



Advisory #2019-A-037

Subject: Entry into Force of Preclearance Act, 2016

From: Governance, Corporate Safety and Security

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Effective August 15, 2019 the Land, Rail, Marine and Air Transport Preclearance Agreement (LRMA) and the Preclearance Act, 2016 will come into force.

In support of this agreement new airport areas have been identified as preclearance space along with the addition of an airside preclearance perimeter. US Customs and Border Protection (USCBP) authorities are extended to all these areas and include the right to question, search, or detain any individual or good. These authorities do not extend outside of the preclearance area and perimeter.

US CBP officer presence may be enhanced as patrols can be conducted in areas their previous authorities did not extend to. The new areas are primarily around U.S. bound aircraft in preparation for departure defined by head/tail of stand roads and equipment restraint lines. GSE is considered part of this area only when servicing the aircraft.

There is no significant change with the US CBP authorities within the pre-clearance area. USCBP authorities are only exercised in the preclearance area and perimeter and may include:

- Examine, search and detain goods bound for the U.S., including those in possession by airport/airline (e.g. catering);

- Conduct "frisk" search of persons including airport employees if reasonable grounds they have something presenting danger to human life or safety;
- Direct a person to report to a preclearance officer to identify themselves and reason for being in the preclearance area;
- Direct an unauthorized traveler or person to leave the preclearance area;
- Detain a person or goods for transfer to Canadian law enforcement if there are reasonable grounds to believe an offence under Canadian law has been committed

As a reminder the requirement to demonstrate a NEED & RIGHT to enter the preclearance area and perimeter remains.

Further information on preclearance is available at:

<https://www.publicsafety.gc.ca/cnt/brdr-strtgs/index-en.aspx>