



and Nexus lane going back into Canada at the Peace Arch Crossing helps 'trusted travellers' bypass long border lineups — as long as they stick to the rules.

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WEEKEND  
EXTRA



DERRICK PENNER  
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# NEXUS EASES HASSLES OF BORDER CROSSING

**TRAVEL** | Critics say the program needs to be more transparent so well-meaning 'trusted travellers' don't inadvertently lose their preferred status with Customs

**T**o Canadian travellers heading south, the words "the border" ring like an epithet — a curse of growing, slowing lineups before hyper-vigilant customs officers standing between them and the pleasures of Bellis Fair and Safeco Field.

That makes the Canada-U.S. Nexus pre-screening program a blessing for its 68,100 or so registrants in the Pacific Northwest, who slip across the 49th parallel with only a cursory look from border guards and rarely much of a wait.

"I think the Nexus program is an excellent program," said Darcy Rezac, executive director of the Vancouver Board of Trade, which was one of the key groups that lobbied for creation of the initiative five years ago.

A frequent Nexus user himself, Rezac maintains that the easy passage across the border the program allows has "changed people's lives."

"I'm puzzled why people would wait two to three hours routinely when the Nexus line is so often clear."

Border officials on both sides laud

Nexus for creating a pool of low-risk "trusted travellers," who submit to a rigorous pre-screening process and don't need much attention when crossing the border, other than verification of their identities.

In theory, that gives officers more time to screen the throngs of "unknown" travellers.

Nexus was introduced in 2002 as a more rigorous pre-clearance option to the previous PACE program, which was cancelled in the border clampdown U.S. authorities launched following the 9/11 terrorist attacks.

Nexus has also evolved to cover land, sea and air passage across the border in both directions. The application process was harmonized last December, so that all participants, no matter how they cross the border, receive only one pass.

However, as Nexus passes its fifth anniversary, along with the positive reviews, there are constructive criticisms of the programs.

Nexus is a zero-tolerance program, which means if users are caught breaking customs regulations on either side they are kicked out. How-

ever, according to some, the rules aren't transparent enough and are too open to interpretation, depending on which border guard is handling the random checks of Nexus users, according to one cross-border trade group, resulting in summary dismissals for sometimes inadvertent infractions.

Other business groups would like to see the scope of the program expanded so that business travellers can more easily use the Nexus lanes at the border and Nexus kiosks at participating airports.

Nexus's popularity has grown, according to Paula Shore, a Canada Border Services Agency spokeswoman.

Shore said there are some 140,000 active Nexus registrants, with almost half of those in the Pacific Northwest, and some 400 new applications are coming in each week.

New applications, Shore added,

are distinguished from participants who are re-applying for new Nexus permits, which have a five-year term.

"We certainly [want to see membership grow], and we certainly promote the program whenever we can," Shore said, "because as I've said, it's great for us, it's great for the traveller."

It's great for border officials because Nexus users have been pre-screened.

Applicants have to satisfy agencies on both sides of the border about their identity and citizenship (only residents of either country who are citizens or permanent residents can apply), and submit to a detailed background check, including criminal records check.

Successful applicants go through an interview, during which a couple of biometric measures are taken — fingerprints and an image capture of the inside of their eyes.



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# NEXUS PRIVILEGES CAN EASILY BE LOST

## WEEKEND EXTRA FROM C1

So when a Nexus member crosses the border using his or her Nexus card, border guards know enough about the individuals to let them pass without further examination, except the collection of duties.

"I think both Canada Border Services Agency and [U.S.] Customs and Border Protection are delighted with the results of the program, because it does free up resources for us to focus on higher-risk travellers," Shore said.

For example, Shore said, in recent months up to 21 per cent of all traffic crossing at the Douglas border station used the Nexus lane.

Willie Hicks, branch chief of trade operations for the U.S. Department of Homeland Security office in Blaine, added that officers on his side have also noticed a measurable shift in the use of their resources.

"It's extremely valuable to us to have a group of people we can call trusted travellers," Hicks added.

With Nexus there, Hicks said his officers spend more time with "people arriving who we don't know anything about at all."

However, that is not to say those trusted Nexus travellers are not running into problems.

David Andersson, president of the Pacific

Corridor Enterprise Council, a cross-border think-tank, said that while Nexus has proven valuable, its rules aren't transparent enough and not harmonized enough to prevent well-meaning members from being kicked out for inadvertent violations of the rules.

Andersson said his group has collected information from former members who lost their Nexus privileges for trying to carry a lemon or cut flowers into the U.S., or for showing up at the Nexus booth only to discover they'd forgotten their Nexus cards at home.

Andersson added that he lost his own Nexus card several months ago when he tried to bring home some books that he maintained were for personal use, but a Canadian customs official ruled were commercial goods.

Canada prohibits bringing commercial goods through the Nexus lane, Andersson said, but the U.S. allows some commercial goods through.

"The rules are kind of Byzantine," Andersson added, and often people who have lost Nexus privileges feel it was the border guard's discretion on the rules rather than a clear-cut violation and ruling.

Andersson believes the program needs a clear, readily accessible appeal process.

"We're not talking about really nasty criminals having their Nexus cards," he added, "we're talking about upstanding citizens, usually who have never had criminal issues in

their entire lives."

However, Hicks, at Homeland Security in Blaine, added that members are taken through a half-hour interview when they enrol, during which officers spell out the rules and provide registrants with additional literature about what they can and can't bring across the border, which they expect members to read.

"[Nexus members] have to take responsibility for their participation in the program," Hicks said.

Hicks added that the final decision to revoke a Nexus membership does not rest with individual customs officers. The officer has to satisfy his supervisors that the revocation is justified, and even then Hicks said a Nexus member can write a letter to the top regional manager to plead his or her case.

"It's no advantage for [Customs and Border Protection] to go through the process of actually getting somebody enrolled into the program just to turn around and remove them," he added.

Shore said there are avenues of appeal on the Canadian side, too, if a member feels his Nexus card has been lifted unjustly, starting with a letter to the Canada Border Services regional superintendent in charge of the program.

Business groups on the Canadian side are also lobbying to make sure that business travellers can use the Nexus card when crossing the border for business.

Bernie Magnan, chief economist for the Vancouver Board of Trade, said they want the program to specifically allow corporate executives, professionals and technology specialists to be able to use Nexus while on business trips.

"There has been a tendency for border agencies on both sides to make it a little more difficult [for business travellers]," he added.

The Vancouver Board of Trade is asking the Canadian Chamber of Commerce to adopt its cause, having submitted a resolution to that effect to the national organization's annual general meeting.

Rezac added that anything that improves passage across the border is a good thing as far as he's concerned, because "doing business with the United States is more difficult than it certainly has ever been in my memory because of border access."

And border lineups aren't just a concern to Canadians. Ken Oplinger, CEO of the Bellingham Chamber of Commerce, noted that his community has the opposite situation of other U.S. border towns because the large population centre is on the Canadian side, so the three-hour lineups of Canadians trying to get south that were seen over the summer are disconcerting.

"For the most part, this is discretionary travel," he said. "Ensuring that people can get over [the border] is extremely important?"

depennier@png.comwest.com