The Use of Parole Under Immigration Law

Under U.S. immigration law, the Secretary of the Department of Homeland Security (DHS) has discretion to grant “parole” to certain noncitizens to allow them to enter or temporarily remain in the United States for specific reasons. Parole under immigration law is very different than in the criminal legal context. This fact sheet explains the nature of parole, how parole requests are considered, who may qualify, and what parole programs currently exist.

This factsheet explains:
• The nature of parole
• How parole requests are considered
• Who qualifies for parole
• Current available parole programs

KEY TAKEAWAYS

- The Department of Homeland Security can grant parole if:
  • There is an urgent humanitarian or significant public benefit reason
  • A person merits a favorable exercise of discretion
- Parole is **temporary**, and individuals are expected to depart the United States after the authorized period has ended (unless another form of status or relief is granted).
- Parole has been exercised **throughout history**, increasingly as a response to refugee crises around the world.
- Noncitizens who currently live in the United States but wish to leave and return can apply for **advance parole**.
- Individuals granted parole can apply for **work authorization** while living in the United States.
- All parole requests are made on a **case-by-case basis** and methodology differs by DHS component.
- USCIS requires proof that the noncitizen will have a means of support while in the United States, often requiring that a parolee have a **sponsor**.
- Parole is also a way a person can be released from **immigration detention**.
- There are several **special parole programs** in place to address the circumstances of certain populations. See page 6.
What is Parole?

The Immigration and Nationality Act (INA) authorizes the Secretary of Homeland Security to exercise discretion to temporarily allow certain noncitizens to physically enter or remain in the United States if they are applying for admission but do not have a legal basis for being admitted. DHS may only grant parole if the agency determines that there are urgent humanitarian or significant public benefit reasons for a person to be in the United States, and that that person merits a favorable exercise of discretion. Grants of parole are made for limited periods of time, often to accomplish a discrete purpose, and individuals are typically expected to depart the United States when the authorized period expires unless another form of status or relief is conferred.

While individuals who receive a grant of parole are allowed to enter the United States, they are not provided with an immigration status nor are they formally “admitted” into the country for purposes of immigration law. An admission occurs when an immigration officer allows a noncitizen to enter the United States pursuant to a visa or another entry document, without the limitation of parole. The distinction between an admission and parole is a significant one under immigration law.

Who Has Authority to Grant Parole?

The Secretary of Homeland Security has delegated parole authority to the three immigration agencies within DHS: U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), and U.S. Immigration and Customs Enforcement (ICE).

USCIS adjudicates many of the parole requests made by individuals seeking to enter the United States for humanitarian reasons, while ICE typically handles parole requests related to court hearings or intelligence matters, as well as parole from immigration detention. ICE has separate jurisdiction over decisions about whether to parole detained individuals out of ICE custody, including “arriving aliens” who establish a credible fear of persecution or torture. CBP has authority to make parole decisions at ports of entry. For example, it can parole noncitizens fleeing persecution and who wish to apply for asylum. It may also parole individuals for “deferred inspection,” which means that they permit an individual to enter the United States, but they schedule a subsequent interview to address unresolved issues about their admissibility.

What is Humanitarian Parole?

While humanitarian parole is explicitly authorized by the INA for “urgent humanitarian reasons,” there is no statutory or regulatory definition of an “urgent humanitarian reason.” USCIS has stated, however, that it will consider factors such as the time-sensitivity of the circumstances and the degree of suffering that may result if parole is not authorized.

Examples of urgent humanitarian circumstances (according to USCIS)

- Receiving critical medical treatment in the United States;
- Becoming an organ donor to an individual in the United States;
- Visiting or caring for a sick relative in the United States;
- Attending a funeral or settling the affairs of a deceased relative in the United States; or
- Coming to the United States for protection from targeted or individualized harm.
What is Significant Public Benefit Parole?

Immigration law also authorizes parole that would result in a “significant public benefit,” but—like humanitarian parole—there is no statutory or regulatory definition of the term. Typically, this form of parole is used to allow noncitizens to appear for and participate in a civil or criminal legal proceeding in the United States. Significant public benefit parole might be granted, for example, to allow a key witness with no legal means of entering the United States to enter the country long enough to testify in a criminal prosecution.

How Has Parole Been Used Historically?

The first use of parole was in 1956 under President Dwight Eisenhower, who directed the Attorney General to parole 30,000 Hungarian refugees into the country. In the Fair Share Refugee Act of 1960, Congress directed the Attorney General to use his parole authority to allow nearly 5,000 refugees to enter the United States. Parole has increasingly been used to respond to refugee crises around the world. In the 1960s and 1970s, over 690,000 Cubans and almost 360,000 refugees from Vietnam, Cambodia, and Laos were paroled into the United States. Another 130,000 refugees from the Vietnam War were also admitted through parole.

Congress enacted the Refugee Act in 1980, which created a process for admitting refugees into the United States. It also included a provision limiting the authority of the Attorney General to parole refugees into the United States unless “compelling reasons in the public interest with respect to that particular [noncitizen] require that the [noncitizen] be paroled into the United States rather than be admitted as a refugee under section 207.”

In the years following the Refugee Act, parole was used to admit groups not classified as refugees. For example, Cuban and Haitian nationals were paroled, categorized as Cuban/Haitian Entrants, and subsequently granted benefits. People from Vietnam, Cambodia, and the Soviet Union who did not qualify as refugees were also paroled into the United States in the 1980s.

In 1996, Congress passed the Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA), which amended parole to be determined “only on a case-by-case basis for urgent humanitarian reasons or significant public benefit.” Cubans continued to receive parole because of the significant public benefit of “avoidance of detention costs.” In 2001, the Bush administration continued parole for people from the Soviet Union who did not qualify as refugees.

Since 1996, both Republican and Democrat administrations have utilized parole. In 2006, the Bush administration began the Cuban Medical Professionals Parole (CMPP) Program, and in 2007 created the Cuban Family Reunification Parole Program. The Obama administration began Commonwealth of the Northern Mariana Islands/Guam Parole, Military Families Parole, Haitian Family Reunification Parole, Central American Minors Refugee and Parole, Filipino World War II Veterans Parole, and International Entrepreneur Parole. In the final week of his presidency on January 12, 2017, the Obama administration ended the Cuban Medical Professional Parole Program, as well as the special parole policy for arriving Cuban nationals known as the “wet foot/dry foot” policy.
What is Advance Parole?

Certain noncitizens who are already present in the United States, but wish to leave the country and return, can apply for “advance parole.” This constitutes permission from DHS to reenter the United States after travel abroad. Importantly, however, the issuance of an advance parole document is not a guarantee that a person will be permitted to re-enter the United States when inspects at a port of entry upon their return.

Advance parole is commonly used when someone:

- Filed an application for adjustment of status, but has not received a decision from USCIS;
- Has a pending application for asylum or withholding of removal and intends to depart from the United States temporarily to apply for a U.S. immigrant visa in Canada;
- Has an “emergent personal or bona fide reason” to travel temporarily abroad, such as a sick family member abroad; or
- Is a Temporary Protected Status (TPS) recipient who seeks advance permission to travel abroad.

As of July 2022, USCIS discontinued the use of advance parole for TPS recipients and instead created a TPS-specific travel document that uses a separate legal authority to permit TPS recipients to travel outside the United States and be inspected and admitted upon their return.

Are Individuals Granted Parole Eligible to Work?

Individuals granted parole can apply for work authorization while they remain in the U.S. on a grant of parole and, if approved, become eligible to work. Certain Afghan and Ukrainian parolees are authorized to work incident to their parole, and legally authorized to work without filing a separate application for employment authorization. Work authorization lasts as long as the applicants are on parole.

What Factors Are Considered in Making a Parole Decision?

Each DHS component has its own methodology for making parole decisions. Moreover, the factors to be considered will vary depending on the type of parole requested. In general, however, since parole is a discretionary benefit, all parole decisions are made on a case-by-case basis, with the immigration officer considering the reason for the request and whether it constitutes a basis for parole, and then weighing the positive factors in the noncitizen’s case against any negative factors. In deciding whether to favorably exercise discretion, the immigration officer evaluates a number of factors, including:

- The reason for the parole request;
- Whether there is evidence of any criminal history or previous immigration violations;
- Whether there is evidence of any previous participation in fraud;
- Whether the noncitizen’s presence would benefit a U.S. citizen, lawful permanent resident (LPR), or community in the United States;
- Evidence of the noncitizen’s character; or
- Whether there are other means available to the noncitizen to enter the United States for the stated parole purpose, such as a visa.
How Does the Parole Process Work Step-by-Step?

Parole is reviewed on a case-by-case basis by an immigration officer working at an agency within DHS, and the burden of proof is placed on the applicant to establish that parole should be authorized. If parole is authorized, the agency authorizing parole will specify how long it may last, tailored to accomplish the purpose of the parole. Parole ends on the date it is set to expire, when the beneficiary departs the United States, or when the individual acquires immigration status. DHS may revoke parole at any time if it is no longer warranted or the beneficiary violates the conditions of the parole. A parolee may also apply to extend or renew their parole with the agency that first issued the parole.

Parole from Immigration Detention

Parole is also a way a person can be released from immigration detention. Decisions on whether to release a person from ICE custody on parole are made by ICE and are based on the same factors as parole issued by USCIS. Parole from ICE custody is also divided into humanitarian parole and significant public benefit parole. The executive has the authority to issue memoranda describing what constitutes significant public benefit parole or humanitarian parole, since neither are defined in the statute or regulations and both are based on a case-by-case analysis. One example of this is a memorandum encouraging release of arriving aliens who were found to have a credible fear of persecution and/or torture.

Must an Applicant for Parole into the United States Have a Sponsor within the United States?

Anyone may request parole into the United States from USCIS. The request may be submitted by the noncitizen or by another person on behalf of the noncitizen. With such requests, USCIS requires proof that the noncitizen will have a means of support while in the United States, often requiring that a parolee have a sponsor who agrees to provide financial support for the duration of the parole authorization period while the parolee is in the United States. An inability to provide evidence of financial support while in the United States may lead to a denial of parole. While there is no official requirement regarding a sponsor’s immigration status, DHS may consider a sponsor who has a more permanent status in the United States more favorably, based on its assumption that such sponsors are more reliably able to provide financial support to the parolee.
Special Parole Programs

In addition to the general parole process, DHS has established special parole programs designed to address the circumstances of certain populations. Parole decisions under these programs are still made on a case-by-case basis, and DHS can end a special parole program when it determines that the program is no longer necessary. As of February 2024, the following special parole programs were in place:

**Uniting for Ukraine**

On April 21, 2022, the Biden administration created a truncated process for individuals and organizations in the United States to apply for Ukrainian citizens to receive parole into the United States. This is a one-step application that requires the sponsoring individual or organization to complete a Form I-134 (Declaration of Financial Support).

**Afghan Nationals**

The United States did not create a separate program for Afghans to apply for parole. However, due to the U.S. commitment to evacuating and resettling Afghan citizens, USCIS added mechanisms for Afghans to apply for humanitarian parole and has attempted to respond to the large influx of emergency requests.

**Central American Minors (CAM) Refugee and Parole Program**

In 2021, the Biden administration restarted the CAM parole program previously terminated by the Trump administration in 2017. On March 10, 2021, the Department of State announced the restart of the program and on September 13, 2021, it announced that it was accepting new applications. The CAM program provides eligible children from Guatemala, El Salvador, and Honduras an opportunity to reunite with family in the United States. Parents and certain legal guardians who are legally in the United States can apply for their children to obtain access to the program.

**Family Reunification Parole (FRP) Programs**

- Family Reunification Parole (FRP) Programs are invitation-only parole programs which allow certain individuals from eligible countries with approved family-based immigrant visa petitions to be considered for parole into the United States while they wait for their visa to become available. Applicants must first receive an invitation from the National Visa Center after filing an approved I-130 (Petition for Alien Relative). Decisions are made on a case-by-case basis. If approved, applicants will receive advanced authorization to travel to the United States for a period of up to three years.

- Established in 2007, the Cuban Family Reunification Parole Program (CFRP) was the first FRP, and allows certain eligible U.S. citizens and LPRs with an approved I-130 for their family members in Cuba to seek parole while waiting for a visa to become available. This program was followed by the Haitian Family Reunification Parole Program (HFRP), established in 2014 to allow the relatives of U.S. citizens and LPRs to leave earthquake-ravaged Haiti while their visa was pending. HFRP applied to individuals waiting for an immigrant visa to be issued in the next 18 to 36 months. While these programs originally required beneficiaries to be interviewed at U.S. consulates, on August 11, 2023 both the CFRP and HFRP were updated to operate along the same lines as more recent FRPs that are adjudicated entirely within the United States.

- In 2023, the Biden administration created a new FRP process for nationals of Colombia, Cuba, Ecuador, El Salvador, Guatemala, Haiti, and Honduras as part of the administration’s strategy of providing alternate legal pathways for individuals seeking to come to the United States. For the first time, these FRPs permitted applicants to apply entirely online without visiting a consulate.
Filipino World War II Veterans Parole Program

Announced in June 2016, the Filipino World War II Veterans Parole Program was created to reunite an estimated 2,000-6,000 elderly Filipino veterans with their family members who could assist with their care. The program allows certain Filipino World War II veterans and their spouses who are U.S. citizens or LPRs to request parole for specific family members outside of the United States who have already-approved immigrant visa petitions, so that they may come to the United States while they wait out lengthy backlogs for a visa to be issued. If approved, parole allows the family member overseas to travel to the United States before an immigrant visa becomes available but does not alter the number of visas being issued. These parolees also are eligible to apply for work authorization.

Military Parole in Place

Certain undocumented relatives of U.S. military members can seek parole in place, allowing them to lawfully remain in the United States for one-year increments, by applying to USCIS. To be eligible, the applicant must be the spouse, widow(er), parent, son, or daughter of an active-duty member of the U.S. armed forces; an individual in the Selected Reserve of the Ready Reserve; or an individual who previously served on active duty or in the Selected Reserve of the Ready Reserve and was not dishonorably discharged.

International Entrepreneur Parole

DHS can use its parole authority to allow foreign entrepreneurs a temporary stay in the United States if they can demonstrate that there is a significant public benefit through their business ventures.

Processes for Cubans, Haitians, Nicaraguans, and Venezuelans

Initiated on January 6, 2023, the Biden administration created a new process for Cubans, Haitians, Nicaraguans, and Venezuelans (“CHNV”). Individuals who are citizens or nationals of those countries, and their immediate family members (spouses/common-law partners and unmarried children under the age of 21) who have financial sponsors in the United States and meet other criteria can travel to the United States. To apply, the financial sponsor files an I-134A, Online Request to be a Supporter and Declaration of Financial Support.
ENDNOTES

1. INA § 212(d)(5)(A).


3. Ibid.


13. Ibid.


ENDNOTES

18 Memorandum from Doris Meissner, INS Commissioner, to INS officials, "Eligibility for Permanent Residence Under the Cuban Adjustment Act Despite Having Arrived at a Place Other Than a Designated Port of Entry," April 19, 1999, USCIS Historical Library.


21 Under this program, which began in 2006, doctors and other professionals in the health field who were sent by the Government of Cuba to work or study in third countries could request parole into the United States. In addition, the spouses and unmarried children under the age of 21 of individuals meeting the program’s criteria could be included in the parole request. The program was ended in January 2017 as part of the agreement between the United States and Cuba normalizing relations.


24 INA § 244(f)(3).


28 Ibid.

29 Ibid.

30 Ibid.

31 Ibid.

32 Ibid.

33 Ibid.

34 Ibid.


40 Ibid.
ENDNOTES


