

1300 Pennsylvania Avenue, NW
Washington, DC 20229



U.S. Customs and Border Protection

Commissioner

December 4, 2023

MEMORANDUM FOR: See Distribution

FROM: Troy A. Miller
Senior Official Performing the Duties of the Commissioner

SUBJECT: Support to Tribes at or near the U.S. Southwest Border

U.S. Customs and Border Protection (CBP) is committed to supporting and closely coordinating with Tribes along the United States' land borders, in accordance with longstanding Agency policy and practice. Tribal Nations are unique, sovereign entities, and CBP prioritizes close coordination with individual Tribes to establish and formalize appropriate processes to work together to address our shared aims of cultural preservation and national security.

CBP supports the important cultural, language preservation, and economically beneficial trade efforts for Tribes located at or near the Southwest Border, a number of which have members and traditions that tie them to both the United States and bordering countries. CBP also recognizes that economic, demographic, and political changes in the border regions can threaten the continuation of indigenous languages, Tribal indigenous knowledge, social and cultural development, and ancient cultural traditions. We understand that this continued evolution intensifies the need for Tribes along the U.S. border to maintain close ties to and participation in Tribal ceremonies, celebrations, cultural exchanges, and other culturally important purposes on both sides of the border. Travel to a Tribal Nation's community, on its own, is an important cultural exchange and a recognized value CBP is committed to support. This also includes the transport of cultural items from Mexico into the United States, which must be handled in a culturally sensitive manner that respects Tribal customs.

To support Southwest Border Tribes, CBP is committed to processing Tribal members and/or their relatives seeking entry into the United States as efficiently as possible for the purpose of participating in sacred Tribal and religious ceremonies, cultural exchanges, and celebrations, while at the same time embracing our shared concern of national security and safeguarding the U.S. border.

CBP's Office of Field Operations (OFO) personnel at designated field offices and ports of entry will seek proactive and productive engagement and cooperation with Tribes, Tribal members,

and their relatives. This includes but is not limited to the following, where appropriate:

Within 90 days of issuance of this policy, OFO will designate a point of contact for Tribal leaders in each of its Southwest Border field offices to facilitate planning, coordination, and collaboration with Southwest Border Tribal leaders and their representatives.

Documentation: CBP will, as appropriate, consider reviewing additional documents provided by Tribal leaders on behalf of its Tribal members and/or relatives or provided directly to CBP when making admissibility determinations. These documents may include documents evidencing social and economic ties to Mexico and/or the United States signed by the Tribal leadership, documentation from Tribes designating Tribal members and/or their relatives as participants in cultural programs, and statements of financial solvency for Tribal members and/or their relatives seeking entry to the United States. Additionally, CBP may consider documentation of Tribal membership through identification cards issued by the Tribal Nations. All decisions regarding entry to the United States are made on a case-by-case basis by CBP and consider the totality of the information available at the time an application for admission is made.

Advance Coordination: CBP will foster and mature communication with Tribal representatives regarding upcoming sacred Tribal and religious ceremonies, cultural exchanges, or celebrations when Tribal members and/or relatives will be seeking entry to the United States. CBP commits to close coordination with Tribes upon receipt of any advance information to facilitate efficient processing of members seeking entry. In those instances, and whenever practicable, CBP will request that Tribes inform the Agency of these events by email correspondence to a CBP designated point of contact, in advance, but no later than 14 days in advance. In instances where the 14-day notice is not possible, CBP may still consider requests and expedite review as appropriate based on the circumstances presented in the request. CBP personnel designated at field offices and ports of entry will coordinate with Tribal representatives upon receipt of this information.

To support continued close ties, CBP will process Tribal members and/or relatives seeking entry into the United States as efficiently as possible for the purpose of participating in sacred Tribal and religious ceremonies, cultural exchanges, and celebrations, while at the same time embracing the mutual interests of Tribal Nations and CBP in safeguarding the U.S. border and protecting national security.

Interpretation: In cases where CBP requires interpretation services, the use of Tribal language interpreters will be in accordance with [existing CBP policy](#).¹ CBP makes reasonable efforts to provide meaningful access to individuals with limited English proficiency in its operations, services, and other conducted activities and programs. CBP has protocols for the use of interpreters and translation services. In instances where on-site language capabilities are not sufficient, CBP has instituted use of contract telephonic interpretation services. CBP will continue to engage with Tribal Nations to ensure that interpreters used by CBP provide high

¹ U.S. Customs and Border Protection, "Language Access Plan," (Nov. 18, 2016), available at <https://www.dhs.gov/sites/default/files/publications/final-cbp-language-access-plan.pdf> (accessed Sept. 19, 2023); "Supplementary Language Access Plan," (Feb. 7, 2020), available at <https://www.dhs.gov/sites/default/files/publications/cbp-updated-language-access-plan-2020.pdf> (accessed Sept. 19, 2023).

quality language service. Whenever operationally possible, and legally permissible, CBP may facilitate the use of Tribal Nation members and/or relatives to assist in communication.

Cultural Literacy & Indigenous Knowledge: CBP encourages Tribes whose members regularly cross the border for sacred tribal and religious ceremonies, cultural exchanges, and celebrations to provide cultural training for CBP personnel who support the processing of Tribal members and/or their relatives, as well as the culturally appropriate handling of sacred items. When staffing permits and scheduling is operationally feasible, CBP will facilitate scheduling and participation in training for its personnel who operationally need to for such cultural training, prioritizing personnel that are assigned to passenger processing operations and designated points of contact, especially those newly assigned to the area.

Tribal Support: Tribes often provide Tribal members and relatives participating in sacred Tribal and religious ceremonies, cultural exchanges, and celebrations access to transportation, housing, food, and other services during their time in the United States, to possibly include a nominal per diem. Such support will be given significant consideration within the context of the event in which the individual is participating and considered as part of the totality of the information available at the time of inspection at the port of entry. CBP will give appropriate weight to additional information provided by the Tribal Nation, such as a support letter or other documentation certifying how the individual's attendance of an event in the United States will further Tribal interests.

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