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GRASMICK'S BORDER REPORT:
U.S. Immigration for Canadian Businesses and Professionals
September 7, 2010
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"I. . .

. . . looked days for immigration information about Canadians starting a business, and found your information the best."

--Canadian Lawyer and entrepreneur, Syracuse, NY 4/10

. . . researched relocating from Ontario to Nevada. Of all the sites, yours is the most informative and easiest to navigate.

--Manager, European/Canadian/U.S. company, 4/10

. . . have gone through the USCIS website to research visas and forms to seek employment in the U.S. and I found it helpful. I then found your site. Of all the websites and places I have called, you are the most descriptive and useful.

--Manager, stock brokerage firm 5/10

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1. IMMEDIATE GREEN CARD FOR \$500-1,000K

Do not forget the investor green card ("EB-5"). This green card gives you all the benefits of permanent residency plus:

-the card is immediate (processing time only),

-no quota delays,

-no job offer requirement, and

-no labor market tests.

This is a conditional green card, made permanent if conditions are met. Consult with me via <http://www.grasmick.com/consult.htm> and ask about the "EB-5" if you have this to invest. Also see the FAQ question @ for a list of reasons that may justify the privileges of full permanent residency.

2. TYPICAL BORDER PECKING ORDER

If immigration says "no" at the border, we climb up the chain of command until we get what we legally deserve. Here is a typical port hierarchy, from low to high:

-FIRST: primary inspector at booth -->

-SECOND: secondary inspector (makes initial decision on TN or L-1) -->

-THIRD: supervisor (usually affirms the challenged inspector's decision; automatically consulted if there is to be a denial; chances are you will need to climb higher) -->

-FOURTH: chief -->

-FIFTH: port director (usually roaming the field office, or different bridges or terminals)

This information should help my lawyer readers, who may be suddenly faced with a border emergency.

3. EMPLOYERS: READY FOR PHONE CALL FROM BORDER?

Employers, be prepared. Secondary border inspectors examining your U.S.-bound employees, routinely Google your company. They may call you and question you or whoever answers your business phone number. They may get your number from your letterhead, an application, or materials found on potential or present employees. (See next article, ". . . CAR TEST. . .") As I note in the previous article (" . . . PECKING ORDER. . .") secondary inspection ensues when immigration takes Canadians out of line for further questioning at land ports or airports. All TN and L-1 decisions, for example, take place in secondary inspection.

By the way employers---arm employees with my "real" paper business card for when they cross the border. Carry one yourself. I invite you to print out my real paper business card---front and rear---on your own Avery stock. In this age of ephemeral virtual contact information, paper cards are old school and extremely effective:

-Distribute this card to your managers and other employees who cross the Canada/U.S. border. The info may come in handy, when time sensitivity dictates quick action.

-Send a sheet or two to your lawyer, HR manager, recruiter and accountant.

-Arm family members with copies.

Print the simple Word documents on your own Avery 8373 business card stock. Use "photo" printer setting on both sides. Download and save these files now: Front: <http://www.grasmick.com/cardfront.doc> (20+ MB) Rear: <http://www.grasmick.com/cardrear.doc> (950KB) You can get Avery 8373 stock at amazon.com:

<http://rcm.amazon.com/e/cm?lt1=blank&bcl=000000&IS2=1&bg1=FFFFFF&fc1=000000&lc1=0000FF&t=canadtousbusi->

(If you prefer, I will snail mail you a sheet. Request via jgrasmick@grasmick.com .) Also keep my cell phone number 716 842-3100 in your cell phone Contacts.

4. GRASMICK'S "WALLET TEST" EXPANDS TO "CAR TEST"

Immigration is now using information from extensive automobile searches to find evidence to make a person ineligible for *immigration* (not just customs) benefits.

I learn a lot from my telephone consultations. Most telephone consultations unfortunately, follow a serious border snafu on the part of non-client callers. I am glad to help folks in difficult situations, but rather prevent glitches in the first place. That is why I provide the information in this article.

To avoid border snags I tell my Canadian visitors clients to take the "wallet test":

-If immigration were to go through your wallet or purse at the border, what would they find?

-How many things would say "Canada" or have a "Canadian address?"

-How may indicate U.S. links?

Immigration always looks for visitors who really intend to live and work permanently in America. If immigration stops you at the border for not having the correct "intention" or work permit, the authorities do not have to let you enter the U.S. as a tourist. This could disrupt or devastate an entire business or professional project!

As an example of this new development, the Free Trade Officer at a major port just went through a Canadian's car to find paperwork to compare to that Canadian's story. The "wallet test" has now become the "briefcase test" and "car test." The officer denied the applicant's TN application, based on corporate documents he felt were inconsistent with the TN application.

Employers, here are two suggestions. First, make sure everyone tells the truth at the border. Fraud is a total and permanent bar for Canadians, and can be criminal for employers. Second, see the previous article (" . . . READY FOR PHONE CALL. . .") for instructions on how to have my paper business card and cell number accessible in a border emergency.

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I offer this privately circulated e-mail to:

- My clients;
- U.S. employers hiring Canadians;

- Canadians working or conducting business in the U.S.; and
- Professionals, such as lawyers and accountants, serving these people.

This "required reading" for my clients reveals in plain English what is happening at the border now. It does not just repeat the law. The information is simple and easy to follow, with plain text, minimal markup and no pictures.

Here you will find stories not reported in the media. Of course, it is not legal advice; I only become your lawyer once you retain me in writing: <http://www.grasmick.com/hireus.htm>

For questions or comments or to share border experiences, write me at jgrasmick@grasmick.com . Kindly put "Border Report" in the subject line so I can prioritize your message.

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