

- Goods seized by a preclearance officer that are required as evidence in proceedings before a Canadian court are forfeited to Canada.

The officer may detain a traveller in the following circumstances:

1. if the officer believes on reasonable grounds that the traveller has provided a false or, deceptive declaration; and/or,
2. if the officer believes on reasonable grounds that the traveller has committed an offence under a Canadian federal Act that is punishable by indictment or on summary conviction.

Once detained under these circumstances, the traveller or the goods must be transferred to a Canadian authority.

TRAVELLERS' RIGHTS UNDER CANADIAN LAW

The Preclearance Act requires that travellers who wish to enter the U.S. report to a preclearance officer, report their goods, and answer the officer's questions truthfully. The legislation also offers Canadian legal protections for travellers.

For example:

- Travellers would have full rights under the Charter of Rights and Freedoms
- A traveller would have the right to leave a preclearance area without going to the U.S.A. unless the traveller is informed that the preclearance officer suspects that the traveller has provided a false or deceptive declaration or has obstructed the officer in the performance of his or her duties.
- A traveller who is detained for frisk or strip search would have the right to have the decision reviewed by a senior officer.
- Canadian officers would conduct strip searches.