



Memorandum D2-5-1

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In Brief

This memorandum outlines the Canada Border Services Agency guidelines and conditions under which airlines or owners of commercial aircraft may operate international charter service, including transborder service for remuneration or hire into authorized airports of entry.

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Updates made to this D-memo

This memorandum has been updated to include updated definitions and outlines new staged offloading procedures.

Definitions

1. For the purpose of this memorandum the following AOE designators apply:

[Airport of entry \(AOE\):](#)

an authorized airport of entry for clearance of all classes of scheduled and non-scheduled aircraft (travellers and cargo).

AOE/#:

an airport of entry for the clearance of scheduled and unscheduled air traffic but with traveller restrictions as indicated by an appropriate numerical designator (e.g. AOE/120).

AOE/15: an airport used solely for clearing persons arriving by general aviation aircraft (private or company) where the flights are unscheduled and the number of non-paying travellers on each flight does not exceed 15 (including the crew). Operators of these flights must obtain CBSA approval by contacting the CBSA's Telephone Reporting Center to enter or return to Canada, and they must land at an approved AOE during CBSA hours of business.

CANPASS only airport (AOE/CAN): an authorized CBSA airport of entry solely for those individuals and aircraft enrolled as participants in the CANPASS Private Aircraft or CANPASS Corporate Aircraft programs.

Note: A full listing of CBSA-authorized AOE's may be found in the [Directory of CBSA offices](#).

Guidelines

2. These guidelines pertain only to obtaining inspection services for border clearance. They do not replace, amend, or change in any manner, the current regulations and requirements of the relevant airport authority, Transport Canada, the Canadian Transportation Agency (CTA), or the Canadian Inspection Services [Canada Border Services Agency (CBSA), Citizenship and Immigration Canada (CIC), Health Canada, and the Canadian Food Inspection Agency (CFIA)]. Air carriers requiring detailed information with respect to their responsibilities and obligations concerning international charter services should contact the appropriate authority directly (see paragraph 25 for a list of addresses, telephone, and facsimile numbers).

Provisions of the CBSA Services

3. All aircraft arriving in Canada from a foreign point of origin must land at an airport designated for CBSA clearance unless otherwise authorized by the CBSA. Airport of Entry (AOE) designations indicate airports that have been authorized by the CBSA for the arrival and departure of international flights. The AOE designation refers only to CBSA's reporting requirements and does not apply to the airport's physical facilities or operational capabilities.

Traveller Restrictions

4. At certain airports, the number of international travellers processed by the CBSA at a given time may be restricted due to operational or safety requirements. In some locations where traveller restrictions are in place, staged off-loading may be allowed to accommodate larger aircraft. The air carrier or its agent is responsible for controlling the delivery of travellers. Procedures for staged off-loading are outlined in [paragraph 12](#) of this document.
5. The business hours and types of CBSA services available at designated airports of entry may vary according to the type of airport, geographical location, facilities, or season. Office information, including addresses, hours of operation, and types of services available, may be found in the [Directory of CBSA offices](#).
6. Cost recovery or special service charges for new or additional CBSA services (such as Other Government Departments) may apply at certain airports. Information on Special Services can be found in [Memorandum D1-2-1, Special Services](#), or you may contact the local CBSA office at the airport of destination.
7. Aircraft that are stopping in Canada for the sole purpose of re-fuelling are not limited by the passenger number restrictions listed in the CBSA designation of the airport. When landing to re-fuel, the aircraft must still report the arrival to the CBSA even though the passengers are not disembarking. This can be done in writing on an A6 General Declaration or by telephone to the CBSA at that airport.

Authorization and Clearance Procedures

Non-restricted Capacity Airports of Entry

8. For charter flights into an AOE with no traveller capacity limitations (an AOE with no numerical designator), the following will apply:
 - a. Licensed air carriers will notify in advance the CTA of proposed charter flights or will request approvals for proposed charter flights (depending on the type of charters). The CTA approvals contain a reminder to licensed air carriers to contact:
 - i. Transport Canada for compliance with security requirements;
 - ii. The local airport authority for permission to operate at specific times or for the use of any airport facility; and

- iii. The CBSA regarding the availability of clearance services and hours of operation of the port of entry.
- b. The CTA will file a monthly report to the CBSA listing all approved charter flights (all types of charters) which took place the month before.
- c. The carrier will then negotiate for a time "slot" and obtain authorization from the local airport manager who will consult with the CIS, the airlines, and United States Customs and Border Protection, if required. This will ensure that times of arrival or departure will not conflict with other charter or scheduled carrier service and create peaking or congestion problems within the inspection services area.
- d. The carrier is responsible for all additional costs incurred for the charter clearance.
- e. Permission for progressive clearance of charter traffic will be negotiated in accordance with the conditions outlined in [Memorandum D2-5-5, Progressive Clearance at Airports](#).
- f. The carrier will ensure the passengers are properly documented and provide travellers with the [Form E311, CBSA Declaration Card](#) at airports where primary inspection kiosks have not been installed.

Restricted Capacity Airports of Entry

9. For charter flights into an AOE with passenger capacity limitations (an AOE with a numerical designator), the following will apply:

- a. licensed air carriers will notify in advance the CTA of proposed charter flights or will request approvals for proposed charter flights (depending on the type of charters). The CTA approvals contain a reminder to licensed air carriers to contact:
 - i. Transport Canada for compliance with security requirements
 - ii. the local airport authority for permission to operate at specific times or for the use of any airport facility; and
 - iii. the CBSA regarding the availability of clearance services and hours of operation of the port of entry.
- b. the air carrier will contact the local CBSA office by telephone, facsimile, or mail, during regular business hours, Monday through Friday (except holidays) as far in advance as possible. The air carrier will be informed of CBSA's requirements and must indicate its agreement to comply prior to the commencement of the flight
- c. the carrier will then negotiate for a time "slot" and obtain authorization from the local airport manager. This will ensure that times of arrival or departure will not conflict with other charter or scheduled carrier service and create peaking or congestion problems within the inspection services area

- d. the carrier is responsible for all additional costs incurred for the charter clearance
 - e. permission for progressive clearance of charter traffic will be negotiated in accordance with the conditions outlined in [Memorandum D2-5-5, Progressive Clearance at Airports](#)
 - f. the carrier will ensure passengers are properly documented and provide passengers with the [Form E311, CBSA Declaration Card](#) at airports where primary inspection kiosks have not been installed.
10. For charter flights involving aircraft carrying more than the capacity indicated for a specific airport, the airport manager will make a decision as to whether charter access can be approved or refused. This decision will be based on the air carrier's ability to meet the requirements of the airport authority, as well as those of the CIS and Transport Canada (see [paragraph 12](#) for details on the staged off-loading of travellers).
11. The CIS authorization, required in paragraphs [9](#) and [10](#), will be based on and subject to the following:
- a. the time of arrival is within the airport's authorized hours of service
 - b. the flight does not arrive simultaneously with other scheduled or charter flights
 - c. inspection staff is available
 - d. adequate sterility is provided by the carrier for the deplaning and reporting of passengers and baggage to the inspection services facility
 - e. the baggage delivery rate can be maintained at an acceptable level
 - f. where the proposed aircraft load exceeds the facility capacity, staged off-loading procedures will be required in accordance with the conditions outlined in paragraphs 12 [\(a\)](#) to 12 [\(o\)](#)
 - g. the carrier shall be responsible for all additional costs incurred for charter clearance
 - h. the carrier will ensure passengers are properly documented and provide passengers with the [Form E311, CBSA Declaration Card](#) at airports where primary inspection kiosks have not been installed; and
 - i. permission for progressive clearance of flights into restricted capacity airports will be negotiated in accordance with [Memorandum D2-5-5, Progressive Clearance at Airports](#).

Staged Off-loading Procedures

12. Authorization for staged off-loading will be based on the following factors and subject to the carrier undertaking to meet the conditions specified:
- a. the number of travellers processed by the CBSA at a given time may be restricted due to operational or physical facility capabilities

- b. staged off-load is a mitigation measure to process travellers in groupings rather than complete disembarkation when operational resources and/or facility design prevent all travellers from entering the CBSA hall at the same time, and is not to be construed as a change in designation
- c. an Airport Authority may submit a request to the local CBSA representative to seek approval to conduct staged off-loads for arrivals of larger aircraft that are within site designation but where traveller processing volumes are restricted due to operational or terminal facility limitations
- d. Airport of Entry (AOE) designation of the airport must exceed the staged off-load number, indicating that the airport has the ability to land larger capacity flights, but they can only process a certain number of travellers at a time due to terminal facility design and/or airport and CBSA operational limitations. For example, an airport designated AOE/200 can land aircraft carrying up to 200 passengers but the airport's terminal facility design and/or operational limitations can only permit 100 travellers to be processed at a time. This airport could therefore seek CBSA approval to be classified as "AOE/200, with staged offloading in groups of 100".
- e. if the Airport Authority seeks to land and process a complete traveller disembarkation of higher capacity aircraft through the terminal, they will need to formally submit a business case requesting an increase to their AOE designation.
- f. in order to implement or amend staged off-load processing at an airport, the Airport Authority must contact the local CBSA representative and provide the following details:
 - whether this is an initial request for staged off-loading, or an amendment to an existing staged off-loading approval
 - the anticipated frequency of flights the Airport Authority expects the CBSA to process in a staged manner
 - if known, the specifics of the affected flights: air carrier name, day(s) and time(s) of scheduled arrival, and the time period(s), if seasonal
 - the maximum traveller capacity of those flights
 - rationale for requesting SOL and confirmation that the request is within the current AOE designation
 - rationale for requesting staged off-load and the reason for why an alternate formal request for designation has not been made
 - a proposed start date and, in situations where the AA is upgrading the facilities, an end date that staged off-load procedures will be required; and,
 - the steps the Airport Authority will undertake to phase out the use of or justify the conservation of a staged off-load approach pending CBSA approval.
- g. staged off-load is subject to CBSA approval and cannot be utilized without formal approval from the CBSA

- h. the Airport Authority will be informed in writing of the CBSA's decision to approve or reject the staged off-load request
- i. if the request is approved, the CBSA will confirm the number of travellers permitted to be off-loaded in each stage, and the conditions under which staged off-load has been granted
- j. the CBSA will require a cost recovery agreement with the Airport Authority if additional CBSA resources are needed to process travellers above the airport's level of eligible publicly funded border clearance services including flights arriving outside the CBSA core hours of service
- k. the Airport Authority must acknowledge and accept the conditions in writing under which staged off-load is granted
- l. In addition, the Airport Authority must undertake to notify affected carriers of the below requirements when staged off-load is granted:
 - baggage handlers must be provided in the baggage claim area
 - baggage off-load must match the staged off-load in whichever manner they so choose
 - baggage delivery to the baggage claim area must be in a timely manner
 - orderly disembarkation will be enforced and maintained by providing adequate ground attendants for this purpose
 - processed and unprocessed travellers must not commingle
 - travellers pre-PIL wait time should not exceed 60 minutes; and
 - travellers awaiting processing must be kept in a sterile area.
- m. the Airport Authority will be responsible for controlling staged off-load and will inform the carrier when the facility can accommodate the next stage of travellers and baggage
- n. the airport authority must ensure that there will be no convergence of scheduled flights that, if combined, would cause pre-PIL wait times to exceed 60 minutes
- o. the CBSA reserves the right to refuse or revoke staged off-load permissions if health and safety concerns are identified that cannot be mitigated, or if the CBSA is not satisfied that the Airport Authority can comply with conditions under which staged off-load was granted.

Restricted Capacity Airports Limited to 15 Passengers Including Crew (AOE/15)

13. Airports designated as AOE/15 are used solely for clearing persons who have not paid for passage arriving by general aviation aircraft (private or corporate) where the flights are unscheduled and the number of passengers on each flight does not exceed 15 (including the crew).

14. Operators of these flights must obtain CBSA approval by contacting the CBSA's Telephone Reporting Center **at least two hours, but no more than 48 hours**, before flying into Canada. For telephone reporting procedures, please refer to the [Memorandum D2-5-12: Telephone Reporting for General Aviation, Private Boats, and other Non-Commercial Passenger Conveyances](#).

Emergency Diversions

15. According to Transport Canada, the requirement for a commercial air carrier to identify a destination diversion airport as part of its flight plan is an International Civil Aviation Organization (ICAO) commitment contained in Annex 6 of the Convention on International Civil Aviation (Chicago Convention). This does not exempt the airline from landing at a designated airport as outlined in Article 10 of the convention.

16. An emergency diversion would be one where the person in charge of the conveyance has declared an emergency. The reason for such declarations will vary and can include mechanical, medical, security (e.g., unruly passengers) and indirectly, inclement weather conditions, (e.g., depletion of fuel due to weather delay).

17. In the case of a declared emergency, safety is of course paramount, and air traffic control will direct the aircraft to the most immediate and appropriate aerodrome. The aircraft would be allowed to land at the closest available airport regardless of CBSA presence as long as the airline immediately reports the landing to the nearest CBSA office or the Royal Canadian Mounted Police (RCMP).

18. In the event where the aircraft has their destination at another airport in Canada:

- If passengers and crew remain on the aircraft and continue their journey to its original Canadian destination, passengers and crew would clear the CBSA at the next domestic destination. Nonetheless, the arrival of the aircraft must be reported to the CBSA. This can be done in writing on an [AG1, General Declaration \(Outward/Inward\)](#) or by telephone to the CBSA at that airport.
- If the aircraft is unable to continue, passengers and crew have to undergo CBSA processing at the airport where the aircraft landed. **After hours** clearance may include **cost recovery** if the CBSA is able to send officers to clear the flight at that AOE. If the CBSA is unable to attend, it would be the responsibility of the airline to ensure they transport those passengers and crew to the nearest CBSA office that is open for business.

Note: A declared emergency diversion by the person in charge of the conveyance will not result in cost recovery fees when the CBSA is satisfied as to the urgent nature of the situation.

19. In the event where the aircraft has their destination a place outside Canada:

- If the passengers and crew arrive on a diverted flight but do not disembark from the airplane and have as their destination a place outside Canada. These passengers and crew are not required to report to the CBSA. Nonetheless, the arrival of the aircraft must be reported to the CBSA. This can be done in writing on an [AG1, General Declaration \(Outward/Inward\)](#) or by telephone to the CBSA at that airport
- If the aircraft is unable to continue, passengers and crew have to undergo CBSA processing at the airport where the aircraft landed or based on circumstances, the passengers and crew may be held in a secure/sterile area until the aircraft is fit to fly again or a substitution arrives
- After hours clearance may include cost recovery if the CBSA is able to send officers to clear the flight at that AOE. If the CBSA is unable to attend, it would be the responsibility of the airline to ensure they transport those passengers and crew to the nearest CBSA office that is open for business for CBSA processing.

Note: A declared emergency diversion by the person in charge of the conveyance will not result in cost recovery fees when the CBSA is satisfied as to the urgent nature of the situation

Re-fueling Stops (Technical Stops)

20. A planned technical stop for re-fueling would not constitute an emergency and must be planned at a designated AOE open for business and the arrival must be reported to the CBSA. Arranging for re-fueling at a non-designated site or that falls outside the authorized hours of service at a designated site, is not “unforeseen” and does not constitute an emergency. Therefore, airlines are not permitted to make arrangements for re-fueling at non-designated sites or that falls outside the authorized hours of service at a designated site, without the CBSA's permission. If the airline wishes to make such stops routine, it must enter into a cost recovery agreement with the closest CBSA office.

General information

21. All air carriers must abide by the provisions of the CFIA's International Waste Directive. If CFIA-approved international waste disposal facilities and routes do not exist at the airport of entry, the discharge or off-loading of international waste will not be permitted. The waste products must remain safely contained and stored on board the aircraft.

22. Air transporters operating small charter aircraft may be asked to provide Advance Passenger Information (API) under the provisions of the API Program. Reporting

through the Telephone Reporting Centre does not preclude selected air transporters from participation in the API Program if required to do so by the CBSA.

23. All airlines or owners of commercial aircraft operating international charter service that do not give prior notice and do not follow authorization procedures may be diverted to another AOE if there is no CBSA staff available for clearance.

24. Basic information related to foreign operators seeking authorization to operate into and out of Canada can be found on the [Foreign air operations](#).

25. General enquiries and requests for further information concerning charter access into specific airports should be directed to:

Contact border information services

For more information, call the Border Information Service, an automated telephone service that provides general information on CBSA programs, services and initiatives through recorded scripts.

Telephone:

- 1-800-461-9999 (within Canada)
- 1-204-983-3500 or 1-506-636-5064. Long distance charges will apply
- TTY 1-866-335-3237 (for those with hearing or speech impairments)

Please note: Agents are available Monday to Friday (7am – 7pm ET except holidays).

Canada Border Services Agency

Traveller Operational Service Delivery Division
Travellers Operational Guidance and Support Directorate
E-mail address: csr-esb@cbsa-asfc.gc.ca

Canadian Food Inspection Agency

[Contact the CFIA](#)

[Automated Import Reference System \(AIRS\)](#)

Canadian Transportation Agency Licensing Inquiries

[Licences and charter permits](#)

Email: licence@otc-cta.gc.ca

Transport Canada

[Foreign Inspection - Transports Canada](#)

Health Canada

[Contact us - Health](#)

Penalty Information

26. In instances where the person in charge of the conveyance failed to report the conveyance and passengers and crew to the CBSA upon arrival in Canada, an assessment of penalties and/or seizure against the carrier may be applied. For more information on penalty administration, please refer to the [Master Penalty Document](#).

References

[Directory of CBSA Offices and Services](#)

Applicable legislation

- [Immigration and Refugee Protection Act](#)
- [Customs Act](#)
- [Presentation of Persons \(2003\) Regulations](#)

Related D memoranda

[D1-2-1](#), [D2-5-5](#), [D2-5-12](#)

Superseded D memoranda

D2-5-1 dated August 20, 2019

Issuing office

Program and Policy Management Division
Travellers Policy and Programs Directorate
Travellers Branch

Contact us

[Contact border information services](#)