

The Northern Light

Sept. 26 - Oct. 2, 2019

Community Newspaper of Blaine and Birch Bay

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Canadians increasingly subject to five-year bans from U.S., say lawyers

BY JAMI MAKAN

U.S. border guards are now issuing five-year bans to Canadians and other non-citizens at a higher rate than before, according to immigration lawyers interviewed by *The Northern Light*.

Five-year bans, formally called expedited removals, used to be issued in cases of egregious conduct such as lying to a border guard or being caught working in the U.S. illegally. But immigration lawyers say that the bans are now being issued more liberally, including when visitors lack the right documents or are simply unaware of the rules.

"I'm getting tons of cases where people come to the border and don't have the right documents or they are naïve in what they are doing, and they get five-year bars," said Blaine immigration lawyer Len Saunders, who noted a case in which a Canadian professional was banned from the U.S. for having a notarized, rather than an original, copy of his college degree.

Saunders described a recent case in which a Canadian woman married an American man. After the wedding ceremony took place in Surrey, B.C., the two attempted to cross the border into the U.S., where they planned to spend two months at the husband's house. The woman was issued a five-year ban. "In the past, they would have done a simple denied entry and said you really need to apply for a green card and don't come back until it's been approved or there's proof that you've filed," said Saunders.

In another case, a Canadian man got a temporary job working for a winery on the Canadian side of the border. However, he decided to reside at his girlfriend's parents' condo on the American side of the border during this period. After crossing the border every day to go to and from work for a few months, he was banned from entering the U.S., because officials believed

(See CBP, page 5)



▲ Musicians from Silver City Band performed at Surf and Turf By the Sea, on September 14 at the G Street Plaza in downtown Blaine. Hosted by the Blaine Chamber of Commerce, the event featured fish and chips and pulled pork barbecued by award-winning pit master Christopher McBride. There was also a beer garden for attendees to enjoy.

Photo by Louise Mugar

Upcoming forums to feature general election candidates

BY JAMI MAKAN

The public will have a chance to learn more about candidates appearing on the 2019 general election ballot at a series of upcoming forums.

The League of Women Voters of Bellingham/Whatcom County (LWV) is inviting the public to attend its upcoming forums, in which candidates will answer questions from the audience as well as from a moderator.

The first LWV forum will take place on Saturday, September 28 from 9:30 a.m. to 2:30 p.m. at the Whatcom County council chambers, 311 Grand Avenue in Bellingham. It will feature candidates for the

Whatcom County executive, sheriff and assessor positions, as well as the Whatcom County Council at-large position and the Port of Bellingham commissioner position. This forum will include a lunch break so that attendees can engage more informally with candidates.

On Saturday, October 19 from 9:30 a.m. to 1 p.m. at Ferndale High School, a LWV forum will host candidates for Ferndale mayor, Ferndale City Council positions 1, 2, 3, 4, 5 and 7 and the Whatcom County Council district 5 seat.

Also on Saturday, October 19 from 9:30 a.m. to noon at Lynden city hall annex, a LWV forum will host candidates for Lyn-

den city council positions 1, 2, 3 and 4 and Whatcom County Council district 4.

Separately, the Birch Bay Bible Community Church will host a candidate forum for Birch Bay and Blaine on Monday, October 14 at 7 p.m. Candidates have been invited for the Whatcom County assessor, sheriff and executive positions; county council districts 4, 5 and at-large positions; and Blaine school district director positions 2 and 4.

General election day is November 5. Voters may register or update their voter registration by visiting voter.votewa.gov, or may visit the Whatcom County auditor's office for assistance.

Library event to address opioid overdose prevention

BY KIRA ERICKSON

The Whatcom County Health Department will be hosting an event providing information on opioids and preventing overdoses from 1 to 2 p.m. on Saturday, September 28 in the Blaine library.

Public health nurses will deliver a presentation on naloxone, the generic name of the medication used to reverse the effects of an opioid overdose. Narcan is a brand name of the medication, and is often used interchangeably when talking

about naloxone.

"They will be explaining how to assess for signs of overdose, explaining a little bit about the opioid crisis, what that means in our county and how to access Narcan," said public health nurse supervisor Lynn Pittsinger.

Naloxone is non-addictive and can be purchased without a prescription at many pharmacies. Pittsinger said the medication removes the opioid from its receptor site so that someone who has overdosed can recover.

The event at the Blaine library is one of several educational opportunities that the health department has been hosting in the county on opioids and overdose prevention.

"We've more recently been trying to do in-person trainings, knowing this might be a better way to reach folks so they have a more hands-on experience in order to learn more about this," health department communications specialist

(See Opioids, page 4)

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CBP ...

From page 1

he intended to immigrate there.

In a third case, two Canadian men were going to Montana to film a fly-fishing documentary. They didn't have work permits or journalist visas. Because the border guard thought that they had the potential of filming the movie commercially, they were denied entry and given five-year bans. "When you get an expedited removal, the officer at the border is judge, jury and hangman," said Saunders.

Andrew Hayes, a U.S. immigration lawyer based in Vancouver, B.C., said he has also noticed an uptick in expedited removals in his law practice. He said that they used to be very common for people who have lied at the border, but are now being issued for people who are simply "bumbling into it" – for example, by admitting, "I'm coming to move in."

Hayes said that the law is written in such a way that U.S. Customs and Border Protection (CBP) is essentially required to treat every visitor as an intending immigrant, until they satisfy the officer that they should be admitted under a different classification. Furthermore, the law mandates the removal of undocumented immigrants, saying that they "shall" be removed from the U.S. "without further hearing or review" unless they plan to apply for asylum.

"All Canadians that come down are essentially already removed, legally speaking," said Hayes. "You are presumed guilty and you have to rebut that presumption."

Hayes said that the process of receiving a five-year ban takes anywhere from a couple of hours to seven or eight hours. He said that visitors are questioned at length by border guards, and in the process, a sworn statement is generated. "The sworn statements are interesting because they don't reflect the entire interaction," said Hayes. "Often the person is at the counter and has a lengthy back and forth with the officer, and talks several times with the officer. Then, at the end of that, a transcript is formed, and it doesn't necessarily reflect the entire conversation."

Hayes said that five-year bans are extremely difficult to reverse once they are issued. However, with the assistance of a lawyer, a request can be made to a higher-level CBP officer. "Usually it's got to go pretty far up the chain," he said. "They can decide whether to rescind it or not. It's increasingly rare."

"There's no formal appeal," said Greg Boos, a U.S. immigration lawyer based in Bellingham. "But every once in a while, we're successful in getting one set aside."

Boos said that he is increasingly seeing Canadian truckers receive five-year expedited removals. "I've never seen truckers get expedited removals before," he said, noting that he recently saw at least 10 truckers put into expedited removal in just a three-week period.

Boos said the reason Canadian truckers are receiving five-year bans is because they are caught violating the "point to point" rule, which is designed to protect American truckers and prohibits foreign drivers from picking up goods at one U.S. location and delivering them to another U.S. location. Boos believes the penalties for violating the point to point rule have already been established by regulation, and that expedited removals issued for violating the point to point rule are therefore illegal.

More broadly, Boos argues that expedited removals are illegal whenever they are issued

to Canadian citizens who seek to enter the U.S. on a temporary non-immigrant basis. This is because of a regulation that waives documentary requirements for most Canadians seeking to enter the U.S. as non-immigrants. CBP does not, as a matter of law, have the authority to subject these Canadians to the expedited removal process, Boos argues.

When contacted for comment, a CBP spokesperson said that the agency does not have a quota for expedited removals. "Recently there has been a slight increase in the number of expedited removals issued within the Seattle Field Office's area of responsibility," said the spokesperson. However, the spokesperson said that there has been no change in policy related to expedited removals.

"In accordance with law, CBP officers are issuing expedited removals to individuals who are inadmissible to the U.S. and fall within the parameters for expedited removal as established by the Immigration and Nationality Act," said the CBP spokesperson.



CITY OF BLAINE

Unless noted, all meetings are held at City Hall, 435 Martin Street, Suite 4000 and are open to the public. Agendas can be found on the City's website.

Thursday, September 26 6pm – Planning Commission
Woodberry PUD Master Plan Review

Tuesday, October 8 8am – Blaine Tourism Advisory Committee (BTAC)

Thursday, October 10 9am – Park and Cemetery Board

Thursday, October 10 10am – Public Works Advisory Committee
Location: PW 1200 Yew Ave.

Thursday, October 10 6pm – Planning Commission

Monday, October 14 6pm – Regular City Council meeting

Thursday, October 24 6pm – Planning Commission

U.S. PASSPORTS BY APPOINTMENT ONLY
Call (360) 332-8311 or visit our website.

www.cityofblaine.com

NOTICE OF FLUSHING



The City of Blaine Water Division started flushing the City's water distribution system. This is accomplished by opening hydrants along the system (starting at the well fields) to move fresh water throughout the distribution system.

The purpose of flushing the system is to remove any grit and debris in order to improve water quality through the distribution system.

During the city flushing program city water customers may experience a temporary low water pressure and/or cloudiness when flushing is going on. The cloudiness condition (caused by air) should be only temporary, and can be cleared by running a cold water tap for a few minutes to clean and flush your service line. If the condition continues for an extended period of time please contact the Blaine Public Works.

Thank you in advance for your cooperation. If you have any questions, feel free to call Public Works at (360) 332-8820.

Blaine Public Works.

The Immigration Law Firm



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- Denied entry waivers
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www.blaineimmigration.com • 435 Martin St., Suite 1010 • Blaine, WA

Leonard D.M. Saunders, Attorney at Law



Birch Bay & Blaine Candidates Forum

Monday, October 14 at 7 p.m.

Birch Bay Bible Community Church • 4460 Bay Rd.
(NE corner of Bay & Blaine Roads) *ALL are welcome to attend.*

CANDIDATES FOR:

- Whatcom County Assessor
- County Council District 5 & At-Large Position B
- Whatcom County Sheriff
- Blaine School District 503 for Board Positions 2 & 4
- Whatcom County Executive

Candidates will answer questions and discuss their platforms and visions for the future.

Citizen organized & sponsored by: Birch Bay Chamber of Commerce, The Northern Light Newspaper & Blaine Chamber of Commerce.

Blaine United Church of Christ

"Where friendly people gather and become family"

Sunday Services 10:30 am



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