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Canadian Visas, Permits and Citizenship



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The CBSA Customs Enforcement Manual (\$4.95)

The Canada Border Services Agency is responsible for the detection and prevention of border-related offences such as smuggling, fraud, and wilful non-compliance with immigration, trade, and tax law. The **CBSA Enforcement Manual**, also known as the Customs Enforcement Manual, serves as the guide for CBSA officers in the execution of their enforcement related responsibilities. It has been relied upon in several court challenges.

To the best of my knowledge, the **CBSA Enforcement Manual** is not publicly available.

However, we have obtained a copy of it through an *Access to Information and Privacy Act* request and have made it available for purchase on this blog. The price for this document, which is a massive 1,274 pages, is \$4.95. Our goal in providing the **CBSA Enforcement Manual** is to help you save valuable research time, and to provide you with a comprehensive understanding of how the CBSA operates.

We have provided as a free preview the first page of the CBSA Enforcement Manual. We have also provided an outline of all of the information, policies, and guides which are found in it.

The Customs Enforcement Manual is divided into parts as outlined below.

Part 1 – Introduction

Chapter 1 – Introduction

- Includes an introduction, an overview of the purpose of CBSA, an overview of enforcement actions and objectives.
- Appendix A is The Customs Operating Principles on Enforcement
- Appendix B is the CBSA Enforcement Manual Maintenance, which includes the table of contents.

Chapter 2 – Health and Safety

- Provides a guide to the health and safety considerations for CBSA officers.

Part 2 – Enforcement Priorities

Chapter 1 – Alcohol and Tobacco

- The CBSA guide on how it administers its responsibilities with respect to alcohol and tobacco.
- Includes a summary of the relevant provisions of the Customs Act, the Customs Tariff,

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the Excise Act 2001, and the Excise Act.

- Describes the procedures related to the seizure and disposal of alcohol and tobacco and the stamping and marking of tobacco products.

Chapter 2 – Currency and Monetary Instruments

- The CBSA guide on how it administers Part 2 of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act.
- Provides guidelines to CBSA officers in the event of imports or exports of currency or monetary instruments totaling CAD \$10,000 or greater.
- Includes guidelines of searching people suspected of importing or exporting CAD \$10,000 or greater.
- Provides a breakdown of reporting procedures, retention, penalties and seizures.
- Introduces the guidelines for determining whether currency is a proceed of crime under several Acts of Parliament, as well as determinations involving third party claims, and appeals.
- Appendix A is the Seizure Receipt Currency and Monetary Instruments form (K19C) and the Currency Inventory Sheet (K19C-1).
- Appendix B is the Confirmation of the Return of Seized Currency and/or Monetary Instruments Upon Payment of Penalty form.
- Appendix C is the Currency Checklists form.

Chapter 3 – Firearms and Weapons

- Provides the guide on the importation of firearms, weapons, and other devices.
- Includes a breakdown of the relevant sections of the law.
- It does not instructions on determining the admissibility of firearms and weapons and the adequate documentation required.
- Provides procedures for detecting and importing firearms.

Chapter 4 – Reserved

Chapter 5 – Jewellery and Watches

- Provides the guide on the importation of jewellery.
- Summarizes the law on the importation of jewellery.
- Provides guides and procedures for the appraisal of different types of jewellery.

Chapter 6 – Drugs and Precursor Chemicals

- The guide on the types of enforcement actions, types of inadmissible drugs, sources for determining the status of a substance, forfeiting inadmissible drugs, drug couriers, the handling of drug paraphernalia, and precursor chemicals.
- Provides a list of drugs not subject to seizure.
- Discusses appeal rights.
- Appendix A is the Special Terms of Release for Conveyances Used in Drug Smuggling
- Appendix B is the Distribution of Forms

Chapter 7 – Reserved

Chapter 8 – Obscenity and Hate Propaganda

- Provides a guide for officers on the identification and classification of prohibited materials including obscenity, hate propaganda, and goods of a treasonable or seditious nature.
- Discusses the law around obscenity and hate propaganda.

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- Provides instruction on the control and disposal of prohibited material.

Chapter 9 – Reserved

Chapter 10 – Endangered Species

- Provides the guide to officers on the importation of endangered or threatened plant and animal species.
- Discusses the Convention on International Trade in Endangered Species
- Provides procedures.
- Appendix A are the Convention on International Trade in Endangered Species Appendices
- Appendix B is the Non-Monetary General Receipt (K24) Sample
- Appendix C is the Export Notice of Detention (K29) Sample

Chapter 11 – Counter Terrorism

- Contains the guide on detecting and controlling individuals suspected of engaging in terrorist activities that are attempting to enter Canada.

Chapter 12 – Our Missing Children

- Contains the guide on detecting and intercepting children that have been reported missing and/or are being abducted, and returning them to their rightful guardians.
- Discusses the AMBER Alert System
- Identifying a child and contacting the parent.
- Appendix A is the Our Missing Children Recovery Report (E514).
- Appendix B is the Tips for Parents and Legal Guardians

Chapter 13 – Counter Proliferation Section

- Provides the guide on ensuring compliance with export control requirements.
- Discusses the law as contained in the Customs Act, the Export and Import Permits Act, and the United Nations Act.
- Discusses document review, the examination of goods, retention, and seizing goods.

Chapter 14 – Child Pornography

- Provides the guide on the interdiction of suspected child pornography.
- Summarizes the law on child pornography.
- Provides procedures on handling people in possession of child pornography.
- Appendix A is the Standard Operating Procedure on child pornography.

Chapter 15 – Trafficking in Persons

- Provides the guide on detecting instances of trafficking in persons, preventions, assisting in safety, and supporting investigations.
- Discusses when removal orders will be issued and the issuance of Temporary Resident Permits.
- Appendix A is the Background on Trafficking in Persons
- Appendix B is the Indicators that Trafficking in Persons May Have Occurred
- Appendix C is Forced Labour
- Appendix D is the Victim of Trafficking in Persons Interviewing Guidelines
- Appendix E is Interviewing Questions and Tips
- Appendix F is CBSA Contact Information
- Appendix G is Citizenship and Immigration Canada Contact Information

Part 3 – Selection

Chapter 2 – Targeting Obscenity and Hate Propaganda

- Provides a second overview of the law on obscenity and hate propaganda.
- Discusses the impact of the Supreme Court of Canada decision in *Little Sister Book and Art Emporium et al v. The Minister of Justice and the Minister of National Revenue*

Chapter 3 – Reporting, Questioning & Referral

- The guide on analyzing declaration and importation reports, clarifying and probing questions when suspicions arise, and referring persons and goods for further examination.
- Focus on the Travellers Stream, Additional and Direct Questioning, Minors, Referrals, the Commercial Stream and Referrals.

Chapter 4 – Roving Policies and Procedures

- Guide on roving, which forms one third of traveler screening and examination.
- Focus on individual roving and joint rover teams.

Chapter 5 – API/PNR and PAXIS

- Discussing the use of data in Advance Passenger Information (API) / Passenger Name Record (PNR) data from carriers on persons seeking entry to Canada.
- PAXIS – the system authorized by CBSA to review API/PNR data
- Appendix A is the Potential Passenger Name Record (PNR) Data Elements
- Appendix B is the API/PNR Authorized CBSA Officials and Access Level

Chapter 6 – Surveillance

- Guidelines and policies for the initiation and conduct of surveillance operations.
- Appendix A is the United States Operations Notification Report (Title 18)

Part 4 – Examination – Goods and Conveyances

Chapter 1 – Detection Technology

- Policies on the use of detection equipment to assist in the examination of imported or exported goods.

Chapter 2 – Reserved

Chapter 3 – Personal Baggage, Goods, and Conveyances Examination

- Policies on the examination of baggage.
- Summary of the law on search, including the Charter.
- Guides on reasons to search, conduct, and special rules for the search of pocket, purse, clothing, journals, personal papers, and wallet examinations.
- Steps in an examination, and what to ask.

Chapter 4 – Commercial Shipment Examination

- Policies on reasons to examine, point of finality, conduct, escorting high-risk shipments, mandatory referrals, and intensive examinations, and more.
- Appendix A is the Offload Policy.

Chapter 5 – Container Examination

- Policies on Dockside Examination, Container examination, steps in opening container doors, insulated containers, bulk containers, and other types of containers.
- Appendix A is the Contraband Examination Procedures for Containers that Test Positive for Airborne Chemicals
- Appendix B is the Container Targeting and Examination Report

Chapter 6 – Aircraft Examination

- Policies on examination of aircraft.
- Procedures for commercial airlines, offsite examination aircraft, and more.
- Appendix A is the Notification of Aircraft Inspection (K158)
- Appendix B is the Memorandum of Understanding Template

Chapter 7 – Reserved

Chapter 8 – Commercial Marine Vessel Exam

- Policies on the examination of commercial marine vessels.
- Vessel Rummage, Hull Examinations, Arrival and Boarding, and more.
- Appendix A is the Rummage Information and Safety Checklist (K154)
- Appendix B is the Treasury Board Occupational Health and Safety

Chapter 9 – Marine Pleasure Craft Examination

- Policies on examining marine pleasure craft.

Chapter 10 – Commercial Motor Vehicle Exam

- Policy on examining commercial motor vehicles.
- Includes numerous guides on intensive examinations.

Chapter 11 – Rail Examination

- Policies on examining passenger and freight trains.
- Appendix A is the Container Targeting and Examination Report

Chapter 12 – Postal Examination

- Policies on examining international mail.
- Includes a review of the law, and the standards to open mail.
- Includes a note on when mail is damaged during examination.

Chapter 13 – Courier Examination

- Guide on conducting examination of international courier items.
- Includes the policies on Items Subject to Solicitor-Client Privilege

Part 5 – Enforcement Actions, Goods, Documents, Evidence, and Conveyances

Chapter 1 – Commercial Seizures, Ascertained Forfeitures & Administrative Monetary Penalties

- An overview of the Administrative Monetary Penalty System
- A review of the law on penalties.
- The policies on the seizure of goods in addition to and/or in lieu of monetary penalties.
- The assessment of duties.
- Correction procedures.
- Appeals.

- Appendix A is the Presidential Directive for the Seizure and Ascertained Forfeiture of Commercial Goods and Conveyances

Chapter 2 – Traveller Seizure and Ascertained Forfeiture

- The policies on the implementation of the Administrative Monetary Penalty System.
- Contraventions, detention, and seizure policy.
- Section 11, 12 and 7.1 allegations.
- Undeclared conveyances.
- The special rules on tires.
- Conveyances used in drug smuggling and weapons.
- The Three Levels and the Three Groups of Infractions, and how penalties are assessed for them.
- Undervaluation.
- Duty Free Store Purchases.
- Voluntary disclosure.
- Release of seized goods.
- Adjudications and appeals.

Chapter 3 – Criminal Code – Seizure of Evidence and Goods

- Policy on the seizing of goods pursuant to s. 489(2) of the Criminal Code.
- Appendix A is the Exhibit Control Form (K129)
- Appendix B is the Evidence Seizure Receipt (E352)

Chapter 4 – Agriculture and Agri-food Administrative Monetary Penalty System

- The policies on the Agri-food Administrative Monetary Penalty System for people who fail to declare food, plant, and animal goods.
- An overview of the law on declaring produce, etc.

Part 6 – Searches and Enforcement Actions – Persons

Chapter 1 – Arrest and Detention

- CBSA policies on arrest and detention.
- A history of the law on CBSA powers to arrest and detain.
- The rights of an individual.
- The arrest of foreign nationals.
- Frisking, handcuffs, and use of force.
- Contacting counsel.
- Detention in custody.
- Appendix A is the Authorities, Limitations, and Commonly Encountered Offences for Which Border Services Officers May Arrest
- Appendix B is the Offences Against a Border Services Officer

Chapter 2 – Care and Control of Persons in Custody

- Policies on detention.
- The Care and Health of Persons Held in Custody.

Chapter 3 – Arrest and Detention of Young Persons

- Special procedures for searching, arresting, and detaining young people.
- Rights and cautions, contacting parents, statements from young persons, and personal search.

- Appendix A is the Youth Criminal Justice Act Declaration of Principle
- Appendix B is the Sample Youth Criminal Justice Act – Waiver of Right to Consult a Person (E368-2)
- Appendix C is the Form 3.1 Youth Criminal Justice Act – Notice to Parent or Adult with a Legal Duty to a Young Person
- Appendix D is the Form 5.1 Youth Criminal Justice Act – Appearance Notice to a Young Person

Chapter 4 – Foreign Representatives

- Policies on the treatment of foreign representatives.
- A review of the law.
- Offences by Foreign Representatives
- Firearms on Foreign Representatives
- Impaired Driving Related Offences
- Appendix A is the General Guidelines for Customs Enforcement Actions Against Foreign Representatives
- Appendix B is the Federal, Provincial, and Territorial Office of Protocol
- Appendix C is the Office of Protocol Policy Relating to Impaired Driving and Other Serious Traffic Offences

Chapter 5 – Use of Force (removed and put in the Arming Initiative Manual)

Chapter 6 – Personal Search

- Policies on conducting personal searches.
- The law on personal searches.
- Normal and use of force searches.
- Vaginal Inserts, Anal Inserts, and Monitored Bowel Movements
- Appendix A is the Authorizing Assistance for a Personal Search

Chapter 7 – Criminal Code Offenses

- Policies on CBSA Officers enforcing the Criminal Code.
- Impaired driving at the border.
- Processing persons subject to warrants.
- Demanding a breathalyzer.
- Possession of stolen property.
- Persons believed to have been kidnapped.
- Appendix A is Criminal Code Section 553 – List of Offences
- Appendix B is Form 9 Appearance Notice Issued by a Peace Officer to a Person Not Yet Charged with an Offence
- Appendix C is Criminal Code Incident Report (E641) Sample

Chapter 8 – Transportation of Persons Under Arrest and Detention

- Policies on transporting detained individuals.

Part 7 – Customs Enforcement Systems, Information, and Intelligence

Chapter 1 – Integrated Customs Enforcement System (ICES)

- An explanation of the Integrated Customs Enforcement System (ICES)
- User Access
- Enforcement Action Process
- Appendix A is the ICES User Information and Access Authority Form

- Appendix B is the Computer Information Access Authority (TF469)
- Appendix C is the Classification of Lookouts and the Use of Cautions in ICES

Chapter 2 – Enforcement Library

Chapter 3 – Information Sharing Policy for the Enforcement Program

- The process for sharing information in ICES.
- Screening requestors.
- Disclosing Information.
- Appendix A is the Data Validity Index.
- Appendix B is the Caveats.

Chapter 7 – Integrated Primary Inspection Line, Secondary Processing and Passage History

- Policies on identifying high-risk travelers.
- Secondary processing, and the 1st and 2nd thresholds.

Part 8 – Documentation and Reports

Chapter 1 – Notebooks

- Policies on the documenting of activities that officers perform.

Chapter 2 – Enforcement Forms

- Appendix A is the Authority Cards guide
- Appendix B is the Designation Cards guide

Part 9 – Investigations and Criminal Proceedings

Chapter 1 – Customs Prosecutions Policy

- The three main considerations in prosecuting.
- Referrals to Investigation
- Types of Offences
- Hindering an Officer

Chapter 2 – Customs Prosecutions Procedures

- Procedures on prosecutions.
- Port Prosecutions
- Rights and Cautions, Court Exhibits, Interviews and Evidence

Chapter 3 – Statements and Evidence

- Seizing as evidence.
- Return of evidence.
- Disputes and Appeals.
- Taking formal statements.
- Appendix A is the Statements and Confessions Check List
- Appendix B is the Canada Customs Voluntary Statement Form

Chapter 4 – Court Policy and Procedures

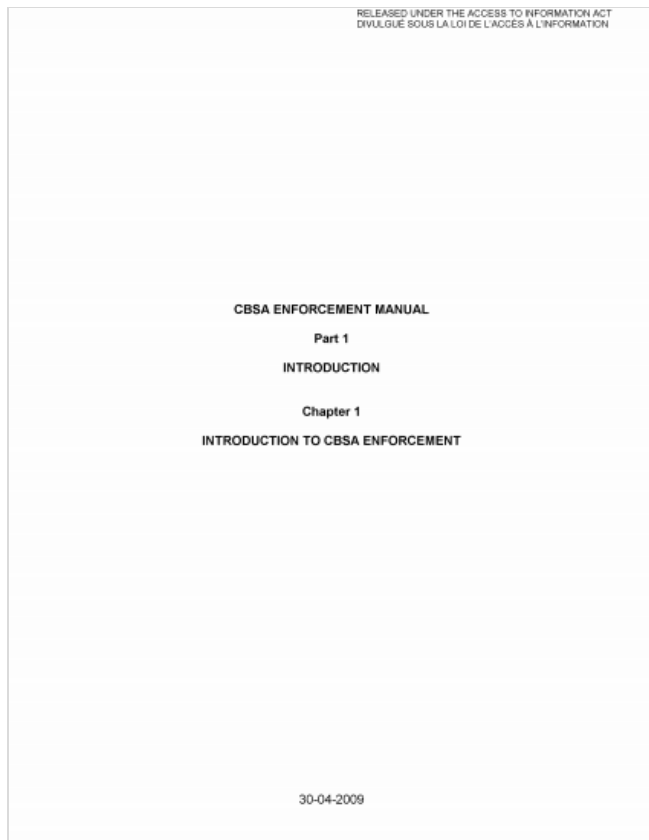
- Policies on giving evidence in court.
- The Court Process.

- Testimony and Courtroom Conduct.
- Appendix A is the Outline of a Typical Customs Trial
- Appendix B is the National Procedure on the Testimony of CBSA Officers in Foreign Court

Part 11 – Glossary

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