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The Canada Border Services Agency: Final Report and Critical Evaluation

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Introduction

The U.S. 9/11 attacks brought scrutiny to border control and security, as governments shifted their perspective from the issue of border security to that of national security. Rumours circulated in the press that the 9/11 terrorists had made their way into the States through Canada, portraying Canada as a country with leaky border security, while at the same time raising public awareness about crime and security issues (Roy, 2005, p. 466). As the U.S. created changes in the American passport and border security regime, Canada followed with the securitization of its borders beginning with the introduction of the National Security Policy by the Martin government (Keeble, 2005, p. 8). As many governments do in times of stress and uncertainty, services were amalgamated or integrated, in order to coordinate services more efficiently and more effectively. Canada’s response was the creation of the Canada Border Services Agency (CBSA) on December 12, 2003, to act as a Separate Operating Agency under the Public Safety and Emergency Preparedness Portfolio (PSEP). It brought together the Customs Branch of the former Canada Customs and Revenue Agency (CCRA), the Appeals and Compliance Branches that supported Customs; the Intelligence, Interdiction and Enforcement program of Citizenship and Immigration Canada (CIC) and the Import Inspection at Ports of Entry program from the Canadian Food Inspection Agency (CFIA), and in October of 2004, the immigration functions at Ports of Entry were also transferred to the CBSA (McLellan, 2005, p.6). Today the agency is comprised of approximately 12,000 public servants, and provides services at approximately 1,200 points across Canada and 39 locations abroad (Ibid.). The agency operates on a 24/7 basis at over 60 land border crossings and nine international airports and administers more than 90 acts and regulations on behalf of other federal departments and agencies (Ibid.).

Function and Jurisdiction

The CBSA’s mandate is to provide “integrated border services that support national security priorities and facilitate the free flow of persons and goods, including plants and animals, which meet all requirements under the program legislation” (Canada Border Services Agency, 2005, c.38, s.5(1)). A federal agency responsible for processing all commercial shipments, the CBSA makes sure no illegal goods enter or leave the country, ensures that all people entering Canada are admissible and comply with Canadian laws and regulations (as defined in the CBSA Act), and removes people who have been determined inadmissible to the country, or who may pose a threat to Canada including those who have been involved in war crimes or crimes against humanity (McLellan, 2005, p. 6). The CBSA works with local, regional, national and international partners, screening and reviewing the documentation of people and goods in advance, before they reach the Canadian border. They have the power to interdict unsafe foods and unhealthy animals, and to detect and prevent the smuggling of drugs, explosives, radioactive materials, and chemical and biological agents or any national emergency that would affect the health, security, and economic prosperity of Canadians (McLellan, RPP, 2005-2008, p.5, 6).

The CBSA is also responsible for collecting taxes (GST, PST and HST) and applicable duties and for monitoring related trade statistics to make sure they are accurate (McLellan, 2005 estimates to 2008, p. 5, 6). Some Acts and Regulations administered in
whole or in part by the CBSA include: the Citizenship Act, Criminal Code, Customs Act, Food and Drugs Act, Health of Animals Act, Immigration and Refugee Protection Act, and the Proceeds of Crime and Terrorist Financing Act, to name a few (McLellan, 2005, RPP to 2008, p. 5).

A number of powers were transferred to the CBSA during their creation. For example, deportation orders are now issued under the CBSA which means that the Minister of CIC can no longer hear appeals based on humanitarian grounds (Keeble, 2005, p. 11). Moreover, prior to May 2000, CBSA officers had no authority to arrest persons believed to be under the influence of alcohol while driving. However recent federal legislative changes were made to the Customs Act and the Criminal Code of Canada allowing customs officers to arrest without a warrant for any criminal offence, including drinking and driving-related offences (Stewart et al. 2002, p. 1).

**Products and Services**

Aside from the tasks related to border management mentioned earlier, there are a number of programs and technologies that the CBSA creates and utilizes, geared towards providing more efficient service at border crossings. For instance, the CANPASS, NEXUS and Free and Secure Trade (FAST) programs determine the risk of pre-approved travelers and carriers prior to their entry into Canada and pre-clear U.S. bound air travelers at major international airports who are deemed low risk (McLellan, 2005, p. 21). Members use a dedicated CANPASS kiosk that utilizes biometric devices such as iris recognition to clear customs and immigration in lieu of reporting to a CBSA officer (McLellan, 2005, RPP to 2008, p. 12). In 2004-2005, the program was expanded (from the Vancouver airport) to five additional sites: Toronto, Montreal, Calgary, Winnipeg and Edmonton.

Another program that is geared towards helping the public is the *Our Missing Children* program. The CBSA works in co-operation with the RCMP's National Missing Children Services, CIC, and the Department of Foreign Affairs and the Department of Justice, locating and reuniting missing children with their lawful parents and guardians. The CBSA assumed full responsibility for the program when the CBSA was created and since 2005, officers recovered 69 missing children (Dalley, 2005, n.p.). The program allows access to more than 200 customs services, as well as citizenship and immigration officers in many embassies around the world and today has over 4000 CBSA officers on alert for abducted or missing children (Ibid.).

**Legislation and Regulation governing the CBSA**

The Minister of Public Safety is responsible for the agency and has the powers to delegate to any person, any power, duty or function, conferred on the Minister under the Act (CBSA Act, 2005, c. 38, s. 6(1, 2)). The president of the agency, under the direction of the Minister, has the control and the management of the agency and all matters connected with it (CBSA Act, 2005, c. 38, s. 8(1)). Furthermore, the CBSA has put in place a comprehensive network of senior management committees to help with its decision-making and governance. For instance, the Department of Justice provides the CBSA with legal advice and ensures constitutional compliance in the implementation and administration of any new initiative, such as the Land Pre-Clearance or the Container
Security Initiative, and the Budget Review and Resources Committee serves to ensure that resources are aligned to priorities of the agency (McLellan, 2005, RPP to 2008, p. 7).

In addition, other agencies help regulate the CBSA, such as the Treasury Board (TB), which requires the CBSA to undertake a comprehensive review of its resource base and report on its findings to the TB, which will serve to inform the Treasury Board Ministers and the central agencies on the financial capacity of the CBSA (McLellan, 2005, p. 10). After the CBSA submits its Program Activity Architecture (PAA) to the Treasury Board, and the TBS consults with CBSA management to the refinement of the organizational structure, the president of the CBSA submits the Report on Plans and Priorities (RPP) to Parliament, which reports the finances based on planned spending numbers from the TBS (McLellan, 2005, p. 30).

Organizational Structure and Decision-Making Process

The CBSA is organized into seven branches that support four program activities (Security, Access, Science and Technology-Based Innovation and Corporate Management and Direction). Each Branch is headed by a Vice-President (VP) who reports directly to the President and Executive Vice-President (McLellan, 2005, p. 31). Operations are delivered in eight regions: Atlantic, Quebec, Northern Ontario, Greater Toronto Area, Windsor/St. Clair, Niagara Falls/Fort Eire, Prairies and Pacific (Ibid.). In particular, the Admissibility and Enforcement Branches develop the programs and policies that the Operations Branch delivers (McLellan, 2005, p. 31, 32).

An internal audit committee, the Canada Border Services Advisory Committee (CBSAC), was created to provide the CBSA on an as-requested basis, with advice on determinants affecting border security, and to serve as a sounding board to the CBSA advising on policy decisions (CBSA website). The president of the CBSA chairs the CBSAC and appoints members at senior-level from various sectors, to serve on the committee (Ibid.). A few of the principles of the CBSAC that relate to the decision-making process are: "to undertake consultations early in any decision-making process such that input received can be used to inform decision-making and to allow adequate time for participation to ensure that participants can contribute to deliberations in an informed, thoughtful manner" (Ibid.). Although the CBSAC has their own decision-making process, their role in relation to the CBSA is advisory and not decision-making. Ultimately, the authority rests with the CBSA.

Theory and Evaluation

There is much controversy when evaluating security agencies, since the context in which they operate is subjective, confounded by a large degree of uncertainty. A national security agency, such as the CBSA, is mandated to protect the public from threats and uncertainty, often of which, cannot be easily quantifiable (Spencer, 2006, p. 186).

Evaluating a government organization on whether it is heading towards a more democratic approach, is difficult to do for security organizations, as their very nature is paternal, hierarchical and in some cases, degrading. Bell (2006) argues that heightened surveillance and security erodes civic freedom, by "advancing measures as necessary to guard these very same freedoms" (148). Also the meaning and degree of "public participation" gets muddled and confused in the context of surveillance, when every
citizen is targeted as a threat to security, rather than an informer of security. Still, security agencies can be evaluated on whether they are heading towards a more democratic approach in their operations. Equality, for instance is found in the very definition of democracy: “Democracy refers to a form of government in which citizens enjoy an equal ability to participate meaningfully” (Barney, 2000, p. 22). I have extended the meaning of equality in the evaluation, to include that of equal rights, as defined in the Canadian Charter of Rights and Freedoms. Another aspect of democracy is the need for more transparency in the operations of the organization in question. A perspective that is becoming increasingly popular is the need for a democratic process that “includes open, transparent government” (McAllister, 2005, p. 38). Transparency, I argue, can be both a strength and a weakness of a governing agency, and that it should be evaluated according to its context. The final criteria for my evaluation will include that of accountability. McAllister says that “enhanced local institutional authority must be accompanied by a strengthening of the public accountability of that institution” (McAllister, 2004, p. 15). Therefore, I will focus on the following characteristics when evaluating the CBSA:

1. **Equality**
2. **Transparency**
3. **Comptrollership and Accountability**

**1. Equality**

McAllister draws from B. Guy Peters’ six basic principles of public administration, as a model to look at how public administration, or organizations that run like administrations, should be approached in practice. Under fairness or equality, it states that “All citizens should be viewed and treated equally both in terms of services received and in the outcome of government decisions” (McAllister, 2005, p. 204). When evaluating the CBSA one should ask whether the agency is serving people equally or is there an emphasis on particular groups? In taking the evaluation further, one should also consider what impacts this disparity in service will have, on the strength of the organization, and on those affected.

**Strengths**

*Equal Representation on Committees and Appeal structure*

One way that the CBSA demonstrates its attention to equal rights is when we look at the number of women that serve at the upper-levels of the Agency. Of the 10 upper-level positions of the CBSA, four members are female, which is almost half (MclLellan, 2005, RRP to 2008, p. 40).

Another way that the CBSA strengthens equal rights is through their redress system, which gives every individual the right to a formal review, if the individual believes that he or she did not receive full entitlement under the law or if the individual was unable to reach an agreement with the CBSA on a duty or penalty matter. The redress system is structured so that clients are advised on their right to the dispute-resolution process (MclLellan, 2005, RRP to 2008, p. 12).
Weaknesses

a) Racial Discrimination

The CBSA claims to uphold the Canadian Charter of Rights and Freedoms in their mandate, and in their core values of ‘Integrity, Respect and Professionalism’. For instance, under the heading ‘Respect’, the CBSA claims: “We will show the utmost appreciation for the dignity, diversity and worth of all people […] We respect the privacy of Canadians and strongly uphold the Canadian Charter of Rights and Freedoms” (McLellan, 2005, RPP to 2008, p. 8). There have been a few incidents where this statement (and CBSA’s actions), have been questioned.

Although Canada’s immigration policies once emphasized diversity by welcoming immigrants irrespective of their countries of origin under the Canadian Charter of Rights and Freedoms and the Multiculturalism Act, today immigrants are seen as a threat, often portrayed negatively because of their race, religion, or both. Recent changes in policy demonstrate this shift in perspective. More stringent legislation for refugees and immigrants suggests discrimination of a particular population. For instance the direct-back policy requires CBSA officers to complete full examinations of refugee claimants, and allows CBSA officers to send refugee claimants back to the United States with an appointment to return later for processing (Kruger et al., 2004, p. 80). All refugee claimants are checked against the Criminal Security Intelligence Service, the RCMP and records and databases of other entities. The CBSA inspects passports and other documents while refugee claimants are interviewed, fingerprinted (which is then digitized and immediately sent to the RCMP for security clearance), and photographed, and their original travel documents seized, enabling these agencies to closely monitor these individuals (Kruger et al., 2004, p. 79). It is questionable why one group or population should be monitored more closely than another, when threats do arise in the host country.

Not only has more stringent legislation been put in place which erodes the freedom and dignity of individuals, but the actions undertaken by CBSA officials that target minority groups has been a major criticism of CBSA’s operations. For instance, it was found that the screening of port workers in Canada by CBSA officials relies on a form of racial and religious profiling by targeting employees who have connections to Muslim and Arab countries (Walkom, 2004). These examples suggest that the CBSA targets certain populations; in particular, there is an emphasis on the foreign national and those of Arab and Muslim background as a threat, to be monitored, whereas those already living in Canada are considered lower-risk.

b) Gender Discrimination

In a recent incident regarding censorship issues, a Vancouver gay and lesbian bookstore, called “Little Sisters” challenged CBSA officials on grounds for discrimination under the Canadian Charter of Rights and Freedoms. Little Sisters had been in and out of court for years challenging their book censorship by CBSA officials, who determine that much of the material that goes to the bookstore is “obscene and, therefore, banned from entry into Canada” (Tibbetts, 2007, p. 1). While the CBSA has a list of books and media that they monitor, the case was controversial because the Court
did not feel that the issue was of public interest, rather they felt it was “extremely limited in scope” and did not “transcend the litigant’s individual interests” (Ibid.). Provincial judges argued that the question of whether customs officials are unlawfully interfering with freedom of expression was of public interest. The bookshop won a partial battle in the Supreme Court of Canada in 2000, in which the court chastised the “oppressive and dismissive” actions of customs officers, but left their censorship powers intact (Ibid.).

Gender discrimination has also been questioned in the laws governing immigrants’ entry into Canada. The enforcement of immigration laws at points of entry to Canada and/or detention of individuals who fail to conform to the Act’s provisions, are under CBSA’s jurisdiction. Women who fall into the “precarious immigration status” either through a Sponsored Family Member, or a temporary resident visa, etc. often suffer discrimination in access to health and security, since women under this status are deemed ineligible for public health insurance under the Canada Health Act and are not issued health cards (Oxman-Martinez, 2005, p. 253). Other challenges and barriers that face women as a result of this status include increased vulnerability to exploitation (economic, sexual, and physical) and diminished ability to control their life environment (at home and at work) (Oxman-Martinez, 2005, p. 254). Although the CBSA is not directly responsible for the policies under the Health Act, it does have power over the Immigration and Refugee Protection Act and its provisions. The CBSA’s policies and laws have undesirable repercussions for these immigrant women, making the CBSA partially accountable for the discrimination that these women experience later down the road.

2. Transparency

Roy contends that “tensions have arisen with respect to the appropriate mix of secrecy and transparency within a security apparatus operating under a unique and delicate balance between autonomy and accountability” (Roy, 2005, p. 463). In the era of digitalization, governments have been establishing new security measures that create expanded capacities for gathering, analyzing, and sharing information, within governments and across governments and other sectors. Evaluating whether the agency is transparent may not be an appropriate measure of effectiveness of security agencies, as the degree of transparency to the public may be an indicator of weakness on the part of the security agency (leaking information to the public can be an open door for criminal organizations). On the other hand, strong information flows and information sharing can be seen as a great strength of an organization. “In a disaster or crisis, the continuous flow of information gives people the capacity to respond intelligently […] They take in the information, make fast judgment calls, try something, quickly reject it if it doesn’t work, and then try something else” (Wheatley, 2005, p. 120). Too quickly though, transparency can become detrimental when security is breached or the information is handled inappropriately. Therefore, transparency should be evaluated according to its different contexts.
**Strengths**

* a) Transparency among security organizations

Other intelligence agencies including CIC, CSIS and the RCMP rely on the CBSA to provide reliable and intelligent information quickly during day-to-day operations. The case of Ahmed Ressam, the would-be millennium bomber with his connections to Al-Qaeda, reveals the problems when there is little transparency and information sharing among security organizations. Ahmed Ressam was able to procure a Canadian passport through a fraudulent baptismal certificate from a Montreal church, photos forged with a Montreal doctor’s signature and a fabricated student card from the Universite de Montreal (Salter, 2004, p. 83). It was only when he was caught at the Port Angeles border post in 1999 under a false Canadian passport, did inspectors also find that he was carrying materials to make a large explosive (Ibid.). This incident occurred before the CBSA was created, when communication channels between security and intelligence agencies weren’t as strong. One argument could be made that if Canada had better information flows between intelligence agencies, then the threat would be found and deterred much more quickly. Since then, the CBSA has created an “Integrated Threat Assessment Centre” (ITAC) that works in conjunction with the National Security Advisor to the Prime Minister and analyzes available information on potential terrorist threats to Canada (McClellan, 2005, RPP to 2008, p. 21). With Canada’s recent implementation of the Information Sharing Statement of Mutual Understanding (SMU) with the U.S. in January 2005, a bi-national working group has been set up to determine how, and with whom, immigration-related information is shared between the two countries as well as to identify any information sharing gaps (McClellan, 2005, RPP to 2008, p. 23).

**Weaknesses**

* a) Too much transparency (ie. privacy issues)

The CBSA uses many data collection techniques and storage systems that pose a risk to the privacy of the individual. For instance, the CANPASS system stores black and white digital photographs of the irises of frequent travelers and verifies a passenger’s identity within about 2 seconds, without the passenger having to remove his or her contact lenses or spectacles (Connolly, 2006, p. 22). The CBSA chose this technology over fingerprint, voice or face recognition because it gives high security and they argue it is non-intrusive (Ibid.). The CBSA is authorized to collect and retain information on travelers and to keep it for customs purposes under section 107.1 of the Customs Act (Customs Act, 1985, s. 107.1, Department of Justice). There are increasing concerns of public and private information-sharing within an invisible infrastructure; particularly, the scope of the technology on a global level. Biometric devices not only allow national authorities to screen incoming visitors but also enable authorities to monitor the movements of their own citizens abroad, provided there is interoperability on a transnational scale (Su et al., 2005).

There have been a number of criticisms of this power and monitoring on behalf of the CBSA, namely infringement on the privacy rights of Canadians, the secrecy
surrounding government operations managing such initiatives, the potential for “function creep” (whereby information gathered by one government to serve a particular purpose inevitably makes its way to other organizations to serve a different purpose), and the possibility for errors due to the mismanagement of information and identities (Roy, 2005, p. 467-468). The International and Longshore Warehouse Union (ILWU) is concerned over workers’ privacy rights, and the privacy rights of their families. For instance, in both Canada and the US, the biometric security cards used for the screening and inspecting of port workers, tracks not only the travel, work, intimate and sexual relations, and criminal histories of workers, but also of the workers’ families (Cowen and Bunce, 2006, p. 433). Making such details of the workers and their families accessible to different organizations and increasing surveillance technologies are inconsistent with substantive democratic principles of equality and freedom (Bell, 2006, p. 163).

b) Not enough transparency among organizations

Despite new information-sharing agreements with other countries, the CBSA has been criticized for its lack of transparency. Other government agencies have complained of CBSA’s laissez-faires attitude in reporting certain statistics and information that would be beneficial to other security agencies. For instance, in an interview with Ron Moran, the National President of CEUDA (Customs and Excise Union Douanes, Assise), Moran believes that at times, issues are “treated by the Agency with a certain nonchalance” which he sees as incompatible with CEUDA (Addy, 2006, p. 7). For example, until pressured into doing so, the Agency wasn’t keeping track of statistics on “port-runners” (people who go through border points without stopping). An outside risk analysis firm conducted a study and estimated between 600 to 800 port-runners per year, and while the CBSA did not deem this important enough to allocate resources to either count these accurately or deter them, CEUDA saw this as an unacceptable risk (Ibid.).

3. Comptrollership and Accountability

The need for comptrollership and accountability within security organizations follows from a need for transparency. Without transparency, it is difficult to determine the degree of accountability and reliability of agencies and organizations. One way to measure accountability is through benchmarking (Bowerman et al., 2001, p. 322). Benchmarking can be a valid tool to help monitor progress in making improvements against leaders in the field, in reviewing services to identify best suppliers, and in bringing about continuous improvements in government policy-making and service delivery (Ibid.). The type of benchmarking tool utilized by the agency in question can be debated.

Strengths
Budget and Spending Indicators and Audit Committees

The CBSA employs what Bowermen et al. (2001) term “defensive benchmarking” in which organizations will acquit accountability obligations by providing “proof” of efficiency and of well-delivered service, which can be done through
a publication of annual performance plans and performance reviews designed to raise standards and reduce costs (Bowerman et al., 2001, p. 324). For defensive benchmarking, the aim is to prove to the external agency that the benchmarking agency is doing well, and not necessarily to improve or become the best agency (Ibid.). The CBSA has created a Report on Plans and Priorities, as part of their Program Activity Architecture (PAA), to be reviewed by several external agencies. In this report, budget estimates, planned spending and actual spending are outlined in extensive detail. Planned spending is usually very close to or under the actual spending of the Agency (see McLellan, 2005, RPP to 2008, p. 41-42). While this is a good indicator of the Agency’s efficient budgetary planning and spending, revealing that costs are associated with clearly defined products and services, it does not provide an incentive for the Agency to do better than it already has, nor does it identify service alternatives, that may be useful if program goals are displaced due to uncertain factors (i.e. natural disasters, national emergencies, etc.).

The CBSA has also established the Executive Management Committee (EMC) and the Internal Audit and Evaluation Committee (IAEC) to evaluate the governance and accountability structures. Whereas the EMC sets the direction for the CBSA and reviews and approves major policies, investments and initiatives, the IAEC is composed of members from outside the CBSA, to provide a more impartial review and has recently developed and approved a risk-based multiyear Audit Plan (McLellan, 2005, RPP to 2008, p. 34).

**Weaknesses**

*Service Delivery*

The public depends on the CBSA to manage border safely and securely while at the same time, operating the most efficiently; however, the flows of commerce and the need for security are not always compatible. According to Industry Canada (2004), 40% of companies indicated that customs compliance is the greatest challenge they face in the export process, before duties and tariffs or transportation management (Industry Canada, March 2004, p. 18). In 2004, the Windsor-Detroit border crossing managed roughly $1 billion in trade each day, and it has been estimated that in the year 2030, delays in the Windsor-Detroit corridor alone will result in direct costs to Canada and the U.S. of more than CDN $17.8 billion per year and result in over 70,000 jobs lost in Canada (Ontario Chamber of Commerce, OCC Borders and Trade Development Committee, May 2004, p. 4).

Border wait times at ports of entry have also compromised CBSA’s accountability. The Vancouver Port Authority reports that the duty to principles of commerce “conflicts with the imperatives of public security since the systematic checking of containers and cargo causes delays and irritates importers and exporters alike. Since all parties have a financial interest in expediting traffic, security is deemed to be expensive and time-consuming” (Cowen and Bunce, 2006, p. 435). In Toronto, for example, officials encountered problems following 9/11 with increased lines and border inspections at the border station where a tourist passenger ferry traveled back and forth to Rochester and consequently the ferry ceased operation in 2004. Lisa Raitt, President and CEO of the Toronto Port Authority, noted that one of the main reasons for its closure was
the high cost of customs services charged by the CBSA monitoring the route (Blinkley, 2005, p. 1). While it is difficult to determine the extent of economic and physical damage if these inspections were not carried out adequately, it does reveal problems of poor management on the part of CBSA in planning and operations and therefore problems of accountability.

Justification for the Agency

The success in public protection and security that the CBSA has achieved should not be overlooked, however it is not the only defining factor, and should not be viewed in isolation, as indicated by the strengths and weaknesses of its operations and actions discussed earlier.

In 2005, the CBSA kept more than $400 million worth of drugs off the streets; dealt with over 3,600 Criminal Code incidents at the borders, and detained over 13,400 individuals for immigration infractions, and seized approximately $31 million under the *International Proceeds of Crime Act*, of which $11 million was forfeited to the Crown (McLellan, 2005, p. 7). In the same year, the CBSA processed over 71 million highway travelers, 18 million air travelers, 276,000 rail passengers, 2.9 million marine passengers, and over 11 million commercial releases, totaling some $350 billion in value (Ibid.).

York (1982) argues that one way to evaluate a service agency is to determine what would be the impacts on consumers and society if that agency was removed, or no longer existed. It is difficult to imagine the country operating efficiently and effectively without the CBSA in place to control Canada’s borders. Everything from toxic substances and chemicals, agricultural products going unchecked across the borders, the possible entry of weapons of mass destruction, would be a few dangers of not having a security agency to control the borders. Also it would be difficult for planners to determine the number of immigrants arriving and therefore provision in housing would be haphazard. Interestingly the very security that Canadians enjoy (without always realizing its benefits) also creates problems of decreased democracy and freedoms, due to the totalizing nature of the CBSA.

Recommendations

1. Equality

The Agency should re-evaluate its program goals in light of the emphasis placed on equality of rights for individuals. The CBSA should consider putting programs in place that address or accommodate immigrants if it decides to keep the stringent legislation in place regarding immigrant status. For instance, if the legislation requires the CBSA to send immigrants and refugees back to their home countries, it should offer small compensation, and link those individuals and families with service providers, to help them make the difficult transition back to their home country. Moreover, the CBSA should redefine “precarious status” so that immigrant women can gain access to healthcare and not be displaced or segregated from Canadian services.

Moreover, screening of individuals should not follow from arguments made on race or gender. If the CBSA must continue infringing on privacy rights and selecting certain populations to be screened more vigorously, then it should consider revising its
mandate, so that it does not include the statement that it "strongly upholds the Canadian Charter of Rights and Freedoms".

2. Transparency
The CBSA should continue working with other countries, maintaining strong communication flows across governmental organizations to maintain interoperability and recognize criminal activity, but at the same time they should be monitored by a separate agency on a continual basis, to make sure they do not sell information to other parties that is not justified in the context of their operations. The CBSA should also increase the diversity in their reporting statistics, and if asked by other Canadian security agencies to provide information on these statistics, make them readily available, especially if both agencies are aiming to serve similar purposes.

3. Comptrollership and Accountability
The agency should continue providing statistics on budgetary plans and priorities to the public and organizations in order to determine the effectiveness of programs by monitoring their statistics and outcomes. However, the CBSA should also aim to provide qualitative studies and research that addresses the quality of the agency in the public’s view, through public participation. This can be done through surveys at border crossings, for the public to give feedback on the process and experience.

Conclusion
The CBSA was created to integrate border services more efficiently in response to the United States’ pressure to secure its borders following the September 11 attacks. The CBSA operates relatively effectively as a security agency as well as an administrative body, tracking goods and services that cross the border and monitoring trade statistics. In the context of democracy, however, there is room for improvement. In particular, it should focus on strengthening equality of service provision, through practices that support its mandate. It should also continue strengthening its communication and information channels, without compromising the quality of service it has set out to provide. Providing more opportunities for the public to comment on spending and operational budgets can contribute to better accountability. Overall it is difficult to fully evaluate the CBSA on its services and operations because of the limited information available and the degree of secrecy it maintains. However, because the Agency is relatively new and its structure and policies are still in a transitioning phase, the Agency and the way it handles its planning and operations warrants further study.
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