



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #KAN-18-031

TITLE: In Support of Indigenous Border Crossing Rights

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Jacqueline Pata
Tingit

NCAI HEADQUARTERS

1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the United Nations Declaration on the Rights of Indigenous Peoples, Article 36 recognizes that "Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members ..." and that governments shall help to facilitate this right; and

WHEREAS, the First Amendment to the United States Constitution prevents the Congress from making any law prohibiting the free exercise of religion; and

WHEREAS, members of tribes are also citizens of the United States, many of which have served in the United States military, including making the ultimate sacrifice for their country; and

WHEREAS, tribes and First Nation's communities pre-existed the establishment of International boundaries; and

WHEREAS, events arising from September 11, 2001 and beyond created the need to secure America's borders but failed to consider the tribal lands and territories that extend beyond the arbitrary borders placed throughout those lands; and

WHEREAS, U.S.-Canada-Mexico government agencies have not given adequate consideration to those tribal nations, communities and citizens located along the Northern and Southern borders; and

WHEREAS, tribal leaders have shared the difficulties they face when crossing the Northern and Southern borders, such as the unwillingness of border agents to accept tribal government-issued identification documents, excessive interrogation and harassment, denial of entry for minor offenses, and the improper handling of sacred or cultural items; and

WHEREAS, American Indian tribal and First Nation's members must be allowed to work within their traditional territories without harassment; and

WHEREAS, border officials must act as partners in border security in a way that treats tribal governments and First Nation's communities as equal, yet sovereign governmental partners; and

WHEREAS, tribal governments and First Nations should coordinate efforts when addressing shared concerns at the Northern and Southern borders.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) does hereby support the efforts of Northern and Southern border tribes to address the following areas:

1. Improvement of United States, Canadian (including Alaska), and Mexican border crossing policies and practices for tribal citizens;
2. Development of an Indigenous visa category that would provide for travel to the United States for cultural, religious, traditional, and related tribal purposes;
3. Implementation of the Jay Treaty provisions in Canada governing border crossing for all American Indian tribal and First Nations members and removal of the 50 percent blood quantum requirement in the United States;
4. Improvement in education and cultural sensitivity by border agents; and

BE IT FURTHER RESOLVED, that NCAI calls on the federal government to work with tribes to develop a policy regarding tribal mobility in consultation with tribes, including the acceptance of Enhanced Tribal Identification Cards or other alternative tribal documentation for border crossing; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2018 Midyear Session of the National Congress of American Indians, held at the Marriott Kansas City Downtown, June 3-6, 2018, with a quorum present.



Jefferson Keel, President

ATTEST:



Juana Majel Dixon, Recording Secretary