

OUT/LAW IMMIGRATION NEWSLETTER ISSUE 9

Welcome to the 9th issue of the Out/Law Immigration Newsletter. Newsletters are issued periodically when we have information of interest to persons considering immigrating to Canada. This issue contains articles on the federal government's latest plans for the vote on same-sex marriage in Parliament, US border policies, and information on dual citizenship. It looks like the US is rolling up the drawbridge and that the last century of relatively free travel across an undefended border will soon be a distant memory. There has been debate about whether Canada should continue recognizing dual citizenship or require persons acquiring Canadian citizenship to renounce their existing citizenship. If you do not want to continue receiving newsletters or email from us, please contact Rob Hughes at rhughes@smith-hughes.com and request to be removed from the list.

<http://www.theglobeandmail.com/servlet/story/RTGAM.20060927.wpopu0927/BNStory/National/home>

27/09/06

Immigration fuels Canadian growth: Statscan

TERRY WEBER

Globe and Mail Update

Immigration continued to be the driving force behind Canada's growing population over the past 12 months, with the movement of people into Canada from other countries accounting for two-thirds of the growth during that period, Statistics Canada said Wednesday.

The government agency's most recent tally of the Canadian population – which looked at the 12-month period ended July 1 – put the total at 32,623,500, up 324,00.

Over the 12 months, Canada took in 254,400 immigrants. That is 9,800 more than the year before and the highest level since 2001-2002 when 256,300 immigrants arrived on Canada's shores.

It was the third straight year of an annual increase in immigration.

“International migration's role in Canada's population growth far exceeds its impact in the United States,” the agency noted.

In 2004-2005, net international migration made up two-thirds of this country's population growth, compared with 38 per cent in the United States.

South of the border, population gains are driven more by fertility, Statscan said.

Among the provinces and territories, Alberta had the strongest growth rate, coming in nearly three times higher than the national average. For the year, Alberta's growth rate was 29.4 people per 1,000.

The gains were linked to Alberta's booming provincial economy. During the study period, it also posted the highest level on record of migration from other parts of Canada.

“Alberta's powerful attraction inevitably had an impact on the demography of the other provinces and territories,” the agency said.

“However, net international migration reduced the effects of the Alberta draw in several areas in the country.”

Of the 13 provinces or territories, 10 recorded negative net inter-provincial net migration. British Columbia and Nunavut were the only other two regions to post gains.

In the Atlantic region, Prince Edward Island was the only region with a positive overall growth rate. Newfoundland and Labrador lost population for the 14th straight year and was the first Canadian jurisdiction to see more deaths than births over the course of one year.

Compared with the United States, Canada's population growth rate was slightly higher than that seen in the United States.

Last year, Canada's population increased at a rate of 10 people for every 1,000 in the population. That was close to the 10.2 per 1,000 seen since the start of the millennium.

In 2004-2005 – the last year for which statistics were available – the U.S. population increased at a rate of 9.3 per 1,000, compared with Canada's growth rate of 9.6.

COMMENT BY ROB HUGHES - The previous Liberal government in its Annual Report to Parliament in October 2005 gave Canada's immigration plan for 2006. The report gives the overall immigration range for the coming calendar year and provides the target ranges for permanent residents to be admitted in each immigration class in 2006. Overall, the government is committed to admitting between 225,000 and 255,000 permanent residents in 2006 and plans to have a 56%/44% balance between the economic and non-economic classes. It now looks like the upper end of the number of permanent residents was achieved. The Stats Canada report does not indicate the break-down between economic (that is, independent immigrants qualifying on their own merits) and non-economic classes. The full Stats Canada report is at <http://www.statcan.ca/Daily/English/060927/d060927a.htm>.

It will be interesting to see what targets for immigration the new Conservative government will set in its Annual Report to Parliament.

<http://www.theglobeandmail.com/servlet/story/RTGAM.20060928.wxsamesex28/BNStory/National/home>

Activists say Ottawa will delay vote to reopen same-sex marriage

GLORIA GALLOWAY

From Thursday's Globe and Mail

OTTAWA — Activists on both sides of the same-sex marriage debate say the Conservative government has delayed a vote to reopen the controversial issue -- a move that could help those who oppose extending the marriage definition to include homosexual couples.

Laurie Aaron, a spokesman for Canadians for Equal Marriage, which supports same-sex marriage, said yesterday that Prime Minister Stephen Harper has told the caucus that the vote has been put off until the end of the fall sitting of Parliament.

"I had meetings with five different Conservative caucus members last week and they all told me the same thing," Mr. Aaron said. "It was supposed to happen just before Thanksgiving and now it has been put off until just before Christmas."

The government would not confirm the decision.

It is widely believed that a motion to revisit the matter of gay and lesbian marriage would fail if it were held today; many MPs who voted against same-sex marriage say they don't want to revisit the matter.

Mr. Harper promised on the first day of the federal election campaign that he would ask Parliament if there is a will to reopen the divisive matter. He later said the vote will take place this fall -- and some people who follow the issue closely had expected it as early as this week.

Mr. Harper has been promising to hold the vote for almost a year, Mr. Aaron said. "It's time to get on with it. This issue has been hanging over our heads like a dark cloud and it's unfair to allow the uncertainty to continue."

Mr. Aaron said he doesn't believe the delay will ultimately work against his group. "MPs are going to listen to Canadians," he said.

But the people working to restore the traditional definition of marriage are glad for the extra time.

Charles McVety, president of the Canada Family Action Coalition, said he, too, has heard that the vote has been delayed.

"I first heard they were going to have a snap vote -- introduce it this week and then have a snap vote," Dr. McVety said yesterday.

"I had said that would be seen as abandoning marriage. And it appears as though the vote is going to be delayed and it is going to be held late in the session. I am hearing that it will be before Christmas."

Dr. McVety said his group and the others that oppose same-sex marriage believe there was a lack of information and due process leading up to the 2005 vote that extended the definition of the institution to include gays and lesbians.

If given some extra time, he said, opponents can call their MPs and the MPs can make "an informed decision."

Next week, for instance, the opponents of same-sex marriage will introduce a national marriage caucus, made up of politicians as well as community religious and business leaders, to explain to MPs why the matter should be reopened, Dr. McVety said.

But Liberal House Leader Ralph Goodale said the position of his caucus is unlikely to change.

"It would appear entirely that the Conservatives are playing around with these dates, whether to call a snap vote or to leave it for a protracted period of time, purely for their own political convenience," Mr. Goodale said, "and that kind of stunt-playing when serious issues are involved and human rights are at stake is pretty bad behaviour."

He said he received no answers from the government when he asked last week about the timing and the process of the same-sex vote. He indicated some concern that the Conservatives could surprise the Commons with the controversial motion at a time when the opposition benches are less than full.

Dr. McVety said he didn't believe the government would resort to trickery.

"I don't think they will pull a stunt like that," he said. "This is an important issue."

COMMENT BY ROB HUGHES - This article discusses a free vote in Parliament, not to actually amend the *Civil Marriage Act*, which recognizes same-sex marriages, but to ask MPs if they are in favour of changing the definition of marriage to one man and one woman. A majority vote in favour will not automatically change the *Act*. That must be done by a Bill that is approved through 3 readings in the House of Commons and is then referred to the Senate, where the government does not hold a majority. The government would also have to invoke the notwithstanding clause of the Charter if they want to avoid any challenge to the legislation through the courts for a 5-year period. Although I am confident the free vote will fail, let's not be complacent. We need to lobby our politicians and educate the public that equal marriage is a fundamental human right.

http://www.citynews.ca/news/news_3904.aspx

Proposed Delay in Passport Requirement Falls Through

28/09/06

Canadians may require their passports sooner than they think in order to get into the United States. A proposal to delay the passport requirement, which was approved by U.S. Congress in 2004 as a way to prevent terrorism and illegal immigration, has reportedly fallen through. The rule requires all Canadians and Americans crossing the border by land to have a passport.

U.S. Senate and Congress lawmakers had agreed on Tuesday to delay imposing the new rule along the U.S.-Canadian border until June of 2009, but just before the vote Wisconsin Republican James Sensenbrenner objected to it and convinced House Speaker Dennis Hastert to remove the extension.

That puts the deadline for Canadians to have their passports back to the original scheduled date of January 1, 2008 - a little more than a year away.

Businesses on both sides of the border are upset about the new rules, saying they stand to lose millions in the deal. The fear is that citizens will find getting a passport is too expensive and too much of a hassle and will

simply stop making the cross-border trips. The estimate is that Canada could stand to lose \$2 billion a year when the requirement takes effect.

Canadian politicians had been lobbying for the delay, and Ontario Tourism Minister Jim Bradley contends passports are too expensive and too inconvenient.

He backs Michigan's bid to have the rule changed so people would need only a driver's licence with an enhanced security component to travel across the border.

"What we want to see is an existing document that people have," said Bradley, who warned that requiring a passport or similar document "would have a devastating effect on tourism and trade, to a certain extent, for those of us along the border."

Bradley represents a Niagara region riding not far from the border. The U.S. Department of Homeland Security plan, tabbed at US\$34.8 billion, will also look at the feasibility of erecting a security barrier along the Canadian border.

<http://www.canada.com/topics/news/national/story.html?id=3b415257-1b58-49a3-a388-faeffd5f7d3&k=73673>

Sheldon Alberts, CanWest News Service

Published: Thursday, September 21, 2006

WASHINGTON -- Sections of the 49th parallel in British Columbia and southwestern Ontario — areas deemed most vulnerable to drug smuggling and terrorist infiltrations along the U.S-Canada border — are the probable locations for a "virtual fence" of high-tech monitoring equipment.

Homeland Security officials said Thursday the fence would seek to stop illegal crossings.

Detailing plans for an array of sensors, infrared cameras, watchtowers, and drones that will eventually stretch across America's entire 8,890-kilometre border with Canada, U.S. authorities said their goal is to have the world's longest undefended border under surveillance within three to six years.

"We are looking at making it just that, making it a guarded border," U.S. Border Patrol chief David Aguilar told reporters.

His comments followed a Department of Homeland Security announcement that Chicago-based Boeing Corp. had been awarded an initial \$67-million contract to begin work on the project, known as the Secure Border Initiative.

Starting with a 45-kilometre section of the U.S.-Mexico border south of Tucson, Ariz., the project will expand along both the Canadian and Mexican boundaries based on evaluations of the threat posed by illegal immigrants, drug smugglers and terrorists.

"What we are looking to build is a virtual fence, a 21st-century virtual fence," said Homeland Security secretary Michael Chertoff.

"The border is not just a uniform place. It is a very complicated mix. ... What applies in one stretch of the border is not going to be what applies in another stretch."

U.S. officials said their priority is to gain operational control of its southern border with Mexico, where more than one million immigrants are caught sneaking into the country every year.

Fewer than 10,000 people were detained trying to enter the U.S. illegally from Canada in 2004, but American officials have struggled to prevent the flow of narcotics across its northern border. It has also identified Toronto and Vancouver as hubs for the smuggling of Asian immigrants into the U.S.

"We will expand rapidly to take on the task at hand," said Michael Jackson, the deputy secretary of Homeland Security.

"Our preliminary focus is on the southwest border but from the very beginning we will be looking at the northern border and trying to define the right (surveillance equipment) to do the job there."

Aguilar identified border areas stretching from Detroit to Buffalo, N.Y., the area surrounding Blaine, Wash., and remote stretches in Vermont and Maine as the areas most in need of high-tech surveillance.

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COMMENT BY ROB HUGHES – Frankly, I think the hoopla about the problem with illegal immigrants crossing the Canada-US border is overblown and driven more by politicians playing on voters' fears than legitimate security concerns. Hopefully this virtual fence will decrease the number of US guns smuggled into Canada. Although this and other articles I have read about the virtual fence focus on Asian immigrants passing through the border from Canada into the US, there are also persons sneaking across the border from the US into Canada. Some of these crossings are made because of the Safe Third Country Agreement signed between Canada and the US. This agreement prevents persons who are in the US and not US citizens from making a refugee claim at a land border crossing into Canada. However, if someone sneaks across the border undetected they can then make a refugee claim within Canada at a Citizenship & Immigration Canada office. Many persons who have been in the US for longer than a year are prevented from making an asylum claim in the US. Also, there are many persons who are afraid to make an asylum claim in the US because they are afraid they will be detained and/or believe they would receive a fairer hearing in Canada.

<http://www.theglobeandmail.com/servlet/story/RTGAM.20060928.wlakes28/BNStory/National/home>

28/09/06

Great Lakes machine guns raise ire in Canada

U.S. Coast Guard conducting live-ammunition training drills

MARGARET PHILP

From Thursday's Globe and Mail

The United States Coast Guard has started to patrol the Great Lakes with machine guns mounted on their vessels and is conducting live-ammunition training drills on the U.S. side to prepare officers to combat terrorists flooding across the border from Canada by boat.

The automatic-weapon drills started earlier this year but came to light only in the past two weeks after information about the Coast Guard's move to create 34 permanent live-fire training zones in the Great Lakes was published in the U.S. federal register.

Since the beginning of the year, the Coast Guard have conducted 24 drills, each time firing about 3,000 rounds of lead bullets about a third of the size of a fishing-line sinker from light-weight machine guns in waters at least eight kilometres from the Canadian border and U.S. shores. Two more target practices are scheduled for this year.

In Halifax on Thursday, the commandant of the U.S. Coast Guard said his country is within its rights to arm vessels on the Great Lakes.

Admiral Thad Allen, in Halifax to meet with the head of the Canadian Coast Guard, said it is necessary to increase U.S. border security on the lakes since Sept. 11, 2001.

Toronto Mayor David Miller has said the move violates a 90-year-old treaty that forbids weapons on the lakes, but the U.S. Coast Guard, however, says that is not an issue since Canadian and U.S. officials agreed 18 months ago that arming small craft wouldn't violate the treaty.

The high-powered drills have, however, stunned environmentalists, boaters and mayors in cities dotting the lakes in both countries who are outraged that the U.S. government would jeopardize the safety of pleasure boaters and commercial fishermen who could stray into the line of fire. Just as infuriating, they say, is the risk of lead exposure to fish and the more than 40 million people who draw drinking water from the Great Lakes.

“It was a big surprise on both sides of the border. At first I thought it was an Internet hoax,” said Mike Bradley, the mayor of Sarnia, Ont., who has written a letter to Prime Minister Stephen Harper asking him to intervene.

“The longest undefended border in the world is gone. It's passé. And this is an example of it.”

Toronto Mayor David Miller chairs a coalition of U.S. and Canadian mayors working to restore and protect the lakes.

He said the target practice violates a treaty signed after the War of 1812 that outlaws military weapons on the Great Lakes, tampering with two centuries of peaceful history.

“This is very much the wrong direction, to militarize the border between these two countries,” he said in an interview. “It's symbolically important and practically important that the border remain open and doesn't become militarized.”

“At a time ... when there is interest in restoring the integrity of the lakes,” he writes in a letter to the Prime Minister, “it is most disturbing that the U.S. is contemplating exercises that will militarize the lakes, cause pollution and environmental degradation, restrict shipping and recreation, and change the peaceful border between Canada and the U.S.”

Far more people are killed on Toronto streets by illegal U.S. guns crossing the border, he said, than bloody-minded terrorists from Canada crossing south. “The idea that terrorists are flooding across the Great Lakes is utter nonsense,” he said. Until this year, U.S. Coast Guard vessels carried only handguns and small-calibre rifles. But anti-terrorist furor has led to a bolstering of firepower.

“We're trying to be prepared in case something happens,” said a U.S. Coast Guard spokesman, Chief Petty Officer Robert Lanier.

“I don't know what it is, but I know I want to be prepared for it when it happens. We need to conduct these live-fire exercises so we are prepared for whatever it may be. If we are not prepared for it, there are going to be questions about why we weren't prepared for it.”

The Coast Guard said the drills have so far been conducted without a hitch. By way of safety precautions, broadcasts on marine radio bands will be made repeatedly a few hours before training begins, and a second Coast Guard vessel will monitor boat traffic around the training zones during the shooting exercises.

But critics on both sides of the border say that many small pleasure boats are either not equipped with marine radio, seldom tune in, or could mistakenly wander into the unmarked firing range.

Others are raising alarms about the impact of tens of thousands of bullets made from lead, which has been linked to brain-development and behaviour problems in children. In recent years there have been efforts to reduce lead in the lakes, including the banning of lead paint and a more recent campaign asking fishermen to replace lead sinkers.

“We've spent years removing lead from the Great Lakes,” said Mary Muter, a long-time cottager and vice-president of the Georgian Bay Association, a coalition of cottage owners and boaters. “As a Canadian, these are binational waters and this is just offensive.”

The Coast Guard commissioned a study from a consulting group, stating that while lead from spent bullets could be passed up the food chain, the drills would pose “no elevated risk” to the environment or human health.

As for the shaky status of the world's longest undefended border, a spokeswoman for the Department of Foreign Affairs, Ambra Dickie, said that Canada and the United States signed a written agreement three years ago articulating that moves to arm U.S. law-enforcement vessels with light machine guns in U.S. jurisdiction do not violate the spirit of the treaty. That treaty, the argument goes, was drafted to ensure peace in the Great Lakes by forbidding weapons of war such as cannons on sailing ships.

“We don't have any cannons or rocket launchers or anything like that,” CPO Lanier said.

<http://www.theglobeandmail.com/servlet/story/LAC.20060926.SRIMMIGRANT26/TPStory/Education>

26/09/06

A leg up for skilled newcomers

Goal of courses is to 'Canadianize' workers and help them land jobs in the fields they trained in, LAURA RAMSAY writes

LAURA RAMSAY

Special to The Globe and Mail

Mohammad Yaser's story is a familiar tale of immigrant employment woe.

Certified as a civil engineer in his native Pakistan, Mr. Yaser worked for six years there as a manager responsible for pricing and sourcing supplies and estimating job costs for a large construction company.

But since immigrating to Toronto in January, 2004, the married father of two young children has been working as a security guard at a warehouse, unable to leverage his international education and work experience into a construction management job in Canada.

"The problem seems to be that I have no Canadian education or experience," he says.

_Mr. Yaser's frustration at being unable to find work in the field he trained for is increasingly paralleled by concern among Canadian employers who are not able to find enough professionals and skilled tradespeople to staff their businesses.

Canada's community colleges are trying to tackle both problems by launching programs aimed at helping immigrant professionals and skilled workers find jobs here in fields related to what they were trained for overseas.

Canada's immigration system has traditionally been "an elitist one" that gives priority to doctors and lawyers without addressing the skills shortage that is developing across all skill sectors and all parts of the country, says Gerry Brown, president of the Association of Canadian Community Colleges.

The average age of a skilled worker in Canada is more than 50, and more than 40 per cent of the work force is expected to retire in the next 10 years.

Helping trained immigrants find appropriate jobs in Canada is one component of addressing the problem, he says.

Mr. Yaser is hoping a new course being launched in January by Toronto's George Brown College will give him the domestic credentials he needs to get back into the construction business.

The course, Construction Management for Internationally Educated Professionals, is a three-semester, postgraduate program designed to help new immigrants who were trained elsewhere as architects and engineers to develop the language and workplace skills needed to land entry-level management jobs in the Canadian construction industry.

Mr. Yaser will be one of about 27 students in the new program. "This is a great opportunity for me," he says.

The program doesn't attempt to certify new immigrants as either architects or engineers, both of which are regulated by professional bodies that set the rules for foreign-trained professionals, says project manager Suzanne Kavanagh.

The goal is to help immigrant professionals land their first job in a construction-related field by "Canadianizing" them -- teaching them about Canadian building codes, Canadian building materials as well as labour laws, human rights legislation and health and safety requirements.

As they get closer to graduation, the students will focus on interviewing techniques and workplace skills, Ms. Kavanagh says. "These are very capable people but they need to build up their confidence and familiarity with Canadian industry," she says.

Poor English is the primary barrier preventing skilled immigrants from landing relevant construction-management jobs, she says.

Technically qualified students whose English skills are not at the level required for college admission can take a career-specific language course that begins next month. It focuses on the vocabulary and concepts specific to the construction industry, Ms. Kavanagh says.

Canadian colleges are also going abroad to assist new immigrants.

Next month the Association of Canadian Community Colleges (ACCC) will launch a program designed to help smooth the employment path for professional, trade and technical specialists from China, India and the Philippines who have already been approved by Ottawa to immigrate to Canada.

Those three countries were selected as test sites because of immigration patterns and the type of skilled workers they produce, says Katrina Murray, project director of the Canadian Immigration Integration Project, which is financed with \$4-million from Human Resources Development Canada.

Ms. Murray says the ACCC program is designed to help skilled immigrants make a career transition to Canada and get a jump on the acclimatization process. "The major goal of the program is to ensure they have a more realistic understanding of what they are getting into," she says.

Information about the pilot project will be mailed along with the letter that Citizenship and Immigration Canada sends to people informing them they've been approved as immigrants.

Free information sessions are to be held in the three test countries, and immigrants will be grouped according to what province they're moving to (about 60 per cent typically head to Ontario). They'll hear an overview of labour market conditions, labour laws and other information relevant to working in Canada, Ms. Murray says.

After identifying gaps in work skills, the program helps find ways to address them such as providing a referral to language assessment services or links to the governing bodies of professional associations.

Mr. Yaser isn't thinking at this point about recertifying as an engineer. He's just looking forward to landing a job back in the project management field.

"I'd like to find something in Toronto, or maybe Alberta. I hear there are many places hiring in Alberta."

http://blogs.usatoday.com/oped/2006/09/two_terror_case.html

Two terror cases expose Bush's double standard

By DeWayne Wickham

Four months after President Bush accused Syria of [harboring terrorist camps](#) and organizations in June 2002, U.S. authorities secretly handed over to the Damascus regime a man suspected of having ties to a terrorist group.

The awful story of what happened to Maher Arar, a Canadian citizen of Syrian descent, at the hands of Syria's secret police has received a lot of attention [since it broke last week](#). But the troubling contradictions between what the Bush administration says and what it does in its war on terror have not.

"Our enemy is a radical network of terrorists, and every government that supports them," Bush proclaimed in his address to a joint session of Congress nine days after the 9/11 attacks on this country. "[Every nation, in every region, now has a decision to make. Either you are with us or you are with the terrorists.](#)"

But a year later, when Arar was picked up in a New York airport on a tip from Canadian police that he might have terrorist ties, he was detained briefly in this country before being sent to Syria. There, Arar says, he was beaten with a metal cable until he falsely confessed to spending time in a terrorist camp in Afghanistan and he was kept in a coffin-size dungeon cell for 10 months.

In sending Arar — whom a Canadian government commission recently cleared of any terrorist ties — to Syria, the Bush administration had good reason to know he would be brutalized.

"Although torture occurs in prisons, torture is most likely to occur while detainees are being held at one of the many detention centers run by the various security services throughout the country, and particularly while the authorities are attempting to extract a confession or information regarding an alleged crime or alleged accomplices," the [State Department said of Syria](#) in its 2001 Country Reports on Human Rights Practices.

If this doesn't cause you to wonder how committed the Bush administration is to its worldwide war against terrorism, there's more.

While the flimsiest of evidence caused U.S. officials to hustle Arar off to Syria, a mountain of suspicion about Luis Posada Carriles' involvement in a long list of terrorist acts has not been enough to wrench him out of this country's grip.

Posada is on the lam from Venezuela, where he was awaiting a retrial of charges that he had a hand in the 1976 bombing of a Cuban airliner that killed 73 people. The Cuban exile denies involvement in that heinous crime, but former counterterrorism specialist Carter Cornick said Posada was "up to his eyeballs" in the bombing, *The New York Times* reported last year.

The newspaper also reported that Posada once bragged of masterminding a series of bombings of tourist hotels in Cuba in the 1990s, an admission he later recanted. An Italian tourist died in one of those blasts.

But instead of spiriting Posada off to Venezuela, the Bush administration is holding him in an immigration detention center. Rather than accuse him of being a terrorist, it simply has charged him with entering this country illegally.

Last year, an immigration judge ruled that Posada couldn't be deported to Venezuela or Cuba — countries the Bush administration considers rogue states — because he might be tortured. During an appearance on Telemundo, a Spanish-language TV station, U.S. Secretary of State Condoleezza Rice was asked whether this decision might affect the world's perception of the Bush administration's worldwide war on terrorism. "[We try and intend to apply our standards uniformly, consistently,](#)" she said, "[but these are issues that have to be decided in the right channels.](#)"

In fact, the Bush administration has contradictory standards — one for people who are thought to be enemies of this country, such as Arar, and another for Posada, an accused terrorist, who is the enemy of its enemies.

DeWayne Wickham writes weekly for USA TODAY.

Posted at 12:15 AM/ET, September 25, 2006 in Forum commentary, Law/Judiciary - Forum, Terrorism - Forum, Wickham | Permalink

There is a recent case of ***US v. Romm***, a decision just released by the 9th Circuit Court of Appeals. Although this is a US case, it is VERY relevant to Canada and to persons going through Ports of entry.

The facts of the case concern a US citizen who attempted to enter Canada at Vancouver Airport, but was deemed inadmissible by reason of previous a criminal conviction, that is, possession of child pornography in the United States. He was denied entry and put on a flight back to Tacoma, WA. Upon his re-entry to the US, he was interviewed by ICE, acting on information sent by the Canadian Port of Entry, and his laptop was searched. Images of child pornography or exploitation were found in the laptop's "cache", even though he had tried to delete them. He was subsequently convicted, almost exclusively based on the results of the search of his laptop.

The case is extremely important for a number of reasons:

1. The court held that ICE has the authority to search laptops without a warrant, as a “border search”
2. The court also held that ICE can “dig” deeper into the laptop, and go beyond of what “meets the eye”
3. The court seems to have expanded the authority to search not only goods, but also “information” without the need to show “reasonable cause”.
4. The 9th Circuit is usually a very “liberal” jurisdiction (it includes San Francisco), and this case may be a warning of things to come.

This can also be construed as authority for the proposition that border searches can go into great detail and ICE can investigate where anyone has been, or what has been downloaded, from what websites, from what countries, etc. All the data in a laptop is subject to search, according to the opinion of the court. Don't be surprised to see more of this stuff.....

Keep this in mind when going through a Port of Entry.

Senate to HIV-Positive Immigrants: Go Home!

by New American Media (reposted)

Friday Sep 22nd, 2006 6:30 AM

If you think current immigration restrictions against HIV-positive would-be immigrants are harsh, wait till you see what Senate Bill 2611 wants to do, writes Adam Francoeur, policy coordinator of Immigration Equality.

NEW YORK -- People living with HIV are banned from entering the United States. If you apply for a green card, you'll be tested. If that test proves positive, your application will be denied and you'll be deported, unless you meet the stringent requirements for an HIV waiver.

These are the harsh realities awaiting HIV-positive immigrants in the United States and those seeking to come here. There are currently waiver opportunities for some individuals who have qualifying family members, but simply having a family member doesn't guarantee the waiver will be granted. The Senate bill (S.2611) proposes several new provisions that seek to punish further HIV-positive immigrants.

The undocumented population and all guest workers, the supposed beneficiaries of the Senate proposal, are to be tested en masse for HIV. If an individual tests positive, he or she would be denied a visa and deported. Normally, relatives such as spouses, children, and parents could serve as the basis for an HIV waiver application, but the Senate bill proposes an end to all health-related waivers for guest workers and the undocumented population. Meaning, they will be treated literally worse than criminals who will have access to some waivers. This proposal portends more hardships and policy failure for the HIV-positive immigrant community.

The most common arguments favored by those who support health exclusions center on the protection of the public health and public funds. In reality the denial of all health-related waivers is anathema in many ways to the central goals of U.S. immigration policy. One of these goals is the preservation of family unity. According to the Government Accountability Office, 65 percent of all “green card” applications are based on family relationships. Denying waivers to people who have a health concern separates sick individuals from those who can best care for them, their families.

More

http://news.newamericamedia.org/news/view_article.html?article_id=0e71bec0f9a0b13c2222e2244b7d605f

Dual citizenship

Last Updated July 20, 2006

[CBC News](#)

How do I find out if I'm a citizen of more than one country?

Contact the embassy or consulate of the country in question. You will have to provide your place and date of birth, citizenship of your parents and/or grandparents and immigration details.

If the country has no representatives in Canada, you can contact:

- The Protocol Service of the Department of Foreign Affairs and International Trade
Ottawa, ON K1A 0G2

Or:

- Contact the Citizenship and Immigration call centre: 1 888 242 2100

Most countries define citizenship based on one or more of these traits:

- You were born on territory belonging to, or claimed by, that country.
- One or both of your parents were citizens of that country.
- You married a citizen of that country.
- You (or one or both of your parents) obtained that country's citizenship by going through a legal process of naturalization (living there for a period of time, passing a citizenship exam)
- You lived in that country for an extended period of time.

Canada's Citizenship Act allows people to be citizens of two or more countries at the same time. This also means a person should know the rights and obligations required of them when they are in those countries of citizenship. The laws of the country where you are located take priority over the laws of any other country where you hold citizenship. International treaties, though, may override local laws.

Some people may have dual nationalities and not realize it

In some countries, such as the Republic of Korea, if your grandparents or parents were born there, the Korean government will classify you as a Korean citizen, even if you were born and brought up solely in Canada.

Approximately 90 countries officially permit dual or multiple citizenship

In some parts of the world, those born in a particular area are automatically entitled to

citizenships of two countries. For example, those born in Northern Ireland are British citizens, but they can claim Irish citizenship as well, because the Republic of Ireland extends its full citizenship benefits to Northern Ireland.

Some other countries take away citizenship the moment the person acquires another nationality

Numerous countries either ignore or prohibit dual citizenship. These include: Burma, Denmark, Ecuador, Egypt, India, Indonesia, Iran, Japan, Kenya, Malaysia, Norway, Pakistan, Peru, Philippines, Singapore, Syria, Thailand, Vietnam and Zimbabwe.

Other countries, such as Japan or Germany, allow dual nationalities until a certain age

In Germany, for instance, children of foreign-born parents have dual nationality until the age of 23, when they must decide which passport to keep. Only in exceptional cases, for example, if "unreasonable conditions" are imposed for giving up a foreign passport, will dual citizenship be permitted to continue.

Some countries have loosened restrictions on dual citizenship

In 1998 Mexico changed its laws permitting Mexican-born citizens of other countries to reclaim their Mexican citizenship. Previously, the citizenship of Mexicans was automatically rescinded when they took on new citizenship. The law also applied to anyone born outside Mexico whose mother or father was born in Mexico.

Some countries recognize dual citizenship but strongly discourage it

In the U.S., new citizens must relinquish their previous national standing unless that country permits dual citizenship; a person with two citizenships may not be granted security clearance, and a person who acquires foreign citizenship by voluntarily applying for it may lose U.S. citizenship. Most U.S. citizens, including dual nationals, must use a U.S. passport to enter and leave the United States. Dual nationals may also be required by the foreign country to use its passport to enter and leave that country.

Hazards of dual citizenship

Dual citizenship can cause difficulties. Since the Sept. 11 attacks, the U.S. has made it more difficult for certain Canadians to enter America. Canadians with dual citizenship in Iran, Iraq, Libya, Sudan and Syria may come under suspicion at the border and be fingerprinted.

Certain countries may forbid a person from travelling with two passports

If you travel to a country that prohibits dual citizenship and you have both a Canadian passport and one from your other country of citizenship, your Canadian passport may be confiscated or you may be subjected to a fine. You may be required to enter and exit a country using the same passport. If you run into trouble, Canadian consular services may try to help, but if the country considers you one of its citizens, there is little

Canadian officials can do — their interest would be seen as meddling in internal affairs.

Some countries require citizens to perform compulsory military service, or pay special taxes

Others may require you to reimburse the costs of post-secondary education, or inheritances may not be allowed for people with dual citizenship. Some countries do not accept ignorance of the law as an excuse. You may be imprisoned or sent to military service. Even dual citizens who have passed the age for active military service may be considered in breach of their obligations for failing to report at the required time.

Marriage, divorce and child custody

Sometimes marriages performed in Canada may not be considered legal in other countries. As well, Canadian divorce and child custody documents may not always be recognized.

Travel with your Canadian passport

The Canadian government encourages people to travel with their Canadian passports, so it can intervene should something happen abroad. For example, the government has an agreement with China that anyone of Chinese ancestry who enters China with a Canadian passport is recognized as a Canadian citizen.

If you run into problems abroad, you can place a collect call to the 24-hour **Operations Centre, Consular Affairs Bureau, Foreign Affairs Canada: (613) 996-8885**. From within Canada dial: 1-800-267-6788 or (613) 996-6788. Or you can send an email to sos@international.gc.ca.

Renunciation of foreign citizenship

If you prefer to give up other citizenships, you may be required to go through an official process to renounce your nationality. This will entail formal approval from the authorities of that country. Even then, some countries don't recognize renunciation.

If you have a question that you would like answered, email Rob at rhughes@smith-hughes.com