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MINISTER FOR INTERNATIONAL TRADE CONCERNED WITH THE IMPACT OF A RECENT UNITED STATES COURT DECISION

The Minister for International Trade, the Honourable James Kelleher, has instructed the Canadian members of a Canada-United States Working Group to accelerate their discussions in order to find an early solution to the problems faced by Canadian temporary workers seeking to enter the United States. The creation of the working group was approved in September, 1984 with a mandate to examine the magnitude of the problem and to make recommendations.

"One possibility that is being examined is a bilateral agreement with the United States covering the entry of temporary workers on a reciprocal basis," Mr. Kelleher said. "We can't wait for a court decision."

On August 28, 1985 the California District Court (International Union of Bricklayers and Allied Craftsmen vs. E. Meese) enjoined the United States Immigration and Naturalization Service (USINS) from allowing B-1 entry (visitor for business) for service representatives. Prior to the court decision, Canadians going to the United States to install, service or repair commercial or industrial equipment sold by a Canadian company to a firm in the United States, could enter as visitors for business.

On September 20, the US District Court modified the original decision. Entry of service representatives will be allowed in the B-1 category if the purchase agreement was signed prior to August 28, 1985.

The United States Department of Justice has filed its intent to appeal the District Court decision and is seeking an interim staying order. It is anticipated that the Circuit Court of Appeal will rule on the staying order shortly.

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Mr. Kelleher stressed the importance of Canadian repairmen being able to service Canadian made machinery and equipment. "It is a serious problem because selling the goods today is only part of it, you have to install it, repair it and keep it in good working order", Minister Kelleher said. "I have expressed my concern to the U.S. Government and will continue to push for an early solution".

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