

AUSTRALIA

Immigration Experts Question Tale of Australian Man's U.S. Border Detention

By JONAH ENGEL BROMWICH MAY 3, 2017

She told a tale of bureaucratic injustice, about an innocent boyfriend locked up at the United States border with Canada on the merest of technicalities, and her online plea for donations to help with his legal fees took off.

But the crowdfunding site GoFundMe froze her ability to access those donations on Wednesday after questions were raised about her story.

Heather Kancso, a New York City resident, created the GoFundMe campaign on April 29, about a week after her boyfriend, Baxter Reid, 26, of Canberra, Australia, was detained by United States customs officials and held at a federal detention facility in Buffalo.

Her account drew international attention this week after news media in Australia and the United Kingdom reported on her claim that he had been detained for overstaying his visa by 90 minutes.

On Wednesday, a spokesman for GoFundMe, Bobby Whithorne, said that the donations, which had reached more than \$9,000, had "been placed on hold until additional information can be provided about the campaign." He said that it was "not uncommon" for the organization to seek additional information in order to protect donors.

Ms. Kancso wrote on the site that Mr. Reid had been in the United States "for the last several months on a 5 year visa."

"There is one stipulation with the visa," she wrote. "He must exit and re-enter the country every six months to keep the visa valid."

But immigration experts said no visa with that requirement exists.

Australians may visit or stay in the United States through several avenues. Under America's visa waiver program, citizens from Australia and dozens of other countries are allowed to visit the country for up to 90 days for business or tourism without a visa. (Fears were raised this year that President Trump would sign an executive order suspending that program.)

In a telephone interview Wednesday, Ms. Kancso, who lives on Staten Island, clarified that Mr. Reid was actually in the United States on a B-1/B-2 visa. That typically allows a visitor to stay for six months for business or tourism. And it does not allow visitors to duck out of the country, only to be granted another six months upon reentry.

Ms. Kancso wrote on the GoFundMe page that the couple had planned to travel to Canada on the last day that she said Mr. Reid was eligible to enter the United States under the visa's terms, but that Canadian border officials would not admit him to the country. The couple were forced to return to the United States, where Mr. Reid was arrested, she said.

"This is going to make a criminal out of an innocent man," she wrote in a plea for financial support.

Mr. Reid's father, Tom Reid, told The Canberra Times of Australia that the couple had arrived at the border at 10 p.m. on

Sunday, April 23, two hours before the visa was to expire. Ms. Kancso told the newspaper that because of car trouble, the trip, normally a seven-hour drive from New York City, had taken them 15 hours.

“For some reason the Canadians kept them until 1:30 a.m. and then they refused them entry,” Tom Reid said, according to the newspaper.

“They returned them to the United States and by then they were an hour and a half over the visa, and [he] got locked up.”

In a radio interview posted online on Tuesday, Ms. Kancso elaborated on the couple's reception from the Canadian authorities. They were concerned, she said, that when Mr. Reid “tried to return back to the States that they would deny him re-entry, which would then make him stuck in Canada.”

Immigration lawyers said that the couple's expectations were unrealistic. On a standard B-1/B-2 visa, “you can't turn around and come back the following day,” said Rajiv S. Khanna, a lawyer based in Virginia. “If they catch on to that, they can forbid your entry.”

Mr. Khanna said that he knew of no special exception that would allow Mr. Reid to touch ground in another country, only to return shortly thereafter. And he emphasized that visas grant permission for entry at one of the country's ports, not for a stay, and that exiting and entering the country would not keep one “valid,” as Ms. Kancso suggested.

And Claudia Slovinsky, an immigration lawyer in New York, said that it was possible that the couple had confused the permission granted by a visa with the determination on length of stay made by agents at the border.

The couple may have been “trying to have him stay here longer than a tourist visa would normally allow, thinking that, because the visa allows for entry up to five years that he can live here six months at a time, leave, go across the border and come back,” she said. “Not true.”

In a phone interview on Wednesday, Ms. Kancso said that she and Mr. Reid had met in Australia a year ago and had been dating long distance. They had thought that his visa would allow him to leave for about a week and return to the United States because Ms. Kancso had had no trouble doing the same in her own travels abroad.

“With my visa being that way, we naturally assumed that his was the same,” she said.

She said that Mr. Reid will appear in court on May 10 and that she was not expecting him to be allowed to stay in the country. She hoped he would be free to go home “without any kind of criminal record.”

The United States Customs and Border Protection would not comment specifically on Mr. Reid's situation. In a statement, it noted that “The proper procedure for requesting an extension of stay while in the U.S. is to file an application with U.S. Citizenship and Immigration Services before the individual's authorized stay expires.”