

Border Troubles

BANDS VERSUS CUSTOMS

By Garin Pirnia
Photos By Chad Muthard



When touring Ottawa band The Grey decided to bend the truth about why they were trying to cross into the United States, they never imagined that customs would ban them from entering the country for five years.

The Grey's plan to play a show in Ogdensburg, New York suddenly became an alarming and confusing ordeal. They had told the border agent they were visiting friends instead of mentioning the show, and the border agent saw right through them. They didn't have the necessary work permits to enter the country because, like most bands, they couldn't afford them, and were forced to face the consequences.

For years they never had a problem crossing into the States, but for some reason these four guys with no criminal records were separated and interrogated for six hours and eventually fingerprinted, photographed, and banned from entering the US for five years. The border patrol didn't seem to grasp that The Grey were touring as a hobby; they weren't profiting from their gig or making a respectable living from it.

"It was really hard to swallow because you just couldn't prove to these people that this wasn't about money, this was for the love of doing something that was outside of work," says The Grey's drummer Hayden Menzies. The band has looked into appealing the ban, but now feels the fight is futile, especially

with the high cost of paperwork. Despite the setback, the band continues to tour other countries and remains optimistic about future endeavors.

Apparently, band harassment at the US/Canadian border is becoming a growing issue. With the tragedies of 9/11 and the advent of Homeland Security, border patrol personnel have become more stringent about who they let into their country. A plethora of bands, both established and not, have surfaced to comment on scenarios at both checkpoints. There isn't just one glaring problem, though. There are issues of drugs, lies, money, politics, power, and appearances—tales seemingly extracted from a Tom Clancy novel.

Border control is tightening on both sides of

the imaginary line, making the touring situation for US and Canadian acts increasingly difficult. The Grey's labelmates, Del Cielo, were banned from Canada for a year after they were caught at the border without a permit, lying about their true reason for visiting. Guitarist Greg McGowan's band, Time and Distance, were also banned for a year after the border patrol found out they were playing a show.

Matthew Badja from the band Funeral Diner was banned from entering Canada for five years with no appeal because of a grand theft charge appearing on his record. Badja claims the charge was erroneous. "I think they [Canadian Border Patrol] were really harsh on us because they couldn't pinpoint anything on us band-wise," says Badja.

Cara Prest, media relations spokesperson for the Canada Border Services Agency (CBSA), maintains the patrol's actions are always reasonable and calculated. "A number of risk-based indicators guide CBSA officers in making their decision to refer individuals for further examination or investigation. These indicators could include compliance history, specific information like a criminal record, and behavior of the traveler," says Prest.

Regardless of whether they deny playing shows or not, bands seem to be prime suspects based on their appearance

and the sex, drugs, rock and roll stereotype that goes along with it. "The CBSA border services officers base their decisions on multiple factors, but discrimination is not one of them," maintains Prest. And Kevin Corsaro, the public affairs officer for the US Customs and Border Patrol (CBP), also emphasizes that "secondary inspections are not selected by appearances."

Still, on separate occasions California folk artist Jon Crocker and tattooed bassist Sonny Letourneau of Canadian group GFK both believe the border patrol profiled them as harboring drugs because they matched the musician profile. They feel they were threatened based on an invalid assumption.

Although some bands at the borders get the Spanish Inquisition, not all of them have experienced incidents this like. Canadian artist Chad VanGalen, who is signed to the esteemed major/indie Sub Pop label, chooses to cross into the US by telling the truth and being nice. Being on a label helps him cross the border smoothly because Sub Pop takes care of his paperwork. Also, he was able to purchase a three-year work Visa.

Unfortunately, most bands coming to and from

Canada and the US

do not have the luxury of affording an almost \$400 work permit.

The government requires this for bands to play shows, whether they are getting paid for them or not. Because of this, some bands try to sneak their way in, often coaxed by small promoters to do so, and risk the impending consequences.

Periodically, random incidents of entry into Canada or the US happen without repercussions. The band Century was whisked right across the border without having their IDs checked. "I just think it's silly that there's an apparent double standard because some bands I've talked to have had a lot of trouble with the Canadian border but others like us had no trouble whatsoever entering US soil without hassle. Makes me feel real fucking safe," says Century's Carson Slovak.

Other hassle-free experiences include the Sloppy Meateaters, who were able to get back into the US from Canada on 9/11 without having to wait, despite warnings telling people to stay away from the borders that day. Dave Witte, drummer of Municipal Waste, was allowed into Canada because a border agent liked his cat tattoo.

These stories bring up the issue of security and how selective it seems to be. "The CBSA employees are professionals who are trained to carry out their responsibilities with respect, integrity, honesty, and accountability while doing their utmost to protect our borders," says Prest. Yet some bands think the strict protocols at the border



have nothing to do with security, but instead give the border patrol more of a reason to exercise their power and authority.

Discussing Canada's mentality, Brandon Mullins of Across Five Aprils he believes there is "an animosity when it comes to the way they view bands. Not necessarily because of a genre of music—I think it's more of a country thing. They don't view it as a band trying to make good, they view it as spoiled Americans trying to steal their Canadian money."

Brian Lowit of Lovitt Records, who signed The Grey before their ban, has been incredibly supportive of the band during their time of need. "Them getting treated the way they did and their penalty had nothing to do with Homeland Security. It was more of a show of power and a 'we can do this, so we will' type of thing," he says.

Whether the problems at the border are about security, bullying or money, it's obvious both governments need to implement changes.

In the meantime, bands can take steps to cross the border hassle-free. "My advice to any band is to just get your shit made over there or broker all your merch at the border. Have invoices and counts of all your shit, equipment lists, too," informs Efrem Schulz of Death by Stereo about entering Canada. "And do not bring drugs."

Jarrett Seltzer from Houston Calls advises to

have every piece of equipment serialized on a list. "This makes your band look that much more professional and you have a way better shot of getting over. In the end, it has a lot to do with how you present yourself and who you are talking to," says Seltzer.

So what can be done to completely alleviate complications at the border for bands? The answer is nothing, really. "In an ideal world, governments would realize that not only will most of these bands end up spending more money than they are getting in the county they are playing in, but also that it's part of a cultural exchange that the band and the people going to see the band all benefit from," says Lowit.

So, until the borders come to this realization, bands will either have to pay the proper fees or try to sneak over the border. If they go with the second option they take the risk of getting caught and fined or, worse, banned. In the age of terrorism, it doesn't look like things will be modified anytime soon.

"CBP's primary mission is preventing terrorists and terrorist weapons from entering the United States, while also facilitating the flow of legitimate trade and travel," comments Corsaro. "This mission is vitally important to the protection of America and the American people."

For now, bands will have to grin and bear it, and hope for the best when they reach the borders. 📀

A GUIDE TO GETTING OVER THE BORDER

By Brandon Mendelson

You've heard the stories. Someone you know went to cross the border and got detained for three hours. Or they were strip-searched and forced to perform a number from the HMS Pinafore before being allowed over.

The truth is crossing the border can be a smooth experience for those who follow the rules and regulations set forth by the United States Customs and Border Protection. Visit their website at cbp.gov for a list of ports to use in order to enter or exit the country. When attempting cross those ports, you will be searched. For those in a band, crossing the border requires a few extra steps. Taking these extra steps will insure a smooth passing when the time comes to be searched.

Each member of a band should have the correct documentation to enter the country. This goes for American citizens as well as members of other countries. Before trying to cross the border, it's recommended to log onto travel.state.gov and click on the information to obtain a passport. Bring a copy of a birth certificate and two recent photos, 2x2 inches in size, with nothing obscuring the face to a local post office to obtain a passport. The total cost of a passport for those over 16 years of age is \$97.

Before bands head up to Canada it is recommended they fill out a CBP Form 4455—Certificate of Registration. This form is available on CBP.gov. If bands are bringing merchandise back from another country they have to let the port that they're going through know they need a Customhouse Broker. Bands that have kept receipts or documentation of sold merchandise can then prove the items have already been checked and verified when they first crossed the border.

No limit has been set for the amount of equipment a band can carry across the border. It is recommended everything bands bring with them, even personal items such as laptops and watches, be documented. They should register these items before they leave at the port. Serial numbers or other ways of identifying their equipment help tremendously in this process.

Everyone who crosses the border is allowed \$800 total in personal exemption of items. In most cases, these are items purchased for personal use or to be used as gifts. Keep in mind the \$800 in personal exemptions is not for every time a border is crossed. The exemption amount is only good after every 30 days.

Some items that won't be allowed over the border, besides drugs and alcohol, are soils, automobiles that don't meet US fuel emission standards, goods from countries the US has an embargo on, drug paraphernalia, and unidentified controlled substances.

Crossing the border can be a hassle-free process for those who can pay attention, be respectful, and fill out their paperwork on time.

For more info, go to: CBP.gov

