

Bill C-23: Canadians wary of proposal to expand U.S. customs pre-clearance program

Half say the bill 'gives too much power to U.S. border guards on Canadian soil'

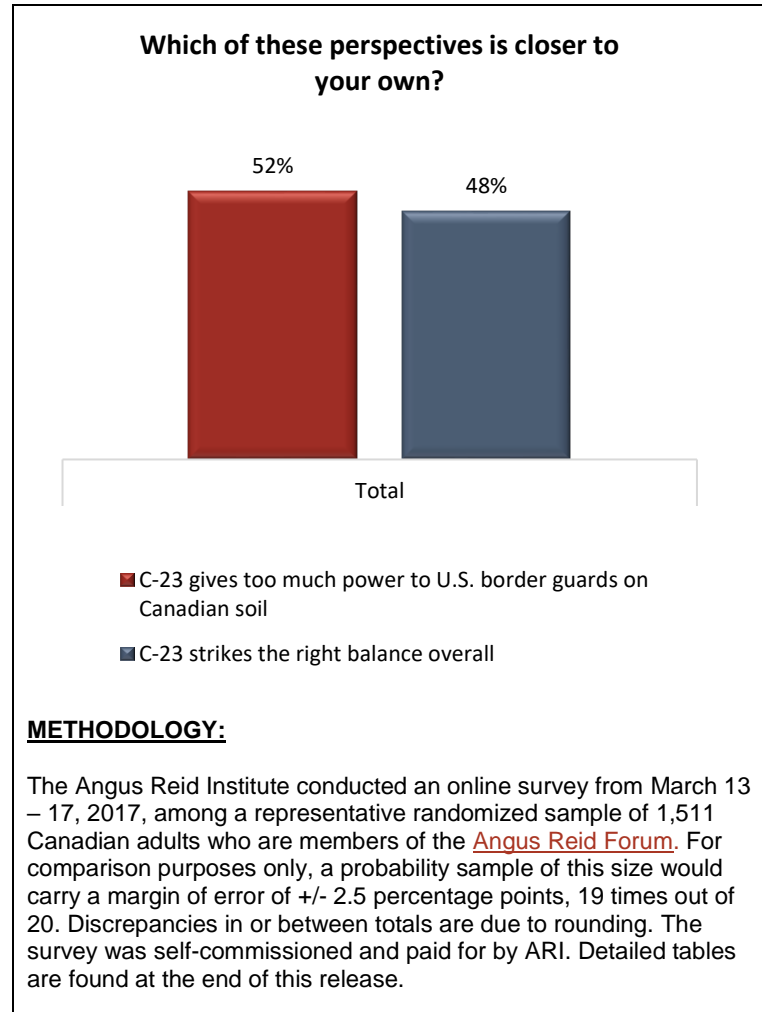
March 30, 2017 – As the federal government works to expand the practice known as “preclearance,” in which Canadians traveling to the U.S. go through customs on Canadian soil, a new public opinion poll from the Angus Reid Institute finds Canadians divided on some key elements of the bill that would enable this expansion.

More Canadians support Bill C-23 than oppose it, but fully half are worried that the bill gives “too much power to U.S. border guards on Canadian soil,” and significant minorities oppose provisions allowing U.S. agents to conduct physical searches, including strip searches, and to detain travelers for questioning if they try to abandon the preclearance process partway through.

Canadians feel positively about preclearance overall, however, with the vast majority who have done it saying the experience was “generally easy,” and fewer than one-in-five saying the program should be curtailed or cancelled.

Key Findings:

- Roughly half of all Canadians (49%) support Bill C-23, while 36 per cent oppose it. The rest (15%) are unsure of their position
- This rather tepid support for the bill may be reflected in the view that it “gives too much power to U.S. border guards on Canadian soil.” Some 52 per cent of Canadians believe this, compared to 48 per cent who say it “strikes the right balance overall”



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- Canadians feel positively about preclearance in concept – 93 per cent of those who have done it say it’s “generally easy” – and most (55%) would like to see it expanded to more airports and other travel facilities

Canadians wary of expanded powers for U.S. border agents

Bill C-23 is the final step in a process that [began with a 2015 agreement](#) on expanding the preclearance program between former U.S. President Barack Obama and former Prime Minister Stephen Harper. A bill enabling the expansion [passed the U.S. Congress](#) last year.

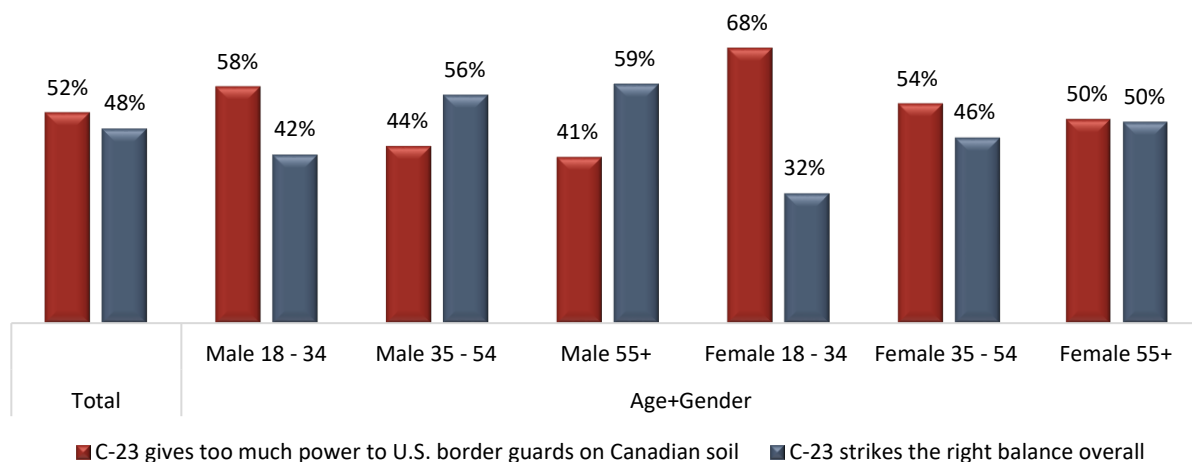
If passed, C-23 would facilitate the creation of preclearance facilities at Toronto’s Billy Bishop Airport and Quebec City’s Jean Lesage Airport, but it would also expand the powers granted to U.S. Customs and Border Patrol officers conducting their duties on Canadian soil. These additional powers – especially clauses that would allow U.S. agents to detain travelers and to conduct strip searches – have been [a cause for concern](#) among Canadian privacy activists.

Significant numbers of Canadians also appear to be concerned about the bill. Slightly more than half (52%) say “C-23 gives too much power to U.S. border guards on Canadian soil,” as opposed to striking “the right balance overall” (48%).

The belief that the bill goes too far is strongest among younger Canadians (63%) and women (57%, [see comprehensive tables for greater detail](#))

Women under age 35, especially, believe C-23 gives too much power to U.S. border agents, as seen in the graph that follows. They are joined in this view by majorities of young men and women under 55, while men over 35 lean toward the view that the bill strikes the right balance:

Which of these perspectives is closer to your own?



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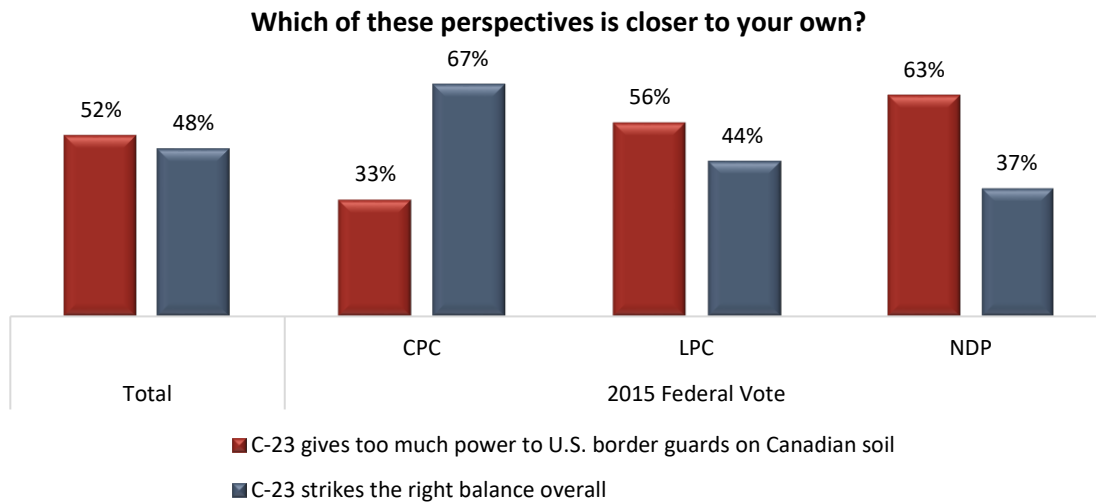
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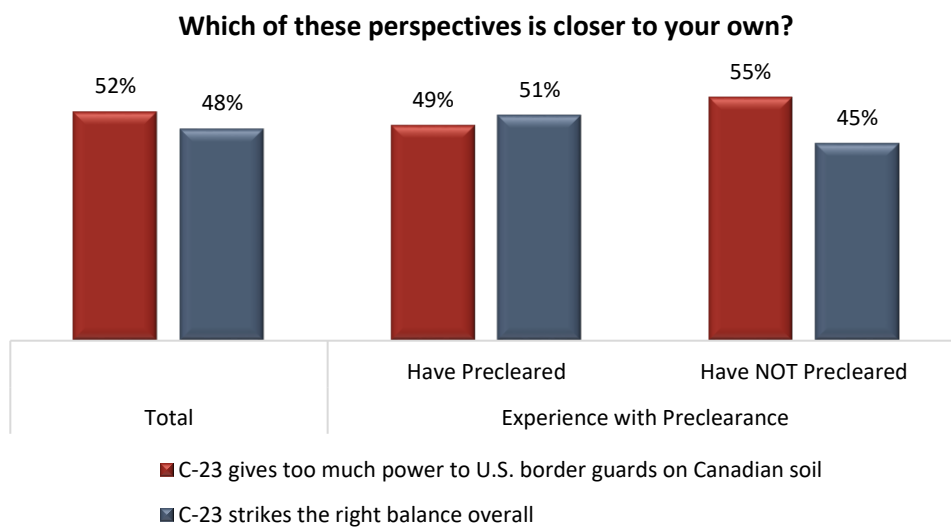
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Also more inclined to say the bill strikes the right balance? Canadians who voted for the Conservative Party of Canada in the 2015 election. Fully two-thirds of this group (67%) say the bill does not go too far.

Past supporters of the governing Liberal Party lean toward the view that the bill their party is championing gives too much power to U.S. border guards, as seen in the following graph:



Concerns about C-23 giving U.S. agents too much power are also slightly stronger among those who have never gone through preclearance before. Those who *have* precleared are split almost evenly, with slightly more than half saying the bill strikes the right balance:



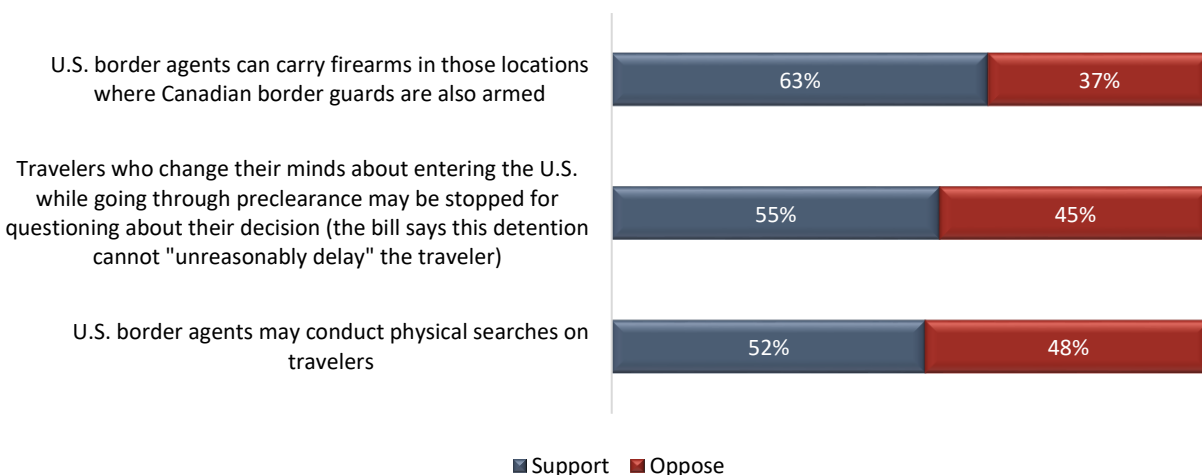
Prime Minister Justin Trudeau has [sought to allay fears](#) about Bill C-23 by arguing that the Charter of Rights and Freedoms protects the rights of travelers going through preclearance, but many opponents of the bill are unconvinced.

Of particular concern to some is C-23's use of the phrase "unreasonable delay" in describing the limits on U.S. officers' ability to detain travelers who change their minds about entering the U.S. partway through the preclearance process. They argue [there is no clear definition](#) in the bill of what a would constitute an "unreasonable delay."

Some also worry about the expansion of the power [to conduct physical searches](#). Currently, U.S. border agents working in preclearance facilities are not allowed to strip-search travelers, though they can be present when Canadian officials conduct such searches. Under C-23, U.S. officers would be able to conduct such searches themselves, with or without the help of their Canadian counterparts.

Asked whether they support or oppose these two measures, Canadians are fairly divided. Nearly half (48%) oppose the provision allowing U.S. border agents to conduct physical searches, and a similar number (45%) oppose the detention provision. Canadians are more supportive of another change that allows U.S. border agents to carry guns in places where Canadian border agents also do:

A list these new powers included in Bill C-23 follows. For each one, please indicate whether you support or oppose it.



Just as they were more likely to say the bill strikes the right balance overall, past CPC voters are also more supportive of each of the provisions of the bill canvassed in this survey. More than two-thirds support each one, compared to fewer than six-in-ten past Liberal and NDP voters.

Indeed, slightly fewer than half of those who supported the Liberals and New Democrats in 2015 support the detention and physical search provisions:

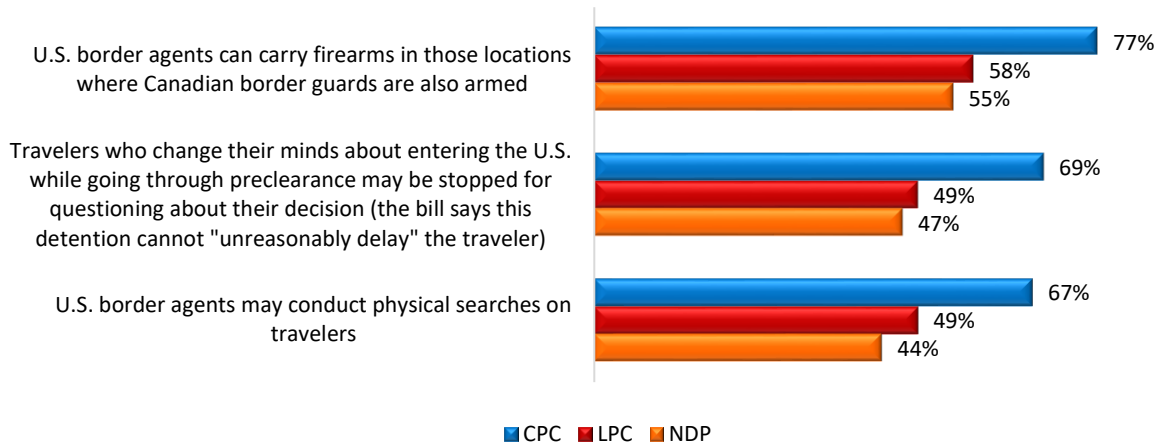
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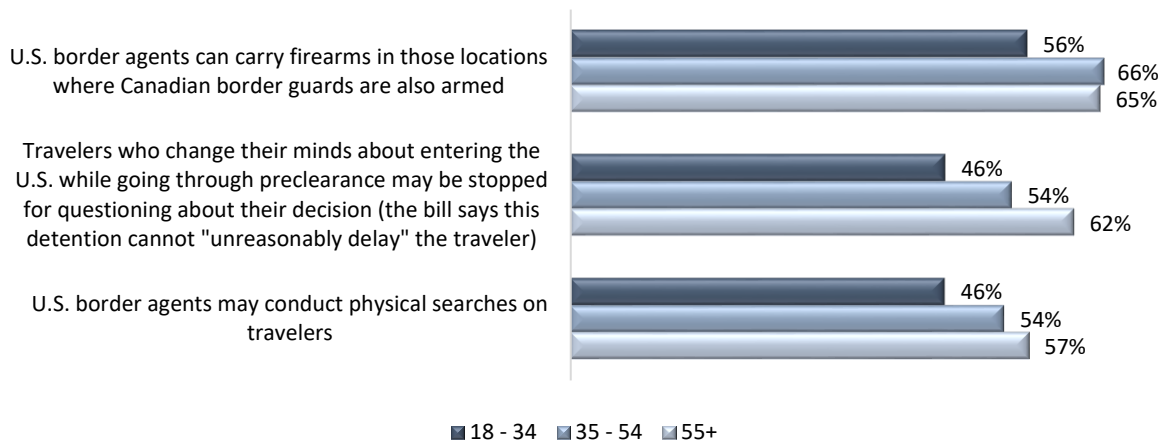
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A list of these new powers included in Bill C-23 follows. For each one, please indicate whether you support it or oppose it. (Those saying 'support' shown)



Younger Canadians, meanwhile, are less supportive than members of other age groups. Backing of the detention and strip-search provisions drops below 50 per cent among those under age 35, as seen in the graph that follows:

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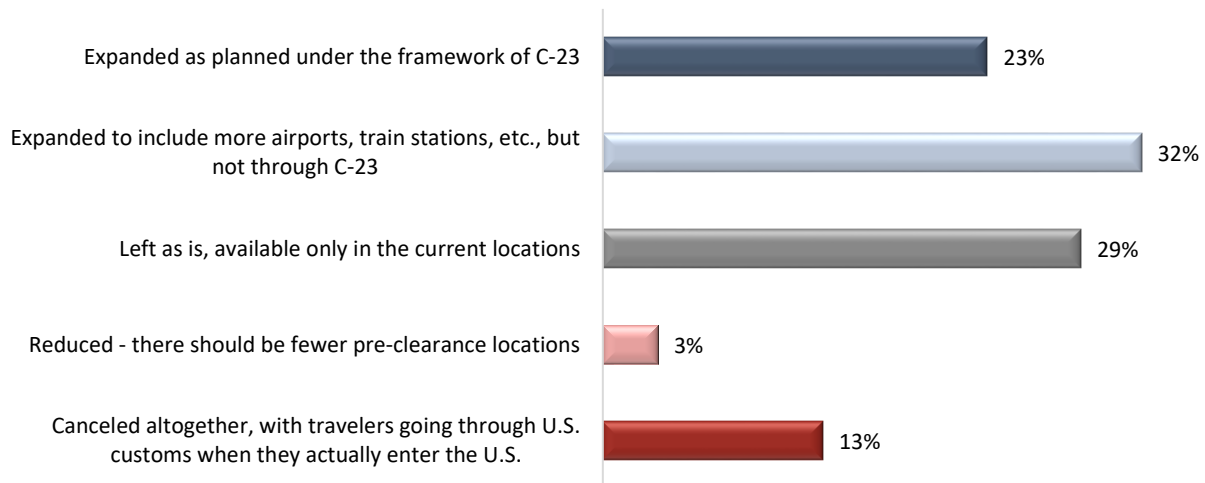
Half support C-23 overall, want to expand preclearance programs

Some 12 million travelers go through preclearance at Canadian airports each year, and 93 per cent of the respondents to this survey who have done it say the process is “generally easy.”

Overall, Canadians – even those who have never gone through preclearance – are more likely to favour expanding the program than contracting or eliminating it. Canadians are less-than-convinced that C-23 is the right framework for expanding the program, however.

Presented with five broad options for the future of U.S. customs preclearance in Canada, fewer than one-in-four Canadians (23%) say the program should be expanded as planned under C-23. A larger number (32%) would like to see the program expanded, but not through the current bill:

Thinking more broadly about the preclearance program as a whole, which of the following options would you like to see the federal government pursue? Should preclearance be:



Notably, among those who say C-23 goes too far in terms of the powers it grants to U.S. Customs and Border Patrol, relatively few (22%) would abandon the program altogether. The most popular options among this group are to leave preclearance unchanged (33%) or to expand it, but not through C-23 (35%).

Those who think the current bill strikes the right balance, meanwhile, are much more likely to say the program should be expanded as planned:

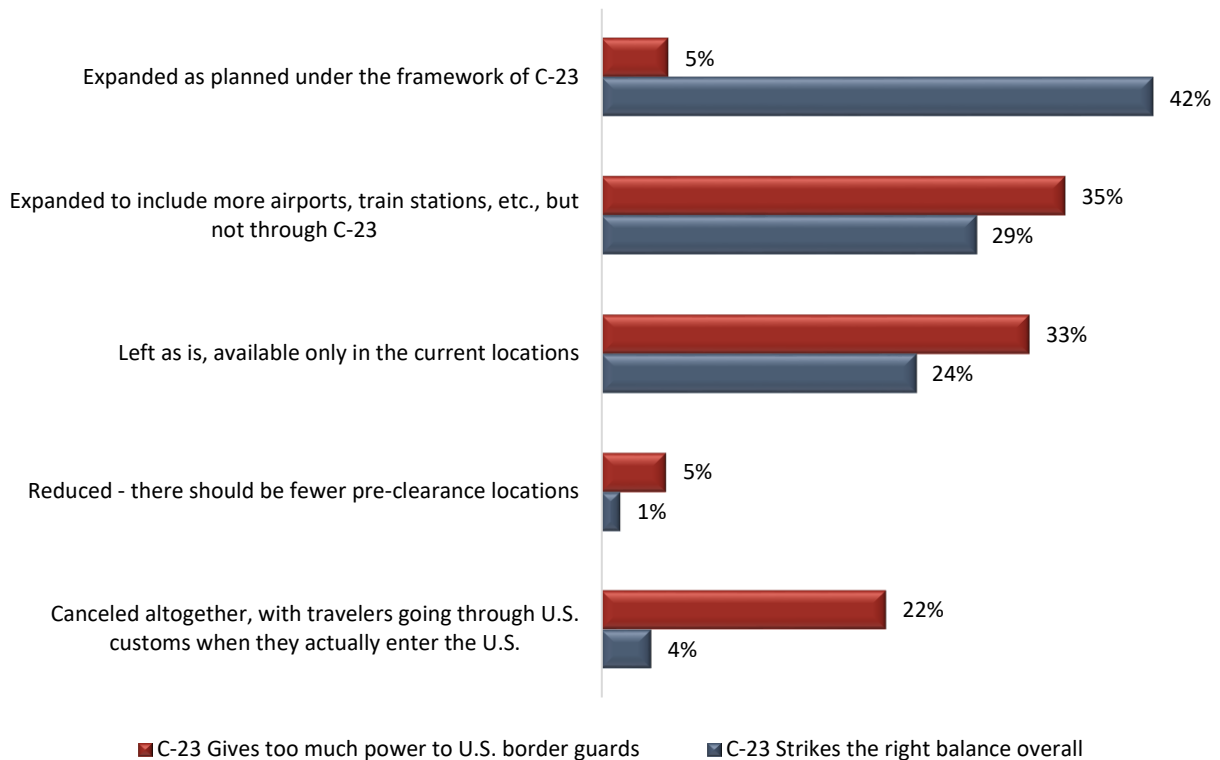
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Which of the following options would you like to see the federal government pursue? Should preclearance be:



To be clear, there is currently no alternative proposal for expanding preclearance. Bill C-23 is the legislation that would allow the government to increase the number of locations where preclearance is available.

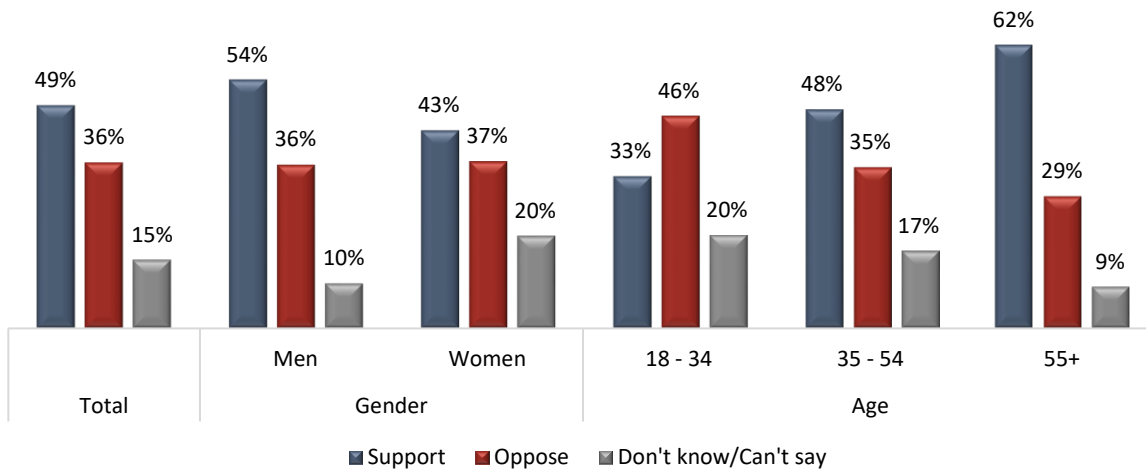
Asked to consider the current bill on its own, Canadians are more likely to support it than oppose it, but neither side achieves a full majority. Almost half (49%) support Bill C-23, while more than one-in-three (36%) oppose it. The rest (15%) are unsure.

Support for the bill is stronger among men and older Canadians, while opponents of the proposal outnumber supporters of it in the youngest age group, as seen in the following graph:

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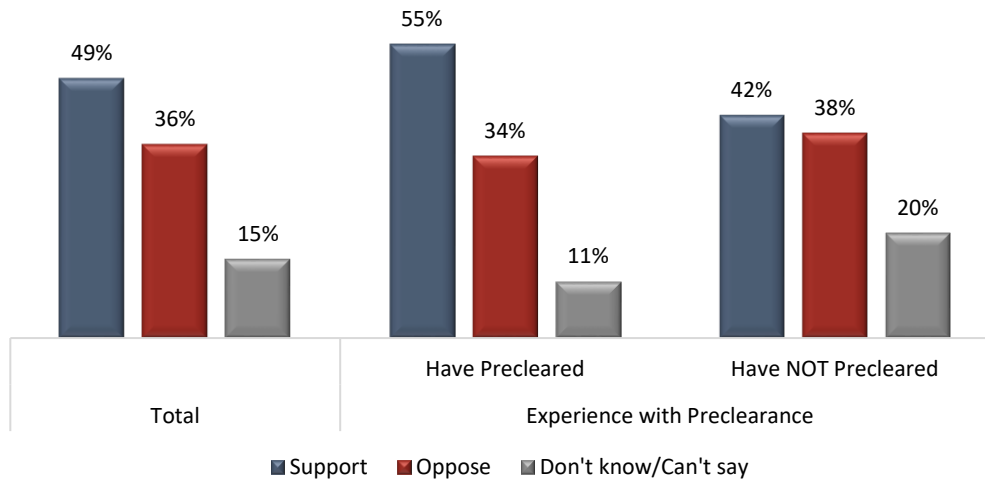
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Now, thinking of Bill C-23 overall - do you support it or oppose it?



Notably, most of those who have first-hand experience with the preclearance process say they support Bill C-23, while those without direct experience of the program are less certain of how they feel:

Now, thinking of Bill C-23 overall - do you support it or oppose it?



*The **Angus Reid Institute (ARI)** was founded in October 2014 by pollster and sociologist, Dr. Angus Reid. ARI is a national, not-for-profit, non-partisan public opinion research organization established to advance education by commissioning, conducting and disseminating to the public accessible and*

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impartial statistical data, research and policy analysis on economics, political science, philanthropy, public administration, domestic and international affairs and other socio-economic issues of importance to Canada and its world.

Summary tables follow. For detailed results by age, gender, region, education, and other demographics, [click here](#).

Some people say Bill C-23 gives U.S. border guards on Canadian soil too much power. Others say it strikes the right balance by enabling the agents to do their jobs while protecting people's rights. Which of these perspectives is closer to your own?			
(weighted sample sizes)	Total (1511)	Experience with preclearance	
		Yes, at least once (779)	No, never precleared (732)
C-23 gives too much power to U.S. border guards on Canadian soil	52%	49%	55%
C-23 strikes the right balance overall	48%	51%	45%

Some people say Bill C-23 gives U.S. border guards on Canadian soil too much power. Others say it strikes the right balance by enabling the agents to do their jobs while protecting people's rights. Which of these perspectives is closer to your own?				
(weighted sample sizes)	Total (1511)	2015 Federal Vote		
		CPC (369)	Liberal (515)	NDP (220)
C-23 gives too much power to U.S. border guards on Canadian soil	52%	33%	56%	63%
C-23 strikes the right balance overall	48%	67%	44%	37%

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A list of these new powers included in Bill C-23 follows. For each one, please indicate whether you support it or oppose it.

(weighted sample sizes)	Total (1511)	2015 Federal Vote		
		CPC (369)	Liberal (515)	NDP (220)
Travelers who change their minds about entering the U.S. while going through pre-clearance may be stopped for questioning about their decision (the bill says this detention cannot "unreasonably delay" the traveler)	55%	69%	49%	47%
US border agents can carry firearms in those locations where Canadian border guards are also armed	63%	77%	58%	55%
US border agents may conduct physical searches on travelers	52%	67%	49%	44%

Now, thinking about Bill C-23 overall – do you support it or oppose it?

(weighted sample sizes)	Total (1511)	Experience with preclearance	
		Yes, at least once (779)	No, never precleared (732)
Strongly support	11%	12%	9%
Moderately support	38%	43%	33%
Moderately oppose	22%	22%	22%
Strongly oppose	14%	12%	16%
Don't know/Can't say	15%	11%	20%

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Now, thinking about Bill C-23 overall – do you support it or oppose it?				
(weighted sample sizes)	Total (1511)	2015 Federal Vote		
		CPC (369)	Liberal (515)	NDP (220)
Strongly support	11%	20%	6%	8%
Moderately support	38%	46%	41%	33%
Moderately oppose	22%	15%	23%	26%
Strongly oppose	14%	6%	17%	22%
Don't know/Can't say	15%	14%	13%	11%

And, thinking more broadly about the preclearance program as a whole, which of the following options would you like to see the federal government pursue?			
Should preclearance be:			
(weighted sample sizes)	Total (1511)	Views on C-23	
		Gives too much power to U.S. border guards (785)	Strikes the right balance overall (726)
Expanded as planned under the framework of C-23	23%	5%	42%
Expanded to include more airports, train stations etc., but not through C-23	32%	35%	29%
Left as is, available only in the current locations	29%	33%	24%
Reduced, there should be fewer pre-clearance locations	3%	5%	1%
Canceled altogether, with travelers going through U.S. customs when they actually enter the US	13%	22%	4%

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