IMMIGRATION BORDER PATROL

QUESTION XVI

Does the Immigration Border Patrol depend on other units in the Labor Department for statistical, legal or other assistance? If so, to what extent? Specify the character of such assistance.

The Immigration Border Patrol is an integral part of the Immigration Service and, being engaged, as it is, in the enforcement of the immigration laws, it is dependent upon other units in the Labor Department to the same extent as is the regular force of immigrant inspectors, but its dependency goes even further than that of the immigrant inspector force.

Section 16 of the Immigration Act of February 5, 1917, provides:

> "Said inspectors (immigrant inspectors) shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath hasbeen administered, under the provisions of this act, who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission, or readmission to, or to pass through, or to reside in the United States shall be deemed guilty of perjury and be punished as provided by section one hundred and twenty-five of the act approved March fourth, nineteen hundred and nine, entitled "An act to codify, refuse, and amend the penal laws of the United States."

The law being as it is Immigration Patrol Inspectors cannot in doubtful cases make the final decision concerning an alien's right to enter or reside in the United States. Consequently aliens of that class must be referred to immigrant inspectors for final decision. Accordingly all supervisory field officers above the rank of Senior Patrol Inspectors are in fact qualified and duly appointed immigrant inspectors. It is difficult to visualize how a border patrol could effectively operate in the enforcement of the Immigration Laws under any other set-up. To state it differently, the two branches of the Service engaged in the enforcement of the Immigration Laws represent in their respective spheres a progressive sequence of interwoven actions which in the ultimate constitute a single duty of a single Service. The only real division is where the authority of the patrol inspector ends.

The Immigration Border Patrol depends almost wholly upon what might be termed the Immigration Service Division, for supervision and guidance; relies wholly upon other units for combined statistics; accounting and all matters involving the securing and maintaining of supplies, equipment and such like. All prosecutions and legal actions resulting from its work are handled by the officers of the Immigration Service Division, upon which it also relies for records concerning aliens who have been deported or refused admission to

the United States. Unless the officers are made acquainted with rulings of the Department and court decisions bearing upon the Immigration Laws and keep abreast with immigration legislation it cannot hope successfully to engage in the enforcement of Immigration Laws on our borders. Not infrequently a force of immigrant and patrol inspectors is sent into isolated regions where the presence of immigrant inspectors is essential to carrying out the mission upon which engaged.

Attached (marked "Exhibit 16-A") is a chart showing the interdependence of the three divisions of the Immigration and Naturalization Service -- (1) Border Patrol, (2) Administrative and (3) Naturalization branches.