



Ottawa, November 19, 2014

# Memorandum D10-14-61

## Tariff Item 9937.00.00 and the Recognition of an Ethno-cultural Group

### In Brief

The editing revisions made in this document do not affect or change any of the existing policies or procedures.

This memorandum outlines the policy and procedures of the Canada Border Services Agency (CBSA) in respect of the administration of tariff item 9937.00.00 and the recognition of an ethno-cultural group.

### Legislation

#### Customs Tariff

##### Section 88

A group desiring to be recognized as an ethno-cultural group for the purposes of tariff item 9937.00.00 shall submit an application to the Minister of Public Safety and Emergency Preparedness supported by evidence that the group satisfies the criteria set out in that tariff item.

##### Tariff Item 9937.00.00

Costumes, and parts and accessories thereof, designed or decorated in a manner reflecting a specific ethno-cultural heritage when for the use of an ethno-cultural group that requires the costumes for the public manifestation of its heritage.

“Goods” does not include goods that are sold or otherwise disposed of within 12 months after importation.

For the purpose of this tariff item, upon receipt of an application pursuant to section 88 of this Act, the Minister of Public Safety and Emergency Preparedness shall have regard for the following criteria in deciding whether to recognize a group as an ethno-cultural group:

- (a) whether the group consists of at least five persons each of whom is at least 18 years old of age and is a Canadian citizen or a permanent resident within the meaning of the *Immigration Act, 1976*\*;
- (b) whether the group is a voluntary, non-profit group constituted for the purpose of preserving its ethno-cultural heritage and sharing that heritage with Canadians; and
- (c) whether the group is supported by, and is a representative of, the ethnic community to which it belongs.

\* [now known as the *Immigration and Refugee Protection Act*]

### Guidelines and General Information

1. Tariff item 9937.00.00 (9937) applies only to costumes and accessories to those costumes, and does not include other items that may be identified with an ethno-cultural group, such as jewellery, banners, flags, art work or other ceremonial items, etc. Eligible costumes must be for use in a public display that manifests or illustrates the heritage of the ethno-cultural group.

2. The following three criteria are given consideration when deciding whether to recognize a group as an ethno-cultural group:
  - (a) the group consist of at least five persons, each of whom is at least 18 years of age and is a Canadian citizen or a permanent resident within the meaning of the [Immigration and Refugee Protection Act](#) (formerly the *Immigration Act, 1976*);
  - (b) consistent with the multiculturalism policy mentioned in the [Canadian Multiculturalism Act](#), the group is a voluntary, non-profit group constituted for the purpose of preserving its ethno-cultural heritage and sharing that heritage with Canadians; and
  - (c) the group is supported by, and representative of, the ethnic community to which it belongs.
3. In accordance with Section 88 of the [Customs Tariff](#), upon receipt of a completed application, a determination will be made by the Minister of Public Safety and Emergency Preparedness (the Minister) on whether the ethno-cultural group meets the three criteria.
4. The application, which may take the form of a letter with supporting documentation, must contain the following information:
  - (a) the name, address, and telephone and fax number(s) of the group;
  - (b) the name, title, and contact information of a signing officer authorized by the group;
  - (c) an indication of whether the group is national, regional, provincial or municipal;
  - (d) a list of the languages used within the group;
  - (e) the number of registered members in the group;
  - (f) the number of those members who are 18 years of age or older;
  - (g) the number of those members who are Canadian citizens;
  - (h) the number of those members who are permanent residents;
  - (i) the year the group was established;
  - (j) an indication of whether the group is incorporated and, if so, a copy of the letters patent or articles of incorporation must be included;
  - (k) a copy of the group's mandate, mission statement and/or bylaws;
  - (l) a statement confirming that the group is a voluntary, non-profit group constituted for the purpose of preserving its ethno-cultural heritage and sharing that heritage with Canadians;
  - (m) a statement outlining how the group is representative of the ethno-cultural community with which it is associated;
  - (n) a summary of the group's annual activities, scheduled events and meetings, and how these activities, events and meetings relate to the ethno-cultural community with which it is associated;
  - (o) a brief description, including the ethno-cultural names, of the specific types of costumes and costume accessories that the group wishes to import under the provisions of 9937; and
  - (p) certification by a signing officer authorized by the group that all of the information submitted is accurate and complete.
5. In addition to the above-noted information, the application must include a signed and witnessed Authorization to Share Information (see Appendix) which will allow the CBSA, in determining the official recognition of an ethno-cultural group, to consult with [Citizenship and Immigration Canada](#).

6. The application and all required information should be sent to:

Trade Policy Division  
Canada Border Services Agency  
150 Isabella Street, 8th Floor  
Ottawa ON K1A 0L8

7. As noted in the terms of 9937, eligible “goods” do not include goods that are sold or otherwise disposed of within 12 months after importation. For the purposes of 9937, it is the responsibility of a recognized ethno-cultural group to ensure that all of the import requirements are met, and appropriate records maintained, as the importations may be subject to compliance verification for up to four years.

8. Importations under this tariff item must be made in the name of the recognized ethno-cultural group and directed to the address specified in the authorization. These importations must be treated as commercial goods, and therefore all relevant regulations and requirements regarding commercial importations, including the accounting and release provisions, are applicable.

9. The CBSA provides several guides and memoranda that may be helpful to importers who are not familiar with the commercial importation process. These include: guide [BSF5079, Importing Commercial Goods into Canada](#); [Memorandum D17-1-5, Registration, Accounting and Payment for Commercial Goods](#); and [Memorandum D10-13-1, Classification of Goods](#).

### Additional Information

10. For certainty regarding the tariff classification of a particular good, importers may request an advance ruling. Details on how to make such a request are found in CBSA [Memorandum D11-11-3, Advance Rulings for Tariff Classification](#).

11. For more information regarding CBSA programs, within Canada call the Border Information Service toll-free at **1-800-461-9999**. From outside Canada call 204-983-3500 or 506-636-5064; long distance charges will apply. Agents are available Monday to Friday (08:00 - 16:00 local time/except holidays). TTY is also available within Canada at **1-866-335-3237**.

## Appendix

### Authorization to Share Information

I, \_\_\_\_\_, as a signing officer of \_\_\_\_\_,  
(Name) (Name of Group)

hereby authorize the Canada Border Services Agency (CBSA) to share the information, that I have provided about the group, with Citizenship and Immigration Canada for purposes related to the recognition of the above-noted group within the context of tariff item 9937.00.00 of the *Customs Tariff*.

Signed at \_\_\_\_\_ in the Province of \_\_\_\_\_ this \_\_\_\_\_  
(City) (Province) (Day, Month, Year)

Authorized Signature \_\_\_\_\_  
(Print: Name, Title)

Witness Signature \_\_\_\_\_  
(Print: Witness Name)

<b>References</b>	
<b>Issuing Office</b>	Trade and Anti-dumping Programs Directorate
<b>Headquarters File</b>	HS 9937.00
<b>Legislative References</b>	<a href="#"><i>Customs Tariff</i></a> <a href="#"><i>Immigration and Refugee Protection Act</i></a> <a href="#"><i>Canadian Multiculturalism Act</i></a>
<b>Other References</b>	<a href="#">D17-1-5</a> , <a href="#">D10-13-1</a> , <a href="#">D11-11-3</a> <a href="#">BSF5079</a>
<b>Superseded Memorandum D</b>	D10-14-61 dated September 25, 2012