



**MASS CASUALTY  
COMMISSION**  

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**COMMISSION  
DES PERTES MASSIVES**

# **CBSA Firearms Policy**

Summary of Policy prior to and at the Time of the Mass Casualty

Prepared by: Counsel for the Mass Casualty Commission

**NOTE 1:** This document is based on an analysis of materials available to the Mass Casualty Commission **as of April 11, 2022.** Further production and investigation are ongoing. Should new information reveal inaccuracies in this document, an addendum may be issued.

## SUBJECT MATTER

This document summarizes material reviewed to date by the Mass Casualty Commission regarding Canada Border Service Agency's policies and procedures with respect to firearms. This document is subject to change as the understanding of counsel for the Participants and the Commission evolves.

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## CBSA Firearms Policy: Foundational Document

### SPECIAL TERMS

ATT	Authorization to Transport
BSO	Border Services Officer
CBSA	Canada Border Services Agency
CFO	Chief Firearms Officer
CFP	Canadian Firearms Program
CFSC	Canadian Firearms Safety Course
CPIC	Canadian Police Information Centre
IBETs	Integrated Border Enforcement Teams
IJMT	International Joint Management Team
ML	Minor's Licence
MOU	Memorandum of Understanding
NCIC	National Crime Investigation Center (United States)
NWEST	National Weapons Enforcement Support Team (RCMP)
PAL	Possession and Acquisition Licence
POL	Possession Only Licence
RCMP	Royal Canadian Mounted Police
RFC	Regional Firearms Coordinator
SOP	Standard Operating Procedure(s)

## INTRODUCTION

1. According to its mandate, the Canada Border Services Agency (CBSA) is:
  - responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants, that meet all requirements under the program legislation.
  - CBSA website: <https://www.cbsa-asfc.gc.ca/agency-agence/menu-eng.html>
2. In carrying out its mandate, the CBSA enforces more than 100 acts and regulations. The CBSA also assists other federal government agencies and shares information with other law enforcement agencies based on formal information-sharing agreements.
3. The Canadian Firearms Program (CFP) is part of the Royal Canadian Mounted Police (RCMP), and is the lead organization with respect to the *Firearms Act*. The CBSA and the RCMP work together and share information, governed by a Memorandum of Understanding (MOU) signed between the agencies in 2014. It is the policy of the CBSA 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.”
  - [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020 at p. 5](#)
  - [Signed CBSA-RCMP Chapeau MOU: COMM0041718](#)
4. According to the CBSA, Border Services Officers (BSO) are highly trained and well equipped to identify and interdict high-risk goods including firearms. The CBSA will criminally investigate and prosecute the most significant border violations involving firearms. Seized firearms that are forfeited to the government of Canada are ultimately sent to the RCMP for destruction.
  - [CBSA Backgrounder: COMM0041964 at p. 1](#)

## MEMORANDUM D19-13-2

5. Memorandum D19-13-2, “Importing and Exporting Firearms, Weapons and Devices,” is the CBSA Memorandum that outlines the relationship between relevant pieces of legislation and the “importing and exporting of firearms, firearm parts, weapons, devices, and certain types of ammunition.” What follows is an overview of the Memorandum. The Mass Casualty Commission’s overview of this document is primarily drafted in the present tense, but does not reflect any potential subsequent changes to the Memorandum in the iteration drafted after the mass casualty.

6. At the time of the mass casualty all firearms were classified by CBSA as either controlled or uncontrolled. Uncontrolled firearms fall within the definition of a firearm in the *Criminal Code* but are exempt from specific requirements of the *Firearms Act* and its regulations, and other legislative provisions. These firearms should not be subdivided into the classifications of non-restricted, restricted, or prohibited. Examples of uncontrolled firearms include:
  - Antique firearms;
  - Flare, blank, rivet and industrial guns;
  - Slaughter, tranquilizing, and line-throwing guns; and,
  - Low muzzle velocity/energy guns.
7. Controlled firearms are firearms that are controlled under certain provisions of the *Criminal Code* and the *Firearms Act*. These firearms are classified as one of the following: non-restricted, restricted, or prohibited. CBSA relies on its Firearms Reference Table to assist BSOs to identify the category of a controlled firearm (prohibited, restricted, non-restricted, or deactivated).
8. The Memorandum describes firearm parts as:
  - Frame or receiver of a firearm;
  - Components or parts designed exclusively for use in manufacture of or assembly into automatic firearms;
  - Parts that are considered to be prohibited devices (e.g. short handgun barrels, overcapacity magazines); and
  - All other firearm parts that do not belong to one of the other three types.
9. With respect to magazines, the Memorandum states:
  50. A magazine is a device or container from which ammunition may be fed into the firing chamber of a firearm. This can be an internal or external component of the firearm. For CBSA purposes, any box, body or case of a disassembled magazine will be deemed a magazine, even if at the time of examination it does not contain a follower or spring.
  51. Section 84(1) of the Criminal Code states that certain cartridge magazines prescribed by regulations are considered prohibited devices. For a detailed list of prescribed and overcapacity magazines, see Part 4, Section 3, subsection (1) of the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted.

52. Cartridge magazines are generally limited to five rounds for centre-fire automatic or semi-automatic rifles or shotguns and ten rounds for semi-automatic handguns with certain exemptions for rare and valuable magazines. Additional information can be found in Maximum Permitted Magazine Capacity from the Canadian Firearms Program website.

#### **Alteration or modification of a magazine**

53. A prescribed cartridge magazine that has been altered or re-manufactured so that it is not capable of containing more than five or ten cartridges, as the case may be, of the type for which it was originally designed is not a prohibited device as prescribed by that provision if the modification to the magazine cannot be easily removed and the magazine cannot be easily further altered so that it is capable of containing more than five or ten cartridges, as the case may be.
54. For the purposes of the above, altering or re-manufacturing a cartridge magazine includes:
- (a) the indentation of its casing by forging, casting, swaging or impressing
  - (b) in the case of a cartridge magazine with a steel or aluminum casing, the insertion and attachment of a plug, sleeve, rod, pin, flange or similar device, made of steel or aluminum, as the case may be, or of a similar material, to the inner surface of its casing by welding, brazing or any other similar method; or
  - (c) in the case of a cartridge magazine with a casing made of a material other than steel or aluminum, the attachment of a plug, sleeve, rod, pin, flange or similar device, made of steel or of a material similar to that of the magazine casing, to the inner surface of its casing by welding, brazing or any other similar method or by applying a permanent adhesive substance, such as cement, epoxy or other glue
55. This is not necessarily an all-exhaustive list and therefore not the only acceptable methods of converting magazines to five or fewer shots capacity for rifles/shotguns or ten or less for handguns.

#### **Insertion of a rivet**

56. The permanent installation of a rivet (which is considered to be sufficiently permanent if it requires a tool to remove) through the casing of the magazine to prevent the magazine platform from moving past the rivet, and therefore not permitting the insertion of more than five/ten cartridges into the magazine is considered an acceptable form of modification. If properly tooled and/or modified in a workmanlike manner, the insertion of a “pop” rivet can be an acceptable way of limiting an otherwise overcapacity magazine. A proper rivet is similar to a “pin” to satisfy the requirements of Part 4, Section 5 of the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons,

Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted concerning the limits of magazine size, and therefore will be accepted for CBSA purposes.

57. In order for the rivet to be acceptable, it should generally:

(a) be substantial in nature and of substantial strength, it would require the use of a tool to remove it and not removable by hand

(b) fit tightly and not be loose

(c) securely block the follower from going down and actually limit the magazine to legal capacity; and

(d) not be readily removable (i.e. does not fall out when the magazine is handled or operated repeatedly)

58. All additions or modifications to the magazine must be completed prior to its importation into Canada.

10. The Memorandum also discusses ammunition. It explains that there are four types of prohibited ammunition, which are:

(a) any cartridge that is capable of being discharged from a commonly available semi-automatic handgun or revolver and that is manufactured or assembled with a projectile that is designed, manufactured, or altered so as to be capable of **penetrating body armour**, including KTW, THV and 5.7 x 28 mm P-90 cartridges (the latter applies only to Military SS.90 and SS.190 types of cartridges)

(b) any projectile that is designed, manufactured, or altered to **ignite on impact**, where the projectile is designed for use in or in conjunction with a cartridge and does not exceed 15 mm in diameter;

(c) any projectile that is designed, manufactured, or altered to **explode on impact**, where the projectile is designed for use in or in conjunction with a cartridge and does not exceed 15 mm in diameter; and

(d) any cartridge that is capable of being discharged from a shotgun and that contains projectiles known as “fléchettes” or any similar projectiles. Fléchettes are small, fin-stabilized darts or arrows.

- [Memorandum D19-13-2 May 29, 2019: COMM0042007](#)

## RELEVANT LEGISLATION

11. With the exception of the *Customs Tariff*, the relevant legislation for the purposes of this foundational document can be found in the document entitled *Firearms Legislative Brief*.



**Customs Tariff, SC 1997 c 36: Schedule, c 98, Tariff Item 9898.00.00**

12. Tariff Item 9898.00.00 reads as follows:

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 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 acquire 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 “non-resident” 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*.

- *Customs Tariff, SC 1997 c 36: Schedule, c 98, Tariff Item 9898.00.00*

## STANDARD OPERATING PROCEDURES AND POLICIES

### Standard Operating Procedures for the Importation of Firearms (May 3, 2019)

13. This version of the Standard Operating Procedures (SOP) for the Importation of Firearms was in effect at the time of the mass casualty. Prior versions included the original SOP, drafted in 2009, and amended versions from October 2010, April 2012, and October 2016. What follows is an overview of the SOP. It is drafted in the present tense, but does not reflect any potential subsequent changes to the SOP in the iteration drafted after the mass casualty.

## Licensing

14. Prior to September 2, 2015, Canadians could hold three types of firearms licence: a Possession and Acquisition Licence (PAL), a Possession Only Licence (POL), and a Minor's Licence (ML). The POL was discontinued as of September 2, 2015, and all existing POLs were converted to PALs.
  - [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
15. A PAL permits residents to re-import a firearm, permits non-residents to import a firearm if they have a valid purpose, allows residents to import a newly acquired firearm (with some limitations), and specifies the class of firearm the holder may acquire and possess. Residents and non-residents can hold a PAL if they are 18 years old and over, meet certain legislative criteria, and pass the Canadian Firearms Safety Course (CFSC) test for non-restricted firearms and/or restricted and prohibited firearms.
  - [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
16. An ML allows minors to borrow a non-restricted firearm from an adult who holds a valid firearms licence for a non-restricted firearm. In order to hold the licence, a minor must be between the ages of 12 and 17 and pass the CFSC test for non-restricted firearms. The ML does not permit a minor to import a firearm, but a licensed adult may import a firearm on behalf of the minor.
  - [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)

## Registration Certificates

17. All restricted and prohibited firearms in Canada must have a valid Canadian registration certificate. A registration certificate is not required for a non-restricted firearm. To obtain a registration certificate, an individual must be at least 18 years old and have a valid firearms licence that authorizes them to possess a specific class of firearm. Unless the firearm's legal classification changes, which can occur, for example, if a firearm is modified, the registration certificate issued under the *Firearms Act* does not have to be renewed. The information on the registration certificate is limited to the firearm owner's licence number and a description of the firearm. No personal information is included, such as the name, address, or date of birth of the certificate holder.
  - [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)

18. Anyone entering Canada is required to declare their importation of a firearm to a BSO. They must have a valid firearms licence as well as a registration certificate for restricted and prohibited firearms. Non-residents who do not possess a Canadian firearms licence may import a firearm that is not a prohibited firearm if they have a valid reason for importing it and their Non-Resident Firearm Declaration (RCMP 5589) is confirmed by a BSO. The Non-Resident Firearm Declaration then becomes a temporary licence for the firearms indicated on the form.
  - [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
19. The importation of a restricted firearm must also include an Authorization to Transport (ATT).
  - [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)

#### **Authorization to Transport**

20. For residents, an ATT is only required at the time of importation for a restricted or prohibited firearm to and from a Canadian port of entry that is outside the individual's province of residence. Individuals must also hold a valid firearms licence with restricted or prohibited firearms as a condition of the licence.
  - [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
21. An Import Permit from Global Affairs Canada is required when a restricted or prohibited firearm is imported from a country other than the United States.
  - [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
22. Non-residents must provide a paper ATT to import restricted firearms. Chief Firearms Officers (CFOs) are responsible for processing and issue the ATT, which lists travel allowances that must match the non-resident's travel plans. CBSA has the final decision on allowing firearms into Canada.
  - [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)

#### **Classifying Firearms, Weapons, and Devices**

23. The legal classification of a firearm under the *Firearms Act* determines its admissibility into Canada. Before making a decision on the release of the firearm, the BSO must check the

*Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted* (“the Regulations”) and determine the class of the firearm. If the firearm is not described in the Regulations, the BSO can refer to the Firearms Reference Table, an internal CBSA reference tool, or contact the Regional Firearms Coordinator (RFC) or the Regional Trade Compliance Officer (RTCO) if they are still in doubt. When contacting the RFC or the RTCO, the BSO must provide information including the person’s full name and address, PAL number, ID number and type, date of birth (if known), and comments or statements by the possessor regarding the purpose of importation.

- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
24. When a firearm is classified as prohibited, residents and non-residents are only permitted to import it if it was previously exported, they are in possession of a registration certificate for the firearm, and they hold a licence authorizing the possession of that class of firearm. An ATT and an Import Permit are also required. Residents cannot import newly acquired prohibited firearms.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
25. For restricted firearms, residents and non-residents must have a licence and registration certificate (or, in the case of a non-licensed non-resident, a Non-Resident Firearm Declaration confirmed by a BSO). They must possess an ATT, if applicable, which identifies the person to whom the restricted firearm is issued, their licence number, their authorization number, the validity period, their reason for transporting the firearm, the firearm’s destination, and additional conditions that must be followed.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
26. For non-restricted firearms, residents and non-residents must declare all firearms to a BSO and provide the required documentation. This class of firearms generally includes most hunting rifles and shotguns that are not classified as restricted or prohibited and have not been modified to the extent that a re-classification would be necessary.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
27. No one can import prohibited weapons or prohibited devices except for commercial importers with a business licence issued by a CFO. 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 10 rounds for semi-automatic handguns.

- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)

## Detention Procedures

28. When detaining a firearm, prohibited weapon, or device for identification and/or classification purposes, the following procedures must be followed:

- Complete form K26, *Notice of Detention*, and distribute the copies in the following manner:
    - Original to importer;
    - First copy to port file; and
    - Second and third copy to the RFC or the RIFLO [regional intelligence firearms liaison officer].
  - Hold the firearm, weapon or device in a secure area and, where applicable, by logging the K26 file number on the Form E45 (BSF227), *Inventory Control Log for Seized, Forfeited, Detained, Abandoned, and Unclaimed Goods* that will serve to maintain an audit trail from the date of receipt to the release/disposal date. Information on the form E45 must be complete and accurate.
  - If forensic work is required (e.g., fingerprinting, tool mark examination) do not continue to handle the items; follow K26 Notice of Detention evidence/exhibit handling procedures and complete a K129, Exhibit Control upon transfer within CBSA or to another agency/department.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)

## Regulatory Requirements

29. BSOs must comply 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 these Regulations, the person must be informed of the requirements and given the opportunity to comply. If the person refuses or does not comply, the firearm must be held by CBSA for up to 40 days and then exported or abandoned to the Crown.

- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)

30. When transporting firearms, the following requirements must be met:

- **Non-restricted firearms:**

- Firearm must be unloaded
- In an unattended vehicle, firearms must be locked in the trunk/similar compartment of vehicle, and no minor or unlicensed adult can stay with the firearm; or if a vehicle doesn't have a trunk/similar compartment, the firearm must be out of sight and inside the locked vehicle.
- **Restricted or Prohibited firearms:**
  - Firearm must be unloaded
  - Must be rendered inoperable with a secure locking device
  - Must be in a locked opaque container that cannot be readily broken open or into
  - If it is an automatic firearm with a bolt or bolt-carrier that is removable with reasonable facility, the bolt or bolt carrier must be removed.
  - In a vehicle, firearms must be locked in the trunk/similar compartment of vehicle, and no minor or unlicensed adult can stay with the firearm; or if a vehicle does not have a trunk/similar compartment, the firearm must be out of sight and inside the locked vehicle.
- Canadian law enforcement agencies and Canadian military personnel are exempt from the transportation regulations. Foreign law enforcement personnel are also exempt if they have an exemption order under section 97 of the *Firearms Act*.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)

### Questioning and Background Checks

31. All residents and non-residents must be questioned during their primary inspection regarding the importation of firearms, weapons, and devices. There are signs posted 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, "Are you bringing any firearms or other weapons into Canada?"
  - [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
32. When a firearm is declared at the primary stage, the BSO may ask additional questions about the firearm, including what type it is, where it is, and whether it is loaded. When a firearm is declared and the point of finality has been reached, the primary officer refers the person to secondary processing.

- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)

33. Non-residents wishing to import a firearm may be subject to background or records checks based on risk, including the Integrated Customs Enforcement System, Canadian Police Information Centre (CPIC), or National Crime Information Center (NCIC, United States) checks. Non-residents may also be referred for immigration checks at the discretion of the BSO. A firearm declaration is not a reason for a background check. If an immigration check shows the person is not eligible to enter Canada and they are given permission to leave, they must leave with the firearm.

- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)

#### **In-Person Processing for Residents Importing a Firearm**

34. When a resident declares to a BSO that they are importing a firearm, the BSO must ask to see the resident's licence, registration certificate, and, if applicable, ATT and/or Import Permit. This is the primary process. The BSO may also refer the resident to the secondary area to complete the secondary process.

- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)

35. The secondary process is as follows:

- All examinations of firearms must be performed in the secondary area.
- The resident will report to secondary for verification of documents.
- The BSO will:
  - Verify that the documentation presented is valid;
  - Verify that the licence matches a resident's identification; and
  - Determine if an examination of the firearm is required.
- If needed, a safe examination of the firearm may be performed (type of firearm, location, and whether or not it is loaded). This must occur in the secondary area.
- If examination of a firearm is required, the secondary officer will verify that:
  - The legal classification of the firearm is correct;
  - The information on the registration certificate matches the firearm;
  - The declaration of the resident is accurate; and,
  - All transportation regulations are respected.



- Once the BSO is satisfied the documentation is in order, regulations are followed, and/or the examination is complete, the resident may be released with their firearm.
  - When applicable the BSO will collect any related duties and taxes for newly acquired firearms.
  - If documentation is missing, the BSO will need to hold the firearm on a BSF241 until the resident presents the proper documentation.
  - 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; or
    - Inform the resident to contact the CFP to obtain the necessary documentation and/or Global Affairs Canada concerning Import Permits for prohibited firearms; or
    - 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.
  - In the case of a prohibited firearm, the exporter must obtain an export permit from Global Affairs Canada to export the firearm.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
36. When it is determined that the examination of a firearm is required, the BSO will verify that the legal classification of the firearm is correct, the information on the registration matches the firearm, the declaration of the resident is accurate, and all transportation regulations are respected.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
37. If there are inconsistencies with the documentation, the firearm, the declaration, and/or the person, the BSO will do one of the following things: detain the firearm and allow the resident time to present the 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.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)

### **In-Person Processing for Non-Residents Importing a Firearm**

38. For licensed non-residents with a registered firearm, the BSO must refer the non-resident to the secondary area to complete or produce proper documentation.

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- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
39. The non-resident then reports to the secondary area for verification of the documents. During the secondary process, the BSO will:
- Verify that the documentation is valid;
  - Verify that the licence matches the non-resident's identification;
  - Ensure the non-resident has a valid purpose for importing the firearm.
  - Valid purposes can include but are not limited to:
    - Sporting or hunting during their respective seasons;
    - Use in competitions;
    - Repair;
    - Re-enactments;
    - In-transit movement; or
    - Protection against wildlife in remote areas.
  - Determine if an examination of the firearm is required.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
40. Only non-restricted firearms may be imported for the purpose of hunting or protection from wildlife.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
41. If required, a safe examination of the firearm may be performed. Once the BSO is satisfied all documentation is in order, regulations are followed, and/or the examination is complete, the non-resident may be released with the firearm.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
42. If there are inconsistencies with the documentation, the firearm, or the person, the BSO will either:
- Have the non-resident complete a Non-Resident Firearm Declaration (RCMP 5589) and collect the required fee;
  - 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.

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- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
43. For non-residents seeking to import a non-registered firearm and/or who do not have a licence, the primary process when the person declares they are importing a firearm, the BSO must refer the person to the secondary area to complete a Non-Resident Firearm Declaration.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
44. During the secondary process, the BSO will:
- Verify that the PAL, if present, is valid;
  - Verify that the Non-Resident Firearm Declaration is completed correctly;
  - Verify that documentation (ATT if applicable) presented is valid;
  - Verify the non-resident's ID;
  - Ensure all transportation regulations are adhered to;
  - Ensure the non-resident has a valid purpose for importing the firearm;
  - and,
  - Determine whether an examination of the firearm is required.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
45. If examination of a firearm is required, the secondary officer will verify that:
- The legal classification of the firearm is correct;
  - The info on the registration certificate matches the firearm;
  - The declaration of the resident is accurate; and,
  - All transportation regulations are respected.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
46. A BSO may assist in completion of the Non-Resident Firearm Declaration and issue a confirmation number. The BSO will collect the applicable fee for confirming the Non-Resident Firearm Declaration. The non-resident retains the original copy of the Non-Resident Firearm Declaration and receives a K21 General Receipt after the fee is collected. 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 certification) for a period of up to 60 days. Restricted firearms can be imported on a Non-Resident Firearm Declaration 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 have to fill out a new Non-Resident Firearm Declaration and pay the confirmation fee again.

- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
47. Once the BSO is satisfied documentation is in order, the fee is collected, regulations are followed, and examination is complete, the non-resident may be released with the firearm.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
48. If there are discrepancies with the documentation, the firearm, or the person, 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.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
49. If the Non-Resident Firearm Declaration expires while the person is still in Canada, only the CFO of the province or territory where they the person is staying may grant an extension prior to the expiry of the declaration; otherwise they will need a new one. If a non-resident leaves Canada and returns during the extension period granted by the CFO, they have to fill out the form and pay the fee again.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)
50. There are no limitations on the number of firearms a person can import with the Non-Resident Firearm Declaration, but the number of firearms needs to be “within reason” based on the purpose of import.
- [CBSA Standard Operating Procedures for the Importation of Firearms \(May 3, 2019\): COMM0042020](#)

## **INFORMATION SHARING BETWEEN CBSA AND OTHER AGENCIES**

## Memorandum of Understanding with the RCMP

51. The CBSA and the RCMP entered into an MOU in 2014 to establish “an administrative framework for the promotion of cooperation and mutual assistance.” The purpose of the MOU is “to define in general terms the basis for cooperation between the RCMP and the CBSA in the enforcement of border-related legislation.” The specific areas of co-operation and their related parameters are set out in the annexes to the MOU.

- [Signed CBSA-RCMP Chapeau MOU: COMM0041718](#)

## Information Sharing Annex to the MOU

52. The MOU between the CBSA and the RCMP sets out the parameters for information sharing in the Information Sharing Annex. Among other things, the Information Sharing Annex stipulates:

5. The CBSA may provide the RCMP access to the information it has collected and the RCMP will use the information provided under this Annex and its Appendices only to the extent authorized by law.

6. The RCMP may provide the CBSA access to the information it has collected and the CBSA will use the information provided under this Annex and its Appendices only to the extent authorized by law.

...

8. Subject to applicable law and available resources, the participants will assist each other in accordance with this Annex and its Appendices in providing information for the purposes of fulfilling their respective mandates and exercising their authorities.

9. The information provided must be:

(a) for the purpose of conducting a lawful investigation or the administration and enforcement of program legislation that the CBSA is responsible for; or

(b) in accordance with the mandate of the RCMP as defined in the MOU and this Annex.

10. Each participant will only provide to the other the minimum relevant information that is necessary to fulfill the purpose of the request.

11. The information can only be used for the specific purpose for which it is provided and will not be shared with any other person or entity, private or public, without the prior written consent of the participant who provided the information unless required by law.

- [Information Sharing Annex: COMM0040848](#)

## Integrated Border Enforcement Teams

53. In 2006, the Integrated Border Enforcement Teams (IBETs) Charter was created and signed. According to the Charter, IBETs are:

intelligence-led, multi-agency, field-level groups of law enforcement officials dedicated to securing the integrity of the shared border between Canada and the United States of America, while respecting the laws and jurisdiction of each nation. IBETs are comprised of five core agencies, which have law enforcement responsibilities at the shared border.

IBETs are multi-disciplinary, intelligence and enforcement units that do not concentrate on any specific commodity, but focus on national security, organized crime and other criminal activity between the ports of entry.

- [IBETs Charter: COMM0041176 at p. 1](#)
54. The five core IBET agencies are the RCMP and CBSA from Canada, and Immigrations and Customs Enforcement; Customs and Border Protection – Office of the Border Patrol; and the Coast Guard from the United States.
- [IBETs Charter: COMM0041176](#)
55. Under the Charter, stakeholder agencies, which are law enforcement or government agencies operating on either side of the Canada-United States border, can petition to become a member of an International Joint Management Team (IJMT). The purpose of an IJMT is to administer the responsibilities of the applicable core agencies under the IBETs Charter.
- [IBETs Charter: COMM0041176](#)
56. The information sharing provisions of the Charter state that any information sharing is to be in strict accordance with applicable laws, policies, and regulations and is subject to express written arrangements between the agencies involved. Confidentiality is to be maintained and protected by each agency. The IBET Information Sharing Protocol sets out the various obligations and requirements for information sharing among the agencies.
- [IBETs Charter: COMM0041176](#)
  - [IBET Information Sharing Protocol: COMM0041177](#)

## GENERAL INFORMATION ON FIREARMS SMUGGLING

57. In 2012, the CBSA was asked to “analyze the enforcement efforts of illegal firearms seizures at the Canada-United States border.” In an issue fact sheet about this, the CBSA wrote:

The CBSA will continue to place a high priority on the detection and interdiction of undeclared firearms and prohibited weapons at ports of entry. This includes ensuring that border services officers utilize proven indicators and intelligence, technological tools, information sharing and training to target high risk people and goods entering Canada.

- [CBSA Issue Fact Sheet: COMM0041960](#)

58. According to a CBSA bulletin from April 2016, on March 27, 2016, a prohibited firearm was seized at Montréal-Trudeau International Airport. The firearm was not declared by the subject on arrival into Canada. The bulletin identified that the seizure of this firearm was similar to two other seizures that took place in 2013 at the Quebec City airport, where two United States citizens were intercepted with undeclared, prohibited firearms.

- [CBSA Bulletin, April 2016: COMM0041944](#)

59. On February 1, 2017, an examination by Pacific region BSOs found two firearms affixed with metal wire to the undercarriage of a traveller’s vehicle. Further searching revealed other items, including magazines, found in the trunk of the vehicle and under the dashboard. The individual was charged as a result.

- [CBSA PowerPoint: COMM0041858 at p. 43](#)

60. On March 18, 2018, BSOs discovered a firearm “wrapped in cloth and zap strapped to the vehicle” of an individual seeking entry into Canada in the Pacific region. BSOs secured the vehicle and sent it for a scan, which revealed a total of 18 prohibited firearms, one restricted firearm, and 32 over-capacity magazines. This individual was charged.

- [CBSA PowerPoint: COMM0041858 at p. 43](#)

61. In a description of a proposed enforcement initiative entitled “Firearms in the Courier Stream” and dated October 2019, the CBSA commented specifically on the issue of firearm smuggling from the United States into Canada:

The United States is the largest exporter of guns entering Canada through the GTA [Greater Toronto Area] region, and the second largest exporter of firearm parts and accessories after China. Due to the fact that the large majority of guns seized by the CBSA occur in highway mode, there is minimal information available to accurately narrow down specific indicators for cargo and courier modes. CBSA data is somewhat skewed by the large amount of Firearm Silencer seizures effected nationally, with

China as the main export country in postal and courier modes. For this project, the goal is to identify other means of import.

Support for gun ownership remains strong in the U.S., where approximately 45% of households have a gun. Much like the U.S. Constitution, most states have provisions in their constitutions which protect the right of individuals to bear arms. Guns and gun parts and accessories are purchased with relative ease in many states. There are numerous retail stores and online businesses that offer firearms, parts and ammunition for sale. The ease with which individuals can purchase the items in the U.S. makes it attractive to Canadian residents seeking to purchase weapons, including those that are restricted or prohibited in Canada. It is suspected that most of the guns that are used to commit crimes in Canada are smuggled from the U.S.

- [CBSA description of enforcement initiative, “Firearms in the Courier Stream”: COMM0041888 at p. 5](#)

62. Data from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) from 2019 indicates that 2,291 firearms were recovered and traced in Canada. Of these, 962 were traced to the United States.

- [CBSA PowerPoint, “Combatting Illicit Firearms in Our Communities”: COMM0041838 at p. 4](#)

## STRATEGIES, INITIATIVES, OPERATIONS, AND PARTNERSHIPS

63. In 2018, the Government of Canada introduced the “Initiative to Take Action Against Gun and Gang Violence” and provided \$327.6 million in funding. Of that, \$51.5 million was allocated to CBSA to “increase law enforcement support, intelligence-sharing and the interdiction of smuggled firearms.”

- [CBSA Regional Firearms Strategy – Pacific Region Wiki: COMM0041862](#)

64. In January 2020, the CBSA formed the Greater Toronto Area Region Firearms Interdiction Team (GTAR FIT) to combat firearms smuggling.

- [RFIT Firearms presentation: COMM0041819](#)

65. The key activities and strategic objectives of the GTAR FIT Smuggling Enforcement Strategy are as follows:

### **Key Activities:**



- analyzing information to create actionable intelligence that supports the D&Ds in regulatory examinations and enforcement which contribute to intelligence operations and criminal investigations
- investigating and prosecuting firearms smuggling offences (includes joint investigations with police partners)
- participate in and/or support projects, JFOs and other activities with police partners where there is a clear link and benefit to the strategy, and a clear link to CBSA program legislation

**Strategic Objectives:**

- identify and intercept firearms smuggled into Canada, and associated groups, threat actors and OC [organized crime] links
  - disrupt and dismantle OC and firearms activity
  - investigate and prosecute individuals and C groups involved in the organization and execution of such activities.
- [Greater Toronto Area Regional I&E Firearms Smuggling Enforcement Strategy 2021–2024 National Presentation: COMM0041881](#)

## TRACING SEIZED OR CONFISCATED FIREARMS

66. A CBSA shift briefing originally drafted on April 1, 2017, and revised on March 19, 2021, notifies BSOs that seized or confiscated firearms, without condition for release, must be traced. The shift briefing explains:

Every police force or law enforcement agency which performs firearm seizures must make a tracing request from the National Weapons Enforcement Support Team (NWEST) headed by the Royal Canadian Mounted Police (RCMP). In Quebec, NWEST includes police officers from the RCMP, the Sûreté du Québec (SQ) and the Service de Police de la Ville de Montréal (SPVM). The Canada Border Services Agency (CBSA) is not included.

At the CBSA, it is the regional intelligence firearms liaison officer (RIFLO) who performs tracing requests. Currently, much of the required information needed to complete these requests are not being compiled by our agency.

- [CBSA Shift Briefing: COMM0041950 at p. 1](#)
67. The shift briefing informs BSOs that they must submit the following information required to perform a tracing request:
- brand
  - model

- barrel length (individually measured on each firearm)
  - serial number
  - any engraving or writing found on the firearm
  - photos taken from various angles (wide angle of firearm, as well as close-ups of any writing found on each firearm)
  - whether weapon was loaded when discovered
  - type of ammunition found and how much
  - capacity and number of cartridges
  - number of bullets in cartridge at time of seizure
  - any other relevant information
- [CBSA Shift Briefing: COMM0041950 at pp. 1–2](#)