



Immigration and Naturalization Service

76 Pearl Street
Portland, ME 04112

STA 280-C

June 27, 1986

Howard P. Goldberg
Royal Canadian Flying Clubs Association
Suite 103
1815 Alta Vista Drive
Ottawa, Ontario, Canada K1C 346

H.P.A.C.
RECEIVED

1996-1-1

Dear Mr. Goldberg:

This refers to your letter of June 4, 1986 concerning Marc Chicoine's unauthorized entry into the United States as the operator of a hang glider at Montgomery Center, Vermont, on May 28, 1986.

Mr. Chicoine's landing constituted a clear violation of Section 239 of the Immigration and Nationality Act and thereby subjected him to the penalties of seizure of his aircraft as well as an administrative fine pursuant to Section 280 of the Act. Based on a careful review of the facts of this incident, and in light of the extenuating circumstances of the violation, a decision has been rendered to return Mr. Chicoine's hang glider to him and withhold the institution of administrative fine proceedings. Our determination, which included a caution against future violations, was on this date relayed to Mr. Chicoine in letter form.

For your information and guidance, the Immigration and Naturalization Service policy concerning unintentional landings in the United States by Canadian glider pilots, as conveyed to the Soaring Association of Canada on May 28, 1985 follows. The provisions of this policy include the operators of hang gliders and other similar mechanically unpowered aircraft.

"It will be the policy of the Eastern Region, Immigration and Naturalization Service (INS) to allow gliders operated by Canadian pilots to land in the United States without fear of penalty under Section 239 of the Immigration and Nationality Act, providing these guidelines are followed:

- 1) The Association must notify the Immigration and Naturalization Service prior to any scheduled event which might result in inadvertent landings in the United States. This notification must be provided to the office of the Immigration Attache, Ottawa, Ontario, Canada.

Howard P. Goldberg, President
June 27, 1986

2

- 2) Drivers applying for admission to the United States to retrieve the pilot and glider will notify the Immigration and Naturalization Service of the purpose of their entry and the downed pilot's entry and current location.
- 3) A pilot landing in the United States and the retrieval crew must immediately depart for Canada.
- 4) Upon departing the United States, the pilot and driver will stop at the United States inspection facility and notify the Immigration and Naturalization Service of their departure.

Provided the above guidelines are followed, the entry of the pilot will not be pursued as an illegal entry pursuant to the Immigration and Nationality Act."

Your assistance in furnishing copies of this correspondence to both the Hang Gliding Association of Canada and the Hang Gliding Association of Quebec would be appreciated.

Thank you for your continued cooperation in this matter. If you have additional questions or desire further assistance, please do not hesitate to contact this office.

Sincerely,

Eugene M. Fitzpatrick

Eugene M. Fitzpatrick
District Director

Montreal, January 21st, 1998

Mr. Noël Induni
Naturalisation Service
P.O. Box 238
St-Alban, Vermont, 05478
U.S.A.

Subject : Border crossing by hang gliders in cross-country flight

Dear Sir :

I am presently requesting the authorisation to fly above the U.S. Canada border during our two annual competitions taking place on May 16th, 17th and 18th 1998 (or the following week-end in case of bad weather RE : May 23-24), as well as on June 20th and 21st, 1998 (or June 27th and 28th in case of bad weather).

I am also requesting permission to allow the few pilots who would eventually fly across the border to land in the U.S.A.

The probabilities that a Canadian pilot would make it across the border during one of those two competitions are very small. You have to understand the conditions under which we fly.

Hang gliders have no motors and rely on updrafts & thermals to gain altitude sometimes as high as 8000' ASL. The blowing wind determines which direction our cross-country flight will take.

In order for us to be able to fly across the Canadian-USA border we would require thermal conditions with a wind blowing from the north (which is quite rare!).

The Quebec Hang Gliding Association has about 30 pilots, that are considered experts, that would like to fly over the border during the period between April 15 and October 15. These pilots would leave from the Yamaska Mount (near Granby in the province of Quebec) only when the winds would be northern and when the thermal conditions would be good. That may happen only during afternoons, approximately 5 to 6 times during one season. The longest flight ever done by one of our experts was 120 miles long. So, we estimate that a pilot should not land farther than 60 miles from the custom offices.

Here is what I suggest we do :

The competition director would advise you the morning of the flight by phone that we would be flying the border and land in the United States. Each pilot calls as soon as he lands in the U.S.A. to indicate his location and report to the custom office.

... 2

A team from Canada would come to pick the pilot up by car on the same day.

In order to assure good security and also to let you know whom you are dealing with, we can provide you with all the necessary information about the pilots before they have the permission to land in your country. Therefore, we could send you their names, address, phone number, a proof that the pilot does not have any criminal records, a proof of his Canadian pilot licenses and certificates as well as the radio permit and liability insurance.

Also for your information about the sport and about other agreements that were made in the past between the two countries, you will find included :

- A letter from the Alberta Soaring Council addressed to the U.S. Customs in Montana.
- A Memorandum from the United States Customs Service.
- A letter from the U.S. Customs Service addressed to the Alberta Soaring Council.
- A letter from Mr. Randy Adams of the United States Hang Gliding Association.
- The Hang Gliding Magazine, a publication of the United States Hang Gliding Association.
- The national Newsletter, an official publication of the Hang Gliding and Paragliding of Canada.

Hoping all this information will be helpful in order for you to reach a decision, please do not hesitate to contact me at one of the numbers mentioned below, should you need more information. Thank you in advance for your consideration.

Best regards,

Jacques Fontaine
Competition director for Club Yamaska
Quebec Hang Gliding Association
12530, Voltaire
Montreal (Quebec) H1C 2C2
Canada

Home phone : (514) 881-9674
Office phone : (514) 644-1412

Encl.

CC: Mr. Timothy G. Moran
Department of the Treasury
U.S. Customs Service

Québec Han gliding Association inc.

Montreal, May 12th, 2001

Mr. James.E. Mc Millan
Area Port Director
U.S. DEPARTMENT OF JUSTICE
Immigration & Naturalization Service
482 Welcome Centre rd
Highgate springs
Vermont 05488
U.S.A.

Subject : Border crossing by hang gliders in cross-country flight during the annual competition of
May 19,20, 21, 2001

Dear Sir :

I am presently requesting the authorization to fly above the U.S. Canada border during our two annual competitions taking place on May 19th, 20th and 21th 2001 (or the following week-end in case of bad weather RE : May 26-27), as well as on June 23th and 24th, 2000 (or June 30th and July 1th in case of bad weather).

I am also requesting permission to allow the few pilots who would eventually fly across the border to land in the U.S.A.

The probabilities that a Canadian pilot would make it across the border during one of those two competitions are very small. You have to understand the conditions under which we fly.

Hang gliders have no motors and rely on updrafts & thermals to gain altitude sometimes as high as 8000' ASL. The blowing wind determines which direction our cross-country flight will take.

In order for us to be able to fly across the Canadian-USA border we would require thermal conditions with a wind blowing from the north (which is quite rare!).

The Quebec Hang Gliding Association has about 30 pilots, that are considered experts, that would like to fly over the border during these event . These pilots would leave from the Yamaska Mount (near Granby in the province of Quebec) only when the winds would be northern and when the thermal conditions would be good. That may happen only during afternoons, approximately 5 to 6 times during one season. The longest flight ever done by one of our experts was 120 miles long. So, we estimate that a pilot should not land farther than 60 miles from the custom offices.

Here is what I suggest we do :

The competition director would advise you the morning of the flight by phone that we would be flying the border and land in the United States. Each pilot calls as soon as he lands in the U.S.A. to indicate his location and report to the custom office.

A team from Canada would come to pick the pilot up by car on the same day.

In order to assure good security and also to let you know whom you are dealing with, we can provide you with all the necessary information about the pilots before they have the permission to land in your country. Therefore, we could send you by e-mail their names, address, phone number, date of birth, place of birth a proof of his Canadian pilot licenses and certificates as well as the radio permit and liability insurance.

Hoping all this information will be helpful in order for you to reach a decision, please do not hesitate to contact me at one of the numbers mentioned below, should you need more information. Thank you in advance for your consideration.

Best regards,

Jacques Fontaine
Competition director for Club Yamaska
Quebec Hang Gliding Association
12530, Voltaire
Montreal (Quebec) H1C 2C2
Canada

Home phone : (514) 881-9674
Office phone : (514) 237-0614



U.S. DEPARTMENT OF JUSTICE

Immigration and Naturalization Service
Highgate Springs Port of Entry
482 welcome Ctr. Rd.
Highgate Springs, VT 05488

May 17, 2001

70/20

Mr. Jacques Fontaine
Quebec Hang Gliding Association
12530, Voltaire
Montreal, Quebec, Canada H1C 2C2

Dear Mr. Fontaine:

I have received your letter of May 12, 2001 with your request for consideration for this years two competitions of the Quebec Hang Gliding Association.

As with last year's events, I can foresee no major difficulties with the two (2) events you have scheduled for our area during 2001. Your letter references event dates of May 19th, 20th, and 21st 2001 (or the following week-end in case of bad weather re: May 26-27), as well as on June 23rd and 24th, 2001 (or June 30th and July 1st in case of bad weather)."

As was the case with the events of the past three (3) years, we would expect that you provide us with certain information, which we would require prior to the day of the event. This will not only allow for better security, but will also help to expedite the processing of those who end up crossing into the United States. This information would include:

Full Name
Date of Birth
Country of Citizenship

As I had mentioned last year, you might want to advise participants that if they have ever had any difficulties with the police or courts, either in the United States or any other country, they may wish to contact a United States Immigration Office prior to the day of

Mr. Jacques Fontaine
Page 2

the event, in order to determine whether or not their difficulties might pose problems for them with regards to being admissible to the United States.

As you indicate in your letter, flyers should report in per the guidelines you suggest once they land.

In reviewing your roster for the May event I notice that all participants this year are, once again, citizens of Canada. Should any additional participants be added to the list please be certain that we are notified as soon as possible with the same information that you have provided for the current participants.

Since both your events will be starting at Mount Yamaska again this year, you should contact Mannette Guilmette, supervisor at Richford, Vermont port of entry should you have any changes, additions or deletions to your final roster, as well as any specific questions you might have prior to the dates of your events. She can be reached at the following number (802 848-7766 or FAX 802 848-3707).

I am forwarding a copy of this to Mr. Craig Jehle, Area Port Director for the United States Customs Service, with jurisdictional authority over the same area as myself, as well as Mr. Raymond Gaudreau, Patrol Agent-in-Charge for the Richford Border Patrol station.

Should you have any further questions, please do not hesitate to contact me.

Respectfully,

James E. McMillan
Area Port Director

Cc: Noel Induni, OIC, USINS, St. Albans, VT
Craig Jehle, Area Port Director, US Customs, Highgate Springs, VT
Mannette Guilmette, Supervisory Inspector, Richford, VT
Raymond Gaudreau, PAIC, US Border Patrol, Swanton, VT

Wednesday, May 13, 1998

Mr. Daniel Boudreault
U.S. BORDER OFFICER
Richford, Vermont, U.S.

Fax : (802) 848-3707

Object : 18th Hang gliding competition of Yamaska Club

Sir :

As per our discussion, please find enclosed the correpondance for the organization of the 18th Hang gliding competition of Yamaska Club.

We did obtain from Mr. James E. McMillan the autorization to fly over the U.S. border and land in U.S. during this event. The retrieval crew will pick up the pilot by car in U.S. and each pilot will stop to the border office on the way back to declare his entrea in U.S. the same day.

A complete list of the competition will be fax to you by tommorow to let you check if each of the registrated pilot as allow to enter in U.S.

For futher information, do not hesitate to contact me at :

Office : (514) 644-1412
Home : (514) 881-9674
Pager : (514) 854-1495

Best regards,

Jacques Fontaine
Competition director
Yamaska Hand gliding Club

Encl.
