



August 19, 2019

PA-2019-04

## Policy Alert

SUBJECT: Employment Authorization for Parolees

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to address USCIS' discretion to grant employment authorization to foreign nationals paroled into the United States, including those who are otherwise inadmissible.

### Background

Certain foreign nationals may be paroled into the United States under INA 212(d)(5) for urgent humanitarian reasons or significant public benefit. USCIS has discretion to grant these foreign nationals employment authorization. Applicants are not entitled to employment authorization. USCIS determines whether to grant discretionary employment authorization on a case-by-case basis, taking into account all factors and considering the totality of the circumstances of each individual case.

USCIS has determined that it is necessary to issue this guidance at this time because there is a national emergency at the U.S. southern border where foreign nationals are entering the U.S. illegally. *See* Presidential Proclamation 9844 of February 15, 2019, *Declaring a National Emergency Concerning the Southern Border of the United States*, 84 FR 4949; Sec. 11 of E.O. 13767 of January 25, 2017, *Border Security and Immigration Enforcement Improvements*, 82 FR 8793. USCIS also has determined that officers may need more guidance on the use of discretion in employment authorization adjudications.

This policy guidance provides officers with helpful tools based on existing policies to aid in their discretionary adjudications and to help ensure that requests for employment authorization based on parole are properly adjudicated. This guidance, contained in Volume 10 of the Policy Manual, replaces the guidance found in Chapter 55 of the Adjudicator's Field Manual (AFM). The guidance contained in the Policy Manual is controlling and supersedes any related prior contradictory USCIS guidance.

(Note: This policy update does not affect International Entrepreneur parolees. Such parolees are employment authorized incident to their parole pursuant to current DHS regulations governing the International Entrepreneur parole program.)

### **Policy Highlights**

- Emphasizes the use of discretion when determining whether to grant employment authorization for foreign nationals paroled into the United States in keeping with existing policies.
- Provides a list of positive and negative factors that an officer may consider when balancing the totality of the circumstances and determining whether an applicant warrants a favorable exercise of discretion.

### **Citation**

Volume 10: Employment Authorization, Part B, Specific Categories, Chapter 2, Parolees [[10 USCIS-PM B.2](#)].