

IMMIGRATION BORDER PATROL

QUESTION I

Obtain copies of laws establishing and assigning powers and duties to Immigration Border Patrol. If some of the laws are not available, obtain citations to them.

In the Appropriations Act approved May 28, 1924, (43 Stat. 24), Congress authorized a land border patrol under the Immigration and Naturalization Service, Department of Labor, in the following language:

"PROVIDED, That at least \$1,000,000 of this amount shall be expended for additional land-border patrol, of which \$100,00 shall be immediately available."

In the Act of February 27, 1925, (43 Stat. 1049), Congress legislated as follows:

"PROVIDED, That \$1,000,000 of this amount shall be available only for coast and land-border patrol:...And PROVIDED FURTHER, That hereafter any employee of the Bureau of Immigration authorized so to do under regulations prescribed by the Commissioner-General of Immigration with the approval of the Secretary of Labor, shall have power without warrant (1) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission of aliens, and to take such alien immediately for examination before an immigrant inspector or other official having authority to examine aliens as to their right to admission to the United States, and (2) to board and search for aliens any vessel within the territorial waters of the United

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States, railway car, conveyance, or vehicle, in which he believes aliens are being brought into the United States; and such employees shall have power to execute any warrant or other process issued by any officer under any law regulating the admission, exclusion or expulsion of aliens."

The general regulations (Par. 1, Subdivision F, Rule 29, Rules of January 1, 1930, as amended), reads as follows:

"Any Immigrant Inspector, Chinese inspector acting as an immigrant inspector, or patrol inspector may, without warrant, arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation in pursuance of law regulating the admission of aliens, and may board and search for aliens any vessel within the territorial waters of the United States, railway car, conveyance, or vehicle, in which he believes or has reason to believe any alien is being brought into the United States. Such immigrant inspector, Chinese inspector acting as an immigrant inspector, or patrol inspector, or any employee in the service of the Bureau of Immigration when designated by any commissioner of immigration or inspector in charge of a district shall have power and authority to execute any warrant or other process issued by any officer under any law regulating the admission, exclusion or expulsion of aliens."

The Circuit Court of Appeals in the case of *Lew Moy et al vs. The United States* (237 Fed. 50) held in effect that the act of entry is completed only upon arrival at final destination in the United States. Under this construction Immigration Patrol Inspectors have the power to take into custody aliens who have entered the United States illegally, regardless of where they may be found, provided they have not reached their final destination.