



Ottawa, June 30, 2012

CUSTOMS NOTICE 12-020

Proposed Regulatory Changes in Support of the NEXUS Program

1. This notice announces proposed regulatory changes to the eligibility criteria for the NEXUS program.
2. The proposed changes outlined in this customs notice are additional to changes proposed in 2010.

NEXUS Program

3. 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*.
4. The *Presentation of Persons (2003) Regulations* (Regulations) provides the regulatory framework for the administration of the NEXUS program.
5. All applicants to the NEXUS program must meet the eligibility criteria outlined in Section 6.1 of the Regulations.

Residency Requirement

6. Section 6.1 of the Regulations provides that the residency requirement set out in paragraph 6(f) must be met in order for the Minister to issue an authorization.
7. Paragraph 6(f) says that, during the three-year period preceding the day on which the application was received, an applicant to the NEXUS program must have resided in Canada or the United States, or—if the person is a citizen of Canada or the United States serving at a Canadian or American diplomatic mission or consular post in a foreign country—in that foreign country.
8. The current wording of the residency requirement in paragraph 6(f) does not allow for the following

groups of persons to be considered eligible for the NEXUS program:

- (a) Permanent residents of Canada or the United States who are the accompanying spouses, common-law partners or dependents of Canadian or American citizens serving abroad at a Canadian or American diplomatic mission or consular post;
- (b) Permanent residents of Canada or the United States who are serving overseas in the Canadian Forces or United States Armed Forces;
- (c) Permanent residents who are the accompanying spouses, common-law partners or dependents of Canadian or American citizens or of permanent residents of Canada or the United States serving overseas in the Canadian Forces or United States Armed Forces; and
- (d) Internationally adopted children that are permanent residents in Canada or the United States, but have not resided in Canada or the United States for 3 years;

Proposed Changes

9. To clarify and expand the eligibility criteria for the NEXUS program, the following amendments to Section 6.1 of the *Presentation of Persons (2003) Regulations* are proposed:

- (a) Paragraph 6.1(a) will be amended to replace the reference to paragraphs 6(a) to (f) with a reference to paragraphs 6(a) to (e).
- (b) A condition will be added requiring permanent residents of Canada within the meaning of the *Immigration and Refugee Protection Act* and permanent residents of the United States to have resided only in one or more of the following countries during the three-year period preceding the day on which the application is received and up until the day on which the authorization is issued:
 - (i) Canada or the United States;

(ii) a foreign country in which the person is serving as a member of the Canadian Forces or the United States Armed Forces;

(iii) a foreign country in which the spouse, common law partner or person of whom they are a dependent is serving at a Canadian or American diplomatic mission or consular post or serving overseas as a member of the Canadian Forces or United States Armed Forces.

(c) The residency requirement would not apply to citizens of Canada or the United States. This requirement would also not apply to children adopted abroad who hold a permanent resident status in Canada or the United States.

10. These proposed amendments apply exclusively to the NEXUS program.

Effective date

11. These proposed amendments will be effective as of June 30, 2012.

12. Inquiries about this proposed regulatory change should be directed to: TrustedTPs-PVFiables@cbsa-asfc.gc.ca.

