

BORDER LAND NEWS

Newsletter of the Border Land Association, Inc.

SPRING, 2004



Border Land Representatives At Work in Washington

Successful inroads made

In two series of meetings held last year and in February of this year, Border Land Association attorneys Joseph Fitzsimons and Frank Reilly met with officials in Washington, D.C. regarding issues faced by border area landowners and other stakeholders. In particular, the attorneys discussed the problems that its members have with the U.S. Border Patrol's (USBP.) activities within the 25-mile zone from the Southwestern border of the United States.

The meetings with U.S. House and Senate staff were well received and resulted in an invitation from the staff for the Association to participate in the crafting of immigration-related legislation that addresses the Association's needs.

Further, the meetings with officials from the Department of Homeland Security – the USBP's parent agency – focused on the need to concentrate Homeland Security (including USBP) on the border rather than occupying the 25-mile zone inside the border and, therefore, condemning the property owners to a perpetual zone of pursuit and apprehension.

The Homeland Security officials conceded that the policy in urban and suburban areas of putting the resources only at the international border is inconsistent with the policy in rural areas whereby the USBP steps back from the border and allows illegal aliens to enter the country and then rely on a pursuit within the 25-mile zone.

Mr. Fitzsimons and Mr. Reilly made the point that homeland security is much greater when resources are put on the border, rather than a policy that allows illegal immigrants to cross the border then take the risk that they will be apprehended.

Mr. Fitzsimons summed up the results from the Washington, D.C. meetings by saying that "it is apparent from those meetings that the message and the mission of the Border Land Association was well-received and that there is a great opportunity to make a positive impact on our country's immigration and national security policies."

The Association continues to keep in contact with the officials and staff in Washington and will be participating in the drafting and negotiations related to immigration-related and homeland security legislation to further the goals and missions of the Association.

The 25-Mile Zone Statute

Coping with the Border Patrol

The so-called 25-mile zone statute is at the heart of the concerns of border area landowners and stakeholders. The USBP uses the statute as its authorization to enter private lands within 25-miles of the international border at any time, for any purpose and without any notice. The statute, codified at 8 U.S.C. §1357 (a)(3) provides as follows:

“(a) Powers without warrant. Any officer or employee of the [Immigration and Naturalization] Service authorized under regulations prescribed by the Attorney General shall have power without warrant -

(3) ... within a distance of twenty-five miles from any such external boundary to have access to private lands, but not dwellings, for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States”

The BLA encourages you to act lawfully regarding your private property rights. If your property is located 25 miles within the U.S. border, the United States Border Patrol (USBP) is allowed to “patrol” your property to prevent entry of illegal aliens into the United States.

If your property is located beyond the 25-mile range, agents of the USBP are permitted by this same statute to continue an illegal alien pursuit onto your property.

The Association believes that the USBP has misinterpreted the term “patrol,” thus promoting

the multiple abuses that private property owners have experienced in the past years. In particular, the USBP believes that the statute grants the agency the right to enter onto all property within that 25-mile zone, at any time, for any purpose, without any notice or warrant.

The BLA is currently working with the Department of Homeland Security and our members of the U.S. Congress to correct this misinterpretation.

If the USBP were to focus its efforts on the border, rather than within the 25-mile “chasing ground,” they would not only be more effective at stopping illegal entries by aliens, but they would also be far less intrusive on the rights of private property owners.

In the event of any improper behavior by USBP agents we suggest carrying a tape recorder and camera to document their identity and dialogue.

The Border Land Association does not advocate the use of confrontational or violent actions to resolve these matters, but instead promotes lawful strategies to preserve private property rights.

BLA Mission Statement

To improve the security of our nation’s international borders and homeland by increasing citizen involvement in border control issues through cooperative efforts that recognize and protect private property rights.

Immigration Legislation in Washington

There are several pending pieces of federal legislation in Washington that the Border Land Association is following. Included within those bills that the Association is tracking are several proposals dealing with immigration issues. The Association will be working with members of Congress and their staff to address the Association's membership's needs within the legislation. Congress will return in January, 2004 to address these and other issues. Below is a brief synopsis of the pending immigration bills.

- **S1387 – Border Security and Immigration Reform Act of 2003 (by Senator John Cornyn - R-Texas)**
 - » Creates a guest worker program. Requires foreign countries who wanted to join the guest worker program to work out an agreement with the United States on the following issues:
 - standards of enrollment in the program;
 - procedures for providing health care through their home countries;
 - training workers; and
 - monitoring information on the departure and return of the workers.
 - » The bill would require the secretary of Homeland Security to establish a computer database to track the entry and exit of immigrants participating in any guest worker program.
- **S1461 / H2889 (by Sen. John McCain and Reps. Kolbe and Flake)**
 - » Authorizes two new categories of non-immigrant worker visas. Both categories would require immigrants to obtain a machine-readable visa with a biometric identifier on it. The bill also would allow the 6 million to 11 million illegal immigrants working in this country to keep their jobs and legalize their status.
- U.S. Rep. Henry Bonilla (R-San Antonio) plans to introduce legislation during the spring term of Congress. The bill is expected to include a guest worker program similar to that proposed by Senator Cornyn, but will have a greater emphasis on agricultural and seasonal guest workers.

Join the Border Land Association

If you are not already a member of the Border Land Association, or you know of someone who should join, please use the membership application shown below.

BORDER LAND ASSOCIATION, INC. • MEMBERSHIP APPLICATION

(circle one)

Dr. Mr. Mrs. Ms. Miss Name: _____

Title/Position: _____

(As desired on membership certificate)

Farm/Ranch/Org.: _____ Phone: () _____ Fax: () _____

Web/URL: _____

Address: _____ City: _____ State: _____

Zip: _____

E-Mail: _____ No. of Acres (if applicable): _____ County(ies) of Acreage: _____

| Select | Category | Dues Amount |
|--------------------------|---|-------------------|
| <input type="checkbox"/> | Associate (non-voting) | \$90/year |
| <input type="checkbox"/> | Full Member 0-900 acres at \$0.10/acre | \$90/year minimum |
| <input type="checkbox"/> | Full Member 901-50,000 acres at \$0.10/acre | Varies |
| <input type="checkbox"/> | Full Member 50,000 or more acres | \$5,000 |
| <input type="checkbox"/> | Real Estate Professional | \$1,000 |
| <input type="checkbox"/> | Corporate (electric cos., banks, freight forwarders, pipeline cos., etc.) | \$2,500 |
| <input type="checkbox"/> | President's Council | \$10,000 |
| <input type="checkbox"/> | Patron | \$20,000 and up |

Please clip out and return to Border Land Association, Inc., 401 W. 15th Street, Suite 850, Austin, TX 78701

See us on the Internet

Please visit the Border Land Association website for news, resources, and additional information about the association. The website also has an online membership application form. The web address is www.borderland.us.