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Legislative Summary

BILL C-12: AN ACT RESPECTING CERTAIN MEASURES RELATING TO THE SECURITY OF CANADA'S BORDERS AND THE INTEGRITY OF THE CANADIAN IMMIGRATION SYSTEM AND RESPECTING OTHER RELATED SECURITY MEASURES

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ABOUT THIS PUBLICATION

Library of Parliament legislative summaries summarize bills currently before Parliament and provide background information about them in an objective and impartial manner. They are prepared by Research and Education, which carries out research for and provides information and analysis to parliamentarians, Senate and House of Commons committees and parliamentary associations. Legislative summaries are revised as needed to reflect amendments made to bills as they move through the legislative process.

For clarity of exposition, the legislative proposals set out in the bill described in this legislative summary are stated as if they had already been adopted or were in force. It is important to note, however, that bills may be amended during their consideration by the Senate and House of Commons and have no force or effect unless and until they are passed by both houses of Parliament, receive Royal Assent and come into force.

Any substantive changes to this Library of Parliament legislative summary that have been made since the preceding issue are indicated in **bold print**.

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Legislative Summary of Bill C-12
(Legislative Summary)

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LEGISLATIVE SUMMARY OF BILL C-12: AN ACT RESPECTING CERTAIN MEASURES RELATING TO THE SECURITY OF CANADA'S BORDERS AND THE INTEGRITY OF THE CANADIAN IMMIGRATION SYSTEM AND RESPECTING OTHER RELATED SECURITY MEASURES

1 BACKGROUND

On 8 October 2025, the Honourable Gary Anandasangaree, Minister of Public Safety and Emergency Preparedness (Minister of Public Safety), tabled Bill C-12, An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures (short title: Strengthening Canada's Immigration System and Borders Act).[1]

Bill C-12 incorporates many elements of Bill C-2,[2] including measures to combat transnational organized crime, stop the illegal flow of fentanyl, crack down on money laundering, dismantle criminal networks and improve the integrity of the immigration system. According to the Government of Canada's news release, Bill C-12 would allow Parliament to pass priority measures to protect Canadians, while allowing more time to review the other measures initially announced under Bill C-2.[3] Thus, Bill C-12 essentially retains Parts 1 to 3, 5 to 10, 12 and 13 of Bill C-2.

Some measures proposed in Bill C-2 were withdrawn from Bill C-12, including provisions to facilitate law enforcement's access to basic information and subscriber data to identify online criminals, introduce the Supporting Authorized Access to Information Act and enable collaboration with Canada Post to curb the circulation of fentanyl and other drugs through the mail. Consequently, Bill C-12 does not retain Parts 4, 11 and 14 to 16 of Bill C-2.

The House of Commons Standing Committee on Public Safety and National Security proposed nearly 20 amendments during its study of the bill in November 2025. On 2 December 2025, the Speaker of the House declared eight of these amendments null and void, ruling that they violated the parent Act rule.[4]

At the report stage, 51 motions in amendment were listed on the House of Commons *Notice Paper* for 10 December 2025, two of which were adopted the following day. This legislative summary presents the adopted amendments in bold print throughout.

2 DESCRIPTION AND ANALYSIS

Bill C-12 has 11 parts and 137 clauses. The key clauses are discussed in the next section of this legislative summary.

For ease of reference, the 11 parts are presented in the same order as they appear in the bill. Unless otherwise specified, provisions come into force upon Royal Assent.

2.1 PART 1: *CUSTOMS ACT* (CLAUSES 2 TO 5)

Pursuant to the *Customs Act*, officers of the Canada Border Services Agency (CBSA) must ensure that goods entering or leaving Canada comply with the applicable laws and regulations. Currently, section 6 of that legislation requires only the owners or operators of transit facilities to provide, equip and maintain free of charge adequate customs facilities to allow CBSA officers to inspect imported goods.

Part 1 of Bill C-12 amends that provision and other provisions of the *Customs Act* to expand the field of application and better regulate exports.

More specifically, clause 2 of the bill expands the scope of section 6 of the *Customs Act* by requiring owners and operators to provide, equip and maintain free of charge customs facilities deemed adequate by the Minister of Public Safety for the purposes of executing CBSA warrants, including inspecting goods destined for export.

Clause 3 of the bill renames Part V of the *Customs Act* to "Exportation." Moreover, clause 4 of the bill introduces sections 97.01 and 97.02 to the *Customs Act*, which require warehouse operators and transporters to give CBSA officers, upon request, free access to any premise or place and goods destined for export therein.

Clause 4 was amended by the House of Commons Standing Committee on Public Safety and National Security to provide that a warrant, issued by a judge at the request of the Minister under certain conditions, is required to authorize CBSA officers to enter a place that is a "dwelling-house."

To facilitate the transition to these new measures, clause 5 of the bill prohibits any action or judicial proceeding between the federal government and the owners or operators of the facilities used by the CBSA for the fees related to the use of buildings or other accommodations before the coming into force of the changes to section 6 of the *Customs Act*. In other words, neither the government nor these owners can claim any money from one another for the use of these facilities for carrying out customs activities, such as inspecting goods for export.

2.2 PART 2: *CONTROLLED DRUGS AND SUBSTANCES ACT* (CLAUSES 6 TO 21)

Part 2 of the bill mainly introduces amendments to the *Controlled Drugs and Substances Act* (CDSA),[5] creating a new temporary scheduling pathway that allows the Minister of Health to add precursor chemicals to Schedule V of the CDSA.

2.2.1 Ministerial Order and Amendments to the *Controlled Drugs and Substances Act*

The CDSA establishes a framework for controlling drugs and substances, including precursors, listed in Schedules I to VI of the CDSA. The offences and penalties depend on the schedule in which the substance is listed.

Clause 6 of the bill amends the definition of "precursor"[6] in section 2(1) of the CDSA by adding the substances listed in Part 2 of Schedule V. It also amends the definition of "controlled substance"[7] (in other words, a controlled substance within the meaning of the CDSA) to include substances in Part 1 of Schedule V of the CDSA, which will be discussed below.

Clause 8 of the bill amends section 60.1 of the CDSA to allow the Minister of Health to take into account any relevant information provided by the Minister of Public Safety when the Minister of Health makes an order to add an item to a schedule, and to specify when an item or a portion of an item is deleted.

Clause 9 of the bill creates section 60.2 in the CDSA to add that the Governor in Council may make regulations authorizing the Minister of Health, notably, to add to or delete from any schedule to a regulation under the CDSA any substance included in Schedule V of the CDSA.

Clause 10 of the bill provides for the replacement of Schedule V of the CDSA with Schedule V as set out in the schedule to the bill. This amendment effectively splits Schedule V of the CDSA into two parts. Part 1 (controlled substances) includes only carisoprodol, a sedative used as a muscle relaxant. It was removed from the list of prescription drugs on 14 April 2025 and added to the CDSA as a controlled substance.[8] Part 2 (precursors) provides three tables. Table 1 sets out Class A precursors, including phenethyl bromide and propionic anhydride, precursors with legitimate uses that can be used in illegal fentanyl production.[9] Table 2 sets out class B precursors, or benzyl chloride, which has legitimate uses in other countries, but is also used in illegal fentanyl production.[10] Table 3 covers controlled preparations and mixtures containing precursors, including those mentioned in Tables 1 and 2. Unless authorized by regulation or covered by an exemption, activities involving Schedule V substances constitute offences punishable by a term of imprisonment.

2.2.2 Related Amendments to the *Precursor Control Regulations*

The *Precursor Control Regulations* (PCR),[11] made under the CDSA, categorize precursors as either Class A or Class B, based on their potential for being used illegally.

Clauses 12 to 20 of the bill make related amendments to the PCR, including by creating section 91.01 of the PCR, that set out the Minister of Health's power to add by order a temporarily scheduled precursor to column 1 of Table 1 or 2 in Part 2 of Schedule V to the CDSA, and to indicate a maximum quantity or delete any precursor or any portion of a precursor. A temporarily scheduled precursor refers to a precursor added to column 1 of Table 1 or 2 in Part 2 of Schedule V to the CDSA. Clause 16 of the bill amends the schedule in the PCR to add phenethyl bromide and propionic anhydride.[12]

2.3 PART 3: POLICE ENFORCEMENT OF THE *CONTROLLED DRUGS AND SUBSTANCES ACT* AND THE *CANNABIS ACT* (CLAUSES 22 TO 24)

Part 3 of the bill amends the CDSA and the *Cannabis Act* to make explicit that the Governor in Council, on the recommendation of the Minister of Public Safety, may make regulations exempting members of law enforcement from the application of certain provisions of the *Criminal Code* that create inchoate drug-related offences when they are conducting lawful investigations.

2.3.1 *Controlled Drugs and Substances Act*

Clause 22 of the bill adds sections 55(2)(b.1) and 55(2.1)(b.1) to the CDSA. Currently, section 55(2) of the CDSA authorizes the Governor in Council, on the recommendation of the Minister of Public Safety, to make regulations to exempt certain people or categories of people and persons under their direction and control from the application of the Act, including in connection with any authorized activities.

The amendment in section 55(2)(b.1) and section 55(2.1)(b.1) of the CDSA seeks to add an explicit regulatory basis allowing the exemption by regulation in police investigations, pursuant to the CDSA or any other federal legislation, of a member of a police force or of the military police, and other persons acting under their authority and supervision, from the application of any provision of the *Criminal Code* that creates the offence of conspiracy or of attempt to commit a CDSA offence, being an accessory after the fact in relation to or counselling in relation to an offence under the CDSA.

This provision helps, for instance, legally protect peace officers who, when investigating from within or as part of secret operations, might otherwise be technically committing these offences. For example, without this exemption, an officer participating in an undercover operation that aims to dismantle a drug trafficking network might be subject to prosecution.

In order for peace officers and public officers to be able to carry out their law enforcement duties, protections similar to those set out in the CDSA are offered to them in section 25.1 of the *Criminal Code*, when they commit, in the performance of their duties, an act or omission that would constitute an offence. Under section 25.1(14) of the *Criminal Code*, this protection does not extend to an act or omission that would constitute an offence in Part I of the CDSA or its regulations, or in section 1, Part 1 of the *Cannabis Act*.

2.3.2 *Cannabis Act*

As with sections 55(2)(b.1) and 55(2.1)(b.1) of the CDSA, the changes made to sections 139(6) and 139(7) of the *Cannabis Act* add an explicit regulatory basis for exempting by regulation, pursuant to the *Cannabis Act* or any other federal legislation, in police investigations, a member of a police force or of the military police and other persons acting under their authority and supervision from the application of any provision of the *Criminal Code* that creates the offence of conspiracy or attempt to commit an offence under the *Cannabis Act*, being an accessory after the fact in relation to or counselling in relation to an offence under the *Cannabis Act*.

2.4 PART 4: *OCEANS ACT* (CLAUSES 25 TO 27)

Part 4 of Bill C-12 amends the *Oceans Act*. The amendments aim to strengthen the Canadian Coast Guard's mandate by formally including security-related responsibilities that support Canada's sovereignty and maritime domain awareness, particularly in remote Arctic regions.

Currently, the Canadian Coast Guard's mandate is to ensure that Canada's waterways and oceans are safe, accessible, secure, healthy and productive.[13] Bill C-12 authorizes the Canadian Coast Guard to conduct security patrols and to collect, analyze and share information or intelligence in support of national maritime security objectives.[14]

Clause 25 amends section 41(1) of the *Oceans Act*. Section 41 of this Act concerns coast guard services. The minister responsible for the Canadian Coast Guard is currently the Minister of Fisheries and Oceans. **The initial version of Bill C-12 amended this section** by providing authority for *another designated cabinet minister, in addition to the Minister of Fisheries and Oceans*, to perform coast guard functions. **The House of Commons Standing Committee on Public Safety and National**

Security amended section 41(1) to provide that only the Minister of National Defence will be responsible for coast guard services.

Section 41 is further amended by new language in section 41(1)(e). Prior to the amendment, the section read, in part, "through the provision of ships, aircraft and other marine services." As amended, it now reads, "through the provision of ships, aircraft and other services."

The absence of the word "marine" broadens the possible scope of services which could now include aerial, cyber or land-based support if needed. This new language broadens the mandate of the coast guard service considerably.

As well, clause 25 adds section 41(1)(f) to the *Oceans Act*, which expands the responsibilities of Canadian Coast Guard services by adding duties related to "security, including security patrols and the collection, analysis and disclosure of information or intelligence."

This amendment introduces a new dimension to coast guard responsibilities by including security functions which were previously not in the mandate, bringing the coast guard's role closer to one of national security or maritime defence.

This appears to complement an enhancement of the powers, duties and functions of the Minister of Fisheries and Oceans as set out in section 4(3) of the *Department of Fisheries and Oceans Act* (DFOA).[15] In 2015, the DFOA was amended to add section 4(3). This section states, among other things, that

> [i]n carrying out activities in relation to the maritime domain, the Minister may receive information that
>
> > (a) relates to an activity that undermines the security of Canada, as defined in section 2(1) of the *Security of Canada Information Disclosure Act*; and
> >
> > (b) is relevant to his or her support of a Government of Canada institution, as defined in that section, that has jurisdiction or responsibilities under an Act of Parliament or another lawful authority in respect of those activities, including their detection, identification, analysis, prevention, investigation or disruption.

As amended, the *Oceans Act* now permits the Minister to collect, disclose and receive security information.

Clause 26 of the bill adds section 41.1 to the *Oceans Act*, titled "Powers with respect to information and intelligence." This new power explicitly grants to the Minister of Fisheries and Oceans or minister responsible the authority to collect, analyze and disclose information or intelligence in exercising or performing their duties. This ability

to collect and share information reinforces the new security-related role set out in section 41(1)(f) of the *Oceans Act*.

2.5 PART 5: INFORMATION SHARING – IMMIGRATION, REFUGEES AND CITIZENSHIP (CLAUSES 28 AND 29)

Part 5 of Bill C-12 adds an information-sharing regime to the *Department of Citizenship and Immigration Act* (DCIA).[16]

For the purposes of this regime, "personal information" has the same meaning as in the *Privacy Act*.[17]

New section 5.4 of the DCIA allows the Minister of Citizenship and Immigration to disclose within the department any personal information under its control.

Under new section 5.5(1) of the DCIA, the Minister of Citizenship and Immigration is permitted to disclose personal information outside the department, as part of a written agreement. That information may involve an individual's identity, that individual's status in Canada and the contents or status of any document issued to that individual. This disclosure may be made for the purposes of any federal legislation, any provincial legislation or any "lawful authority" given to that Minister. The personal information subject to disclosure may be shared with any department, agency or Crown corporation of the federal or provincial governments.

However, the provincial governments may not disclose personal information that they receive from the Minister of Citizenship and Immigration to a "foreign entity." Such disclosure is allowed only with the written consent of the Minister of Citizenship and Immigration, and in a manner consistent with Canada's international obligations with regard to mistreatment.[18]

Under new section 5.6 of the DCIA, nothing in the information-sharing regime can affect the authority to disclose personal information under any other federal legislation, under common law or under the royal prerogative.

Under new section 5.7 of the DCIA, the Governor in Council may make regulations respecting both the conditions for or limits on the disclosure of personal information and the interpretation of the terms used in this regime.

Clause 29 of Bill C-12 also adds section 150.1(1)(f) to the *Immigration and Refugee Protection Act*, allowing the Governor in Council to introduce regulations concerning the conditions for or limits on the disclosure of personal information to federal departments and agencies.

2.6 PART 6: *IMMIGRATION AND REFUGEE PROTECTION ACT* (IN-CANADA ASYLUM SYSTEM) (CLAUSES 30 TO 64)

Part 6 of Bill C-12 amends several provisions of the *Immigration and Refugee Protection Act* (IRPA)[19] that govern the in-Canada asylum system.

Part 6 largely replicates a portion of a bill from the 44th Parliament, Bill C-69, An Act to implement certain provisions of the budget tabled in Parliament on April 16, 2024, (Division 38 of Part 4) as worded at first reading.[20] Although the bill received Royal Assent, clauses 385 to 432 in Division 38 were deleted at second reading[21] by the House of Commons Standing Committee on Finance (the Committee).[22] Given the scope of the proposed amendments to Division 38, the Committee opted to accept the government's suggestion to delete the whole division rather than have a "piecemeal version" of it.[23]

Under Bill C-69, the government's stated purpose was to adapt the asylum system to better manage the high number of asylum claims in Canada.[24] The government was also trying to give the Minister of Citizenship and Immigration the powers deemed necessary to regulate irregular migration.[25]

2.6.1 Representative for Minors or for Legally Incapable Persons

New section 6.1(1) of the IRPA, added by clause 31 of the bill, allows both the Minister of Citizenship and Immigration and the Minister of Public Safety[26] to designate a representative for a minor or for a person who, in the opinion of either minister, is unable "to appreciate the nature of the proceeding or application." The representative may be designated in any prescribed proceeding or application made under the IRPA. Under new section 6.1(3), the Governor in Council may prescribe, by regulation, the circumstances in which a representative may be appointed.

2.6.2 Claim for Refugee Protection Inside Canada and Production of Documents

Under clause 41 of Bill C-12, section 99(3.1) of the IRPA is repealed to standardize regulations on producing documents. A person who makes a claim for refugee protection inside Canada other than at a port of entry[27] will no longer be subject to different rules on the production of documents.

2.6.3 Further Consideration of Claims for Protection by the Minister of Citizenship and Immigration

Clause 42 of Bill C-12 amends the section on "examination of eligibility," which becomes the "consideration of claims prior to referral."

Clause 43(1) of Bill C-12 replaces section 100(1) of the IRPA. It states that the Minister must consider any claim made in Canada which immigration officers and border services officers have determined to be eligible for referral to the Refugee Protection Division (RPD) of the Immigration and Refugee Board of Canada (IRB).[28] It is the Minister who would refer the claim to the RPD, rather than the officer (new section 100.1(1), as amended by clause 44 of Bill C-12).

Clause 43(4) of Bill C-12 amends section 100(3) of the IRPA and allows the Minister to determine that a claim for protection is ineligible after further review.

Section 100(4) of the IRPA, amended by clause 43(5) of Bill C-12, allows the Minister to "specify the manner" in which documents need to be produced and submitted, although the bill does not specify how the Minister will do so. These documents will also need to respect the rules of the IRB. Section 111.1(1), as amended by clause 51 of the bill, allows the Governor in Council to make regulations that would allow the Minister to grant extensions of time to produce documents.

Clause 43(6) of Bill C-12 repeals section 100(4.1) of the IRPA, eliminating the officers' responsibility for fixing the date on which the claimant is to attend a hearing before the RPD, upon referral.

Under new section 100.1(2) of the IRPA, introduced by clause 44 of the bill, the RPD cannot review the claim for protection on its merits before the Minister has considered it further. This would notably allow the Minister to instead transmit claims to the RPD for an abandonment hearing, if the claimant fails to provide the required documentation. Further consideration by the Minister is therefore mandatory for all claims referred to the RPD under this new regime.

2.6.4 Determination of Abandonment

New section 102.1 of the IRPA, added by clause 45 of Bill C-12, allows the Minister of Citizenship and Immigration to transmit the claim for protection to the RPD for it to determine whether it has been abandoned. The RPD may determine that the claim has been abandoned if the claimant fails to provide the required documents or information, or fails to appear for an examination by that Minister.

Under new section 104.1 of the IRPA, introduced by clause 47 of the bill, consideration of a claim for refugee protection or consideration of appeals by the RPD may be suspended if the claimant is not "physically present in Canada." The RPD may determine that the claim has been abandoned under new section 168(1.1), introduced by clause 56 of the bill.

New section 104.1 of the IRPA was amended several times, first by the House of Commons Standing Committee on Public Safety and National Security, then

during a motion at the report stage in the House of Commons. Thus, a person who voluntarily returns to the country from which they claimed refugee protection before their application has been decided by the RPD will be deemed to have abandoned their claim.

Furthermore, under section 104.1(1)(b) of the IRPA, the refugee claim of a person who is outside Canada, but *in any country other* than the one in respect of which they made their refugee claim, is not subject to the abandonment process; rather, the claim is suspended.

2.6.5 Determination on Withdrawal

Under section 102.2(1) of the IRPA, introduced by clause 45 of Bill C-12, the Minister may determine a claim for protection has been withdrawn if the claimant provides the Minister with a written notice of withdrawal.

Section 24(4) of the IRPA, amended by clause 34 of the bill, prohibits a foreign national from entering or temporarily staying in Canada, if in the last 12 months, the Minister has determined that the claim for protection has been withdrawn. This determination must not be subject to an application for judicial review.

Section 112(2)(b.2) of the IRPA, introduced by clause 52(2) of the bill, stipulates that a person in Canada may not apply for a pre-removal risk assessment if less than 12 months have passed since the Minister determined that the claim for protection had been withdrawn. The same limit applies if the Federal Court has refused to proceed with a judicial review of this determination in the last 12 months. Exemptions may apply for nationals of countries designated by the Minister under section 112(2.1) of the IRPA.

2.6.6 Inadmissibility and Reports on Inadmissibility

Under section 25(1.2)(b) of the IRPA, amended by clause 35 of Bill C-12, the Minister is no longer required to examine claims to stay on humanitarian grounds made by nationals whose claim for protection was deemed eligible by the RPD.

Section 44.1 of the IRPA, introduced by clause 38 of the bill, establishes that the IRB cannot hold an admissibility hearing if the individual who is the subject of the hearing is not physically present in Canada.

2.6.7 Removal Orders

The bill provides details about removal orders. Clause 39 of the bill amends some provisions of section 49 of the IRPA about the coming into force of removal orders. In particular, it amends sections 49(2)(a) to 49(2)(e) and certain passages in sections 49(1) and 49(2).

Thus, the new wording in section 49(2)(c) of the IRPA stipulates that removal orders come into force 15 days after a claim is rejected by the IRB and there is no right to appeal. Moreover, removal orders come into force on the day a claim for protection has been determined to be withdrawn according to new section 49(2)(f) of the IRPA.

The House of Commons Standing Committee on Public Safety and National Security added section 49(3) to the IRPA to require the Minister of Citizenship and Immigration to prepare monthly reports, which will be tabled in Parliament. In addition to the country of origin, age, gender and criminal backgrounds of the persons removed, these reports must include:

- **the number of removal orders enforced during the month;**
- **the number of removal orders not enforced; and**
- **the reasons for delays.**

2.6.8 End of Designated Countries of Origin

Section 109.1 of the IRPA is repealed by clause 48 of the bill, thereby removing from the Minister the power to designate countries of origin by order. Protection claimants from these designated countries could not file an appeal and were subjected to various administrative delays.

This designation power had not been used by the Minister since 2019.[29] The system was declared unconstitutional by the Federal Court.[30]

Similar provisions relating to the designation of countries of origin are repealed by clause 49(1) of the bill.

2.6.9 Administrative Procedures of the Immigration and Refugee Board of Canada's Refugee Appeal Division

Bill C-12 also amends certain provisions that cover the administrative procedures of the IRB's Refugee Appeal Division (RAD).

Clause 49(2) repeals sections 110(3) and 110(3.1) of the IRPA to clarify the procedure the RAD must follow in an appeal without a hearing and to revoke the Governor in Council's authority to establish the time limits applicable to these appeals through regulations.

Clause 51(4) of the bill repeals section 111.1(1)(e) of the IRPA, withdrawing the Governor in Council's authority to establish time limits in which the RAD is to make a decision on an appeal without a hearing.

New section 111(3) of the IRPA, introduced by clause 50 of the bill, states that confirmation of the RAD's rejection of a claim for protection is itself a final decision. This clarification aims to help interpret the exceptions that apply to pre-removal risk assessments.[31]

2.6.10 Immigration and Refugee Board of Canada Chairperson's Duties

Section 159(1)(g) of the IRPA is amended by clause 54 of Bill C-12 to entrust the IRB Chairperson with the mandate of taking any action needed to specify "the manner in which decisions must be rendered" to ensure that board members carry out their duties efficiently and without undue delay.

The House of Commons Standing Committee on Public Safety and National Security amended clause 55 to allow the Chairperson to make rules on how "the manner in which a claim that is determined to be ineligible under subsection 101(1)" of the IRPA is dealt with (new section 161(1)(a.11) of the IRPA).

2.6.11 Transitional Provisions, Coordinating Provisions and Coming into Force Provisions

Clauses 59, 60 and 62 of Bill C-12 set out transitional provisions for protection claims in progress that may be affected by the coming into force of changes to the IRPA.

Lastly, clause 64 of the bill establishes that provisions in Part 6 come into force on a day to be fixed by order of the Governor in Council.

2.7 PART 7: *IMMIGRATION AND REFUGEE PROTECTION ACT* (CERTAIN MEASURES IN RESPECT OF APPLICATIONS AND DOCUMENTS) (CLAUSES 65 TO 72)

Part 7 of Bill C-12 amends the IRPA by introducing new authorities for immigration officers and border services officers regarding applications, visas and other immigration documents. The amendments aim to empower the government "to respond to crises and unexpected events" that could undermine the integrity of Canada's immigration system and the safety of Canadians.[32]

Under the *Immigration and Refugee Protection Regulations* (IRPR), immigration officers and border services officers have the authority, since 31 January 2025, to cancel electronic travel authorizations and temporary resident visa applications "on a case-by-case basis."[33] The provisions introduced by the bill broaden these authorities to cover all immigration statuses and categories.

Clause 65 adds section 11.3 to the IRPA, allowing immigration officers and border services officers to terminate the processing of applications for permanent residence under the conditions established in the IRPR.

Clause 66 creates section 14.2(b.1) in the IRPA, providing that the IRPR may set out the circumstances for terminating permanent residence applications.

Clause 67 creates section 20.01(1) in the IRPA to allow immigration officers and border services officers to cancel, suspend or vary visas or other documents for permanent or temporary residence in specific situations to be set out in the IRPR. **The House of Commons Standing Committee on Public Safety and National Security amended clause 67 to clarify that these powers do not include the authority to grant permanent resident status (new section 20.01(3) of the IRPA).**

Clause 69 adds section 26(1)(b.01) to the IRPA to clarify that the IRPR may prescribe the circumstances and govern the way in which visas or other documents relating to permanent or temporary resident status can be cancelled, suspended or varied.

Clause 70 creates Division 3.1, "Examination – Foreign Nationals," which adds two sections to the IRPA. New section 32.1(1) stipulates that people who are outside Canada and who hold visas or permits to come permanently or temporarily to Canada must answer truthfully when questioned by immigration officers and border services officers. Under new section 32.1(2), they must provide the required documentation and appear for examination, if requested. New section 32.2 provides that the IRPR may set out the circumstances in which these examinations take place.

Clause 71 amends section 47(c) of the IRPA to indicate that a foreign national can lose their temporary resident status when their permit is cancelled, except in the instances outlined in new section 87.302(1) of the IRPA, introduced in clause 77.

Clause 72 adds several sections to the IRPA under "Instructions on Processing Applications and Requests" in "Division 10 – General Provisions."

Under new section 87.301(1) of the IRPA, the Governor in Council can block new immigration applications, suspend the processing of existing ones, or terminate applications if deemed to be in the public interest. New section 87.301(2) of the IRPA clarifies that the Governor in Council can also restrict certain groups or individuals from applying to come to Canada, by order. Under new section 87.301(3) of the IRPA, orders in council must specify whether the fees related to applications that have been terminated are to be reimbursed, and if so, specify that they will be reimbursed without interest.

New section 87.302(1) of the IRPA allows the Governor in Council**,** acting in the "public interest," to cancel, suspend or vary visas, permits and other immigration documents, and impose new conditions on these documents. Under section 87.302(1)(d), the Governor in Council can also impose upon or change conditions for temporary residents, for a set period. **New section 87.302 of the IRPA**

was amended several times, first by the House of Commons Standing Committee on Public Safety and National Security, then during a motion at the report stage in the House of Commons. It now specifies that such an order does not allow the Governor in Council to grant permanent resident status or to grant or extend study permits or work permits (new section 87.302(1.1) of the IRPA).

New section 87.302(2) of the IRPA stipulates that an order that affects individuals physically present in Canada can only be made on the recommendation of the Minister of Citizenship and Immigration, with the concurrence of the Minister of Public Safety. This ensures ministerial oversight in cases with domestic implications. New section 87.302(3) of the IRPA allows orders in council to limit the application of the order to certain individuals or certain documents, and to provide for the return of documents and the implementation details.

New section 87.303 of the IRPA authorizes the Governor in Council to amend or repeal orders made under section 87.301 or 87.302 of that Act when deemed to be in the "public interest." It also permits the delegation of this power to the Minister of Citizenship and Immigration, subject to specific conditions. Where the amendment or repeal affects persons physically in Canada, it requires the recommendation of the Minister of Citizenship and Immigration with the concurrence of the Minister of Public Safety, ensuring inter-ministerial oversight of decisions with national impact.

The House of Commons Standing Committee on Public Safety and National Security amended clause 72 to specify that such orders are made in the public interest if they are intended to address matters related to "administrative errors, fraud, public health, public safety or national security" (new section 87.3001 of the IRPA).

The House of Commons Standing Committee on Public Safety and National Security also amended clause 72 to require the Minister of Citizenship and Immigration to report on the previously mentioned orders. This report, filed within seven sitting days of the order being made, is to be tabled in Parliament and referred to a parliamentary committee for review. The Minister is required to appear before this parliamentary committee (new section 87.3031 of the IRPA).

New section 87.304 of the IRPA stipulates that, for the purpose of these orders, individuals must answer truthfully when questioned by immigration officers and border services officers, provide the required documentation and appear for examination, if requested.

Under new section 87.305 of the IRPA, these orders are not subject to the usual review processes under the *Statutory Instruments Act.*[34] They must simply be published in the *Canada Gazette* within 23 days of being made.[35]

2.8 PART 8: *IMMIGRATION AND REFUGEE PROTECTION ACT* (INELIGIBILITY) (CLAUSES 73 TO 75)

Part 8 of Bill C-12 amends the IRPA by introducing two ineligibility measures for refugee claims. According to the Government of Canada, the amendments "would protect the asylum system against sudden increases in claims."[36]

Clause 73 amends section 101 of the IRPA, under which a refugee claim is ineligible[37] to be referred to the Refugee Protection Division (RPD) of the Immigration and Refugee Board. It adds two ineligibility measures to section 101(1) and creates section 101(1.1) to give clarification in cases of multiple entries.

The first of the two new ineligibility measures introduced by the bill is in section 101(1)(b.1) of the IRPA. It makes a claim for refugee protection ineligible if it has been more than one year since the person entered Canada, if they entered after 24 June 2020. According to the Government of Canada, "[t]his would apply to anyone, including students and temporary residents, regardless of whether they left the country and returned."[38]

The second of the two new ineligibility measures introduced by the bill is in section 101(1)(b.2), which relates to claims for refugee protection made after the 14-day period[39] referred to in section 159.4(1.1) of the IRPR. A refugee protection claim made by a person who entered Canada from the United States between land ports of entry more than 14 days earlier would not be referred to the RPD. This measure is meant to reduce the increased risks[40] of evasion associated with irregular entry into Canada.

Clause 73 creates section 101(1.1) of the IRPA to clarify cases of multiple entries. It stipulates that if a "claimant has entered Canada more than once after 24 June 2020, the one-year period … begins on the day after the day of their first entry." This amendment refers to the first entry into Canada after 24 June 2020, regardless of the applicant's immigration status at the time of entry.

The House of Commons Standing Committee on Public Safety and National Security amended clause 73 to specify that an officer must terminate the processing of an asylum claim that was determined to be ineligible (new section 101(1.2) of the IRPA).

Persons deemed ineligible to claim refugee protection in Canada are subject to a removal process which includes a pre-removal risk assessment[41] conducted by immigration officers and border services officers to determine whether returning them to their country of origin would endanger their safety.

Clause 74 amends section 111.1(1) of the IRPA, which involves the IRPR, to allow the Governor in Council to set out new regulations that clarify the exceptional

circumstances that may apply to section 101(1) of the IRPA. These exceptions relate to the two new ineligibility measures introduced by the bill.

Clause 75 is a transitional provision which stipulates that new sections 101(1)(b.1), 101(1)(b.2) and 101(1.1) of the IRPA apply only to claims for refugee protection made on or after 3 June 2025. It also specifies that these new provisions apply retroactively to that date, regardless of when Bill C-12 receives Royal Assent.

2.9 PART 9: *PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT* (CLAUSES 76 TO 124)

Part 9 of Bill C-12 amends various provisions of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (PCMLTFA) to increase the maximum amount of administrative monetary penalties for violations and the maximum sentences for criminal offences under the PCMLTFA. It also introduces a new mandatory compliance agreement regime, requires persons or entities referred to in section 5 of the PCMLTFA (reporting entities) to enrol with the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) and authorizes FINTRAC to disclose certain information to the Commissioner of Canada Elections.

Section 9.2 of the PCMLTFA prohibits a reporting entity from opening accounts for a client if it cannot verify the identity of the client in accordance with the regulations. Clause 78 amends section 9.2 to extend this prohibition to clients with "obviously fictitious" names.

2.9.1 Part 9(a): Increased Maximum Amount of Administrative Monetary Penalties and Other Punishments

Clauses 76(1) and 76(2) amend section 2 of the PCMLTFA to replace the term "violation" with the terms "compliance order violation" and "prescribed violation" which are now used to describe the types of violations that are subject to administrative monetary penalties ("penalties").

Clause 95 amends section 73.1 of the PCMLTFA, which sets out the authority of the Governor in Council to make regulations with respect to violations and the maximum penalty that can be imposed. Clauses 95(1) to 95(3) amend sections 73.1(1)(b) and 73.1(1)(c), and repeal section 73.1(1)(d) of the PCMLTFA, respectively, to replace the term "violation" with the term "prescribed violation" and to repeal the authority to make regulations in relation to section 73.18(1), which is amended by clause 100.

In particular, clause 95(4) amends section 73.1(2) and introduces sections 73.1(3) and 73.1(4) of the PCMLTFA to increase the maximum penalties. Under section 73.1(2), the maximum penalty for a prescribed violation rises:

- from $100,000 to $4,000,000 for a person; and
- from $500,000 to $20,000,000 for an entity.

New section 73.1(3) indicates that the maximum cumulative amount of penalties for all prescribed violations in a notice is:

- for a person, the greater of $4,000,000 and 3% of the person's gross global income in the previous year; and
- for an entity, the greater of $20,000,000 and 3% of the entity's gross global revenue in its previous financial year.

New section 73.1(4) further provides that if an entity is part of a group of affiliated entities, then the entity's gross global revenue is deemed to be the gross global revenue of the group for the previous financial year.

Clause 96 amends sections 73.11 to 73.13 and adds section 73.111 to the PCMLTFA to specify and expand the criteria used to determine the amount of a penalty.

With respect to criminal offences under the PCMLTFA, clauses 105 to 112 amend sections 74 to 81, primarily to increase the maximum fines by up to 10 times, standardize the wording used and make some consequential amendments. The key provisions are as follows:

- Clauses 105(3) and 105(4) amend sections 74(1)(a), 74(1)(b), 74(2)(a) and 74(2)(b) of the PCMLTFA to increase the maximum amount of fines for general offences and for contravening a minister's directive:
  - on summary conviction, from $250,000 to $2,500,000, or
  - upon indictment, from $500,000 to $5,000,000.
- Clause 106 amends sections 75(1)(a) and 75(1)(b) of the PCMLTFA to increase the maximum fine for contravening reporting requirements for transactions that are suspected to be associated with money laundering or terrorist financing and for contravening the limitations of certain financial transactions:
  - on summary conviction, from $1,000,000 to $10,000,000, or
  - upon indictment, from $2,000,000 to $20,000,000.
- Clause 107(2) amends sections 76(a) and 76(b) of the PCMLTFA to set the maximum fine for disclosing reports made to FINTRAC:
  - on summary conviction, at $1,000,000, or
  - upon indictment, at $2,500,000.
- Clause 108 amends section 77 to increase the maximum fine for contravening reporting requirements associated with financial transactions that involve foreign entities from $1,000,000 to $10,000,000.

- Clause 108 also amends section 77.01.[42] This section states that contravening sections 9.92 and 9.93 is an offence. These sections would require money services businesses (MSBs) to vet their agents or mandataries.[43] Clause 108 would increase the maximum fine for this offence:
  - on summary conviction, from $250,000 to $2,500,000, or
  - upon indictment, from $500,000 to $5,000,000.
- Clause 108 also amends section 77.1 of the PCMLTFA to specify that persons or entities that are required to provide information to FINTRAC but knowingly withhold material information or make or provide false or misleading statements, including by omission, are committing an offence under the PCMLTFA. This clause increases the maximum fine:
  - on summary conviction, from $250,000 to $2,500,000, or
  - upon indictment, from $500,000 to $5,000,000.
- Clause 109 amends sections 77.2(2)(a) and 77.2(2)(b) of the PCMLTFA, which state that retaliation against employees is an offence, to provide that:
  - on summary conviction, a person or entity is liable for a maximum fine of $1,000,000 and/or a term of imprisonment of not more than one year, or
  - upon indictment, a person or entity is liable to a maximum fine of $2,5000,000 and/or a term of imprisonment of up to five years.
- Clause 110 amends sections 73.3(3)(a) and 77.3(3)(b), which prohibit "structured financial transactions," to set the maximum fine:
  - on summary conviction, at $1,000,000, or
  - upon indictment, at $2,500,000.
- Clause 111 amends sections 77.4(a) and 77.4(b) which address MSBs that have not registered with FINTRAC, to increase the maximum fine:
  - on summary conviction, from $250,000 to $2,500,000, or
  - upon indictment, from $500,000 to $5,000,000.

As well, clause 113 introduces an amendment in the French version of section 83.3(1) of the PCMLTFA to clarify that the French version refers to the registration of MSBs.

2.9.1.1 *Proceeds of Crime (Money Laundering) and Terrorist Financing Administrative Monetary Penalties Regulations*

Clauses 116 to 120 make substantive amendments and consequential amendments to the *Proceeds of Crime (Money Laundering) and Terrorist Financing Administrative Monetary Penalties Regulations* (the Regulations)[44] with respect to the types of penalties and their amounts. The key provisions include the following:

- Clause 116 amends section 3 of the Regulations to indicate which provisions in the schedule to the Regulations are violations subject to Part 4.1 of the PCMLTFA which establishes a new mandatory compliance agreement regime.
- Clause 117 amends section 4(2) of the Regulations, which classifies violations as minor, serious or very serious, to specify that a series of minor violations are to be considered one serious violation for the purpose of an appeal to the Federal Court, if the total amount of the penalties is equal to or greater than $400,000, an increase from the previous $10,000 amount.
- Clause 118 amends section 5 of the Regulations to set the range of penalties at:
  - $1 to $40,000 for a minor violation (an increase over the previous $1 to $1,000),
  - $1 to $4,000,000 for a serious violation (an increase over the previous $1 to $100,000), and
  - $1 to $20,000,000 for a very serious violation (an increase over the previous $1 to $500,000).
- Clauses 119 and 120 amend Part 1 and Part 2 of the schedule to the Regulations to specify that violations of section 9.6(1) and new section 9.6(1.1) of the PCMLTFA, which address compliance program requirements, are very serious violations.

2.9.2 Part 9(b): Mandatory Compliance Agreements

Part 9 amends various provisions of the PCMLTFA to introduce a new mandatory compliance agreement regime.

2.9.2.1 Compliance Program

Clause 79 adds section 9.6(1.1) to the PCMLTFA so that a program that ensures compliance with reporting and other requirements under the PCMLTFA must be "reasonably designed, risk-based and effective."

With respect to notices of violations, clause 97 rewords part of section 73.13(2)(a) and adds section 73.131 to the PCMLTFA under which FINTRAC may issue a notice of violation if it has reasonable grounds to believe that a person or entity has violated a compliance order or committed a prescribed violation. Notably, this amendment removes the possibility set out in section 73.13(2)(b) of the PCMLTFA of reducing the penalty by half when the person or entity enters into a compliance agreement with FINTRAC. As well, clause 98 amends section 73.14(1) of the PCMLTFA to remove the reference to section 73.13(2).

Clause 94 amends the heading of Part 4.1 of the PCMLTFA, which addresses violations, compliance agreements and penalties, to add the new term "compliance

orders." As well, clause 100 amends the heading before section 73.16, amends sections 73.16 to 73.18 and repeals sections 73.19 to 73.2 of the PCMLTFA which deal with compliance agreements to introduce the new mandatory compliance agreement regime, which covers compliance orders and compliance order violations.

New section 73.16 provides that FINTRAC will require any person who or entity that has committed a prescribed violation to enter into a compliance agreement with it. The compliance agreement must specify the prescribed violation and the provision violated, the measures that must be taken to comply with the provision and the deadline for compliance, which FINTRAC can extend by up to one year. If the person or entity does not enter into a compliance agreement within six months after FINTRAC requires it, they are deemed to have refused to enter into the agreement.

New section 73.17 of the PCMLTFA provides that the Director of FINTRAC must serve a compliance order on a person who or entity that refuses to enter into a compliance agreement or fails to comply with an agreement before the deadline set by FINTRAC. The compliance order must contain:

- the name of the person who or entity that committed the prescribed violation and the provision at issue;
- the fact that the person or entity refused to enter into or comply with a compliance agreement;
- requirements that the person or entity comply with the order and make public the measures that need to be taken to be in compliance; and
- the deadline for compliance with the order, which can be extended for up to one year.

The Director of FINTRAC may also give the reasons for making the order. The order must be made public.

New section 73.18 of the PCMLTFA states that contravening a compliance order is considered a violation of that compliance order and is subject to a penalty of:

- in the case of a person, the greater of $5,000,000 and 3% of the person's gross global income in the previous year; and
- in the case of an entity, the greater of $30,000,000 and 3% of the entity's gross global revenue in its previous financial year; however, if the entity is part of a group of affiliated entities, then the entity's gross global revenue is deemed to be that of the group for the previous financial year.

As well, clause 99 amends section 73.15(4) of the PCMLTFA to add a "compliance order violation" to the list of violations that can be subject to appeal by the Director of FINTRAC. Clauses 101 to 104 amend sections 73.21, 73.22, 73.27 and 73.4 of

the PCMLTFA to make changes that are consequential to the amendments introduced in clauses 97 and 100.

2.9.2.2 Entities That May Have Obligations Under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*

Other measures set out in Part 9 amend the categories of entities that can register with or are required to report to FINTRAC. Clause 81 amends section 11.11(1) of the PCMLTFA, which lists the entities that are ineligible to register as MSBs, to add section 11.11(1)(e.1) in order to include a person or entity acting on behalf or in concert with a person who or entity that violated a compliance order or committed a prescribed violation and has not yet paid the penalty imposed.

As well, clause 91 amends section 62(1) of the PCMLTFA to allow an authorized person to examine the records and inquire into the business of "any person or entity that the authorized person believes on reasonable grounds" to be a reporting entity. Clause 92 amends the French version of section 72.1 of the PCMLTFA, which specifies who is authorized to serve a notice, to make clear that it targets registration by MSBs.

2.9.2.3 Seizure of Imported or Exported Goods

Part 9 of the bill also introduces amendments related to the seizure of imported or exported goods that are suspected to be proceeds of crime.[45] Clause 83 amends section 39.02(6) of the PCMLTFA which specifies that any person who or entity that "holds" imported or exported goods must keep records of those goods at their place of business in Canada or at any other place the Minister designates. Clauses 84 to 86 amend sections 39.14, 39.18(1), 39.19 and 39.2 of the PCMLTFA, respectively, to establish the process for making a request to the Minister to determine, when a customs officer seizes goods, whether that officer had "reasonable grounds to believe the goods" were proceeds of crime or related to money laundering, terrorist financing or sanctions evasion, and whether the goods are to be returned or forfeited.

2.9.3 Part 9(c): Extension of Requirement to Enrol with the Financial Transactions and Reports Analysis Centre of Canada for Certain Persons or Entities Referred to in Section 5 of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, Other than Those Already Required to Register

Under Canada's anti-money laundering regime, FINTRAC receives reports from certain businesses, or "reporting entities," listed in section 5 of the PCMLTFA on specific financial transactions that these businesses oversee or undertake. MSBs are one type of reporting entity and they perform functions such as remitting, exchanging or transmitting funds, and dealing in virtual currencies or crowdfunding. MSBs operating in Canada, and foreign MSBs that direct and provide services to clients

in Canada, must register with FINTRAC before they begin to operate. Failure to register may result in criminal charges, fines and the imprisonment of individuals involved in the business. MSBs are the only reporting entity required to register with FINTRAC in this way.

Clause 82 of Bill C-12 adds sections 11.4001 to 11.4015 to the PCMLTFA to require all other reporting entities to apply for and maintain enrolment with FINTRAC, similar to the registration requirement currently applicable to MSBs. Reporting entities are required to keep prescribed information up to date and must periodically renew their enrolment with FINTRAC. The enrolment process and renewal details are prescribed by regulation. Clause 93 amends section 73(1) of the PCMLTFA to allow the Governor in Council to make such regulations.

Under new section 11.4009(1) of the PCMLTFA, FINTRAC will deny an application for enrolment or renewal if the applicant has unpaid fines for a compliance order violation issued by FINTRAC or further to a prescribed violation, respectively, listed in sections 73.18(1) and 73.13, respectively. Enrolment will also be denied if the applicant is in a prescribed relationship with a person who or entity that has such unpaid fines. New section 11.4011(1) of the PCMLTFA details the revocation of a reporting entity's enrolment for similar reasons. New sections 11.4014 and 11.4015 of the PCMLTFA, respectively, allow the reporting entity to request, within 30 days after the notification is received, a review of the enrolment denial or revocation and appeal the decision to the Federal Court.

Clause 88 adds section 54.2 to the PCMLTFA to make FINTRAC responsible for establishing, maintaining and making public a "roll" of prescribed information as submitted under these provisions and ensuring its accuracy. It is also empowered to verify and analyze such information. The information submitted by reporting entities may be kept for 10 years beginning on the date a person or entity ceases to be enrolled under new section 54.2(7).

2.9.4 Part 9(d): Financial Transactions and Reports Analysis Centre of Canada's Authorization to Disclose Certain Information to the Commissioner of Canada Elections, Subject to Certain Conditions

Under section 55(1) of the PCMLTFA, FINTRAC is prohibited from disclosing certain information, while section 55(3) lists the exceptions in that regard. Thus, FINTRAC must disclose information to the entities listed, such as a police force, the Canada Revenue Agency or the CBSA, if it has reasonable grounds to suspect the information would be relevant in an investigation or in the prosecution of a money-laundering or terrorist activity financing offence, and if other conditions, applicable in the context, are met. Section 55.1 allows for the disclosure of information to listed entities where FINTRAC has reasonable grounds to suspect that designated information would be relevant to threats to the security of Canada.

Clauses 89 and 90 amend sections 55 and 55.1 of the PCMLTFA, respectively, to add the Commissioner of Canada Elections as a listed entity, where FINTRAC has reasonable grounds to suspect that the information is relevant to investigating or prosecuting an offence or violation under the *Canada Elections Act*[46] or an attempt to commit such an offence or violation.

2.9.4.1 Consequential, Transitional and Coordinating Amendments

Consequential amendments to retail payment activities are also set out in Part 9 of the bill. Clause 87 makes minor amendments to section 53.6(1)(a), the French version of section 53.4(1)(c), section 53.6(2)(a) and the French version of section 53.6(2)(c) of the PCMLTFA which deal with disclosing information to the Bank of Canada to clarify that some provisions constitute criminal offences and that the French version refers to the registration of MSBs. Similar amendments to clarify language are set out in clauses 114 and 115 to sections 48(1)(c), 48(1)(d), 52(b) and 52(c) of the *Retail Payment Activities Act*,[47] respectively. These clauses also add a reference to new section 77.01 of the PCMLTFA.

Clauses 121 to 123 set out the transitional provisions that determine how violations are to be addressed under the former and new versions of the PCMLTFA.

2.9.5 Coming into Force

Clause 124 states that sections 76(3), 77, 80, 82, 87(2), 87(4), 88, 89(1), 91 to 93, 105(2) and 113 come into force on a day to be fixed by order of the Governor in Council.

2.10 PART 10: LEGISLATION RELATED TO FINANCIAL INSTITUTIONS (SUPERVISORY COMMITTEE) (CLAUSES 125 AND 126)

Clause 125 of Bill C-12 amends section 18(1) of the *Office of the Superintendent of Financial Institutions Act*,[48] which establishes the Financial Institutions Supervisory Committee (FISC) chaired by the Superintendent of Financial Institutions. The purpose of the FISC is to facilitate consultations and the exchange of information among its members on all matters that relate directly to supervising financial institutions, bank holding companies or insurance holding companies.[49] This amendment adds the Director of FINTRAC to the list of members, allowing them to obtain information about matters that come under the FISC's mission that is held by another member.

Correlatively, clause 126 of Bill C-12 introduces section 53.41 to the PCMLTFA, authorizing the Director of FINTRAC to disclose to and collect from the other members of the FISC any information about matters that come under the FISC's mission. However, disclosure is limited to information that relates to compliance with Part 1 or 1.1 of the PCMLTFA.

These changes seek to "[e]nhance supervisory collaboration and support high standards of regulatory compliance."[50]

2.11 PART 11: *SEX OFFENDER INFORMATION REGISTRATION ACT* (CLAUSES 127 TO 137)

Part 11 of Bill C-12 amends the *Sex Offender Information Registration Act* (SOIRA) to make changes to the reporting obligations of sex offenders and the circumstances in which certain information about registered sex offenders can be shared. Offenders convicted of certain sexual offences are ordered under the SOIRA to register with police as sex offenders; their personal information is then added to the National Sex Offender Registry. Offenders subject to an order[51] under the SOIRA must report to a registration centre annually and within a designated period of time if they change their name or home address, or if they receive a new driver's licence or passport.[52]

Section 2 of the SOIRA states that the purpose of the Act is to help police investigate and prevent sex crimes. Clause 127 amends this section to add that the SOIRA also seeks to help other law enforcement agencies and police forces. This amendment could increase the number of entities with access to information collected under the SOIRA.

Section 4(1)(d) of the SOIRA currently requires an offender to register with police for the first time once they have been released after serving the custodial part of their sentence. Clause 129 amends this section to provide that obligation to register applies following their release from custody, including statutory release, day parole, full parole or work release.

Section 5(1)(h) of the SOIRA currently requires offenders to report annually the licence plate number and a physical description of any vehicle they own or regularly use. Clause 130 shortens the reporting timeline to a certain number of days after any changes involving the licence plate number, make, model, year of manufacture, body type and colour of an offender's vehicle.

Section 5(3) of the SOIRA currently stipulates that observable personal characteristics that help identify a sex offender, such as hair colour and eye colour, may be recorded when they report to a registration centre. Clause 131 amends section 5(3) to specify that a description of a sex offender's tattoos and other distinguishing marks may also be recorded.

Currently, an offender who will be away from home for seven or more consecutive days must notify the registration centre of their travel plans (section 6 of the SOIRA). The offender must provide this notice at least 14 days before their departure, unless the offender has a reasonable excuse for contravening this requirement, in which case the offender must provide notice as soon as possible (section 6(1.02) of the SOIRA).

Clause 132 adds section 6(1.03) to specify that reasonable excuses include a family emergency or the death or critical illness of a family member of the offender.

Clause 133 adds section 15.3 of the SOIRA to authorize the CBSA to disclose a sex offender's personal information to law enforcement agencies for the purpose of administering or enforcing the SOIRA. This information includes an offender's name, birth date, nationality, sex, passport details and other information related to their travel to and from Canada.[53] This amendment broadens the types of information that the CBSA may disclose to law enforcement. The SOIRA currently authorizes the CBSA to collect the dates and places of a sex offender's travels abroad and disclose them to the Royal Canadian Mounted Police.[54] This information can be compared with travel notices submitted by sex offenders to verify reporting compliance under the SOIRA.

Section 16 of the SOIRA prohibits access to or the disclosure of information collected under that Act, unless specifically permitted. Section 16(2)(c.1), created by clause 134(2) of the bill, lists another exception to the prohibition and allows members of the CBSA to consult this information if needed to perform a legal duty.

Currently, section 16(4)(c)(i) of the SOIRA provides an exception to allow the disclosure of a sex offender's personal information when it is necessary for police to investigate an offence or verify compliance with reporting requirements under the SOIRA, to prevent or investigate a sexual offence, or to obtain and serve related warrants. Clause 134 amends this section and adds new provisions that replace references to "police" with "law enforcement agencies," and introduce a reasonable-grounds test for disclosure. The new and amended sections allow the disclosure of protected information to:

- a law enforcement agency;[55]
- a law enforcement agency located abroad;[56]
- the CBSA;[57]
- a victim of or witness to a sexual offence, if disclosed by a member of a law enforcement agency;[58] or
- a government agency or department or Indigenous governing body in Canada.[59]

The disclosure of information is allowed where there are reasonable grounds to believe that it would assist in the investigation of offences and verification of compliance under the SOIRA, assist in the prevention or investigation of a sexual offence, or assist in obtaining and serving a related warrant, depending on the recipient of the information.

Section 17 of the SOIRA makes it an offence to consult or disclose personal information protected under section 16 of that Act unless authorized under one of the exceptions listed. Clause 135 adds section 17(2) to specify that a person is not guilty of the offence if they believed that they were acting in accordance with section 16.

Clause 128(2) adds the definition of "Indigenous governing body," to section 3(1) of the SOIRA; it is a council, government or other body authorized to act on behalf of an Indigenous group or community.

NOTES

1. Bill C-12, An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures, 45th Parliament, 1st Session.

2. Bill C-2, An Act respecting certain measures relating to the security of the border between Canada and the United States and respecting other related security measures, 45th Parliament, 1st Session (first reading version, 3 June 2025).

3. Public Safety Canada, *Government of Canada introduces new streamlined legislation to strengthen border security and keep Canadians safe*, News release, 8 October 2025.

4. **House of Commons, *Debates*, 2 December 2025, 1015 (Hon. Francis Scarpaleggia). To be admissible, amendments must conform to the rules and practices of the House of Commons. The "parent Act rule" is one of the admissibility rules:**

   > **Many bills amend existing laws and these laws are called "parent Acts." In general, any amendment to a section of the parent Act not otherwise amended by the bill is inadmissible; any amendment to an Act not mentioned in the bill is inadmissible.**

   See House of Commons, "Admissibility rules," *Amending Bills at Committee and Report Stages*.

5. *Controlled Drugs and Substances Act* (CDSA), S.C. 1996, c. 19.

6. Precursor chemicals are chemicals that are essential to the production of a controlled substance. They have a wide legitimate use in the production of consumer goods such as

   > pharmaceuticals, fragrances, flavouring agents, petroleum products, fertilizers and paints. For example, ephedrine and pseudoephedrine, commonly used in cold and decongestant medicine, are precursor chemicals that are used to produce methamphetamine.

   See Health Canada, "About precursor chemicals," *Controlled substances and precursor chemicals*.

7. A controlled substance is

   > any type of drug that the federal government has categorized as having a higher-than-average potential for abuse or addiction. Such drugs are divided into categories based on their potential for abuse or addiction. Controlled substances range from illegal street drugs to prescription medications.

   See Health Canada, "About controlled substances," *Controlled substances and precursor chemicals*.

8. *Order Amending Schedule V to the Controlled Drugs and Substances Act (Fentanyl Precursors and Carisoprodol)*, SOR/2025-64, 3 March 2025, in *Canada Gazette*, Part II, 12 March 2025.

9. Bill C-12, An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures, 45th Parliament, 1st Session, Schedule V, Part 2, Table 1.

10. Ibid., Schedule V, Part 2, Table 2.

11. *Precursor Control Regulations* (PCR), SOR/2002-359.

12. The CDSA targets controlled substances, in other words, the illicit drugs themselves and the precursors listed in Schedule VI. Adding a product to the schedule of the PCR or to the schedule of the CDSA has different consequences in terms of control and regulation. Unless authorized by regulations or exemption by the Minister of Health, the production, sale, import and export of controlled substances and chemical precursors listed in the CDSA are illegal. The PCR "provide a framework for the regulation of certain legitimate activities with precursors." Currently, "precursors are controlled under Schedule VI of the CDSA and subject to the PCR." See Health Canada, *Health Canada publishes proposed changes to increase oversight for precursor chemicals and drug equipment*, News release, 30 January 2025.

13. Government of Canada, *Our mandate*.

14. Public Safety Canada, *The Strong Borders Act – Government of Canada strengthens border security*, Backgrounder.

15. *Department of Fisheries and Oceans Act*, R.S.C. 1985, c. F-15.

16. *Department of Citizenship and Immigration Act*, S.C. 1994, c. 31.

17. *Privacy Act*, R.S.C. 1985, c. P-21, s. 3.

18. *Avoiding Complicity in Mistreatment by Foreign Entities Act*, S.C. 2019, c. 13, s. 49.1, s. 2.

19. *Immigration and Refugee Protection Act* (IRPA), S.C. 2001, c. 27.

20. Bill C-69, An Act to implement certain provisions of the budget tabled in Parliament on April 16, 2024, 44th Parliament, 1st Session (first reading version, 2 May 2024).

21. Bill C-69, An Act to implement certain provisions of the budget tabled in Parliament on April 16, 2024, 44th Parliament, 1st Session (second reading version, 5 June 2024).

22. House of Commons, Standing Committee on Finance (FINA), *Minutes of Proceedings*, 4 June 2024.

23. FINA, *Evidence*, 4 June 2024, 1245 (Ryan Turnbull).

24. See the recommendations of the Office of the Auditor General of Canada, *Processing of Asylum Claims*, Report 2 in *2019: Spring Reports of the Auditor General of Canada to the Parliament of Canada*; and Government of Canada, *CIMM – Strategic Immigration Review – October 24, 2023*.

25. Prime Minister of Canada, Justin Trudeau, *Minister of Immigration, Refugees and Citizenship Mandate Letter*, 16 December 2021.

26. Under section 4 of the IRPA, except as otherwise provided in this section, the Minister of Citizenship and Immigration is responsible for the administration of the Act. However, the Minister of Public Safety and Emergency Preparedness is responsible for examinations at ports of entry, enforcement measures pertaining to arrest, detention and removal, and the exceptions to inadmissibility in section 42.1.

27. For a list of ports of entry, see Canada Border Services Agency (CBSA), *Directory of CBSA Offices and Services*.

28. Under section 6(1) of the IRPA, the Minister designates officers responsible for enforcing the legislation and their powers and duties. See Citizenship and Immigration Canada, *Instrument of Delegation:* Citizenship Act and Regulations, 11 December 2025.

29. Immigration, Refugees and Citizenship Canada (IRCC), *Canada ends the Designated Country of Origin practice*, News release, 17 May 2019.

30. See *Canadian Doctors for Refugee Care v. Canada (Attorney General)*, 2014 FC 651.

31. *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, s. 112(2).

32. Government of Canada, "Border security," *Understanding the Strengthening Canada's Immigration System and Borders Act*. Part 7 of Bill C-12 is identical to Part 8 of Bill C-2, which introduced the same amendments with the aim "to strengthen control over immigration documents for the public interest." See Public Safety Canada, *The* Strong Borders Act – *Government of Canada strengthens border security*, Backgrounder.

    In particular, it addresses

    - risks to immigration or program fairness
    - safety, security and health risks to Canada or Canadians
    - misuse of government-funded programs
    - large-scale emergencies and other unpredictable scenarios.

    See Government of Canada, *Additional information about the* Strong Borders Act, 17 June 2025.

    Currently, the IRPA includes several provisions that address public health and national security, primarily through rules on inadmissibility (sections 34 to 38 inclusively) and discretionary powers (under Division 2).

33. IRCC, *New rules to strengthen temporary resident document cancellations, and border security and integrity*, Notice, 12 February 2025.

34. These processes include scrutiny by Parliament. See *Statutory Instruments Act*, R.S.C. 1985, c. S-22, s. 19.

35. For more information, see Government of Canada, "4.0 The regulatory life cycle approach," *Cabinet Directive on Regulation*.

36. Public Safety Canada, *The Strong Borders Act — Government of Canada strengthens border security*, Backgrounder.

37. There are currently seven grounds for ineligibility in section 101(1) of the IRPA. See *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, s. 101(1).

38. Since Part 8 of Bill C-12 is identical to Part 9 of Bill C-2, this explanation still stands. See Public Safety Canada, *The Strong Borders Act – Government of Canada strengthens border security*, Backgrounder.

39. The 14-day period of entry into Canada to claim refugee protection was introduced by the United States as part of the *Additional Protocol to the Agreement Between the Government of Canada and the Government of the United States of America for cooperation* in the examination of refugee status claims from nationals of third countries, also known as the Additional Protocol to the Safe Third Country Agreement, signed in March 2022. For more information, see Government of Canada, *Final text of the Additional Protocol to the Safe Third Country Agreement:* Additional Protocol to the Agreement Between The Government of Canada and the Government of the United States of America For cooperation in the examination of refugee status claims from nationals of third countries; and Philippe Antoine Gagnon, Robert Mason and Madalina Chesoi, "5.1 Expansion of the Agreement by the Additional Protocol," *Overview of the Canada–United States Safe Third Country Agreement,* Publication no. 2020-70-E, Library of Parliament, 1 September 2023.

40. These risks were identified in March 2022 with the Additional Protocol to the Safe Third Country Agreement. For more information, see "Regulatory Impact Analysis Statement," *Regulations Amending the Immigration and Refugee Protection Regulations (Examination of Eligibility to Refer Claim)*, SOR/2023-58, 23 March 2023, in *Canada Gazette*, Part II, 12 April 2023, p. 978.

41. For more information, see Government of Canada, "Who can apply," *Pre-removal risk assessment*.

42. Section 77.01 was introduced in the *Budget Implementation Act, 2024, No. 1*. See *Budget Implementation Act, 2024, No. 1*, S.C. 2024, c. 17, s. 346.

43. Sections 9.92 and 9.93 were introduced in the *Budget Implementation Act, 2023, No. 1*. See *Budget Implementation Act, 2023, No. 1*, S.C. 2023, c. 26, s. 182.

44. *Proceeds of Crime (Money Laundering) and Terrorist Financing Administrative Monetary Penalties Regulations*, SOR/2007-292.

45. These provisions were introduced in the *Fall Economic Statement Implementation Act, 2023*. See *Fall Economic Statement Implementation Act, 2023*, S.C. 2024, c. 15.

46. *Canada Elections Act*, S.C. 2000, c. 9.

47. *Retail Payment Activities Act*, S.C. 2021, c. 23, s. 177.

48. *Office of the Superintendent of Financial Institutions Act*, R.S.C. 1985, c. 18 (3rd Supp.), Part I.

49. Ibid., ss. 18(2) and 18(3).

50. Public Safety Canada, *Government of Canada introduces new streamlined legislation to strengthen border security and keep Canadians safe*, News release, 8 October 2025.

51. In this Part, the term offender or sex offender refers to a registered sex offender subject to a reporting order under the *Sex Offender Information Registration Act*.

52. *Sex Offender Information Registration Act* (SOIRA), S.C. 2004, c. 10, s. 41(1).

53. This information includes the date and location of an offender's departure from and return to Canada, the country they travelled to or from, and flight details if the offender travelled to or from Canada by airplane.

54. The Royal Canadian Mounted Police is responsible for administering the National Sex Offender Registry.

55. Bill C-12, An Act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures, 45th Parliament, 1st Session (third reading version, 11 December 2025), cl. 134(3) amending s. 16(4)(c) of the SOIRA.

56. Ibid., cl. 134(6) amending s. 16(4)(j.1) of the SOIRA.

57. Ibid., cl. 134(6) amending s. 16(4)(j.2) of the SOIRA.

58. Ibid., cl. 134(5) adding s. 16(4)(c.1) of the SOIRA.

59. Ibid., cl. 134(5) adding s. 16(4)(c. 2) of the SOIRA.