

Canada-U.S. Blog

LEGAL DEVELOPMENTS AFFECTING CANADA-U.S. CROSS BORDER TRADE

What To Do If the CBSA Asks Questions When You Do Not Want Others To Hear Your Answers

By Cyndee Todgham Cherniak on December 8th, 2015

Posted in Customs Law, NEXUS, Personal Comments



There is a common dilemma that comes with traveling with other people. The Canada Border Services Agency (“CBSA”) has the right to examine your vehicle and any good in your possession at the border. What do you do if you have gifts for people who are traveling with you (e.g., you have Christmas presents in your luggage)? What do you do if you bought something for yourself that you do not want your spouse to know about? What do you do if the CBSA officer asks about a gift that was given to you by another person (e.g. you are traveling with your new boyfriend and a piece of jewelry was a gift from an old boyfriend)? What if the CBSA officer is going through your suitcase and you really do not wish your Grandmother to see the condoms in your toilet bag?

There are many uncomfortable situations that can arise during a CBSA examination. The CBSA should not examine you with another person, but it happens all the time.

What do you do if the CBSA officer starts to ask questions that are difficult to answer in front of the other person? This is VERY hard – especially in a high pressure situation when you are intimidated and cannot think quickly on your feet.

The simple answer is to tell the truth or allow the search to take place and deal with the embarrassment. Yes, this is terrible advice.

If you have gifts, you can inform the CBSA officer that you have gifts for individuals in your travel group and that you would like to find a way to not ruin the surprise. The CBSA officer should understand and accommodate. Other scenarios are more difficult.

An alternative is to ask the your Grandmother, spouse, boyfriend, girlfriend, etc. to take a seat while you deal with the CBSA. Signal to the CBSA officer that you would like the other person to be out of ear-shot/view. One way of doing this is to show concern for the other person and hope that the CBSA officer catches on. This way, Grandmother will not see what you packed for the trip.

You could be very blunt and say to the CBSA officer that you would like to answer his/her questions truthfully, but the answers may cause disappointment to the person with whom you are traveling. This can be done in front of your traveling companion.

Alternatively, you can ask to go to the washroom and on the way tell the CBSA officer the information you do not wish the person to hear.

If you make up a story and tell the CBSA officer something that is not true, the lie can spin out of control. You could have your NEXUS pass confiscated for misleading a CBSA officer. So, it is best to find a way to give the CBSA officer the true facts.

Tags: Canada Border Services Agency, CBSA, gifts, NEXUS

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