

## United States Senate

October 18, 2011

The Honorable Janet Napolitano  
Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Napolitano:

We are writing to respectfully request that the Department of Homeland Security (DHS) expand the 25-mile geographical limit for Mexican nationals traveling within the State of New Mexico with Border Crossing Cards (BCCs or Laser Visas) to at least 75 miles. We strongly believe that this change will significantly increase commercial activity within the state without adversely impacting border security.

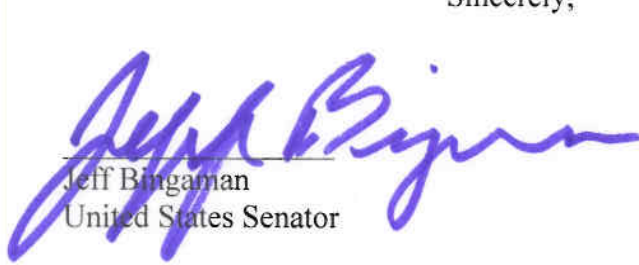
Existing regulations permit frequent, low-risk visitors holding secure biometric Border Crossing Cards to travel up to 25 miles into the United States to shop, conduct business, or visit family for a period of up to 30 days without having to complete an I-94 form. The intent of this rule is to facilitate lawful commercial activity in communities along the border in a manner consistent with our security needs. Unfortunately, New Mexico has not benefited from this initiative to the extent that other border states have. The three largest cities along the New Mexico border – Las Cruces, Lordsburg, and Deming – are all outside of the current 25-mile geographical limit and Mexican nationals with Border Crossing Cards must acquire additional permits to visit these cities.

In order to address a similar issue in Arizona, in 1999 the former Immigration and Naturalization Service (INS) promulgated a rule that allowed individuals to travel up to 75 miles into the state to visit Tucson. The INS based this extension primarily on the fact that Arizona has no large cities within the 25-mile zone. (*See* 64 FR 68616). By recognizing the importance of tailoring the geographical limit to the specific characteristics of the state, the INS was able to significantly enhance the economic impact of the rule in Arizona.

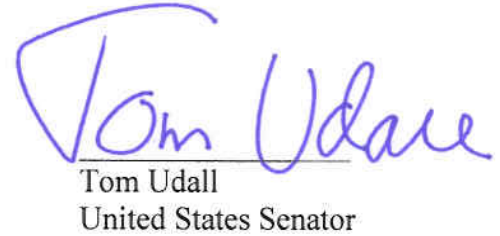
We believe that the rationale for extending the geographical limit in Arizona is equally applicable to New Mexico and fail to see any justification for treating our state differently. Extending the limit to at least 75 miles would promote border commerce without limiting the federal government's ability to prevent illegal immigration. Considering the economic challenges our country is facing, this change would also provide the Department of Homeland Security (DHS) with an opportunity to facilitate economic growth in border communities without jeopardizing security.

We would greatly appreciate your meeting with us to discuss this issue. Thank you for your attention to this matter and for your leadership at the Department in addressing issues affecting the border region.

Sincerely,



Jeff Bingaman  
United States Senator



Tom Udall  
United States Senator