

Hassles rise at undefended border

Canadian business executives, who expected travel to the U.S. would become easier under free trade, are facing delays and frustration.

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OTTAWA — Business executives who thought travel to the United States would become easier under free trade are growing increasingly frustrated with persistent immigration hassles.

This week, the president of a new Vancouver software company was stopped at Vancouver International Airport and grilled about his intended business in the U.S.

The executive, a systems analyst, was asked about the nature of his trip and his academic qualifications. In the course of his answer, he mentioned computer programming — and his routine border crossing quickly turned into a bureaucratic nightmare.

The U.S. immigration officer told the executive, who doesn't want to be named, that his official work visa was being lifted.

He wasn't being allowed across the border because programmers aren't on the list of professions recognized by NAFTA. Systems analysts are on that list, which

was designed to expedite border crossings, but the immigration officer didn't believe the executive's story.

Angry, the executive called Vancouver immigration lawyer Mike Jacobsen, who drove to the airport to sort out the mess. The trip was delayed a full day as evidence was presented to show the executive was indeed doing business as a systems analyst.

"A lot of immigration inspectors are not familiar with the free-trade agreement and that leads to all sorts of bad decisions," said Jacobsen. "There's a lot of discretion in their hands."

His law firm also had to go to the aid last week of a B.C. woman on the U.S. professional golf tour, who was told at the border she wouldn't be allowed into the country. It took another day to sort out that problem.

Canadian lawyers say U.S. officials are using a strict interpretation of the law that regulates access to the country.

And many Canadian business travellers are getting snared be-

Official: Inspectors

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cause they don't realize that special rules apply to them. Anyone who has the prospect of earning money in the U.S. — even if it's only compensation for travel expenses — requires a special visa and company letter.

The situation is making the border a much more unpredictable place for executives, musicians and artists who regularly travel to the U.S. A hint of inconsistency in a story, anything that departs from the documented reasons for a trip, can lead to hours of delay or an outright ban, lawyers say.

"They are getting tougher," says Henry Chang, chairman of the Canadian chapter of the American Immigration Lawyers' Association. "The INS [the U.S. Immigration and Naturalization Service] people have always been kind of unreasonable, but I've noticed they're now a lot more re-

strictive in how they view things."

The U.S. Congress passed laws in 1996 that, among other things, gave INS officers the power to immediately bar foreigners they believe are trying to enter the country illegally. People can be barred for up to 10 years and there's no right of appeal.

"What is probably happening is that the INS is looking at that and saying Congress wants us to be tough on immigrants," Chang said.

"They're very happy to have this extra weapon to use against aliens, but some of these are bona fide business visitors who are told they're not coming back for five years simply because the INS officer didn't believe them," he said. "It's an issue that's disturbing a lot of people."

An INS official, however, said it's business as usual at the Canadian border. "Our people have a job to screen people and that's exactly what they're doing."

More than 116 million crossings were made from Canada to the U.S. last year along the world's longest undefended border. Most of them were routine. But the chances of trouble seem to be increasing.