

AUTHORITY OF U.S. PRECLEARANCE OFFICERS

The main job of a preclearance officer is to determine whether travellers and goods are to be allowed entry into the U.S.A. The Act would grant a preclearance officer the authority necessary to make that determination.

Dealing with passengers

In relation to travellers, a preclearance officer would be given the authority under the Act to:

- Order anyone found in a preclearance area to report to him or her or to leave the area.
- Conduct a frisk search of a traveller in the following circumstances:
 - a) if the officer suspects that the person is carrying anything that would present a danger to human life or safety; and/or,
 - b) if the officer suspects that the traveller is carrying anything that would prove that he or she gave a false or deceptive answer to the officer's questions.
- Refuse to preclear the traveller into the U.S.A..

In addition, a preclearance officer would have the authority to detain a traveller if the preclearance officer suspects on reasonable grounds that a strip search is necessary for security reasons or to obtain evidence of a false or deceptive declaration. **Only a Canadian officer may conduct a strip search.**

Dealing with goods

In relation to goods, a preclearance officer would be given the authority under the Act to:

- examine goods submitted for preclearance;
- detain any goods that have been submitted for preclearance until the officer is satisfied that the goods have been dealt with in accordance with the Act;
- seize any goods that the officer believes on reasonable grounds relate to or provide evidence of a traveller's false or deceptive declaration;
- submit for forfeiture goods lawfully seized; and
- examine a means of transportation that is subject to preclearance.

Currency and monetary instruments are a special case. Under the Preclearance Act a preclearance officer is authorized to examine but not to detain or seize currency or monetary instruments in Canada. If the officer finds currency that he or she believes to be the proceeds of crime, the officer would be required to detain the currency for referral to a Canadian peace officer.