



Advisory #2019-A-036

Subject: Changes to the Transportation Security Clearance Program for Preclearance Area

From: GTAA Pass Permit Control Office

Date: 2019-08-15

On March 16, 2015, the Government of Canada and the Government of the United States of America (US) signed the Agreement on Land, Rail, Marine and Air Transportation Preclearance (LRMA). This agreement comes into effect August 15, 2019 allowing Canadian and US officials the authority to provide preclearance services for travelers and goods coming from either Canada or the US, bound for the other country.

With this new agreement now in place, Transport Canada (TC) will continue to process the regular Transportation Security Clearance (TSC) Program but will introduce a TSC for individuals that require unescorted access within the preclearance area. The TSC for the preclearance area will include a check of information accessible by US databases conducted by US Customs and Border Protection (USCBP). If adverse information is received from US CBP, TC will review this information as part of the existing TSC process. As stipulated in the Aeronautics Act, section 4.8, TC officials will continue to retain the exclusive right to determine if a TSC will be granted, refused, suspended, or revoked.

Effective August 15, 2019, the online application form for the TSC Program will be amended. The sections amended will be:

- Part A - Signing Authority, where the requesting authority will be required to indicate, via signature and checking yes or no, that the applicant needs access to the preclearance area;
- Part B - Enrolment Official, will be modified to allow the enrolment official to confirm, with signature, that the applicant will require access to the preclearance area; and
- Part E - The Consent and Certification and the Privacy Act Statement will be updated to advise the TSC applicant of which personal information, limited to name, date of birth and TC file number, will be disclosed to US Customs and Border Protection (CBP). The TSC applicant will be required to provide their consent, with their signature, under a new section entitled "Preclearance are

TC will only send information to US CBP if all three (3) of the areas identified above have been completed and signed off for each application. If the requesting authority and enrolment official do not sign to provide agreement or the TSC applicant does not consent, then the additional US CBP check will not be conducted for preclearance. In this case, a regular TSC will be processed.

Existing TSC holders, who currently have unescorted access to preclearance areas at an airport will continue to have access to the preclearance area, until the end of their TSC validity period, regardless of the LRMA entry into force and implementation date at airports. Upon TSC renewal, should a TSC with preclearance be required, the process outlined above will apply; a new TSC application must be submitted with the three (3) areas noted above completed and signed off.

Failure by the applicant to provide consent, may result in restrictions placed on the TSC holders' access.

New TSC holders vetted through this new preclearance vetting process will be issued a RAIC which will include a new visual identifier. Current TSC holders will keep their existing RAIC until such time as their TSC is up for renewal.

The following TSC applicants and holders will be exempt from the additional checks of US government databases by US CBP, for unescorted access to the preclearance area at airports:

- Canadian flight crew members; and
- Canadian law enforcement officers working at an aerodrome

Although it will be an individual business decision of employers, given the operations at Toronto Pearson **it is recommended that all employers and employees agree to US vetting in order to ensure a seamless operation and continued right to access the pre-clearance area.**

Please note that during the initial implementation of this amendment TSC forms completed prior to August 15, 2019 will be accepted by the Pass Office until August 31, 2019 and may require an additional declaration to be completed by the employee prior to submission to Transport Canada. As of September 1, 2019 all TSC forms submitted to the Pass Office must be completed on the newly issued TSC form.

Further information on preclearance is available at: <https://www.publicsafety.gc.ca/cnt/brdr-strtg/index-en.aspx>

For any questions regarding this advisory, please contact Toronto Pearson's Pass Permit Control Office via e-mail pass.permits@gtaa.com.

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