

APNewsBreak: US northern border checks scaled back

By GENE JOHNSON

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SEATTLE (AP) -- The U.S. Border Patrol has quietly stopped its controversial practice of routinely searching buses, trains and airports for illegal immigrants at transportation hubs along the northern border and in the nation's interior, preventing agents from using what had long been an effective tool for tracking down people here illegally, The Associated Press has learned.

Current and former Border Patrol agents said field offices around the country began receiving the order last month - soon after the Obama administration announced that to ease an overburdened immigration system, it would allow many illegal immigrants to remain in the country while it focuses on deporting those who have committed crimes.

The routine bus, train and airport checks typically involved agents milling about and questioning people who appeared suspicious, and had long been criticized by immigrant rights groups. Critics said the tactic amounted to racial profiling and violated travelers' civil liberties.

But agents said it was an effective way to catch unlawful immigrants, including smugglers and possible terrorists, who had evaded detection at the border, as well as people who had overstayed their visas. Often, those who evade initial detection head quickly for the nearest public transportation in hopes of reaching other parts of the country.

Halting the practice has baffled the agents, especially in some stations along the northern border - from Bellingham, Wash., to Houlton, Maine - where the so-called "transportation checks" have been the bulk of their everyday duties. The Border Patrol is authorized to check vehicles within 100 miles of the border.

The order has not been made public, but two agents described it to the AP on condition of because the government does not authorize them to speak to the media. The union that represents Border Patrol agents planned to issue a news release about the change Monday.

"Orders have been sent out from Border Patrol headquarters in Washington, D.C., to Border Patrol sectors nationwide that checks of transportation hubs and systems located away from the southwest border of the United States will only be conducted if there is intelligence indicating a threat," the release says.

Those who have received the orders said agents may still go to train and bus stations and airports if they have specific "actionable intelligence" that there is an illegal immigrant there who recently entered the country. An agent in Washington state said it's not clear how agents are supposed to glean such intelligence, and even if they did, under the new directive they still require clearance from Washington, D.C., headquarters before they can respond.

A U.S. Customs and Border Protection spokesman, Bill Brooks, repeatedly insisted that any shift in enforcement tactics does not amount to a change in policy as local commanders still have authority to aggressively pursue illegal immigrants near the border and at transportation hubs.

"It's up to the local commander to position his agents the way he wants to position them. What we've done is gone to a risk-based posture," he said.

In a separate statement, the agency said, "Conducting intelligence-based transportation checks allows the Border Patrol to use their technology and personnel resources more effectively, especially in areas with limited resources."

Shawn Moran, vice president of the union that represents agents, was outraged at the changes.

"Stated plainly, Border Patrol managers are increasing the layers of bureaucracy and making it as difficult as possible for Border Patrol agents to conduct their core duties," the National Border Patrol Council's statement said. "The only risks being managed by this move are too many apprehensions, negative media attention and complaints generated by immigrant rights groups."

The Border Patrol, which patrols outside the official ports of entry handled by customs officers, has dramatically beefed up its staffing since 9/11, doubling to more than 20,000 agents nationally. Along the northern border, the number has jumped from about 300 in the late 1990s to more than 2,200.

At the same time, the number of Border Patrol arrests nationwide has been falling - from nearly 1.2 million in 2005 to 463,000 in 2010, and 97 percent of them at the southern border, according to the Department of Homeland Security's Office of Immigration Statistics. The office cited the recession as a likely factor in the drop.

Along the northern border last fiscal year, the agency made 7,431 arrests. It was not immediately clear how many stemmed from routine transportation checks. The public affairs office for the Border Patrol's Blaine sector said it doesn't break down the data that way.

But of 673 arrests in the sector, roughly 200 were from routine transportation checks, according to a Washington state-based Border Patrol agent who has been with the agency for more than 20 years and spoke to the AP.

Until receiving the new directive, the Bellingham office, about 25 miles from the Canadian border, kept agents at the bus and train station, and at the local airport 24 hours a day, seven days a week. Now, the agents have little work to do, the agent said.

The situation is similar in upstate New York, where an agent told the AP - also on the condition of anonymity - that a senior manager relayed the new directive during a morning roll call last month. Since then, instead of checking buses or trains, agents have spent shifts sitting in their vehicles gazing out at Lake Erie and Lake Ontario, where few illegal immigrants cross.

"They're already bored," the agent said. "You grab the paper every day and you go do the crossword."

In the Buffalo sector, where there were more than 2,400 arrests in fiscal 2010, as many as half were from routine transportation checks, the agent estimated.

The change was immediately obvious to Jack Barker, who manages the Greyhound and Trailways bus station in Rochester, N.Y. For the past six years, he said, Border Patrol agents boarded nearly every bus in and out of the station looking for illegal immigrants.

Last month - one day after the 10th anniversary of 9/11 and all of the hype that surrounded it - the agents stopped coming. They haven't been back since, Barker said.

"What's changed that they're no longer needed here?" Barker asked. "I haven't been able to get an answer from anybody."

Doug Honig, spokesman for the American Civil Liberties Union of Washington, welcomed the news.

"If the Border Patrol is indeed not boarding buses and trains and engaging in the random questioning of people, that's a step in the right direction," he said. "People shouldn't be questioned by government officials when there's no reason to believe they've done anything wrong."

Kent Lundgren, chairman of the National Association of Former Border Patrol Officers, said the transportation checks have been a staple of the agency for 60 years. His organization has heard from agents around the country complaining of the change, he said.

Gene Davis, a retired deputy chief in the Border Patrol's sector in Blaine, Wash., emphasized how effective the checks can be. He noted that a check of the Bellingham bus station in 1997 yielded an arrest of Palestinian Gazi Ibrahim Abu Mezer. Abu Mezer skipped out on a \$5,000 bond - only to turn up later in Brooklyn, where New York police shot him as he prepared to bomb the city's subway system. Davis also noted that would-be millennium bomb suspect Ahmed Ressay was arrested at the border in late 1999 when he left a ferry from British Columbia to Washington in a rented car full of explosives.

"We've had two terrorists who have come through the northern border here. To put these restraints on agents being able to talk to people is just ridiculous," Davis said. "Abu Mezer got out, but that just shows you the potential that's there with the transportation checks."

The Border Patrol informed officials at the Bellingham airport on Thursday that from now on they would only be allowed to come to the airport "if there's an action that needs their assistance," said airport manager Daniel Zenk.

"I'm shocked," Zenk said. "We welcome the security presence the Border Patrol provides."

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