



# Memorandum D2-5-1

Ottawa, August 20, 2019

## Charter Access to Airports

### In Brief

This memorandum has been updated to include guidance for diverted flights and re-fuelling stops.

This memorandum outlines the Canada Border Services Agency guidelines and conditions under which airlines or owners of commercial aircraft may operate international charter service, including transborder service for remuneration or hire into authorized airports of entry.

## Legislation

[\*Immigration and Refugee Protection Act\*](#)

[\*Customs Act\*](#)

[\*Presentation of Persons \(2003\) Regulations\*](#)

## Guidelines and General Information

### Definitions

1. For the purpose of this memorandum the following AOE designators apply:

AOE – Authorized airport of entry for clearance of all classes of scheduled and non-scheduled aircraft (passenger and cargo).

AOE/# – Airport of entry for the clearance of scheduled and unscheduled air traffic but with passenger restrictions as indicated by an appropriate numerical designator (e.g. AOE/120).

AOE/15 – Airport of entry solely for the clearance of persons arriving by general aviation traffic where the flights are unscheduled and the passenger capacity, including crew, does not exceed 15 people.

AOE/CAN – indicates an airport which is designated for CANPASS trusted travellers program participants' use only.

**Note:** A full listing of CBSA-authorized AOE's may be found in the [Directory of CBSA offices](#).

2. These guidelines pertain only to obtaining inspection services for border clearance. They do not replace, amend, or change in any manner, the current regulations and requirements of the relevant airport authority, Transport Canada, the Canadian Transportation Agency (CTA), or the Canadian Inspection Services [Canada Border Services Agency (CBSA), Citizenship and Immigration Canada (CIC), Health Canada, and the Canadian Food Inspection Agency (CFIA)]. Air carriers requiring detailed information with respect to their responsibilities and obligations concerning international charter services should contact the appropriate authority directly (see paragraph 26 for a list of addresses, telephone, and facsimile numbers).

### Provision of CBSA Services

3. All aircraft arriving in Canada from a foreign point of origin must land at an airport designated for CBSA clearance unless otherwise authorized by the CBSA. Airport of Entry (AOE) designations indicate airports that have been authorized by the CBSA for the arrival and departure of international flights. The AOE designation refers only to CBSA's reporting requirements and does not apply to the airport's physical facilities or operational capabilities.

### Passenger Restrictions

4. At certain airports, the number of international passengers processed by the CBSA at a given time may be restricted due to operational or safety requirements. In some locations where passenger restrictions are in place, staged off-loading may be allowed to accommodate larger aircraft. The air carrier or its agent is responsible for controlling the delivery of passengers. Procedures for staged off-loading are outlined in paragraph 12 of this document.

5. The business hours and types of CBSA services available at designated airports of entry may vary according to the type of airport, geographical location, facilities, or season. Office information, including addresses, hours of operation, and types of services available, may be found in the [Directory of CBSA offices](#).

6. Cost recovery or special service charges for new or additional CBSA services (such as Other Government Departments) may apply at certain airports. Information on Special Services can be found in [Memorandum D1-2-1, Special Services](#), or you may contact the local CBSA office at the airport of destination.

**7. Aircraft that are stopping in Canada for the sole purpose of re-fuelling are not limited by the passenger number restrictions listed in the CBSA designation of the airport. When landing to re-fuel, the aircraft must still report the arrival to the CBSA even though the passengers are not disembarking. This can be done in writing on an [A6 General Declaration](#) or by telephone to the CBSA at that airport.** Authorization and Clearance Procedures

### Non-restricted Capacity Airports of Entry

8. For charter flights into an AOE with no passenger capacity limitations (an AOE with no numerical designator), the following will apply:

- (a) Licensed air carriers will notify in advance the CTA of proposed charter flights or will request approvals for proposed charter flights (depending on the type of charters). The CTA approvals contain a reminder to licensed air carriers to contact:
  - (i) Transport Canada for compliance with security requirements;
  - (ii) The local airport authority for permission to operate at specific times or for the use of any airport facility; and
  - (iii) The CBSA regarding the availability of clearance services and hours of operation of the port of entry.
- (b) The CTA will file a monthly report to the CBSA listing all approved charter flights (all types of charters) which took place the month before.

- (c) The carrier will then negotiate for a time “slot” and obtain authorization from the local airport manager who will consult with the CIS, the airlines, and United States Customs and Border Protection, if required. This will ensure that times of arrival or departure will not conflict with other charter or scheduled carrier service and create peaking or congestion problems within the inspection services area.
- (d) The carrier is responsible for all additional costs incurred for the charter clearance.
- (e) Permission for progressive clearance of charter traffic will be negotiated in accordance with the conditions outlined in [Memorandum D2-5-5, Progressive Clearance at Airports](#).
- (f) The carrier will ensure the passengers are properly documented and provide passengers with the [Form E311, CBSA Declaration Card](#) at airports where primary inspection kiosks have not been installed.

### **Restricted Capacity Airports of Entry**

9. For charter flights into an AOE with passenger capacity limitations (an AOE with a numerical designator), the following will apply:

- (a) Licensed air carriers will notify in advance the CTA of proposed charter flights or will request approvals for proposed charter flights (depending on the type of charters). The CTA approvals contain a reminder to licensed air carriers to contact:
  - (i) Transport Canada for compliance with security requirements;
  - (ii) The local airport authority for permission to operate at specific times or for the use of any airport facility; and
  - (iii) The CBSA regarding the availability of clearance services and hours of operation of the port of entry.
- (b) The air carrier will contact the local CBSA office by telephone, facsimile, or mail, during regular business hours, Monday through Friday (except holidays) as far in advance as possible. The air carrier will be informed of CBSA’s requirements and must indicate its agreement to comply prior to the commencement of the flight.
- (c) The carrier will then negotiate for a time “slot” and obtain authorization from the local airport manager. This will ensure that times of arrival or departure will not conflict with other charter or scheduled carrier service and create peaking or congestion problems within the inspection services area.
- (d) The carrier is responsible for all additional costs incurred for the charter clearance.
- (e) Permission for progressive clearance of charter traffic will be negotiated in accordance with the conditions outlined in [Memorandum D2-5-5, Progressive Clearance at Airports](#).
- (f) The carrier will ensure passengers are properly documented and provide passengers with the Form E311, [CBSA Declaration Card](#) at airports where primary inspection kiosks have not been installed.

10. For charter flights involving aircraft carrying more than the capacity indicated for a specific airport, the airport manager will make a decision as to whether charter access can be approved or refused. This decision will be based on the air carrier’s ability to meet the requirements of the airport authority, as well as those of the CIS and Transport Canada (see paragraph 12 for details on the staged off-loading of passengers).

11. The CIS authorization, required in paragraphs 9 and 10, will be based on and subject to the following:

- (a) The time of arrival is within the airport’s authorized hours of service;
- (b) The flight does not arrive simultaneously with other scheduled or charter flights;
- (c) Inspection staff is available;
- (d) Adequate sterility is provided by the carrier for the deplaning and reporting of passengers and baggage to the inspection services facility;
- (e) The baggage delivery rate can be maintained at an acceptable level;

- (f) Where the proposed aircraft load exceeds the facility capacity, staged off-loading procedures will be required in accordance with the conditions outlined in paragraphs 12(a) to 12(e);
- (g) The carrier shall be responsible for all additional costs incurred for charter clearance;
- (h) The carrier will ensure passengers are properly documented and provide passengers with the [Form E311, CBSA Declaration Card](#) at airports where primary inspection kiosks have not been installed; and
- (i) Permission for progressive clearance of flights into restricted capacity airports will be negotiated in accordance with [Memorandum D2-5-5, Progressive Clearance at Airports](#).

### **Staged Off-loading Procedures at Restricted Capacity Airport of Entry**

12. Authorization for staged off-loading will be based on the following factors and subject to the carrier undertaking to meet the conditions specified:

- (a) The number of passengers off-loaded in each stage will be determined by the CBSA;
- (b) The carrier will match baggage off-load to the stage off-load in whichever manner they so choose and provide baggage handlers in the baggage claim area;
- (c) The CBSA will control staged off-loading by informing the carrier when the facility can accommodate the next stage of passengers and baggage;
- (d) The carrier will ensure and maintain orderly disembarkation by providing adequate ground attendants for this purpose; and
- (e) The carrier will make the following onboard announcement in French and English prior to off-loading the first stage of passengers:

“As you were informed on purchase of your ticket, the passenger load of this flight exceeds the facility capacity of the Canadian Inspection Services area of this airport. In order to make this flight possible (insert name of carrier) has agreed to off-load its passengers in stages. Because of this off-loading procedure, minimal delays in inspection formalities may be experienced. For your convenience and comfort, and to facilitate your clearance through the Canadian Inspection Services facility, passengers will disembark in the following manner . . .”

13. The carrier will be informed of the staged off-loading requirement and the number of passengers per stage at the time of charter approval.

### **Restricted Capacity Airports Limited to 15 Passengers Including Crew (AOE/15)**

14. Airports designated as AOE/15 are used solely for clearing persons who have not paid for passage arriving by general aviation aircraft (private or corporate) where the flights are unscheduled and the number of passengers on each flight does not exceed 15 (including the crew).

15. Operators of these flights must obtain CBSA approval by contacting the CBSA's Telephone Reporting Center **at least two hours, but no more than 48 hours**, before flying into Canada. For telephone reporting procedures, please refer to the [Memorandum D2-5-12 Telephone Reporting for General Aviation and Private Boats](#).

### **Emergency Diversions**

16. According to Transport Canada, the requirement for a commercial air carrier to identify a destination diversion airport as part of its flight plan is an International Civil Aviation Organization (ICAO) commitment contained in Annex 6 of the Convention on International Civil Aviation (Chicago Convention). This does not exempt the airline from landing at a designated airport as outlined in Article 10 of the convention.

17. An emergency diversion would be one where the person in charge of the conveyance has declared an emergency. The reason for such declarations will vary and can include mechanical, medical, security (e.g., unruly passengers) and indirectly, inclement weather conditions, (e.g., depletion of fuel due to weather delay).

18. In the case of a declared emergency, safety is of course paramount, and air traffic control will direct the aircraft to the most immediate and appropriate aerodrome. The aircraft would be allowed to land at the closest available airport regardless of CBSA presence as long as the airline immediately reports the landing to the nearest CBSA office or the Royal Canadian Mounted Police (RCMP).

19. In the event where the aircraft has their destination at another airport in Canada:

- If passengers and crew remain on the aircraft and continue their journey to its original Canadian destination, passengers and crew would clear the CBSA at the next domestic destination. Nonetheless, the arrival of the aircraft must be reported to the CBSA. This can be done in writing on an [A6 General Declaration](#) or by telephone to the CBSA at that airport.
- If the aircraft is unable to continue, passengers and crew have to undergo CBSA processing at the airport where the aircraft landed. **After hours** clearance may include **cost recovery** if the CBSA is able to send officers to clear the flight at that AOE. If the CBSA is unable to attend, it would be the responsibility of the airline to ensure they transport those passengers and crew to the nearest CBSA office that is open for business.

**Note:** A declared emergency diversion by the person in charge of the conveyance will not result in cost recovery fees when the CBSA is satisfied as to the urgent nature of the situation.

20. In the event where the aircraft has their destination a place outside Canada:

- If the passengers and crew arrive on a diverted flight but do not disembark from the airplane and have as their destination a place outside Canada. These passengers and crew are not required to report to the CBSA. Nonetheless, the arrival of the aircraft must be reported to the CBSA. This can be done in writing on an [A6 General Declaration](#) or by telephone to the CBSA at that airport.
- If the aircraft is unable to continue, passengers and crew have to undergo CBSA processing at the airport where the aircraft landed or based on circumstances, the passengers and crew may be held in a secure/sterile area until the aircraft is fit to fly again or a substitution arrives.
- After hours clearance may include cost recovery if the CBSA is able to send officers to clear the flight at that AOE. If the CBSA is unable to attend, it would be the responsibility of the airline to ensure they transport those passengers and crew to the nearest CBSA office that is open for business for CBSA processing.

**Note:** A declared emergency diversion by the person in charge of the conveyance will not result in cost recovery fees when the CBSA is satisfied as to the urgent nature of the situation

### **Re-fuelling Stops (Technical Stops)**

21. A planned technical stop for re-fuelling would not constitute an emergency and must be planned at a designated AOE open for business and the arrival must be reported to the CBSA. Arranging for re-fuelling at a non-designated site or that falls outside the authorized hours of service at a designated site, is not “unforeseen” and does not constitute an emergency. Therefore, airlines are not permitted to make arrangements for re-fuelling at non-designated sites or that falls outside the authorized hours of service at a designated site, without the CBSA’s permission. If the airline wishes to make such stops routine, it must enter into a cost recovery agreement with the closest CBSA office.

### **General information**

22. All air carriers must abide by the provisions of the CFIA’s [International Waste Directive](#). If CFIA-approved international waste disposal facilities and routes do not exist at the airport of entry, the discharge or off-loading of international waste will not be permitted. The waste products must remain safely contained and stored on board the aircraft.

23. Air transporters operating small charter aircraft may be asked to provide [Advance Passenger Information](#) (API) under the provisions of the API Program. Reporting through the Telephone Reporting Centre does not preclude selected air transporters from participation in the API Program if required to do so by the CBSA.

24. All airlines or owners of commercial aircraft operating international charter service that do not give prior notice and do not follow authorization procedures may be diverted to another AOE if there is no CBSA staff available for clearance.

25. Basic information related to foreign operators seeking authorization to operate into and out of Canada can be found on the [Transport Canada website](#).

26. General enquiries and requests for further information concerning charter access into specific airports should be directed to:

#### **Canada Border Services Agency**

Program and Policy Management Division

Travellers Programs Directorate

Email address: [TBPD-DPFV@cbsa-asfc.gc.ca](mailto:TBPD-DPFV@cbsa-asfc.gc.ca)

Program and Policy Management Division

Commercial Programs Directorate

Email address: [fpa-ava@cbsa-asfc.gc.ca](mailto:fpa-ava@cbsa-asfc.gc.ca)

#### **Canadian Food Inspection Agency**

[Contact page](#)

[Automated Import Reference System \(AIRS\)](#)

#### **Canadian Transportation Agency Licensing Inquiries**

Air Licensing and Chapters Division

Canadian Transportation Agency

Ottawa, Ontario, K1A 0N9

Telephone: 819-997-6359

After hours, week-end & holidays telephone number: 613-769-6274

Facsimile: 819-953-5572

General email: [FAX-LATA-ALCD@otc-cta.gc.ca](mailto:FAX-LATA-ALCD@otc-cta.gc.ca)

#### **Transport Canada**

Foreign Inspection Division

Telephone: 613-990-1100

Facsimile: 613-949-4227

General email: [FOA-AOE@tc.gc.ca](mailto:FOA-AOE@tc.gc.ca)

#### **Health Canada**

Address Locator 0900C2

Ottawa, Ontario, K1A 0K9

Email: [Info@hc-sc.gc.ca](mailto:Info@hc-sc.gc.ca)

Telephone: 613-957-2991

Toll free: 1-866-225-0709

Facsimile: 613-941-5366

### **Penalty Information**

27. In instances where the person in charge of the conveyance failed to report the conveyance and passengers and crew to the CBSA upon arrival in Canada, an assessment of penalties and/or seizure

against the carrier may be applied. For more information on penalty administration, please refer to the [Master Penalty Document](http://www.cbsa-asfc.gc.ca/trade-commerce/amps/mpd-dmi-eng.html) (<http://www.cbsa-asfc.gc.ca/trade-commerce/amps/mpd-dmi-eng.html>).

### Additional information

28. For more information, within Canada call the Border Information Service 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: **1-866-335-3237**.

<b>References</b>	
<b>Issuing Office</b>	Program and Policy Management Division Travellers Programs Directorate Travellers Branch
<b>Headquarters File</b>	
<b>Legislative References</b>	<a href="#"><i>Immigration and Refugee Protection Act</i></a> <a href="#"><i>Customs Act</i></a> <a href="#"><i>Presentation of Persons (2003) Regulations</i></a>
<b>Other References</b>	<a href="#">D1-2-1</a> , <a href="#">D2-5-5</a>
<b>Superseded Memorandum D</b>	D2-5-1 dated May 1, 2017