

Canada starts process to collect passport exit data

Saturday, 09 July 2016 10:22

| Print | E-mail

MWC NEWS By MWC News

Comments



by Edward C. Corrigan

On June 15, 2016 the Canadian Government tabled for first reading **Bill C-21**, or as it is called, **An Act to amend the Customs Act**.

The Bill was introduced by the **Minister of Public Safety and Emergency Preparedness**, the Honorable Ralph Goodale. This procedure is to start the process for keeping track of passport information for all individuals exiting Canada. The Bill has to have two more readings and review by the House of Commons Committee before it will be sent to the Senate and then proclaimed into law.

Minister Goodale told reporters, "It's nothing more or less than what you find on page two of your passport. And that is the full name, the nationality, the issuing authority and the gender of the traveller."

The same information is already collected when people enter Canada. Many countries are collecting such data upon departure including the U.S. and the U.K.

Goodale also noted, "Having this data will allow us to better respond to amber alerts, for example, on missing children. It will help us deal with human trafficking, it will help us deal better with illegal travel by terrorist fighters, it will help (Minister of Immigration) John McCallum deal with immigration proceedings and visa applications, and it will help us ensure the integrity of Canadian social programs."

It is proposed that when individuals leave Canada by land, and enter the United States, American border officials will collect the data and send it back to Canadian officials. When leaving the country by air, airlines will provide passenger manifests to the Canada Border Services Agency (CBSA). All information will be retained for 15 years.

The collection of data will also help monitor the residency of people attempting to dodge taxes, and stop people from illegally collecting government employment benefits while out of the country. The Canada Revenue Agency and Employment and Social Development Canada expect to save between \$194 million and \$319 million over five years once the system is fully implemented.

CBSA already stores data for almost all entries into Canada. This information is used for security purposes but also to monitor presence in Canada for individuals who are applying to renew their Permanent Residence Cards or making an Application for Canadian Citizenship.

In order to maintain Permanent Residence Status in Canada individuals have to be physically present in Canada for at least two years in the 5 year qualifying period to be able to get a new PR Card. There are a few exceptions to this rule. All Permanent Residents have to have a valid PR Card to be able to enter Canada. One of the ways to check presence in Canada was to obtain from CBSA a record of all entries into Canada.

The previous Conservative government implemented a very strict review process to enforce the residency obligation for Permanent Residents. Many Permanent Residents were required to provide proof of residence in Canada before new PR Cards were approved. Frequently this was a long and burdensome process.

Permanent Residents who were seeking renewal of their PR Cards were frequently required to obtain entry and exit records from other countries they had travelled to and other reliable proof in order to substantiate the fact that they were in Canada for the required two year period.

“The new Liberal Government has indicated that they are going back to the rules that covered making an Application for

Similarly with those individuals who were making an Application for Canadian Citizenship were required to prove that they met the residency obligation of being in Canada for four years in the six year qualifying period to obtain Canadian Citizenship. There were also a few other requirements to obtain Canadian Citizenship including language tests and passing a Canadian Citizenship test.

The new Liberal Government has indicated that they are going back to the rules that covered making an Application for Canadian Citizenship that had existed for many years before the recent changes made by the Conservatives. However, the new changes are still the law at the present time.

Most travellers are aware of the border security procedures at most points of entry into Canada. This introduction of "Exit Data Collection," is the next logical step and a system already implemented by many countries. It will take some time to fully implement this data collection procedure in Canada. Bill C-21 is only at the very first stage.

Travellers need to be mindful of the legal requirements for maintaining Permanent Residence in Canada and also for meeting the residency obligation for obtaining Canadian Citizenship. The onus is on the individuals to prove that they do meet the residency obligation.

The implementation of a data collection system for those exiting Canada is just another tool for the Canadian Government to verify the accuracy of information provided as part of an Application to renew Permanent Residence or to obtain Canadian Citizenship. It will no doubt also provide security benefits and the monitoring of Visitors, failed refugee claimants and others who have left Canada.

Even those individuals who are Canadian Citizens have to be careful to comply with the residence requirements to maintain health coverage in Canada. This monitoring system of both entering and exiting Canada will allow authorities to deny health coverage to those who have been outside of the province for more than seven months. In Ontario you have to be in the province for three months before you are eligible for government health coverage.

If you have questions about this new procedure or anything else related to Citizenship, Immigration or refugee protection please consult a qualified professional.

Edward C. Corrigan is certified as a specialist by the Law Society of Upper Canada in Citizenship, Immigration and Immigration and Refugee Law.

**Canadian Citizenship
that had existed for
many years before the
recent changes made
by the Conservatives.
However, the new
changes are still the law
at the present time.”**