

CANADIAN IN PASSPORT FIASCO; U.S. 'REMOVES' CANADIAN

By JIM RANKIN, Toronto Star
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'They wouldn't listen to anything'

A Toronto woman coming home from India says she was pulled aside at Chicago's O'Hare Airport, accused of using a fake Canadian passport, denied consular assistance and threatened with jail.

In tears and desperate, Berna Cruz says she told U.S. Immigration and Naturalization Services (INS) officers she didn't want to go to jail. She told them she had to get home to her two children and was expected to be at work the next day at a branch of a major Toronto bank where she works as a loan officer.

Instead of jailing her on Jan. 27, an INS officer cut the front page of Cruz's passport and filled each page with "expedited removal" stamps, rendering it useless.

She was photographed, fingerprinted, barred from re-entering the U.S. for five years and immediately "removed."

Not to Toronto, but to India, where she had just spent several weeks visiting her parents.

It took four days, and help from Canadian officials in Dubai and a Kuwaiti Airlines pilot, to get her back home.

"It was a total abuse," Cruz said in an interview with the Star. "I want to see them punished for this and bring some justice."

This week, Cruz sent a letter, along with a sworn affidavit, and the INS removal documents to Prime Minister Jean Chretien and Foreign Affairs Minister Bill Graham.

The letter arrived at the Prime Minister's office yesterday, and staff had not had a chance to look into the story. But Foreign Affairs spokesperson Reynald Doiron confirmed yesterday that staff in Dubai issued Cruz an emergency passport and assisted in getting her home, via London.

"We're going to bring her case to the attention of the State Department in Washington, request an explanation on the INS refusal to grant at least one phone call to Ms Cruz, and we'll see what the American response is going to be," Doiron said last night.

A full report is also expected from a Canadian official in Dubai and will be incorporated into the query that will be sent to the State Department, said Doiron.

A spokesperson for the INS in Chicago said she needed time to look into Cruz's story but did say that officers have the authority to use expedited removals when passengers have no documents or are carrying documents that are suspected to be fraudulent or tampered with.

"We have very high-tech technology out there to detect these kinds of tampered documents," said Gail Montenegro. "Also, any individual who expresses an interest in speaking with their consular official, we grant that. We do it over the phone. We do it all day. We do it any time that request is made."

Montenegro said Cruz is welcome to file a complaint and that the INS takes complaints about officer conduct seriously.

Cruz feels she was harassed because of the colour of her skin. She says the INS officers humiliated her, and Canada, by refusing to allow her to contact Canadian authorities.

Her ordeal began shortly after her flight from India, via Kuwait, arrived in Chicago the night of Jan. 27. With about two hours to spare before her connecting flight to Toronto, she had to first clear U.S. customs and immigration.

At the counter, she says an INS officer told her the picture on her passport looked "funky." She was brought to a room where other passengers were being checked. They all seemed to be people of colour, she says. She says she noticed that a passenger from her flight who spoke Punjabi had also been pulled aside.

Cruz insisted the passport was real. INS officers, she says, said otherwise and became abusive.

Cruz was born in Trivandrum, India, and immigrated to Canada in 1994. Five years later, she became a citizen and traded in her Indian passport for a Canadian one. Her birthplace is noted in the passport, and it's the same passport, she says, the INS officers suspected was a fake.

An officer, says Cruz, suggested she had bought it in Sri Lanka and asked how much it cost her.

Cruz says an officer also asked her why her surname was not "Singh" and commented that it was clever of her to use a Spanish name. Cruz, who is separated from her husband, says she told the officers that her maiden name is Fernandez. It's not uncommon for Indian-born people to have Portuguese surnames, but the officers didn't seem to care, she says.

"They said, 'You better tell the truth because we know this is not a valid Canadian passport. We'll throw you in jail,'" Cruz recalled.

An officer, she says, held the passport up to a light on the ceiling, flipped through pages and said there were "chemicals" on it that indicated it was fake.

What's odd, says Cruz, is that the passport hadn't been doubted when she was leaving Toronto, via the U.S., for India, and on previous trips to Boston, New York and Spain.

Cruz says she tried to show the officers other identification she had in her purse, but they weren't interested. "I was trying to explain to them, but they didn't want to listen to anything, they didn't want to see anything."

As many as five INS officers were involved in the questioning, said Cruz.

"They just gave me two options: end up in jail (and wait several days to speak with Canadian officials) or take the flight. I pleaded with them to get in touch with the Canadian embassy, or if I could make a call, and they said no."

She says she was hurried on to a flight destined for India, via Kuwait. The captain of the Kuwaiti Airlines flight had been handed her altered passport by American officials and, mid-flight, asked Cruz what had happened.

Her valid Indian visa was also stamped by the INS, which Cruz felt would make it difficult for her to even re-enter India.

The pilot agreed she could not go back to India with a destroyed passport and told her he would take care of the mess once on the ground in Kuwait.

"He was very, very helpful." Cruz spent three days in Kuwait City while Canadian officials at the Dubai consulate sorted out the mess and issued an emergency passport.

When Cruz didn't arrive home and missed work, her family in India and Toronto became worried and, without knowing what had happened, a family member told her boss that she was sick.

Two days later, the pilot who helped Cruz had his daughter phone Cruz's employer to tell them what had happened. But with two different stories, and no word from Cruz herself, her employer took her off payroll and assigned her desk to someone else.

The work problems have since been sorted out, although she did not want to name the bank she works for.

But Cruz says she hasn't found a way to deal with the range of emotions she's now feeling.

"It's really hard. I can't get sleep at nights," she said. "I can't really do anything. It's been a week since I really cooked for the kids."

Cruz says she wants the Prime Minister to speak out publicly about the incident in the hope other Canadian citizens do not receive similar treatment.

"It's horrible. It was humiliating," said Cruz. "What I felt was that it was total discrimination, racism."