

[R51](#) requires a FN who has been issued a PR visa/CoPR to advise an officer if their marital status has changed since the visa/CoPR was issued.

A report under [A44\(1\)](#) for [A41\(a\)](#) for R51 is not necessary, if the non-declaration of a marriage or common-law relationship to the visa officer does not affect the grant of permanent residence to the person in the following cases:

- In the case of refugees and protected persons, a BSO should grant PR status to these classes of persons and provide counselling regarding the sponsorship of a spouse or common-law partner.
- A FN who marries their sponsor after the visa/CoPR is issued but before the grant of permanent residence. This change in circumstance is not material to admissibility.

The BSO should assume the truthfulness of voluntary statements relating to marital status and proceed as though the person seeking to become a PR were married, whether or not there is documentary proof of the marital status. The BSO should usually defer the examination pursuant to [A23](#) in order to consult the visa office and obtain more information and evidence about the person's marital status. In some cases, the BSO may ask the visa officer to interview a non-accompanying spouse or common-law partner outside Canada to determine if they meet the requirements of the Act and Regulations and can be issued a PR visa/CoPR.

The procedure for authorizing PR status to the person seeking to become a PR and the spouse will vary from case to case, depending on the applicant's and the spouse's particular circumstances. The BSO should provide a full case summary to accompany the file, so that the receiving inland IRCC office can follow up appropriately.

The BSO should bear in mind that the applicants' and their family members' medical examination, security check and travel document may need to be updated while the spouse or common-law partner is being examined and before permanent residence can be granted.

If, after the investigation, there is sufficient evidence to proceed with enforcement action, a BSO may write the appropriate A44(1) report against the person seeking to become a PR as well as an accompanying spouse or common-law partner.

## 12.7 Common-law partners

[R1\(1\)](#) states the following:

**common-law partner** means, in relation to a person, an individual who is cohabiting with the person in a conjugal relationship, having so cohabited for a period of at least one year.

R1(2) states the following:

"..., an individual who has been in a conjugal relationship with a person for at least one year but is unable to cohabit with the person, due to persecution or any form of penal control, shall be considered a common-law partner of the person."

Tact and diplomacy should be exercised when conducting an interview about personal relationships as questions could be embarrassing to both BSO and client.

Every person seeking to become a PR should be asked if their marital or common-law status has changed to include either a spouse or common-law partner.

## 12.8 Dependent children with common-law partners

When verifying the marital status or common-law partnership status of dependent children during an examination, the situation may arise whereby a dependent child is unmarried, but may have a common-law partner. If so, as in the case of a married dependent child, the child is no longer a dependent according to the established definition ([R2](#)). Children under 22 years of age in married and common-law relationships are no longer dependent children.

A dependent who is single, divorced or widowed, whose marriage has been annulled or who is no longer in a common-law relationship at the time of the initial receipt of the application is considered to meet the definition of a dependent child and must continue to meet the definition of a dependent child for the duration of processing.

## 12.9 Procedure for dealing with children whose marital or family status has changed

A BSO at Immigration Secondary who determines that the marital status of a dependent child has changed should do the following:

- Determine whether, despite the change in marital or common-law status, the person is still considered a dependant:
  - 22 years of age or older;
  - have depended substantially on the financial support of the parent since before the age of 22; **and**
  - be unable to support themselves financially due to a physical or mental condition. It is the financial dependency that must have been ongoing since before the age of 22. It is not necessary for the physical or mental condition to have existed before the age of 22.
- If so, the BSO should grant PR status.
- If not, and the consequence of a change in marital status or common-law partnership status cannot be readily determined, the BSO should defer the examination pursuant to [A23](#).
- Create an Examination in GCMS and add corresponding details in its *Notes* tab without delay and update the person's complete address and telephone number on their GCMS Client record.
- Send an email to the visa office that issued the PR visa/CoPR explaining the case details, including the visa office B file number, GCMS identification number and case information.

## 12.10 Medical surveillance

Inactive pulmonary tuberculosis is the only medical condition for which medical surveillance is currently required. Code S2.02 refers to inactive pulmonary tuberculosis and code S2.02U refers to complex inactive pulmonary tuberculosis and/or other complex, non-infectious tuberculosis.

Applicants who have been issued a *Confirmation of Permanent Residence (CoPR)* [IMM 5688] have already had their immigration medical examination (IME) abroad. If follow-up medical surveillance is required, this condition will appear on the CoPR and is imposed by the visa officer who completes a *Medical Surveillance Undertaking* form [[IMM 0535B](#)] in GCMS.

It is no longer required for the BSO to complete and fax this form to the Public Health Liaison Unit at IRCC. Once the BSO changes the CoPR status in GCMS to "confirmed", the information is automatically sent to the Public Health Liaison Unit. It is important that the PR's Canadian residential address and phone number or at minimum, their email address, be in GCMS so that Public Health can contact them. The officer shall counsel the applicant concerning the conditions imposed and the need to contact the Public Health Liaison Unit by

email ([IRCC.MHBSurveillance-SurveillanceDGMS.IRCC@cic.gc.ca](mailto:IRCC.MHBSurveillance-SurveillanceDGMS.IRCC@cic.gc.ca)) with an address as soon as one has been established, if applicable. It is no longer necessary for the applicant to contact Public Health as indicated on older versions of the IMM 0535B. If the applicant has any questions, they can contact IRCC's Public Health Liaison Unit directly at the aforementioned email address. Also, there is a new public [webpage](#) on medical surveillance for applicants which they can go to.

For more information on medical surveillance see [OP 15 Medical Surveillance and Notifications](#), the [Wiki](#) for GCMS step-by-step or contact the Public Health Liaison Unit directly.

## 12.11 Family members arriving before the principal applicant

Occasionally, a BSO at Immigration Secondary will encounter a family member (coded DEP on the CoPR) that arrives to be granted PR status before the principal applicant (coded PA on the CoPR). [R51\(b\)](#) requires a PR visa/CoPR holder to establish that they and their family members, whether accompanying or not, meet the requirements of the Act and Regulations. For a family member to meet these requirements, it is usually incumbent on the principal applicant being admissible at the POE.

A BSO encountering this situation should obtain the following information from the dependent:

- why the dependent is preceding the principal applicant (e.g., to seek accommodation or employment, lack of a seat on the aircraft carrying the principal applicant);
- when the principal applicant is due to arrive; and
- the person's means of support.

The BSO should complete the verification process but should not grant PR status to the dependent. If the person has a valid PR visa/CoPR and the BSO is satisfied that the principal applicant intends to come to Canada, the BSO may wish to defer the examination pursuant to [A23](#) in order to wait until the principal applicant arrives so they may be examined.

The BSO should enter the information into the *Notes* tab of the application in GCMS without delay, which indicates that the granting of permanent residence has been deferred pending the arrival of the principal applicant.

## 12.12 Arrival of the principal applicant prior to family members

A principal applicant may have decided to proceed to Canada in order to commence employment or to confirm that adequate settlement arrangements, such as accommodation and educational facilities exist prior to the arrival of their dependents. A BSO at Immigration Secondary must confirm that the dependents meet the requirements of the Act and its Regulations before granting PR status to the principal applicant. In most instances, the BSO can assume that persons listed as dependents on the principal applicant's CoPR meet the requirements of the Act and Regulations and can grant PR status to the principal applicant.

## 12.13 Expired or cancelled PR visa / CoPR

A person who presents an expired or cancelled PR visa and/or CoPR cannot be authorized to enter Canada as a PR. The person may be reportable under [A41](#) and [R6](#) for non-compliance with the Regulations because a FN may not enter Canada to remain on a permanent basis without first obtaining a PR visa/CoPR.

If the examination of a holder of a valid PR visa/CoPR is deferred pursuant to [A23](#), the person may be granted permanent residence at a later date after the expiration of their visa/CoPR provided they initially appeared for examination and presented their PR visa/CoPR within its period of validity.

## 12.14 Counselling new PRs

The BSO at Immigration Secondary should counsel each new PR on the following matters:

- the conditions of PR status that have been imposed and how to comply with the conditions;
- the residency obligation;
- the procedure for obtaining a PR card;
- the procedure for obtaining a social insurance number via Service Canada; and
- the procedure for applying for provincial health coverage.

## 13 Examination of FNs at POEs

FNs may be authorized to enter Canada. [A22\(1\)](#) provides that:

A FN becomes a temporary resident if an officer is satisfied that the FN has applied for that status, has met the obligations set out in [A20\(1\)\(b\)](#), is not inadmissible and is not the subject of a declaration made under [22.1\(1\)](#).

Temporary residents include: visitors, students, workers, and temporary resident permit holders.

### 13.1 Visa requirements for temporary residents

A Temporary Resident Visa (TRV) is a counterfoil document issued by a visa officer that is placed in a person's passport. Every citizen from a TRV required country who is approved for travel to Canada will be issued a TRV (IMM1346B). See section [13.2](#) below for exemptions to this requirement.

A TRV indicates that the FN has been pre-screened by a visa officer and that this officer was satisfied that the visa holder met the requirements for entry into Canada at the time of the issuance of the visa. Holding a TRV does not guarantee that the FN will be authorized entry into Canada.

[A11\(1\)](#) requires FNs to apply for a visa before entering Canada. [R7](#) also provides that a FN may not enter Canada to remain on a temporary basis without first obtaining a TRV.

### 13.2 Exemptions from a visa requirement

[R7\(2\)](#) exempts certain FNs from the requirement to obtain a visa. These include:

- FNs who hold a TRP issued under [A24\(1\)](#);
- FNs who are authorized under the Act or its Regulations to re-enter Canada to remain in Canada;
- a citizen of Romania who is seeking to enter Canada by air and who obtained an eTA before December 1, 2017; and
- FNs exempt under [R190](#).

See [R190](#) for a complete list of temporary resident visa exemptions for FNs. This section includes:

- visa-exemptions by nationality [R190(1)];
- other document holders who are exempt from the temporary resident visa requirement [R190(2)];
- special categories of persons who are temporary resident visa exempt [R190(3)];
- persons entering Canada who are or to become crew members of a means of transportation other than a vessel [R190(3)(a)(i)];
- FNs in transit for refuelling destined to or originating from the US [R190(3)(b)];
- FN on a flight that makes an unscheduled stop in Canada due to an emergency or other unforeseen circumstances [R190(3)(b.1)];
- members of the Transit Without Visa Program (TWOV) and the China Transit Program (CTP) [R190(3)(c)] (for more information, refer to the [Transit Without Visa/China Transit Program Standard Operating Procedures](#) on Atlas);
- members of armed forces coming to carry out official duties under of the *Visiting Forces Act* [R190(3)(d)] and in possession of travel or military orders;
- persons seeking re-entry into Canada, after visiting only the U.S. or St. Pierre and Miquelon, within the authorized period of stay granted upon initial entry into Canada or extension to this period [R190(3)(f)] (see section 13.3 below);
- temporary residents seeking re-entry to Canada from the U.S. or St. Pierre and Miquelon, after applying to renew their status, remain under their original status until a decision is made and they are notified [[R183\(5\)](#)]. These people are considered to have maintained status;
- persons conducting inspections on flight operation procedures or cabin safety on commercial air carriers [R190(3)(g)]. **Note** : This visa exemption does not apply to In Flight Security Officers (IFSO), also known as air marshals. They are not to be considered as members of a crew; or
- Persons participating as an accredited representative or adviser to an aviation accident or incident investigation conducted under the *Canadian Transportation Accident Investigation and Safety Board Act*, and have valid documentation to that effect [R190(3)(h)].

**Note:** Under the Regulations, the definition of the United States includes Puerto Rico.

### 13.3 Re-entry into Canada without a visa

FNs who require a temporary resident visa and who seek to re-enter Canada must be in possession of a multiple-entry TRV **unless**:

- since leaving Canada after being authorized to enter as a temporary resident, they have only visited the U.S. or St. Pierre and Miquelon, and are returning to Canada

before the end of the period initially authorized by a BSO for their stay or any extension to it. [R190\(3\)\(f\)](#);

- they have only visited the U.S. or St. Pierre and Miquelon and they are in possession of a valid visitor record (VR), WP, SP, or a TRP (authorizing re-entry) and are returning within the initial period authorized by a BSO, [R190\(3\)\(f\)](#);
- they are seeking entry on maintained status. A temporary resident with maintained status that leaves Canada is exempt from obtaining a temporary resident visa pursuant to [R190\(3\)\(f\)](#) if they are returning from a visit solely to the United States or St. Pierre and Miquelon. Their status as a temporary resident is extended until a decision is made and they are notified in accordance with [R183\(5\)](#). They are **not** authorized to work or study in Canada as they did not remain in Canada as per [R186\(u\)](#) and [R189](#) until their application for a renewal on their WP or SP has been approved. To emphasize these conditions, BSOs may consider documenting these FNs on a VR. For guidelines on when to issue a VR see section [13.24](#) below.

**Note:** Under the Regulations, the definition of the United States includes Puerto Rico.

These FNs must comply with all other entry requirements. If they visit any country other than those stated above, they are not visa-exempt under [R190\(3\)\(f\)](#).

Furthermore, visa-required FNs may attempt to use the provision in [190\(3\)\(f\)](#) to bypass the appropriate procedures for extending their TR status in Canada (e.g. to avoid obtaining a new visa). Officers are reminded that if they do not place a new stamp with a specified validity date the FN automatically receives a 6 months authorized period of stay as per [R183\(2\)](#) on every entry. Therefore, officers should consider limiting the authorization to the initial entry validity date by writing that date under a new stamp. However, an officer can authorize the FN into Canada for a 6 month period if they believe the FN is admissible and will comply with the conditions of their entry.

Regarding work, study, visitor and TRP applications, it should be noted that the CBSA does not have the authority to renew or extend these permits at the POE, but will assess such requests as a **completely new application**, as well as the individual's admissibility to Canada. Individuals seeking entry to Canada at a POE who currently have a valid TR status may be admitted to Canada on the basis of their existing permit and instructed to apply to IRCC in Canada for an extension or renewal.

### 13.4 Examples of situations applying [R190\(3\)\(f\)](#)

- A FN in possession of a TRV valid for one year, who is subsequently issued a four-year SP at a POE, may leave and return to Canada after the expiry of the visa as long as they have only visited the U.S. or St. Pierre and Miquelon and the SP is still valid.
- A FN in possession of a single-entry TRV may leave and return to Canada without the issuance of a new or multiple-entry visa as long as they return to Canada within the initial period (or any extensions) authorized and have only visited the U.S. or St. Pierre and Miquelon.
- Pursuant to [R190\(3\)\(f\)](#) a FN who is from a Temporary Resident Visa (TRV) required country, who has been admitted to Canada as a temporary resident and is re-entering Canada from the U.S. or St. Pierre and Miquelon, before the expiry of the period initially authorized for their stay, is exempt from the requirement to obtain a TRV. [R198\(1\)](#) allows a person who is exempt from the requirement to obtain a TRV

to apply for a WP at the POE. Taken together R190(3)(f) and R198(1) allow for a FN to apply for the first or subsequent WP at a POE as long as the FN has been initially authorized to enter Canada as a temporary resident and returns to Canada from the U.S. or St. Pierre and Miquelon by the end of the period initially authorized for their stay and any extension to it.

### 13.5 Foreign representatives posted to Canada

Whether from a visa-exempt country or visa-required one, foreign representatives and their family members seeking entry into Canada to be accredited (i.e., to take up posting) are required to apply for a TRV based on instructions devised by IRCC in consultation with Global Affairs Canada's Office of Protocol (XDC); related applications are processed based on [operational guidance](#), in consultation with XDC.

Foreign representatives and their family members who subsequently enter Canada and receive/maintain a valid diplomatic acceptance, a consular acceptance, or an official acceptance issued by the Chief of Protocol of Canada are regarded as properly accredited and exempt from obtaining a TRV or an eTA as per [R190\(2\)\(a\)](#) and [R7.1\(3\)\(c\)](#).

If a BSO has concerns regarding incoming and properly accredited foreign representatives and family members they should contact IRCC's Case Management Branch at: [IRCC.CMBImmigrationCaseAdvice-ConseilCasImmigrationDGRC.IRCC@cic.gc.ca](mailto:IRCC.CMBImmigrationCaseAdvice-ConseilCasImmigrationDGRC.IRCC@cic.gc.ca) and in cc add [xdc-ircc@international.gc.ca](mailto:xdc-ircc@international.gc.ca).

For urgent cases, the BSO may contact the IRCC Liaison Unit at the Office of Protocol at 613-992-0889. The IRCC Liaison Unit is available for urgent cases during regular business hours, Monday to Friday. For after-hours service, contact the Operations Officer at 613-944-1294. On the first arrival in Canada of a foreign representative or family member whose passport bears a D-1 or O-1 visa counterfoil or a single entry counterfoil-less visa, the BSO at the PIL should stamp the passport giving them status in Canada for six months. During the six-month period, the official's embassy or consulate will forward their passport to the Diplomatic Corps Services Division, Office of Protocol, Global Affairs Canada. The Office of Protocol will issue a diplomatic (D), consular (C), official (J) or international (I) acceptance, which indicates that the person is accredited to Canada and entitled to remain in Canada for the duration of their official status.

Dependent children of diplomats, consular officers, representatives or officials who are under 19 years of age and considered to be "members of the family forming part of the household" will be issued acceptances. Children over 19 years of age will be issued acceptances only if they are registered as full-time students at a Canadian Designated Learning Institution (DLI). After 25 years of age, family members are no longer eligible to receive official acceptances, and must change their official status under *Foreign Missions and International Organizations Act (FMIOA)* to a non-official temporary resident status under IRPA.

For more information, see [procedures related to diplomatic and official visas](#).

### 13.6 Affirmations for visas

An *Affirmation for Visa* form [[IMM 1281B](#)] is to be used as a document in lieu of a passport involving nationals of countries not recognized by Canada. When a person presents an



IMM 1281B form, a BSO at Immigration Secondary must apply the port stamp in the lower right corner of the visa (partly on the visa, partly on the page).

### **13.7 U.S. government officials**

The following official U.S. government personnel assigned to temporary postings in Canada are not issued diplomatic or official acceptances in Canada:

- Department of Homeland Security officers;
- U.S. Customs officers;
- International Joint Commission employees; and
- Inspectors with the Federal Grain Inspection Service of the United States Department of Agriculture and other U.S. government officials in possession of official U.S. government passports and assigned to temporary postings in Canada.

U.S. government personnel arriving in Canada for the first time will be issued a fee exempt WP, on presentation of a "letter of introduction" from the appropriate agency, identifying the assignment, its location and the number of years the employee will be assigned in Canada. For more information on the documentation of U.S. government employees, refer to [United States government personnel](#) on IRCC's Connexion page, which deals with temporary foreign workers applications at POEs.

### **13.8 Courtesy visas**

Visa officers may issue courtesy visas to persons who, although not entitled to diplomatic privileges and immunities, warrant a visa to facilitate their entry because of their position or because their reason for coming to Canada is considered sufficiently important.

Courtesy visas may be issued to:

- persons of diplomatic rank coming to Canada for tourism purposes;
- members of the International Air Transport Association (IATA);
- members of a trade mission visiting Canada; and
- well-known visiting professors coming to Canada to attend conferences.

Courtesy visas may be issued in any type of passport to FNs who require visas or who are normally visa-exempt. The visa should draw a BSO's attention to the fact that the individual is considered by the IRCC visa office to warrant particularly expeditious and courteous treatment at the POE. Such FNs are subject to normal documentation requirements and are not exempt from regular examination procedures.

### **13.9 Parents and Grandparents Extended Stay Temporary Resident Visa (Super Visa)**

Eligible parents and grandparents of Canadian citizens and PRs may be issued a multiple-entry TRV coded PG-1 for up to 10 years or for visa-exempt FNs, a letter of introduction will be issued for five (5) years or until passport expiry. The status period of such eligible persons will be for two (2) years on each entry to Canada. These travellers can be admitted

at the PIL however, should they be referred to Immigration Secondary, BSOs should verify that the super visa holder or the holder of a super visa letter of introduction has valid medical insurance, continues to meet the requirements of the super visa and is not inadmissible.

The BSO will then stamp the super visa holder's passport, but **no handwritten date is required**. Should the BSO authorize a period of stay of *less than 2 years*, a VR should be issued to the client with clear notes indicating the reason why the period of stay was shortened.

Some travellers with a PG-1 TRV may also be subject to medical surveillance.

BSOs should follow the same procedure for TRs as for PRs. Refer to [section 12.10](#) of this manual for detailed procedures.

### 13.10 Expired temporary resident visas

A person seeking to enter Canada with an expired temporary resident visa is inadmissible and should be reported pursuant to [A41\(a\)](#) for [A20\(1\)\(b\)](#).

### 13.11 Notification to visa office if a visa holder is refused entry

A BSO at Immigration Secondary who is of the opinion a FN who holds a TRV or a TRP is inadmissible should send full details of the refusal by email to the [issuing visa office](#). This allows the visa office to review the decision to issue the visa and to deal with future representations that the person may make to the visa office.

The BSO must put the phrase: "As requested: ENF 4" in the subject line and include the following information in the following order:

- (a) the name and nationality of the subject of the [A44\(1\)](#) report; or a person allowed to withdraw their application;
- (b) the person's date and place of birth;
- (c) the visa or permit number, date and office of issue;
- (d) the date and POE where the person sought to enter Canada;
- (e) the reason for refusal, using the code letter for the reason for refusal:

- A: seeking permanent residence,
- B: claims Convention refugee status,
- C: intends to seek or take employment,
- D: intends to follow a course of study,
- E: has insufficient funds to maintain themselves and their family members,
- F: medical inadmissibility,
- G: criminal inadmissibility,

H: expired temporary resident's visa, or  
I: other;

(f) the name and file number of the office responsible for follow-up enforcement action, if the office differs from the POE; and

(g) the visa office file number (some visa offices include the number on the visa).

The BSO should not provide any other details in the email report. This procedure allows the BSO to transmit the report as an unclassified message.

If the reason for refusal was code "I" (other), the officer should send a report by mail to the issuing visa office giving further details of the reason for the refusal.

This reporting system gives IRCC visa offices immediate feedback on their decisions for issuing temporary resident visas (TRVs) and assists in monitoring the effectiveness of the TRV program.

### **13.12 Electronic Travel Authorization (eTA) and eTA Expansion (eTA-X)**

An eTA is an entry requirement for visa-exempt FNs travelling to or transiting through Canada by air. U.S. citizens and U.S. lawful permanent residents (USLPR) are some of the exempted populations from this requirement. An eTA is a paperless document electronically linked to a traveller's passport that must be obtained prior to travelling to or through Canada by air.

[R7.1\(1\)](#) requires all FNs from visa-exempt countries to obtain an eTA before entering Canada.

[R7.01](#) defines which citizens, from visa-required countries, are eligible for an eTA when travelling to Canada by air under the eTA-X program. The eligibility criteria are:

- Have held a Canadian TRV in the preceding 10 years; **or**
- Currently hold a valid U.S. non-immigrant visa (NIV).

An eTA issued pursuant to the eTA expansion provisions of the IRPR has the same legal authority, except that the eligibility criteria differs.

BSOs should be aware that the TRV exemption for "contiguous territory", [R190\(3\)\(f\)](#) may apply to eTA-X clients who were authorized entry at an air POE and subsequently departed Canada for a visit solely to the US or St-Pierre and Miquelon and then returned to Canada via any mode within the period initially authorized for their visit.

### **13.13 eTA exemptions**

[R7.1\(3\)](#) states that select individuals are exempt from the eTA requirement, including:

- Queen Elizabeth II and members of the Royal Family;
- holders of valid TRVs;

- citizens of the United States or a person who has been lawfully admitted to the US for permanent residence (USLPR);
- accredited diplomats, consular and officials in Canada;
- select civil aviation personnel (flight crew, flight safety advisors, accident investigators);
- French citizens who are residents of St. Pierre and Miquelon arriving from St. Pierre and Miquelon;
- foreign military personnel carrying out duties under the Visiting Forces Act;
- FNs seeking re-entry directly from the US or Saint-Pierre-et-Miquelon with prior status in Canada;
- FNs holding a valid U.S. document travelling to and from the U.S. who are passengers on a flight stopping in Canada for the sole purpose of refuelling;
- FNs transiting Canada under the TWOV or the CTP;
- FNs onboard flights diverted to Canada for medical, mechanical, or other emergency reasons.

### 13.14 eTA validity and cancellation

An eTA will be valid for up to five years or until the passport expires, whichever comes first. A visitor may travel to Canada repeatedly without having to apply for another eTA, so long as their original eTA remains valid.

Unlike a TRV, BSOs at the POE may cancel an eTA and eTA-X when the holder may become ineligible to possess one. The CBSA's [OB PRG-2017-41](#) describes when a BSO may cancel an eTA and eTA-X if at least one of the following conditions are met:

- they are the subject of a declaration made under A22.1(1);
- they were issued a TRP under A24(1);
- they are the subject of a report prepared under A44(1);
- they are the subject of a removal order made under A44(2) or A45(d);
- they withdrew their application to enter Canada under R42(1);
- they were refused a temporary resident visa because they did not meet the requirement set out in R179(b);
- they were refused a WP because they did not meet the requirement set out in R200(1)(b);
- they were refused a SP because they did not meet the requirement set out in R216(1)(b); or
- in the case of a FN referred to in R7.01(1), it is established that, on the day on which they made their application for an eTA-X, they did not meet either of the conditions set out in R7.01(2)(a) and (b).

Please refer to the Wiki page for step-by-step instructions on [how to cancel an eTA](#) in GCMS as well as the [comments](#) to be inserted in the eTA cancellation *Correspondence* tab.

### 13.15 Document requirements for FNs

[R52\(1\)](#) provides that a FN seeking to become a temporary resident of Canada must possess a valid passport, identity or travel document. The purpose of this requirement is to ensure adequate identification of the FN and to guarantee that person's re-entry either into the country that issued the passport, identity or travel document or into another country.

R52(1) provides a list of acceptable passports or travel documents for FNs seeking to enter Canada as temporary residents.

Visa officers should ensure that a travel document is acceptable for travel to Canada before issuing a visa. A CBSA officer can normally assume that a document containing an authentic visa is acceptable for travel to Canada, unless there is some reason to question its acceptability.

### 13.16 Passport and travel document exceptions

[R52\(2\)](#) provides a list of persons who are exempt from the requirement to have a passport or travel document to enter Canada as temporary residents:

- U.S. citizens;
- Permanent residents of the U.S. seeking to enter Canada from the United States or St. Pierre and Miquelon. Note that U.S. Permanent Resident Cards are only acceptable upon presentation on contiguous territory and not valid for international flights from outside Canada unless accompanied by a valid and subsisting passport or travel document;
- Residents of Greenland seeking to enter Canada from Greenland;
- Citizens of France residing in St. Pierre and Miquelon seeking to enter Canada from St. Pierre and Miquelon;
- Military personnel seeking to enter Canada under the *Visiting Forces Act*;
- Persons seeking to enter as or in order to become air crew members and who hold an airline flight crew licence or crew member certificate issued in accordance with International Civil Aviation Organization (ICAO) specifications; and
- Persons seeking to enter Canada as crew members who hold a seafarer's identity document and are crew members of the vessel that carries them to Canada.

### 13.17 Examining passports

The purpose of examining a passport is to verify information that has been provided by the holder or that appears on any immigration document issued to the person. A BSO should examine each passport to confirm the following:

- the name of the holder;
- the date of birth of the holder;
- other data such as the person's physical description, place of birth, marital status and profession;
- the country of citizenship;
- the photograph of the holder;
- the date of expiry; and
- visa pages (to determine previous trips to Canada or other recent trips or visa refusal stamps, typically found on the last page that may be relevant to the overall examination of the person).

CBSA's National Document Centre (NDC) contributes to helping prevent the movement of unlawful people across the border through the detection and analysis of document and identity fraud at POEs through collaboration with national and international partners on the integrity of their travel and identity documents and issuance processes. The NDC acts as a center of expertise for the CBSA and IRCC in the analysis of travel and identity document

fraud. On their page on [Atlas](#), you can find *Document alerts, Document bulletins and Document communiqués*.

BSOs also have access to [EDISON TD](#), a database which allows users to compare doubtful or unknown travel documents with high definition images of authentic ones. Most often, the documents shown are specimens, that is, documents provided by the issuing authority for comparative analysis purposes.

For more information, please consult section 13 of [ENF 32, Passports and Travel Documents](#).

### **13.18 Valid visas in expired passports**

Visa officers will not put a visa in an expired document and will not issue a visa for a period surpassing the expiry date of the passport or travel document. Occasionally, documents containing valid visas are cancelled or replaced. If a valid visa inside an expired document is presented at the POE along with a valid passport or travel document, the visa is considered valid.

### **13.19 Evidence of U.S. citizenship**

The following documents may be satisfactory evidence of U.S. citizenship:

- U.S. passports, U.S. passport cards, and Certificates of Citizenship and Naturalization are considered *prima facie* evidence and are acceptable proof of U.S. citizenship.
- A U.S. birth certificate, when accompanied by another document bearing a picture of the holder, is considered an indicator and may be an acceptable proof of U.S. citizenship.

A U.S. military identification card, although a good supporting document, is not *prima facie* evidence of U.S. citizenship. The U.S. military accepts recruits who are not U.S. citizens.

Sometimes, a verbal declaration may be sufficient to satisfy a BSO that a person is a U.S. citizen. For example, driver's licenses, health cards, U.S. Voter's Registration card, school records, credit cards are not *prima facie* evidence of citizenship, but they are often used along with a verbal declaration to satisfy the BSO of U.S. citizenship. In other circumstances, the BSO may require better documentary evidence for persons claiming to be U.S. citizens. BSOs should also familiarize themselves with the Enhanced Drivers Licence/Enhanced Identification Cards as well as the trusted traveller cards, such as FAST, NEXUS, CANPASS and the U.S. SENTRI card.

Indigenous identity documents which are recognized by the Government of the United States may assist the examining officer in reaching a determination of the person's US citizenship and country of residence. These documents are the US Enhanced Tribal Card (ETC) and I-872 American Indian Card.

To assist the travel industry, airlines and travel agents have been supplied with the following information:

- a U.S. passport constitutes the best form of identification for U.S. citizens travelling to Canada; and
- U.S. citizens may travel to Canada without passports if they have other means of establishing their citizenship, such as a U.S. birth certificate or naturalization papers.

## 13.20 Conditions imposed on temporary residents

[R183\(1\)](#) provides for the following general conditions that are automatically imposed on all temporary residents:

- to leave Canada by the end of their authorized period of stay;
- to not work, unless they have been issued a WP or are exempt from the requirement to obtain a WP pursuant to [R186](#) and/or [R187](#);
- to not study, unless they have been issued a SP or are exempt from the requirement to obtain a SP pursuant to [R188](#) and/or [R189](#); and
- to comply with all requirements imposed by an order or regulation made under the [Emergencies Act](#) or the [Quarantine Act](#).

A BSO does not need to document these conditions for every person authorized to enter Canada as a temporary resident as they are automatically imposed. However, if the BSO believes that a document is necessary as a control measure or as an aid in counselling the person regarding the conditions of their entry, they may generate a VR and explain in the *Notes* tab, without delay, why a VR was issued.

## 13.21 Duration of temporary resident status

[R183\(2\)](#) states that the period authorized for the stay of a temporary resident is six months or any other period that an officer imposes based on the following criteria:

- the temporary resident's means of support in Canada;
- the period for which the temporary resident applies to stay; and
- the expiry of the temporary resident's passport or other travel document.

## 13.22 Six-month entry

In most cases, a BSO should routinely authorize entry for a period of six months to a FN requesting entry as a temporary resident, even when the person requests entry for a very brief period. Six months is adequate for most purposes of travel and preclude the need for the person to request an extension.

The BSO should also stamp the foreign national's passport or travel document, inscribe a date of expiry based on a calculation of six months from the date of entry and initial the notation. Please refer to the [CBSA Stamp Policy](#) for more information on annotating a travel document. The BSO should counsel the FN on the need to comply with general obligations for the visit and of any extension, should one become necessary.

In instances where the principal applicant of the family is traveling with their family members, BSOs should generally authorize entry to all members of the family for the same length of time as indicated on the WP or SP of the principal applicant.

### 13.23 Entry for more or less than six months

Based on the information presented during an examination, a BSO at Immigration Secondary may decide to limit a temporary resident's stay to less than six months despite the length of time requested by the foreign national. If requested by the applicant and the BSO is satisfied that the FN is a temporary resident, is able to support themselves and accompanying family members financially, and is not inadmissible for reasons of health or security, the granting of entry for more than six months may be considered.

In no case should the BSO impose a period of time for a temporary resident's stay greater than the validity of the foreign national's passport or travel document. This will not be applicable to U.S. citizens and other FNs exempted under [R52\(2\)](#) from the requirement to be in possession of a passport or travel document.

### 13.24 When to document a temporary resident on a Visitor Record (VR)

A BSO at Immigration Secondary who limits a temporary resident's stay to a period of less than six months has in essence decided that there is a need to exercise an element of control over the foreign national's length of stay; therefore, a VR form [IMM 1097B](#) (for manual completion if GCMS is down) or IMM 1442 (in GCMS) is to be issued in order to document this decision. The BSO should record the reasons why a period of less than six months is being imposed in the *Notes* tab of the GCMS application, without delay.

Similarly, the BSO should issue a VR when authorizing a period of stay greater than six months and indicate in the *Notes* tab in the GCMS application without delay why the greater period of time is being granted.

A BSO at Immigration Secondary should document a FN on a VR if, in the BSO's opinion, a FN should be documented for control purposes regardless of the length of stay. This could include:

- a seafarer who is signing off or seeking entry to join a crew;
- a FN entering for medical treatment;
- a person extradited to Canada who is being allowed forward as a temporary resident;
- any temporary resident on whom other conditions pursuant to R185 are being imposed;
- foreign workers entering Canada to perform after-sales service and intending to remain in Canada for longer than two days, except workers performing continuing after-sales service whose entry has already been documented on a VR, the validity of which covers the period for which the person is seeking entry; or
- military personnel and their accompanying family members entering Canada under the *Visiting Forces Act*; and
- FNs entering as [clergy](#) under [R186\(I\)](#).

In certain situations, BSOs should issue a VR to the FN who is WP exempt so that they can benefit from certain privileges, such as obtaining a Social Insurance Number. These situations include:

- Public Policy: [Short-term work permit exemption for certain high-skilled work](#);
- Public Policy: [120-day work permit exemption for researchers](#); or



- [Missionaries](#) (e.g.: Jesus Christ of Latter Day Saints) coming to Canada for more than a six month period. Case type 13 in the GCMS application must be used when issuing a VR so that they may apply for and obtain provincial health coverage.

Creating or adding to an existing client record in GCMS with corresponding Notes will assist other BSOs in the event a person applies for an extension or if enforcement action is required.

### 13.25 Issuing VRs

VRs should be processed and issued in GCMS. If GCMS is not operational, a BSO at Immigration Secondary can complete the VR form [\[IMM 1097B\]](#) manually and enter the information in GCMS as soon as the system is available. For detailed information on completing and coding the IMM 1097B form manually, see the [coding manual](#).

There are no cost-recovery fees for documenting temporary residents on a VR.

A BSO who issues a VR, no matter the reason, should enter remarks in the *Notes* tab of the application, without delay.

### 13.26 Imposing, varying or cancelling conditions on temporary residents

[R185](#) authorizes a BSO at Immigration Secondary to impose, vary or cancel the following conditions individually concerning a temporary resident:

- the period authorized for their stay;
- the work in which they are permitted to engage or prohibited from engaging, including
  - the type of work;
  - the employer;
  - the location of work; and
  - the times and periods of work;
- in the case of a member of a crew, the period within which they must join the means of transportation;
- the studies in which they are permitted to engage or prohibited from engaging, including
  - the type of studies or course;
  - the location of the studies; and
  - the times and periods of the studies;
- the area within which they are permitted or prohibited to travel in Canada; and
- the times and places to which they must report:
  - for medical examination, surveillance or treatment; or
  - the presentation of evidence of compliance with applicable conditions.

All of these conditions should be imposed in writing by providing the FN with a VR, ST, WP or TRP. When conditions of entry are imposed on a manually completed form, it is not necessary to state on the form the conditions precisely as they are worded in the Regulations. An attempt to reflect the substance and spirit of the conditions in the Regulations and, whenever possible, the wording of [R183](#) and [R185](#) should be used. When a

BSO at Immigration Secondary completes a form in GCMS, they may select the appropriate conditions from the list on the screen.

The BSO should not use conditions as a means of discouraging a FN from coming into Canada. The reasons for imposing conditions on a temporary resident are to ensure that the person complies with the period and purpose for which they sought entry into Canada and to make the temporary resident aware of the need for formal authorization before extending that period or varying the purposes of the visit.

### 13.27 Situations where specific conditions may be considered

Situations where specific conditions may be considered include the following:

- For a FN seeking entry to join a crew of a vehicle already in Canada, a BSO at Immigration Secondary should impose a condition that would require them to join the means of transportation within a maximum period of time of 48 hours [[R184](#)].
- [R185\(d\)](#) authorizes a BSO to impose a condition that limits the area within which a temporary resident may travel in Canada. For example, the BSO might want to use the condition to limit the travel of a person in transit through Canada to another country (perhaps limiting the person to the airport and surrounding area), or the travel of a person coming to Canada to stand trial or to be a witness in legal proceedings.
- [R185\(e\)](#) authorizes the BSO to impose a condition on a temporary resident who otherwise complies with the Act and Regulations, but who has a medical condition of public health significance in Canada. The condition should name the time and place where the temporary resident must report for medical observation and treatment while in Canada. For more information on medical surveillance, please refer to section [12.10](#) above and manual [OP15](#), *Medical Procedures*.
- If the BSO imposes conditions on a temporary resident concerning attendance at a school, work, or medical examination, surveillance or treatment, the BSO should, as a control measure, also impose a condition requiring the person to present evidence of compliance with the conditions imposed [as authorized by [R185\(e\)\(ii\)](#)].

### 13.28 Deposits and Guarantees

[R45\(1\)](#) authorizes a BSO at Immigration Secondary to require, with respect to a person or group of persons seeking to enter Canada, the payment of a deposit or the posting of a guarantee, or both, to the Minister to guarantee compliance with the conditions imposed on the person or group.

The payment of a deposit or the posting of a guarantee is a control measure in cases where the BSO believes that a temporary resident or group of temporary residents may not comply with one or more conditions being imposed. The deposit or guarantee should specify an amount adequate to guarantee compliance and therefore alleviate doubt regarding a temporary resident's intentions in Canada.

For more information on situations that may warrant a deposit or a guarantee, or how to proceed, refer to [ENF 8](#), *Deposits and Guarantees*.

### 13.29 Counselling temporary residents

A BSO should attempt to answer any questions a temporary resident has concerning their status. When a BSO at Immigration Secondary counsels a temporary resident, they may wish to cover the following points:

- the expiry date of the visit;
- any conditions imposed;
- procedures for applying for an extension;
- cost-recovery requirements should the person seek an extension to their status; and
- information about the cancellation of conditions imposed and a refund if the person has paid a deposit or posted a guarantee (see [ENF 8](#), *Deposits and Guarantees*).

The sections to follow provide more detailed procedures for the examination of specific classes of persons seeking to enter Canada.

### 13.30 Recovering missing, abducted and exploited children

See [ENF 21](#), *Recovering Missing, Abducted and Exploited Children*, for more information on policies and procedures relating to examining children seeking to enter Canada.

### 13.31 Examining foreign students

All FNs require written authorization obtained from an IRCC visa office in order to come study in Canada. Certain exemptions apply when it comes to needing a SP. See [OP 12](#), *Students*, for specifics.

Certain FN are eligible to apply for a SP at the POE as per [R214](#). With few exemptions, all Quebec-bound study permit applicants must submit a Certificat d'acceptation du Québec (CAQ) or a confirmation letter from the [Ministère de l'Immigration, de la Francisation et de l'Intégration \(MIFI\)](#) when applying for a study permit. The CAQ is issued for a maximum of 49 months. Persons exempted from this requirement can be found on the MIFI's web site.

Quebec's [Regulation respecting the selection of foreign nationals](#) states at paragraph 49(g) that those mentioned at R214 are excluded from the requirement of obtaining a CAQ for a period of not more than six (6) weeks from their arrival to Canada. Should they not yet have a CAQ but meet all other eligibility criteria to apply for a SP at the POE, the BSO may issue a SP for a maximum of six (6) weeks and charge the fees. BSOs should also explain the situation in the permit's *Notes* tab without delay. When the FN mentioned at R214 receives their CAQ, they will have to apply for and pay the fees for a new SP.

For more information on this exemption, please refer to section 2.2 [Programme des étudiants étrangers](#) of the [Guide des procédures d'immigration](#) of the MIFI (available only in French).

### 13.32 Maritime procedures

See [ENF 17](#), *Maritime Procedures*, for information on the examination of persons seeking entry as crew members or wanting to become a member of a crew.

### 13.33 Examining foreign workers

## Remarks on VRs allowing people to work in Canada

Service Canada is asking that visible remarks be entered on VRs when a VR is issued to a person who is exempt of the need for a WP. Service Canada needs to know that the person is allowed to work in Canada and is exempt from the need for a WP so a social insurance number may be issued. BSOs at Immigration Secondary should clearly enter in the *User Remarks* section of the VR that the temporary resident is exempt from the need to obtain a WP under either: [R186](#), the 120-day WP exemption for researchers in a publicly funded Canadian degree-granting institution (or its affiliated research institution) or the 15- or 30-day WP exemption for certain high-skilled workers. For more information on these last two, see section [13.24](#) above and OB [PRG-2017-26](#), *New Work Permit Exemptions for High-Skilled Short-term Work and for Research*.

## Seasonal agricultural workers

There are two streams of agricultural workers:

- the Seasonal Agricultural Worker Program (SAWP) stream open to citizens of Mexico and other participating Caribbean countries; and
- the agricultural stream (non-SAWP).

Like all other temporary foreign workers, seasonal agricultural workers in both streams require social insurance numbers (SIN) while working in Canada. As of April 1, 2003, all social insurance cards issued to temporary residents have expiry dates on them, coinciding with the end of the validity period of the WP.

It is important that the expiry date matches the last date of the validity of the temporary resident's WP.

Temporary residents who require a social insurance card may find the application form on the [Service Canada website](#).

SAWP work permits should always:

- have an expiry date of December 15<sup>th</sup> of the current calendar year no matter the duration of employment indicated on the Labour Market Impact Assessment (LMIA). The only exception to limiting the WP to a date other than December 15<sup>th</sup> would be if the FN's travel document expires before December 15<sup>th</sup>;
- 98 as the *Case Type* in GCMS; and
- have the following *User Remarks* already added by the issuing office: "Approved MEX/CCSAWP employer only. Valid to work in ALL PROVINCES. Period of cumulative work not to exceed employment duration specified in the LMIA to a maximum of 8 months – R185(b)(iv)".

For more information on the SAWP, visit - [Hire a temporary worker through the Seasonal Agricultural Worker Program - Overview - Canada.ca](#)

For more information on the non-SAWP stream, visit [Hire a temporary foreign worker through the Agricultural Stream: Overview - Canada.ca](#)

## Role of countries sending seasonal workers

Agencies from sending countries must make sure of the following: at least 48 hours in advance, accurate departure lists of workers are sent directly to the CBSA airport office in Canada to ensure that the WPs are prepared (printed) before the arrival of each flight.

- **Note:** IRCC and Employment and Social Development Canada (ESDC) require that BSOs cancel the pre-printed WPs if the worker did not arrive on the scheduled date nor the following day. This ensures that employer compliance conditions are not imposed on an employer erroneously and allows IRCC to use the Labor Market Impact Assessment (LMIA) to issue a WP for another worker, if needed.

## At the airport in Canada

Each worker is referred to Immigration Secondary by a BSO at the PIL and presents their own:

- valid passport; and
- WP introduction letter, issued by a visa office.

## Role of BSOs at Immigration Secondary

BSOs at Immigration Secondary must make sure of the following:

- Verify the identity of the passport holder;
- Make sure the WP information is correct and matches the passport's biographical data;
- Stamp and properly annotate the passport with the expiry date, their initials and document number of the WP; and
- "Close the loop" in ICS.

## 13.34 Refugee claimants

For information on processing refugee claimants, refer to IRCC's [PDI](#), *In-Canada claims for refugee protection*. For instructions on handling possible claims for refugee protection see section 13 of [ENF 6](#), *Review of reports under A44(1)*.

For information on the United Nations High Commissioner for Refugees, visit the [UNHCR website](#).

## 13.35 Vulnerable persons

A vulnerable person is a person who has significant difficulties coping with the examination process, due to a specific condition or circumstance.

Examples of persons who may be identified as vulnerable could be someone who is:

- elderly;
- pregnant;
- with physical disabilities or injuries;
- an unaccompanied minor children;
- a victim of gender-based and/or family violence;
- a victim of human trafficking;
- a victim of trauma; and
- children, including those who are victims of abuse.

Individuals react to violence and trauma in various ways, and not all victims of violence and/or trauma exhibit identical or even similar symptoms. While some individuals may show signs of distress, including anxiety, irritability, nervousness, agitation, anger and aggressiveness, others may be easily intimidated and have difficulty communicating. The importance of building trust with victims/survivors might be helpful. For example, officers may need to explain how the examination process works, and their role as officers, to establish credibility and build trust. Officers should keep in mind that establishing a rapport and earning a victim's trust will help victims to be more open and to feel more comfortable about providing information. It may be helpful to separate individuals when conducting interviews if the BSO suspects there may be violence, trafficking, etc. involved. Also ask the victim whether they would be more comfortable in the presence of a female or male officer.

FN victims brought to Canada by human traffickers for exploitation purposes are exposed to increased vulnerabilities because they may have little or no knowledge of Canadian customs, laws and human rights, and this lack of knowledge may be used by the trafficker to compel the victim to provide their labour or service. Victims may react with fear, suspicion, skepticism, distrust, hesitation and/or hostility towards outsiders, especially law enforcement. They may worry about their immigration status in Canada and/or fear of being issued a removal order and deported. They may also be concerned about the continued availability of services in Canada.

Trauma occurs when a victim lives through an experience so extreme that they cannot completely comprehend or accept it. Consequently, it falls so far outside the victim's own system of values for human behaviour that they cannot rationalize it and may even deny that it ever happened. Key symptoms of trauma likely to have serious implications include:

- denial of being a victim of gender-based violence (GBV), even in the face of contradictory evidence;
- de-personalization of the abusive experience and coming to regard it as having happened to another person;
- fragmentation of memory, perception, feeling, consciousness and sense of time;
- difficulty in providing a clear and consistent statements to investigation; and
- tendency to fill in memory blanks by making up plausible elements of a traumatic situation.

Due to these types of trauma, one of the optimal methods for working with victims is to help them feel stable by providing security and assistance.

As a general principle, all offices must be flexible to provide priority processing to travellers who are identified as vulnerable persons.

For additional information on identifying and processing vulnerable persons, see IRCC's PDI, [Processing in-Canada Claims for Refugee protection of minors and vulnerable persons](#) and [Addressing cases where a person has experienced abuse](#).

For *Trafficking in Persons*, refer to CBSA's *Enforcement Manual*, [part 2, chapter 15](#).

### **Victims Support**

In Canada, responsibility for the protection of victims of crime is shared between the federal and provincial/territorial governments. Numerous programs and services are available to victims of crime, including trafficking. These range from health care to emergency housing, and social and legal assistance. Legal-aid programs are administered separately by each province and territory, and eligibility is based primarily on financial need. Similarly, social services such as emergency financial assistance, including food allowances and housing, are administered at the provincial and territorial levels and are available to those in need.

A TRP may be issued by [IRCC](#) for victims of family violence or victims of trafficking in persons (VTIP). Should a TRP be issued by IRCC, essential medical care will be provided through the Interim Federal Health (IFH) Program. A vulnerable person, such as a victim of GBV, may be without documents or lack resources such as finances, shelter, or family and friends. However, when a potential victim without legal status is identified at a POE or Inland, and the local IRCC office is unavailable for an interview, the CBSA should ensure the custody and safety of the individual by releasing them on conditions into the care of a NGO, in an immigration holding center, or into the care of a family member. The CBSA must exercise reasonable care for the victim's protection and well-being.

All encountered victims of family violence or trafficking in persons who are FNs, should immediately be referred to IRCC for an interview on immigration options (which could include issuance of a TRP).

**Note:** The CBSA should immediately contact local Child Protection Services when encountering a child who is believed to be a victim of abuse.

## **13.36 Biometrically enrolled FNs and PRs**

Biometrically enrolled FNs and PRs arriving at a POE will have their travel documents examined and their biometrics compared or verified to assist in making an admissibility decision.

[R12.1](#) lists in which situation biometrics must be collected.

[R12.2\(1\)](#) lists the persons exempt of having their biometrics collected.

[R12.5](#) outlines the procedure for biometric verification upon entry to Canada. When seeking entry to Canada and when directed by an officer or by alternative means of examination, a biometrically enrolled person shall provide their biometrics for verification.

### **Biometric Verification – IPIL**

If the traveller was biometrically enrolled, the biographic data and photo collected at the time of application will be displayed on the IPIL screen under the Bio tab. The BSO will compare the biometric enrollment photo displayed in IPIL to the traveller and will select

whether the photo matches or does not match. If the BSO has doubts as to the traveller's identity, the BSO will refer the traveller to Immigration Secondary for fingerprint verification.

### **Biometric Verification – PIK with systematic fingerprint verification (SFV)**

Biometrically enrolled travellers who complete their primary processing via PIK with SFV will be prompted by the system to complete a fingerprint verification. A no-match result will generate a referral to Immigration Secondary.

At POEs where PIK does not have SFV integrated, the traveller will not be referred to Immigration Secondary but to a referral officer who will do a facial comparison. Should the BSO have doubts on the traveller's identity, they may refer them to Immigration Secondary for fingerprint verification.

Should the verifications raise doubts regarding the identity of the foreign national, existing procedures will be followed to determine admissibility.

See [part 11, chapter 7](#) of the *People Processing Manual* for further information on the processing of biometrically enrolled FNs. For guidelines, refer to the [Job Aid on Systematic Fingerprint Verification](#).

Also, BSOs can refer to [OBO-2022-02](#), [2021-HQ-AC-01-19](#), [PRG-2019-07](#), [PRG-2018-69](#) and [2018-HQ-AC-OPS-12-11](#) for more information.

## **13.37 Collection of Biometrics at POEs**

Biometrics screening helps to keep Canadians safe. The collection (through enrolment) and verification of biometrics, along with criminal and immigration screening and biometric-based information sharing, strengthen the integrity of Canada's immigration program. This helps prevent identity fraud, identify those who pose a security risk and stop known criminals from entering Canada.

As per [R12.1](#) the collection of biometrics at the POE is mandatory for WPs, SPs, TRPs, asylum claimants and a limited number of resettled refugees where IRCC has provided a temporary exemption to the biometric requirement as per [R12.8](#). The enrolment can only be done at select Immigration Secondary where there is a LiveScan Kiosk as per [R12.001](#).

In order for the biometrics to be automatically associated to the client, the application must be created in GCMS **prior** to capturing the traveller's fingerprints for enrollment. Should the automatic association fail, BSOs will have to manually associate the biometrics to the application. For additional information on querying the biometrics holding tank in GCMS and associating biometrics, please refer to [Search and Associating Biometrics](#) document and [Video: GCMS Support for Fingerprints in the Holding Tank](#).

For more information such as guides on enrolling biometrics, please consult the [Biometrics Toolkit](#) on Atlas as well as the [LiveScan User Guide](#) and [Quick Reference Card](#).



Additional guidance can also be found in [OBO-2020-075](#).

## 14 Dual intent

[A22\(2\)](#) states that the intention of a FN to become a PR does not preclude them from becoming a temporary resident if the BSO is satisfied that they will leave Canada by the end of the period authorized for their stay.

A person's desire to await the outcome of an application for permanent residence from within Canada may be legitimate and should not automatically result in the decision to refuse entry. A BSO at Immigration Secondary should distinguish between such a person and an applicant who has no intention of leaving Canada if the application is refused.

In rendering a decision, the BSO should consider:

- the length of time required to process the application for PR status;
- the means of support;
- obligations and ties in the home country;
- the likelihood of the applicant leaving Canada if the application is refused; and
- compliance with the requirements of the Act and Regulations while in Canada.

In some cases, the BSO may wish to issue a VR documenting the details of the trip for control purposes and provide thorough counselling regarding the conditions of entry. The BSO should enter remarks in the *Notes* tab of the application in GCMS detailing their reasoning and counselling given, without delay. In cases where the applicant has already received a favourable recommendation for PR status, the duration of time authorized at the POE should match the time required to complete the processing of the application.

## 15 Temporary Resident Permits (TRPs)

A BSO at Immigration Secondary has discretion, pursuant to [A24\(1\)](#), to issue a TRP to an inadmissible FN seeking entry to Canada if satisfied that entry is justified in the circumstances. Consult IRCC's PDI on [Temporary Resident Permits](#) for more information.

### 15.1 Process at the POE for persons approved for a TRP by a visa office

- **Background:** Visa offices that approve TRP applications will generate the TRP electronically in GCMS for issuance at the POE. This process is similar to the present process being used when a SP or WP is issued by a visa office.
- **Letter of introduction:** The applicant arrives at the POE with a letter of introduction from the visa office. The top right-hand corner of the letter has the application number. BSOs must do an Integrated Name search and not an application number search in GCMS. This ensures the BSO uses the appropriate application in GCMS.
- **Facilitation counterfoil:** Visa offices issue a facilitation counterfoil [IMM 1346] to FNs who are from a country where a visa is required and have been approved for a TRP. This counterfoil allows the FN to board a commercial carrier bound for Canada.
- There are two types of facilitation counterfoils that can be issued to TRP holders (single entry or multiple entry):

- When a FN from a visa-required country has been approved by a visa office to travel to Canada to receive a TRP, a counterfoil coded PA-1 will be issued by the visa office.
- When a FN from a visa-required country has been approved by a visa office to travel to Canada to receive a TRP that authorizes re-entry to Canada, the FN must apply at a visa office for a facilitation counterfoil prior to returning to Canada. This counterfoil will be provided at no cost and be coded PC-1.

**Note:** Officers at Immigration Secondary must counsel the FN that, should they leave, they require a counterfoil prior to returning to Canada.

## 15.2 Issuing a TRP approved by a visa office

The BSO at Immigration Secondary will do the following:

- Determine whether the FN is still eligible for the TRP by assessing whether there is any material change in circumstances and ascertaining whether there are other grounds of inadmissibility since being issued the documentation from the visa office;
- Retrieve information from GCMS by doing an Integrated Name Search using the client's bio data;
- Enter the required information, such as contact address in Canada into GCMS;
- Print the TRP on an IMM 1442B form and attach the foreign national's passport-sized photograph. Should the FN not provide a photograph, it should be taken at the POE;
- Stamp the foreign national's passport and notate as per the [CBSA stamp policy](#); and
- Counsel FNs from visa-required countries to obtain a facilitation counterfoil by a visa office if they wish to leave and re-enter Canada.

## 15.3 Process for initiating a TRP at the POE

Officers may issue TRPs when justifiable and with awareness that the document carries privileges greater than those accorded to other temporary residents (visitors, students and workers). It allows the holder to apply inland for a WP or SP and may give access to health or other social services. It also allows certain holders who remains in Canada continuously for a specified period of time, and who do not become inadmissible on other grounds, to be granted PR status. Factors to consider prior to issuing a TRP are listed below in section [15.4](#).

For cases involving **serious criminal inadmissibility**, a brief email outlining the case details (red flagged to indicate high importance) is to be sent to the [CBSA's Case Management Branch](#). Referral to IRCC's Case Management Branch is not required unless the case is high profile or contentious, in which case officers are encouraged to consult with [IRCC's Case Management Branch](#). Detailed remarks must always be included in the appropriate systems when documents are issued.

For cases involving **inadmissibility on health grounds**, officers should send a short case summary by email to IRCC's [Migration Health Branch](#).

Once the officer has made the decision to issue a TRP, the following procedures must be followed to ensure that all elements of the decision-making process are documented and all policies and procedures are adhered to, in accordance with [IL 3 – Designation of Officers and Delegation of Authority](#):

- Create a paper TRP file for each client by printing and completing Appendix D’s [Temporary Resident Permit Checklist](#).
- Add the foreign national’s contact address in Canada to GCMS.
- Check validity dates and indicate whether the person shall be allowed to leave and re-enter Canada.
- Collect the \$200 processing fee if required (see section [15.6](#)).
- Print the TRP on an IMM 1442B.
- Stamp the foreign national’s passport as per [the CBSA stamp policy](#).
- Counsel FNs from visa-required countries to obtain a facilitation counterfoil by a visa office if they wish to leave and re-enter Canada.
- Counsel the FN about their inadmissibility and the ramifications of that inadmissibility for future trips to Canada (e.g. require a TRP be issued by visa office prior to any future trips to Canada).
- Create a note in GCMS regarding your justification for issuing a TRP and the counselling given. This is important as it can be referenced if the FN did not heed the counselling given their last trip.

## 15.4 Assessment of need and risk when issuing a TRP

An inadmissible person’s need to enter or remain in Canada must be compelling and sufficient enough to overcome the health or safety risks to Canadian society.

Officers must consider the factors that make the person’s presence in Canada necessary (family ties, job qualifications, economic contribution, attending an event) and the intent of the legislation (protecting public health and the healthcare system).

**Note:** only IRCC can issue a TRP to victims of human trafficking, suspected victims of human trafficking, and victims of family violence.

### Factors to consider

A TRP can be issued for up to three years. Will the TRP be valid for re-entry or for only one trip?		
<b>Criminality</b>	<b>Medical</b>	<b>Other</b>
<ul style="list-style-type: none"> <li>• What was the seriousness of the offence?</li> <li>• Did the crime involve physical harm or violence?</li> <li>• What was the punishment received for the offence?</li> <li>• What are the chances of successful settlement without committing further offences?</li> </ul>	<ul style="list-style-type: none"> <li>• Is the person suffering from a communicable or contagious disease?</li> <li>• How severe is the person’s anticipated need for health or social services in relation to the demand for these services by Canadian residents?</li> <li>• What is the cost of the treatment?</li> <li>• How will the costs be covered?</li> <li>• Will provincial public health insurers</li> </ul>	<ul style="list-style-type: none"> <li>• Is this a first-time visit and is the person unaware of their inadmissibility?</li> <li>• Is there an economic benefit for Canadians if the person is coming for business reasons?</li> <li>• Is this an urgent family situation such as a funeral, wedding or other low-risk compassionate reason?</li> <li>• Is there a pattern of previous or multiple</li> </ul>

<ul style="list-style-type: none"> <li>• Were drugs or alcohol involved?</li> <li>• Is there evidence that the person has been reformed or is rehabilitated?</li> <li>• Is there a pattern of criminal behaviour?</li> <li>• Is the person eligible for a pardon or rehabilitation?</li> <li>• How long has it been since the offence occurred?</li> </ul>	<p>provide insurance coverage?</p>	<p>violations of the Act or Regulations?</p> <ul style="list-style-type: none"> <li>• Are there public controversial elements to the case that warrant a referral to National Headquarters?</li> <li>• Is there a settlement risk, as persons continuously on a TRP for a specified period of time will be granted permanent residence?</li> <li>• Are there any Indigenous cultural considerations?</li> </ul>
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## 15.5 GCMS remarks

To ensure that the decision to issue a TRP is made in accordance with policies and procedures, remarks in GCMS must include:

- a description of the inadmissibility and its equivalent in the Canadian Criminal Code;
- a description of the compelling reasons to warrant the issuance of the TRP and how the need outweighs the risk:
  - economic contribution,
  - national interest,
  - personal reasons,
  - political visit,
  - ministerial intervention;
- relevant circumstances that prompted a favourable recommendation;
- duration of the TRP as it corresponds with the purpose of the trip; and
- a description of the reasons for either granting or refusing re-entry.

Example: John Q. Public, DOB 01JAN1985, born in the USA, has one charge of ... from ... which equates to A...has been issued a TRP because...

## 15.6 Public policy: Fee exemption for certain TRPs

Certain TRPs issued to FNs who are inadmissible are fee-exempt under public policy.

As of March 1, 2012, a public policy went into effect wherein **certain** FNs who are inadmissible under [A36\(2\)](#) are exempt (one time only) from the fee for a TRP.

The fee-exempt TRP may be considered only if **all** of the following conditions apply:

- The person was convicted of an offence, not including child pornography or any sexual offence, and received no term of imprisonment as part of the sentence imposed.
- There have been no other convictions or acts committed that would render the person inadmissible.

The fee exemption is available to those who meet the criteria even if they have been issued a TRP in the past.

Before issuing the TRP, officers must check GCMS to ensure the one-time fee-exempt TRP has not already been granted. Officers must also counsel the FN that they are inadmissible to Canada and that they are being facilitated with a one-time only fee-exempt TRP, that a TRP is only issued in exceptional circumstances, and that they should apply for another TRP at a visa office if they wish to return to Canada in the future, or to apply for individual rehabilitation if they meet the requirements to do so.

On January 11, 2012, the Minister of Citizenship, Immigration and Multiculturalism approved a public policy that allows BSOs to grant an exemption from the TRP cost recovery fee for TWOV/CTP and emergency landing travellers from visa-required countries who find themselves improperly documented ([A41](#)) upon arrival in Canada through no fault of their own.

BSOs should make the validity of the TRP coincide with the FN's newly scheduled departure time.

BSOs issuing TRPs under these circumstances should include the following note in GCMS and on the document: "TRP fee exemption granted pursuant to *Fee Exemption for Temporary Resident Permits Issued to Foreign Nationals in the Transit Without Visa Program, the China Transit Program and Emergency Landing Situations.*"

For more information on the Cost recovery fee exemption for TRPs for A36(2), consult operational bulletin [PRG-2012-34](#).

For more information on the Cost recovery fee exemption under the TWOV/CTP and emergency landing, consult operational bulletin [OBO-2019-040](#) and IRCC's [PDI](#) on the subject.

## **15.7 TRPs issued in high-profile, complex, sensitive or contentious cases**

The [designated authority](#) must inform the [CBSA's Case Management](#) and IRCC's [NHQ mailbox](#) by sending a brief email (red-flagged to indicate high importance) outlining the case details when they issue a TRP. Detailed remarks must always be included in the appropriate systems when TRPs are issued.

For more information on these cases, refer to IRCC's [PDI](#) on the subject.

## **15.8 National Interest TRPs**

In the event that persons approved for a National Interest TRP (NI-TRP) are referred to Immigration Secondary, officers will note the special coding of the TRP (PAX-1) and the information in GCMS and allow the person to proceed as normal. The information in GCMS will indicate the details for the authorization of the TRP, **mainly that no TRP document will be given to the subject** at the POE, and that the holder of an NI-TRP counterfoil issued by the visa office does not require referral to Immigration Secondary at the POE for the sole purpose of processing the TRP.

If the holder of an NI-TRP is referred to Immigration Secondary, an email message should be sent to [IRCC's Case Management Branch](#) and the issuing visa office.

For more information on NI-TRP, please refer to IRCC [OB 463](#).

## 15.9 Designated authority to issue a TRP

The designated authority to issue a TRP could be found in the [Instrument of Designation and Delegation \(IL 3\)](#) and is listed below:

### BSO

- [A36\(2\)](#), Criminality
- [A39](#), Financial reasons
- [A40](#), Misrepresentation
- [A41](#), Non-compliance
- [A42](#), Inadmissible family member

### Superintendent

- [A36\(1\)](#), Serious criminality
- [A38](#), Health grounds

### IRCC NHQ only

- [A34](#), Security
- [A35](#), Human or international rights violations
- [A37](#), Organized criminality

### Cancelling a TRP

- Certain CBSA officials have now been added to the list of persons who are designated by the Minister to cancel TRPs. Previously, only IRCC officials had this authority. For the complete list of persons designated to cancel a TRP, refer to item 106 of the [IRCC Instruments of Designation and Delegation \(D & D\) Instruments](#).
- For more details, please refer to [OBO-2019-042](#).

## 15.10 TRP file folder retention and storage

File folders should be stored in a secure cabinet for two years and then destroyed using an approved shredder.

## 15.11 Validity of TRPs

Pursuant to [R63](#), a TRP is valid until any one of the following events occurs:

- the permit is cancelled by the delegated authority under [A24\(1\)](#);
- the permit holder leaves Canada without obtaining prior authorization to re-enter Canada;
- the period of validity specified on the permit expires; or
- a period of three years elapses from its date of validity.

## 15.12 TRPs valid for re-entry to Canada

BSOs should be aware that a TRP holder from a country where a visa is required with prior authorization to re-enter Canada may seek entry to Canada without having obtained a facilitation counterfoil [IMM 1346 counterfoil, coded PA-1 or PC-1] from a visa office. In these cases, the TRP holder is to be granted entry to Canada following a favourable examination for identity and admissibility. The fact that they obtained passage to Canada without the facilitation counterfoil (PA-1 or PC-1 counterfoil) does not render the FN inadmissible. However, a TRP holder, if not exempt under [R52\(2\)](#), will be inadmissible if they fail to produce a valid passport or travel document.

**Note:** For more information on TRPs, see IRCC's manual [IP 1](#) and [PDI](#), *Temporary Resident Permits*.

## 16 Persons allowed into Canada by law

### 16.1 Persons under removal order who are refused entry to another country

A person subject to an enforceable removal order who leaves Canada, but is refused entry into the country they departed to and are subsequently returned to Canada, by force of circumstances, shall be allowed to enter Canada pursuant to [R39](#).

Although a BSO at Immigration Secondary shall allow these persons to enter Canada, they continue to be subject to removal as the removal order remains unenforced as per [R240\(1\)\(d\)](#). The BSO should ensure that the person is in possession of documentation confirming that they have been refused entry to the country to which they were seeking entry. If there has been a lengthy delay between the person's departure and return, the BSO should investigate to ensure that the person has not been authorized to legally enter another country. It is reasonable to expect that the person should be returning to Canada on the next available flight from the country they had attempted to enter.

If the BSO is satisfied that the person was not legally authorized to enter another country, the BSO should counsel the person that they are still under a removal order and that the payment of a deposit, the posting of a guarantee or any conditions imposed remain in effect.

The BSO may impose new conditions or, without a warrant, arrest and detain the person, other than a protected person under [A55\(2\)](#), for removal if the BSO is satisfied that the person is a danger to the public or would be unlikely to appear for removal, especially if the person had been in detention prior to departure.

For more information, see [ENF 10, Removals](#).

## **16.2 Persons with certificates of departure who are refused entry to another country**

If a person has been issued a *Certificate of Departure* form [[IMM 0056B](#)] on departing Canada and is not granted entry to another country, the BSO at Immigration Secondary should cancel the Removal (*Certificate of Departure*) in GCMS and create a Note indicating that the person was refused entry to that country and was allowed back into Canada pursuant to [R39\(a\)](#). The GCMS Notes should state that the person was not authorized to legally enter another country and has not met the requirements of the removal order. Therefore, the officer should ensure that there is an enforceable removal order in GCMS (a new removal order may need to be generated). The order remains outstanding and the person is still required to leave Canada. The BSO may consider whether detention is appropriate or whether the person can and will voluntarily effect their departure. The BSO should also notify the removal officer, if it was an Inland case, of the situation via email.

For guidelines on Certificate of Departure cases, see section 28 of [ENF 10, Removals](#).

## **Seizure of documents**

If the person is in possession of any travel or identity documents, the BSO should consider whether it is appropriate to seize the documents to facilitate their future removal from Canada. The documents would be forwarded to the office handling the removal.

See section 8 of [ENF 12, Search, Seizure, Fingerprinting and Photographing](#), for procedures relating to the seizure of documents.

## **16.3 Mutual Legal Assistance in Criminal Matters Act (MLACMA)**

Under [R39\(b\)](#), persons returning to Canada under a transfer order made under the *Mutual Legal Assistance in Criminal Matters Act* (MLACMA) shall be allowed to enter Canada. This applies only to persons who, immediately before being transferred to a foreign state under the transfer order, were subject to an unenforced removal order.

The MLACMA and treaties implemented under its authority are used by prosecutors, police agencies and other government investigative agencies responsible for the investigation and prosecution of criminal offences. Assistance provided on a reciprocal basis may include activities such as locating and questioning witnesses, obtaining search warrants, locating suspects and fugitives from justice, obtaining evidence, and transferring persons in custody for the purposes of assisting in investigations or testifying in criminal proceedings.

The MLACMA, proclaimed on October 1, 1988, enables Canada to implement treaties, signed with foreign states that oblige Canada to provide legal assistance in the investigation,



prosecution and suppression of criminal offences. The Minister of Justice is responsible for the implementation of treaties and for the administration of the MLACMA.

The provisions of the MLACMA prevail over those of IRPA, except for statutes limiting or prohibiting the disclosure of information. The effect of the MLACMA and any treaties that flow from it on the CBSA's operations are limited to three areas:

- facilitating the transfer of persons at POEs;
- taking enforcement action against persons who are allowed to enter Canada for the purposes of mutual legal assistance and who violate any of the conditions of an authorization to enter Canada granted by the Minister of Justice; and
- exchanging information.

The MLACMA allows for testimony, in a foreign state, by officers who, during the performance of their duties, encounter persons wanted for crimes in a foreign state or involved in criminal activity. Requests for officers to testify in the United States are usually made by the Office of International Affairs, which is a branch of the US Department of Justice, to the Canadian Department of Justice. The appropriate course to follow in these cases is set out in the MLACMA, the Canada-United States treaty implementing this Act and the related government policies and procedures.

Officers who are called to testify should be aware of the *Privacy Act*, which prohibits the disclosure of personal information unless an international agreement or arrangement exists. There is also a [Statement of Mutual Understanding on Information Sharing](#) (SMU) between IRCC, the U.S. Immigration and Naturalization Service (USINS), and the U.S. Department of State (DOS), which allows participants to assist each other in the administration and enforcement of their respective immigration laws by providing information that might otherwise be prohibited under the *Privacy Act*.

Whenever possible, the Minister of Justice will provide notice to the responsible immigration representative, of the place, date and time of arrival of a person coming to Canada for the purposes of mutual legal assistance. The representative will in turn notify the POE concerned to ensure that a BSO is present to facilitate that person's movement through the POE.

## **Authorizations to enter Canada**

Under [section 40](#) of the MLACMA, the Minister of Justice has the authority to authorize an inadmissible FN to enter Canada.

A BSO at the PIL must refer for a secondary examination, any person seeking to come into Canada under the authority of an Authorization to Enter Canada, issued by the Minister of Justice of Canada.

Persons arriving at POE and seeking to come forward under an authorization signed by the Minister of Justice do not come within the jurisdiction of the CBSA. Such persons are not subject to normal passport and visa requirements, nor can a BSO examine them to determine admissibility or detain them.

Law-enforcement officers will always escort incarcerated persons from one institution to the other. Persons who are not incarcerated in a foreign state and who are coming to Canada in

compliance with a request made by a Canadian investigative or prosecuting authority will be met at the POE by a police officer.

In both cases, the escorting officer or the police officer will present a BSO at Immigration Secondary with a copy of the authorization issued by the Minister of Justice. The authorization will indicate the person's name, citizenship, the destination, the specific period of time during which the person is authorized to remain in Canada and any additional conditions that the Minister of Justice deems appropriate [[subsection 40\(1\)](#) of the MLACMA].

The conditions may include reporting to an Inland office during the person's stay and may be varied by the Minister of Justice, particularly with respect to the granting of any extension of the time period for which the person is authorized to remain in Canada.

When a BSO at Immigration Secondary receives a copy of the authorization to enter Canada granted by the Minister of Justice, the BSO must forward it directly to the regional representative responsible for enforcement. The regional representative will ensure that the authorization is sent on for monitoring purposes to the responsible CBSA office in whose area the person concerned is authorized to stay.

A person who comes into Canada under an authorization of the Minister of Justice, and who fails to comply with the conditions set out in the authorization is deemed, for the purposes of IRPA, to be a person who entered Canada as a temporary resident and remains after the period authorized for their stay [[subsection 40\(3\)](#) of the MLACMA].

## **Assistance and information**

An inadmissible FN who is unescorted may approach a POE claiming to be coming to Canada for mutual legal assistance purposes. If so, and if no police officer is on site to meet the person, the BSO should immediately contact the International Assistance Group, Department of Justice Canada, Ottawa, to request confirmation and advice before proceeding with the case (telephone: 613-957-4758 or 613-957-4768).

Information regarding persons arriving in Canada under the MLACMA is considered sensitive. Interception by unauthorized persons may endanger the safety of the escort officer, inmate or other persons. It is imperative that all information regarding these cases be transmitted through secure channels.

## **16.4 Court transfer orders**

A Canadian court can make a transfer order at the request of a foreign state. The Minister of Justice may approve the transfer of a sentenced inmate from a Canadian prison to a foreign jurisdiction where the inmate is required to testify in a foreign court or to assist otherwise in the investigation of a crime. The transfer order specifies the name and citizenship of the detainee, the place in Canada at which the term of imprisonment is being served and the date on or before which the detainee is expected to be returned to the original place of confinement in Canada.

A BSO at the PIL must refer for a secondary examination any person seeking to come into Canada on a transfer order of a Canadian court who is returned to Canada for completion of their sentence.

Persons returning to Canada under the authority of a transfer order are subject to examination.

Officers must check GCMS and assess whether the person is already subject to IRPA enforcement and should provide all relevant information to the CBSA Inland Enforcement officer managing the case. If the person is not subject to IRPA enforcement, but may be inadmissible, officers should gather relevant evidence and forward it to an CBSA Inland Enforcement Office closest to the correctional facility.

For further details on managing persons serving a sentence and IRPA enforcement options, refer to [ENF 22](#), *Persons Serving a Sentence*.

## 16.5 Persons extradited to Canada from countries other than the U.S.

When examining a person who is coming to Canada under extradition proceedings from a country other than the U.S., a BSO should obtain (at a minimum) the following information for control purposes, either from the person being extradited or from the person’s escort:

Status	Required Information
Canadian citizen	<input type="checkbox"/> person’s name  <input type="checkbox"/> proof of citizenship
Permanent resident	<input type="checkbox"/> person’s name  <input type="checkbox"/> date of birth  <input type="checkbox"/> country of citizenship  <input type="checkbox"/> date permanent resident status in Canada was obtained  <input type="checkbox"/> place where the trial is to be held
Foreign national	<input type="checkbox"/> person’s name  <input type="checkbox"/> date of birth  <input type="checkbox"/> country of citizenship  <input type="checkbox"/> place of permanent residence  <input type="checkbox"/> place where the trial is to be held

If the extradited person is not a Canadian citizen, a BSO should forward a memorandum containing all information relevant to the person’s entry requirements (including a copy of a TRP, if applicable) to the CBSA inland enforcement office nearest the place where the trial is to be held, with a copy to the Director of Enforcement in that region.

## 17 Examining persons who may be medically inadmissible

## 17.1 FNs seeking entry for medical treatment

When evaluating temporary resident applications for medical treatment in Canada, BSOs need to assess both the health and good faith of the applicant.

If a FN has a medical condition that could pose a danger to the public health or safety of Canadian residents, the BSO will determine if the FN should submit to an Immigration Medical Examination (IME) to ensure their health condition does not render them inadmissible to Canada under [A38\(1\)\(a\)](#) or [A38\(1\)\(b\)](#). Once the medical exam is performed, the results are sent to IRCC Migration Health Branch (MHB) who will issue an opinion regarding potential inadmissibility under A38(1).

When requesting a medical admissibility opinion, CBSA officers will refer the request to [IRCC.MHBIMPV-RITDMDGMS.IRCC@ic.gc.ca](mailto:IRCC.MHBIMPV-RITDMDGMS.IRCC@ic.gc.ca). The request must include the following information:

- Request is for an IRCC MHB opinion of medical admissibility under IRPA.
- Client details such as full name, DOB, POB, UCI, etc.
- A narrative articulating the nature of the request.
- Signed Medical Consent and Authorization form from the client to allow sharing of medical information with IRCC.

MHB will offer a medical admissibility opinion based on the information provided, normally within three business days. The medical admissibility opinion may be used as evidence to support an A44(1) report and subsequently a finding of inadmissibility under A38(1) at an admissibility hearing at the ID.

If an applicant is seeking medical treatment that would cause displacement on a waiting list for Canadians, the application should be refused under [A38\(1\)\(c\)](#).

Persons coming to Canada for medical treatment are expected to produce evidence of an agreement with the treating physicians and institutions that clearly indicates the medical condition being treated, the proposed course of treatment and arrangements for payment.

The person must satisfy the BSO at Immigration Secondary that all associated expenses, including travel and accommodations costs, will be discharged without resulting in any cost to Canadian health or social services.

Applicants who provide satisfactory evidence that they will pay the costs of their treatment (usually through an agreement with the Canadian treating physician and medical institution) and who meet all other requirements for temporary residence, do not require a TRP to enter Canada.

Where it is determined that the applicant's circumstances and ability to pay have changed since the letter of agreement was issued, the officer may ask for evidence that the care-provider in Canada is aware of the new circumstances and that payment arrangements are not affected.

A FN who cannot satisfy the BSO that they will be able to pay for medical services and treatment may be inadmissible under A39.

For additional information, see [ENF 5, Writing 44\(1\) Reports](#), for more information on procedures for dealing with A44(1) reports on inadmissible persons. See also [ENF 2, Evaluating Inadmissibility](#), for more information on determining inadmissibility as well as [ENF 1, Inadmissibility](#).

Pursuant to section 22 of the [Canada/Quebec Accord](#), Quebec's prior consent is required with respect to foreign visitors entering that province to receive medical treatment.

Foreign nationals who are coming to receive medical care treatment in a Quebec public health facility must apply for and obtain a Quebec acceptance certificate (CAQ). There are no situations where a foreign national would be exempt of this obligation.

For more information on this exemption, please refer to section 2.3 [Programme de séjour temporaire pour traitement médical](#) of the [Guide des procédures d'immigration](#) of the MIFI (available only in French).

For information on FNs coming to Canada for the purpose of giving birth, please refer to [IRCC guidelines](#).

## 17.2 FNs living with HIV/AIDS and the excessive demands criteria

It is IRCC's policy that persons with HIV/AIDS do not represent a danger to public health. Therefore, a FN with HIV/AIDS seeking entry into Canada would not, in the absence of contrary evidence, be inadmissible pursuant to [A38\(1\)](#) and the BSO would not normally request a medical examination based on concerns about danger to public health or safety. However, persons living with HIV/AIDS may be medically inadmissible if they have an associated medical condition that is considered a public health risk such as active tuberculosis.

Another concern is the excessive demand that may be placed on health or social services by any applicant experiencing severe or chronic illness. As with any other FN making application to enter Canada, persons with HIV/AIDS would not normally be expected to place a demand on health services. It is therefore departmental policy that a diagnosis of HIV/AIDS is not in itself a barrier to visiting Canada. When making a determination, BSOs should only consider whether it is likely that the person will require hospitalization during their visit. The carrying of medication used in the treatment of HIV/AIDS is not grounds for denying temporary residence.

## 18 Options for dealing with inadmissibility and incomplete examinations

A BSO at Immigration Secondary has a variety of options available when an examination cannot be completed or when a person is believed to be inadmissible.

### 18.1 Further examination

Situations or circumstances may arise where an adjournment is necessary to ensure a proper examination by a BSO in Immigration Secondary. For example, a BSO may require an interpreter or additional documents, information or evidence to determine admissibility.

The facilities may be inadequate or personnel may not be readily available to deal with volumes.

[A23](#) authorizes a BSO to allow a person to enter Canada for the purpose of further examination or for an admissibility hearing. [R43\(2\)](#) clarifies that persons who are authorized to enter Canada for further examinations do not acquire temporary resident or PR status.

## **Mandatory conditions to be imposed**

Where the BSO adjourns an examination under A23, R43(1) requires that mandatory conditions be imposed:

- to report in person at the time and place specified for the completion of the examination or the admissibility hearing;
- to not engage in any work in Canada;
- to not attend any educational institution;
- to report in person to an officer at a POE, if the person withdraws their application to enter Canada; and
- to comply with all requirements imposed on them by an order or regulation made under the [Emergencies Act](#) or the [Quarantine Act](#).

Persons whose examination has been deferred and who fail to report as required for continuation of their examination may be subject to an arrest warrant for examination. It is therefore very important that officers consider all relevant information and gather contact information prior to issuing A23. Remarks in the *Examination's Notes* tab should be done without delay and explain the BSO's reasoning for furthering the examination. In addition, FNs may also be reportable for non-compliance under A41(a) and R43(a) and the MD has the competency to issue the applicable removal order under R228(1)(c)(i). The A44 report cannot be concluded until the person is encountered at some point in the future. Therefore, BSOs should send the file to their nearest Inland Enforcement Office once the warrant is issued.

For more details, refer to shift briefing bulletin [2021-HQ-AC-07-16](#).

## **18.2 Direction to leave Canada**

[R40](#) states that an officer who is unable to examine a person who is seeking to enter Canada at a POE shall direct the person in writing to leave Canada. This does not apply to protected persons or refugee claimants. The decision to direct a person to leave is applicable in cases where a person cannot be properly examined (such as physical impairment due to alcohol or drugs).

The BSO must serve a copy of the *Direction to Leave* form [[BSF 503](#)] on the person concerned and on the transporter who brought them to Canada.

The direction ceases to have effect when the person appears again at a POE and a BSO proceeds to examine the person.

Please consult the CBSA [Wiki](#) for GCMS functional guidance.

## 18.3 Direct back

[R41](#) authorizes an officer to direct a FN seeking to enter Canada from the U.S. to return to the U.S. if:

- no officer is able to complete an examination;
- the Minister is not available to consider, under [A44\(2\)](#), a report made with respect to the person;
- an admissibility hearing cannot be held by the Immigration Division; or
- the FN is prohibited from entering Canada by an order or regulation made by the Governor in Council under the [Emergencies Act](#) or the [Quarantine Act](#).

See section [18.4](#) of this manual on how and when to use the direct back policy for refugee claimants at land POE under exceptional circumstances.

The FN will be issued a *Direction to Return to the United States* form [[BSF 505](#)] document. The date and location of the examination, the Minister's consideration of the [A44\(1\)](#) report, the admissibility hearing, or when an officer will be able to examine their application to enter Canada once they are no longer prohibited from entering Canada by an order or regulation made by the Governor in Council under the [Emergencies Act](#) or the [Quarantine Act](#) are specified on the document.

A person who has been directed to return to the U.S. pending an admissibility hearing by the Immigration Division and who seeks to come into Canada for reasons other than to appear at that hearing, is considered to be seeking entry. If such a person remains inadmissible for the same reasons, and if a member of the Immigration Division is not reasonably available, the person may be again directed to return to the U.S. to wait until a member of the Immigration Division is available. In these circumstances it is not necessary to write a new [A44\(1\)](#) report.

The BSO at Immigration Secondary should bear in mind that time may be required by the person, to allow for travel to the location where they must appear before a member of the Immigration Division and that the circumstances may warrant authorizing the person entry, at an appropriate time in advance of the scheduled date.

BSOs should write detailed remarks without delay in the *Examination's Notes* tab in GCMS concerning the reasons for issuing a direct back.

Please consult the CBSA [Wiki](#) for GCMS functional guidance.

## 18.4 Direct back and refugee claimants arriving at the land POEs from the U.S.

All efforts should be made to process refugee claimants at the time of arrival. Refugee claimants may only be directed back to the U.S. under exceptional circumstances. In cases where a direct back must occur for an exceptional circumstance, approval must be obtained from Travellers Branch, National Headquarters. Also, the *Record of Direct Back* must be completed and emailed to the Border Operations Directorate, Travellers Branch pursuant to the instructions provided below. It should be noted that lack of interpretation services

should not be considered “exceptional” or used as the basis for directing refugee claimant back to the U.S. See section [8.4](#) of this manual for guidelines on telephone interpretation.

## **Procedures to be followed before directing a refugee claimant back to the U.S.**

Before directing a refugee claimant back to the U.S., BSOs are to fully consider the following options:

- If a BSO is not readily available to take the claim, notify the superintendent that it may be necessary to request assistance from another POE or to call an officer in on overtime.
- Complete the [Initial Refugee Claimant Assessment \(IRCA\)](#) process to determine whether the claimant is low risk and may be authorized to enter for further examination.
- If the claimant is not considered to be low risk, the full refugee intake process should be completed.
- Detain the refugee claimant, if grounds exist. If arrangements cannot be made to conduct the front-end security screening examination and grounds exist, the claimant may be detained according to current detention procedures.

## **Decision to direct a refugee claimant back to the U.S. under exceptional circumstances**

Exceptional circumstances are defined as situations where all of the procedures outlined above have been considered and where an examination still cannot be conducted. Exceptional circumstances could also include sudden or unexpected surges of people or a situation where the health, security or well-being of the refugee claimant would be significantly impacted and it would not be appropriate for the claimant to wait at the POE or be detained. In 2020-2021, this was the case due to the COVID-19 pandemic.

The direct back procedure should not be used in the case of an unaccompanied minor.

## **Direct back procedure for refugee claimants under exceptional circumstances**

Once a BSO has determined that exceptional circumstances exist, the instructions for directing the claimant back to the U.S., pursuant to [R41](#), are as follows:

1. The BSO must obtain approval from the POE Superintendent before directing a refugee claimant back to the U.S.
2. Approval must be obtained from the Duty Executive, Operations Branch, before allowing a direct back to occur. The Duty Executive can be contacted via the Border Operations Centre (613-960-6001).
3. The refugee claimant must be provided with a scheduled appointment to return to the POE to have their refugee eligibility examination completed.
4. The Refugee Claim Application in GCMS should be completed and a further examination event should be created reflecting the details and date upon which the claimant is scheduled to return to the POE.



5. The refugee claimant should be issued a *Direction to Return to the United States* form [BSF 505] stating the date, time and location of the scheduled examination and the claimant is to be advised accordingly. At the POE where local arrangements are in place or can be made, the BSO or Superintendent should seek assurances from the U.S. Customs and Border Protection that the claimant can be made available to return to Canada for their scheduled examination.
6. The BSO must complete the attached *Record of Direct Back Template* ([Appendix C](#)) for all refugee claimants that are directed back to the U.S. The template must be sent within one business day of the direct back or on the next business day for late arrivals with the subject line reading "direct back" to the following two email addresses:
  - o [OPS\\_TRAVELLERS-VOYAGEURS@cbsa-asfc.gc.ca](mailto:OPS_TRAVELLERS-VOYAGEURS@cbsa-asfc.gc.ca)
  - o [CBSA.Traveller\\_Immigration\\_Prog-Prog\\_immigration\\_voyageurs.ASFC@cbsa-asfc.gc.ca](mailto:CBSA.Traveller_Immigration_Prog-Prog_immigration_voyageurs.ASFC@cbsa-asfc.gc.ca)

## 18.5 Detention for examination

Pursuant to [A55\(3\)\(a\)](#), a PR or FN may, on entry into Canada, be detained if the BSO at Immigration Secondary considers it necessary to do so in order for the examination to be completed.

For detailed procedures on A55(3)(a), refer to [ENF 7](#), *Immigration Investigations and IRPA s. 55 Arrest/Detention*.

## 18.6 Allowing the withdrawal of an application to enter Canada

Allowing a person to withdraw their application to enter Canada is an option a BSO at Immigration Secondary has to permit a FN, whom the BSO believes is inadmissible or if the FN took a wrong turn and had no intention to come to Canada, to leave Canada.

If a BSO examines a FN seeking entry and the person is believed to be inadmissible, the officer may allow the person to voluntarily withdraw their application to enter the country and leave Canada.

Under [R42](#), the officer who examines a FN who is seeking to enter Canada and who has indicated that they want to withdraw their application to enter Canada shall allow the FN to withdraw their application, unless R42(2) applies.

R42(2) provides that a FN shall not be allowed to withdraw their application to enter Canada where a report under A44(1) is being prepared or has been prepared, unless the Minister does not make a removal order or refer the report to the ID for an admissibility hearing. In other words, once an officer writes an A44(1) report, the allowed to leave option may only be exercised at the MD level.

Before writing an inadmissibility report under A44(1), officers should determine whether the objectives of the IRPA are better served by allowing the person to voluntarily withdraw their application to enter Canada pursuant to R42.

If a person is allowed to leave Canada voluntarily, officers should counsel the person as follows:

- inform the person why they are believed to be inadmissible;
- inform the person that if they leave Canada voluntarily, they will be free to seek entry to Canada once the factor causing inadmissibility has been overcome; and
- inform the person of the possible consequences of an A44(1) report, including the possibility of an admissibility hearing and/or a removal order being made against them.

If a person is allowed to leave Canada voluntarily, the officer or MD must give the person an Allowed to Leave Canada form ([IMM 1282B](#)).

R42(3) provides that FNs who are allowed to withdraw their application to enter Canada must appear without delay at a POE to verify their departure from Canada.

Sometimes a person who is being allowed to withdraw their application to enter Canada is authorized to enter Canada pursuant to [A23](#) when a flight is not immediately available to affect their departure.

No matter the situation, BSOs should write detailed remarks in the *Notes* tab of the Examination in GCMS without delay.

[R37\(c\)](#) provides that the examination of the FN ends only when the officer verifies their departure from Canada.

Please consult the CBSA Wiki for GCMS functional guidance:

- [Allowed to Leave Canada by MD](#)
- [Allowed to Leave Canada by Officer](#)

## 19 Examinations that may lead to prosecution

Immigration examinations relate to admissibility and, for the most part, the infractions identified during this process result in enforcement actions leading to removal. During the examination, BSOs may encounter serious offences that may warrant further investigation for the purposes of a criminal prosecution. It is important that BSOs are aware that the admissibility determination process does not include gathering evidence as part of a criminal investigation.

This section also addresses the arrest of Canadian citizens who are found to have committed an offence under IRPA.

### 19.1 Procedures

The BSO must make a determination of admissibility. In order to make a determination, BSOs collect information under the regulatory examination process. After the admissibility decision has been reached and if the BSO suspects a criminal offence under A117 to A131 has occurred, the officer must advise the person of their rights under the *Charter* and caution them before proceeding with any further examination including questioning the individual. Criminal Investigations Division (CID) should also be contacted before further examination.

Generally, if information is lawfully collected for the purpose of an admissibility examination, that information can be subsequently used as part of a criminal investigation or prosecution. The BSO must ensure they can clearly articulate to the court when the information was obtained for the regulatory purposes to make the determination of admissibility and when the officer started to examine further for evidence of a potential criminal offence while ensuring the individual's rights were not violated. The officer must be able to articulate how each question asked is relevant to their role in making an admissibility determination and that the individual was advised of their rights under the *Charter* and was cautioned once the BSO believed a criminal offence had occurred. Failure to do so can have a negative impact on the outcome of the case. For this reason it is imperative that the BSO take detailed notes. This is particularly important if the person willingly provides information after being cautioned.

In accordance with any accepted local procedures, and in consultation with their superintendent, BSOs should continue to use their discretion in deciding when to refer a case to the CID or local police for investigation but they must also be aware of the potential consequences of continuing an examination after the administrative process is complete and once a criminal offence is suspected. When in doubt, it is best to advise the individual of their rights and caution them regarding making any statements to protect the admissibility of those statements should the case end up being referred to CID.

Refer to [section 4.1](#) of this manual for legislative powers and authorities to examine and seize.

## **19.2 Criminal Code offence discovered by a designated officer**

[Subsection 163.4\(1\)](#) of the *Customs Act* authorizes the President to designate any officer for the purposes of Part VI.1 of the Act; this authority is usually delegated to the Regional Director General. These officers are referred to as "designated officers". [Subsection 163.5\(1\)](#) of the *Customs Act* states that a designated officer, when at a customs office and performing the normal duties of an officer, or acting in accordance with section 99.1 has, in relation to a criminal offence under any other Act of Parliament, the powers and obligations of a peace officer under sections 495 to 497 of the *Criminal Code*, and subsections 495(3) and 497(3) of that Act apply to the designated officer as if they were a peace officer. It should be noted that this does not apply to criminal offences under the *Customs Act* or the *Immigration Refugee Protection Act*, as the expanded authorities under subsection 163.5(1) of the *Customs Act* are not required for an officer to arrest for offences under those Acts.

As soon as a designated officer has reasonable grounds to believe that a person has committed an offence under the *Criminal Code* or any other Act of Parliament, the examination under IRPA is to be temporarily suspended.

A superintendent should be consulted immediately. The CID, the police agency of jurisdiction or the Regional Intelligence Officer must also be contacted for further guidance as soon as possible. The officer may arrest the individual in accordance with [section 495](#) of the *Criminal Code*. The detainee must be immediately advised of their right to retain counsel and cautioned regarding making statements. PRs and FNs are also to be informed of their right to have the nearest representative of their government notified of their arrest and detention as per the *Vienna Convention*.

The immigration examination resumes once the person is released and taken to a CBSA officer. For further information, refer to sections 19.5 and 19.6 below.

### 19.3 Arrest and caution

Subject to the limitations set out in [subsection 495\(2\)](#) of the *Criminal Code*, the person may be arrested under subsection 495(1) if there are reasonable grounds to believe he or she has committed an offence. The individual must then be promptly informed of the reasons for the arrest and of the right to retain counsel as well as be cautioned regarding making statements. PRs and FNs must also be informed of their right to have the nearest representative of their government notified of their arrest and detention as per the *Vienna Convention*. Refer to the [CBSA Enforcement Manual, Part 6, Chapter 1, Arrest and Detention](#) for the policy and procedures.

### 19.4 Canadian citizens

On rare occasions, evidence of a Canadian citizen committing an offence under IRPA will be uncovered at the POE. Should the BSO decide to proceed with an arrest, they are to caution and arrest the Canadian under the authority of [subsection 495\(2\)](#) of the *Criminal Code* as noted in section 19.3 of this manual.

### 19.5 Note-taking

As officers may be required to provide testimony in court proceedings several months after a referral to the CID or police has been made, diligent note taking is essential to establish why certain actions were taken and what the predominant purpose of the officer's actions was at the time. It is important to note that it is the court's interpretation of the BSO's testimony of the events supported by the notes that will determine whether the information/evidence obtained during the administrative process is admissible in court. Therefore, notes should include the events leading to the referral to CID or the police and the time the person was placed under arrest and advised of their rights and cautioned. Comments and statements made by the subject must be recorded verbatim. Notes must also identify the officers and superintendent involved in the case, including those implicated in the chain of custody.

The chain of custody, or continuity of evidence, must be ensured in order to meet the rigorous evidentiary standards applied in criminal courts. Material evidence should be removed from the person's possession and taken into custody immediately upon detection. The seized evidence must be kept in view and under the control of the officer. When an assisting BSO watches over goods or evidence, this officer becomes part of the chain of custody and could be called as a witness: therefore, the assisting BSO should also maintain notes. Refer to the [CBSA Enforcement Manual, Part 8, Chapter 1, Notebooks](#), for more information regarding the CBSA officers' policy for use of the notebooks.

### 19.6 Completing suspended examinations of FNs (refer to section 19.2)

A BSO may encounter circumstances where it is appropriate to suspend the immigration examination to allow a criminal process to proceed. The subject will be placed under arrest for the offence and advised of their rights and cautioned. The BSO must also issue a warrant for arrest pursuant to [A55\(1\)](#) with a Warrant for Arrest form [[BSF499](#)] and an *Order of the*

Canada Border Services Agency to Deliver Inmate form [[BSF498](#)] pursuant to [A59](#) in order to ensure that the examination is completed once the person is released after the criminal proceedings. Inland Enforcement Investigations must be informed to ensure effective follow up.

For additional information, please refer to [ENF 7](#), *Immigration Investigations and IRPA s. 55 Arrest/Detention*.

## 20 Unauthorized border crossings

A BSO who becomes aware that a person is attempting an unauthorized border crossing should first notify the RCMP or police of jurisdiction. The primary responsibility for patrolling between the border rests with the RCMP. The CBSA Investigations Division should also be notified.

Officers shall not attempt to stop persons fleeing to or from Canada in high-risk situations (e.g. to establish roadblocks to stop port runners or to participate in vehicle pursuits). In these situations, officers are required to ensure that officer and public safety is maintained (e.g. open a lane and clear traffic from the area).

Some points to remember are the following:

- BSO should not attempt to investigate an unauthorized border crossing and should refer the unauthorized crossing to CID.
- BSOs shall follow the provision of the [CBSA Directive on Use of Force and Reporting](#) and the [CBSA SOP on Use of Force and Reporting](#), when they believe that the use of force is justified in the course of administering or enforcing Program Legislation.
- BSOs who are trained and certified in defensive tactics and are in possession of defensive equipment are expected to manage situations up to such point that the BSO believes that the limit of their training and personal abilities has been attained. Where these limits have been reached, the BSO shall permit the individual to proceed into Canada and immediately notify the police force of jurisdiction.
- BSOs should use communication equipment to keep in contact with the POE, should they require assistance.
- BSOs may consider requesting that the CID lay charges under [A124](#) if an investigation determines that a person has eluded examination or entered Canada by improper means.
- If the BSO has sufficient information relating to the identity of the person who failed to appear for examination (e.g. examination started but person left POE before end of examination), and the person is a foreign national, BSO should also issue an immigration arrest warrant for examination.

## 21 Media Cases

When high-profile, contentious or sensitive cases are identified or are in the national media, BSOs must follow the procedures outlined below to inform NHQ.

1. Inform and consult the immediate superintendent once it is suspected that the case meets the criteria of a high-profile, contentious or sensitive case.

- More information on the types of cases that are potentially high-profile is available on [IRCC's Handling high-profile, complex, sensitive or contentious cases page](#).
  - Superintendents are also to [report significant events](#), as outlined in the [Incident Reporting Criteria](#), to the Border Operations Centre (BOC) while respecting regional reporting protocols that are in place.
2. Inform NHQ by sending an email that includes
    - **"High-Profile Case"** followed by the subject's last name and given name in the subject line.
    - The applicant's name, date of birth, file number and/or client identification number (if applicable).
    - A case chronology, including case-specific details and a summary of the reason(s) the case is, or has the potential to be, high-profile.
    - Any action taken or recommendations to resolve the case (if applicable); and
    - Any other pertinent information.
    - The following **distribution list**:
      - Immigration Program Manager (overseas cases) or manager or supervisor (inland cases);
      - [NHQ-NAT-High-Profile-Haut-profil@cic.gc.ca](mailto:NHQ-NAT-High-Profile-Haut-profil@cic.gc.ca) (which includes [NHQ-Communications-Cases@cic.gc.ca](mailto:NHQ-Communications-Cases@cic.gc.ca) ; the current Director General and Senior Director of Case Management Branch and the Office of the Assistant Deputy Minister);
      - Case-Management, CBSA-NHQ [case-management@cbsa-asfc.gc.ca](mailto:case-management@cbsa-asfc.gc.ca)
      - [Nat National Security Coordination@cbsa-asfc.gc.ca](mailto:Nat_National_Security_Coordination@cbsa-asfc.gc.ca); and
  3. Use the [Single Reporting Tool](#) (SRT) to report a significant event to the BOC and follow up, as necessary, to keep information up to date and ensure case notes are detailed and able to feed into briefing documents, if required.
  4. Refer any communication-related responsibilities to NHQ Communications. Any cases that have implications in Canada (including those cases that initiate overseas) also need to be coordinated with Communications in the affected region.

## 22 Disembarkation and Roving Teams (DART)

### 22.1 DART overview

Disembarkation screening refers to the rapid verification by BSOs that airline passengers possess travel documents. Under [A15\(3\)](#), an officer has the authority to board and inspect a vehicle and to examine and record documents carried by a person on board a vehicle.

The purpose of screening disembarking passengers is to identify and segregate persons not in possession of passports or travel documents from the normal flow of passengers. In addition, inadmissible travellers who may pose a risk or who are otherwise inadmissible can be identified through intelligence-based indicators such as identified trends, lookouts and Advanced Passenger Information/Passenger Name Record (API/PNR) information received from the National Targeting Centre's (NTC) Targeting Travellers unit (TT).

Disembarkation screening also enables a BSO to identify which airline has carried an improperly documented passenger to Canada and ensures that the CBSA can levy administration fees and removal costs against a liable transporter. When two international flights arrive within a brief period of time, for example, passengers from each flight may

intermingle at the PIL. This can make it difficult to determine which carrier brought an improperly documented passenger to Canada and to properly assess liability.

On-board inspections, disembarkation screening, pre-PIL roving and post-PIL activities are part of the examination continuum. At these preliminary checks, the DART officer does not do a full examination and does not make a decision to authorize or deny entry. Instead, the officer verifies that a passenger has the necessary documentation and refers undocumented and suspected inadmissible persons to Immigration Secondary for an in-depth examination. This does not usurp the authority of the PIL as DART referrals do not bypass the PIL.

## **22.2 DART mandate and objectives**

As a part of the CBSA's mandate to manage access to Canada, the mandate of DART is to increase the CBSA's capacity to:

- identify improperly documented or otherwise inadmissible FNs;
- associate improperly documented FNs to commercial transporters to promote compliance with the CBSA's administrative programs;
- identify and interdict individuals who pose a threat to the health, safety and security of Canada including persons who pose a security threat, serious criminals, human smugglers, human and international rights violators, and persons engaged in trans-national organized crime; and
- analyze and contribute to the intelligence pool on illegal migration trends and patterns.

The objectives of DART are to:

- use intelligence, trend and statistical analysis and other innovative passenger assessment techniques (i.e., API/PNR referrals) to improve secondary examination referrals;
- identify, intercept and control passengers who pose a danger, security threat, or are a flight risk;
- monitor and promote transporter compliance by linking undocumented persons with transporters;
- assist in the collection of evidence for immigration admissibility reports and prosecutions;
- assist in the collection, analysis and dissemination of intelligence related to travel routes used by illegal migrants and smuggling networks;
- promote cooperation, coordination and the exchange of information with partner agencies;
- maintain a professional, responsive and visible presence to deter inadmissible persons from entering Canada; and
- remove fraudulent documents from circulation thereby preventing their future fraudulent use.

## **22.3 DART activities**

DART activities can vary from one POE to another due to operational requirements, differing priorities and other considerations. Specific DART activities can include:

- inspection of airline passengers for possession of passports and travel documents and required visas;
- searches of aircraft for discarded or hidden documentation;
- searches of Customs Controlled Areas (CCA) for discarded or abandoned documentation;
- seizure of documents;
- roving in designated CCA to detect human smugglers and persons discarding documents;
- completing certain examinations and case files on high-risk cases such as suspected human smugglers;
- compilation and maintenance of intelligence data, statistics and daily logs;
- internal information-sharing within the CBSA (local office, other POEs, Criminal Investigations intelligence offices, overseas liaison officers [LO]);
- external information-sharing (Royal Canadian Mounted Police (RCMP), Global Affairs Canada (GAC), Office of the Solicitor General, airlines) depending on specific agreement with each partner;
- targeting and passenger assessment of flights;
- establishing transporter liability;
- interviewing passengers at Immigration Secondary;
- collection and analysis of officer case notes;
- GCMS and ICES searches/queries;
- use of internal communications systems; and
- analysis of statistical and other relevant records.

Although DART officers are BSOs, their primary function is to perform DART activities. When circumstances permit, however, or when a superintendent requires emergency support, DART officers should offer their assistance to the on-site superintendent.

For more information on the Customs Controlled Areas, please refer to *CBSA Enforcement Manual* [part 6, chapter 9](#).

## **Minimal delay to travelling public**

Disembarkation screening by DART teams should be completed as quickly and efficiently as possible. To ensure that the *bona fide* travelling public is not unduly disrupted or delayed, the POE superintendent should ensure that an appropriate number of officers are assigned to screen passengers, taking into consideration the different sizes of aircraft and passenger volumes.

## **22.4 Intelligence-based targeting of airline flights**

DART officers propose and confirm flights to be screened with their on-site superintendent based on tactical intelligence identifying flights and persons of interest to the CBSA. Determining which flights to target for disembarkation screening is based on the following:

- lookouts and intelligence information;
- advance passenger information received from NTC's TT unit;
- trend analysis;
- flights of heightened interest to the CBSA;
- point of embarkation;



- number of passengers on board;
- size of the aircraft;
- estimated time of arrival of the next flight to be monitored; and
- number of officers available to conduct disembarkation checks.

While all carriers should be the target of periodic disembarkation screening, those carriers with a history of carrying undocumented passengers may be subject to more frequent screening.

Specific case information is received and analyzed by DART teams through:

- in-person client interviews at Immigration Secondary;
- officer case notes;
- FOSS history checks, GCMS searches and SSI reports;
- reports provided by the CBSA's Immigration Intelligence Branch;
- statistical reports;
- liaison officers located around the world who provide information on illegal migration and smuggling trends;
- NTC's TT officer that provides API and PNR information on arriving passengers; and
- other agencies such as the RCMP.

In a reciprocal manner, DART officers contribute to the intelligence pool with trend and illegal traffic information that is used by the liaison officer network to interdict inadmissible travellers abroad and deny them boarding on flights to Canada. Information gathered from DART intercepts is entered in the Support System for Intelligence (SSI) that is used by the CBSA's intelligence officers in Canada and abroad to monitor and analyse illegal migration and human-smuggling trends. Additionally, DART officers ensure that suspected human smugglers and others in possession of fraudulent documents are referred to the CID. Cases of potential human trafficking should be referred to the CID and Intelligence for further investigation and liaison with partners.

## **Intelligence support**

The DART officers provide an integral operational link within the CBSA's intelligence and liaison officer networks overseas. These are major resources for DART teams and can provide valuable assistance in identifying human smuggler routings. The two-way exchange of information also provides the opportunity to interdict inadmissible persons abroad and deny them the opportunity to board flights to Canada.

Regional intelligence officers can provide a variety of services, which may include:

- document examination training;
- document analysis;
- emerging trend information; and
- SSI analytical reports.

Liaison officers are located in key locations around the world and play an integral part of the screening, identification and interception of improperly documented persons trying to enter Canada. Together with DART officers, they form part of the continuum of the passenger assessment process that begins abroad and continues on arrival in Canada. They are both key elements in Canada's multiple-border strategy.

## **API/PNR liaison**

NTC's Targeting Travellers unit uses advance passenger information to identify known inadmissible persons and passenger name records analysis to assess individuals who may pose a potential risk prior to their arrival in Canada. This enables DART officers to use their limited resources more strategically to target flights and persons of interest.

This is key to the intelligence-based targeting of flights by DART officers. While NTC's TT unit provide strategic information about the arrival of persons linked to terrorist organizations, criminal activity and other factors that render them inadmissible, DART acts on this intelligence information to intercept inadmissible persons immediately on arrival. Passengers who pose security or flight risks can be quickly intercepted and maintained in a controlled environment pending their examination.

## **22.5 DART procedures**

### **Notification to partners**

With as much lead time as possible and in accordance with local procedures, DART officers should notify partners such as Transport Canada and RCMP officials of the flights they intend to screen and of other pre-PIL roving activities.

### **Pre-disembarkation procedures**

DART officers should verify that proper communication (i.e., radio contact) has been established with the on-site superintendent before leaving the office to perform disembarkation checks. Superintendent should remain in continual contact for updates, emergencies and requests for assistance.

### **Boarding flights and gate checks**

DART officers should, whenever possible, be gate-side at least five minutes before the flight's scheduled arrival time.

DART members will then make a final decision as to which level of disembarkation check is to be performed. The airline representative must be advised of the level of disembarkation.

Furthermore, a request should be made to the airline to ensure that an announcement is made on board the flight to prepare the passengers (levels I and II only). This announcement should clearly indicate to passengers that the CBSA will be doing a check to ensure that they possess the necessary documentation to enter Canada and that they should have their documentation ready for presentation. Only then will the disembarkation screening proceed.

Document screening is conducted on board the aircraft, at a point as close to the exit of the aircraft as possible, or wherever else deemed appropriate by the DART officer. Normally, officers will proceed down the aisle and allow passengers whose documents have been verified to leave the aircraft.

When boarding flights and conducting gate checks, DART officers should be mindful of the fact that they are in an excellent position to pass information along to the officers at the PIL. If a DART check of a passenger does not turn up any immigration concerns, but strong indicators are present that the particular traveller may be of interest to Customs, DART officers should make every effort to inform the officer at the PIL or an officer at Customs Secondary examination of these indicators to assist them in completing their examination.

**Level I (boarding the flight):** A minimum of two officers is required to do a check at this level.

DART members will conduct level-one disembarkation checks in the following manner:

- in a two-aisle aircraft, officers should stay parallel to each other in their respective aisles while doing document checks;
- in a single aisle aircraft, at least one officer checks documents on the left side of the aircraft and another officer, in single file with all other officers, completes the right side of the aircraft; and
- in a Boeing 747, at least one officer proceeds to "the bubble," while another officer checks documents of the passengers in first class. Once those sections have been completed, officers then proceed to economy class. It is preferable that at least three officers check this type of aircraft.

The officers inspect passports, travel documents and visas for authenticity. If any concerns arise regarding a particular document, the document may be held for further examination. If a person is suspected to be improperly documented, without documentation or otherwise inadmissible, they will be instructed to remain seated, and their documents will be held. In this instance, the flight attendant should be approached to determine if the passenger is travelling alone. If confirmed, the disembarkation check can be resumed. If another person accompanied the passenger, the documents of that passenger should be held as well. A request can be made to the flight attendant to ensure that the passenger and their travelling companion(s) remain seated until the completion of the check.

Airlines may be requested to hold persons on board an aircraft under the authority of [A148\(1\)\(b\)](#) and [R261](#).

After the disembarkation check has been completed, the officer will:

1. search the improperly documented passenger's seat, any companion's seat and the immediate vicinity, including washrooms, to locate any documentation that may be hidden or discarded;
2. determine if the passenger is sitting in their originally assigned seat. If the person is not in their originally assigned seat, search that area as well;
3. complete a [BSF 453](#) form confirming the passenger's presence (see section on improperly documented passengers below for procedures on completing the BSF 453 form); and
4. inform the flight director or crew of the conclusion of the check and thank them for their assistance.

Upon completion of the disembarkation check, DART members will:

1. escort the improperly documented arrival (IDA) to the crew counter in the PIL area so that the BSO at the PIL can complete the primary examination;
2. once the primary examination is complete, escort the IDA to Immigration Secondary; and
3. surrender any documentation and provide details of the case to the on-site superintendent .

DART members will not be obligated to report any individuals, but when circumstances allow, DART officers will offer their assistance to the superintendent .

If no passengers require an escort, but documents have been held, DART officers will proceed to the Immigration Secondary examination area as soon as practicable to explain the rationale for the seizure. If no documents have been held and there is no one to be escorted, team members can proceed directly to the next flight.

**Level II (gate screening):** A minimum of two officers is required to do a check at this level.

DART members will conduct level-two disembarkation checks in the following manner:

- stand facing each other in the area where the boarding finger meets the terminal building so that the disembarking passengers must pass between the officers; and
- confirm that each person has a passport, or other required documentation.

If a passenger presents satisfactory documentation, the officer will allow the passenger to proceed to the PIL.

Depending on the circumstances, the officer may instruct the passenger to wait in an area in plain view of at least one officer or continue to the PIL if one of the following situations occurs:

- a passenger is not in possession of any travel documents; (in this instance, the flight attendant should be approached to determine if the passenger is travelling alone and to confirm their seat number. A document search should be conducted as in level I);
- the officer is not satisfied with documents presented; or
- the officer suspects the person to be inadmissible for any other reason.

DART members will hold the document and, in the latter case, the passenger may be given a receipt. If required, officers may ask for the assistance of airline personnel to maintain visual contact with those persons instructed to wait.

Upon completion of a disembarkation check, DART members will:

1. escort the IDA to the crew counter in the PIL area so that the BSO at the PIL can complete the primary examination;
2. once the primary examination is complete, accompany the IDA to Immigration Secondary; and
3. surrender any documentation and provide details of the case to the on-site superintendent.

DART members will not be obligated to report any individuals but, when circumstances allow, DART officers will offer their assistance to the superintendent.

If no passengers require an escort, but documents have been held, officers will proceed to Immigration Secondary as soon as practicable to explain the rationale for the seizure. Holding documents during the course of an examination does not constitute a seizure action. If the person is to depart the POE without their document (i.e. A23) or go into detention, then it becomes a seizure and a [BSF698](#) *Notice of Seizure of Travel and/or Identity Document(s)* must be completed.

If no documents have been held, and there is no one to be escorted, team members can proceed directly to the next flight.

**Level III (flight observation):** A check at this level is performed when only one officer is available.

This type of disembarkation screening is usually completed for low-risk flights, or when flight-arrival times are scheduled close together. This level of screening should also be considered when staffing levels prohibit officers from doing a level I, or level II disembarkation check or, in a special circumstance, where surveillance is required.

DART members will conduct this level of disembarkation check in the following manner:

1. Arrive at the gate five minutes prior to the estimated time of arrival of the flight.
2. Inform the airline representative at the gate that an officer will be observing the flight and will not be requiring passengers to present their passports as they disembark the aircraft. Also, they should specify that no announcement to the passengers should be made.
3. Position themselves at a suitable distance, while ensuring that there is a clear view of the passenger flow from only the targeted flight.
4. While observing the passengers, officers make suitable notes with regards to passengers who may be of interest to Immigration Secondary, and those accompanying them.
5. Officers may ask individual passengers for documentation if there is a strong suspicion that they may have improper documents, or no documents at all.
6. Generally, it is most beneficial to follow the passengers down to the PIL area. This will allow officers the opportunity for further observation and may prevent the destruction or discarding of documentation in garbage containers or washrooms.
7. If DART members are not proceeding directly to the Immigration Secondary area, they should inform the on-site superintendent of the outcome of the disembarkation. If required, DART members should relay any observations, their location and, if required, request assistance.
8. At the earliest convenient break in disembarkation checks, go to the Immigration Secondary area to link any identified improperly documented arrivals with the carrier used to convey them to Canada, referring to the notes taken while observing the disembarkation.
9. If an undocumented passenger who the DART officer observed disembarking a flight is encountered in the Immigration Secondary area, the DART officer should complete a BSF 453 form in accordance with procedures. If it is not practical to complete a BSF 453 form, the DART officer shall complete a statutory declaration as soon as possible.

Upon completion of all necessary paperwork, DART members may now advise the on-site superintendent and proceed to the next flight planned for disembarkation.

## **Roving DART activities**

In addition to boarding flights and conducting gate checks, DART officers conduct roving exercises in the Customs Controlled Areas (CCA) area to identify other irregular activities such as the destruction or handing of documents to an escort or smuggler. DART officers engaged in pre-PIL roving may ask a BSO at the PIL for a specific person to be referred to Immigration Secondary. All DART referrals must pass through the PIL before being sent to Immigration Secondary. DART officers may engage in post-PIL activities when they have targeted suspected human smugglers or other suspected inadmissible persons when new information has come to light after the passenger has cleared the PIL.

## **Improperly documented passengers**

If an improperly documented passenger is encountered, the officer should complete a *Confirmation by Transporter Regarding Passenger(s) Carried* form [BSF 453] at the earliest opportunity, either during disembarkation screening or as soon as the passenger has been escorted to the PIL and to the Immigration Secondary area. The local airline representative is also required to sign the form. If the representative refuses to sign, the DART officer should place a note on the form accordingly. If it is not practical to complete a BSF 453 form, the DART officer shall complete a statutory declaration stating which flight the IDA disembarked and outlining details about the lack of documentation.

Since passengers normally have documents at the time of boarding, it is possible that improperly documented passengers have hidden or destroyed their documents en route. Undocumented and other inadmissible passengers identified by DART must be presented at the PIL for completion of Customs' procedures and then escorted to the Immigration Secondary area for a complete examination.

Once IDAs have been identified, the DART member must ensure that:

1. The appropriate areas of the aircraft are searched for documentation.
2. The flight attendant and IDA have been queried as to any accompanying travellers;
3. An airline representative has signed a BSF 453, when possible, for the passenger's arrival on their airline, and thanked for their assistance.
4. Should a disembarkation check be performed and IDAs not be identified until their arrival in Immigration or Customs Secondary, a request can be made to the airline staff to visually identify that person and sign the BSF 453 form confirming their presence on their flight. Airline personnel cannot be compelled to sign a BSF 453 form. If airline personnel refuse to sign the BSF 453 form, a note should be made on the form accordingly. If it is not practical to complete a BSF 453 form, the DART officer shall complete a statutory declaration form [[IMM 1392B](#)].
5. The passenger is escorted, if necessary, to the Immigration Secondary area only after they have cleared the PIL and the on-site superintendent is informed.
6. The CCA are checked for possible smugglers.

## **Reporting improperly documented passengers**

In all cases where an improperly documented person has been detected, a BSO should:

- create a physical file ensuring that all secured documents are placed in the file;
- take a photograph and fingerprints of the person and place copies in the file;
- place copies of any documents found in the person's possession in the file;
- ensure that the passenger, their carry-on luggage and their checked luggage are searched for documentation;
- obtain a flight manifest when possible;
- clearly make a note on the file to indicate whether disembarkation screening has been done so that the person entering SSI data may check "yes" in the disembarkation-screening field; and
- when entering SSI, check "yes" when asked "BSF 453 completed", if applicable or advise person entering SSI to do so.

## Note-taking

DART officers should make note of the date, time and flight number in their notebooks or DART logs and record any information that may be relevant to the examination or prosecution of passengers. Keeping a written record of this information may be useful if the officer is later called to testify in court. More information on officer note-taking is available in [ENF 7, Immigration Investigations and IRPA s. 55 Arrest/Detention](#).

## 22.6 Communication and cooperation with partners

### Within the CBSA

The CBSA airport staff should keep one another, as well as their regional and national headquarters, informed of DART developments. All such communications should be maintained on the master regional and/or national headquarters' file.

### With partners

The CBSA should consult Transport Canada, the RCMP and airline representatives at the POE regarding any changes to disembarkation screening procedures that affect the configuration or operation of local facilities. Good communication among partners is essential to ensure cooperation and to minimize disruption of airport operations and delays to passengers.

DART officers should provide feedback to agencies and individuals who have initiated a DART action, while keeping in mind privacy legislation. This would include timely updates and outcomes from referrals, lookouts or general information that was provided to the DART team. DART officers are encouraged to participate in orientation sessions with partners to further their understanding of the requirements of IRPA and its Regulations and to promote cooperation and the exchange of information. DART officers should be vigilant for opportunities to engage partners and participate in joint activities that would promote understanding and cooperation.

### With the CBSA Immigration and Customs Enforcement Team (ICET)/ Flexible Response Team (FRT)

The CBSA has Immigration and Customs Enforcement Teams (ICET), also known as Flexible Response Teams (FRTs), that occasionally operate pre-PIL in a manner similar to the CBSA's DART teams. Both DART and ICET/FRT report to the Enforcement Division, which is run by the Chief of Enforcement Operations. DART and ICET/FRT should make every effort to communicate on a daily basis to enhance the understanding of each other's activities and to coordinate the targeting of flights whenever possible. While DART and ICET/FRT have different mandates and often target different flights, occasionally it will be operationally beneficial for both teams to target the same flights. In these instances, both teams are required to coordinate their activities to enhance effectiveness and to minimize delays to the travelling public. Among other things, ICET/FRT officers can assist with document verification and the search for documents aboard aircraft.

## **With airlines**

It is essential that carriers understand and support disembarkation screening. POE superintendent should initiate and maintain frequent communications with local airline managers and clearly explain the purpose, procedures, and legislative foundation for disembarkation screening.

## **22.7 Suspected human smugglers**

DART officers must accompany any suspected human smugglers to the PIL, then to the Customs Secondary area for a thorough search. DART officers should identify themselves to the BSO at the PIL and have the suspected human smuggler referred to both Immigration and Customs Secondary areas.

If evidence of human smuggling is discovered, the DART officer should immediately contact the Criminal Investigations Division. The DART officer should then escort the person to Immigration Secondary for an immigration examination to determine citizenship and admissibility.

If no evidence of human smuggling is discovered, the DART officer should accompany FNs to Immigration Secondary for examination to determine admissibility. Where the person provides satisfactory verbal or documentary proof that they are a Canadian citizen, the BSO authorizes the person to enter Canada at that point. It is not necessary to refer Canadian citizens to Immigration Secondary if the BSO is satisfied that they have that status. Documentation may be photocopied at Customs Secondary if necessary for further investigation or intelligence purposes.

DART officers should notify their superintendent of all cases of suspected human smuggling and forward the case information to their Criminal Investigations office and regional intelligence office.

## **22.8 Potential prosecutions**

DART officers are instrumental in identifying and gathering evidence to prosecute human smugglers and traffickers. DART officers can play a key role in identifying, documenting, assessing, referring and assisting the RCMP or CBSA Criminal Investigations (depending on the charge) in the laying of charges under IRPA and the *Criminal Code*.



When there is a concern that charges should be considered, the BSO and/or the CBSA Enforcement Division should ensure that the CBSA Criminal Investigations and Intelligence are contacted and provided the details of the case. If the RCMP or CBSA Investigations conducts an investigation, the BSO and/or Enforcement Division should notify their superintendent or supervisor immediately.

BSOs must be familiar with the heightened evidentiary requirements for prosecutions. Documents for a criminal charge must be transferred and secured in a manner that is consistent with the [Canada Evidence Act](#).

Chroniced statements must comply with the *Canadian Charter of Rights and Freedoms*. See section 7.1 of manual [ENF 12, Search, Seizure, Fingerprinting and Photographing](#), relating to seizure, and the [Canadian Charter of Rights and Freedoms](#).

Written declarations should be completed and confirmed with the CBSA Investigator or the investigating RCMP officer. In situations where a statement is taken from a passenger, the responsible officer should make every attempt to make the passenger available for the CBSA Investigator or the RCMP to interview. The declaration form is [IMM 1392B](#).

## **22.9 Interviewing Canadian citizens, PRs and persons registered under the Indian Act**

DART officers must be cognizant of the change in the legal obligation of the individual when dealing with PRs, persons registered under the *Indian Act* and Canadian citizens and conduct the interview accordingly. Any statement made in response to an officer's question may be inadmissible in court if the person has not been given the proper cautioning prior to making the statement.

DART officers should utilize these opportunities to inform partner agencies of Immigration Secondary's role with respect to the specific case and the reasons for the actions taken. This may include instances where no action is taken at that specific time. In these instances, DART officers must use the utmost care to ensure that the partner agency does not perceive Immigration Secondary as unwilling to act, but rather understands the inability to proceed due to legal restrictions.

When examining Canadian citizens, persons registered under the *Indian Act* and PRs, DART officers must:

1. confirm that the person concerned is in fact a Canadian citizen, persons registered under the *Indian Act* or PR;
2. receive permission from the person to conduct an interview, or to examine any documentation in their possession;
3. collect any evidence that may link the person to an improperly documented arrival;
4. if no evidence exists, then conclude the interview and thank them for their cooperation. If evidence of aiding and abetting exists, contact the CID immediately regarding the possible laying of charges. If the investigator attends, properly transfer all evidence relating to the charge to them. If the investigator does not wish to attend, then conclude the interview and thank the person for their cooperation; and
5. in all cases where evidence exists, a note should be added to GCMS detailing the occurrence. Also, all pertinent details should be relayed to Immigration Intelligence.

Evidentiary requirements may place DART officers in the best position to complete reports of this nature.

## **22.10 Training**

All DART officers are required to be certified in Control and Defensive Tactics (CDT) training. In addition, DART officers should generally have a minimum of one year's experience as an examination officer at the POE. This is to ensure that the officers are fully aware of the CBSA's mandate, objectives, and policies and have a good working knowledge of operational procedures, internal communication systems and statistical analysis and have recent experience in interviewing clients.

DART officers also need to be aware of the principles and dynamics underlying and motivating human behaviour, the influences of cultural differences, attitudes and behaviour and of departmental interviewing techniques. DART officers are usually required to complete up to two weeks' training that may include courses on:

- DART orientation;
- airline responsibilities;
- fraud document detection;
- immigration intelligence orientation;
- Jetway training;
- evidence and criminal charges;
- CSIS profiles and interviewing techniques;
- cross-cultural awareness;
- anger management;
- first aid and CPR;
- note-taking;
- Customs Controlled Areas; and
- processing Indigenous travellers.

## **22.11 Uniforms and appropriate protective and defensive equipment**

DART officers are required to wear their uniform while on duty in accordance with the Uniform Policy. DART officers are also required to wear appropriate protective and defensive equipment including protective vests, OC spray, baton, handcuffs and duty firearm (where applicable) when working outside of the secure office setting.

Any divergence from the standard uniform or equipment complement must be approved by local management and must be consistent with national guidelines.

## **22.12 Statistical and intelligence reports**

For audit purposes, POEs must keep an accurate record of the flights where a disembarkation screening has taken place. The daily Action Reports should reflect the reason the flights were selected and the number of improperly documented passengers that were identified. These reports may be used as evidence by the Transporter Obligations Program's Industry Compliance Unit when assessing the fees to be levied on carriers.

DART superintendents are responsible for compiling (from the daily Action Reports) a monthly report of DART activity during the previous month. The monthly reports should contain statistics on the number of disembarkations performed, the number of improperly documented FNs intercepted, as well as other DART actions initiated through referrals by Intelligence, NTC's Targeting Travellers unit, the RCMP, the airlines or other sources.

NHQ Intelligence Branch will provide regular Intelligence reports to NHQ Ports and Border Management, regional headquarters and airport DART superintendent about overseas interceptions by Liaison Officers.

## **23 Alternate means of examination (AME)**

[R38](#) lists alternative means of examination that may be used instead of appearing at a POE for an examination by a BSO. Refer to [ENF 29](#), *Alternative Means of Examination Programs* for more information.

### **23.1 Trusted Traveller Programs (TTPs)**

TTPs are designed to expedite the border clearance process for pre-approved, low-risk travellers. TTPs such as CANPASS, NEXUS, FAST and CDRP are available to U.S. and Canadian citizens and PRs. Successful applicants are issued authorizations to present in an alternate manner such as photo identity cards. Persons holding these authorizations are still applying for entry, but their examination will be expedited as background checks regarding criminality and previous immigration and customs infractions have been completed.

See [People Processing Manual, pt. 3](#) for more information on TTP.

## **24 Advance passenger information (API) and passenger name record (PNR)**

### **24.1 API information**

The [Passenger Information \(Customs\) Regulations](#), as well as [R269](#), obligate all commercial air carriers/commercial transporters to provide the CBSA with Advance Passenger Information (API) relating to all persons on board, or expected to be onboard, the commercial conveyance travelling to Canada prior to, and at, the time of departure from the last point of embarkation of persons before the conveyance arrives in Canada, despite the final destination or transit port. The information is sent electronically. This enables the NTC-TT officers to conduct pre-arrival targeting, security, criminality and FOSS history checks and GCMS searches on the travellers prior to their arrival in Canada.

API consists of the following data elements, mostly contained in the machine-readable zone (MRZ) of most passports and travel documents:

a) their surname, first name and any middle names, their date of birth, their citizenship or nationality and their gender;

(b) the type and number of each passport or other travel document that identifies them and the name of the country or entity that issued it;

(c) their reservation record locator number, if any;

(d) the unique passenger reference assigned to them, if any, by the person who is required to provide information or, in the case of a crew member who has not been assigned a unique passenger reference, notice of their status as a crew member;

(e) any information about the person in a reservation system of the person who is required to provide information or in a reservation system of the representative of such a person; and

(f) the following information about their carriage on board the commercial conveyance:

(i) if the person is carried or is expected to be carried on board the commercial conveyance by air, the date and time of take-off from the last point of embarkation of persons before the commercial conveyance arrives in Canada or if the person is carried or is expected to be carried on board the commercial conveyance by water or land, the date and time of departure from the last point of embarkation of persons before the commercial conveyance arrives in Canada,

iii) the last point of embarkation of persons before the commercial conveyance arrives in Canada,

(iii) the date and time of arrival of the commercial conveyance at the first point of disembarkation of persons in Canada,

(iv) the first point of disembarkation of persons in Canada, and

(v) in the case of a commercial conveyance that carries persons or goods by air, the flight code identifying the commercial carrier and the flight number.

The API data elements are captured at the time of check-in when the machine-readable zone of the passport or travel document is swiped or entered manually.

## 24.2 PNR information

The [Passenger Information \(Customs\) Regulations](#), as well as [R269](#), obligate all commercial air carriers/commercial transporters to provide the CBSA with Passenger Name Record (PNR) information relating to persons on board the commercial conveyance travelling to Canada at the time of departure from the last point of embarkation of persons before the conveyance arrives in Canada, despite the final destination or transit port. The information is sent electronically and is matched, in PAXIS, with the API data provided. This enables the NTC officers to conduct pre-arrival targeting, security, criminality and FOSS history checks and GCMS searches on the travellers prior to their arrival in Canada.

The PNR information available in a transporter's reservation system can be extensive, and the data elements captured will vary for each transporter. Some transporters do not have

PNR systems in use for some flights and thus are not obligated to provide the data for those flights.

### **24.3 Disembarkation and Roving Team (DART)**

Prior to a commercial vehicle's arrival in Canada, the NTC-TT unit will analyse the API and PNR information, enter required lookouts in ICES, and ensure that the BSOs and the DART receive detailed information on persons who may be inadmissible to Canada. The NTC-TT have the decision-making ability to flag a person, prior to their arrival at the PIL, for referral to Immigration Secondary.

## **25 Entering data on previously deported persons (PDP) into the Canadian Police Information Centre (CPIC)**

The primary objective for entering data on PDPs into the CPIC is to enhance public safety and security by providing peace officers with the necessary information to form reasonable grounds that the person may be arrested without a warrant, as per [A55\(2\)\(a\)](#). The CPIC-PDP database will equip peace officers across Canada with information that a FN has been deported from Canada, has returned to Canada without authorization as required by [A52\(1\)](#) and, at the time of the person's removal, there were reasonable grounds to believe that the person is a danger to the public or is unlikely to appear.

After a name is queried in the CPIC and it is a direct match to a person found in the PDP database, the information on the CPIC will instruct law enforcement partners to contact the Warrant Response Centre (WRC) for further assistance.

Information on individuals in the CPIC-PDP database originates from FOSS/GCMS. For more information on this subject, see [ENF 10, Removals](#).

### **25.1 POE procedures for completing the *Authorization to Return to Canada* (ARC) application**

The completion of *Authorization to Return to Canada* (ARC) applications is normally the responsibility of visa offices. However, on occasion, the POE is required to deal with individuals where completion of an ARC application is necessary. Therefore, *Authorization to Return to Canada* application functionality in GCMS is accessible at POE and the authority to grant or deny the ARC has been designated at the POE to the Chief of Operations level (see [IL 3, CIC IDD: Instrument of Designation and Delegation, item 88](#)).

The *Authorization to Return to Canada* application functionality is used to record the processing and disposition (approval or denial) of an ARC, regardless of the type of removal order (i.e., exclusion order cases where written authority is required). When granting an ARC, an ARC application must be completed in GCMS.

Before a physical copy of the *Authorization to Return to Canada Pursuant to Subsection 52(1) of the Immigration and Refugee Protection Act* form [[IMM 1203B](#)] is issued, the applicable cost of \$400 must be collected and, if CBSA/IRCC paid for their removal, recovery fees must be collected.

FNs must repay the following:

- \$750 for removal to the U.S. or Saint-Pierre and Miquelon [[R243\(a\)](#)]; or
- \$1,500 for removal to any other destination [[R243\(b\)](#)].

Recovery payment must be entered into the Travellers Entry Processing System (TEPS), and the K21 form must be completed using the code 48455, Repayment of Removal Costs, as the cost recovery type.

For more information on the repayment of removal costs, please refer to [ENF 10, Removals](#).

There are currently no exemptions to the cost recovery fee for an ARC. When authorization to return to Canada has been denied, the officer must indicate the denial in the *Authority to Return to Canada* application in GCMS and issue a *Denial of Authorization to Return to Canada Pursuant to Subsection 52(1) of IRPA* form [[IMM 1202B](#)].

## 25.2 Completing an ARC application in GCMS

The *Authorization to Return to Canada application functionality* is accessible in GCMS. The person must be an existing client in FOSS/GCMS and a removal order or PDP document must exist. For more information on completing an *Authorization to Return to Canada* application in GCMS, refer to GCMS Help or the user guide on the [CBSA GCMS Wiki](#).

An ARC can be completed by a BSO designated by the responsible manager to have GCMS access to create ARC documents.

**Note:** The rationale for the decision to Approve or Refuse must be fully explained in the *Notes* tab without delay.

The completed ARC application will be recorded in GCMS.

## 25.3 Amending an ARC decision in GCMS

In exceptional circumstances, there may be occasions where a BSO has issued an ARC and information is later revealed that the document was issued in error. BSOs should take note that once the *Decision* field has been completed and the document finalized, the ARC cannot be re-opened and amended. This is because a positive decision will have electronically removed the person's record from CPIC-PDP. It is therefore imperative for BSOs to be sure of their decision before completing the ARC in GCMS. The document can be edited until the *Decision* field has been filled. Should unanticipated circumstances occur requiring that the decision be changed after the ARC has been finalized, the following protocol must be followed:

### To reverse a positive decision

An email must be sent to Warrant Response Centre (WRC) with a short explanation requesting to re-enable the PREV.DEF flag. Copy and paste the email sent to WRC into the *Notes* tab of the ARC.

## **To reverse a negative decision**

A new ARC must be created, choose Approved in the Final Assessment menu, explain the reason for the reversal in the *Notes* tab. There is no need to advise the WRC.

### **25.4 Effect of ARC decisions on the PDP database**

Where there is a PREV.DEF flag enabled in FOSS/GCMS, the effect of the ARC will be as follows:

- a decision to GRANT an ARC will disable the PREV.DEF flag in FOSS/GCMS, remove the person from the PIL "Hit List" and automatically remove the record from CPIC; or
- a decision to DENY an ARC will maintain the PREV.DEF flag in FOSS/GCMS, cause the client to remain on the PIL "Hit List" and maintain the record in CPIC.

### **25.5 Remedial action at POEs**

#### **Person is in possession of an ARC but PREV.DEF flag still enabled**

BSOs at Immigration Secondary must be prepared to deal with a person who is referred from the PIL because a PREV.DEF flag appears against the person's name when queried. When a referred individual is in possession of an ARC and is still flagged as PREV.DEF in FOSS, the following remedial action must be taken:

- If an examination of FOSS historical notes and GCMS notes satisfies the BSO at Immigration Secondary that a positive ARC decision was made and the fees collected, but the visa officer neglected to create an ARC application in GCMS on which to record the decision, the officer, upon authorizing entry into Canada, must create an ARC application in GCMS in order to disable the PREV.DEF flag and remove the record from CPIC-PDP.
- If an examination of FOSS/GCMS notes indicates that the visa officer issued an ARC in error, without considering the need for written authorization to return to Canada, the decision to grant or deny such authorization rests with the BSO at Immigration Secondary.

#### **Entry denied on other inadmissibility grounds**

There may be circumstances where a BSO at Immigration Secondary will deny entry to Canada on new inadmissibility grounds to a previous deportee who has been authorized to return to Canada by a visa officer (and therefore the PREV.DEF flag will have already been disabled by the ARC). In such circumstances, BSOs should understand that the requirement to obtain authorization to return to Canada has been overcome by the granting of the ARC and they should not be exploring ways in which they can re-enable the PREV.DEF flag.

## **26 Foreign Missions and International Organizations Act (FMIOA)**

The *Foreign Missions and International Organizations Act* (FMIOA) extends privileges and immunities to foreign missions and certain international organizations that operate and/or hold meetings or conferences in Canada. [Section 5](#) of the FMIOA provides that an order in council (OIC) can be signed by the Governor in Council with respect to certain international organizations. The OIC accords international organizations and their representatives privileges and immunities outlined in certain sections of the *Convention on the Privileges and Immunities of the United Nations* and the *Vienna Convention on Diplomatic Relations*. The OIC can remain permanently in force [such as the OIC that grants privileges and immunities to the International Civil Aviation Organization (ICAO) headquarters in Montreal] or can be signed to cover a specific meeting or conference of an international organization held in Canada (such as G8 meetings). Finally, the OIC can be signed to encompass all of the provisions in section 5 of the FMIOA, or can limit which privileges and immunities will be accorded.

On April 30, 2002, a new subsection of section 5 of the FMIOA came into force. Subsection 5(4) states that "In the event of an inconsistency or conflict between an order [OIC] made under subsection (1) and any of sections 33 to 43 of the *Immigration and Refugee Protection Act*, the order [OIC] prevails to the extent of the inconsistency or conflict." This means that representatives of international organizations covered by an OIC of the Governor in Council are not subject to the inadmissibility provisions of IRPA. These representatives are not to receive any additional documentation, such as TRPs. They shall be granted temporary resident status in the normal manner. If officers feel there is a need to further document the arrival of one of these representatives, a Client Note can be entered in GCMS.

NHQ will receive advance notification of all OICs of the Governor in Council, the regions and ports may be given alternate directions when applicable.

## **27 FOSS/GCMS enforcement flag amendments**

### **27.1 Background**

Thorough POE examinations are necessary to ensure the safety of all Canadian citizens, PRs and visitors to Canada. Secondary examinations are, for the most part, considered routine and should not be viewed as an accusation of wrongdoing on the part of the traveller.

Enforcement flags are generated when an immigration enforcement action was previously recorded in FOSS or in GCMS and is linked to the IPIL database. Upon seeking entry to Canada at the PIL, persons who have been the subject of previous enforcement actions may be automatically referred to Immigration Secondary due to an active enforcement flag contained in their FOSS/GCMS record. A person may discuss the issue with the POE officer the next time they seek entry into Canada.

Although FOSS/GCMS will always retain a traveller's immigration enforcement history, it is possible to amend these enforcement flags. The determination to request a flag amendment is made at the discretion of the BSO and cannot be guaranteed. All enforcement history remains intact in FOSS/GCMS, but the flag may be modified from the IPIL database so that it no longer generates a mandatory referral at the PIL. Furthermore, only past enforcement flags will be considered, ensuring that if any enforcement action were to take place in the future, the enforcement flag would automatically be reactivated.



## 27.2 Considerations

When determining an enforcement flag amendment, the following questions should be considered:

- How often does the traveller visit Canada?
- What was the infraction?
- Is there a history of enforcement actions?
- Was the traveller a minor at the time of the enforcement action?

## 27.3 Procedures for amending an enforcement flag

Individual officers should not contact the Operations Support Centre directly for an enforcement flag amendment. Officers must follow the procedures below:

1. Check FOSS history (all records) and GCMS records via GCMS Integrated Search to ensure that the client has only one unique client identifier (UCI). In cases where more than one UCI exists, household the UCIs by following the [instructions in WIKI](#) before amending an enforcement flag.
2. Conduct a CPIC/U.S National Crime Information Center (NCIC) check on each client that was previously reported for criminal inadmissibility to ensure that the client is no longer criminally inadmissible to Canada.
3. Where an Info Alert is the reason for the flag at IPIL, BSO who are MDs and superintendents have the authority to expire them by following Step 11 of the [Processing guide of an Info Alert](#).
4. Where it is due to a Failed (negative) Admissibility Assessment in GCMS, BSOs must create a new Examination and Pass (positive) the Admissibility Assessment. Refer to the [step-by-step](#) on the Wiki page for procedures.

For more information on this, consult [OBO-2020-011](#) and [PRG-2017-38](#).

## 27.4 Enforcement flags on Canadian citizens and persons registered under the *Indian Act*

Normally, once a PR of Canada receives citizenship, IRCC grants the citizenship and this information is reflected in GCMS (or previously in FOSS as an NCB Type 11). Occasionally, BSOs will encounter travellers with immigration enforcement flags who have become citizens, but who are still being flagged due to a previous immigration enforcement flag. This is another instance where a BSOMD or superintendent can expire a FOSS Legacy Info Alert via GCMS.

With the coming into effect of Bill S-3 in 2019, some persons that were considered FN are now persons registered under the *Indian Act* and therefore enter Canada by right. All enforcement flags against these people should be amended as per the steps above.

## Appendix A Memorandum of Understanding between IRCC and the CBSA

[http://atlas/cab-dgsi/res/toolkit-outils/partnership-partenariat/wca-ece/federal/cic/index\\_eng.asp](http://atlas/cab-dgsi/res/toolkit-outils/partnership-partenariat/wca-ece/federal/cic/index_eng.asp)

## Appendix B Quarantine Operations Centres

### Public Health Agency of Canada (PHAC)

#### Quarantine Operations Centres

Effective May 1, 2019, PHAC centralized the management of border and travel health notifications and the assessment of ill travellers through the new PHAC Notification Line: **1-833-615-2384** and email **phac.cns-snc.aspc@canada.ca**. Service in both official languages will be available 24 hours a day, seven days a week.

For more information, refer to *People Processing Manual, pt 8, ch. 5.2, Quarantine - Liaison with the Public Health Agency of Canada*.

## Appendix C Record of Direct Backs for Refugee Claimants at the Land Border

<b>Record of Direct Backs for Refugee Claimants at the Land Border</b>			
	1	2	3
Name of the refugee claimant (last name, given name)			
GCMS UCI ( )			
POE			
Name of the superintendent who approved the Direct Back			
Reason for directing back under exceptional circumstances*			
Date and time of Direct Back dd/mm/yy - 00h00			
Scheduled date of return dd/mm/yy			
Remarks			

**Have you considered the following arrangements before directing the refugee claimant back?**

- Making arrangements to reduce the waiting time for the refugee claimant by:
- Invoking overtime hours for border services officers to process a claim
- Calling in border services officers from a nearby POE
- Using the telephone translation service
- Detaining the claimant, if grounds to detain exist, to complete the examination

\*Exceptional circumstances are defined as situations where all the procedures outlined above have been considered and an examination still cannot be conducted. The well-being of the claimant should be considered in conjunction with the impact on POE operations. When it has been determined that a case can be substantiated as an exceptional circumstance, the border services officer must obtain approval from the POE superintendent before directing a refugee claimant back to the United States.

## Appendix D Temporary resident permit (TRP) checklist

[Temporary resident permit \(TRP\) checklist](#)