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Humanitarian and Significant Public Benefit Parole



U.S. Citizenship and Immigration Services
International and Refugee Affairs Division
Refugee, Asylum & International Operations Directorate

Stakeholder Engagement November 2021

AGENDA



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- **What parole is and who has jurisdiction to approve a parole request**
- **Eligibility requirements**
- **The USCIS parole process, to include the role of USCIS and the Department of State**
- **Common types of claims and evidence**
- **Special considerations for parole for Afghan nationals**
- **Resources**
- **Questions**

WHAT IS PAROLE?



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- **Parole IS a discretionary authority (INA § 212(d)(5))– exercised on a case-by-case basis – that allows an individual to be present in the U.S. for a temporary period of time for:**
 - Urgent humanitarian reasons, and/or
 - Significant public benefit
- **Parole IS NOT:**
 - A formal admission to the U.S.
 - A parolee remains an “applicant for admission” while inside the U.S.
 - A path to other immigration benefits, *unless otherwise eligible*
 - Intended to be used solely to avoid normal visa processing procedures and timelines, to bypass inadmissibility waiver processing, or to replace established refugee processing channels.

Parole Jurisdiction Among DHS Components



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- 2008 Memorandum of Agreement outlines DHS parole jurisdictions with respect to individuals outside the U.S. or at a port of entry
- CBP, ICE, and USCIS each have jurisdiction to exercise parole authority
- CBP - Authority to parole at Ports of Entry (POE)
- ICE - Parole requests from USG agencies for law enforcement/intelligence gathering, also if individual is in removal proceedings, has a final removal order, or has been removed.
- USCIS - Adjudicates a variety of types of parole requests and re-parole

While USCIS and ICE adjudicate and approve parole requests, CBP is the DHS component that authorizes parole at the POE

USCIS Administered Parole



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Advance parole for those in the U.S. who seek to travel abroad and return to the U.S.

Parole-in-Place – enables certain individuals in the U.S. to remain here as parolees

Parole for individuals outside the U.S.

- Individual parole requests – handled by HAB
- Special parole programs

Department of State Role



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- HAB issues conditional approval notice, pending satisfactory verification of identity and completion of final security vetting at consular section at U.S. Embassy
- HAB emails parole authorization memo to Consular Section Chief and NIV Chief
 - Indicates length of parole USCIS has approved
 - Authorizes **issuance of boarding foil within 30 days of receipt** , if beneficiary clears additional identity and security vetting
- Department of State verifies beneficiary identity and collects information via the DS-160 (completed by beneficiary) and biometrics (fingerprints and photo)
- Department of State runs security checks, and if clear issues
- Beneficiary must travel **within 30 days** of boarding foil issuance

Parties to a Request for Parole for a Noncitizen Outside the U.S



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- **Petitioner:** The person completing the Form I-131, Application for Travel Document, on behalf of an individual outside the United States who is seeking parole. “Self-petitioners” are people who file Form I-131, Application for Travel Document, for themselves.
- **Beneficiary:** An individual for whom parole is sought.
- **Sponsor:** A sponsor is an individual who agrees to provide financial support for the beneficiary of a parole application by filing a Form I-134, Affidavit of Support, or if an organization, a statement of support.
- **Parolee:** A parolee is an individual who is paroled into the United States.

Eligibility for Parole



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The basic statutory requirements to approve parole:

1. Must be

- a) Urgent Humanitarian Reasons; and/or
- b) Significant Public Benefit

AND

2. A determination that discretion should be exercised favorably

Sponsorship



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- Sponsorship is an important factor considered in the exercise of discretion
- No set formula: need evidence the beneficiary will be supported, based on specific needs of the beneficiary
- May have more than one sponsor
- Afghan nationals – USCIS will consider available resettlement assistance pursuant to the Afghan Supplemental Appropriations Act, 2022

How to Request Parole



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Form I-131, Application for Travel Document

- Anyone can petition on behalf of someone outside the U.S., or an individual can self-petition
- Filed at Dallas Lockbox; please mark the envelope Attn: HP (Box 660865)
- Application package includes:
 - \$575 filing fee or Form I-912, Request for fee waiver (or written request for fee waiver)
 - Completed Form I-131 with application type 1.e. or 1.f. marked in Part 2
 - Completed Form I-134, Affidavit of Support, and supporting evidence or Statement of Support (is generally from the NGO)
 - Comprehensive statement of the reason for parole and the length of time needed – and supporting documentation
 - Identity documentation and proof of nationality/immigration status in the U.S. for all parties to the parole request

Parole Processing Time



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- Normally, USCIS processes over 90% of humanitarian parole requests within 90 days (less certain, delays such as when additional information is required)
- With the recent surge in requests for parole, processing times will be significantly longer in the near term.
- Petitioners may request expedited processing when submitting the Form I-131 and should provide specific, detailed reason the request needs to be expedited

Common Types of Claims



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Please see – USCIS Website [Guidance on Evidence for Certain Types of Humanitarian or Significant Public Benefit Parole Requests](#)

A few of the more common examples include:

- To receive medical treatment
- To unite with family members (generally when there is a particular vulnerability based on age, disability, living circumstances)
- To care for or provide support to seriously or terminally ill family member

Claims Based on Protection Concerns



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Parole vs. Refugee Processing

Parole is not intended to be used to avoid normal refugee processing or to provide protection to individuals at generalized risk of harm around the world.

Factors

- Vulnerabilities of the beneficiary (for example, age, disability, LGBTQI)
- Imminence and severity of potential harm
- Significant family or other ties to the United States
- Whether other protection and/or refugee processing is available

Claims Based on Protection Concerns

- Evidence



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• **USCIS requires documentation corroborating the claimed, specific risk of harm facing the individual. For example:**

- Reports or other documentation from a credible third-party source specifically naming the beneficiary and outlining the serious harm he or she faces and the imminence of this harm. Credible third-party sources may include:
 - A U.S. government agency.
 - A reputable human rights organization; or
 - A media sources.

Claims Based on Protection Concerns

- Evidence (Cont.)



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• **Evidence of a USCIS grant of a protection-based immigration benefit such as asylum, refugee or special immigrant status to an immediate family member or same-sex partner of the beneficiary, and the family member or partner:**

- Is ineligible for derivative status; or
- The risk of serious harm is so imminent that he or she cannot wait for the processing of his or her derivative application.

Parole Requests for Afghan Nationals in Afghanistan



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- Parole does not provide a way for an Afghan national to leave Afghanistan.
- USCIS cannot provide a final approval of parole for an individual in a location where there is no U.S. embassy or consulate, such as Afghanistan or Iran.
- If the beneficiary may be eligible for parole, USCIS will issue a notice that USCIS cannot complete processing the parole request unless and until the beneficiary is in a third country with a U.S. Embassy or Consulate and instruct the petitioner to notify USCIS if the beneficiary is able to get to such a third country.

Favorable Factors for Afghan Requests



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Strong positive factors USCIS will consider in assessing urgent humanitarian and significant public benefit reasons for parole, as well as the exercise of discretion include

- Immediate family of a U.S. Citizen (spouse, unmarried children under 21, and parents);
- Immediate family of a U.S. Lawful Permanent Resident (spouse and unmarried children under 21);
- Locally Employed Staff of Embassy Kabul and their immediate family (spouse and unmarried children under 21);

Favorable Factors for Afghan Requests (Cont.)



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Strong positive factors USCIS will consider in assessing urgent humanitarian and significant public benefit reasons for parole, as well as the exercise of discretion include,

- Special Immigrant Visa (SIV) applicants whose applications have received Chief of Mission (COM) approval and immediate family members included on their case.
- Immediate relatives of Afghan nationals previously relocated to the United States through OAW (spouse, unmarried children under 21, and, in the case of unaccompanied minors, their primary caregiver, including but not limited to a parent or legal guardian, and the spouse and dependent children under 21 of the primary caregiver)

Afghan Nationals referred to USRAP



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For individuals referred to the US Refugee Admissions Program (USRAP) through a P1 Embassy Referral or P2 group designation who seek parole, USCIS will consider the following:

- Are they at imminent risk of serious, targeted harm in the country outside Afghanistan where they are located?
- Are they at risk of imminent return to Afghanistan where they would be at imminent risk of serious, targeted harm?
- Do they have a specific vulnerability while waiting for resettlement processing?

Generally, USCIS will require evidence from the Department of State Refugee Coordinator or UNHCR of the imminent risk or specific vulnerability of the individual.

Afghan Parole - Medical Requirements



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- In alignment with the medical requirements for Afghan nationals paroled under Operation Allies Welcome, medical requirements prior to travel to the United States include:
 - MMR (measles, mumps, rubella) vaccine
 - Polio vaccine
 - COVID-19 vaccine (1 dose)
 - Other age-appropriate vaccinations, as determined by the Centers for Disease Control and Prevention (CDC)
 - Tuberculosis screening (TB)
- If this cannot be accomplished abroad due to lack of availability or urgency, USCIS may make these vaccination requirements a condition of parole as a condition of parole after arrival in the U.S., along with TB screening.

Resources



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- **Comprehensive web language**

<https://www.uscis.gov/humanitarian/humanitarian-or-significant-public-benefit-parole-individuals-outside-united-states>

- **Humanitarian Parole Fact Sheet for Afghan Nationals**

<https://www.uscis.gov/humanitarian/humanitarian-parole/information-for-afghan-nationals-on-requests-to-uscis-for-humanitarian-parole>

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