

“And, what is your reason for going to the USA???”

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This question is usually posed by USA Customs officers, when interviewing travelers entering the USA. How many times have you answered this question, and held your breath? The honesty and candor of your answer can influence the Customs officer to grant you entry, refuse you, or detain you for questioning. Not a pleasant thought ... and a potentially serious situation with long term consequences.

Most of you are likely aware of cases where colleagues have been turned away from entering the USA; some for one visit ... others for a longer period of time. USA Customs Officers have the right to exercise their discretion, and refuse a visitor entry to the USA. Depending on the reason, the Officer's refusal can have long term consequences for a traveler. A long term, or lifetime ban, can affect your income, your ability to fulfil judging contracts, visit family or enjoy a much needed winter holiday Florida or Hawaii.

The risks associated with this scenario prompted me to do some research about USA visas. This area of the law can be confusing and lacking guidance; there are many different types of visas that apply to entry to the USA. I finally settled on a particular type of Visa application, and after many hours on line, I submitted an application. The next step was to attend an in person interview with the USA Consulate in Calgary.

At the American Consulate office, security was very high; after a rigorous screening process people were told to remain in queues and walk, without speaking or moving out of sequence, to an elevator that took us in groups of 10 to an upper floor office. The experience felt like being in a chain gang, without the chains!

Once in the upper offices, many more people, queues and questions. One Customs officer insisted that I did not need a USA work visa. His advice was that I should withdraw my application and present my judging contract to a USA Customs Officer at the airport, before boarding my flight. He informed me the USA Customs officer could approve the visit at that point in time. When I questioned if the USA Customs Officer might exercise discretion and refuse my entry, the answer was yes; of course, nothing is guaranteed. This option, to risk being denied entry to the USA en route to an assignment, was not attractive. I indicated that I want to continue the process, and was directed to another queue, for fingerprinting.

After almost two hours, I was interviewed by a Consular official, who seemed confused. That person then consulted the Manager. Neither of them knew quite what to do with my application. After a series of questions, it was decided that the Consular lawyers in Washington, DC must review my case. I left my passport, and went home. Over the next couple of days, more questions were posed by email; the lawyers in Washington, DC seemed interested, but still uncertain. Then, the emails stopped. I was left wondering what happens next.

A few days later, I was advised that my passport was ready for pick up. I went to the post office and held my breath, as I opened the envelope. Inside, was my passport, with a new page inserted by the US government; the page was a work visa valid for 10 years! You can imagine my elation, relief and joy!

Over the last year, I've presented my passport, with the USA work visa page, for each ACK judging trip, to a different USA Customs officer. Each officer has wished me well, to enjoy my trip; there have been no issues with the fact that I am judging a dog show.

Several of my clients are applying for their USA work visa in the next few weeks; consular interviews are scheduled. Now that my case established a precedent, I hope their applications will be successful. There is no outcome guarantee because each person's situation and personal history is different. Regardless whether a visa is granted or not, each client opted to proceed, rather than face the question "... and what is your reason."

For more information about the cost or process, email me at: forsythe@alawyers.ca or call my direct line at 403 398 5085.