September 18, 2019

The Honorable Kenneth T. Cuccinelli II  
Acting Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
111 Massachusetts Ave, NW  
Washington, DC 20529

Dear Acting Director Cuccinelli:

We write to express our opposition to your recent decision to terminate the Filipino World War II Veterans Parole (FWVP) Program. Ending this program that helps elderly World War II veterans reunite with their children and siblings is harmful to the wellbeing of these veterans and unnecessary. Furthermore, terminating this program nearly two years early would break yet another promise to Filipino World War II veterans and deny them relief and recognition they deserve for their brave and loyal service to the United States. We urge you to rescind your decision to end the FWVP Program immediately.

In 1941, more than 250,000 Filipino soldiers responded to President Roosevelt’s call-to-arms in the Philippines and elsewhere and fought for the U.S. during the Second World War. Many of these brave individuals returned from the War only to be denied many of the benefits promised for their service. It was not until President George H.W. Bush signed the Immigration Act of 1990 that these proud and brave Filipino veterans were awarded U.S. citizenship. Today, there are only a few thousand Filipino veterans still alive and living in the U.S. In October 2017, Congress finally awarded them the Congressional Gold Medal to honor their service on behalf of our country in World War II.

Although these Filipino veterans became U.S. citizens, they remained separated from their children and family members who were caught in the backlog of immigration visas. This backlog exceeds twenty years, forcing these veterans to wait decades before reuniting with their children. At the same time, these Filipino veterans are getting older and require additional care and support, with many of them approaching their late 80s and 90s.

To address this problem, U.S. Citizenship and Immigration Services (USCIS) created the FWVP Program in 2016, allowing Filipino veterans to petition for humanitarian parole for their children and siblings who have been approved for immigration visas but remain stuck in the backlog. Those family members who meet the conditions of the program and “merit a favorable exercise
of discretion” may be issued parole to reside in the United States until their immigration visas are available for an adjustment of status.\(^1\) This program was set for five years, subject to renewal upon evaluation at the end of that initial period.

In announcing its intention to terminate the FWVP Program, USCIS cited Executive Order (E.O.) 13767, Border Security and Immigration Enforcement Improvements, and claimed that such termination would “better ensure that parole is used only on a case-by-case basis.”\(^2\) USCIS also characterized the FWVP Program as a “categorical parole program” that, in your own words quoted in the press release, permits individuals to “skip the line and bypass the proper channels established by Congress.”\(^3\)

In section 212(d)(5) of the Immigration and Nationality Act (INA), the same statute referred to in E.O. 13767, Congress provides the discretion to grant parole “on a case-by-case basis for urgent humanitarian reasons or significant public benefit.”\(^4\) In seeking to terminate the FWVP Program, USCIS defined categorical parole as “programs designed to consider parole for entire group of individuals based on pre-set criteria.”\(^5\) However, so long as cases are adjudicated individually and on a case-by-case basis, we believe it is an appropriate application of the law for parole to be considered under pre-set criteria.

USCIS’s own statements about the FWVP Program in the Federal Register and the actual implementation of the program demonstrate that parole authority has, in fact, been exercised on a case-by-case basis. In the Federal Register notice creating the FWVP Program, USCIS stated that “[i]n all cases, whether to parole a particular individual under this policy is a discretionary determination that will be made on a case-by-case basis” and that “individuals who fall within the general criteria but whose cases present overriding adverse factors (e.g., criminal history) would not be approved.”\(^6\)

USCIS’s own data on the FWVP Program demonstrates that this program has not been applied “categorically.” According to data summarizing FWVP Program applications as of March 31, 2019, of 612 applications accepted by USCIS, 292 applications, about 48 percent, were approved. Some 245 applications, about 40 percent, were rejected, and 75 applications remain pending. The fact that some applications are approved and others denied demonstrates that these applications are adjudicated, and parole is prescribed, not categorically, but on a case-by-case basis in accordance with section 212(d)(5) of the INA.

Furthermore, by USCIS’s own assessment, the FWVP Program meets the criteria for “urgent humanitarian reasons” and “significant public benefit” as required by the INA.\(^7\) In creating this program, USCIS cited “urgent humanitarian concerns” and considered the “advancing age of World War II Filipino veterans and their spouses, and their increased need for care and

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\(^1\) 81 F.R. 28097.


\(^3\) Ibid.

\(^4\) 8 U.S.C. 1182(d)(5).

\(^5\) Ibid.

\(^6\) 81 F.R. 28097.

\(^7\) Ibid.
companionship." 8 USCIS also stated its belief that the FWVP Program would "generally yield a 'significant public benefit'." 9 We agree with that assessment and share the belief that caring for the wellbeing of veterans who sacrifice so much to defend our freedoms and our way of life is an essential responsibility of our country.

We also question the relevance of the FWVP Program to the implementation of E.O. 13767, which has a stated purpose of securing the southern border of our country and enforcing immigration laws against foreign nationals present in the United States without authorization. In contrast, the FWVP Program is a humanitarian program with significant public benefit limited to specific family members of veterans whose applications for immigration visas have already been approved.

In conclusion, we believe this decision to terminate the FWVP Program to be both misguided and unnecessarily harmful to the small community of our Filipino veterans of World War II.

President Abraham Lincoln once made on behalf of our country a solemn vow "to care for him who shall have borne the battle and for his widow and his orphan." These Filipino veterans fought with courage, honor and distinction for the United States, and we regret that the promised rewards and recognition for their service and sacrifices rendered took so long to be delivered. It would be an unfortunate and unnecessary mistake to terminate a program that "recognizes the extraordinary contributions and sacrifices of Filipino veterans who fought for the United States during World War II." 10

We urge you to rescind your decision to terminate the FWVP Program, a program that provides these elderly veterans the care and companionship they need and honors them accordingly for their service to our country.

Thank you for your attention and consideration of this issue. We look forward to hearing from you soon.

Sincerely,

Ed Case
Member of Congress

Don Young
Member of Congress

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8 81 F.R. 28097.
9 Ibid.
10 Ibid.
October 7, 2019

The Honorable Ed Case  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Case:

Thank you for your September 18, 2019 letter.

I appreciate your interest in the termination of the categorical parole program known as the Filipino World War II Veteran’s Parole (FWVP) Program. Section 212(d)(5)(A) of the Immigration and Nationality Act (INA) confers upon the Secretary of Homeland Security the discretionary authority to parole applicants for admission into the United States “temporarily under such conditions as the Department of Homeland Security (DHS) may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit,” even where the applicant is inadmissible. U.S. Citizenship and Immigration Services (USCIS) is committed to exercising its parole authority in accordance with section 212(d)(5)(A) of the INA.

On January 25, 2017, President Trump issued Executive Order (E.O.) 13767, Border Security and Immigration Enforcement Improvements, which required improvements to border security and immigration enforcement. Section 11(d) of the E.O. requires the Secretary of Homeland Security to “take appropriate action to ensure that parole authority under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole.” Pursuant to E.O.13767, USCIS conducted a review of its categorical parole programs established under previous administrations to determine whether the programs were an appropriate exercise of this parole authority. USCIS has determined that this program is inconsistent with the statutory case-by-case parole authority.

Regarding your request that DHS rescind its decision to terminate the FWVP program, USCIS hopes that you will consider addressing this issue through the legislative process. Please know that USCIS would be available to offer our technical assistance to your office to this end.

www.uscis.gov
Thank you again for your letter and interest in this important issue. The co-signers of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Respectfully,

[Signature]

Ken Cuccinelli II
Acting Director