

#### ARTICLE 5

In cases involving the removal of a person by one Party in transit through the territory of the other Party, the Parties agree as follows:

- (a) Any person being removed from Canada in transit through the United States, who makes a refugee status claim in the United States, shall be returned to Canada to have the refugee status claim examined by and in accordance with the refugee status determination system of Canada.
- (b) Any person being removed from the United States in transit through Canada, who makes a refugee status claim in Canada, and:
  - (i) whose refugee status claim has been rejected by the United States, shall be permitted onward movement to the country to which the person is being removed; or
  - (ii) who has not had a refugee status claim determined by the United States, shall be returned to the United States to have the refugee status claim examined by and in accordance with the refugee status determination system of the United States.

#### ARTICLE 6

Notwithstanding any provision of this Agreement, either Party may at its own discretion examine any refugee status claim made to that Party where it determines that it is in its public interest to do so.

#### ARTICLE 7

The Parties may:

- a) Exchange such information as may be necessary for the effective implementation of this Agreement subject to national laws and regulations. This information shall not be disclosed by the Party of the receiving country except in accordance with its national laws and regulations. The Parties shall seek to ensure that information is not exchanged or disclosed in such a way as to place refugee status claimants or their families at risk in their countries of origin.
- b) Exchange on a regular basis information on the laws, regulations and practices relating to their respective refugee status determination system.

#### ARTICLE 8

1. The Parties shall develop standard operating procedures to assist with the implementation of this Agreement. These procedures shall include provisions for notification, to the country of last presence, in advance of the return of any refugee status claimant pursuant to this Agreement.
2. These procedures shall include mechanisms for resolving differences respecting the interpretation and implementation of the terms of this Agreement. Issues which cannot be resolved through these mechanisms shall be settled through diplomatic channels.