

FREQUENTLY ASKED QUESTIONS (FAQ) CANADA BORDER SERVICES AGENCY (CBSA) CORNWALL PORT OF ENTRY



CBSA Cornwall Port of Entry

For now, the Mohawk Council of Akwesasne (MCA) will answer some of the frequently asked questions from the community regarding the Cornwall Port of Entry. This publication is intended to alleviate some of the concerns of border crossing.

WHAT STEPS HAS LEADERSHIP TAKEN TO ADDRESS THE ISSUES WITH CBSA?

Since 2011, the MCA in conjunction with the CBSA has been conducting CBSA Cultural Awareness Training for Border Services Officers for the Port of Entry in Cornwall. The training has also been attended by some officers from the Dundee Port of Entry and the U.S. Customs and Border Protection. Officers first complete an Aboriginal Awareness course offered by the Canadian Police Knowledge Network, an online Akwesasne Awareness training and then the two-day CBSA Cultural Awareness training. After the training, officers take tours of Akwesasne and travel to each district to familiarize themselves with our community.

CAN A PERSON REGISTERED AS AN INDIAN UNDER THE INDIAN ACT BE DENIED ENTRY INTO CANADA?

No. According to the *Immigration and Refugee Protection Act* (S.C. 2001, c. 27), every Canadian citizen within the meaning of the *Citizenship Act* and every person registered as an Indian under the *Indian Act* has the right to enter and remain in Canada in accordance with this *Act*, and an officer shall allow the person to enter Canada if satisfied following an examination on their entry that the person is a citizen or registered Indian.

An officer shall allow a permanent resident to enter Canada if satisfied following an examination on their entry that they have status.

HOW DO I FILE A COMPLAINT AGAINST THE CBSA?

If you feel you have been wrongfully accused or treated unfairly, you may elect to file a complaint against the CBSA.

Include as many specifics regarding the incident that you can, such as: Date, Time, Name of Border Services Officer, Lane Number, etc.

TWO OPTIONS FOR COMPLAINTS:

- For immediate assistance, ask to speak to the Superintendent at the Port of Entry in Cornwall, Ontario.
- Complete the complaint form available on the CBSA website (www.cbsa.gc.ca). All complaints submitted on the CBSA website, will be followed up on in a timely manner.

WHY MIGHT I BE SELECTED FOR A SECONDARY EXAMINATION?

A number of factors guide the CBSA in making the decision to refer individuals for further examination or investigation.

All individuals referred for a secondary exam have the right to request the reason for the inspection. In addition, you have the right to speak to a CBSA Superintendent or, if available, the Aboriginal Liaison Officer at any time during the examination.

WHAT DO I DO IF MY VEHICLE IS SEIZED?

All travelers entering Canada from the United States must report directly to the CBSA Port of Entry in Cornwall. It is required under the *Immigration and Refugee Protection Act* and the *Customs Act*. Once processed by the CBSA, travelers may then continue to their destination. Failure to report may result in a vehicle seizure and a \$1,000 penalty to release the vehicle. If your car is seized and you wish to file an appeal, it must be made within 90 days. The MCA Justice Department can help with the process.

WHEN TRAVELING TO KAWEHNO:KE, IS A DELAY PERMISSIBLE BEFORE REPORTING TO THE CBSA PORT OF ENTRY IN CORNWALL?

CBSA officials say no. Despite initially acknowledging that practical considerations would be made, the CBSA is currently seizing vehicles for not reporting directly to the CBSA Port of Entry in Cornwall.

Funeral processions are one of the few exceptions. If you need to make arrangements, please contact your MCA District Chief at (613) 575-2348.

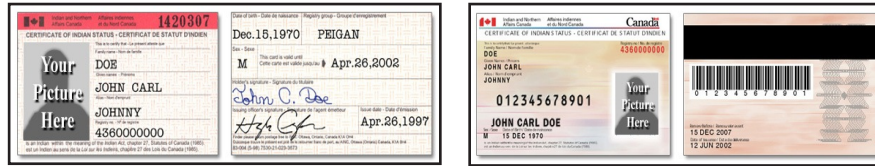
COMMENT, COMPLAINT OR COMPLIMENT?

IF YOU WOULD LIKE TO SUBMIT A COMMENT, COMPLAINT OR COMPLIMENT TO THE CANADIAN BORDER SERVICES AGENCY (CBSA) PLEASE VISIT WWW.CBSA.GC.CA.

WHAT FORMS OF IDENTIFICATION ARE ACCEPTED AT ALL CBSA PORTS OF ENTRY?

All travelers, Akwesasne Mohawk members included, should be prepared to show one of the following forms of accepted identification:

A CURRENT CERTIFICATE OF INDIAN STATUS



A CANADIAN OR AMERICAN-ISSUED PASSPORT



AN ENHANCED DRIVER'S LICENSE (EDL) OR NEXUS CARD

The MCA acknowledges and supports individuals' right to use any of the Akwesasne Membership ID's, however, using the Band or Aboriginal Affairs and Northern Development Canada (formally INAC) cards will expedite your border crossing. When using a Mohawk Nation Red Card, Haudenosaunee Passport or St. Regis Tribal card, you can expect to be asked for another form of ID or more questions from CBSA Officers regarding your admissibility.

WHY MUST I SHOW IDENTIFICATION FOR SMALL CHILDREN TRAVELLING WITH ME?

All travelers including children should be prepared to show identification. Under the Our Missing Children Program, CBSA officers are one of the federal government agencies on the alert for abducted or missing children. This is for the safety of the children you are travelling with.

TIPS FOR EXPEDITIOUS CROSSING

- HAVE APPROPRIATE IDENTIFICATION FOR ALL PASSENGERS READY.
- BE PREPARED TO REMOVE SUNGLASSES IF ASKED.
- BE PREPARED TO ROLL DOWN BACK WINDOWS, SO THE OFFICER CAN SEE ALL THE PASSENGERS.
- KNOW LICENSE PLATE NUMBER IF THE OFFICER ASKS.
- BE RESPECTFUL.

CAN I BE REFERRED FOR SECONDARY EXAMINATION IF I'M LEAVING KAWEHNO:KE?

The CBSA can stop a person if they have reasonable grounds to suspect that the person has entered Canada without reporting, pursuant to the *Customs Act* (sec.99 (1)(f) and Sec.99.5). The CBSA can then question the person and can inspect goods being transported by the person. The power to stop a person is limited.

If an officer has no reasonable grounds to suspect that the person has entered Canada without reporting, the search of a vehicle travelling from Kawehnoke to Cornwall may be illegal.

CAN CBSA OFFICERS EXAMINE MY ELECTRONICS OR PURSE?

The examination of electronics and personal items such as a purse is conducted under the general power to search goods in the possession of a person entering Canada. The CBSA has the power to copy information from electronic devices if they believe they have reasonable grounds.

IS THERE A PROTOCOL FOR TRAVELLING WITH SACRED CULTURAL ITEMS?

Yes, if pulled over for a secondary examination, inform the Officer when you are carrying sacred items. Officers are aware of protocols and should act accordingly.

You may also request the assistance of a Superintendent.

IMPORTANT NUMBERS

Public Safety Portfolio Chief
District Chief of Kana:takon Steve Thomas
Office: (613) 575-2348
Cell: (613) 930-3129
Email: chief.steve.thomas@akwasasne.ca

Public Safety Portfolio Chief
District Chief of Tsi Snaihne April Adams-Phillips
Office: (613) 575-2348
Cell: (613) 362-7731
Email: chief.april.adams-phillips@akwasasne.ca

Superintendent, Cornwall Port of Entry
CBSA Aboriginal Liaison Officer
Denis Martin
Office: (613) 937-2701
Cell: (613) 363-7120
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The preceding is provided by the Mohawk Council of Akwasasne to the community for informational purposes only, and should not be relied upon as legal advice. The statements in this informational pamphlet are without prejudice to any legal proceedings in which the Mohawk Council of Akwasasne is involved.

