

# Fact Sheet

## MANAGING ACCESS TO CANADA

### Snapshot

Enforcement activities are essential to managing access to Canada in order to preserve the integrity of the immigration and refugee program, and to protect the health, safety and good order of Canadian society. Enforcement activities include preventing illegal migrants and other undesirables from entering Canada; identifying and removing criminals, illegal migrants, failed refugee protection claimants and illegal visitors from Canada; and ensuring that the provisions of the *Immigration and Refugee Protection Act* are respected. Enforcement activities take place abroad, at ports of entry to Canada, and within Canada.

### Who is responsible

Enforcement activities are carried out by staff from both the Canada Border Services Agency (CBSA) and Citizenship and Immigration Canada (CIC) working at local, regional and national levels, and abroad. They include immigration control, intelligence, hearings, enforcement and CIC officers. They work with many Canadian and international partners.

### Who is subject to enforcement

Enforcement measures can be applied to anyone:

- who is neither a Canadian citizen nor a registered Indian under the *Indian Act*; or
- who has breached any part of the *Immigration and Refugee Protection Act*.

### Enforcement: What and where

**Abroad** Enforcement abroad is critical in preventing anyone who should not enter Canada from reaching our border. A network of officers around the world uses various methods of monitoring and controlling the movement of people to Canada. They include:

- issuing visas to all immigrants, Convention refugees, protected persons and visitors (visitors from some countries are exempt);
- verifying and electronically screening travel documents; and
- cooperating with international organizations and other countries to monitor the illegal movements of people and intercept them when necessary.

CBSA also provides training and support to airlines, shipping companies and other carriers whose employees screen travellers at their point of departure and ensure that passports, visas or other travel documents are valid for entry into Canada.

**At Ports of Entry** Every year, millions of people cross Canada's borders at airports, land crossings and seaports. At these entry points, they are examined by CBSA officer to determine if:

- their passports, travel documents, visas or other authorizations to enter Canada are valid;
- their circumstances have changed since a visa or permit was issued;



- they are genuine visitors or immigrants;
- they pose a danger to the health and security of Canadians; and
- their presence in Canada would contravene the *Immigration and Refugee Protection Act*.

CBSA and CIC officers can refuse entry to inadmissible people, can search those suspected of hiding their identity, and can seize false travel documents.

**In Canada** Enforcement activities in Canada include the following:

- investigating and examining people who may have breached the *Immigration and Refugee Protection Act*;
- representing the Minister at admissibility hearings to determine if the Act has been breached;
- arresting and detaining permanent residents and foreign nationals who are considered potential dangers to the public or who might fail to appear at future immigration proceedings;
- arresting and detaining foreign nationals who are considered potential dangers to the public, who might fail to appear at future immigration proceedings or who do not satisfy an immigration officer of their identity; and
- removing people who are inadmissible to Canada or who violate the *Immigration and Refugee Protection Act* after being admitted.

CBSA works closely with the RCMP, the Canadian Security Intelligence Service, Citizenship and Immigration, local police and other agencies to carry out these measures.

### **Why some people cannot enter or remain in Canada**

People can be denied a visa, refused admission or removed from Canada for any of a number of reasons.

**Security** They have engaged in, or there are reasonable grounds to believe they will engage in, spying, subversion or terrorism, or they belong to organizations that have engaged in, or will engage in, these activities.

**Human or international rights violations** They have committed war crimes or crimes against humanity. They are or were senior members or officials of a government that has committed terrorism, major human rights violations, genocide, war crimes or crimes against humanity.

### **Criminality**

**Serious criminality** They have, or there are reasonable grounds to believe they have, committed a crime punishable by a maximum of 10 years of incarceration.

**Other criminality** They have, or there are reasonable grounds to believe they have, committed an indictable crime. They commit an offence while seeking entry to Canada, such as possessing or importing narcotics.

**Organized crime** They belong to an organization that is believed to take part in organized criminal activity or to engage in transnational crimes such as people smuggling, trafficking in people or money laundering.

**Health** They may be a danger to public health or cause excessive demands on Canada's health or social services.

**Financial** They are unable or unwilling to support themselves and their dependants.

**Misrepresentation** They provide officers with false information or withhold information that is directly relevant to a decision under the Act.

**Non-compliance** They contravene the requirements of the Act. Some examples include the following:

- not having a valid passport or visa;
- entering as visitors and remaining longer than authorized;
- trying to re-enter without the written permission of the Minister of Citizenship and Immigration, after being deported;
- working or attending school without CIC's permission; and
- breaching conditions imposed when they were first admitted to Canada.

**Inadmissible family members** They are the family members of someone who is inadmissible, or one of their family members is inadmissible.

In addition, permanent residents are in breach of the Act if they fail to meet the residency obligations set out in the Act. Permanent residents who are inadmissible for this reason may be issued removal orders.

### **What changed with the introduction of the *Immigration and Refugee Protection Act* on June 28, 2002**

**Focus on inadmissibility** The new Act focuses on the inadmissibility rather than where it occurred and who it affected. This simplifies the process for determining who is inadmissible and provides transparency and clarity.

**Broader provisions on organized crime** Organized crime provisions have been expanded to include people engaging in transnational human smuggling, trafficking in people or money laundering.

**Tougher on misrepresentation** The new Act expands current inadmissibility provisions to include people who misrepresent a material fact or who withhold relevant information that could lead to an error in administering the Act. Sponsors whose family class relatives, other than spouses, common-law partners or children, commit misrepresentation lose their appeal rights. People who are inadmissible for this reason remain inadmissible for two years after being determined inadmissible. People issued a removal order for this reason will remain inadmissible for two years after being removed from Canada.