

NEWSLETTER

Developments in U.S. and Canadian law
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IMMIGRATION

CANADA

Nova Scotia signs on to Provincial Nominee Program with Federal Government

On August 27 of this year, an agreement for a Provincial Nominee Program (PNP) was signed between Denis Coderre, Minister of Citizenship and Immigration Canada, and Cecil Clarke, Minister of Economic Development for Nova Scotia.

The PNP is a mechanism for stimulating immigration into a certain geographic area. In Nova Scotia's case, the province can nominate 1000 qualified immigrants over a five-year period (200 per year); a qualified immigrant is someone who meets the province's specific industrial and economic development requirements.

The other provinces participating in a PNP are Newfoundland and Labrador, Prince Edward Island, New Brunswick, Manitoba, Saskatchewan, British Columbia, Yukon and Alberta. Consistent with the province's economic growth plans, Minister Cecil Clarke said, "We need skilled immigrants to help fuel the future growth of the economy, particularly in rural Nova Scotia. This agreement is a tool to respond to changing population patterns and ageing of the work force which, over the years, have contributed to a wider skills gap in rural areas [...] The successful candidates will enter Nova Scotia with jobs to go to and communities throughout the province that very much want and support them as residents."

Nova Scotia's minister responsible for immigration, Jane Purves, said that "This agreement is a positive step toward helping

immigrants gain access to the labour market in a way that matches their qualifications and aspirations. Nova Scotia needs to be a keen competitor for new immigrants and we will continue working with our federal colleagues to move initiatives forward."

The Ministry will seek valuable input from local groups and industry leaders concerning gaps in the workforce. Once such gaps are identified, the Ministry will draft a recruitment plan for the Federal government, indicating the type of candidates it recommends for immigration to Nova Scotia. The Federal government will continue to enforce statutory conditions such as medical and security screening.

Immigrants chosen under the PNP become permanent residents, and can apply for Canadian citizenship after three years.

USA

Fingerprinting and registration of a select group of visiting aliens has begun

On October 1, 2002, Immigration and Nationalization Service officers have begun fingerprinting a selected percentage of entering foreigners. Members of this targeted group include all nationals of Iran, Iraq, Libya, Sudan and Syria, as well as those who present an elevated national security risk as determined by the State Department's current intelligence regarding patterns of terrorist organizations' activities. Border patrol officers will also be empowered with a discretionary power enabling them to fingerprint anyone they deem a risk. The scope of this discretionary power has not been identified. The fingerprints will be

matched in a database of known criminals and terrorists.

The fingerprinted individuals will also be obligated to periodically report their whereabouts and activities, as well as their exit from the US; this practice has been the norm in some European countries for many years.

Attorney General Ashcroft believes that this first phase of the National Security Entry-Exit Registration System (NSEERS) is necessary following last year's tragic events: "The vulnerabilities of our immigration system became starkly clear on September 11th ... This system will expand substantially America's scrutiny of those foreign visitors who may present an elevated national security risk. And it will provide a vital line of defense in the war against terrorism."

The US has had tremendous success with a pilot project using the same fingerprinting technology aimed at identifying and capturing wanted criminals: in the period between January and July 2002, the INS has received over 70 fingerprint matches a week, resulting in more than 2,000 wanted felons being arrested.

Many decades ago, the US had in fact adopted procedures requiring all non-resident aliens staying for over 30 days to be fingerprinted and registered. These measures were suspended as courtesy to visiting foreigners. The birth of this NSEERS measure, implementing the old rules, is the first step in the US's plan to development of a comprehensive entry-exit system applicable to virtually all foreign visitors.

Hopefully, these security measures will not reach the point where every foreign visitor is fingerprinted and registered.