



Public Safety / Sécurité publique
Canada
Deputy Minister / Sous-ministre
Ottawa, Canada
K1A 0P8

SECRET // CEO

DATE:

File No.: 6005/ PS-013874

MEMORANDUM FOR THE MINISTER

**TIPOFF U.S. CANADA (TUSCAN) [REDACTED]
UPDATE ON POLICY DEVELOPMENT**

(Decision Sought)

ISSUE

[REDACTED]

BACKGROUND

TUSCAN

As you are aware, efforts to modernize the 1997 TUSCAN Aide-Memoire were formalized with the signing of a new Arrangement between PS, the Canada Border Services Agency (CBSA) and the TSC at the Deputy Minister Level in June 2016.

The TSC is a multi-agency organization administered by the Federal Bureau of Investigation (FBI). It maintains the Terrorist Screening Database (TSDB), which contains information on individuals known or suspected of being involved in terrorist activity who have been nominated for inclusion by U.S. operational agencies. The TSDB is used by U.S. front-line screeners at all levels of government in the U.S. and abroad. There is no equivalent to the TSC or TSDB in Canada.

[The TUSCAN list is a subset of the TSDB. [REDACTED]

Page 2

**is withheld pursuant to sections
est retenue en vertu des articles**

**of the Access to Information
de la Loi sur l'accès à l'information**

Page 3

**is withheld pursuant to sections
est retenue en vertu des articles**

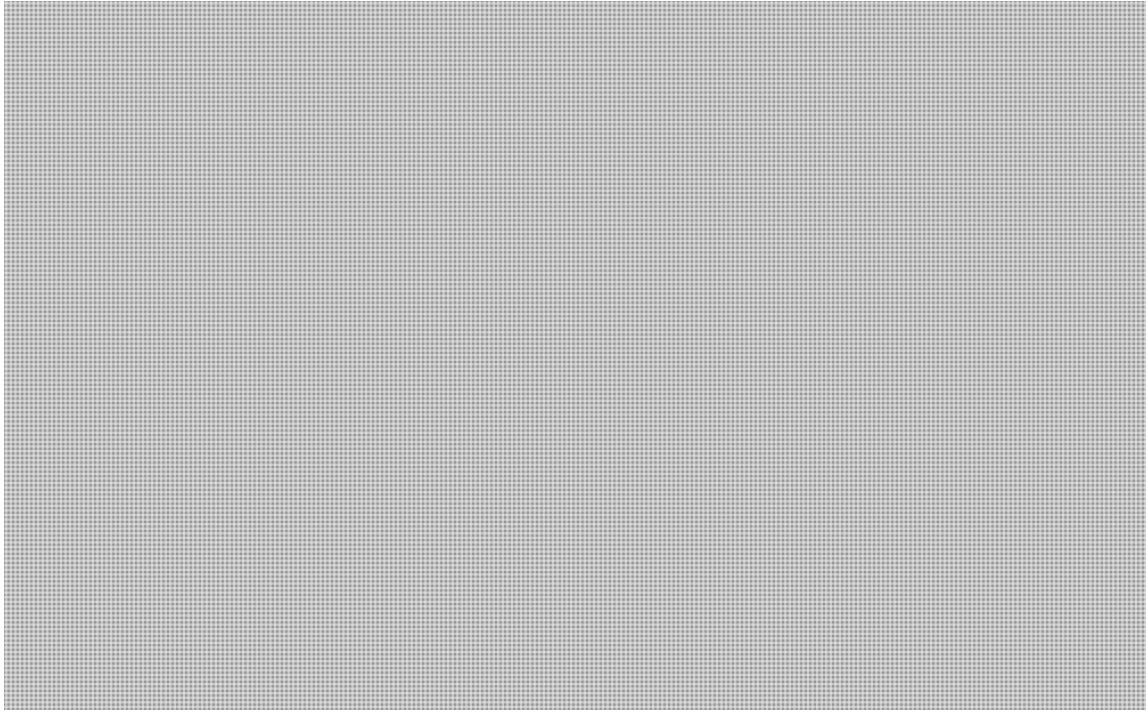
**of the Access to Information
de la Loi sur l'accès à l'information**

Page 4

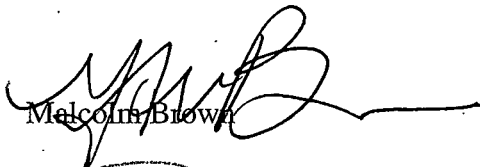
**is withheld pursuant to sections
est retenue en vertu des articles**

**of the Access to Information
de la Loi sur l'accès à l'information**

NEXT STEPS



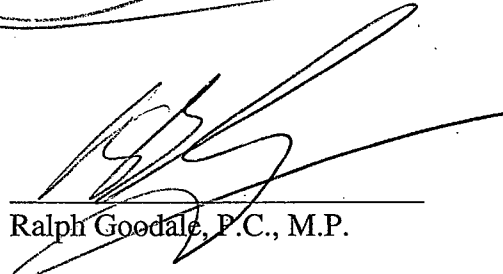
Should you require any additional information, please do not hesitate to contact me or Monik Beauregard, Senior Assistant Deputy Minister, National and Cyber Security, at 613-990-4976.


Malcolm Brown

Enclosure: (1)


I approve:

I do not approve:



Ralph Goodale, P.C., M.P.

Ralph Goodale, P.C., M.P.

Prepared by: 

Page 6

**is withheld pursuant to sections
est retenue en vertu des articles**

**of the Access to Information
de la Loi sur l'accès à l'information**

Page 7

**is withheld pursuant to sections
est retenue en vertu des articles**

**of the Access to Information
de la Loi sur l'accès à l'information**



Public Safety Sécurité publique
Canada Canada
Deputy Minister Sous-ministre
Ottawa, Canada
K1A 0P8

COPY

SECRET // CEO

DATE: ~~MAY~~ 13 2016

File No.: 6005/ PS-010129

MEMORANDUM FOR THE MINISTER

**ARRANGEMENT BETWEEN THE TERRORIST SCREENING CENTER,
PUBLIC SAFETY CANADA AND THE
CANADA BORDER SERVICES AGENCY**

(Decision Sought)

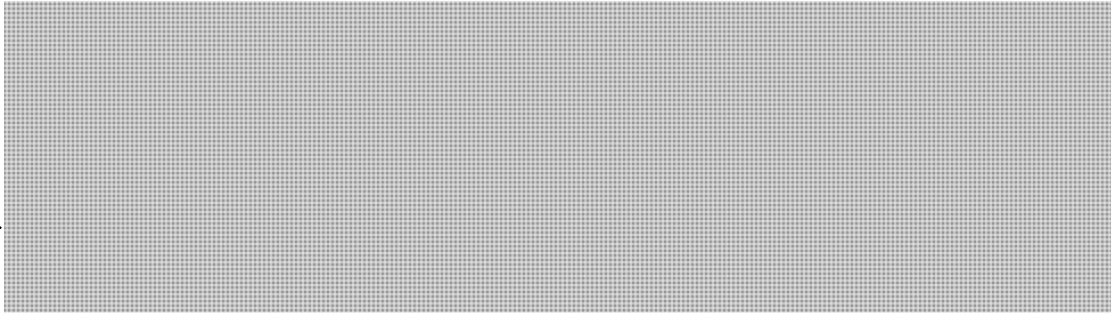
ISSUE

To seek your approval of a written Arrangement with the United States (U.S.) Terrorist Screening Centre (TSC) to modernize the current TIPOFF U.S. CANADA (TUSCAN) with the CBSA and introduce reciprocal sharing of information from the CBSA on encounters at the border.

BACKGROUND

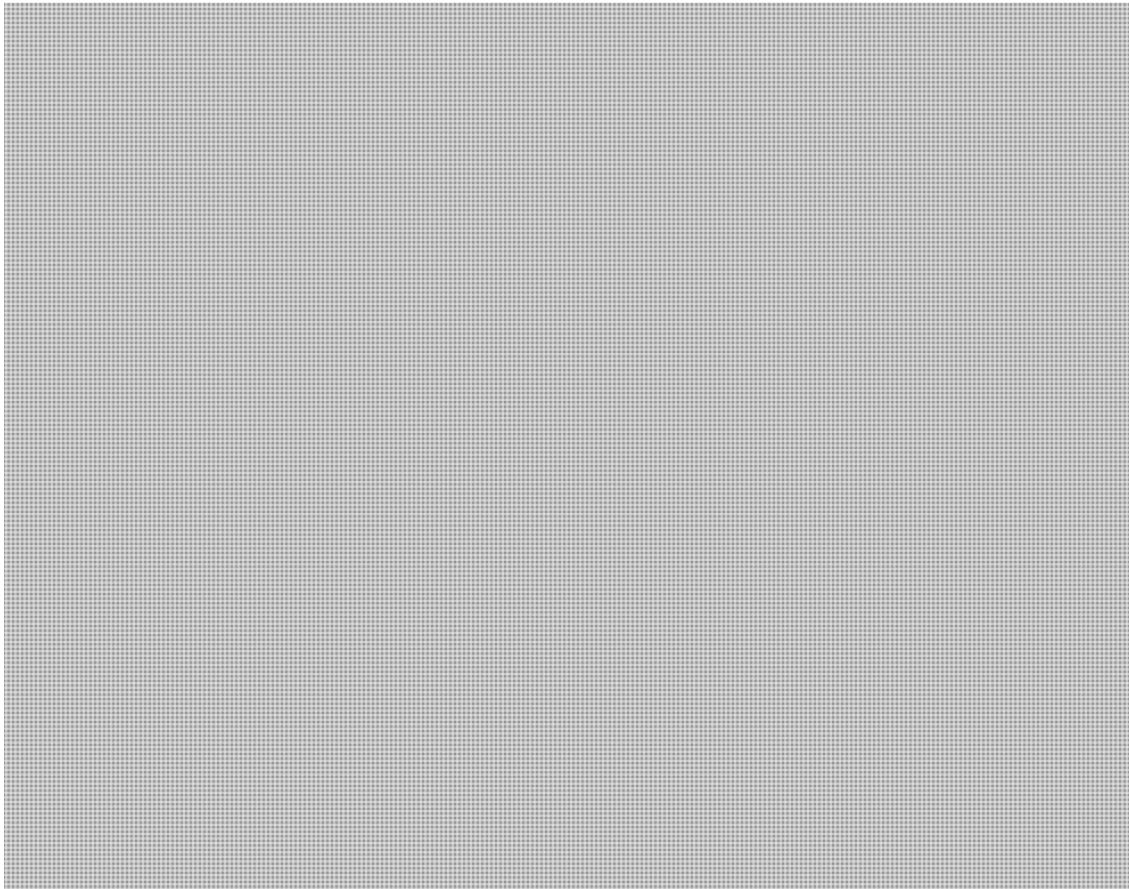
As you are aware, information sharing was a key topic of discussion between the Prime Minister and the President when they met in Washington on March 10, 2016. Leading up to this meeting, a letter of intent (**TAB A**) was approved and signed, committing both countries to work towards modernizing the 1997 TUSCAN Aide-Memoire into a new Arrangement. The letter of intent committed Public Safety Canada (PS) and the TSC to negotiate an arrangement that strengthens each country's ability to prevent and respond to threats by sharing of information, including the timely identification of known or suspected terrorists.

.../2



As you will recall, TUSCAN is a national security database provided by the U.S. to Canadian border and immigration officers who compare the names of incoming persons to Canada against the TUSCAN list. The list is an unclassified index of names and other identifying information for known or suspected terrorists. If there is a match, the officer communicates with U.S. counterparts to confirm an identity match to the list. The officer then uses that information to help guide their decision making process when the person applies to come to, or arrives in, Canada.

Main Updates to the 1997 Agreement



**Pages 10 to / à 12
are withheld pursuant to sections
sont retenues en vertu des articles**

**of the Access to Information
de la Loi sur l'accès à l'information**



RECOMMENDATIONS

It is recommended that you approve the attached draft Arrangement between TSC, PS and the CBSA (**TAB C**). Once you have approved, I would be pleased to be the signatory of the Arrangement along with the President of the CBSA.

Should you require any additional information, please do not hesitate to contact me or Monik Beauregard, Senior Assistant Deputy Minister, National and Cyber Security, at 613-990-4976.

A handwritten signature in black ink, appearing to be 'G. A. Malcolm Brown', is written over a horizontal line.

G. A. Malcolm Brown

Enclosures: (3)

I approve:

I do not approve:

Ralph Goodale, P.C., M.P.

Ralph Goodale, P.C., M.P.

Prepared by: A small rectangular area next to the text 'Prepared by:' is redacted with a grey grid pattern.

Page 14

**is withheld pursuant to sections
est retenue en vertu des articles**

**of the Access to Information
de la Loi sur l'accès à l'information**



Public Safety Sécurité publique
Canada Canada

Deputy Minister Sous-ministre

Ottawa, Canada
K1A 0P8

SECRET // CEO

DATE: **MAR 3 1 2016**

File No.: 6005/ PS-009325

MEMORANDUM FOR THE MINISTER

**NEGOTIATING MANDATE FOR THE
TIPOFF U.S. CANADA (TUSCAN) OPERATIONAL PROTOCOL**

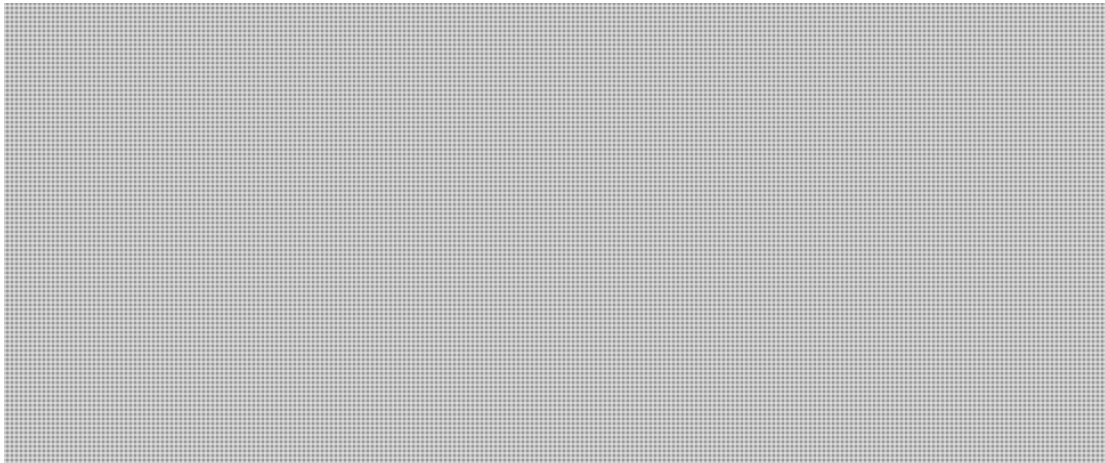
(Decision Sought)

ISSUE

To seek your approval on a negotiating mandate for a TIPOFF U.S. Canada (TUSCAN) Operational Protocol with the United States (U.S.).

BACKGROUND

As you are aware, information sharing was a key topic of discussion between the Prime Minister and the President on March 10, 2016. In preparation for that meeting, a letter of intent (**TAB A**) to negotiate an Operational Protocol for TUSCAN was signed. The letter committed Public Safety Canada (PS) and the Terrorist Screening Center (TSC) to negotiating the terms of the Protocol by May 1, 2016.



.../2

[REDACTED]

The CBSA and IRCC utilize TUSCAN information for admissibility determinations in missions overseas, Port of Entry (POE) and inland offices to intercept and potentially apprehend or refuse entry to known or suspected terrorists. When a subject of a TUSCAN lookout is intercepted, a request for information is made to the U.S. TSC in an effort to verify whether the person encountered is a confirmed match and to better inform officers determining admissibility.

CURRENT STATUS

Over the years, both Canadian and U.S. government officials have raised irritants regarding the current TUSCAN arrangement. As a result, each country will be seeking improvements to the current TUSCAN process.

[REDACTED]

**Pages 17 to / à 18
are withheld pursuant to sections
sont retenues en vertu des articles**

**of the Access to Information
de la Loi sur l'accès à l'information**

RECOMMENDATIONS



Should you require any additional information, please do not hesitate to contact me or Monik Beauregard, Senior Assistant Deputy Minister, National and Cyber Security, at 613-990-4976.

A handwritten signature in black ink, appearing to be 'François Guimont', written over a horizontal line.

François Guimont

Enclosure: (1)

I approve:

I do not approve:

A handwritten signature in black ink, appearing to be 'Ralph Goodale', written over a horizontal line.

Ralph Goodale, P.C., M.P.

Ralph Goodale, P.C., M.P.

Prepared by:



**Pages 20 to / à 36
are withheld pursuant to sections
sont retenues en vertu des articles**

**of the Access to Information
de la Loi sur l'accès à l'information**



SECRET // CEO

DATE: **APR - 7 2017**

File No.: 6005/ 015782

MEMORANDUM FOR THE MINISTER

**TIPOFF U.S. CANADA (TUSCAN) ARRANGEMENT:
IMPLEMENTATION UPDATE**

(Decision Sought)

ISSUE

To update you on progress in implementing the June 2016 TUSCAN Arrangement

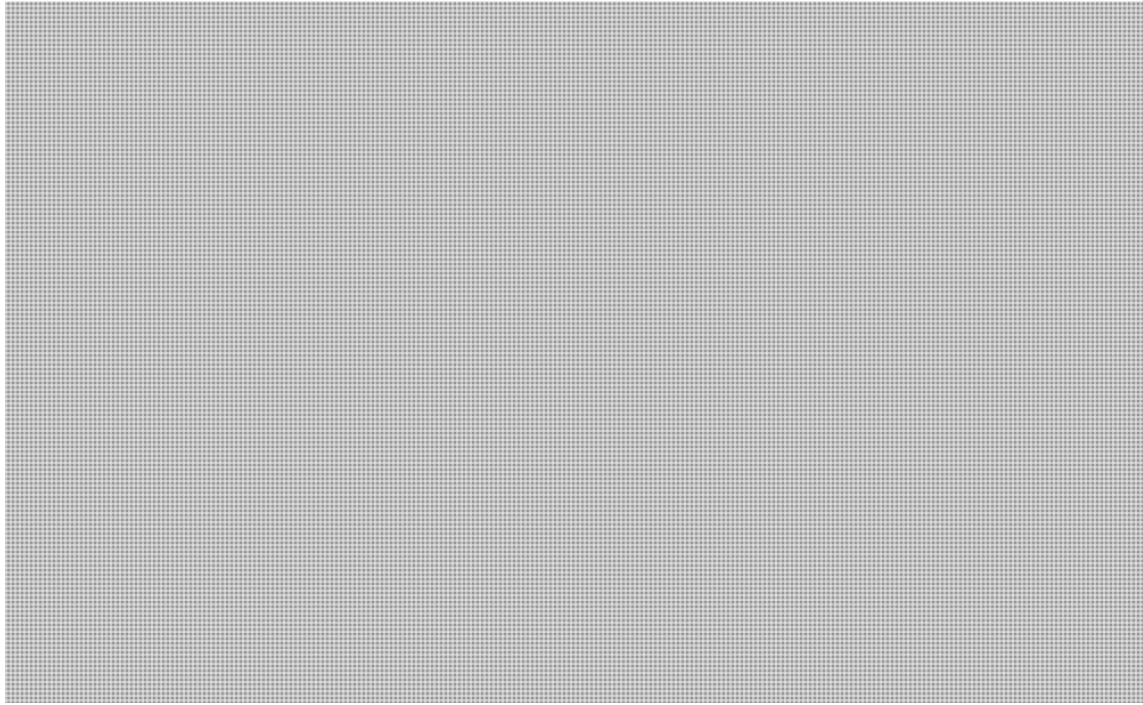
BACKGROUND

As you are aware, efforts to modernize the 1997 TUSCAN Aide-Memoire were formalized with the signing of a new Arrangement between Public Safety Canada (PS), the Canada Border Services Agency (CBSA) and the United States (U.S.) Terrorism Screening Center (TSC) at the Deputy Minister Level in June 2016.

The TUSCAN list is a subset of the U.S. Terrorism Screening Database (TSDB) provided by the TSC to the CBSA.

**Pages 38 to / à 39
are withheld pursuant to sections
sont retenues en vertu des articles**

**of the Access to Information
de la Loi sur l'accès à l'information**



NEXT STEPS



Should you require any additional information, please do not hesitate to contact me or Monik Beauregard, Senior Assistant Deputy Minister, National and Cyber Security, at 613-990-4976.


Malcolm Brown

Enclosure: (2)

I approve:


Ralph Goodale, P.C., M.P.

I do not approve:

Ralph Goodale, P.C., M.P.

Prepared by:



SECRET // CEO

DATE: JUL 11 2017

File No.: 6005/ 015782-1

MEMORANDUM FOR THE MINISTER**TIPOFF U.S. CANADA (TUSCAN) ARRANGEMENT:
IMPLEMENTATION UPDATE**

(Decision Sought)

ISSUE

To update you on progress in implementing the June 2016 TUSCAN Arrangement and

Your office has requested that the memorandum be updated to reflect the result of consultations with the Office of the Privacy Commissioner. The original version of this memorandum, from April 2017, is enclosed (**TAB A**).

BACKGROUND

As you are aware, efforts to modernize the 1997 TUSCAN Aide-Memoire were formalized with the signing of a new Arrangement between Public Safety Canada (PS), the Canada Border Services Agency (CBSA) and the United States (U.S.) Terrorism Screening Center (TSC) at the Deputy Minister Level in June 2016.

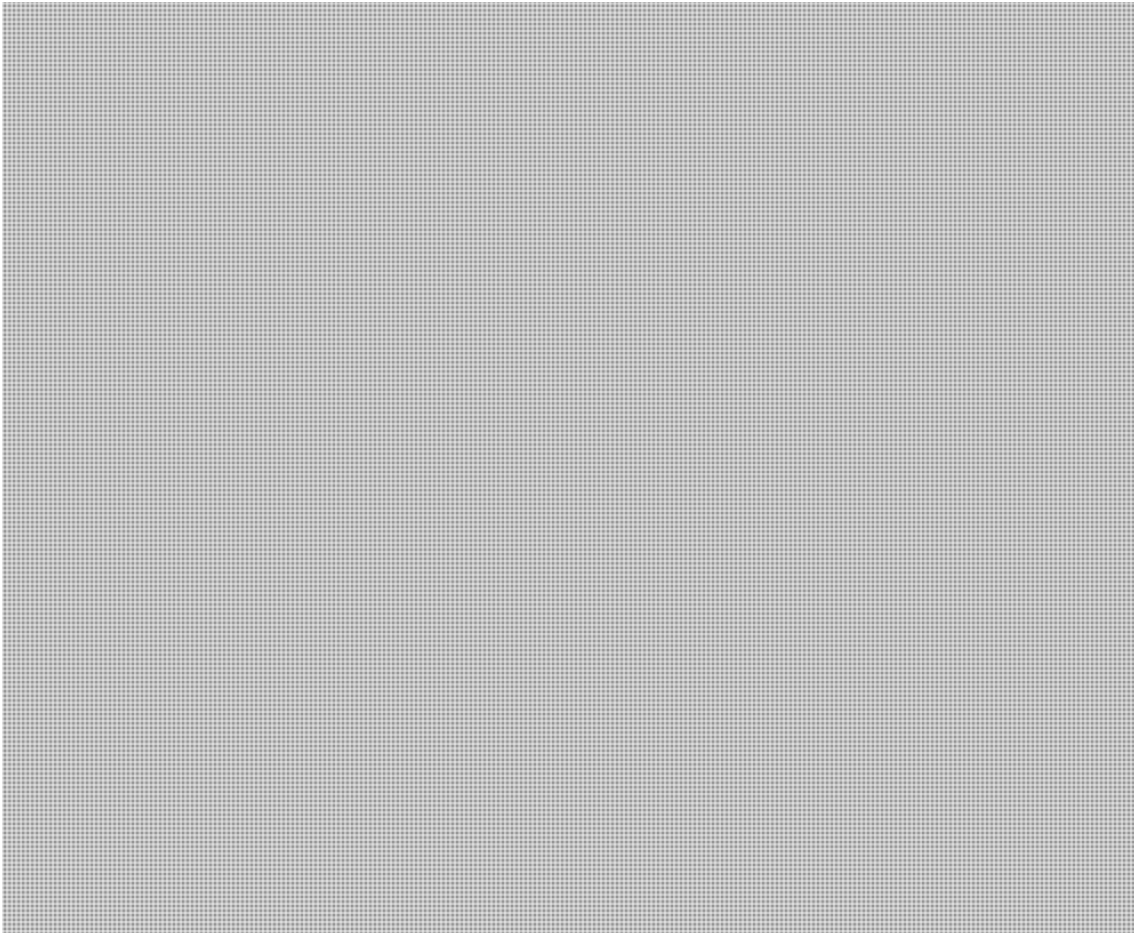
The TUSCAN list is a subset of the U.S. Terrorism Screening Database (TSDB) provided by the TSC to the CBSA.

Canada

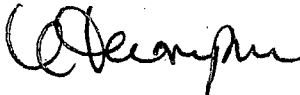
.../2

**Pages 42 to / à 43
are withheld pursuant to sections
sont retenues en vertu des articles**

**of the Access to Information
de la Loi sur l'accès à l'information**



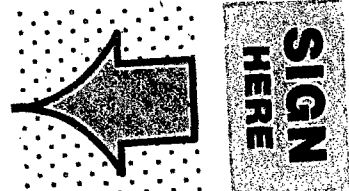
Should you require any additional information, please do not hesitate to contact me or Monik Beauregard, Senior Assistant Deputy Minister, National and Cyber Security, at 613-990-4976.

for 
Malcolm Brown

Enclosure: (3)

I approve:

I do not approve:



Ralph Goodale, P.C., M.P.

Ralph Goodale, P.C., M.P.

Prepared by: 

Page 45

**is withheld pursuant to sections
est retenue en vertu des articles**

**of the Access to Information
de la Loi sur l'accès à l'information**



Canada Border Services Agency

Agence des services frontaliers du Canada



Enforcement and Intelligence Programs Directorate

National Security and Enforcement Policy Unit

DRAFT Canada-US TUSCAN Standard Operating Procedures

March 2017

Confidential//REL TO USA, FVEY

PROTECTION

SERVICE

INTEGRITY



PROTECTION

SERVICE

INTÉGRITÉ

PROTECTION • SERVICE • INTEGRITY

Canada

**DRAFT****CONFIDENTIAL//REL TO USA. FVEY**

This product was developed by the Enforcement and Intelligence Programs Directorate, Policy Division, National Security and Enforcement Policy Unit in order to assist in the implementation and operationalization of the Updated TUSCAN Arrangement.

This publication may be reproduced for internal use only, provided the source is informed and acknowledged. This publication is intended for a specific purpose; to identify the Canada Border Services Agency (CBSA) high-level process for interacting with the US Terrorist Screening Center in TUSCAN encounter situations.



DRAFT

CONFIDENTIAL//REL TO USA. FVEY

Revision History:

This section shows the revision history of this document:

Version Number	Date modified	Author(s)	Brief description of change
1.0	2016-10-17	Graeme Young, Kevin Hattlmann	Initial Draft
1.1	2016-10-21	Graeme Young, Kevin Hattlmann	Updated draft based on CBSA internal consultations with EIOD, IOAD, NSSD, NBOC, CBSA Legal Services.
1.2	2016-11-16	Graeme Young, Kevin Hattlmann	Updated draft based on comments received from the US TSC, EIOD, NBOC and CBSA Legal Services.
1.3	2017-03-22	Kevin Hattlmann, Brett Thompson	Updated based on comments from US TSC, Public safety Canada, EIOD, NBOC and CBSA Legal Services.



DRAFT

CONFIDENTIAL//REL TO USA. FVEY

THIS PAGE INTENTIONALLY LEFT BLANK



DRAFT

CONFIDENTIAL//REL TO USA. FVEY

Signature Page:

Approvals

<p>CBSA Authority (signature)</p> <p>_____ Director General: Jennifer Lutfallah Directorate: Enforcement and Intelligence Programs</p>	<p>Date:</p>
<p>Public Safety Authority</p> <p>_____ Director General: John Davies Directorate: National Security Policy</p>	<p>Date:</p>
<p>TSC Authority (signature)</p> <p>_____ <PLACEHOLDER> United States Terrorist Screening Center</p>	<p>Date:</p>



DRAFT

CONFIDENTIAL//REL TO USA. FVEY

[REDACTED]

On April 21, 2016, CBSA Enforcement and Intelligence Programs Directorate (EIPD), Public Safety (PS), Immigration, Refugee and Citizenship Canada IRCC, TSC, Federal Bureau of Investigation (FBI) and the US State Department met to finalize the successful negotiation of a modernized and expanded version of the TUSCAN arrangement (herein referred to as the Updated TUSCAN Arrangement). The Updated TUSCAN Arrangement was signed by the TSC, the PS and the CBSA, (herein referred to collectively as "the participants"), on June 10, 2016 with a future agreed upon date for operationalization.

Under the updated arrangement, the TSC intends to make the following changes to the TUSCAN information provided to the CBSA:

[REDACTED]

Once a potential TUSCAN hit is identified, CBSA personnel intend to utilise the TUSCAN Standard Operating Procedures (SOPs) in conjunction with internal CBSA SOPs to contact TSC, verify a positive match and receive derogatory information to assist in traveller processing activities and admissibility determinations. In addition, the TUSCAN SOPs outline the procedures for the CBSA to provide encounter information for positive match TUSCAN encounters to the TSC on a case-by-case basis.

[REDACTED]



DRAFT

CONFIDENTIAL//REL TO USA. FVEY

Table of Contents:

- Title Page
- Revision History
- Signature Page
- Executive Summary
- Table of Contents
- Introduction
- Scope
- Key Definitions
- Authorities
- Procedures for Contacting TSC
- Post Encounter Information Sharing
- Procedures for Delisting
- Annex A: TUSCAN Export Data Elements
- Annex B: Information Sharing Service Standards



DRAFT

CONFIDENTIAL//REL TO USA. FVEY

Introduction:

This document was created as a tool for CBSA personnel to help guide the operationalization of the Updated TUSCAN Arrangement with our TSC partners. It covers the activities of the National Security Screening Division (NSSD), the Border Operations Centre (BOC) and the Enforcement and Intelligence Operations Directorate (EIOD) as these activities relate to requesting information from or sharing information with the TSC specific to CBSA TUSCAN encounters.

In addition, this document also includes key definitions related to the TUSCAN Export, and identifies the legal authorities and policy guidance for disclosure, and provides guidance on requesting to delist an individual that EIOD has deemed to be a false positive encounter.

Post implementation reviews of the Updated TUSCAN Arrangement may result in the updating of this document and CBSA information sharing policies to better reflect operational realities. For the most recent version of this document, please see:

[PLACEHOLDER]

Scope:

This document is limited to the activities which take place at the CBSA's National Headquarters (NHQ) related to the operationalization of the Updated TUSCAN Arrangement.

As such, these SOPs address:

- Activities carried out at the BOC or related to confirming a positive match with the TSC when an encounter takes place at a port of entry (POE) or overseas by Liaison Officers, [REDACTED] and the dissemination of this information to CBSA frontline officers.
- Activities carried out by EIOD relating to confirming a positive match with the TSC when an encounter takes place as part of the NSSD screening process for IRCC immigration applicants, inland enforcement requests, urgent non-POE encounters (or any other types of encounters that may occur) [REDACTED]

[REDACTED]



DRAFT

CONFIDENTIAL//REL TO USA. FVEY

EIOD's liaison roles including: furtherance of identity confirmation requests to the TSC on behalf of NSSD/inland enforcement, the post-encounter requests and/or receipt of additional derogatory information from the TSC in response to NSSD/inland enforcement and POE requests, and the submission of any requests to the TSC for the de-listing of an individual who the CBSA has assessed is not the subject of a particular queried TUSCAN record.

- Disclosures of encounter information as authorized by designated areas of the CBSA to the TSC relating to individuals who were confirmed to be a positive match against the TUSCAN Export and for whom unclassified and/or classified derogatory information was received from the US TSC.

A separate Internal CBSA TUSCAN SOPs document has been created which addresses the full scope of CBSA activities related to TUSCAN encounters and provides complete guidance to CBSA personnel. This document can be found here:

PLACEHOLDER

As such, these Canada-US TUSCAN SOPs do not address:

- Internal CBSA procedures for instances when an individual contained in the TUSCAN Export is encountered by CBSA personnel.
- Internal guidance on how TUSCAN information received from the TSC is to be used by CBSA personnel.
- Internal CBSA procedures for the sharing of TUSCAN encounter information with Canadian partner agencies or for the sharing of any information by Canadian partner agencies with the CBSA.
- Internal Canadian partner agency procedures for the use, processing and sharing of any TUSCAN information with US partner agencies.
- Procedures related to the sharing of the *Secure Air Travel Act* List by Public Safety Canada with the TSC, which are outlined in separate SOPs.
- [REDACTED]
- Internal TSC protocols, procedures, and timelines.



DRAFT

CONFIDENTIAL//REL TO USA. FVEY

US Definitions:

The following US Government (USG) definitions are for CBSA reference purposes, to provide CBSA personnel with a better understanding of the types of indicators that may be relevant when the TSC confirms a TUSCAN encounter as a Positive Match. As a Canadian legal caveat, although these definitions may assist CBSA personnel in processing travellers consistent with the CBSA's customs and immigration mandate, they should not be exclusively relied upon in whole, or in part, as a CBSA officer still needs to utilize discretion independently when conducting such examinations, and similarly when disclosing any information to the TSC on any related occurrences, consistent with the principles of this arrangement.

No Fly List (Tier 1):

Regardless of citizenship, any person's presence on the USG's No Fly List denotes that the individual is considered by the USG to be:

- A threat of committing an act of international or domestic terrorism with respect to an aircraft; **or**
- A threat of committing an act of domestic terrorism with respect to the US homeland; **or**
- A threat of committing international terrorism against any USG facility abroad and associated or supporting personnel, including US embassies, consulates and missions, military installations, US Ships, US aircraft or other auxiliary craft owned or leased by the USG; **or**
- A threat of engaging in or conducting a violent act of terrorism, and who is **operationally capable of doing so; or**
- An individual who was a "detainee" at the Naval Station, Guantanamo Bay, Cuba.

Selectee List (Tier 2):

Regardless of citizenship, any person's presence on the USG's Selectee List denotes that the individual did not meet the criteria for inclusion on the No Fly List, but nonetheless is considered by the USG to:

- Have engaged, is engaged, or intends to engage in **material support** or in **facilitation of terrorism** and /or terrorist activities but offers no clear indication of operational capability or threat that meets the No Fly list criteria; **or**
- Be a member of a terrorist organization determined to pose a threat to the US.



DRAFT

CONFIDENTIAL//REL TO USA. FVEY

Tagged Records:**Referenced Canadian Legal Authorities:**

In accordance with the Updated TUSCAN Arrangement, CBSA personnel may share information with the TSC under one of the following three authorities: Sections 107(4)(h) and 107(8) of the CA as well as Section 8(2) of the *Privacy Act*.

Section 107(4)(h) of the CA:

Section 107(4)(h) of the CA is the CBSA's specific authority to share "National Security Information" in accordance with the Updated TUSCAN Arrangement:

Authorized provision of information: (4) An official may provide, allow to be provided or provide access to customs information if the information (h) is reasonably regarded by the official to be information relating to the national security or defence of Canada.

Section 107(8) of the CA:

Section 107(8) of the CA is the CBSA's specific authority to share "Customs Information" in accordance with the Updated TUSCAN Arrangement:

Customs information may be provided by any person to an official or any other person employed by or representing the government of a foreign state, an international organization established by the governments of states, a community of states, or an institution of any such government or organization, in accordance with an international convention, agreement or another written arrangement between the Government of Canada or an institution of the Government of Canada and the government of the foreign state, the organization, the community or the institution, solely for the purpose set out in that arrangement.



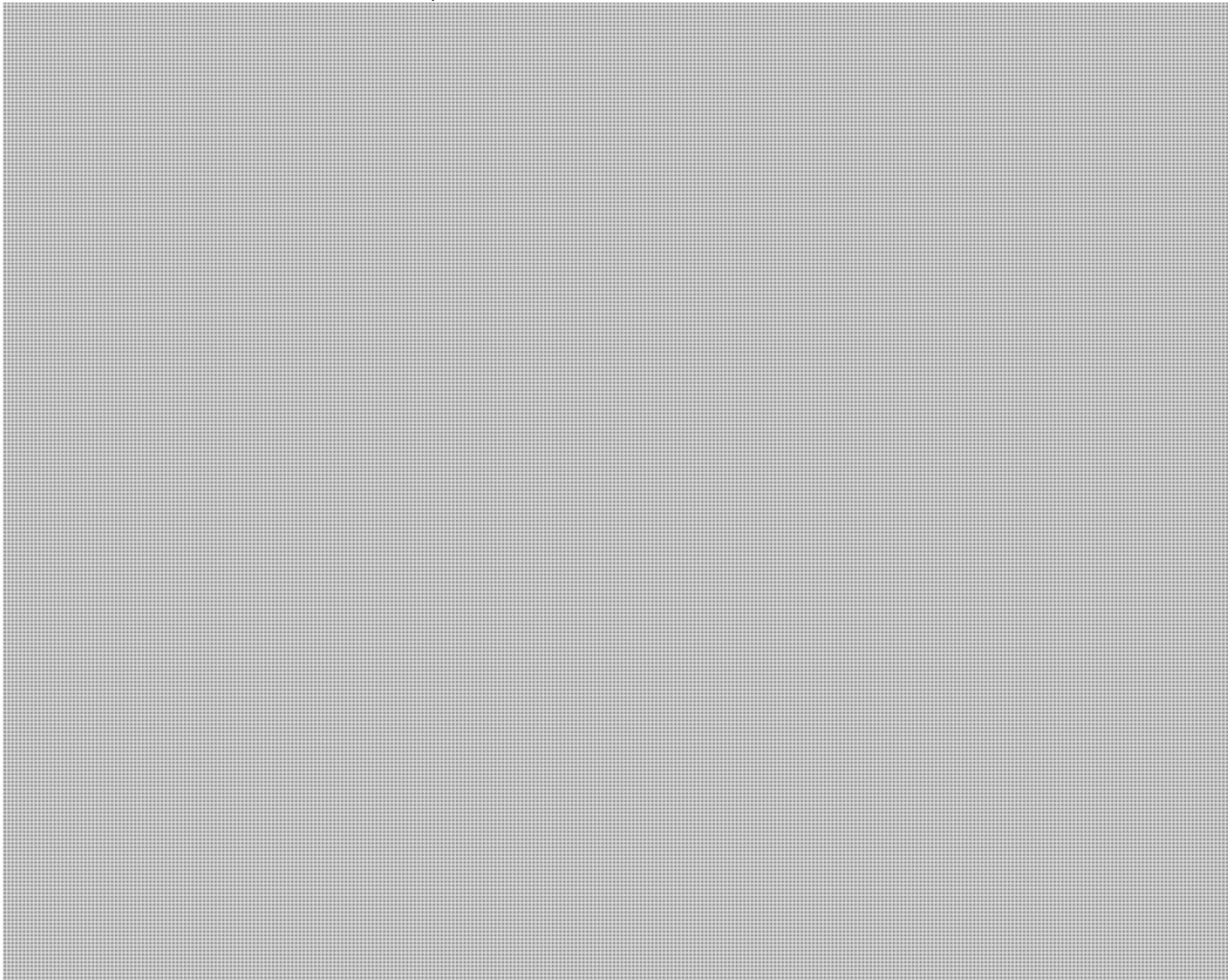
DRAFT

CONFIDENTIAL//REL TO USA. FVEY

Section 8(2)(f) of the *Privacy Act*:

Section 8(2) of the Privacy Act is the CBSA's authority to share information with a foreign government under an international arrangement which may potentially fall outside the definition of "Customs Information" in accordance with the Updated TUSCAN Arrangement.

Subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed ... under an agreement or arrangement between the Government of Canada ... and ... the government of a foreign state ... for the purpose of administering or enforcing any law or carrying out a lawful investigation.





DRAFT

CONFIDENTIAL//REL TO USA. FVEY



Receiving Information from the Terrorist Screening Center

Data Elements:

As per paragraph 2, section 2 of the Updated TUSCAN arrangement the TSC intends to disclose, at minimum, the following data elements for individuals on the TUSCAN export: full first name, full last name, full date of birth. In addition, where available, the TSC intends to provide a unique client identifier, country of birth, gender, passport number, passport issuing country, and/or citizenship/nationality.

Unclassified Derogatory Indicators:

Upon confirmation of a TUSCAN encounter as a Positive Match against the TSDB, the TSC will provide without delay unclassified substantive derogatory indicators to the CBSA.

Substantive Derogatory Information:



DRAFT

CONFIDENTIAL//REL TO USA. FVEY

**Sharing:**

As per the Updated TUSCAN Arrangement, the CBSA may share without delay encounter information with the TSC when an individual is encountered by the CBSA at a POE or overseas if that individual is a positive match with a TUSCAN record in the TSC's TSDB.

But only when:

1. Derogatory indicators are received from the TSC on the individual in question.
2. The CBSA is satisfied that the individual poses a threat to the national security or the national security of other countries by engaging in a violent act of terrorism or other significant terrorist activity or that the individual is reasonably suspected of engaging in a terrorist activity.

And only on:

3. A case-by-case basis, and in keeping with the mandate and legal authorities of the CBSA.

These requirements for the sharing of information are to ensure that the CBSA remains within the bounds of its mandate and Canadian law as per Part 2, Paragraph 1, Sub-paragraph 2 of the Updated TUSCAN Arrangement.



DRAFT

CONFIDENTIAL//REL TO USA. FVEY

CBSA's Exchange of Encounter Information with the TSC:

The CBSA will share encounter information with the TSC without delay on a case by case, discretionary basis with respect to the mandate of the CBSA, Canadian legal and information sharing authorities, and while respecting any third-party information on the consistent and intended use of any information to be shared. The specific information shared will not be strictly defined in this document in order to allow for flexibility, notwithstanding the requirement that the information be within the CBSA's mandate and authority to collect, retain and share.

The following are examples of the types of information that could be shared, as determined by the designated CBSA disclosure approval level:

- Basic biographic information on the individual in question including: Name, DOB, Gender, Citizenship, Document #;
- Date/Time/Place of the current encounter; and,
- If also available, mode of travel, flight number and vehicle information
- Materials related to the TUSCAN encounter. Examples could include: traveller interview and/or related personal/goods search results obtained during the encounter as such requests pertain to the CBSA's immigration and customs program mandate, [REDACTED]
- Any US releasable information provided to the CBSA by Canadian partner agencies for which originator consent is received.

The above-noted elements are for example purposes only, and do not constitute an exhaustive and/or definitive list of elements for disclosure. For information on timelines related to the sharing of information, please see Annex B.

Canadian Partner Agency Information Sharing:

As per Paragraph 3, Sub-Paragraph 5 of the Updated TUSCAN Arrangement: The Canadian Security Intelligence Service (CSIS) and IRCC may also share encounter information in their possession with their US counterparts following a confirmed Positive Match TUSCAN Encounter. This information may be shared on a case-by-case basis with specific US partner agencies under existing authorities of the respective Acts and regulations (*CSIS Act* and *IRPA/Immigration and Refugee Protection Regulations*) as well as other applicable Canadian legislation (*Privacy Act*).

Procedures for Delisting:

As per Paragraph 7, Sub-Paragraphs 1-3 of the Updated TUSCAN Arrangement: the CBSA may contact the TSC to request that an individual be removed from the TUSCAN export list disclosed to the CBSA. This request will always be accompanied by a written justification from the CBSA outlining the rationale and any additional background information, refuting derogatory information as appropriate. In addition, the TSC will notify the CBSA if there is a decision to keep an individual on the TUSCAN List following a delisting request and will provide a justification for this decision.



DRAFT

CONFIDENTIAL//REL TO USA. FVEY

CBSA Delisting Contact:

Intelligence Tactical Operations Centre (ITOC): itoc.cotr@cbsa-asfc.gc.ca

TSC Delisting Contact:

Nomination and Data Integrity Unit (NDIU): HQ-DIV00-NSB-TSC-TSCNDIU@fbi.ic.gov



DRAFT

CONFIDENTIAL//REL TO USA. FVEY

Annex A: TUSCAN Export Data Elements

A full and complete list of all the data elements contained in the TSC's TUSCAN Export can be found in the following document:

"TUSCAN Export Interface Control Document"

[PLACEHOLDER]



DRAFT

CONFIDENTIAL//REL TO USA. FVEY

Annex B: Information Sharing Service Standards

Purpose:

The following information sharing service standards will constitute an initial non-legally binding "Service Level Arrangement" (SLA) between the TSC and the CBSA with respect to the sharing of information under the Updated TUSCAN Arrangement. The intent of this initial SLA is to implement the obligations under Paragraph 3 of the Updated TUSCAN Arrangement. These service standards will only take effect upon the signature of these SOPs and the full operationalization of the Updated TUSCAN Arrangement scheduled for Q3 2017. Post implementation reviews of the Updated TUSCAN Arrangement may result in the updating of this document to better reflect operational realities.

Information Sharing Service Standards:

Response to a TUSCAN Identity resolution request of the TSC:

- Promptly, through the established mechanism.



Disclosure of Encounter Disposition Information by the CBSA:

- Promptly, on a case-by-case basis, and in keeping with the mandate and legal authorities of the CBSA.

Canada-U.S. TUSCAN agreement – One Page Summary

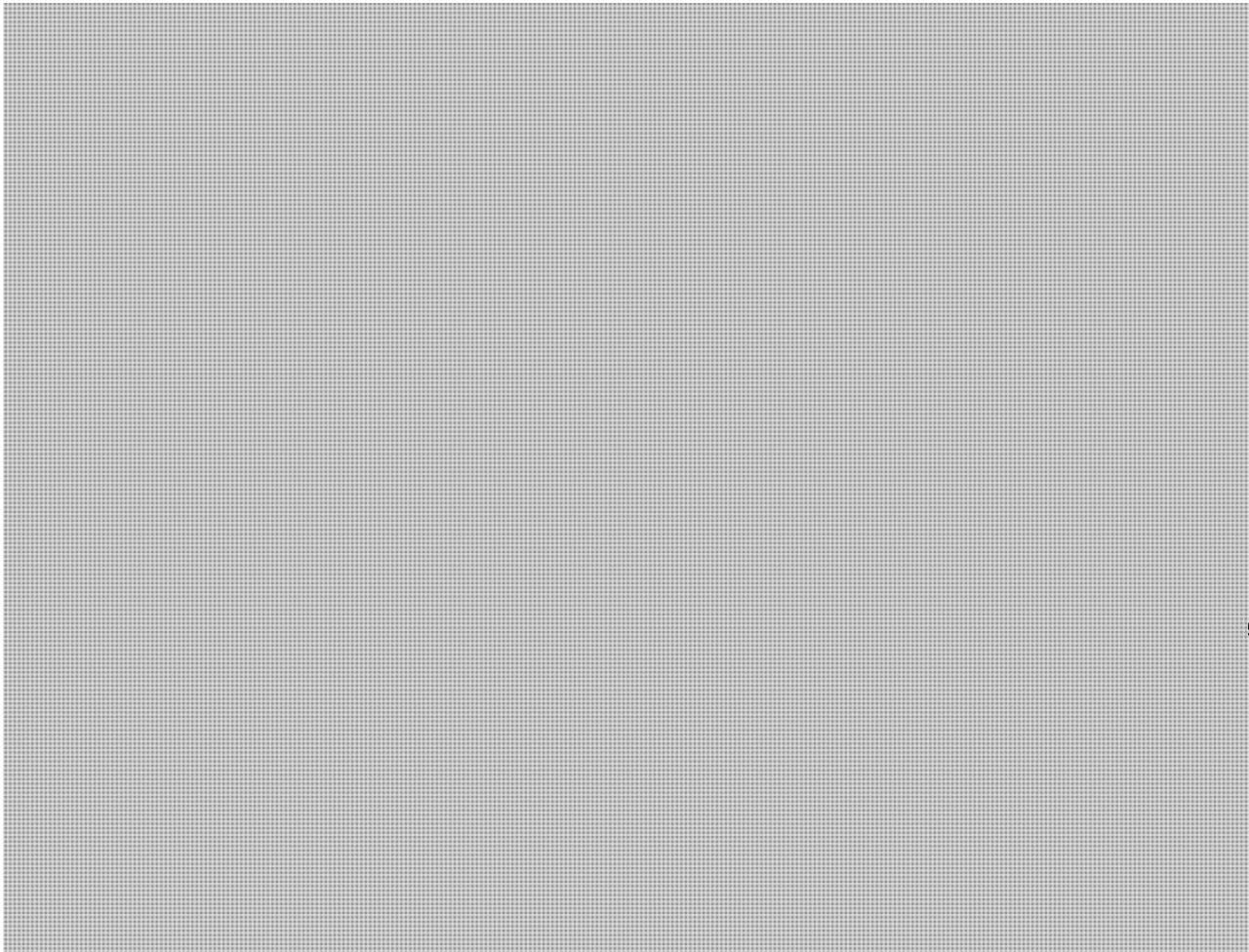
Background


Tipoff U.S./Canada, known as TUSCAN, is a national security database provided by the U.S. to Canadian border and immigration officers who compare the names of incoming persons to Canada against the TUSCAN list. It was first launched through a 1997 bilateral Aide-Memoire.

The list is an unclassified index of names and other identifying information for known or suspected terrorists. If there is a match, the officer communicates with U.S. counterparts to confirm an identity match to the list. The officer uses that information to help guide the decision making process when the person applies to come to, or arrives in, Canada.

In 2015-2016, both countries committed to working towards modernizing TUSCAN. Specifically, Public Safety and the U.S. Terrorism Screening Center (TSC) committed to negotiate an arrangement that will increase the quality and usefulness of terrorism screening information exchanged through TUSCAN.

Current Status



- 
- **Since the TUSCAN Arrangement was signed, all milestones toward implementation have been met.**
 - **As was agreed in June 2016 when the Arrangement was signed, changes will be in effect in the third quarter (summer-fall) of 2017.**
 - **Meetings and calls between officials take place regularly and will continue to do so over the next few months.**

- 

FOR OFFICIAL USE ONLY

INFORMATION-SHARING: TUSCAN & SATA

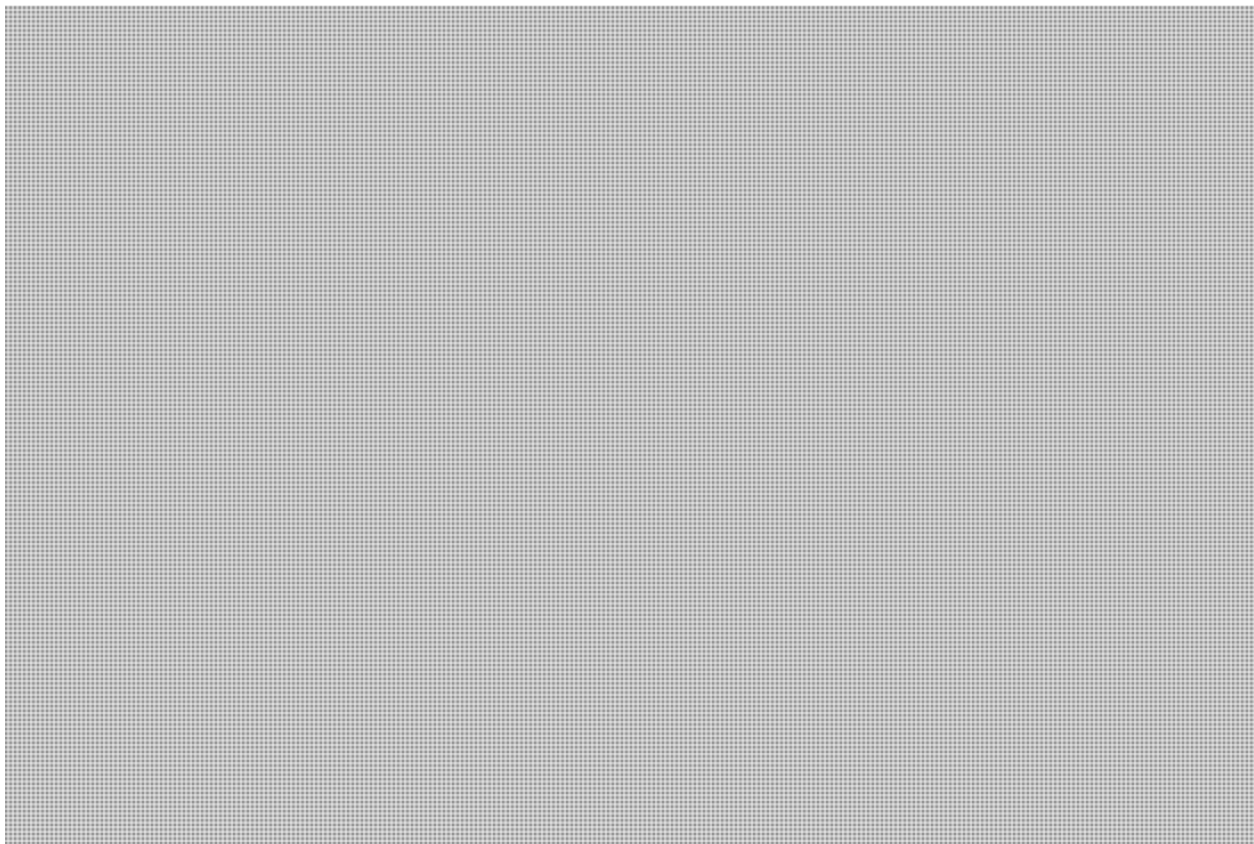
TUSCAN

Background

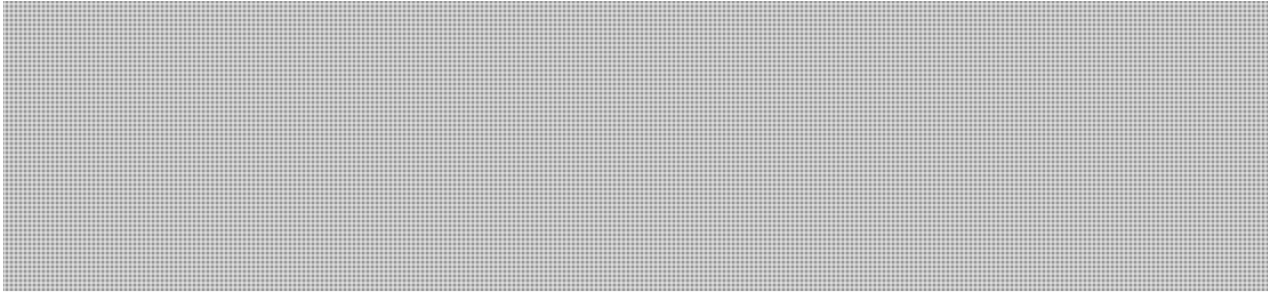
- Tipoff U.S./Canada, known as TUSCAN, is a U.S. national security database containing an unclassified index of names and other identifying information of known or suspected terrorists that is shared with Canadian border and immigration officers who compare the names of incoming persons to Canada against the TUSCAN list. It was first launched through a 1997 bilateral Aide-Memoire.
- In 2015-2016, both countries committed to working towards modernizing TUSCAN. Specifically, Public Safety and the U.S. Terrorism Screening Center (TSC) committed to negotiate an arrangement that will increase the quality and usefulness of terrorism screening information exchanged through TUSCAN. [REDACTED]

Arrangement was signed in June 2016, with the clear understanding that implementation of changes would take place into fall 2017.

Current Status




FOR OFFICIAL USE ONLY



Secure Air Travel Act (SATA) List

Background

- Under the SATA Arrangement, the U.S. shares its No-Fly list with Canada. In exchange, Canada is sharing its SATA list. The SATA list contains the names of individuals that Canadian agencies have identified as threats to aviation security. Section 12 of the *Secure Air Travel Act* requires that Canada enter into a written arrangement before sharing the SATA List, in whole or in part, with foreign governments.
- The “Arrangement For the Disclosure of Information between the Department of Public Safety and Emergency Preparedness and the Terrorist Screening Center” was signed on March 7, 2016. 



Current Status

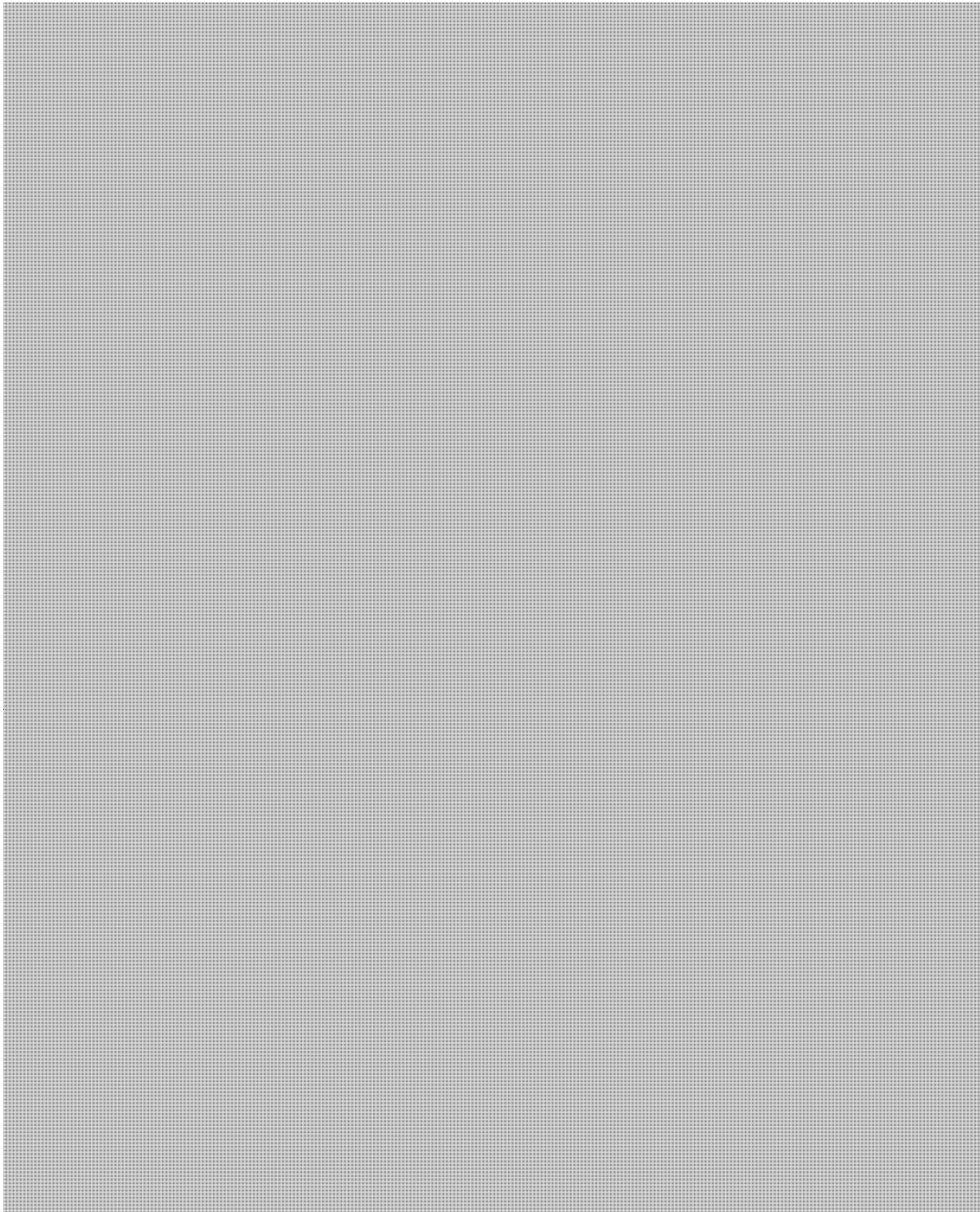




UNCLASSIFIED

BRIEFING NOTE FOR THE MINISTER

CANADA-UNITED STATES INFORMATION-SHARING

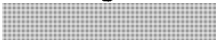



PROTECTED

Background

TUSCAN

Tipoff U.S./Canada, known as TUSCAN, is a U.S. national security database containing an unclassified index of names and other identifying information of known or suspected terrorists that is shared with Canadian border and immigration officers who compare the names of incoming persons to Canada against the list.

PS and the U.S. Terrorism Screening Center (TSC) signed a new TUSCAN Arrangement in 2016 in order to modernize how information is shared through TUSCAN. 



SECURE AIR TRAVEL ACT (SATA) LIST



PROTECTED

Ministerial Directions on Avoiding Complicity in Mistreatment by Foreign Entities

Ministerial Directions (MDs) on Information Sharing with Foreign Entities were issued in 2011 to the Canada Border Services Agency (CBSA), Canadian Security Intelligence Service (CSIS) and Royal Canadian Mounted Police (RCMP). These agencies have been lawfully operating under the Directions. Canadians, including legal and non-governmental stakeholders, have expressed concerns, through the recent National Security Consultations, that the current MDs as worded put Canada at risk of complicity in mistreatment.

The new MDs require the involvement of Deputy Heads in making decisions about whether to share information as the risk of mistreatment increases. If there is a substantial risk that sharing or requesting information with a foreign agency would result in the mistreatment of an individual, and it is unclear whether that risk can be mitigated, sharing is not permitted. As a result, in clarifying wording, the new MDs guard against Canada contributing to mistreatment.

The new MDs also clearly outline certain ways in which information derived from mistreatment will never be used. They prohibit certain uses of information likely obtained through mistreatment, except when necessary to prevent loss of life or significant personal injury. They no longer allow the use of such information for risks to property.

While there has always been Ministerial oversight, there was no mention about the role of review bodies, like the Security Intelligence Review Committee. The 2011 MDs were also criticized for having too little information about how agencies apply them.

The new MDs introduce specific requirements for annual reporting to support the principles of oversight, accountability, and transparency. They will be implemented within Canada's robust accountability framework, reporting to review bodies and the National Security and Intelligence Committee of Parliamentarians. Following the passage of Bill C-59, the National Security and Intelligence Review Agency will take over that function from the current review bodies.

Drafted: NCSB/NSPD

Consulted: CBSA, CSIS (on contents provided for other recent briefings)

Approved by:



Public Safety Sécurité publique
Canada Canada

Deputy Minister Sous-ministre

Ottawa, Canada
K1A 0P8

SUBJECT: Meeting with United States Ambassador Bruce Heyman
DATE: February 1, 2016
TIME: 4:00 p.m.

SECRET

DATE:

File No.: PS-008216
RDIMS Dragon No.: 36833

MEMORANDUM FOR THE MINISTER

MEETING WITH UNITED STATES AMBASSADOR TO CANADA BRUCE HEYMAN

(Information only)

ISSUE

The United States (U.S.) Ambassador to Canada, Mr. Bruce Heyman, has requested a meeting with you to discuss preparations for the March 10, 2016 Leaders' meeting between Prime Minister Trudeau and President Obama. [REDACTED]

[REDACTED] Your meeting with the Ambassador provides an opportunity to discuss several border management issues relating to the Portfolio which have been tentatively earmarked for that agenda. The Ambassador's biography is attached for your information (TAB A).

OVERVIEW

You initially spoke with the Ambassador on November 18, 2015, [REDACTED]
[REDACTED]

Ambassador Heyman has been a consistent advocate for increasing the already-strong economic ties between Canada and the U.S., and has spoken frequently about the excellent relationship between the two countries, notwithstanding policy differences on some files. He strongly supports the Beyond the Border (BTB) Action Plan, and the related measures therein as they enhance the U.S. and Canadian economies.

[REDACTED]

.../2

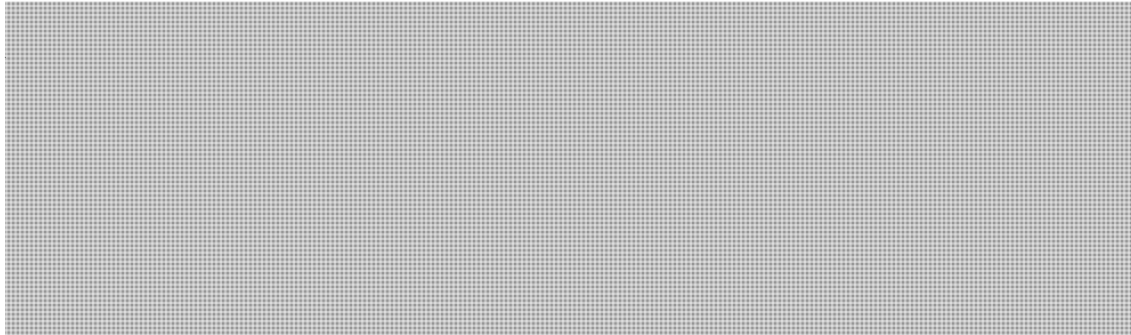
SECRET

- 2 -

Your meeting with the Ambassador will likely centre on updates on the three border management files to be discussed under the "Borders" category. Information on each of these files is outlined below and suggested key messages are attached (**TAB B**). Information has also been provided on other issues the Ambassador may raise.

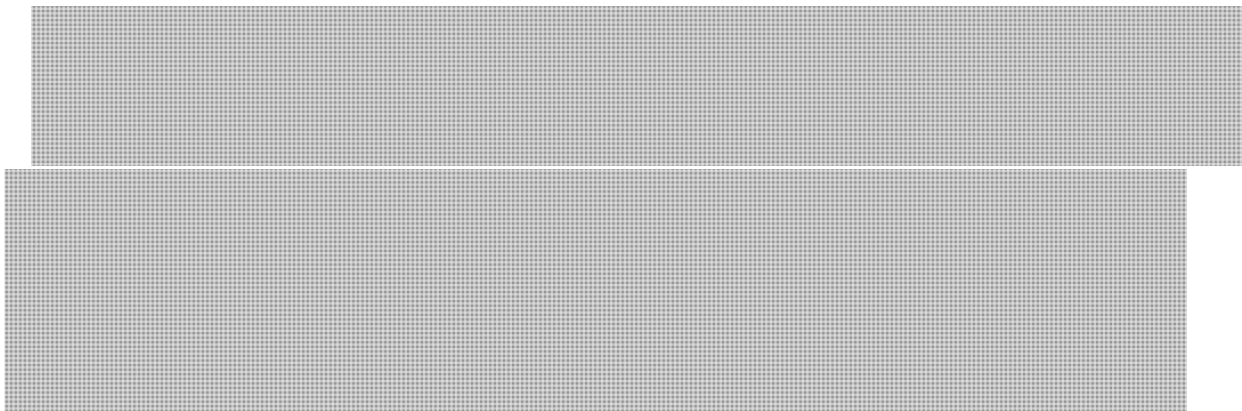
Potential Leaders' Meeting Items

Entry/Exit



Discussions between senior officials from the Canada Border Services Agency (CBSA) and U.S. Customs and Border Protection (CBP) have informed your recent briefing on this issue. We anticipate that the Ambassador will be looking for your assurance that the new government is moving forward as quickly as possible.

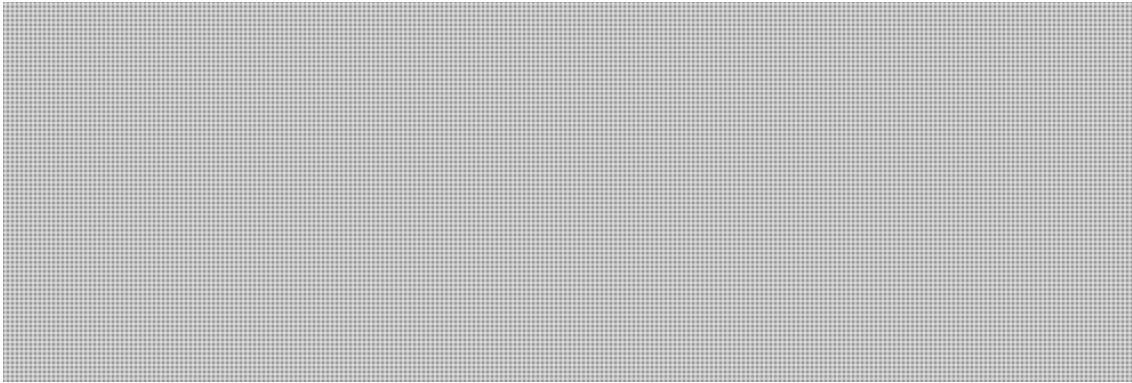
Preclearance



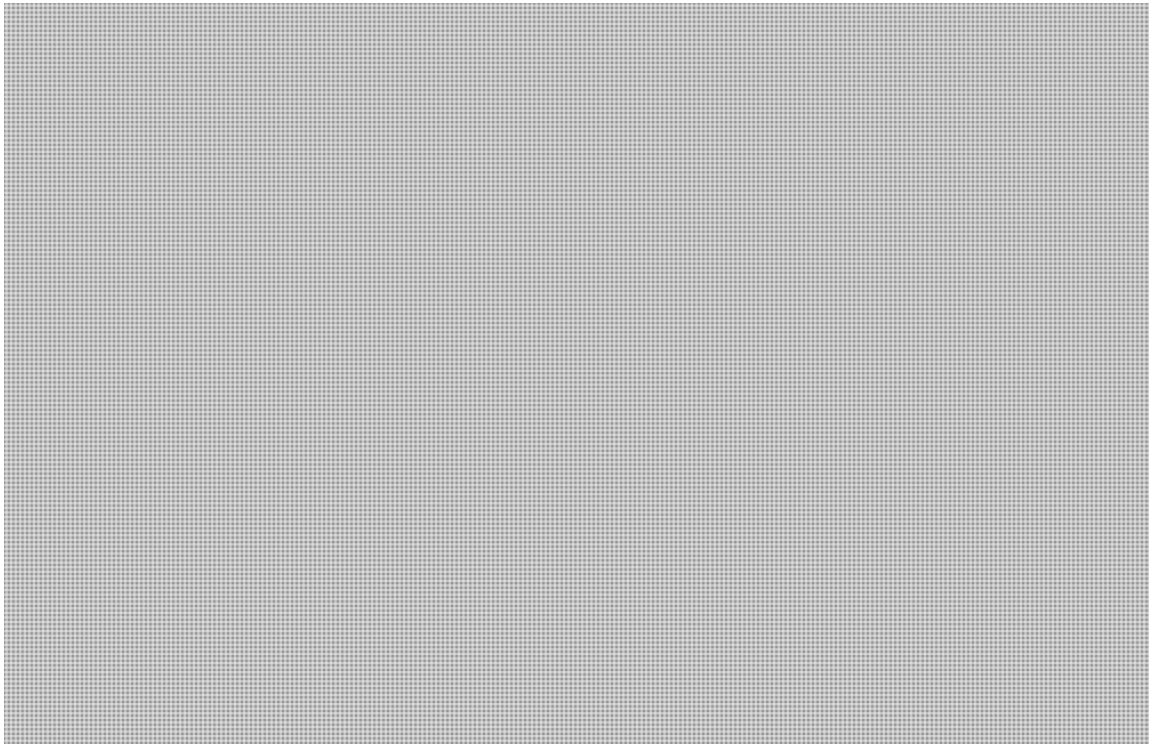
.../3

SECRET

- 3 -



Moving forward, key issues that will require further discussion with the U.S. include



.../4

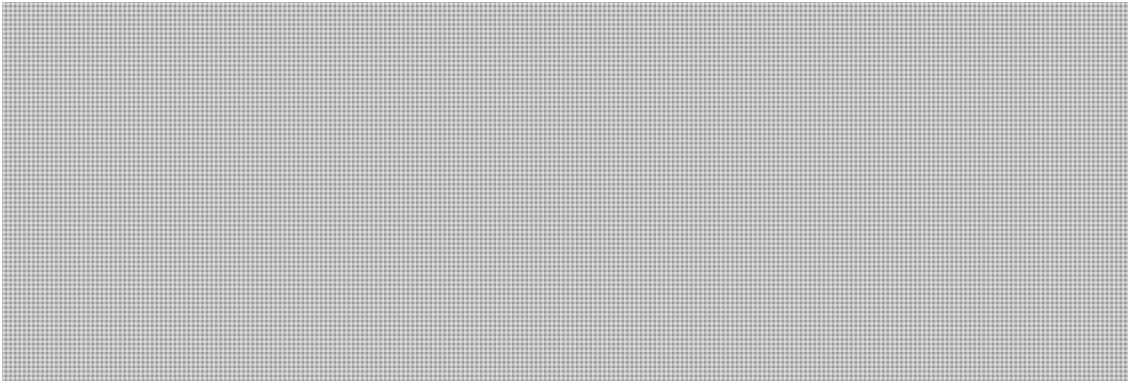
SECRET

- 4 -

Officials also agreed to undertake a Canada-U.S. table top exercise that will test the speed and ability of Canada and the U.S. to share information based on situations involving the attempted entry of people on watch lists. Planning is well underway, with the goal of conducting a table top exercise in February/March 2016 in the U.S. The Royal Canadian Mounted Police, the Canadian Security Intelligence Service and CBSA have been engaged and may participate in the exercise.

You could note that you are aware of the importance of information sharing, especially in the context of the current threat environment, and your understanding that Canadian and U.S. officials are fully engaged in coming to an understanding of the issues and gaps in order to plan a way forward.

Prime Minister-President meeting outcomes



It is not yet certain which Ministers will accompany the Prime Minister, as this may depend on the status and progress of the issues for which they are responsible. Moving forward, it will be important to continue a collaborative approach to forward planning on border management issues both within Canada and with U.S. officials



Other issues of U.S. interest

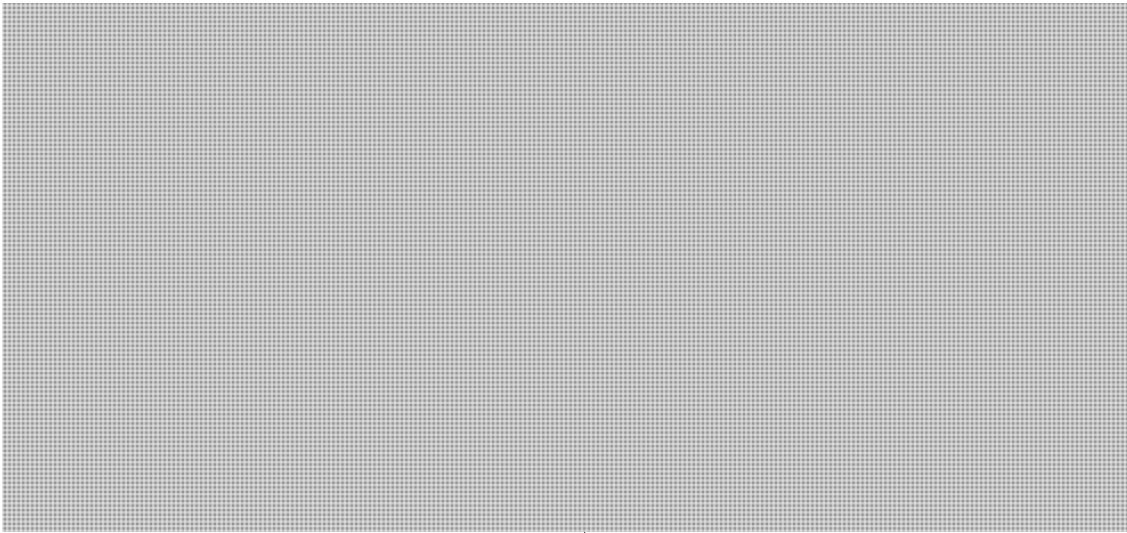
NEXUS enrollment centres security



SECRET

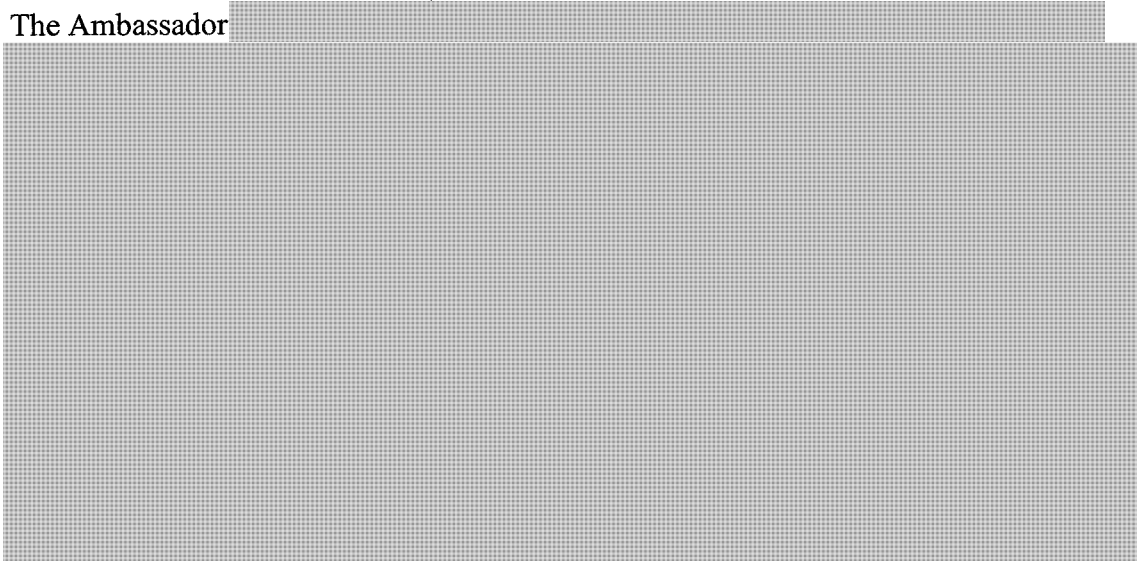
.../5

- 5 -



Intellectual property rights

The Ambassador



CBSA can examine in-transit shipments when they are high risk either for national security threats, health and safety risks, or are suspected of containing contraband (e.g. weapons or drugs). The goods are subject to seizure because they are regulated, controlled or prohibited under various Acts of Parliament and are specifically identified as being inadmissible.



.../6

SECRET

- 6 -

The CBSA does, however, provide [REDACTED] course of an authorized examination they note the presence of potential counterfeit goods. [REDACTED]

[REDACTED] Responsive points have been provided for your information.

Syrian refugee response

[REDACTED] The Ambassador may take this opportunity to seek an update or additional information regarding the security screening process. You may wish to reiterate that the process has not introduced new national security risks and that protecting the safety, security and health of Canadians and refugees remains a priority, as you did at your last meeting in November. This is a message that was also underscored during subsequent technical briefings of U.S. officials.

As of January 21, 2016, 12,729 Syrian refugees have arrived in Canada. Canadian officials are ensuring full security screening of each individual. Both the CBSA's National Targeting centre and its National Security Screening Division are conducting checks on applicants in conjunction with security partners prior to the issuance of travel documents, and CBSA liaison officers are performing a visual identity check prior to travellers boarding planes bound for Canada.

NEXT STEPS

Should you require additional information, please do not hesitate to contact me or Paul MacKinnon, Assistant Deputy Minister, Portfolio Affairs and Communications Branch at 613-949-6435.

François Guimont

Enclosures: (2)

Prepared by: R. Ford

Bruce Heyman, United States Ambassador to Canada



Bruce Heyman presented his letter of credence to the Governor General of Canada on April 8, 2014, having been confirmed as President Obama's personal representative to Canada on March 12, 2014, and having been sworn in on March 26, 2014. He is a 33 year veteran of Goldman Sachs, where he served as a regional managing director of the Midwest private wealth management group, which covers 13 states and half of Canada, from 1999 until December of 2013.

Mr. Heyman has served as a board member for the Chicago Council on Global Affairs and the Northwestern Memorial Hospital Foundation. He also served as an advisor to the Fix the Debt CEO Council of the Committee for a Responsible Federal Budget. He has been a member of The Economic Club of Chicago, The Executives' Club of Chicago, and the Facing History and Ourselves Chicago Advisory Board.

A magna cum laude graduate with both a BA and an MBA from Vanderbilt University, Mr. Heyman continues to maintain close ties to his alma mater. He is past president of the Alumni Board and a former member of the Board of Visitors at the university's Owen Graduate School of Management. He is married to the former Vicki Simons of Ashland, Kentucky. They have three grown children, David, Liza, and Caroline, and two grand-children, Emma and Clara.

The Ambassador's responsibilities include:

- Speaking with one voice to others on U.S. policy--and ensuring mission staff do likewise--while providing to the President and Secretary of State expert guidance and frank counsel;
- Directing and coordinating all executive branch offices and personnel (except for those under the command of a U.S. area military commander, under another chief of mission, or on the staff of an international organization);
- Cooperating with the U.S. legislative and judicial branches so that U.S. foreign policy goals are advanced; security is maintained; and executive, legislative, and judicial responsibilities are carried out;
- Reviewing communications to or from mission elements;
- Taking direct responsibility for the security of the mission -- including security from terrorism -- and protecting all U.S. Government personnel on official duty (other than those personnel under the command of a U.S. area military commander) and their dependents;
- Carefully using mission resources through regular reviews of programs, personnel, and funding levels;
- Reshaping the mission to serve American interests and values and to ensure that all executive branch agencies attached to the mission do likewise; and
- Serving Americans with professional excellence, the highest standards of ethical conduct, and diplomatic discretion.

SUGGESTED TALKING POINTS – MEETING **WITH AMBASSADOR BRUCE HEYMAN**

Priorities


- **Our Government recognizes the importance of and values Canada's relationship with the United States.**
- **Jointly, Canada and the U.S. continue to undertake significant initiatives that demonstrate our shared security and economic interests.**
- **As an incoming government, we are examining the policy initiatives undertaken by our predecessors, and have been grateful for continued U.S. support as we do so.**
- **Ensuring the safety and security of Canadians and our U.S. neighbours remains one of our highest priorities.**
- **With respect to the upcoming meeting between Prime Minister Trudeau and President Obama, I understand that several border-related files may appear on the agenda.**

Entry/Exit

- **I fully appreciate the importance of the Entry/Exit initiative to the safety and security of both our nations, especially in the current threat environment.**
- **A consistent approach to the collection of exit information across all categories of travelers at our common land border will enhance our shared objectives.**

- 

Preclearance

- **Preclearance has been a strong example of Canada-U.S. cooperation and a great success in the air environment.**
- 
- **Building on the success of the current arrangement, it will be important to form a common perspective and work closely on a clear plan for expansion – especially in those areas where the market supports it, and to maximize the benefits associated with preclearance in the cargo stream.**
- **I know that stakeholders in Canada are very interested in the potential benefits of cargo preclearance.**
- **Are there any updates on the U.S. legislative process for implementation?**

Information Sharing

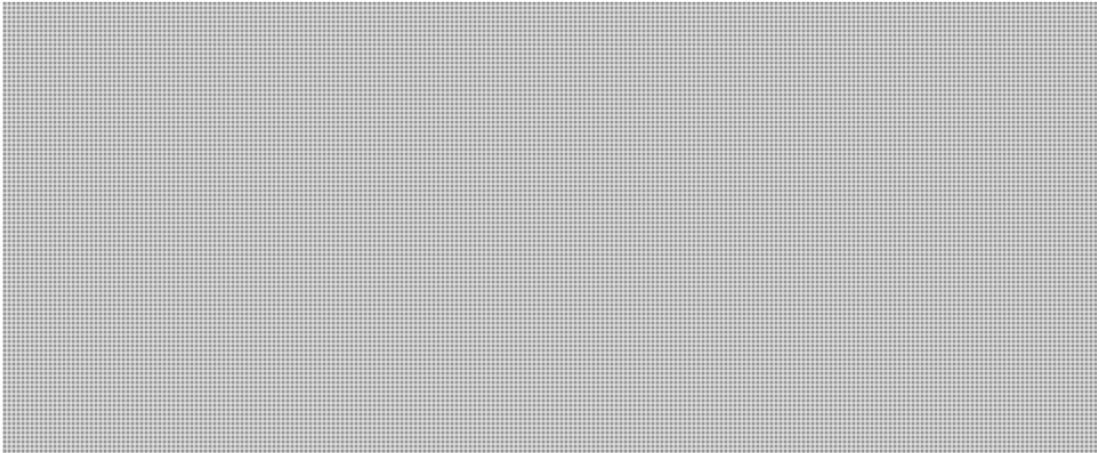
- **I understand that U.S. and Canadian program officials recently discussed a number of issues** [REDACTED]
[REDACTED]
- **This discussion helped those involved to understand the potential uses of information on both sides.**
- **I know that our officials are fully engaged on the issues and gaps and are planning a way forward.**
- **I am also looking forward to discussing this issue with Secretary Johnson in the near future.**

Looking ahead

- **I am confident that these issues will be ‘good news’ stories for the President-Prime Minister meeting.**
- **I am grateful for the interest and support you have shown for a continued strengthening of the Canada-U.S. border management relationship.**
- **I believe that through continued engagement such as this we can make sure the relationship moving forward is based on a sense of shared outcomes.**

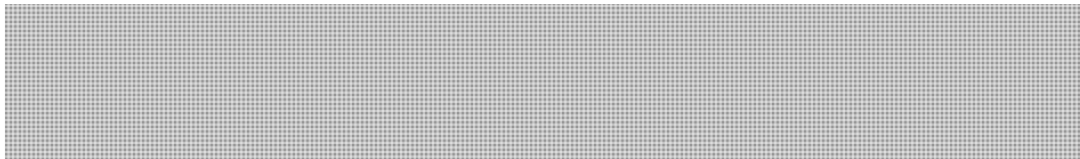
Responsive-only

NEXUS enrolment centres



Intellectual Property rights/in-transit exception



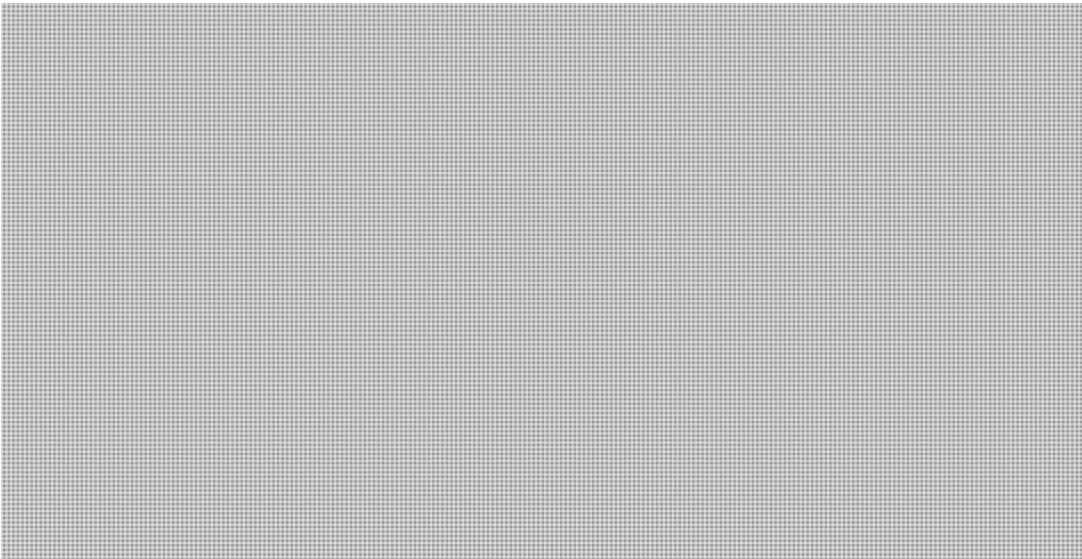
- **Canada's *Combating Counterfeit Products Act* helps reduce the trade in counterfeit and pirated goods by providing new enforcement tools to the CBSA to temporarily detain commercial shipments of suspected counterfeit goods.**



- **Canada has the authorities to seize high-risk shipments transiting through our country, and can take action in respect to dangerous goods, contraband or goods posing health and safety risks.**

- **In cases where suspected counterfeit or pirated goods, of a non-security related nature, are found during an in-transit examination, CBSA can notify U.S. authorities of the shipment details.**
- **Canada will continue to work with the U.S. on shared enforcement priorities, including sharing information where appropriate, to support trade and address common security concerns.**

Syrian Refugees

- **As you know, Canada is working with the United Nations Refugee Agency (UNHCR) to identify eligible refugees in Jordan and Lebanon. We are prioritizing vulnerable refugees who are a low security risk,** 

 - **As my officials outlined during last fall's technical briefings, there are officers and officials overseas screening potential arrivals. This includes security vetting, final verification of identity and health hazard checks.**
- 

- **In sum, I remain confident in all security aspects of this humanitarian effort.**



Public Safety Canada / Sécurité publique Canada

Assistant Deputy Minister / Sous-ministre adjoint

Ottawa, Canada
K1A 0P8

For your meeting with:
Ambassador Designate MacNaughton
SUBJECT: Public Safety Canada's
priority items with the United States
DATE: February 10, 2016
TIME: 5:30 p.m. to 6:00 pm

SECRET

DATE:

File No.: PS-008531
RDIMS: DRAGON 37281

MEMORANDUM FOR THE DEPUTY MINISTER

**MEETING WITH AMBASSADOR DESIGNATE
TO THE UNITED STATES DAVID MACNAUGHTON**

(For information)

ISSUE:

You will be meeting with Canada's Ambassador Designate to the United States (U.S.) David MacNaughton on February 10, 2016 from 5:30 to 6:00 p.m. He will be accompanied by Kevin Thompson, Executive Director, North America Policy and Relations, Global Affairs Canada (GAC). You will be joined by Jill Wherrett, Director General, Strategic Policy, Research, Planning and International Affairs.

BACKGROUND:

Mr. MacNaughton was named Canada's new Ambassador to the U.S. in January 2016. He comes to the position with a political and business background as head of a number of government and public affairs consulting organizations. He has worked with both provincial and federal levels of government, including within the offices of the Ministers of Transport, Industry, and Foreign Affairs, and as Principal Secretary to the Premier of Ontario (biography attached at **TAB A**). He is expected to take on his functions at the end of February 2016.

.../2

- 2 -

SECRET

Mr. MacNaughton is in Ottawa for meetings with key senior officials in advance of his deployment to Washington D.C. (draft program attached **TAB B**). He will also be meeting Mr. David McGovern which will likely include discussions on the preparations for the Prime Minister (PM)/President meeting on March 10, 2016. Global Affairs Canada (GAC) has indicated that during your meeting Mr. MacNaughton would like to discuss key public safety issues likely to be raised during the next three to six months, as well as the upcoming PM/President meeting.

ITEMS FOR DISCUSSION

[REDACTED]

[REDACTED]

[REDACTED]

The public safety portfolio (Public Safety (PS), CBSA, RCMP) plays a key role with respect to Canada-U.S. border management given its focus on national security and law enforcement. You may wish to note that the PS has a counsellor and each of its agencies has liaison officers stationed at the Embassy that can provide advice and onsite support in his activities.

During your discussion, you may wish to highlight the following:

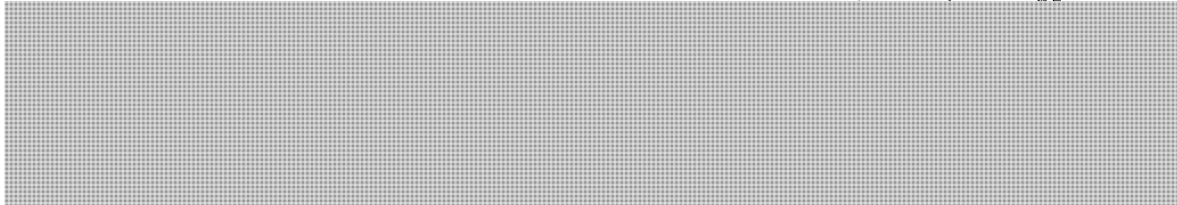
- Minister Goodale's mandate letter priorities relevant to Canada-U.S. relations;
- PS and PS Agencies' close relationship and extensive collaboration with their U.S. counterparts; and,
- [REDACTED]

Ministerial Priorities of Interest to the United States

During his visit to Ottawa, Mr. MacNaughton will be meeting with Ministers Freeland and Dion and will have an opportunity to discuss Canada's overall foreign policy and trade objectives pertaining to the U.S. Your meeting will provide an opportunity to highlight Minister Goodale's priorities and items of key interest to our U.S. counterparts. Most notably, the U.S. will be keen to follow progress on the review of Canada's national security framework, the establishment of an office for countering radicalization to violence; and the review of Canada's cyber strategy to ensure that critical infrastructure is resilient to cyber threats. They may wish to share lessons learned on establishing a

.../3




SECRET

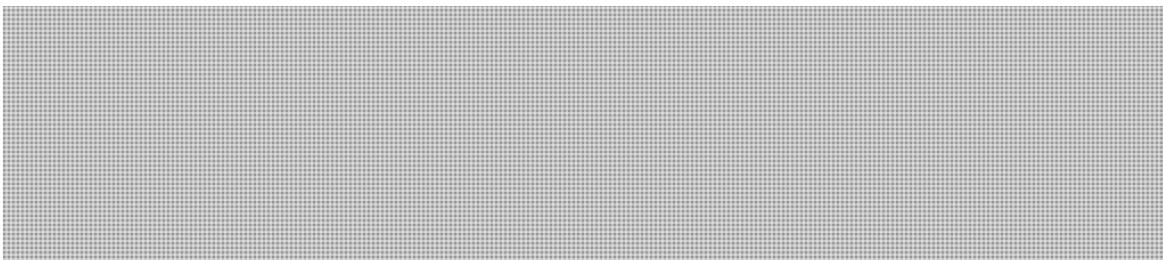


Collaboration between the Public Safety Portfolio and U.S. Counterparts

As you are aware, the Public Safety Portfolio collaborates very closely on a variety of items with its counterparts at the Department of Homeland Security and its components, including Customs and Border Protection, and other U.S. departments and agencies such as the Federal Bureau of Investigation. You may wish to take this opportunity to highlight some examples of successful cooperation to Mr. MacNaughton and areas of planned future collaboration. Examples include: cooperation between the Government Operations Center and the Federal Emergency Management Agency to prepare for and maintain awareness of emerging natural disasters or events; joint issuance of reports and advice in the case of cyber incidents through the collaboration of our Cyber Incident Response Centers; RCMP and the U.S. Coast Guard efforts to work together to enforce the law in shared waters along the border (Shiprider program); and existing information sharing arrangements allowing border officials on both sides of the border to screen against some criminal and national security databases.



This meeting will provide you with the opportunity to share with Mr. MacNaughton   which will likely be raised during the series of Canada-U.S. engagements over the coming months and are earmarked for discussion at the PM/President meeting. 



.../4

SECRET

Information Sharing

[Redacted]

[Redacted]

Entry/Exit

[Redacted] Full implementation will require legislative and regulatory amendments under the *Customs Act*. The U.S. has a legislative requirement to collect exit information on all travellers. [Redacted]

[Redacted]

[Redacted]

.../5

- 5 -

Preclearance

[REDACTED]

[REDACTED] Before it can be ratified, implementing legislation must be passed in both countries. The U.S. is expected to introduce concurrent bills in both the Senate and the House in the coming weeks. [REDACTED]

[REDACTED]

[REDACTED]

NEXT STEPS

Should you required additional information, please do not hesitate to contact me at 613-949-6435 or Jill Wherrett, Director General, Strategic Policy, Research, Planning and International Affairs at 613-949-7260.

Paul MacKinnon
Prepared by: Melanie Anestis
Enclosures (2)

DAVID MACNAUGHTON
CANADIAN AMBASSADOR TO THE UNITED STATES



David MacNaughton is Canada's Ambassador to the United States. His extensive and comprehensive career has spanned both the public and private sectors.

As an entrepreneur, he transformed the government relations consulting industry by building an organization that comprised government relations, public opinion research and public relations, operating in Canada, the United States and the United Kingdom, and employing more than 250 people.

After selling his business in 1989, he became CEO of Canada's largest government and public relations firm, and subsequently North American CEO of the world's largest public relations firm.

From 1996 until 2003 he was president of a company specializing in private-public partnerships and a senior advisor to one of Canada's leading investment banks. His public sector experience includes work at both the federal and provincial levels of government. At the federal level, he spent six years as a top advisor to the Minister of Transport, Minister of Industry, and Minister of Foreign Affairs.

From October 2003 until joining StrategyCorp, he served as Principal Secretary to the Premier of Ontario. In that role he focused on bringing private sector principles of sound business management to the Ontario government. His responsibilities as Principal Secretary included a particular emphasis on energy, budget and asset management, and private financing initiatives.

Active in community affairs, Mr. MacNaughton has served on the boards of the Toronto International Film Festival, the North York General Hospital, the Stratford Festival, the National Ski Academy, TV Ontario and the Toronto French School. Mr. MacNaughton has also served on the Board of Directors of Iogen Corporation of Ottawa and was Chairman of the Board of Comcare Ltd, and Chairman of Aereus Technologies.

Prior to becoming Canada's Ambassador to the United States in January 2016, Mr. MacNaughton held the job of Chairman and CEO of StrategyCorp, a public affairs, communications and management consulting firm.



Public Safety Sécurité publique
Canada Canada

Assistant Deputy Sous-ministre
Minister adjoint

Ottawa, Canada
K1A 0P8

For your meeting with:
DM Borders Meeting
On: Friday June 10, 2016
Location: Langevin Bloc, Rm 400
From: 2:00 p.m. to 3:30 p.m.

SECRET

DATE:

File No.: PS- 010801
RDIMS DRAGON No.: 39796

MEMORANDUM FOR THE DEPUTY MINISTER

JUNE 2016 MEETING OF DEPUTY MINISTERS ON BORDER ISSUES

(Information only)

ISSUE

You will be participating in a meeting of Deputy Ministers (DM), hosted by Mr. David McGovern, Deputy National Security Advisor. The meeting will be held on Friday June 10, 2016 from 2:00 to 3:30 p.m. As with previous DM Core meetings, the only Portfolio Agency invited is CBSA and discussions include updates on recent border commitments and Beyond the Border (BTB) Action Plan activities.

BACKGROUND

This meeting will:

- Take stock of the implementation of existing Canada-U.S. border commitments stemming from the recent PM-Presidential visit;
- [REDACTED]
- [REDACTED]

A copy of the meeting agenda has been attached for your reference (TAB A).

STATUS OF MARCH 10, 2016 COMMITMENTS

During the first item of discussion, PCO will seek an update from Public Safety and CBSA on the progress of implementation of their commitments. CBSA will speak to Entry/Exit, you will be asked to speak to Preclearance and Information Sharing. The following provides you with an overview of status and proposed key messages.

.../2

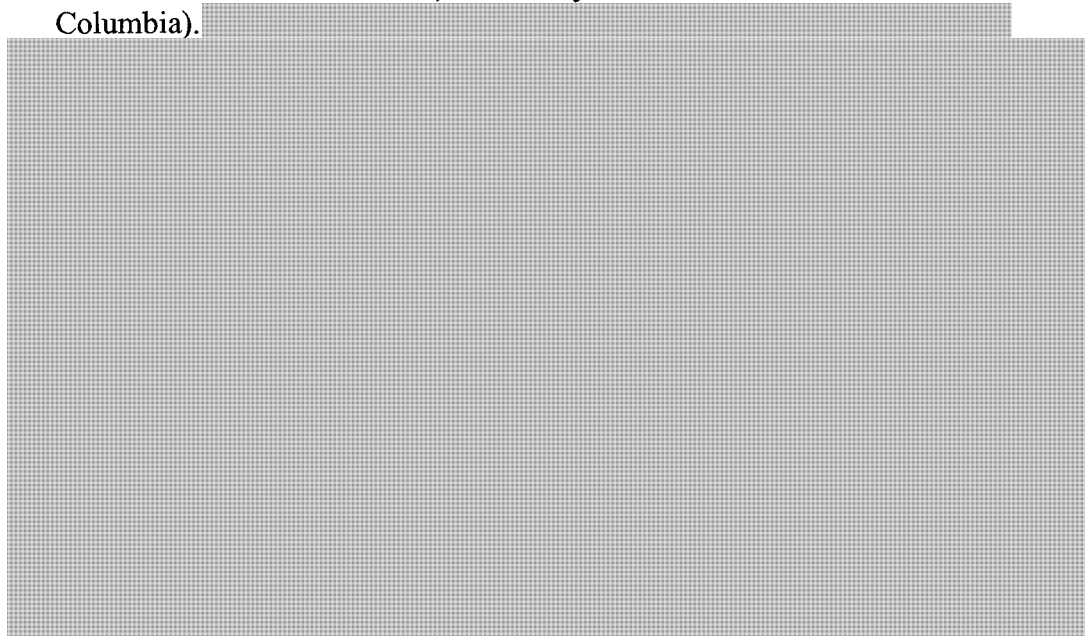
SECRET

- 2 -

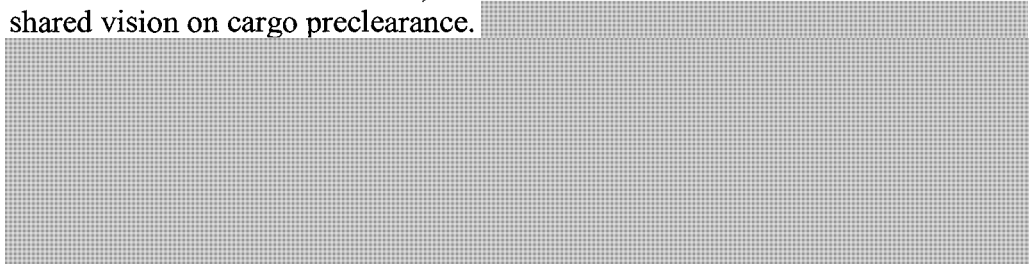
Preclearance:

Key Messages

- On track to meet our commitment.
- Met with the new Preclearance sites announced on March 10, 2016 (Billy Bishop Toronto City Airport, Quebec City Jean Lesage International Airport, Montreal Central Rail Station, and Rocky Mountaineer rail in British Columbia).



- A commitment was made to examine cargo pilots. A visit to D.C. in July 2016 is planned to explore pilots with all relevant U.S. Government Departments and Agencies. Prior to this meeting, the chairs of the PCG (along with CBSA and U.S. Customs and Border Patrol) will meet to articulate and formalize the shared vision on cargo preclearance.



.../3

SECRET

- 3 -

- The U.S. introduced enabling legislation on March 1, 2016. The bipartisan preclearance bill has been introduced in the U.S. House and Senate and the U.S. is confident it will pass under the current Administration. However, if not passed before the U.S. election, passage of the bill will be delayed which in turn will delay ratification of the new Preclearance Agreement and implementation of preclearance at new sites.

Additional Background (FYI only – Transport Canada (TC) should answer any specific questions)



Information Sharing


Key messages

- On track to meet the commitment

SATA/No-fly lists:

- Canada and the U.S. agreed to establish, within 60 days, a working group to address issues related to travellers who experience difficulties with aviation security lists, as part of the March 10, 2016 commitment to exchanging SATA/No-fly lists.
- On May 10, 2016, the Minister announced the establishment of the Canada – U.S. Redress Working Group. This working group will assist those Canadian and American citizens and permanent residents who experience screening related difficulties associated with each country's aviation security lists.

TUSCAN

- We have reached an agreement with the U.S. on a new TUSCAN Arrangement that satisfies the requirements of both countries.
- 
- PS worked closely with Portfolio partners and IRCC to develop an updated TUSCAN Arrangement that addressed systematic irritants under the current Arrangement and determine how a new Arrangement could better address needs for Canadian departments and agencies.

.../4

SECRET

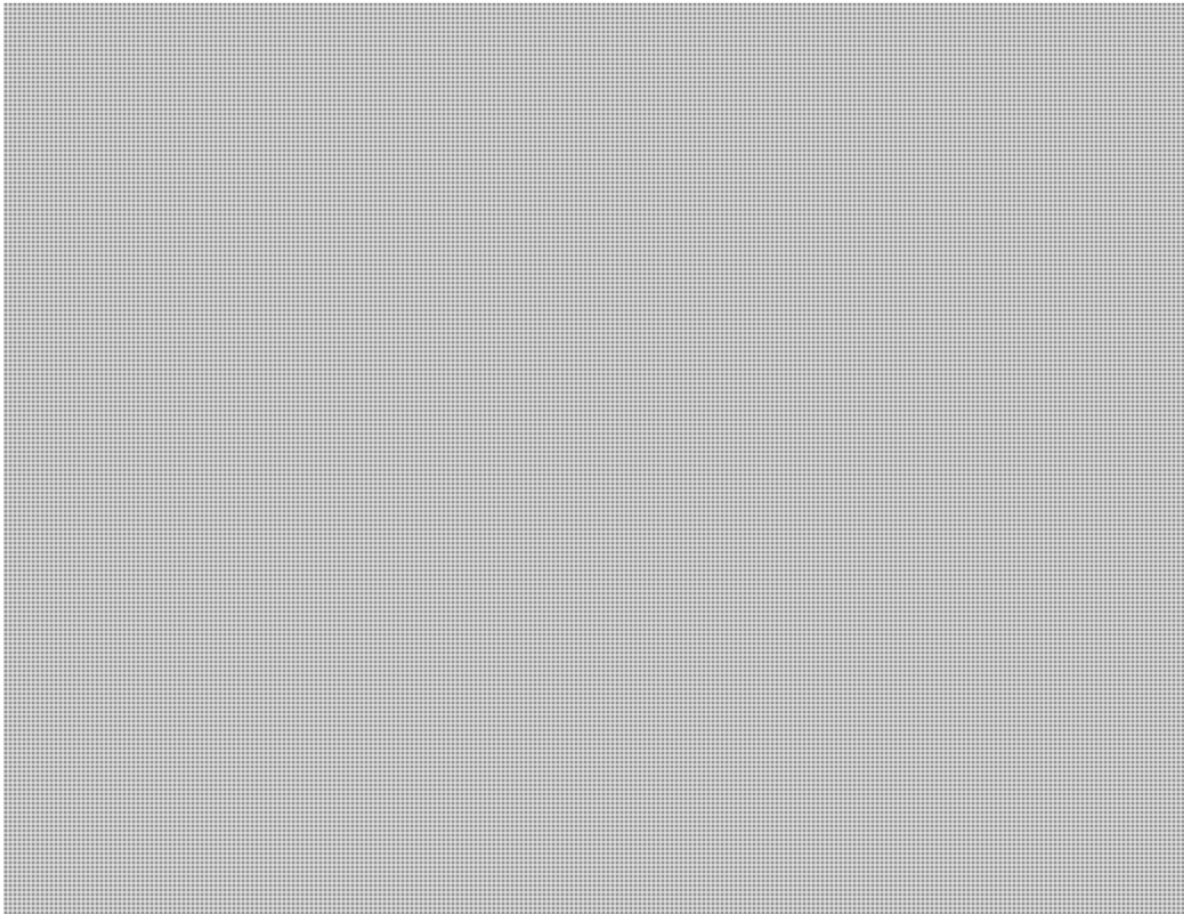
- 4 -

Additional Background

On March 7, 2016, Public Safety and the U.S. Terrorist Screening Centre signed an Arrangement for exchange of the Secure Air Travel Act (SATA) List information and Secure Flight information. [REDACTED]

The agreement included a commitment to establish a redress working group which was announced on May 10, 2016.

The TUSCAN MOU is a longstanding arrangement, first established in 1997, for border security and immigration purposes. TUSCAN is a data feed provided by U.S. to CBSA that contains tombstone information on known or suspected individuals who pose a threat. [REDACTED]



.../5

SECRET

- 5 -

EXECUTIVE STEERING COMMITTEE (ESC) OF THE BTB

Key messages

- A final ESC before the change of U.S. Administration and end of the BTB Action Plan would be useful to close the loop and identify a path forward on outstanding items.

- [REDACTED]

Additional Background

PCO is going to recommend holding a final ESC before the end of the year in order to close out discussions on open activities and possibly highlight the potential path forward for new activities or those initiatives that are still wrapping up. The discussion

The U.S. would welcome this as they had expressed interest in holding one such ESC.

PS will be in a good position to report out at such a meeting, as most of PS' items under the BTB Action Plan are now complete. A few outstanding commitments under the BTB are on track for final implementation by the end of the fiscal year. The one exception is the Next Generation commitment under the BTB Action Plan, given issues related to protections and accountability. Next Generation is now being considered by the Cross Border Crime Forum (CBCF) and alternate shared law enforcement approaches, which support the objectives of the Next Generation initiative are being pursued.

NEXT STEPS

Should you require any additional information, please do not hesitate to contact me at 613-949-6435 or Jill Wherrett, Director General, Strategic Policy, Research, Planning and International Affairs at 613-949-7260.

Paul MacKinnon
Prepared by: Melanie Anestis

000094



Public Safety Sécurité publique
Canada Canada

Deputy Minister Sous-ministre

Ottawa, Canada
K1A 0P8

For your meeting:

Ambassador David MacNaughton

On: Thursday December 15, 2016;

10:00 a.m.

At: Your Office

SECRET

DATE:

File No.: PS-014111

RDIMS No.: 44116

MEMORANDUM FOR THE MINISTER

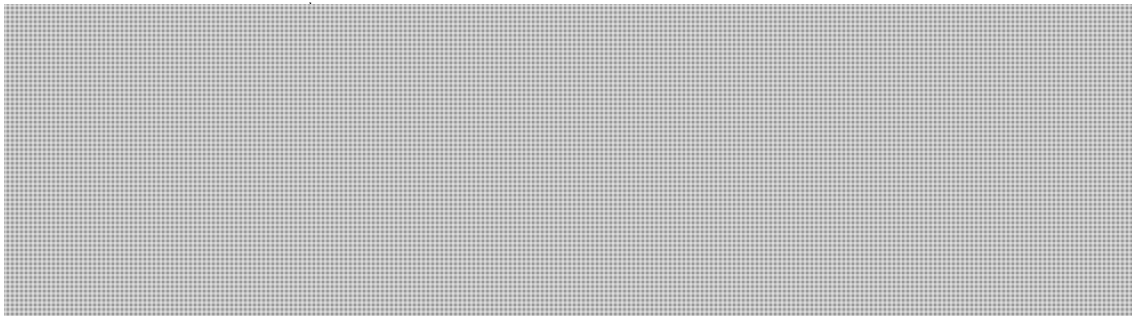
MEETING WITH AMBASSADOR MACNAUGHTON

(Information only)

ISSUE

You are meeting with Canada's Ambassador to the United States, David MacNaughton, at 10:00 a.m. on Thursday, December 15. The meeting is expected to focus on the transition to the new U.S. Administration and the way forward on key Canada-U.S. commitments.

CONSIDERATIONS



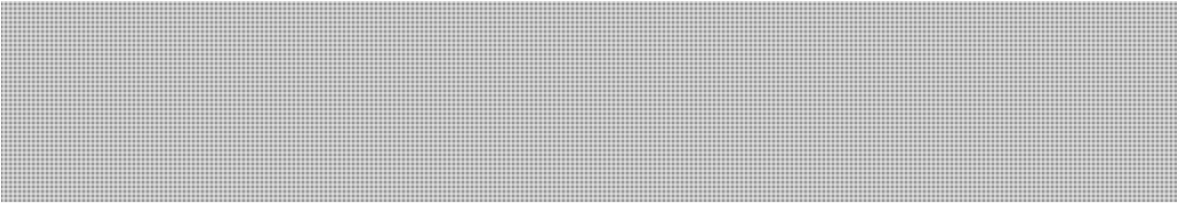
New U.S. Administration

President-elect Donald Trump has nominated retired Marine General John F. Kelly (Ret'd) to be the fifth Secretary of Homeland Security. General Kelly (Ret'd) is a widely respected military officer who is not expected to face any difficulty winning the Senate confirmation. He has worked extensively in the Americas on public safety and security issues, including transnational organized crime, drugs and arms trafficking, illicit finance, human smuggling and migration. During his post as Commander of the U.S. Southern Command, he oversaw the U.S. military prison at

SECRET

- 2 -

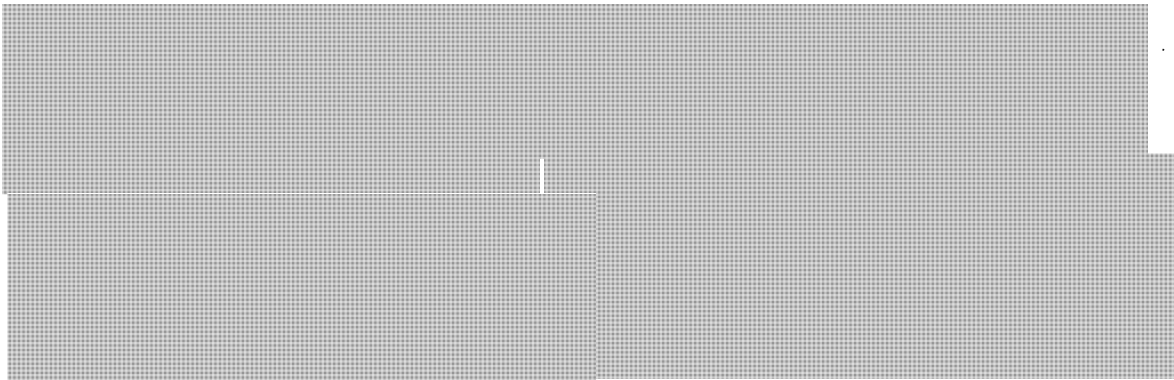
Guantanamo Bay, which he strongly opposed closing. He has also been very vocal on the perceived vulnerability of America's borders and illegal migration.



President-Elect Trump also recently nominated Rex Tillerson for Secretary of State. Mr Tillerson has extensive experience in striking major international deals for Exxon Mobile. Under his leadership as Chairman and CEO since 2006, the company has expanded its operations in Russia, which now surpasses the U.S. as the largest theater for the company's operations. He is reputed to be a tough negotiator and plain spoken interlocutor. Given its scale Exxon Mobile has internal resources for security and intelligence assessments which may provide Mr. Tillerson with existing understanding of risks in certain regions.



Canada-U.S. Engagement Strategy



It will also be important to engage key U.S. counterparts early on, at the political and bureaucratic levels, to build their support for a shared border strategy and security interests. You may wish to discuss timing of an early visit to Washington with the Ambassador, and seek his views on the best ways to engage the new Administration effectively and early, not only at the Secretary level, but also with Congressional representatives.

.../3

SECRET

- 3 -

Preclearance and Entry/Exit

[REDACTED]

however once legislation has passed, regulatory amendments will be needed before the new agreement can be ratified, and before new sites can be operational.

[REDACTED]

With respect to Entry/Exit, once legislation has passed, regulatory amendments will also be required before sharing of information on Canadian citizens can begin.

[REDACTED]

Information Sharing

[REDACTED]

Other issues of interest

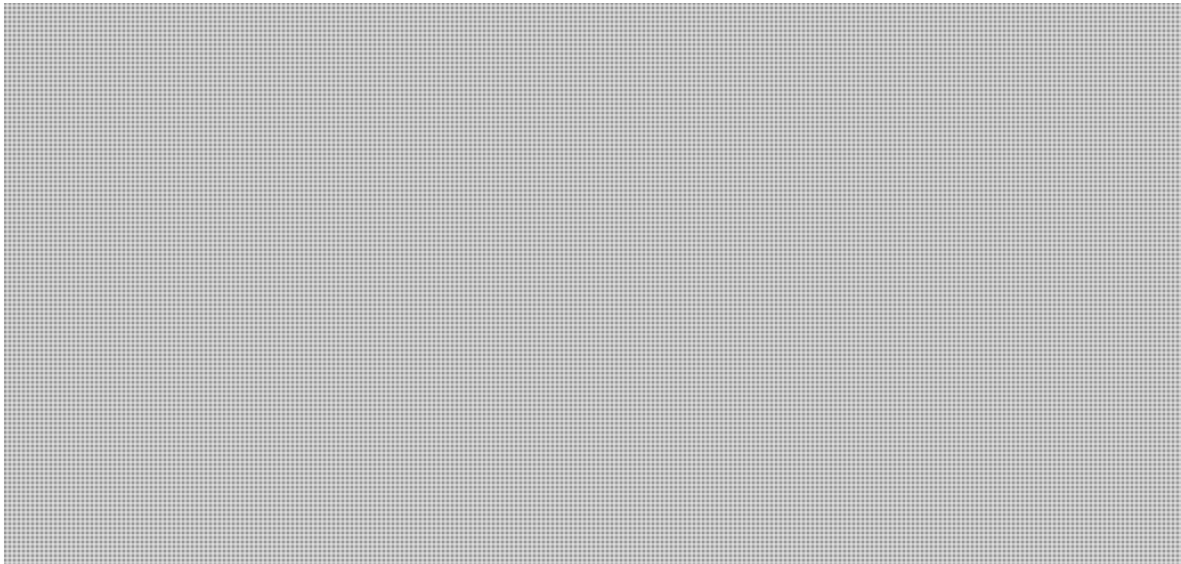
National Security Consultations

The Ambassador may also be interested to know that the national security consultations are wrapping up this week. The results and next steps will likely be of interest to the new U.S. Administration, and could be an important topic for early engagement with your counterparts.

.../4

SECRET

- 4 -



Canada continues to share information with the U.S. on a case-by-case basis.

NEXT STEPS

Should you require additional information, please do not hesitate to contact me or Jill Wherrett, A/Assistant Deputy Minister, Portfolio Affairs and Communications Branch, at 613-949-6435.

Malcolm Brown

Prepared by: Melanie Anestis



Public Safety Canada / Sécurité publique Canada

Assistant Deputy Minister / Sous-ministre adjoint

Ottawa, Canada / K1A 0P8

For your phone call with: Deputy Secretary Mayorkas. SUBJECT: Courtesy Call. DATE: Monday April 25, 2016. TIME: 10:00 a.m. to 10:30 a.m. (tbc)

SECRET

DATE:

File No.: RDIMS Dragon No. 38917

MEMORANDUM FOR THE DEPUTY MINISTER

DISCUSSION WITH THE DEPUTY SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY

(For information)

ISSUE:

You will be speaking with Mr. Alejandro Mayorkas, Deputy Secretary of the United States (U.S.) Department of Homeland Security (DHS), on April 25, 2016 from 10:00 a.m. to 10:30 a.m.(tbc). This is expected to be a courtesy call to welcome you into your new position and highlight the importance of ongoing cooperation. His biography is attached (**Tab A**).

BACKGROUND

Mr. Mayorkas is one of your key counterparts in delivering on border and national security issues. In recent bilateral meetings, U.S. counterparts have emphasized the Obama administration's intention to push for the completion of outstanding commitments up until the last day of its administration. While the focus is likely to be on the three border items that came out of the meeting between the President and the Prime Minister (Information Sharing, Entry/Exit and Preclearance), the U.S. will also be interested in seeing any outstanding Beyond the Border Action Plan items wrapped up as well.

In addition the U.S. will continue to be interested in the Minister's priorities as they relate national security review and the establishment of the Office of Outreach and Counter-Radicalization to Violence and the review of Canada's cyber strategy to ensure that critical infrastructure is resilient to cyber threats. All of which provide opportunities for cooperating or drawing on U.S. experience, such as lessons learned on establishing a parliamentary oversight committee for national security and intelligence issues.

.../2



SECRET

-2-

ITEMS FOR DISCUSSION

Mr. Mayorkas may seek an update on the top U.S. priorities which resulted from the Prime Minister/President meeting in March.

Information Sharing

On March 8, 2016, Deputy Guimont and Deputy Secretary Mayorkas signed the *Arrangement for the Disclosure of Information between the U.S. Terrorist Screening Center (TSC) and Public Safety Canada (PS)*. This sets out narrow parameters and guides cooperation in the sharing of information between PS and the TSC and addresses the sharing of the *Secure Air Travel Act (SATA)* list [REDACTED]. The arrangement includes provisions to address the three key priorities for Canada: consistent use and subsequent sharing, redress and the request for de-listing individuals on each country's respective list.

PS officials

Public Safety (PS) officials have yet to discuss TUSCAN with U.S. counterparts. Preliminary discussions with the U.S. on SATA have focused on key principles that would need to be addressed should Canada proceed with an arrangement to share the SATA list: redress, de-listing and consistent use. The U.S. has indicated that it is open to this discussion and committed to following up with their position on these issues. [REDACTED]

[REDACTED] PS officials will be moving forward with the discussions on both SATA and TUSCAN over the next several months.

Entry/Exit

Full implementation of Entry/Exit will require legislative and regulatory amendments under the *Customs Act*. [REDACTED]

[REDACTED] While ratification is still pending, this item is expected to be ready for discussions at the PM/President meeting.

.../3

SECRET

-3-

Preclearance

[REDACTED]
[REDACTED] Before it can be ratified, implementing legislation must be passed in both countries. The U.S. is expected to introduce concurrent bills in both the Senate and the House in the coming weeks. [REDACTED]
[REDACTED]

[REDACTED] You may wish to confirm with Mr. Mayorkas that preclearance remains a priority for the U.S. You may also wish to note that in moving forward on the LRMA, the Government will need to ensure that there are tangible benefits to Canada and Canadian business stakeholders, [REDACTED]
[REDACTED]

NEXT STEPS

You may wish to have me and Monik Beauregard join you on the call.

Should you require additional information, please do not hesitate to contact me at 613-949-6435 or Ms. Jill Wherrett, Director General, Strategic Policy, Research, Planning at 613-949-7260.

Ministerial Priorities of Interest to the United States

Mr. Mayorkas may be interested in more information on Canada's Cyber review. You could offer a discussion with officials as plans proceed. Note that on February 9, the President announced a new Cyber Security Action Plan to enhance government cyber capabilities and public awareness. Elements include:

- establishing a 'Commission on Enhancing National Cybersecurity' comprised of key business, strategic and technical thinking from outside government to strengthen cybersecurity in the private and public sector;
- creating a new Federal Chief Information Security Officer to drive cybersecurity policy, planning and implementation in the U.S. government; and,
- launching a National Cybersecurity Awareness Campaign through a partnership with leading technology firms.

You may want to ask what work DHS will be undertaking to support this plan.

.../4

SECRET

- 4 -

Paul MacKinnon

Prepared by: Melanie Anestis

Alejandro Mayorkas, Deputy Secretary, Department of Homeland Security



Alejandro Mayorkas was sworn in as Deputy Secretary of Homeland Security on December 23, 2013. He is the second-in-command of the Department with a \$60 billion budget and a workforce of 240,000 individuals throughout the world. Prior to becoming the Deputy Secretary of Homeland Security, Mayorkas served as the Director of the Department's United States Citizenship and Immigration Services (USCIS), the agency charged with operating the largest immigration system in the world. He was nominated to serve in that position by President Barack Obama and confirmed by the United States Senate in 2009. As Director of USCIS, Mayorkas led a workforce of 18,000 individuals throughout more than 250 offices worldwide and oversaw a \$3 billion annual budget. While at USCIS he developed

a number of important programs and initiatives, including the implementation of Deferred Action for Childhood Arrivals (DACA), and important reforms that safeguard our nation's security and ensure the integrity of its immigration system.

Prior to his appointment at USCIS, Deputy Secretary Mayorkas was a partner in the law firm of O'Melveny & Myers LLP. In 2008, the National Law Journal recognized Deputy Secretary Mayorkas as one of the "50 Most Influential Minority Lawyers in America."

In 1998, Deputy Secretary Mayorkas was nominated by President Clinton and confirmed by the United States Senate to be the United States Attorney for the Central District of California, becoming the youngest U.S. Attorney to serve the nation at that time. In addition to leading an office of 240 Assistant U.S. Attorneys, Mayorkas served as the Vice-Chair of the Attorney General's Advisory Subcommittee on Civil Rights and as a member of the Subcommittee on Ethics in Government. From 1989 to 1998, Mayorkas served as an Assistant U.S. Attorney for the Central District of California.

Deputy Secretary Mayorkas is a graduate of the University of California at Berkeley and received his law degree from Loyola Law School.

**Pages 104 to / à 133
are withheld pursuant to sections
sont retenues en vertu des articles**

**of the Access to Information
de la Loi sur l'accès à l'information**



Public Safety Sécurité publique
Canada Canada

Deputy Minister Sous-ministre

Ottawa, Canada
K1A 0P8

For your meeting with:
SUBJECT: U.S. Ambassador Bruce Heyman
DATE: September 23, 2016
LOCATION: Minister Goodale's Office, 269
Laurier Ave. W., Ottawa
TIME: 1:00-1:45 pm

UNCLASSIFIED

DATE:

File No.: PS-012417
RDIMS No.: 1966943

MEMORANDUM FOR THE MINISTER

MEETING WITH U.S. AMBASSADOR TO CANADA BRUCE HEYMAN

(Information only)

ISSUE

You will be meeting with U.S. Ambassador Bruce Heyman on September 23, 2016. The Ambassador will be accompanied by Elizabeth Aubin, Deputy Chief of Mission and Adam West, Deputy Chief Political Section. Marci Surkes and I will attend the meeting with you. Key messages have been prepared for your use (**TAB A**).

Strategic objectives for the meeting:

- Assure the Ambassador of the progress on top bilateral commitments;
- Provide an update on domestic items of interest to the U.S.; and
- Seek an update on U.S. progress on outstanding bilateral commitments (e.g. U.S. preclearance legislation).

BACKGROUND

We expect the Ambassador to raise the following issues: [REDACTED]

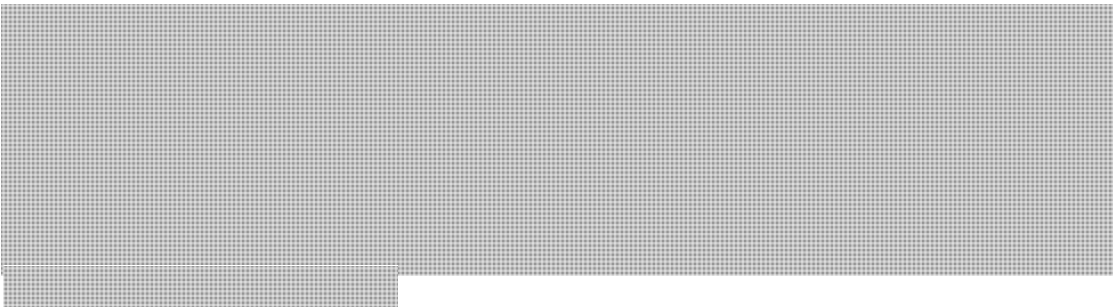
[REDACTED]

Given recent developments and media coverage, discussion of the following may also arise: [REDACTED]

[REDACTED]

.../2

UNCLASSIFIED



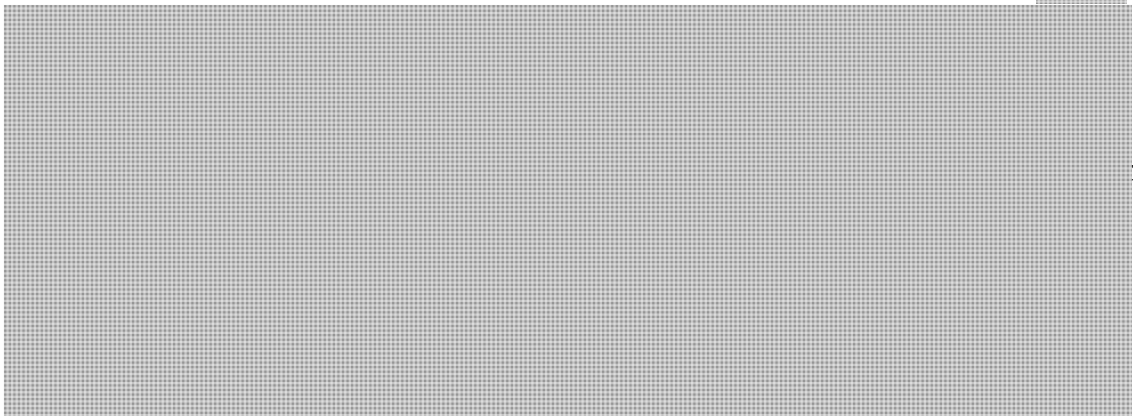
CONSIDERATIONS

National Security Issues

Information-Sharing

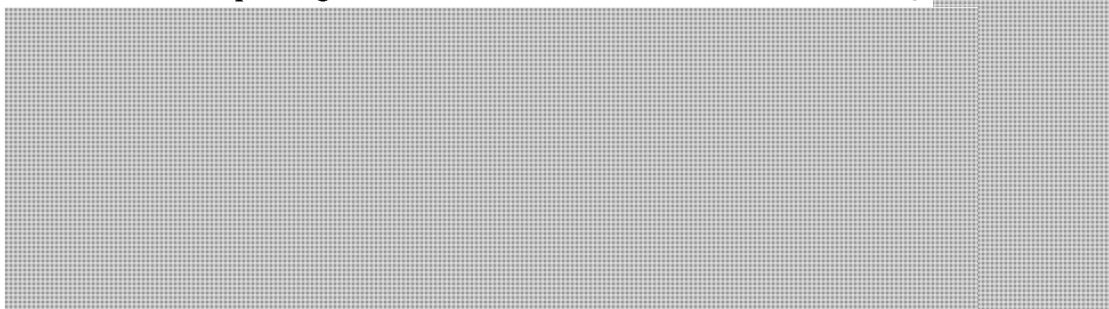
During the Prime Minister's March 2016 Visit to Washington, D.C., Canada and the United States (U.S.) agreed to share information related to each countries' aviation security watchlists.

The commitment to share the *Secure Air Travel Act* (SATA) and No-Fly Lists



TUSCAN

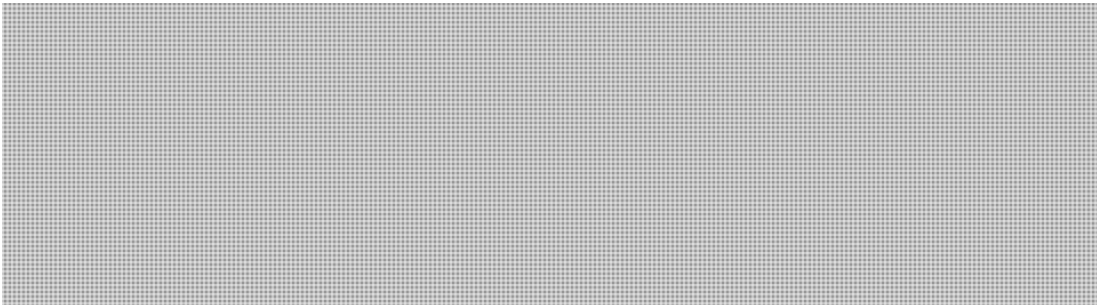
Commitment to updating the TUSCAN memorandum of understanding



.../3

UNCLASSIFIED

- 3 -



Items for Information

You may also wish to provide information on the following topics to the Ambassador:

National Security and Intelligence Committee of Parliamentarians

The Government introduced new legislation in June 2016 to create a National Security and Intelligence Committee of Parliamentarians. A key goal of the proposed Committee is to strengthen the accountability of departments and agencies engaged in national security activity. The proposed Committee would give select Parliamentarians broad access to classified information, while also setting out stringent security measures to protect sensitive information – including allied information – from unauthorized disclosure.

Establishment of an Office of Community Outreach and Counter-Radicalization

Canada has also announced the creation of an Office for Community Outreach and Countering Radicalization to Violence. The Office will provide leadership on Canada's response to radicalization to violence, support community outreach and research, and coordinate joint federal-provincial and international initiatives to counter radicalization.



.../4

UNCLASSIFIED

- 4 -

Prime Ministerial Commitments on Entry/Exit & Preclearance

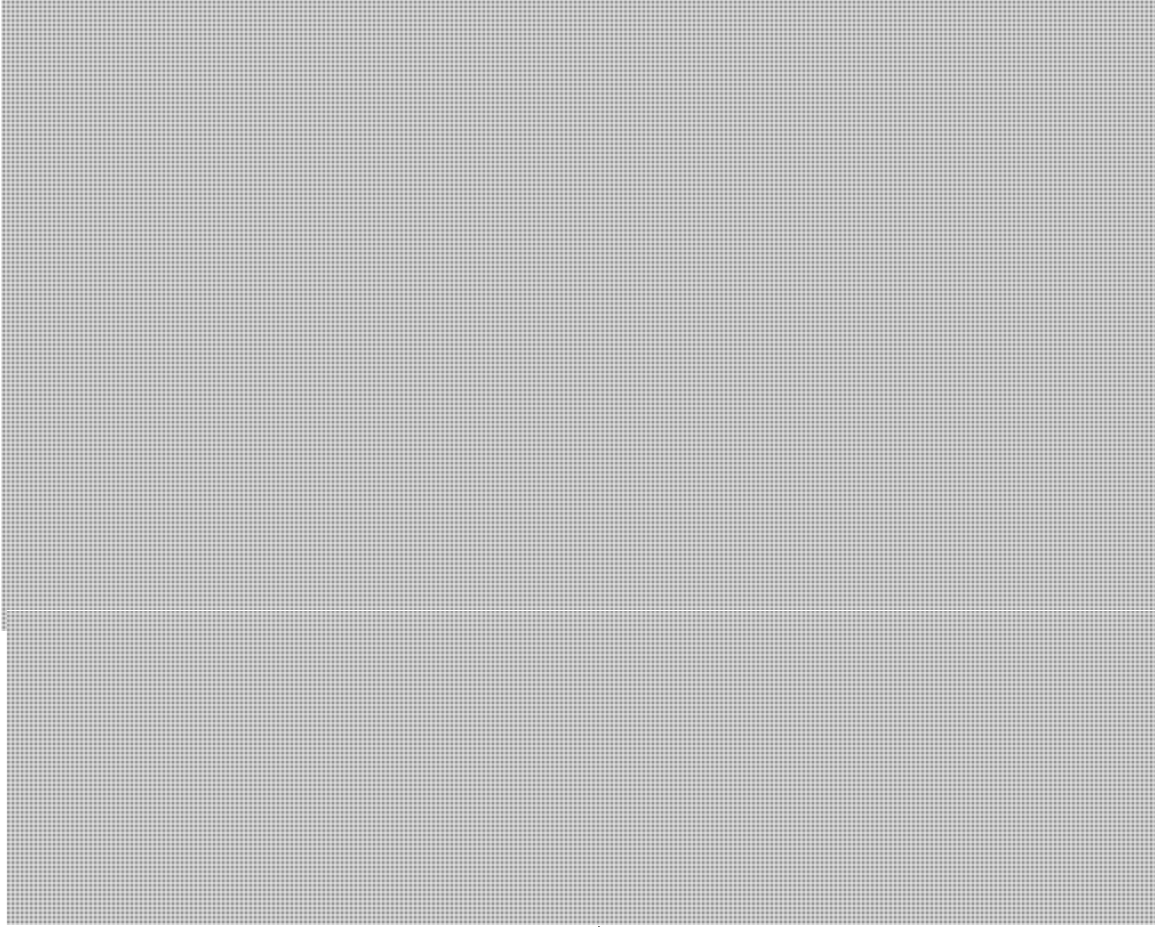
Entry/Exit

Good progress has been made on Entry/Exit. Legislation (Bill C-21) was introduced in June 2016 to collect exit information on all travelers exiting Canada, and to share this information with the U.S.



Preclearance

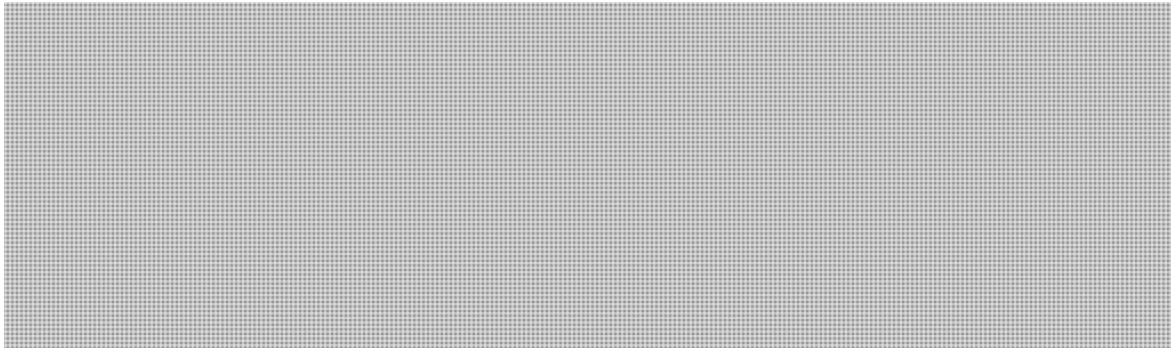
Passage of both Canadian and U.S. legislation is required to implement the Preclearance Agreement. The *Preclearance Act, 2016* (Bill C-23) was introduced in Parliament in June 2016 for first reading.



.../5

UNCLASSIFIED

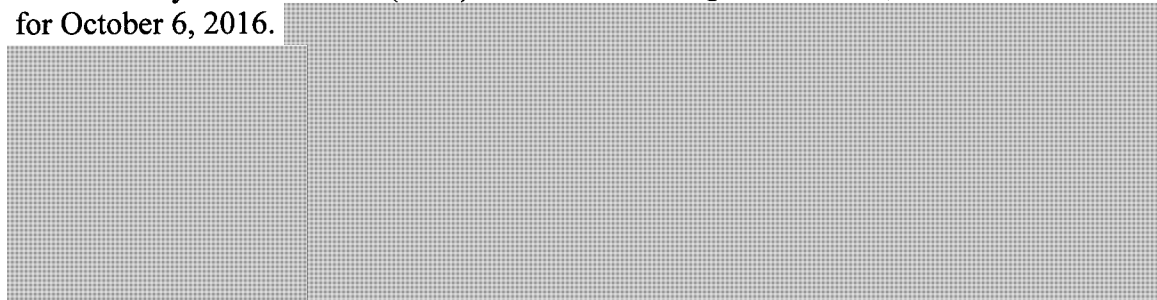
- 5 -



Future of Canada-U.S. cooperation

Beyond the Border Executive Steering Committee

The next Beyond the Border (BTB) Executive Steering Committee (ESC) is scheduled for October 6, 2016.



NEXUS [RESPONSIVE]



you may wish to express your support and reiterate that CBSA continues to make efforts to expand NEXUS membership.

NEXT STEPS

Should you require additional information, please do not hesitate to contact me or Paul MacKinnon, Assistant Deputy Minister, Portfolio Affairs and Communications Branch, at 949-6435.

Malcolm Brown

Enclosures: (1)

Prepared by: Melanie Anestis



SUGGESTED KEY MESSAGES – **SEPTEMBER 23, 2016 MEETING WITH U.S.** **AMBASSADOR BRUCE HEYMAN**

General

- Progress continues on existing bilateral commitments and we continue to seek to complete them or have them well underway before the change in U.S. administration.
- March 2016 bilateral commitments continue to be one of the top priorities for me and my portfolio.
- Express support and ongoing cooperation in the face of last weekend's event in the U.S.

National Security Issues


Information Sharing (SATA and TUSCAN)

- March 2016 bilateral commitments are almost complete and information is effectively being shared:
 - Arrangement to share SATA/No-Fly list is signed, the Canada-U.S. Redress Working Group, and the Passenger Protect Inquiry Office have been established.

○



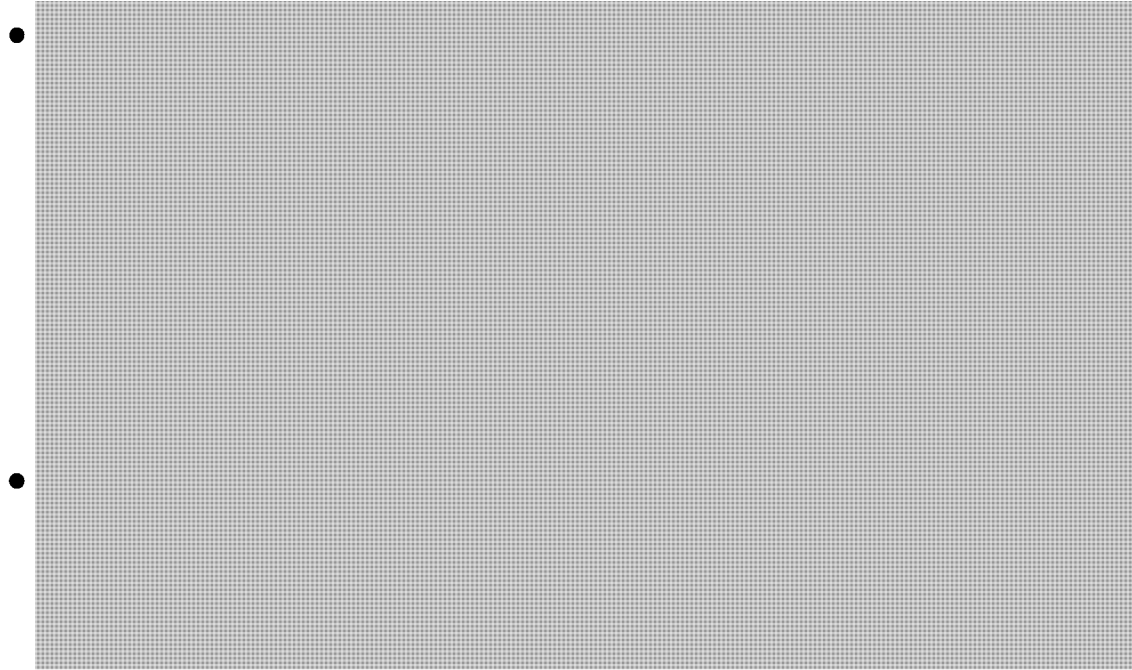
Review of Canada's National Security Framework and Related Consultations

- The Government is committed to national security. The Government is reviewing its national security framework to ensure its laws are effective at keeping Canadians safe while safeguarding rights and freedoms. Consultations are focused on ten key issues.
- Canadians, subject-matter experts and Parliamentarians are encouraged to provide input, be it online or through a number of in-person events across the country, including: public town halls; and, meetings with stakeholders and academic experts.
- Parliamentary committees have been invited to conduct formal studies of these issues, and opposition party leaders have also been invited to engage their caucuses during the consultations.
- 
- The Government will use the input received to inform the development of Canada's national security policies, laws and / or programs to ensure the effectiveness of the tools available to our law enforcement and security agencies, while safeguarding our rights and freedoms.

Office of Community Outreach and Counter-Radicalization

- Canada is currently establishing a national Office to provide leadership on Canada's response to radicalization to violence, coordinate talent and expertise, mobilize and support community outreach, and enhance research in this area.

- As a centre of excellence, the Office will undertake consultations to help inform national priorities, including the development of a Canadian countering radicalization to violence strategy.



- Canada will continue to engage with international partners like the United States to look for ways to work collaboratively on approaches to countering radicalization to violence, and to exchange best practices and lessons learned.


March 2016 Commitments on Entry/Exit and Preclearance

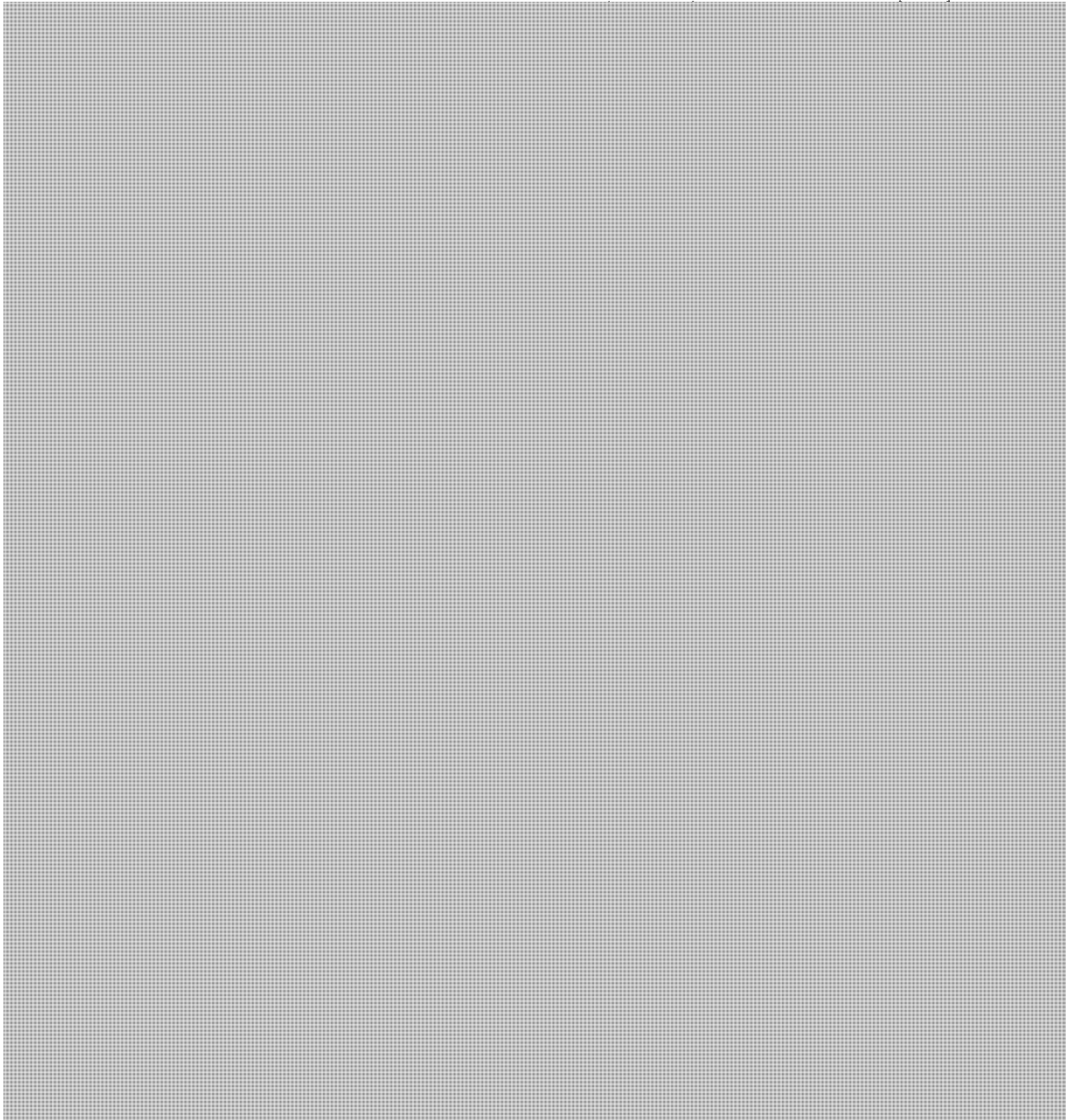
Entry/Exit

- Entry/Exit legislation introduced in June 2016, [redacted]
[redacted]
- [redacted]

- In the interim, we agreed to share information on U.S. citizens entering Canada at the land border. Canada began sharing this information on August 23, 2016.


Preclearance

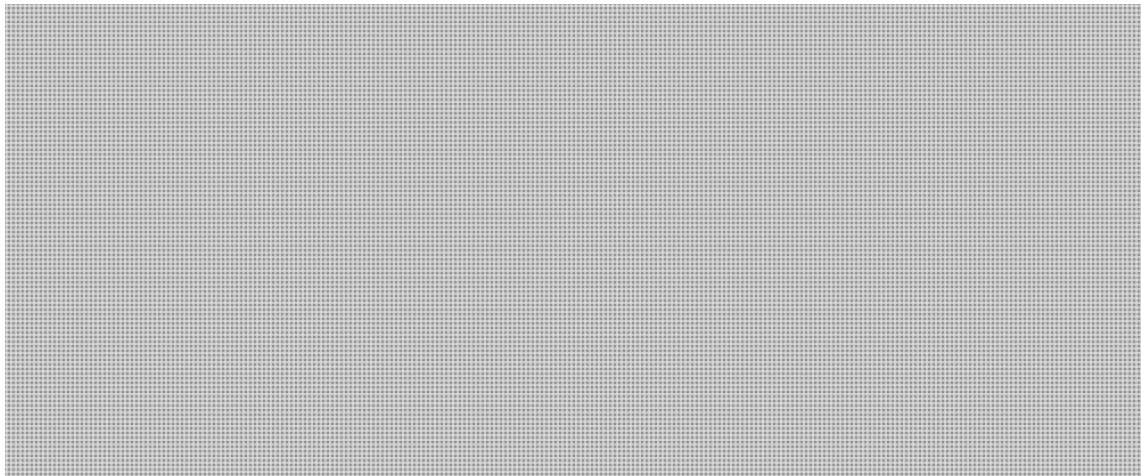
- Implementation of Preclearance is well in hand. *Preclearance Act, 2016* (Bill C-23) was introduced in June 2016, 



Future Canada-U.S. Cooperation

Beyond the Border (BTB) Executive Steering Committee (ESC)

- Understand that officials will be holding the last Beyond the Border Executive Steering Committee meeting in early October.
-  Canada will continue to work closely with the U.S. on border issues and will seek to engage a new U.S. administration on potential future joint initiatives when the time comes.





**Pages 144 to / à 146
are withheld pursuant to sections
sont retenues en vertu des articles**

**of the Access to Information
de la Loi sur l'accès à l'information**

1) Ongoing initiatives and expected progress by December 2016

a) Information Sharing (TUSCAN / SATA)

PS has made some advancement in achieving its March 2016 commitments. The new TUSCAN Arrangement has been signed, 



KEY MESSAGES:

- **I am pleased that the new TUSCAN Arrangement has been signed, and that progress is well underway towards implementation.**

- 

SATA/No Fly:

The commitment to share the SATA and No-Fly Lists is largely complete. An Arrangement between PS and TSC to share information from the No-Fly Lists has been signed, and information has begun to be shared. The Canada-U.S. Redress Working Group has been launched and is examining mechanisms to address issues regarding security lists experienced by Canadian citizens and permanent residents. The Passenger Protect Inquiry Office is also providing advice and assistance to travelers who experience travel delays or difficulties regarding aviation security lists.

KEY MESSAGES:

- **Signing of the SATA/No Fly list has led to the upstart of the Canada-U.S. Redress Working Group and the Passenger Protect Inquiry Office.**
- **I am pleased that Standard Operating Procedures for this arrangement are nearly complete,**


2) Updates

a. Canada's national security consultations

You may wish to take this opportunity to reassure Secretary Johnson of our ongoing commitment to security, and our favourable intentions to seeking their input in this consultation process.

KEY MESSAGES:

- **Our government is committed to national security, and is reviewing its national security framework to ensure that our laws are effective at keeping Canadians safe while safeguarding rights and freedoms.**
- **These consultations are providing all Canadians, subject matter experts and Parliamentarians with the opportunity to provide input, be it online or through a number of in-person events across the country.**

- **Parliamentary committees and opposition party leaders have been invited to conduct formal studies of these issues, and engage their caucuses during the consultations.**
- 
- **Input received from these consultations will inform the development of Canada's national security policies, laws and programs to ensure that our law enforcement and security agencies have the tools available to do their jobs, while safeguarding our rights and freedoms.**

b. Five Country Ministerial

You could announce that Canada has accepted to host the next Five Country Ministerial with the Quintet (Five Eyes Justice Ministers) for 2017. The event will take place either in the summer or fall, which has yet to be determined. Canada was originally meant to host the 2016 meeting, but it was shifted to Washington D.C. given the Canadian election. A separate note will follow with specific costing estimates for various Canadian locations (Regina, Vancouver, and Ottawa).

KEY MESSAGES:

- **Canada welcomes the opportunity to host the next Five Country Ministerial in 2017.**



Public Safety Sécurité publique
Canada Canada

Deputy Minister Sous-ministre

Ottawa, Canada
K1A 0P8

UNCLASSIFIED

File No.: PS-013143
RDIMS No.: 1999012

MEMORANDUM FOR THE MINISTER

**MEETING WITH JEH JOHNSON
SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY**

(Information only)

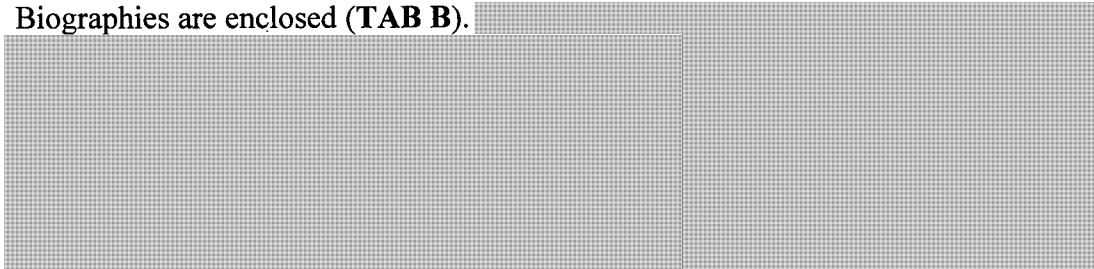
ISSUE

Your meeting with the Secretary of the Department of Homeland Security (DHS), Jeh Johnson, on October 27, 2016. This will be his last visit before the U.S. election, and he will meet with various Cabinet colleagues to give a final push on outstanding bilateral commitments.

You will be spending part of the day with Secretary Johnson, having invited him for an informal discussion with the Canada-U.S. Cabinet Committee; a working lunch; and a tour of Parliament (see **TAB A** for the Secretary's itinerary). Ambassador David MacNaughton will be in Ottawa and will attend all of the Secretary's meetings and the working lunch.

BACKGROUND

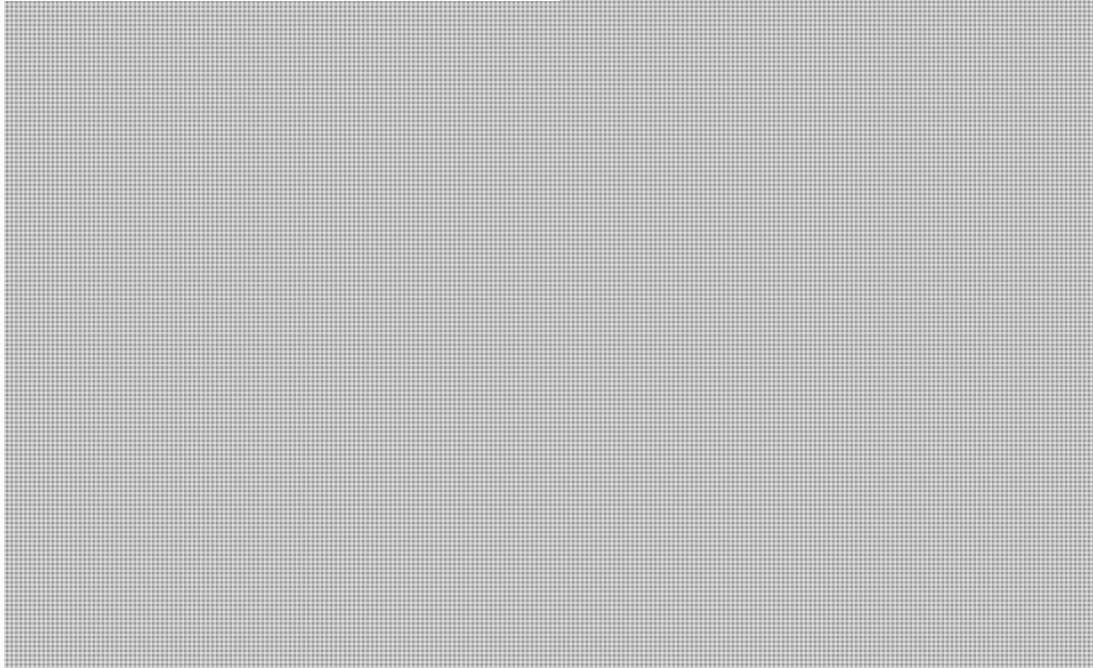
Secretary Johnson will be accompanied by U.S. Ambassador to Canada Bruce Heyman, DHS Assistant Secretary Kelli Ann Burriesci, DHS staff Deborah Meyers (Director of Canadian Affairs) and Leslie Lawson (U.S. Embassy attaché). Biographies are enclosed (**TAB B**).



UNCLASSIFIED

- 2 -

Over the course of the day, Secretary Johnson and his delegation will also meet with Minister McCallum to discuss immigration and refugee issues; Minister Garneau to discuss [REDACTED] and Minister Wilson-Raybould to discuss various items ([REDACTED])



Strategic objectives for the lunch are:

- [REDACTED]
- Assure the Secretary that efforts are being made to complete commitments by the end of the year.
- Reiterate Canada's continued commitment to cooperation on border and security issues through the change in U.S. administration.

CONSIDERATIONS

1. PRECLEARANCE

Legislation/Regulations

Bill C-23 (*Preclearance Act, 2016*) was introduced in Parliament on June 17, 2016.



There are currently 28 co-sponsors of the Bill, however U.S. Congress will rise in mid-December 2016. Despite the tight timelines, U.S. officials continue to

UNCLASSIFIED

- 3 -

express hope that the bill will be approved during the [REDACTED]

Cargo Preclearance: vision and next steps



Following your commitment last March through the Joint Statement to advance cargo preclearance [REDACTED]

UNCLASSIFIED

- 4 -

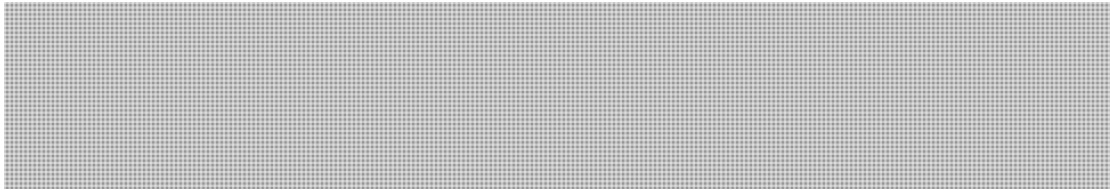


KEY MESSAGES:

- *Highlight the need for both countries to complete their legislative process prior to ratification.*
- *Need to stay focused on implementation issues at the four new sites announced in March 2016,* 
- 

UNCLASSIFIED

- 5 -



- *Formally endorse Cargo Preclearance Vision and seek commitment to identify pilots before end of year.*

2. INFORMATION SHARING (TUSCAN / SATA)

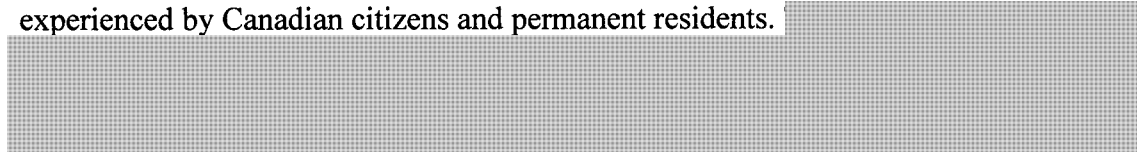
a) TUSCAN

Advancements continue on the March 2016 commitments.



b) SATA/No-Fly

The commitment to share the SATA and No-Fly Lists is largely complete and information is already being shared. The Canada-U.S. Redress Working Group has been launched and is examining mechanisms to address issues regarding security lists experienced by Canadian citizens and permanent residents.



UNCLASSIFIED

- 6 -

The Passenger Protect Inquiry Office is also providing advice and assistance to travelers who experience travel delays or difficulties regarding aviation security lists.

[REDACTED]

KEY MESSAGES:

- **Acknowledge important progress made since last March 2016 - information being shared on SATA/No Fly.**
- [REDACTED]
- **Highlight the importance of finalizing the process by which cases will be referred to the Redress Working Group so that it can begin before the end of the year.**

3. ENTRY/EXIT

Good progress continues to be made on Entry/Exit. Bill C-21, an *Act to amend the Customs Act*, was introduced in June 2016 to collect exit information on all travelers existing Canada, and to share this information with the U.S. Once Royal Assent is granted, regulatory amendments to the *Customs Act* will be required before Entry/Exit can be fully implemented.

[REDACTED]

In the interim, Canada has agreed to share information on U.S. citizens entering Canada at the land border, in addition to the information about third-party nationals and permanent residents which Canada and the U.S. already share. The sharing of information on U.S. citizens was implemented on August 23, 2016.

KEY MESSAGES:

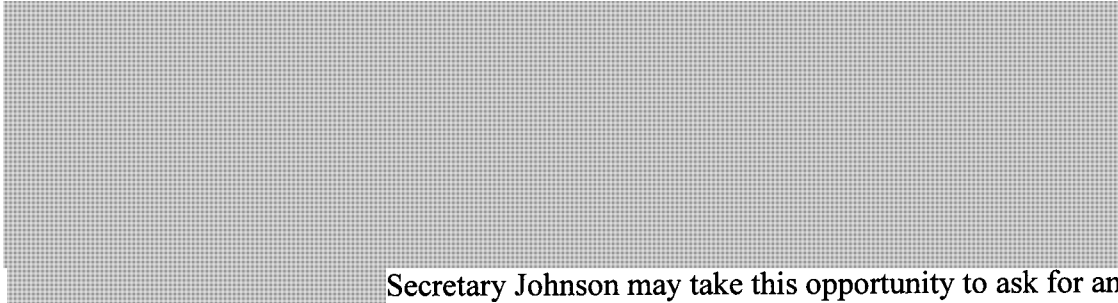
- **Reiterate Government's commitment to Entry/Exit legislation - introduced in June 2016.**
- **Highlight that sharing of information on U.S. citizens entering at the land border began in August 2016.**

.../7

UNCLASSIFIED

- 7 -

4. NATIONAL SECURITY REVIEW



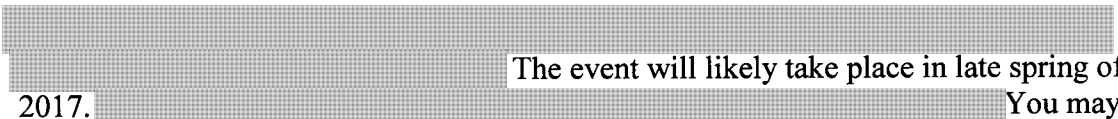
Secretary Johnson may take this opportunity to ask for an update on our public process.

KEY MESSAGES:

- **Reiterate commitment to ensure national security framework balances safety with rights and freedoms:**
 - **tabled Bill C-22 (Committee of Parliamentarians) in June;**
 - **standing up office of countering radicalization to violence;**
 - and**
 - **consulting with Canadians and civil society.**

- **Note the importance of input from international partners and welcome the Secretary's views.**

5. FIVE COUNTRY MINISTERIAL



The event will likely take place in late spring of 2017. You may wish to express that Canada looks forward to hosting and will work with U.S. colleagues through the transition period to minimize delays due to the change in administration. Ambassador MacNaughton has indicated Canada's willingness to host, but you may wish to confirm our intention to Secretary Johnson.

KEY MESSAGES:

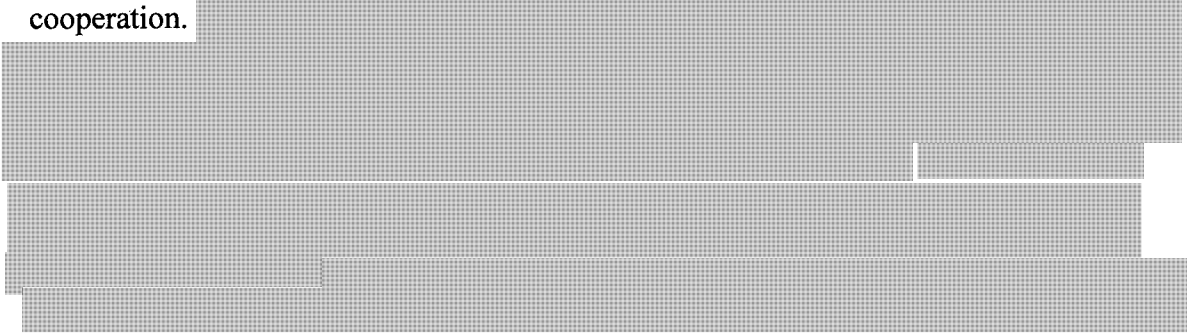
- **Canada welcomes the opportunity to host the next Five Country Ministerial – likely in spring 2017.**

UNCLASSIFIED

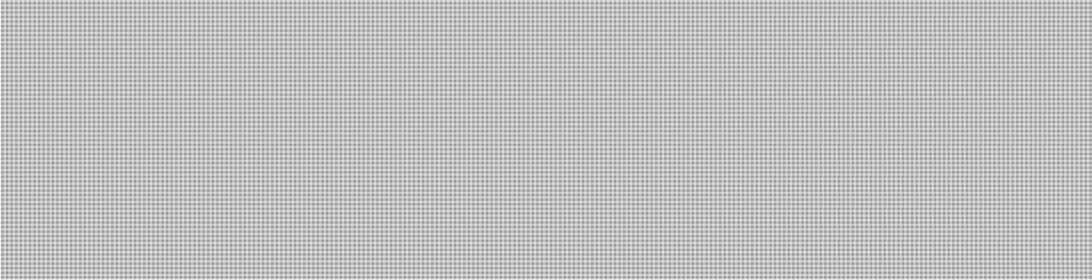
- 8 -

6. FUTURE BORDER COOPERATION POST-2016

A meeting of the BTB Executive Steering Committee took place on October 6, 2016. It provided Canada and U.S. officials with the opportunity to discuss the remaining commitments, progress on preclearance and Entry/Exit, and potential areas for future cooperation.



KEY MESSAGES:

- **Acknowledge productive meeting of the BTB Executive Steering Committee a few weeks ago.**
- 

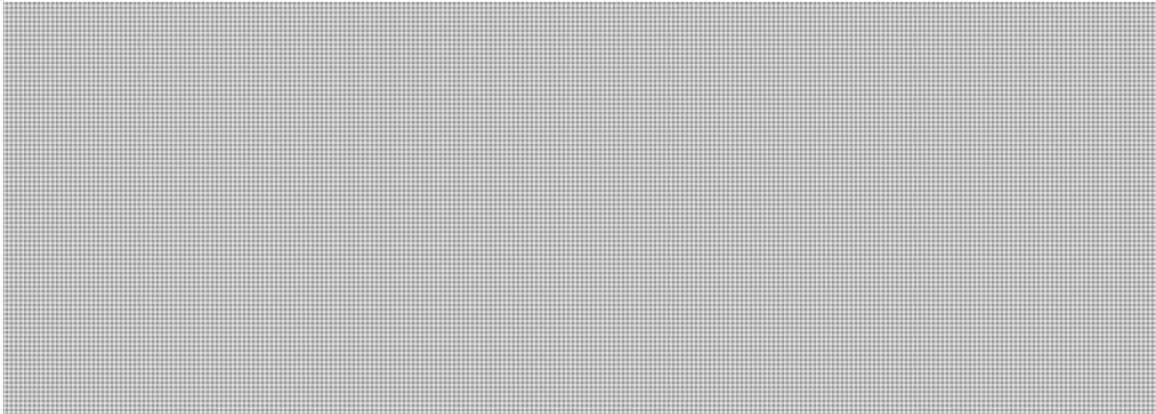
- **Express intent to work closely with DHS staff on current border issues and identification of potential future initiatives.**

7. RESPONSIVE ITEMS THAT MAY BE RAISED BY THE U.S.

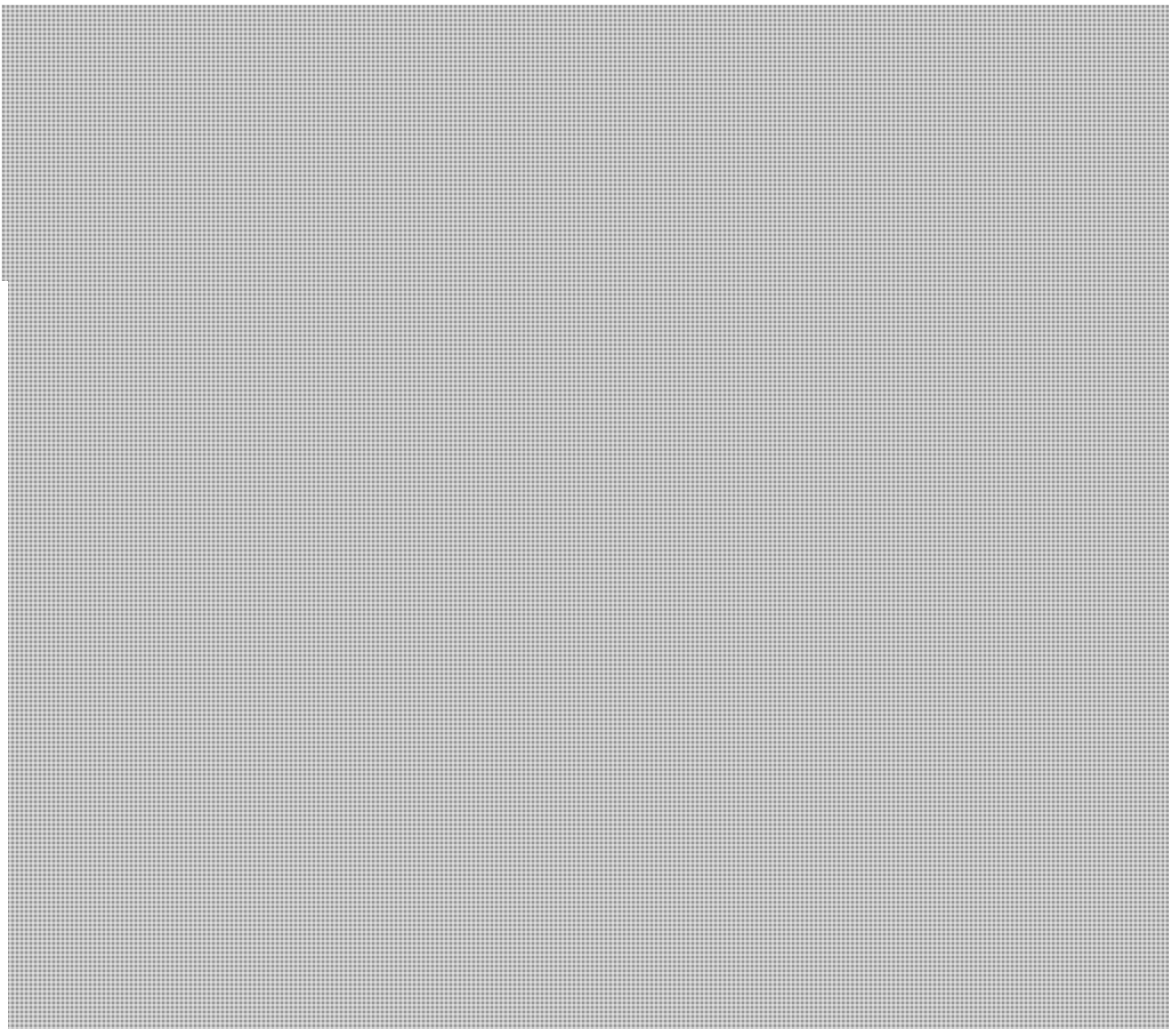


UNCLASSIFIED

- 9 -

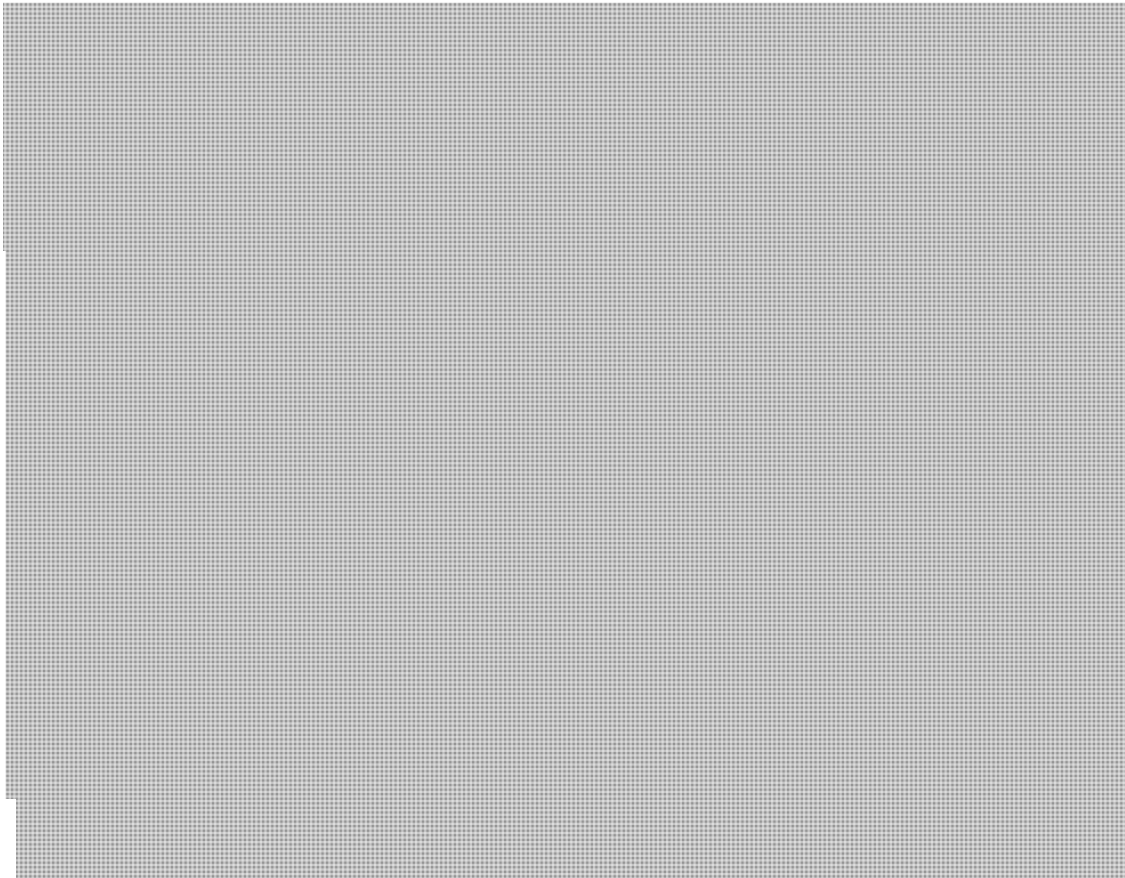


RESPONSIVE MESSAGES:



UNCLASSIFIED

- 10 -



NEXT STEPS

Should you require additional information, please do not hesitate to contact me or Paul MacKinnon, Assistant Deputy Minister, Portfolio Affairs and Communications Branch at 613-949-6435.

Malcolm Brown

Enclosure: (5)

Prepared by: Rob Ford/Alex Groarke

DHS SECRETARY JOHNSON VISIT TO OTTAWA

THURSDAY, OCTOBER 27, 2016

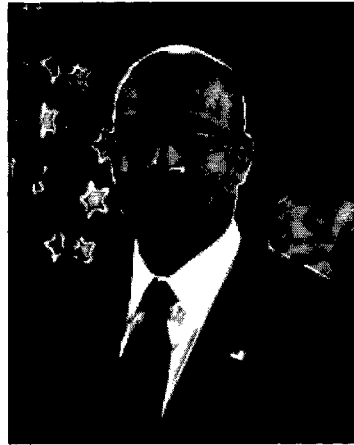
U.S. DELEGATION

- Secretary Johnson will be accompanied by DHS Deputy Assistant Secretary Kelli Ann Burriesci, Ambassador Bruce Heyman, DHS Director Deb Meyers, and DHS Attaché to U.S. Embassy Leslie Lawson.
- The following support staff will be travelling with the Secretary: [REDACTED]
[REDACTED] Official Photographer. Plus members of the Secret Service.

PROGRAM

- **9:00 – 9:45 a.m.** (@ IRCC) Meeting with Minister McCallum.
Topics – immigration, refugees.
- **10:00 - 10:30 a.m.** (@ Transport): Meeting with Minister Garneau
Topics: [REDACTED]
- **10:40** – Arrival of U.S. delegation at Center Block (main entrance) – met at motorcade by Minister Goodale and Jennifer Swan (Minister's office) and escorted to Minister's Boardroom
- **10:45 – 11:10 a.m.** (501-S Centre Block Minister's Boardroom) – Private time
- [REDACTED]
- **12:00 – 1:30 p.m.** (New Zealand Room - Parliamentary Restaurant)
Working lunch between U.S. Delegation and Canadian representatives – supporting staff to dine on their own in main dining room.
- **1:30 – 2:00 p.m.** – Tour of Parliament
Minister Goodale to tour with Secretary Johnson and Ambassador Heyman
Professional guide provided for the rest of the delegation and staff
- **2:00 – 2:10** End of tour - Protocol officer to meet U.S. delegation and escort to House of Commons gallery for QP – Support staff escorted by Jennifer Swan to Minister's Boardroom
- **2:15 – 3:00** – Appearance at QP – Protocol officer will meet U.S. delegation at the end of QP to escort them to the Minister's Boardroom
- **3:00 – 3:30** (Minister's Boardroom)- Private Time –
Jennifer Swan to escort to Minister Wilson-Raybould's office
- **3:30-4:00** (Minister of Justice's Hill Office) Meeting with Minister Wilson-Raybould
Topics: [REDACTED]
- Departure back to D.C. of the U.S. delegation

Jeh Johnson – Secretary – Department of Homeland Security



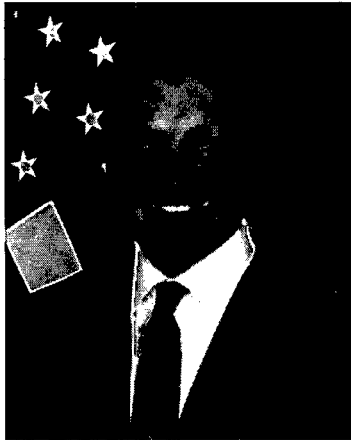
Jeh Charles Johnson was sworn in on December 23, 2013 as the fourth Secretary of Homeland Security. Prior to joining DHS, Secretary Johnson served as General Counsel for the Department of Defense, where he was part of the senior management team and led the more than 10,000 military and civilian lawyers across the Department. As General Counsel of the Defense Department, Secretary Johnson oversaw the development of the legal aspects of many of our nation's counterterrorism policies, spearheaded reforms to the military commissions system at Guantanamo Bay in 2009, and co-authored the 250-page report that paved the way for the repeal of "Don't Ask, Don't Tell" in 2010.

Secretary Johnson's career has included extensive service in national security, law enforcement, and as an attorney in private corporate law practice. Secretary Johnson was General Counsel of the Department of the Air Force from 1998 to 2001, and he served as an Assistant U.S. Attorney for the Southern District of New York from 1989 to 1991.

In private law practice, Secretary Johnson was a partner with the New York City-based law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP. In 2004, Secretary Johnson was elected a Fellow in the prestigious American College of Trial Lawyers, and he is a member of the Council on Foreign Relations.

Secretary Johnson graduated from Morehouse College in 1979 and received his law degree from Columbia Law School in 1982.

Bruce Heyman, United States Ambassador to Canada



Bruce Heyman presented his letter of credence to the Governor General of Canada on April 8, 2014, having been confirmed as President Obama's personal representative to Canada on March 12, 2014, and having been sworn in on March 26, 2014. He is a 33 year veteran of Goldman Sachs, where he served as a regional managing director of the Midwest private wealth management group, which covers 13 states and half of Canada, from 1999 until December of 2013.

Mr. Heyman has served as a board member for the Chicago Council on Global Affairs and the Northwestern Memorial Hospital Foundation. He also served as an advisor to the Fix the Debt CEO Council of the Committee for a Responsible Federal Budget. He has been a member of The Economic Club of Chicago, The Executives' Club of Chicago, and the Facing History and Ourselves Chicago Advisory Board.

A magna cum laude graduate with both a BA and an MBA from Vanderbilt University, Mr. Heyman continues to maintain close ties to his alma mater. He is past president of the Alumni Board and a former member of the Board of Visitors at the university's Owen Graduate School of Management. He is married to the former Vicki Simons of Ashland, Kentucky. They have three grown children, David, Liza, and Caroline, and two grand-children, Emma and Clara.

The Ambassador's responsibilities include:

- Speaking with one voice to others on U.S. policy--and ensuring mission staff do likewise--while providing to the President and Secretary of State expert guidance and frank counsel;
- Directing and coordinating all executive branch offices and personnel (except for those under the command of a U.S. area military commander, under another chief of mission, or on the staff of an international organization);
- Cooperating with the U.S. legislative and judicial branches so that U.S. foreign policy goals are advanced; security is maintained; and executive, legislative, and judicial responsibilities are carried out;
- Reviewing communications to or from mission elements;
- Taking direct responsibility for the security of the mission -- including security from terrorism -- and protecting all U.S. Government personnel on official duty (other than those personnel under the command of a U.S. area military commander) and their dependents;
- Carefully using mission resources through regular reviews of programs, personnel, and funding levels;
- Reshaping the mission to serve American interests and values and to ensure that all executive branch agencies attached to the mission do likewise; and
- Serving Americans with professional excellence, the highest standards of ethical conduct, and diplomatic discretion.

Kelli Ann Burriesci, Principal Deputy Director, Terrorist Screening Center



Kelli Ann Burriesci current serves as the Principal Deputy Director for the Terrorist Screening Center providing senior executive leadership for the United States Government's multi-agency, consolidated, counterterrorism, watchlisting component. As the second in command, PDD Burriesci is accountable to support the Director and the full responsibilities of the TSC, to include operations, redress, international engagement, personnel security, and facilities management.

Prior to TSC, Kelli Ann Burriesci served as both the Acting Principal Deputy Assistant Secretary for Policy and the Assistant Secretary for Threat Prevention and Security Policy. In those capacities she led Departmental and interagency policy development and integration on behalf of the Secretary of Homeland Security and DHS senior leadership, as well as served as principal advisor on the Department's screening, law enforcement and information sharing policies. Assistant Secretary Burriesci also led the international Visa Waiver Program and national REAL ID program offices.

Serving over nine years in the DHS Office of Policy, Ms. Burriesci has developed security policies for both domestic and international initiatives related to immigration, border, transportation, document security, and access to critical infrastructure.

Before joining DHS, Ms. Burriesci worked in the private sector focusing on identity management programs that provide a layer of security for Federal transportation programs and Federal personal identity verification credentials.

Ms. Burriesci holds a Bachelor of Arts from the State University of New York at Binghamton, and a Master of Public Administration from Syracuse University. Ms. Burriesci joined the Senior Executive Service in February 2012, and completed the DHS Executive Capstone Program in 2015.

Deborah W. Meyers, Director for Canadian Affairs, Department of Homeland Security

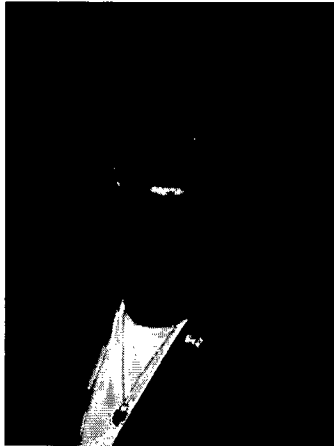


Deborah Meyers is the Director for Canadian Affairs in the Office of Policy where she coordinates DHS engagement with Canada on issues ranging from border management to critical infrastructure protection to law enforcement cooperation and emergency preparedness.

She previously served as Senior Policy Analyst at the Migration Policy Institute and as a Policy Analyst at the Carnegie Endowment for International Peace and the U.S. Commission on Immigration Reform, where her work focused on immigration, refugee, visa policy, and border issues, with particular focus on North America. Ms. Meyers has done consulting work with the Chicago Council on Foreign Relations, Inter American Dialogue, and RAND and is the author of approximately 40 published reports, articles, chapters, and policy briefs.

Ms. Meyers earned her M.A. from the Elliott School of International Affairs at George Washington University and her B.A. from Brandeis University. She also completed Georgetown University's Nonprofit Management Executive Certificate Program, is proficient in Spanish, and is a member of the Association of Canadian Studies in the United States and Association of Borderlands Studies.

Leslie M. Lawson, Attaché of Department of Homeland Security, U.S. Embassy, Ottawa, Canada



DHS Attaché Leslie M. Lawson is the Secretary of Homeland Security's personal representative within Canada, the Homeland Security Advisor to the US Ambassador and the Senior DHS policy representative in country. She assumed her current duties in October 2015, and is responsible for coordinating policy engagement in Canada across the entire DHS portfolio.

Attaché Lawson entered on duty with the United States Customs Service in Burlington, Vermont, in March, 1992. She then transferred to the Immigration and Naturalization Service later that same year. She became a U.S. Border Patrol on August 1, 1994, as a member of Class 270. Her first duty assignment as a Border Patrol agent was at the Chula Vista Station in the San Diego Sector.

As her career progressed, Mrs. Lawson promoted to Supervisory Border Patrol Agent and then Patrol Agent in Charge at the Ramey Station in Puerto Rico. She later became an Assistant Chief Patrol Agent in the Swanton, Vermont Sector and promoted to Associate Chief at Border Patrol Headquarters in Washington, DC.

In 2009, Mrs. Lawson was selected as the U.S. Customs and Border Protection (CBP) Attaché at the U.S. Embassy in Mexico City, Mexico, where she was the Commissioner's representative within Mexico with responsibility for advising the U.S. Ambassador to Mexico on CBP policy and procedure. In 2011, she became the Patrol Agent in Charge of the Nogales, Arizona, Border Patrol Station, the largest station in the country.

During her nearly 25 year career, Attaché Lawson has been fortunate enough to be assigned around the country and world with DHS, CBP and the Border Patrol, having served on the southwest, northern and coastal borders, as well as in the capitals of the United States, Mexico and Canada. She was also the first female to permanently lead the Nogales Station and won Women in Law Enforcement's "Outstanding Advocate for Women" award.

Mrs. Lawson earned a Bachelor of Arts degree in English and history from the University of Vermont. She also earned a Master of Science degree in criminal justice from Michigan State University. She has been an adjunct instructor at Arizona Western College enjoys studying and speaking about North American trade and security.

Leslie M. Lawson is 47 years old and a native of Sheldon, Vermont. Her husband, John, also served in the U.S. Border Patrol.

VISION FOR CARGO PRE-INSPECTION/PRE-CLEARANCE

Over the last decade, the economies of the United States and Canada have become ever more intertwined – with our two countries sharing a far more integrated binational commercial, manufacturing, and logistics platform than ever before, supported and fueled by truly binational infrastructure networks from the Pacific to the Atlantic. In tandem with similar developments with Mexico, this deepening economic integration promises to make North America the most formidable competitor in the global economy.

Through such efforts as the 2011 Beyond the Border initiative, our governments have worked to facilitate this deepening economic integration – by clearing away unnecessary obstacles to trade and travel at and beyond our borders, and by working together to secure the perimeter of the United States and Canada. In addition, and in partnership with the private sector, our countries have worked to innovate, utilizing new technologies and improved processes to better secure and expedite legitimate commerce across our shared border.

One such innovation is a simple principle: Each inspecting country should only need to examine cargo once, unless a subsequent examination is deemed appropriate, and at the earliest point possible in the supply chain based upon the submission of pre-arrival information used by customs and other government departments to make risk assessments and an admissibility decisions. After that point, and assuming adequate security in transit, this cargo should be permitted to cross our shared borders and into our respective national economies. Recently, our governments held discussions regarding how to implement this principle through the concept of “pre-inspection” or “preclearance.” Pre-inspection/preclearance holds the potential to achieve a single examination vision and reduce trade-related obstacles to commerce between our two countries.

This paper outlines a vision for how pre-inspection/preclearance could play such a role.

1. Definitions

Cargo preclearance: Inspecting Party personnel stationed in, or deployed to, the Host Country conduct examinations, search and inspection for the purpose of ensuring that the entry of goods into the territory of the Inspecting Party conform to the Inspecting Party’s laws concerning customs, immigration, agriculture, public health and safety and other requirements relating to entry and admission.

Cargo pre-inspection: Inspecting Party personnel stationed in the Host Country performing some initial inspection functions in the Host Country, with further examination being conducted in the Inspecting Party country, if required.

2. **Overarching Vision:** Facilitate binational trade and prosperity, achieve greater efficiency in cargo processing, allocate public resources optimally, and enhance security through the strategic deployment of cargo pre-inspection or preclearance.

3. **Goals:**

- *Reduce wait times/bottlenecks and promote a single examination of cargo, including advance risk assessments, at the earliest point practicable in processing commercial goods, unless a secondary examination is deemed appropriate.*
- *Create cost savings, improve existing processes, and better utilize existing infrastructure and resources with the aim of facilitating trade and prosperity as well as enhancing security.*
- *Prevent unauthorized goods from crossing the border by examining cargo earlier in the supply chain, and securing it in transit.*

4. **Guiding Principles:**

- *Build on successful cargo facilitation and security programs and pilot projects by leveraging existing tools (e.g., the Integrated Cargo Security Strategy (ICSS), Single Window, Mutual Recognition of Air Cargo Security), learning from previous pilots (e.g., Peace Bridge, Prince Rupert, Mesa de Otay, and Laredo), and conducting evaluations.*
- *Encourage data-driven decisions, including use and analysis of advance information, to ensure efficient and effective use of valuable, limited resources and capital.*
- *Consider stakeholder needs and market demand.*
- *Avoid duplication of government border management and industry compliance efforts.*
- *Make decisions based on criteria mutually identified by the United States and Canada.*
- *Operational working groups including legal counsel are expected to assess requirements.*

Information-Sharing on Sex Offenders – Angel Watch Program

Background

The US and Mexico have extended an invitation to Canada to tri-lateralize the Angel Watch Program under a variety of fora (i.e., North American Leaders Summit (September 2014) officials meeting, Canada/Mexico Bilateral Security Consultations (December 2014), and the Five Country Ministerial (February 2015). Participation in the Program would require Canadian law enforcement agencies to provide advance systematic notifications to US and Mexican law enforcement agencies regarding individuals that have been convicted of a sexual offence against a child in Canada, and who are about to travel to the U.S. or Mexico. Participation is reciprocal.

In Canada, the *Sex Offender Information Registration Act* (SOIRA), which was implemented in 2004, and the National Sex Offender Registry (NSOR) established thereunder, is the federal database of convicted sex offenders (child and otherwise) in Canada. The NSOR is administered by the Royal Canadian Mounted Police and accessible to all accredited Canadian police agencies for specific preventative or investigative purposes through a provincial/territorial registration centre. The NSOR is an offence-based model and inclusion is automatic upon conviction for a range of sex offences (e.g., exposure to sexual assault); it is not determined by the offender's level of risk.

Current Status

Canadian law enforcement officials are authorized to disclose to foreign police services information collected under the SOIRA or under the NSOR, on a case by case basis, under Section 16(4)(j.1) of SOIRA as long as the threshold is satisfied specifying that sharing information is necessary to assist a police service outside Canada with the prevention or investigation of a crime of a sexual nature. As such, the SOIRA provides for targeted information sharing to police in foreign jurisdictions in appropriate cases, e.g., when there is information that the offender may travel to another country, for the purpose of committing a child sexual exploitation offence(s).

Aside from information-sharing provisions under the SOIRA, Canadian police also work with INTERPOL to broadcast travel advisories about known sex offenders, who have not yet been convicted, who are attempting to travel to foreign countries for adult-child sex. INTERPOL issues a Green Notice to member countries providing warnings and criminal intelligence about persons who have committed criminal offences and are likely to repeat these crimes in other countries.


Targeted measures are in place that allows Canada to engage international partners on a case-by-case basis, as appropriate. Canada's NSOR ensures that we are aware of all convicted sex offenders across the country and various information about them, including where they reside, work, and where they travel. High risk sex offenders in Canada may also have travel restrictions in place under other legislative measures, such as peace bonds (s. 810 orders under the *Criminal Code*) or Long-Term Supervision Orders, that preclude international travel.

In addition, on June 23, 2015, amendments to the *Canadian Passport Order* came into force to provide the Minister of Citizenship and Immigration with a strengthened ability to cancel, refuse or revoke passports to prevent individuals from travelling abroad to commit a sexual offence against children. If the Minister refuses to issue or revokes an individual's passport, he may also refuse to deliver passport services to that individual for a maximum period of 10 years.

Challenges/Considerations

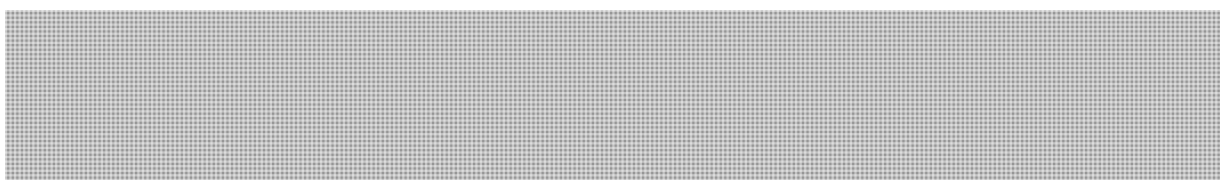
Canada does not have a centralized repository of *public* information regarding individuals that have been convicted of crimes of a sexual nature against children.

The *Tougher Penalties for Child Predators Act* (former Bill C-26) received Royal Assent in 2014, including amendments to the SOIRA to further strengthen the NSOR by ensuring we have more information on the whereabouts of travelling sex offenders. Notably, all those convicted of a sex offence against a child will be required to report all travel outside Canada, regardless of the duration of the trip.



These amendments will further address information gaps regarding registered sex offenders and enhance law enforcement's capacity to undertake targeted information sharing in cases where it is necessary to prevent or investigate a sexual offence in another jurisdiction.

SOIRA in its current state, along with the amendments of SOIRA contained in *Tougher Penalties for Child Predators Act*, do not allow for systematic sharing of information between Canadian Law enforcement officers and Mexican and American police services.



Next Steps


Canada will continue to work with its foreign colleagues on transnational child sex offender matters by sharing information through existing legal mechanisms where the information is necessary to assist a police service outside Canada with the prevention or investigation of a crime of a sexual nature.

Further analysis continues to be undertaken to determine what more Canada can be doing within its current legal framework that would be complementary to information sharing as it exists in Angel Watch, and what more could be accomplished through considering further legislative and operational procedural changes to enhance information sharing.

October 24, 2016

BACKGROUND ON TRANSSHIPPED COUNTERFEIT GOODS

In-transit shipments are exported from one country, pass through an intermediary country (e.g. Canada) and are destined for import in a third country. The goods are sealed prior to export and remain under Customs control until they reach their final destination. Unlike border officers in Canada, Customs and Border Patrol (CBP) officers have the authority to determine whether imported and in-transit goods infringe intellectual property (IP) rights granted under U.S. law, as well as to seize and destroy any such goods.



In December 2014, Parliament passed Bill C-8, the *Combating Counterfeit Products Act*. It enacted new prohibitions on the import and export of goods that infringe the *Copyright Act* or the *Trade-Marks Act*, and granted the CBSA authority to share certain information about imported goods with IP rights-holders. Together, these provisions mean that the CBSA may now temporarily detain goods suspected to be counterfeit or pirated while enabling IP rights-holders, where they deem it appropriate, to pursue civil enforcement actions for alleged infringements of their IP rights. This is consistent with Canada's broader approach to IP rights, which – with the exception of some criminal offences that require an intent to defraud consumers – leaves it to IP rights-holders to decide when to pursue legal proceedings for alleged infringements, and to the civil courts to decide whether an infringement has occurred and the appropriate remedies.

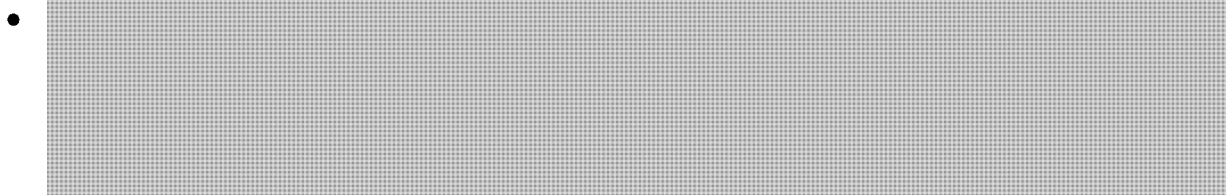
The new provisions enacted under Bill C-8 do not, however, apply to in-transit goods. So, while the CBSA has authority under the *Customs Act* to examine, detain and seize in-transit goods that pose a threat to national security or risk to public health or safety, the CBSA has no such authority with respect to in-transit goods solely for suspected IP rights infringements. This was a deliberate policy choice based on the principle of territoriality. Under Canadian law, IP infringements occur only when goods are offered on the domestic market. In-transit goods are not destined for the Canadian market and therefore do not infringe any Canadian IP laws. The Government of Canada's position in recent international trade negotiations (i.e., Trans-Pacific Partnership, Canada-European Union Comprehensive Economic and Trade Agreement) reflected this same position.

CBSA does have the authority to examine and seize in transit shipments that pose national security threats, contraband (e.g. weapons and illicit drugs), and health and safety risks to the public. These goods could be subjected to seizure because they are regulated, controlled or prohibited in various Acts of Parliament and may be specifically identified as being inadmissible. Suspect counterfeit and pirated goods are not considered to be contraband and not subject to seizure. In addition, Canadian officials may share information and alert their American counterparts of shipments of mutual interest.

**BACKPOCKET MATERIAL FOR MEETING WITH JEH JOHNSON
SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY**

1. *PRECLEARANCE*

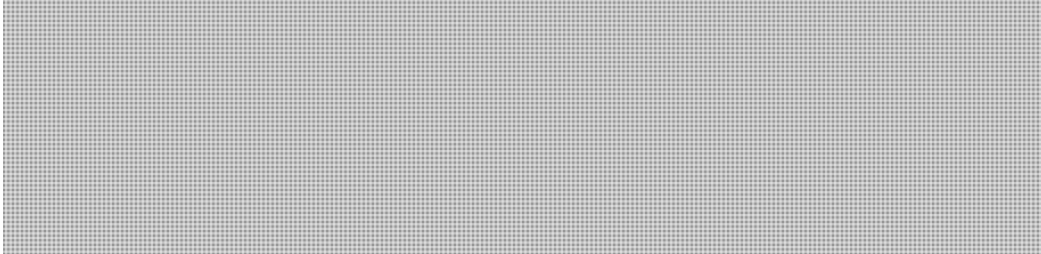
- Cargo: Minister and Secretary to endorse cargo vision at this meeting; get commitment to identify initial cargo pilots and exchange letters to formalize list of pilots and vision by the end of the year.



2. *INFORMATION SHARING (TUSCAN / SATA)*

- Expect this to be a progress update. 


- TUSCAN:

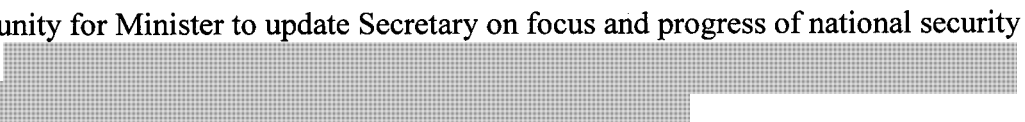
- 
-

- SATA/No Fly: Information is being shared; completing the process to refer cases to the Redress Working Group.

3. *ENTRY/EXIT*

- Opportunity to reiterate commitment to passing Entry/Exit legislation.
- Canada has been sharing information on U.S. citizens entering at the land border since August 2016.

4. *NATIONAL SECURITY REVIEW*

- Opportunity for Minister to update Secretary on focus and progress of national security review. 
- Secretary may also be interested in hearing about oversight/Bill C-22.

5. FIVE COUNTRY MINISTERIAL

- [REDACTED] Canada to host the next Five Country Ministerial/Quintet meeting.
- Canada willing to do so. Still considering dates and location - possibly spring 2017.

6. FUTURE BORDER COOPERATION POST-2016

- Opportunity to continue to assure U.S. of importance of border cooperation to Canada
- [REDACTED]

7. RESPONSIVE ITEMS THAT MAY BE RAISED BY THE U.S.

[REDACTED]

8. Other

- DHS has advised that, in the context of his tour of Parliament, [REDACTED]
- [REDACTED]



Public Safety Sécurité publique
Canada Canada

Deputy Minister Sous-ministre

Ottawa, Canada
K1A 0P8

UNCLASSIFIED

File No.: PS- 015128
RDIMS No.: 2135759

MEMORANDUM FOR THE MINISTER

MEETING WITH JOHN KELLY
SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY

(Information only)

ISSUE

You are meeting with the Secretary of the Department of Homeland Security (DHS), John Kelly, on March 10, 2017. This will be his first visit to Canada as DHS Secretary, and he will be meeting with you and various Cabinet colleagues (see **TAB A** for full program).

You will be spending part of the day with Secretary Kelly, having invited him for a roundtable discussion on priorities with members of the Canada-U.S. Cabinet Committee, a working lunch, and a tour of the Peace Tower. You will also be joining Minister Hussen at his request for his meeting with Secretary Kelly. An overview of key messages and outcomes has been developed for your reference (**TAB B**).

BACKGROUND

Secretary Kelly is expected to be accompanied by DHS Assistant Secretary of Public Affairs Jonathan Hoffman, Acting Customs and Border Protection (CBP) Commissioner Kevin McAleenan, DHS Deputy Assistant Secretary Matthew King, DHS Director Deborah Meyers, U.S. Embassy Chargé d'Affaires Elizabeth Aubin, and DHS Attaché to the U.S. Embassy in Canada Leslie Lawson. Biographies are enclosed (**TAB C**). They will participate in the Secretary's meetings, with the exception of the special meeting with Cabinet Committee members where it will only be the Secretary, the Chargé, the Acting CBP Commissioner, and the Secretary's Chief of Staff.



UNCLASSIFIED

- 2 -



Secretary Kelly may also request an update on Canada's legalisation of marijuana, reiterate the U.S. request for greater information sharing on convicted sex offenders, and seek greater action from Canada on transhipped counterfeit or copyright-infringing goods. Briefings on responsive issues are attached (**TAB D**).

CONSIDERATIONS

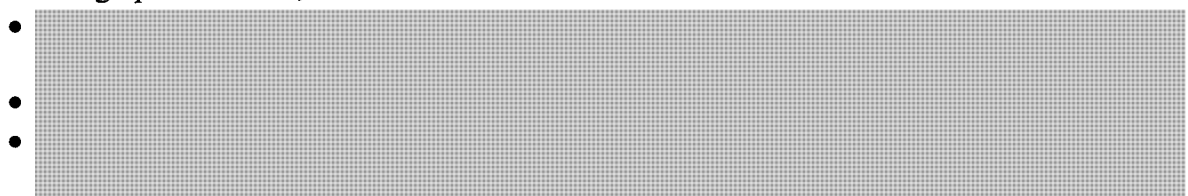
1. PRECLEARANCE

The February 13, 2017 joint statement between Prime Minister Trudeau and President Trump included a commitment for both Canada and the U.S. to implement cargo preclearance (**TAB E**), and explore opportunities for possible co-location.



be an opportunity to agree to:

- conduct consultations with industry to identify interested partners and locations for cargo preclearance;



.../3

UNCLASSIFIED



- 3 -

You may also wish to jointly direct officials to hold a meeting of the Preclearance Consultative Group in the next 120 days to update on the agreed items and discuss next steps.

KEY MESSAGES:

- **Recognize the February 13th Joint Statement as an important step forward for cargo preclearance and possible co-location opportunities.**



- **Note that for Canadian preclearance in the U.S.,** 


CBSA will continue the ongoing dialogue with its U.S. counterparts to move ahead on a strategy for preclearance.

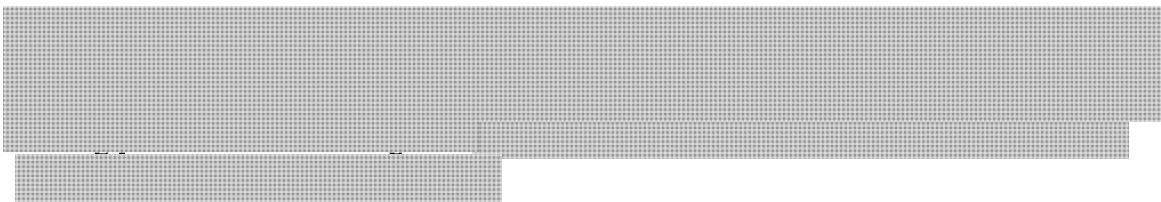
- **Provide assurance that in Bill C-23, Canada has all legal authorities to conduct cargo preclearance in the U.S. and to allow for U.S. preclearance officers to clear cargo in Canada.**

- 

- 

Progress on these issues should be discussed at the next Preclearance Consultative Group meeting to be held in the next 120 days.

2. RECENT BORDER TRENDS



.../4

UNCLASSIFIED

- 4 -

Asylum Seekers

[REDACTED]

The ports of entry most impacted are located in Quebec, Manitoba, and British Columbia. Three main categories of claimants have been identified to date:

- [REDACTED]
- [REDACTED]
- [REDACTED]

Existing CBSA and RCMP resources have already been internally reallocated to respond to the current flows, and border integrity is an ongoing area of cooperation with the U.S. Given the broad range of departments and agencies involved [REDACTED]

[REDACTED]

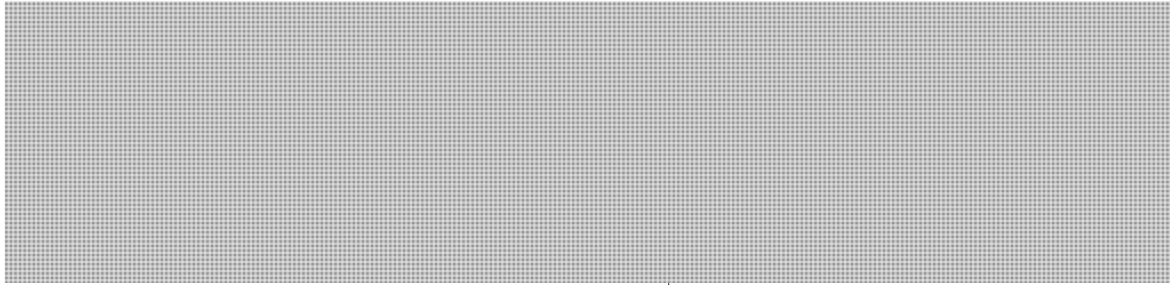
Travel Restrictions

U.S. Executive Orders have also resulted in uncertainty with respect to the public's ability to travel and heightened concerns about the treatment of individuals seeking to enter the U.S. Some school boards have cancelled cross border travel, and media has reported on individuals who are being turned away at the border. An overview of such cases recently identified in the media is attached for your information (**TAB G**). These cases are having a negative impact on public perception of other border initiatives such as preclearance.

.../5

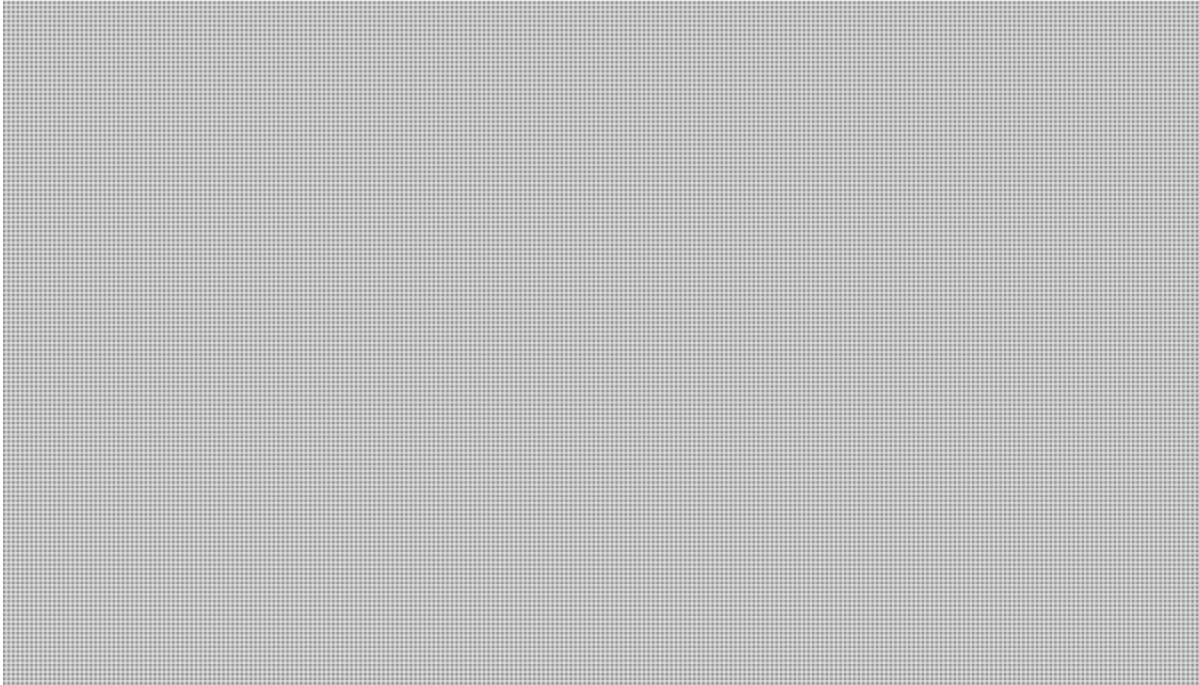
UNCLASSIFIED

- 5 -



Entry/Exit and Biometrics

The March 6 Executive Order on immigration and travel reiterates the call to “expedite the completion and implementation of a biometric entry/exit system for in-scope travellers to the U.S.”



.../6

UNCLASSIFIED

- 6 -

Privacy

The Executive Order on public safety which dealt with removals included language that sought to have federal agency privacy policies exclude persons who are not United States citizens or lawful permanent residents. [REDACTED]

KEY MESSAGES:

- **Underscore the need to work together to keep the land border flowing effectively, while ensuring security at and between ports of entry.**
- **Emphasize the importance of ensuring consistent and predictable interactions for legitimate travellers and traders transiting the Canada-U.S. border, especially in current public environment of uncertainty.**

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

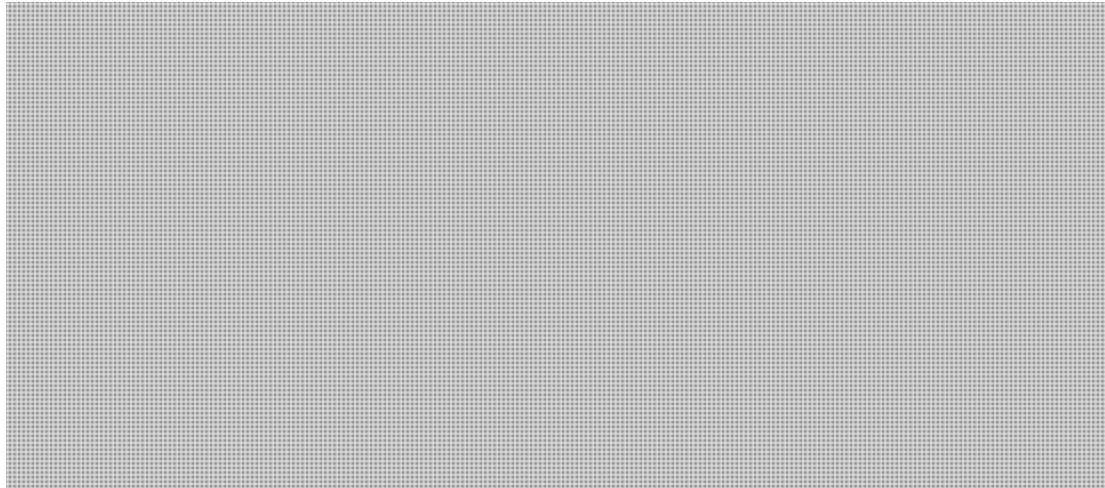
- **Express the Government's commitment to move Entry/Exit legislation through Parliament;** [REDACTED]

.../7

UNCLASSIFIED

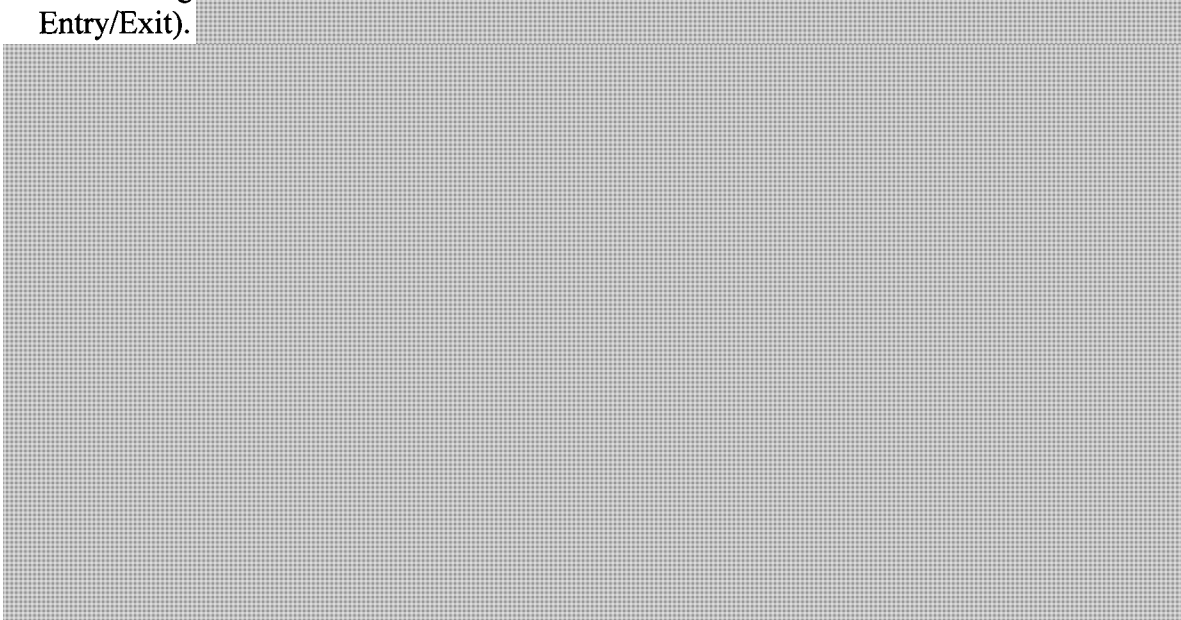
- 7 -

-
-
-



3. FUTURE OPPORTUNITIES FOR COOPERATION

The PM/President Joint Statement of February 13 identifies several areas for further cooperation on security (see **TAB H** for overview of previous collaboration). It also acknowledges that there is significant cooperation already underway (e.g. preclearance, Entry/Exit).



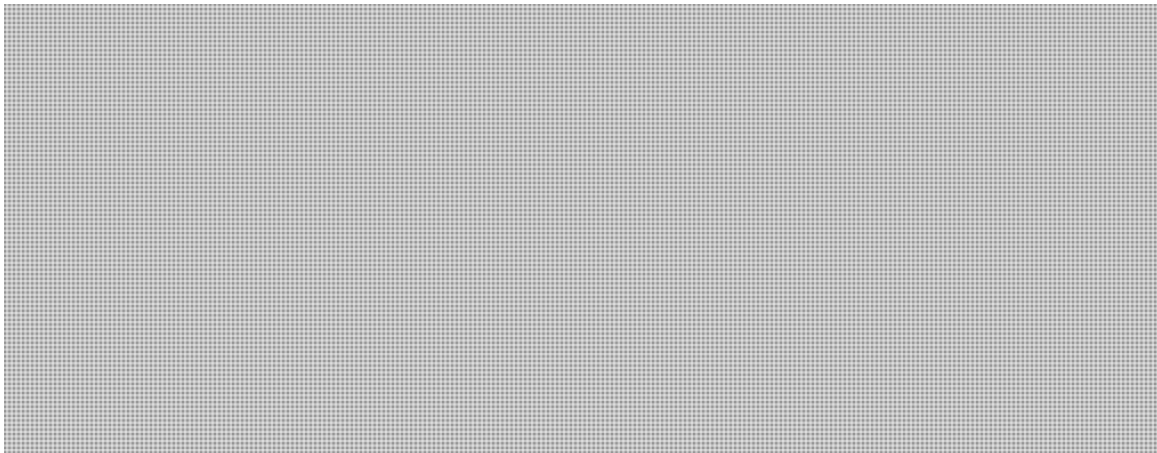
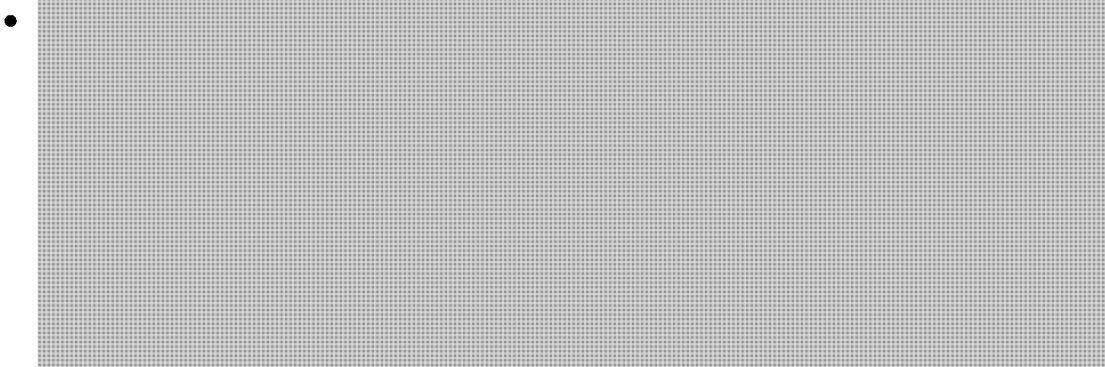
.../8

UNCLASSIFIED

- 8 -

KEY MESSAGES:

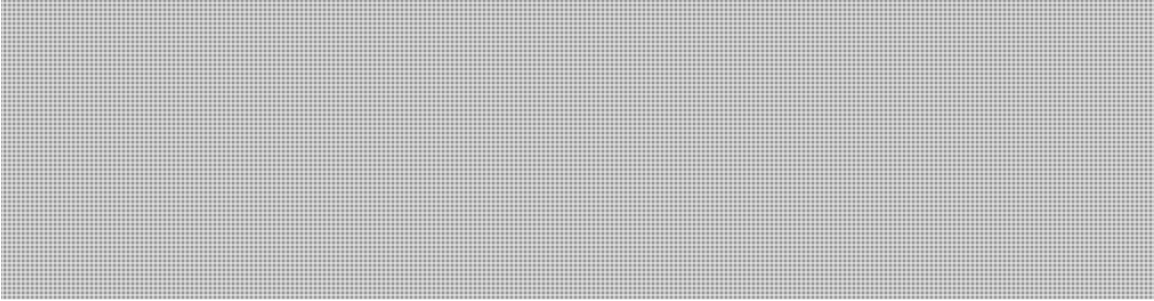
- **Note that over the last fifteen years, Canada and the U.S. have made significant progress in establishing a risk-based approach to the border. Both countries have worked together to:**
 - **build a common understanding of threats through increased information sharing in the areas of national security, immigration, and law enforcement;**
 - **enhance cyber security and critical infrastructure resilience on both sides of the border;**
 - **facilitate legitimate travel through the establishment of trusted traveller programs such as NEXUS and Global Entry;**
 - **expand the potential of air preclearance to all modes and cargo;**
 - **support cross-border trade through harmonized commercial processing;**
 - **improve aviation security through recognition of national security standards and adoption of security screening technology; and**
 - **make significant, complementary investments in border infrastructure.**




.../9

UNCLASSIFIED

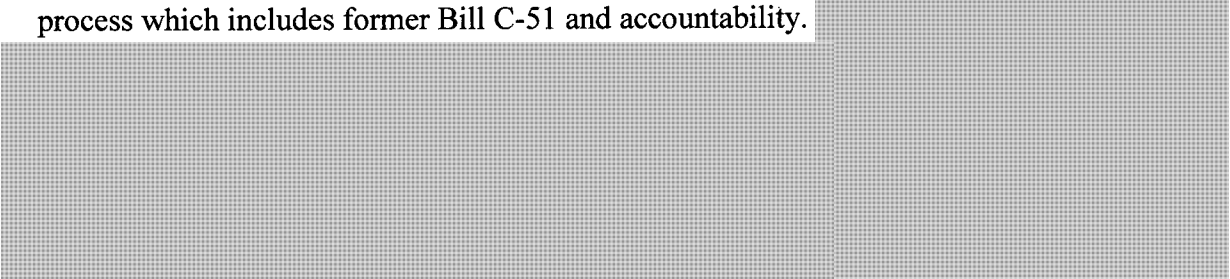
- 9 -



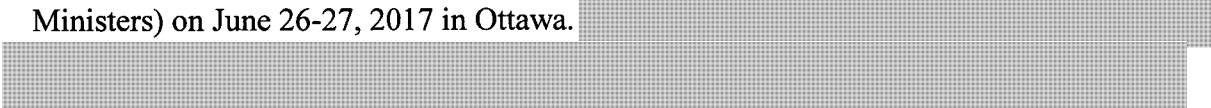
The Canada-U.S. Redress Working Group has been launched and is examining mechanisms to address issues regarding security lists experienced by Canadian citizens and permanent residents.



The U.S. continues to express interest in Canada's national security consultation process which includes former Bill C-51 and accountability.



Canada will host the next Five Country Ministerial with the Quintet (Five Eyes Justice Ministers) on June 26-27, 2017 in Ottawa.



cyber and critical infrastructure. The Five Country Ministerial countering radicalization to violence (CRV) working group met March 7-8 in Ottawa.

KEY MESSAGES:

- **Note that important information sharing is already underway -**
- 

.../10

UNCLASSIFIED

- 10 -

- **Highlight the engagement of Canadians in an unprecedented consultation process on a range of national security issues, resulting in over 79,000 responses in the online consultation process alone. The scope of changes that will be made to our National Security Framework are still under discussion.**
- **Note that Canadians strongly support taking additional measures to improve accountability and transparency with respect to our national security.**
- **Provide assurance that we will continue to work closely on national security issues with U.S. counterparts so that we can both keep our citizens safe in a manner that safeguards their rights and freedoms.**
- **Underscore that Canadians also remain engaged on the issue of prevention as a means to address issues related to radicalization to violence. To that end, Canada is standing up an Office on Community Outreach and Countering Radicalization to Violence to provide national and international leadership.**
- **Note that this week, Five Eyes officials have been engaged in a range of meetings and events to discuss emerging policy issues and innovative research to address countering radicalization to violence. The result will form the basis of discussions at the Five Country Ministerial in Ottawa in June.**

5. *CYBERSECURITY*

The U.S. has previously expressed an interest in our domestic review of Canada's cybersecurity approach and framework. PS officials have kept Five Eyes partners apprised of Canada's Cyber Review through the Ottawa 5 and the Usual 5 working groups. Given President Trump's platform commitment to implement a review of all cybersecurity systems and technologies, the Canadian experience may be of interest.

The PM/President Joint Statement identified cybersecurity as an important area for collaboration. There is already ongoing cooperation, at both a policy and operational level, to detect, deter and respond to cyber threats. PS is currently exploring ways to enhance Canadian-American cooperation in this area.

.../11

UNCLASSIFIED

- 11 -

It is anticipated that the White House will issue an Executive Order related to cybersecurity which may mirror President Trump's campaign commitment including: directing the Department of Justice to create a Task Force with federal, state, local and international law enforcement authorities to address cybercrime; creating a Task Force of military, civilian and private sector cyber security experts to conduct a review of all systems and technology; and develop defensive and offensive capabilities to launch cyberattacks.

KEY MESSAGES:

- **Provide an overview of key issues raised during Canada's cyber review, including the need for:**
 - **better private sector engagement, enhanced public awareness, education and training;**
 - **improved information sharing mechanisms between the private and public sector; and**
 - **cyber security legislation, regulation or standards for critical infrastructure and other sectors.**

- **Note that comments revolved around three main themes:** [REDACTED]
 - **secure and resilient Canadian systems;**
 - **an innovative and adaptive cyber ecosystem; and**
 - **effective leadership and governance.**

- **Share that based on the conclusions of the review, Canada is:**
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]

- **Emphasize that there is already close policy and operational collaboration between Canada and the U.S.**

- [REDACTED]

.../12

UNCLASSIFIED

- 12 -

NEXT STEPS

Should you require additional information, please do not hesitate to contact me or
Jill Wherrett, A/Assistant Deputy Minister, PACB at 613-949-6435.

Malcolm Brown

Enclosure: (10)

Prepared by: Melanie Anestis

**DHS SECRETARY KELLY VISIT TO OTTAWA
FRIDAY MARCH 10, 2017**

PROGRAM

- **10:05 – 10:15 a.m.** Arrival of U.S. delegation at Centre Block (main entrance)
Minister Goodale, Marci Surkes and Jennifer Swan receive the U.S. delegation

- **10:15 – 11:00 a.m.**

U.S. Delegation

Secretary Kelly
Chargé d'Affaires Aubin
A/Commissioner McAleenan

Canadian Delegation

Minister Goodale
Marci Surkes
Malcolm Brown
John Ossowski

- **11:00 – 11:10 a.m.** – Family photo with Media (Commonwealth Room 238-S)

U.S. Delegation

Secretary Kelly

Canadian Delegation

Minister Goodale
Minister Freeland
Minister Garneau
Minister Hussen
Minister Wilson-Raybould

- **11:10 - 11:35 a.m.** (356-S Centre Block) - Meeting with Minister Freeland - Full U.S. delegation

Topics:

U.S. Delegation

Secretary Kelly
A/Commissioner McAleenan
Deputy Chief of Staff Higgins
Assistant Secretary Hoffman
Deputy Assistant Secretary King
Chargé d'Affaires Aubin
Director Meyers
DHS Attaché Lawson
CBP Attaché May
Mil Assistant
Secretary's advance staff
Secretary's advance staff
Official Photographer

Canadian Delegation (TBC)

Minister Freeland

- **11:35 – 12:00 a.m.** (356-S Centre Block) – Meeting with Minister Garneau

Topics:

U.S. Delegation

Same as above

Canadian Delegation (TBC)

Minister Garneau
Chief of Staff Jean-Philippe Arseneau
Deputy Minister Michael Keenan
Director of Policy Allain Berinstain

- **12:00 – 12:15 p.m.** – Private time
- **12:20 – 2:00 p.m.** (New Zealand Room - Parliamentary Restaurant)

Topics: [REDACTED]

Main table:

U.S. Delegation

Secretary Kelly
Deputy Chief of Staff Higgins
A/Commission McAleenan
Assistant Secretary Hoffman
Deputy Assistant Secretary King
Chargé d'Affaires Aubin
Director Meyers
DHS Attaché Lawson or Mil Assistant CDR Fuentes

Canadian Delegation

Minister Goodale
Marci Surkes
Malcolm Brown
John Ossowski
Jill Wherrett
Megan Nichols

- **2:00 – 2:20 p.m.** – Tour of Peace Tower and signature of Afghanistan memorial book
Minister Goodale and Secretary Kelly only
Possible protocol event at the end of the door with pictures (DHS has requested directly to MO)

- **2:30 – 3:15 p.m.** (356-S Centre Block) – Trilateral Meeting with Minister Hussen and Minister Goodale –

U.S. Delegation

Secretary Kelly
A/Commission McAleenan
Assistant Secretary Hoffman
Deputy Assistant Secretary King
Chargé d'Affaires Aubin
Deputy Chief of Staff Higgins
Director Meyers
DHS Attaché Lawson
CBP Attaché May
Mil Assistant [REDACTED]
Secretary's advance staff [REDACTED]
Secretary's advance staff [REDACTED]
Official Photographer [REDACTED]

Canadian Delegation (TBC)

Minister Hussen
Minister Goodale
Parliamentary Secretary Mark Holland
Parliamentary Secretary Serge Cormier
Chief of Staff Marci Surkes
Chief of Staff IRCC
Deputy Minister Marta Morgan
President CBSA John Ossowski
ADM IRCC Paul MacKinnon
A/ADM Jill Wherrett

- **3:30 p.m.** - Departure back to U.S. Embassy of the U.S. delegation

U.S. DELEGATION

Main Delegation:

Secretary John F. Kelly
Ms. Jennifer Higgins, Deputy Chief of Staff
Mr. Jonathan Hoffman, Assistant Secretary, OPA
Mr. Kevin McAleenan, Acting CBP Commissioner
Mr. Matthew King, Deputy Assistant Secretary, Office of International Engagement
Ms. Deborah Meyers, Director, Canadian Affairs & North America
Ms. Elizabeth Aubin, Chargé d'Affaires
Ms. Leslie Lawson, DHS Attaché
Mr. Ronald May, CBP Attaché

STAFF:

[REDACTED]
[REDACTED] Official Photographer
[REDACTED] Military Assistant
Member of the Secretary's advance staff, Kathy Payamps
Member of the Secretary's advance staff, Kevin Chmielewski
[REDACTED], U.S. Secret Service – Detail Leader
[REDACTED] U.S. Secret Service
[REDACTED], U.S. Secret Service
[REDACTED] U.S. Secret Service
[REDACTED] U.S. Secret Service
[REDACTED] Executive Telecommunications (but he will likely stay in the car)

OVERVIEW OF MESSAGES FOR MEETINGS WITH SECRETARY KELLY

1. **PRECLEARANCE**

-AGREE TO IDENTIFY SITES FOR CARGO PRECLEARANCE/PRE-INSPECTION PILOTS AND CO-LOCATION BY END OF 2017

- The Prime Minister and President Joint Statement is an important step forward for cargo preclearance and possible co-location opportunities.
- [REDACTED]
- Once legislation is passed, Canada will have all authorities needed to establish cargo preclearance in the U.S. and to allow the U.S. to do so in Canada. [REDACTED]
- CBSA is developing a strategy to maximize operational, economic and efficiency benefits through preclearance operations in the U.S., including possible co-location.

2. **RECENT BORDER TRENDS (to be discussed trilaterally with Minister Hussen)**

- [REDACTED]
- [REDACTED]
- Canada is experiencing unusual levels of asylum seekers from the U.S. which needs to be addressed together – share trends on those seeking asylum and individuals denied entry at the shared border.
- [REDACTED]
- Underline success of Entry/Exit to-date; already sharing biographic information on third country nationals, permanent residents, and U.S. citizens.

- **Ask Secretary to confirm:**

- [REDACTED]
- [REDACTED]

- **Confirm that the U.S. remains committed to protecting information shared by Canada under the terms of existing information sharing agreements.**

- [REDACTED]

3. FUTURE OPPORTUNITIES FOR COOPERATION (NEXT STEPS POST-BTB)

- Canada and the U.S. have cooperated for decades to maintain a secure border that enables efficient legitimate trade and travel. Must continue to modernize and keep pace for the future.
- Cooperation to date has resulted in the expansion of preclearance, establishment of harmonized trusted traveller and trusted trader programs, harmonized commercial processing, and enhanced information sharing.

- [REDACTED]

4. NATIONAL SECURITY AND COUNTERING RADICALIZATION TO VIOLENCE -CANADA WILL CONTINUE TO BE A TRUSTED NATIONAL SECURITY PARTNER

- [REDACTED]
- [REDACTED]

- Canadians are strongly supportive of more measures to improve accountability and transparency with respect to national security.
- Priority of the review of the national security framework is to ensure we keep Canadians safe, while also safeguarding our values in a free and democratic society. [REDACTED]

- Canada is also standing up the Office on Community Outreach and Countering Radicalization to Violence to provide national and international leadership on prevention as a means to address radicalization to violence.
- Canada will host the Five Country Ministerial/Quintet meetings in Ottawa at the end of June. [REDACTED]

5. CYBERSECURITY REVIEW

-DIRECT OFFICIALS TO REPORT BACK IN SIX MONTHS ON NEW OPPORTUNITIES FOR COLLABORATION

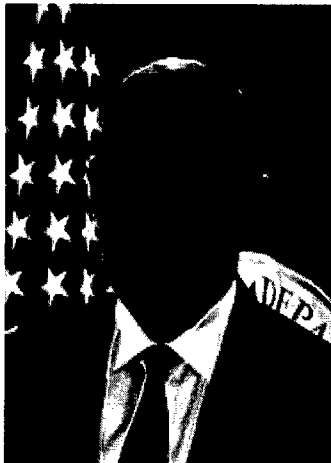
- Canada's cyber review identified key themes [REDACTED] secure and resilient Canadian systems; an innovative and adaptive cyber ecosystems; and effective leadership and governance.
- The key issues raised during the review included the need for:
 - better private sector engagement, enhanced public awareness, education and training;
 - improved information sharing mechanisms between the private and public sector; and
 - cyber security legislation, regulation or standards for critical infrastructure and other sectors.
- [REDACTED]
- Important cyber collaboration already in place including through our national cyber operations centres.
- [REDACTED]

Page 190

**is withheld pursuant to sections
est retenue en vertu des articles**

**of the Access to Information
de la Loi sur l'accès à l'information**

John F. Kelly, Secretary of the United States Department of Homeland Security



John Francis Kelly was sworn in on January 20, 2017 as the fifth Secretary of Homeland Security. Prior to joining the U.S. Department of Homeland Security (DHS), Secretary Kelly served as the Commander of the United States Southern Command (SOUTHCOM) from November 2012 until January 2016. During his 39 months in command of SOUTHCOM, he worked closely with the FBI, DEA and DHS on matters related to the flow of drugs, people and other threats against the U.S. homeland that flow along the trans-national criminal networks into the U.S. from the south.

Secretary Kelly has had an extensive career in the military. He first enlisted in the Marine Corps in 1970, and was discharged as a sergeant in 1972, after serving in an infantry company with the 2nd Marine Division, Camp Lejeune, North Carolina. Following graduation from the University of Massachusetts in 1976, he was commissioned an Officer of Marines.

As an officer, Secretary Kelly served in a number of command, staff and school assignments to include sea duty, instructor duty at The Basic School, the Infantry Officer Course, command of the 1st Light Armored Reconnaissance Battalion, attendance at the National War College, and duty on Capitol Hill as the Commandant's liaison to the U.S. Congress. He also served as the Special Assistant to the Supreme Allied Commander, Europe, in Mons, Belgium.

He returned to the United States in 2001, and was assigned duty as the Assistant Chief of Staff G-3 with the 2nd Marine Division. In 2002, selected to the rank of Brigadier General, Secretary Kelly again served with the 1st Marine Division, this time as the Assistant Division Commander. Much of the next two years was spent deployed fighting in Iraq. He then returned to Headquarters Marine Corps as the Legislative Assistant to the Commandant from 2004 to 2007. Promoted to Major General, he returned to Camp Pendleton as the Commanding General, I Marine Expeditionary Force (Forward). The command deployed to Iraq in early 2008 for a year-long mission as Multinational Force-West in Al Anbar and western Ninewa provinces. After rotating home and being confirmed as a Lieutenant General he commanded Marine Forces Reserve and Marine Forces North from October 2009 to March 2011. He then served as the Senior Military Assistant to two Secretaries of Defense, Messrs. Gates and Panetta, from March 2011 to October 2012.

Jonathan Rath Hoffman, Advisor to the Secretary of the Department of Homeland Security



Mr. Jonathan Hoffman currently serves at the Department of Homeland Security as an Advisor to the Secretary and is the Department's Acting Assistant Secretary of Public Affairs. In this capacity, he advises the Secretary, directs Department-wide communications and public relations strategy, and oversees the public affairs efforts of each of the 22 components.

For almost a decade, Mr. Hoffman has advised non-profits, businesses and political candidates on public affairs and government relations strategies. Recently, he served as an operations consultant and policy advisor for the Marco Rubio for President campaign where he focused on homeland security issues and the presidential primary debate operations. He also was the South Carolina state Executive Director for Americans for Peace, Prosperity and Security – a political advocacy non-profit promoting national security issues in the 2016 election cycle.

Mr. Hoffman has been an adjunct professor at the Citadel, The Military College of South Carolina, teaching homeland security and domestic terrorism courses, and at the Charleston School of Law where he taught military justice and immigration law classes. He co-founded and ran a data analytics firm that provided public advocacy campaigns with voter analytics. He also co-founded a technology firm that provided users better access to political candidates and common issue voters.

Previously, Mr. Hoffman served as the Deputy Assistant Secretary of Homeland Security for Intergovernmental Programs (IGP). In this role he was responsible for helping coordinate the Department's interactions with state, local and tribal partners on a variety of policy, operational, disaster and funding issues. Mr. Hoffman was involved in the Department's response to emergencies and disasters as a liaison between the Secretary and local elected officials.

Prior to joining IGP, Mr. Hoffman was the Director of International Programs and Border Security Policy at the White House Homeland Security Council (HSC). In this capacity, he was the President's subject matter expert on border security during the comprehensive immigration reform efforts in 2007. He helped marshal the deployment of 6,000 National Guard personnel under Operation Jumpstart, founded the administration's interagency Border Facilitation Working Group, advised on the Bush administration's efforts to address the cross-border pandemic flu threat, exercised oversight of DHS's Secure Border Initiative (SBI) and SBInet efforts, and led initial HSC efforts in coordinating the Merida Initiative.

Mr. Hoffman joined the federal government in 2003 as the Associate General Counsel of the 2004 G8 Summit Planning Organization at the U.S. Department of State. He later served as the Special Assistant to Commissioner Robert. C. Bonner at U.S. Customs and Border Protection (CBP). Following his time at CBP, he was an Advisor to the Chief of Staff at DHS where he helped draft the first SBI plan as well as the initial Operation Jumpstart deployment plan.

Mr. Hoffman has worked for the Republican National Committee and on four Presidential campaigns. He has additionally supported other state and local campaigns in South Carolina, advising candidates, raising money and contacting voters.

Before joining the federal government, Mr. Hoffman practiced law with Clifford Chance, a large international law firm in New York City. He earned a B.A. from the University of Richmond and a J.D. from the University of Virginia School of Law.

In addition to his professional work, he also serves as a major in the US Air Force Reserve Judge Advocate General Corps assigned to the 52 Fighter Wing at Spangdahlem Air Base in Germany.

Kevin K. McAleenan, Acting Commissioner of U.S. Customs and Border Protection



Kevin K. McAleenan became Acting Commissioner of U.S. Customs and Border Protection January 20, 2017. As the agency's chief executive, Mr. McAleenan oversees 60,000 employees, manages a budget of over \$13 billion, and ensures the effective operations of CBP's efforts to protect national security while promoting economic prosperity and security. Mr. McAleenan directs CBP's three core missions, counterterrorism, border security, and trade enforcement, while facilitating \$4 Trillion in trade and facilitating travel of over 365 million people through ports of entry. He oversees the largest law enforcement agency and the second-largest revenue collecting source in the federal government.

Mr. McAleenan previously served as Deputy Commissioner from November 2, 2014, until his appointment to Acting Commissioner. In this role, he served as the agency's Chief Operating Officer and senior career official. Under Mr. McAleenan's leadership, CBP has developed strategies that protect the nation's borders from terrorism and attack transnational criminal networks. Mr. McAleenan has also implemented innovations that have facilitated the U.S. international arrival and departure process, saving the government and travel industry millions of dollars. He has also advanced the development of CBP's trade transformation agenda, designed to help America compete in the global economy.

Mr. McAleenan has previously held several leadership positions at CBP and one of its legacy agencies, the U.S. Customs Service. From 2006 to 2008, Mr. McAleenan served as the Area Port Director of Los Angeles International Airport, directing CBP's border security operations at LAX and 17 other airport facilities in one of CBP's largest field commands. In December 2011, Mr. McAleenan was named acting Assistant Commissioner of CBP's Office of Field Operations. In this position, he led agency operations to secure the U.S. border while expediting lawful trade and travel at 329 ports of entry in the United States and 70 international locations in more than 40 countries.

Mr. McAleenan received a 2015 Presidential Rank Award, the nation's highest civil service award. He also received the Service to America Medal, Call to Service Award, in 2005 for spearheading efforts to develop and implement a comprehensive antiterrorism strategy in the border security context after September 11, 2001.

Mr. McAleenan has been a member of the U.S. Government's Senior Executive Service since 2006. Prior to government service, Mr. McAleenan practiced law in California. He received his Juris Doctor degree from the University of Chicago Law School and a Bachelor of Arts degree from Amherst College.

Matthew H. King, Deputy Assistant for International Engagement Policy



Matthew H. King has been the Department of Homeland Security's Deputy Assistant Secretary for International Engagement since May 2015, a role in which he previously served from 2013 to 2014. He is responsible for coordinating with U.S. and foreign partner stakeholders to achieve DHS international strategic objectives. From 2014 to 2015, he was Deputy Assistant Secretary for Law Enforcement Policy, advancing DHS law enforcement programs and priorities, aligning them with broader Federal government strategies.

From 2011 to 2013, Mr. King was the Deputy Director of Homeland Security Counter-Proliferation Investigations, where he coordinated world-wide efforts to protect critical U.S. technology and munitions.

From 2010 to 2011, Mr. King served as the Deputy Director of the National Intellectual Property Rights Coordination Center. He also supervised the HSI Cultural Property, Art and Antiquities (CPAA) program.

From 2008 to 2010, he was Deputy Assistant Director and the Acting Deputy Director of the Homeland Security Investigations Office of International Affairs, responsible for law enforcement operations of 67 Attaché offices in 46 countries. In 2010, Mr. King led a team of Special Agents into Haiti immediately after the earthquake to restore order, evacuate U.S. and protected personnel, and secure the embassy grounds.

From 2003 to 2008, Mr. King served as the DHS Attaché at the U.S. Embassy in Singapore, where he was responsible for Homeland Security activities in 17 Southeast Asia and Oceania countries. From 1999 to 2003, Mr. King was assigned to U.S. Customs Service Headquarters in Washington D.C., coordinating national policy for Strategic Investigations. From 1992 to 1999, Mr. King was assigned to the Office of the Special Agent in Charge/San Francisco, where he coordinated and led a protracted undercover investigation that resulted in the largest seizure of foreign automatic weapons in U.S. history.

Prior to his law enforcement career, Mr. King served as a trial attorney in the U.S. Department of Justice Criminal Division, responsible for the approval of applications for the interception of various communications in Federal investigations. He earned his Juris Doctorate at the Columbia University School of Law (1991) and a Bachelor of Arts degree from Wesleyan University (1981).

Deborah W. Meyers, Director for Canadian Affairs, Department of Homeland Security



Deborah Meyers is the Director for Canadian Affairs in the Office of Policy where she coordinates DHS engagement with Canada on issues ranging from border management to critical infrastructure protection to law enforcement cooperation and emergency preparedness.

She previously served as Senior Policy Analyst at the Migration Policy Institute and as a Policy Analyst at the Carnegie Endowment for International Peace and the U.S. Commission on Immigration Reform, where her work focused on immigration, refugee, visa policy, and border issues, with particular focus on North America. Ms. Meyers has done consulting work with the Chicago Council on Foreign Relations, Inter American Dialogue, and RAND and is the author of approximately 40 published reports, articles, chapters, and policy briefs.

Ms. Meyers earned her M.A. from the Elliott School of International Affairs at George Washington University and her B.A. from Brandeis University. She also completed Georgetown University's Nonprofit Management Executive Certificate Program, is proficient in Spanish, and is a member of the Association of Canadian Studies in the United States and Association of Borderlands Studies.

Elizabeth Moore Aubin, U.S. Deputy Chief of Mission, Ottawa



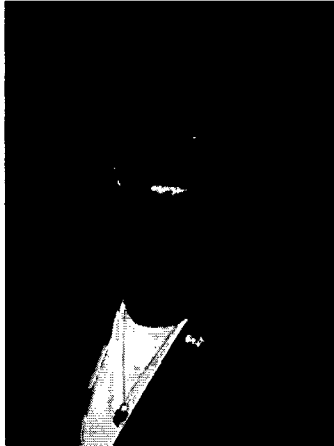
Elizabeth Moore Aubin began her tenure as the U.S. Deputy Chief of Mission in Ottawa, Canada in May 2016. Previously, she was the Executive Director for the Bureau of Western Hemisphere Affairs where she provided policy direction, guidance and planning for the management of 53 diplomatic posts in the Western Hemisphere. From 2011-2014, she served as the Deputy Chief of Mission at the U.S. Embassy in Algiers, winning the Department's Commercial Advocacy Award in 2013.

Elizabeth has served in the State Department as the Director for Human Resources for the joint Executive Office of the Bureaus of Near Eastern Affairs and South and Central Asian Affairs; a Special Assistant to the Under Secretary for Management; where she coordinated macro-management issues for the diplomatic operations in Iraq and Afghanistan; as a Post Management Officer in the Western Hemisphere Affairs Bureau; as well as two tours in the Executive Secretariat; as a Watch Officer and a Line Officer.

Overseas, she has served as the Management Counselor for Embassy Tel Aviv; International Resource Management Officer for USNATO in Brussels; Management Officer at the Consulate General in Toronto; and as a General Services Officer at the Consulate General in Hong Kong. Her two entry level tours were as an Economic Officer at Embassy Rome and as a Consular Officer at the Consulate General in Curacao.

Elizabeth holds the rank of Minister-Counselor in the Foreign Service. She speaks French and Italian and has a B.A. in Political Science from Barnard College, 1987. She is married to Daniel J. Aubin.

Leslie M. Lawson, Attaché of Department of Homeland Security, U.S. Embassy, Ottawa, Canada



DHS Attaché Leslie M. Lawson is the Secretary of Homeland Security's personal representative within Canada, the Homeland Security Advisor to the US Ambassador and the Senior DHS policy representative in country. She assumed her current duties in October 2015, and is responsible for coordinating policy engagement in Canada across the entire DHS portfolio.

Attaché Lawson entered on duty with the United States Customs Service in Burlington, Vermont, in March, 1992. She then transferred to the Immigration and Naturalization Service later that same year. She became a U.S. Border Patrol on August 1, 1994, as a member of Class 270. Her first duty assignment as a Border Patrol agent was at the Chula Vista Station in the San Diego Sector.

As her career progressed, Mrs. Lawson promoted to Supervisory Border Patrol Agent and then Patrol Agent in Charge at the Ramey Station in Puerto Rico. She later became an Assistant Chief Patrol Agent in the Swanton, Vermont Sector and promoted to Associate Chief at Border Patrol Headquarters in Washington, DC.

In 2009, Mrs. Lawson was selected as the U.S. Customs and Border Protection (CBP) Attaché at the U.S. Embassy in Mexico City, Mexico, where she was the Commissioner's representative within Mexico with responsibility for advising the U.S. Ambassador to Mexico on CBP policy and procedure. In 2011, she became the Patrol Agent in Charge of the Nogales, Arizona, Border Patrol Station, the largest station in the country.

During her nearly 25 year career, Attaché Lawson has been fortunate enough to be assigned around the country and world with DHS, CBP and the Border Patrol, having served on the southwest, northern and coastal borders, as well as in the capitals of the United States, Mexico and Canada. She was also the first female to permanently lead the Nogales Station and won Women in Law Enforcement's "Outstanding Advocate for Women" award.

Mrs. Lawson earned a Bachelor of Arts degree in English and history from the University of Vermont. She also earned a Master of Science degree in criminal justice from Michigan State University. She has been an adjunct instructor at Arizona Western College enjoys studying and speaking about North American trade and security.

Leslie M. Lawson is 47 years old and a native of Sheldon, Vermont. Her husband, John, also served in the U.S. Border Patrol.

RESPONSIVE ITEMS THAT MAY BE RAISED BY THE U.S.

Transshipped counterfeit or copyright-infringing goods

[REDACTED]

CBSA does not have the authority to seize in-transit goods solely for suspected IP rights infringements, since under Canadian law, IP infringements occur only when goods are offered on the domestic market. In-transit goods are not destined for the Canadian market and therefore do not infringe any Canadian IP laws. However, CBSA does have the authority to examine and seize in transit shipments for national security threats, contraband (e.g. weapons and illicit drugs), and health and safety risks to the public. These goods could be subject to seizure because they are regulated, controlled or prohibited in various Acts of Parliament and may be specifically identified as being inadmissible. In-transit shipments of suspect counterfeit or pirated goods that raise health, safety or security concerns may be interdicted by the CBSA.

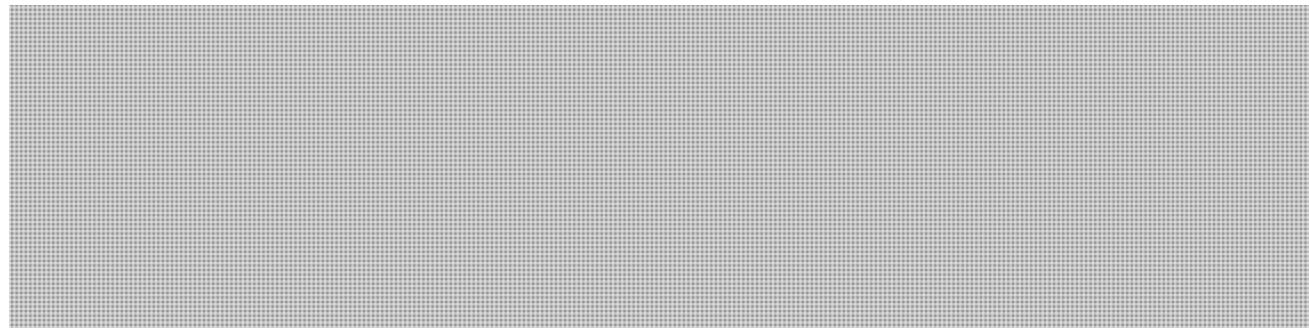
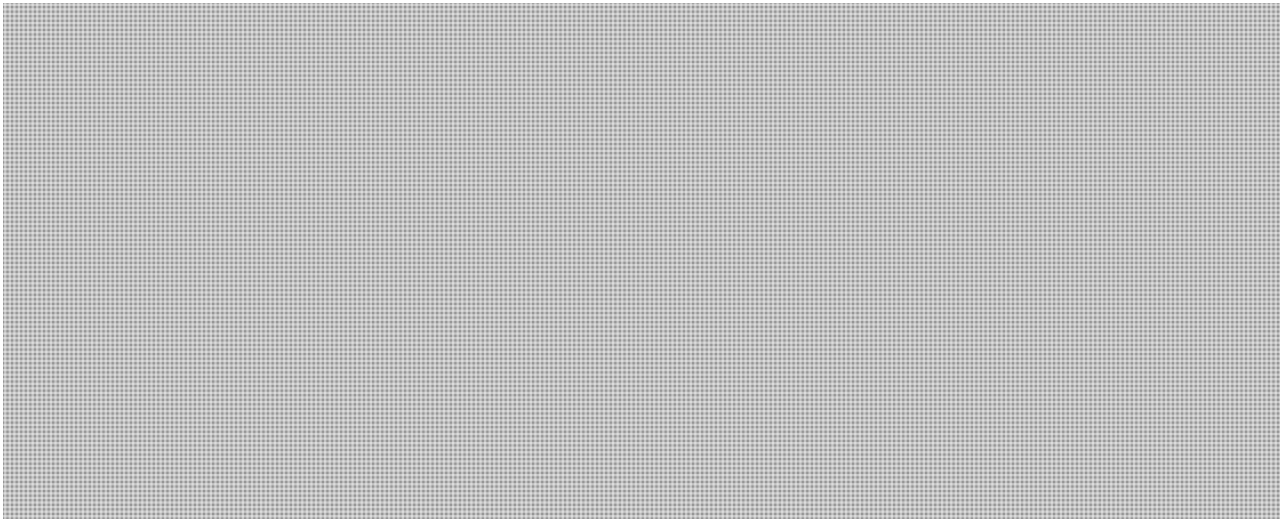
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



The Bill C-26 also included a proposed new enactment that would establish a public High Risk Child Sex Offender Database operated by the RCMP.



Lastly, the RCMP has a Memorandum of Cooperation with the United States FBI for the exchange of criminal justice information. This agreement provides certain U.S. agencies access to information contained on the CPIC system in accordance with their legislated criminal justice mandate. This includes U.S. Customs and Border Protection. However, they would still be required to confirm the data queried with the originating law enforcement agency which takes time, and as such is not a viable option at primary screening. In turn, the U.S. enables Canadian agencies to access their law enforcement information via the National Crime Information Center.

Amendments to the Canadian Passport Order also came into force in June 2015 to provide the Minister of Citizenship and Immigration with strengthened ability to cancel, refuse or revoke passports in order to prevent individuals from travelling abroad to commit a sexual offence against children.

RESPONSIVE MESSAGES:

-

- [REDACTED]

- **Note that under Canadian law, mechanisms such as probation orders, conditional sentences, Peace Bonds, or Long-Term Supervision Orders, help protect the public from high risk sex offenders.**

- [REDACTED]

Progress on legalization of marijuana

Under U.S. federal law, marijuana is illegal. However, it is legal for medical or recreational purposes in 28 states under state laws. According to most recent discussions with U.S. counterparts, there has not been any change in position on cannabis laws from the new Administration.



RESPONSIVE MESSAGES:

- **Note that legalization and regulation of marijuana is a close collaborative effort with Minister Wilson-Raybould to address both the harm reduction and enforcement aspects. Until new legislation comes into effect, the current laws and rules remain in place.**
- **Underscore that the priority for Government will be to keep marijuana out of the hands of children and take the profits away from criminal enterprises.**
- **Emphasize that this transition will take some time to be accomplished in an orderly manner. We are taking a careful look at experiences in other jurisdictions.**

- [REDACTED]

BACKGROUND ON TRANSSHIPPED COUNTERFEIT GOODS

In-transit shipments are exported from one country, pass through an intermediary country (e.g. Canada) and are destined for import in a third country. The goods are sealed prior to export and remain under Customs control until they reach their final destination. Unlike border officers in Canada, Customs and Border Patrol (CBP) officers have the authority to determine whether imported and in-transit goods infringe intellectual property (IP) rights granted under U.S. law, as well as to seize and destroy any such goods.

In contrast to the US “seizure-based” approach to enforcing IP rights at the border, Canada has a “detention-based” model.

In December 2014, Parliament passed Bill C-8, the *Combating Counterfeit Products Act*. It enacted new prohibitions on the import and export of goods that infringe the *Copyright Act* or the *Trade-Marks Act*, and granted the CBSA authority to share certain information about imported goods with IP rights-holders. Together, these provisions mean that the CBSA may now temporarily detain goods suspected to be counterfeit or pirated while enabling IP rights-holders, where they deem it appropriate, to pursue civil enforcement actions for alleged infringements of their IP rights. This is consistent with Canada’s broader approach to IP rights, which – with the exception of some criminal offences that require an intent to defraud consumers – leaves it to IP rights-holders to decide when to pursue legal proceedings for alleged infringements, and to the civil courts to decide whether an infringement has occurred and the appropriate remedies.

The new provisions enacted under Bill C-8 do not, however, apply to in-transit goods. So, while the CBSA has authority under the *Customs Act* to examine, detain and seize in-transit goods that pose a threat to national security or risk to public health or safety, the CBSA has no such authority with respect to in-transit goods solely for suspected IP rights infringements. This was a deliberate policy choice based on the principle of territoriality. Under Canadian law, IP infringements occur only when goods are offered on the domestic market. In-transit goods are not destined for the Canadian market and therefore do not infringe any Canadian IP laws. The Government of Canada’s position in recent international trade negotiations (i.e., Trans-Pacific Partnership, Canada-European Union Comprehensive Economic and Trade Agreement) reflected this same position.

CBSA does have the authority to examine and seize in transit shipments that pose national security threats, contraband (e.g. weapons and illicit drugs), and health and safety risks to the public. These goods could be subjected to seizure because they are regulated, controlled or prohibited in various Acts of Parliament and may be specifically identified as being inadmissible. Suspect counterfeit and pirated goods are not considered to be contraband and not subject to seizure.

Joint Statement from President Donald J. Trump and Prime Minister Justin Trudeau

Joint Statement from President Donald J. Trump and Prime Minister Justin Trudeau

Washington, D.C., United States of America – February 13, 2017

President Donald J. Trump and Prime Minister Justin Trudeau held their first official meeting today in Washington, D.C. and affirmed their longstanding commitment to close cooperation in addressing both the challenges facing our two countries and problems around the world.

No two countries share deeper or broader relations than Canada and the United States. We are bound together by our history, our values, our economy, our environment, and our resolve to improve the lives of our citizens. Our close relationship and ongoing collaboration allow us to successfully meet any challenges we may face over the coming years, and to build a prosperous future for the people of both countries.

Neighbours in Growing our Economies

We recognize our profound shared economic interests, and will work tirelessly to provide growth and jobs for both countries. Canada is the most important foreign market for thirty-five U.S. States, and more than \$2 billion in two-way trade flows across our shared border every day. Millions of American and Canadian middle-class jobs, including in the manufacturing sector, depend on our partnership. We affirm the importance of building on this existing strong foundation for trade and investment and further deepening our relationship, with the common goal of strengthening the middle class.

The United States and Canada also recognize the importance of cooperation to promote economic growth, provide benefits to our consumers and businesses, and advance free and fair trade. We will continue our dialogue on regulatory issues and pursue shared regulatory outcomes that are business-friendly, reduce costs, and increase economic efficiency without compromising health, safety, and environmental standards. We will work together regarding labour mobility in various economic sectors.

Given our shared focus on infrastructure investments, we will encourage opportunities for companies in both countries to create jobs through those investments. In particular, we look forward to the expeditious completion of the Gordie Howe International Bridge, which will serve as a vital economic link between our two countries.

Energy Security and Environment

U.S.-Canada energy and environmental cooperation are inextricably linked, and we commit to further improving our ties in those areas. We have built the world's largest energy trading relationship. We share the goals of energy security, a robust and secure energy grid, and a strong and resilient energy infrastructure that contributes to energy efficiency in both countries. We collaborate closely on energy innovation, particularly in the clean energy sphere. As the process continues for the Keystone XL pipeline, we remain committed to moving forward on energy infrastructure projects that will create jobs while respecting the environment.

We also look forward to building on our many areas of environmental cooperation, particularly along our border and at the Great Lakes, and we will continue to work together to enhance the quality of our air and water.

Partners in Keeping our Border Secure

We recognize the security of our borders as a top priority. Together, we address security at our shared border and throughout our two countries, while expediting legitimate and vital cross-border trade and travel. We demonstrate daily that security and efficiency go hand-in-hand, and we are building a 21st century border through initiatives such as pre-clearance of people and integrated cross-border law enforcement operations. In addition, our two countries are committed to a coordinated entry-exit information system so that records of land and air entries into one country establish exit records for the other.

Recognizing the success of pre-clearance operations for travellers, we commit to establishing pre-clearance operations for cargo. We intend to accelerate the completion of pre-clearance for additional cities and continue to expand this program. Not only will these efforts enhance efficiency at our shared border, they will also strengthen our shared security. In the spirit of a more efficient and secure border, we will also examine ways to further integrate our border operations, including analysis of the feasibility of co-locating border officials in common processing facilities.

Because we share a strong concern about the increase in opioid-related deaths, our countries will work together on common solutions to protect our people from opioid trafficking.

Given the integrated nature of the infrastructure that supports our intertwined economies, cyber threats to either country can affect the other. We therefore commit to further cooperation to enhance critical infrastructure security, cyber incident management, public awareness, private sector engagement, and capacity building initiatives.

Allies in the World

We are indispensable allies in the defence of North America and other parts of the world, through NATO and other multilateral efforts. Our troops have time and again fought together and sacrificed their lives for our shared values. The North American Aerospace Defense Command (NORAD) illustrates the strength of our mutual commitment. United States and Canadian forces jointly conduct aerospace warning, aerospace control, and maritime warning in defence of North America. We will work to modernize and broaden our NORAD partnership in these key domains, as well as in cyber and space.

The United States welcomes Canada's recently announced decision to launch an open and transparent competition to replace its legacy fleet of CF-18 fighter aircraft. The United States also welcomes Canada's decision to explore the immediate acquisition of 18 new Super Hornet aircraft as an interim capability to supplement the CF-18s until the permanent replacement is ready. Canada appreciates the cooperation of the United States to facilitate these processes.

The United States values Canada's military contributions, including in the Global Coalition Against Daesh, and in Latvia. Together, we are harnessing all elements of national power to achieve the goal of degrading and destroying Daesh through our military operations to deny it safe havens and to build the capacity of local partners, stop the flow of foreign terrorist fighters into the Middle East region, cut off access to financing and funding, counter the Daesh narrative, and support the stabilization of communities liberated from Daesh.

Empowering Women Entrepreneurs and Business Leaders

It is a priority of both countries to ensure equal opportunities for women in the workforce. We are committed to removing barriers to women's participation in the business community and supporting women as they advance through it. As part of this effort, we are creating a Canada-United States Council for Advancement of Women Entrepreneurs and Business Leaders. We expect this initiative to promote the growth of women-owned enterprises and to further contribute to our overall economic growth and competitiveness, as well as the enhanced integration of our economies.

The Way Forward

We share a commitment to continue to strengthen our ties for the benefit of our mutual prosperity and security. We look forward to our cabinets following up on today's meeting with further discussions in their respective areas of responsibility. Our countries deserve our full commitment to increased economic growth, which we will deliver. The partnership between the United States and Canada will continue to be unique and a model for the world.

NEXT STEPS FOR PRECLEARANCE

Background

The February 13, 2017 joint statement between Prime Minister Trudeau and President Trump committed Canada and the U.S. to implement cargo preclearance and to establish co-location facilities. In addition, last March in Washington, the Prime Minister and President agreed in principle to expand preclearance operations to new Canadian locations including Jean Lesage Airport in Quebec City, Billy Bishop Airport in Toronto, Montreal Central Station and Rocky Mountaineer in Vancouver.

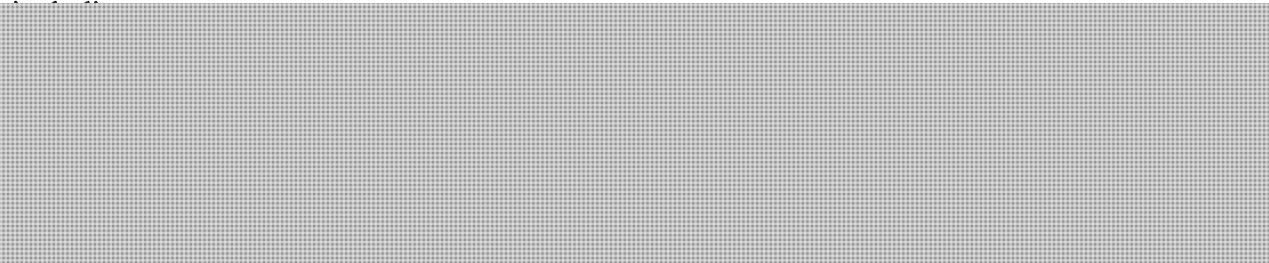
Timelines for Ratification of the Agreement

For Canada to be in a position to ratify the new preclearance agreement, we need to pass legislation and approve regulations. Bill C-23 was adopted at Second Reading and has been referred to the Standing Committee on Public Safety and National Security (SECU). To help ensure that we can ratify the preclearance agreement in a timely manner, we need continued cooperation with U.S. officials to address various implementation issues. The regulatory process can take up to 18 months to complete.


The U.S. adopted the necessary implementing legislation last December with bipartisan support.

Cargo Preclearance

Cargo preclearance is a key priority for Canada and industry stakeholders are keen to see it implemented. Officials are working on identifying potential pilots in Canada and the U.S.,



In addition, Canadian and U.S. officials have agreed to a vision for cargo preclearance and pre-inspection. Consultations with stakeholders would provide opportunities to identify additional sites.



Canada drafted Bill C-23 with the understanding that the new preclearance agreement provides the necessary authorities for cargo preclearance in both countries. For example:

- Bill C-23 allows any U.S. official to be designated as a preclearance officer – whether that person works for CBP, ICE, the FDA, etc. – the officer would have protections under the protections and accountability framework and would have the ability to exercise all the authorities provided to preclearance officers under Bill C-23.
- CBSA has worked closely with all Canadian government departments and agencies that participate in cargo processing to ensure each agency has the necessary authorities to do their job in the U.S. This has included reviewing all acts and regulations that relate to cargo to ensure their authorities can be exercised extraterritorially.

Canadian Operations in the U.S.

For Canadian preclearance in the U.S., the CBSA is developing a strategy to maximise operational, economic, program integrity and service delivery benefits through cargo and traveler preclearance operations. The strategy is also looking at co-location opportunities. Next steps include site specific and modal analysis with the intent of identifying potential sites and modes for permanent preclearance, as well as consultations with other government departments and stakeholders to identify interested partners. As we move forward with the strategy we will continue to engage with U.S. officials.

Other Implementation Issues

Canadian officials continue to work with the U.S. on implementation issues such as cost recovery, vetting, technical design standards and the new criminal liability framework.

Next Steps

To move cargo preclearance forward,

To move ahead on the commitment made by the President and Prime Minister to explore the feasibility of co-locating border officials in common processing facilities,

MEDIA SCAN OF RECENT BORDER TRENDS: U.S. LAND PORTS OF ENTRY

Individual Cases

January 2017

There were several incidents of Canadians headed to the Women's March in Washington, D.C., being turned away at the U.S. border the day after President Trump's inauguration. In one specific case, U.S. border agents pulled over a car once the occupants stated that the reason for their travel to the U.S. was to attend the Women's March. Their vehicle and cell phones were searched. Each member of the group was fingerprinted and had their pictures taken. Finally, they were refused entry into the U.S. and warned that they would be arrested if they tried to cross at a different border crossing.

A prominent Alberta biomedical engineer, who was born in Iran and holds a Canadian permanent resident card, said he was denied entry into the United States. He and five colleagues from his research team were heading to the U.S. to attend a biomedical engineering conference in San Francisco. His colleagues were able to board their flights but he was denied a boarding pass. He was travelling with his permanent residency card and a travel visa he obtained from the United States Consulate in Calgary prior to the trip.

February 2017

A Muslim-Canadian citizen (carrying a Canadian passport), born in Morocco and living in Quebec for 20 years, was turned away at the Canada-U.S. border (Highgate Springs crossing in Vermont) along with her cousin and two children after a lengthy interrogation by U.S. border agents on her religion, her views of President Trump, and whether she knew any of the victims in the Quebec City mosque shooting. Border agents took her cell phone and asked for her password. She was fingerprinted, photographed and then denied entry into the U.S.

A 19-year-old male, Canadian citizen (carrying a Canadian passport) born of Moroccan parents, traveling to Boston for an athletic competition was not allowed to enter the U.S. with the rest of his team. U.S. authorities wanted to know whether he attended a mosque and how often he visited Morocco. He was fingerprinted, photographed and asked to turn over his phone and passwords for the duration of the interrogation, after which he was denied entry into the U.S.

After decades of travelling back and forth to the U.S. without issue, a Hamilton man was barred from entering the U.S. over a 47-year-old conviction for possession of stolen property for which he had received a suspended sentence and a year's probation. In this most recent trip, he was fingerprinted, his photo was taken and he was subjected to a full body search and denied entry. The man was told by U.S. border guards that if he wanted to enter the U.S., he would need to go through the process of getting his criminal record cleared with the RCMP.

An Afghanistan-born Ontario doctor was questioned for more than five hours at the Blue Water Bridge border crossing on February 24, 2017 as to what “tribe” he belonged to, the name of his “tribe chief” and whether he had seen “a lot of gunmen” growing up in Afghanistan. The Sarnia doctor is a Canadian citizen and was trying to cross the bridge to Michigan to visit the Nexus office because he had received an email a few days earlier saying that his Nexus card had been revoked. He was eventually cleared to go through but declined for fear of not being able to return to Canada.

Other Trends

Close to 200 Canadian permanent residents had their Nexus cards revoked in early February because of the January 27 presidential order banning entry of people from seven Muslim-majority countries into the U.S. Given that the order now stands suspended, these 200 Nexus cards have been reinstated, pending further court decisions. The Government has received assurances from the U.S. that Canadian dual citizens and permanent residents in Canada who are citizens of one of the seven countries named in the ban will still be allowed to cross the border.

Schools across Canada are grappling with the uncertainty of U.S. travel restrictions and are concerned with how foreign-born students could be treated at the border. For example, the Sooke School District in British Columbia and the Ottawa-Carleton District School Board are reconsidering a number of trips planned for sports, music and educational purposes in the coming months. The Windsor, Ontario, school board has suspended field trips across the Canada-United States border.

OVERVIEW OF CANADA-UNITED STATES BORDER COOPERATION

Canada and the United States (U.S.) have a history of cooperation on issues of security and border management. This cooperation has enabled both countries to maintain an effective and secure border in the face of security concerns since 2001 that could have seen a thickening of the border. Contemporary cooperation on the border between Canada and the U.S. can be traced back to the 2001 *Smart Border Declaration* which aimed to improve border security, information sharing and law enforcement co-operation. The following list of key activities highlights both the constancy of bilateral efforts, as well as the time it has taken to make the significant changes that mark our current environment.

Description	Issue addressed	Key Outcomes
RIDGE-MANLEY SMART BORDER ACTION PLAN, 2001		
<p>Objective: Create a “smart border” to improve the flow of goods and people without compromising border security in the wake of the September 11, 2001.</p> <p>The 2001 <i>Smart Border Declaration</i> was implemented through a 30-Point Action Plan (Smart Border Action Plan) that sought to enhance the security of the shared border while facilitating the legitimate flow of people and goods. It was signed in December 2001 between U.S. Homeland Security Director Tom Ridge and Canadian Foreign Minister John Manley. The Smart Border Action Plan was organized under four pillars: the secure flow of people; the secure flow of goods; secure infrastructure; and information sharing and coordination.</p>	<p>In a post-September 11 environment, the U.S. had expressed significant concerns with respect to the security of the border given divergence of approaches and technologies for border management. Furthermore, as both countries moved to break down domestic information sharing silos, through the creation of the Department of Homeland Security and Public Safety and Emergency Preparedness Canada, the need to share information and improve coordination between countries was evident.</p> <p>The Smart Border Action Plan sought to address these issues by introducing various mechanisms and technological enhancements to expedite the crossing process and enhance information-sharing between Canada Border Services Agency (CBSA) and U.S. Customer and Border Protection (CBP).</p>	<p>Notable outcomes include:</p> <ul style="list-style-type: none"> • common standards for the biometrics and adoption of interoperable and compatible technology to read these biometrics; • NEXUS at select land ports of entry and piloting at air ports of entry; • sharing of information on those applying for asylum to identify security and criminality threats and limit ‘forum shoppers’; • regulatory framework and standard operating procedures for the implementation of the Canada-U.S. Safe Third Country Agreement; • expansion of the number of regions with Integrated Border Enforcement Teams (IBETs) to disrupted illicit trafficking of goods and peoples. • expansion of air preclearance; • implementation of an automated Canada-U.S. data-sharing program to exchange advanced passenger information in air travel; and • creation and deployment of Free and Secure Trade (FAST) at select high volume crossings.

Description	Issue addressed	Key Outcomes
WESTERN HEMISPHERE TRAVEL INITIATIVE, 2004		
<p>Objective: Strengthen border security and facilitate entry into the United States for both legitimate U.S. citizens and foreign visitors by setting conditions and standardizing documents for entry.</p> <p>The U.S.' Western Hemisphere Travel Initiative (WHTI) emerged from the U.S.'s 2004 <i>Intelligence Reform and Terrorism Prevention Act</i> (IRTPA) and created a new condition that visitors entering or re-entering the U.S. would be required to produce a valid passport or other accepted document.</p>	<p>Prior to the WHTI, Canadian and American citizens were only required to prove their identity and citizenship through oral declarations and/or the presentation of commonly held documents, such as a driver's license or birth certificate. Moving towards the use of secure documents would address potential threats, while expediting legitimate low-risk trade and travelers.</p> <p>Given the potential for significant delays and negative economic impacts on cross-border trade, Canada engaged the U.S. to develop identify solutions for Canadians beyond requiring all Canadians to be issued a passport.</p>	<p>Reduced impact on Canadians because of pre-existing WHTI-compliant documents such as NEXUS or Free and Secure Trade (FAST) cards developed under Smart Border.</p> <p>Building on the common standards and fraud resistant documents developed under the Smart Border, CBSA was able to work with CBP to identify new WHTI-compliant travel documents. Specifically, the Enhanced Driver's Licenses (provincial) and Enhanced Identification Cards (states), which contained containing information on the holder's identity and citizenship for use at land and marine points of entry.</p>

Description	Issue addressed	Key Outcomes
BEYOND THE BORDER ACTION PLAN, 2011		
<p>Objective: Move to a perimeter approach to security and prosperity through a secure shared border that facilitates legitimate trade and travel.</p> <p>In 2011, Prime Minister Harper and President Obama issued a joint declaration, <i>Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness</i>, and its associated 34 initiative Beyond the Border Action Plan (BTB Action Plan). The BTB Action Plan identified four main areas of cooperation: addressing threats early; facilitating trade and economic growth; cross-border law enforcement; and critical infrastructure and cyber-security.</p>	<p>In an ever changing and complex threat environment and increasingly global market, Canada and the U.S. recognized that addressing threats and economic prosperity require not just addressing issues at the shared border, but away from it.</p> <p>BTB Action Plan initiatives sought to establish a new long-term partnership which focused not just on border priorities, but on enhanced security goals and plans to accelerate the legitimate flow of good, people and services. This would address U.S. concerns about differing approaches to security and Canada's desire to counter border thickening. This would be accomplished using a risk based approach with interoperable or joint measures and technology to effectively address threats at and before the border.</p>	<p>Notable outcomes include:</p> <ul style="list-style-type: none"> • authorities to expand preclearance to all modes and cargo; • expansion of membership and benefits of trusted trader and traveler programs; • mutual recognition of respective air cargo security programs to improve air cargo security and eliminate rescreening except for cause, and piloted an Integrated Cargo Security Strategy under the principle "inspected once, cleared twice"; • border infrastructure investments at key border crossings including physical upgrades, additional NEXUS or FAST lanes, border wait time technology and RFID technology; • deployment of Shiprider program to 5 locations; • standing up of a joint biographic Entry/Exit system for Canada and the U.S. through: <ul style="list-style-type: none"> ○ deployment of Interactive Advance Passenger Information system with the U.S., and ○ information sharing of entries into Canada at the land border. • launch of electronic Travel Authorization (e-TA) for non-visa country travelers to Canada; • expanded information sharing across immigration, national security and law enforcement (incl. "no-fly" lists and automated checks of biographic and biometric visa and immigration information); • establishment of the Canada-U.S. Regulatory Cooperation Council to align interests on health, safety and the environment, while supporting growth, investment, innovation and market openness.

OVERVIEW OF KEY INVESTMENTS IN BORDER INFRASTRUCTURE AND TECHNOLOGY

Reducing impediments to legitimate trade and travel and coordinating border infrastructure and technology investments continue to be areas of shared interest to both Canada and the U.S.

Current and Planned Infrastructure Investments

As part of the 2011 Beyond the Border Action Plan, Canada and the U.S. agreed to make significant investments at key border crossings and identified initial priority crossings for investment. In 2013, the Government of Canada (GoC) announced funding of up to \$147 million (M) for significant infrastructure upgrades to Canadian priority crossings (Lacolle, Lansdowne, Emerson, and North Portal). These upgrades will be completed by 2019-20. The U.S. has made progress in upgrading two of its four priority crossings (Alexandria Bay, Peace Bridge) with funding of approximately \$150M to date.

The Fall Economic Statement issued by the Honourable Bill Morneau, Minister of Finance, proposed an additional \$81 billion over 11 years, starting in 2017-18, to support public transit, green infrastructure, social infrastructure, and transportation that supports trade, Canada's rural and northern communities and smart cities. \$10.1 billion over 11 years were announced as part of this investment to build more efficient transportation corridors to international markets. Priority investments would include those that address congestion and bottlenecks along vital corridors and around transportation hubs and ports providing access to world markets. In the coming months, decisions on the program parameters, eligibility criteria and application processes will be made and the government will be sharing more details about specific plans for infrastructure investments throughout the country. The federal government will need to deliver this funding in collaboration with provinces with whom there is shared jurisdiction for these types of infrastructure.

In addition, Canada and the U.S. continue to work together with a view to identifying opportunities for complementary investments at the border. In February 2017, a joint statement between Prime Minister Trudeau and President Trump committed both countries to further integrate border operations, including analysis of the feasibility of co-locating border officials in common processing facilities.

Some key current and planned infrastructure investments include:

A. Gordie Howe International Bridge (GHIB) Project

The Windsor-Detroit Bridge Authority (WDBA) is responsible for project oversight including the actual construction and operation of the Gordie Howe International Bridge (GHIB). On November 10, 2016, the WDBA issued its Request for Proposals (RFP), inviting Proponents to submit formal proposals to design, build, finance, operate and maintain the GHIB. [REDACTED]

[REDACTED] The RFP process will take 18 months [REDACTED]

B. Current Investments

Alexandria Bay, NY - Lansdowne, ON (Thousand Islands Bridge): Current Canadian investments underway to complete replacement and expansion of Ports of Entry facilities including plaza redevelopment for a new traveler/commercial facility, and expansion to 9 traveler lanes and 4 commercial lanes. Current U.S. investments (phase I) are underway to construct new commercial operations building and installation of hi-lo inspection booths.

Buffalo, NY - Fort Erie, ON (Peace Bridge): Current Canadian and U.S. investments underway to replace bridge deck and consolidate traffic to the Port of Entry. There are planned U.S. investments to expand the plaza on their side of the border, as well as the queuing and inspection areas.

Pembina, ND - Emerson, MB: Current Canadian investments to construct a new commercial plaza to process truck traffic entering Canada. This will include a dedicated FAST lane, a larger warehouse to enable better and faster secondary inspection of commercial vehicles and technology to stream FAST trucks for priority processing. Proposed U.S. investments to renovate/expand main building to accommodate more staff; and add a dedicated/ new commercial lane.

Highgate Springs, VT - St-Armand, QC: Current Canadian investments are underway in inspection infrastructure and completion of the extension of Quebec Highway 35 to the Vermont border (completing the expressway link between Montreal and Boston). Proposed U.S. investments to: improve primary commercial inspection capacity; improve outbound inspection capacity; expand and upgrade the customs area security center; expand and reconfigure to meet demand from new highway construction coming in from Canada; renovate main port building and expand secondary processing, hard secondary and officer work area for better flow and functionality.

Houlton, ME - Woodstock, NB: Current Canadian investments underway to completely overhaul crossing (building complex). Proposed U.S. investments to: expand cargo building; reconfigure main port building to facilitate operations including relocation/expansion of hard secondary security, customs area security center, secondary processing and supervisory and officer work areas; and upgrade and expand commercial building to facilitate operations.

Champlain, NY - Saint Bernard-de-Lacolle, QC (Route 15): Current U.S. investment to construct import specialist area and new truck inspection facility. Current Canadian investments to modernize and expand CBSA facilities; increased traveler primary inspection capacity necessary to reduce border waiting times, expand enforcement area and secondary travelers' examination facilities, and upgrade the officer arming facilities; general enhancements to various infrastructure items (water treatment and fire prevention); and various Highway 15 projects. The commercial building was completed this year to reduce length of time commercial carriers must wait for off-load examination by increasing commercial off-load processing capacities.

C. Planned Investments

Detroit, MI - Windsor, ON (Ambassador Bridge): *Detroit, MI - Windsor, ON (Ambassador Bridge):* Proposed U.S and planned Canadian private-sector investments to replace the existing span with a new six-lane bridge. There are proposed private Canadian investments to: relocate CBSA commercial off-site facility to the Point of Entry (POE); and, expand the current POE facilities. There are also proposed U.S. investments to: construct new primary inspection booths, a secondary inspection building, and CBP commercial inspection booths; and, expand main building to better accommodate CBP operations.

Port Huron, MI - Sarnia, ON (Blue Water Bridge): Proposed Canadian investments to allow for the multi-phase development of the bridge plaza, which includes considering opportunities for the joint development of entire bridge property. Proposed U.S. investments are being considered to improve commercial and non-commercial inspection capacity including inspection exit control capacity renovating/expanding main building to facilitate CBP operations.

Blaine, WA - Surrey, BC (Pacific Highway): Proposed U.S. investments for additional transportation infrastructure to facilitate truck movement and future dynamic lane assignments (FAST/NEXUS). Canadian investments underway to: convert existing regular lanes to NEXUS lanes, and make other additional enhancements.

Rouses Point, NY – Lacolle (Route 223), QC: Planned Canadian investment for reconstruction of the bridge over the Lacolle River.

Renewal of Land Border Ports of Entry: Canada has set aside \$440 million in capital investment for the renewal of its custodial land border ports of entry. This investment is focused on the renewal and replacement of aging small ports of entry along the Canada-U.S. border that are in a poor state of repair. The Canada Border Services Agency is currently completing the business case to complete planning for the project, potentially as a public private partnership. Once approved, the project is expected to be formally initiated later in 2017 and completed in 2020 - 2021.

Ongoing and Planned Technology Investments and Deployments

The free flow of goods and services between Canada and the United States creates immense economic benefits for both countries. As the two countries work to strengthen the security of the shared perimeter, initiatives to create more openness at the land border for legitimate travel and trade are being pursued. Investments to improve the shared border technology will help to facilitate movement and trade across the border.

A. Border Wait Time Technology

The Border Wait Time (BWT) technology is comprised of systems and devices to automatically calculate border wait times. This technology allows travelers and commercial traffic to make informed decisions about when and where to cross the border. Under the Beyond the Border Action Plan, Canada and the U.S. committed to deploying border wait time technology at 20 mutually determined high priority Canada-U.S. border crossings. Of these top 20 land border crossings, border wait time technology has been implemented at seven crossings: Blaine, WA (Peace Arch) - Surrey (Douglas), BC; Blaine, WA - Surrey, BC (Pacific Highway); Lynden, WA - Aldergrove, BC; Buffalo, NY - Fort Erie, ON (Peace Bridge); Port Huron, MI - Sarnia, ON (Blue Water Bridge); Sumas, WA - Abbotsford, BC (Huntingdon); Lewiston, NY - Queenston, ON (Lewiston-Queenston Bridge). These were funded through previous initiatives and are operational, and represent \$2.3 million spending in federal funding.

In November 2016, the Office of the Auditor General released its audit report on Beyond the Border Action Plan, including the Border Wait Time Initiative. The report recommended that the Government of Canada should assess the benefits of the BWT technology before undertaking any further implementation of these technologies. As a result, Transport Canada and the Canada Border Services Agency and other stakeholders are currently working to assess the benefits of existing installations and to develop appropriate performance indicators to measure the travel benefits of completed and future border wait time measurement projects.

In the United States, in June 2016 the U.S. Department of Transportation (DOT) provided funding to three U.S. Departments of Transportation (New York, Washington, and Michigan) to undertake pilot studies for innovative border wait-time technology.

In light of the audit report, the approach to border wait time measurement going forward is being reviewed and will also be informed by the U.S. pilot currently underway.

B. RFID Lanes

Under the Beyond the Border Action Plan, Canada committed to install Radio Frequency Identification Device (RFID) transponder technology at 22 lanes and 11 border crossings. The U.S. has already made significant investments in this technology. CBSA expects to complete installation and ensure access to RFID-enabled documents at the border by the end of 2016-17. To date, RFID technology has been deployed at 4 of 11 border crossings.

Borders identified for this project are: Blaine, WA (Peace Arch) - Surrey (Douglas), BC; Massena, NY - Cornwall, ON (Seaway International Bridge); Blaine, WA - Surrey, BC (Pacific Highway); Champlain, NY - Saint Bernard-de-Lacolle, QC (Route 15); Niagara Falls, NY - Niagara Falls ON (Rainbow Bridge); Buffalo, NY - Fort Erie, ON (Peace Bridge); Detroit, MI - Windsor, ON (Ambassador Bridge); Detroit, MI - Windsor, ON (Detroit-Windsor Tunnel); Port Huron, MI - Sarnia, ON (Blue Water Bridge); Pembina, ND - Emerson, MB; Lewiston, NY - Queenston, ON (Lewiston-Queenston Bridge).

C. Small and Remote Ports Of Entry Automation

Under the Beyond the Border Action Plan, Canada and the U.S. committed to better coordinating joint port of entry investment and enhancing client service at small and remote ports of entry by analysing hours of operation, considering technology-only processing solutions, joint or co-managed facilities and aligning plans for expansion and closure. In support of the Action Plan, Canada launched a Remote Traveler Processing Pilot at Morses Line, Quebec in 2016. Analysis of the results and recommendations for the way forward are expected to be completed in Spring 2017. While an analysis of hours of operation and joint or co-managed facilities was conducted, it was determined that any changes in this regard were dependent on the results of Canada's technology-only processing pilot and the advancement of the pre-clearance initiative.

In order to move ahead on the commitment made by the Secretary of DHS and the Minister of Public Safety to explore the feasibility of co-locating border officials in common processing facilities, a binational working group should be struck to begin work on the necessary analysis to identify colocation opportunities on either side of the border.

D. Radio Interoperability

Work is ongoing to establish a secure binational radio interoperable system between the RCMP and U.S. Customs and Border Protection to more effectively facilitate cross-border law enforcement operations. The system creates a dedicated, secure and encrypted interoperable network that utilizes Voice over Internet Protocols. Canada has completed all system set-up requirements and is currently waiting for the U.S. to secure funding to complete all identified locations.



E. Other

The RCMP assesses, acquires and deploys a suite of technological tools along the border to strengthen border integrity. The effective use of technological tools provides Canadian border law enforcement officers with the situational awareness required to respond appropriately to and address the highest risk areas. Future initiatives with the U.S. coupled with the acquisition and deployment of technology could include advanced, interoperable technology such as sensors, radar, cameras, and underwater acoustics.

The RCMP also works closely with U.S. partners to address cross-border criminality. Several exercises are currently underway, including the Capability Gaps Analysis Process with U.S. Border Patrol, which will assist in identifying gaps and vulnerabilities along the border that allow for the coordinated deployment of assets.

Moreover, as part of the Beyond the Border Action Plan, the Domain Awareness initiative commits Canada and the U.S. to develop a shared understanding of the border environment with a view to jointly deploying technology assets. This joint work will continue in the months ahead.

OPIOID CRISIS

Fentanyl is a highly potent and addictive synthetic opioid with legitimate medicinal uses for severe pain management. The illicit manufacturing and distribution of fentanyl and fentanyl-laced drugs is a growing threat to public safety and has resulted in thousands of overdoses and deaths in Canada. The current upsurge in the illicit use of fentanyl is expanding geographically, facilitated by organized crime groups, and involves both fentanyl pharmaceutical products and its analogues.

The number of fentanyl seizures conducted by Canadian law enforcement agencies has been increasing since 2011, almost doubling year to year, while Canada Border Services Agency (CBSA) fentanyl seizures have only become a frequent occurrence since 2014. Since 2014, the CBSA has made 114 seizures of fentanyl, including pure fentanyl (seized for the first time in March 2014), fentanyl citrate, and at least five different fentanyl analogues, including carfentanil (seized by the CBSA for the first time in May 2016). Liquid fentanyl was seized for the first time in May 2016 by the Hamilton Police.

The Government of Canada is introducing amendments to the *Controlled Drugs and Substances Act* (CDSA) and *Customs Act* to assist law enforcement and border officials in addressing this crisis. Under Bill C-37, regulatory mechanisms would be applied to better restrict pill presses and other designated devices used in the manufacturing of illegal pills containing opioids, including fentanyl. This will be a good first step in gathering evidence on the use of otherwise legitimate tools in the illicit manufacturing of drugs. The Bill also proposes to remove the 30 gram or less mail exception from the Customs Act, granting border officers the authority to open international mail of any weight, should they have reasonable grounds to suspect the item may contain prohibited, controlled or regulated goods. Currently under the *Customs Act*, mail weighing 30 grams or less, may only be opened by a border officer if consent is obtained from the sender or the addressee. If no consent is given, the mail is simply returned to Canada Post to return to the sender. This situation allows importers of dangerous substances, such as pure fentanyl, to adopt a shotgun approach, where a large quantity of fentanyl-containing packages weighing 30 grams or less are mailed to Canada, with CBSA having no authority under the *Customs Act* to open, unless CBSA has secured consent.

From a North American perspective, Canada is engaging in trilateral discussions with the United States and Mexico on the opioid crisis through the new North American Drug Policy Dialogue. PS led the Canadian delegation, which included officials from RCMP, Health Canada and Justice Canada, at the inaugural meeting held in October 2016. The result of the dialogue was the identification of best practices to combat the opioid problem and approaches to gather and share data to enhance cooperation. The next meeting of the three countries is planned for as early as the first quarter of 2017.

SECRET//CEO

Extremist exploitation of the online space

Another priority issue for both Canada and the U.S. is the extremist exploitation of the online space. On August 1, 2017, Facebook, Microsoft, Twitter and Youtube launched the Global Internet Forum to Counter Terrorism (GIFCT) in San Francisco, California. GIFCT formalizes and structures how internet service providers (ISPs) work together to curtail the spread of terrorism and violent extremism on their hosted consumer services. During this forum, the U.S., represented by Acting Secretary Elaine Duke, conveyed (along with the U.K. and Australia) strong remarks to ISPs on the continued need to remove Daesh-inspired content from the internet. Remarks by Canada focused on collaboration, research, counter-speech, and the need to address all forms of violent extremism online, including right-wing. Initial conversations with the U.S. at the official's level on the topic of ISP engagement and content removal, signal similarities to Canada's approach, namely free speech considerations and uneasiness with dictating policy to ISPs. Although, the U.S. Countering Violent Extremism (CVE) Strategy is currently under review, to date the U.S. has prioritized Daesh-inspired extremism, while Canada supports the prevention of violence regardless of the underlying extremist ideology.

Right-wing extremism

The recent tragic events in Charlottesville, Virginia, may drive the U.S. to broaden their approach to CVE beyond the narrow focus of Daesh-inspired extremism. In Canada, there are over one hundred right-wing extremist groups whose beliefs are premised on hate and are related to issues such as: opposition to refugees; and, misinformation about M-103. Right wing extremism is a cross border issue as groups in the U.S. have linkages to groups in Canada and vice versa, particularly online linkages. The Canada Centre will have a role to play in the context of M-103, a motion to address "systemic racism and religious discrimination including Islamophobia" in Canada. In fall 2017, the House of Commons Standing Committee on Canadian Heritage will study the issue and officials from the RCMP, PS, PCH, and TBS have been asked to appear in September. Many Canadians have expressed misconceptions about M-103, including concerns that it will limit freedom of speech and expression. Moving forward the Canada Centre will provide support to help explain M-103 and dispel myths.

The Canada Centre will support mechanisms to protect freedom of expression while condemning hate-speech and work to better understand the intersection of hate crimes, hate incidents, hate propaganda, and radicalization to violence, particularly in the context of right-wing extremism. Through the Community Resilience Fund, the Canada Centre provides funding to initiatives that address hate and hate speech by promoting alternative narratives, e.g., Project SOMEONE.

BACKGROUND ON CANADA CENTRE FOR COMMUNITY ENGAGEMENT AND PREVENTION OF VIOLENCE

Objective of interactions with counterparts: Provide an overview of the Canada Centre for Community Engagement and Prevention of Violence (Canada Centre), and seek indications from U.S. counterparts of their plans for countering radicalization to violence (CRV).

The Government of Canada is taking a broad and collaborative approach to CRV and is enhancing cooperation through the Canada Centre. As a centre of excellence, the Canada Centre will provide national leadership, coordination and support to community groups, frontline practitioners and stakeholders in their efforts to prevent individuals from radicalizing to violence. Priority issues in the context of CRV include: returning extremist travellers; extremist exploitation of the online space; and, right-wing extremism.

Returning extremist travellers

Returning extremist travellers (RETs) raise new and serious concerns for both Canada and the U.S. In 2015, the Government of Canada reported that 180 individuals with connections to Canada were abroad and suspected of engaging in terrorism-related activity, 60 individuals have since returned home. Though, many RETs have limited interest in returning home, and those who do wish to return face many challenges and barriers. For example, in Iraq and Syria: Daesh does not allow individuals to leave; the group's territory is surrounded by opposing forces; smugglers providing passage to Turkey are expensive; and, there is significant risk of being captured or killed.

RETs may have skills, knowledge and relationships that could be used to recruit or inspire individuals in Canada.

The Canada Centre is currently working closely with federal partners to map out a whole-of-government approach to RETs. The Canada Centre's role within this approach will be to support the reintegration and rehabilitation of RETs, their families, and children. Moving forward, the Canada Centre will also engage provinces, territories and municipalities on how to collaboratively address RETs. Through the Community Resilience Fund, the Canada Centre will support researchers, practitioners and law enforcement working on rehabilitation and reintegration of RETs and their families. The U.S. and Canada can continue to cooperate bilaterally to address this issue by supporting the sharing of knowledge, research and lessons learned.

EMBARGOED UNTIL AUGUST 3, 2017 11:00am

GOALS	OBJECTIVES
3. Ensure Community Safety and Resiliency Before, During, and After Incidents Including Terrorist Attacks and Natural Disasters	3.1 – Mitigate risks to communities 3.2 – Advance joint community preparedness 3.3 – Protect and make resilient critical infrastructure 3.4 – Jointly conduct effective disaster response operations 3.5 – Enhance mutual recovery capabilities

These strategic goals and objectives are also reflected in the key areas of cooperation outlined in the 2011 Action Plan for the *United States-Canada Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness* initiative. Those four areas were defined as follows:

Key Areas of Cooperation in *United States-Canada Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness*

KEY AREAS OF COOPERATION	GOALS
1. Addressing Threats Early	a. Develop a common approach to assessing threats and identifying those who pose a risk under the principle that a threat to either country represents a threat to both b. Pushing out the border: stopping threats before they arrive in either the United States or Canada c. Establish a common approach to perimeter screening to promote security and border efficiency
2. Trade Facilitation, Economic Growth, and Jobs	a. Enhance the benefits of programs that help trusted businesses and travelers move efficiently across the border b. Develop additional initiatives for expediting legitimate travelers and cargo c. Invest in improving shared border infrastructure and technology
3. Cross-Border Law Enforcement	a. Deepen cooperative investigation and prosecution efforts to identify and stop serious offenders and violent criminals
4. Critical Infrastructure and Cybersecurity	a. Enhance the resiliency of our shared critical infrastructure b. Rapidly respond to recover from disasters and emergencies on either side of the border

EMBARGOED UNTIL AUGUST 3, 2017 11:00am

The 2014-2018 *DHS Strategic Plan*, which focuses on how the Department will implement the goals of the QHSR, lays out three goals related to securing and managing of the Nation's borders:

FY 2014-18 DHS Strategic Plan Goals and Objectives

GOALS	OBJECTIVES
1. Secure U.S. Air, Land, and Sea Border and Approaches	a. Prevent illegal import and entry b. Prevent illegal export and exit
2. Safeguard and Expedite Lawful Trade and Travel	a. Safeguard key nodes, conveyances, and pathways b. Manage the risk of people and goods in transit c. Maximize compliance with U.S. trade laws and promote U.S. economic security and competitiveness
3. Disrupt and Dismantle Transnational Criminal Organizations and Other Illicit Actors	a. Identify, investigate, disrupt, and dismantle TCOs b. Disrupt illicit actors, activities, and pathways

The 2012 *Northern Border Strategy* outlines three goals, with associated objectives, to guide DHS efforts on the northern border:

2012 Northern Border Strategy Goals and Objectives

GOALS	OBJECTIVES
1. Deter and Prevent Terrorism, Smuggling, Trafficking, and Illegal Immigration	1.1. – Understand the threats and risks 1.2 – Enhance domain awareness and interoperability to conduct joint operations 1.3 – Identify, interdict, investigate, and disrupt illicit activity 1.4 – Prevent illegal crossing of goods or people
2. Safeguard and Encourage the Efficient Flow of Lawful Trade and Travel	2.1 – Manage the risk posed by people and goods in transit 2.2 – Secure nodes of travel and transportation, including ports of entry 2.3 – Secure means of travel and transportation (conveyances) 2.4 – Promote safe and legal travel, trade, and immigration 2.5 – Strengthen global supply chain security

EMBARGOED UNTIL AUGUST 3, 2017 11:00am

myriad of jurisdictions along the border, create a complex problem set for law enforcement. TCOs may also attempt to move narcotics internationally using commercial cargo transportation methods. Reporting indicates that cocaine and methamphetamine move north into Canada after transiting the United States from Mexico, while smaller quantities of fentanyl, marijuana and MDMA flow south from Canada into the United States.

Current strategic guidance for DHS northern border operations is derived from several sources, including the *2014-2018 DHS Strategic Plan*, the *2014 Quadrennial Homeland Security Review (QHSR)*, and the *2012 Northern Border Strategy*. These documents have continually reaffirmed the importance of deterring and preventing exploitation of the border at and between the POEs by illicit actors; promoting efficiency and security of lawful trade and travel; and building resiliency for communities on either side of the border (see tables below).

DHS components attempt to maximize resources in a constrained fiscal environment by leveraging U.S.-Canadian programs to expedite cross-border trade and travel, such as preclearance, trusted traveler and trusted trade programs, and through intelligence-driven threat monitoring to compensate for constricted domain awareness. For example, the United States has conducted air passenger preclearance operations in Canada since 1952 and currently conducts preclearance operations at eight airport locations in Canada, pursuant to the 2001 U.S.-Canada Air Transport Preclearance Agreement. A new Land, Rail, Marine, and Air preclearance agreement was signed in March 2015, which, when entered into force following passage of Canadian legislation and regulations, will supersede the 2001 Agreement.

Although the northern and southern borders of the United States differ greatly in terms of climate, threat environment, and volume of cross-border flows, some of the same technological resources and border enforcement methods are effectively deployed at both borders. DHS also benefits from collaboration with other federal, state, local, and tribal partners, as well as our Canadian partners, to address border security-related issues. Intelligence coordination and sharing is critical for successful northern border operations.

The United States and Canada also actively collaborate to facilitate cross border travel and trade, and to harden shared vulnerable critical infrastructure. Through international treaties, bilateral memorandums of understanding, and other agreements and arrangements, the United States and Canada have developed an efficient and effective joint border enforcement posture that includes efforts at our shared border, our perimeter, and within our countries. We continue to work together to overcome legal obstacles in order to further enhance U.S. enforcement abilities.

This report offers a preliminary description of the Department's capabilities and gaps for our operations on the northern border. DHS intends to build on the preliminary assessment offered in this report by updating its northern border strategy and writing a corresponding implementation plan. The updated strategy will include strategic measures that will allow DHS to evaluate progress toward addressing capability gaps on the northern border. Upon completion, these documents will enable DHS to begin a formal capability assessment and requirements generation process which will guide the Department's approach to making investments that will make the U.S.-Canada border more secure.

EMBARGOED UNTIL AUGUST 3, 2017 11:00am

Northern Border Threat Analysis Report Public Summary July 2017

This document summarizes findings from the Northern Border Threat Analysis Report prepared in response to the reporting requirements of the *Northern Border Security Review Act* (Pub.L. 114-267). The report describes the current threat landscape on the U.S.-Canada border and analyzes national security and other threats across the air, land, and maritime domains. The report also provides a description of Department of Homeland Security (DHS) operational capabilities on the northern border, including a preliminary assessment of capability gaps and challenges in legal authorities; cross-component cooperation; coordination between state, local, and tribal law enforcement organizations; and cooperation and information sharing with Canadian law enforcement and intelligence partners.

The large volume of legitimate travel across the northern border and the long stretches of difficult terrain between ports of entry (POEs) provide potential opportunities for individuals who may pose a national security risk to enter the United States undetected. However, encounters with individuals associated with transnational crime or terrorism remain infrequent, and sensor technology plays an important role in locations where full-time deployment of enforcement personnel is not practical. Known illegal crossings on the northern border conform to established migration patterns between large population centers. Terrain, weather, and distance are factors that constrain illegal migrant travel in remote areas of the border. The number of individuals apprehended while entering the United States from Canada between POEs fluctuates but has remained below 800 per year over the last five years, with the largest share of these apprehended individuals being Canadians. By contrast, apprehensions at the southwest border number in the hundreds of thousands, and about two-thirds of the people that U.S. Border Patrol agents apprehend along the northern border entered the United States through Mexico.

Canada has been an effective partner in working with the United States to keep foreign terrorist suspects from entering North America, especially with initiatives undertaken as part of the 2011 *U.S.-Canada Beyond the Border* Initiative. Potential terror threats are primarily from unidentified homegrown violent extremists in Canada who believe they can enter the United States legally at POEs without suspicion. Watchlisted Canadians and third-country nationals who are encountered at POEs may be determined to be inadmissible and refused entry into the United States. Watchlisted U.S. citizens and Lawful Permanent Residents departing Canada may be subject to additional scrutiny at POEs before their entry into the United States.

The most common threat to U.S. public safety along the northern border continues to be the bi-directional flow of illicit drugs. To avoid detection by U.S. and Canadian law enforcement, transnational criminal organizations (TCOs) continually adapt their drug production, smuggling methods, and routes. The topography along mountainous parts of the northern border is occasionally exploited by smugglers flying private aircraft at low altitude to evade radar detection, but there are no reports to suggest that the tactic is employed on a large scale. The unique nature of the maritime boundaries between the United States and Canada create a conducive environment for TCOs to traffic drugs, people, and other contraband. High-density recreational boating traffic and short transit distances between the two countries, along with a



Canada are not queue jumpers, and are not taking the place of refugees who are coming to Canada from abroad for resettlement.

These claims are assessed by the IRB on their merit along with all other claims for refugee protection in accordance with the regulated time limits and as capacity allows. Processing asylum claims is done by dedicated staff at the IRB and does not impact IRCC's ability to make decisions on other types of applications it processes.

Q6. Will Canada alter how asylum claims are decided in light of the policy changes in the U.S.?

Decision-makers at the IRB must be satisfied that a claimant has a well-founded fear of persecution or that he/she would, if removed, be subjected to a danger of torture or a risk to life or of cruel and unusual treatment or punishment. Each eligible asylum claim is assessed on its own merits.

For those who are not eligible to make a claim for asylum, in most cases, they have access to a pre-removal risk assessment to determine the risk that individual would face if returned to their home country.

Q7. What is the Government doing to address the increase in irregular migration between the land border ports of entry?

Crossing into Canada illegally between designated ports of entry is a violation of the law and can be dangerous.

Individuals who are intercepted by the RCMP or local law enforcement after crossing the border illegally are brought to an immigration officer who will conduct an examination to determine the identity of the person and their admissibility to Canada.

An initial security screening is also conducted to ensure that the individual does not pose a security threat to Canada and to determine whether they are eligible to make a refugee claim.

The Government is fully engaged and committed to orderly migration while protecting the safety and security of Canadians. The RCMP and CBSA have reallocated human resources and are working together with IRCC to respond.

Asylum claims are governed in part by international treaties to which Canada is a signatory. As such, we have a legal responsibility to assess asylum claims made under these international conventions. This makes the asylum system fundamentally different than other areas of immigration.



The Canada-U.S. Safe Third Country Agreement (STCA) is largely about domestic asylum systems (i.e. asylum claims made directly in the two countries) and what each country does to determine claims for people seeking asylum.

The STCA is premised on the principle, supported by the United Nations Refugee Agency (UNHCR) that individuals should seek asylum in the first safe country in which they arrive.

Canada has analyzed developments in the United States, including with respect to the recent Executive Orders related to immigration and refugee matters, and determined that the U.S. remains a safe country for asylum claimants. This is consistent with findings from the UNHCR.

Similar agreements are used by countries around the world to control pressures on asylum systems.

The STCA remains an important tool for Canada and the U.S. to work together on the orderly handling of refugee claims made in our countries.

The *Immigration and Refugee Protection Act* requires the continual review of all countries designated as safe third countries to ensure that the conditions that led to the designation as a safe third country continue to be met.

Q4. Why is there a loop hole in the Safe Third Country Agreement?

The Safe Third Country Agreement is a treaty that was established between Canada and the United States. Negotiations at that time concluded it would only apply at land border ports of entry, where border officers are able to visually confirm that the claimant is entering one country directly from the other country.

Q5. Are asylum seekers who cross the border illegally into Canada queue jumping?

Asylum claimants can make an asylum claim in Canada at a Port of Entry or at an inland office – this could be an inland office of Canada Border Services Agency, or an inland office of Immigration, Refugees and Citizenship Canada.

These claims are governed in part by international treaties that Canada has promised to uphold. One of the key principles of these treaties is that Canada will not to send a claimant back to a situation where they may face danger or persecution.

Resettled refugees, on the other hand, are screened abroad and undergo security and medical checks prior to being issued a visa to come to Canada. When they arrive in Canada, they are permanent residents.

As asylum claimants and resettled refugees come to Canada through different immigration streams, those who are crossing the border illegally and claiming asylum in



An important tool supporting this collaboration is the robust information sharing regime that has been established in recent years: the benefits of this information sharing relationship are significant.

Of note, Canada and the U.S. have launched the capacity to share information in an automated way on the basis of a biographic or biometric query. This capacity is a valuable tool to assist with verifying clients' identity, uncovering previously unknown immigration information, and facilitating the legitimate travel of individuals.

Automated sharing complements existing practices to share information on a case-by-case basis, between officers at the border and headquarters. Both of these tools are and will continue to be leveraged on a regular basis to support Canada-U.S. collaboration on irregular migration.

General Messaging on Asylum Claims

- Asylum claims are governed in part by international treaties to which Canada is a signatory. As such, we have a legal responsibility to assess asylum claims made under these international conventions. This makes the asylum system fundamentally different than other areas of immigration.
- Individuals can make a claim for asylum at either a port of entry or an in-land office of Immigration, Refugees and Citizenship Canada (IRCC) or Canada Border Services Agency (CBSA). CBSA or IRCC officials will determine if an individual is eligible to make a refugee claim. Factors determining an individual's eligibility to claim asylum include whether the claimant has committed a serious crime, made a previous claim in Canada or received protection in another country.
- If the individual is eligible to make a claim, it is referred to the independent Immigration and Refugee Board of Canada (IRB). The IRB is a quasi-judicial, independent body, which provides a fair hearing to asylum claimants. Decisions are made based on the individual merits of the claim, and in accordance with Canada's immigration laws.
- All claimants – at the border, airport, or inland – undergo medical and security screening, including photographs, fingerprint checks, and the initiation of security and criminality checks.

Also see:

- Backgrounder: Claiming asylum in Canada – what happens?
- Key figures on asylum claims made in Canada

Q3. Is the Canadian government prepared to review or rescind the Canada-U.S. Safe Third Country Agreement?



On expediting work permits:

- We are exploring options vis-a-vis overall processing procedures.

On the Interim Federal Health Program:

- Through the Interim Federal Health Program, the Government of Canada covers the costs of the immigration medical examination and other necessary health care of asylum seekers while they wait for their claim to be heard.
- Typically, an individual gets that coverage once their claim has been deemed eligible to be referred to the Immigration and Refugee Board. However, with the current delay for the initial eligibility interview, this leaves individuals without coverage for several weeks, relying on emergency rooms for even minor health concerns. It also delays their ability to undergo an immigration medical exam in a timely way.
- In light of this, we will begin extending this coverage to asylum seekers immediately as they enter Canada rather than waiting until their claim has been referred to the IRB. Government officials have begun working on making this happen.

Q1. Is the Government of Canada proactively engaging the US Government in advance of any immigration-related decisions they take that could potentially have negative impacts on Canadians?

The Government of Canada is in continuous contact with the US Government, including the Department of Homeland Security and US State Department.

Canada has a long-standing, solid working relationship with the US on migration management and efforts to enhance perimeter security and facilitate the movement of legitimate travellers, one upon which we can rely to address issues if/when they arise.

While there is a high degree of collaboration on migration management and perimeter security, Canada and the US retain the sovereign right to establish the terms and conditions upon which travelers can cross their respective borders, enter, remain in and leave their respective country.

Q2. How do Canada and the U.S. share information on irregular migration?

Canada and the U.S. are steadfast partners in managing the border and ensuring the security of the Perimeter. This entails working together to "push the border out" as well as enabling the free flow of legitimate travel and trade.



- Please visit the IRCC [website](#) or the [IRCC datasets on the Open Government website](#) for the most recent statistics available on asylum claims made in Canada.

If asked re. July 2017 numbers:

- There was a marked increase in the number of border intercepts in July 2017 over previous months. The overwhelming majority of these intercepts were in the province of Quebec.
- Currently, the data on the overall asylum claims shows a slight decrease in the number of claims made in July over June. However, this data should be considered to be underreported, as it does not include all claims expected to be made as a result of July border intercepts.
- As determinations are made that persons crossing the border are eligible to make an asylum claim, that information is entered into our system and is reflected in the asylum claims data that is published monthly to our website.
- Due to the volume of intercepts being handled, it is expected to take several months before asylum claims data more accurately reflects the results of border intercepts.
- This delay is expected to continue in the coming months. Given this, the IRCC website or the [IRCC datasets on the Open Government website](#) should be considered the most up to date sources of data available to the public and the media.
- The publication of July data will also see the inclusion of adjustments to the previously published data from the first six months of 2017.

If asked re. August numbers:

- While we are unable to release preliminary numbers at this time, early indications point to a continuing increase in the number of irregular migrations across the border.

If asked about other data and sources:

- The Immigration and Refugee Board posts statistics on the outcomes of claims for refugee protection made in Canada.
- This information is posted on a quarterly basis and has information up to March 31, 2017 currently available. Second quarter data (April to June, 2017) is expected to be posted on September 1, 2017.
- All related inquiries should be directed to the [IRB's media relations team](#).

On costs (related to housing):

- Financial costs will be discussed later. Our priority right now is to make sure the Province of Quebec has the support it needs to deal with this issue.



Immigration, Refugees and Citizenship

(last update: August 25, 2017)

General Lines on asylum

Immigration continues to play a key role in contributing to Canada's well-being, to our economic prosperity, and to our success as a nation.

Canada has a long and proud tradition of providing protection to those who need it the most by offering refuge to the world's most vulnerable people and has welcomed generations of newcomers who have helped us build our society, culture and economy in long lasting and enduring ways.

However, crossing into Canada illegally between designated ports of entry is a violation of the law and can be dangerous.

For legal and personal safety reasons, the Government of Canada continues to urge people to seek entry into Canada only at designated ports of entry.

We are confident in our programs and will continue to ensure that our immigration system balances compassion, efficiency and economic opportunity, while protecting the health, safety and security of Canadians.

IRCC is assisting CBSA in the eligibility determination process. Eligible claims are then referred to the independent Immigration and Refugee Board of Canada.

- Security screening is an important part of the overall assessment of whether a person is admissible to Canada. This process ensures that anyone who wants to come to Canada has not committed serious crimes, and does not pose a health or safety risk to Canadians.

Key messages on July 2017 asylum claims statistics:

- Immigration, Refugees and Citizenship Canada is committed to being transparent and, in cooperation with the CBSA and the RCMP, has taken steps to collect asylum claims and interception data. IRCC releases this information in a complete form on a monthly basis on the [IRCC website](#).
- Given the number of border interceptions currently being processed, there is a delay in asylum claims application information appearing in our system.
- Applications information is backdated, as appropriate, as it is entered into the system. Updated data for previous months is published to our website on a monthly basis as it becomes available.
- Therefore, the data posted to the IRCC website is considered preliminary and subject to change. As the data is closely reviewed to remove duplicates and include backdated data, updates will be made according to the monthly data release schedule.



CBSA officers can detain a foreign national if they have reasonable grounds to believe the person is:

- unlikely to appear for an immigration proceeding (e.g., examination, hearing, removal);
- a danger to the public;
- unable to satisfy the officer of their identity.

It is essential to remove individuals who are not allowed to enter or stay in Canada in order to maintain the integrity of our immigration system and to be fair to those who come here with due respect for the law.

For questions related to the collaboration between the municipal police services and the SPVM, please contact the SPVM.

Q18. How many cases (percentage) of asylum seekers at Lacolle have serious criminality? How many cases (percentage) of asylum seekers have been detained?

Less than 1% of asylum seekers at Lacolle have serious criminality and less than 1% of asylum seekers have been detained.

Q19. Who is responsible for negotiations with the owner of the land for the rental of the sites? Is it the CBSA?

The CBSA is the department that currently occupies and uses the site.

However, it is important to specify that Public Service and Procurement Canada (PSPC) is the contracting authority responsible for negotiating the lease of the land for the CBSA in Lacolle, as required by the CBSA.

Land leasing is a complex process that requires audits, research (ex.: property titles search) and extra costs analysis in order to come to an agreement which will suit both parties. SPAC is working with the owner to complete the agreement as quickly as possible.



Here is the internet link on which you will find the data that the Government of Canada makes available to the public: <http://www.cic.gc.ca/english/refugees/asylum-claims-made-in-canada.asp>

Q14. What can you tell me about the installations and the sanitary conditions at Lacolle?

We can tell you that there are currently 75 portable toilets, 3 functional showers on site and many more will be ordered, and 59 tents are on the site right now. Requirements will be reassessed on a regular basis and other equipment may be installed subsequently.

Q15. How much would it cost to run that camp for them?

This information is not available. To clarify, this is not a "camp". The tents allow asylum seekers to have temporary shelter against the elements so that the CBSA can continue its orderly processing of asylum claimants when they arrive at the border.

Q16. What countries do these people come from?

As of June 2017, the top five countries of origin of the asylum seekers in Canada are (in order): 1. Nigeria, 2. Haiti, 3. Turkey, 4. Pakistan and 5. the United States.

In the Quebec region in 2017 (January 1 through August 1), the top five countries of origin for asylum claimants are: Haiti, USA, Turkey, Colombia, Democratic Republic of Sudan.

17. When it comes to arrest warrants, can municipalities not cooperate with the CBSA? Do municipalities have an agreement with the SPVM in relation to this?

The designation of "sanctuary city" does not affect the manner in which the CBSA and its national and international law enforcement partners or other police forces of jurisdictions carry out their work in the country with respect to Canadian laws and regulations in order to ensure the safety of Canadians.

Any arrest made by the Agency is the result of the efforts and work of the Agency and its national and international law enforcement partners or other police forces in jurisdictions.

Canada Border Services Agency (CBSA) officers apprehend, detain and remove persons who are inadmissible to Canada under the Immigration and Refugee Protection Act (IRPA).

Under Canada's immigration law, the CBSA may hold permanent residents and foreigners under certain conditions. Officers should consider all alternatives to detention before



The Agency has increased the number of BSOs at Lacolle and has relocated its processing of refugee claimants to the current location on Guay Road. The CBSA has also rented space nearby to support the orderly processing of claims. This move has allowed the CBSA to deal with greater numbers of refugee claimants while continuing to operate the Lacolle port of entry.

CBSA's operational planning makes the most effective use of all of the resources available, including the use of overtime and temporary reassignment of resources from other POEs to augment staff as required.

This is a whole of government effort. The CBSA is also working closely with other domestic and international partners such as IRCC, NGOs and US Customs and Border Protection (USCBP).

CBSA's operational response includes close collaboration with other government departments and will draw on their resources as required.

Q12. What is the current situation at Lacolle?

The number of asylum seekers arriving at the land border fluctuates daily. In the Saint-Bernard-de-Lacolle area, we have seen a steady flow of asylum seekers, being brought to Lacolle each day.

The Government Operations Centre has been activated to ensure the ongoing coordination of the Government of Canada's response to the increased numbers of asylum seekers arriving in the Saint-Bernard-de-Lacolle area. The CBSA is also working closely with other domestic and international partners such as IRCC, DND, NGOs and US Customs and Border Protection (USCBP), and together, we are regularly adjusting to deal with existing circumstances safely and securely.

In addition, the Canadian Armed Forces have provided assistance by installing tents, which are one measure being used for orderly processing of asylum seekers arriving at the border.

While Canada remains an open, welcoming country to people seeking refuge, whatever their ethnicity, background or religion, illegally entering is not a "free ticket" into Canada. There are rigorous immigration and customs rules to be followed—and make no mistake—we enforce them to safeguard our communities against security risks.

Q13. Do you have the total number of people who have arrived? When did this influx start and how many people have been accommodated so far?

There are currently less than 100 asylum seekers awaiting processing and our border services officers can process between 200 and 230 asylum seekers each day at Lacolle.



Q9. He also expressed concern that files are not being reviewed thoroughly due to stress and fatigue of the officers. What are you doing to ensure files are reviewed thoroughly? Where are the other officers coming from?

The CBSA has complete confidence in its Border Services Officers (BSOs). BSOs go above and beyond every day to ensure the integrity of Canada's borders.

The CBSA recognizes the demands being placed on its BSOs and will evolve its response by adding additional resources when needed.

Recognizing that the volume of asylum claimants has increased, the CBSA has already taken measures to ensure that BSOs at the Lacolle port of entry (POE) have the support they need to do their job.

The Agency has increased the number of BSOs at Lacolle and has relocated its processing of refugee claimants to the current location on Guay Road. The CBSA has also rented space nearby to support the orderly processing of claims. This move has allowed the CBSA to deal with greater numbers of refugee claimants while continuing to operate the Lacolle port of entry.

Trailers have also been set up at Lacolle for the overflow. They are being used as a waiting area only.

CBSA's operational planning makes the most effective use of all of the resources available, including the use of overtime and temporary reassignment of resources from other POEs to augment staff as required.

The CBSA will not compromise Canada's national safety and security. All persons seeking entry to Canada must demonstrate they meet the requirements to enter and/or stay in Canada.

Q10. How many asylum seekers can you process in a day at Lacolle?

Our officers can process between 200 to 230 refugee claimants each day at Lacolle.

Monthly Asylum Claim statistics are available online. July statistics have now been updated.

Q11. What are you doing to boost your processing capacity at Lacolle to deal with the influx of asylum seekers? What other steps are you taking to deal with the influx? I've spoken to the military about what they're doing to create a waiting area.

Recognizing that the volume of asylum claimants has increased, the CBSA has already taken measures to ensure that BSOs at the St-Bernard-de-Lacolle port of entry (POE) have the support they need to do their job.



officers can detain a foreign national if they have reasonable grounds to believe the person is:

- unlikely to appear for an immigration proceeding (e.g., examination, hearing, removal);
- a danger to the public;
- unable to satisfy the officer of their identity.

Unless a refugee claimant is detained under IRPA, he/she may live anywhere in Canada.

Q5. What do think will be the impact moving forward?

The CBSA will not speculate, however, we can tell you that we work closely with domestic and international partners to ensure the prosperity and safety of our respective borders.

Q6. How can a person make a refugee claim? Where?

A person may make a refugee claim at any designated CBSA ports of entry – land and inland. Additionally, a refugee claim may be made at an Immigration, Refugee and Citizenship Canada location in Canada.

Q7. Is the CBSA doing anything differently?

We continue to facilitate legitimate travel and trade.

Regardless of how an asylum seeker arrives at a CBSA office, they are processed in the same manner.

We will not compromise Canada's national safety and security. We can tell you that our policies, procedures and our role at designated ports of entry remain the same.

All persons seeking entry to Canada must demonstrate they meet the requirements to enter and/or stay in Canada. Admissibility of all travelers is decided on a case-by-case basis and based on the information made available to the border services officer at time of entry.

Q8. The CIU president indicates that up to 500 persons have entered daily. Is this figure correct?

The number of asylum seekers arriving at the land border fluctuates daily. We have seen a steady flow of asylum seekers, being brought to local ports each day. Not all claimants are processed on the day of their arrival. It depends when they arrive and the complexity of each individual claim. CBSA is continuing to adjust its operational posture.

Publicly available [asylum claim statistics](#) are available online and are updated monthly.



- Having a Canadian born child is not an impediment to removal. However, the CBSA always considers the best interest of the child before removing someone.
- If parents of Canadian children must be removed from Canada, then travel of the children can be facilitated to keep the family together.

CBSA Qs and As

Q1. What is the role of the CBSA vs. the RCMP?

The Canada Border Services Agency is responsible for enforcing Canadian legislation at designated ports of entry in Canada. The Royal Canadian Mounted Police is responsible for enforcing the law between ports of entry.

When the RCMP intercepts a person entering in between ports of entry, the person is taken to the CBSA port of entry. This can be at the border or to an inland CBSA office.

Q2. What happens when a person makes an asylum claim?

When a person makes a claim for refugee protection, the role of the CBSA is to determine the eligibility of the claim under the Immigration and Refugee Protection Act. The process notably includes an interview, taking fingerprints and photos, as well as security and criminal record checks.

If the application is eligible, the person's file will be referred to the Immigration and Refugee Board (IRB) for consideration and the person will be authorized to enter Canada to attend a hearing at the IRB.

If the application is ineligible, the person may be removed from Canada.

Q3. What reasons would make an asylum claim ineligible to proceed?

A claim may not be eligible for referral to the IRB for various reasons, such as:

- The claimant is not admissible to Canada on security grounds, or because of criminal activity or human rights violations.
- The claimant made a previous refugee claim that was rejected by the IRB.
- The Canada-U.S. Safe Third Country Agreement applies, which states that refugee claimants are required to request refugee protection in the first safe country they arrive in, unless they qualify for an exception to the Agreement.
- The CBSA's role is to assess eligibility at the port of entry. The CBSA may also intervene in a claim and appear at the hearing before the IRB.
- When processing claimants, CBSA officers also contact Immigration, Refugees and Citizenship Canada to advise of the claims for resettlement purposes.
- If a claimant has previous criminality, their claim is assessed on a case-by-case basis. The claimant may be detained pending the results of their claim.

Q4. Are the refugee claimants detained? Can they stay in Canada?

Claiming asylum is not in itself a motive for detention. The CBSA must consider all reasonable alternatives before making the decision to detain an individual. CBSA



On child pornography:

- During an examination of goods (luggage and/or electronic devices), should the CBSA intercept child pornography, the person is charged and arrested.

On removals:

If a foreign national is deemed inadmissible in Canada he may be removed.

- Protecting the safety and security of Canadians is a priority for the CBSA.
- The CBSA places highest priority on removal cases involving national security, organized crime, crimes against humanity and criminals. Removals of failed refugees and individuals with other immigration violations are also necessary to maintain the integrity of Canada's immigration program.
- The decision to remove someone from Canada is not taken lightly. The Immigration and Refugee Protection Act states that removal orders must be enforced as soon as possible. The CBSA is firmly committed to doing so.
- Prior to removal, individuals may seek leave for judicial review, as well as administrative review procedures that assess the potential risk to the person of returning to the country of origin.
- Pre-removal risk assessment is one of the safeguards in place to ensure people in need of protection are not removed. This assessment is conducted by officers of Immigration, Refugees and Citizenship Canada.
- Everyone ordered removed from Canada is entitled to due process before the law and all removal orders are subject to various levels of appeal.
- Once individuals have exhausted all legal avenues of appeal/due process, they are expected to respect our laws and leave Canada or be removed.

If pressed on removing individuals currently serving a criminal sentence:

- All foreign nationals accused of committing criminal acts are subject to the due process of the law. If convicted, they must serve their sentence before the removal from Canada can take place.
- Criminal matters take precedence over immigration matters.

When Canadian born children are involved

- Under the Citizenship Act, children born in Canada, with the exception of children of diplomats, consular officers or other representatives or employees in Canada of a foreign government, are automatically Canadian citizens. This acquisition of citizenship by birth on soil has been in place since the first Canadian Citizenship Act of 1947.



within the federal government. Our services are crucial to Canadians. The CBSA ensures there is a steady stream of trained officers ready to protect its borders wherever the need arises.

On referrals:

- All persons seeking entry to Canada must report to a designated port of entry and may be subject to a more in-depth examination.
- Any traveller coming into Canada could be referred for a secondary inspection; this includes both visitors and residents of Canada.
- Secondary inspections are a part of the normal cross-border travel process and border services officers are trained to perform these examinations in a courteous, respectful and professional manner.
- Referrals may be made for a number of reasons, and should not be viewed as an accusation of wrong-doing.

On electronic devices:

- All persons, including Canadian citizens, seeking entry to Canada must present to the CBSA and may be subject to a more in-depth exam (secondary inspection).
- Secondary inspections are a part of the normal cross-border travel process and border services officers are trained to perform these examinations in a courteous, respectful and professional manner.
- As with other goods crossing the border, travellers are legally obligated under the *Customs Act* to present their electronic devices for inspection by the CBSA.
- CBSA officers have the legal authority under section 99 of the *Customs Act* to examine personal baggage, including personal electronic devices, and conveyances and goods upon arrival into and on departure from Canada.
- Electronic devices and media, including laptops, cell phones and other devices are classified as 'goods' in the context of the border and CBSA officers have the lawful authority to examine them as part of a routine examination.

On passwords:

- Examination of digital devices and media must always be performed with a clear nexus to administering or enforcing CBSA-mandated program legislation that governs the cross-border movement of people and goods. While examination conducted under the authority of section 99 of the *Customs Act* do not require reasonable grounds to suspect or believe that a contravention has occurred, it is the CBSA's policy that such examinations should only occur where there is a multiplicity of indicators, or further to the discovery of undeclared, prohibited, or falsely reported goods. Initial examinations of digital devices and media should be cursory in nature and increase in intensity based on emerging indicators
- The examination of electronic goods is a tool used to uncover a range of border-related offences, ranging from electronic receipts proving that goods were undervalued or undeclared, to the interception of prohibited goods contained within the devices themselves (child pornography, obscenity, etc.).



- CBSA's operational planning makes the most effective use of all of the resources available, including the use of overtime and temporary reassignment of resources from other POEs to augment staff as required.
- The CBSA will not compromise Canada's national safety and security. All persons seeking entry to Canada must demonstrate they meet the requirements to enter and/or stay in Canada.
- CBSA officers process between 200 and 230 refugee claimants each day at the Saint-Bernard-de-Lacolle port of entry. The processing of an asylum can take a few days depending on the complexity of the case.

Handling the influx of people across the border

- Immigration and refugee numbers can fluctuate based on a number of factors.
- In 2016, the Quebec Region processed 2,500 asylum claimants at its land ports of entry. This year, to date, over 2,900 asylum claims have been processed at all Quebec land ports of entry.
- To handle the evolving situation, the CBSA and the RCMP are regularly adjusting to deal with existing circumstances safely and securely.
- This is a whole of government effort. The CBSA is also working closely with other domestic and international partners such as IRCC, NGOs and US Customs and Border Protection (USCBP).
- CBSA's operational response includes close collaboration with other government departments and will draw on their resources as required.
- Additionally, the CBSA:
 - Makes every effort to ensure adequate resources are available to address volumes while at the same time managing the rest of the operation, including customs and immigration secondary examinations, enforcement activities, commercial processing, etc;
 - Prepares operational plans on an ongoing basis to ensure maximum operational efficiency. Plans are based on making the most effective use of all of the resources available, including the use of overtime, resources from other ports of entry, to augment staffing numbers to address service requirements;
 - Regularly hires front line staff to ensure its borders are kept safe and efficient, and that we are resourced to deliver on our mandate of protecting Canadians;
 - Explores new and innovative ways to recruit border services officers, in addition to establishing flexible resourcing options, to ensure that the frontline is resourced to meet the POE needs and fulfill its mandate; and
 - Has established an ongoing recruitment process to fill vacancies due to natural attrition and to replace those who shift to other career opportunities



- The CBSA will then verify their identities using both biographic and biometric information. Health checks are done. Their records are examined for any immigration, criminal or national security concerns against Canadian, international and other partner databases.
- Anyone who cannot be identified, is deemed a flight risk, or poses a danger to the public can be detained.
- Under the law, anyone claiming asylum in Canada has the right to due process. If an individual is deemed eligible to make a refugee claim, they would go before the Immigration and Refugee Board (IRB), an independent quasi-judicial tribunal, which would decide on their claim.
- If the IRB hearing determines they are not in need of Canada's protection, removal procedures begin.
- This is a whole-of-government effort. The CBSA is working with partners both nationally and internationally. This includes work our officials are doing with the USCBP and Homeland Security to identify and address irregular migration patterns.

Lacolle port of entry

- The number of asylum seekers arriving at the land border fluctuates daily. We have seen a steady flow of asylum seekers being brought to local ports each day. Not all claimants are processed on the day of their arrival. It depends when they arrive and the complexity of each individual claim. The CBSA is continuing to adjust its operational posture.
- The Government Operations Centre has been activated to ensure the ongoing coordination of the Government of Canada's response to the increased numbers of asylum seekers arriving in the Saint-Bernard-de-Lacolle area.
- Recognizing that the volume of asylum claimants has increased, the CBSA has already taken measures to ensure that BSOs at the Lacolle port of entry (POE) have the support they need to do their job.
- The Agency has increased the number of BSOs at Lacolle and has relocated its processing of refugee claimants to the current location on Guay Road. The CBSA has also rented space nearby to support the orderly processing of claims. This move has allowed the CBSA to deal with greater numbers of refugee claimants while continuing to operate the Lacolle port of entry. Trailers have also been set up at Lacolle for the overflow. They are being used as a waiting area only.



We have a suite of technological tools, including cameras and sensors. Specific details related to technology are protected and will not be released, as these relate to investigative techniques.

Q11. What should the public do if they see people approaching the border?

Local residents know the area and are a valuable source of information regarding suspicious activities in the community. We are asking citizens who live near the border to remain vigilant and report suspicious incidents to us.

Q12. What does the RCMP plan to do about the potential for a greater influx of people crossing the border illegally?

This is an ongoing and developing situation and we are aware that the potential exists for more people crossing the border. We have contingency plans in place to deal with various possible scenarios. Furthermore, we have intelligence on global illegal migration trends to help us better prepare for these possible scenarios.

Canada Border Services Agency

(last update: August 24, 2017)

On irregular asylum seekers

- Without question, Canada remains an open, welcoming country to people seeking refuge, whatever their ethnicity, background or religion.
- The CBSA and the RCMP manage people who try to cross our border without reporting to ports of entry according to the letter of Canadian and international law.
- To be clear: entering illegally is not a "free ticket" into Canada. There are rigorous immigration and customs rules to be followed—and make no mistake—we enforce them to safeguard our communities against security risks.
- If individuals are deemed not in need of protection, they will be returned to their country of origin or last permanent residence.

Entering Canada is not a free-for-all

- Anyone crossing the border without appearing at a port of entry (POE) is apprehended and arrested by the Royal Canadian Mounted Police (RCMP) or other law enforcement officers.

The RCMP assesses, acquires and deploys a suite of technological tools along the border to aid in enforcement. This provides our officers with the situational awareness required to respond to activities encountered at the border, ensuring the safety and security of our communities.

Q6. How many resources do you have deployed along the border?

For operational reasons, we cannot provide this information.

Q7. The number of asylum seekers released by the RCMP contains the term "intercepts". What constitutes an intercept?

An "intercept" is a person who has been arrested, but not charged.

Q8. What section of the Criminal Code of Canada applies to irregular migration? Why is the RCMP not charging individuals who enter the country illegally?

Section 11(1) of the *Customs Act* (link: <http://laws-lois.justice.gc.ca/eng/acts/C-52.6/FullText.html#h-16>) applies to illegal entry and can be enforced by the RCMP.

However, if an individual is seeking asylum, the RCMP does not take enforcement action, as per section 133 of the *Immigration and Refugee Protection Act* (<http://laws-lois.justice.gc.ca/eng/acts/I-2.5/page-23.html#h-72>).

Furthermore, The *UN Convention and Protocol Relating to the Status of Refugees* clearly indicates that refugees who enter illegally in search of asylum should not be penalized if they present themselves (Article 31).

If pressed:

Section 11 (1) of the *Customs Act* states: "Subject to this section, every person arriving in Canada shall, except in such circumstances and subject to such conditions as may be prescribed, enter Canada only at a customs office designated for that purpose that is open for business and without delay present himself or herself to an officer and answer truthfully any questions asked by the officer in the performance of his or her duties under this or any other Act of Parliament."

Q9. Have you seen an increase since the change in the U.S. administration?

We are unable to speculate on this. Many factors can influence immigration trends.

Q10. What kind of technology is used to detect people illegally crossing the borders?



A. Previously, different criteria had been employed during the course of capturing statistics. As a result, the numbers cannot be compared and the RCMP will not be providing historical data.

Q3. What happens when a person illegally enters Canada and claims asylum?

A typical scenario would be as follows:

- Crossing the Canadian border without reporting at a port of entry is illegal and an offence under the *Customs Act*.
- Any person committing this offence may be arrested by the RCMP.
- After the arrest, the person is taken to an RCMP detachment and/or port of entry where further checks are conducted. Records checks are conducted to determine if the person has been previously involved in any illegal activity, for example, possession of contraband, drug trafficking and/or any connection to organized criminal groups, etc.
- The RCMP assesses each situation and determines the appropriate manner in which to proceed: whether the individuals should remain in RCMP custody pending further investigation or be transferred to the CBSA.

Q4. What threat do illegal border migrations pose to the safety and security of Canadians? Is the RCMP concerned?

When individuals are interdicted crossing the border illegally, their intentions are not known. The RCMP must assess each situation and determine the appropriate manner in which to proceed: whether the individuals should remain in RCMP custody pending further investigation or be transferred to CBSA.

It is imperative that officers take all precautions and utilize all tools at their disposal to confirm the identity of the individual and assess their activities to ensure the safety and security of Canada. The RCMP is committed to continuing to work with its partners moving forward to appropriately address the issue.

Q5. Does the RCMP have enough resources to meet the current pressures along the border?

The RCMP takes a layered approach in order to monitor and respond to activities along our borders, using all of the resources, technology, intelligence, and partnerships at our disposal. This model of border security means that we have deployed our border enforcement resources to the regions of highest activity between ports of entry.

The RCMP is continually reviewing its operational priorities to ensure areas are appropriately resourced. As required, resources from other areas may be redeployed on a short-term basis to meet operational needs.



- At the ports of entry, the RCMP works closely with its domestic and U.S. partners to address cross border criminality. Cooperative efforts have demonstrated that we can respond to the evolving threat environment encountered at the border.
- Crossing the Canadian border without reporting at a port of entry is illegal and is an offence under the *Customs Act*. Any person committing this offence may be arrested by law enforcement. Preliminary risk assessments are conducted to determine if the person has been previously involved in any illegal activity such as possession of contraband, drug trafficking and/or any connection to organized criminal groups. If the individual who has illegally entered between ports of entry claims to be a refugee, he/she is then transported to a port of entry where he/she is processed by CBSA.
- Unfortunately, some individuals who are illegally entering Canada are not aware of the extreme weather conditions and geography they may encounter which can have dire effects to their well-being. This issue is one of great concern to the officers responding to these types of incidents.
- The RCMP operates an integrated enforcement model across the border. Operations are intelligence-led and designed to enhance border integrity by coordinating the efforts of Canadian and U.S. federal law enforcement partners within a formal binational structure to identify, investigate and interdict cross-border criminal activity between ports of entry.
- The five core organizations participating in the IBET model include: Customs and Border Protection (CBP), the U.S. Coast Guard (USCG), Homeland Security Investigations (HSI), the Canada Border Services Agency (CBSA), and the Royal Canadian Mounted Police (RCMP).

RCMP Qs & As

Q1. What role does the RCMP have in dealing with asylum seekers?

The RCMP is responsible for enforcement between ports of entry along the border. Crossing the Canadian border without reporting at a port of entry is illegal and is an offence under the *Customs Act*. Any person committing this offence may be arrested by law enforcement. Preliminary risk assessments are conducted to determine if the person has been previously involved in any illegal activity such as possession of contraband, drug trafficking and/or any connection to organized criminal groups. The RCMP assesses each situation and determines the appropriate manner in which to proceed: whether the individuals should remain in RCMP custody pending further investigation or be transferred to the CBSA.

Q2. Why is the RCMP not providing historical data on irregular migration?



PS Qs & As

Q1. How is irregular migration to Canada regarded internationally?

Canada continues to apply its policies and procedures to protect its border while respecting its domestic and international obligations. Canada's representative from the United Nations High Commissioner for Refugees (UNHCR) indicated he was impressed by the actions of both the CBSA and the RCMP after observing border crossings in Quebec. He also noted that refugee claimants are being informed of their rights and processed expeditiously.

Q2. Does the Safe Third Country Agreement (STCA) still apply?

Yes. The Safe Third Country Agreement between the Governments of Canada and the United States involves cooperation in the examination of refugee status claims from nationals of third countries. Under this agreement, Canada and the United States cooperate to ensure the orderly handling of refugee claims based on the principle, supported by the UNHCR, that people must claim asylum in the first safe country in which they arrive. We agree with Canada's representative from the United Nations High Commissioner for Refugees (UNHCR) who has stated that "the conditions which prevailed at the time of the drafting and adoption of the Safe Third Country Agreement in 2004 are the same today."

Royal Canadian Mounted Police

(last update: August 8, 2017)

RCMP Media Lines

- 2017 year-to-date number of asylum seekers intercepted by the RCMP between ports of entry is now posted [online](#). The numbers on the website will be updated monthly.
- The RCMP is one of the primary agencies responsible for protecting the border by preventing, detecting, and disrupting cross border criminality by using available resources, technology, intelligence, and partnerships.
- The RCMP takes a layered approach in order to prevent, detect, and disrupt threats using all of the resources, technology, intelligence, and partnerships at our disposal. This model of border security means that we have deployed our border enforcement resources to the highest risk regions between ports of entry.



Overarching

(last update: August 21, 2017)

- The Government of Canada is using a number of tools to reach key audiences and ensure a sound understanding of Canada's asylum system.
- Through its network of US consulates, the Government of Canada is using social media channels to reach local audiences with information that explains the asylum system, and highlights key facts, including that last year, approximately half of all Haitian asylum claims were rejected.
- The Government of Canada will continue to host technical briefings for media, to promote awareness of the issue.
- In addition, Government of Canada spokespersons, including Minister Garneau and MP Dubourg, have been engaging with media, including domestic Haitian media, to further efforts to educate the Haitian diaspora.
- On August 24 and 25, MP Dubourg will be heading to Miami to speak to a mix of Haitian media and other US mainstream media and meeting with Haitian diaspora organizations/community leaders.

Public Safety

(last update: August 8, 2017)

PS Media Lines

- The Government is committed to protecting the safety of Canadians and keeping our borders secure. At the same time, people seeking asylum in Canada must be treated with compassion and afforded due process under the law.
- All Canadian laws are being enforced at, and between, ports of entry by the Canada Border Services Agency (CBSA) and the Royal Canadian Mounted Police (RCMP).
- We continue to address irregular migration in accordance with Canadian and international law, and in keeping with our values as an open and welcoming nation.
- While Canada supports managed migration and is a welcoming society, we do not condone irregular migration.
- Canadian authorities will continue applying policies and procedures that protect the integrity of our border and the security of our country while providing refuge to people in need of our protection.



Government of Canada

Border Issues: Evergreen KMs and Qs&As

August 25, 2017

Table of contents:

Overarching	02
Public Safety	02
Royal Canadian Mounted Police	03
Canada Border Services Agency	07
Immigration, Refugees and Citizenship	18

11:30-12:30 Lunch at Earl's Kitchen + Bar
(TBC) 7902 Tysons One Pl, Tysons

13:00-15:00 **Meeting and tour with Kelliann Burriesci, Principal Deputy Director, FBI**
TAB B8 Terrorist Screening Center

Location: 801 Follin Ln SE, Vienna, Virginia

Themes: Info sharing, TUSCAN

U.S. Participants: Jason Betz, Supervisory Intelligence Analyst; Sharon Geddes,
Privacy Attorney; Lynn Conklin, Management and Program Analyst; Cheryll
Klotter-Weeks, Management and Program Analyst

15:30 **Check in at Dulles Airport**

17:15 **Depart Washington D.C. on United 6308 (Dulles)**

18:48 **Arrival in Ottawa**

END OF PROGRAM

- 13:00-14:00 **Meeting with Rob Joyce, Advisor to President and Cybersecurity**
TAB B3 Coordinator, National Security Council
Location: Situation Room, West Wing, White House
Themes: Cybersecurity cooperation, national security
U.S. participants: Michael Sellitto, Director, Cyber Security Policy; Josh Steinman, Senior Director for Cyber; Keith Gilges, Director for North America; Art Ray, Director for Resilience
- 14:30-15:15 **Meeting with Maryscot (Scotty) Greenwood, CEO, Canadian-America**
TAB B7 Business Council
*Late lunch will be served
Location: 1900 K St. NW, Suite 100
Themes: Current trends in Canada-U.S. relations
U.S. participants: Virginia Beckett, Deputy Director, CABC
- 16:00-16:45 **Meeting with Claire Grady, A/Deputy Secretary, Homeland Security and**
TAB B4 Davis Pekoske (TBC), Administrator, Transportation Security Administration
Location: Nebraska Ave. Complex, 3801 Nebraska Ave NW
Themes: Canada-U.S. public safety cooperation, preclearance, entry/exit, aviation security, asylum seekers
U.S. Participants: Kevin MacAleenan, Acting Commissioner, CBP; James Nealon, Assistant Deputy Secretary for International Affairs, DHS; Andrea Yarosh, Policy Analyst, DHS; Caitlin Del Sole, Policy Analyst, DHS; TSA leadership TBC
- 17:00-18:00 **Meeting with James Nealon, Assistant Deputy Secretary for International**
TAB B5 Affairs
Location: Nebraska Ave. Complex, 3801 Nebraska Ave NW (TBC)
Themes: Asylum seekers, Preclearance, TUSCAN, CVE
U.S. Participants: Andrea Yarosh, Policy Analyst, DHS; Caitlin Del Sole, Policy Analyst, DHS

Travel to hotel via Embassy vehicle, followed by private program

Friday, Sept. 8

- 08:00 Departure from hotel
- 09:00-10:00 **Meeting with Nicholas Rasmussen, Director of the National**
TAB B6 Counterterrorism Center
Location: 1500 Tysons McLean Dr., McLean, Virginia
Themes: CVE, CCCPEV, national security
U.S. Participants: Jennifer York, NCTC Liaison Officer to Canada; Eleony (Nini) Moorhead, Executive Assistant to Director Rasmussen (notetaking).

**PROGRAM FOR MALCOLM BROWN
DEPUTY MINISTER, PUBLIC SAFETY CANADA
VISIT TO WASHINGTON, D.C.**

SEPTEMBER 6-8, 2017

Delegation:

Malcolm Brown, Deputy Minister, Public Safety Canada
Jill Wherrett, A/ADM, Portfolio Affairs and Communications Branch, Public Safety Canada
Natasha Manji, Counsellor, Public Safety Canada, Embassy of Canada: **202-497-5898**

Hotel: The Westin Georgetown
2350 M St. NW, Washington, DC

Wednesday, Sept. 6

18:05 Depart Ottawa for Washington D.C. on AC 8452
19:41 Arrival in Washington D.C. at Reagan International
Met by Natasha Manji, travel to hotel in Embassy vehicle

Thursday, Sept. 7

08:10 Departure from hotel

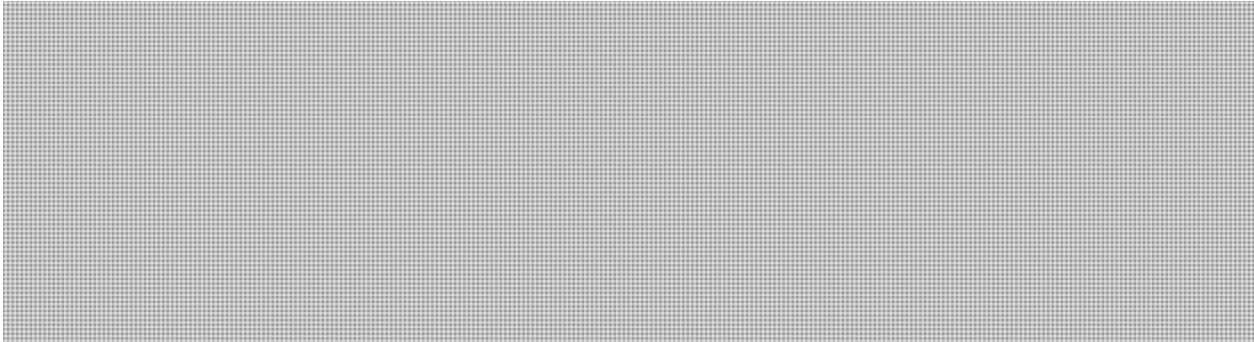
09:00-09:30 **Meeting with Mike Pompeo, Director, Central Intelligence Agency**
TAB B1 Location: 1000 Colonial Farm Rd, McLean, Virginia
Themes: National Security
Participants: Public Safety delegation, [REDACTED]

10:15-11:00 **Meeting with Public Safety Portfolio leads in Washington**
Location: Embassy of Canada
Themes: Canada-U.S. relations and scene setter
Participants: Public Safety delegation, Martin Loken (Minister Political), Benoit Chiquette (CBSA), Gilles Maillet (RCMP), [REDACTED] (CSIS)

11:30-12:30 **Meeting with Rod Rosenstein, Deputy Attorney General for the United States**
TAB B2 Location: Robert F. Kennedy Building, 950 Pennsylvania Ave.
Themes: Cross-border law enforcement, national security
U.S. Participants: TBC

UNCLASSIFIED
FOR OFFICIAL USE ONLY

(PPIO)) to collaborate closely with the U.S. on certain matters of redress and recourse concerning Canadian and U.S. citizens and permanent residents who may be affected because of a possible match to the Canadian and/or U.S. aviation security lists.



Enhanced aviation security



In July, then-DHS Secretary Kelly announced a series of measures related to airport personnel management and passenger screening, including: improving identification of insider threats and vetting of airport employees; detection of suspicious travelers; enhanced screening of personal electronic devices; and enhanced sharing of traveler information (e.g. watch lists, advanced passenger information).



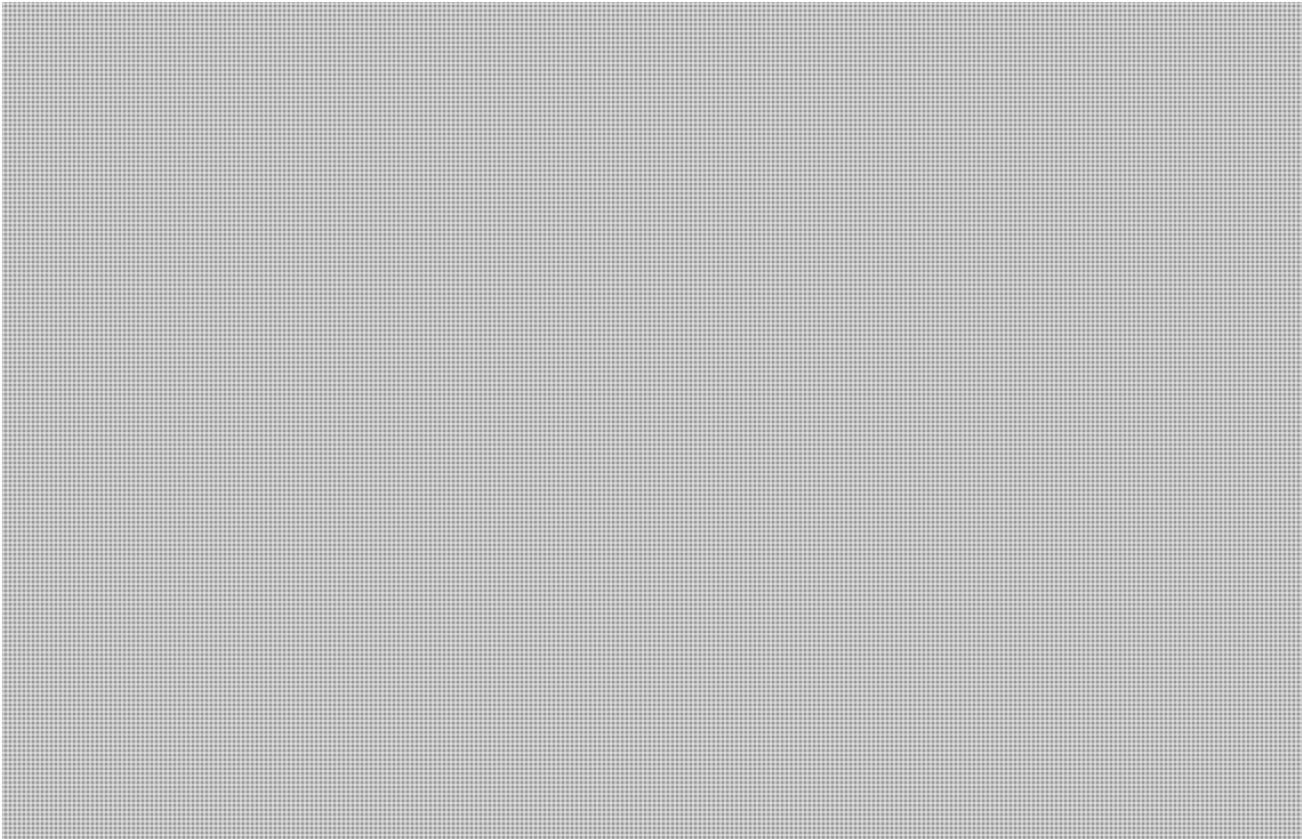
NEXT STEPS

Should you require any additional information, please do not hesitate to contact me at 613-991-2942.

Jean Cintrat, A/Assistant Deputy Minister, Portfolio Affairs and Communications Branch

Prepared by: Melanie Anestis, Erin Murray, Alex Groarke and Shermeen Khan

UNCLASSIFIED
FOR OFFICIAL USE ONLY



The PS Portfolio considers the implementation of the TUSCAN Arrangement to be on track.

Secure Air Travel Act (SATA) List



The SATA List contains the names of individuals identified by the Minister of Public Safety and Emergency Preparedness who may pose a threat to aviation security or who may travel by air for the purpose of committing certain terrorism offences.

Section 12 of SATA provides the authority for Canada to enter into a written arrangement to share the SATA List, in whole or in part, with foreign governments.

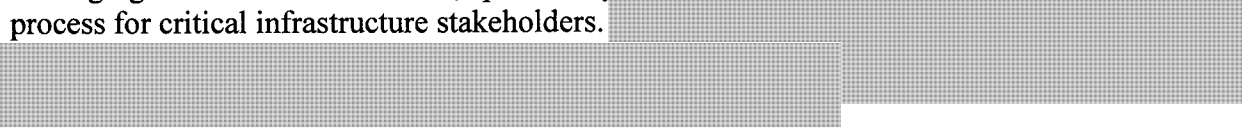
The Arrangement was signed in 2016. Under it, Canada will share SATA information with the U.S., and the



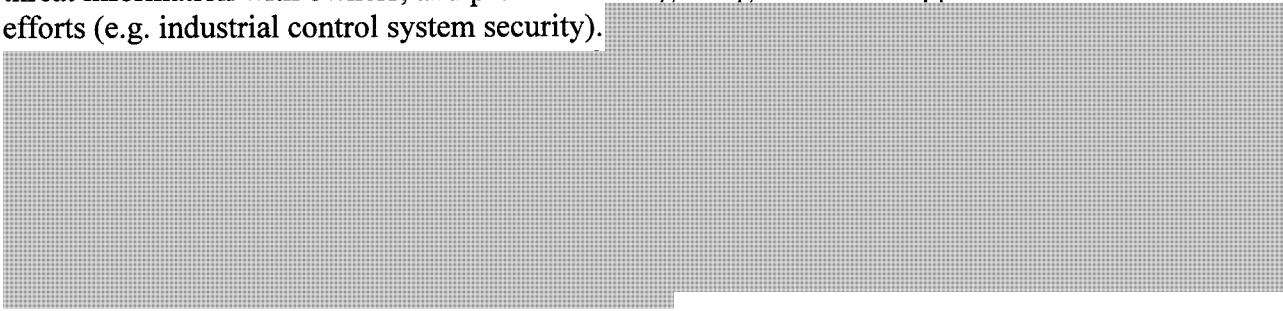
A Canada-U.S. Redress Working Group (RWG) was established as part of the Arrangement, as a bilateral mechanism that allows Public Safety (through the Passenger Protect Inquiries Office

UNCLASSIFIED
FOR OFFICIAL USE ONLY

On August 22, the President's National Infrastructure Advisory Council released a draft report on *Addressing Urgent Cyber Threats to Critical Infrastructure*. The report identifies recommendations to leverage federal capabilities to strengthen the cyber security of vital U.S. assets. It includes calling for a separate, security communications network for critical cyber systems, facilitating machine-to-machine automated information sharing on cyber threats, leveraging national-level exercises, specifically Grid Ex, and expediting the security clearance process for critical infrastructure stakeholders.



PS continues to strengthen partnerships on critical infrastructure with Canadian owners/operators, government stakeholders, and international partners. This includes the U.S., with whom we collaborate regularly to conduct all-hazards and cyber vulnerability assessments, share risk and threat information with owners, and provide training and guidance to support risk reduction efforts (e.g. industrial control system security).



CANADA CENTRE FOR COMMUNITY ENGAGEMENT AND PREVENTION OF VIOLENCE (CANADA CENTER)

Content on countering radicalization to violence (CRV) and the Canada Centre is attached (TAB C12).

RESPONSIVE ISSUES

Information sharing and TUSCAN implementation



UNCLASSIFIED
FOR OFFICIAL USE ONLY

[REDACTED]

The PM/President Joint Statement of February 2017 identified cybersecurity as an important area for collaboration. While Canada has been undergoing a domestic review and is renewing its cybersecurity strategy for the future, the U.S. has published domestic directives that may impact our cooperation. A May 2017 Executive Order titled “Strengthening the cybersecurity of federal networks and critical infrastructure” mandated the adoption of the Framework for Improving Critical Infrastructure Cybersecurity developed by the National Institute of Standards and Technology (NIST) by all federal departments, and for each agency head to then provide a Risk Management Report to the DHS Secretary and Director of the Office of Management and Budget by August 9. These reports would serve as the basis for the Secretary and the Director to present a Plan for managing IT risk to the Executive Branch. On August 18, President Trump directed the U.S. military to elevate the standing of the United States Cyber Command to a full-fledged military command in order to help streamline command and control of time-sensitive cyberspace operations through consolidation under a single commander.

[REDACTED]

Critical infrastructure

[REDACTED]

As part of the May 2017 Executive Order on cybersecurity, the Secretary of Energy and the DHS Secretary, in consultation with the Director of National Intelligence, state, and local governments, were directed to jointly assess Electricity Disruption Incident Response Capabilities associated with a significant cyber incident, and report back to the Executive by August 9. PS is working with Natural Resources Canada and U.S. counterparts to strengthen the overall resilience of the North American electric grid through the *Joint United States – Canada Electric Grid Security and Resilience Strategy* (2016). Through the supporting National Action Plans, the Strategy aims to strengthen the security and resilience of the electrical grid, recognizing that the security of this infrastructure is not only an energy security concern, but also a national security priority for both countries.

In addition, Exercise GridEx IV will take place on November 15-16, and is organized by the North American Electric Reliability Corporation (NERC), the regulatory and standard-setting body for electric grid reliability. PS is collaborating with Natural Resources Canada and energy sector stakeholders to develop Canadian-specific objectives aimed at enhancing information sharing between public and private sector entities.

UNCLASSIFIED
FOR OFFICIAL USE ONLY

[REDACTED]

Bill C-21 is currently awaiting Second Reading in the House of Commons.

National Security Legislation

[REDACTED]

The U.S. will be eager to understand the changes to Canada's accountability framework proposed by Bill C-59, and the potential implication of this legislation on the U.S. relationship. Introduced on June 20, 2017, Bill C-59 seeks to:

- Enhance accountability through the creation of the National Security and Intelligence Review Agency (NSIRA);
- Increase oversight through the creation of an Intelligence Commissioner;
- Improve transparency through a 6-point commitment to sharing national security information with Canadians; and
- Clarify processes for the sharing of information and redress through improvements to the *Secure Air Travel Act* and revisions to the *Security of Canada Information Disclosure Act*.

The proposed changes to the Canadian national security accountability framework will continue to protect sensitive information from inappropriate public disclosure. This will include allied information shared with Canada. In particular, the NSIRA is not permitted to disclose information which would be injurious to national security, national defence, or international relations.

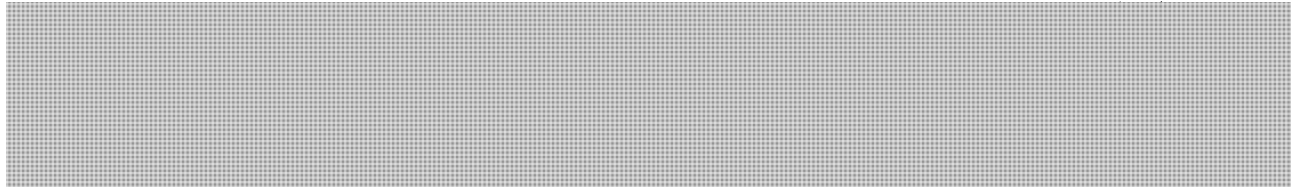
CYBERSECURITY AND CRITICAL INFRASTRUCTURE

Cybersecurity

UNCLASSIFIED
FOR OFFICIAL USE ONLY

LEGISLATIVE INITIATIVES

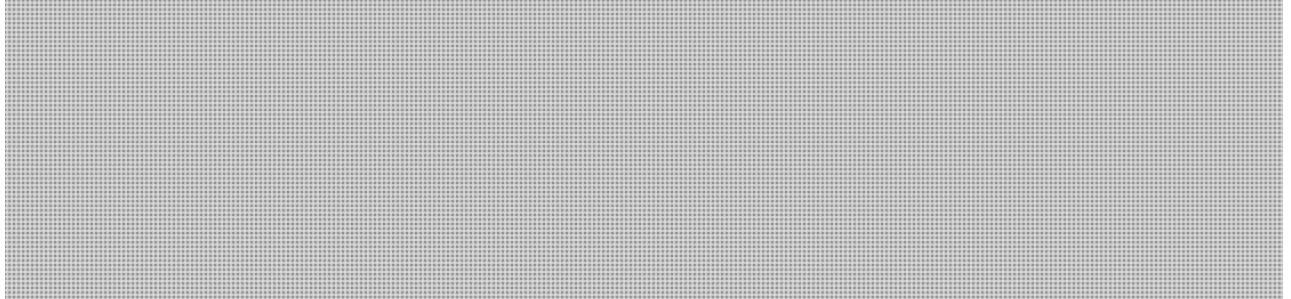
Preclearance



Bill C-23 passed the House of Commons on June 21, 2017. The amendments were minimal and included: a legislative requirement to train U.S. preclearance officers as per the Preclearance Agreement; a five year review of the *Preclearance Act*; and a clause indicating that Canadians can contact senior Canadian officials regarding any concerns they may have with the exercise of certain officer authorities. The Bill was referred to Second Reading in the Senate on June 22. In order to bring the Agreement into force, regulations need to be developed,



In February 2017, the Prime Minister and President committed to establishing preclearance operations for cargo and exploring colocation of border officials.



Department of Homeland Security has signaled that the next Preclearance Consultative Group (PCG) meeting will be held in December in Canada. The above mentioned implementation issues will be addressed at that meeting.

Entry/Exit

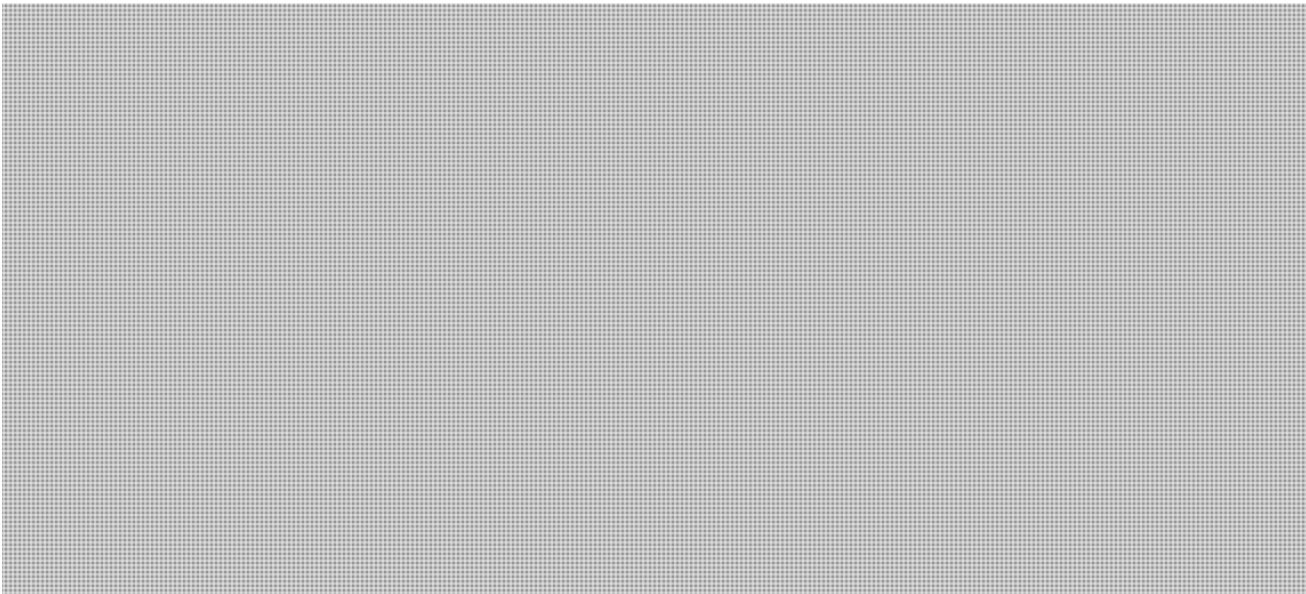


Bill C-21, an Act to amend the Customs Act, was introduced in June 2016 and the U.S. has continued to push for timely passage of the legislation. If adopted, the Bill would enable Canada to fully meet its commitment to the U.S. made under the Beyond the Border Action Plan to share biographic entry information on all travellers crossing the land border. Upon Royal Assent, the enabling regulatory amendments would need to be published before full implementation. Pending

UNCLASSIFIED
FOR OFFICIAL USE ONLY

ministers from Quebec and Ontario are working together to improve information sharing and help manage the situation.

The Government is using a number of tools to reach key audiences and ensure a sound understanding of Canada's asylum system. For example, Canada is proactively engaging in a social media campaign using its network of U.S. consulates to inform potential asylum seekers. More recently, MP Dubourg met with local community organizations and key leaders in Miami to promote an accurate understanding of the Canada's asylum system.



Safe Third Country Agreement

The department of Immigration, Refugees and Citizenship Canada (IRCC) is the policy lead for the Safe Third Country Agreement (STCA). The media has reported NGO calls to modify the agreement to mitigate this northbound migration and address the risks some migrants are taking on their journey into Canada.

NORTHERN BORDER THREAT ANALYSIS REPORT

In July 2017, DHS presented the findings of the Northern Border Threat Analysis Report to Congress in response to the reporting requirements of the *Northern Border Security Review Act*. The Report describes the current threat landscape on the Canada-U.S. border. While the Report mentions illegal crossings at the northern border, it identifies the bi-directional flow of illicit drugs as the greatest threat to U.S. public safety at the Canada-U.S. border.

DHS' Executive Summary of the Report is attached for your awareness (**TAB 7**).

UNCLASSIFIED
FOR OFFICIAL USE ONLY

You will also tour and meet with senior officials from the FBI Terrorist Screening Center (TSC) and the National Counterterrorism Center (NCTC).

CONSIDERATIONS

Since Secretary Kelly moved to the White House on July 31, Elaine Duke, Deputy Secretary for DHS, has taken on the role of A/Secretary. This move has resulted in Clare Grady, DHS Undersecretary for Management, taking on the role of A/Deputy Secretary. It is unclear when a new DHS Secretary will be nominated. Given the corporate management focus of A/Secretary Duke's substantive duties, which include financial management, information technology, procurement, and security, we expect in-depth substantive discussions on Canada-U.S. issues to be led by James Nealon, Assistant Secretary for International Affairs, or agency counterparts from Customs and Border Protection (CBP).

OVERVIEW OF KEY FILES

ASYLUM VOLUMES AT THE CANADA-UNITED STATES BORDER

Objective of interactions with counterparts: Provide an overview to U.S. counterparts of the trends and patterns being observed, and begin to engage on potential measures that might help deter or better manage the flow. In addition to the key messages on the asylum claims issue that have been prepared for you, an appendix of approved public talking points on migration trends in use by the Public Safety Portfolio is attached for your reference (**TAB C2**).

[REDACTED]

Quebec is now the primary entry point into Canada for persons entering between the ports, with over 11,000 individuals intercepted by the RCMP since January 1, 2017. As of August 22, RCMP interceptions in Quebec this month (4,605) have surpassed the previous record high intake (2,996) from July 2017. Over the summer months, Lacolle, QC has experienced a significant influx of refugee claimants, with over 3,800 individuals intercepted from August 1 to August 15, 2017. 100-200 asylum seekers are entering Canada illegally via Lacolle daily. Manitoba is a secondary entry point with almost 800 persons intercepted.

[REDACTED]

The RCMP and CBSA have focused their efforts on interdicting and processing irregular migrants

[REDACTED]

To address the recent influx, the Government Operations Centre has been activated and is working 24/7 to coordinate the federal response and work with relevant provincial counterparts. In addition, as part of the Ad Hoc Intergovernmental Task Force on Irregular Migration, Federal ministers, Member of Parliament (MP) Emmanuel Dubourg from Bourassa, and provincial



Public Safety Sécurité publique
Canada Canada

Assistant Deputy Sous-ministre
Minister adjoint

Ottawa, Canada
K1A 0P8

UNCLASSIFIED
FOR OFFICIAL USE ONLY

DATE:

File No.:
RDIMS No.: 2364283

MEMORANDUM FOR THE DEPUTY MINISTER

VISIT TO WASHINGTON D.C. SEPTEMBER 2017

(Information only)

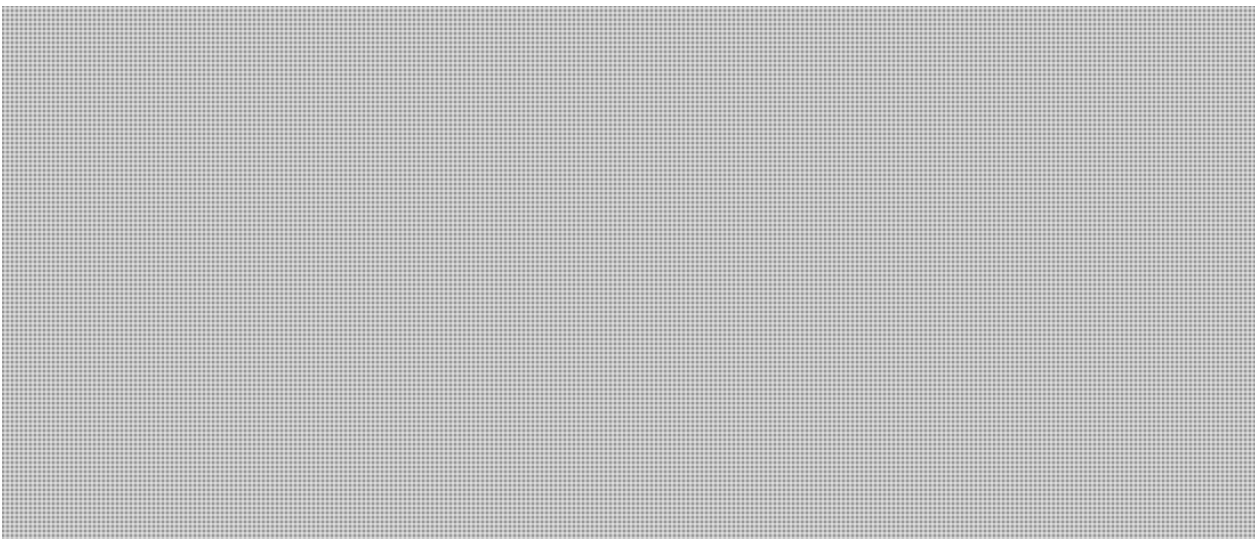
ISSUE

You will be travelling to Washington D.C. from September 6-8 to meet with your U.S. counterparts. You will be accompanied by Jill Wherrett, A/Assistant Deputy Minister, Portfolio Affairs and Communications Branch, [REDACTED]

The program for your visit is attached.

BACKGROUND

The purpose of your visit to Washington D.C. will be to meet with key U.S. counterparts to discuss national security, cybersecurity and asylum volumes. This will serve to strengthen the bilateral relationship between Public Safety Canada (PS) and its counterparts while we await the nomination of the new Secretary of Homeland Security.





MEETING WITH KELLI ANN BURRIESCI PRINCIPAL DEPUTY DIRECTOR, TERRORIST SCREENING CENTER (TSC)

Strategic Objectives

- Take the opportunity to understand the mandate of the TSC and watch-listing process.
- Provide assurances that Canada remains committed to:
 - Finalizing the implementation of the renewed TUSCAN Arrangement.
 - Finalizing [REDACTED] Secure Air Travel Act (SATA).
 - Completing Entry/Exit.

- [REDACTED]

Background

The TSC is a multi-agency center administered by the FBI. It is responsible for the management and operation of the Terrorist Screening Database, commonly known as “the watchlist.”

The watchlist is a single database that contains sensitive national security and law enforcement information concerning the identities of those who are known or reasonably suspected of being involved in terrorist activities. The TSC uses the watchlist to support front-line screening agencies in positively identifying known or suspected terrorists who are attempting to obtain visas, enter the country, board an aircraft, or engage in other activities.

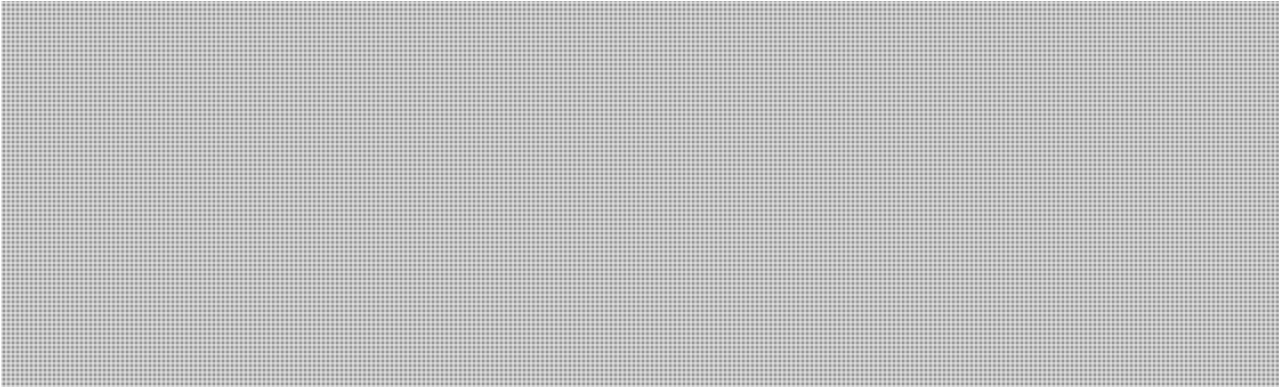
TUSCAN

Tipoff U.S./Canada, known as TUSCAN, is a U.S. national security database containing an unclassified index of names and other identifying information of known or suspected terrorists that is shared with Canadian border and immigration officers who compare the names of incoming persons to Canada against the list.

PS and the U.S. Terrorism Screening Center (TSC) signed a new TUSCAN Arrangement in 2016 in order to modernize how information is shared through TUSCAN. [REDACTED]

[REDACTED]

UNCLASSIFIED



SECURE AIR TRAVEL ACT (SATA) LIST

The SATA list contains the names of individuals that Canadian agencies have identified as threats to aviation security. The “Arrangement for the Disclosure of Information between the Department of Public Safety and Emergency Preparedness and the Terrorist Screening Center” was signed in 2016. Under the Arrangement, Canada shares SATA information with the U.S., and the U.S. shares U.S. Secure Flight information including the “No-Fly” List (Tier 1) and Selectee list (Tier 2). The SATA List comprises the bulk of the information Canada shares with the TSC.

A Canada-U.S. Redress Working Group (RWG) was established as part of the Arrangement, as a bilateral mechanism that allows Public Safety (through the Passenger Protect Inquiries Office (PPIO)) to collaborate closely with the U.S. on certain matters of redress and recourse concerning Canadian and U.S. citizens and permanent residents who may be affected because of a possible match to the Canadian and/or U.S. aviation security lists.



ENTRY/EXIT

Bill C-21, an Act to amend the Customs Act, was introduced in June 2016 and the U.S. has continued to push for timely passage of the legislation. If adopted, the Bill would enable Canada to fully meet its commitment to the U.S. made under the Beyond the Border Action Plan to share biographic entry information on all travellers crossing the land border. Upon Royal Assent, the enabling regulatory amendments would need to be published before full implementation. Pending the passage of Bill C-21, Canada has been providing biographic information on U.S. citizens entering Canada at the land border since August 2016, in addition to the two-way exchange of information about third-country nationals and permanent residents between Canada and the U.S. Bill C-21 is currently awaiting Second Reading in the House of Commons.

UNCLASSIFIED

RETURNING FOREIGN FIGHTERS

Approximately 180 Canadians with a nexus to Canada are believed to be abroad and suspected of engaging in terrorism-related activities. The Government is aware of about 60 individuals suspected of such activities having returned to Canada.

The Government has a number of tools to deal with extremist travellers, including:

- Revocation, refusal, and/or cancellation of Canadian passports;
- Charges under the *Criminal Code*;
- The Passenger Protect Program, which identifies and mitigates threats to aviation security, as well as threats posed by individuals seeking to travel abroad for terrorism-related purposes;
- The RCMP-led National Joint Operations Centre (NSJOC), which was established in 2014 to enhance the Government of Canada's response to high-risk travelers who pose a threat of terrorism-related violence in Canada and abroad. The NSJOC facilitates the exchange of information and the coordination of operational responses between the CBSA, CSIS, and IRCC;

Through the Canada Centre, PS officials are meeting with relevant federal partners to identify how the Government of Canada can better support the social sector to ensure that programming is in place for rehabilitating and reintegrating returning extremist travelers.

SECRET

MEETING WITH MIKE POMPEO DIRECTOR, CENTRAL INTELLIGENCE AGENCY

Strategic Objectives

- Emphasize the collaborative relationship between our law enforcement and security agencies.

- [REDACTED]

- Provide an update on TUSCAN and reiterate the initiative is on track.

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Key Messages

- Congratulations new appointment. Canadian and U.S. law enforcement and security agencies have enjoyed a long and excellent collaborative relationship.
- Propose to discuss select key Canada-U.S. collaboration initiatives and provide update on new national security legislation; if you wish, we can broadly discuss our strategic priorities for the coming year.

KEY CANADA-U.S. COLLABORATIVE INITIATIVES

- Canada enjoyed meeting with representatives from the U.S. during the recent Five Country Ministerial meetings where intelligence and security issues were discussed among the Five-Eye partners.
- We welcome an opportunity to further enhance our relationship through information-sharing opportunities in order to protect our common national security interests. Some examples include:
 - Sharing our **SATA** secure flight information – This Arrangement between our countries was signed in March 2016 to share secure flight information between our Secure Air Travel Act and the U.S. No-Fly List, [REDACTED]

SECRET

- TUSCAN Arrangement – This Arrangement was signed by both of our countries in 2016 and we continue to work closely with the U.S. Terrorism Screening Center to stay on track

-

STATUS OF KEY NATIONAL SECURITY LEGISLATION

- As you may know, we have recently passed or proposed new national security legislation:
 - **Bill C-22**, the National Security and Intelligence Committee of Parliamentarians Act, recently received Royal Assent and will establish a National Security and Intelligence Committee of Parliamentarians (NSICOP), which will have broad access to classified information to examine how national security institutions function, further enhancing accountability in the areas of intelligence and national security; and,
 - **Bill C-59**, *An Act respecting national security matters*, which we tabled in June, and proposes several measures to enhance national security oversight and accountability.
 - One of these measures was the proposal to create the National Security and Intelligence Review Agency, which would be responsible for reviewing all national security and intelligence activities across the Government of Canada to ensure compliance with the law and the reasonable use of intrusive powers.
 - Another proposal was the creation of an Intelligence Commissioner, which would be responsible for authorizing certain intelligence and cyber security activities prior to their conduct.
 - The next step for this Bill will be to undergo the parliamentary process, beginning with a Second Reading in the House of Commons.
 - Our work is already underway to prepare the national security community for the enhanced review and accountability mechanisms, and for the implementation of the commitment to transparency.

SECRET

STRATEGIC OPPORTUNITIES

- We are interested in better understanding your priorities for the coming year and how we can help protect our mutual national security interests.

-

-

- We look forward to continuing to work with the U.S. on these issues and are interested in discussing what you identify as national security priority areas, particularly how you see our countries working together to achieve our mutual objectives.

Background

SECURE AIR TRAVEL ACT (SATA) LIST

The “Arrangement for the Disclosure of Information between the Department of Public Safety and Emergency Preparedness and the Terrorist Screening Center” was signed on March 7, 2016. Under the Arrangement, Canada shares Secure Air Travel Act information with the United States (U.S.) and the U.S. shares its Secure Flight information including the No-Fly List (Tier 1) and the Selectee list (Tier 2).

TIPOFF U.S. / CANADA (TUSCAN)

SECRET

[REDACTED]

You may wish to discuss how Canada and the U.S. made significant commitments last year during the State visit, which occurred in Washington in March, 2016, related to modernizing how information is shared through TUSCAN to prevent travel for terrorism related purposes. In order to fulfil these commitments, Public Safety and the U.S. Terrorism Screening Center (TSC) negotiated an arrangement that will increase the quality and usefulness of terrorism screening information exchanged through TUSCAN. This arrangement was signed in June 2016,

[REDACTED]

The implementation of the TUSCAN Arrangement is on track, and we are unaware of any bilateral issues related to this arrangement.

RETURNING FOREIGN FIGHTERS

You may also wish to reiterate the agreement reached between Canada, the U.S. and their other Five Eye partners in June, 2017, to collectively enhance knowledge on key issues and to share best practices in prevention, intervention, and rehabilitation, including approaches to mitigate the threat posed by returning foreign terrorist fighters and their families.


STATUS OF KEY NATIONAL SECURITY LEGISLATION

Bill C-22, the *National Security and Intelligence Committee of Parliamentarians Act*, received Royal Assent in June, 2017. The next step will be the establishment of the National Security and Intelligence Committee of Parliamentarians in the near future.

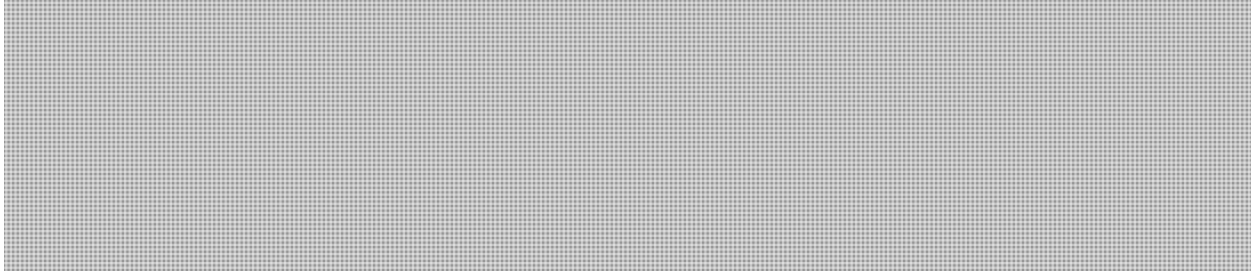
Bill C-59, *An Act respecting national security matters*, was tabled in the House of Commons in June, 2017. You may wish to inform Mr. Pompeo that the next step for this Bill will be to undergo a Second Reading in the House of Commons where the substance of the Bill will be debated. Once it has gone through Second Reading, the Bill will be analyzed by a committee, and will then pass to the Senate for consideration. If the Senate approves, it will receive Royal Assent and enter into force.

Work is already underway to prepare the national security community for the enhanced review and accountability mechanisms, and for the implementation of the commitment to transparency.

SECRET



On January 12, 2017, in his opening statement before the Senate prior to his confirmation as the Director of the CIA, Mr. Pompeo outlined his main priority areas and concerns. These included: countering Daesh; mitigating the threat posed by Iran; Russian aggression in Ukraine and their involvement in Syria; Chinese activities in the South China Sea; and, the instability of North Korea. Mr. Pompeo has also stated that among his biggest priorities is preventing and punishing individuals who leak classified government information.



SECRET

Suggested Talking Points and Key Messages for the Deputy Minister: Meeting with Mr. Mike Pompeo, Director of the CIA

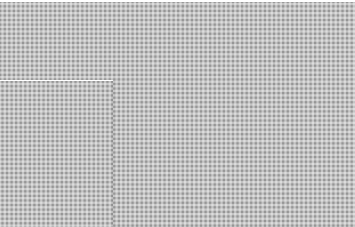

Introduction



- Congratulations on your new appointment. We look forward to working with you as Canada and U.S. law enforcement and security agencies have enjoyed a long and excellent collaborative relationship.
- We are committed to continuing this close relationship in order to protect the national security of both of our nations.
- I thought it might be useful to: first briefly discuss select key Canada-U.S. collaboration initiatives; then, I can give you a brief update on our new national security legislation; and, if you wish, we can broadly discuss our strategic priorities for the coming year.

Key Canada-U.S. Collaborative Initiatives

- Canada enjoyed meeting with representatives from the U.S. during the recent Five Country Ministerial meetings where intelligence and security issues were discussed among the Five-Eye partners.
- We welcome an opportunity to further enhance our relationship through information-sharing opportunities in order to protect our common national security interests. Some examples include:

SECRET

- **Sharing our SATA secure flight information** – This Arrangement between our countries was signed in March 2016 to share secure flight information between our Secure Air Travel Act and the U.S. No-Fly List, 


- **TUSCAN Arrangement** – This Arrangement was signed by both of our countries in 2016 and we continue to work closely with the U.S. Terrorism Screening Center to stay on track 


- With regard to **returning foreign fighters**, we are committed to the agreement made between our Five Eye partners at the Five Country Ministerial meetings to collectively enhancing knowledge and support for local-level initiatives aiming at mitigating the threat posed by returning foreign fighters.

Status of Key National Security Legislation

- As you may know, we have recently passed or tabled new national security legislation:

SECRET

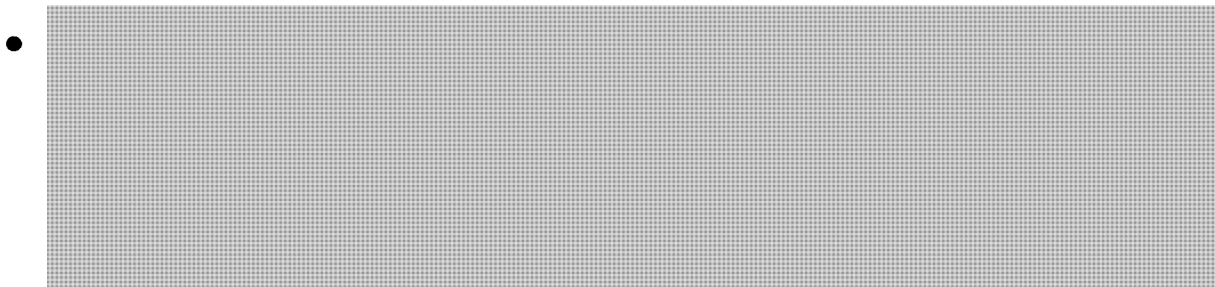
- **Bill C-22**, the National Security and Intelligence Committee of Parliamentarians Act, recently received Royal Assent and will establish a National Security and Intelligence Committee of Parliamentarians (NSICOP), which will have broad access to classified information to examine how national security institutions function, further enhancing accountability in the areas of intelligence and national security; and,
- **Bill C-59**, *An Act respecting national security matters*, which we tabled in June, and proposes several measures to enhance national security oversight and accountability.
 - One of these measures was the proposal to create the National Security and Intelligence Review Agency, which would be responsible for reviewing all national security and intelligence activities across the Government of Canada to ensure compliance with the law and the reasonable use of intrusive powers.
 - Another proposal was the creation of an Intelligence Commissioner, which would be responsible for authorizing certain intelligence and cyber security activities prior to their conduct.

SECRET

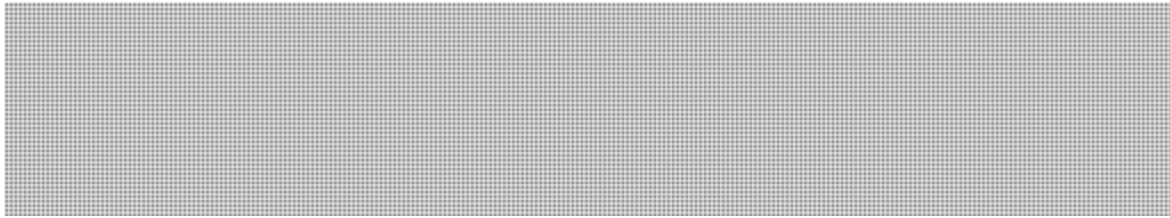
- The next step for this Bill will be to undergo the parliamentary process, beginning with a Second Reading in the House of Commons.
- Our work is already underway to prepare the national security community for the enhanced review and accountability mechanisms, and for the implementation of the commitment to transparency.



- We are interested in better understanding your priorities for the coming year and how we can help protect our mutual national security interests.

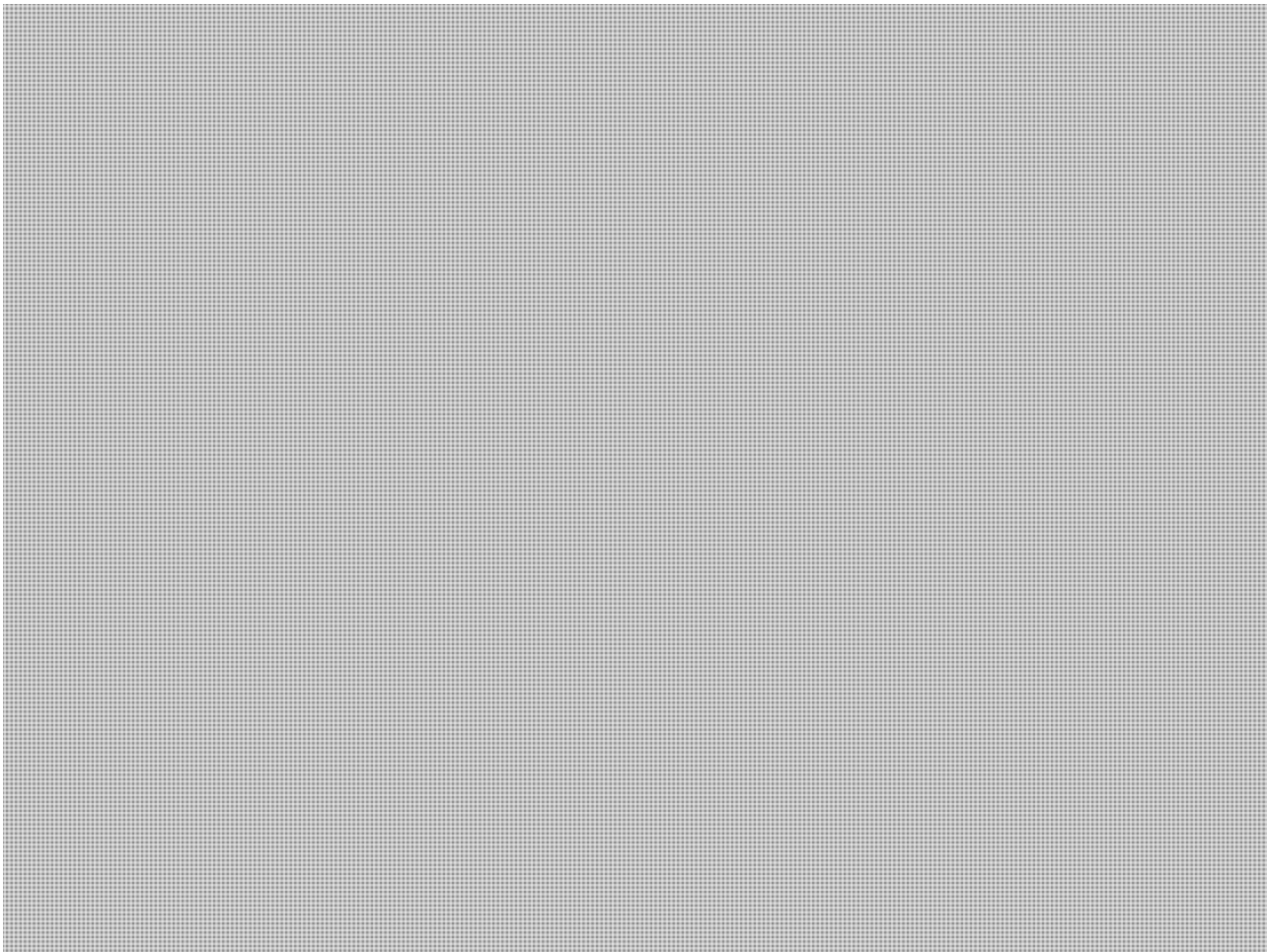


SECRET



- We look forward to continuing to work with the U.S. on these issues and are interested in discussing what you identify as national security priority areas, particularly how you see our countries working together to achieve our mutual objectives.

Responsive Talking Points



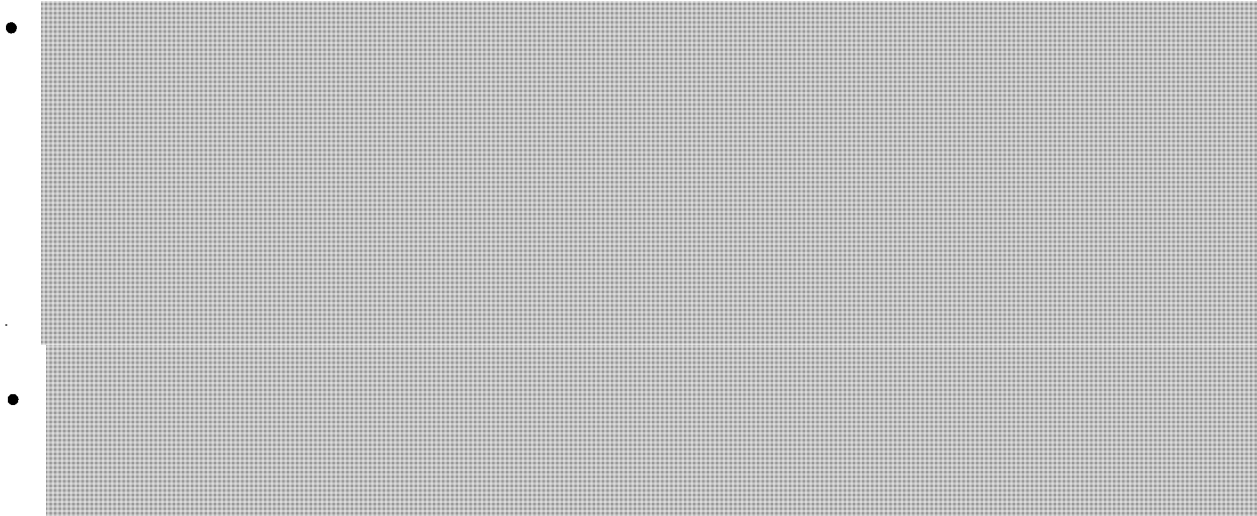
FOR OFFICIAL USE ONLY


INFORMATION-SHARING: TUSCAN & SATA

TUSCAN

Background

- Tipoff U.S./Canada, known as TUSCAN, is a U.S. national security database containing an unclassified index of names and other identifying information of known or suspected terrorists that is shared with Canadian border and immigration officers who compare the names of incoming persons to Canada against the TUSCAN list. It was first launched through a 1997 bilateral Aide-Memoire.



- In 2015-2016, both countries committed to working towards modernizing TUSCAN. Specifically, Public Safety and the TSC committed to negotiate an arrangement that will increase the quality and usefulness of terrorism screening information exchanged through TUSCAN. The outcomes of this Agreement include:
 - enhancement of the timely sharing of terrorist identity and derogatory information, and the improvement of the quality of law enforcement or intelligence information provided to the CBSA;
 - establishment of a mechanism for sharing customs and immigration encounter/disposition information with TSC; and,
 - 
- Both countries benefit through this Arrangement as the U.S. addresses their information needs through the SATA Arrangement, while Canada benefits from improved quality of law enforcement and intelligence information provided by the U.S. along with information sharing mechanisms with the TSC.

FOR OFFICIAL USE ONLY

- This Arrangement was signed in June 2016, [REDACTED]

Current Status

CBSA-TSC TUSCAN Feed

[REDACTED]

[REDACTED]

[REDACTED]

FOR OFFICIAL USE ONLY

[REDACTED]

Bottom Line: All issues related to the implementation of the TUSCAN Arrangement are on track, [REDACTED]

[REDACTED]

Secure Air Travel Act (SATA) List

Background

- Under the SATA Arrangement, the U.S. shares its No-Fly list with Canada. In exchange, Canada is sharing its SATA list. The SATA list contains the names of individuals that Canadian agencies have identified as threats to aviation security. Section 12 of the *Secure Air Travel Act* requires that Canada enter into a written arrangement before sharing the SATA List, in whole or in part, with foreign governments.
- The “Arrangement For the Disclosure of Information between the Department of Public Safety and Emergency Preparedness and the Terrorist Screening Center” was signed on March 7, 2016. Under the Arrangement, Canada shares *Secure Air Travel Act* information with the U.S., and the U.S., shares U.S. Secure Flight information including the “No-Fly” List (Tier 1) and Selectee list (Tier 2).
- Canada’s sharing of the *SATA* List comprises the bulk of the information Canada shares with the TSC.

Current Status

[REDACTED]

TUSCAN

ISSUE

To provide participants with a status update regarding a new TUSCAN Arrangement between Public Safety, the Canada Border Services Agency (CBSA) and the Terrorist Screening Center (TSC).

CURRENT STATUS / DISCUSSION POINTS

- Public Safety is working with the Terrorist Screening Center to complete a Governance Document for implementation of the updated TUSCAN Arrangement. [REDACTED]

BACKGROUND

Information sharing was a key topic of discussion between the Prime Minister and the President when they met in Washington on March 10, 2016. Leading up to this meeting, commitments from both countries were made to work towards modernizing the 1997 TUSCAN Aide-Memoire into a new Arrangement. Specifically, Public Safety and the TSC committed to negotiate an arrangement that strengthens each country's ability to prevent and respond to threats by sharing of information, including the timely identification of known or suspected terrorists.

TUSCAN is a national security database provided by the U.S. to Canadian border and immigration officers who compare the names of incoming persons to Canada against the TUSCAN list. The list is an unclassified index of names and other identifying information for known or suspected terrorists. If there is a match, the officer communicates with U.S. counterparts to confirm an identity match to the list. The officer then uses that information to help guide their decision making process when the person applies to come to, or arrives in, Canada.

Through the Arrangement, the TSC will share its Terrorist Screening information on "Tier 1, 2, [REDACTED] Tiers 1 and 2 represent the highest priority individuals [REDACTED] For Canada, the equivalent is individuals on the SATA List, which is now being shared with the U.S.. [REDACTED]

Key enhancements to the current TUSCAN Arrangement include:

1. Enhancement of the timely sharing of terrorist identity and derogatory information, and the improvement of the quality of law enforcement or intelligence information provided to CBSA.
2. The establishment of a mechanism for sharing customs and immigration encounter/disposition information with TSC
3. Implementation of system changes required to permit the receipt [REDACTED]