



HQ 70/10.10

Interoffice Memorandum

TO: Field Leadership

FROM: John M. Bulger/s/
Chief, Office of Field Operations

DATE: February 03, 2009

SUBJECT: Amended guidance regarding Processing of Initial Parole or Renewal Parole Requests
Presented by Natives or Citizens of Cuba to USCIS Field Offices

Background

On March 4, 2008, HQ Office of Field Operations issued memorandum titled, *Processing of Initial Parole or Renewal Parole requests presented by Natives or Citizens of Cuba to USCIS Field Offices*. This memorandum amends, in part, the guidance issued March 4, 2008, in regards to the following:

- The requirement to obtain the A-File prior to the adjudication of the parole (initial and/or renewal) request
- The validity period of approved parole (initial and/or renewal) requests is being changed from a one (1) year period to two (2) years
- The validity period of approved Employment Authorization Documents (EAD) filed pursuant to Title 8, Code of Federal Regulations (CFR), § 274.a.12(c)(11) is being changed from a one (1) year period to a maximum period of two (2) years, not to exceed the expiration date of the approved parole request

Requirement to obtain the A-File

If a parole request is received from a Cuban native or citizen, and it is determined that an A-File for the applicant already exists at some other location, then Field Offices must query the electronic systems (e.g. CIS, IDENT, ENFORCE, CCD, US-VISIT, etc.) that are regularly used to verify the identity and nationality of the applicant. If the identity and nationality of the applicant can be determined by querying the electronic systems, then, if the Field Office determines, in the exercise of discretion, that parole should be granted, evidence of parole (initial and/or renewal) status will be issued to the applicant, even though the A-File is not present at the time of adjudication of the parole request.

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This guidance does not relieve Field Offices of the responsibility of requesting and obtaining the A-File. Requests for an existing A-File should continue in accordance with existing procedures. When the A-File has been received, Field Offices must include the application for parole along with all other related documentation in the A-File and review the entire record on a post audit basis.

In instances where the A-File for the applicant exists at some other location, the following steps for adjudicating the parole request should be followed:

1. Request the A-File
 - A. Use Central Index System (CIS) for files located externally
 - B. Use National File Tracking System (NFTS) for files located internally
2. Create a T-File and record the T-File in NFTS
3. Place the parole request and all other related documentation in the T-File
4. Adjudicate the parole request¹
 - A. For approvals:
 - a) Complete the Arrival and Departure portion of the I-94
 - b) Place a "Parole" stamp on the Arrival and Departure portion of the I-94 with the appropriate code (CH or CP)
 - c) Include a copy of the entire, completed I-94 in the file
 - d) Give the original, Departure portion of the I-94 to the applicant
 - e) Retain the original, Arrival portion of the I-94
 - f) Mail the original, Arrival portion of the I-94 to:
DHS/ACS
1084 S. Laurel Road
London, Kentucky 40744
 - B. For denials, include a copy of the denial notice issued to the applicant in the file
5. Hold the T-File until the A-File is received
6. Once the A-File is received, then consolidate the A-File and the T-File
7. Review the entire A-File within 30 days of receipt for derogatory information

¹ Instructions mentioned in Step 4, *Adjudicate the parole request*, are also applicable to parole adjudications that are completed when the A-file is present.

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- A. If no derogatory information is present, then route the A-File to the National Records Center (NRC)
- B. If derogatory information is present, then take appropriate action for resolution

Validity period for paroles (initial and/or renewal)

The validity period for paroles (initial and/or renewal) is being changed from one (1) year to **two (2) years**. All approved parole (initial and/or renewal) requests presented by Cuban natives or citizens **must** be granted for a period of **two (2) years**.

Validity period for employment authorization

The validity period for an EAD filed pursuant to 8 CFR 274.a.12(c)(11) and issued on the basis of an approved parole (initial and/or renewal) request is being changed from one (1) year to **a maximum period of two (2) years, not to exceed the expiration date of the approved parole request**. All approved I-765 applications presented by Cuban natives or citizens on the basis of their parole status **must** be granted **until the expiration date of the parole status**.

Implementation instructions

USCIS offices must start implementing the instructions established in this memorandum immediately. Except for the changes mentioned in this memorandum, all other guidance as established in the March 4, 2008, memorandum remains unchanged.

Contact information

Questions regarding this memorandum may be directed to Vinay Singla, Office of Field Operations, through appropriate supervisory channels.

Distribution List:

Regional Directors
District Directors
Field Office Directors
National Benefits Center Director

Attachment:

- A. Memorandum titled, Processing of Initial Parole or Renewal Parole Requests Presented by Natives or Citizens of Cuba to USCIS Field Offices, *issued on March 4, 2008*

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