Administration of Land Ports of Entry

Brazil • Canada • Chile • China • Finland • Greece
Ireland • Israel • Mexico • Russian Federation
Turkey • United Kingdom

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Comparative Summary

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I. Introduction

This report examines the operation, construction, and modernization of land ports of entry (LPOEs) in selected countries. The report identifies the authorities that are responsible for the management of existing LPOEs and the construction of new facilities at LPOEs, sources of funding for such activities, and considerations for their operations.

In addition to this summary, the report includes individual country surveys for the EU member states of Finland, Greece, and Ireland; for non-EU OECD partner nations, namely, Canada, Chile, Israel, Mexico, and the United Kingdom (UK); and for Brazil, China, the Russian Federation, and Turkey.

The report also contains information on the operation and modernization of juxtaposed border controls operating at the UK’s only land crossing through the channel tunnel connecting with France. It also addresses Chile’s administration of LPOEs in accordance with bilateral agreements with each of its neighboring countries to provide a common and integrated administration of their LPOEs.

Note that as Ireland’s only external land border is with Northern Ireland, which is part of the UK, and due to the common travel area has no passport controls or customs checks in place.

A table of primary sources containing citations to relevant authorities is appended to the report.

The following summary and table highlight aspects of the management and modernization projects and funding in the surveyed countries. Detailed information about these issues is provided in the individual country surveys.

II. Definition and Designation of LPOEs

The surveyed countries use various terminology in relation to LPOEs. Finland, Israel, and Greece refer to LPOEs as land border crossing points or border stations in relation to services provided. “Customs clearance” is the term used in Brazil for similar services. In China, border inspection stations are referred to as “frontier inspection agencies.” Chile’s equivalent to an LPOE (Paso Fronterizo Terrestre) is defined as the geographical place located in the international political boundary that allows the entry to and exit from the country by land.

The activities that may be conducted in relation to LPOEs are often specified by laws of the surveyed countries. For example, Greek border station services are authorized to exercise control over persons and goods entering and leaving the country, as well as to provide relevant information on such. Brazilian “customs clearance” activities include parking or transit of
vehicles; movement, storage, customs clearance and verification of goods from or out of Brazil; embarkation; disembarkation; and the handling and storage of international shipments.

**Mexican** LPOEs are defined as facilities established on federal property, which includes the spaces required for the operation of the agencies involved in the control and supervision of immigration and customs procedures associated with the entry and exit of people, vehicles, and merchandise between Mexico and its neighboring countries. Similarly, **Russia**’s federal law defines an LPOE as a territory of land or water surface within the limits of train station, car park, or river port open for international traffic, or another specially allocated land plot where persons, transport vehicles, cargo, goods, or animals cross the border.

The designation of and activities conducted in LPOEs are the prerogative of the Special Secretariat of the Internal Revenue Service in **Brazil**, the Minister of Public Safety in **Canada**, the Department of Borders in **Chile**, and the Minister of Interior in **Israel**. Similarly, in **Mexico**, the Department of Interior has the authority to determine the places where border crossings are to be located, in consultation with the Departments of Treasury, Transportation, Health, Foreign Relations, and Agriculture, as well as any other agency that it deems necessary. In **Greece**, LPOEs are established by presidential decree issued in pursuance to a proposal of the Ministry of Interior and other relevant ministries which will define the spatial characteristics of the LPOE and the public services that will be provided in them.

LPOEs in **China** and in the **Russian Federation** are determined at the state level. Provincial level governments in **China** are also authorized to approve and manage certain “category-2 ports,” which appear to be restricted to limited purposes, such as for the exit or entry of local residents in the border areas. The territorial limits of LPOEs, and their specialization for the types of cargo, goods, and animals transferred through them, are established by the government of the **Russian Federation**.

**III. Management of LPOEs**

The responsibility for the management and security of LPOEs lies with state authorities. Law enforcement duties are the responsibility of the **Canadian** Border Security Agency (CBSA), and the **Brazilian** Federal Police. In Brazil, duties related to customs management are performed by the internal revenue service. The **Finnish** Government maintenance agency for state owned buildings, together with the border guard, are jointly responsible for the maintenance of border guard buildings.

**Chile**’s Department of Borders has power to approve programs for the development of border areas and to provide technical coordination to state agencies concerning physical integration and the development of cross-border interconnection routes and bi-oceanic corridors. Chile’s Border Crossing Unit provides support and collaborates with the public services performing control tasks in border areas. It also oversees public procurement processes to ensure proper use of financial and administrative resources at border facilities.
In **China**, the National Immigration Administration of the Ministry of Public Security is responsible for the border inspection for citizens, foreigners, and vehicles crossing the border. The General Administration of Customs is responsible for the supervision and management of the border ports. The border inspection agencies are responsible for the management of the restricted zones in ports.

Security and immigration services in **Greek** LPOEs are provided by the national police force, while local government at the regional and supra-regional levels are responsible for the construction, maintenance, and supervision of the operation of LPOEs and for staffing for services that are not provided by the central government.

**Israeli** LPOEs bordering Egypt and Jordan are managed by the Airport Authority (AA), which operates under the general supervision of the minister of transportation. LPOEs from and into territories under the Palestinian Authority (PA) administration are managed by the Land Crossings Authority, an auxiliary unit in the Ministry of Defense.

Regular management of **Russian** LPOEs is entrusted in the Ministry of Transportation, and specifically the Directorate for Construction and Operation of Border Facilities (Rosgranstroi).

**Turkey**’s LPOEs security and immigration services are administered by the Department of Counter-Migrant Trafficking and Border Gates, which are staffed by members of the provincial organization of the border police. Commercial customs operations are conducted by provincial customs units operating under the supervision of the Directorate General of Customs of the Ministry of Commerce. Since 2006, some customs operations for commercial imports have been relocated from LPOEs to internal customs enforcement centers.

### IV. Funding and Considerations for LPOEs Opening and Modernization

Funding for construction and modernization of LPOEs varies with some countries allocating financing from the state budget (**Brazil**, **Canada**, **Chile**, **China**, **Finland**, **Russia**, and **Turkey**), some from both state and local governments (**China**), and some from fees collected at the LPOE terminals and from other revenues generated by the respective agency (**Israel** and **Mexico**).

The construction of new LPOEs and modernization of existing ones in **European Union** member states may also be provided under programs funded by the European Regional Development Fund (ERDF), for investments in infrastructure in less developed regions (e.g., in **Greece**). While **Finland**’s Border Guard operations are financed by public funds in the Finnish State budget, it may also receive external funding from another government agency or the **European Union**. Infrastructure projects at the Finnish border with Russia have been funded by a number of agencies such as the Finnish Infrastructure Transport Agency, the Radiation and Nuclear Safety Authority, and the EU.

Modernization projects have been identified in **Canada**, which has been implementing a traveler modernization initiative to incorporate digital technologies like facial verification. Several agreements for the modernization of **Russian** LPOEs have reportedly been recently concluded with contractors to equip points of entry with electronic reservation systems that would allow truck drivers to reserve time slots for passing border and customs control without waiting in a
queue at the border. In Turkey, LPOE modernization or expansion projects related to high-traffic LPOEs since 2002 are undertaken using the build-operate-transfer (BOT) model which involves a special financing for the realization of projects that require advanced technology or high financial resources.

Among considerations for the construction and modernization of facilities in Canada are the improvement of border security operations and making the traveler experience more expedient. In Mexico, the technical feasibility and socioeconomic benefits of the projects are also considered.

V. Juxtaposed Border Controls Designation, Management and Funding

The UK maintains juxtaposed border controls for its connection to France by the channel tunnel. The construction and management of the border controls are regulated under a number of bilateral agreements. Accordingly, the construction, operation, and maintenance of the buildings and necessary installations are performed and funded by private parties. Any designs relating to defense and security of the tunnel are required to be approved by both the French and British governments. While private parties appear to be responsible for the construction and operation of the port, the UK’s Border Force is responsible for immigration control in France for passengers traveling to the UK. Infrastructure and security measures in and around ports in the north of France have been funded by both the UK and French governments based on agreements.

In January 2021, following the UK’s exit from the European Union, the UK established temporary inland border facilities that enable customs and document checks to occur away from port locations that do not have the necessary infrastructure to conduct checks on site. The primary responsibility for determining the opening of temporary inland border facilities in the UK lies with the Revenue and Customs and the Department for Transport. Value for money appears to be among the considerations when reviewing the continued operation of inland ports of entry in the UK.
## Comparative Summary Table

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<th>Jurisdiction</th>
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<th>Funding Source</th>
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<th>Partnerships</th>
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<td>Technical feasibility</td>
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<tr>
<td>Canada</td>
<td>107</td>
<td>Ministry of Public Safety</td>
<td>Canada Border Security Agency</td>
<td>Canada Border Security Agency</td>
<td>Federal Budget</td>
<td>Modernization; improving travelers’ border crossing experience; Canada's trade &amp; economic competitiveness</td>
<td>Public</td>
</tr>
<tr>
<td>Chile</td>
<td>13</td>
<td>Border Crossing Program Commission for the Administration of Border Complexes (Ministry of the Interior)</td>
<td>Department of Borders</td>
<td>Border Crossing Unit</td>
<td>Public</td>
<td>Not specified by law</td>
<td>Not specified by law</td>
</tr>
<tr>
<td>China</td>
<td>No official statistics available on the number of LPOEs out of China’s</td>
<td>State</td>
<td>General Administration of Customs</td>
<td>National Immigration Administration (Ministry of Public Security); General</td>
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<td>Jurisdiction</td>
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<td>315 “open ports”</td>
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<td>Finland</td>
<td>11</td>
<td>Ministry of the Interior</td>
<td>Finnish Border Guard</td>
<td>Finnish Border Guard</td>
<td>Public</td>
<td>Not specified by law</td>
<td>Public</td>
</tr>
<tr>
<td>Greece</td>
<td>14</td>
<td>President</td>
<td>Ministry of Interior</td>
<td>Ministry of Citizen Protection</td>
<td>Public</td>
<td>Modernization; supporting the supply chain; creating local jobs; promoting cross-border co-operation</td>
<td>Public</td>
</tr>
<tr>
<td>Israel</td>
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<td>Ministry of Transportation; Ministry of Defense</td>
<td>Airport Authority (AA) for LPOEs with Egypt and Jordan; Land Crossing Authority (LCA) for LPOEs with the Palestinian Authority (PA)</td>
<td>AA; LCA, as relevant</td>
<td>For AA LPOEs: Fees collected at the crossing terminals and other AA and additional revenues; LCA LPOEs: Ministry of Defense</td>
<td>AA’s activities must be based on economic calculations and as a self-sustaining enterprise</td>
<td>For AA LPOEs Public-Private</td>
</tr>
<tr>
<td>Mexico</td>
<td>59</td>
<td>Institute of National Assets Administration (INDAABIN)</td>
<td>Public</td>
<td>Technical feasibility; socioeconomic benefits</td>
<td>Public</td>
<td>Technical feasibility; socioeconomic benefits</td>
<td>Public</td>
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<tr>
<td>Russia</td>
<td>221</td>
<td>Federal Government</td>
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<td>Non-appropriated</td>
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### Administration of Land Ports of Entry: Comparative Summary Table

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<tr>
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</thead>
<tbody>
<tr>
<td>Turkey</td>
<td>25</td>
<td>President</td>
<td>Ministry of Internal Affairs</td>
<td>Department of Counter-Migrant Trafficking and Border Gates; Ministry of Commerce</td>
<td>Public-private partnerships</td>
<td>Modernization; supporting the supply chain; creating local jobs; ensuring entry security</td>
<td>Public-Private</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>No LPOEs; 8 juxtaposed border controls</td>
<td>Home Office</td>
<td>Juxtaposed border controls established by Treaty</td>
<td>Border Force</td>
<td>Public</td>
<td>Not specified by law</td>
<td>Not specified by law</td>
</tr>
</tbody>
</table>
SUMMARY  A federal law defines Brazil’s frontier zone, classified as indispensable to the country’s national security. The Federal Police perform the functions of maritime, airport, and border police. A federal decree defines that the entire national territory comprises the customs territory; the jurisdiction of customs services; and that an act of the customs authority may authorize customs clearance in ports, airports, and border points.

Customs clearance, or land port of entry, is the authorization provided by the Brazilian internal revenue service for the functioning of specific activities under customs control. Public bodies or legal entities may perform customs activities, provided they obtain authorization from the Brazilian internal revenue service with jurisdiction over the place or area where the activities will occur. The duties related to customs management are the responsibility of the internal revenue service, which also approves requests made by interested entities for construction works and installations, renovation, expansion, or modernization of customs clearance places or areas.

I. Introduction

Brazilian Law No. 6,634 of May 2, 1979 determines that the internal strip of land of 150 kilometers (93.2 miles) wide that is parallel to the land-dividing line of the national territory, which is designated as frontier zone, is considered indispensable to national security. Furthermore, the Brazilian Constitution of 1988 states that the occupation and use of the frontier zone must be regulated by law.

According to article 144, section 1 of the Constitution, the Federal Police, created by law as a permanent body, organized and maintained by the Union, is designed, among other things, to perform the functions of maritime, airport, and border police.

The administration of customs activities, and the inspection, control, and taxation of foreign trade operations is carried out in accordance with the provisions of Decree No. 6,759 of February 5, 1979.

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1 Lei No. 6.634, de 2 de Maio de 1979, art. 1, https://perma.cc/8K2B-DCNB.
2 Constituição Federal, art. 20 § 2, https://perma.cc/49ES-3DCE.
3 Id. art. 144 § 1. See also article 38 of Law No. 13,445 of May 24, 2017, which enacted the migration law, and states that the functions of maritime, airport and border police will be carried out by the Federal Police at the points of entry and exit from the national territory. Lei No. 13.445, de 24 de Maio de 2017, art. 38, https://perma.cc/AV68-PVYQ.
The customs territory (território aduaneiro) comprises the entire national territory. The jurisdiction of the customs services extends throughout the customs territory and covers

I. the primary zone, consisting of the following areas demarcated by the local customs authority:
   a) land or water area, continuous or discontinuous, in bonded ports (portos alfandegados);
   b) the land area, at bonded airports (aeroportos alfandegados); and
   c) the land area, which comprises the customs border points (pontos de fronteira alfandegados); and

II. the secondary zone, comprising the remaining part of the customs territory, including territorial waters and airspace.

The ports, airports, and border points are bonded (alfandegados) by declaratory act of the competent customs authority, so that they can, under customs control

I. park or transit vehicles coming from abroad or destined for it;

II. carry out operations of loading, unloading, storage or passage of goods coming from abroad or destined for it; and

III. embark, disembark or transit travelers coming from abroad or destined for it.

The customs areas are so declared by the competent customs authority, in the primary zone or in the secondary zone, so that, under customs control, the movement, storage, and customs clearance of: (I) goods coming from abroad, or destined for it, including under special customs regime; (II) luggage of travelers coming from abroad, or destined for it; and (III) international postal shipments, may occur.

Premises intended for the installation of duty-free stores in the primary zone, may also be bonded.

The customs clearance (alfandegamento) of a place or area is carried out in accordance with the rules and procedures established in Ordinance RFB No. 143, which was enacted on February 11, 2022, by the Receita Federal do Brasil, RFB (Brazilian Internal Revenue Service).

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4 Decreto No. 6.759 de 5 de Fevereiro de 2009, art. 1, https://perma.cc/X5N6-LFPV.
5 Id. art. 2.
6 Id. art. 3. See also article 33 of Decreto-Lei No. 37, de 18 de Novembro de 1966, https://perma.cc/X62H-N28B.
7 Decreto No. 6.759 de 5 de Fevereiro de 2009, art. 5.
8 Id. art. 9.
9 Id. art. 9 (sole para.).
II. Definition of Land Ports of Entry

Ordinance RFB No. 143 defines customs clearance, which seems to be the equivalent to a land port of entry in the US, as the authorization provided by the Special Secretariat of the RFB, so that, in the places or areas specified in article 3 of Ordinance No. 143, and under customs control, the following activities may occur:

I. parking or transit of vehicles;

II. movement, storage and customs clearance of goods coming from abroad, or destined for it, including those under special customs regime;

III. embarkation, disembarkation, verification of goods or transit of travelers coming from abroad, or destined thereto; and

IV. handling and storage of international shipments.\(^{11}\)

According to article 3 of Ordinance RFB No. 143, the following places or areas managed by public bodies or legal entities governed by public or private law may be bonded (alfandegados):

I. organized ports and port facilities;

II. airports and airport facilities;

III. areas leased or assigned, in an airport complex, for the operation of international cargo and the embarkation and disembarkation of travelers coming from abroad, or destined thereto, by means of a contract with the concessionaire;

IV. enclosures in a secondary zone or border point, by means of a contract or act of concession, permission, delegation, lease, assignment, license or authorization;

V. border points, under the responsibility of the RFB;

VI. military bases, under the responsibility of the armed forces;

VII. exhibition grounds, fairs, congresses, artistic presentations, sports tournaments and the like, under the responsibility of the legal entity promoting the event;

VIII. sales units and deposits of beneficiaries of the special duty-free customs regime installed in a bonded port or airport (porto ou aeroporto alfandegado), under the responsibility of the respective operating company;

IX. facilities for moving and storing international express shipments, under the responsibility of an international express transport company;

X. facilities for moving and storing international postal shipments, under the responsibility of the Empresa Brasileira de Correios e Telégrafos (Brazilian Post and Telegraph Company);

XI. silos or tanks for the storage of bulk products, including those located in areas adjacent to an organized port or bonded port facilities (instalações portuárias alfandegados), provided that they are under the jurisdiction of the same unit of the

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\(^{11}\) Id. art. 2.
RFB, connected to them by pipes, conveyor belts or similar, installed in permanent character;

XII. enclosures for the quarantine of animals under the responsibility of an agency subordinate to the Ministry of Agriculture, Livestock and Food Supply;

XIII. areas segregated in an export processing zone;

XIV. floating installations anchored in Brazilian jurisdictional waters, including inland waters, in a georeferenced position, duly approved by the Brazilian navy, used for reception, storage and transfer aboard of solid, liquid or gaseous bulk, without connection to an installation located on land, or, in the case of a regasification operation, including with connection to the installation located on land, and even if it is located within the polygon of the organized port; and

XV. bonded terminals for liquids in bulk (*Terminais Alfandegados de Líquidos a Granel*, TERLIG), provided for in Normative Instruction No. 106 of November 24, 2000 of the RFB.\(^\text{12}\)

Article 4 of Ordinance RFB No. 143 further defines areas where bond (*alfandegamento*) may occur.\(^\text{13}\)

III. Management of Land Ports of Entry

Article 40 of Ordinance RFB No. 143 defines the duties related to customs management (*gestão do alfandegamento*). It states that the head of the unit of the internal revenue service with jurisdiction over the place or area (*local ou recinto*) is responsible for

I. establishing operational routines necessary for customs control and security;

II. authorizing, in a bonded traveler’s terminal (*terminal de viajantes alfandegado*), the operation of domestic embarkation and disembarkation, when there is no embarkation or disembarkation of travelers coming from abroad or destined thereto;

III. expressing an opinion regarding the report of the customs team (*equipe de alfandegamento*), prior to forwarding the process to the superintendent of the RFB;

IV. expressing an opinion on general matters relating to the customs clearance of places and facilities under its jurisdiction;

V. managing the actions of monitoring and reviewing the requirements and conditions for customs clearance, through inspections, diligences or audits; and

VI. authorizing the entry and exit of vehicles, the unloading, loading and customs clearance of goods or merchandise, as well as the operation of special customs regimes and the embarkation, disembarkation and transit of travelers, in the following places or areas not bonded (*locais ou recintos não alfandegados*):

\(^{12}\) Id. art. 3. Normative Instruction No. 106 of November 24, 2000 of the Internal Revenue Service, regulates TERLIGs, *Instrução Normativa SRF No. 106, de 24 de Novembro de 2000*, https://perma.cc/EK7C-F5CQ.

\(^{13}\) Portaria RFB No. 143, de 11 de Fevereiro de 2022, art. 4.
a) port, shipyard, facility or other port area;
b) airport and airport facility; and
c) border points.\textsuperscript{14}

The unit of the internal revenue service with jurisdiction over the place or bonded area (\textit{local ou recinto alfandegado}) is responsible for monitoring its operating, safety, and functioning conditions, as well as for maintaining its customs clearance (\textit{alfandegamento}) requirements.\textsuperscript{15} The place or bonded area is subject to the application of possible sanctions, under the terms of the legislation in force, in the event of non-compliance with a requirement for customs clearance.\textsuperscript{16}

IV. Projects for Construction and Management of Land Ports of Entry Facilities

The administrator of the place or area must make available, during the entire period of customs clearance, free of charge to the RFB or other bodies and entities of the federal public administration that approve foreign trade, facilities, areas, equipment, software, maintenance, and operation services, with the supply of specialized labor, non-invasive inspection equipment, such as scanners, including equipment made available by the RFB at traveler terminals, as well as the transmission and storage of data, provided for in articles 8 to 19 of Ordinance RFB No. 143, when applicable.\textsuperscript{17} The legal entity interested in customs clearance may, before formalizing the request, submit the project referred to in item IX of article 27 of Ordinance RFB No. 143 (which provides all the information a project must contain) for consideration by the customs team, in order to receive prior guidance on compliance with the necessary requirements.\textsuperscript{18} In the case of international traveler terminals, it is mandatory to present the project before the start of construction works and installations, renovation, expansion, or modernization.\textsuperscript{19}

After meeting the requirements established in articles 6 to 25 of Ordinance RFB No. 143, the request for customs clearance (\textit{solicitação de alfandegamento de local ou recinto}) of a place or area must be filed by the interested party, through a digital process opened on the Portal of the Virtual Service Center of the RFB,\textsuperscript{20} together with all the documents listed in article 27 of Ordinance RFB No. 143.\textsuperscript{21}

The analysis of the customs clearance request is carried out by a customs team composed of at least three public servants, who preferably work in service, section, or team whose competences include the activity of “Customs Control of Places and Areas,” as defined in the internal

\textsuperscript{14} Id. art. 40.
\textsuperscript{15} Id. art. 41.
\textsuperscript{16} Id. art. 41 (sole para.).
\textsuperscript{17} Id. art. 21.
\textsuperscript{18} Id. art. 26.
\textsuperscript{19} Id. art. 26 (sole para.).
\textsuperscript{20} Receita Federal, Centro Virtual de Atendimento, https://perma.cc/MPE3-G83M.
\textsuperscript{21} Id. art. 27.
regulations of the RFB. Article 29 of Ordinance RFB No. 143 determines that the customs team must proceed with the analysis of the registered documentation, requests for waiver of requirements and sharing of equipment and facilities, and the verification of fiscal regularity related to the taxes administered by the RFB and the Active Debt of the Union (Dívida Ativa da União). The customs team must complete, within a period of up to 60 days, counted from the analysis referred to in article 29 of Ordinance RFB No. 143, the inspection of the place or area in order to verify compliance with the technical and operational requirements.

Article 31 of Ordinance RFB No. 143 states that the regional superintendence of the RFB with jurisdiction over the place or area must receive the request (autos) and, within 30 days, must

I. issue the customs executive declaratory act (Ato Declaratório Executivo, ADE);

II. return the request to the customs team so that it can carry out additional checks, request additional information or make new demands to the interested party, if deemed necessary; or

III. reject the request, based on a substantiated order.

The customs ADE referred to in item I of article 31 must establish its period of validity, the types of cargo to be handled, the authorized customs operations, the special customs regimes enabled, as well as the waiver of requirements and the sharing of equipment and facilities, among other things.

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22 Id. art. 28.

23 Id. art. 29. Active debt is the name given to the database that contains all public credits that are owed by individuals and legal entities and that have not been paid. E o que é dívida ativa, Procuradoria-Geral da Fazenda Nacional, https://perma.cc/N2ED-T6GB.

24 Portaria RFB No. 143, de 11 de Fevereiro de 2022, art. 30.

25 Id. art. 31.

26 Id. art. 32.
SUMMARY

The Canada Border Security Agency (CBSA), which operates under the authority of the minister of Public Safety, is responsible for border management and enforcement in the country. Land border crossings are managed by the CBSA, which is in charge of 107 land border ports of entry. The CBSA is in the process of implementing a number of projects to modernize and upgrade its infrastructure and technology, including the Land Border Crossing Project and the Traveler Modernization Initiative.

I. Introduction

The Canada Border Security Agency (CBSA),¹ which operates under the authority of the minister of Public Safety,² is responsible for border management and enforcement in the country. Section 5(1) of the Canadian Border Services Agency Act stipulates that the CBSA is responsible for “providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants, that meet all requirements under the program legislation” and “supporting the administration or enforcement, or both, as the case may be, of the program legislation.”³ Other functions include

- detaining those people who may pose a threat to Canada,
- removing people who are inadmissible to Canada, including those involved in terrorism, organized crime, war crimes or crimes against humanity, and
- interdicting illegal goods entering or leaving the country.⁴

On February 4, 2011, the prime minister of Canada and the president of the United States issued the joint declaration Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness, which pledges to “focus investment in modern infrastructure and technology at our busiest land ports of entry, which are essential to our economic well-being.”⁵

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² CBSAA § 6(1).
³ Id. § (51).
⁴ What We Do, CBSA, https://perma.cc/U3PX-YKJR.
The Immigration and Refugee Protection Act (IRPA)\(^6\) is the main immigration enforcement legislation, and the minister of Public Safety is responsible for “examinations at ports of entry” and the enforcement of IRPA “including arrest, detention and removal.”\(^7\)

II. Definition of a Land Port of Entry (LPOE)

Among the main subsidiary regulations under IRPA are the Immigration and Refugee Protection Regulations, which define “port of entry” as a “place designated by the Minister [of Public Safety] under section 26 as a port of entry, on the dates and during the hours of operation designated for that place by the Minister.”\(^8\) The minister of Public Safety can designate a POE on the basis of the following factors:

\(^26\) The Minister may, on the basis of the following factors, designate a place as a port of entry as well as the port of entry’s dates and hours of operation:

(a) the frequency or anticipated frequency of persons arriving from abroad in the area under consideration;
(b) the need for the services of the Canada Border Services Agency in that area;
(c) the operational requirements of commercial transporters;
(d) administrative arrangements with other departments or agencies of the Government of Canada;
(e) the operational capacity of the Canada Border Services Agency; and
(f) any order or regulation made by the Governor in Council under the Emergencies Act or the Quarantine Act that prohibits the entry of certain persons into Canada.\(^9\)

The Canadian government provides a glossary of terms used on its website, but they are not considered legal definitions. The glossary defines a Port of Entry (POE) as “[a] place where a person may seek entry into Canada, such as at an airport, land or marine border crossing.”\(^10\)

The Highway/Land Border Office (HWY/B) is a “CBSA highway port of entry for the processing of travellers, crew and/or for the reporting and clearing of commercial goods.”\(^11\)

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\(^7\) Inland Enforcement Program, CBSA, https://perma.cc/XNH4-4WDV.


\(^9\) Id. § 26.

\(^10\) Glossary, Gov’t Can., https://perma.cc/Z38Y-TMWQ.

III. Management of LPOE

Land border crossings are managed by the CBSA, which is in charge of 107 land border ports of entry.12 The CBSA provides “clearance, control and examination services, on behalf of other government departments and agencies, for travellers, importers and exporters, at close to 1,200 points of entry (POE), including land border offices . . . ”13

IV. Projects for Construction and Management of LPOE Facilities

A. Authority and Source of Funding

The authority to fund the construction and management of LPOEs in Canada comes from the Canadian government. The government allocates funds to the CBSA from the Annual National Budget for projects involving border management and modernizing initiatives,14 and the agency and the minister of Public Safety are responsible for project implementation.15 The CBSA is in the process of implementing a number of projects to modernize and upgrade infrastructure and technology that are detailed below. These projects are intended to improve travelers’ border crossing experience without compromising the border’s safety and security and streamline the efficient flow of people and goods across the border. The latter goal is considered vital for international trade and Canada’s economic competitiveness.16

B. Land Border Crossing Project

As part of CBSA’s Border Transformation initiative and its “commitment to border modernization,” the agency will upgrade or replace 24 ports of entry to “improve the border crossing experience for travellers, provide border services officers with upgraded infrastructure and technology.”17 According to the CBSA

The 24 ports of entry are a mix of full service, medium and low volume ports. The full service ports will have major infrastructure enhancements, while the smaller ports of entry will be completely rebuilt. The ports of entry will remain open during the construction process. Travellers will be informed of potential impacts and disruptions to services and operations.18

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15 Canada Border Services Agency: Departmental Plan (2023 to 2024), CBSA (2023), https://perma.cc/3XDM-YXWX.
18 Land Border Crossing Project, CBSA, supra, note 12.
The following is a summary of one of the LPOE projects being conducted in Alberta:

In support of the Canada Border Services Agency’s Border Transformation initiative, the Land Border Crossing Project seeks to renovate or rebuild 24 land border ports of entry (POE) to modernize its custodial facilities. Included as part of this initiative, is the project at Wild Horse POE. It will consist of a prefabricated building that will be transported and installed at the location of the current port of entry. The new building will replace the current facility that is past its lifecycle, and will be rebuilt within the existing site footprint. The CBSA will use building and construction methods to reduce greenhouse gas emissions, contribute to sustainable development commitments by integrating climate change resilience into the design, construction, and operational aspects of the project and by reducing the environmental impact of structural construction materials using recycled and lower-carbon materials. Temporary facilities have been installed in order to keep the port of entry operational during construction. This project will consist of multiple phases. First, the project will demolish any required outbuildings. This will be followed by site preparations for the new facility, and then finally the construction of the new facility along with new roadways. Once commissioned and deemed operational, the staff will move into the new facility. The old Port of Entry will be demolished and any site works corrected to bring the new facility to operational efficiency.19

C. Traveler Modernization Initiative

To transform traveler processing, the CBSA has implemented a Traveler Modernization initiative.20 This is intended to “both improve CBSA operations and make the traveller experience more expedient and seamless, by leveraging new technologies like facial verification.”21 This includes introducing “digital technologies and tools for both travellers and border services officers” that will “encourage more touchless and faster border processing, reduce possible disease transmission points, and help ensure the long-term safety, security and integrity of Canada’s borders.”22

According to a departmental plan,

CBSA’s Traveller Modernization initiative is aiming to improve and expand border processing solutions, allowing the Agency to keep pace and work effectively with other countries that are taking similar approaches to manage their borders, while meeting the expectations of travellers and stakeholders for an efficient border experience.23

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22 CBSA, News Release, Make Your Customs and Immigration Declaration in Advance and Save Time at the Border (Aug. 3, 2022), https://perma.cc/6SC4-RUME.

23 Canada Border Services Agency: Departmental Plan (2023 to 2024) (2023), supra note 16.
According to Public Safety Canada, [t]his initiative was notionally funded through Budget 2021. The CBSA plans to deliver Traveller Modernization, which is comprised of eight sub-initiatives and a suite of legislative and regulatory amendments, by 2028.” 24

24 Id.
SUMMARY  Chile has vast land border limits with three countries: Argentina, Bolivia, and Peru. Several Chilean government agencies are involved in deciding on the establishment and management of land ports of entry (LPOEs) into the country. No legislation was located that expressly provides for the participation of private entities in the management of LPOEs. Current agreements with Argentina aim for integrated and joint management and administration of the common land border between the two countries concerning customs, immigration, health, and transportation matters, and they encompass the exit and entry of private vehicles, passenger transport, and merchandise between their territories. Chile also has signed a treaty with Bolivia providing for the integrated management of land ports of entry between the two countries. An administrative agreement with Peru provides for the same integrated control and administration of the border. Finally, pending projects for new or remodeled LPOEs worth about $118 million are listed on the Chilean Border Crossing Unit’s website.

I. Introduction

Chile has a coastline along the Pacific Ocean of 6,435 kilometers (km) (about 4,000 miles) and land boundaries with three countries: to the north, with Peru (168 km (about 104 miles)) and Bolivia (942 km (about 585 miles)), and to the east, with Argentina (6,691 km (about 4,158 miles)).

II. Definition of Land Ports of Entry

A Paso Fronterizo Terrestre (Land Border Crossing) is “the geographical place located in the International Political Boundary (LPI) allowing the land entry to and exit from the country.”

III. Management of LPOEs by Private Entities

We were unable to find any legislation or regulations expressly authorizing the management of LPOEs by private entities. It is possible that the Concessions Law of 1991, which allows the Ministry of Public Works to grant concessions on public works, may apply to the construction or management of LPOEs in Chile.

1 The World Factbook, CIA, (last updated Aug. 8, 2023), https://perma.cc/2AYR-CB3Z.
IV. Authority Over Opening New LPOEs or Modernizing Facilities

Three Chilean government agencies seem to have a role concerning the opening of new LPOEs or the modernizing of existing facilities.

The Border Crossing Program Commission for the Administration of Border Complexes was created in 1994 under the Ministry of the Interior. It is chaired by the undersecretary of the Interior and is composed of all the public services and agencies directly linked to the land movement of persons, merchandise, and vehicles. The commission is also tasked with formulating a program of activities and investment projects within its sphere of functions and to support governmental services at the border, in coordination with authorities from neighboring countries.

The Dirección de Fronteras (Department of Borders) has power to approve programs for the development of border areas and act as a coordinating entity between ministries and other government agencies. It provides technical coordination to state agencies and “bilaterally, with the neighboring countries, for the operation of control services on matters of physical integration, the opening and closing of border crossing points, the development of transboundary interconnecting roads [and] bi-oceanic corridors.”

The Unidad de Pasos Fronterizos (Border Crossing Unit) was instituted in 2018 through a presidential resolution with the task of designing and implementing a coordination and supervision framework for the support of the Chilean government entities in charge of managing the border crossings and complexes existing in the country. The unit is under the Ministry of the Interior and Public Security’s Department of Foreigners and Migration. In particular, the unit’s functions include

- providing support for a unified central, regional, and institutional management structure enabling an expeditious passage of persons and merchandise at the borders,
- collaborating with the public services performing control tasks in border areas, and
- intervening in public procurement processes allowing the competent authorities to correctly use financial and administrative resources at border facilities.

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5 Id. art. 5.
6 What is DIFROL?, Borders Dep’t, https://perma.cc/Q7XN-78RM.
7 Resolución Exenta No. 404, del 15 de enero de 2018, del Subsecretario del Interior, que crea la Unidad de Pasos Fronterizos, art. 1, para. 1, https://perma.cc/UGY6-UN4G.
8 Id. art. 6.
9 Id. art. 3(1–3).
V. Bilateral Treaties Relevant for the Management of LPOEs

Chile has reached agreements with all three of its neighboring countries that are relevant to determine the management of Chilean LPOEs.

A. Bilateral Treaties with Argentina

In 1997, Chile and Argentina signed a Supplementary Agreement to the Agreement on Coordination for the Opening and Closing of Border Crossings (1997).\textsuperscript{10} Under the supplementary agreement, border crossings may be enabled permanently, temporarily or occasionally, for the purpose of the transit of persons, vehicles, and merchandise, according to each country’s internal legislation.\textsuperscript{11} The parties agreed to exchange information when opening a new border crossing, including the name of the crossing, the type of authorizations to be granted (permanent, temporary or occasional), and the authorization regime for each crossing.\textsuperscript{12} The agreement includes an annex with the list of the existing border crossings, both permanent and temporary, and commits to update the list periodically.\textsuperscript{13}

In addition, a treaty signed by Chile and Argentina in 2002 recognizes that each country’s legal, regulatory, and administrative provisions regarding customs, immigration, health, and transportation have full force in the Integrated Control Area created by the parties.\textsuperscript{14} Customs controls are carried out by officials of both parties in the Integrated Control Area, and include legislative and regulatory regime for customs control of each party; the export and import of merchandise under a special trade regime or border traffic; the exit and entry of private vehicles and passenger transport and merchandise, including neighborhood traffic; and the luggage of travelers.\textsuperscript{15}

Under the agreement, the parties may apply selective control criteria with respect to the merchandise submitted for dispatch,\textsuperscript{16} and for the control of passenger luggage or tourists.\textsuperscript{17} When one of the parties has authorized the exit of goods and the other party does not authorize

\textsuperscript{10} Acuerdo Complementario entre el Gobierno de la República de Chile y el Gobierno de la República Argentina del Acuerdo Sobre Coordinación de Apertura y Cierre de Pasos Fronterizos (1997), art. 2, \url{https://perma.cc/UCL9-CXBX}.
\textsuperscript{11} Id. art. 2.
\textsuperscript{12} Id. art. 3, para. 1.
\textsuperscript{13} Id. art. 4.
\textsuperscript{14} Tratado sobre Controles Integrados de Frontera Chile – Argentina (2002), art. 2, \url{https://perma.cc/KA7E-3KQ5}.
\textsuperscript{15} Id. art. 17.
\textsuperscript{16} Id. art. 19, para. 1.
\textsuperscript{17} Id. art. 19, para. 2.
the entry based on applicable legal, regulatory or administrative provisions, the merchandise must re-enter the country of departure, without applying the rules of export.\textsuperscript{18}

The registration and customs control concerning the entry and exit of private vehicles is exercised in the Integrated Control Area by the customs officials of both the country of departure and the country of entry.\textsuperscript{19} The exit and entry of means of transportation for passengers and merchandise are governed by the Agreement on International Terrestrial Transport between the countries of the Southern Cone.\textsuperscript{20}

Imports of animals and products subject to animal health control measures must possess the prior authorization granted by the health authority of the importing country, including the date of the attempted entry through a border crossing.\textsuperscript{21}

Each party’s competent agencies are responsible for the use, administration, and preservation of the immigration and custom control facilities, including their safety and the integrity of all their equipment.\textsuperscript{22} All such operations and others identified by the respective customs administrations of the parties may be replaced by mechanisms for computer integration of customs procedures.\textsuperscript{23}

Through the Second Supplemental Agreement of 2002, the parties updated the list of their authorized land crossings.\textsuperscript{24} Also, by a Memorandum of Understanding of 2003, the parties created an integrated border control system for the “Cristo Redentor” crossing.\textsuperscript{25}

Finally, in a Joint Presidential Declaration of 2003, the parties committed to adopt the necessary measures beginning January 1, 2004, to allow the free entry and exit of Argentine and Chilean citizens and permanent residents in both countries through land, air, and sea border posts, with the mere display of an identity or travel document, without this implying modification of the legislation of each country regarding the settlement of persons and categorization of work.\textsuperscript{26}

\begin{flushleft}
\textsuperscript{18} Id. art. 20. \\
\textsuperscript{19} Id. art. 22(a). \\
\textsuperscript{20} Id. art. 23. \\
\textsuperscript{21} Id. art. 35. \\
\textsuperscript{22} Id. art. 47(c). \\
\textsuperscript{23} Id. art. 24. \\
\textsuperscript{24} Segundo Acuerdo Complementario entre el Gobierno de la República de Chile y el Gobierno de la República Argentina del Acuerdo Sobre Coordinación de Apertura y Cierre de Pasos Fronterizos (2002), https://perma.cc/MZ5G-QD6M. \\
\textsuperscript{25} Memorándum de Entendimiento sobre el Control Integrado de Frontera “Sistema Cristo Redentor” (2003), https://perma.cc/2TFL-798Z. \\
\textsuperscript{26} Declaración Presidencial Conjunta sobre Libre Circulación de Personas entre Chile y Argentina (Aug. 28, 2003), https://perma.cc/4VP2-8AZU.
\end{flushleft}
B. Bilateral Treaty with Bolivia

In 2004, Chile and Bolivia signed an Agreement on Integrated Border Controls in order to simplify and expedite checkpoint activities at their common border. The parties also committed to establish integrated control facilities within their common boundaries, to be located on either or both sides of the border, or overlapping their international boundary. Officials of each country exercise control functions in the integrated control area, applying their respective country’s laws, regulations, and administrative procedures concerning customs, immigration, health, and transportation matters. To that effect, after the control of the country of departure in the integrated control area is fully concluded, the control of the country of entry may commence.

The agencies of each country are empowered to collect, in the integrated control area, all taxes, rates, and other fiscal burdens, in accordance with their respective legislation. The facilities are an integral part of the integrated control area.

The parties further agreed to execute supplementary agreements regarding offsetting mechanisms for the reimbursement or payment of expenses related to the construction and maintenance of buildings in the integrated control area or in the other country.

Finally, the parties also agreed to carry out operational and administrative activities in the integrated control area through joint coordination initiatives.

C. Agreement with Peru

In 2017, Chile and Peru implemented an integrated control service at their common border, whereby to facilitate the passage of travelers transiting from one country to another.

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27 Convenio sobre Controles Integrados de Frontera entre la República de Chile y la República de Bolivia, suscrito el 17 de febrero de 2004 y publicado en el Diario Oficial del 06 de diciembre de 2006, art. 2, para. 1, https://perma.cc/SVC2-S9LV.
28 Id.
29 Id. art. 3, para. 1.
30 Id. art. 3, para. 2.
31 Id. art. 4, para. 1.
32 Id. art. 7, para. 1.
33 Id. art. 19.
34 Id. art. 24.
35 Id. art. 21.
VI. Source of Funding

LPOEs seem to be funded through the country’s general appropriations legislation, as no specific legislation on the matter was found.

VII. Projects for New LPOEs

The following border projects are listed as pending in the Border Crossing Unit’s website:

- Complejo Fronterizo Chungará: $21 Millones Chilean Pesos (CLP) (about US$24.5 million),
- Nuevo Complejo Los Libertadores Concesionado: CLP74.351 Millones (about US$85 million), and
- Complejo Fronterizo Huemules: CLP7.045 Millones (about US$8.2 million).\(^{37}\)

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\(^{37}\) Proyectos en Ejecución, Unidad de Pasos Fronterizos, https://perma.cc/98SC-8T8P.
SUMMARY

In China, the state sets up exit and entry frontier inspection agencies (border inspection stations) at designated ports that are open to foreign countries (open ports). The exit and entry frontier inspection agencies manage the restricted zones in the open ports. While the National Immigration Administration in the Ministry of Public Security is responsible for the border inspection for citizens, foreigners, and vehicles crossing the border, the General Administration of Customs of China is responsible for the supervision and management of the open ports on the border.

The opening of new state open ports is in general initiated by provincial level governments and approved by the State Council. The projects of building and upgrading inspection infrastructure in the open ports, which include buildings used for immigration inspection, may receive funding from the central government infrastructure construction and investment funds, and local governments are responsible for providing the rest of the funding.

I. Introduction

The People’s Republic of China (PRC or China) has one of the longest land borders of any country, stretching over 22,000 kilometers. It shares borders with fourteen countries: North Korea, Russia, Mongolia, Kazakhstan, Kyrgyzstan, Tajikistan, Afghanistan, Pakistan, India, Nepal, Bhutan, Burma, Laos, and Vietnam.¹

The exit and entry of citizens and foreigners, as well as the inspection of vehicles crossing the border are primarily governed by the Law on the Administration of Exit and Entry (Exit and Entry Law).² According to the law, the state sets up exit and entry frontier inspection agencies (border inspection stations) at designated ports open to foreign countries (open ports³). Unless otherwise approved by the State Council or by the departments authorized by the State Council under special circumstance, citizens, foreigners, and transport vehicles may exit or enter China only via these ports and must be subject to exit and entry frontier inspection.⁴

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³ 口岸 in Chinese.
⁴ Exit and Entry Law art. 6.
The Exit and Entry Law does not define the term “open ports.” The term is defined by the Provisions on the Opening of Ports, which were issued by the State Council (central government) in 1985 (1985 State Council Provisions), as “harbors, airports, stations, thoroughfares, etc., which are used for personnel, goods, or vehicles to enter or leave the country.”

According to official statistics issued by the General Administration of Customs of China (GACC), as of May 31, 2023, there are a total of 315 open ports that have been approved by the State Council, including 129 water ports, 83 air ports, 21 railway ports, and 82 highway ports. While official statistics regarding the current number of border inspection stations are unavailable, a 2018 news report indicated that there were 302 border inspection stations established in a total of 305 open ports across the country at that time.

II. Management of Land Ports of Entry

Under China’s newly passed Land Border Law, the national immigration management department, i.e. the National Immigration Administration in the Ministry of Public Security, is responsible for immigration administration in border areas and conducts border inspections. The General Administration of Customs of China (GACC) is responsible for the supervision and management of border ports and conducts customs supervision and quarantine for vehicles, merchandises, goods, and persons crossing the border. The National Port Administration Office (NPAO) established in the GACC is tasked to coordinate port customs clearance work across the relevant authorities.

According to the Exit and Entry Law, exit and entry frontier inspection agencies manage the restricted zones in ports. In the restricted zones, for the purposes of safeguarding national security and maintaining the order of exit and entry administration, border inspection authorities conduct border inspections on the belongings of the persons crossing the border. They may also conduct border inspections on the goods carried by transport vehicles crossing the border; however, the border inspection authorities must notify the GACC of such inspections.

The Regulations on Exit and Entry Frontier Inspection, which were issued by the State Council in 1995, set out the following duties of border inspection stations:

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10 Exit and Entry Law art. 6.
carrying out frontier inspection on persons leaving or entering the country and their luggage and other personal belongings, and on means of transport leaving or entering the country and their freight.

(2) exercising supervision on means of transportation leaving or entering the country in accordance with the relevant provisions of the State;

(3) guarding restricted areas in ports and maintaining the order of exit and entry; and

(4) performing other functions assigned by the competent authorities or stipulated by other laws and administrative regulations. ¹¹

III. Construction and Modernization of Land Ports of Entry Facilities

A. Opening of New Ports

In general, the opening of new state open ports is initiated by the provincial level government and approved by the State Council. For matters such as the framework and staffing of inspection stations, national infrastructure construction funding, and protection of military facilities, the NPAO will consult and coordinate with other relevant central authorities. The Opinions of the State Council on Improving Management of Open Ports and Supporting Foreign Trade Development, which were issued in 2015 (2015 State Council Opinions), describe the working process of the opening of new open ports, as follows:

The people’s governments of provinces, autonomous regions, and municipalities directly under the Central Government should file port opening applications in accordance with the national port development plan and the port opening requirements, and the framework and staffing of port inspection agencies, allowances for national infrastructure construction, investment and protection measures for military facilities shall be determined by the national port administrative agencies together with the State Commission Office for Public Sector Reform, the relevant departments of the State Council, and the General Political Department through consultation. ¹²

The 1985 State Council Provisions also allowed provincial level governments to approve and manage certain “category-2 ports,” which appeared to be restricted to limited purposes, such as for the exit or entry of local residents in the border areas. ¹³

B. Funding

The 2015 State Council Opinions state that “multiple funding channels” are to be used for upgrading open ports on the border and for construction of inspection facilities. The projects of


¹³ 1985 State Council Provisions art. 5(2), supra note 5.
construction and upgrading inspection infrastructure at the state open ports may receive funding from the central government infrastructure construction and investment funds.\textsuperscript{14}

The “inspection infrastructure” includes office buildings used by various inspection agencies, including the immigration inspection agencies.\textsuperscript{15} The central government provides up to 100\% of the funding to projects in Tibet and certain areas in Xinjiang, and up to 60\% to 80\% to projects in other areas.\textsuperscript{16} Local governments are responsible for providing the rest of the funding.\textsuperscript{17} When granting the funds, priority will be given to ports that the State Council newly approved to open, ports that have been listed in certain key state development plans, and as well to land border ports with poor infrastructure that are vulnerable to risks of epidemic import.\textsuperscript{18}

\textsuperscript{14} Id.


\textsuperscript{16} Id. art. 8.

\textsuperscript{17} Id. art. 7.

\textsuperscript{18} Id. art. 9.
Finland

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SUMMARY
Finland shares land borders with Norway, Sweden, and Russia. Finland’s border with Russia is the only land border with a non-Schengen-Area member, making it Finland’s only external land border. Finland does not have border stations on the border with Norway and Sweden.

The Finnish Border Guard operates all of Finland’s border crossings, including air, sea, and land crossings. In total there are 11 land border crossings on the Finnish-Russian border. The Border Guard is financed by public funds in the Finnish state budget, as proposed by the Ministry of the Interior and approved by the parliament. It may also receive external funding from another government agency or the European Union.

Senate Properties, the Finnish government maintenance agency for state-owned buildings, is jointly responsible for the maintenance of border guard buildings together with the Border Guard. With respect to larger infrastructure projects, the Border Guard also cooperates with government agencies such as the Finnish Transport Infrastructure Agency.

Several recent infrastructure projects have been conducted at the Finnish border with Russia, specifically, at the Vartius, Vainikkalla, Imatra, Parikkala, Raja-Jooseppi, and Valimaa border crossing points. These projects have been funded in different ways. The Varitus project was a joint project under the Finnish Infrastructure Transport Agency, the ELY Centre for North Ostrobothnia, the Finnish Border Guard, the Customs, Senate Properties, the Radiation and Nuclear Safety Authority, and Fintraffic. The Vainikkalla, Imatra, Raaja-Jooseppi, and Valimaa projects are funded by the European Union (EU) and the Finnish government. The Parikkala project was funded by the EU, the Russian Federation, and the Finnish government. In addition, the Finnish Border Guard was tasked with building a government-funded fence on the Russian border.

I. Introduction
Finland shares a land border with Norway, Russia, and Sweden.

A. Schengen Area

As a member of the European Union (EU), Finland is also a member of the Schengen Union, as are Norway and Sweden, making the borders with them internal Schengen borders. Foreigners who enter Finland through any of its land borders may continue to travel within the Schengen Area.1 Finland’s border with Sweden is 550 kilometers (342 miles) long but passes mostly through

waterways. Finland’s border with Norway is 736 kilometers (457 miles). There are no border stations with Norway and Sweden. However, temporary border controls were established on the Swedish-Finnish and Norwegian-Finnish border during the COVID pandemic, and from July 8 to July 15, 2023, for a visit by US President Joe Biden. The Schengen Codex provides that border controls internal to the Schengen Area may be used when there is “a serious threat to public policy or internal security.”

B. Schengen External Border

In addition to its Schengen internal land borders, Finland also has a 1,324-kilometer (823-mile) Schengen external border with Russia. The Finnish border with Russia includes a border zone, access to and movement within which are restricted.

Because Finland is a member of the Schengen Area, foreigners who enter Finland through any of its land borders may continue to travel within the Schengen Area.

Finland has nine permanent land border stations on the Russian border. Specifically, the international land ports of entry (LPOEs) are Rajajooseppi, Salla, Kuusamo, Vartius, Niirala, Imatra, Nuijamaa, Vainikkala (only rail), and Vaalimaa. In addition, Finland has two temporary LPOEs on the border with Russia, in Enare (Lieksa) and Parikkala.

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3 Kartverket, Ny Grenseoppgang mellom Norge og Finland (Apr. 28, 2022), https://perma.cc/P8GW-V7XL.
4 Press Release, Finnish Border Guard, Internal Border Control Reinstated for Traffic between Finland and All Schengen Countries as of 28 December (Dec. 23, 2021), https://perma.cc/P7A7-GKQA.
6 Schengen Border Code art. 25.
7 Maanmittauslaito, Kartta: Suomen tasavallan ja Venäjän federaation välisestä valtakunnanrajasta, https://perma.cc/KPH7-6RCM.
10 Id. Contact information for each LPOE station can be found at Finnish Border Guard, Contact Information, https://perma.cc/8FHQ-H6GA.
II. Land Ports of Entry

A. Definition

Land ports of entry are referred to as land-border crossing points in Finland. There are 11 LPOEs—nine permanent and two temporary—in Finland, all managed by the Finnish Border Guard.¹¹

B. Legislation

The management of the border is governed by several legal texts—specifically, the Act on Border Control,¹² the Act on the Management of the Finnish Border Guard,¹³ the Government’s Regulation on Border Crossing Points and the Division of the Related Border Control Tasks,¹⁴ and the Act on the Management of Personal Data by the Finnish Border Guard.¹⁵

The Government Regulation on the Border Crossings and the Division of Border Control Tasks specifies the division of border tasks between the Finnish Customs Agency, the Border Guard, and the Finnish Police.¹⁶ The Finnish Border Guard is responsible for all the LPOEs.¹⁷


C. Management and Oversight of the Border, Border Guard, and Facilities

The main government agency overseeing the Finnish border is the Finnish Border Guard. The Finnish Border Guard is under the control of the Finnish Interior Ministry. The Finnish minister of the interior makes decisions on whether to open a new border station or close an existing one.19

The LPOE buildings and facilities are managed together with Senate Properties (Senaati/Senafastigheter), “the work environment partner of the Finnish government.”20 In addition, the Finnish Border Guard cooperates with the Finnish Customs and Finnish Police in what is known as PCB cooperation related to the border operations.21

D. Funding of LPOEs

Regular day-to-day funding of the LPOEs falls under the Finnish Border Guard budget, which is proposed by the Ministry of the Interior and approved by the Finnish parliament. Larger projects, however, can be funded with external fund sources, typically EU funds, as well as funding from other government agencies.23 For examples of recent projects, including sources of funding, see Part II below. The largest percentage of the state property budget is for security agency properties, which includes the Border Guard buildings and premises.24

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24 Senaatti, Så Här Gör Vi, https://perma.cc/KWH5-PNCZ.
III. Land Ports of Entry Projects

There nine permanent and two temporary external LPOEs in Finland. There are currently no initiatives to open additional external LPOEs in the country. It is the minister of the interior who decides whether a new LPOE should be opened or modernized. In addition to government funding, projects may also be funded through external funding. The Ministry of the Interior has not published any publicly available guidance on when to modernize an existing LPOE or when to open a new one.

Finland has undertaken several recent projects related to its international LPOEs. Most of them have been co-funded by the EU, and all have been on the Russian border. Projects that involve road or rail maintenance in connection to the LPOEs are managed by the Finnish Transport Infrastructure Agency, which is responsible for road and rail infrastructure and coordinating related projects. Recently, the agency has coordinated several projects for border crossing points. The Finnish Border Guard is currently responsible for building a border fence with Russia using public funds.

A. Vartius LPOE

The Vartius Project included improvements to both the LPOE buildings’ structures and road infrastructure, such as lane arrangements.

1. Responsible Actors

The project was a large collaboration of several actors—specifically, “the FTIA [Finnish Infrastructure Transport Agency], the ELY Centre for North Ostrobothnia, the Finnish Border Guard, the Customs, Senate Properties, the Radiation and Nuclear Safety Authority and Fintraffic.”


26 RAJA, supra note 23.


31 Finnish Transport Infrastructure Agency, supra note 27.

32 Id.

2. **Funding**

A majority of the costs associated with the Vartius Project were funded via the Karelia CBC [Cross-Border Cooperation] Programme.\(^{34}\) The Karelia CBC Programme is a joint initiative between the EU, Finland, and the Russian Federation that is meant to benefit both Finland and Russia.\(^{35}\)

**B. Vainikkalla LPOE**

1. **Background**

Another LPOE project is the Vainikkalla LPOE Project.\(^{36}\) According to the project documents on the EU website for the project, “Vainikkala large infrastructure project aims at improvement of border crossing fluency of legal transports and passengers in Vainikkala border-crossing point and increasing safety on both sides of the border area.”\(^{37}\)

2. **Funding**

The Vainikkala Project included funding from the South-East Finland-Russia CBC 2014-2020 programme, funded by the EU and Finland.\(^{38}\) The purpose of the program is to promote the South-East Finland/Russia region.\(^{39}\)

**C. Imatra**

1. **Background**

The Imatra Project involved new traffic patterns and updating the crossing point’s x-ray machine.\(^{40}\)

2. **Funding**

The Imatra Project was funded by the South-East Finland-Russia CBC 2014-2020.\(^{41}\)

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\(^{34}\) Finnish Transport Infrastructure Agency, supra note 27.


\(^{36}\) Finnish Transport Infrastructure Agency, supra note 27.

\(^{37}\) Vainikkala Railway Station (Border Crossing Point), Keep.eu, https://perma.cc/SJ5L-SKZ5.

\(^{38}\) Id.

\(^{39}\) CBC 2014-2020 South East Finland-Russia, Programmes, https://perma.cc/5HBG-4CEM.


\(^{41}\) Id.
D. Parikkala LPOE

1. Background

The Parikkala improvement project included traffic infrastructure work.\(^{42}\)

2. Funding

The Parikkala LPOE was funded by the European Neighbourhood Instrument, Cross Border Cooperation, as part of the South-East Finland-Russia CBC programme,\(^{43}\) which is funded by the EU, Finland, and the Russian Federation.\(^{44}\)

E. Raja-Jooseppi LPOE

1. Background

The Raja-Hooseppi LPOE project included construction of a new border control building and updates to traffic infrastructure.\(^{45}\)

The Raja-Jooseppi project was funded by the Kolarctic CBC.\(^{46}\) “The Kolarctic CBC is a cross-border cooperation programme aimed at promoting the attractiveness of the region. The programme is funded by the European Union, Finland, Sweden and Norway.”\(^{47}\)

F. Vaalimaa LPOE

1. Background

The Vaalima project included both infrastructure (parking) updates and modernization of the areas used by border staff and of the border crossing’s x-ray equipment.\(^{48}\)

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\(^{43}\) Id.

\(^{44}\) Id.


\(^{46}\) Id.

\(^{47}\) Id.

2.  *Funding*

The Vaalima project was funded as part of the EU-funded and EU Commission-approved South-East Finland-Russia CBC 2014-2020 cross-border cooperation program. The project at Vaalima is meant to improve “the security and flow of traffic at border crossing points between Finland and Russia.”

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49 Id.

50 Id.
SUMMARY  
Land ports of entry (LPOEs) on Greece’s borders are designated by presidential decree. Security and immigration services at LPOEs are provided by the national police force under the regular hierarchy of the Ministry of Citizen Protection, while local governments at the regional and supra-regional levels are given the responsibility to construct, maintain, and supervise the operation of LPOEs and administer the staffing for services that are not provided by the central government. Some construction and modernization projects related to LPOEs receive European Union funding instruments, in particular, under the Interreg and Interreg IPA programs funded by the European Regional Development Fund.

I. Introduction

Greece shares a land border with Albania, North Macedonia, and Bulgaria in the north, and with Turkey in the northeast. In total, Greece has designated 14 land ports of entry (LPOEs) through its land borders. Specifically, LPOEs currently in operation are the Kipi (road), Kastanies (road), and Pythio (rail) LPOEs on the Turkish border, the Promachonas (road/rail), Kato Nevrokopi (road), and Makaza (road) LPOEs on the Bulgarian border, the Evzoni (road), Niki (road), and Idomeni (rail) LPOEs on the North Macedonian border, and the Mavromati, Kakavia, Drimades, Konitsa/Mertziani, and Kristallopigi (all road) LPOEs on the Albanian border.

Law 2647/1998 provides that LPOEs are to be established by presidential decree issued in pursuance to a proposal of the Ministry of Interior and other relevant ministries which will define the spatial characteristics of the LPOE and the public services that will be provided therein.¹

II. Definition of LPOE

“Border station”—the Greek equivalent of the concept of LPOE—is defined in the law as “all services [provided] at designated points of the land borders which are mandated to exercise control, according to their competence, of persons and goods entering and leaving the country, as well as the services dedicated to the provision of relevant information and services.”²

III. Construction and Management of LPOE Facilities

Law 2647/1998 assigns to the Ministry of Interior the responsibility

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for the siting, installation and construction of [LPOEs] as well as the responsibility for defining the standard technical specifications for construction and operation for the compliance of the Hellenic Republic with the [EU laws related to the Schengen zone] and the full implementation of the relevant EU regulations as well as the requirements of the other services operating within the [LPOEs].

Procedures for the award and supervision of public works contracts related to the installation and other construction needs of LPOEs are carried out by the Ministry of Interior in conjunction with other bodies of the central government.

Non-public services may be provided in LPOEs if authorized by a joint decision of the Ministry of Interior and the Ministry of Finance. Rents determined by the joint ministerial decision and generated by the provision of non-public services are assigned to the regional development funds to be used to improve the facilities and operational needs of the LPOEs.

The regional executive is responsible for the appointment of officials who, in consultation with relevant state agencies, manage the operation of the complex and the allocation of facilities and premises to their various uses in accordance with agency needs. The regional executive is also responsible for the supervision of all operations other than those involving a specific function of a state agency. Units that undertake border policing, immigration and customs duties, phytosanitary and veterinary controls, and tourism promotion appear to operate within the hierarchy of their own ministerial administrative organizations. In particular, immigration and security enforcement at LPOEs falls under the jurisdiction of the Hellenic Police, which operate under the Ministry of Citizen Protection.

On the other hand, the responsibility of carrying out maintenance of the facilities and infrastructure of the LPOEs, and ensuring their proper functioning was transferred from the regional executive to the top executive of the decentralized administration in which the LPOE was located by an amendment of the law in 2022.

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3 Law 2647/1998, art. 9/2.
4 Law 4674/2020, art. 13/1.
7 Id.
Expenditures related to the construction, maintenance, and functioning of LPOEs are paid from the region in which the LPOE is located.\textsuperscript{11}

While Law 2647/1998 provides for the establishment of a Directorate of Border Stations for administrating its provisions, in fact this directorate appears not to have been established. A draft law reforming the organization and operation of LPOEs was submitted to the parliament in 2016.\textsuperscript{12} The explanatory statement of the draft law pointed out that the existing law did not provide a common mechanism that treated LPOEs as a single space and regulated LPOE services in a coordinated manner, and thus a new administrative framework to rationalize border services was needed.\textsuperscript{13} The bill did not become law.

Certain projects for construction of new LPOEs and modernization of existing ones benefit from subsidies under the Interreg and Interreg IPA programs funded by the European Regional Development Fund (ERDF), which is a European Union fund aiming at increasing investment in infrastructure in less developed regions.\textsuperscript{14} Interreg is an ERDF thematic program supporting cross-border cooperation, including cross-border mobility.\textsuperscript{15} Interreg IPA is an extension of the Interreg program to Western Balkan countries and Turkey. Interreg is providing funding for the building of the new LPOE at the Greece-Bulgaria border.\textsuperscript{16} The Interreg IPA program has funded multiple projects related to the modernization of border crossings between Greece and the Republic of North Macedonia.\textsuperscript{17}

\begin{footnotes}
\item Law 2647/1998, art. 9/8.
\item Explanatory Statement, supra note 8, at 1-2.
\item European Regional Development Fund, European Commission, https://perma.cc/Y7J5-54NB.
\item Id.
\item Approved Projects, Interreg – IPA CBC Greece-Macedonia, https://perma.cc/Q9BW-48ND.
\end{footnotes}
Ireland

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The Republic of Ireland is a small country located to the west and the south of the United Kingdom of Great Britain and Northern Ireland. The only external land border in the Republic of Ireland is between Northern Ireland, which is part of the United Kingdom of Great Britain and Northern Ireland, and the Republic of Ireland. Due to the common travel area, there are no passport controls or customs checks in place. Thus, due to the common travel area, and as the Republic of Ireland is an island, there do not appear to be any land ports of entry.


SUMMARY  Israel land and in-land water ports of entry (LPOEs) include border stations handling the passage of persons and transfer of goods from and into Egypt and Jordan. These LPOEs are managed by the Airport Authority (AA). The AA operates under the general supervision of the Minister of Transportation. The construction, maintenance, operation and development of LPOEs under AA's jurisdiction are financed from fees collected at the LPOEs' crossing terminals, from other revenues generated by AA, and from other sources made available to it. The AA budget and operations are subject to governmental oversight as appropriate.

LPOEs from and into territories administered by the Palestinian Authority (PA) are managed by the Land Crossings Authority, an auxiliary unit in the Ministry of Defense. The Land Crossings Authority operates in accordance with the policy of the Ministry of Defense and the instructions of the police and the Israel Security Agency. Projects for the establishment and modernization of crossing stations that are managed by the Ministry of Defense are initiated and funded by the ministry.

I. Introduction

Israel maintains land and in-land water ports of entry (LPOEs) with neighboring countries and with the Palestinian Authority (PA).

The Entry into Israel Law authorizes the Minister of Interior to establish “border stations” by order to be published in the official gazette. The Entry into Israel (Border Stations) Order, 5747-1987, accordingly, designates “border stations” including airports, land, and in-land water boundaries (LPOEs).

The Airports Authority (AA) is responsible for the passage of people and goods at LPOEs between Israel and neighboring countries. Crossings between Israel and Jordan and Egypt include: the Allenby Bridge (King Hussein) crossing, the Yitzhak Rabin Crossing (formerly the

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4 Allenby, Israel Airport Authority (IAA), https://perma.cc/M4B7-NHX8.
“Arava” Crossing, the Menahem Begin Border Terminal, the Jordan River House, and the Nizhana Land Border Crossing.

In addition to LPOEs with Egypt and Jordan, there are 16 land crossings between Israel and the Palestinian Authority (PA). These crossings are managed by the Land Crossings Authority.

II. Management of LPOEs

A. LPOEs Bordering Egypt and Jordan

In accordance with the Airports Authority Law (Temporary Order), 5740-1980, the AA is responsible for the operation of LPOEs between Israel and neighboring countries. The Airports Authority Law, 5737-1977 provisions apply to the extent relevant under the AA’s responsibilities for management of “land transit terminals for the movement of people, goods and vehicles.” The AA is under the general supervision of the Minister of Transportation.

B. LPOEs Bordering the Palestinian Authority

LPOEs between Israel and the PA are managed by the Land Crossings Authority.

The Crossings Administration was established in June 2005 with the aim of transferring to civilian management the activity of land crossings (between Israel and the PA). In 2009, the Administration was granted the status of an auxiliary unit in the Ministry of Defense and its name was changed to the Land Crossings Authority. The authority is headed by Erez Sidon and he reports directly to the Director General of the Ministry of Defense. The Land Crossings Authority operates in accordance with the policy of the Ministry of Defense and the instructions of the police and the Shin Bet [the Israel Security Agency].

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5 Yitzhak Rabin, IAA, https://perma.cc/M3PK-GD7F.
8 Nizhana Land Border Crossing, IAA, https://perma.cc/K42T-DNGT.
12 Airports Authority Law (Temporary Order), § 1.
13 Airports Authority Law, § 47.
In the process of transitioning the crossings to civilian management,

the soldiers operating the crossing in the areas of security, inspection, and identification are replaced with civilian personnel who are trained in a dedicated and professional manner in the field of security and operation of the crossings. At the same time, some of the most advanced technological systems in the world are being purchased and implemented in order to streamline and simplify the process of movement of goods and pedestrians through the crossings.

At the end of the process . . . the overall responsibility for operating the crossings is transferred from the IDF to the Land Crossings Authority.

Personnel at the civilian transitioned crossings consist of managers and employees of the Ministry of Defense (crossing manager, security officer, and operations manager) alongside employees of guard and security companies that won the Ministry of Defense tender.

The authority to operate the crossing by civilian personnel is granted by virtue of Government Decision B/43, which regulates the process of operating civilian transitioned crossings and the guiding bodies of the Land Crossings Authority (Shin Bet and the Israel Police).\(^\text{15}\)

The crossings managed by the Land Crossings Authority include commercial crossings, vehicular crossings, and pedestrian crossings.\(^\text{16}\)

III. Construction Projects and Management of LPOE Facilities

A. AA Managed LPOEs

1. Construction and Management Duties

The Airports Authority Law (Temporary Order) imposes the following duties with regard to LPOEs managed by the AA:

(1) To maintain, operate, develop, and manage the transit terminals specified in the Addendum (hereinafter – the Authority’s transit terminals), whether in Israel or abroad, to carry out planning and construction activities therein, and to provide ancillary services for all these activities;

(2) Take measures for the security of the Authority’s transit terminals and the persons, goods, vehicles, buildings, and equipment therein, in accordance with the instructions of the Minister of Transport.\(^\text{17}\)


\(^{17}\) Airports Authority Law (Temporary Order), § 2(a).
2. Decisions and Funding of Opening New LPOEs and Modernizing Facilities

The Airports Authority Law (Temporary Order) provides that

the construction, maintenance, operation, and development of the crossing terminals, and
any expenditure of the Authority for the fulfillment of its functions and the performance
of its powers under this Law, shall be financed from the fees collected at the crossing
terminals and from other revenues generated by the Authority therein, and from other
sources made available to it.\textsuperscript{18}

In accordance with the Airport Authority Law, which applies, subject to necessary adjustments,
to LPOEs, the AA’s activities in all areas must to the extent possible be “based on economic
calculations and as a self-sustaining enterprise.”\textsuperscript{19}

The AA must prepare and submit its budget for its ongoing operations to the Minister of
Transportation for approval, each year by July 31, as well as a plan and budget for the
development of each of its LPOEs for the business year beginning on the following January 1.
Each development plan and budget must provide details regarding the ways in which they are
expected to be funded. The Airports Authority Law provides that any “development plan and
budget, as well as an ongoing budget whose expenses are not fully covered by the Authority’s
revenues, requires government approval.”\textsuperscript{20}

The law further provides that the AA must “create and maintain funds for the renovation of the
buildings, facilities, and equipment of the Authority’s airports [and as appropriate, of LPOEs],
for the development of its airports [and LPOEs], for the expansion of services therein, and for the
payment of its debts.”\textsuperscript{21}

B. Land Crossings Administration of LPOEs

The Land Crossings Authority reports to the Ministry of Defense.\textsuperscript{22} Decisions on opening and
modernizing facilities at LPOEs that are managed by the Land Crossings Authority are likely to
be transferred to the ministry for approval and funding.

C. Involvement of Government Agencies and Private Organizations

Employees of the AA and of the Land Crossings Authority may be hired by public tender. The
status of AA’s employees is adapted to the civil service, subject to changes determined by the
Authority with government approval.\textsuperscript{23}

\textsuperscript{18} Id. § 3.
\textsuperscript{19} Airports Authority Law, § 7.
\textsuperscript{20} Id. § 37.
\textsuperscript{21} Id. § 40.
\textsuperscript{22} About, The Land Crossings Authority, supra note 14.
\textsuperscript{23} Airports Authority Law, § 25.
The AA is authorized to contract out some of its duties and services, except with regard to issues of safety and security and the security of the LPOEs, which require approval of the Minister of Transportation. The law authorizes the AA, with the approval of the Minister of Transportation, “to set arrangements and stipulate conditions for the provision of services, whether by itself or by others, including an engagement regarding the delivery of the performance of a service to others after a tender has been held.”

The Land Crossings Authority may contract with security guard companies that have won the Ministry of Defense tender for implementing its services.
SUMMARY  Mexico’s Institute of National Assets Administration (known as INDAABIN, its acronym in Spanish) is an agency affiliated with the Department of the Treasury and tasked with a number of administrative matters pertaining to federal infrastructure (including land ports of entry). As such, it establishes technical specifications for the construction, reconstruction, maintenance, administration and use of border ports and other federal facilities. Mexico’s Department of Interior has the authority to determine the places where border crossings are to be located, in consultation with the Departments of Treasury, Transportation, Health, Foreign Relations, and Agriculture, as well as any other agency that it deems necessary. Funding for border crossing infrastructure projects is derived from a number of sources depending on the type of project, including government appropriations and funds derived from fees collected by Mexican customs.

I. Introduction

Mexico has 47 land ports of entry (LPOEs) on its northern border with the United States of America and 7 LPOEs on its southern border with Guatemala and Belize.1 LPOEs are defined as “facilities established in federal property which includes the spaces required for the operation of the agencies involved in the control and supervision of immigration and customs procedures inherent to the entry and exit of people, vehicles and merchandise between Mexico and its neighboring countries.”2

The main agency on matters pertaining to immigration of individuals is the National Institute of Migration, part of Mexico’s Department of Interior,3 whereas the National Customs Agency (ANAM) is Mexico’s customs authority.4 Notably, Mexico’s Department of Defense was recently assigned to coordinate with ANAM in order to carry out certain customs operations at border crossings.

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1 Mapa Interactivo De Inmuebles Federales Compartidos, Instituto de Administración y Avalúos de Bienes Nacionales, June 20, 2023, https://perma.cc/C2GA-2T6K.
2 Palacios Federales, Puertos Fronterizos y CAITFs, Instituto de Administración y Avalúos de Bienes Nacionales, June 20, 2023, https://perma.cc/9Z45-7LAP.
3 Ley de Migracion, as amended through 2022, arts. 3-XIV, 19, Diario Oficial de la Federación (DOF), May 25, 2011, https://perma.cc/E66N-X6EF.
4 Decreto por el que se crea la Agencia Nacional de Aduanas de México como un órgano administrativo desconcentrado de la Secretaría de Hacienda y Crédito Público, art. 1, DOF, July 14, 2021, https://perma.cc/U7JM-WXVP.
crossings. This was done in an effort to address reports of corruption being prevalent in ANAM’s operations.

II. Administrative Management of LPOEs

The Institute of National Assets Administration (known as INDAABIN, its acronym in Spanish) is an agency affiliated with the Department of the Treasury and tasked with a number of administrative matters pertaining to federal infrastructure (including LPOEs), such as the following:

- INDAABIN establishes technical specifications for the construction, reconstruction, demolition, adaptation, conservation, maintenance, administration, and use of border ports and other federal facilities.
- It manages and maintains the federal government property designated for the operation of border crossings, and is responsible for developing designs for the construction, reconstruction, modification, or restoration of infrastructure on federal property.
- It supervises the implementation of these projects and is responsible for maintaining the space allocated in such properties.
- It also issues criteria and technical specifications for building, maintaining, and managing federal property, including border crossings.

III. Construction Projects and Management of LPOE Facilities

Mexico’s Department of Interior has the authority to determine the places where border crossings are to be located, in consultation with the Departments of Treasury, Transportation, Health, Foreign Relations, and Agriculture, as well as any other agency that it deems necessary. These agencies evaluate specific information for each stage of the development of border crossings as

5 Decreto por el que se reforman y adicionan diversas disposiciones del Reglamento Interior de la Secretaría de Hacienda y Crédito Público y del Reglamento Interior del Servicio de Administración Tributaria, y por el que se expide el Reglamento Interior de la Agencia Nacional de Aduanas de México, DOF, Dec. 21, 2021, https://perma.cc/E46K-SQL8.


provided by the legal framework of their respective duties and authority, so that the project may be jointly evaluated and eventually approved.9

Similarly, modernization projects of LPOEs involve a number of government agencies depending on the scope and nature of the work required.10 For example, if a project requires roadway construction leading to border crossings, then approval from the nation’s Department of Infrastructure and Transportation is necessary.11 If a project modifies federal buildings or facilities, it has to be approved by INDAABIN.12

Considerations made during the planning process for these projects include technical feasibility and socioeconomic benefits.13 Funding for border crossing infrastructure projects is derived from a number of sources depending on the type of project, including government appropriations and funds derived from fees collected by Mexican customs that are sent to the Federal Treasury and then assigned to trusts created for border projects.14

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10 Id. at 7, 77.

11 Id.

12 Id.

13 Id. at 46.

14 Id. at 7, 86, 92.
SUMMARY

All of Russia’s 221 land ports of entry are managed by the federal state enterprise known as the Directorate for Construction and Operation of Border Facilities (Rosgranstroi), which is subordinated to the Transportation Ministry. Rosgranstroi administers land ports of entry and manages their daily operations, coordinating the work of different federal agencies that are responsible for performing specific border control functions. Rosgranstroi organizes and monitors construction and remodeling of border crossing points, oversees the supply of necessary equipment, and ensures that points of entry meet standards for border crossing points established by the federal government. Operations and management of crossing points are funded by the federal government, although non-appropriated funds may also be used under some conditions.

I. Introduction

Russia is surrounded by 14 neighboring countries, and its land borders extend almost 14,000 miles.¹ Border crossing locations are defined by international treaties or government resolutions, which may also establish hours of operation for border crossing points and procedures for persons and vehicles to travel between the actual border and land ports of entry (LPOEs).²

Presently, Russia has 221 LPOEs. These include 133 crossing points for automotive vehicles, 70 railroad ports of entry, 5 inland river ports, 1 lake port of entry, 2 crossing points for pedestrians, and 10 mixed-use LPOEs. Of the 221 LPOEs, 44 are not currently in operation.³

Some mixed-use LPOEs are built on the Amur River at the border between Russia and China. They serve as river ports in summer and as crossing points for automobiles when the river is frozen during winter.⁴

LPOEs are divided by the type of transportation used at the border crossing, i.e., cars and trucks, trains, river or lake vessels, pedestrians, or mixed use. Some of them are open for crossing of passengers or cargo exclusively, while others allow both crossing of people and cargo.

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⁴ Id.
are established by the government for each LPOE individually, which may be open on a permanent, temporary, or seasonal basis. Some LPOEs have irregular work schedules.\(^5\)

Some LPOEs are designated as local border crossing points that serve individuals who have permanent residency in the border area. Such local crossing points are usually in remote areas far from highways or other transportation hubs. The declared goal for creation of local LPOEs is to maintain connections between settlements on different sides of the border. These crossing points are not open daily and allow border crossing during a limited number of hours. While authorities conduct regular border control procedures at these points, crossing at such points is allowed for local citizens of the two neighboring countries without being counted as a trip abroad and without stamping their passport.\(^6\) These bilateral crossing points were established shortly after the dissolution of the Soviet Union on borders between Russia and other former Soviet republics.

During the Soviet period, border control and management was conducted by border troops, which were a part of the state security apparatus. Varied military construction services assisted border troops in building and servicing LPOE facilities. After the dissolution of the Soviet Union the former internal boundaries that demarcated territory between the Russian Federation and other former Soviet republics, which had been of minimal administrative significance, became external state borders.\(^7\) In 2007, in order to build and maintain new borders, a new federal cabinet-level institution, the State Border Maintenance Agency, was created. This agency coordinated all activities in the field of border construction, including LPOEs.\(^8\) It was involved in drafting, construction, remodeling, equipment supply, IT, and telecommunications support of border infrastructure, as well as administration of border, customs, and other types of control. The agency was required to apply a so-called differentiated approach toward border maintenance, considering regional specifics and security needs.\(^9\) The agency was closed in 2016, and some of its functions were transferred to a federal state enterprise, the Directorate for Construction and Operation of Border Facilities (Rosgranstroii), which is subordinated to the Transportation Ministry.\(^10\)

### II. Definition of LPOEs

The Federal Law on the State Border defines an LPOE as a territory of land or water surface within the limits of train station, car park, or river port open for international traffic, or another specially allocated land plot where persons, transport vehicles, cargo, goods, or animals cross the border.

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\(^5\) Id.

\(^6\) Federal Law on the State Border, art. 16.


\(^9\) Id.

The territorial limits of LPOEs, and their specialization for the types of cargo, goods, and animals transferred through them, are established by the government of the Russian Federation.11

In addition to regular LPOEs, some border crossing points are specialized for particular types of cargo, goods or animals to be transferred through them. Specialized LPOEs are divided in two categories, those for transferring chemical, biological, and radioactive substances, industrial wastes, and goods possibly dangerous for humans; and those specialized for transfer of animals, products of animal husbandry, animal feed, and other products subject to quarantine requirements.12

III. Management of LPOEs

Regular management of LPOEs, including administration and coordination of work with local authorities and structures performing varied types of control functions at them, is entrusted in the Russian Ministry of Transportation, and specifically Rosgranstroi. Rosgranstroi ensures daily operations of LPOEs and is authorized to procure their construction, remodeling, and maintenance according to established financial rules.13 Russian legislation requires the following types of control to be conducted at LPOEs: border control; customs control, including control of vehicles used for border crossing; sanitary and biosafety control; phytosanitary and quarantine control; and veterinary control. Individual federal agencies perform these control functions according to their statutory responsibility through personnel assigned to individual LPOEs.14

A. Opening and Construction of LPOEs

As noted above, LPOEs are established according to international agreements of the Russian Federation or by orders of the federal government. Proposals to construct and open new LPOEs can be submitted by federal or regional executive authorities to the Ministry of Transportation. Such recommendations and justifications for opening a new LPOE should include cost estimates, land use and zoning permits, construction timeframes, and estimates of the LPOE’s operational capacity. The Ministry of Transportation, in coordination with ministries of Foreign Affairs and Economic Development, reviews the proposal, and if it decides to support it, submits its recommendation to the government. If the government approves the proposal, it will establish the name, classification, and specialization of the LPOE.15

11 Federal Law on the State Border, art. 9.
13 Federal Law on the State Border, art. 12.
15 Rules for Establishing, Opening, Functioning, Remodeling, and Closing Border Crossing Points, arts. 7-9.
Rosgranstroi prepares design documentation for construction, remodeling, or placing modular buildings at LPOE stations in cooperation with federal executive agencies in charge of conducting control at LPOEs.\textsuperscript{16}

In 2007, the government adopted a set of standards and general requirements for construction and remodeling of buildings as well as provision of equipment for LPOEs.\textsuperscript{17}

B. Operation of LPOEs

Daily operations of LPOEs are managed by Rosgranstroi and coordinated with the staff of other agencies performing control functions at LPOEs. An interagency commission has been created by the Ministry of Transportation to monitor the conditions of LPOEs and their conformance with standards and requirements, and to assess the need for modernization and renovation of them. This commission includes representatives from Rosgranstroi and other relevant ministries. In case deficiencies are found, the commission provides its conclusions to the government for review and making decisions on financial resources.\textsuperscript{18}

Funding for the design of LPOEs, construction of buildings and other facilities at border crossings, their remodeling, and equipment purchases occurs through federal budget appropriations or other legally permitted financial sources. The use of non-appropriated funds may also be allowed under the condition that all buildings, facilities, and equipment constructed or purchased using non-budgeted money will be gratuitously transferred to Rosgranstroi after completion of construction.\textsuperscript{19} Norms for funding and rules for the calculation of costs and federal budget allocations for renovation, remodeling, and maintenance of LPOEs are established by the federal government.\textsuperscript{20}

One of Rosgranstroi’s responsibilities is to recommend temporary closing of an LPOE in case of an emergency, imposition of border crossing restrictions, or the LPOE’s inability to meet standards required to ensure proper border crossing.\textsuperscript{21}

C. Modernization of LPOEs

Modernization of LPOEs is within Rosgranstroi’s responsibility. At each LPOE, the crossing point’s administration, which is supervised by Rosgranstroi, must ensure that the LPOE meets required standards.\textsuperscript{22}

\textsuperscript{16} Id. art. 14.


\textsuperscript{18} Rules for Establishing, Opening, Functioning, Remodeling, and Closing Border Crossing Points, arts. 22, 23.

\textsuperscript{19} Id. art. 3.1.


\textsuperscript{21} Rules for Establishing, Opening, Functioning, Remodeling, and Closing Border Crossing Points, art. 36.

As an example of its work on modernizing Russian LPOEs, Rosgrantstroii recently reported that it concluded agreements with contractors to equip points of entry with electronic reservation systems that would allow truck drivers to reserve time slots for passing border and customs control without waiting in a queue at the border.²³

SUMMARY  Land ports of entry (LPOEs) on Turkish borders are designated by presidential decree. Security and immigration services in LPOEs are administered by national police under the Ministry of Interior Affairs. Since 2002, many LPOEs are constructed and modernized through public-private partnership arrangements on the basis of the build-operate-transfer model, with long-term concessions granted to contractor private parties with regards to the provision of non-public services in LPOEs.

I. Introduction

Turkey shares a land border with Bulgaria and Greece in the west, with Armenia, Georgia, Iran, and the Nakhchivan Autonomous Republic (an exclave of Azerbaijan) in the east, and with Iraq and Syria in the southeast. In total, Turkey has 38 designated land ports of entry (LPOEs), enabling authorized crossings from its land borders. Of these 38 LPOEs, 30 are road crossings and eight are rail crossings. Ten out of the 30 road crossings and three out of the eight rail crossings are currently closed.

II. Definition of LPOEs

The law authorizes the President of the Republic (who has replaced the Council of Ministers as the paramount executive authority after the constitutional referendum of 2017) to establish border points for the entry and exit of Turkish citizens and foreigners. Characteristics of LPOEs are not defined by law, nor are criteria or factors governing the designation of LPOEs provided in legislation. All existing LPOEs are established by Council of Ministers or ministerial decisions, and not by statute.

III. Management of LPOEs

Security and immigration procedures in all land ports of entry are administered by the Department of Counter-Migrant Trafficking and Border Gates organized under the Directorate General of Security of the Ministry of Interior Affairs. The LPOEs are staffed by members of the provincial organization of the General Directorate, that is, border police units attached to the

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2 See lists of road and rail LPOEs from the Ministry of Trade website with Council of Ministers decisions or ministerial decisions establishing the LPOEs indicated (downloadable from Ministry’s website at https://perma.cc/5VUN-WTT7); Kara Hudut Kapılarımz (list of road crossings) https://perma.cc/93YV-QLRW; Demiryolu Hudut Kapılarımz (list of rail crossings), https://perma.cc/25CJ-K6W9.
provincial border gate department or bureau of the provincial directorate of security of the province where the LPOE is located.⁵

Commercial customs operations are conducted by provincial customs units operating under the supervision of the Directorate General of Customs of the Ministry of Commerce. The Ministry of Commerce also incorporates the Directorate General of Customs Enforcement, which leads the enforcement arm of the customs apparatus. Since 2006, some customs operations for commercial imports have been relocated from LPOEs to internal customs enforcement centers to “reduce bureaucracy and red tape in entries and exits through land border crossings and to ensure entries and exits are safe, fast, and easy.”⁴

IV. Construction and Management of LPOE Facilities

It appears that most, if not all, LPOE modernization or expansion projects related to high-traffic LPOEs since 2002 have been undertaken using the build-operate-transfer (BOT) model. Law No. 3996 provides the legal basis for awarding construction, expansion, and modernization projects to private parties on the basis of the BOT model.⁵ The law defines the BOT model as

a special financing model developed to be used in the realization of projects that require advanced technology or high financial resources, referring to the payment of the investment price (including the profit to be obtained) to the capital company or foreign company by purchasing the goods or services produced by the company during the operating period by the administration or service beneficiaries.⁶

The first LPOEs that were modernized on the basis of the BOT model were İpsala LPOE on the Greek border and the Gürbulak LPOE on the Iranian border.⁷ The operation rights of İpsala LPOE were transferred for 10 years to UMAT Gümrük ve Turizm İşletmeleri A.Ş, a joint venture between the Union of Chambers and Commodity Exchanges of Turkey (TOBB) and 27 other regional chambers of commerce and commodity exchanges.⁸ Likewise, Gürbulak LPOE was modernized in 2003, pursuant to a BOT agreement between the Undersecretariat of Customs (now Directorate General of Customs) and UND, a national association of land freight

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⁶ Law No. 3996, supra note 4, art. 3(a).


companies. UND was granted the operating rights to the LPOE for 15 years. A new BOT agreement was entered into by the Ministry of Trade in 2021, for the further modernization of Gürbulak LPOE.

Gümrük ve Turizm İşletmeleri Ticaret A.Ş. (GTİ), a corporation formed as a joint venture of TOBB and 137 regional chambers of commerce and commodity exchanges, has been undertaking LPOE modernization projects since 2005 in accordance with BOT model. According to the corporation’s website, GTİ is the “first and only implementer of land border crossing modernizations employing the build-operate-transfer model in Turkey and the world.”

The modernization projects in the following LPOEs were undertaken by GTİ utilizing the BOT model: Kapıkule (Bulgarian border, 2007), Çilvegözü (Syria, 2007 (closed since 2012)), Sarp (Georgia, 2009), Hamzabeyli (Bulgaria, 2009), Dilucu (Nakhchivan, 2015), Çıldır-Aktaş (Georgia, 2015), Esedere (Iran, 2017), Habur (Iraq, 2019), Kapıköy (Iran, 2019), Gürbulak (Iran, 2022), Türkgözü (Georgia, 2022), and Pazarkule (Greece, 2023).

Some of these BOT arrangements were made subject of at least two cases before the Turkish Competition Authority (TCA) upon complaints made by competitors of the TOBB-associated joint ventures. The TCA did not make a finding of illegality in either case. While details of the BOT agreements are not available through publicly available resources, some aspects of their content are disclosed in the relevant TCA decisions, which have been made public.

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12 Hakkımızda, GTİ corporate website, https://perma.cc/5JL2-4MTR.
United Kingdom

Clare Feikert-Ahalt
Senior Foreign Law Specialist

SUMMARY  Due to its geography, the United Kingdom has one land border between Northern Ireland and the Republic of Ireland. A common travel area agreement is in place and there are no routine passport controls at this location. The UK is connected to France by the channel tunnel and introduced juxtaposed border controls at this border, whereby immigration controls are conducted in France for those entering the UK and vice versa for those leaving the UK to go to France. Responsibility for the port is established under a variety of bilateral agreements, and the UK and France have both contributed significant sums to improve the security of the port. Since the UK left the European Union, it introduced a number of temporary inland border facilities to enable customs checks and controls on trucks bringing goods into the UK to be conducted away from ports that did not have the necessary infrastructure.

I. Introduction

Great Britain is an island national comprised of England, Wales, and Scotland and there are no border controls between these three countries. The United Kingdom of Great Britain and Northern Ireland (UK) is comprised of the three countries of Great Britain and Northern Ireland, which is a small island off the west coast of Great Britain. The only external land border in the United Kingdom is between Northern Ireland and the Republic of Ireland but, due to the common travel area, there are no passport controls or customs checks in place. The UK is connected to France by the channel tunnel and there are what is known as juxtaposed border controls in place at this location.

The secretary of state for the Home Department (a member of the British executive branch) and the department, commonly referred to as the Home Office, have responsibility for almost all matters relating to immigration, including asylum, nationality, and border control laws. The Border Force is the agency responsible for border and customs control in the UK. The Border Force is a law enforcement command that is part of the Home Office and it is responsible for conducting immigration and customs control at 140 sea ports and airports across the country. 

4 About Us, Gov.uk, https://perma.cc/GYF9-B9PH.
II. Land Ports of Entry

A. Juxtaposed Border Controls

The UK does not appear to have a definition of a land port of entry. As noted above, due to its geography, there is only one entry location to the UK that occurs by land that requires border control, which is through the channel tunnel. At this location the UK has agreements with France, for juxtaposed border controls at sea ports, at the Eurotunnel terminal in Coquelles, and at rail terminals. This means that the UK conducts border checks in these countries, and that passengers undergo immigration checks by the Border Force prior to entering the UK. The agreement is reciprocal, and French officers conduct similar entry checks in the UK. The agreement for juxtaposed border controls has been expanded to include Belgium and the Netherlands.

The intent of removing immigration controls from arrival on the UK side of the tunnel was to speed up entry and exit times and to avoid lines that disrupt carriers’ timetables, and

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8 Id.


10 Fact Sheet: The UK’s Juxtaposed Border Controls, supra note 7.
subsequently journey times,11 between France and the UK, which in turn has enabled transport providers to offer more services.12 An issue with irregular migrants attempting to enter the UK from France resulted in a number of new agreements,13 with pledges of significant sums from the UK to introduce measures and provide human resources at the French border to help tackle this issue.

**B. Customs for Hauliers**

Following the UK’s exit from the European Union, it was necessary to establish infrastructure to conduct checks and controls on goods entering the UK.14 The government sought formal confirmation from ports that they had the infrastructure in place needed to conduct checks and controls on goods imported from the EU. On January 1, 2021, the UK established temporary inland border facilities that enabled customs and document checks to occur away from port locations that did not have the necessary infrastructure to conduct checks on site.15 These locations provide customs compliance, market surveillance checks, the functions required under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) convention, ATA carnet and TIR carnet processes, traffic management processes, and the functions required under the Common Transit Convention.16 There are currently four inland border ports in operation.17

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12 *Fact Sheet: The UK’s Juxtaposed Border Controls*, supra note 7.


16 *HM Government, The Border with the European Union (June 2022)*, https://perma.cc/ZYj6-EA4V.

III. Management of Land Ports of Entry

While ports within the UK are primarily managed by the private sector, due to the UK’s only land port of entry being located off its shores, the operation of these are regulated through international agreements. The original agreement regarding the channel tunnel provided that it would be constructed and operated by private parties (the concessionaires) and funded without recourse to government funds or guarantees. The private parties were also responsible for “[t]he construction and maintenance of the buildings and installations necessary for frontier controls.” Any designs relating to defense and security of the tunnel were required to be approved by both the French and British governments. One treaty provides “[t]he competent authorities of the two States shall, in consultation with one another, determine their respective requirements for accommodation, installations and equipment.” The channel tunnel infrastructure includes the “entry and exit control installations and the fix equipment necessary for the practical operations.”

Under an agreement signed in 2018, the UK-France Migration Committee was designated as the body responsible for implementing the treaty, which includes “taking any action necessary to manage and secure the shared border.” Any decisions made by the committee must be adopted by mutual agreement by the heads of the French and UK delegations in attendance at the committee meetings.

While private parties appear to be responsible for the construction and operation of the port, as noted above, the UK’s Border Force is responsible for immigration control in France for journeys to the UK.

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21 Id. art. 5.


25 Id.
IV. Projects for New Land Ports of Entry

By agreement, the UK and French governments have both made significant financial contributions for the infrastructure and security measures in and around ports in the north of France. This includes fencing, security guards, and lighting. Additionally, the UK invested in new equipment and human resources at these ports to help secure crossings and installed a “joint command and control centre to coordinate the law enforcement response to migrants attempting to reach the UK illegally.” For example, in 2014, the UK provided £2.7 million (approximately US$3.44 million) to improve security at Calais, and in 2015, the government made a commitment under the Joint Declaration to provide £45.96 million (approximately US$58.51 million). In 2017, a further £36 million (approximately US$45.83 million) was provided to “strengthen the border and maintain juxtaposed controls” and, in 2019, the Joint Action Plan pledged £2.25 million (approximately US$2.86 million) to help support the deployment of Gendarme reservists and strengthen security measures further.

His Majesty’s Revenue and Customs (HMRC) and the Department for Transport (DfT) appear to have primary responsibility for determining the opening of temporary inland border facilities in the UK. In 2022, HMRC and DfT decided that it would stop advancing with a proposed inland port in Dover after determining that existing facilities were sufficient to handle the flow of traffic. One of the determinations of halting the project, and one of the factors considered when reviewing the continued operation of inland ports of entry, is that they must provide value for money.

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31 Id.

32 Inland Border Facilities Update, HM Revenue & Customs (June 16, 2022), https://perma.cc/ZX6U-74BS.

33 Id.
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