

Q14. What happens to a traveller who is caught with significant amounts of contraband? Are they subject to treatment by American or Canadian courts?

A. Canada and the U.S. both want to deter smuggling and contraband.

All suspected criminal offenses will be referred to Canadian officers to determine if Canada wishes to prosecute.

If Canada decides not to prosecute, the U.S. could apply a monetary fine.

Q15. What exactly occurs when an American officer finds drugs or any other illegal substance on an individual Canadian traveller seeking entry into the U.S?

A. All criminal matters are dealt with by Canadians.

Therefore, U.S. officers who find drugs or illegal substances will temporarily detain the traveller until a Canadian official arrives.

A Canadian official will decide on next steps, e.g., whether the traveller should be arrested and prosecuted.

If Canada decides not to prosecute the individual, the U.S. could apply a monetary fine.

Q16. What happens to a traveller who refuses to pay an American fine?

A. Travellers will be advised by signs and pamphlets that they have the option of not paying a fine.

They could be denied entry to the United States for the offence that led to the fine or for not paying.

They run the chance of being sued in a U.S. civil court for non-payment of the fine.

Q17. How will you guarantee that rights of individuals under Canadian law are respected in these situations?

A. In order to safeguard the interests of Canadians, airports will have appropriate signs and documentation to inform travellers of their rights and responsibilities.

In addition, the Canada-U.S. agreement on preclearance will include a review process and complaint mechanism for examining any incidents that could arise.

The proposed legislation will clarify the authorities of U.S. officers and put clear limits on the use of those authorities.