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Top 10 things you should know when crossing the
Canada/US Border

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1. What documents should I have with me?

Passports, ID and travel documents

A foreign national seeking to become a temporary resident generally must hold one of the following documents that is valid for the period authorized for their stay. Regulation 52 (1) and (2) of the Immigration and Refugee Protection Regulations (“IRPR”) outlines those requirements. The prescribed document must be valid for the duration of their authorized stay.

Regulation 52 does lay out what is accepted as a passport or travel document from certain countries where there are some special considerations, such as passports issued by the Palestinian Authority and by Hong Kong for example.

For most people who don't meet one of the exemptions what they require then is one of the following:

- ***a passport*** that was issued by the country of which the foreign national is a citizen or national, that does not prohibit travel to Canada and that the foreign national may use to enter the country of issue;
- ***a travel document*** that was issued by the country of which the foreign national is a citizen or national, that does not prohibit travel to Canada and that the foreign national may use to enter the country of issue;
- ***an identity or travel document*** that was issued by a country, that does not prohibit travel to Canada, that the foreign national may use to enter the country of issue and that is of the type issued by that country to non-national residents, refugees or stateless persons who are unable to obtain a passport or other travel document from their country of citizenship or nationality or who have no country of citizenship or nationality;
- ***a laissez-passer*** that was issued by the United Nations;

Regulation 52 (2) provides some significant exemptions to the passport rule, the most significant of which is for citizens of the United States. That being said, it is generally best for American citizens to travel to Canada with passports, as United States passports are generally considered the best evidence of US citizenship. A traveler will not necessarily be admitted to Canada if they are American and don't have a passport as they still have to establish their citizenship in order for there to be a determination of whether or not they required a visa.

Generally speaking only the following documents may be satisfactory evidence of U.S. citizenship (Excerpt from Citizenship & Immigration Canada (“CIC”) Policy Manual-Enforcement 4, at paragraph 13 .16):

- *A U.S. passport or a Certificate of Citizenship and Naturalization are considered prima facie evidence and are acceptable proof of U.S. citizenship.*
- *A U.S. birth certificate, when accompanied by another document bearing a picture of the holder, is considered an indicator and may be an acceptable proof of U.S. citizenship.*

A U.S. military identification card, although a good supporting document, is not prima facie evidence of U.S. citizenship. The U.S. military accepts recruits who are not U.S. citizens.

On occasion, a verbal declaration may be sufficient to satisfy a Border Services Officer (“BSO”) that a person is a U.S. citizen. For example, driver's licenses, health cards, U.S. Voter's Registration card, school records, credit cards are not prima facie evidence of citizenship, but they are often used along with a verbal declaration to satisfy the BSO of U.S. citizenship. In other circumstances, the BSO may require better documentary evidence for persons claiming to be U.S. citizens.

2. Do I require a visa to enter Canada?

Resident visa requirements

Citizens of some countries of the world are required to obtain a temporary resident visa before they can enter Canada. Such documents can only be obtained in Consulates, Embassies or High Commissions outside of Canada and must be applied for prior to travelling to the country. Depending on the country, it may take from 2 days to many weeks to obtain a temporary resident visa therefore travellers requiring such documents should apply for it way ahead of the scheduled trips to Canada. The list of countries requiring a temporary resident visa may be found on the Citizenship and Immigration Canada website at the following link <http://www.cic.gc.ca/english/visit/visas.asp>. As countries on the list may change from time to time, it is recommended to verify the website when one is expected to travel to Canada.

In order to obtain such temporary resident visa, the applicant will be expected to complete an application form and provide documents that may vary from one Consulate/Embassy/High Commission to another. Typically, the officer reviewing the application will have to be convinced that the individual is not inadmissible and will respect the authorization given and therefore will remain in Canada only for the authorized period of stay, will not work illegally in the country, and will return to their home country after they have completed their trip. Applicants will have to pay \$75 for a single entry visa and \$150 for a multiple entry visa.

The basis for the requirement to obtain a visa is found in section 179 and the following of the IRPR.

3. What is a business visitor?

Working without a work permit

Individuals coming to Canada for the purpose of visiting relatives, spending a holiday or touring the country will require admission into Canada as visitors, whether they are required to obtain a temporary resident visa or not. In some cases however the individuals will be expected to be in Canada for a purpose other than plain and simple pleasure.

There will be occasions where an individual will be coming to Canada for business purposes and therefore to perform an activity that is considered work but will not be required to obtain a work permit. According to Section 2 of the IRPR, work is defined as follows:

“work” means an activity for which wages are paid or commission is earned, or that is in direct competition with the activities of Canadian citizens or permanent residents in the Canadian labour market.

Deciding whether or not an activity constitutes work is therefore much more complex than simply evaluating whether or not remuneration will be given in exchange of the services provided. We must indeed look at the activity per se and establish whether or not it will come in direct competition with the Canadian labour market. In some circumstances, an activity that is otherwise considered work will not require the individual to obtain a work permit prior to coming to Canada. A list of work permit exemptions created to cover a variety of situations may be found in Section 186 of the IRPR and further more detailed in the Foreign Worker Manual, a document prepared by Citizenship and Immigration Canada and posted on their website at the following link: <http://www.cic.gc.ca/english//resources/manuals/fw/fw01-eng.pdf>. Where the activity of the individual coming to Canada is contemplated in Section 186, it is not necessary for this individual to obtain a work permit to perform such activity. Where the individual is required to obtain a temporary resident visa (see Section 2 of this paper), the application for a business visitor visa will be done at the Consulate/Embassy/High Commission prior to entering Canada. If the individual is not required to obtain a temporary resident visa, the application for business visitor status can be presented directly at the port of entry upon arrival in Canada. The applicant will have to demonstrate the purpose of his or her visit to Canada and should therefore have in hand a letter from the current employer outside of Canada, a letter of invitation from the client or the Canadian company benefiting from his or her services, proof that the individual intends to leave Canada after the authorized period of stay and any other relevant documents.

The list of possible situations where a business visitor would be allowed in Canada without having at first obtained a work permit presents many different situations and it would be too long to address each and every single one of them here.

4. **How do I get a work permit?**

Labour Market Opinion process and exemptions

The Canadian government wishes to protect the Canadian workforce, including citizens and permanent residents. Thus, the Canadian government urges Canadian employers to hire “Canadian” first.

However, Canada recognizes that Canadian employers might have to recruit foreign workers for various reasons. Consequently, the Canadian government has developed a procedure known as “confirmation of job offer”, also known as an application for a Labour Market Opinion, which is intended to make sure that no qualified Canadian citizens or permanent residents of Canada are available to perform the job offered to the foreign worker in Canada and that the presence of a foreign national would be beneficial to the country, while respecting the local working conditions and ensuring the protection of the foreign workers themselves.

In accordance with this procedure, a Canadian temporary work permit is generally obtained upon compliance with the following two (2) steps:

1. The Canadian employer must have its temporary job offer “confirmed” by the regional office of Service Canada which has jurisdiction over the territory where the foreign nationals will work in Canada (if in Quebec, the process is completed jointly with the Ministère de l’Immigration et des Communautés culturelles (“MICC”));
 - a. For this purpose, the Canadian government requires proof that the employer has tried to hire a Canadian citizen or permanent resident for the specific position and has thus conducted the **minimum recruitment efforts required**;

- i. This usually entails advertising for a minimum of 14 days, during the three (3) months prior to applying for a Labour Market Opinion, choosing one or more of the following options:
 1. on the Canada Job Bank or one of the provincial Job Banks;
 2. in newspapers; and,
 3. on Internet sites;
- ii. The recruitment efforts will vary in function of the position being filled and it is always best to verify the Service Canada website for up-to-date information at the following address:

http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/communications/advertrecruitment.shtml

- b. The job offered must also respect a number of criteria, including a salary above the prevailing wage for the position and the respect of local labour laws including labour relations and others; and,
2. Once a positive Labour Market Opinion is issued, the applicant must obtain a Canadian temporary work permit and visa by filing applications with the Consulate/Embassy/High Commission if a visa is required, or directly at the port of entry if no visa is required.

However, it should be noted that a **series of exemptions** from the confirmation procedure have been incorporated in the law, regulations and certain international treaties in order to facilitate the recruitment of foreign workers. Such exemptions find their legal basis in section 204 and 205 of the IRPR and are also more detailed in the Foreign Worker Manual previously mentioned and available at <http://www.cic.gc.ca/english/resources/manuals/fw/fw01-eng.pdf>.

The more widely used exemptions will be in situation where a senior manager, functional manager or an individual possessing specialized knowledge is transferred within the company, where an individual will be coming to Canada to perform emergency repairs, where an American citizen comes to Canada to perform a job of a professional nature and

qualifies under the North American Free Trade Agreement (“NAFTA”) or where a young worker and/or student comes in Canada as per an international Agreement on International Experience Canada. In these cases and many others, the applicant will be able to bypass the Labour Market Opinion Application process and request the work permit directly at the Consulate/Embassy/High Commission if the temporary resident visa is required, or at the port of entry if the temporary resident visa is not required.

The application fees for the work permit is \$150. There are no fees for the Labour Market Opinion application but if the applicant is destined to the province of Quebec, the Labour Market Opinion application is a joint process with the MICC as mentioned above and a fee of \$350 is required for the issuance of a Certificate of Acceptance from Quebec that must be obtained before the work permit is issued.

5. Why should I tell the truth?

Misrepresentation

The scheme of the Immigration and Refugee Protection Act (“IRPA”) and the IRPR is such that all travellers—even to an extent Canadians—are obligated to submit to an examination upon entry. Once Canadian citizenship is established, the officer must let the traveler into Canada.

Foreign nationals then have to submit to an examination by officers in relation to the purpose of their entry to Canada. In the section below some of those questions will be canvassed more thoroughly.

What are the consequences of not telling the officer the truth? They can be quite significant. Section 40 of IRPA creates a specific ground of inadmissibility for misrepresentation which has been defined quite broadly. 40 (1) (a) applies most generally to foreign nationals:

(1) a permanent resident or a foreign national is inadmissible for misrepresentation

(a) for directly or indirectly misrepresenting or withholding material facts relating to a relevant matter that induces or could induce an error in the administration of this Act

This definition of misrepresentation allows officers to refuse applicants that misrepresented or withhold information material relating to a “relevant matter”. Such matters certainly include applications for entry by foreign nationals. A common example of this would be when applicants are asked if they have ever been arrested, and they answer no. If it is subsequently discovered that they were arrested (for example, after reviewing their biographical data on a criminal information database) that could obviously be a misrepresentation.

In the next section there a list of standard questions that are asked by BSO’s when conducting an entry examination. Potentially any or all of those questions could raise an allegation of misrepresentation, depending on the purpose of the traveler's entry, the duration of their entry and their previous dealings with the departments that administer IRPA--- CIC and Canada Border Services Agency (“CBSA”).

Certainly then, there is a duty to tell the truth to all the questions asked directly, as the answers are being relied upon by the officer to an extent to determine the purpose of entry. This duty equally applies to withholding material facts, which creates a duty of *candour*. This duty is obvious in instances where a person has had previous dealings with immigration officials. In less obvious situations, tribunals and Courts in Canada have been wrestling with the question of how far does that duty of candour extend--- does one have to reveal everything that one did that as a potential interest on previous visits? do they have to disclose previous intentions to apply for permanent residence if they have perhaps been withdrawn or cancelled? What if they worked or studied previously in Canada, information that officials have access to--- is an applicant spontaneously required to put that forward?

Thus far, the Courts have not allowed the duty of candour to extend to those types of scenarios, but this is an evolving area of the law which may yet see new developments.

6. Should I tell the whole truth?

Compelled examination

As noted in the section above, all travelers are required to submit to questioning when they enter Canada. This is not only for immigration purposes, but also with relation to *Customs Act* requirements.

The examination process usually commences upon the arrival of a person at a port of entry. This is most often a land border, or at an airport, but could also be at a marine harbour or any other place designated as a port of entry. BSOs at the first point of contact are working what is referred to as the *Primary Inspection Line* (“*PIL*”). These officers are delegated the authority to conduct the initial immigration examination of persons seeking entry into Canada. BSO’s at *PIL* administer legislation and programs by providing a wide range of inspection, examination and enforcement activities on behalf of a number of government agencies.

Primary examination questions are designed to elicit essential information about citizenship, residency, intention, employment, length of stay and identity as quickly as possible. Normally, the examining BSO at *PIL* begins by asking one or more of the six primary questions below. Under most circumstances, a BSO at *PIL* does not need to ask all questions of all travelers.

The BSO at *PIL* is generally supposed to keep the line moving so rarely spends more than a few minutes questioning. If an issue is identified where further questioning is required, an applicant is referred to “Immigration Secondary” where they can be examined more thoroughly, so that the BSO can go back to moving people through the line.

Do travelers have the right to Counsel at such examinations? CBSA takes the position that they do not, unless they are detained. This is based on case law that is really not exactly on point, but nevertheless is the official position. That being said if the traveler has counsel with them there is no reason why counsel cannot participate if available by, for example, observing proceedings, and making submissions. CBSA’s policy of land

borders is to allow counsel to participate in such instances provided that they do not unreasonably impede the proceedings.

Below is a list of questions that are typically asked by BSOs. This list, along with the rationale for the questions has been copied from the recently updated (June 14th, 2010) Citizenship and Immigration Canada Immigration Policy Manual Enforcement 4, at paragraph 7.5.

Question 1

Citizenship : What is your citizenship?

By asking this question first, the BSO can identify persons who may enter Canada by right. It is rare that persons who have a right to enter Canada would be referred to Immigration Secondary. If the person is not Canadian, this question enables the BSO to identify those persons who may require a passport or a visa to enter Canada. If the person has a machine-readable passport, the BSO does not necessarily have to ask about citizenship. A passport reader, however, is no substitute for a good verbal examination.

Residency: Where do you reside?

This question helps the BSO to determine the passport and visa requirements of foreign nationals. By determining residency, the BSO can eliminate from an Immigration Secondary examination those travelers who are permanent residents of Canada and who may enter Canada by right. If the person is a permanent resident, the BSO may ask the supplementary question: "How long have you been away?" The BSO at PIL must refer for Immigration Secondary examination all permanent residents who may not comply with the residency obligation of A28, which requires permanent residents to reside in Canada for at least 730 days out of every five year period to maintain their status. The possible loss of permanent resident status under section A46 can be further explored at a secondary examination.

Intention: What is the purpose of your trip to Canada?

Once the BSO determines that the foreign national may not come into Canada by right, they must establish why the person is coming to Canada. By asking this question, they can identify the need for a referral to CBSA Immigration Secondary for control purposes (for example, to become a permanent resident, to work or study).

Employment: Do you intend to take or seek employment while in Canada?

If the BSO has not yet determined whether the person is coming to Canada to work, this question ensures that employment opportunities for Canadians are protected and that the person will comply with relevant employment regulations.

Length of stay How long do you intend to stay in Canada?

BSOs may allow persons to enter Canada for a stay of up to six months and should stamp the passport of persons who are otherwise admissible. Persons who are intending to remain in Canada for longer than six months should be referred for a secondary examination.

7. Does it matter that I have a criminal record?

Criminality and temporary resident permits

Only Canadian citizens and permanent residents have a right to enter Canada. For all other citizens, entering Canada is a privilege and it will only be extended to individuals who meet the requirements of the IRPA and its regulations. In such Act and regulations, there are a number of situations described where an individual would be inadmissible to Canada, including for misrepresentations as discussed in section 5 of this paper. Some of them relate to potential criminality of individuals requesting entry into Canada. If one has a criminal record, the individual may indeed be inadmissible to the country. Grounds for criminal inadmissibility are defined in Section 36 of the IRPA.

Not all criminal infraction will give rise to an inadmissibility to enter Canada but many will and it is important for everyone who wishes to enter Canada to know that they may be questioned about their past. For example, offences involving operation of a motor vehicle while impaired by alcohol or drugs will, with very rare exceptions, render the person criminally inadmissible to Canada. If an applicant is found inadmissible to enter Canada due to criminality, the person will either be asked to withdraw the application to enter the country or will be denied entry and requested to leave.

However, CBSA officers have the power to issue a Temporary Resident Permit, based upon the provisions of Section 24 of the IRPA, which, effectively, temporarily lifts the grounds of inadmissibility.

The application can indeed be made at the port of entry, providing that the individual has all of the documents required to allow the officer to render a decision on the spot.

That said, in cases where an individual is aware of the fact that a criminal record may indeed render the person inadmissible, it is always preferable to apply for the temporary resident permit at a Consulate/Embassy/High Commission prior to travelling to Canada even in cases where a temporary resident visa is not required. The process may take up to six (6) months and sometimes even more before a temporary resident permit is approved and in some cases therefore, the temporary resident permit will have to be requested at the port of entry. In such cases, the applicant must be very well documented and should, in addition to the passport, have the following documents in his possession when crossing the border:

- A criminal clearance certificate from the National police authorities in all countries where the individual has resided at least six months since reaching the age of 18, including an FBI certificate for the United States and (if appropriate) an RCMP certificate for Canada (this clearance must be based on a fingerprint check);
- State police certificates and local police certificates from all the locations, in the United States, where the individual has resided at least six months since reaching the age of 18;

- Three letters of reference from responsible citizens (parole board, public officials, respectable private citizens, clergymen);
- A copy of the conviction certificate or court docket showing the sentence imposed;
- A copy of the statute(s) under which the individual was convicted;
- A copy of the equivalent Canadian provision;
- A personal description of the events giving rise to the offence (and any extenuating circumstances);
- A letter from the employer including a brief job description, length of service and current salary;
- If the driver's licence was suspended as a result of the conviction, official proof of restoration of full privileges and of the date of restoration; and,
- Where applicable, official proof of payment of fines, discharge from probation, and/or satisfaction of community service.

The officer has the discretion to issue or not the temporary resident visa and will do so if it is believed that the benefits of allowing the person in Canada outweigh the risks to the Canadian population. The applicant therefore has to be ready to explain the reasons for coming into Canada and present all the benefits related to such visit.

8. What do they know about me?

Databases available

Immigration officers at the port of entry have access to a number of databases where they can gather and verify information about any individuals crossing the border. A few of the more frequently used ones are listed below in order to give a sense of what the officer knows.

Field Operations Support System (FOSS):

FOSS is a CIC/CBSA client immigration database. This is the main database where information about individuals crossing the border is stored. The officers at the port of entry will not verify the FOSS database on all entries but will do so in all cases where the applicant is referred to secondary examination. Indeed the directives given to officers, found in Manual ENF 4 regarding port of entry examinations are as follows:

“Using the information on the identity document presented by the person, a BSO at Immigration Secondary shall complete a name query in the Field Operations Support System (FOSS). It is a departmental policy that a FOSS check be completed for all persons referred for an Immigration Secondary examination.” (p.29)

Canadian Police Information Center database (CPIC):

Officers at the port of entries will have access to CPIC if they wish to verify whether the individual requesting entry into Canada has a criminal record, pending arrest warrant or other issues relating to criminality in Canada.

Federal Bureau of Investigations (FBI):

Officers at the port of entries also have access to FBI database, and are therefore in a position to verify whether the individual requesting entry into Canada has a criminal record or even an arrest record in the United States. They do not however have direct access to all state records and they may therefore be in possession of an incomplete picture of the situation as the FBI does not always contain information on final disposition.

9. Can I bring my car with me?

Car imports

A new immigrant looking to establish permanent residence in Canada is obligated to ensure that any vehicle that they intend to import complies with the Canadian motor safety standards in effect on the day that the vehicle was manufactured. This requirement generally speaking applies to vehicles such as passenger cars, vans, trucks, motorcycles and recreational vehicles manufactured to American specifications that when imported or less than 15 years old. These vehicles need to be processed in Canada by way of an inspection and certification system which is operated by the Registrar of Imported Vehicles .

Vehicles that have been manufactured for markets other than Canada and the United States do not comply with Canadian standards and cannot be imported to Canada . The exceptions to this rule are vehicles which have been manufactured 15 years prior to their importation. This can be done by going to the website of the Registrar of Imported Vehicles at www.riv.ca . Once the vehicle is determined to be admissible, the next thing to check is if the vehicle will need any modifications in order to pass Transport Canada inspection requirements, and how much it will cost. Some manufacturers such as Mercedes Benz will require that any necessary modifications be done at the dealership - which may be costly. Call the vehicle's dealership if you are concerned about this.

The other thing to check is to see if the vehicle will be charged a high emissions excise tax. These could typically run from \$1000 to \$4000 on high emissions vehicles. Vehicles can be searched at the [Natural Resources Canada Website](#).

Assuming that a vehicle is admissible, and therefore eligible for importation, the importing immigrant must also make any necessary modifications to ensure that it meets Canadian standards.

Typically what is required is the following:

- Proof that there are no outstanding recalls on the vehicle;
- that the vehicle meets all applicable bumper and seatbelt anchorage standards;
- that the vehicle's speedometer is calibrated display vehicle speed in the kilometers per hour;
- that the vehicle there is a statement of compliance label or is accompanied by a manufacturer's letter stating that the vehicle complies with United States Federal Motor Vehicle Safety Standards
- that vehicles equipped with air bags requiring periodic maintenance have all required bilingual maintenance labels affixed

The individual then brings the vehicle with all of the above noted documentation, as well as the owner certificate and a valid driver's license. The registrar of imported vehicles has border agents available at various designated ports of entry ("ports") in Canada whose job it is to assist individuals in completing the forms required by the Registrar. The agents will also confirm the Vehicle Identification Number of the vehicle, enter the importing individual into the RIV of the requisite documentation fee, which is \$210 at designated ports; 262 at non-designated ports.

The border agent then refers the applicant to CBSA's Customs branch (usually at the same port of entry) to complete the balance of the pet paperwork after which the individual will be allowed to enter the vehicle into Canada on condition that the vehicle is brought into full compliance within 45 days, including any modification or inspection requirements.

It is important to note that the fee payable to the Registrar covers only the aspects of the certification process. All other costs for modification, fees for extension of time, re-inspection or expedited service are additional.

10. What else can I bring with me?

Settlers effects

New immigrants to Canada are allowed to import most of their belongings into Canada duty free. The rules are best outlined in a May 4th updated Customs Memorandum D2-2-1 Settler's Effects, which explains TARIFF ITEM NO. 9807.00.00. This memorandum explains the Tariff rules under which a settler may import goods into Canada for personal or household use without the payment of duties. This is an important distinction as commercial goods cannot be brought in as settlers effects in most instances.

Who are Considered Settlers?

For the purpose of tariff item No. 9807.00.00 of the Schedule to the Customs Tariff, settlers mean all individuals who enter Canada with the intention of establishing for the first time a residence for a period of not less than 12 months. In addition to new immigrants, the definition of settler also includes:

Persons coming to Canada for the purpose of employment for a period exceeding 36 months (other than United States preclearance personnel) are, on *first arrival*, considered to be settlers to Canada and are eligible for the provisions of tariff item No. 9807.00.00. This applies even though they may still be considered temporary residents for immigration purposes. In practice, however this is really for situations where people are issued work permits that are valid for three years initially. As a practical matter, this does not happen that often anymore.

Persons already residing in Canada as temporary residents for employment purposes (other than United States preclearance personnel) that have their work permits extended, such that the continuous duration of employment in Canada will exceed 36 months, become settlers to Canada under tariff item No, 9807.00.00 as of the date of the employment authorization extension. It is at this time only, that those goods which were owned, possessed, and used by the temporary resident prior to that extension date, are eligible to be classified, as settler's effects under tariff item No. 9807.00.00.

It is important to note that persons, who are temporary residents of Canada for the purpose of tariff classification of goods, that are granted permanent resident status under the IRPA from a Citizenship and Immigration Canada Inland Office, *after* their arrival in Canada, are also considered settlers. For such individuals only those goods which were owned, used and possessed by those persons, prior to the date of the filing of their application for permanent resident status will be classified as settlers effect and be exempt from duty.

Who are Not Considered Settlers?

Persons who enter Canada for the purpose of:

- employment for a period not exceeding 36 months;
- studying at an educational institution;
- performing preclearance activities on behalf of the Government of the United States.
- Persons who had previously established a residence in Canada for a period of 12 months or more and become permanent residents under IRPA, are not considered as settlers under the Customs Act.
- visitors for health or pleasure purposes (for a period not longer than 12 months);

Differences between Customs/Immigration Legislation

It is important to distinguish between how various acts treat and individual's particular Canadian status. Phrases as "status" and "residence" have different meanings for customs purposes as compared with immigration purposes. For example, CBSA's Customs Branch considers a person who becomes a permanent resident without the intention of actually immediately taking up residence in Canada, as being a *non-resident*, even though he or she is still considered a permanent resident of Canada for immigration purposes. This is often used in cases where the person appears to be leaving Canada for an indefinite period.

The rationale for this is that an individual who does not have any intention of remaining in Canada at that time of entry, and will live outside Canada for an undetermined period of time, is considered a non-resident of Canada and not a settler, for the purpose of the Customs Tariff. This is not necessarily a bad thing from a customs perspective as the person would still be eligible to temporarily import goods under a different tariff provision- tariff item No. 9803.00.00. When they take up actual residence they could still conceivably import their goods at that time.

Form Required

A Form B4, Personal Effects Accounting Document needs to be completed to list all the personal effects being imported, as well as those that will follow at a later date. Even if there are no goods being imported, a Form B4 must be completed at the first point of entry in Canada, listing any or all goods that will be arriving at a later date.

Goods Admissible

In a family, either spouse may claim free importation of personal and household effects under tariff item No. 9807.00.00, regardless of whether the goods are registered jointly or in either name. Personal and household effects can include such items as: clothing, household furniture and appliances, books, musical instruments, personal computers, bicycles, hobby tools, firearms, travel and utility trailers, pleasure boats, and personal aircraft; Vehicles; and goods acquired by a settler for personal use, while in transit to Canada from the former country of domicile, that were owned, possessed, and used abroad by the settler prior to his or her arrival in Canada, are all also allowed

Goods That Are Not Admissible

The following is a list of the types of goods that are not allowed to be imported as settlers effects:

- goods for the accommodation of others, for sale or hire, or for use in a business or manufacturing establishment, or as contractors' outfits, such as office equipment and furniture, dental chairs, welding equipment, metal and woodworking machines, vehicles and trailers for commercial use;

- livestock, machinery, and equipment for use on a ranch or farm;
- houses and buildings used as dwellings or residences,
- large trailers used as residences of a type or nature which require a special permit and highway escort to be moved from place to place;
- company-owned and leased vehicles (as well as any other leased goods); and,
- goods purchased prior to the settler's arrival in Canada but which are forwarded directly to Canada without all of the ownership, possession, and use requirements having been met.

Ownership, Possession, and Use

For the purposes of tariff item No. 9807.00.00 the Memorandum defines these terms as follows:

- (a) "ownership" means that the settler has acquired, by purchase or other means, the legal right to have goods as personal property and to exercise control over their use and disposition. Goods which are leased do not qualify;
- (b) "possession" means that the settler has, in person, physically accepted the goods; and,
- (c) "use" means that the settler has actually put the goods into an action or service for a purpose for which they were designed or intended.