



# **JAY TREATY BORDER ALLIANCE SUMMIT**

**June 29, 2022**

***Detroit, Michigan, United States***

***DoubleTree Suites by Hilton Hotel Downtown***

Holland & Knight





## Opening Remarks

- Chairwoman Jennifer Porter, Kootenai Tribe of Idaho
- Grand Chief Abram Benedict, Mohawk Council of Akwesasne
- Chief Michael Connors, Saint Regis Mohawk Tribe  
*(Proxy – Kayla Gebeck Carroll)*



# Advocating for the Tribal Border Crossing Parity Act During the Biden Administration and the 117<sup>th</sup> Congress

- Kayla Gebeck Carroll, Holland & Knight
- Robert Porter, Capitol Hill Policy Group
- Naomie Droll, Capitol Hill Policy Group



# Jay Treaty Border Alliance

## General activity:

- Advocacy to get rid of the Immigration and Nationality Act's blood quantum requirement;
- Advocacy for a Right of Entry in Canada for U.S.-Born Indians;
- Create effective working relations with U.S. Customs and Border Protection and Canada Border Services Agency;
- Address issues that are unique to the United States-Canadian border.

## Recent events:

- On November 3, 2021, JTBA held a Virtual Washington D.C. Fly-in
- On April 4-7, 2022, the Mohawk Council of Akwesasne in collaboration with the JTBA held a series of in-person meetings in Ottawa, Canada with Canadian Officials Training and coordination with Department of Homeland Security



## **The 1794 Treaty of Amity, Commerce, and Navigation (the Jay Treaty)**

- Representatives of the United States and Great Britain signed the Jay Treaty, which sought to settle outstanding issues between the two countries.
- The Jay Treaty delineated the United States-Canadian border, splitting many tribal communities living along this border in half.



## Article III Of the Jay Treaty

- In order to reconcile division caused by the northern border, Article III preserved the right of Native Americans to pass freely across the border by land, inland, or water;
- Article III:
  - "[i]t is agreed, that . . . the Indians dwelling on either side of the [U.S.-Canadian border], freely to pass and repass, by land or inland navigation into the respective territories and countries of the two parties on the continent of America."



**Section 289 of the INA (8 U.S.C. § 1359)** – *the current law*

**§ 1359. Application to American Indians born in Canada**

Nothing in this subchapter shall be construed to affect the right of American Indians born in Canada to pass the borders of the United States, but such right shall extend only to persons who possess at least 50 per centum of blood of the American Indian race.

(June 27, 1952, ch. 477, title II, ch. 9, §289, 66 Stat. 234.)



## Section 289 of the Immigration and Nationality Act (INA)



- » Current law authorizes border security agents to ask tribal members to prove they have at least 50 percent Indian blood quantum.
- » Current regulations are outdated, inconsistent with federal Indian law, and create unnecessary tension between tribal members and border security agents.
- » Tribes have the sovereign right to determine their own membership requirements.





**Tribal Border Crossing Parity Act** - *As introduced in the 116<sup>th</sup> Congress*

**§ 1359. Application to American Indians born in Canada**  
Nothing in this subchapter shall be construed to affect the right of American Indians born in Canada to pass the borders of the United States, but such right shall extend only to persons who **are members, or are eligible to be members, of a Federally recognized Indian tribe in the United States or Canada,** or possess at least 50 per centum of blood of the American Indian race.



## Tribal Border Crossing Parity Act – *As Introduced in the 117<sup>th</sup> Congress*

Nothing in this subchapter shall be construed to affect the right of American Indians born in Canada or the United States to pass the borders of the United States, but such right shall extend only to persons who **are members, or are eligible to be members, of a Federally recognized Indian tribe in the United States or Canada, ~~or possess at least 50 per centum of blood of the American Indian race.~~**



## Upcoming Events

- Ottawa Fly-in



## RESOURCES:

- [Tribal Border Crossing Parity Act Template Support Letter](#)
- [Tribal Border Crossing Parity Act One Pager](#)
- [NCAI Resolution of Support](#)
- [USET Resolution of Support](#)
- [ATNI Resolution of Support](#)



# DHS Updates

*(e.g. Tribal Liaison Program, engagement on the U.S.-Canada Border, etc.)*

- Intergovernmental Public Liaison
  - Executive Director, Tim Quinn
  - Chief of Tribal and Community Affairs, Bronia Ashford
- Office of Field Operations
  - Supervisory Program Manager, Karene Smith
  - Program Manager, Jill Lira
- Border Patrol
  - Patrol Agent in Charge, Andrew Halonen
  - Deputy Patrol Agent in Charge, Bryan Dyke

Holland & Knight

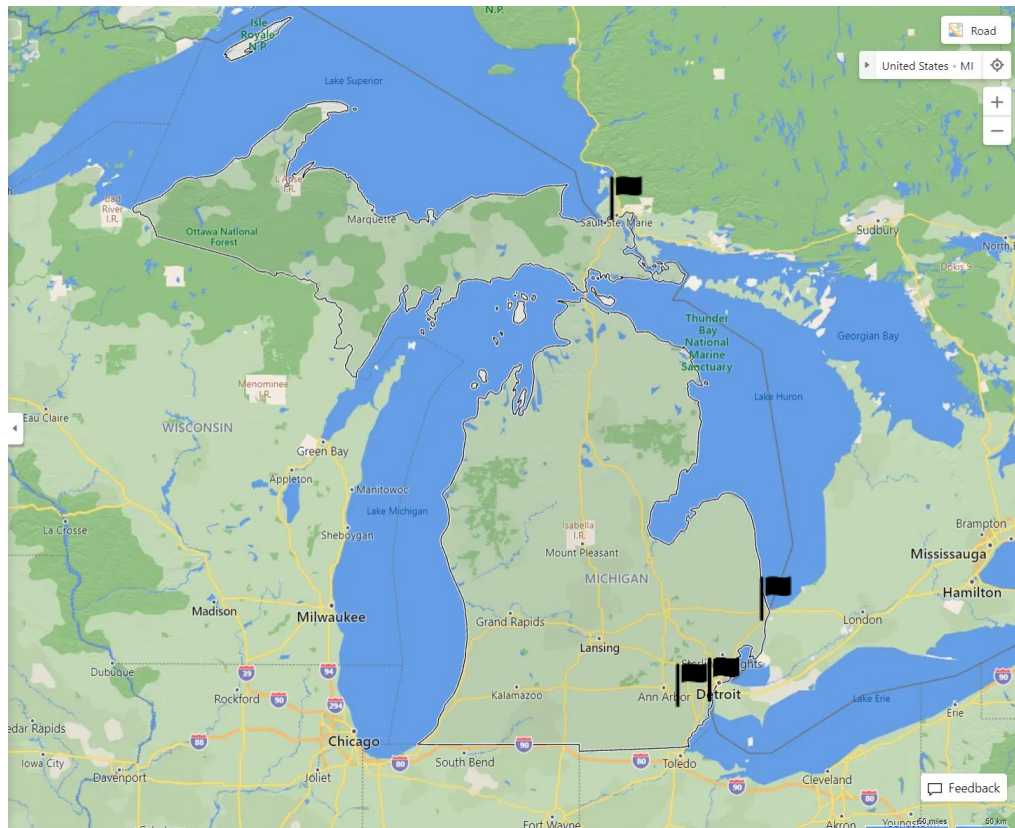


# Detroit Field Office CBP OFO Overview

- **4 Main Ports of Entry:** Port of Detroit, Port Huron, Sault Ste. Marie, and Detroit Metropolitan Airport
- **Airport Operations:** Commercial, General Aviation
- **Land Border Operations:** Passenger and Cargo
- **Other Operations:** Rail, Ferry, and Small Boats



## Detroit Field Office CBP OFO Map





## **Q. How Can I Facilitate My Travel When Crossing the Border in Michigan?**

- **Have Travel Documents Ready – Tribal Card plus 50% Blood Quantum Documentation**
- **Expect Questions About Purpose of Travel and What You are Bringing Across the Border**
- **Stay Updated on Current Travel Requirements at [www.cbp.gov](http://www.cbp.gov)**





## **Q. What Should I Do if I Have Questions or Concerns about Crossing the Border in Michigan?**

- **Ask to speak with Shift Supervisor**
- **Ask to speak with Professionalism Service Manager (PSM) (when available)**
- **Send an e-mail to port of entry tribal liaison**
- **Send an e-mail to Detroit Field Office points of contact**



## **Q. What Should I Do if Denied or Delayed Airline Boarding; Delayed Entry Into or Exit from the U.S. at a Port of Entry or Border Crossing; or Repeated Referred to Additional (Secondary) Screening?**

**A.** Same options for Questions or Concerns, but additionally may file a DHS Traveler Redress Inquiry (DHS TRIP) by following the directions at <https://trip.dhs.gov>



## Q. How Can I Get Additional Information about CBP and Tribal Updates?

- A. Go to [www.cbp.gov](http://www.cbp.gov) and type key word “Tribes” or “Tribal” in the Search field. For top travel topics and to provide feedback to CBP, go to the CBP Information Center at <https://help.cbp.gov>



# **Detroit Field Office CBP OFO Points of Contact**

**Supervisory Program Manager Karene Smith**

**[Karene.Smith@cbp.dhs.gov](mailto:Karene.Smith@cbp.dhs.gov)**

**Program Manager Jill Lira – Detroit Field Office Tribal Liaison**

**[Jill.Y.Lira@cbp.dhs.gov](mailto:Jill.Y.Lira@cbp.dhs.gov)**

**Program Manager Youssef Fawaz – Border Community Liaison**

**[Youssef.Fawaz@cbp.dhs.gov](mailto:Youssef.Fawaz@cbp.dhs.gov)**



## **Detroit Field Office CBP OFO Port of Entry Tribal Liaisons**

### **Port of Detroit**

**Chief Danny Marshall [Danny.H.Marshall@cbp.dhs.gov](mailto:Danny.H.Marshall@cbp.dhs.gov)**

**Chief Jose Martinez Jr. [Jose.Jr.Martinez@cbp.dhs.gov](mailto:Jose.Jr.Martinez@cbp.dhs.gov)**

### **Port Huron**

**Chief Derek McCullough [Derek.C.McCullough@cbp.dhs.gov](mailto:Derek.C.McCullough@cbp.dhs.gov)**

### **Sault Ste. Marie**

**Chief Anthony Fazzari [Anthony.J.Fazzari@cbp.dhs.gov](mailto:Anthony.J.Fazzari@cbp.dhs.gov)**

### **Detroit Metropolitan Airport**

**Chief Riyadh Silmi [Riyad.Silmi@cbp.dhs.gov](mailto:Riyad.Silmi@cbp.dhs.gov)**



# **Crossing the United States – Canadian Border pursuant to 8 U.S.C. § 1359**

- Admissibility and Passenger Programs – Enforcement Programs Division
  - (Acting) Branch Chief, Ka Ho Tong
  - Director, April McCullough



# Human Trafficking

- Admissibility and Passenger Programs – External Engagements and Initiatives
  - Program Manager, Dana Raszeja



# For Assistance

## Intergovernmental Public Liaison

- (202) 325-0775
- [CBP-Intergovernmental-Public-Liaison@cbp.dhs.gov](mailto:CBP-Intergovernmental-Public-Liaison@cbp.dhs.gov)

## DHS Traveler Redress Inquiry Program (DHS TRIP)

- <https://www.dhs.gov/dhs-trip>

## CBP Information Center

- (877) CBP-5511 or (202) 325-8000  
*Monday – Friday (except holidays), 8:30am – 4:00pm EST*
- <https://help.cbp.gov> and <https://helpspanish.cbp.gov>



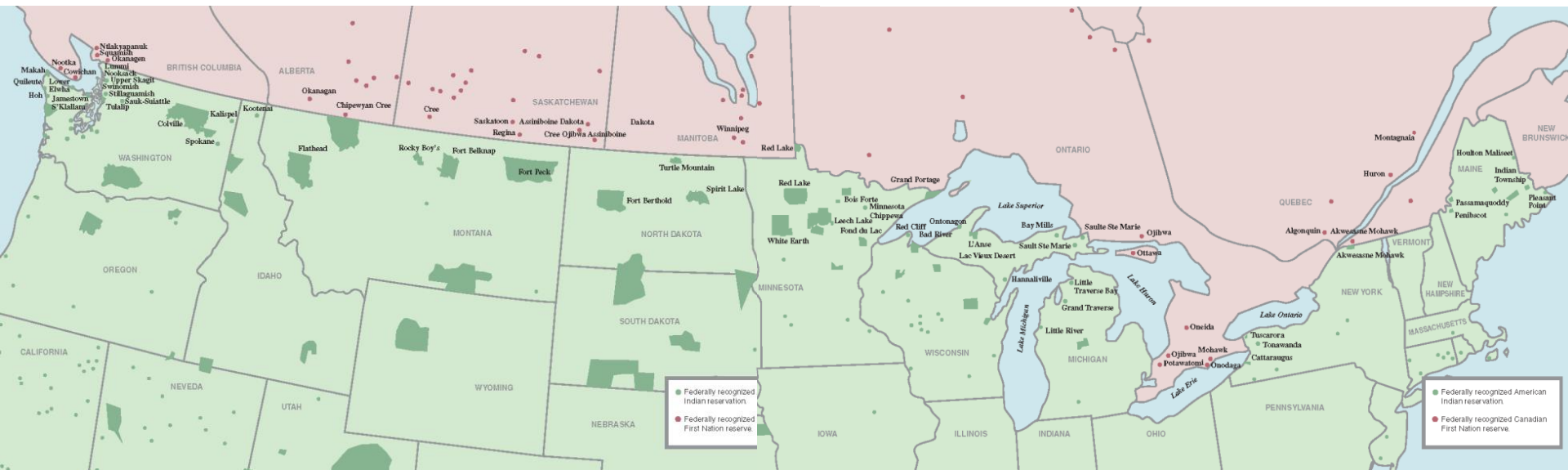


# U.S. Advocacy Strategy

- **Concerns with the upcoming election**
- **What are our options?**



Please provide a Tribal Resolution or a letter from the Tribe.



### RESOURCES:

- [Tribal Border Crossing Parity Act Template Support Letter](#)
- [Tribal Border Crossing Parity Act One Pager](#)