



Canada-US Border Headaches, Long Line Ups and Delays

By Cyndee Todgham Cherniak on September 3rd, 2015

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Have you waited in a long line-up at the Canada-US border? Did you forget an item when you arrived at the primary booth to make your declaration to the Canada Border Services Agency (“CBSA”) and responded to the CBSA officer’s questions? Was this your unlucky day? Were you selected by the primary CBSA officer or the computer for a secondary inspection? Did the secondary inspection last a long time because the secondary CBSA officers took the position that you failed to declare a good (because the item was not on the primary officer’s referral slip)?

This happens to many returning Canadian citizens and residents every long week-end. They were not perfect (and were tired and frustrated by the wait time) and their clean compliance history in the CBSA’s computers is gone – in an instant. Future cross-border travel (even for business) can look frustrating because once a failure to declare is registered in the CBSA’s computerized records, the traveler (and family) is sent to secondary inspection frequently (for years). Travel to the United States also seems longer as the U.S. Customs and Border Protection officers may refer the traveler to secondary inspection (the information in the CBSA’s electronic records is shared with the U.S.).

There is no opportunity to get “pardoned”. People who shoplift and commit minor criminal activities can negotiate with a prosecutor or police officer for diversion. A person who has had a momentary memory lapse (or brain fart as I like to call it) has a CBSA record for 6 years. A person can have their NEXUS pass cancelled or suspended for 6 years or more. The CBSA has a zero-tolerance policy.

So, what is an honest person supposed to do? At the present time, there is little that good people can do to clear their record at the CBSA. There is an appeal mechanism. However, if the underlying infraction is not appealed so that the violation remains on the person’s record, the CBSA NEXUS Redress Committee often does not reinstate the NEXUS privileges.

It is possible to successfully appeal the underlying infraction – many people do it. The facts will be key.

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