



Memorandum D2-1-1

Ottawa, August 23, 2017

Temporary Importation of Baggage and Conveyances by Non-residents

In Brief

1. The word "excluding" in paragraph 72 was replaced by "including" to correctly reflect legislation relating to United States preclearance personnel.
2. The name of the issuing office has been updated.

This memorandum explains the entitlements and outlines the conditions under which non-residents may temporarily import their baggage and conveyances without payment of duty and taxes.

Legislation

Tariff Item No. 9803.00.00

Conveyances and baggage temporarily imported by a person who is not a resident of Canada for use by that person in Canada.

Customs Tariff

Paragraphs 133(b) and (e) read:

133. The Governor in Council may, on the recommendation of the Minister of Public Safety and Emergency Preparedness, make regulations

(b) defining the expressions "baggage", "conveyance", "former resident", "incidental to the international traffic of the goods", "resident", "temporarily" and "temporary resident" for the purposes of a tariff item of Chapter 98 of the List of Tariff Provisions;

(e) for the purposes of tariff item No. 9803.00.00,

(i) prescribing conditions under which goods or conveyances may be imported and authorizing the Minister of Public Safety and Emergency Preparedness to establish such conditions in specified circumstances,

(ii) limiting the quantity of any class of goods that may be imported and authorizing the Minister of Public Safety and Emergency Preparedness to increase those limits in specified circumstances,

- (iii) limiting the length of time that imported goods or conveyances may remain in Canada and authorizing the Minister of Public Safety and Emergency Preparedness to extend those limits,
- (iv) excluding any class of goods or conveyances from classification under that tariff item, and
- (v) authorizing the Minister of Public Safety and Emergency Preparedness to require security for imported goods or conveyances and limit the amount and type of security that may be required.

Chapter 98

Special Classification Provisions – Non Commercial

Note

5. Goods entitled to be classified under heading No. 98.01, 98.02, 98.03, 98.04 (other than tariff item No. 9804.30.00) or 98.05 shall be relieved from all duties, other than the customs duties imposed under Part 2 of this Act with respect to tariff item No. 9804.30.00, notwithstanding the provisions of this or any other Act of Parliament.

Regulations

Regulations Respecting the Temporary Importation of Baggage and Conveyances by a Person Not a Resident of Canada

Short Title

1. These Regulations may be cited as the *Non-residents' Temporary Importation of Baggage and Conveyances Regulations*.

Interpretation

2. In these Regulations,

"baggage" means the baggage referred to in section 4; (*bagages*)

"beer" means beer or malt liquor as defined in section 4 of the *Excise Act*; (*bière*)

"cigar" has the same meaning as in section 2 of the *Excise Act, 2001*; (*cigare*)

"cigarette" has the same meaning as in section 2 of the *Excise Act, 2001*; (*cigarette*)

"common-law partner", in respect of a person, means an individual who is the common-law partner of the person within the meaning of subsection 248(1) of the *Income Tax Act*; (*conjoint de fait*)

"conveyance" means any vehicle, aircraft, water-borne craft or other contrivance that is used to move persons or goods but does not include a mobile home trailer that is more than 2.6 metres in width; (*moyen de transport*)

"manufactured tobacco" has the same meaning as in section 2 of the *Excise Act, 2001*; (*tabac fabriqué*)

"Minister" means the Minister of National Revenue; (*ministre*)

"resident" means a person who, in the settled routine of that person's life, makes their home, resides and is ordinarily present in Canada; (*résident*)

"temporary resident" means

- (a) a person who is not a resident of Canada and who resides temporarily in Canada for the purpose of
 - (i) studying at an educational institution,
 - (ii) employment for a period not exceeding 36 months, or
 - (iii) performing preclearance activities on behalf of the Government of the United States under the terms of the Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America, signed January 18, 2001,
- (b) the spouse or common-law partner or any dependent of a person described in subparagraph (a)(i) or (ii), and
- (c) the spouse or common-law partner or any dependent of a person described in subparagraph (a)(iii); (*résident temporaire*)

"visitor" means a person who is not a resident or a temporary resident and who enters Canada for a period not exceeding 12 months. (*visiteur*)

Terms and Conditions

3. A person who is not a resident may import baggage or conveyances classified under tariff item No. 9803.00.00 for the personal use of that person in Canada if

- (a) the baggage or conveyances are not used by a resident;
- (b) in the case of conveyances, they are not used in Canada for
 - (i) moving passengers or goods for compensation or for transporting goods for sale, or
 - (ii) soliciting sales or subscriptions on behalf of the Canadian office of a business or on behalf of a business based in Canada;
- (c) [Repealed, SOR/94-784, s. 2]
- (d) in the case of consumable goods
 - (i) that are imported by a person described in subparagraph (a)(i) or (ii) or paragraph (b) of the definition "temporary resident" in section 2, they accompany that person at the time when that person initially arrives in Canada,
 - (ii) that are imported by any other temporary resident, they accompany the temporary resident at the time that temporary resident initially arrives in Canada or at any time that that temporary resident returns to Canada after an absence abroad, and
 - (iii) that are imported by a person other than a temporary resident, they accompany that person at the time the person arrives in Canada;
- (e) where the baggage or conveyances are imported by a visitor, the visitor declares that the visitor intends
 - (i) to leave Canada on a specified date, or
 - (ii) to make a series of visits to Canada within the succeeding 12 months and specifies the date on which the visitor intends to leave Canada at the end of the final visit of the visitor;
- (f) in the case of baggage or conveyances other than consumable goods, the baggage or conveyances are exported from Canada or destroyed under the supervision of a customs officer before the expiration of the time limit specified in section 5; and
- (g) in the case of a visitor referred to in subparagraph (e)(ii), the visitor produces, on each arrival in Canada during the period referred to in that subparagraph, the customs form issued to the visitor in respect of any baggage or conveyances that were imported on a previous visit and remained in Canada during the visitor's absence if the visitor is requested by a customs officer to do so.

4. (1) Subject to subsection (2), the baggage that a person who is not a resident of Canada may temporarily import under tariff item No. 9803.00.00 consists of any goods that the person imports for their personal use and that are

appropriate for their needs and consistent with the purpose, nature and duration of their intended stay in Canada, but does not include more than

- (a) 1.5 L of wine, or 1.14 L of spirits, or 1.14 L of wine and spirits, or 8.5 L of beer or ale;
- (b) 200 cigarettes, 50 cigars, 200 g of manufactured tobacco and 200 tobacco sticks; or
- (c) 200 rounds of ammunition or, if they are for the use of that person at a meet held under the auspices of a recognized shooting or rifle association of Canada, 1,500 rounds of ammunition.

(2) If a person described in subparagraph (a)(iii) or paragraph (c) of the definition "temporary resident" in section 2 has been absent from Canada for not less than 48 hours, the baggage that that person may import under tariff item No. 9803.00.00 does not include alcoholic beverages or tobacco products.

Time Limits

5. (1) Imported baggage and conveyances classified under tariff item No. 9803.00.00 may remain in Canada

- (a) where they are imported by a visitor, until the earlier of
 - (i) the expiration of the date that the visitor has declared, under subparagraph 3(e)(i) or (ii), the visitor intends to leave Canada, and
 - (ii) 12 months after the date of importation;
- (b) if they are imported by a person described in subparagraph (a)(i) of the definition "temporary resident" in section 2, or by the spouse, common-law partner or dependent of that person, until the day on which that person completes their studies at an educational institution;
- (c) if they are imported by a person described in subparagraph (a)(ii) of the definition "temporary resident" in section 2, or by the spouse, common-law partner or dependent of that person, until the earlier of
 - (i) the day on which that person completes their employment in Canada, and
 - (ii) 36 months after the day on which that person arrives in Canada; and
- (d) if they are imported by a person described in subparagraph (a)(iii) or paragraph (c) of the definition "temporary resident" in section 2, until the day on which the person described in subparagraph (a)(iii) completes their employment in Canada with the Government of the United States.

(2) Notwithstanding subsection (1), where it is impossible or impracticable for a visitor or temporary resident to comply with the requirements of that subsection, the Minister may extend the length of time during which any imported baggage or conveyances that are classified under tariff item No. 9803.00.00 may remain in Canada

- (a) in the case of baggage or conveyances imported by a visitor, to any date up to 18 months after the date of importation; and
- (b) in the case of baggage or conveyances imported by a temporary resident, to any date up to six months after the termination of his employment or studies, as the case may be, in Canada.

Security

6. The Minister may require security, in the form of cash or a certified cheque, in respect of any baggage or conveyances imported and classified under tariff item No. 9803.00.00 of the *Customs Tariff* in an amount not exceeding the duties that would be payable if that tariff item did not apply.

Coming Into Force

7. These Regulations came into force on January 1, 1998.

Excise Act, 2001, S.C. 2002, c. 22

Section 32.(2)(j) and 35.(2)(c) as set out in the *Excise Act, 2001* reads:

- (j) an individual who has imported the product for their personal use in quantities not in excess of prescribed limits;
- (c) a tobacco product that is imported by an individual for their personal use in quantities not in excess of prescribed limits.

Stamping and Marking of Tobacco

Products Regulations

Section 5 as set out in the *Stamping and Marking of Tobacco Products Regulations* of the *Income Tax Act, 2001* reads:

5. (1) for the purposes of paragraphs 32(2)(j) and 35(2)(c) of the Act, the prescribed limit is five units of tobacco products.

(2) For the purposes of subsection (1), a unit of tobacco products consists of

- (a) 200 cigarettes;
- (b) 50 cigars;
- (c) 200 tobacco sticks; or
- (d) 200 g of manufactured tobacco.

(SOR/2003-288)

Guidelines and General Information

Visitors to Canada

1. Visitors may bring with them certain goods for their own use in Canada as "personal baggage and conveyances" duty and tax-free, provided all such items are reported at the nearest Canada Border Services Agency (CBSA) port of entry designated for that purpose, and are not subject to any restrictions and are exported at the end of the visit.
2. Goods that remain in Canada at the end of the visit become subject to the applicable duty and taxes and to seizure and forfeiture if not reported to the CBSA.

Documentation (Accounting)

3. Goods that are imported personally by a non-resident arriving by private conveyance qualify under the *Non-residents' Temporary Importation of Baggage and Conveyances Regulations*. Generally, no accounting will be required, and the traveller may proceed without the need for documentation.
4. Documentation must be issued by the CBSA in all cases where the traveller intends to make a series of visits during a given period and leave conveyances in Canada between visits. The Form E99, *CBSA Report* will be used for this purpose and will serve as a receipt for the traveller. There is no requirement to present the Form E99 at a CBSA office at the time of final departure. However, it should be kept readily available at all times, as proof of legal importation of the conveyance for which it has been issued. Goods described on the Form E99 must be exported from Canada no later than the date shown on the form. There may be extenuating circumstances that

prevent a visitor from exporting the baggage or conveyances, and such circumstances must be reported to the CBSA forthwith for authorization and documentation.

Importation Documents and Security Deposits

5. At the time of importation of a conveyance or baggage into Canada, a security deposit may be required at the discretion of a border services officer to ensure that all of the conditions of importation will be complied with. While a security deposit may be in an amount equal to the duty and taxes otherwise payable on the goods, a nominal amount is often satisfactory.

6. When a security deposit is deemed necessary for goods temporarily imported, the border services officer will issue a Form E29B, *Temporary Admission Permit*, as a control document. Security deposits in the form of cash or a certified cheque made payable to the Receiver General for Canada are refunded to the traveller by means of a Government of Canada cheque, which is forwarded by mail after the items are exported from Canada under the CBSA supervision. While it is not necessary to export the items at the same CBSA office at which importation was made, the Form E29B must be presented to an officer along with the goods for comparison and acquittal. The traveller will be given the receipt copy of the duly acquitted Form E29B.

7. As an alternative to the Form E29B and the posting of a security deposit for goods at the time of arrival, importers may obtain an A.T.A. Carnet or a *Carnet de passage en douane* in their country of domicile prior to arrival in Canada. An A.T.A. Carnet may be obtained in participating countries through the local Chamber of Commerce or its affiliated associations. When the importer presents a valid A.T.A. Carnet at the time of arrival, no further documentation or security is required. Additional information is contained in Memorandum D8-1-7, *Use of A.T.A. Carnets and Canada/China-Taiwan Carnets for the Temporary Admission of Goods*.

8. Canada is also a contracting party to the *Customs Convention on the Temporary Importation of Private Road Vehicles*. In accordance with the Convention, an international document called the *Carnet de passages en douane* for motor vehicles and trailers can be used instead of a Form E29B when a non-resident imports a private road vehicle for pleasure purposes for a period not exceeding one year.

Time Limits

9. Baggage and conveyances temporarily imported by non-residents of Canada may remain in Canada duty and tax-free until the expiration of the date they intend to leave Canada or 12 months after the date of importation. In cases when it is impossible or impracticable for non-residents to comply with the time limits identified in the *Regulations Respecting the Temporary Importation of Baggage and Conveyances by a Person Not a Resident of Canada*, an extension may be requested. The extension provided should give the non-residents sufficient time to remedy the situation and affect the export, but no longer than is prescribed in the Regulations.

10. The non-resident must demonstrate that it is impossible or impracticable for him or her to export their baggage or conveyance within the time limit prescribed. Examples of "impossible or impracticable" situations may include: adverse weather conditions, illness, death, essential repairs to the conveyance (not including routine maintenance or tune-up), or other circumstances deemed to cause undue hardship that would make the export of goods practically impossible or not feasible.

Public Health

11. Non-residents who are suffering from a communicable disease upon their arrival in Canada, or if they have been in close contact with someone with a communicable disease, are obligated to inform a border services officer or a quarantine officer, who can determine if they require further assessment. If they become ill after their arrival in Canada, they should consult a Canadian doctor and inform the doctor where they were and what, if any, treatment or medical care they have received (e.g. medications, blood transfusions, injections, dental care or surgery).

Alcohol and Tobacco

12. Non-residents may import amounts of alcoholic beverages and tobacco products, free of duty and taxes, **as long as these items are in their possession when they arrive in Canada.**

Alcoholic Beverages

13. Alcoholic beverages can be imported only by those persons who have attained the legal age as prescribed by the provincial or territorial authority where they arrive. These are beverages that exceed 0.5% alcohol by volume.

14. The minimum legal ages for the importation of alcoholic beverages under the laws of the province or territory are:

- (a) 18 years for Alberta, Manitoba and Quebec; and
- (b) 19 years for Yukon, the Northwest Territories, Nunavut, British Columbia, Saskatchewan, Ontario, Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland and Labrador.

15. Non-residents can include **one of** the following amounts of alcoholic beverages in tariff item No. 9803.00.00 without assessment:

- (a) 1.5 litres of wine;
- (b) a total of 1.14 litres of alcoholic beverages; **or**
- (c) up to 8.5 litres of beer or ale.

16. Coolers are classified according to their alcoholic content by volume. For example, beer coolers are subject to the limit applicable to beer; wine coolers are subject to the limit applicable to wine. De-alcoholized beer and wine containing not more than 0.5% alcohol by volume are not classified as alcoholic beverages, and, as such, no limits apply.

17. All provinces and territories, except the Northwest Territories and Nunavut, allow travellers to import alcoholic beverages in excess of their free entitlement up to a specified limit. In most cases, the limit is 9.1 litres; however, some provinces allow more. Where the duty- and tax-free allowance is exceeded, the traveller must pay a provincial fee in addition to the applicable assessments on the excess quantity. The CBSA will collect both at the time of importation. Generally, the overall costs are high.

18. Non-residents wishing to import quantities in excess of the provincial limit must contact the appropriate provincial authority and obtain the necessary permission in advance of their arrival.

Tobacco Products

19. Non-residents can include **all** of the following amounts of tobacco products in tariff item No. 9803.00.00 duty and tax-free

- (a) 200 cigarettes,
- (b) 50 cigars,
- (c) 200 grams of manufactured tobacco, **and**
- (d) 200 tobacco sticks.

20. For a visit of short duration, these quantities may be limited to amounts, which are appropriate in respect of the nature, purpose, and duration of the visit.

21. In addition, the *Excise Act, 2001* limits the quantity of tobacco products that may be imported (or possessed) by an individual for personal use if the tobacco product does not have an excise stamp "DUTY PAID CANADA • DROIT ACQUITTE." The limit is currently five units of tobacco products. **One** unit of tobacco products consists of one of the following:

- (a) 200 cigarettes,
- (b) 50 cigars,
- (c) 200 grams of manufactured tobacco, **or**
- (d) 200 tobacco sticks.

Controlled, Restricted, or Prohibited Goods

23. The CBSA assists other government departments in controlling the importation of certain goods into Canada. For information on:

- (a) firearms and weapons (which include replica firearms, mace/pepper spray etc), refer to Memorandum D19-13-2, *Importing and Exporting Firearms, Weapons and Devices*;
- (b) explosives (which include fireworks and ammunition, etc.), refer to Memorandum D19-6-1, *Administration of the Explosives Act and Regulations*;
- (c) food, plants, animals and related products, refer to Memorandum D19-1-1, *Food, Plants, Animals and Related Products*;
- (d) currency and monetary instruments, refer to Memorandum 19-14-1, *Cross-Border Currency and Monetary Instruments Reporting*;
- (e) cultural property, refer to Memorandum D19-4-1, *Export of Controlled Cultural Property – Cultural Property Export and Import Act*;
- (f) used or second-hand mattresses refer to Memorandum D9-1-7, *Used or Second-hand Mattresses and Materials Therefrom*;
- (g) hazardous products that could pose a danger to the public (e.g. baby walkers, jequirity beans that are often found in art or bead work) refer to Memorandum D19-5-1, *Administration of the Hazardous Products Act and Regulations*;
- (h) obscene material, hate propaganda and child pornography refer to Memoranda D9-1-1, *Canada Border Services Agency's Policy on the Classification of Obscene Material* and D9-1-15, *Canada Border Services Agency's Policy on the Classification of Hate Propaganda, Sedition and Treason* and Customs Tariff item No. 9899.00.00;
- (i) prescription drugs refer to Memorandum D10-14-30, *Tariff Classification of Medicaments Including Natural Health Products*;
- (j) radiocommunication and telecommunication equipment, refer to Memorandum D8-1-2, *International Events and Convention Services Program (IECSP)*.

24. This list is not all encompassing but provides some examples of goods that are controlled, restricted, or prohibited. The D19 Series of memoranda are available on the CBSA Web site at: www.cbsa.gc.ca/publications/dm-md/d19-eng.html.

Business-related Items

25. Articles such as video recorders, cell phones, laptop computers, and similar items commonly carried by travellers for their own use while on pleasure or business trips are admissible as personal baggage.

Items Imported for Commercial Use

26. Goods which are temporarily imported for commercial purposes are not admissible as personal baggage. This would include goods imported for demonstration or exhibition, commercial samples, tools, or articles associated

with commercial lectures or presentations. Such goods may generally be imported customs duty free, and may also be eligible for full or partial GST/HST relief, provided they meet certain conditions.

27. For further information concerning the legislation and requirements for goods temporarily imported for commercial purposes, refer to Memorandum D8-1-1, *Amendments to Temporary Importation (Tariff Item No. 9993.00.00) Regulations* at: www.cbsa.gc.ca/publications/dm-md/d8/d8-1-1-eng.html.

28. For further information concerning the legislation and requirements for goods temporarily imported for meetings, conventions, trade shows, international sporting events and exhibitions, refer to Memorandum D8-1-2, *International Events and Convention Services Program (IECSP)* at: www.cbsa.gc.ca/publications/dm-md/d8/d8-1-2-eng.html.

Non-resident Technicians

29. Tools imported by non-residents who enter Canada on a temporary basis to carry out work on behalf of a Canadian or foreign based employer may be imported customs duty free but are subject to the GST/HST on their full value. The only exception is for tools imported temporarily to erect, install, repair or test foreign machinery or equipment, when the purchase of the machinery or equipment was conditional on the manufacturer erecting, installing, repairing and testing the machinery or equipment in Canada. In this case the tools are subject to a partial rate of GST/HST; 1/60th for each month or part of a month that the tools are in Canada.

Reporting of Persons and Goods

30. All persons entering Canada must report to the CBSA on arrival. Pre-approved travellers using Alternate Inspection Services such as the CANPASS Program or NEXUS Program must refer to specific program instructions or visit the CBSA Web site at: www.cbsa.gc.ca.

CBSA Programs for Trusted Travellers

31. The NEXUS, CANPASS, Free and Secure Trade (FAST), and Commercial Driver Registration (CDRP) Programs streamline the border clearance process for pre-approved, low-risk travellers or drivers. The NEXUS and FAST Driver programs are administered by the CBSA in partnership with US Customs and Border Protection. The CDRP and CANPASS suite of programs are solely administered by the CBSA. The CANPASS programs include:

- (a) CANPASS Air
- (b) CANPASS Corporate Aircraft
- (c) CANPASS Private Aircraft
- (d) CANPASS Private Boats
- (e) CANPASS Remote Area Border Crossing

32. Non-residents that want to participate in any of these programs must meet the program's admissibility and eligibility criteria, submit an application, pay an application processing fee and pass an interview. For program information and instructions on how to apply, visit www.cbsa.gc.ca.

Telephone Reporting Centre (TRC) Program

33. Private, corporate or small charter aircraft carrying no more than 15 passengers, including crew members, arriving directly from the United States, must use the telephone reporting program to report to the CBSA and receive permission from a border services officer to enter Canada. The pilot is required to call the TRC at **1-888-226-7277** at least two hours but not more than 48 hours before flying into Canada, and provide the officer with flight and passenger information. Pilots are reminded that providing the TRC with advance notification of arrival in

Canada does not fulfill their flight plan obligations with NAV CAN, and that an independent flight plan must be filed with NAV CAN for all trans-border flights.

34. For flights originating outside the geographic areas covered by the toll free number **1-888-226-7277**, the following telephone numbers are available for contacting the TRC:

TRC: Hamilton, ON
Telephone: 905-679-2073
Fax: 905-679-6877

TRC: Victoria, BC
Telephone: 250-363-0222
Fax: 250-363-0759

Hamilton serves: Ontario, Quebec and Atlantic Canada

Victoria serves: all provinces and territories west of the Manitoba-Ontario border

35. All CBSA Inspection Services provided outside the established hours of operation for the CBSA office that provides the service are subject to additional charges. You will find information regarding the reporting and clearance of commercial aircraft flying into and out of Canada in Memorandum D3-2-1, *International Commercial Air Traffic and Conveyance Reporting*.

Reporting of Aircraft – General

36. The first landing of a private or corporate aircraft arriving in Canada from a foreign country has to be made at a designated place for customs reporting.

37. If, due to weather conditions or other emergency, an aircraft lands at a place, which is not designated as a place for CBSA reporting, the pilot has to report the circumstances to the nearest CBSA office or the Royal Canadian Mounted Police or by calling **1-888-226-7277**.

38. When a private or corporate aircraft arrives in Canada and has goods on board, which are deemed to require control documentation, the border services officer will issue Form E29B, in respect of such goods, and will require the posting of a security deposit. Goods documented on Form E29B must be presented to the CBSA office for identification on the outward movement. For more information on the security deposit, refer to paragraphs 4 to 7 above.

Reporting of Private or Corporate Aircraft and Small Charters

39. Pilots must land at an authorized Airport of Entry (AOE) and advance notification of arrival must be provided for all transborder flights (for more information, refer to publication BSF5061, *Coming to Canada by Small Aircraft or Recreational Boat*). Aerodromes, which are designated as an AOE with border services available, are indicated in the Directory of CBSA offices at: www.cbsa-asfc.gc.ca/do-rb/menu-eng.html.

40. Pilots of aircraft carrying more than 15 persons on board are required to make arrangements for CBSA clearance directly with the CBSA office at the AOE (for more information, refer to D2-5-1, *Charter Access to Airports*). Pilots of aircraft carrying 15 persons on board or fewer, must make arrangements for CBSA clearance by calling **1-888-226-7277** at least two hours but not more than 48 hours before flying into Canada. Pilots are also cautioned that for flight arrivals outside of the established hours, the provision of border services may not always be available, and if service is made available, service charges may be applicable.

Military Crews

41. Flights should enter Canada via an AOE unless previously arranged with the CBSA. Military crews must always make their own arrival arrangements with the local CBSA office by telephone, by letter, or via HF communications (through a Wing Operations telephone patch, etc.). Agreements between Wings and local CBSA offices may vary; therefore, pilots must contact the applicable Wing Operations for local procedures. The telephone number of the applicable local CBSA office may be requested by calling the **1-888-226-7277** number. For flights originating outside the geographic areas covered under the **1-888-226-7277** number (USA only), refer to paragraph 34 for the regional telephone number for each Telephone Reporting Centre (TRC).

Authorized Movements of Corporate Aircraft

42. Foreign-owned corporate aircraft may be used to transport non-resident company personnel/clientele into, out of, and within Canada without any restrictions on itinerary. All movements must be for the benefit of, or on behalf of, a non-resident of Canada, and any sales or subscriptions to be solicited must be on behalf of a business based outside of Canada. In addition, no goods or passengers may be transported for compensation, nor may goods be transported for sale.

43. Residents of Canada may accompany non-resident company personnel/clientele on movements from point to point in Canada only if their presence on board the aircraft is incidental to the primary purpose of the trip and no remuneration for the flight is involved. In other words, each movement of the aircraft in Canada must be for the purpose of transporting or accommodating an eligible non-resident user. In any case where the aircraft is used to travel from point to point in Canada solely for the movement or accommodation of a resident, the aircraft is no longer eligible for the provisions of tariff item No. 9803.00.00 and becomes subject to assessment in the usual manner.

44. However, one-way movements into Canada to a CBSA authorized airport and one-way movements out of Canada from a CBSA authorized airport may be made without regard to the residential status of the passengers carried or the requirements of this memorandum, provided no local use is made of the aircraft while it is in Canada.

45. Also, the place of residency of the pilot and crew are irrelevant for determining the authorized movement of foreign-owned corporate aircraft in Canada. Pilots or crew members who are residents of Canada, and who are employed by the foreign corporation or who are contracted by the foreign corporation, may fly foreign corporate aircraft in Canada as long as each leg of the journey is for the purpose of transporting or accommodating an eligible non-resident visitor. The pilot or crew members cannot make use of the aircraft for any personal reason without fully accounting for any revenue owing on the aircraft.

Reporting of Private Boats

46. The first docking of a private boat arriving in Canada from a foreign country has to be made at a designated place for customs reporting. Some boat-reporting stations have border services officers on duty during the boating season. At other stations, a telephone reporting system is utilized. Upon arrival in Canada, the operator of the private boat proceeds to one of the designated stations and reports to the CBSA, by telephone. The officer may issue an oral clearance, or if an inspection or documentation is required, the officer will proceed to the location of the boat. The list of the designated marine reporting sites may be found in the Directory of CBSA Offices on the CBSA Web site.

47. Where due to weather conditions or other emergency, a private boat docks at a place which is not designated as a place for CBSA reporting, the operator must immediately report the circumstances to the nearest CBSA office or the Royal Canadian Mounted Police.

48. If a private boat enters Canada by means of another conveyance (i.e. on a boat trailer), a Form E99 may be issued as a combined inward/outward report. It is not necessary to present this form to the CBSA on departure from Canada.

49. Further reporting at the CBSA office will not be necessary at the time of departure unless articles were documented on a Form E29B at time of arrival, or if goods which required documentary control are being carried on the outward journey.

Retention of Foreign Pleasure Craft in Canada

50. While on their visit in Canada, foreign boaters are free to avail themselves of the services of marina operators and other repair outlets for the purpose of repair and maintenance to their boats. For example, boaters may wish to have their boats painted or overhauled before leaving Canada. This kind of work is allowed.

51. Boats must be exported from Canada at the end of their declared exportation date, which was identified to the CBSA at the time of importation or within 12 months from the date of importation, whichever is earlier. If, however, a boat cannot be exported by the date identified at the time of importation, any request for an extension to the date of exportation must be directed to the nearest CBSA office. If an extension is warranted, the reviewing border services officer may issue a Form E99 in accordance with section 5(2) of the *Non-residents' Temporary Importation of Baggage and Conveyances Regulations* to extend the period of importation or may require the boat to be documented on a Form E29B.

52. Boats imported strictly for repair or storage, or those remaining in Canada for storage purposes in the off-season, should only be documented on Form E29B. If used, the Form E99 will be endorsed "for repair only." A copy of the work order from the repair facility must be attached to the CBSA copy of the Form E99 or the Form E29B. Both these forms must show an expiry date and indicate the location where the unit is authorized to remain while being repaired or stored.

53. If the vessel is being imported for the purposes of repairs that are not incidental to a visit under tariff item No. 9803, or is imported strictly for the purposes of storage, tariff item No. 9993 will apply. More information on such temporary importations may be found in Memorandum D8-1-1, *Amendments to Temporary Importation (Tariff Item No. 9993.00.00) Regulations*.

54. The Form E99 should be affixed to the pleasure craft so as to ensure that it remains clearly visible at all times, preferably on the inside right corner of the windshield. The Form E29B should be available for review upon demand. Both documents may be kept on file with the boat repair facility.

55. In all other cases, pleasure craft left in Canada must be duty and tax paid. This will apply to all boats that are principally maintained or operated in Canada. Transport Canada considers boat and watercraft trailers to be vehicles. The requirements that must be met to import these trailers are outlined in Memorandum D19-12-1, *Importation of Vehicles*.

56. Owners are advised that operational checks are made from time to time at marina and service outlet locations. Non duty and tax paid pleasure craft, imported by visitors and remaining in Canada without being documented on a Form E99 or a Form E29B may be seized and forfeited under the *Customs Act*.

In-transit Travellers Through Canada

57. From time to time, non-residents have occasion to personally transport their household effects, tools of trade, or other goods in transit through Canada. In such instances when these goods are not intended for use in Canada, the traveller is advised to prepare, in advance, a list in triplicate of all the in-transit goods, indicating their values and any identifiable serial numbers. If it is not practical to seal the vehicle,

consumable goods intended for use outside of Canada should be packed in containers that can be sealed by a border services officer at the time of arrival.

58. Border services officers use metal seals that resemble tie wraps. The lid and container used should have a hole in which the seal can be inserted and tightened. Should it not be possible to seal the container, a security deposit might be required and a copy of your list of goods will be attached to a Form E29B. The goods along with the E29B must be presented for acquittal at a CBSA office prior to exporting the goods from Canada. For more information on the security deposit, refer to paragraphs 4 to 7.

Temporary Residents

59. A temporary resident is defined as a person who is not a resident of Canada and who resides temporarily in Canada for the purpose of:

- (a) studying at an educational institution;
- (b) employment for a period not exceeding 36 months; or
- (c) performing preclearance activities on behalf of the Government of the United States under the terms of the Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America, signed January 18, 2001.

60. Persons in this category must satisfy a border services officer **that they meet the definition of a temporary resident under IRPA s.20(1)(b) and s.22(1)** prior to being accorded the associated benefits.

61. Prior to arrival in Canada, temporary residents are advised to prepare a list in duplicate of all items to be imported temporarily, indicating the approximate values and any identifiable serial numbers. Should the border services officer determine that the goods be documented to ensure their exportation, a Form E29B will be completed and a security deposit may be required at discretion of the officer to ensure that all of the conditions of importation will be complied with.

62. In order to minimize security requirements, it is suggested that, where possible, temporary residents, other than United States preclearance personnel, obtain a letter of undertaking from the president, vice-president, secretary treasurer, or other comparable authority of the firm or employing organization. This letter should guarantee that all of the conditions of importation will be complied with, and that any duties which become payable will be paid on behalf of the employee.

63. Information on temporarily importing a vehicle, whether owned or leased, is available by consulting the Memorandum D19-12-1, *Importation of Vehicles*.

64. After the initial arrival to take up residence in Canada, temporary residents, other than United States preclearance personnel, may not claim free importation of alcoholic beverages, tobacco products, or other consumable items under these Regulations. Such commodities may, however, be entered under the personal exemption items of the *Customs Tariff*, where so qualified (tariff item Nos. 9804.10.00, 9804.20.00, 9804.30.00, and 9804.40.00).

65. Non-consumable items may be imported by temporary residents after their initial arrival. However, in order to avoid the posting of security deposits for long periods of time, goods imported after the initial arrival should be kept to a minimum.

Application for Permanent Resident Status

66. Temporary residents, who intend to change their status with CIC, to work in Canada for more than 36 months or to apply for permanent resident status at an inland office, must report to the CBSA immediately in order to permanently account for their goods. The acquittal of the temporary status and the completion of a Form B4, *Personal Effects Accounting Document* will be required. For example, a temporary resident who makes application for permanent resident (landed immigrant) status or to work in Canada for more than 36 months is then classified as a "settler" for customs purposes, and is no longer eligible to import goods on a temporary basis as a temporary resident. Refer to Memorandum D2-2-1, *Settlers' Effects – Tariff Item No. 9807.00.00*, for information on the entitlements available to settlers.

United States Preclearance Personnel

67. Unique customs benefits and clearance procedures apply to United States preclearance personnel, their spouses and dependants, for the entire duration of the posting in Canada.

68. On first arrival in Canada, after primary inspection, the U.S. employee is to be referred to the immigration office to be issued an employment authorization.

69. All of the standard CBSA entitlements pursuant to tariff item No. 9803.00.00 are to be extended with respect to any **durable** household and personal effects temporarily imported. However, except for Form E99 and Form 13-0132, *Vehicle Import Form – Form 1* for each vehicle imported, no customs accounting/control documents or security deposits are required.

70. After the initial arrival, and at the request of the U.S. employee, Foreign Affairs and International Trade Canada will issue individual identification cards for the use of each employee, spouse, and dependent, respectively.

71. The extension of customs benefits on each re-entry into Canada after a trip abroad is conditional upon presentation of this card or a valid immigration document clearly identifying the holder.

72. Unlike other categories of temporary residents returning from a short trip abroad, U.S. personnel and their families may claim duty- and tax-free importation of accompanying consumable goods under tariff item No. 9803.00.00 including the standard allotments of alcoholic beverages and tobacco products when the duration of absence is **less than 48 hours**.

73. When the duration of absence is **48 hours or more**, consumable goods including alcoholic beverages and tobacco products may not be claimed under tariff item No. 9803.00.00 but are admissible instead under tariff item No. 9804.10.00, 9804.20.00, 9804.30.00, or 9804.40.00, as the case may be.

74. Agricultural and import limits apply in the usual manner to meat and dairy products, regardless of the duration of the trip abroad.

Penalty Information

75. Failure to comply with the terms and conditions of temporary importation may result in the seizure and forfeiture of baggage or conveyances.

References	
Issuing Office	Program & Policy Management Division Traveller Programs Directorate Programs Branch
Headquarters File	HS9803-0
Legislative References	<i>Customs Tariff</i> , tariff item No. 9803.00.00, paragraphs 133(b) and (e), and Chapter 98, Note 5 – Special Classification Provisions – Non Commercial
Other References	D2-2-1 , D2-5-1 , D3-2-1 , D8-1-1 , D8-1-2 , D8-1-7 , D9-1-1 , D9-1-7 , D9-1-15 , D10-14-30 , D19-1-1 , D19-4-1 , D19-6-1 , D19-12-1 , D19-13-2 , D19-14-1
Superseded Memorandum D	D2-1-1, February 26, 2013