



Ottawa, September 23, 2010

# CUSTOMS NOTICE 10-016

## **Proposed Regulatory Change in Support of the NEXUS and CANPASS Programs and the Alternative Presentation of Persons Under the *Customs Act***

1. This notice announces a proposed regulatory change in support of the NEXUS and CANPASS programs and the alternative presentation of persons under the *Customs Act*.
2. The NEXUS program is a joint initiative of the Canada Border Services Agency (CBSA) and the United States (U.S.) Customs and Border Protection (CBP) that enables pre-approved, low risk travellers to present themselves in an alternative manner and receive expedited entry into Canada and the United States. NEXUS is supported by the Canada/United States Accord on our Shared Border and by the Smart Border Declaration.
3. CANPASS is a suite of CBSA programs that facilitate efficient and secure entry into Canada for pre-approved, low-risk travellers. CANPASS programs provide a more streamlined clearance procedure for program members entering Canada and allow the CBSA to focus inspection efforts on travellers and goods of higher or unknown risk.
4. The *Presentation of Persons (2003) Regulations* provides the framework for the administration of the NEXUS and CANPASS programs. Subsection 6(f) of the Regulations states that during the three year period preceding the day on which the application is received, an applicant must have resided in either Canada and/or the United States or, in a foreign country where a citizen of Canada or the United States is serving at a Canadian or U.S. diplomatic mission or consular post. All applicants to NEXUS and CANPASS must meet this residency requirement to be eligible for membership.
5. The current language in subsection 6(f) excludes from eligibility all accompanying spouses, common-law partners and dependents of persons who are serving abroad at a Canadian or U.S. diplomatic mission or consulate. It also excludes citizens and permanent residents of Canada or the United States who are serving overseas in the Armed Forces as well as their accompanying spouses, common-law partners and dependents.
6. It is proposed that the residency requirement for NEXUS and CANPASS be amended in the Regulations as follows:
  - (f) During the three year period preceding the day on which the application is received, and for the duration of the validity period of the authorization, the person:
    - (i) has resided in Canada and/or the United States;
    - (ii) is a citizen of Canada or the United States serving in a foreign country at a Canadian or U.S. diplomatic mission or consular post or, is a Canadian or U.S. citizen or permanent resident spouse, common-law partner or dependent accompanying that person; or
    - (iii) is a citizen or permanent resident of Canada or the United States serving as a member of the Canadian or U.S. Armed Forces serving in a foreign country on official orders or, is a Canadian or U.S. citizen or permanent resident spouse, common-law partner or dependent accompanying that person.
7. It is further proposed that this regulatory change be effective as of the date of this notice.
8. Inquiries about this proposed regulatory change should be directed to:

Email: [NEXUS\\_TTP-NEXUS\\_PVF@cbsa-asfc.gc.ca](mailto:NEXUS_TTP-NEXUS_PVF@cbsa-asfc.gc.ca)

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