Canada Border Services Agency | Agence des services frontaliers du Canada

105

JUN 09 2016

Our File
A-2015-13817 / EB

Received June 14, 2016

Mr. Dennis R Young
1330 Ravenswood Dr. SE
Airdrie, AB
T4A 0P8

Dear Mr. Young:

This letter is in response to your request under the *Access to Information Act.* Your request reads:

> "***Please provide copies of the Agency's current directives, policies and procedures at border crossings regarding the screening, monitoring and processing of***
> ***1) Law-abiding Canadian firearms owners;***
> ***2) Law-abiding American firearms owners;***
> ***3) Persons prohibited from owning firearms,***
> ***4) Persons flagged on the Firearms Interest Police database; and,***
> ***5) Convicted and accused criminals***"

The processing of your request is now complete. Please note that certain information has been exempted pursuant to provisions 16(1)(c), 16(2)(c) of the *Act*. We also wish to advise that current versions of the following documents are within the public domain:

> ***D19-13-2 Importing and Exporting Firearms, Weapons and Devices***
> http://www.cbsa-asfc.gc.ca/publications/dm-md/d19/d19-13-2-eng.html
> ***D19-13-2 Importation et exportation d'armes à feu, d'armes et de dispositifs***
> http://www.cbsa-asfc.gc.ca/publications/dm-md/d19/d19-13-2-fra.html
> ***Importing a Firearm or Weapon into Canada***
> http://www.cbsa-asfc.gc.ca/publications/pub/bsf5044-eng.html
> ***Importation d'une arme ou d'une arme à feu au Canada***
> http://www.cbsa-asfc.gc.ca/publications/pub/bsf5044-fra.html

As the Canada Border Services Agency is committed to providing the highest level of client service, we would be pleased to assist you with any questions or concerns you may have regarding the handling of your request. You may contact Eric Bédard at 343-291-6953 or by email at Eric.Bedard@cbsa-asfc.gc.ca, using our file number as a reference.

1/2…

Should you be dissatisfied with the processing of this request, you may file a complaint within sixty days of receipt of this notice to the Information Commissioner of Canada by writing to:

Office of the Information Commissioner of Canada
30 Victoria Street
Gatineau, Québec K1A 1H3

Yours truly,

Alain Belleville
Manager
Access to Information and Privacy Division
Place Vanier Tower A
333 North River Road, 14th floor
Ottawa, ON K1A 0L8

Enclosures: A copy of the section cited
A copy of the release package to the applicant

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Canada Border Services Agency
Agence des services frontaliers du Canada

Firearms and Weapons Program

Standard Operating Procedures for the Importation of Firearms

April 2012

Canada

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REVISION LOG

The content of this Standard Operating Procedures (SOP) is subject to a regular revision.

Updates, amendments, and change requests will be received throughout the year by the Firearms and Weapons Program and recorded in both hard copy and electronic format until the scheduled revision date.

The next scheduled revision date for this SOP is April 2012. Revisions will be logged below.

April 2009	Original version published
October 2010	Update to list of Regional Firearms Coordinators
April 2012	Updated Program/Branch name
	Licence requirements for warehouses added
	Added information relating to geographical inhibitors
	Provided clarification on number of firearms that can be imported
	Updated procedures to reflect changes to the long gun registry

Firearms and Weapons Program
Other Government Department Programs Unit
Commercial Border Programs Division
Programs Branch

faw@cbsa-asfc.gc.ca

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LEGISLATIVE HISTORY

The Canadian Firearms Program (CFP), which is part of the Royal Canadian Mounted Police, is the lead organization with respect to the *Firearms Act*. For its part, the Canada Border Services Agency's (CBSA) policy is to control the flow of firearms and weapons at the border, in order to ensure compliance by all stakeholders with existing laws, regulations and orders. In addition, all policies and procedures with respect to their implementation have been developed in consultation with other federal departments and agencies, and provincial Chief Firearms Officers (CFOs).

The Act to amend the Criminal Code (firearms) and the Firearms Act (Bill C-10A), which received Royal Assent on May 13, 2003, was drafted to amend portions of the *Firearms Act* in an effort to simplify compliance with the firearms program, modernize administrative procedures, meet Canada's international obligations, and facilitate border services processing. The SOPs reflect our continuing administration of the *Exports and Import Permits Act*, *Criminal Code*, *Customs Tariff*, and *Customs Act* in relation to firearms.

Bill C-19 *An Act to amend the Criminal Code and the Firearms Act* (*Ending the Long-gun Registry Act*) received Royal Assent on April 5, 2012. This Act eliminates the requirement to register non-restricted firearms (rifles and shotguns) under the *Firearms Act*. However, firearm owners will still require a valid firearm licence to purchase or possess non-restricted firearms. Prohibited firearms, such as automatic rifles, and restricted firearms, such as handguns, will still be controlled and require licensing and registration.

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INTRODUCTION

These Standard Operating Procedures have been created to guide border services officers (BSOs) when processing the importation or exportation of firearms to and from Canada

A table of contents has been designed to help the user locate specific situations that may be encountered at a border crossing. However, if any unforeseen situation arises and you need further assistance, please contact your Regional Firearms Coordinator or Regional Intelligence Firearms Liaison Officer.

To allow an individual or business to import a firearm into Canada, certain legal requirements must be met. Requirements for importing firearms are set out in the *Firearms Act*, the *Criminal Code*, the *Export and Import Permits Act*, the *Customs Act*, and the *Customs Tariff.*

For additional information please refer to the Customs D-Memorandum D19-13-2 *Importing and Exporting Firearms, Weapons and Devices* as well as relevant provisions of the *Customs Tariff,* the *Criminal Code,* the *Firearms Act,* and the *Export and Import Permits Act* and their associated Regulations.

Reference and tools can be found on the Firearms & Weapons Program page located on Atlas at the following link

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PART I: GENERAL GUIDELINES

Chapter 1: Legislative and Regulatory Requirements

1.01 Customs Tariff

The importation of goods by residents or non-residents listed in the tariff item (TI) 9898.00.00 is prohibited unless an exemption in that tariff item applies.

Tariff item No. 9898.00.00

Firearms, prohibited weapons, restricted weapons, prohibited devices, prohibited ammunition and components or parts designed exclusively for use in the manufacture of or assembly into automatic firearms, in this tariff item referred to as prohibited goods, but does not include the following:

(a) prohibited goods imported by
(i) a public officer in the course of the public officer's duties or employment,
(ii) an individual on behalf of and under the authority of a police force, the Canadian Forces, a visiting force or a department of the Government of Canada or of a province, or
(iii) a non-resident or an individual belonging to a class of non-residents who, at the time of importation, has the benefit of an exemption under subsection 97 (1) or (2) of the Firearms Act;

(b) prohibited goods imported by a business that holds a licence authorizing it to acquire and possess those goods, or prohibited goods that are being shipped in transit through Canada by a business that does not carry on business in Canada;

(c) prohibited goods, or any class of prohibited goods, that, under regulations made by the Governor in Council, are exempted from the provisions of this tariff item;

(d) any weapon that, under subsection 84(3) of the Criminal Code, is deemed not to be a firearm;

(e) any firearm, other than a restricted firearm or a prohibited firearm, imported by
(i) a non-resident who meets the requirements of section 35 of the Firearms Act or who holds a licence to acquire and possess that kind of firearm,
(ii) an individual who holds a licence to acquire and possess that kind of firearm, who is a resident of Canada and who acquired the firearm outside Canada, or
(iii) an individual who is a resident of Canada and who did not acquire the firearm outside Canada;

(f) any restricted firearm imported by;
(i) a non-resident who meets the requirements of section 35 of the Firearms Act or who holds a licence to acquire and possess that kind of firearm and an authorization to transport,
(ii) an individual who holds a licence to acquire and possess that kind of firearm and an authorization to transport, who is a resident of Canada and who acquired the firearm outside Canada, or
(iii) an individual who is a resident of Canada, who holds an authorization to transport and who did not acquire the firearm outside

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Part I General Guidelines

Canada;

(g) any prohibited firearm, imported by an individual who is a resident of Canada, who holds an authorization to transport and who did not acquired the firearm outside Canada;

(h) arms, ammunition, implements or munitions of war, army, naval or air stores and any articles deemed capable of being converted into any such things or made useful in the production of any such things, imported with a permit issued under section 8 of the Export and Import Permits Act;

(i) arms, military stores, munitions of war and other goods eligible for entry under tariff item No. 9810.00.00 or 9811.00.00; and

(j) arms, military stores, munitions of war, or classes thereof, that under regulations made by the Governor in Council, are exempted from the provisions of this tariff item.

For the purposes of this tariff item,
(a) "firearms" and "weapon" have the same meaning as in section 2 of the Criminal Code;

(b) "automatic firearm", "licence", "prohibited ammunition", "prohibited device", "prohibited firearm", prohibited weapon, restricted firearm and "restricted weapon" have the same meanings as in subsection 84(1) of the Criminal Code;

(c) "public officer" has the same meaning as in subsection 117.07(2) of the Criminal Code;

(d) "authorization to transport", "business", "carrier" and "nonresident" have the same meanings as in subsection 2(1) of the Firearms Act; and

(e) "visiting force" has the same meaning as in section 2 of the Visiting Forces Act.

1.02 Licensing

In Canada, firearms licences are issued to individuals pursuant to Sections 5 thru 8 of the *Firearms Act*. The Chief Firearms Officer of each province or territory in which the firearms licence is issued has the overall responsibility for the day-to-day administration and enforcement of firearm laws. All individuals in possession of a firearm or who wish to acquire a firearm must have a valid firearm licence.

There are three types of firearm licences:

1. Possession and Acquisition Licence (PAL)
2. Possession Only Licence (POL)
3. Minor's Licence (ML)

Possession and Acquisition Licence (PAL)

Both residents and non-residents can hold a PAL if they are 18 years old, meet certain legislative criteria, and:

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a) pass the Canadian Firearms Safety Course (CFSC) test for non-restricted firearms; or
b) pass the CFSC **and** the Canadian Restricted Firearms Safety Course (CRFSC) test for restricted and prohibited firearms.

Licence renewals for PALs occur every five years. A PAL is the only licence now available to new applicants over 18 years old.

For the purposes of the CBSA, this licence:

- permits residents to re-import a registered firearm;
- permits non-residents to import a firearm if they have a valid purpose;
- allows residents to import a newly acquired registered firearm; and,
- specifies the class of firearm the holder may acquire and possess.

Possession Only Licence (POL)

This type of licence was issued to residents and non-residents who applied for a firearms licence prior to January 1, 2001. POLs are no longer available to new applicants. Existing POL holders must renew their licence every five years. If not renewed prior to the expiry date, the applicant is required to obtain a PAL.

In order to hold a POL a person must:

a) be 18 years old; and
b) have at least one firearm registered in their name.

For the purposes of the CBSA this licence:

- permits residents to re-import a registered firearm;
- permits non-residents to import a firearm, if they have a valid purpose;
- does **not** allow the holder to import a newly acquired firearm; and
- specifies the class of firearm the holder may possess.

Minor's Licence (ML)

This licence allows minors to borrow a non-restricted firearm from an adult who holds a valid firearms licence and a registration certificate for a firearm. In order to hold the licence a minor must:

a) be between 12 and 17 years old; and
b) pass the Canadian Firearms Safety Course (CFSC) for non-restricted firearms.

This licence may be renewed every five years. When a minor turns 18, he or she is no longer eligible to hold a ML and must apply for a PAL.

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For the purposes of the CBSA, this licence:

- does **not** permit the holder to import a firearm (however, a licensed adult may import a firearm on behalf of the minor).

1.03 Registration Certificates

All restricted and prohibited firearms in Canada must have a valid Canadian registration certificate. A registration certificate for a non-restricted firearm is no longer required.

In order to obtain a registration certificate, an individual must be at least 18 years old and have a valid firearms licence (either a POL or PAL) that authorizes the holder to possess a specific class of firearm.

A registration certificate issued under the *Firearms Act* does not have to be renewed unless the firearm has been modified in a way that changes its legal classification. When a firearm changes ownership, it must be registered to the new owner as part of the transfer process. When someone borrows a firearm, they must also borrow the registration certificate for that firearm. Owners must also renew their firearms licence in order to maintain possession of the firearm and its registration certificate.

The information appearing on the registration certificate is limited to the firearm owner's licence number and the description of the firearm. The registration certificate does not contain personal information such as the name, address or date of birth of the holder.

Anyone entering Canada with a firearm is required to declare his or her importation to a BSO and have a valid firearms licence as well as a registration certificate for restricted and prohibited firearms:

1. According to subsection 91.(1) of the *Criminal Code*:

> **91. (1) Subject to subsection (4), every person commits an offence who possesses a firearm without being the holder of**
>
> **(a) a licence under which the person may possess it; and**
>
> **(b) in the case of a prohibited firearm or a restricted firearm, a registration certificate for it.**

2. According to subsections 35.(1) and 36.(1) of the *Firearms Act*:

> **35.** (1) A non-resident who does not hold a licence may import a firearm that is not a prohibited firearm if, at the time of the importation,
>
> (*a*) the non-resident
>
> (i) is eighteen years old or older,
>
> (ii) declares the firearm to a customs officer in the prescribed manner and, in the case of a declaration in writing, completes the prescribed form containing the prescribed

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information, and

(iii) in the case of a restricted firearm, produces an authorization to transport the restricted firearm; and

(*b*) a customs officer confirms in the prescribed manner the declaration referred to in subparagraph (*a*)(ii) and the authorization to transport referred to in subparagraph (*a*)(iii).

36. (1) A declaration that is confirmed under paragraph 35(1)(d) has the same effect after the importation of the firearm as a licence authorizing the non-resident to possess only that firearm and, in the case of a restricted firearm, as a registration certificate for the firearm until

(a) the expiry of 60 days after the importation, in the case of a firearm that is neither a prohibited firearm nor a restricted firearm; or

(b) the earlier of the expiry of 60 days after the importation and the expiry of the authorization to transport, in the case of a restricted firearm.

Non-residents who do not possess a Canadian firearms licence may import a firearm that is not a prohibited firearm, provided that they have a valid reason for importing a firearm and their Non-Resident Firearm Declaration (CAFC 909) is confirmed by a BSO. Once confirmed, a Non-Resident Firearm Declaration becomes a temporary licence for the firearms indicated on the form. The importation of a restricted firearm must also include an Authorization to Transport (ATT).

1.04 Classifying Firearms, Weapons and Devices

The legal classification of a firearm, under the *Firearms Act*, will determine its admissibility into Canada. If a BSO cannot make a determination as to the classification of a firearm, there are a number of resources and procedures that may be utilized or followed. For instance:

- Consult the Firearms Reference Table (FRT) which will provide detailed information on the legal classification of each make and model of a firearm;
- Contact your Regional Firearms Coordinator and ask for assistance; or
- Detain the firearm until proper classification is determined (i.e. document the transaction on a K26 - Notice of Detention, and consult a designated firearms expert in the regions, Regional Intelligence Firearms Liaison Officer (RIFLO), Regional Firearms Coordinator (RFC), etc).

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Prohibited Firearms

Residents and non-residents are only permitted to import a prohibited firearm if it was previously exported and they are in possession of a registration certificate for the firearm and hold a licence authorizing the possession of that class of firearm.

STOP A resident cannot import a newly acquired prohibited firearm! STOP

"**prohibited firearm**" means,

(a) a handgun that has a barrel length equal to or less than 105 mm in length, or is designed or adapted to discharge a 25 or 32 calibre cartridge, but does not include any such handgun that is prescribed, where the handgun is for use in international sporting competitions governed by the rules of the International Shooting Union,
(b) a firearm that is adapted from a rifle or shotgun, whether by sawing, cutting or any other alteration, and that, as so adapted, is less than 660 mm in length, or is 660 mm or greater in length and has a barrel less than 457 mm in length,
(c) an automatic firearm, whether or not it has been altered to discharge only one projectile with one pressure of the trigger, or
(d) any firearm that is prescribed to be a prohibited firearm;

Subsection 84(1) - Criminal Code

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Restricted Firearms

Both residents and non-residents wishing to import restricted firearms, in addition to a licence and registration certificate, must possess an ATT, which will identify the individual it's issued to, and their licence number, the authorization number, the validity period, reason for transporting the firearm, its destination as well as additional conditions that must be followed.

> "restricted firearm" means,
>
> (a) a handgun that is not a prohibited firearm,
> (b) a firearm that
> *(i)* is not a prohibited firearm,
> *(ii)* has a barrel less than 470 mm in length, and
> *(iii)* is capable of discharging centre-fire ammunition in a semi-automatic manner,
> (c) a firearm that is designed or adapted to be fired when reduced to a length of less than 660 mm by folding, telescoping or otherwise, or
> (d) a firearm of any other kind that is prescribed to be a restricted firearm;
>
> *Subsection 84(1) - Criminal Code*

Non-Restricted Firearms

Both residents and non-residents wishing to import non-restricted firearms must declare all firearms to a BSO and provide the required documentation. Non-restricted firearms generally include most hunting rifles and shotguns that do not fall into the category of prohibited or restricted firearm and have not been modified to the extent that it would no longer be deemed non-restricted.

Prohibited Weapons

Residents and non-residents **cannot** import prohibited weapons. Commercial importations of prohibited weapons require a business licence issued by a Chief Firearms Officer. Consult D19-13-2 *Importing and Exporting Firearms, Weapons and Devices* for more information and a complete list of weapons that are prohibited.

> **"prohibited weapon"** means,
>
> *(a)* a knife that has a blade that opens automatically by gravity or centrifugal force or by hand pressure applied to a button, spring or other device in or attached to the handle of the knife, or
> *(b)* any weapon, other than a firearm, that is prescribed to be a prohibited weapon;
>
> *Subsection 84(1) – Criminal Code*

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Prohibited Devices

Residents and non-residents **cannot** import prohibited devices. All commercial importations of prohibited devices require a business licence issued by a Chief Firearms Officer. Consult D19-13-2 *Importing and Exporting Firearms, Weapons and Devices* for more information and a complete list of devices that are prohibited.

> **"prohibited device"** means,
>
> (a) any component or part of a weapon, or any accessory for use with a weapon, that is prescribed to be a prohibited device,
>
> (b) a handgun barrel that is equal to or less than 105 mm in length, but does not include any such handgun barrel that is prescribed, where the handgun barrel is for use in international sporting competitions governed by the rules of the International Shooting Union,
>
> (c) a device or contrivance designed or intended to muffle or stop the sound or report of a firearm,
>
> (d) a cartridge magazine that is prescribed to be a prohibited device, or
>
> (e) a replica firearm.
>
> *Subsection 84(1) – Criminal Code*

Examples of prohibited devices include: replica firearms, silencers, and most magazines capable of containing more than five rounds for centre-fire semi-automatic rifles or shotguns and more than ten rounds for semi-automatic handguns.

Replica Firearms

Replica firearms are not classified as firearms. They are considered prohibited devices, and as such, are prohibited from entering Canada. For more detailed information on the definition and material characteristics of a replica firearm, consult D19-13-2 *Importing and Exporting Firearms, Weapons and Devices.*

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Chapter 2: Firearms Reference Table (FRT)

When a firearm is brought into Canada, you must be able to identify and properly classify the firearm to ensure that appropriate laws and regulations are applied.

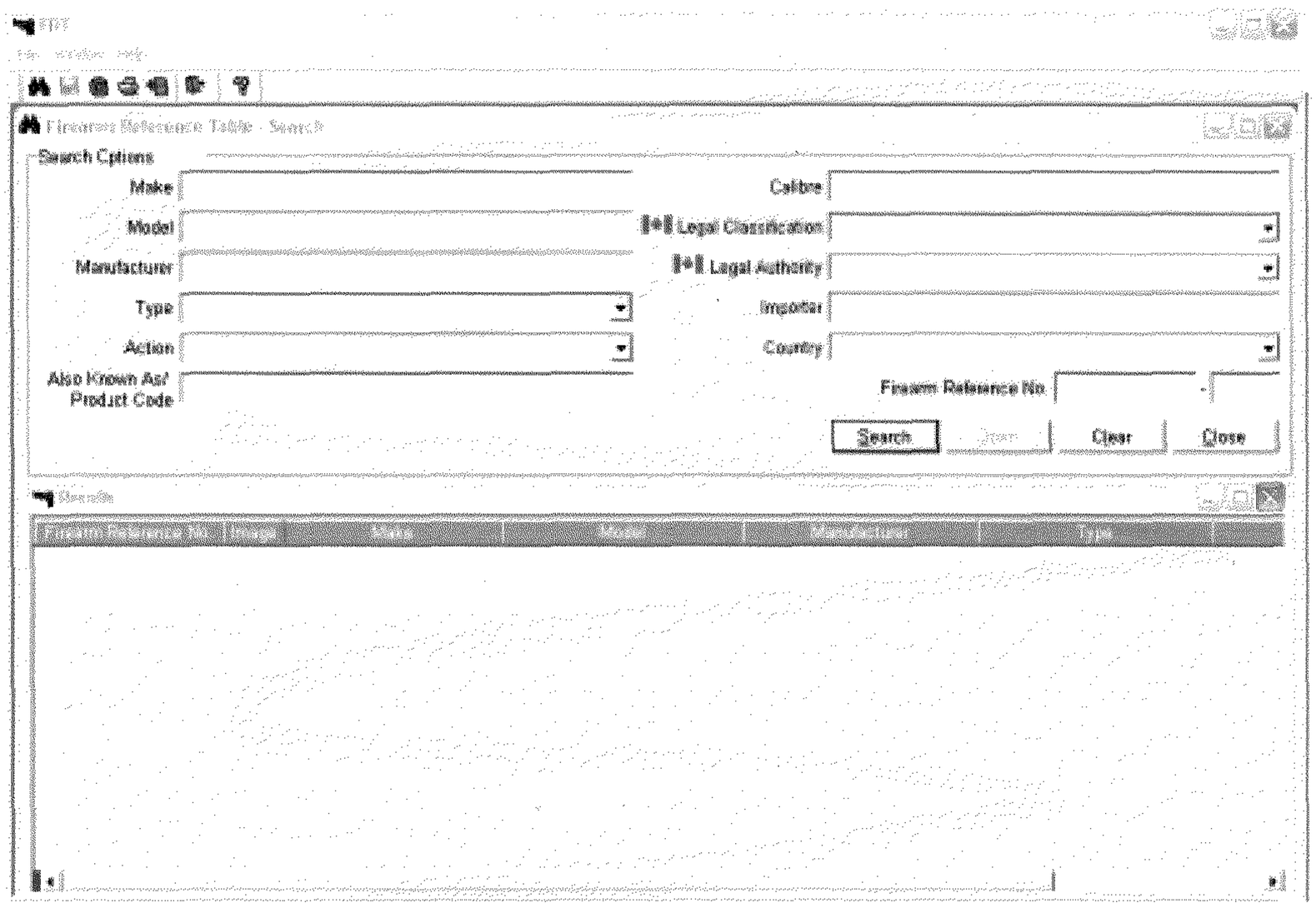
You may also refer to the Firearms Reference Table (FRT) for further assistance. The FRT is a computer database developed by the RCMP to assist law enforcement officers in the accurate identification of firearms. It establishes a standard method of describing firearms to assist in the goal of determining their legal classification.

The FRT contains over 32,000 records by various Make and Model designations, of which over 8,800 have associated image sets. When all the specifications of these records are factored in, such as calibre and barrel length, there are over 141,000 individual records.

The data within the FRT is presented in a two-tiered format. The first tier (parent) provides data associated to the Make, Model, Manufacturer, Type and Action of a firearm. The second tier (child) provides all of the associated Calibre/Shot/Barrel combinations associated to the first tier.

The FRT is further enhanced by a Glossary component containing additional firearm information and over 1004 images. This feature includes firearms definitions and terms, acronyms, manufacturers codes, company histories and firearms markings.

2.01 FRT Search Window



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The search window allows you to select or type criteria and retrieves a list of all matching records, which will be seen in the "Results" box. This information is known as the "Parent" information for a particular record. Attached to each parent record are all the associated calibre/shot/barrel length combinations. These are known as the "Child" records.

Queries can be made by placing information in any of the available fields in one of two ways:

1. Double click in the blank box. This will activate a drop-down list. Scan the list or type in the first few characters of information to reach the file required.
2. Type the information that you have directly into the fields. (if spelt wrong the information won't be retrieved.)

Once information has been entered into any of the Search fields, click on "Search" or hit "Enter" on your keyboard. Upon completion of your query, the number of matches will be indicated in the "Results" line above the corresponding descriptions. **The fewer fields used will result in a greater number of records retrieved. The more fields used the more restrictive the result will be.**

The "Results" box is defaulted to display the records in numerical/alphabetical order. You can adjust the order of the records displayed by right clicking on the column title in the result window. This will re-order the information in relation to the column selected.

Information entered to the query database may differ from the search results. There are keywords connected to the database for specific fields. For example, if you type "S&W" into the Make field, your search results will show "Smith & Wesson". The keywords search ability is connected to the Make, Manufacturer, Calibre and Importer/Distributor fields.

The Also Known As "AKA" feature is slightly different. This feature can be used by typing information into the Model field or by double clicking on the AKA field to open the AKA table. The AKA Search is also connected to the Model field.

You will see four function buttons located over the search results table.

- Search – This function will query the entire database according to the information placed in the search fields. If you double click on this button with no information showing in any of the search fields the entire database will be displayed.
- Open – This function will open the highlighted record to view the entire description in the summary screen.
- Clear – This function will clear all search results and search criteria.
- Close – This function will close the Search window

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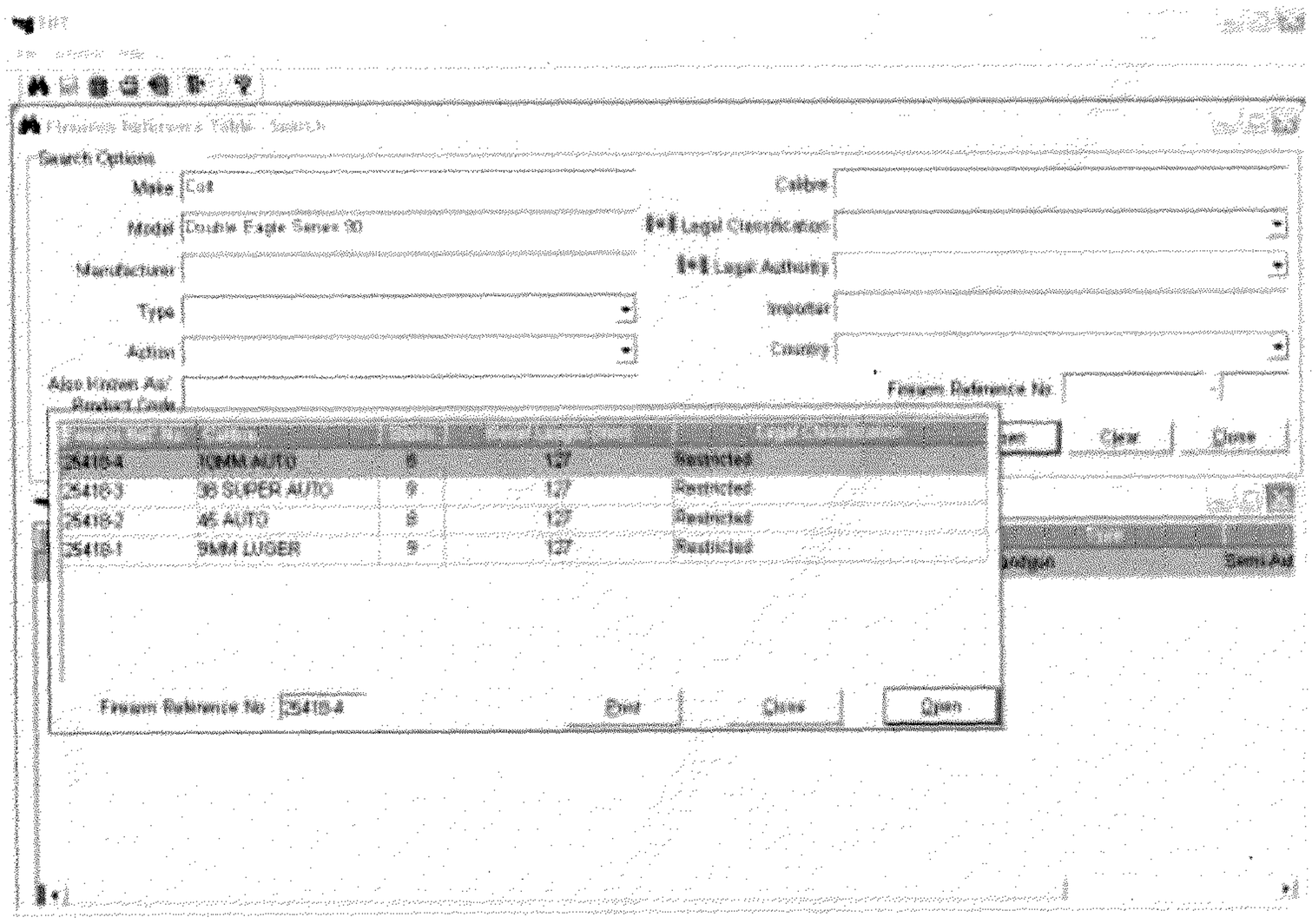
2.02 Quick Views



- You have the ability to view the Child records associated with an FRT entry without opening the record. Click once on the record in the "Results' box to highlight the record and right-click your mouse button over that record.
- The window that opens will give a brief summary of the Child records linked to the Parent entry.
- To view the record in its entirety you must open the record by clicking on "Open" or double-clicking on the chosen description.

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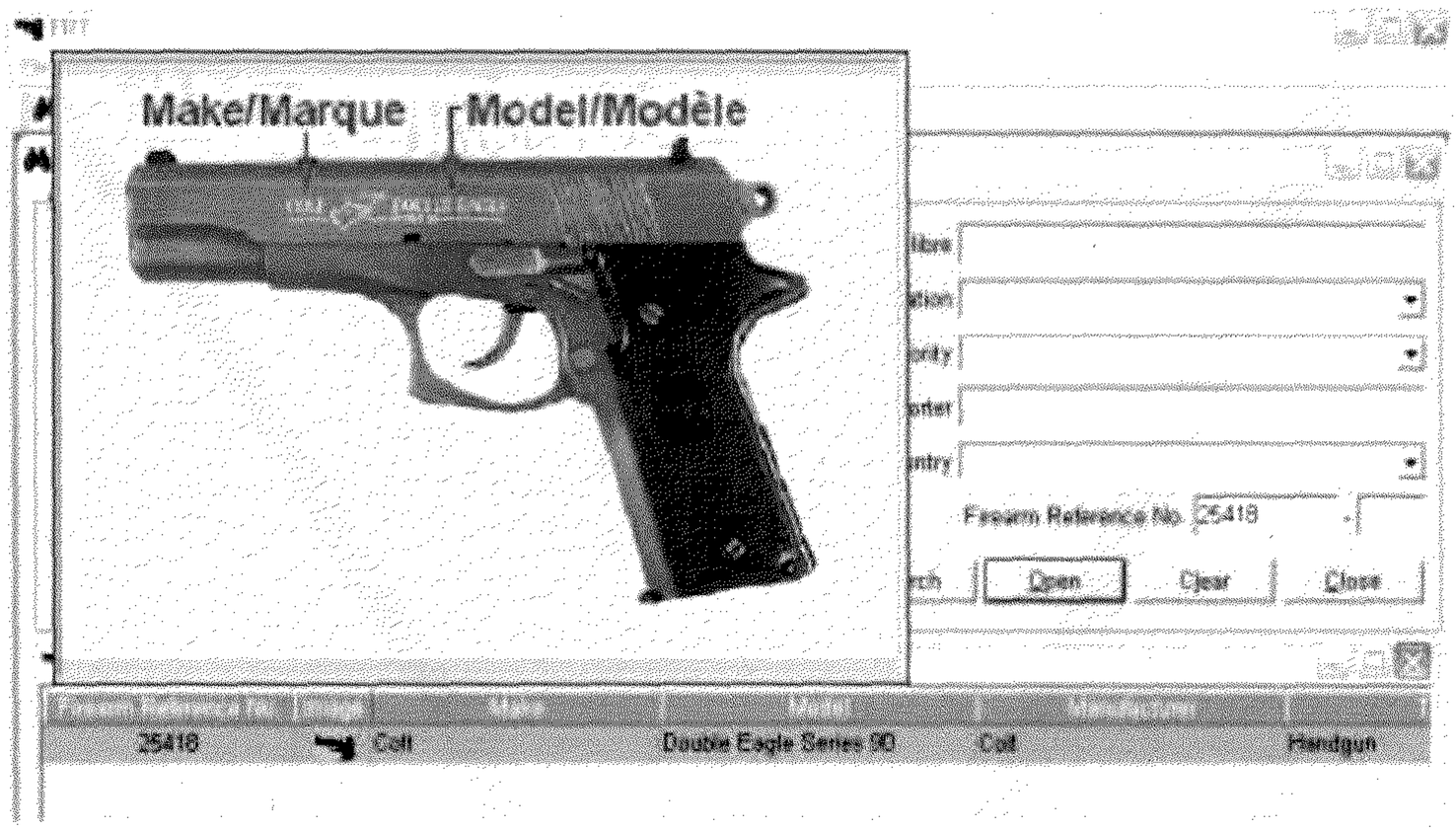
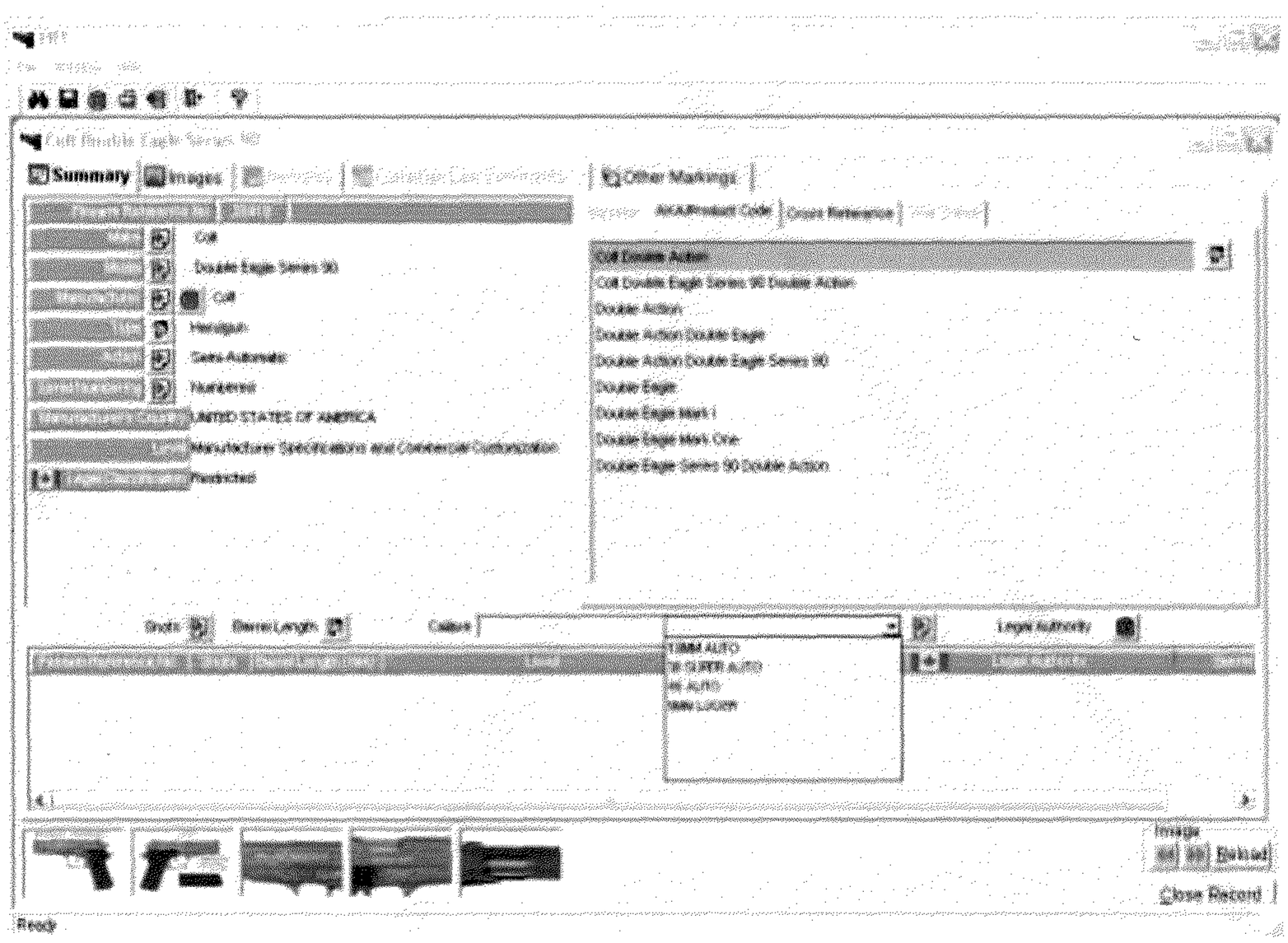
2.03 Images

Any record that has images attached will be indicated by a "firearm" icon (handgun) in the second column of the "Results" box. A full view of the firearm can be displayed in the Search window by clicking on the right mouse button over the "firearm" icon.



2.04 Summary Tab



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Opening a record found in the "Results" box will display the main screen, which displays information such as Make, Model, Manufacturer, Type, Action, Calibre, Legal Classification, also known as (AKA), etc.

The legal classification of the firearm can be found in two locations

- on the main page under legal classification; and
- under the calibre drop down that provides the legal classification when it's based on the calibre or barrel length, i.e.: handguns.

It's important for the above reasons to look at the legal classification under the specific calibres to find the most accurate information about a particular firearm.

If the record has images attached, small thumbnail depictions of the images will be displayed at the bottom of the screen. These images can be viewed by clicking once on the thumbnail or by clicking on the "images" tab at the top of the screen.

The records can display up to eight images at a time. If there are more than eight images attached to the record the arrow key (>>) will be enabled. The title bar at the top of the Summary screen will display the Make and Model of the record you have opened.

2.05 Child Data

Shots | Barrel Length | Calibre 256 WIN MAG | Legal Authority

Firearm Reference No.	Shots	Barrel Length (mm)	Level	Legal Classification	Legal Authority	Barrel
17532-7	6	63	Manufacturer Specifications and Commercial Custon	Prohibited	CC 84(1) "prohibited firearm" para. (a)(i)	
17532-12	6	76	Manufacturer Specifications and Commercial Custon	Prohibited	CC 84(1) "prohibited firearm" para. (a)(i)	
17532-8	6	102	Manufacturer Specifications and Commercial Custon	Prohibited	CC 84(1) "prohibited firearm" para. (a)(i)	
17532-9	6	152	Manufacturer Specifications and Commercial Custon	Prohibited	CC 84(1) "prohibited firearm" para. (a)(ii)	
17532-13	6	203	Manufacturer Specifications and Commercial Custon	Prohibited	CC 84(1) "prohibited firearm" para. (a)(ii)	

To access the Child information records of the firearm record selected, click on the calibre drop-down window. Upon selecting a calibre, additional corresponding data will be displayed such as the Firearm Reference sub-number, Shots, Barrel Length, Level, Legal Classification, Legal Authority, and Barrel Length.

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2.06 Additional Tabs

The other tabs located beside the Summary tab include Images, Remarks, Canadian Law Comments, Other Markings, Importer/Distributor, AKA, Cross Reference and Manufacturers Dates

1. Images – The images that have been acquired of the firearm will be found in this tab. The display box below the image (drop-down list) will describe the different views that have been captured

2. Remarks – Additional information related to the firearm.

3. Canadian Law Comments – Provides information about the firearm and how it relates to current laws in Canada.

4. Other Markings – Patent dates, applicable proof marks, company logos and the location where they can be found.

5. Importer/Distributor – This tab contains the names of companies that bring goods from offshore to the United States or Canada for resale or distribution.

6. AKA – Other Model names known for the firearm.

7. Cross Reference - Other firearm records that have a connection to the current record. Selecting a specific record and double-clicking the left mouse button can open these records.

8. Manufacturer's Date – A date of manufacture can be found marked on a firearm of government contract or government arsenal production. This date may be found in this tab to uniquely identify that particular firearm from all others of its parent type.

Chapter 3: Transportation of Firearms

3.01 Regulatory Requirements

BSOs must ensure proper compliance with the *Storage, Display, Transportation and Handling of Firearms by Individuals Regulations.*

If anyone is storing, transporting or handling a firearm in a way that does not meet the above regulations, the individual must be informed of the requirements, and given the opportunity to comply. If the individual refuses or does not comply, the firearm must be detained by the CBSA on a K24 for up to 40 days, exported, or abandoned to the Crown.

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The following outlines the requirements that must be followed when transporting firearms:

Non-Restricted Firearms

- The firearm must be **unloaded.**

In an unattended vehicle:

- Firearms must be locked in the trunk/similar compartment of vehicle (no minor or non-licensed adult may stay with the firearm); or
- If vehicle does not have a trunk/similar compartment, the firearm must be out of sight and inside the locked vehicle.

Restricted or Prohibited Firearms

- The firearm must be **unloaded;**
- Must be rendered inoperable with a secure locking device (e.g. a trigger lock, cable lock, etc.);
- Must be in a locked opaque container that cannot be readily broken open or into; and
- If it's an automatic firearm that has a bolt or bolt-carrier that is removable with reasonable facility, the bolt or bolt carrier must be removed.

In a vehicle:

- Firearm must be locked in the trunk/similar compartment of vehicle (No minor or non-licensed adult may stay with the firearm); or
- If the vehicle does not have a trunk/similar compartment, the firearm must be out of sight inside the locked vehicle.

Exception: Canadian law enforcement agencies and Canadian military personnel are exempt from the above transportation regulations. Foreign law enforcement personnel (only with an exemption order under section 97 of the *Firearms Act)* are also exempt from the above transportation regulations.

For further information, consult PART II, Chapter 4: Canadian Military And Law Enforcement Officers or Part III, Chapter 4 "Foreign Enforcement Officers".

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3.02 Firearms Shipped by Mail

All firearms arriving by mail will be screened and forwarded to the Trade Services or Compliance Verification Unit for further processing. The Firearms Reference Table (FRT) is available to assist officers in classifying firearms.

Primary Processing

1) Parcels are screened by a BSO.

2) The BSO must refer all parcels containing firearms to the Trade Services or Compliance Verification Unit.

Trade Services or Compliance Verification Processing

The BSO will:

1) Ensure the parcel has been entered in the Postal Import Control System (PICS) "Held Goods Inventory".

2) Open and examine the parcel.

3) Ensure firearms are proven safe as per the *Policy on the Handling of Agency and Protected Firearms.*

4) Determine the legal classification of the firearm. The class of firearm will determine what correspondence should be sent to the importer.

5) Draft a generic "Firearms" letter. This letter must include a complete and accurate description of the firearm in question.

6) The following must be included in the letter:

- serial number
- manufacturer name
- shots
- barrel length
- action
- make
- model
- calibre
- type
- quantity

7) The letter must request the following documentation based on the requirements for the particular class of firearm:

   - A copy of the Possession and Acquisition Licence (PAL) or Possession Only Licence (POL);

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- In case of a restricted or prohibited firearm, a copy of the registration certificate of the firearm and a copy of the Authorization to Transport (ATT); and,
- In the case of a prohibited firearm, an Import Permit.

8) Forward the letter to the importer, with a copy of any documentation that may have been included in the parcel. Store the shipment in a designated and secure area as per procedures.

Release Office Processing

1. The importer is required to present his/her PAL/POL, and, if applicable a registration certificate, an ATT, and an Import Permit), and include the reference number from the "Firearms" letter to any CBSA office for processing.

2. As long as all requirements are met, the BSO will confirm the documentation and release the shipment according to current release procedures.

3. The officer will fax a copy of the applicable documentation (i.e. Import Permit, ATT or copy of the individual's licence and registration certificate) to the postal facility.

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Trade Services or Compliance Verification Processing

1) Once the release notification has been received from the release office, access the PICS "Close Held Goods Inventory" screen and indicate the reason for closing the document, i.e. "Cleared on B15".

2) Once the document is closed in PICS, place the letter and the release notification together in a "closed" file.

3) Close the parcel; stamp it "Examined & Released", and forward the parcel:

   (a) to Canada Post for delivery, if the firearm is non-restricted, restricted, or a prohibited handgun; or,
   (b) to a licensed carrier for delivery, if the firearm is prohibited (other than a prohibited handgun).

Enforcement Action

When undeclared goods are found or when an enforcement action is warranted, the BSO should follow existing enforcement procedures.

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Chapter 4: Primary Questioning

4.01 Questioning

All **residents** and **non-residents** must be questioned during primary inspection regarding the importation of firearms, weapons, or prohibited devices.

Signs have been installed at most ports of entry indicating that all firearms and weapons must be declared to the CBSA.

All residents and non-residents must be asked the following primary question:

"Are you bringing any firearms or other weapons into Canada?"

When a firearm is declared at primary, the BSO may ask additional questions such as:

1) "What kind of firearm is it?"
2) "Where is the firearm?'
3) "Is the firearm loaded?"

When a firearm is declared and the point of finality has been reached, the primary officer will refer the client to secondary by completing the proper information on the referral slip.

4.02 Background Checks

Non-residents wishing to import firearms into Canada may be subject to background or records checks. These checks are based on risk and could include the Integrated Customs Enforcement System (ICES), Canadian Police Information Centre (CPIC), or National Crime Information Centre (NCIC) checks. Non-residents may also be referred for immigration checks. This decision will be left at the discretion of the BSO.

Positive Hits

BSOs are encouraged to be cautious when interpreting information returned from background checks. A "positive hit" on a background check should be used by a BSO to assist in the making of a final determination as to whether or not the respective non-residents should be allowed to temporarily import his/her firearm into Canada.

STOP A firearm declaration is not a reason for a background check! STOP

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Refusals from CBSA Immigration

If an immigration check determines that the non-resident is not eligible to enter and is given permission to leave Canada, he or she must exit with the firearm. Where appropriate, the BSO should, at this time, inform the receiving agency (e.g. United States Customs and Border Protection) that a non-resident has been refused entry to Canada and that he or she is returning with a firearm. Inform the receiving agency of the type of firearm, its location and the name of the individual.

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PART II. RESIDENTS

Chapter 1: Importation of a Firearm - In-person Processing

1.01 Primary Process

A resident declares to a BSO that he or she is importing a firearm

1. The BSO may request to see the resident's licence and, if importing a restricted firearm or re-importing a prohibited firearm, an ATT, and the registration certificate for the firearm being imported or refer the resident to the secondary area to complete the secondary process.

2. If referred for secondary the referral slip should be coded in order to inform the secondary officer accordingly.

1.02 Secondary Process

The resident will report to secondary for verification of documents.

1. The BSO will:

    - verify that the documentation (PAL/POL, and if applicable a registration certificate, an ATT, and Import Permit) presented is valid;
    - verify that the licence matches a resident's identification (passport, driver's licence, etc.); and
    - determine if an examination of the firearm is required.

2. If need be, a safe examination of the firearm may be performed (i.e. the type of firearm, its location and whether or not it is loaded). All examinations must be performed in the secondary area.

    If an examination of a firearm is required, the secondary officer will verify that:

    - the legal classification of the firearm is correct (if necessary consult the FRT);
    - the information on the registration certificate matches the firearm;
    - the declaration of the resident is accurate; and
    - all transportation regulations are respected.

3. Once the BSO is satisfied that all the documentation is in order, regulations are followed and/or the examination is complete, the resident may be released with his or her firearm.

4. When applicable, the BSO will collect any related duties and taxes (for newly acquired firearms only).

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5. If any documentation is missing, the BSO will detain the firearm and allow the resident time to present the proper documentation.

6. If there are inconsistencies with the documentation, the firearm itself, the declaration and/or the individual, the BSO will either:

    - detain the firearm and allow the resident time to present proper documentation;
    - inform the resident to contact:
        - the Canadian Firearms Program to obtain the necessary documentation by calling 1-800-731-4000; and/or
        - the Department of Foreign Affairs and International Trade at 1-877-808-8838 concerning Import Permits for prohibited firearms.
    - take appropriate enforcement action if necessary; or
    - allow the resident to immediately export the firearm; or
    - allow the resident to abandon the firearm to the Crown.

Note: In the case of a prohibited firearm, the exporter must obtain an export permit from Foreign Affairs and International Trade Canada to export the firearm.

Firearm Examination

When it is determined that an examination of the firearm is required, the BSO will verify that:

- the legal classification of the firearm is correct (if necessary consult the FRT);
- the information on the registration matches the firearm;
- the declaration of the resident is accurate; and
- all transportation regulations are respected.

Note: In international airports, all firearms must be handled and proved safe in accordance with the Procedures for Firearms Safe Handling at International Airports. This requirement applies whether or not an examination is subsequently conducted as part of the normal import process

If there are inconsistencies with the documentation, the firearm itself, the declaration and/or the individual, the verification team will either:

- detain the firearm and allow the resident time to present proper documentation;
- take appropriate enforcement action if necessary;
- allow the resident to immediately export the firearm; or
- allow the resident to abandon the firearm to the Crown.

Note: In the case of a prohibited firearm, the exporter must obtain an export permit from Foreign Affairs and International Trade Canada to export the firearm.

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Remember to record your firearms statistics

DOCUMENTATION REQUIREMENTS (RESIDENTS)

Licensed Resident –Re-Importation

Class of Firearm	Possession and Acquisition Licence, or Possession Only Licence	Firearm registration certificate	Authorization to Transport	Import Permit
Non-restricted	Required	Not Required	Not required	Not required
Restricted	Required	Required	Required	Not required
Prohibited	Required	Required	Required	Required

Licensed Resident – Newly Acquired Firearm

Class of Firearm	Possession and Acquisition Licence (PAL), or Possession Only Licence (POL)	Firearm registration certificate	Authorization to Transport
Non-restricted	PAL only	Not Required	Not required
Restricted	PAL only	Required	Required
Prohibited	Importation prohibited		

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Chapter 2: Importation of a Firearm – Telephone Reporting Centre (TRC) - Resident

Please note that TRC procedures may vary slightly from region to region. Instances where a BSO may encounter TRC reporting include pleasure vessels, general aviation aircraft, and vehicles reporting from a remote geographical location, such as the Far North.

Note: Restricted and prohibited firearms cannot be processed through a TRC. If a resident declares a restricted or prohibited firearm, the vessel/aircraft/vehicle must either wait for a verification team to meet them or be redirected to a staffed CBSA location.

- Re-direction of a vessel/aircraft/vehicle is not a preferred option and should only be considered if the vessel/aircraft/vehicle is deemed to be a high risk or when the need for a physical examination is compelling.
- Once a verification team attends, the process is no longer considered a TRC reporting.

Primary Process

A resident contacts a BSO at a TRC and declares that he or she is importing a firearm. The resident must have a valid Possession and Acquisition Licence (PAL) or Possession Only Licence (POL) and a registration certificate for the firearm, if importing a restricted firearm or re-importing a prohibited firearm.

1) The TRC officer will ask the resident for the following information:

- name and date of birth of traveller(s);
- docking site or landing point and estimated time of arrival;
- licence/registration number and name of vessel, registration number of aircraft, or licence plate number of the vehicle;
- which traveller is declaring the firearm(s);
- description of firearm(s);
- PAL/POL licence number on the individual's licence; and
- the firearm registration certificate number.

Note: The above is not an all-inclusive list. The TRC officer may request any additional information that may be warranted based on the circumstances.

2) The TRC officer has the option to refer the vessel/aircraft/vehicle for a verification to review the declaration and possibly examine the firearm(s). All physical examinations of the firearms(s) are based on risk.

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3) The TRC officer must follow one of the service options listed below. The choice of service option followed will depend on whether the vessel/aircraft/vehicle is referred for verification and whether or not a verification team is able to attend.

Service Option 1: Vessel/aircraft/vehicle is not referred for verification - non-restricted firearms only

1) The TRC officer will record the resident's PAL/POL number in the comments box of the Telephone Reporting Centre System (TRCS) report screen.

2) If the TRC officer is satisfied, he or she will complete the normal processing and release the resident, the firearm and the vessel/aircraft/vehicle.

3) If the vessel/aircraft/vehicle is selected for a referral by the TRCS, follow **Service Option 2.**

Service Option 2: The verification team will attend for verification

1) The resident shall be notified that a verification team will attend to process his or her entry and that he or she is required to remain at their location until a verification team arrives.

2) The TRC officer will contact a verification team and provide it with the information on the vessel/aircraft/vehicle, its occupants, the resident importing the firearm, and any necessary details needed to perform a safe examination (i.e. type of the firearm, its location and whether or not it is loaded).

3) The verification team will inform the TRC officer that it will attend.

4) Upon arrival, the verification team will:

   - Verify that the applicable documentation (PAL/POL, registration certificate, ATT and Import Permit) presented is valid;
   - Verify that the licence matches the resident's identification (passport, driver's licence, etc.); and
   - If an examination of the firearm is required, refer to Firearm Examination below.

5) Once the verification team is satisfied that all documentation is in order, regulations followed and the examination is complete, the resident may be released with the firearm.

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Firearm Examination

When it is determined that an examination of the firearm is required, the verification team will verify that:

- the legal classification of the firearm is correct (if necessary consult the FRT);
- the information on the registration matches the firearm;
- the declaration of the resident is accurate; and
- all transportation regulations are respected.

Note: In international airports, all firearms must be handled and proved safe in accordance with the Procedures for Firearms Safe Handling at International Airports. This requirement applies whether or not an examination is subsequently conducted as part of the normal import process

If there are inconsistencies with the documentation, the firearm itself, the declaration and/or the individual, the verification team will either:

- detain the firearm and allow the resident time to present proper documentation;
- take appropriate enforcement action if necessary;
- allow the resident to immediately export the firearm; or
- allow the resident to abandon the firearm to the Crown.

Note: In the case of a prohibited firearm, the exporter must obtain an export permit from Foreign Affairs and International Trade Canada to export the firearm.

Firearm Exportation

If the firearm is exported, the receiving agency (e.g. the United States Customs and Border Protection) should be made aware of the returning firearm. This must be done in accordance with regional procedures.

Remember to record your firearms statistics

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Part II Residents

Chapter 3: Delayed Baggage - Resident

3.01 Initial Process

A resident declares to a BSO that they are importing a firearm located in their delayed baggage. If the firearm is restricted or prohibited, the resident must also present a registration certificate, an Authorization to Transport (ATT) and, if applicable, an Import Permit (prohibited firearms only).

Note: Residents may not import a newly acquired firearm with a POL. Also, residents may not import a newly acquired prohibited firearm.

The resident must complete an A23 (Delayed Baggage Report) and provide a contact number to the airline or carrier representative.

1) The BSO will verify the information on the required documents ensuring that the PAL/POL match the individual and if applicable, the type of firearm indicated on the registration certificate, the information on the ATT and the Import Permit.

2) The BSO must photocopy the PAL/POL and if applicable the registration certificate, the ATT and the Import Permit, and attach them to the A23 Delayed Baggage Report.

3) If the resident is planning to return to the CBSA office to clear the firearm once it arrives, all firearm documentation must be in order at the time of the firearms arrival.

4) The BSO will file the A23 Delayed Baggage Report form according to regional procedures.

5) The carrier must contact the person when the firearm arrives; the person then has three options for processing the firearm.

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Option 1: The resident picks up their firearm

1) The resident is notified that their firearm has arrived, and returns to the CBSA office with a representative of the carrier to clear the firearm.

2) The carrier representative will present the A23 Delayed Baggage Report form and the firearm to a BSO.

3) The BSO will :

   a. Verify that the A23 form corresponds to the baggage;
   b. Verify that the documentation (PAL/POL, and in the case of a restricted or prohibited firearm a registration certificate, an ATT and Import Permit) is valid; and
   c. Determine if a physical examination of the firearm is required.

4) The BSO will then follow the corresponding procedures in Chapter 1 with respect to either registered firearms or newly acquired firearms.

Option 2: Carrier clears the firearm on the resident's behalf

1) The resident is notified that their firearm has arrived and makes arrangements for the carrier to clear the firearm on his/her behalf.

2) The carrier presents the firearm and the A23 Delayed Baggage Report form to the BSO.

3) The BSO will:

   a) Verify that the A23 Delayed Baggage Report form corresponds to the baggage;
   b) Verify that the documentation (PAL/POL, and in the case of a restricted or prohibited firearm a registration certificate, an ATT and Import Permit) is valid; and
   c) Determine if a physical examination of the firearm is required

4) The BSO will then follow the corresponding procedures with respect to either registered firearms or newly acquired firearms.

5) Copies of any relevant firearm documentation (i.e. PAL/POL, in the case of a restricted or prohibited firearm a registration certificate, ATT and Import Permit) will be placed in the firearm case and the firearm will be released to the carrier.

6) The carrier will deliver the firearm to the resident as per the arrangements made between the two parties.

7) The carrier that transports the firearm must be licensed to do so under the *Firearms Act* and comply with the appropriate transportation, storage and handling requirements.

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Option 3: Resident does not want to complete the importation process

1) The resident is notified that their firearm has arrived. For whatever reason, the resident may decide not to import the firearm.

2) The resident must make all appropriate arrangements with a licensed carrier to export the firearm.

3) A BSO supervises the exportation of the firearm.

4) If the firearm is not exported, it will be detained by the CBSA for a reasonable amount of time and then disposed of according to established guidelines.

Firearm Examination

When it is determined that an examination of the firearm is required, the verification team will verify that:

- the legal classification of the firearm is correct (if necessary consult the FRT);
- the information on the registration matches the firearm;
- the declaration of the resident is accurate; and
- all transportation regulations are respected.

Note: In international airports, all firearms must be handled and proved safe in accordance with the Procedures for Firearms Safe Handling at International Airports. This requirement applies whether or not an examination is subsequently conducted as part of the normal import process

If there are inconsistencies with the documentation, the firearm itself, the declaration and/or the individual, the verification team will either:

- detain the firearm and allow the resident time to present proper documentation;
- take appropriate enforcement action if necessary;
- allow the resident to immediately export the firearm; or
- allow the resident to abandon the firearm to the Crown.

Note: In the case of a prohibited firearm, the exporter must obtain an export permit from Foreign Affairs and International Trade Canada to export the firearm.

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Part II Residents

Chapter 4: Law Enforcement Officers and Canadian Forces - Residents

4.01 Canadian Law Enforcement Officers

In the case of Canadian law enforcement officers (such as police officers) importing firearms, the firearm in question may be imported only when it is imported for the function of that person's duties or employment. The officer must have a letter of authorization from the chief of the agency in question stating that the firearm(s) is being transported directly to the appropriate agency involved. If the officer does not possess the necessary documentation proving their status as public officer and the letter of authorization, they must be processed as an individual resident importing firearm(s).

Firearms that are being shipped to a law enforcement agency may be released only to an authorized member of that agency, the importer in question, or a licensed carrier. The following requirements must be met before CBSA can release the goods:

a) If the goods are released to an authorized member of the agency importing the goods, a letter of authorization from the chief of the agency or equivalent must be presented to CBSA identifying the person as an employee of that particular agency and indicating that the firearms are being transported for and being delivered directly to the agency in question.
b) If the goods are released directly to the importer acting on behalf of the agency, a copy of a purchase order or a letter of authorization from the agency must be presented to CBSA.
c) If the goods are released to a licensed carrier, a written authorization from the CFO naming the carrier involved and a copy of the purchase order or a letter of authorization from the agency importing the goods must be presented to CBSA.
d) There must be a separate purchase order or letter of authorization from the agency for each shipment.

4.02 Canadian Forces

The *Firearms Act* does not apply to the Canadian Forces. In order to import firearms and weapons, the Canadian Forces must obtain import permits from Foreign Affairs and International Trade Canada.

The following conditions must be met before the goods are released by the CBSA:

a) If the goods are released to a member of the Canadian Forces, a letter of authorization from a Department of National Defence (DND) Commanding Officer must be presented to CBSA identifying the person as an employee of the Canadian Forces and indicating that the firearms are being transported for and being delivered directly to the Canadian Forces.

b) If the goods are released directly to the importer acting on behalf of the Canadian Forces, a copy of a purchase order or a letter of authorization from a DND

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Commanding Officer must be presented to CBSA indicating that the goods must be delivered directly to the Canadian Forces.

c) If the goods are released to a licensed carrier, a written authorization from the CFO naming the carrier involved and a copy of the purchase order or a letter of authorization must be presented to CBSA.

d) There must be a separate purchase order or letter of authorization from a DND commanding officer for each shipment.

In the case of Canadian Forces personnel importing firearms or weapons on their own, the importation must be for official military business and the person in question must present proper travel orders and a letter of authorization from his or her DND Commanding Officer. The goods must be transported directly to Canadian Forces premises.

Military personnel of the Canadian Forces returning from overseas missions are not allowed to bring in unlawfully acquired firearms, weapons, or any other similar device for personal purposes, such as war trophies, personal memorabilia, field souvenirs, etc.

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PART III NON-RESIDENTS

If a Non-Resident is not in possession of a licence and, in the case of a restricted firearm, a registration certificate for a firearm being imported, they must complete a Non-Resident Firearm Declaration (CAFC 909). The CAFC 909 acts as a licence for the owner and as a temporary registration certificate for the firearms listed on it. Once it's been confirmed by a Border Services Officer it is valid for 60 days. A confirmed declaration costs a flat fee of $25, regardless of the number of firearms listed on it. It is valid only for the person who signs it and only for those firearms listed on the declaration.

Chapter 1: Importation of a Firearm - In-Person Processing – Non Residents

1.01 Licensed Non-Resident - Registered Firearm

This section applies to a non-resident who holds a valid Canadian firearms licence and, in the case of a restricted firearm, a registration certificate.

Primary Process

A non-resident declares to a BSO that they are importing a firearm

1. The BSO must refer the non-resident to the secondary area to complete/produce proper documentation to support the importation.

2. The referral slip should be coded in order to inform the secondary officer accordingly.

Secondary Process

The non-resident reports to secondary for verification of the documents:

1. The BSO will:

   - verify that the documentation (PAL/POL, and if applicable, registration certificate, and ATT) presented is valid; Refer to the Documentation Requirements chart on page 44
   - verify that the licence matches the non-resident's identification (passport, driver's licence, etc.); and
   - ensure that the non-resident has a valid purpose for importing the firearm. Valid purposes can include:
     - sporting or hunting during their respective seasons;
     - use in competitions;
     - repair;

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  - re-enactments;
  - in transit movement (i.e., moving in the most direct route possible from point A to point B, through Canada); or
  - protection against wildlife in remote areas.
- BSO will also determine if an examination of the firearm is required.

Note: In international airports, all firearms must be handled and proved safe in accordance with the Procedures for Firearms Safe Handling at International Airports. This requirement applies whether or not an examination is subsequently conducted as part of the normal import process

2. If need be, a safe examination of the firearm may be performed (i.e. the type of firearm, its location and whether or not it is loaded).

3. Once the BSO is satisfied that all the documentation is in order, regulations followed and/or the examination is complete, the non-resident may be released with the firearm.

4. If there are inconsistencies with the documentation, the firearm itself, and/or the individual, the BSO will either:

   - have the non-resident complete a Non-Resident Firearm Declaration (CAFC 909) and collect the required fee; (see, Section 1.02, Non Registered Firearm and/or Non-Licensed)
   - detain the firearm and allow the non-resident time to present proper documentation;
   - take appropriate enforcement action if necessary;
   - allow the non-resident to immediately export the firearm; or
   - allow the non-resident to abandon the firearm to the Crown.

Firearm Exportation

If the firearm is exported, the receiving agency (e.g. United States Customs and Border Protection) should be made aware of the returning firearm. This must be done in accordance to regional procedures.

1.02 Non-Resident - Non-Registered Firearm and/or Non-Licensed

This section applies to non-residents who:

- hold a valid PAL but who have chosen not to register their restricted firearms in Canada; or

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Part III Non-Residents

- do not hold a valid Canadian firearms licence or, in the case of a restricted firearm, a registration certificate

Primary Process

If a non-resident declares to a BSO that he/she is importing a firearm and does not have **all** of the following documents:

- a valid Possession and Acquisition licence (PAL);
- a registration certificate, if importing a restricted firearm; and
- an ATT, if importing a restricted firearm.

The BSO **must** refer the non-resident to the secondary area to complete a Non-Resident Firearm Declaration (CAFC 909).

The referral slip should be coded in order to inform the secondary officer accordingly.

Secondary Process

The non-resident reports to secondary for completion of a Non-Resident Firearm Declaration (CAFC 909). If the firearm is classified as a restricted firearm, an ATT will be required.

1) The BSO will:

- verify that the PAL, if present, is valid;
- verify that the CAFC 909 is completed correctly;
- verify that the documentation (ATT if applicable) presented is valid;
- verify the non-resident's identification (passport, etc.);
- ensure all transportation regulations are adhered to;
- ensure that the non-resident has a valid purpose for importing the firearm; and
- determine whether an examination of the firearm is required.

If an examination of a firearm is required, the secondary officer will verify that:

- the legal classification of the firearm is correct (if necessary consult the FRT);
- the information on the registration certificate matches the firearm;
- the declaration of the resident is accurate; and
- all transportation regulations are respected.

Note: In international airports, all firearms must be handled and proved safe in accordance with the Procedures for Firearms Safe Handling at International Airports. This requirement applies whether or not an examination is subsequently conducted as part of the normal import process.

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The BSO will complete the CAFC 909 and issue a confirmation number. For detailed instructions on how to complete the CAFC 909 form, please consult the Non-Resident Firearm Import Requirements (Course code S7011-1P) online course which can be found on the CBSA Learning Site

2) The BSO will collect the applicable fee for confirming the CAFC 909.

3) The non-resident will retain the original copy of the CAFC 909 and receive a *K21 – General Receipt* after the fee is collected.

4) The BSO will inform the non-resident that the confirmed Non-Resident Firearm Declaration will act as a temporary licence and, in the case of a restricted firearm, a registration certificate, for a period of up to 60 days. Restricted firearms can be imported on a CAFC 909 but only for the length of time specified on the ATT. A non-resident making any subsequent **re-entry into Canada after the expiration** of the initial 60-day period will be required to complete a new CAFC 909 and pay a new $25.00 confirmation fee.

5) Once the BSO is satisfied that all the documentation is in order, fee collected, regulations followed and any examination is complete, the non-resident may be released with the firearm.

6) If there is a discrepancy with the documentation, the firearm and /or the individual, the BSO will either:

- detain the firearm and allow the non-resident time to present proper documentation;
- take appropriate enforcement action if necessary;
- allow the non-resident to immediately export the firearm; or
- allow the non-resident to abandon the firearm to the Crown.

Note: In the case of a prohibited firearm, the exporter must obtain an export permit from Foreign Affairs and International Trade Canada to export the firearm.

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Part III Non-Residents

DOCUMENTATION REQUIREMENTS (NON-RESIDENTS)

Licensed Non-Resident

Class of Firearm	PAL or POL	CAFC 909 +CAN $25 **or** Registration certificate	Authorization To Transport
Non-restricted	required	Not required	not required
Restricted	required	required	required
Prohibited	importation prohibited		

Non-Licensed Non-Resident

Class of Firearm	CAFC 909 + CAN $25	Authorization to Transport
Non-restricted	required	not required
Restricted	required	required
Prohibited	importation prohibited	

Firearm Exportation

If the firearm is exported, the receiving agency (e.g. the United States Customs and Border Protection) should be made aware of the returning firearm. This must be done in accordance with regional procedures.

Remember to record your firearms statistics

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1.03 Non-Resident - Previously Confirmed Non-Resident Firearm Declaration

The process will be similar to the one outlined in Chapter 1.02, Non-Resident - Non-Registered Firearms and/or Non-Licensed as per above. The BSO must also ensure that:

- the previously confirmed CAFC 909 matches the non-resident's identification (passport, driver's licence, etc.);
- the documentation (CAFC 909, and the ATT in the case of a restricted firearm) presented is valid;
- all firearms being imported are listed on the previously confirmed declaration; and,
- the non-resident has a valid purpose for importing the firearm.

If these conditions are met and the CAFC 909 is still valid **no new fee is payable**

If a firearm is not listed on the previously confirmed CAFC 909 a Non-Resident Firearm Declaration Continuation Sheet (CAFC 910) must be completed for the additional firearm(s). The CAFC 910 must be attached to the original CAFC 909 in order to be valid. As long as the CAFC 909 has not expired, an additional fee is not required for the CAFC 910.

If the CAFC 909 has expired, a new CAFC 909 must be completed and applicable fee collected. Refer to the procedures set out in Chapter 1.02, Non-Registered Firearm and/or Non-Licensed of this section for guidance.

The CBSA cannot grant extensions for the CAFC 909. If the declaration expires while the traveller is still in Canada, only the Chief Firearms Officer, of the province or territory where they will be staying, may grant an extension prior to the expiration of the declaration, otherwise a new Declaration will be required.

If the non-resident leaves and returns to Canada **during the extension period, granted by the CFO,** a new CAFC 909 and fee are required, <u>even if the extension period authorized by the CFO has not yet expired</u>.

There are no limitations on the number of firearms an individual can import with the CAFC 909 and 910. However, the number of firearms needs to be within reason based on the purpose of import.

Remember to record your firearms statistics

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Part III Non-Residents

1.04 Settlers and Former, Seasonal or Temporary Residents

For the purpose of the *Firearms Act*, settlers and former and seasonal or temporary residents are considered to be non-residents.

Licensed Individual/Registered Firearm

Settlers and former, seasonal or temporary residents who hold a Canadian Firearms Licence and, in the case of a restricted firearm, a Canadian registration certificate, will be treated as a licensed non-resident with a registered firearm. In this case, as long as the firearm is declared, the individual will be processed according to Chapter 1.01, Licensed Non-Resident: Registered Firearm. Settlers and former, seasonal or temporary residents cannot import prohibited firearms.

Exception: Former residents who have continuously and legally held a firearms licence, registration, and properly exported their prohibited firearms (i.e. with an Export Permit) and who are re-importing the same firearms with valid documentation (licence, registration, ATT, and Import Permit) are treated as a Licensed Resident and are allowed to re-import their prohibited firearms.

Non-Licensed Individual/Non-Registered Firearm

If the settler and former, seasonal or temporary resident **does not hold** a Canadian Firearms Licence, or, in the case of a restricted firearm, a registration certificate, the following process must be followed:

- The primary officer **must** refer the non-resident for Secondary Processing. The referral slip should be coded in order to inform the secondary officer accordingly.
- The settler and former, seasonal or temporary resident reports to secondary for completion of the Non-Resident Firearm Declaration (CAFC 909). If the firearm is classified as a restricted firearm, the person must have an ATT for that firearm.

The BSO will:

- verify that the CAFC 909 is completed correctly including a Canadian address of where they will be residing;
- verify that the documentation (ATT if applicable) presented is valid;
- verify the non-resident's identification (passport, etc.);
- ensure all transportation regulations are adhered to;
- ensure that the non-resident has a valid purpose for importing the firearm;
- determine whether an examination of the firearm is required;
- the BSO must inform the settler and former, seasonal or temporary resident that he/she has 60 days to apply for a Canadian Firearms Licence and, in the case of a restricted firearm, a registration certificate for the firearm(s);

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- the CBSA cannot grant extensions for the CAFC 909. If the declaration expires while the settler is still in Canada, only the Chief Firearms Officer, of the province or territory where they will be residing, may grant an extension however the request must be made prior to the expiration of the declaration; and
- determine if a firearm examination is required.

Firearm Examination

When it is determined that an examination of the firearm is required, the verification team will verify that:

- the legal classification of the firearm is correct (if necessary consult the FRT);
- the information on the registration matches the firearm;
- the declaration of the non-resident is accurate; and
- all transportation regulations are respected.

Note: In international airports, all firearms must be handled and proved safe in accordance with the Procedures for Firearms Safe Handling at International Airports. This requirement applies whether or not an examination is subsequently conducted as part of the normal import process

If there are inconsistencies with the documentation, the firearm itself, the declaration and/or the individual, the verification team will either:

- detain the firearm and allow the non-resident time to present proper documentation;
- take appropriate enforcement action if necessary;
- allow the non-resident to immediately export the firearm; or
- allow the non-resident to abandon the firearm to the Crown.

Note: In the case of a prohibited firearm, the exporter must obtain an export permit from Foreign Affairs and International Trade Canada to export the firearm.

Firearm Exportation

If the firearm is exported, the receiving agency (e.g. United States Customs and Border Protection) should be made aware of the returning firearm, in accordance with regional procedures

Remember to record your firearms statistics

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Part III Non-Residents

Chapter 2: Importation of a Firearm – Telephone Reporting Centre (TRC)

TRC procedures may vary slightly from region to region.

Note: Restricted firearms cannot be processed through TRC. If the non-resident declares a restricted firearm, the vessel/aircraft/vehicle must either wait for a verification team to meet them or he or she must be redirected to a staffed CBSA location.

- Re-direction of any vessel/aircraft/vehicle is not a preferred option and should only be considered if the vessel/aircraft/vehicle is deemed to be a high risk or when the need for a physical examination is compelling.
- Once a verification team attends, the process is no longer considered a TRC reporting.
- BSOs should be aware that prohibited firearms cannot be imported by non-residents.

Primary Process

If the non-resident contacts a TRC and declares that he or she is importing a firearm for which he or she already has a previously confirmed declaration that is still valid, the TRC officer will confirm the CAFC 909 again by issuing a new confirmation number.

If a non-resident declares to a BSO at a TRC that he or she is importing a firearm and does not have **any** of the following documents:

- a Canadian firearms licence or;
- in the case of a restricted firearm, a registration certificate or an ATT.

1) The TRC officer will ask the non-resident for the following information:

- name and date of birth of traveller(s);
- docking site or landing point and estimated time of arrival;
- licence/registration and name of vessel, registration number of aircraft, or licence plate number of vehicle;
- which traveller is declaring the firearm(s);
- description of firearm(s);
- purpose of importation; and
- licence number on the individual's Possession and Acquisition Licence, if applicable.

Note: The above is not an all-inclusive list. The TRC officer may request any additional information that may be warranted under the circumstances.

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2) The TRC officer has the option to refer the vessel/aircraft/vehicle for a verification to review the declaration and possibly examine the firearm(s). All physical examinations of firearm(s) are based on risk.

3) The TRC officer must follow one of the service options listed below. The choice of service option followed will depend on whether the vessel/aircraft/vehicle is referred for verification and whether or not a verification team will be able to attend.

Service Option 1: Vessel/aircraft/vehicle is not referred for verification

Note: This option cannot be used for restricted firearms

1) The TRC officer will record the non-resident's personal information in the comments box on the TRCS report screen.

2) The TRC officer will complete a Non-Resident Firearm Declaration (CAFC 909) for the firearm, on behalf of the non-resident. For instructions on how to complete a CAFC 909, consult the Non-Resident Firearm Import Requirements online course, which can be found on the CBSA Learning Site.

3) The TRC officer will confirm the CAFC 909 by issuing a confirmation number.

4) The TRC officer will collect the fee for confirming the CAFC 909.

5) The TRC officer will fax or mail the original copy of the CAFC 909 and a K21 General Receipt to the intended destination of the non-resident or the individual's permanent residence.

6) The TRC officer will inform the non-resident that the confirmed CAFC 909 will act as a temporary registration for the firearm for a period of 60 days.

7) If all other CBSA requirements are met, the TRC officer will provide the non-resident with a report number and the confirmation number, and will release the individual, the firearm and the vessel/aircraft/vehicle.

Service Option 2: The verification team will attend for verification

1) The non-resident shall be notified that a verification team will attend to process the entry and that he or she is required to remain at their location until a verification team arrives.

2) The TRC officer will contact a verification team and provide it with the information on the vessel/aircraft/vehicle, its occupants, the non-resident importing the firearm, and any

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necessary details needed to perform a safe examination (i.e. the type of firearm, its location and whether or not it is loaded).

3) The verification team will inform the TRC officer that it will attend.

4) Upon arrival, the verification team will:

- determine if a Non-Resident Firearm Declaration is needed;
- verify that the documentation (PAL and, in the case of restricted firearms, a registration certificate and ATT) presented is valid;
- ensure that the non-resident's identification is verified (passport, etc.); and
- determine if an examination of the firearm is required.

5) Once the verification team is satisfied that all the required documentation presented is valid and all requirements are met, the verification team will request that the non-resident complete a Non-Resident Firearm Declaration (CAFC 909).

6) When the verification team is satisfied with the documentation, it will confirm the CAFC 909 by issuing a confirmation number.

7) The verification team will collect the fee for confirming the CAFC 909.

8) The non-resident will retain the original copy of the CAFC 909. A K21 (*General Receipt*) will be issued as proof of payment of the fee.

9) The BSO will inform the non-resident that the confirmed CAFC 909 will act as a temporary registration for the firearm for a period of 60 days. Restricted firearms can be imported on a CAFC 909 but only for the length of time specified on the ATT.

10) If all other CBSA requirements are met, the verification team will provide the non-resident with a report number and confirmation number, and will release the individual, the firearm and the vessel/aircraft/vehicle.

Firearm Examination

When it is determined that an examination of the firearm is required, the verification team will verify that:

- the legal classification of the firearm is correct (if necessary consult the FRT);
- the information on the registration matches the firearm;
- the declaration of the non-resident is accurate; and
- all transportation regulations are respected.

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Note: In international airports, all firearms must be handled and proved safe in accordance with the Procedures for Firearms Safe Handling at International Airports. This requirement applies whether or not an examination is subsequently conducted as part of the normal import process

If there are inconsistencies with the documentation, the firearm itself, the declaration and/or the individual, the verification team will either:

- detain the firearm and allow the non-resident time to present proper documentation;
- take appropriate enforcement action if necessary;
- allow the non-resident to immediately export the firearm; or
- allow the non-resident to abandon the firearm to the Crown.

Note: In the case of a prohibited firearm, the exporter must obtain an export permit from Foreign Affairs and International Trade Canada to export the firearm.

2.01 Settlers and Former, Seasonal or Temporary Residents

For the purpose of the *Firearms Act*, settlers and former, seasonal or temporary residents are considered to be non-residents.

Settlers and former, seasonal or temporary residents, must be processed as a non-resident.

Exception: Former residents who have continuously and legally held a firearms licence, registration, and properly exported their prohibited firearms (i.e. with an Export Permit) and who are re-importing the same firearms with valid documentation (licence, registration, ATT, and Import Permit) are treated as a licensed resident and are allowed to re-import their prohibited firearms.

Chapter 3: Delayed Baggage - Non-Resident

If a non-resident has both a Canadian firearms licence and, in the case of a restricted firearm, a registration certificate, for the firearm, he or she will have the same documentation requirements as a Canadian resident. (See Part II, Chapter 3 Delayed Baggage – Resident)

3.01 Initial Process

A non-resident declares to a BSO that they are importing a firearm located in their delayed baggage. If the firearm is restricted the non- resident must also present a registration certificate and an Authorization to Transport (ATT)..

Note: Non-residents may not import prohibited firearms.

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Part III Non-Residents

1) If the non-resident is not planning to return to the CBSA office when the firearm arrives, the BSO will have the non-resident complete a Non-Resident Firearm Declaration (CAFC 909) at this time.

   - The non-resident will provide a credit card number, including the expiry date. If the non-resident wishes to pay by means other than credit card, he or she will have to return in-person to the CBSA office to process the firearm entry.
   - BSO will verify that the information on the requested documents matches the individual.
   - BSO will ensure that the non-resident has a valid purpose for importing a firearm.

   The BSO will file the A23 (Delayed Baggage Report) according to regional procedures.

2) If the non-resident is planning on returning to the CBSA office to clear the firearm once it arrives, all firearms documentation will be completed at the time of the firearm's arrival.

3) The non-resident must complete an A23 (Delayed Baggage Report) and provide a contact number to the airline or carrier representative.

4) The carrier will contact the non-resident when the firearm has arrived. The non-resident then has three options for the processing of the firearm.

Option 1: Non-resident picks up their firearm

1) The non-resident is notified that the firearm has arrived, and returns to the CBSA office with a representative of the carrier to clear the firearm.

2) The carrier representative will present the A23 (**Delayed Baggage** Report), and the firearm to a BSO.

3) The BSO will determine:
   - that the A23 form corresponds to the baggage; and
   - whether a physical examination of the firearm is required.

4) The BSO will then follow the corresponding procedures, including the collection of the required fee and completion and confirmation of the Non-Resident Firearm Declaration (CAFC 909). (See Part II, Chapter 3 Delayed Baggage – Resident)

Option 2: Carrier clears the firearm on the non-resident's behalf

1) The non-resident is notified that the firearm has arrived, and makes arrangements for the carrier to clear the firearm on his or her behalf.

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2) The carrier presents the A23 (**Delayed Baggage** Report) and the firearm to a BSO.

3) The BSO will:

- verify that the A23 form corresponds to the delayed baggage;
- verify that the documentation is valid; and
- determine whether an examination of the firearm is required.

4) The BSO will then follow the procedures concerning Non-Residents – (Non-Registered Firearm and/or Non-Licensed)

- If the non-resident provided a credit card number, including the expiry date, at the time the firearm was reported as delayed the applicable amount can be charged to the non-resident's credit card to collect the confirmation fee, and the Non-Resident Firearm Declaration (CAFC 909) will be confirmed.

5) Once the confirmation process is completed, the "client" copies of the NRFD will be placed in the firearm case and the firearm will be released to the carrier.

6) The carrier will deliver the firearm to the non-resident as per the arrangements made between the two parties.

7) The carrier that transports the firearm must be licensed to do so under the *Firearms Act* and comply with the appropriate transportation, storage and handling requirements.

Option 3: Non-resident does not want to complete the importation process

1. The non-resident is notified that their firearm has arrived. For whatever reason the non-resident may decide not to import the firearm:

    - The non-resident must make all appropriate arrangements with a licensed carrier to export the firearm.
    - The BSO will supervise the exportation of the firearm.

2. If the firearm is not exported, it will be held by CBSA for a reasonable amount of time and then disposed of according to established guidelines.

Previously Confirmed Non-Resident Firearm Declaration

In the case of a non-resident who has a previously confirmed Non-Resident Firearms Declaration (CAFC 909) that has expired a new CAFC 909 must be completed and fee collected.

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Part III Non-Residents

CBSA cannot grant extensions for the CAFC 909. If the declaration expires while the traveller is still in Canada, only the Chief Firearms Officer of that province may grant an extension, prior to the expiry date.

Firearm Examination

When it is determined that an examination of the firearm is required, the verification team will verify that:

- the legal classification of the firearm is correct (if necessary consult the FRT);
- the information on the registration matches the firearm;
- the declaration of the non-resident is accurate; and
- all transportation regulations are respected.

Note: In international airports, all firearms must be handled and proved safe in accordance with the Procedures for Firearms Safe Handling at International Airports. This requirement applies whether or not an examination is subsequently conducted as part of the normal import process

If there are inconsistencies with the documentation, the firearm itself, the declaration and/or the individual, the verification team will either:

- detain the firearm and allow the non-resident time to present proper documentation;
- take appropriate enforcement action if necessary;
- allow the non-resident to immediately export the firearm; or
- allow the non-resident to abandon the firearm to the Crown.

Note: In the case of a prohibited firearm, the exporter must obtain an export permit from Foreign Affairs and International Trade Canada to export the firearm.

Remember to record your firearms statistics

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Part III Non-Residents

Chapter 4: Section 97 Exemption Orders

Section 97 of the *Firearms Act* provides the Governor in Council and, to a more limited extent, a federal or provincial Minister the power to exempt non-residents from the application of any of the provisions of the *Firearms Act* or regulations, or certain provisions of the *Criminal Code* (including the import requirements under the *Customs Act*, the *Firearms Act*, etc.).

> ***97.***(1) Subject to subsection (4), the **Governor in Council** may exempt any class of non-residents from the application of any provision of this Act or the regulations, or from the applications of any sections 91 to 95, 99 to 101, 103 to 107 and 117.3 of the *Criminal Code*, for any period specified by the Governor in Council.
>
> (2) Subject to subsection (4), the **Federal Minister** may exempt any non-resident from the application of any provision of this Act or the regulations, or from the applications of any sections 91 to 95, 99 to 101, 103 to 107 and 117.3 of the *Criminal Code*, for any period not exceeding one year.
>
> (3) Subject to subsection (4), a **Provincial Minister** may exempt from the application in that province of any provision of this Act or the regulations or Part III of the Criminal Code, for any period not exceeding one year, the employees, in respect of any thing done by them in the course of or for the purpose of their duties or employment, of any business that holds a licence authorizing the business to acquire prohibited firearms, prohibited weapons, prohibited devices or prohibited ammunition.
>
> *Firearms Act*

4.01 Foreign Enforcement Officers

In order for a foreign enforcement officer (FEO) to bring their service firearms into Canada, he or she **MUST** be covered by an Exemption Order under section 97 (1) & (2) of the *Firearms Act.*

FEOs holding a section 97 Exemption Order are exempt from the various requirements under the *Firearms Act* and the *Criminal Code*. FEOs will present a letter or certificate that states their name, the agency they belong to, the agency that granted the exemption or temporary status, and the firearm they will carry. For the purposes of this exemption order any firearm named on the certificate or letter is allowed into Canada despite its classification.

When a BSO encounters an FEO with a section 97 Exemption Order the following procedures should be followed:

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Part III Non-Residents

Primary Process

1) The FEO declares to a BSO that he or she is importing a firearm. The FEO must have a letter or certificate granting them an exemption under section 97. The primary officer will refer the FEO to secondary processing. The referral slip should be coded in order to inform the secondary officer accordingly.

Secondary Process

The FEO reports to secondary for verification of their section 97 Exemption Order,

The BSO will:

- verify that the documentation presented is valid; and
- verify that the documentation presented matches the individual's identification (e.g., agency identification).

If the BSO is satisfied that all the required documentation is valid, the FEO may be released.

No fee is collected by the CBSA for the purpose of section 97 Exemption Orders.

4.02 Foreign Enforcement Officers With Supernumerary Status

FEOs who have been granted Supernumerary Status are exempt from the various requirements under the *Firearms Act* and the *Criminal Code*. FEOs will present a letter or certificate that states their name, the agency they belong to, the agency that granted the exemption or temporary status, and the firearm they will carry. For the purposes of this exemption order or temporary status, any firearm named on the certificate or letter is allowed into Canada despite its classification.
When a BSO encounters a foreign enforcement officer with a section 97 Exemption Order the following procedures should be followed:

Primary Process

1) The FEO declares to a BSO that he or she is importing a firearm. The FEO must have a letter or certificate granting them Supernumerary Status. The primary officer will refer the FEO to secondary processing. The referral slip should be coded in order to inform the secondary officer accordingly.

Secondary Process

The FEO reports to secondary for verification of their Supernumerary Status,

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The BSO will:

1) verify that the documentation presented is valid; and

2) verify that the documentation presented matches the individual's identification (e.g., agency identification).

If the BSO is satisfied that all the required documentation is valid, the FEO may be released.

No fee is collected by the CBSA for the purpose of Supernumerary Status.

4.03 In-Flight Security Officers

Other procedures as they pertain to specific categories of FEOs (e.g. In – Flight Security Officers) should also be followed. Please consult the *Policy for the Processing of Foreign In-Flight Security Officers*.

4.04 Firearms in the Possession of Foreign Security Personnel

Foreign dignitaries visiting Canada, such as foreign heads of state, are often accompanied by their own security officers. In some cases when the visitor is deemed to be a high security risk, the RCMP, upon prior notification of the visit (normally through liaison with the Department of Foreign Affairs and International Trade), may designate certain security officers as supernumerary special constables under the *RCMP Act*. A certificate of designation will be issued, allowing the officers to carry firearms while on duty. The following procedures will apply:

(a) Pre-notification will be provided to the CBSA at the point of arrival;

(b) The foreign security or police officer will be greeted by the RCMP in the CBSA area;

(c) The individual must have a copy of the certificate of appointment in his/her possession or the certificate will be presented by the RCMP at point of arrival; and

(d) The individual will remain under the direction of the RCMP.

In those instances where no such designation is applicable, the RCMP will arrange to meet the entourage and take possession of the firearms and/or weapons where prior notification has been received concerning the visit.

If the RCMP has not received notification, the CBSA will follow the regular procedures for handling firearms, prohibited weapons or devices imported by non-residents.

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4.05 Geographical Inhibitors (United States Law Enforcement Personnel)

A geographical inhibitor is defined as a barrier, such as a body of water or a lack of roads to a specific area, which requires an individual to transit through the neighbouring country in order to get to their place of employment.

An exemption order under section 97 of the *Firearms Act* exempts certain designated United States (US) law enforcement officers from the application of the *Firearms Act* and certain provisions of the *Criminal Code*. This allows officers to transport their duty firearms through Canada in order to by-pass a geographical inhibitor when en route to or returning from their place of employment.

When encountering such situation, the following procedures should be followed:

- The US officer must present himself or herself to a BSO and declare to be an exempted law enforcement officer.
- The BSO will verify that the transiting US officer is named on the prescribed list issued by the RCMP.
- The US officer must meet all requirements for entry into Canada (i.e., immigration requirements). The *Firearms Act* exemption order exempts only the firearm, not the officer.
- The US officer must be on duty, en route to or returning from their place of employment. The US officer must travel via the most direct route from the place of entry into Canada to the destination in the United States and vice versa.
- The US officer must carry photo identification issued by the responsible United States authority.
- The BSO must ensure that, when the US officer is wearing an approved uniform or is in a marked motor vehicle, any loaded firearm remains holstered on the officer or secured in the vehicle and that any other regulated item remains holstered or secured on the officer, or secured in the vehicle.
- The BSO must ensure that, when the US officer is not wearing an approved uniform and is not in a marked motor vehicle, the officer must ensure that he or she transports the regulated items unloaded, in a opaque storage container locked by way of an electronic, magnetic or mechanical key, or by setting the lock in accordance with an alphabetic or numerical combination, in the trunk of their motor vehicle or, if there is no trunk, out of sight.

The CBSA may verify any of the requirements listed above (i.e., storage requirements as required).

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BSOs who find that a United States law enforcement officer is not complying with the conditions set out in the exemption order will notify their superintendent. The superintendent will in turn notify:

Director
Commercial Border Programs Division,
Programs Branch
(613) 954-6856

Non-compliance may result in exclusion from the exemption order and suspension/cancellation of these privileges.

OGD Programs Unit will be responsible for distributing the list of exempted officers and any updates on a regular basis to the applicable ports of entry through the regional Corporate and Program Services Division.

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PART IV: EXPORTATION PROCEDURES

Chapter 1: Temporary Exports

Residents who are exiting Canada with a firearm are required to possess a Canadian firearms licence and in the case of a restricted or prohibited firearm, a registration certificate for their firearm and an ATT.

There is presently no obligation for a resident of Canada to report the temporary exportation of non-restricted and restricted firearms to a BSO when travelling to the United States. This process is voluntary as it is not mandatory for residents to stop at the border prior to exit.

The temporary exportation of prohibited firearms to any country requires an Export Permit issued by the Department of Foreign Affairs and International Trade (DFAIT). Such export permit must be presented to a BSO when exiting Canada.

Residents travelling to any country other than the United States, regardless of type of firearm, must present an Export Permit issued by DFAIT to a BSO, when exiting Canada.

If a resident chooses to stop at a CBSA office before exiting Canada, and declare that he or she is temporarily exporting firearms, the BSO will follow the steps outlined in this section and the regulations relating to the exportation of firearms.

Residents who are exporting their firearm for warranty repairs should be encouraged to report their export upon exit. This will facilitate the re-entry of their firearms.

1.01 Temporary Export to the United States

A resident may voluntarily stop at a CBSA office prior to exiting and declare that he or she is temporarily exporting a firearm from Canada. He or she must present a valid Possession and Acquisition Licence (PAL) or Possession Only Licence (POL). If the firearm is restricted or prohibited, he or she must also present a registration certificate and an Authorization to Transport (ATT). The temporary exportation of prohibited firearms also requires an Export Permit issued by DFAIT prior to exiting Canada.

1. The BSO will verify the information on the requested documents ensuring that the PAL/POL matches the individual and the type of firearm indicated on the registration certificate.

2. The BSO may examine the firearm. All examinations are based on risk.

Note: If there is a discrepancy between the documentation presented, the firearm or the individual (e.g. licence has expired, licence does not match individual, etc.),

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then the firearm should be detained and held until proper documentation is presented.

3. The BSO will verify the export by witnessing the resident exit Canada with the firearm (where possible).

1.02 Temporary Exports to other Countries

A resident that stops at a CBSA office prior to exiting and declares that he or she is temporarily exporting a firearm to a country other than the United States (or selected countries), he or she must present an Export Permit issued by DFAIT along with the PAL/POL, as well as a registration certificate and ATT for their restricted and prohibited firearms.

1. The BSO may verify the information on the requested documents ensuring that the PAL/POL matches the individual and the type of firearm indicated on the registration certificate.

2. The BSO will examine the firearm. All examinations are based on risk.

   Note: If there is a discrepancy between the documentation presented, the firearm or the individual (e.g. licence has expired, licence does not match individual, etc.), then the firearm should be detained and held until proper documentation is presented.

3. The BSO will verify the export by witnessing the resident exit Canada with the firearm (where possible).

4. The BSO will forward all copies of the Export Permit to DFAIT.

Chapter 2: Permanent Exports

Residents who are permanently exporting a firearm from Canada are required to obtain an Export Permit from DFAIT and present it to the BSO prior to exiting Canada.

2.01 Permanent Export

A resident that stops at a CBSA office prior to exiting and declares that he or she is permanently exporting a firearm from Canada must present the PAL/POL, , as well as a registration certificate and ATT for their restricted and prohibited firearms and an Export Permit.

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Part IV Exportation Procedures

1. The BSO will verify the information on the requested documents ensuring that the PAL/POL matches the individual and the type of firearm indicated on the registration certificate and the Export Permit.

2. The BSO may examine the firearm. All examinations are based on risk.

Note: If there is a discrepancy between the documentation presented, the firearm or the individual (e.g. licence has expired, licence does not match individual, etc.), then the firearm should be detained and held until proper documentation is presented.

3. The BSO will verify the export by witnessing the resident exit Canada with the firearm (where possible).

4. The BSO will forward all copies of the Export Permit to DFAIT.

Firearms cannot be exported by mail!

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PART V: COMMERCIAL

Chapter 1: Legislative and Regulatory Requirements

1.01 Licensing

In Canada, a Business Licence is issued under Sections 9 and 11 of the *Firearms Act*. The Chief Firearms Officer of each province or territory in which the licence is issued has the overall responsibility for the day-to-day administration and enforcement of firearms business licences. The Registrar of Firearms is responsible for the administration of carrier licences (a subgroup of a firearms business licence). All businesses in possession of a firearm must have a valid business licence.

There are two types of business licences:

1. Business Licence
2. Carrier Licence

Business Licence

All businesses, including museums, which deal with firearms, ammunition, prohibited weapons or devices, must have a firearm business licence, which are issued and enforced by the CFO of the province or territory where a business is located. Additionally, it is only valid for the activities specified on the licence.

For the purposes of the CBSA, this licence:

- allows the holder to import or export a class or classes of firearms, prohibited weapons or devices, including prohibited ammunition (if that activity is specified on the licence);
- allows the holder to transport these goods; and
- requires holders to comply with the transportation provisions of the *Storage, Display and Transportation of Firearms and Other Weapons by Businesses Regulations*.

Carrier Licence

For the purposes of the *Firearms Act*, a carrier is any transportation business that transports firearms, prohibited weapons, prohibited devices, or prohibited ammunition anywhere within Canada or across Canadian borders. The carrier may be transporting the items for an individual, a business, a museum or a public agency.

The Registrar of Firearms is responsible for issuing all carrier licences and specifies the class or classes of firearms, prohibited weapons, devices and/or ammunition the carrier may transport.

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For the purposes of the CBSA this licence:

- allows the holder to transport a class or classes of firearms, prohibited weapons, devices or ammunition (if that class or classes are specified on the licence); and
- requires holders to comply with the transportation provisions of the *Storage, Display and Transportation of Firearms and Other Weapons by Businesses Regulations*.

1.02 Warehouses

Bonded Warehouses

Carrier Licences may list subsidiaries, which are businesses that operate under the authority of the carrier. If a bonded warehouse is listed on the Carrier Licence they do not require a Business Licence to store or handle firearms.

If a bonded warehouse is not operating under the authority of a carrier or is not listed on their Carrier Licence, they must hold a Business Licence.

Sufferance Warehouses

Sufferance warehouses that store and handle firearms must have a Business Licence. A sufferance warehouse cannot be listed as part of a Carrier Licence.

1.03 Registration Certificates

A business that holds a valid firearms business licence, for the class of firearm being imported, **is not** required to produce a registration certificate for the firearm being imported.

1.04 Import Permits

Businesses, including carriers, must present Import Permits (issued by DFAIT) along with a copy of their business firearm licence if they are importing:

- prohibited firearms;
- grenade launchers;
- firearms, weapons or military arms on behalf of the Canadian Forces or a police force.

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1.05 Export Permits

Businesses, including carriers, must present Export Permits (issued by DFAIT) along with a copy of their licence if they are exporting:

- non-restricted firearms to any country except the United States;
- restricted firearms to any country except the United States; or
- prohibited firearms to any country.

Chapter 2: Transportation of Firearms and Other Regulated Goods by Businesses

Commercial carriers who transport firearms, prohibited weapons, prohibited devices, and prohibited ammunition must have a carrier licence or a firearm business licence that permits transportation. A carrier licence will specify the class of good they are permitted to carry.

However, a business that imports or exports firearms, weapons and/or other regulated goods on its own behalf does not require a carrier licence, provided the firearms business licence specifies this activity. For example: ABC Ltd., which uses its own transportation company (ABC Trucking) to import and export non-restricted firearms, does not require a carrier licence to transport the goods in addition to its firearm business licence, as long as its firearm business licence specifies that transportation is one of the listed privileges.

A firearms business licence or a carrier licence is not required for foreign-based companies that do not carry on business in Canada and that are moving firearms in transit through Canada on an in-transit manifest.

Transporting Non-Restricted and Restricted Firearms and Prohibited Handguns

A business may transport restricted and non-restricted firearms and prohibited handguns only if the firearm is unloaded and in a container made of an opaque material of such strength, construction, and nature that it cannot be readily broken open or into or accidentally opened during transportation.

If the restricted, non-restricted firearms or prohibited handguns are in an unattended vehicle that is equipped with a trunk or similar compartment that can be securely locked, the container has to be in that trunk or compartment and must be securely locked.

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If the unattended vehicle in which the firearms have been left is not equipped with a trunk or similar compartment that can be securely locked, the vehicle must be securely locked and the container must not be visible from outside the vehicle.

Transporting Prohibited Firearms Other Than Prohibited Handguns

A business may transport a prohibited firearm, other than a prohibited handgun, only if it is unloaded and in a container:

a) that is made of an opaque material of such strength, construction, and nature that it cannot be readily broken open or into or accidentally opened during transportation; and
b) that is constructed and sealed so as to prevent it from being opened without breaking the seal or otherwise clearly indicating that it has been opened.

If it is an automatic firearm that has a bolt or bolt carrier that can be easily removed, the automatic firearm must be made inoperable by removing the bolt or bolt carrier.

If the prohibited firearm, other than a prohibited handgun, is in an unattended vehicle that is equipped with a trunk or similar compartment that can be securely locked, the container must be in that trunk or compartment which must be securely locked.

If the unattended vehicle is not equipped with a trunk or similar compartment that can be securely locked, the vehicle or the part of the vehicle that contains the container must be securely locked and the container must not be visible from outside the vehicle.

Transporting Prohibited Weapons, Prohibited Devices, and Prohibited Ammunition

A business may transport a prohibited weapon, prohibited device, or prohibited ammunition only if it is in a container:

a) that is made of an opaque material and is of such strength, construction, and nature that it cannot be readily broken open or into or accidentally opened during transportation;
b) that is constructed and sealed so as to prevent it from being opened without breaking the seal or otherwise clearly indicating that it has been opened; and
c) that is marked with its contents when it is being imported or exported from Canada.

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If the prohibited weapon, prohibited device, or prohibited ammunition is in an unattended vehicle that is equipped with a trunk or similar compartment that can be securely locked, the container must be in that trunk or compartment and the trunk or compartment must be securely locked.

If the unattended vehicle is not equipped with a trunk or similar compartment that can be securely locked, the vehicle, or the part of the vehicle that contains the container, must be securely locked and the container must not be visible from outside the vehicle.

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PART VI: MISCELLANEOUS ISSUES

Chapter 1: Safety Measures

Please refer to the *Policy on the Handling of Agency and Protected Firearms* located in the *Arming Initiative Reference Manual* as well as the ***Procedures for Firearms Safe Handling at International Airports***.

Chapter 2: Function

2.01 Chief Firearms Officer

A Chief Firearms Officer (CFO) is responsible for the decision-making and administrative work related to individual and business licences, ATTs and related authorizations. This involves determining an applicant's eligibility and either issuing, refusing to issue, renewing or revoking the licences or authorizations. The CFOs are also designated instructors for the Canadian Firearms Safety Course and the Canadian Restricted Firearms Safety Course.

2.02 Registrar of Firearms

The Registrar is responsible for the decision-making and administrative work related to registration certificates as well as carrier licences. This involves determining an applicant's eligibility and either issuing, refusing to issue, or revoking registration certificates or authorizations. In addition, the Registrar maintains and operates the Canadian Firearms Information System that houses data related to licensed firearms owners and of all restricted and prohibited firearms in Canada.

2.03 Regional Firearms Coordinators

Each CBSA region has a Regional Firearms Coordinator who serves as the main point of contact between the Region and National Headquarters dealing with issues relating to the implementation of the *Firearms Act*. If you have questions regarding the administrative requirements under the *Firearms Act,* please contact your Regional Firearms Coordinator.

Roles and Responsibilities

- Act as a Headquarters and Regional point of contact for issues relating to the implementation of the *Firearms Act.*
- Aid in the implementation of the sections of the *Firearms Act* that relate to customs processes, e.g., commercial and travelers processing.

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- Assist in the maintenance of Standard Operating Procedures and policies by providing input and technical expertise to the Program.
- Liaison with the Chief Firearms Officers (CFOs), and the Registrar.
- Participate in regional and headquarters meetings and take part in workshops related to firearms.
- Coordinate CBSA representation (where applicable with Client Services) in partnership with the Canadian Firearms Program at public events, e.g., Firearm Trade Shows and CBSA Information Days.
- Promote an open communication concept with internal and external clients.
- Disseminate communication products to CBSA District/field offices, and other CBSA locations as required.
- Communicate to District Managers and field staff, the importance of gathering statistics and coding work activities with respect to the processing of all travellers importing firearms into Canada, the verification and confirmation of permits presented for commercial firearms shipments, and firearms training provided to frontline border services officers.
- To collect, collate, and report to headquarters at the end of each month the regional statistics on importation of firearms into Canada.
- Inform headquarters of facility inadequacies and resource issues that may impact the implementation of the *Firearms Act*.
- Participate in the development of the training products and strategy for implementation of future provisions of the *Firearms Act*.
- Monitor commercial and travelers processes to ensure client facilitation is adhered to and make recommendations for policy changes if required.

Firearm Statistics

It is important for CBSA to keep statistics on firearms. One of the key purposes of collecting statistics is for the appropriate allocation of resources.

The collection of firearm statistics at all CBSA offices processing travellers importing firearms is required.

Monthly statistics will allow the agency to assess the impact on CBSA operations in the regions and fulfill the requirement to report the movement of firearms to the Canadian Firearms Program.

Statistics must be collected manually and forwarded to the Firearms and Weapons Program by the Regional Firearms Coordinators within 10 working days of the end of the month.

- Each CBSA office processing travellers importing firearms is required to collect daily firearms statistics.

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- Daily Firearms Statistics include licensed non-residents, licensed residents 1st import, licensed residents re-import, and non-confirmations.
- Daily statistics will be rolled-up and reported monthly on the manual G11 Operations Report by a BSO responsible for the collection of operational statistics.
- Nil reports are required.
- The manual G11 Operations Report is to be forwarded to the Regional Firearms Coordinator for compilation.

Chapter 3: Ordering Forms (CAFC 909/RCMP 5589 or 910/RCMP 5590)

If your office needs the Non-Resident Firearm Declaration (CAFC 909/RCMP 5589) and/or Non-Resident Firearm Declaration Continuation Sheet (CAFC 910/RCMP 5590) they can be ordered by contacting the main call centre in Miramichi at 1-800-731-4000.

Please provide the following:

- title and form number of the form being requested;
- quantity of each form required (in multiples of 10);
- address the forms are to be sent to; and
- name and address of the authorized personnel requesting forms.

Chapter 4: Disposal Procedures

4.01 Firearms

All firearms that have been the object of abandonment, forfeiture or seizure must be forwarded to the RCMP's Laboratory in Ottawa for destruction, and not diverted to, or through, any other person or service for disposal. The RCMP address is the following:

Royal Canadian Mounted Police
National Forensic Services - Ottawa
ATTN: CIBIN
1200 Vanier Parkway
Loading Dock # 1
Ottawa ON K1A 0R2

The form titled "Firearms And Weapons Destruction Log And Instructions" must be used when forwarding firearms to the RCMP laboratory. Please ensure that all fields are completed. Make a copy of the form and include it in the box with the shipment.

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Part VI Miscellaneous

Prior to submitting exhibit(s) to the RCMP, National Forensic Services, you must login to the Public Agency Web Services portal on the Canadian Firearms Program website and initiate the transfer of the firearm(s) from your Public Agency Identification Number (PAIN) to the RCMP Forensic Laboratory Ottawa PAIN #: by using the following link:

Please refer to the "*Public Agent Reporting of Protected Firearms Policy and Procedures*".

A copy of the transfer transaction report should also be placed in the box so that the lab can identify the shipment with the proper transaction.

The firearm(s) should be packed in a container of sufficient strength and construction so that it cannot be readily broken or accidentally opened while in transit. The firearm(s) should be packed in a container that is not in excess of 9 kg. (approximately 20 lbs.).

Please ensure that all firearms are **UNLOADED** and proven **SAFE** for handling before shipping. A visible securing device should be used through the action (not the barrel) e.g. A zap-strap, a plug, so that it is held open.

- **DO NOT** use foreign items to plug the barrel.
- Do not disassemble or re-assemble firearms for shipment.
- Submit **all components** including magazines (if there are many identical cartridge magazines, submit at least one, but not necessarily all of them).
- Secure and package the firearm without allowing metal objects or surfaces to come in contact with the interior of the barrel or other areas of interest such as breech face and firing pin.
- When identifying exhibits, do not place tags or labels over identifying marks on the firearm or over areas which will affect the operation of the firearm or component.
- Ensure the key for any trigger lock (or code for combination types) is submitted to the lab under separate cover if a trigger lock is used. (If no key is available for the lock, attach a note to the firearm indicating no key is available).
- When required to measure the barrel for the recording of protected firearms with the Canadian Firearms Program, measure externally, not with a metal rod down the bore.
- **Do not send any ammunition.**

Make a copy of the "Firearms and Weapons Destruction Log and Instructions" form and include it in the box with the shipment.

Cancel any CBSA document relating to a firearm that has been sent to the RCMP for disposal. A firearm cannot be returned to the importer once it has once it has been forwarded to the RCMP for disposal.

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Ensure that only non-restricted and restricted firearms and prohibited handguns are sent by mail and that they are sent by the most secure means offered by Canada Post that includes the requirement to obtain a signature on delivery. A licensed carrier may also be used.

Ensure that prohibited long guns are only sent by a licensed carrier.

4.02 Ammunition

Ammunition that has been abandoned, forfeited, or seized must be disposed according to the instructions in Memorandum D19-6-1, *Explosives Act and Regulations* or by contacting NRCan.

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Appendix A - Instructions on Completing the CAFC 909

The Non-Resident Firearms Declaration (CAFC 909) is a three copy carbonized form which can also be printed off the Canadian Firearms Program website and photocopied.

The non-resident is responsible for completing the CAFC 909. The CBSA officer should offer assistance in the completion of the form, if required.

SECTIONS A, B, C OF THE NON-RESIDENT FIREARM DECLARATION WILL BE COMPLETED BY THE NON-RESIDENT.

A. Personal Information contains:
   - name and address, date of birth, gender;
   - Identification data; and
   - reason for bringing firearms into Canada.

B. Firearms contains:
   Information on the firearm(s) being imported. If more than 3 firearms are being declared, a Non-Resident Firearm Declaration Continuation Sheet (CAFC 910) must be used as well. The information that is required in section B includes:
   - number of firearms imported;
   - destination of firearms in Canada;
   - firearm type, make, serial number;
   - firearm action, gauge/calibre, and barrel length (if known); and
   - Authorization to Transport (ATT) number, and expiration date of ATT (if firearm is restricted).

NOTE: All unused fields for firearms on the Non-Resident Firearm Declaration and Non-Resident Firearm Declaration Continuation Sheet should be scored off to prevent additional firearms from being added after the Confirmation Number has been issued.

C. Declaration.
   The non-resident must sign and date the form, declaring that all information given is true and correct.

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Appendix A

SECTIONS D AND E ARE COMPLETED BY THE BORDER SERVICES OFFICER.

D. Confirmation

Field 10a) Record Confirmation Number from the Firearms Confirmation Number Log;
Field 10b) Record the date of issue of the Confirmation Number;
Field 10c) Record the Confirmation Number date of expiry (60 days from the date of issue, or the date of expiry of the ATT, whichever is less);
Field 11) Check off the appropriate status: visitor, seasonal, temporary, settler;
Field 12a) Record payment received date;
Field 12b) Record expiry date (60 days from the date of payment);
Field 13) Record CBSA office (port code); and
Field 14) Signature of CBSA officer.

E. Additional Confirmation Numbers

Should the applicant return prior to the Declaration expiring (60 days), this is where you would enter Confirmation Numbers for subsequent importations of the firearm(s) listed on the Non-Resident Firearm Declaration, or for new firearms listed on the Non-Resident Firearm Declaration Continuation Sheet. The following procedures will apply:

- Record issue date;
- Record expiry date (noted above)
- Record Confirmation Number from the Firearms Confirmation Number Log;
- Record your initials;
- Record your badge number; and
- Record the CBSA office (port code).

Remember, additional firearms must be recorded on the Non-Resident Firearm Declaration Continuation Sheet (CAFC 910).

Remember to record your firearms statistics

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Appendix B - Filing the Non-Resident Firearm Declaration

Non-Resident Firearm Declaration

The Non-Resident Firearm Declaration is a three copy carbonized form. Photocopies of the Non-Resident Firearm Declaration can also be accepted.

Copy 1 – Client Copy

- Provide the non-resident with the client copy of confirmed Non-Resident Firearm Declaration along with the copy of K21 receipt (if applicable).
- Advise the non-resident to retain their Non-Resident Firearm Declaration in their possession while in Canada, and to be prepared to present it to customs at the time of their next importation into Canada as the form is valid for 60 days.

Copy 2 – CBSA Copy

- CBSA retains the CBSA copy of the confirmed Non-Resident Firearm Declaration.

Copy 3 – Chief Firearm Officer (CFO) Copy

- CBSA retains the CFO copy of the confirmed Non-Resident Firearm Declaration.

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Appendix C - Instructions on Completing the CAFC 910

Non-Resident Firearm Declaration Continuation Sheet

The Non-Resident Firearms Declaration Continuation Sheet (CAFC 910) is to be completed by the non-resident, when they are declaring more than 3 firearms. It will also be used if a non-resident, who already has a confirmed declaration from within the last 60days, is declaring a different firearm, or has modified a firearm that is on the previously declared Non-Resident Firearm Declaration.

The Non-Resident Firearms Declaration Continuation sheet is a 3 copy carbonized form which can also be printed off the Canadian Firearms Program website and photocopied. In order for the completed Non-Resident Firearm Declaration Continuation Sheet to be valid, it should be attached to the confirmed Non-Resident Firearm Declaration. The distribution of this form is the same as the Non-Resident Firearm Declaration.

The information contained on the Non-Resident Firearms Declaration Continuation Sheet is very similar to the information found on the Non-Resident Firearm Declaration.

Fields 1, 2, and 3 contain information on the original Confirmation Number and the relevant dates of the $25.00 fee.

- Field 1: Record the Confirmation Number from section D, field 10a) of the Non-Resident Firearm Declaration.
- Field 2: Record the payment date from section D, field 12a) of the Non-Resident Firearm Declaration.
- Field 3: Record the expiry date from section D, field 12 b) of the Non-Resident Firearm Declaration.

Remember, the Non-Resident Firearm Declaration acts a temporary firearms licence, therefore all new Confirmation Numbers issued must be recorded in section E of the Non-Resident Firearm Declaration.

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Appendix C

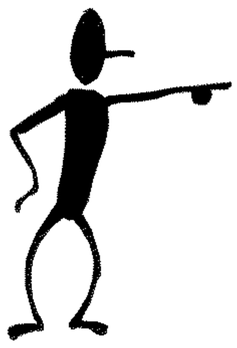
Section A - Personal Information contains the non-residents name and date of birth.

Section B - Firearms contains the following information:

- number of firearms imported;
- destination of firearms in Canada;
- firearm type, make, serial number;
- firearm action, gauge/calibre, barrel length (if known); and
- Authorization to Transport number, and expiry date (if firearm is restricted).

Don't forget to score off any unused firearm sections of the continuation sheet.

There is no fee required for this form, it will have already been collected on the Non-Resident Firearm Declaration form.



PLEASE NOTE: The Non-Resident Firearm Declaration Continuation Sheet (CAFC 910) is only valid when attached to the Non-Resident Firearm Declaration (CAFC 909)

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Appendix D

Appendix D - Regional Firearms Coordinators

ATLANTIC	QUEBEC	NORTHERN ONTARIO	TORONTO
Susan Ratkovic Purdy's Tower II, 1969 Upper Water St. 3rd Floor Halifax, NS B3J 3R7 Tel : (902) 426-7988	Loana Villa 400, Place d'Youville 8 ième étage Montréal , QC H2Y 2C2 Tel : (450) 246-5437	Tim Nenchyn 22 Bay Street 2nd Floor Sault Ste.Marie, ON P6A 5S2 Tel : (705) 941-4819	Steve Alissandratos 2720 Britannia Road East, Cargo 3 Mississauga (ON) L5P 1A2 Tél. : 905-676-7570

NIAGARA/FORT-ERIE	WINDSOR – ST.CLAIR	PRAIRIES	PACIFIC
Hugh Lounsbury 4551 Zimmerman Ave Niagara Falls, ON L2E 6T1 Tel : (905) 354-6595	David Guthrie 2500 Ouellette Avenue 4th Floor Windsor, ON N9A 7K3 Tel : (519) 967-4139	Allison Schultz Federal Building 269 Main Street 3rd floor Winnipeg, MB R3C 1B3 Tel : (204) 984-1182	Mandee Kumar 107 - 816 Government Street Victoria, BC V8W 1X1 Tél. : (250) 363-8276

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Appendix E

Appendix E - Addresses of the Chief Firearms Officers

NEWFOUNDLAND	NOVA SCOTIA	PRINCE EDWARD ISLAND	NEW BRUNSWICK
Chief Firearms Officer Prince Charles Building 120 Torbay Road Suite E120, St. John's, NL A1A 2G8 Telephone: (709) 772-6104 Fax: (709) 772-3202	**Chief Firearms Officer** Public Safety and Security Division Provincial Firearms Office 5151 Terminal Road - 1st Floor P.O. Box 7 Halifax, NS B3J 2L6 Telephone: (902) 424-6689 Facsimile: (902) 424-4308	**Chief Firearms Officer** Consumer, Corporate and Insurance Services Division Environment, Labour and Justice P.O. Box 2000 Charlottetown, PEI C1A 7N8 Telephone: (902) 368-5536 Facsimile: (902) 368-5198	**Chief Firearms Officer** Department of Public Safety Law Enforcement Division 65 Brunswick Street, 2nd Floor P.O. Box 6000 Fredericton, NB E3B 5H1 Telephone: (506) 453-3775 Facsimile: (506) 457-3521
ALBERTA & NORTHWEST TERRITORIES	**MANITOBA & NUNAVUT**	**SASKATCHEWAN**	**BRITISH COLUMBIA & YUKON**
Chief Firearms Officer 10909 Jasper Avenue Suite 720 Edmonton, AB T5J 3L9 Telephone: (800) 731-4000 Fax: (780) 495-7970	**Chief Firearms Officer** 1680 Ellice Avenue Unit 1 Winnipeg, MB R3H 0Z2 Fax: (204) 984-0670	**Chief Firearms Officer** 1783 Hamilton Street Room 310 Regina, SK S4P 2B6 Fax: (306) 780-7400	**Chief Firearms Officer** 5477-152nd Street Suite 118, Surrey BC V3S A5A Fax: (604)-575-1241
QUEBEC	**ONTARIO**		
Chief Firearms Officer Sûreté du Québec Direction des permis 1701 Parthenais Street 10th Floor Montréal (QC) H2K 3S7 Telephone: (514) 598-4588 Facsimile: (514) 496-4653	**Chief Firearms Officer** Ministry of the Solicitor General 777 Memorial Avenue Orillia, ON L3V 7V3 Telephone: (705) 329-5522 Facsimile: (705) 329-5623		

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CBSA ASFC

PROTECTION ▪ SERVICE ▪ INTEGRITY

PROTECTION ▪ SERVICE ▪ INTÉGRITÉ

Standard Operating Procedure (SOP)

Return of Declared Firearms to the United States

PROTECTION SERVICE INTEGRITY

PROTECTIO SERVITIUM INTEGRITAS

PROTECTION SERVICE INTÉGRITÉ

Canada Border Services Agency | Agence des services frontaliers du Canada

Canada

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DIVULGUÉ SOUS LA LOI DE L'ACCÈS À L'INFORMATION

1 Introduction

1.1 Overview

These procedures outline the authorities, circumstances and procedures under which properly declared firearms, that are otherwise ineligible for importation to Canada, are to be returned to the United States (U.S.) at land border crossings. CBSA's Enforcement Manual, Part II, Chapter 3, paragraph 31 indicates that:

> 31. When a firearm is declared in response to questioning, a restricted or prohibited firearm may then be detained rather than seized.

1.2 Objective

The objective of these procedures is to facilitate the safe return of firearms properly declared to the Canada Border Services Agency (CBSA) at primary inspection to the U.S. port of export.

1.3 Authority

Section 107 (8) of the *Customs Act* authorizes the release of customs information to a foreign government when a cooperative agreement is in place. The relevant international agreement in place with the U.S. is the Customs Mutual Assistance Agreement (CMAA). Notifying U.S. Customs and Border Protection (CBP) of the return of travellers with firearms is consistent with the policy outlined in D1-16-1, Explanation of Section 107 of the *Customs Act*.

The authority to refuse the entry of properly reported firearms that are otherwise ineligible for importation is contained in Section 9898 of the Customs Tariff.

1.4 Circumstances

Under primary questioning, travellers should respond affirmatively when one or more firearms are present in the vehicle. the travellers will be referred to secondary inspection for documentation.

If secondary processing determines properly declared firearms are ineligible for importation, travellers may be given the option of exporting the firearms. These standard operating procedures are to be employed when travellers return to the U.S. with their declared firearms.

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2 CBSA Processing Procedures

2.1 Primary Inspection

The primary officer will notify secondary inspection when vehicles being referred have declared firearms on board. The travellers will be instructed not to retrieve firearms themselves, but to wait for instructions from a CBSA officer in secondary.

2.2 Secondary inspection

Upon inspection by the secondary officer, all firearms will immediately be unloaded, proved safe and separated from any available ammunition. If secondary inspection determines properly declared firearms cannot be imported to Canada, the travellers will be given the option of returning firearms to the U.S.

2.3 Return Procedure

CBP will provide the lock boxes to be used for the safe transportation of firearms returned to the U.S. These will be of sufficient size to contain standard size handguns. Handguns will be placed in the lock boxes and the boxes locked. The lock boxes will be secured using locks accessible by both CBP and CBSA personnel. Long guns will be secured by removing the bolt or bolt carrier and/or immobilizing the action with plastic cable ties.

The CBSA shift Superintendent will notify the CBP Supervisor at the U.S. port of export by telephone a firearm was properly declared to the CBSA. **The CBSA superintendent/officer will establish with U.S. CBP whether Canadian or American officers will transport the secured weapons to the opposite port of entry.**

Information provided to CBP will include a physical description of the vehicle including licence plate particulars, the number of occupants and a description of the firearms being returned. Personal identification information is not to be provided as information that is collected for the administration or enforcement of the *Immigration and Refugee Protection Act* is considered CBSA immigration program information and is not subject to disclosure under section 107 of the *Customs Act*.

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2.4 Firearms kept at a CBSA Office

Should the traveller wish to continue his voyage to Canada and the CBSA officer agrees to keep a declared firearm on consignment (K24), the procedures in paragraph 2.3 will apply at the time the client returns to the U.S. CBSA officers will have the CBP officer sign the K24 indicating that they have taken possession of the firearm.

2.4 Reporting

Incidents of declared firearms being returned to the U.S. will be tracked by e-mail reports submitted to Corporate and Program Services Division.

An e-mail listing the following information is to be sent to Eric.Lapierre@cbsa-asfc.gc.ca at the time of the occurrence:

- date;
- time;
- location;
- vehicle licence plate and number of occupants;
- description of weapon; and
- reason for refusal.

2.5 Lock Box Returns

Arrangements will have to be made between CBP and the CBSA at each port of entry to ensure the return of the lock box to CBSA for future use.

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Standard Operating Procedure (SOP)

Return of Declared Firearms to the United States

Canada Border Services Agency

Agence des services frontaliers du Canada

Canada

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1.2 Objective

The objective of these procedures is to facilitate the safe return of firearms properly declared to the Canada Border Services Agency (CBSA) at primary inspection to the U.S. port of export.

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CBP will provide the lock boxes to be used for the safe transportation of firearms returned to the U.S. These will be of sufficient size to contain standard size handguns. Handguns will be placed in the lock boxes and the boxes locked. The lock boxes will be secured using locks accessible by both CBP and CBSA personnel. Long guns will be secured by removing the bolt or bolt carrier and/or immobilizing the action with plastic cable ties.

The firearms thus secured will be placed in the trunk or cargo compartment of the traveller's vehicle, separate from any ammunition.

The CBSA shift Superintendent will notify the CBP Supervisor at the U.S. port of export by telephone when vehicles containing properly declared firearms are about to be directed back to the U.S. CBP is to be made aware that the firearms were properly declared to the CBSA.

Information provided to CBP will include a physical description of the vehicle including licence plate particulars, the number of occupants and a description of the firearms being returned. Personal identification information is not to be provided as information that is collected for the administration or enforcement of the *Immigration and Refugee Protection Act* is considered CBSA immigration program information and is not subject to disclosure under section 107 of the *Customs Act*.

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An e-mail listing the following information is to be sent to (E-mail Address) at the time of the occurrence:

- date;
- time;
- location;
- vehicle licence plate and number of occupants;
- description of weapon; and
- reason for refusal.

2.5 Lock Box Returns

Arrangements will have to be made between CBP and the CBSA at each port of entry to ensure sufficient lock boxes remain available for CBSA use.

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OPERATIONAL BULLETIN: PRG-2015-49

TITLE: Amendments to the *Firearms Act*

Date of Issue:	Mode(s):	Target Audience:	Area of Interest:
2015-09-02	All	National	Traveller

Details:

The purpose of this bulletin is to advise you of two amendments to the *Firearms Act.*

Effective September 2, 2015 the following changes will take effect:

- The elimination of the Possession Only Licence (POL) and conversion of all existing POLs to Possession and Acquisition Licences (PAL); and
- The Authorization to Transport (ATT) will become a condition of a firearms licence for certain situations, notably, transportation of restricted firearms and/or prohibited firearms to a port of entry/exit, for the purpose of importation and exportation.

Firearms Licence

Effective immediately, importers in possession of a valid POL, for the class of firearm being imported, may import newly acquired non-restricted and restricted firearms. A new PAL will be issued upon renewal of the firearms licence.

Authorization to Transport (ATT)

An ATT will become a condition of the firearms licence, for certain transportation situations, eliminating the need to carry a separate document.

Residents:

- An ATT will not be required at the time of importation, for restricted and prohibited firearms, to and from a Canadian port of entry within the traveller's province of residence, for individuals who hold a valid firearms licence.
- An ATT will continue to be required at the time of importation, for restricted and prohibited firearms, to and from a Canadian port of entry outside of the traveller's province of residence, for individuals who hold a valid firearms licence.

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- All existing paper ATTs will continue to remain valid until their expiry date, although there's no longer a requirement that they be produced.

Non-Residents:

There are no changes to the requirement of an ATT for non-residents (licenced or not). Non-residents must provide a paper ATT to import restricted firearms.

Actions required by BSO:

- Accept the presentation of a POL in addition to the PAL for the importation of newly acquired firearms for the class of firearm being imported by residents.

- Accept the presentation of a POL/PAL, for the class of firearm being imported in place of an ATT for residents crossing at a port of entry within the traveller's province of residence.

- Verify that the traveller has a POL/PAL and the registration certificate when importing a restricted or prohibited firearm at a POE within the traveller's province of residence.

- Verify that the traveller has a POL/PAL, the registration certificate and a paper ATT when importing a restricted or prohibited firearm at a POE outside the traveller's province of residence.

While not a requirement upon importation, officers may also search the Canadian Firearms Registry On-Line (CFRO) through the Canadian Police Information Centre (CPIC) to access up to date information on registry data, including licences, registrations and any associated transportation conditions that have been attached to the importer's firearms licence.

Issued by:

Other Government Departments Programs Unit
Programs and Policy Management Division
Commercial Programs Directorate
Programs Branch

Contact Information:

If you have any further questions, please forward them through the regional Corporate and Program Services Divisions, which (if required) will then send an email

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to the Traveller Processing Unit's generic inbox: CBSA-ASFC_OPS_TRAVELLERS-VOYAGEURS

Approved by: Alec Attfield, Director
Program and Policy Management Division
Commercial Programs Directorate
Programs Branch

Effective Date: 2015-09-02	**Updated:** N/A

Additional bulletins:

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BULLETIN OPÉRATIONNEL : PRG-2015-49

TITRE : Modifications à la *Loi sur les armes à feu*

Date d'émission :	Mode(s) :	Public cible :	Zone d'intérêt :
2015-09-02	Tous	Nationale	Voyageurs

Détails :

La *Loi sur les armes à feu* a subi deux changements.

En effet, à compter du 2 septembre 2015 :

- il n'y aura plus de permis de possession seulement (PPS), et tous ceux qui existent déjà seront convertis en permis de possession et d'acquisition (PPA);
- l'autorisation de transport (AT) deviendra une condition du permis d'armes à feu dans certains cas, en particulier pour transporter des armes à feu prohibées et/ou d'accès restreint vers un point d'entrée ou de sortie pour l'importation et l'exportation.

Permis d'armes à feu

Dès maintenant, les importateurs qui détiennent un PPS valide peuvent importer des armes à feu à authorization restreint ou sans restrictions nouvellement acquises, selon les catégories auxquelles leur PPS leur donne droit. Un nouveau PPA leur sera délivré au renouvellement de leur permis d'armes à feu.

Autorisation de transport (AT)

Pour certaines situations de transport, l'AT devient une condition du permis d'armes à feu, de sorte que l'on n'aura plus à transporter un document à part.

Résidents :

- Au moment d'importer une arme à feu prohibée ou d'accès restreint, les résidents titulaires d'un permis d'armes à feu valide n'ont pas besoin d'AT pour se rendre à un bureau d'entrée situé dans leur province de résidence ni pour en revenir.
- Au moment d'importer une arme à feu prohibée ou d'accès restreint, les résidents titulaires d'un permis d'armes à feu valide ont toujours besoin d'AT pour se rendre à un bureau d'entrée situé ailleurs que dans leur province de

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résidence et pour en revenir.

- Toutes les AT papier en circulation resteront valides jusqu'à leur date d'expiration, bien que leur production ne soit plus nécessaire.

Non-résidents :

Rien ne change aux règles sur les AT pour les non-résidents : qu'ils détiennent un permis ou pas, ces derniers ont toujours besoin d'une AT papier pour importer des armes à feu à authorization restreinte.

Ce que les ASF devront faire :

- De la part des résidents qui importent des armes à feu nouvellement acquises, accepter un PPS en plus du PPA applicable à la catégorie des armes à feu importées.

- De la part des résidents qui passent la frontière à un bureau d'entrée situé dans leur province de résidence, accepter en lieu et place d'une AT un PPS ou un PPA pour les armes à feu dans les catégories auxquelles ils ont droit.

- Vérifier que les résidents qui importent des armes à feu prohibées ou d'accès restreint à un bureau d'entrée situé dans leur province de résidence détiennent un PPS/PPA et les certificats d'enregistrement.

- Vérifier que les résidents qui importent des armes à feu prohibées ou d'accès restreint à un bureau d'entrée situé à l'extérieur de leur province de résidence détiennent un PPS/PPA, les certificats d'enregistrement, et une AT papier.

Bien que ce ne soit pas obligatoire au moment de l'importation, les agents peuvent aussi consulter le Registre canadien des armes à feu en direct (RCAFD) par l'intermédiaire du Centre d'information de la police canadienne (CIPC) pour avoir des données à jour, notamment sur les enregistrements, les permis d'armes à feu des importateurs, et les conditions de transport qui y correspondent.

Auteur :

Unité des programmes des autres ministères
Division des politiques et gestion de programme
Direction du programme commercial
Direction générale des programmes

Coordonnées :

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Veuillez transmettre vos questions éventuelles à votre division régionale des services corporatifs et des programmes, qui à son tour enverra un courriel dans la boîte générale de l'unité du traitement des voyageurs si besoin est : CBSA-ASFC_OPS_TRAVELLERS-VOYAGEURS

Approuvé par : Alec Attfield, directeur
Division des politiques et gestion de programme
Direction du programme commercial
Direction générale des programmes

Date d'entrée en vigueur : 2015-09-02	**Mis à jour :** s/o

Bulletins supplémentaires :

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CBSA ENFORCEMENT MANUAL

Part 2

ENFORCEMENT PRIORITIES

Chapter 3

FIREARMS AND WEAPONS

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POLICY STATEMENT

1. It is the policy of the Canada Border Services Agency (CBSA) to control the importation of firearms, weapons and other devices, in order to ensure compliance with Tariff Item No. 9898.00.00, as well as the *Firearms Act* and the *Criminal Code*.

DEFINITIONS

2. Refer to Part 11 - Glossary.

AUTHORITIES

Customs Act

3. Section 11 of this Act requires every person arriving in Canada to report to a CBSA officer and to answer truthfully any question asked by the officer in the performance of his or her duties under this Act or any other Act of Parliament.

4. Section 12 requires all goods imported into Canada be reported to the CBSA.

5. Subsection 99(1) authorizes the examination of any goods and conveyances that a CBSA officer suspects on reasonable grounds to contain goods that are in contravention of the Act.

6. Section 101 authorizes the detention of controlled goods that have been imported or are about to be exported. The officer may release the goods once he or she is satisfied that the goods have been dealt with in accordance with this Act, and any other Act of Parliament that prohibits, controls or regulates the importation or exportation of goods.

7. Section 107 authorizes the disclosure of customs information to certain prescribed persons.

8. Section 110 stipulates that an officer may, on reasonable grounds, seize goods involved in a contravention of the *Customs Act* as well as the conveyance used in the contravention.

9. Section 159 stipulates that it is an offence to smuggle or attempt to smuggle any goods subject to duties, or any goods the importation of which is prohibited, controlled, or regulated by or pursuant to this or any other Act of Parliament.

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10. Section 160 stipulates that a person who contravenes specific provisions of the *Customs Act*, for example weapon smuggling, is guilty of an indictable offence and liable to a fine and/or imprisonment or an offence punishable by summary conviction and liable to a fine and/or imprisonment.

Customs Tariff

11. Section 136 stipulates that all goods enumerated or referred to in tariff item no. 9898.00.00 are prohibited entry into Canada. This includes firearms, prohibited weapons, restricted weapons, prohibited devices, prohibited ammunition and components or parts designed exclusively for use in the manufacture of or assembly into automatic firearms.

Firearms Act

12. Section 2 provides definitions of terms used in the *Firearms Act.*

13. Sections 43 through 53 explain the mechanisms and/or restrictions for which a business may export or import a firearm, prohibited weapon, restricted weapon, prohibited device, component or part designed exclusively for use in the manufacture of or assembly into an automatic firearm or prohibited ammunition.

Criminal Code

14. Sections 2 and 84 provide the legal definitions of firearms, weapons, and terms related therein.

15. Section 88(1) states that it is an offence to carry or possess a weapon, an imitation of a weapon, a prohibited device or any ammunition or prohibited ammunition for a purpose dangerous to the public peace or for the purpose of committing an offence.

16. Section 91(1) states that it is an offence to possess a firearm without a licence and a registration certificate.

17. Section 100(1) states that it is an offence to possess a firearm for the purpose of trafficking, knowing that the person is not authorized to do under the *Firearms Act* and any other Act of Parliament.

18. Section 103(1) states that it is an offence to import or export without authorization a firearm, a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition, or any component or part designed exclusively for use in the manufacture of or assembly into an automatic firearm.

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19. Section 117.11 states that any question arising as to whether a person is the holder of an authorization, a licence or a registration certificate, the onus is on the accused to prove that the person is the holder of the authorization, licence or registration certificate.

PURPOSE AND SCOPE

20. The purpose of this policy is to guide CBSA officers in the interdiction of prohibited or restricted firearms, weapons, and other devices and outline the appropriate enforcement mechanisms available under the *Customs Act* and other Acts of Parliament.

21. This policy does not cover instructions that determine the admissibility of firearms and weapons and the adequate documentation required. For such instructions refer to D19-13-2 Importing and Exporting Firearms, Weapons, and Devices – *Customs Tariff*, *Criminal Code*, *Firearms Act*, and *Export and Import Permits Act*.
http://www.cbsa-asfc.gc.ca/publications/dm-md/d19/d19-13-2-eng.html

22. This policy applies to all CBSA officers in all modes of transportation.

POLICY GUIDELINES

23. Firearms and weapons are high-risk commodities and their interdiction is therefore a CBSA enforcement priority.

24. Prohibited and restricted firearms, weapons, and devices are defined and outlined in D19-13-2 Importing and Exporting Firearms, Weapons, and Devices as well as in the glossary of this manual. D19-13-2 also provides detailed information regarding detention and release procedures.

25. CBSA officers have many tools at their disposal to control the import and export of inadmissible firearms and weapons and must choose the appropriate action, depending on the circumstances.

26. Officers not trained or equipped to use duty firearms are expected to seize and safely handle firearms encountered in the normal course of their duties.

27. Seizure of any undeclared firearm is warranted when the traveller was given the opportunity to declare the firearm by completing a declaration card or by responding to questioning, and did not declare it.

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28. Seizure of any other undeclared weapon deemed prohibited, such as mace, pepper spray, or knives is warranted when it has been established that the traveller knew of its prohibited status and understanding this, did not declare it.

29. To establish this knowledge factor, the CBSA officer, as part of the primary examination, will specifically ask the traveller if he/she is carrying any weapon such as pepper spray, mace or knives and advise them of the prohibited status of such weapons. In many instances, travellers may not realize that certain items are prohibited and they are not intentionally trying to smuggle them into Canada.

30. When a prohibited weapon is declared in response to the questioning, or to the information about the prohibited status of weapons such as pepper spray, mace or knives, the item is considered declared and may be detained rather than seized.

31. When a firearm is declared in response to questioning, a restricted or prohibited firearm may then be detained rather than seized.

32. When the importer was not questioned, but subsequent examination reveals a weapon or firearm, an officer may extend the benefit of the doubt to that person unless there are specific reasons to indicate that he or she intended to smuggle the item into Canada.

33. When seizure action is unwarranted, it is nonetheless advisable that individuals be informed about legislation concerning prohibited firearms and weapons. The inadmissible weapons/firearms may be detained in accordance with Memorandum D19-13-2.

34. A CBSA office may hold inadmissible detained weapons/firearms to be later returned, depending on the circumstances. For example, a recently purchased firearm may be held on a K24 for a maximum of 40 days while a resident who holds a firearms licence attempts to obtain the appropriate documentation.

35. There are no terms of release for seized prohibited or restricted firearms or weapons. Firearms, which are **not** classified as prohibited or restricted (mainly long rifles and shotguns) may be offered for release provided the person has the required documentation.

36. When seized weapons or firearms are imported for commercial purposes, an administrative monetary penalty may also be applied. The regional Investigations office should be contacted and they will review the case for possible investigation and prosecution (See Part 9, Chapter 2, Investigations Procedures).

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37. A conveyance penalty may be applied to the traveller who has used his/her conveyance to contravene the *Customs Act*. If the conveyance was modified and used for smuggling purposes, there are no terms of release.

Arrest/Prosecution

38. A number of cases involving undeclared weapons or firearms may not involve an arrest and/or subsequent prosecution.

39. When a traveller has been arrested for *Customs Act* offences related to firearms or prohibited weapons, Investigations is to be notified for possible prosecution.

40. Prosecution may be considered pursuant to the *Criminal Code* and/or the *Customs Act*. Investigations will consult local police to decide and determine the best approach according to the circumstances.

Allegation

41. Normally, the allegation for a seizure is "non-report".

42. When seizing a shipment that has been declared as containing toy guns, and where the CBSA officer suspects them to be prohibited replica firearms (i.e. officer believes the importer/exporter had the intention to circumvent the law rather than simply a classification error) the officer should use the allegation "untrue statements". "Non-report" may not be upheld under appeal because the goods were in fact reported.

43. If there is a probability of prosecution, the allegation will be that of "smuggling".

Sources for determining the status of a firearm or weapon

44. For information determining the status of a weapon or firearm and for information on the documentation required, CBSA officers should refer to memorandum D19-13-2 Importing and Exporting Firearms, Weapons, and Devices.

ROLES AND RESPONSIBILITIES

CBSA Officers

45. CBSA officers are responsible for:

    a) questioning travellers about firearms and weapons;

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b) observing, targeting, selecting, and examining conveyances, baggage, goods, and commercial shipments for firearms and weapons when reported to the CBSA;

c) detecting and intercepting prescribed materials or devices, such as explosives or firearms and prevent their importation into or transit through Canada;

d) liaising with the regional intelligence officers and Investigations;

e) arresting persons attempting to smuggle weapons or firearms into or out of Canada, in accordance with Section 495 of the *Criminal Code;*

f) being aware of current trends, modus operandi, concealment methods, unusual routings, etc. as they pertain to firearms and weapons and source countries;

g) awareness, recognition, collection and submission of information valuable for intelligence gathering purposes;

h) thoroughly reviewing all lookouts, alerts, and targets;

i) handling exhibits properly and ensuring that adequate custody of the item is maintained;

j) duly completing all necessary arrest and seizure documentation (including the K153 Significant Seizure Reports and IMS Occurrence reports when appropriate); and

k) collecting and submitting information and evidence for prosecution and providing it to investigations/police.

CBSA Superintendents

46. CBSA Superintendents are responsible for:

a) ensuring compliance with these policies and procedures;

b) providing necessary assistance and support to CBSA officers;

c) ensuring completion and timely dissemination of reports concerning weapons/firearms and smugglers;

d) ensuring timely circulation of all intelligence reports, lookouts, alerts, and targets;

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e) ensuring timely contact with Investigations;

f) sending locally collected intelligence to the Regional Intelligence Officer (RIO); and

g) taking necessary action when breaches of this policy and/or procedures occur.

Regional Intelligence Officers

47. RIO's are responsible for:

a) receiving, analyzing, and disseminating intelligence (exercising discretion) in a timely manner on suspected and known weapons smugglers, concealment methods, source countries, etc.;

b) collecting intelligence information and developing lookouts and alerts;

c) issuing lookouts and alerts on suspects and known firearms/weapons smuggling related persons, conveyances, shipments, etc.;

d) providing expertise prior to involvement by another enforcement agency;

e) maintaining open communication and sharing of information with Investigations, the Royal Canadian Mounted Police (RCMP) and other law enforcement agencies; and

f) providing notes, reports and other evidence of involvement to Investigations/police in a timely manner and when requested to do so by Investigations/police.

Regional Investigations

48. Regional Investigations is responsible for:

a) responding to the local CBSA office when contacted after an arrest for a firearms/weapons arrest;

b) investigating the case, gathering evidence and making a recommendation to the Director of Investigations in the region as to whether or not charges should be laid under the *Customs Act*;

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c) consulting with local police and crown agents as to whether or not charges should be laid under the *Criminal Code* and/or the *Customs Act*; and

d) liaising with RIO's in gathering of intelligence.

Enforcement Branch

49. The Enforcement Branch is responsible for:

a) developing, modifying, and approving policies in accordance with the interpretation and application of the *Firearms Act*, the *Criminal Code* and the *Customs Act*;

b) collecting information and developing intelligence;

c) issuing lookouts and national alerts to CBSA officers, the US Department of Homeland Security and other foreign agencies on suspected and known firearms/weapons smuggling related persons, conveyances, shipments, etc.;

d) disseminating lookouts and alerts provided by other countries on suspected and known firearms/weapons smuggling related persons, conveyances, shipments, etc.;

e) sharing weapon/firearm intelligence with partners; and

f) providing support to the field.

PROCEDURES

50. Ask all non-residents entering Canada, particularly those entering by vehicle from the United States, whether they have in their possession, or in their vehicle, any firearms or other weapons. It is also advisable to ask returning residents, where appropriate, if they have any firearms or other weapons in their possession, or if firearms make up part of their declaration.

51. If a traveller has not been specifically questioned about firearms or other weapons, and an undeclared firearm or weapon is subsequently found, do not take seizure action unless there is evidence of intent on the part of the traveller to smuggle the firearm or weapon.

52. Be alert to the possibility that a returning resident may have included the value of a firearm or weapon in his or her report but will not have specifically mentioned the firearm or weapon. Before any examination is undertaken,

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the traveller should be questioned as to the nature of the goods included in his/her report and if any weapons are being imported. If weapons are reported as the result of such questioning, they are considered declared and are not subject to seizure.

53. Refer to Customs Memorandum D19-13-2 Importing and Exporting Firearms, Weapons, and Devices, for instructions on processing any weapon or firearm that is being properly declared.

54. If the goods are inadmissible but seizure action is unwarranted, the person may arrange for export.

55. If export is not feasible and seizure not warranted, detain inadmissible firearms and weapons:

    a) advise the person that the goods are restricted or prohibited in Canada;

    b) advise that the goods will be held for 70 days (40 days detention, plus 30 days in the unclaimed list) after which they will be disposed of; and,

    c) provide a K24 receipt.

56. Seize improperly declared firearms and weapons if warranted.

57. Ensure that a full description of the firearm or weapon is indicated on the form K19S. The description should include the type of firearm or weapon (e.g., knife, handgun, rifle, shotgun, etc.), the make, model, serial number and calibre of firearms, the type of action (e.g., revolver or pistol in the case of a handgun, semi-automatic, fully automatic, etc.). This information is needed to facilitate future Police Information Retrieval System (PIRS) input and will assist considerably in the subsequent analysis of firearm and weapons seizures and/or for prosecution purposes as evidence.

58. Consider seizing the conveyance if it was used in the contravention (e.g. gun hidden in the trunk of a car) and the goods are for personal use.

59. Consider issuing an Administrative Monetary Penalty Assessment (AMP) if the goods were imported for commercial purposes.

60. Do not offer terms of release for prohibited or restricted firearms or weapons.

61. Offer terms of release for weapons/firearms that are not classified as prohibited or restricted if the person has the required permits. Terms of release equal 25, 40 or 55 per cent of the value for duty, depending on the level of the contravention.

62. When a conveyance seizure is applicable:

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a) offer terms of release for the conveyance of either 50 per cent or 100 per cent of the terms offered for the firearm, depending on the level of contravention, if the firearm is not restricted or prohibited;

b) offer terms of release for the conveyance of either $1000 for each firearm for a first contravention, $2000 per firearm for second contraventions and $3000 per firearm for third and subsequent contraventions, if the firearm is restricted or prohibited;

c) offer terms of release of a sum of $500 per weapon seized if the item is a prohibited weapon other than a firearm (e.g. switchblade knife);

d) offer terms of release of a sum of $500 per commodity group seized for prohibited ammunition, prohibited devices (e.g. handgun barrel, silencer, large-capacity magazine, replica firearm) or components or parts designed exclusively for use in manufacturing or assembling automatic firearms; or

e) offer terms of release for the conveyance in the normal manner applicable to undeclared goods if it is an undeclared rifle and shotgun.

Note: Officers are encouraged to use reasonable discretion when seizing conveyances if the restricted or prohibited weapon is not a firearm (e.g. switchblade knife, *shuriken,* etc.). However, there may be instances where it is preferable to take further deterrent action in addition to seizing the weapon. This may occur in instances where there is evidence of intent on the part of the traveller to smuggle the weapon.

63. Even if terms of release are paid, do not release any seized weapon or firearm until all required permits and certificates are provided. Also, do not release if Investigations advises that the weapon or firearm is to be kept as evidence.

64. Advise the RIO of any significant seizure of firearms and/or weapons.

65. Advise Investigations when the traveller has been placed under arrest.

66. When referral criteria are met, it is advisable (based on officer discretion) that the person in question be arrested pursuant to Section 495 of the *Criminal Code* for having contravened Section 159 of the *Customs Act* (smuggling).

    Note: See Part 6 Chapter 1, Arrest and Detention.

67. Notify the applicable prosecuting agency (CBSA Investigations and/or local police), which will either arrive to take custody of the firearm/weapon and the person or will advise the CBSA officer to release the person.

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68. If the traveller is not being arrested but the seizure is being executed nonetheless, inform the traveller that the seizure is a civil action under the *Customs Act.* The fact that criminal charges have not been laid does not affect the seizure of the goods in question.

69. Record in the notebooks the actual time of arrest and the time at which the advice regarding counsel and the caution were provided.

70. Photograph any novel or unique methods of concealment for intelligence and photograph all concealment as evidence for criminal prosecution.

71. Forward copies of photographs and negatives (where possible) with the seizure reports to the RIO. The RIO may send the photographs to the Enforcement Branch for intelligence gathering purposes. Provide the photographs to the Investigator who responded to the port of entry as the photograph will be used as evidence in the prosecution.

72. Complete a K153 Significant Seizure Report if applicable.

73. Be prepared to provide evidence for the Crown and support to the prosecuting agency (CBSA Investigations and/or local police) if the need arises.

74. Where possible, all firearms and weapons that have been seized, detained or held for export are to be sealed in exhibit envelopes (Evidence Bags and Labels — forms R 635 and R 636). The label portion of the envelope should state the officer's initials and badge number, the date, time and place of action, the suspect or owner's name, the appropriate seizure, exhibit or K24 reference number. Firearms and weapons that cannot be placed in exhibit envelopes should be controlled by completing and attaching an E360 Evidence and Seizure Label.

75. Whenever a firearm or weapon is being turned over to prosecuting agency for use as an exhibit in a court proceeding, list the item on form K129, Exhibit Control. The officer receiving the exhibit will sign and date each copy of the form in the space provided. The officer who witnesses the transfer will also initial each copy in the appropriate space. The original of the form should then be attached to the exhibit or the evidence bag; the second copy given to the receiving officer and the third copy should be placed with the Customs file relating to the goods.

76. During criminal proceedings, a form K128 Notice should be attached to the exhibit before it is placed in the evidence bag. This notice serves to alert the judge that the exhibit has been seized under the *Customs Act.* It does not prevent a judge from making an order under the *Criminal Code* and, if such an order is made, it must be complied with. In such instances, a copy

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of the court order is to be attached to the seizure file and an additional copy forwarded to the Recourse Directorate.

77. In addition, complete form K127, Notice to Crown Counsel, and attach to the case reports given to the Crown Counsel. This notice explains the provisions of the *Customs Act* in greater detail than the Form K128.

78. For detailed information on the storage, control and disposal of goods, please refer to the Comptrollership Manual, Material Management Volume:

    Control of Seized, Detained, Abandoned and Forfeited Goods:
    Policy Guidelines

    Disposal of Seized, Detained, Abandoned and Forfeited Goods:
    Policy Guidelines

Handling of Firearms

79. To ensure officers own safety, as well as that of others in the area, it is imperative that officers become aware of the various types of firearms that may be encountered and the proper methods of handling them.

80. The CBSA does not require that officers handle firearms. If an officer does not feel comfortable handling firearms, or is unsure as to how to handle a particular firearm, the officer is required to secure the weapon and summon the assistance of someone who is familiar with it.

81. For general guidelines on handling a firearm see Customs Memorandum D19-13-2 at
http://www.cbsa-asfc.gc.ca/publications/dm-md/d19/d19-13-2-eng.html

REFERENCES

82. *Customs Act*
    Customs Tariff
    Criminal Code
    Firearms Act
    Canada Evidence Act
    D19-13-2 Importing and Exporting Firearms and Weapons

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CBSA ASFC

PROTECTION ▪ SERVICE ▪ INTEGRITY PROTECTION ▪ SERVICE ▪ INTÉGRITÉ

Procédures normales d'exploitation (PNE)

Retour aux États-Unis d'armes à feu déclarées

Canada Border Services Agency
Agence des services frontaliers du Canada

Canada

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1 Introduction

1.1 Aperçu

Les présentes procédures décrivent les autorités, les circonstances et les procédures en vertu desquelles les armes à feu adéquatement déclarées, qui ne sont pas admissibles à l'importation au Canada, doivent être retournées aux États-Unis (É-U) aux points d'entrée frontaliers terrestres. Le manuel d'exécution de l'ASFC, Partie II, chapitre 3, paragraphe 31, indique que:

> 31. Lorsqu'une arme à feu est déclarée en réponse à des questions, une arme à feu prohibée ou à autorisation restreinte peut alors être retenue plutôt que saisie.

1.2 Objectif

Les présentes procédures visent à faciliter le retour sécuritaire des armes à feu adéquatement déclarées à l'Agence des services frontaliers du Canada (ASFC) à l'inspection primaire vers le bureau d'exportation des É-U.

1.3 Autorité

Le paragraphe 107 (8) de la *Loi sur les douanes* autorise la communication de renseignements douaniers à un gouvernement étranger lorsqu'un accord de coopération est en place. L'accord international pertinent conclu avec les É-U est l'Accord d'assistance mutuelle en matière douanière (AAMD). Le fait d'informer le Service des douanes et de la protection des frontières (SDPF) des É-U du retour des voyageurs avec des armes à feu est conforme à la politique qui figure dans le Mémorandum D1-16-1, Explication de l'article 107 de la *Loi sur les douanes*.

L'autorité permettant de refuser l'entrée des armes à feu adéquatement déclarées qui ne sont pas admissibles à l'importation figure dans le numéro 9898 du *Tarif des douanes*.

1.4 Circonstances

Lors de l'interrogatoire au primaire, les voyageurs doivent répondre de façon affirmative lorsqu'une ou plusieurs armes à feu se trouvent dans le véhicule.
les voyageurs seront renvoyés à l'inspection secondaire à des fins de documentation.

Si le traitement au secondaire permet de déterminer que les armes à feu adéquatement déclarées ne sont pas admissibles à l'importation, les voyageurs auront la chance de les exporter. Les présentes procédures normales d'exploitation doivent être utilisées lorsque des voyageurs retournent aux É-U avec leurs armes à feu déclarées.

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2 Procédure de traitement de l'ASFC

2.1 Inspection primaire

L'agent à l'inspection primaire informera l'inspection secondaire lorsque des armes à feu déclarées se trouvent à bord de véhicules renvoyés. Les voyageurs seront informés de ne pas retirer les armes à feu eux-mêmes mais plutôt d'attendre les directives d'un agent de l'ASFC à l'inspection secondaire.

2.2 Inspection secondaire

Lors de l'inspection par l'agent à l'inspection secondaire, toutes les armes à feu seront immédiatement déchargées, seront établies comme étant sûres et sécuritaires et qu'elles sont séparées des munitions disponibles. Si une inspection secondaire détermine que les armes à feu adéquatement déclarées ne peuvent pas être importées au Canada, les voyageurs auront la chance de les retourner aux É-U.

2.3 Procédure de retour

Le SDPF fournira les boîtiers verrouillés qui serviront au transport sécuritaire des armes à feu retournées aux É-U. Ceux-ci sont d'une taille suffisante pour contenir des armes de poing de grandeur normale. Les armes de poing seront placées dans les boîtiers verrouillés au moyen de cadenas. Ces boîtiers peuvent être ouverts par les agents du SDPF et de l'ASFC. Les armes d'épaule seront sécurisées en enlevant la culasse ou le porte-culasse et/ou en immobilisant le mécanisme au moyen d'attaches autobloquantes (tie wraps).

Le surintendant de l'ASFC informera le superviseur du SDPF au bureau d'exportation des É-U, par téléphone qu'une arme à feu a été correctement déclarée. Il sera établi à ce moment si l'agent du CBP viendra chercher l'arme à feu ou si l'agent des Services frontaliers transportera l'arme au bureau américain.

Les renseignements fournis au SDPF comprendront une description matérielle du véhicule, y compris des précisions sur la plaque d'immatriculation, le nombre d'occupants et une description des armes à feu qui sont retournées. Les renseignements d'identification personnelle ne doivent pas être fournis étant donné que les renseignements recueillis pour l'application ou l'exécution de la *Loi sur l'immigration et la protection des réfugiés* sont considérés à titre de renseignements pour le programme de l'immigration et qu'ils ne doivent pas être communiqués en vertu de l'article 107 de la *Loi sur les douanes*.

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2.4 Armes à feu retenues au bureau de l'ASFC

Lorsque le voyageur décide de continuer son voyage au Canada et l'agent des Services frontaliers accepte de retenir l'arme et de la documenter sur K24, les procédures au paragraphe 2,3 s'appliqueront au moment que le client retourne aux É.U. L'agent fera apposer la signature de l'agent du CBP sur le K24 lorsqu'il en prendra possession.

2.5 Rapport

On assure le suivi des cas d'armes à feu déclarées qui sont retournées aux É-U au moyen de rapports envoyés par courriel à la Division des services corporatifs et des programmes.

Un courriel contenant les renseignements suivants doit être envoyé à Éric.Lapierre@asfc-cbsa.gc.ca au moment où l'incident se produit:

- date;
- heure;
- emplacement;
- numéro de plaque d'immatriculation du véhicule et nombre d'occupant;
- description de l'arme; et
- raison du refus.

2.5 Retour des boîtiers de transport sécuritaire

La procédure pour le retour des boites de transport sécuritaire entre les bureaux américains et canadiens sera établie à chaque port d'entrée lors d'un retour.

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Hamelin, Caroline

De: Lebrun, Jean
Envoyé: December 21, 2013 08:36 PM
À: Allard, Nancy; Anestin, Taira-Nara; Ayotte, Caroline; Beaudoin, PierreB; Belanger, Claude; Bellavance, Jean; Bernier, Diane; Bernier, Martin; Bhatti, Sahil; Bigeault, Janie; Bockus, Kasey; Borja Torres, Daniel Eduardo; Bouchard, Benoît; Boulet, Jean; Broeckaert, Jaimi; Carrière, Nicolas; Carroll, Allyson; Chamberland, Luc; Chandonnet-Perron, Guillaume; Cheung, Lee Ying; Clement, Chantal; Côté, Sarah; Couture, Jonathan; Crête, Isabelle; D'Aragon, Jean-François; Daunais, Pierre-Alexandre; De Repentigny, David; Deguire, Geneviève; Denis, Yves; Deschênes, Alexandra; Diagne, Oumar Malcolm; Dossoine, Serge; Dufresne, Nancy; Dybka, Michael; Erridge, Shawn; Faucher, Gérard-Marie; Fillion, DominiqueF; Fortier, Louise; Fortin, Jessica; Fortin, Kristine; Fortin, Yannick; Gagnon, Catherine; Gagnon, Jean-Pierre; Gallo, Robert; Gervais-Trudeau, Catherine; Ghali, Réda; Gingras, MartinG; Giroux, MichelG; Herrera, Nicholas; Hofer, Michael; Houde-Douville, Cédric; Jankovics, Natacha; Joseph, Valérie-Anne; Karabelas, Rodami; Khan, Tarrah; Kula, Alice; Laforce, Johanne; Lafrance, Patrick; Lahaie-Nadeau, Stéphanie; Lamantia, Joey; Lapointe, Alexandre; Laroche, Sylvain; Lemieux, Benoît; Louis, Tamara; Marchand, Frédéric; Mcclelland, Stefanie; Mclaughlin, Michael; Meitin, David; Moranville, Marie-Josée; Murray, Norman; Palerma, Maria; Pilote, David; Plourde, Danielle; Prescott, Marc; Proulx, Richard; Rancourt, Christine; Rancourt, Gaetan; Riopel, Yannick; Rousseau, Marie-Helene; Roy, ChantalR; Shepherd, Eric; St-Cyr, Gaétan; Tardif, Karole; Tees, Matthew; Thomas, Andrew; Tomlinson, Maria; Tousignant, Marie-Hélène; Tremblay, Jean-François; Tremblay, Martine; Trvalcova, Linda; Tsiampouras, Aristophanes; Turner, Sheldon; Wallace, Dustin; Wielogorska, Agnes; Yoon, David Yong-Il; Zdybel, Richard
Cc: Belliveau, Denis; Aubry, Mathieu; Campeau, Pierre; Delorme, April; Gomory, John; Hadley, Sean; Jamison, Pierre; Kroos, Michael; Lebrun, Jean; Mitchell, Erik; Nadeau-Lapensee, Jocelyn; Normandin, Louis-Philippe; Ovenstone, Chad; Plante, Isabelle; Smith, Laura; St-Pierre, JoséeS
Objet: TR: Retour armes à feu déclarées aux États-Unis / Return of declared firearms to the United States

Importance: Haute

Amendement

2.5 Rapport

On assure le suivi des cas d'armes à feu déclarées qui sont retournées aux É-U au moyen de rapports envoyés par courriel à la Division des services corporatifs et des programmes.

Un courriel contenant les renseignements suivants doit être envoyé à anne-marie.signori@cbsa-asfc.gc.ca

- au moment où l'incident se produit:

- date;
- heure;
- emplacement;
- numéro de plaque d'immatriculation du véhicule et nombre d'occupant;
- description de l'arme; et
- raison du refus.

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Amendment

2.4 Reporting

Incidents of declared firearms being returned to the U.S. will be tracked by e-mail reports submitted to Corporate and Program Services Division.

An e-mail listing the following information is to be sent to anne-marie.signori@cbsa-asfc.gc.ca at the time of the occurrence:

- date;
- time;
- location;
- vehicle licence plate and number of occupants;
- description of weapon; and
- reason for refusal.

Merci

Jean Lebrun

(450)246-3831/télécopieur/fax (450)246-4143
Jean.Lebrun@cbsa-asfc.gc.ca
Surintendant des opérations / Supervisor
Secteur voyageur/ Travellers sector
District de la Montérégie/Montérégie District
CBSA/ASFC
St-Bernard de Lacolle RTE 15 J0J1J0
Gouvernement du Canada/Canadian Government