MEMORANDUM FOR: Directors, Field Operations
Director, Field Operations Academy

FROM: Todd A. Hoffman
Executive Director
Admissibility and Passenger Programs
Office of Field Operations

SUBJECT: Guidance on Presidential Proclamation Addressing Mass Migration through the Southwest Border of the United States

Effective on 12:01 am (Eastern Time) on November 10, 2018, and pursuant to Presidential Proclamation Addressing Mass Migration through the Southwest Border of the United States, entry into the United States along the southwest border for aliens other than those who properly present themselves for inspection at a United States port of entry is suspended pursuant to Sections 212(f) and 215(a) of the INA.

This Proclamation does not apply to:
- Aliens who arrive in the United States and properly present themselves for inspection at a port of entry
- Lawful permanent residents
- United States Citizens or nationals of the United States

Any individual who enters the United States and properly presents themselves for inspection at a port of entry does not fall under this Presidential Proclamation and should be processed according to normal processes and procedures. However, individuals who seek to enter a southwest land border port of entry by circumventing the proper inspection process are subject to the proclamation, as outlined below.

For purposes of this guidance, a southwest land border port of entry is defined as any land border port of entry in the San Diego, Tucson, El Paso and Laredo Field Offices.

For purposes of this guidance, the effective time of implementation is 12:01 am (Eastern Time) on November 10, 2018.

When an alien seeks to enter the United States at a southwest land border port of entry without going through inspection, whether by running through the port, being smuggled, or otherwise evading or eluding CBP officers to include the use of fraudulent documents or misrepresentation, the alien is subject to the Proclamation.
• Officers should take into account all relevant facts indicating that the alien is subject to the Proclamation, and should include all these relevant facts on the I-213.

• Officers should process applicants for removal under current practices and procedures, commensurate with the underlying ground of inadmissibility, and then document using form I-213 and (b)(7)(E) the facts and circumstances of the alien’s attempt to circumvent inspection at the port of entry.

• During this processing, officers will document on Form I-213 the alien is subject to (b)(7)(E) and annotate the consequence delivery system option (b)(7)(E). In the edit event screen, if the individual is arriving as part of a caravan the CBP officer must select (b)(7)(E).

Officers are reminded that when necessary (or appropriate) to facilitate orderly processing, protect the security of the port, and ensure the health and safety of officers and the traveling public, DFOs may elect to meter the flow of travelers at the land border to take into account the port’s processing capabilities. Depending on port configuration and operating conditions, the DFO may establish and operate physical access at the actual border line, or as close to the U.S.-Mexico border as operationally feasible, with (a) one access point established, permitting a single traveler to enter the United States and the port of entry at a time, or (b) two access points established – one for U.S. Citizens or nationals, LPRs, and Mexican nationals, and a second access point for all other travelers. Nothing in this guidance changes those processes, or any existing guidance related to metering or queue management.

Ports may not turn away travelers at access points or dissuade such travelers from waiting to be processed. Ports may not provide time frames for entry or any type of calendaring or appointment system. Ports may respond to questions from waiting travelers by indicating that the processing capacity of the port is currently full and that CBP is permitting travelers to enter the port once there is capacity to process them. Once a traveler is in the United States, he or she must be fully processed, even where the Proclamation is applicable.

Mexican officials of the Instituto Nacional de Migracion (INAMI) have, at times, elected to conduct exit controls at some locations in Mexico to limit the throughput of travelers into the United States. DFOs should be particularly aware of any INAMI controls are preventing U.S. citizens, LPRs, or Mexican nationals (some of whom may intend to claim fear) from entering the United States, and should work with INAMI, as appropriate, to address such concerns.

The information provided herein is not intended to create any individual rights or obligations enforceable by third parties.

Please ensure that this memorandum and attached muster are disseminated to all ports of entry within your jurisdiction. If you have any questions or require additional information, please contact Director, Enforcement Programs Division, at (b)(6), (b)(7)(C).

Attachment (1) Presidential Proclamation