

Legal Authorities of U.S. officers

Q6. Will U.S. officers enforce U.S. law on Canadian soil?

A. No.

U.S. officers will be allowed to administer certain U.S. border laws at designated preclearance sites to determine the admissibility of goods and travellers to the U.S.

All arrests and criminal prosecutions will be performed by Canadians.

Q7. What is meant by administer?

U.S. officers can inform the traveller that a monetary penalty is being assessed. If the traveller chooses not to pay the penalty, the U.S. can not enforce the action in Canada.

Q8. Why is Canada granting new powers to American customs inspection officers?

Border control officers need certain authorities to do their job, including the power to search, examine, seize and detain suspected criminals, and to use reasonable force when necessary.

Currently, U.S. preclearance officers in Canada do not have these authorities. They only possess the authority to deny passage onward to the U.S.

Although most passengers voluntarily produce identification or open bags for inspection, they are under no obligation to do so.

Legal authority will set clear limits on what can and can not be done in the preclearance area.

Q9. What specific new powers will U.S. customs officers be given?

The proposed legislation would grant U.S. preclearance officers appropriate authority under Canadian law to:

1. frisk search travellers when the officer suspects on reasonable grounds that the traveller is carrying goods that would provide evidence that the traveller has made a false statement or when there is a dangerous security risk;
2. seize goods unless a Canadian officer requires them for a Canadian prosecution;
3. detain travellers until a Canadian officer arrives;
4. administer civil monetary penalties;
5. receive and use advance passenger information; and,
6. have appropriate legal protection.