



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

ENF 29

Alternative Means of Examination Programs

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1. What this chapter is about

This chapter provides functional direction and guidance to Canada Border Services Agency (CBSA) officers, managers and others with regard to the alternative means of examination (AME) programs. These programs were previously referred to as alternate inspection systems (AIS).

2. Program objectives

Advanced screening programs and procedures are tools that enhance the orderly flow of low-risk travellers seeking entry into Canada and the United States depending on the AME program. Pre-screening programs such as CANPASS, NEXUS, Free and Secure Trade (FAST) and Commercial Driver Registration Program (CDRP) are available to pre-approved citizens and permanent residents of Canada or the U.S. Such programs are designed to expedite the entry of authorized persons without having to proceed through the traditional customs and immigration examination process.

NEXUS programs and FAST stem from the *Canada-United States of America Accord on Our Shared Border* (SBA) and are some of the initiatives of the Smart Border Declaration's (SBD) 32-Point Plan. More information about the SBD can be found at the following link:

<http://www.dfait.gc.ca/can-am/menu-en.asp?mid=1&cat=10>

The CANPASS programs are initiatives under the Customs Action Plan (CAP) that are based on a risk-assessment system that allow customs and immigration to streamline the processing of low-risk travellers and focus resources on higher or unknown risks. More information about the CAP can be found at the following link:

http://www.cbsa-asfc.gc.ca/general/blue_print/menu-e.html

3. The Act and Regulations

For more information about:	Refer to:	Notes:
Alternative means of examination	R38(a), R38(b), R38(g), R38(h)	Previously referred to as alternate inspection systems (AIS)
Authorization to present himself or herself in an alternative manner	Subsection 11.1(1) of the Customs Act	
Examination by officer where person makes an application	A15(1), R28(a)	
Report on inadmissibility	A44(1)	
Residency obligation	A28	
Examination by officer	A18(1)	
Seizure	A140(1)	Authority to seize or hold an AME membership card or document
Where an application is made in writing	R28(a)	For the purpose of A15(1)

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A18(1) states:

18(1) Every person seeking to enter Canada must appear for an examination to determine whether that person has a right to enter Canada or is or may become authorized to enter and remain in Canada.

This requirement is satisfied once the person has been risk assessed by officers of the CBSA Immigration Processing Centre (CBSA IPC) and/or the Enrolment Centre (EC). A15(1) authorizes an officer to proceed with an examination where a person makes an application to the officer.

R28(a) stipulates that a person makes an application in accordance with the Act by submitting an application in writing. R38 provides the legislative authority for an officer to allow a person to be examined by the means indicated as alternative to appearing for an examination by an officer at a port of entry (POE) unless otherwise directed.

The CBSA customs officers are responsible for rendering decisions on the eligibility of all applicants to AME programs. Specifically, subsection 11.1(1) of the *Customs Act* states that any person may be issued an authorization to present himself or herself in an alternative manner.

CBSA immigration officers are responsible for determining the admissibility of persons applying for AME programs who are foreign nationals and permanent residents of Canada. Sections A34 to A42 set the grounds that could make such persons inadmissible to Canada.

3.1. Forms required

Title	Number
Notice of Seizure	IMM 5265

4. Instruments and delegations

The CBSA's immigration officers' role is to ensure that persons applying to participate in an AME program meet the requirements of the program as they pertain to admissibility to Canada. Such programs are contemplated by A18(1) and R38. The full authority to conduct examinations of persons seeking to enter Canada, including those conducted pursuant to section R38, is given to a range of officials, including POE officers.

For more information on the Delegation of Authority and Designation of Officers document, see chapter IL 3 at

http://www.ci.gc.ca/Manuals/immigration/il/il3/index_e.asp

5. Departmental policy

R38 stipulates that for the purposes of A18(1), a person may be examined by the means indicated as alternative to appearing for an examination by an officer at a POE when they have previously been examined and hold an authorization issued under subsection 11.1(1) of the *Customs Act*.

The *Presentation of Persons (2003) Regulations* under the *Customs Act* prescribe the classes of persons who may be authorized to present themselves in an alternative manner and the requirements and conditions that are to be met before an authorization may be issued.

6. Definitions

Acronym/Initialism	Definition
AIS	Alternate Inspection Systems

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AME	Alternative Means of Examination
CAP	Customs Action Plan
CBSA	Canada Border Services Agency
CBSA PC	Canada Border Services Agency Processing Centre (previously referred to as Customs Processing Centre-CPC)
CBSA IPC	Canada Border Services Agency Immigration Processing Centre (previously referred to as Immigration Processing Centre-IPC)
CDRP	Commercial Driver Registration Program
CPIC	Canadian Police Information Centre
FAST	Free and Secure Trade
EC	Enrolment Centre
GEC	Global Enrolment Component
ICS	Integrated Customs System
ICES	Integrated Customs Enforcement System
IPBM	Immigration Ports and Border Management Directorate, Border and Compliance Programs Directorate, Admissibility Branch (CBSA)
IPIL	Integrated Primary Inspection Line
NCB	A FOSS Non-Computer-Based Entry
NCIC	National Crime Information Center (U.S.)
PIL	Primary Inspection Line
PIRS	Police Information Retrieval System
POE	Port of Entry
RABC	Remote Area Border Crossing—CANPASS
SBA	Shared Border Accord
SBD	Shared Border Declaration
U.S. CBP	United States Customs and Border Protection

6.1. Overview of programs

CANPASS Private Aircraft

The CANPASS Private Aircraft program makes clearing customs and immigration easier for low-risk private aircraft owners and their passengers travelling to Canada from the U.S. Persons who fly directly from the U.S. to Canada and land at small airports benefit from this initiative. The program is open to citizens and permanent residents of the U.S. or Canada.

For more information, see

<http://www.cbsa-asfc.gc.ca/travel/canpass/privateair-e.html>

CANPASS Corporate Aircraft

The CANPASS Corporate Aircraft program makes clearing customs and immigration easier for business travellers, who are citizens or permanent residents of the U.S or Canada, flying to Canada from the U.S. on a corporate aircraft. The program is geared towards companies that own or operate a corporate aircraft that fly frequently to Canada directly from the U.S. This program allows access to more airports and provides expedited clearances for low-risk, pre-screened travellers. The corporation can register employees and other individuals who are integral to its business operations. CANPASS corporate flights can land at any airport of entry or CANPASS-only airports in Canada at any time during the facility's hours of operation.

For more information, see

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<http://www.cbsa-asfc.gc.ca/travel/canpass/corporateair-e.html>

CANPASS Private Boats

The CANPASS Private Boats program streamlines the customs and immigration clearance of low-risk boaters. The program combines a telephone reporting system with a pre-approval permit for recreational boaters. The CANPASS Private Boats permit allows boaters, who have enrolled and been security cleared, the option of calling before they arrive in order to receive clearance to enter Canada. Travellers may declare goods by telephone and pay any applicable duties and taxes by credit card. For cash payments, travellers must report to the nearest CBSA cashier. The program is open to citizens and permanent residents of the U.S. or Canada.

For more information, see

<http://www.cbsa-asfc.gc.ca/travel/canpass/canpassprivateboat-e.html>

CANPASS Air

The CANPASS Air program is an initiative of the CBSA which facilitates efficient and secure entry into Canada for pre-approved, low-risk air travellers at major international Canadian airports. The program is open to citizens and permanent residents of the U.S. or Canada who have continuously resided in Canada or the U.S., or a combination of both countries, for the last three consecutive years. CANPASS Air allows pre-approved travellers to clear customs and immigration by simply looking into a camera that recognizes the iris of their eye as proof of identity. The program permits enforcement activities to be targeted elsewhere.

For more information, see

<http://www.cbsa-asfc.gc.ca/travel/canpass/canpassair-e.html>

CANPASS Remote Area Border Crossing

The CANPASS Remote Area Border Crossing (RABC) permit is an initiative that allows the bearer of a permit to cross the border into Canada at certain remote areas without reporting to a POE, as long as imported goods are declared. Citizens and permanent residents of the U.S. or Canada may apply for this permit.

The permit is valid for the following locations:

- from Pigeon River through to and including Lake of the Woods;
- the Canadian shore of Lake Superior; and
- Cockburn Island

For more information, see

<http://www.cic.gc.ca/english/visit/rabc.html>

Commercial Driver Registration Program (CDRP)

In order to transport goods under the Customs Self Assessment (CSA) option, commercial carriers and drivers must be registered and able to demonstrate a high level of compliance with the laws and regulations administered by the CBSA. CDRP involves a rigorous pre-screening and approval process for participants' registration.

Citizens and permanent residents of Canada or the U.S. may apply to register with the CDRP. Prospective CDRP participants are required to provide proof of citizenship or legal permanent residence, a copy of their driver's licence and other detailed personal information. A thorough screening process is conducted using customs, immigration and police databases to determine if the eligibility criteria are met.

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For more information, see

<http://www.cbsa-asfc.gc.ca/import/programs-e.html>

Free and Secure Trade (FAST)

The CBSA and the Department of Homeland Security's United States Customs and Border Protection (U.S. CBP) are working together to end threats to public security and safety, while keeping the border open to the free flow of low-risk, legitimate trade. For that reason, Canada and the U.S. have agreed to align, to the maximum extent possible, the customs commercial programs along the border. This agreement marks the creation of FAST, which is the result of a shared objective to enhance safety and security while enhancing the economic prosperity of both countries. The program is open to citizens and permanent residents of the U.S. or Canada.

For more information, see

<http://www.cbsa-asfc.gc.ca/import/fast/menu-e.html>

NEXUS Highway

NEXUS Highway was implemented jointly by the CBSA and U.S. CBP. This program is designed to simplify and expedite land border crossings for pre-approved, low-risk travellers. The program is open to citizens and permanent residents of the U.S. or Canada who have continuously resided in Canada or the U.S., or a combination of these two countries, for the last three consecutive years.

NEXUS is harmonized and bi-national, which means that participants will complete only one membership application allowing entry to both Canada and the U.S.

Members of the NEXUS Highway program can:

- use dedicated NEXUS lanes in Canada and the U.S. (where available);
- benefit from simplified and expedited border crossing and entry into Canada and the U.S. as they are not subject to traditional customs and immigration questioning.

NEXUS members may be subject to an examination at any time.

For more information, see

<http://www.cbsa-asfc.gc.ca/travel/nexus/menu-e.html>

NEXUS Air

In 2002, Canada and the U.S. announced the creation of a bi-national working group to design and implement a NEXUS Air Pilot Project for air travellers. The project was implemented in November 2004 and is available at the Vancouver International Airport for the duration of the pilot. The CBSA and U.S. CBP have designed NEXUS Air to facilitate passage into Canada and the U.S. for pre-approved, low-risk, frequent air travellers. The pilot project uses automated kiosks with iris-recognition biometric technology and is open to citizens and permanent residents of the U.S. or Canada who have continuously resided in Canada or the U.S., or a combination of both countries, for the last three consecutive years. Members of NEXUS Air will enter Canada or the U.S. without further interaction with customs or immigration officials, unless selected randomly for inspection. NEXUS Air is a bi-national initiative that builds upon the technological innovations of CANPASS Air.

For more information, see

<http://www.cbsa-asfc.gc.ca/travel/nexus/menu-e.html>

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NEXUS Marine

The NEXUS Marine Detroit River Pilot Project serves those persons who often travel between Canada and the U.S. using private pleasure boats and is implemented in the Windsor/ Detroit area only. The project allows boaters, who have enrolled and been security cleared, the option of calling before they arrive in order to receive clearance to enter Canada and the U.S. Since NEXUS Marine is being offered as an extension to the NEXUS Highway program, applicants need only complete one application to be considered for both programs. The pilot project is open to citizens and permanent residents of the U.S. or Canada who have continuously resided in Canada or the U.S., or a combination of both, for the last three consecutive years.

NEXUS Marine Pilot Project will be in operation during the 2005 boating season.

For more information, see

<http://www.cbsa-asfc.gc.ca/travel/nexus/menu-e.html>

7. Procedures: CBSA Immigration Processing Centre

7.1. Overview

The CBSA Immigration Processing Centre forms an integral part of the risk assessment process. Every person who applies to a national AME program must be approved by the CBSA Processing Centre (Customs) and the CBSA IPC (Immigration). Persons who apply to a bi-national AME must be approved by the CBSA and U.S. CBP. The CBSA IPCs provide security screening of AME applicants by completing detailed checks and reviews of various law enforcement databases. The three CBSA IPCs that operate in Canada are located in Douglas (British Columbia), Niagara Falls (Ontario) and Montréal (Québec).

7.2. Risk assessment

While it is the CBSA immigration officer's role to ensure that applicants who are foreign nationals or permanent residents are admissible to Canada, it is necessary for officers to understand the different eligibility criteria of each program in order to make the proper recommendation to the CBSA PC. Officers working at the CBSA IPC are responsible for performing the following functions:

- Determine admissibility into Canada for non-Canadian citizen applicants;
- Evaluate and equate criminal offences for applicants or participants that are not Canadian citizens;
- Review any immigration violations associated with the applicant or participant as found in the FOSS records;
- Provide the CBSA PC with recommendations based on program eligibility criteria when an immigration violation has been associated to an application or other eligibility issues that have come to the attention of the CBSA IPC.

For specific program requirements relating to immigration violations, please refer to the appropriate AME program located in Appendix A, entitled "*Immigration Violations*."

7.3. FOSS

CBSA IPC officers will conduct a complete FOSS check of **all** applicants, including Canadian citizens and permanent residents. The purpose of conducting a FOSS check on all applicants is to assist in determining whether the applicant is admissible to Canada and/or to determine if they

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have ever had any immigration violations. This includes the review of all FOSS records in the form of reports, orders, lookouts and all non-computer-based entries. A complete FOSS check must include a review of the remarks from the history of permanent residents in order to determine whether any previous criminal convictions or immigration violations exist.

In certain circumstances CBSA IPC officers will find evidence that a permanent resident may not have met their residency obligation pursuant to A28. In such circumstances, officers are advised to follow the procedures outlined in section 7.5 below entitled "*Residency obligation.*"

7.4. Permanent residents

While permanent residents retain the right to enter Canada under the Act, their acceptance into an AME program may be affected by various factors including previous immigration legislation violations or criminality. This is especially important for those programs that will not accept applicants who have been convicted of an offence or have been found in violation of immigration law. For example, NEXUS programs have a zero-tolerance policy.

7.5. Residency obligation

As a permanent resident is required under section A28 to reside in Canada for 730 days in a five-year period, unless otherwise exempted under that section, it may become evident during the processing of their AME application that they have not met their residency obligation. Should an officer of the CBSA IPC encounter such a situation, it will be necessary to conduct further examination of the applicant's residency history prior to approval of their AME application.

In the interim, the CBSA IPC officer should contact the applicant by letter and keep the applicant's file "pending" for a maximum of 90 days. See Appendix B entitled "*Letter requesting additional information to determine admissibility and residency*" for the initial letter to be sent to the applicant. An NCB should also be entered into FOSS at this time by the CBSA IPC officer indicating that a residency determination is required. See Appendix C entitled "*Standard format of NCB (non-computer-based entries) in FOSS*" for more information on standard FOSS remarks.

If a response is not received from the applicant within 30 days, the CBSA IPC will change the status of the file from "pending" to a recommendation of "fail." The CBSA PC must be advised of the information in order to render a final decision on the application.

Please refer to Appendix F entitled "*FOSS results form*" to view the worksheet used to communicate the information to the CBSA PC. Depending on the AME program, CBSA IPC results may be entered electronically by using the Global Enrolment Component (GEC) system.

If the applicant responds to the letter within 30 days, the CBSA IPC officer will request that the applicant provide proof of their residence in order to satisfy the residency requirement. This can be done via the telephone and/or in writing by sending supporting documentation by fax. If the CBSA IPC officer is satisfied that the applicant has met the residency obligation under A28, the officer will change the status of the file from "pending" to a recommendation of "pass." The CBSA PC will be advised accordingly.

If the CBSA IPC officer is not satisfied that the applicant has met the residency obligation and additional information is not required to make this determination, the officer may change the status of the file from "pending" to a recommendation of "fail". The CBSA PC must be advised of the information in order to render a final decision on the application. The NCB in FOSS must be updated accordingly.

If the CBSA IPC officer is of the opinion that the residency obligation determination requires a more in-depth examination, the officer will send the applicant a second letter; see Appendix D entitled "*Residency obligation for permanent residents.*" This subsequent letter advises the applicant to present themselves at the nearest inland office or Canadian Consulate/ Embassy abroad for an interview. In such cases, the file will remain in "pending" status until a residency determination is made.

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CBSA IPC officers may receive a request for a residency obligation determination from the Enrolment Centre. See Appendix E entitled “*Request for Residency Determination Form*” to view this form. If such a request is made by the EC, it will be necessary for the CBSA IPC officer to contact the applicant using the procedures outlined above. Officers of the CBSA IPC will be required to follow up with the EC to advise them of the outcome of the residency obligation determination request.

If the applicant is a permanent resident of Canada, but holds citizenship or permanent resident status in the U.S., the CBSA IPC officer should “pass” the applicant (assuming that the applicant is not otherwise inadmissible to Canada). It is not necessary to place these files in “pending” status since the applicant remains eligible to apply to the program regardless of whether or not they meet their residency obligation in Canada. An NCB “Watch-For” must be added in FOSS to ensure that the applicant is referred for a secondary examination the first time they use the AME program. This will provide CBSA Immigration officers with the opportunity to complete a residency determination during the secondary examination and, if applicable, have the member voluntarily relinquish their Canadian permanent resident status.

For further information on loss of permanent resident status, see ENF 23 Loss of permanent resident status at:

http://www.ci.gc.ca/Manuals/immigration/enf/enf23/index_e.asp

7.6. Criminality

Officers of the CBSA IPC are called upon to review the criminal history of all non-Canadian applicants. It is the responsibility of the CBSA IPC officers to determine if applicants are admissible to Canada and to provide a recommendation regarding eligibility, on occasion, to the CBSA PC based on the applicable AME program’s criteria.

The CBSA PC conducts the initial screening of applicants and subsequently provides the CBSA IPC officers with a printout or flags their names for further investigation. These cases can also be assigned electronically to the CBSA IPC officers through the Global Enrolment Component (GEC) depending on the program. If information is missing, incomplete or when otherwise required, officers of the CBSA IPC will conduct further database checks.

An application is referred or assigned for criminality by the CBSA PC in the following circumstances:

- Applicant may have a “hit” for CPIC wants, warrants and/or criminal history;
- Applicant may have a “hit” for NCIC wants, warrants and/or criminal history;
- Applicant self-disclosed a criminal conviction on the application form for which they have not received a Canadian pardon.

CBSA IPC officers will review the applicant’s information and compare this to the criminal history “hit” in order to ascertain if the person is admissible to Canada. Chapters ENF 1 and ENF 2 offer guidance on the inadmissibility of clients. These chapters are available at:

http://www.ci.gc.ca/Manuals/immigration/enf/enf1/index_e.asp

http://www.ci.gc.ca/Manuals/immigration/enf/enf2/index_e.asp

If a CBSA IPC officer is required to obtain further information pertaining to an applicant’s criminal history, they may contact the applicant by phone or letter in order to determine their admissibility. This letter can be found in Appendix B entitled “*Letter requesting additional information to determine admissibility and residency.*” The officer must ensure that privacy legislation is adhered to as it relates to third-party information.

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7.7. Pending applications

If an admissibility determination cannot be made due to a lack of information, the CBSA IPC officers will temporarily place their file in “pending” status and contact the applicant. The preferred method will be by letter requesting the applicant to contact the CBSA IPC to provide further information. This will mitigate any question of identity involving an applicant whose application is with the CBSA IPC for risk assessment. The applicant are advised that they have 30 days from the date of the letter to respond to the request. This letter is found at Appendix B entitled “*Letter requesting additional information to determine admissibility and residency.*”

7.8. Correspondence to applicants

The CBSA IPC officers may correspond with applicants for matters arising out of information located within immigration-related databases. CBSA IPC officers may also communicate with applicants in regards to criminal history found in the FOSS, CPIC, and NCIC databases. The applicant will be requested in the letter to contact the CBSA IPC by telephone within 30 days of the date on the letter. This letter is found at Appendix B entitled “*Letter requesting additional information to determine admissibility and residency.*” The officer must ensure that privacy legislation is adhered to in relation to third party information.

7.9. Correspondence from applicants

If the applicant responds to a request for further information within 30 days of the date of the letter and the CBSA IPC officer considers the person inadmissible to Canada, the officer will forward a recommendation of “fail” to the CBSA PC. If an applicant responds within 30 days and a request is made for further information, i.e., a police record check, the applicant will be given an additional 60 days to comply. Any further extensions will be at the discretion of the CBSA IPC officer. If the applicant does not respond within the 30-day time limit, the CBSA IPC officer will forward a recommendation of “fail” to the CBSA PC.

If the applicant provides sufficient proof, through satisfactory documentation, that they are not inadmissible to Canada, a recommendation of “pass” will be made to the CBSA PC.

If information exists that an applicant is ineligible for the program but remains admissible to Canada, the CBSA PC must be advised of the information in order to render a final decision.

Note: The applicant is still considered admissible to Canada, but a recommendation of “fail” will be provided to the CBSA PC in terms of eligibility to the program.

See Appendix F entitled “*FOSS Results Form*” to view the worksheet used to communicate the information to the CBSA PC. Depending on the AME program, the CBSA IPC results may be entered electronically by using the Global Enrolment Component system.

7.10. Canadian citizens

It is important to note the following information pertaining to Canadian citizens.

While Canadian citizens retain the right to enter and remain in Canada under the Act, their acceptance into an AME program may be affected by various factors including previous immigration legislation violations or criminality. An applicant who is a Canadian citizen may be ineligible to participate in certain AME programs as the result of previous immigration violations. Please refer to Appendix A entitled “*Immigration violations.*”

If a criminal or immigration violation history is found in FOSS, it will be the CBSA IPC officer’s responsibility to make a recommendation to the CBSA PC as to the applicant’s eligibility to join the program based on that program’s criteria. See Appendix F entitled “*FOSS Results Form*” to view the worksheet used to communicate the information to the CBSA PC. Depending on the AME program, CBSA IPC results may be entered electronically by using the Global Enrolment Component system.

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CBSA IPC officers may not review the criminal history of a Canadian citizen unless that history is found in FOSS.

7.11. Immigration violations

Once admissibility to Canada has been determined, CBSA IPC officers will further review the FOSS database for documented immigration violations. The CBSA IPC officer can refer to Appendix A entitled "*Immigration violations*" as a guide to recommend "fail" or "pass" to the CBSA PC based on the program criteria. Please note that admissibility to Canada supersedes all other program eligibility criteria.

To view the worksheet used to communicate the information to the CBSA PC, refer to Appendix F entitled "*FOSS Results Form*." Depending on the AME program, CBSA IPC results may be entered electronically by using the Global Enrolment system.

7.12. Approved applications

If there are no concerns regarding admissibility or eligibility (i.e., no criminality or immigration violations) during the risk-assessment phase of the process, officers at the CBSA IPC will provide a recommendation of "pass" to the CBSA PC. See Appendix F entitled "*FOSS Results Form*" to view the worksheet used to communicate the information to the CBSA PC. Depending on the AME program, CBSA IPC results may be entered electronically by using the Global Enrolment Component system.

7.13. Self-disclosure (Risk assessment phase)

Pursuant to A11 for foreign nationals and A21 for permanent residents, an applicant must satisfy an officer that they are not inadmissible to Canada and that they meet all other requirements provided in the aforementioned sections of the Act. Situations may occur where an applicant discloses previous violations or other inadmissibility grounds on their application form, in response to a letter or over the phone during the risk assessment phase.

Officers may obtain information from an applicant that does not affect admissibility although the disclosure will affect their eligibility into the AME program. In these situations, a recommendation of "fail" in terms of the believed ineligibility should be forwarded to the CBSA PC. See Appendix F entitled "*FOSS Results Form*" to view the worksheet used to communicate the information to the CBSA PC. Depending on the AME program, the CBSA IPC results may be entered electronically by using the Global Enrolment Component system.

See "*Self-disclosure by applicant at interview (Enrolment phase)*" in section 8.2 below..

7.14. Denied applications

If upon review of the security-screening information, an officer determines that an applicant is inadmissible to Canada, the CBSA IPC officer will forward a recommendation of "fail" to the CBSA PC for the final determination of eligibility to the AME program. Officers may encounter situations in which the applicant is admissible to Canada but has previously been in violation of immigration law or has been convicted of an offence that does not affect their admissibility. In such circumstances, the applicant may still be ineligible for the AME program for which they have applied. Please refer to Appendix F entitled "*FOSS Results Form*" to view the worksheet used to communicate the information to the CBSA PC. Depending on the AME program, the CBSA PC results may be entered electronically by using the Global Enrolment Component system.

It is the CBSA IPC officer's responsibility to ensure that an NCB (General) is entered into FOSS reflecting the recommendation to the CBSA PC that an applicant be refused into the program. This will ensure that border officials are aware of the circumstances involving the denial of an applicant into any AME program. Refer to section 7.16 entitled "*Non-computer-based entries (NCB) in FOSS*" below for more detail.

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Clients may seek redress by requesting a review from the CBSA Customs where applications have been refused.

7.15. Rehabilitation counselling

Any applicant who is denied membership into an AME program (except for NEXUS programs) as a result of criminality should be counselled to seek rehabilitation, if eligible, from a Canadian Consulate abroad or upon entry into Canada at a POE. However, applicants applying to the FAST and/or CDRP programs may apply to the designated rehabilitation centre that has been established for that purpose in Niagara Falls.

The contact information for the Criminal Rehabilitation Processing Centre has been provided in Appendix G for your convenience.

For more information on criminal rehabilitation, consult the chapter ENF 14:

http://www.ci.gc.ca/Manuals/index_e.asp

7.16. Non-computer-based entries (NCB) in FOSS

The use of an NCB is particularly important when an applicant has been refused membership into an AME program for inadmissibility. Should the CBSA IPC officer's determination be based on information provided by law enforcement databases or any other source including self-disclosure, it is imperative that an NCB be placed in FOSS. An NCB should also be placed in FOSS for those persons who are potentially inadmissible based on the above-noted sources of information and if they have not responded to a request by the CBSA IPC for further information.

An enforcement NCB should only be used in the case of inadmissibility or other urgent requests to intercept a person seeking entry. It is recommended that a "General Information" NCB be used in all other cases.

Please refer to Appendix C entitled "*Standard format of NCB (non-computer-based entries) in FOSS*" for more information on standard FOSS remarks.

7.17. Additional risk assessment at the CBSA IPC

When an applicant discloses information at the EC interview that is not on the original application, or an error is discovered on the application (i.e., incorrect date of birth, name spelled incorrectly, maiden name not listed, etc.), the interviewing officer will suspend the process. The EC officer must forward the new and/or corrected information to the CBSA PC where the information will be verified a second time against the databases. Once the CBSA PC officer completes the security checks, the new and/or corrected information will be referred to the CBSA IPC for reassessment. See Appendix H entitled "*AME Security Review Form*" for more information.

7.18. Yearly review

Yearly risk assessments will be conducted for members of all AME programs to ensure that they continue to be admissible to Canada and eligible to participate in the programs. The CBSA PC will refer the membership information to the CBSA IPC for FOSS checks and if applicable, for CPIC/NCIC reviews. If information is discovered during the yearly risk assessment that may affect admissibility and/or eligibility, the officers will advise the CBSA PC of their findings and make the appropriate recommendation.

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8. Procedures: Enrolment phase

8.1. Overview

ECs are unique in that they offer a chance for officers of the CBSA and U.S. CBP, as applicable, to work in shared offices. The location of ECs varies depending on the program, though they are generally located at or in close proximity to POEs at both land borders and airports.

At the enrolment phase, the applicant will be required to have a digital photo of their face taken for their membership card. This image will be stored in secure government databases. Depending on the program, the applicant will be required to submit fingerprints which will be used to assess risk. Finally, the applicant will be provided with training on the relevant technology and program terms and conditions.

8.2. Interview process

Applicants who have met the screening criteria established by the pertinent agencies will be contacted regarding the next stage of the process. This phase of the process requires applicants, if applicable, to present themselves at the EC where they will be interviewed by an officer of the CBSA and/or U.S. CBP depending on the specific AME program.

Note: Face-to-face interviews are not required for all AME programs.

Interview scheduling

Each program's local working groups determine how interviews are best scheduled, based on a number of factors including client volumes, availability of resources, number of computer terminals, and the maximum number of clients the EC is able to accommodate at once. Walk-ins as well as scheduled interviews should be considered. The designation of Canada and/or U.S. days may also be contemplated in order to clear a backlog.

Interviewing applicants and guidelines

When interviewing an applicant at the EC, it is important for officers to be aware that, prior to the applicant's arrival, a thorough screening process has been conducted, including verification of FOSS, CPIC, PIRS, ICES, NCIC and other U.S. databases (depending on the AME program). CBSA EC immigration officers will not be able to verify databases at the EC. Applicants will be interviewed by officials of the CBSA and U.S. CBP depending on the program. Typically, CBSA EC immigration officers will interview applicants who are not Canadian citizens (i.e., U.S. citizens and resident aliens and Canadian permanent residents). CBSA EC immigration officers will verify, through questioning and the review of information, the applicant's identity, citizenship, permanent resident status, residency, purpose of travel to Canada, intentions while in Canada, personal history including employment ties to Canada if any, health, and criminality.

The interview provides the appropriate agencies with an opportunity to review with the applicant all the information provided up to this stage and to make a final determination on their:

- admissibility to both countries as appropriate;
- eligibility for the individual program for which an application has been submitted.

For further information on examination procedures, see ENF 4 at

http://www.ci.gc.ca/Manuals/immigration/enf/enf4/index_e.asp

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Self-disclosure by applicant at interview (enrolment phase)

Situations may occur where the security risk assessment of an applicant does not yield the existence of any violation, criminal conviction or other criminal offence, but during the interview, the applicant voluntarily discloses a previous violation, criminal conviction or criminal offence.

Where the existence of the violation, conviction or other criminal offence would affect the applicant's eligibility, based on the eligibility criteria for the program, an additional security risk assessment will be performed searching for a documented record of the violation, conviction or other criminal offence.

See Appendix H entitled "*AME Security Review Form*" to communicate the information to the CBSA PC.

Permanent resident determinations

During the enrolment interview, it may come to the attention of the EC CBSA immigration officer that a permanent resident of Canada may not meet the residency obligation pursuant to A28. In these cases, since the EC officer is not in the position to perform such a lengthy interview, the officer will follow the guidelines below.

The officer will explain to the applicant that membership in the program cannot be completed until their Canadian permanent residency obligation status has been determined by an immigration officer.

The CBSA immigration officer will complete the Request for Residency Determination form and fax it to the appropriate CBSA IPC which processed their application. See Appendix E entitled "*Request for Residency Determination Form*."

The status of the applicant's membership should remain in "pending" status until the CBSA IPC advises the EC to proceed with the interview or to change the status to "fail." To ensure an appropriate follow-up, the EC officer will advise the applicant that a letter will be mailed to them by the CBSA IPC. See section 7.5 entitled "*Residency obligation*" for more information on the CBSA IPC's role and responsibilities in residency obligation determinations.

The EC CBSA immigration officer will counsel the applicant on the type of information that they will need to send to the IPC and/or for their status determination interview.

8.3. Additional risk assessment at the EC

Every applicant is required to provide true and complete information on their application including any conviction for which they have not received a pardon. It is important to note that the eligibility criteria for AME programs stipulate that membership will not be granted to those who have a criminal conviction where no pardon has been granted or where the person has not been deemed rehabilitated pursuant to the Act. Persons applying to AME programs, with the exception of NEXUS programs, may be granted membership if they have been deemed rehabilitated by a CIC/CBSA immigration officer.

Additional risk assessments should not be performed by the EC officers as all criminal records and customs and immigration background checks have already been completed by the processing centres. In the event that new information is obtained on an applicant that was not previously disclosed or was not discovered by the processing centres, the following procedure must be followed for CBSA EC immigration officers:

The CBSA EC immigration officer must contact the CBSA PC and notify the U.S. CBP at the EC that an additional risk assessment is required. The officer will then contact the CBSA IPC by fax advising them of the disclosure or discovery of additional information. Please refer to Appendix H entitled "*AME Security Review Form*."

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The officer will advise the applicant that they must conduct further checks before final approval into the AME program may be granted and that the CBSA PC will contact them in writing with their decision.

8.4. Biometrics

Individuals wishing to join certain AME programs are required to submit biometric information for the purpose of security screening during enrolment and/or to confirm identity at passage. Please consult the table below for the biometrics requirements of each program.

• PROGRAM:	• BIOMETRICS:
• NEXUS HIGHWAY	• TWO INDEX FINGERPRINTS/ PHOTO / DISCRETIONARY FULL SET OF FINGERPRINTS
• NEXUS AIR	• IRIS/ PHOTO/ TWO INDEX FINGERPRINTS/ DISCRETIONARY FULL SET OF FINGERPRINTS
• NEXUS MARINE	• TWO INDEX FINGERPRINTS/ PHOTO / DISCRETIONARY FULL SET OF FINGERPRINTS
• FAST	• TWO INDEX FINGERPRINTS/ MANDATORY FULL SET OF FINGERPRINTS/ PHOTO
• CDRP	• PHOTO
• CANPASS AIR	• IRIS / PHOTO/ DISCRETIONARY FULL SET OF FINGERPRINTS
• CANPASS RABC	• NONE
• CANPASS: PRIVATE AIR, CORPORATE AIR, PRIVATE BOAT	• NONE

8.5. Membership counselling

Once approved, members should receive information and clarification of any questions they may have about the relevant program. These instructions may involve a demonstration of the appropriate technology of the program, including the use of the kiosk or a proximity card.

All new participants to any program should be briefed on the major components of the program as they relate to their needs. EC officers will provide the following:

- The program's Participant Guide; with particular emphasis on:
 - ◆ membership rights and obligations. This would include the obligation to carry proof of citizenship and permanent resident status;
- Other government departments' requirements;
- Other travel documents that may be required, including work and study permits;
- Currency reporting obligations.

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8.6. The membership card

The card is a trigger for accessing the relevant program's database. It does not have any privileged, personal or financial information on it.

Member must be aware that lost or stolen membership cards are to be reported immediately to one of the government partners.

The membership card is not an official travel document.

Approved applicants are issued the appropriate identification card. This card remains the property of the Canadian and U.S. governments.

9. Passage

Participation in these programs shall not be authorized for the purpose of circumventing the provisions of the Act or its Regulations. Members seeking entry into Canada or the U.S. may be subject to a random immigration examination at the discretion of an officer. CBSA immigration officers will rigorously enforce the Act and its Regulations when a violation is encountered during a secondary examination. Further, any documentation issued under the provisions of the AME programs will not replace the requirement for the member to have in their possession official travel documents demonstrating their citizenship, resident status or other status obtained from CIC, the CBSA immigration or the U.S. CBP.

9.1. Technology at passage

A wide variety of technology exists to assist CBSA and U.S. CBP officers in the risk assessment of AME program members seeking entry into Canada and the U.S.

Members seeking entry into Canada or the U.S. by land using a dedicated lane are required to present their program-specific membership card.

For the FAST program, PIL officers are required to swipe the member's card through a magnetic strip reader which validates the member's status. Proximity technology is used by FAST members entering the U.S.

In the case of the NEXUS Highway program, members present their card to a proximity reader (where the technology is available) so that a PIL officer may verify their identity and confirm membership status.

When travelling by air, members of the CANPASS Air or NEXUS Air program seeking entry into Canada or the U.S. use automated kiosks to capture their iris in order to confirm their identity by comparing it to information contained within the secure database. These programs utilize the photo capture found on the membership card as a secondary method of identification.

9.2. Referrals

Though it has been shown that there are few customs or immigration program violations by AME members, it is necessary to have checks and balances in place. These measures have been created to ensure compliance and integrity with the programs, government laws and regulations. Violations will result in definitive sanctions.

AME program members are advised at the interview that each agency involved in the program retains the right to randomly refer members for further inspection.

The Participant's Guide of each program also states that anytime a member enters the U.S. or Canada, border officials of their respective country may perform a full inspection.

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Referrals and CBSA immigration secondary examination

Any intentional violation of any of the program's terms and conditions, violation of law or new enforcement action taken against a member will warrant a mandatory referral.

Example: Mandatory referrals to CBSA immigration secondary examination include:

- A member who is travelling on expired immigration status documents;
- The member's name is an exact match on the FOSS enforcement database.

Procedures for mandatory referrals also apply for all other referrals, including selective and random referrals.

Any violation of AME program rules that is discovered at the time of passage at the POE must be documented and sent to the CBSA PC. Members found in violation of an AME program may be faced with sanctions ranging from a verbal warning at the time of passage followed by a letter, membership suspension, and even membership cancellation depending on the specific program.

See the procedures for the specific AME program for the necessary reporting mechanisms when a program violation occurs.

9.3. Seizure of participant membership card

If during a secondary examination a CBSA immigration officer is of the opinion that a person is inadmissible to Canada, the officer may seize the person's membership card pursuant to subsection A140(1), fill out the IMM 5265 "Notice of Seizure," and provide a copy to that person.

When a CBSA immigration officer seizes a membership card, they are to send an e-mail to their immediate supervisor and to the applicable CBSA IPC. The e-mail should contain the section of the Act that was used to determine inadmissibility, the client's FOSS number, the date of the seizure, the client's membership card number and the officer's name and badge number.

The officer's supervisor will then be responsible to advise the CBSA superintendent at the POE of the seizure information. This must be done in writing, accompanied by the membership card. This process has been created in order to have the membership privileges suspended or revoked by the CBSA Customs and to ensure that they update their appropriate databases. Where memberships have been suspended or revoked, clients may seek redress by requesting a review from the CBSA Customs.

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Appendix A Immigration violations

The following chart is to be used by CBSA IPC officers when reviewing applicant information. Once admissibility to Canada has been determined, CBSA IPC officers will further review the FOSS database for documented immigration violations. CBSA IPC officers are asked to use this eligibility matrix to provide a recommendation of “pass” or “fail” based on the following criteria:

Note: Admissibility to Canada supersedes all other program eligibility criteria.

• Program	• Eligibility criteria: Immigration violations
• NEXUS	• Clients may be eligible to participate in the NEXUS program if no documented immigration violation appears on their FOSS record. (See section <i>What “documented immigration violation” means below.</i>)
• CANPASS Corporate Air • CANPASS Private Air • CANPASS Boat • CANPASS Air • FAST • CDRP	• Clients may be eligible to participate in these programs if three or more years have elapsed since the final disposition date of the documented immigration violation. (See section <i>What “the final disposition date means below.</i>)

What “documented immigration violation” means:

An inadmissibility report has been transmitted to the Minister under A44(1) **and** the Minister or the Minister’s delegate is of the opinion that the report is well-founded and a removal order has been made.

Exception A40(2)(a): The definition of an immigration violation also includes a determination of inadmissibility for misrepresentation that is made outside Canada in which case, a permanent resident or foreign national continues to be inadmissible for a period of two years. In these cases, the final disposition date is the date of the final determination of inadmissibility under A40(1).

Note: An inadmissibility report and a conditional removal order made with respect to a refugee claim will not be considered as an immigration violation if the refugee claim was successful. Where criminality was recorded at the time of the report, the assessment on the recommendation will be based on the criminality.

Written proof of one of the following under immigration law:

- Human smuggling and trafficking;
- Offences related to documents;
- General offences;
- Proceeds of crime;
- Officers authorized to enforce the Act;
- Ticketable Offences;

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- Collection of debts due to Her Majesty.

What “the final disposition date” means:

The date on which the removal order has been made, whether or not this removal order is enforceable pursuant to A48.

Exception A40(2)(a): The definition of an immigration violation also includes a determination of inadmissibility for misrepresentation that is made outside Canada in which case a permanent resident or foreign national continues to be inadmissible for a period of two years. In these cases, the final disposition date is the date of the final determination of inadmissibility made pursuant to A40 (1).

Note: Where a report is still before the Minister's delegate under A44(2) or has been referred to the Immigration Division, the eligibility determination must be put on hold until the outcome of the inadmissibility hearing is known. If a removal order is under appeal to the IAD or the subject of judicial review before the courts, the eligibility recommendation will be negative, i.e., fail.

To determine the final disposition date of any immigration violation included in “Part 3 Enforcement” of the Act relating to:

- Human smuggling and trafficking;
- Offence related to documents;
- General offences;
- Proceeds of crime;
- Officers authorized to enforce the Act;
- Ticketable offences;
- Collection of debts due to Her Majesty;

refer the case to the AME Travellers' Programs, Immigration Ports and Border Management, Border and Compliance Programs Directorate, Admissibility—CBSA at: ais@cic.gc.ca

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Appendix B Letter requesting additional information to determine admissibility and residency

PERSONAL & CONFIDENTIAL

This letter is for the eyes of the addressee only. If you have received this correspondence in error, please immediately return to the address listed at the bottom.

Date

FILE NUMBER: «Canpass_ID_Number»

Dear «Given_Names» «Surname» :

Your application to participate in the **{{FAST/NEXUS/CANPASS}}** program has been received at the Canadian Processing Centre.

In order to proceed with the verification of your application, we require additional information to:

- determine your admissibility to Canada.
- ensure that you are in compliance with the residency obligation under the *Immigration and Refugee Protection Act* if you are a permanent resident of Canada.

We ask that you contact us within **30 days** from the date of this letter to discuss your application. You may reach our Processing Centre at (area code) (telephone number) from Monday to Friday 08:00 to 16:00 (your time zone) only.

If you don't reply within **30 days** from the date of this letter, we will have insufficient information to process your application. Consequently, we will recommend that your application be denied. In that event, if you wish to re-apply, another application and processing fee will be required.

Sincerely,

Officer,

(Address of applicable processing centre)

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Appendix C Standard format of NCB entries into FOSS

Standard FOSS remark for an immigration violation

“Application for XXXXXXXX program—Recommend fail to CBSA PC for immigration violation criteria.”

- Detailed information regarding the immigration violation may be provided to assist in future enquiries.

Standard FOSS remark for criminality/ inadmissibility

“Application for XXXXXXXX program—Recommend fail to CBSA PC for the following offence.”

- Detailed offence information should be entered.

Note: The general information NCB may be created in FOSS for an applicant who has been deemed rehabilitated. The applicant may or may not be approved into an AME program depending on the eligibility criteria. It is important to record this type of information in FOSS should the person commit a subsequent offence thereby becoming inadmissible to Canada.

Standard FOSS remark for no response as a result of request for information

“Application for XXXXXXXX program – Recommend fail to the CBSA PC for failure to respond to a request for information.”

- Limited information relating to the nature of the request should follow.

Standard FOSS remark for a request for residency obligation determination

“Application for XXXXXXXX program—Recommend examination for residency obligation.”

- Indicate time and place where PR has been referred for further examination if applicable.
- Provide details as to information that has led to the decision to defer for residency obligation determination.
- Include detailed notes on the contact information of the officer who requested the residency determination. This will facilitate contacting that officer once the determination has been completed.

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Appendix D Residency obligation for permanent residents

PERSONAL & CONFIDENTIAL:

This letter is for the eyes of the addressee only. If you have received this correspondence in error, please immediately return to the address listed at the bottom.

Date

FILE NUMBER: « ID_Number »

Dear «Given_Names» «Surname» :

Your application to participate in the XXXXXXXX has been received at the Processing Office.

Under subsection 28(2) of the *the Immigration and Refugee Protection Act*, a permanent resident of Canada must comply with the residency obligation with respect to every five-year period.

Based on the information you have provided on your application and the information that is available to us in our database, your permanent resident status must be determined before we proceed with your application.

In order to have your Canadian permanent resident status determined by an immigration officer, you must present yourself for examination. If you reside in Canada please call 1-888-242-2100 to find the location of the nearest Canadian Immigration Centre. If you reside in the United States, you must present yourself to the nearest Canadian Consulate in the United States. There is an enclosed list of Canadian Consulates in the United States for your reference.

You must bring proof of your residency for the last 5 years to the scheduled interview with an immigration officer. Documentation you may be asked to provide includes utility bills in your name, receipts of purchases in Canada, bank statements showing transactions at Canadian Institutions. This list is not exhaustive and an immigration officer may ask you for further documentation. This information must satisfy the immigration officer that you have complied with the residency requirements as set out in the *Immigration and Refugee Protection Act*.

Failure to present yourself for an examination within 60 days from the date of this letter may result in the refusal of your application in the above-noted program.

Please note that if you seek re-entry into Canada at any time during this process, you may be asked to address your residency obligation.

Should you require clarification on this matter, please contact me at the number below.

Sincerely,

Officer,

Canada Border Services Agency

(Address/phone number of the originating CBSA IPC)

CANADA REPRESENTATIVES LOCATED IN THE UNITED STATES OF AMERICA

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<p>Washington, D.C.</p> <p>The Embassy of Canada 501 Pennsylvania Avenue, N.W. Washington, D.C. 20001-2114, USA Tel: (202) 682-1740 Fax: (202) 682-7701 e-mail: wshdc.outpack@dfait-maeci.gc.ca Web site: http://www.canadianembassy.org/homepage/index-en.asp Territory: Eastern Pennsylvania, Delaware, Maryland, and Virginia, District of Columbia</p>	<p>New_York</p> <p>Consulate General of Canada 1251 Avenue of the Americas New York, NY 10020-1175, USA Tel: (212) 596-1628 Fax: (212) 596-1793 e-mail: cngny-td@dfait-maeci.gc.ca Web site: http://www.can-am.gc.ca/new_york Territory: <i>Southern New York State, Connecticut, New Jersey (other: Bermuda)</i></p>
<p>Seattle</p> <p>Consulate General of Canada 412 Plaza 600 Building Sixth Avenue and Stewart Street Seattle, WA 98101-1286, USA Tel: (206) 443-1777 Fax: (206) 443-9735 e-mail: seatl-gr@dfait-maeci.gc.ca Web site: http://www.can-am.gc.ca/seattle Territory: Washington State, Alaska, Idaho, Oregon</p>	<p>Buffalo</p> <p>The Consulate General of Canada HSBC Center, Suite 3000 Buffalo, NY 14203-2884, USA Tel: (716) 858-9500 Fax: (716) 858-9562 e-mail: bfalo-td@dfait-maeci.gc.ca Web site: http://www.can-am.gc.ca/buffalo Territory: Western, Central and Upstate New York State, Western and Central Pennsylvania, West Virginia</p>
<p>Detroit</p> <p>Consulate General of Canada 600 Renaissance Center, Suite 1100 Detroit, MI 48243-1798, USA Tel: (313) 567-2340 Fax: (313) 567-2164 e-mail: dtrot@dfait-maeci.gc.ca Web site: http://www.can-am.gc.ca/detroit Immigration Inquires Tel: (313) 567-2085 Fax: (313) 567-2125 e-mail: dtrot-im@dfait-maeci.gc.ca Territory: Michigan, Indiana, Kentucky, Ohio</p>	<p>Los Angeles</p> <p>Consulate General of Canada 550 South Hope Street, 9th Floor Los Angeles, CA 90071-2627, USA Tel: (213) 346-2700 Fax: (213) 346-2767 e-mail: lngls-td@dfait-maeci.gc.ca Web site: http://www.dfait-maeci.gc.ca/los_angeles/ Territory: California, Arizona, Hawaii, Nevada, Utah</p>

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Appendix E Request for Residency Determination Form



AME Residency Determination

EC Location:	
Officer Name:	Telephone number:

Applicant Information

Date of Examination (yyyy-mm-dd):	Current Address:	
	City	Province/State Postal/zip code
Surname:	Given Name(s):	
Client Identification:		FOSS Identification:
Date of Birth (yyyy-mm-dd):	Country of Birth:	
Background/ Synopsis of interview:		

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Appendix G Contact information for the Criminal Rehabilitation Processing Centre

Criminal Rehabilitation Processing Centre
Canada Border Services Agency
6080 McLeod Road, Unit 10
Niagara Falls, Ontario, Canada
L2G 7T4
(905) 354-4687

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Appendix H AME SECURITY REVIEW FORM

AME SECURITY REVIEW FORM



SECURITY REVIEW FORM

CBSA Processing Centre

Montréal, Québec

Fax: 514-283-4604

Niagara Falls, Ontario

Fax: 905-354-2332

Douglas, British Columbia

Fax: 604-535-7215

DATE:

CLIENT NUMBER:

LAST NAME (First 3 letters only):

This AME application requires further security checks. During the interview process, the following concerns/discrepancies (i.e., criminality, wrong DOB, name misspelled, etc.) were discovered:

Please identify any previous FOSS worksheet number and then forward these documents to Intelligence and Contraband for further security checks.

PREVIOUS FOSS WORKSHEET # _____

I & C Security:

Please conduct an additional NCIC query on this subject based on the information provided above. It is also requested that you conduct an NCIC query on the following state(s) and advise any results.

Note: If there are no U.S. States indicated below, then only a standard NCIC check is required.

NCIC Requested State(s) Query 1/ _____

2/ _____ 3/ _____

Enrolment Centre (Immigration) Officer _____