

PROPOSED REGULATIONS

8. Section 269 of the Regulations is replaced by the following:

Advance passenger information

269. (1) On the request of an official of the Canada Border Services Agency, a commercial transporter that carries **or expects to carry persons to Canada** on board its commercial vehicle must provide the Canada Border Services Agency with the following information about each person whom it expects to carry:

- (a) their surname, first name and any middle names, their date of birth, their citizenship or nationality and their gender;
- (b) the type and number of each travel document that identifies them and the name of the country or entity that issued it;
- (c) their reservation record locator number, if any;
- (d) the unique passenger reference assigned to them by the transporter, if any, or, in the case of a crew member who has not been assigned one, notification of their status as a crew member;
- (e) any information about them that is in the

EXISTING LEGISLATION

Advance passenger information

• **269.** (1) On the request of an officer, a commercial transporter must provide on departure of their commercial vehicle from the last point of embarkation before arriving in Canada the following information in writing on each person carried:

- (a) their surname, first name and initial or initials of any middle names;
- (b) their date of birth;
- (c) the country that issued them a passport or travel document or, if they do not have a passport or travel document, their citizenship or nationality;
- (d) their gender;
- (e) their passport number or, if they do not have a passport, the number on the travel document that identifies them; and
- (f) their reservation record locator or file

reservation system of the transporter or its agent; and

- (f) the following information about their carriage on board the commercial vehicle:
 - (i) the following dates and times:
 - (A) in the case of a person who is or is expected to be carried on board a commercial vehicle by air, the date and time of take-off from the last point of embarkation of persons before the vehicle arrives in Canada, or
 - (B) in the case of a person who is or is expected to be carried on board a commercial vehicle by water or land, the date and time of departure from the last point of embarkation of persons before the vehicle arrives in Canada,
 - (ii) the last point of embarkation of persons before the commercial vehicle arrives in Canada,
 - (iii) the date and time of arrival of the commercial vehicle at the first point of

number.

• **Passenger reservation information**

(2) At any time after a commercial transporter undertakes to carry a passenger to Canada, the commercial transporter must provide an officer access to its reservation system or, on the request of an officer, provide in writing all reservation information held by the commercial transporter on passengers to be carried to Canada.

- disembarkation of persons in Canada,
- (iv) the first point of disembarkation of persons in Canada, and
- (v) in the case of a commercial vehicle that carries persons or goods by air, the flight code identifying the commercial transporter and the flight number.

Electronic means

(2) The information referred to in subsection (1) must be provided by electronic means in accordance with the technical requirements, specifications and procedures for electronic data interchange set out in the document entitled *CBSA Carrier Messaging Requirements* issued by the Canada Border Services Agency, as amended from time to time.

Time of transmission — paragraphs (1)(a) to (d)

(3) The information referred to in paragraphs (1)(a) to (d) must be provided

- (a) not later than one hour before the time of departure, if the information relates to a member of the crew; and
- (b) not later than the time of check-in, if the information relates to any other person who is expected to be on board the commercial vehicle.

Time of transmission — paragraph (1)(e)

(4) The information referred to in paragraph (1)(e) must be provided not later than at the time of departure.

Time of transmission — paragraph (1)(d)

(5) The information referred to in paragraph (1)(d) must also be provided, for each person who is on board the commercial vehicle at the time of departure, not later than 30 minutes after the time of departure.

Time of transmission — paragraph (1)(f)

(6) The information referred to in paragraph (1)(f) must be provided at the same time that any information referred to in subsections (3) to (5) is provided.

Incomplete or inaccurate information

(7) A commercial transporter that becomes aware before or at the time of departure that information it has provided under paragraph 148(1)(d) of the Act is incomplete or inaccurate must, in the manner described in subsection (2) and without delay, provide the Canada Border Services Agency with the missing or accurate information.

Exception — paragraph (1)(e)

(8) Subsection (7) does not apply in respect of information referred to in paragraph (1)(e).

Maximum retention period

(9) The Canada Border Services Agency may retain information referred to in paragraphs (1)(a) to (d) about a person until three years and six months after the day of departure of the commercial vehicle that carried or was to carry the person to Canada.

Notification by Canada Border Services Agency

270. (1) The Canada Border Services Agency may notify a commercial transporter that a person whom it expects to carry to Canada may be a person who is prescribed under section 258.1 or a person who may not hold the necessary documents prescribed under section 259.

Obligations unchanged

(2) For greater certainty, subsection (1) does not remove a commercial transporter's obligation to comply with any requirement imposed by the Act or these Regulations.

FYI:

PART 17 TRANSPORTATION

Prescribed persons

258.1 For the purposes of paragraph 148(1)(a) of the Act, a person who is the subject of a declaration made under subsection 22.1(1) of the Act is a prescribed person unless they hold a valid temporary

270. [Repealed, SOR/2004-167, s. 67]

Facilities for holding and examination

• **271.** (1) A commercial transporter, and a transporter who operates an airport or an international bridge or tunnel, must without cost to Her Majesty in right of Canada provide and maintain facilities, including areas, offices and laboratories, that are adequate for the proper holding and examination of persons being carried to Canada.

Criteria

(2) The facilities referred to in subsection (1) are adequate if they satisfy the applicable requirements of Part II of the [*Canada Labour Code*](#), are secure and, if necessary, sterile, and

resident permit issued under section 24 of the Act.

- *SOR/2013-210, s. 5.*

Prescribed documents

259. *For the purposes of subsection 148(1) of the Act, the following documents that a person requires under the Act to enter Canada are prescribed:*

- *(a) a travel document referred to in subsection 31(3) of the Act;*
 - *(b) refugee travel papers issued by the Minister;*
 - *(c) a document referred to in subsection 50(1) or 52(1);*
 - *(d) a temporary travel document referred to in section 151;*
 - *(e) a visa referred to in section 6 or subsection 7(1); and*
 - *(f) a permanent resident card.*
- *SOR/2015-46, s. 1.*

include equipment and furnishings that permit officers to discharge their duties under the Act.

Examination on vessels

272. A commercial transporter carrying persons to Canada aboard its vessel must provide facilities aboard the vessel that permit an officer to conduct examinations.

9. The portion of subsection 273(1) of the Regulations before paragraph (a) is replaced by the following:

Obligation to carry from Canada

273. (1) A commercial transporter who has carried a foreign national referred to in this subsection to Canada or caused such a foreign national to be carried to Canada must, without delay, carry the foreign national from Canada

Obligation to carry from Canada

• **273.** (1) A transporter who has carried a foreign national referred to in any of paragraphs (a) to (d) to Canada, or caused such a foreign national to enter Canada, must carry the foreign national from Canada

- (a) to any other country, in the case of a foreign national directed to leave under subsection 40(1);
- (b) to the United States, in the case of a foreign national directed back to that country under section 41;
- (c) to any other country, in the case of a foreign national allowed to withdraw their application under section 42; or
- (d) to the country to which the foreign national is removed under section 241, in the case of a foreign national who is subject to an enforceable removal order.

Conveyance to vehicle

(2) The transporter must transport a foreign

national who is subject to an enforceable removal order from wherever the foreign national is situated in Canada to the vehicle in which they will be carried to another country.

Members of a crew

• **274.** (1) If a transporter carries, or causes to be carried, a foreign national to Canada as a member of its crew or to become a member of its crew, and the foreign national is subject to an enforceable removal order, the transporter must carry that foreign national from Canada to the applicable country as determined under Division 4 of Part 13.

Conveyance to vehicle

(2) The transporter must transport the foreign national referred to in subsection (1) from wherever the foreign national is situated in Canada to the vehicle in which they will be carried to another country.

Notification

275. A transporter must notify an officer without delay if a foreign national referred to in section 273 or

10. Sections 276 and 277 of the Regulations are replaced by the following:

Notifying commercial transporter

276. (1) When a foreign national who seeks to enter Canada is made subject to a removal order and a commercial transporter is or may be required under the Act to carry that foreign national from Canada, an officer must

- (a) notify the commercial transporter that it is or may be required to carry the foreign national from Canada; and
- (b) when the removal order is enforceable, notify the commercial transporter of its obligation to carry the foreign national from Canada and, if an escort is necessary, request the transporter to provide an escort or to arrange for the carriage of an escort assigned by the Minister.

Arrangements and notice

(2) After being notified under paragraph (1)(b), the commercial transporter must, without delay,

- (a) make arrangements to carry the foreign national from Canada and notify an officer of

274 whom they are carrying from Canada leaves or attempts to leave a vehicle before they are carried from Canada.

Notifying transporters

• **276.** (1) When a foreign national seeking to enter Canada is made subject to a removal order and a transporter is or might be required under the Act to carry that foreign national from Canada, an officer shall

- (a) notify the transporter that it is or might be required to carry that foreign national from Canada; and
- (b) when the removal order is enforceable, notify the transporter that it must carry the foreign national from Canada and whether the foreign national must be escorted.

Notifying an officer

(2) After being notified under paragraph (1)(b), the transporter must without delay notify an officer of arrangements made for carrying the foreign national from Canada.

Time period

those arrangements; or

- (b) notify an officer that it is unable to make such arrangements.

Time period

(3) The commercial transporter must carry the foreign national from Canada within 48 hours after giving the notification required by paragraph (2)(a).

Non-compliance

(4) If a commercial transporter does not comply with paragraph 2(a) or subsection (3) or notifies an officer that it is unable to comply with those provisions, or if an officer notifies the commercial transporter in writing that the proposed arrangements are not acceptable, an officer must cause the foreign national to be carried from Canada and the commercial transporter must pay the costs referred to in section 278.

Requirements for acceptance of arrangements

(5) To be acceptable, the arrangements referred to in subsection (2) must meet the following requirements:

- (a) the itinerary of the carriage must begin where the foreign national is situated in Canada and

(3) The transporter must carry the foreign national from Canada within 48 hours after giving notification under subsection (2) of the arrangements made.

Non-compliance

(4) If a transporter does not comply with subsection (2) or (3), or notifies an officer that it is unable to comply with that subsection, or if an officer notifies the transporter in writing that the officer does not accept the proposed arrangements, an officer shall cause the foreign national to be carried from Canada and the transporter shall pay the costs under section 278.

Criteria for non-acceptance of arrangements

(5) To be acceptable, the arrangements referred to in subsection (2) must meet the following criteria:

- (a) the foreign national is not inadmissible

end in the country and city to which the foreign national is to be removed, following the most direct routing possible;

- (b) the itinerary of the carriage must not include a country through which transit has not been approved;
- (c) the period of time between any connections must not exceed 12 hours; and
- (d) the commercial transporter must comply with any request by an officer to provide an escort or to arrange for the carriage of an escort assigned by the Minister.

to the country of destination and, for the purposes of transit, all countries of transit;

- (b) the safety of the foreign national and other persons aboard any vehicle used to reach the country of destination must be ensured; and
- (c) the transporter must undertake to comply with any request for an escort or escorts.