

INFORMATION FOR PEOPLE COMING FROM THE UNITED STATES TO CANADA TO ATTEND THE CONVERGENCE AGAINST THE G8/G20 (June, 2010)

The following is for informational purposes only. This is NOT legal advice.

The G8 (Group of 8) and G20 (Group of 20) leaders are meeting in Ontario from June 25-27, 2010. Toronto-based communities and organizations of women, people of colour, indigenous peoples, the poor, the working class, queer and trans people and disabled people are organizing a people's convergence of actions, marches, workshops and meetings in Toronto at that time.

The G8 and G20 are meeting to make decisions that will result in more exploitation of people and the environment. These summits will ensure that the systems that increase colonization, wars and displacement are maintained. In direct resistance, we are coming together to create a just world that puts people before profit.

The Toronto Community Mobilization Network (TCMN) is collaborating for change in Toronto and in the world. Join the process; everyone is a part of this work!

The network is a collection of Toronto-based organizers and allies that will use the fleeting moment of the G8/G20 meetings in Toronto in June 2010 in Ontario to come together and share the work that we do every other day of the year. We will build the momentum for movements for Indigenous Sovereignty and Self-Determination, Environmental and Climate Justice, Migrant Justice and an End to War and Occupation, Income Equity and Community Control over Resources, Gender Justice and Queer and disAbilityrights.

With power and vision, we will create alternatives; we will decide for ourselves and transcend the systems that oppress and divide us.

Join Us!

Website: <http://www.g20.torontomobilize.org/getinvolved>

Email: community.mobilize@resist.ca

If you are organizing bus or other large group transportation, please contact the TCMN at g20transportation@gmail.com and also call or e-mail the legal support office (see contact info below) with the date and approximate time you expect to cross the border so that we can try to be available if there are problems.

Border Information for those entering Canada from the U.S.

Prepared by the Olympic Resistance Network, January 2010 with adaptations by the Summit Legal Support Project (SLSP) of the Movement Defence Committee in Toronto.

As the summits approach, American and Canadian border agencies (Department of Homeland Security (DHS) and Canada Border Services Agency (CBSA) respectively) have teamed up to tighten what they call "security," particularly along the Ontario/New York/Michigan border. This means not only an increased level of militarization at border crossings, but also an intensification in the profiling of "suspicious persons". Border agencies are working hard to expand their range of targets from migrants, people of colour and indigenous people, to activists at large.

Unfortunately, we cannot predict exactly what kind of security measures will be in place at the border in June. This document is an effort to offer as much guidance as possible to those needing to cross the border in order to attend the G8/20 Mobilization. While you may very well get through with no problem at all, do bear in mind that the border is a militarized zone, so people with sensitive personal histories, documentation issues, or health needs should assess the risk to themselves and act accordingly. Also remember that they often make decisions based on the systems of oppression we resist: race, class, gender, sexuality, disability, etc.

During the Anti-Olympics protests, CBSA used the legal criteria below (i.e. stating that they did not believe that people would be self-supporting while in Canada or would leave Canada at the end of their legally allowed period) as the stated reasons for denying entry, while the real reasons were clearly people's politics (along with sometimes their race, class, gender, sexuality, disability and the like). In particular they targeted independent journalists. Despite this, many activists and organizers made it through.

Legal Information for visitors to Canada

1. Do you need to apply for a Temporary Resident Visa?

Depending on your citizenship and what you plan to do in Canada, you may need a Temporary Resident Visa (TRV).

Citizens of some countries are required to apply for and obtain a TRV in order to enter Canada as a visitor. Others are exempt from this requirement, including citizens of United States. For a complete list of countries requiring visas, see <http://www.cic.gc.ca/english/visit/visas.asp>

If you are a US citizen or permanent resident you don't need a visa to visit Canada for up to six months. If you want to stay longer or come for a purpose other than to visit (e.g. work, study or immigrate permanently), you'll have to meet stricter immigration requirements.

2. Documents needed for visitors

US visitors to Canada are not granted automatic entry. Citizens aged 16 and over will have to show one of the following documents proving both identity and citizenship at all border crossings:

- a valid passport;
- a US Passport Card or State or Province-issued *Enhanced* (not regular) Driver's License;
- a pre-approved travel card such as NEXUS or FAST.

If you are a US citizen younger than 16, you can show a valid passport OR birth certificate, Consular Report of Birth Abroad or certificate of naturalization.

If you are under 18 and traveling alone, carry a consent document showing you have the permission of your absent parent(s) and a letter from your custodian in Canada. If you are traveling without one of your parents, a consent document allowing such travel from

your non-accompanying parent.

If you are a permanent resident of the US, you must show your permanent resident card (Green Card or Alien Registration Card).

More information about these document requirements is available at:

<http://www.dhs.gov/files/crossingborders/travelers.shtm>

3. Questioning by CBSA

At the border, a Canada Border Services Agency (CBSA) officer will ask to see your passport or identity documents and ask you questions to determine if you are allowed to enter Canada. If a CBSA officer determines you are not admissible, you may be denied entry into Canada or detained.

You do have an obligation to answer questions and you can be found to be inadmissible if you make any misrepresentations to CBSA. Be forthcoming and truthful. CBSA officers may note your answers in the immigration computer system which may be referenced at a later point for immigration purposes.

4. Reasons you may be denied entry or detained

Identity: CBSA cannot establish your identity or status in the United States. Be prepared to prove your identity and status.

Intent to leave upon period authorized for stay: CBSA believes that you will not leave Canada by the end of the period authorized for your stay or that you will not abide by restrictions placed on visitors in Canada.

- You can demonstrate that you will only be visiting temporarily by showing ties to your home country (e.g. job, commitments, leases, property, family, friends, etc.) and the ability to leave Canada (e.g. return tickets).
- Be prepared to demonstrate that you have enough money to support yourself and your dependants for the duration of your visit. Be prepared to answer questions about the circumstances and purpose of your visit, how long you plan to stay, whether you will be staying with friends or relatives or at a hotel, and what sources of funds you have access to while in Canada.
- Visitors are not allowed to study or work without authorization. Be prepared to answer questions about your current occupation and intentions to work or study in Canada.

Criminality: You may be inadmissible for convictions or outstanding charges or warrants, even for misdemeanours or driving offences. You may be inadmissible even if you have had charges dropped or dismissed. Be prepared to answer questions related to criminal activity, charges, or convictions. If you have a criminal history, discuss particulars with a Canadian immigration lawyer prior to arriving and bring evidence of any pardon or dismissal if applicable with you to the border.

Security: Talk to a Canadian immigration lawyer prior to going to the border if you have concerns that you may be found inadmissible on security grounds, for membership in a criminal organization, or for participation in war crimes or crimes against humanity.

Health: You may be inadmissible if CBSA officers believe you are a danger to public health or have a condition that may cause excessive demands on Canada's health or social services. If you are carrying prescription drugs, be prepared to answer health related questions. Talk to a Canadian immigration lawyer before traveling if you have concerns.

Misrepresentation: You are obliged to answer truthfully all questions put to you and may be denied entry and found inadmissible if you provide CBSA officers with false information or withhold relevant information. If you are issued a removal order for misrepresentation, you will be excluded from Canada for two years. Coming to Canada to exercise your lawful right to free speech will not render you inadmissible, but lying to immigration officials about it could.

Inadmissible family member: Unless you are a "protected person" (i.e. Convention Refugee), if any of your accompanying (or in some specific circumstances, non-accompanying) family members are inadmissible to Canada for the above reasons, you can also be denied entry.

5. If you are denied entry into Canada

After questioning you, a CBSA officer will then decide whether or not to allow you entry into Canada, and for how long. If they decide that you are inadmissible and they will not allow you entry, they will usually offer you a voluntary withdrawal - this means that you can voluntarily leave Canada and return once you have addressed the factor causing inadmissibility.

If you do not wish to voluntarily withdraw or you are not offered that option, you may be issued a removal order and sent back right away or you may be allowed to enter Canada to attend an Admissibility Hearing before the Immigration and Refugee Board (IRB) which will decide if you are, in fact, inadmissible. CBSA may impose conditions such as payment of a bond or posting of a guarantee for compliance with conditions pending your Admissibility Hearing.

There is also the risk that you will be detained (for a period of 2-4 days) while you await your Admissibility Hearing. If you are detained, the reasons for your detention must be reviewed by the Immigration Division of the IRB after 48 hours (although in practice this may be up to 4 or 5 days), then after 7 days, and every 30 days thereafter.

If you are found to be inadmissible to Canada, a removal order will be issued against you. Such a removal order would require you to obtain special authorization for one or two years after leaving Canada (exclusion order), or indefinitely (deportation order, in which case you will need permission from the Immigration Minister if you ever wish to re-enter).

All immigration decisions made by the CBSA or the IRB are subject to judicial review by the Federal Court, but this can be a lengthy and expensive process.

6. Right to counsel

At the border, you do not have a constitutional right to counsel unless you have been formally arrested or detained. You will have an obligation to answer questions asked by

an immigration officer related to your application for entry to Canada truthfully. However, if other law enforcement agencies such as the RCMP (similar to the FBI) or CSIS (similar to the CIA) are involved in your questioning, you should be allowed to contact counsel and you should not continue to answer questions without contacting counsel. If you are detained, you have the right to counsel at your own expense and to contact your government.

For more detailed information about the requirements for entering Canada as a visitor, please see:

<http://www.cic.gc.ca/english/visit/index.asp>

If you have any questions or concerns prior to your entry, please call the MDC at 416-833-6137 or email us at lawunionMDC@gmail.com. The support line is also available if you should be detained or arrested for immigration related reasons. We strongly recommend that if you are not a Canadian citizen and are arrested for any reason in Canada that you contact an immigration practitioner as soon as possible to get appropriate advice – we have references available.

Other Practical Tips courtesy of the Olympics Resistance Network

Things to bring

1. You can no longer go through Canadian customs with only a regular driver's license! Bring a valid passport, permanent resident card or other document described above.
2. Return travel tickets (if not traveling by car).
3. Relevant vehicle documentation (if going by car), including insurance and registration papers. Having a letter of permission from the owner, if they're not travelling with you, is also a good idea.
4. Contact information for where you are staying. You may be asked for this at the border, so confirm with your host it's ok to give their address out.
5. Proof of ties to your country of origin: this can include contact info for your place of employment, if any, or documents like a housing lease. However, be advised that appearing "too prepared" can sometimes attract more attention!
6. Travel insurance, if any.

Medications & Traveling with Minors

1. If bringing prescription drugs of any kind, they must be in the original bottle with a valid prescription printed on it. Avoid any non-essential meds that will bring extra scrutiny to you, especially those in gelatin capsules - they may be seized or cause a thorough and time-consuming search.
2. Minors also need to present ID (see above). Even if accompanied by one parent or guardian, minors must have a letter from absent guardian(s) stating that it is alright for the minor to travel, specifically across the international border into Canada, and listing who they are travelling with. Otherwise, the minor will likely be turned away at the border.

Things NOT to bring:

1. Don't bring any restricted items, such as fruit, soil, drugs (see CBSA site for

- details).
2. Don't bring any anti-G8/G20 or otherwise "subversive" materials – these things can be used as an excuse to detain you.
 3. Avoid bringing materials that could be perceived to be for commercial purposes – e.g. lots of something to be distributed (especially things like shirts or books that can be sold). Without proper licenses, the possession of commercial goods/merchandise can be grounds for refusal of entry.
 4. Do not bring any electronics that are really precious or contain sensitive information. Be aware that cell phones can be searched and/or your address book recorded (during the Olympics demos they searched the cells and computers of many people coming for the protests), and in some cases, police & intelligence agencies have been known to implant tracking or listening devices in phones.
 5. We recommend against bringing laptops. Border agencies have the power to seize, search and hold laptops if you refuse to provide passwords or access to encrypted documents. Please contact us for a mailing address if you wish to send up non-electronic materials, like pamphlets, posters, T-shirts, etc.

Getting through

1. Remember that border guards are likely to question people who fit their idea of an "activist" (or other "subversive") profile. Keep in mind that there will be many gung-ho tourists coming up as well, and use that to your advantage – if you can, buy a hockey jersey and blend in! If you are traveling in a group remind others of this too.
2. It is in your best interests to be as truthful and straightforward as possible when speaking to border guards about your reasons for travel. Look up other Toronto entertainment events that you might like to include on your planned trip itinerary to reference.
3. Keep travel plans off-line. Whenever possible, avoid communicating over email or through social networking sites, especially for final travel logistics. In-person communication is often ideal.
4. Discuss in advance with your travel buddies what you will do in the case that one or more of you should be refused entry.
5. If traveling alone, make sure someone knows where you are going, when you should arrive, and how to contact you or your hosts in Toronto.

Movement Defence Committee (Toronto)

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