

SAFE THIRD COUNTRY AGREEMENT BETWEEN CANADA AND THE UNITED STATES

THE SAFE THIRD COUNTRY AGREEMENT between Canada and the United States is part of the United States-Canada Smart Border project.

Under the agreement, asylum seekers are required to apply for protection in the first safe country they arrive in, **unless they meet the requirements for an exception to the agreement.**

The agreement helps both governments better manage access to the refugee system in each country for people crossing the Canada-United States border (land border).

This agreement entered into force on December 29th, 2004.

The United States is the only country that Canada designates as a safe third country under Canadian law.

The agreement does not apply to US citizens or habitual residents of the United States who are not citizens of any country ("stateless persons").

The safe third country agreement only applies to asylum seekers seeking to enter Canada from the United States; at land border crossings between Canada and the United States. At airports, only if the person seeking refuge in Canada has a previous refugee denied case in the US and is in transit through Canada during deportation.

The exceptions to the agreement are:

For family reasons

Asylum seekers may qualify under this category of exceptions if they have a family member who:

Is a Canadian citizen, permanent resident of Canada, person protected by Canada, have a pending refugee claim in Canada, have a suspended removal order on humanitarian and compassionate grounds, have worker or student status, or have a protection claim refugee status that has been referred to the IRB for determination.

For unaccompanied minors

Asylum seekers may qualify under this category if:

They are minors (under 18 years old) and also;

They are not accompanied by their mother, father or legal guardian

They have no spouse or legal partner, and

They do not have a mother, father, or legal guardian in Canada or the United States.

For reasons of public interest

Asylum seekers may qualify under this category of exceptions if:

They have been charged or convicted of a crime that could subject them to the death penalty in the United States or in a third country.

A refugee claimant should be considered ineligible if they have been declared inadmissible to Canada for security reasons, international or human rights violations, or serious crimes, or if the minister considers the person to be a danger to the public.

Even if they qualify for one of these exceptions, asylum seekers must meet all other eligibility criteria under Canadian immigration law. For example, if a person seeking refugee status has been declared inadmissible to Canada for security reasons, for violating human or international rights, or for serious criminality, that person will not be eligible to submit a refugee claim.