

## **Exceptions to the Safe Third Country Agreement with Canada**

The U.S. and Canada have an agreement preventing people who first enter one country from applying for asylum or refugee status in the other. This means that if you entered the U.S. first and then try to apply for asylum in Canada, you may not be able to. However, there are exceptions to the agreement that may allow you to apply for asylum in Canada, even if you came to the U.S. first. For one thing, this agreement only applies to you if you are planning on arriving at entry ports on the U.S.-Canada land border. It does not apply if you plan on arriving in Canada at air or marine ports.

The following questions will determine whether you meet any of the exceptions that will allow you to apply for asylum in Canada at a U.S.-Canada land border even if you arrived in the U.S. first.

### **EXCEPTION # 1 Land Border Entry Ports Only**

**Are you going to arrive in Canada from a land border?**

**NO** → You qualify under this exception!

**YES** → You do not qualify under this exception. Check to see if you qualify under any other exception.

### **EXCEPTION # 2 Family Connections in Canada**

**Do you have any of the following family members in Canada?**

- A spouse
- A common-law partner (a common law partner is person of the same or opposite sex with whom you are cohabiting in a conjugal relationship and have cohabited for at least a year.)
- A legal guardian
- A child
- A father or mother
- A brother or sister
- A grandfather or grandmother
- A grandchild
- An uncle or aunt
- A nephew or niece

**NO** → You do not qualify under this exception. Check to see if you qualify under any other exception.

**YES** → Is your family member any of the following?

- A Canadian citizen

- A permanent resident
- A protected person (i.e. determined to be a refugee or a person in need of protection)
- Accepted in principle on humanitarian and compassionate grounds (removal order stayed under Immigration and Refugee Protection Regulations 233)
- 18 years of age or over and is a refugee claimant (and the claim has not been rejected, withdrawn, found abandoned or ineligible)
- 18 years of age or over and is in Canada on a work permit or study permit (but check the exceptions)

**YES** → You qualify under this exception!

**NO** → You do not qualify under this exception. Check to see if you qualify under any other exception.

### EXCEPTION # 3 Unaccompanied Minor

**Are you under 18?**

**NO** → You do not qualify under the unaccompanied minor exception. Check to see if you qualify under any other exception.

**YES** → Were you accompanied here by your father, mother, or legal guardian?  
Are you married? Is your father, mother, or legal guardian in Canada or the United States?

If **NO** to all these questions → You qualify under this exception!

If **YES** to any of these questions → You do not qualify under this exception.  
Check to see if you qualify under any other exception.

### EXCEPTION # 4 Countries to which Canada Does Not Remove

**Are you a national of any of the following countries?**

- Afghanistan
- Burundi
- Democratic Republic of Congo
- Haiti
- Iraq
- Liberia
- Rwanda
- Zimbabwe

**NO** → You do not qualify under this exception. Check to see if you qualify under any other exception.

**YES** → Have you been convicted of any crimes?

**NO** → You qualify under this exception!

**YES** → You may not qualify under this exception. Canada does not admit people who have been convicted of certain crimes. Whether you qualify under this exception depends on the type of crime(s) you were convicted of.

#### **EXCEPTION # 5 Death Penalty**

Have you been charged or convicted of an offence punishable with the death penalty in the country?

**YES** → You MAY qualify under this exception. Canada does not admit people who have been convicted of certain crimes. Whether you qualify under this exception depends on the type of crime(s) you were convicted of.

**NO** → You do not qualify under this exception. Check to see if you qualify under any other exception.

#### **EXCEPTION # 6 Valid Visa Exception**

Do you have a valid visa to enter Canada, other than a transit visa?

**YES** → You qualify under this exception!

**NO** → You do not qualify under this exception. Check to see if you qualify under any other exception.

#### **EXCEPTION # 7 Visa Required in U.S. But Not in Canada**

Are you a national of any of the following countries?

- Antigua and Barbuda
- Barbados
- Botswana
- Cyprus
- Greece
- Malta
- Mexico

- Namibia
- Papua New Guinea
- Republic of (South) Korea
- St. Kitts and Nevis
- St. Lucia
- St. Vincent
- Solomon Islands
- Swaziland
- Western Samoa

**NO** → You do not qualify under this exception. Check to see if you qualify under any other exception.

**YES** → You qualify under this exception!