



OOD
PM 19-03

Effective: November 13, 2018

To: All of EOIR
From: James R. McHenry III, Director *KHR for JRM*
Date: November 13, 2018

**GUIDANCE REGARDING THE PRESIDENTIAL
PROCLAMATION ADDRESSING MASS MIGRATION
THROUGH THE SOUTHERN BORDER
OF THE UNITED STATES**

PURPOSE: Provides guidance regarding the Presidential Proclamation Addressing Mass Migration Through the Southern Border of the United States

OWNER: Office of the Director

AUTHORITY: 8 U.S.C. §§ 1158, 1182(f), 1185(a)(1), 1225; 8 C.F.R. § 1003.0(b); 83 FR 55934; Presidential Proclamation Addressing Mass Migration Through the Southern Border of the United States; EOIR Policy Memorandum 19-02

CANCELLATION: None

Following the issuance of an interim final rule on November 9, 2018, amending 8 C.F.R. §§ 208.13, 208.30, 1003.42, 1208.13, and 1208.30, the President issued a Presidential Proclamation Addressing Mass Migration Through the Southern Border of the United States pursuant to sections 212(f) and 215(a) of the Immigration and Nationality Act (INA).

That proclamation suspends and limits the entry of aliens across the international boundary between the United States and Mexico subject to the following exceptions.

The suspension and limitation on entry does not apply to any alien who enters the United States at a port of entry and properly presents himself or herself for inspection.

The suspension and limitation on entry does not apply to a lawful permanent resident of the United States.

The proclamation does not limit an alien entering the United States from being considered for withholding of removal under section 241(b)(3) of the INA or protection pursuant

to the regulations promulgated under the authority of the implementing legislation regarding the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The proclamation does not limit the statutory processes afforded to unaccompanied alien children upon entering the United States under section 279 of title 6, United States Code, and section 1232 of title 8, United States Code.

The suspension and limitation on entry applies only to aliens who enter after the date of the proclamation. The proclamation was issued on November 9, 2018. Thus, the suspension and limitation on entry applies to aliens who entered on November 10, 2018, or later, until the expiration of the proclamation.

The proclamation expires at the end of the day on February 7, 2019, or on the date on which an agreement permits the United States to remove aliens to Mexico in compliance with the terms of section 208(a)(2)(A) of the INA, whichever occurs earlier.

The proclamation is subject to renewal.

An alien who enters the United States in contravention of the proclamation, including an unaccompanied alien child, is ineligible for asylum in accordance with 8 C.F.R. § 1208.13(c)(3). An alien who entered in contravention of the proclamation while it was in effect remains ineligible for asylum in accordance with 8 C.F.R. § 1208.13(c) even if the proclamation subsequently expires.

For additional guidance, please see [Policy Memorandum 19-02](#) or contact your supervisor.
