



Note: this letter appeared in *USA TODAY* (page 13A) on February, 12, 2008. It was written in response to a story that appeared in the same newspaper on January 21, 2008: “Canada stiffens border checks, lawyers say” by reporter Alan Gomez, and which can be viewed at [http://www.usatoday.com/travel/news/2008-01-21-canada-border\\_N.htm](http://www.usatoday.com/travel/news/2008-01-21-canada-border_N.htm).

The article "[Canada stiffens border checks, lawyers say](#)" suggests that it has become tougher for Americans with criminal records to get into Canada, and that this is resulting in Americans taking fewer trips to Canada. As a practitioner of both Canadian and U.S. immigration law, I believe any such suggestion is misplaced (News, Jan. 22).

Canadian and U.S. immigration officers simply have access to more arrest records today because of joint initiatives implemented by immigration authorities on both sides of the border. While access to records might be resulting in more findings of inadmissibility, this doesn't mean that the information is being used more aggressively.

The article says a Minnesota firefighter was banned from entering Canada because he had two DUI convictions from the 1980s. But this man wasn't banned because Canada has more strict laws than the USA does:

- Differing criminal legislation and constitutions granting jurisdiction to federal or state governments lead to different outcomes. For example, for minor first-time offenses, Canadian courts sometimes impose a sentence that results in no criminal record. U.S. Customs and Border Protection (CBP) still treats these as convictions.
- CBP does not recognize Canadian pardons, but Canada does generally recognize U.S. pardons
- Certain regulations also allow for immediate relief in other circumstances, such as those of the firefighter. Evidence of his rehabilitation can be recognized by granting a temporary resident permit, which can be issued while he waits at a port of entry.

USA TODAY also suggests that fewer Americans are visiting Canada than in previous years. I'd like USA TODAY to investigate whether this has more to do with the rate of exchange between our two currencies. Or



what about how the Department of Homeland Security's ongoing Western Hemisphere Travel Initiative requires Americans traveling to Canada to show passports when re-entering the USA?

*Kevin W. Beigel is a Partner with Guberman, Garson, Bush, in Toronto, Ontario, Canada. He can be reached at (416) 363-1234 or by e-mail at [Kevin@ggbilaw.com](mailto:Kevin@ggbilaw.com).*