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**Canada
and
United States of America**

Agreement between the Government of Canada and the Government of the United States of America for the sharing of visa and immigration information. Ottawa, 13 December 2012

Entry into force: *21 November 2013 by notification, in accordance with article 13*

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**Canada
et
États-Unis d'Amérique**

Accord entre le Gouvernement du Canada et le Gouvernement des États-Unis d'Amérique concernant l'échange de renseignements sur les visas et l'immigration. Ottawa, 13 décembre 2012

Entrée en vigueur : *21 novembre 2013 par notification, conformément à l'article 13*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

BETWEEN

THE GOVERNMENT OF CANADA

AND

THE GOVERNMENT OF THE UNITED STATES OF AMERICA

FOR THE SHARING OF VISA

AND IMMIGRATION INFORMATION

**THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE
UNITED STATES OF AMERICA** (hereinafter referred to as the “Parties”);

NOTING the importance of a new approach to migration that takes into account the global patterns of both regular and irregular migration and the increasingly sophisticated methods of identity fraud and abuse of their respective immigration laws;

RECOGNIZING that border security and border management are significantly enhanced by cooperation and collaboration;

EMPHASIZING that it is critically important to have timely access to current and accurate Information to inform inadmissibility assessments or other immigration-related determinations that are vital to their common security;

CONSIDERING that the administration and enforcement of their respective immigration laws are important to protect the health and safety of their populations, to maintain the security of their societies, and to promote international justice and security by denying access to their territories to persons who are criminals or security risks;

CONVINCED that greater cooperation through the exchange of Information can make their actions in achieving these objectives more effective;

NOTING the need to supplement existing information sharing arrangements between them, including the *Statement of Mutual Understanding on Information Sharing among the Department of Citizenship and Immigration (CIC) and the U.S. Immigration and Naturalization Service (INS) and the U.S. Department of State (DOS)*, 27 February 2003 (the “Statement of Mutual Understanding”) and the *Annex Regarding the Sharing of Information on Asylum and Refugee Status Claims to the Statement of Mutual Understanding on Information Sharing between the Department of Citizenship and Immigration Canada (CIC) and the Bureau of Citizenship and Immigration Services (BCIS), of the U.S. Department of Homeland Security (DHS)*, 22 August 2003 (the “Asylum Annex”);

RECOGNIZING the need to establish a mechanism to exchange Information in a manner that respects privacy, civil liberties, and human rights; and,

COMMITTED to advancing their shared vision, as expressed in *Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness*, a joint declaration issued by the Prime Minister of Canada and the President of the United States on 4 February 2011 and in *Beyond the Border Action Plan: Statement of Privacy Principles by Canada and the United States*, issued by Canada and the United States on 30 May 2012;

HAVE AGREED as follows:

ARTICLE 1

Definitions

For purposes of this Agreement,

- (a) **“National of a Third Country”** means a person who is not a citizen of Canada or a permanent resident of Canada or a citizen or national of the United States of America (the “United States”) or a lawful permanent resident of the United States, and includes a person not having a country of nationality.

- (b) **“Query”** means an electronic search process, requiring minimal human intervention, initiated by a Party under the authority of, and for the purposes delineated in, this Agreement, resulting in the exchange of data limited to the data described in the relevant non-legally binding implementing arrangement.
- (c) **“Information”** means biographic or biometric data on Nationals of a Third Country seeking authorization to travel, work, or live in Canada or the United States, and other immigration-related data about Nationals of a Third Country, including data from admissibility decisions rendered in accordance with the respective immigration laws of the Parties. For Queries on Refugee Status Claimants, Information is limited to data related to a visa application and excludes data otherwise provided under the Asylum Annex.
- (d) **“Refugee Status Claimant”** means any person who, in the territory or at a port of entry of one of the Parties, makes a claim for protection against persecution consistent with the *Convention relating to the Status of Refugees*, done on 28 July 1951 (the “1951 Refugee Convention”) or the *Protocol relating to the Status of Refugees*, done on 31 January 1967 (the “1967 Protocol”), or who has made a claim for protection against torture in accordance with the *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, done on 10 December 1984 (the “Convention against Torture”), or has made a claim for protection on similar grounds in accordance with the Parties’ respective domestic law.

ARTICLE 2

Scope and Purpose

1. This Agreement specifies the terms, relationships, responsibilities and conditions for the sharing of Information between the Parties that occurs by means of a Query and in accordance with the Parties’ respective domestic law.