



# **Transportation Security Clearance Program**

## **Aviation Security**

**September 2022**



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## Part I - Policy

### I.1 Aim

The aim of the Transportation Security Clearance Program Policy is the prevention of unlawful acts of interference with civil aviation by the granting of clearances to persons who meet the standards set out in this Program.

### I.2 Definitions

1) In this document:

"Airport security manager" means the most senior official of the airport directly responsible for security;

"applicant" means an individual who applies for a clearance;

"Advisory Body" means the Transportation Security Clearance Advisory Body;

"clearance" means an authorization granted as the result of checks conducted on a person for security purposes;

"CPIC" means the Canadian Police Information Centre;

"CSIS" means the Canadian Security Intelligence Service;

"Deputy Minister" means the Deputy Minister of Transport Canada;

"Foreign national" means a national of any country, other than Canada, who has entered Canada without the intent of establishing permanent residence in Canada and who did not obtain entry under the North American Free Trade Agreement;

"Listed airport" means an airport set out in the CATSA Aerodrome Designation Regulations;

"Minister" means the Minister of Transport Canada;

"official" means a person who signs applications for restricted area passes or clearances and is a director of a company or a person authorized by the director, if the person is signing on behalf of the company; or a partner of a partnership or a person authorized by a partner, if the person is signing on behalf of the partnership.



“Peclearance area” means an area designated as a Peclearance Area in Canada in accordance with s. 6 of the *Peclearance Act, 2016*; and Canada’s obligations under the Article III of the Agreement on Land, Rail, Marine and Air Transport Peclearance (LRMA);

"Program" means the Transportation Security Clearance Program Policy;

"Representative of a foreign manufacturer of aircraft" means a person who is not a Canadian citizen or a landed immigrant and who is retained by a foreign manufacturer of aircraft to conduct after sales service in Canada to aircraft newly purchased by a Canadian air carrier;

"Restricted area pass" means a restricted area pass as defined in the Canadian Aviation Security Regulations, (CASRs) 2012;

"Security clearance" means a security clearance granted under the Policy on Government Security;

"Security inspector" means a Transport Canada Security and Emergency Preparedness official who has been authorized to exercise and perform the powers, functions or duties of a security inspector;

"Supervisor of the Airport Pass Control Office" means the most senior person responsible for the operation of the Airport Pass Control Office.

- 2) In this document, a reference to the Minister includes a reference to the Deputy Minister.
- 3) In this document, a reference to the Director, Security Screening Programs includes a reference to a Transport Canada official who has been authorized to exercise and perform any of the duties or functions of the Director, Security Screening Programs.

### 1.3 Application

The following conditions apply to clearance applications made pursuant to this Program:

- 1) Anyone who requires a clearance shall make an application to the Minister in the manner prescribed by the Minister;
- 2) No application shall be receivable unless the Director, Security Screening Programs is satisfied that all information required by the application has been provided to the Minister and that such information can be verified to the Minister’s satisfaction; and



- 3) For the purpose of subsection (2), information provided by the applicant must be adequate, reliable and verifiable covering a period of five years prior to the application being made.

#### I.4 Objective

The objective of this Program is to prevent the uncontrolled entry into a restricted area of a listed airport by any individual who

- 1) is known or suspected to be involved in activities directed toward or in support of the threat or use of acts of serious violence against persons or property;
- 2) is known or suspected to be a member of an organization which is known or suspected to be involved in activities directed toward or in support of the threat or use of acts of serious violence against people or property;
- 3) is suspected of being closely associated with an individual who is known or suspected of
  - a) being involved in activities referred to in paragraph (1);
  - b) being a member of an organization referred to in paragraph (2); or
  - c) being a member of an organization referred to in subsection (5) hereunder.
- 4) the Minister reasonably believes, on a balance of probabilities, may be prone or induced to
  - a) commit an act that may unlawfully interfere with civil aviation; or
  - b) assist or abet any person to commit an act that may unlawfully interfere with civil aviation.
- 5) is known or suspected to be or to have been a member of or a participant in activities of criminal organizations as defined in Sections 467.1 and 467.11 (1) of the Criminal Code of Canada;
- 6) is a member of a terrorist group as defined in Section 83.01 (1)(a) of the Criminal code of Canada.

#### I.5 Refusal/Cancellation/Suspension

Any person who is denied a clearance, or any person whose clearance is suspended or cancelled, shall be advised in writing of

- 1) the refusal, cancellation or suspension; and
- 2) the reason or reasons for the refusal, cancellation or suspension unless the information is exempted under the *Privacy Act*; and
- 3) the right to redress.



### 1.6 Administration

This Program shall be administered by the Director of Security Screening Programs Branch of Transport Canada.

### 1.7 Exceptions for Extraordinary Situations

Certain individuals may be deemed to hold a clearance if they meet the Standards set out in this Program.

### 1.8 The Advisory Body

An Advisory Body shall review applicant's information and make recommendations to the Minister concerning the granting, refusal, cancellation or suspension of clearances.

### 1.9 The Review Panel

A Review Panel shall, in the case of an applicant under the purview of section 1.3, review all the information provided by the applicant with a view of making a recommendation to the Minister as to whether:

- 1) The application and information requirements of Section 1.3 have been met. In this case, a decision will be made to continue processing the file, or
- 2) The application and information requirements of Section 1.3 have not been met, and sufficient time has been provided for the applicant to provide the information. In this case a decision will be made to stop working on this file.

This decision will be communicated to the applicant.



## Part II - Standards

### II.1 Applicants

Any person who requires access to the restricted areas of the aerodromes. The following persons may submit an application for a security clearance:

- 1) any person who is required to obtain a Restricted Area Identity Card (RAIC);
- 2) any person who is applying for a job for which a security clearance would be required;

### II.2 Reserved for future use

### II.3 Enrolment Site Personnel

All enrolment site personnel at listed airports shall hold security clearances or clearances.

### II.4 Reserved for future use

### II.5 Exceptions

A security clearance is deemed to be held by a serving member of

- 1) any police personnel responsible for policing at the airport;
- 2) the Canadian Security Intelligence Service while the member is on duty at a listed airport;
- 3) any Government of Canada employee while on duty at a listed airport, once the security clearance has been confirmed.

### II.6 Foreign Nationals

The following documentation must accompany the application

- 1) A certificate signed by an official of the foreign government, foreign air carrier or foreign company stating that:
  - a) the applicant is an employee of the government, air carrier or company; and
  - b) the applicant's presence in the restricted area will not constitute a threat to transportation security.



- 2) Documentation issued by Citizenship and Immigration Canada indicating that the applicant complies with the requirements of the Immigration and Refugee Protection Act and the Immigration and Refugee Protection Regulations.
- 3) A photo-bearing identification document issued by the company or government concerned.
- 4) Where applicable a letter of introduction signed by an official of the foreign manufacturer to the client Canadian air carrier stating that:
  - a) the applicant is a representative of the foreign manufacturer; and
  - b) the customary reliability checks of the applicant were conducted by the foreign manufacturer.
- 5) Where applicable a letter from the Canadian air carrier attesting that the representative's presence in the restricted area is necessary to meet the conditions of after sales service and stating the expiry date of the service agreement.

Where applicable a certificate signed by an official of the Canadian air carrier stating that the foreign national has been directly employed by the Canadian air carrier or by the foreign company for the previous five years.

## II.7 Diplomatic or Consular Courier

The following documentation must accompany the application where the applicant is a diplomatic or consular courier who requires access to a restricted area for the purpose of receiving diplomatic and consular bags and mail:

- 1) a valid photo-bearing identification card issued to the diplomatic or consular courier by the Office of Protocol of the Department of Foreign Affairs and International Trade; and
- 2) a valid foreign passport bearing an "Acceptance" sticker issued by the Department of Foreign Affairs Canada; and
- 3) a letter signed by the head of the mission or consular post of the foreign country stating that the applicant is a citizen of the country assigned by that foreign government to work for the diplomatic mission or consular post in Canada as a diplomatic courier.



## II.8 Reserved for future use

## II.9 Exceptions for Extraordinary Situations

- 1) Subject to subsection (2) where the Director General, Aviation Security has deemed any individual or a class of individuals to hold security clearances pursuant to I.7, the deemed security clearances are valid for not more than 30 days.
- 2) The Director General, Aviation Security may extend for not more than 30 days the deemed security clearance of any individual or member of the class of individuals who has submitted to the Director, Security Screening Programs a completed application for a security clearance.

## II.10 Reserved for future use

## II.11 Holders of a transportation security clearance

- 1) Enrolment site personnel shall seek confirmation of whether an applicant is the holder of a valid transportation security clearance by means of a telephone conversation with an employee of Transport Canada's Security Screening Programs Branch.
- 2) A transportation security clearance issued in respect of an applicant at any listed airport is transferable to any other listed airport during the period of validity if confirmation has been obtained in accordance with subsection (1).

## II.12 Reserved for future use

## II.13 Reserved for future use

## II.14 Reserved for future use

## II.15 Pre-requisite

- 1) An application for a clearance shall be accepted only if the



- a) application form is certified by a sponsor of the company or partnership that employs the individual or intends to employ the individual; and
  - b) certification states that the applicant is an employee of that company or partnership or an applicant for such employment; and
  - c) results of reliability checks by the company or partnership, if any, have been satisfactory.
- 2) For purposes of subsection (1) (c), checks conducted for the purpose of a Reliability Status shall include confirmation by the requesting authority of the applicant's identity and date of birth.

#### II.16 Reserved for future use

#### II.17 Identification of Applicants

- 1) An application for a security clearance shall be accepted only after reasonable proof of identity has been provided to the Supervisor of the Enrolment site.
- 2) An applicant shall only be processed after proof of identity is established by the Enrolment site personnel and by the person who takes the fingerprints.
- 3) For the purposes of subsection (2), the following are considered to be prima-facie proof of identity,
  - a) a valid photo-bearing employee identification card issued by an employer known by the Supervisor of an Enrolment site;
  - b) a valid photo-bearing identification card or document issued by the Government of Canada or by any Province, Territory or municipality in Canada.

#### II.18 Reserved for future use

#### II.19 Security Clearances

- 1) The following checks shall be conducted for the purpose of granting a security clearance:
  - a) a fingerprint-based criminal records check;



- b) a check of the relevant files of law enforcement agencies, including intelligence gathered for law enforcement purposes; and
    - c) a CSIS indices check.
- 2) The following checks may be conducted for the purpose of granting a security clearance:
  - a) a check of the applicant's immigration and citizenship status; and
  - b) a security assessment by CSIS if necessary.
- 3) If an applicant requires unescorted access to a preclearance area at a listed airport, in addition to the checks conducted under subsections (1) and (2), a check of U.S. government databases shall be conducted for the purpose of granting a security clearance.
  - a) A check of U.S. government databases under subsection (3) will not be conducted for the following groups, should they require unescorted access to the preclearance area at a listed airport:
    - i. Government of Canada employees on duty at a listed airport;
    - ii. On duty Canadian law enforcement officers at a listed airport;
    - iii. On duty crew members of Canadian air carriers; and
    - iv. United States preclearance officers.
  - b) In order for the check under subsection (3) to occur, the employer of the applicant will be responsible for identifying whether or not the applicant will require unescorted access to the preclearance area of a listed airport. The employer will indicate this on the application form.
- 4) No application shall be processed unless the applicant has submitted all information required by the Director, Security Screening Programs.
- 5) Consent for the checks referred to in subsections (1), (2), and (3), as required, may be given only by an individual who has reached the age of majority as determined by Provincial or Territorial Law.
- 6) Where an applicant has not reached the age of majority, the signature of a parent or guardian is required.



- 7) Where an application has been signed by a parent or guardian, the Supervisor of the enrolment site shall take reasonable steps to ensure the authenticity of the person claiming the relationship.
- 8) Once an application for a security clearance has been received, regular checks of the relevant files of law enforcement agencies may be conducted for the purpose of making ongoing determinations as to whether the aim and objective of this Program are being met.

#### II.20 Reserved for future use

#### II.21 Duration of Security Clearance

- 1) Unless reduced for cause by the Advisory Body, a security clearance remains valid for a period not exceeding five (5) years.

#### II.22 Reserved for future use

#### II.23 Cancellation of Security Clearance

- 1) The Supervisor of the enrolment site shall notify the Director, Security Screening Programs in writing when a security clearance is no longer required by its holder.
- 2) A security clearance will be cancelled upon receipt of notification in accordance with subsection (1).
- 3) All information relating to the holder of a security clearance that is required under this Program shall be retained for a period of two years after the employee's departure or the last administrative action taken by the Government of Canada
- 4) All information referred to in subsection (3) shall be disposed of in accordance with the Government Records Disposal Schedule.

#### II.24 Reserved for future use

#### II.25 Information Bulletins



The Director, Security Screening Programs may from time-to-time issue bulletins known as "Security Screening - Information Bulletin" and

- 1) the contents of these bulletins are considered to be part of this Program; and
- 2) the requirements of such bulletins shall take effect on the date specified in the bulletins.

#### II.26 Reserved for future use

#### II.27 Notification of Delay

The Airport Security Manager may be notified in writing of a delay in the security clearance process that is caused by a review or any other reason and that is expected to exceed 45 days.

#### II.28 Reserved for future use

#### II.29 Review

- 1) A request may be made to update the security clearance pursuant to II.19 (1) & (2) where the Director, Security Screening Programs has reason to believe that a review of a security clearance may be appropriate.
- 2) Where information is made available that raises doubts as to the appropriateness of the holder retaining a security clearance, the Director, Security Screening Programs may suspend the holder's security clearance and shall inform the holder in writing and the aerodrome operator.

#### II.30 Reserved for future use

#### II.31 The Advisory Body

The Advisory Body shall consist of the Director, Security Screening Programs, who is the Chairperson, and at least two other members selected by the Director, Security Screening



Programs based on his or her familiarity with the aim and objective of the Transportation Security Clearance Program.

### II.32 The Review Panel

The Review Panel shall consist of the Director, Security Screening Programs who is the Chairperson, and at least one other member selected by the Director, Security Screening Programs based on his or her familiarity with the aim and objective of the Transportation Security Clearance Program.

### II.33 Convening the Advisory Body

The Director, Security Screening Programs shall convene the Advisory Body when:

- 1) the Director, Security Screening Programs believes there is sufficient information available to consider whether the applicant's suitability is consistent with the aim and objective of the Program; or
- 2) the Director, Security Screening Programs has suspended a security clearance.

### II.34 Convening the Review Panel

The Director, Security Screening Programs shall convene the Review Panel to review information provided by an applicant to determine whether it is sufficient, reliable and verifiable to proceed or to allow an applicant to re-apply.

### II.35 Cancellation or Refusal

- 1) The Advisory Body may recommend to the Minister the cancellation, refusal or upholding of a suspension of a security clearance to any individual if the Advisory Body has determined that the individual's presence in the restricted area of a listed airport would be inconsistent with the aim and objective of this Program.
- 2) In making the determination referred to in subsection (1), the Advisory Body may consider any factor that is relevant, including whether the individual:



- a) has been convicted or otherwise found guilty in Canada or elsewhere of an offence including, but not limited to:
  - i. any indictable offence punishable by imprisonment for more than 10 years,
  - ii. trafficking, possession for the purpose of trafficking or exporting or importing under the Controlled Drugs and Substances Act,
  - iii. any offences contained in Part VII of the Criminal Code - Disorderly Houses, Gaming and Betting,
  - iv. any contravention of a provision set out in section 160 of the Customs Act,
  - v. any offences under the Security of Information Act; or
  - vi. any offences under Part III of the Immigration and Refugee Protection Act;
  
- b) is likely to become involved in activities directed toward or in support of the threat or use of acts of serious violence against property or persons.

### II.36 Subsequent Applications

If the Minister refuses to grant or cancel a clearance, an applicant may submit a new application only if:

- 1) A period of five years has elapsed after the day of the refusal or cancellation; or
- 2) In the opinion of the Minister, a change has occurred in the circumstances that led to the refusal or cancellation. In order for a change of circumstances to have occurred, there must be a significant change in the facts upon which the decision was based, and not simply the interpretation of those facts.
  - (a) A change in circumstances under (2) does not extend to evidence that was known to the Applicant or reasonably available at the time of the original decision.
  - (b) Granting leave to re-apply under (2) is limited to exceptional situations where the decision was made on an erroneous factual basis i.e., significant additional information or evidence calls into question the very basis for the cancellation or refusal decision.

### II.37 Outstanding Criminal Charges



When the Director is considering an applicant in respect of whom there is an outstanding criminal charge, the Director may

- 1) defer the matter sine die until such time as the Court has disposed of the outstanding charge; or
- 2) grant the security clearance, where the Director determines that the outstanding charge would not lead to a refusal of the security clearance application.

#### II.38 Reserved for future use

#### II.39 Precautionary Measures

- 1) Where at the time an application is reviewed there is a doubt as to the future conduct of the individual, the Advisory Body may recommend to the Minister to:
  - a) reduce the period of validity of a security clearance; and
- 2) An interview conducted pursuant to paragraph (1) shall include
  - a) review of the adverse information against the applicant;
  - b) a statement by the inspector or representative advising the applicant that the retention of the security clearance is subject to the applicant's future conduct; and
  - c) an undertaking by the applicant to be of good behaviour.
- 3) When the applicant is not amenable to an interview pursuant to paragraph II.39 the applicant is deemed to have failed to have provided information required under subsection II.19.
- 4) The results of the interview shall be documented by the inspector or representative and submitted to the Director, Security Screening Programs for final review.

#### II.40 Reserved for future use

#### II.41 Notification of a Refusal, Cancellation or Stop Processing



- 1) Where the Minister has refused, cancelled or stopped processing a security clearance, a notice shall be given to the individual and to the Airport Security Manager.
  
- 2) The notification to the applicant that a security clearance is refused or cancelled, or the processing of a clearance application is stopped shall refer to the redress described in section II.45 and shall be sent by registered mail to the last known address.

#### II.42 Reserved for future use

#### II.43 Notification of a Suspension or the Continuation of a Suspension

Where the Director, Security Screening Programs has suspended a security clearance or the Advisory Body has recommended the continuation of the suspension, notice shall be given to the individual and to the Airport Security Manager.

#### II.44 Reserved for future use

#### II.45 Redress

- 1) When a determination has been made to stop processing a clearance, the applicant may request the Director, Security Screening Programs, to continue processing, or;
  
- 2) When a security clearance is cancelled or an application for a security clearance is refused an application for review may be directed to the Federal Court of Canada - Trial Division within thirty (30) days of the receipt of the notice of cancellation or refusal.



## Appendix

### 1. Forms

1. All applicants for a clearance must submit the following forms:
  - a. if the individual is in Canada under the North American Free Trade Agreement:
    - Questionnaire Personnel Security Assessment for Levels I & II (T.B. 330-279);
    - Application for Security Screening (TC 25-0414)
    - Fingerprints (United States Federal Bureau of Investigation form FD-258 and RCMP form C216C, and
    - Application for Restricted Area Pass.
  - b. where the applicant is not described in paragraph (a):
    - Application for a Transportation Security Clearance (TC 25-0356), and
    - Federal Bureau of Investigation FD-258 form, if the applicant has resided in the United States of America during the period under review.
    - Applicants may be required to provide additional information

### 2. Submitting Forms

The Airport Pass Control Office personnel shall forward the completed forms to:

Director of Security Screening Programs Transport Canada  
15<sup>th</sup> floor  
Tower C, 330 Sparks Street  
Place de Ville  
Ottawa, Ontario  
K1A 0N5

### 3. Renewals

1. Applicants for renewal of a clearance shall submit all applicable forms set out at 1. above.
2. Renewal notices requesting renewal documents shall be sent to Airport Security Manager as follows:
  - a first notice shall be issued by the Security Screening Division, 120 days prior to the expiry date of the clearance; and;



- a subsequent notice shall be issued by the Security Screening Division 60 days prior to the expiry date of the clearance where the application has not been received as a result of the first notice issued pursuant to sub-section i).
- A subsequent notice shall be issued by the Security Screening Division by the expiry date of the clearance where the application has not been received as a result of the second notice issued pursuant to sub-section ii) informing the Airport Security Manager that the clearance has expired.