

Supplemental Migrant Protection Protocols Guidance

Date: December 7, 2020

Topic: Initial Document Service

HQ POC/Office: Enforcement Programs Division

- Effective immediately, in accordance with the January 28, 2019 Commissioner’s Memorandum, and consistent with existing discretion and authorities in implementing Section 235(b)(2)(C) of the Immigration and Nationality Act, when placing an amenable alien into the Migrant Protection Protocols (MPP), U.S. Customs and Border Protection (CBP) Office of Field Operations Officers or U.S. Border Patrol Agents must also take the following actions, in addition to previously issued guidance, regarding service packet issuance:
 1. **Completing, Serving and Explaining the Documents to the Alien.** If the officer/agent is not fluent in the alien’s preferred language, he/she should utilize in-person or telephonic interpretation to complete and serve the documents to the alien, including any explanation of the documents.
 2. **Completing the Form I-862 Notice to Appear (NTA).** When filling out the NTA for aliens being placed into MPP, officers/agents should affirmatively inquire as to whether the alien has an address in Mexico. DHS is obligated to record the alien’s answer to this question on the NTA filed with the immigration court. If the alien cannot provide an address in Mexico, the officer/agent should notate on the NTA that the alien “failed to provide address” and advise the alien of the need to update this information with the court by filling out and mailing in or bringing to court the EOIR-33 form* once an address is secured.
 3. **Completing the CBP Form 838 and Form 839 Tear Sheets.** There is no need to read the tear sheet to the alien, as each alien should be presented a copy for his/her records. However, pertinent information in the service packet should be verbally identified for the alien in plain language.
- The following documents should be served to the alien before transferring them to Mexico through the applicable port of entry to the National Migration Institute:
 - Form I-862 Notice to Appear
 - CBP Form 838 or Form 839 Initial Processing Information
 - EOIR List of Pro Bono Legal Service Providers*
 - EOIR-33 Change of Address*

*The version of each of these forms provided to the MPP aliens should correspond to the immigration court where the NTA is issued.