

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

RASUL ROE, *et al.*,

Plaintiffs,

v.

ALEJANDRO N. MAYORKAS, *et al.*

Defendants.

No. 22-cv-10808-ADB

PLAINTIFFS' APPENDIX OF ADMINISTRATIVE RECORD DOCUMENTS¹

Document ID	Description
USCIS-00000003	April 25, 2022 Parole Requests for Afghan Nationals Interim Policies and Procedures
USCIS-00000017	December 17, 2021 Parole Requests for Afghan Nationals Interim Policies and Procedures
USCIS-00000030	Email dated November 5, 2021
USCIS-00000031	November 5, 2021 Parole Requests for Afghan Nationals Interim Policies and Procedures
USCIS-00000281	Excerpt of Humanitarian and Significant Public Benefit Parole International Operations Officer Training dated April 18, 2022
USCIS-00000347	Humanitarian and Significant Public Benefit Parole Training Module dated March 18, 2019
USCIS-00000503	Redline of November 5, 2021 Parole Requests for Afghan Nationals Interim Policies and Procedures and December 17, 2021 Parole Requests for Afghan Nationals Interim Policies and Procedures

¹ The documents in the Appendix of Administrative Record Documents "Appx." were produced by the Defendants in this action on June 7, 2023, and corrected on June 27, 2023.

USCIS-00000601	Discussion points for Afghan and Ukraine Parole Prepared by IRAD March 24, 2022
USCIS-00000620	Meeting with Secretary Mayorkas on Afghan Parole February XX, 2022
USCIS-00000713	Email dated September 10, 2021
USCIS-00000718	9/3/21 Bird/HAB Request for Guidance on Afghan Parole Applications
USCIS-00000727	Email dated September 1, 2021
USCIS-00000730	Attachment to USCIS-00000727
USCIS-00000740	Email dated September 1, 2021
USCIS-00000743	Background and Talking Points on Denial of Parole Requests for Afghans April 25, 2022
USCIS-00000747	Email dated April 25, 2022
USCIS-00000952	Email dated October 26, 2021
USCIS-00000956	Email dated October 15, 2021
USCIS-00000961	Email dated August 30, 2021
USCIS-00000973	Email dated August 14, 2021

Dated: October 3, 2023

Respectfully submitted,

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Policy Branch
International and Refugee Affairs Division
Refugee, Asylum and International Operations
U.S. Citizenship and Immigration Services

Parole Requests for Afghan Nationals
Interim Policies and Procedures

Date: April 25, 2022

Background:

On August 29, 2021, the Department of Homeland Security (DHS) became the lead agency implementing the ongoing U.S. Government efforts to support vulnerable Afghan nationals, including many who were evacuated with U.S. Government and private partner assistance from Afghanistan following the withdrawal of the U.S. military from Afghanistan. These coordinated efforts are known as Operation Allies Welcome (OAW) and include comprehensive screening and vetting and additional medical screening and vaccination of Afghan nationals paroled into the United States under OAW.

USCIS has developed vetting and medical-related requirements to apply Operation Allies Welcome policies to the adjudication of parole requests for Afghan nationals received through Form I-131 or U.S. government referrals that are under International and Refugee Affairs Division's (IRAD) Humanitarian Affairs Branch's (HAB) jurisdiction.¹ This guidance outlines these policies and procedures, as well as considerations that are specific to parole of Afghan nationals, taking into account the evolving situation in Afghanistan, U.S. policy interests, and other protection mechanisms in place for vulnerable Afghan nationals.

Eligibility:

Adjudicators must follow the [HAB Procedures Manual](#) and the [Parole Training Module](#) when adjudicating parole requests for Afghan nationals. Although parole requests may be similar in nature, each application must be evaluated on a case-by-case basis and on its own merits taking into account all the factors unique to the specific parole request and considering the totality of the circumstances. Given the conditions specific to Afghanistan and the implementation of OAW, adjudicators must follow the additional guidance specific to parole requests for Afghan nationals outlined below.

¹ Many Afghan nationals were transported to the United States by the USG and were paroled at the ports of entry by CBP. Afghan nationals who remain overseas are eligible to apply for parole with USCIS by filing the Form I-131, Application for Travel Document. USCIS also receives requests for parole through executive agency referrals. Parole requests filed on behalf of overseas beneficiaries are adjudicated by IRAD's Humanitarian Affairs Branch (HAB) and, if approved, the individual must visit a U.S. embassy or consulate to complete parole processing (including biometric security checks) and receive travel documents.

The interagency² is prioritizing relocation to the United States of the following categories of Afghan nationals who have been able to leave Afghanistan:

- Immediate relatives of a U.S. Citizen (spouse, unmarried children under 21, and parents);
- Immediate relatives of a U.S. Lawful Permanent Resident (spouse and unmarried children under 21);
- Locally Employed Staff (LES)³ of U.S. Embassy Kabul and their immediate family (spouse and unmarried children under 21);
- Special Immigrant Visa (SIV) applicants who have received Chief of Mission (COM) approval and immediate relatives (spouse and unmarried children under 21) 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 relocated as part of OAW, 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); and
- Individuals referred to the U.S. Refugee Admissions Program (USRAP) through a P1 embassy referral or P2 group designation referral **and in imminent risk of *refoulement* or serious, targeted harm** in the country outside Afghanistan where they are located.

Membership in one of these groups outlined above should be considered a strong positive factor when assessing urgent humanitarian reasons, significant public benefit, and the exercise of discretion.

Special Immigrant Visas (SIV): Special immigrant applicants who have received COM approval have provided the Department of State with evidence to show they have provided faithful and valuable service to the U.S. Government and have experienced an ongoing serious threat. COM approval is a strong positive factor when assessing significant public benefit and urgent humanitarian reasons. SIV applicants who have not received COM approval must provide credible third-party evidence of their work for the U.S. government (see below section on Evidence), as well as evidence of imminent, targeted severe harm or a particular vulnerability (such as a serious medical condition or a single female without support) to show why they are unable to wait to complete SIV or refugee processing. Adjudication officers can find evidence of COM approval by reviewing the SIV COM lists provided to IRAD. Evidence of an approved I-360 petition in CLAIMS3 would also be a strong indicator that the individual has received COM approval.

Protection Claims and P1/P2 Refugee Referrals: Parole is not intended to replace refugee processing and, wherever possible, it is USG policy to process protection needs through local protection mechanisms or, where appropriate, through referral for resettlement to the U.S. Refugee Admissions Program (USRAP). However, in some circumstances, the protection needs are so urgent that local protection or processing via the USRAP, which can take six months or more for an expedited case, is not a realistic option to accord needed protection. Adjudicators should refer to the [Parole Training Module](#) when adjudicating parole requests based primarily on protection, in particular the updated guidance on protection claims based on targeted harm.

² Department and Agency Deputies, in coordination with the National Security Council, established these priority groups

³ Locally Employed Staff are foreign nationals and other locally resident citizens who are legally eligible to work in the country and are employed by the U.S. embassy or consulate.

Family Unity:

While parole generally is not used to circumvent normal immigration processing channels, family reunification is a positive factor when assessing parole eligibility, particularly when combined with other factors related to vulnerability and when normal immigration processing channels are insufficient to address the need for parole. There often are both urgent humanitarian and significant public benefit reasons to promote family unity, particularly with respect to vulnerable family members (for example, when the separated vulnerable family member is outside the United States, or the beneficiary is needed to assist a vulnerable family member inside the United States). Family unity is also a positive factor in the exercise of discretion.

Adjudicators should consider whether there are any prior petitions filed for the beneficiary and whether the beneficiary could reasonably pursue immigrant visa processing. If the beneficiary has an approved Form I-130 petition and a visa is immediately available (e.g., immediate relatives of U.S. Citizens) or the beneficiary's preference category is current⁴, the processing of the parole request should be denied and the beneficiary referred to immigrant visa processing unless there are circumstances that indicate the visa process would be significantly delayed beyond the time the beneficiary could safely remain in the third country. For approved Form I-730 petitions, the adjudicator should consider extended consular wait times to schedule Form I-730 interviews in determining whether to exercise discretion to approve parole for a beneficiary of an approved I-730.

IRAD HQ is in regular discussions with the Department of State Consular Affairs (DOS/CA) and will provide updated information about visa processing capacity at posts in the region. Adjudicators may also contact IRAD Policy for information when there are questions in this regard. If the beneficiary is in a particularly vulnerable situation, IRAD Policy can consult with DOS/CA to determine the most expeditious processing based on the specific post. For cases that are denied to pursue immigrant visa processing, the denial notice indicates that the petitioner can contact HAB via email and request their parole case be reopened if the beneficiary is unable to pursue their visa case.

Children:

Adjudicators should refer to the [HAB Procedures Manual](#) and the [Parole Training Module](#) for additional guidance on adjudicating parole requests for children. When processing a parole request submitted on behalf of a child, the adjudicator must determine whether a similar request has been filed for the child's parent(s) and/or legal guardian(s) and process the requests as a family unit. Adjudicators must consult with the Adjudication Programs Coordination Division (APC) prior to rendering a decision on any case involving a child traveling without a parent or legal guardian. APC has also developed the RAIO Afghan Children and Adoption-Related Considerations Primer with information specific to the Afghan population.

Separated Family Members:

During the evacuation of Afghan nationals prior to August 31, 2021, some family members were separated from each other, with certain family members paroled into the United States pursuant to Operation Allies Welcome, some remaining in Afghanistan, and others getting to third countries via other means. There are significant public benefit reasons and urgent humanitarian reasons related to

⁴ See the Department of State [Visa Bulletin](#) for preference categories and visa availability.

family unity to reunite immediate family members with family members paroled into the United States pursuant to Operation Allies Welcome, which can help improve resettlement outcomes. Reflecting the significant public benefit of this type of family reunification, Congress has authorized resettlement assistance after September 30, 2022, for the spouse and children of Afghan nationals paroled into the United States between July 31, 2021, and September 30, 2022, if their parole has not been terminated, as well as the parent or legal guardian of an unaccompanied Afghan minor paroled into the United States during that period.⁵

There also may be urgent humanitarian reasons to use parole to unite Afghan family members separated during the evacuation efforts, depending on the circumstances of each case. Generally, parole may be appropriate to unite separated immediate family members, including spouses and unmarried children, with an individual who was paroled into the United States as part of Operation Allies Welcome. It may also be appropriate for more extended family members, such as parents, adult children, or siblings, depending on the circumstance of each case and taking into account any vulnerabilities and dependencies among the family members.

Beneficiaries who are in the United States:

Some Afghan nationals who have pending parole requests with USCIS were able to enter the United States through other means, including U.S. government evacuation flights or an immigrant visa. If the adjudicator determines that the beneficiary of an initial Form I-131 filed while the beneficiary was outside the United States is in the United States at the time of adjudication after having been admitted or paroled, the parole request should be denied with an explanation that the reason for parole no longer exists since the beneficiary is currently present in the United States.

Beneficiaries in a location without consular processing.

Parole beneficiaries must report to a U.S. embassy or consulate to complete processing of their parole request, including identity verification, biometrics collection, and confirmation that all medical requirements have been completed. Since the U.S. Embassy in Afghanistan has suspended operations, including all normal consular services, a beneficiary in Afghanistan who initially appears eligible for parole will be required to arrange their own travel out of Afghanistan in order to complete processing of their parole request. Afghan beneficiaries who are in another location without a U.S. embassy or consulate that provides visa services, such as Iran or Russia, would similarly need to arrange travel to another country with a U.S. embassy or consulate to complete processing.

If an adjudicator finds that a beneficiary residing in a location without consular processing appears otherwise eligible for parole, the adjudicator may issue an Afghanistan Notice of Continued Parole Processing, which states that the beneficiary must arrange their own travel to a location with a U.S. embassy or consulate to complete processing of their parole request. The Afghan Notice of Continued Parole Processing should only be issued for cases that initially appear eligible for parole **and all biographic vetting, including OAW NCTC vetting, is complete**. Adjudicators are not required to review pre-existing A-files prior to issuing a Notice of Continued Parole Processing unless the A-file is required

⁵ See H.R. 5305, Section 2502

https://www.govtrack.us/congress/bills/117/hr5305/text/enr#link=C_V_2502_a&nearest=H68BB5F7B78D94E92A179EDBCC860C09F

to determine initial eligibility. The adjudicator should administratively close the case in CAMINO or ELIS, purely for case tracking and workload management purposes.

The petitioner must notify USCIS via email when the beneficiary has relocated and is able to complete processing. Adjudicators will then reopen the parole request, review all required USCIS-initiated⁶ security checks to confirm they are valid, and, if no derogatory information is uncovered and there is no new information that would significantly impact the reason for the parole request, issue a conditional approval notice to the petitioner and representative of record and an authorization memo to post. The parole application will remain open for at least a year.

Parole Period:

Afghan nationals who are eligible for parole will generally be granted a parole period of two years unless the particular circumstances or reasons for parole merit a different timeframe.

Evidence:

In order to determine whether the beneficiary is eligible for parole, the adjudicating officer should review and evaluate all of the evidence in the record and any other relevant evidence available to them. The adjudicator should refer to the [HAB Procedures Manual](#) and the [Parole Training Module](#) for guidance on assessing relevance and credibility of the evidence provided. Adjudicators should also refer to [8 CFR § 103.2\(b\)\(2\)](#) for regulations regarding the submission of secondary evidence when primary evidence is unavailable.

Afghan Documents: The petitioner must provide sufficient evidence to establish the beneficiary's identity and citizenship. Generally, this is a copy of the beneficiary's passport identity page, or another government-issued identity document establishing the beneficiary's citizenship with an explanation why a passport is not available. If no government-issued identity document is available, there must be some secondary form of an identity document with an explanation as to why a government-issued identity document is not available.

Identity and relationship documentation may be lacking in some Afghan parole requests given the circumstances of flight, for those outside of Afghanistan, and due to limitations on the availability of identity documents. For example, according to the September 22, 2021 [Afghan Document Guide](#) produced by the HSI Forensics Lab, citing a UNICEF report, birth certificates are not commonly used in Afghanistan and those that are issued often do not have the child's name. Adjudicators must become familiar with the Afghan Document Guide, which provides detailed information and exemplars of Afghan government documents prior to the recent take-over by the Taliban. Adjudicators are also encouraged to review the [Department of State Reciprocity and Civil Documents Guide](#) section on Afghanistan. It notes that the main form of identity document used in Afghanistan is the *tazkera*.⁷

⁶ DOS/CA conducts additional biometric and biographic checks prior to issuance of a boarding foil.

⁷ According to the DOS Reciprocity and Civil Documents Guide, "Afghans usually apply for a tazkera when a child reaches school age, but it can also be obtained and/or modified throughout adulthood. The document traces its holder's roots through the father; mother's names are not usually listed on tazkeras. Tazkeras are hand-written, and there have been multiple variants of the document since 1976. U.S Embassy Kabul requires all Afghan citizens who are applying for immigrant, special immigrant, or other such visas to submit a tazkera, as proof of identity and birth. Some Afghan citizens may also possess birth certificates issued by clinics or hospitals in Afghanistan, but these documents are not accepted for U.S. visa processing."

Passports: The Taliban has been issuing passports to Afghan nationals in Afghanistan. However, individuals may still have difficulty obtaining a passport whether inside or outside of Afghanistan. In general, a parole beneficiary must have a passport to travel. However, when the beneficiary is unable to obtain a passport prior to travel to the United States and has provided sufficient evidence to establish their identity, the adjudicator must notify the Consular Section that the beneficiary does not have a passport in the authorization memo sent to Post. The Consular Section may issue the boarding foil on the Form DS-232.

Verifying Work with the U.S. Government: Copies of letters and certificates from U.S. government agencies or officials can be easily replicated and generally should not be considered strong evidence without credible third-party verification or other strong corroborating evidence. IRAD receives regular spreadsheets of individuals who have received SIV Chief of Mission approval, which indicates their employment with the U.S. government has been verified. IRAD HQ also has one officer who has access to the case management system with all P1 and P2 referrals of Afghan nationals to the USRAP. IRAD may, in limited circumstances, be able to coordinate with other agencies to verify employment.

Sponsorship and Resettlement Benefits:

The continuing resolution for Fiscal Year 2022 passed by Congress on September 30, 2021, provides certain Afghan nationals who were paroled into the United States between July 31, 2021, and September 30, 2022, access to resettlement assistance, entitlement programs, and other benefits normally provided to refugees, and provides similar assistance to certain other Afghan nationals paroled after September 30, 2022.⁸ While sponsorship documents are still required for parole requests to ensure beneficiaries have appropriate reception and support while paroled, adjudicators should take into account the benefits provided to certain Afghan parole beneficiaries through the continuing resolution when determining whether the beneficiary will have sufficient support during the authorized parole period in the United States. Sponsorship documents may also provide additional evidence to show U.S. ties, which may be a positive factor when assessing eligibility for parole.

The Department of State has developed a fact sheet on obtaining resettlement benefits, which the Consular Section will provide to the Afghan parole beneficiary at the time of travel foil issuance. After a beneficiary is paroled into the United States, the parolee will need to approach a designated resettlement agency to identify themselves as eligible for these benefits and be accepted into the program within 90 days of arrival in the U.S. Although Afghan parolees are entitled to resettlement benefits, it may take several weeks or a month to schedule an appointment with a resettlement agency and begin receiving these benefits after arrival. It is important that Afghan parolees have the support of a sponsor during this period.

If it is unlikely that the parole beneficiary will be able to travel to the United States prior to September 30, 2022, and the beneficiary is not the spouse or child of an Afghan national paroled into the United States between July 31, 2021, and September 30, 2022 or the parent or legal guardian of an

⁸ See H.R. 5305, Section 2502

https://www.govtrack.us/congress/bills/117/hr5305/text/enr#link=C_V_2502_a&nearest=H68BB5F7B78D94E92A179EDBCC860C09F

unaccompanied Afghan minor paroled into the United States during that period, adjudications should ensure that the beneficiary has sufficient financial support for the duration of their parole period.

Vetting:

(U/FOUO) In addition to standard security checks,⁹ ***Afghan beneficiaries*** of parole are required to undergo vetting consistent with the vetting that was put in place for OAW evacuees. Additionally, the National Counterterrorism Center (NCTC) will continue to conduct biographic vetting for ***petitioners and sponsors*** of Afghan parole beneficiaries.

Law Enforcement Privilege

⁹ See the [HAB Procedures Manual](#), Section VII. Background and Security Checks (July 9, 2019) and the [Background and Security Check Vetting Guidance for Form I-131 \(HAB\) Parole Adjudication](#) (October 20, 2020)

¹⁰ A copy of this spreadsheet has been shared with HAB to assist adjudicators and support staff in entering all essential data into the case management system for vetting.

¹¹ IRAD FDNS will issue specific guidance to RIO FDNS on how to review these “red” responses and annotate FDNS-DS.

(U/FOUO) OAW NCTC vetting is valid for six months and must be run on all Afghan beneficiaries between the ages of 14 and 79. OAW NCTC vetting is limited to Afghan beneficiaries only.

(U/FOUO) Adjudicators may deny a parole request with a national security, fraud, or egregious public safety concern prior to FDNS review. Adjudicators must continue to send these cases to RIO-FDNS through the FDNS module in CAMINO or ELIS for RIO-FDNS review and processing post-denial.

Medical Requirements:

For beneficiaries who are in a location where they can complete Consular processing, adjudicators will generate a Conditional Approval Notice: Referral to Consular Processing if the beneficiary is initially found eligible for parole and all USCIS-initiated vetting has been completed. The Conditional Approval Notice: Referral to Consular Processing notifies the petitioner and beneficiary of the additional steps required to complete processing of their case, including completion of the Form DS-160 and required medical screening and vaccinations through the panel physician. For urgent cases, USCIS or a government referring agency may request documentation of vaccinations through the panel physician before the adjudicator has made an initial decision on eligibility and may consider requiring medical screening for tuberculosis be completed within 60 days of arrival in the United States as a condition of parole. Adjudicators will also generate an authorization memo to Post notifying them of the conditional approval and medical requirements.

In line with current OAW requirements, Afghan parole beneficiaries will be required to complete the following medical screening and vaccinations¹² through a panel physician prior to travel, unless an exception applies:

- Age-appropriate vaccinations, as determined by the panel physician based on Technical Instructions issued by the Centers for Disease Control and Prevention (CDC), with expanded age requirements for measles, mumps, rubella (MMR) and polio vaccines:
 - i. MMR vaccine starting age \geq 6 months
 - ii. Polio vaccine starting age \geq 6 weeks and no upper age limit
- 21-day post-MMR vaccine waiting period prior to travel
- Completed COVID-19 vaccine series. If COVID vaccine provided is a 2-dose series, both doses must be administered but no waiting period is required after the series is completed.¹³

¹²<https://www.cdc.gov/immigrantrefugeehealth/panel-physicians/vaccinations.htm> CDC has additional vaccination age requirements for Afghan nationals: MMR is required for all Afghan nationals 6 months old until those born in or after 1957. Polio vaccination is required for all Afghan nationals 6 weeks or older.

¹³ The COVID vaccination requirement can be fulfilled with: 1) any of the COVID-19 vaccines with FDA approval or emergency use authorization: Janssen (J&J), Pfizer, or Moderna or 2) any of the COVID-19 vaccines listed for emergency use by the World Health Organization (WHO). See also: [Guidance for persons vaccinated outside US](#), [Technical Instructions for Panel Physician Exam: COVID 19](#), [What to do when COVID vaccine is not routinely available](#)

- Tuberculosis (TB) screening and treatment based on Technical Instructions¹⁴ issued by the CDC. The beneficiary is required to take appropriate isolation and treatment measures if the tuberculosis test is positive.

The panel physician will generally complete the DS-3025, Vaccination Documentation Worksheet, to record all vaccinations completed and whether any vaccinations are not medically appropriate and the DS-3030, Tuberculosis Worksheet. Waivers to vaccinations that are not medically appropriate are recorded by the panel physician in the right column of the Vaccination Documentation Worksheet. The beneficiary must submit the medical record completed by the panel physician to the Consular Officer during their interview.

Exceptions:

In general, Afghan parole beneficiaries who have not completed the required medical screening and vaccinations (or provided documentation from the panel physician that the vaccinations are not medically appropriate) will not be issued a boarding foil to travel to the United States. However, there may be exceptional circumstances when a beneficiary is unable to complete the required medical screening and vaccinations, either due to the urgent need to travel or because panel physician services and vaccines are severely limited in the beneficiary's country of processing. Whenever possible, the first dose of all vaccinations should be completed prior to travel. If there is sufficient evidence in the record to support the parole beneficiary's need for urgent travel to the United States (i.e., within 90 days of approval of the parole request), USCIS may consider approving parole with the condition that the parolee must complete any additional COVID-19 vaccination doses and TB screening within 60 days of arrival in the United States. If the beneficiary needs to urgently travel to the United States within 30 days of the parole conditional approval, USCIS may waive the 21-day post-MMR vaccination waiting period.

Adjudicators, with the approval of their supervisor, may use their discretion to approve parole into the United States conditioned on the parolee obtaining the required vaccinations and/or TB screening within 60 days of arrival. HAB will issue the beneficiary the Notice Regarding Conditions of Parole via email, if available, copying the petitioner and representative of record, and will also provide the Consular Section with a copy of the Notice Regarding Conditions of Parole to deliver to the beneficiary at the time of foil issuance. This notice outlines the medical requirements that must be completed within 60 days of arrival in the United States. The adjudicator must mark that parole was authorized with conditions and note the conditions to parole in the case management system.

Compliance with Conditions of Parole:

If conditions are placed on parole, the parolee must verify that they have met the conditions of their parole by certifying their vaccination and TB screening status on the USCIS website within 60 days of arrival in the United States.¹⁵ IRAD is working with the ELIS team to develop a case flag in ELIS that will notify adjudicators when a parole beneficiary has not reported compliance with the medical requirement conditions within 120 days of an approval of parole with conditions. When ELIS flags a case for non-compliance, an adjudicator must review CIS to determine whether the parole beneficiary

¹⁴ <https://www.cdc.gov/immigrantrefugeehealth/panel-physicians/tuberculosis.html>

¹⁵ [Afghan Parolee Vaccination Status | USCIS](#)

entered the United States and the date of entry. If there were conditions placed on parole, it has been 75 days since the parolee entered the United States, and the beneficiary has not attested to completing the TB screening and required vaccinations, USCIS will send a warning letter to the beneficiary's last recorded address in AR-11. If the beneficiary fails to complete the vaccination and TB attestation within 120 days of arrival in the United States, USCIS will notify ICE to determine appropriate enforcement actions to promote compliance with the medical requirements. ICE will review each individual referral on a case-by-case basis. ICE or USCIS may amend the parole requirement to impose regular check-ins and technical monitoring or issue a Notice to Appear (NTA) as a means of revoking parole. USCIS may consider a new grant of parole, on a case-by-case basis, upon completion of medical requirements.

Afghanistan Resources:

For additional country conditions information for Afghanistan, please visit the [RAIO Research Division's Afghanistan Resource Guide](#). For information concerning terrorism-related inadmissibility grounds (TRIG) and TRIG-related concerns in Afghanistan, which may be helpful when determining whether discretion should be exercised to authorize parole, please see the [Afghanistan TRIG Resource Page](#).

Afghanistan Parole Notices:

These notices must be used for parole requests filed on behalf of Afghan nationals, where applicable. For decisions not covered by these notices, adjudicators may use the general HAB notice templates.

- **Conditional Approval Notice, Referral to Consular Processing:** HAB issues this notice to the Form I-131 petitioner, beneficiary, and representative of record when HAB determines that the beneficiary is eligible for parole and all USCIS-initiated security checks have been completed. The notice requires the beneficiary to complete the DS-160 to initiate Consular processing and to begin completing required vaccinations. For government requests for parole, HAB issues this notice to the referring agency.
- **Notice of Continued Parole Processing:** HAB issues this notice to the Form I-131 petitioner, beneficiary, and representative of record if HAB determines that the beneficiary initially appears eligible for parole, but the beneficiary is in a location where there is no U.S. embassy or consulate (e.g., Afghanistan or Iran). For government requests for parole, HAB issues this notice to the referring agency.
- **Parole Authorization Memo:** HAB issues this memo to the Consular Section, copying the Consular Affairs parole points of contact, when a parole request has been conditionally approved. This memo serves to notify the Consular Section that USCIS has conditionally approved the parole request and any additional requirements for processing the parole request. If the parole beneficiary may be eligible for resettlement benefits, HAB should include a copy of the resettlement benefits fact sheet when the authorization memo is sent to post.
- **Notice Regarding Conditions for Parole:** HAB issues this notice to the Consular Section with the Authorization Memo so that the Consular Section can provide the notice to the beneficiary at the time of foil issuance. In some cases, the Consular Officer may inform HAB that the beneficiary is unable to complete the required medical screening and vaccination prior to travel, and the officer will then prepare this notice to provide to the Consular Officer when an exception is granted. HAB may also issue the notice to the parole beneficiary via email, if email address is available, copying the petitioner and representative of record.

- **Parole Denial Notice:** HAB issues this notice to the Form I-131 petitioner, beneficiary, and representative of record when the request for parole is denied. For government requests for parole, HAB issues the denial notice to the referring agency.



Policy Branch
International and Refugee Affairs Division
Refugee, Asylum and International Operations
U.S. Citizenship and Immigration Services

Parole Requests for Afghan Nationals
Interim Policies and Procedures

Date: December 17, 2021¹

Background:

On August 29, 2021, the Department of Homeland Security (DHS) became the lead agency implementing the ongoing U.S. Government efforts to support vulnerable Afghan nationals, including many who were evacuated with U.S. Government and private partner assistance from Afghanistan following the withdrawal of the U.S. military from Afghanistan. These coordinated efforts are known as Operation Allies Welcome (OAW) and include comprehensive screening and vetting and additional medical screening and vaccination of Afghan nationals paroled into the United States.

USCIS has developed vetting and medical-related requirements to apply Operation Allies Welcome policies to the adjudication of parole requests for Afghan nationals received through Form I-131 or U.S. government referrals that are under International and Refugee Affairs Division's (IRAD) jurisdiction.² This guidance outlines these policies and procedures, as well as eligibility considerations that are specific to parole of Afghan nationals, taking into account the evolving situation in Afghanistan, U.S. policy interests, and other protection mechanisms in place for vulnerable Afghan nationals.

Eligibility:

Adjudicators must follow the [HAB Procedures Manual](#) and the [Parole Training Module](#) when adjudicating parole requests for Afghan nationals. Although parole requests may be similar in nature, each application must be evaluated on its own merits taking into account all the factors unique to the specific parole request and considering the totality of the circumstances. Given the conditions specific to Afghanistan and the implementation of OAW, adjudicators must follow the additional guidance specific to parole requests for Afghan nationals outlined below.

¹ OCC/RALD clearance received December 9, 2021

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The interagency³ is prioritizing relocation to the United States of the following categories of Afghan nationals who have been able to leave Afghanistan:

- Immediate relatives of a U.S. Citizen (spouse, unmarried children under 21, and parents);
- Immediate relatives of a U.S. Lawful Permanent Resident (spouse and unmarried children under 21);
- Locally Employed Staff (LES)⁴ of U.S. Embassy Kabul and their immediate family (spouse and unmarried children under 21);
- Special Immigrant Visa (SIV) applicants who have received Chief of Mission (COM) approval and immediate relatives (spouse and unmarried children under 21) 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 relocated as part of OAW, 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); and
- Individuals referred to the U.S. Refugee Admissions Program (USRAP) through a P1 embassy referral or P2 group designation referral **and in imminent risk of *refoulement* or serious, targeted harm** in the country outside Afghanistan where they are located.

Membership in one of these groups outlined above should be considered a strong positive factor when assessing urgent humanitarian reasons, significant public benefit, and the exercise of discretion.

Special Immigrant Visas (SIV): Special immigrant applicants who have received COM approval have provided the Department of State with evidence to show they have provided faithful and valuable service to the U.S. Government and have experienced an ongoing serious threat. COM approval is a strong positive factor when assessing significant public benefit and urgent humanitarian reasons. SIV applicants who have not received COM approval must provide third party, credible evidence of their work for the U.S. government (see below section on Evidence), as well as evidence of imminent, targeted severe harm or a particular vulnerability (such as a serious medical condition or a single female without support) to show why they are unable to wait to complete SIV or refugee processing. Adjudication officers can find evidence of COM approval by looking in CCD. Evidence of an approved I-360 petition in CLAIMS3 would also be a strong indicator that the individual has received COM approval.

Protection Claims and P1/P2 Refugee Referrals: Parole is not intended to replace refugee processing and, wherever possible, it is USG policy to process protection needs through the U.S. Refugee Admissions Program (USRAP). However, in some circumstances, the protection needs are so urgent that processing via the USRAP, which can take six months or more for an expedited case, is not a realistic option to accord needed protection. While each case is unique and parole determinations are made based on the totality of the circumstances, USCIS generally approves requests based on protection needs only if there is credible, third-party evidence naming the beneficiary that shows the beneficiary is targeted and at imminent risk of severe harm. The interagency has prioritized relocation efforts for those Afghan nationals who have been referred as P1 or P2 refugee referrals if they are in imminent risk of serious, targeted harm in the country outside of Afghanistan where they are located and processing

³ Department and Agency Deputies, in coordination with the National Security Council, established these priority groups

⁴ Locally Employed Staff are foreign nationals and other locally resident citizens who are legally eligible to work in the country and are employed by the U.S. embassy or consulate.

through the USRAP is not an option. The Department of State is developing procedures so that a State Department Refugee Coordinator, working closely with the United Nations High Commissioner for Refugees, can identify Afghan refugee applicants who are at such risk or have specific vulnerabilities such that expedited refugee processing will not meet the protection needs. In those situations, the Department of State will present a government referral to IRAD for consideration of parole.

While receiving these cases through the government referral process is the preferred approach, that does not preclude individuals from submitting requests for parole using Form I-131 based solely on protection needs. However, the evidentiary burden for those who are not P1/P2 referred applicants for whom PRM and/or UNHCR has confirmed are at imminent risk, will remain high.

Beneficiaries still in Afghanistan

Since the U.S. Embassy in Afghanistan has suspended operations, including all normal consular services, a beneficiary will be required to leave Afghanistan in order to complete processing of their parole request. If an adjudicator finds that a beneficiary residing in Afghanistan appears initially to be eligible for parole, the adjudicator may issue a Parole Notice (Suspension of Processing) stating that USCIS cannot complete processing of the parole request unless and until the beneficiary informs USCIS that they are able to report to a U.S. embassy or consulate. It may be difficult to assess eligibility based purely on protection needs while an individual is still in Afghanistan, as the adjudicator will not know when or how the beneficiary will leave Afghanistan, where the beneficiary will be once outside of Afghanistan, or the protection that may be available to the beneficiary in that location. Therefore, for Afghan nationals in Afghanistan, parole requests based on protection needs, without other factors, such as the beneficiary's falling into one of the categories of Afghan nationals prioritized by the interagency, family reunification, or urgent medical needs, generally will be denied. Such parole beneficiaries should be given denial notices informing them that 1) their parole applications cannot be approved at this time and that, should they get to a third country, they should contact the United Nations High Commissioner for Refugees (UNHCR) for protection and consideration of refugee resettlement in the United States through the U.S. Refugee Admissions Program; and 2) should they be at imminent risk of severe harm in that third country or forced return to Afghanistan, they should contact USCIS with information on whether they have contacted UNHCR for protection assistance and include any third-party credible evidence of their risk in that third country. USCIS will consider reopening the denied parole application (for no fee) within a year from the denial and may reconsider their request if sufficient additional new evidence is provided.

Beneficiaries outside of Afghanistan

Generally, beneficiaries in need of protection should be directed to contact UNHCR. UNHCR has more direct access to information about the beneficiary and conditions in the host country and can consult with the State Department Refugee Coordinator to assess urgency and the most appropriate protection path, including referral for parole, expedited refugee processing for resettlement in the United States, or resettlement in a third country. Parole is not intended to replace normal refugee processing channels and therefore discretion generally will be exercised to deny a request for parole based on a protection need in lieu of channeling vulnerable individuals through the normal protection channels. However, some vulnerable beneficiaries may be eligible for parole based on the specific circumstances of the beneficiary. When assessing parole eligibility, the adjudicator must review the Form I-131 application carefully for any other factors in addition to the protection request, such as family unity, specific vulnerability that may put the beneficiary at risk of imminent harm in the third country, the possibility of imminent refoulement to Afghanistan, and/or whether the beneficiary has access to UNHCR, depending on the location. The adjudicator should assess the totality of the circumstances to determine whether

there are urgent humanitarian factors or significant public benefit reasons for parole and whether discretion should be exercised favorably. A combination of factors in addition to protection needs – such as factors related to family unity or other close U.S. ties and specific vulnerability – should be considered favorably.

Beneficiaries of Form I-130 or Form I-730 Petitions:

While parole generally is not used to circumvent normal immigration processing channels, family reunification is a positive factor when assessing parole eligibility, particularly when combined with other factors related to vulnerability and when normal immigration processing channels are insufficient to address the need for parole. There often are significant public benefit reasons to promote family unity, particularly with respect to vulnerable family members (for example, when the separated vulnerable family member is outside the United States, or the beneficiary is needed to assist a vulnerable family member inside the United States). Family unity is also a positive factor in the exercise of discretion.

Approved Form I-130 and Form I-730 Petitions

A vulnerable Afghan national who is the beneficiary of an approved Form I-130 petition may be eligible for parole if there are no negative discretionary factors that outweigh the positive factors of risk and family reunification. Vulnerability may be based on age, status (e.g., single female, LBGTQI+ status, religious minority status), medical condition, association with the United States, etc. Adjudicators should review PCQS (CLAIMS 3 and ELIS2) and the A-file to confirm the status of any prior petitions filed for the beneficiary. Generally, parole is not to be used to circumvent normal visa processing.

If the beneficiary has an approved Form I-130 petition and a visa is immediately available (e.g., immediate relatives of U.S. Citizens) or the beneficiary's preference category is current⁵, the processing of the parole request should be suspended (marked closed in the case management system) and the beneficiary referred to immigrant visa processing through the Consular Section unless there are circumstances that indicate the visa process would be significantly delayed beyond the time the beneficiary could safely remain in the third country. IRAD HQ is in regular discussions with the Department of State Consular Affairs (DOS/CA) and will provide updated information about visa processing capacity at posts in the region. Adjudicators may also contact IRAD Policy for information when there are questions in this regard. If the beneficiary is in a particularly vulnerable situation, IRAD Policy can consult with DOS/CA to determine the most expeditious processing based on the specific post.

Similarly, if the Form I-131 beneficiary is also the beneficiary of an approved Form I-730 petition, the beneficiary should be directed to contact the U.S. Embassy or Consulate, or USCIS international office, where the beneficiary is located to transfer the Form I-730 petition for the travel eligibility determination and issuance of a travel document. If the travel document is issued, the beneficiary will be able to enter the United States as an asylee or refugee. Normally, the Department of State process for issuing a boarding foil for a Form I-730 beneficiary is very similar to the process for issuing a boarding foil for a parole beneficiary. IRAD HQ is in regular discussions with the Department of State Consular Affairs (DOS/CA) and will provide updated information about Form I-730 travel eligibility processing capacity at posts in the region. Adjudicators may also contact IRAD Policy for information when there

⁵ See the Department of State [Visa Bulletin](#) for preference categories and visa availability.

are questions in this regard. If the beneficiary is in a particularly vulnerable situation, IRAD Policy can consult with DOS/CA to determine the most expeditious processing based on the specific post.

Pending Form I-130 and Form I-730 Petitions

When a petition is pending, adjudicators should review the evidence provided to determine whether the beneficiary is at risk of harm if they were to wait for adjudication of the underlying petition and immigrant visa processing or travel document processing (Form I-730), whether sufficient evidence has been provided to support the claimed relationship and risk of harm, and to consider positive and negative discretionary factors. Any harm to the petitioner based on delayed family unification should also be considered. Adjudicators may also reach out to IRAD Policy where there are pending family-based petitions, and IRAD Policy can flag the petition for expedited adjudication with the office that has jurisdiction.

No Form I-130 and Form I-730 Petition Filed

When no family-based petition has been filed, but the Form I-131 beneficiary could also be eligible as a beneficiary of a Form I-130 or I-730 Petition based on relationship to a USC, LPR, asylee, or refugee, adjudicators should review the evidence provided to determine whether the beneficiary is at risk of harm if they were to wait for the petition and adjudication process (even if expedited), whether sufficient evidence has been provided to support the claimed relationship and risk of harm, and consider positive and negative discretionary factors have been considered. Any harm to the petitioner based on delayed reunification should also be considered.

The Department of State also has authority to accept Form I-130 petitions filed for immediate relatives at consular posts abroad for expeditious processing in urgent circumstances. Adjudicators may reach out to IRAD Policy to explore whether IRAD HQ could assist in working with partners within USCIS and DOS/CA to expedite the adjudication process if a Form I-130 or I-730 petition were to be filed.

Minors:

Adjudicators should refer to the [HAB Procedures Manual](#) and the [Parole Training Module](#) for additional guidance on adjudicating parole cases for minor children. The Adjudication Programs Coordination Office has also developed the RAIO Afghan Children and Adoption-Related Considerations Primer with information specific to the Afghan population.

Separated Family Members:

During the evacuation of Afghan nationals prior to August 31, 2021, some family members were separated from each other, with certain family members paroled into the United States pursuant to Operation Allies Welcome, some remaining in Afghanistan, and others getting to third countries via other means. There are significant public benefit reasons related to family unity to reunite immediate family members with family members paroled into the United States pursuant to Operation Allies Welcome, which can help improve resettlement outcomes. Reflecting the significant public benefit of this type of family reunification, Congress has authorized resettlement assistance after September 30, 2022, for the spouse and children of Afghan nationals paroled into the United States between July 31,

2021, and September 30, 2022, if their parole has not been terminated, as well as the parent or legal guardian of an unaccompanied Afghan minor paroled into the United States during that period.⁶

There also may be urgent humanitarian reasons to use parole to unite Afghan family members separated during the evacuation efforts, depending on the circumstances of each case. Generally, parole may be appropriate to unite separated immediate family members, including spouses and unmarried children, with an individual who was paroled into the United States as part of Operation Allies Welcome. It may also be appropriate for more extended family members, such as parents, adult children, or siblings, depending on the circumstance of each case and taking into account any vulnerabilities and dependencies among the family members.

Beneficiaries who are in the United States:

Some Afghan nationals who have pending parole requests with USCIS were able to enter the United States through other means, including U.S. government evacuation flights or an immigrant visa. If the adjudicator determines that the beneficiary of an initial Form I-131 filed while the beneficiary was outside the United States is in the United States at the time of adjudication after having been admitted or paroled, the parole request should be denied with an explanation that the reason for parole no longer exists since the beneficiary is currently present in the United States.

Conditional Approvals prior to August 31, 2021:

USCIS conditionally approved approximately 80 requests for parole for Afghan nationals in August 2021. Some of these beneficiaries were able to board evacuation flights, but many were not. USCIS will generally honor the prior conditional approval for these cases if the beneficiaries are able to continue processing their parole requests outside of Afghanistan within one year of approval and comply with all vetting and medical requirements, unless new derogatory information is found. If the petitioner or beneficiary contacts USCIS to continue processing the parole request, the adjudicator must reopen the case in CAMINO, review the file for any data fields required for vetting and update these in CAMINO, and submit a new OAW vetting request. If the beneficiary is eligible for parole after all security checks are complete, HAB should issue a new Afghanistan Conditional Approval Notice and Afghanistan Authorization Memo, which include the new medical requirements.

Evidence:

In order to determine whether the beneficiary is eligible for parole, the adjudicating officer should review and evaluate all of the evidence in the record. The adjudicator should refer to the [HAB Procedures Manual](#) and the [Parole Training Module](#) for guidance on assessing relevance and credibility of the evidence provided. Adjudicators should also refer to [8 CFR § 103.2\(b\)\(2\)](#) for regulations regarding the submission of secondary evidence when primary evidence is unavailable.

Afghan Documents: Identity and relationship documentation may be lacking in some Afghan parole requests given the circumstances of flight, for those outside of Afghanistan, and due to limitations on the availability of identity documents. For example, according to the September 22, 2021 [Afghan](#)

⁶ See H.R. 5305, Section 2502

https://www.govtrack.us/congress/bills/117/hr5305/text/enr#link=C_V_2502_a&nearest=H68BB5F7B78D94E92A179EDBCC860C09F

[Document Guide](#) produced by the HSI Forensics Lab, citing a UNICEF report, birth certificates are not commonly used in Afghanistan and those that are issued often do not have the child's name. Adjudicators must become familiar with the Afghan Document Guide, which provides detailed information and exemplars of Afghan government documents prior to the recent take-over by the Taliban. Adjudicators are also encouraged to review the [Department of State Reciprocity and Civil-Documents Guide](#) section on Afghanistan. It notes that the main form of identity document used in Afghanistan is the *tazkera* and provides the following comments:

Afghans usually apply for a tazkera when a child reaches school age, but it can also be obtained and/or modified throughout adulthood. The document traces its holder's roots through the father; mother's names are not usually listed on tazkeras. Tazkeras are hand-written, and there have been multiple variants of the document since 1976. U.S. Embassy Kabul requires all Afghan citizens who are applying for immigrant, special immigrant, or other such visas to submit a tazkera, as proof of identity and birth. Some Afghan citizens may also possess birth certificates issued by clinics or hospitals in Afghanistan, but these documents are not accepted for U.S. visa processing. U.S. Embassy Kabul requires that all tazkeras be accompanied by a certified English translation. The tazkera must first be authenticated by the Ministry of Interior before an English translation may be certified by the Ministry of Foreign Affairs.

More information will be provided regarding passports and identity documents issued by the Taliban government once it is available.

Passports: In general, a parole beneficiary must have a passport to travel. However, when the beneficiary is unable to obtain a passport prior to travel to the United States, the adjudicator must notify the Consular Section that the beneficiary does not have a passport in the authorization memo sent to Post. The Consular Section may issue the boarding foil on the Form DS-232.

Verifying Work with the U.S. Government: Copies of letters and certificates from U.S. government agencies or officials can be easily replicated and generally should not be considered strong evidence without credible third-party verification. The Department of Defense (DOD) may be able to verify employment with DOD contractors in certain circumstances. DOD can also verify whether they have referred an individual for P1 or P2 refugee processing, including both individuals who worked for DOD and some who worked for the former Afghan government or military.

IRAD HQ is working to obtain access to the list of P1 and P2 referrals of Afghan nationals to the USRAP. In the near-term, adjudicators can refer cases to IRAD Policy for verification of DOD records if the beneficiary is otherwise eligible for parole (e.g., there is an imminent risk of severe targeted harm, particular vulnerability, or other factors that preclude refugee resettlement or visa processing) and third-party evidence of the beneficiary's claimed work with the U.S. Government is the only outstanding issue. Adjudicators should also send requests for verification of employment by other U.S. Government employers to IRAD Policy, and IRAD Policy will work to establish a mechanism for verifying these requests.

Sponsorship and Resettlement Benefits:

The continuing resolution for Fiscal Year 2022 passed by Congress on September 30, 2021, provides certain Afghan nationals who were paroled into the United States between July 31, 2021, and

September 30, 2022, access to resettlement assistance, entitlement programs, and other benefits normally provided to refugees, and provides similar assistance to certain other Afghan nationals paroled after September 30, 2022.⁷ While sponsorship documents are still required for parole requests to ensure beneficiaries have appropriate reception and support while paroled, adjudicators should take into account the benefits provided to certain Afghan parole beneficiaries through the continuing resolution when determining whether the beneficiary will have sufficient support during the authorized parole period in the United States. Sponsorship documents may also provide additional evidence to show U.S. ties, which may be a positive factor when assessing eligibility for parole.

The Department of State has developed a fact sheet on obtaining resettlement benefits, which the Consular Section will provide to the Afghan parole beneficiary at the time of travel foil issuance. After a beneficiary is paroled into the United States, the parolee will need to approach a designated resettlement agency to identify themselves as eligible for these benefits and be accepted into the program within 90 days of arrival in the U.S. Although Afghan parolees are entitled to resettlement benefits, it may take several weeks or a month to schedule an appointment with a resettlement agency and begin receiving these benefits after arrival. It is important that Afghan parolees have the support of a sponsor during this period.

Vetting:

(U/FOUO) In addition to standard security checks,⁸ ***Afghan beneficiaries*** of parole are required to undergo vetting consistent with the vetting in place for OAW evacuees. Additionally, the National Counterterrorism Center (NCTC) will continue to conduct biographic vetting for ***petitioners and sponsors*** of Afghan parole beneficiaries.

Law Enforcement Privilege

⁷ See H.R. 5305, Section 2502

https://www.govtrack.us/congress/bills/117/hr5305/text/enr#link=C_V_2502_a&nearest=H68BB5F7B78D94E92A179EDBCC860C09F

⁸ See the [HAB Procedures Manual](#), Section VII. Background and Security Checks (July 9, 2019) and the [Background and Security Check Vetting Guidance for Form I-131 \(HAB\) Parole Adjudication](#) (October 20, 2020)

⁹ A copy of this spreadsheet has been shared with HAB to assist adjudicators and support staff in entering all essential data into the case management system for vetting.

Law Enforcement Privilege

Suspension of Processing Certain Cases:

Parole beneficiaries must report to a U.S. embassy or consulate to complete processing of their parole request, including identity verification, biometrics collection, and receipt of vaccination records. Adjudicators should issue a Parole Notice (Suspension of Processing) if an Afghan beneficiary appears initially to be eligible for parole, but the beneficiary is residing in Afghanistan or another country without U.S. consular services. The Parole Notice (Suspension of Processing) states that USCIS cannot complete processing of the parole request unless and until the beneficiary informs USCIS that they are able to report to a U.S. embassy or consulate.

Adjudicators may also issue the Parole Notice (Suspension of Processing) in cases where the beneficiary appears initially to be eligible for parole but has an approved Form I-730, I-360 (Petition for Amerasian, Widow(er), or Special Immigrant), or I-130 and an immigrant visa is available. The Parole Notice (Suspension of Processing) states that the beneficiary should pursue immigrant visa processing but may notify USCIS once outside of Afghanistan if immigrant visa processing is not a viable option.

The Parole Notice (Suspension of Processing) should only be issued for cases that appear initially to be eligible for parole **and all biographic vetting, including OAW NCTC vetting, is complete**. Adjudicators are not required to review pre-existing A-files prior to issuing a Parole Notice (Suspension of Processing) unless the A-file is required to determine initial eligibility. Once the Parole Notice (Suspension of Processing) has been issued, the adjudicator should administratively close the case in CAMINO or ELIS,

¹⁰ IRAD FDNS will issue specific guidance to RIO FDNS on how to review these “red” responses and annotate FDNS-DS.

purely for case tracking and workload management purposes. The parole application will remain open for at least a year.

If the petitioner or beneficiary notifies IRAD that the beneficiary is able to report to a U.S. embassy or consulate to continue processing of their case, the adjudicator should verify that the beneficiary is still eligible for parole and that all required USCIS-initiated¹¹ security checks are valid. For cases where the beneficiary has an approved immigrant petition and the visa is available, the adjudicator must assess whether a reasonable explanation has been provided for why the beneficiary cannot pursue immigrant visa processing, confirm all required USCIS-initiated security checks are valid, and verify that the beneficiary is still eligible for parole. If the adjudicator determines that the beneficiary is still eligible for parole, the adjudicator must re-open the parole request in CAMINO or ELIS and issue a Conditional Approval Notice. An Authorization Memo must also be sent to Post.

Medical Requirements:

For beneficiaries who are in a location where they can complete Consular processing, adjudicators will generate a Conditional Approval Notice: Referral to Consular Processing if the beneficiary is initially found eligible for parole and all USCIS-initiated vetting has been completed. The Conditional Approval Notice: Referral to Consular Processing notifies the petitioner and beneficiary of the additional steps required to complete processing of their case, including completion of the Form DS-160 and required medical screening and vaccinations through the panel physician. For urgent cases, USCIS or a government referring agency may request documentation of vaccinations through the panel physician before the adjudicator has made an initial decision on eligibility and may consider requiring medical screening for tuberculosis be completed within 60 days of arrival in the United States as a condition of parole. Adjudicators will also generate an authorization memo to Post notifying them of the conditional approval and medical requirements.

In line with current OAW requirements, Afghan parole beneficiaries will be required to complete the following medical screening and vaccinations¹² through a panel physician, unless an exception applies:

- Age-appropriate vaccinations, as determined by the panel physician based on Technical Instructions issued by the Centers for Disease Control and Prevention (CDC), with expanded age requirements for measles, mumps, rubella (MMR) and polio vaccines:
 - i. MMR vaccine starting age \geq 6 months
 - ii. Polio vaccine starting age \geq 6 weeks and no upper age limit
- 21-day post-MMR vaccine waiting period prior to travel

¹¹ DOS/CA conducts additional biometric and biographic checks prior to issuance of a boarding foil.

¹²<https://www.cdc.gov/immigrantrefugeehealth/panel-physicians/vaccinations.htm> CDC has additional vaccination age requirements for Afghan nationals: MMR is required for all Afghan nationals 6 months old until those born in or after 1957. Polio vaccination is required for all Afghan nationals 6 weeks or older.

- Completed COVID-19 vaccine series. If COVID vaccine provided is a 2-dose series, both doses must be administered but no waiting period is required after the series is completed.¹³
- Tuberculosis (TB) screening and treatment based on Technical Instructions issued by the Centers for Disease Control and Prevention. The beneficiary is required to take appropriate isolation and treatment measures if the tuberculosis test is positive.

The panel physician will generally complete a Form DS-2054, Report of Medical Examination by Panel Physician, for each beneficiary, which includes the Vaccination Documentation Worksheet to record all vaccinations completed and whether any vaccinations are not medically appropriate and the Tuberculosis Worksheet. Waivers to vaccinations that are not medically appropriate are recorded by the panel physician in the right column of the Vaccination Documentation Worksheet. The beneficiary must submit the medical record completed by the panel physician to the Consular Officer during their interview.

Exceptions:

In general, Afghan parole beneficiaries who have not completed the required medical screening and vaccinations (or provided documentation from the panel physician that the vaccinations are not medically appropriate) will not be issued a boarding foil to travel to the United States. However, there may be exceptional circumstances when a beneficiary is unable to complete the required medical screening and vaccinations, either due to the urgent need to travel or because panel physician services and vaccines are severely limited in the beneficiary's country of processing. Whenever possible, the first dose of all vaccinations should be completed prior to travel. If there is sufficient evidence in the record to support the parole beneficiary's need for urgent travel to the United States (i.e., within 90 days of approval of the parole request), USCIS may consider approving parole with the condition that the parolee must complete any additional COVID-19 vaccination doses and TB screening within 60 days of arrival in the United States. If the beneficiary needs to urgently travel to the United States within 30 days of the parole conditional approval, USCIS may waive the 21-day post-MMR vaccination waiting period.

Adjudicators, with the approval of their supervisor, may use their discretion to approve parole into the United States conditioned on the parolee obtaining the required vaccinations and/or TB screening within 60 days of arrival. Adjudicators will issue the beneficiary the Notice Regarding Conditions of Parole via email, if available, copying the petitioner and representative of record, and will also provide the Consular Section with a copy of the Notice Regarding Conditions of Parole to deliver to the beneficiary at the time of foil issuance. This notice outlines the medical requirements that must be completed within 60 days of arrival in the United States. The adjudicator must mark that parole was authorized with conditions and note the conditions to parole in the case management system.

¹³ The COVID vaccination requirement can be fulfilled with: 1) any of the COVID-19 vaccines with FDA approval or emergency use authorization: Janssen (J&J), Pfizer, or Moderna or 2) any of the COVID-19 vaccines listed for emergency use by the World Health Organization (WHO). See also: [Guidance for persons vaccinated outside US](#), [Technical Instructions for Panel Physician Exam: COVID 19](#), [What to do when COVID vaccine is not routinely available](#)

Compliance with Conditions of Parole:

If conditions are placed on parole, the parolee must verify that they have met the conditions of their parole by certifying their vaccination and TB screening status on the USCIS website within 60 days of arrival in the United States.¹⁴ IRAD is working with the ELIS team to develop a case flag in ELIS that will notify adjudicators when a parole beneficiary has not reported compliance with the medical requirement conditions within 120 days of an approval of parole with conditions. When ELIS flags a case for non-compliance, an adjudicator must review CIS to determine whether the parole beneficiary entered the United States and the date of entry. If there were conditions placed on parole, it has been 75 days since the parolee entered the United States, and the beneficiary has not attested to completing the TB screening and required vaccinations, USCIS will send a warning letter to the beneficiary's last recorded address in AR-11. If the beneficiary fails to complete the vaccination and TB attestation within 120 days of arrival in the United States, USCIS will notify ICE to determine appropriate enforcement actions to promote compliance with the medical requirements. ICE will review each individual referral on a case-by-case basis. ICE or USCIS may amend the parole requirement to impose regular check-ins and technical monitoring or issue a Notice to Appear (NTA) as a means of revoking parole. USCIS may consider a new grant of parole, on a case-by-case basis, upon completion of medical requirements.

Afghanistan Resources:

For additional country conditions information for Afghanistan, please visit the [RAIO Research Unit's Afghanistan Resource Guide](#). For information concerning terrorism-related inadmissibility grounds (TRIG) and TRIG-related concerns in Afghanistan, which may be helpful when determining whether discretion should be exercised to authorize parole, please see the [RAIO TRIG Afghanistan Country Guide](#).

Afghanistan Parole Notices:

- **Conditional Approval Notice, Referral to Consular Processing:** HAB issues this notice to the Form I-131 petitioner, beneficiary, and representative of record when HAB determines that the beneficiary is eligible for parole and all USCIS-initiated security checks have been completed. The notice requires the beneficiary to complete the DS-160 to initiate Consular processing and to begin completing required vaccinations. For government requests for parole, HAB issues this notice to the referring agency.
- **Parole Notice (Suspension of Processing):** HAB issues this notice to the Form I-131 petitioner, beneficiary, and representative of record after an initial assessment that the beneficiary may be eligible for parole, but the beneficiary is in a location where there is no U.S. embassy or consulate (e.g., Afghanistan or Iran) or where the beneficiary is also the beneficiary of an approved I-130 or I-730 and HAB determined that parole processing should be halted in favor of immigrant visa processing. For government requests for parole, HAB issues this notice to the referring agency. This notice serves several purposes: 1) notification that the beneficiary must report to a U.S. embassy or consulate to continue processing the parole request; 2) where applicable, notification that the beneficiary should pursue immigrant visa processing and to notify HAB if this is not feasible.
- **Parole Authorization Memo:** HAB issues this memo to the Consular Section, copying the Consular Affairs parole points of contact, when a parole request has been conditionally

¹⁴ [Afghan Parolee Vaccination Status | USCIS](#)

approved. This memo serves to notify the Consular Section that USCIS has conditionally approved the parole request and any additional requirements for processing the parole request. If the parole beneficiary may be eligible for resettlement benefits, HAB should include a copy of the resettlement benefits fact sheet when the authorization memo is sent to post.

- **Notice Regarding Conditions for Parole:** HAB issues this notice to the Consular Section with the Authorization Memo so that the Consular Section can provide the notice to the beneficiary at the time of foil issuance. HAB may also issue the notice to the parole beneficiary via email, if email address is available, copying the petitioner and representative of record.
- **Parole Denial Notice:** HAB issues this notice to the Form I-131 petitioner, beneficiary, and representative of record when the request for parole is denied. For government requests for parole, HAB issues the denial notice to the referring agency.

PLAINTIFF PII REDACTION

From:

PLAINTIFF PII REDACTION

Sent: Friday, November 5, 2021 6:35 PM

To: Bird, John W (Wally) PLAINTIFF PII REDACTION PLAINTIFF PII REDACTION

Cc: PLAINTIFF PII REDACTION

Subject: Afghan Parole Updates

Attach: Parole Procedures for Afghan Nationals 11.05.2021.pdf; RAIO Afghan Children and Adoption-Related Considerations Primer (11.2.21).pdf; APA Fact Sheet for Overseas Humanitarian Parolees.pdf

Wally, PLAINTIFF P

I've included a few relevant documents and the latest updates on where we stand with Afghanistan parole requests. Please feel free to share with your teams.

- **Parole Procedures for Afghan Nationals:** I made a few updates to the SOP that I shared with the group this morning to reflect new language regarding priority groups that we received from the NSC today. RAIO Clearance forwarded a copy of the Afghan SOP to Exec Sec this evening to confirm whether the Director's Office wanted to review. We may have some minor edits on Monday, but Joanna has asked that we share this version with adjudicators.
- **Afghanistan Case Notices:** RAIO CAMINO is still working on updates to these case notices in Staging. I'm hoping the final versions will be in CAMINO live by COB Monday. I've copied you on the latest correspondence and will continue to follow up.
- **RAIO Afghan Children and Adoption-Related Considerations Primer:** APC has produced this primer to assist with Afghan adoption cases. They're also working on an update, which will include additional guidance on how to handle parole requests for unaccompanied minors.
- **APA Fact Sheet for Overseas Humanitarian Parolees:** PRM created this document on resettlement benefits, which should be given to all Afghan parole beneficiaries at the time of foil issuance. Admin staff should attach the PDF to any authorization memo emails sent to post.

I'll send out another email early next week confirming when case notices have been uploaded into CAMINO live and will include the final version of the Parole Procedures for Afghan Nationals document.

Please feel free to reach out with questions that come up as adjudicators begin to review these Afghan cases on Monday. I also let PLAINTIFF PII REDACTION know that we could set up a time on Tuesday or Wednesday to touch base with the adjudicators assigned to Afghan cases and answer some of their questions.

PLAINTIFF PII I



Policy Branch
International and Refugee Affairs Division
Refugee, Asylum and International Operations
U.S. Citizenship and Immigration Services

Parole Requests for Afghan Nationals
Interim Policies and Procedures

Date: November 5, 2021¹

Background:

On August 29, 2021, the Department of Homeland Security (DHS) became the lead agency implementing the ongoing U.S. Government efforts to support vulnerable Afghan nationals, including many who were evacuated with U.S. Government and private partner assistance from Afghanistan following the withdrawal of the U.S. military from Afghanistan. These coordinated efforts are known as Operation Allies Welcome (OAW) and include comprehensive screening and vetting and additional medical screening and vaccination of Afghan nationals paroled into the United States.

USCIS has developed vetting and medical-related requirements to apply Operation Allies Welcome policies to the adjudication of parole requests for Afghan nationals received through Form I-131 or U.S. government referrals that are under International and Refugee Affairs Division's (IRAD) jurisdiction.² This guidance outlines these policies and procedures, as well as eligibility considerations that are specific to parole of Afghan nationals, taking into account the evolving situation in Afghanistan, U.S. policy interests, and other protection mechanisms in place for vulnerable Afghan nationals.

Eligibility:

Adjudicators must follow the [HAB Procedures Manual](#) and the [Parole Training Module](#) when adjudicating parole requests for Afghan nationals. Although parole requests may be similar in nature, each application must be evaluated on its own merits taking into account all the factors unique to the specific parole request and considering the totality of the circumstances. Given the conditions specific to Afghanistan and the implementation of OAW, adjudicators must follow the additional guidance specific to parole requests for Afghan nationals outlined below.

¹ OCC/RALD and OP&S clearance received November 4, 2021

² Many Afghan nationals were transported to the United States by the USG and were paroled at the ports of entry by CBP. Afghan nationals who remain overseas are eligible to apply for humanitarian parole with USCIS by filing the Form I-131, Application for Travel Document. USCIS also receives requests for parole through executive agency referrals. Humanitarian parole requests are adjudicated by IRAD's Humanitarian Affairs Branch (HAB) and, if approved, the individual must visit a U.S. embassy or consulate to complete processing (including biometric security checks) and receive travel documents.

The interagency is prioritizing relocation to the United States of the following categories of Afghan nationals who have been able to leave Afghanistan:

- Immediate relatives of a U.S. Citizen (spouse, unmarried children under 21, and parents);
- Immediate relatives of a U.S. Lawful Permanent Resident (spouse and unmarried children under 21);
- Locally Employed Staff (LES)³ of U.S. Embassy Kabul and their immediate family (spouse and unmarried children under 21);
- Special Immigrant Visa (SIV) applicants who have received Chief of Mission (COM) approval and immediate relatives (spouse and unmarried children under 21) 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 relocated as part of OAW, 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); and
- Individuals referred to the U.S. Refugee Admissions Program (USRAP) through a P1 embassy referral or P2 group designation referral **and in imminent risk of *refoulement* or serious, targeted harm** in the country outside Afghanistan where they are located.

Membership in one of these groups outlined above should be considered a strong positive factor when assessing urgent humanitarian reasons, significant public benefit, and the exercise of discretion.

Special Immigrant Visas (SIV): Special immigrant applicants who have received COM approval have provided the Department of State with evidence to show they have provided faithful and valuable service to the U.S. Government and have experienced an ongoing serious threat. COM approval is a strong positive factor when assessing significant public benefit and urgent humanitarian reasons. SIV applicants who have not received COM approval must provide third party, credible evidence of their work for the U.S. government (see below section on Evidence), as well as evidence of imminent, targeted severe harm or a particular vulnerability (such as a serious medical condition or a single female without support) to show why they are unable to wait to complete SIV or refugee processing. Adjudication officers can find evidence of COM approval by looking in CCD. Evidence of an approved I-360 petition in CLAIMS3 would also be a strong indicator that the individual has received COM approval.

Protection Claims and P1/P2 Refugee Referrals: Parole is not intended to replace refugee processing and, wherever possible, it is USG policy to process protection needs through the U.S. Refugee Admissions Program (USRAP). However, in some circumstances, the protection needs are so urgent that processing via the USRAP, which can take six months or more for an expedited case, is not a realistic option to accord needed protection. While each case is unique and parole determinations are made based on the totality of the circumstances, USCIS generally approves requests based on protection needs only if there is credible, third-party evidence naming the beneficiary that shows the beneficiary is targeted and at imminent risk of severe harm. The interagency has prioritized relocation efforts for those Afghan nationals who have been referred as P1 or P2 refugee referrals if they are in imminent risk of serious, targeted harm in the country outside of Afghanistan where they are located and processing through the USRAP is not an option. The Department of State is developing procedures so that a State Department Refugee Coordinator, working closely with the United Nations High Commissioner for

³ Locally Employed Staff are foreign nationals and other locally resident citizens who are legally eligible to work in the country and are employed by the U.S. embassy or consulate.

Refugees, can identify Afghan refugee applicants who are at such risk or have specific vulnerabilities such that expedited refugee processing will not meet the protection needs. In those situations, the Department of State will present a government referral to IRAD for consideration of parole.

While receiving these cases through the government referral process is the preferred approach, that does not preclude individuals from submitting requests for parole using Form I-131 based solely on protection needs. However, the evidentiary burden for those who are not P1/P2 referred applicants for whom PRM and/or UNHCR has confirmed is at imminent risk, will remain high.

Beneficiaries still in Afghanistan

Since the U.S. Embassy in Afghanistan has suspended operations, including all normal consular services, a beneficiary will be required to leave Afghanistan in order to complete processing of their parole request. If an adjudicator finds that a beneficiary residing in Afghanistan is initially found eligible for parole, the adjudicator may issue a Parole Notice (Suspension of Processing) stating that USCIS cannot complete processing of the parole request unless and until the beneficiary informs USCIS that they are able to report to a U.S. embassy or consulate. It may be difficult to assess eligibility based purely on protection needs while an individual is still in Afghanistan, as the adjudicator will not know when or how the beneficiary will leave Afghanistan, where the beneficiary will be once outside of Afghanistan, or the protection that may be available to the beneficiary in that location. Therefore, for Afghan nationals in Afghanistan, parole requests based on protection needs, without other factors, such as the beneficiary's falling into one of the categories of Afghan nationals prioritized by the interagency, family reunification, or urgent medical needs, generally will be denied. Such parole beneficiaries should be given denial notices informing them that 1) their parole applications cannot be approved at this time and that, should they get to a third country, they should contact the United Nations High Commissioner for Refugees (UNHCR) for protection and consideration of refugee resettlement in the United States through the U.S. Refugee Admissions Program; and 2) should they be at imminent risk of severe harm in that third country or forced return to Afghanistan, they should contact USCIS with information on whether they have contacted UNHCR for protection assistance and include any third-party credible evidence of their risk in that third country. USCIS will consider reopening the denied parole application (for no fee) within a year from the denial and may reconsider their request if sufficient additional new evidence is provided.

Beneficiaries outside of Afghanistan

Generally, beneficiaries in need of protection should be directed to contact UNHCR. UNHCR has more direct access to information about the beneficiary and conditions in the host country and can consult with the State Department Refugee Coordinator to assess urgency and the most appropriate protection path, including referral for parole, expedited refugee processing for resettlement in the United States, or resettlement in a third country. Parole is not intended to replace normal refugee processing channels and therefore discretion generally will be exercised to deny a request for parole based on a protection need in lieu of channeling vulnerable individuals through the normal protection channels. However, some vulnerable beneficiaries may be eligible for parole based on the specific circumstances of the beneficiary. When assessing parole eligibility, the adjudicator must review the Form I-131 application carefully for any other factors in addition to the protection request, such as family unity, specific vulnerability that may put the beneficiary at risk of imminent harm in the third country, the possibility of imminent refoulement to Afghanistan, and/or whether the beneficiary has access to UNHCR, depending on the location. The adjudicator should assess the totality of the circumstances to determine whether there are urgent humanitarian factors or significant public benefit reasons for parole and whether discretion should be exercised favorably. A combination of factors in addition to protection needs –

such as factors related to family unity or other close U.S. ties and specific vulnerability – should be considered favorably.

Beneficiaries of Form I-130 or Form I-730 Petitions:

While parole generally is not used to circumvent normal immigration processing channels, family reunification is a positive factor when assessing parole eligibility, particularly when combined with other factors related to vulnerability and when normal immigration processing channels are insufficient to address the need for parole. There often are significant public benefit reasons to promote family unity, particularly with respect to vulnerable family members (for example, when the separated vulnerable family member is outside the United States, or the beneficiary is needed to assist a vulnerable family member inside the United States). Family unity is also a positive factor in the exercise of discretion.

Approved Form I-130 and Form I-730 Petitions

A vulnerable Afghan national who is the beneficiary of an approved Form I-130 petition may be eligible for parole if there are no negative discretionary factors that outweigh the positive factors of risk and family reunification. Vulnerability may be based on age, status (e.g., single female, LBGTQI+ status, religious minority status), medical condition, association with the United States, etc. Adjudicators should review PCQS (CLAIMS 3 and ELIS2) and the A-file to confirm the status of any prior petitions filed for the beneficiary. Generally, parole is not to be used to circumvent normal visa processing.

If the beneficiary has an approved Form I-130 petition and a visa is immediately available (e.g., immediate relatives of U.S. Citizens) or the beneficiary's preference category is current⁴, the processing of the parole request should be suspended (marked closed in the case management system) and the beneficiary referred to immigrant visa processing through the Consular Section unless there are circumstances that indicate the visa process would be significantly delayed beyond the time the beneficiary could safely remain in the third country. IRAD HQ is in regular discussions with the Department of State Consular Affairs (DOS/CA) and will provide updated information about visa processing capacity at posts in the region. Adjudicators may also contact IRAD Policy for information when there are questions in this regard. If the beneficiary is in a particularly vulnerable situation, IRAD Policy can consult with DOS/CA to determine the most expeditious processing based on the specific post.

Similarly, if the Form I-131 beneficiary is also the beneficiary of an approved Form I-730 petition, the beneficiary should be directed to contact the U.S. Embassy or Consulate, or USCIS international office, where the beneficiary is located to transfer the Form I-730 petition for the travel eligibility determination and issuance of a travel document. If the travel document is issued, the beneficiary will be able to enter the United States as an asylee or refugee. Normally, the Department of State process for issuing a boarding foil for a Form I-730 beneficiary is very similar to the process for issuing a boarding foil for a parole beneficiary. IRAD HQ is in regular discussions with the Department of State Consular Affairs (DOS/CA) and will provide updated information about Form I-730 travel eligibility processing capacity at posts in the region. Adjudicators may also contact IRAD Policy for information when there are questions in this regard. If the beneficiary is in a particularly vulnerable situation, IRAD Policy can consult with DOS/CA to determine the most expeditious processing based on the specific post.

⁴ See the Department of State [Visa Bulletin](#) for preference categories and visa availability.

Pending Form I-130 and Form I-730 Petitions

When a petition is pending, adjudicators should review the evidence provided to determine whether the beneficiary is at risk of harm if they were to wait for adjudication of the underlying petition and immigrant visa processing or travel document processing (Form I-730), whether sufficient evidence has been provided to support the claimed relationship and risk of harm, and to consider positive and negative discretionary factors. Any harm to the petitioner based on delayed family unification should also be considered. Adjudicators may also reach out to IRAD Policy where there are pending family-based petitions, and IRAD Policy can flag the petition for expedited adjudication with the office that has jurisdiction.

No Form I-130 and Form I-730 Petition Filed

When no family-based petition has been filed, but the Form I-131 beneficiary could also be eligible as a beneficiary of a Form I-130 or I-730 Petition based on relationship to a USC, LPR, asylee, or refugee, adjudicators should review the evidence provided to determine whether the beneficiary is at risk of harm if they were to wait for the petition and adjudication process (even if expedited), whether sufficient evidence has been provided to support the claimed relationship and risk of harm, and consider positive and negative discretionary factors have been considered. Any harm to the petitioner based on delayed reunification should also be considered.

The Department of State also has authority to accept Form I-130 petitions filed for immediate relatives at consular posts abroad for expeditious processing in urgent circumstances. Adjudicators may reach out to IRAD Policy to explore whether IRAD HQ could assist in working with partners within USCIS and DOS/CA to expedite the adjudication process if a Form I-130 or I-730 petition were to be filed.

Minors:

Adjudicators should refer to the [HAB Procedures Manual](#) and the [Parole Training Module](#) for additional guidance on adjudicating parole cases for minor children. The Adjudication Programs Coordination Office has also developed the RAIO Afghan Children and Adoption-Related Considerations Primer with information specific to the Afghan population.

Separated Family Members:

During the evacuation of Afghan nationals prior to August 31, 2021, some family members were separated from each other, with certain family members paroled into the United States pursuant to Operation Allies Welcome, some remaining in Afghanistan, and others getting to third countries via other means. There are significant public benefit reasons related to family unity to reunite immediate family members with family members paroled into the United States pursuant to Operation Allies Welcome, which can help improve resettlement outcomes. Reflecting the significant public benefit of this type of family reunification, Congress has authorized resettlement assistance after September 30, 2022, for the spouse and children of Afghan nationals paroled into the United States between July 31,

2021, and September 30, 2022, if their parole has not been terminated, as well as the parent or legal guardian of an unaccompanied Afghan minor paroled into the United States during that period.⁵

There also may be urgent humanitarian reasons to use parole to unite Afghan family members separated during the evacuation efforts, depending on the circumstances of each case. Generally, parole may be appropriate to unite separated immediate family members, including spouses and unmarried children, with an individual who was paroled into the United States as part of Operation Allies Welcome. It may also be appropriate for more extended family members, such as parents, adult children, or siblings, depending on the circumstance of each case and taking into account any vulnerabilities and dependencies among the family members.

Evidence:

In order to determine whether the beneficiary is eligible for parole, the adjudicating officer should review and evaluate all of the evidence in the record. The adjudicator should refer to the [HAB Procedures Manual](#) and the [Parole Training Module](#) for guidance on assessing relevance and credibility of the evidence provided. Adjudicators should also refer to [8 CFR § 103.2\(b\)\(2\)](#) for regulations regarding the submission of secondary evidence when primary evidence is unavailable.

Afghan Documents: Identity and relationship documentation may be lacking in some Afghan parole requests given the circumstances of flight, for those outside of Afghanistan, and due to limitations on the availability of identity documents. For example, according to the September 22, 2021 [Afghan Document Guide](#) produced by the HSI Forensics Lab, citing a UNICEF report, birth certificates are not commonly used in Afghanistan and those that are issued often do not have the child's name. Adjudicators must become familiar with the Afghan Document Guide, which provides detailed information and exemplars of Afghan government documents prior to the recent take-over by the Taliban. Adjudicators are also encouraged to review the [Department of State Reciprocity and Civil-Documents Guide](#) section on Afghanistan. It notes that the main form of identity document used in Afghanistan is the *tazkera* and provides the following comments:

Afghans usually apply for a tazkera when a child reaches school age, but it can also be obtained and/or modified throughout adulthood. The document traces its holder's roots through the father; mother's names are not usually listed on tazkeras. Tazkeras are hand-written, and there have been multiple variants of the document since 1976. U.S. Embassy Kabul requires all Afghan citizens who are applying for immigrant, special immigrant, or other such visas to submit a tazkera, as proof of identity and birth. Some Afghan citizens may also possess birth certificates issued by clinics or hospitals in Afghanistan, but these documents are not accepted for U.S. visa processing. U.S. Embassy Kabul requires that all tazkeras be accompanied by a certified English translation. The tazkera must first be authenticated by the Ministry of Interior before an English translation may be certified by the Ministry of Foreign Affairs.

More information will be provided regarding passports and identity documents issued by the Taliban government once it is available.

⁵ See H.R. 5305, Section 2502

https://www.govtrack.us/congress/bills/117/hr5305/text/enr#link=C_V_2502_a&nearest=H68BB5F7B78D94E92A179EDBCC860C09F

Passports: In general, a parole beneficiary must have a passport to travel. However, when the beneficiary is unable to obtain a passport prior to travel to the United States, the adjudicator must notify the Consular Section that the beneficiary does not have a passport in the authorization memo sent to Post. The Consular Section may issue the boarding foil on the Form DS-232.

Verifying Work with the U.S. Government: Copies of letters and certificates from U.S. government agencies or officials can be easily replicated and generally should not be considered strong evidence without credible third-party verification. The Department of Defense (DOD) may be able to verify employment with DOD contractors in certain circumstances. DOD can also verify whether they have referred an individual for P1 or P2 refugee processing, including both individuals who worked for DOD and some who worked for the former Afghan government or military.

IRAD HQ is working to obtain access to the list of P1 and P2 referrals of Afghan nationals to the USRAP. In the near-term, adjudicators can refer cases to IRAD Policy for verification of DOD records if the beneficiary is otherwise eligible for parole (e.g., there is an imminent risk of severe targeted harm, particular vulnerability, or other factors that preclude refugee resettlement or visa processing) and third-party evidence of the beneficiary's claimed work with the U.S. Government is the only outstanding issue. Adjudicators should also send requests for verification of employment by other U.S. Government employers to IRAD Policy, and IRAD Policy will work to establish a mechanism for verifying these requests.

Sponsorship and Resettlement Benefits:

The continuing resolution for Fiscal Year 2022 passed by Congress on September 30, 2021, provides certain Afghan nationals who were paroled into the United States between July 31, 2021, and September 30, 2022, access to resettlement assistance, entitlement programs, and other benefits normally provided to refugees, and provides similar assistance to certain other Afghan nationals paroled after September 30, 2022.⁶ While sponsorship documents are still required for parole requests to ensure beneficiaries have appropriate reception and support while paroled, adjudicators should take into account the benefits provided to certain Afghan parole beneficiaries through the continuing resolution when determining whether the beneficiary will have sufficient support during the authorized parole period in the United States. Sponsorship documents may also provide additional evidence to show U.S. ties, which may be a positive factor when assessing eligibility for parole.

The Department of State has developed a fact sheet on obtaining resettlement benefits, which the Consular Section will provide to the Afghan parole beneficiary at the time of travel foil issuance. After a beneficiary is paroled into the United States, the parolee will need to approach a designated resettlement agency to identify themselves as eligible for these benefits. Although Afghan parolees are entitled to resettlement benefits, it may take several weeks or a month to schedule an appointment with a resettlement agency and begin receiving these benefits after arrival. It is important that Afghan parolees have the support of a sponsor during this period.

⁶ See H.R. 5305, Section 2502

https://www.govtrack.us/congress/bills/117/hr5305/text/enr#link=C_V_2502_a&nearest=H68BB5F7B78D94E92A179EDBCC860C09F

Vetting:

Law Enforcement Privilege

Suspension of Processing Certain Cases:

Parole beneficiaries must report to a U.S. embassy or consulate to complete processing of their parole request, including identity verification, biometrics collection, and receipt of vaccination records. Adjudicators should issue a Parole Notice (Suspension of Processing) if an Afghan beneficiary is initially found eligible for parole, but the beneficiary is residing in Afghanistan or another country without U.S. consular services. The Parole Notice (Suspension of Processing) states that USCIS cannot complete

Law Enforcement Privilege

processing of the parole request unless and until the beneficiary informs USCIS that they are able to report to a U.S. embassy or consulate.

Adjudicators may also issue the Parole Notice (Suspension of Processing) in cases where the beneficiary is initially found eligible for parole but has an approved Form I-730, I-360 (Petition for Amerasian, Widow(er), or Special Immigrant), or I-130 and an immigrant visa is available. The Parole Notice (Suspension of Processing) states that the beneficiary should pursue immigrant visa processing but may notify USCIS once outside of Afghanistan if immigrant visa processing is not a viable option.

The Parole Notice (Suspension of Processing) should only be issued for cases that are initially found eligible for parole **and all biographic vetting, including OAW NCTC vetting, is complete.** Once the Parole Notice (Suspension of Processing) has been issued, the adjudicator should administratively close the case in CAMINO or ELIS, purely for case tracking and workload management purposes. The parole application will remain open for at least a year.

If the petitioner or beneficiary notifies IRAD that the beneficiary is able to report to a U.S. embassy or consulate to continue processing of their case, the adjudicator should verify that the beneficiary is still eligible for parole and that all required USCIS-initiated¹⁰ security checks are valid. For cases where the beneficiary has an approved immigrant petition and the visa is available, the adjudicator must assess whether a reasonable explanation has been provided for why the beneficiary cannot pursue immigrant visa processing, confirm all required USCIS-initiated security checks are valid, and verify that the beneficiary is still eligible for parole. If the adjudicator determines that the beneficiary is still eligible for parole, the adjudicator must re-open the parole request in CAMINO or ELIS and issue a Conditional Approval Notice. An Authorization Memo must also be sent to Post.

Medical Requirements:

For beneficiaries who are in a location where they can complete Consular processing, adjudicators will generate a Conditional Approval Notice: Referral to Consular Processing if the beneficiary is initially found eligible for parole and all USCIS-initiated vetting has been completed. The Conditional Approval Notice: Referral to Consular Processing notifies the petitioner and beneficiary of the additional steps required to complete processing of their case, including completion of the Form DS-160 and required medical screening and vaccinations through the panel physician. For urgent cases, USCIS or a government referring agency may request documentation of vaccinations through the panel physician before the adjudicator has made an initial decision on eligibility and may consider requiring medical screening for tuberculosis be completed within 30 days of arrival in the United States as a condition of parole. Adjudicators will also generate an authorization memo to Post notifying them of the conditional approval and medical requirements.

In line with current OAW requirements, Afghan parole beneficiaries will be required to complete the following medical screening and vaccinations¹¹ through a panel physician, unless an exception applies:

- MMR (measles, mumps, rubella) vaccine

¹⁰ DOS/CA conducts additional biometric and biographic checks prior to issuance of a boarding foil.

¹¹<https://www.cdc.gov/immigrantrefugeehealth/panel-physicians/vaccinations.htm> CDC has additional vaccination age requirements for Afghan nationals: MMR is required for all Afghan nationals 6 months old until those born in or after 1957. Polio vaccination is required for all Afghan nationals 6 weeks or older.

- Polio vaccine
- COVID-19 vaccine (1 dose)¹²
- Other age-appropriate vaccinations, as determined by the panel physician based on guidance issued by the Centers for Disease Control and Prevention (CDC)
- Tuberculosis (TB) screening (the beneficiary is required to take appropriate isolation and treatment measures if the tuberculosis test is positive)

The panel physician will generally complete a Form DS-2054, Report of Medical Examination by Panel Physician, for each beneficiary, which includes the Vaccination Documentation Worksheet to record all vaccinations completed and whether any vaccinations are not medically appropriate and the Tuberculosis Worksheet. Waivers to vaccinations that are not medically appropriate are recorded by the panel physician in the right column of the Vaccination Documentation Worksheet. The beneficiary must submit the medical record completed by the panel physician to the Consular Officer during their interview.

Exceptions:

In general, Afghan parole beneficiaries who have not completed the required vaccinations (or provided documentation from the panel physician that the vaccinations are not medically appropriate) will not be issued a boarding foil to travel to the United States. However, there may be exceptional circumstances when a beneficiary is unable to complete the required medical screening and vaccinations, either due to the urgent need to travel or because panel physician services and vaccines are severely limited in the beneficiary's country of processing. Whenever possible, vaccinations should be completed prior to travel. If there is sufficient evidence in the record to support the parole beneficiary's need for urgent travel to the United States (i.e., within 90 days of approval of the parole request), USCIS may consider approving parole with the condition that the parolee must complete TB screening within 30 days of arrival in the United States.

Adjudicators, with the approval of their supervisor, may use their discretion to approve parole into the United States conditioned on the parolee obtaining the required vaccinations and/or TB screening within thirty days of arrival. Adjudicators will issue the beneficiary the Notice Regarding Conditions of Parole via email, if available, copying the petitioner and representative of record, and will also provide the Consular Section with a copy of the Notice Regarding Conditions of Parole to deliver to the beneficiary at the time of foil issuance. This notice outlines the medical requirements that must be completed upon arrival in the United States. The adjudicator must mark that parole was authorized with conditions and note the conditions to parole in the case management system.

¹² The COVID vaccination requirement can be fulfilled with: 1) any of the COVID-19 vaccines with FDA approval or emergency use authorization: Janssen (J&J), Pfizer, or Moderna or 2) any of the COVID-19 vaccines listed for emergency use by the World Health Organization (WHO). See also: [Guidance for persons vaccinated outside US](#), [Technical Instructions for Panel Physician Exam: COVID 19](#), [What to do when COVID vaccine is not routinely available](#)

Compliance with Conditions of Parole:

If conditions are placed on parole, the parolee must verify that they have met the conditions of their parole by certifying their vaccination and TB screening status on the USCIS website within thirty days of arrival in the United States.¹³ IRAD is working with the ELIS team to develop a case flag in ELIS that will notify adjudicators when a parole beneficiary has not reported compliance with the medical requirement conditions within 120 days of an approval of parole with conditions. When ELIS flags a case for non-compliance, an adjudicator must review CIS to determine whether the parole beneficiary entered the United States and the date of entry. If there were conditions placed on parole, it has been 45 days since the parolee entered the United States, and the beneficiary has not attested to completing the TB screening and required vaccinations, USCIS will send a warning letter to the beneficiary's last recorded address in AR-11. If the beneficiary fails to complete the vaccination and TB attestation within 120 days of arrival in the United States, USCIS will notify ICE to determine appropriate enforcement actions to promote compliance with the medical requirements. ICE will review each individual referral on a case-by-case basis. ICE or USCIS may amend the parole requirement to impose regular check-ins and technical monitoring or issue a Notice to Appear (NTA) as a means of revoking parole. USCIS may consider a new grant of parole, on a case-by-case basis, upon completion of medical requirements.

Afghanistan Resources:

For additional country conditions information for Afghanistan, please visit the [RAIO Research Unit's Afghanistan Resource Guide](#). For information concerning terrorism-related inadmissibility grounds (TRIG) and TRIG-related concerns in Afghanistan, which may be helpful when determining whether discretion should be exercised to authorize parole, please see the [RAIO TRIG Afghanistan Country Guide](#).

Afghanistan Parole Notices:

- **Conditional Approval Notice, Referral to Consular Processing:** HAB issues this notice to the Form I-131 petitioner, beneficiary, and representative of record when HAB determines that the beneficiary is eligible for parole and all USCIS-initiated security checks have been completed. The notice requires the beneficiary to complete the DS-160 to initiate Consular processing and to begin completing required vaccinations. For government requests for parole, HAB issues this notice to the referring agency.
- **Parole Notice (Suspension of Processing):** HAB issues this notice to the Form I-131 petitioner, beneficiary, and representative of record after an initial assessment that the beneficiary may be eligible for parole, but the beneficiary is in a location where there is no U.S. embassy or consulate (e.g., Afghanistan or Iran) or where the beneficiary is also the beneficiary of an approved I-130 or I-730 and HAB determined that parole processing should be halted in favor of immigrant visa processing. For government requests for parole, HAB issues this notice to the referring agency. This notice serves several purposes: 1) notification that the beneficiary must report to a U.S. embassy or consulate to continue processing the parole request; 2) where applicable, notification that the beneficiary should pursue immigrant visa processing and to notify HAB if this is not feasible.
- **Parole Authorization Memo:** HAB issues this memo to the Consular Section, copying the Consular Affairs parole points of contact, when a parole request has been conditionally

¹³ [Afghan Parolee Vaccination Status | USCIS](#)

approved. This memo serves to notify the Consular Section that USCIS has conditionally approved the parole request and any additional requirements for processing the parole request. If the parole beneficiary may be eligible for resettlement benefits, HAB should include a copy of the resettlement benefits fact sheet when the authorization memo is sent to post.

- **Notice Regarding Conditions for Parole:** HAB issues this notice to the Consular Section with the Authorization Memo so that the Consular Section can provide the notice to the beneficiary at the time of foil issuance. HAB may also issue the notice to the parole beneficiary via email, if email address is available, copying the petitioner and representative of record.
- **Parole Denial Notice:** HAB issues this notice to the Form I-131 petitioner, beneficiary, and representative of record when the request for parole is denied. For government requests for parole, HAB issues the denial notice to the referring agency.

if there are areas free of conflict. You should research any evidence of relief efforts and the locations of those services. ReliefWeb is also a valuable starting point for conducting country conditions research related to civil conflicts around the world: <http://reliefweb.int/countries>.

Particular Vulnerability

An applicant's particular vulnerability may be a significant urgent humanitarian reason factor in his or her parole request. If able, the applicant should provide evidence of this vulnerability. Examples of possible evidence include letters from established NGOs or aid organizations on the ground, medical records, a national identity card identifying a particular vulnerability (disability, etc.), photographs, or a doctor's note from an aid organization.

5.3.3 Targeted Harm

An individual may request parole because he or she is targeted for harm by either the government or a non-governmental entity or actor, either as an individual or as a member of a specific group that is being targeted. Parole requests based on targeted harm present some of the most difficult cases for officers to adjudicate, as they typically involve compelling fact patterns of individuals outside the United States who believe they are targeted for harm, even death, because of who they are as an individual. It is important to keep in mind that the targeted harm may occur both within and outside the context of a civil conflict.

Factors that are relevant to Urgent Humanitarian Reasons Analysis

Apart from factors relevant to all parole cases in determining urgent humanitarian reasons or significant public benefit, the following factors should be considered when parole is requested for protection from targeted harm. While the factors outlined below are particularly relevant, there may be other factors not listed here that are present and should be considered on an individual, case-by-case basis.

Imminent Risk of Serious Harm

Generally, for you to find that there are urgent humanitarian reasons for parole in cases based **primarily** on fear of targeted harm, you must find that a preponderance of the evidence demonstrates the beneficiary is at imminent risk of serious harm. The claim may be based on specific threats targeting the beneficiary individually or the claim may be based on the beneficiary's membership in a group that has been specifically targeted for serious harm ("targeted group"). When the threat is based on group membership as opposed to an individualized threat, generally, urgent humanitarian reasons will be found only if the evidence shows widespread targeting of the group for serious harm, such as a systematic or pervasive effort to impose serious harm against the group. In those cases, the

evidence must show that individuals who are identified as members of the group are likely to be targeted for imminent serious harm and the beneficiary is likely to be identified as a member of the targeted group. Imminent serious harm, in the context of parole cases, means an immediate and present threat of harm that could lead to serious injury (psychological or physical) or death.

The following factors should be considered in determining whether the petitioner has established urgent humanitarian reasons for parole based on imminent risk of serious harm.

Living Conditions & Accessibility of Existing Relief Mechanisms

You should assess the living conditions of an applicant seeking parole for protection from targeted harm. For example, does the beneficiary have to live under extremely restrictive conditions such as never going out in public or need to frequently move to different hiding locations in an attempt to avoid harm? The fact that a person is living openly and takes no precautionary measures to avoid harm may call into question the imminence of the harm feared. You should consider whether restrictive living conditions, if present, impact whether the applicant's basic needs are being met, such as food, clean water, shelter, and adequate sanitation, as well as the effect on the individual of living in the restrictive environment. For beneficiaries in a third country, such as from having fled the targeted harm, you should consider whether the beneficiary has the ability to meet basic needs in that third country, such as ability to work (unless governmental support is provided), obtain housing and, for children, go to school.

Availability and Accessibility of Other Protection Measures

Another factor relevant to the urgent humanitarian reason analysis in protection cases is the availability and accessibility of other protection measures. You should consider whether the government in the country where the beneficiary is located is able to offer the applicant protection from harm if the individual fears a non-governmental entity. If the beneficiary has fled to a third country and the feared harm is in the beneficiary's home country, you should consider any available evidence that the government of the host country has threatened to return the beneficiary to the home country and is likely to carry out that threat or is currently returning similarly situated individuals. If the government is unable or unwilling to protect an applicant, or if an applicant fears a government entity, you should also consider whether international protection through UNHCR or refugee resettlement through the USRAP are available. You should consider whether UNHCR, the host government, or the USRAP have established refugee processing programs or protection mechanisms for individuals of the applicant's nationality, whether the beneficiary can reasonably access them, and whether the beneficiary has sufficient time to do so in order to avoid the targeted harm.

Ability to Relocate to Avoid Harm

You should also consider whether the beneficiary can reasonably internally relocate or temporarily move to a different part of his or her home country to avoid targeted harm from a non-governmental actor, or whether the beneficiary can reasonably relocate or temporarily move to a neighboring country to avoid harm from either a governmental or non-governmental actor. An individual who can secure adequate protection within the country, albeit a different part of the country, or in a neighboring country will have greater difficulty establishing urgent humanitarian reasons for parole, even if the individual faces imminent risk of serious harm in the current location.

Particular Vulnerability

In some situations, the beneficiary may have particular vulnerabilities in addition to a fear of targeted harm such that targeted harm may not be the sole or primary reason for parole. For example, there may be credible evidence of a beneficiary's particular vulnerability, such as a medical issue, disability, age and/or gender that, without certain support (which would be available if the beneficiary is paroled into the United States), makes the beneficiary more vulnerable to other types of harm. When such credible evidence is present, the officer may not need the same degree of evidence regarding the targeted harm as would be required if the case were based solely or primarily on the targeted harm. As in all parole cases, it is important to consider the totality of the circumstances of each beneficiary. Certain factors that in and of themselves would not establish urgent humanitarian reasons or significant public benefit for parole could meet those criteria when considered cumulatively.

Factors that are relevant to Significant Public Benefit Analysis

U.S. Government Agency requests for parole for individuals outside the United States are often based on the need for protection to avoid targeted harm, which is often an urgent humanitarian reason. However, U.S. Government Agencies typically make such parole requests for significant public benefit reasons as well. A significant public benefit may exist in addition to an urgent humanitarian reason where, for example, the Department of State has requested parole for a human rights activist or political prisoner whose presence in the United States is intended to advance U.S. foreign policy goals of promoting human rights. Note that an individual may establish urgent humanitarian reasons or a significant public benefit for their parole, or both, but if neither prong is established, parole may not be authorized.

Factors that are relevant to the Exercise of Discretion

Although consular officers generally interview conditionally approved beneficiaries to verify identity and conduct additional limited vetting, these interviews are not the same type of in-depth interviews required for refugee and asylum applicants. Refugee and asylum interviews provide an opportunity to elicit testimony, verify information, assess

an applicant's credibility, and probe any potential derogatory factors that may result in a bar to eligibility, including persecution of others, human rights abuses, terrorism-related inadmissibility grounds, or other national security concerns. Therefore, in order to exercise discretion favorably in parole cases where the finding of urgent humanitarian reasons is based primarily on a claim of targeted harm, there must be sufficiently strong evidence to enable the officer to exercise discretion to approve parole in the absence of an interview that would provide an opportunity to probe credibility and elicit information relevant to the exercise of discretion, such as whether the beneficiary engaged in persecution of others or activities that would raise national security or public safety concerns. The best evidence, where available, is credible, third-party evidence of the threat to the beneficiary. If there is no credible, third-party evidence of the threat, there may be other strong evidence, such as reliable country conditions reporting widespread or pervasive, systematic targeting of a group facing serious harm and that individuals who are identified as members of the targeted group are likely at imminent risk of serious harm; reliable evidence of the beneficiary's membership in the targeted group; and reliable evidence that the individual or group imposing serious harm is or likely will become aware of the beneficiary's membership.

As with all parole cases, the existence of an urgent humanitarian reason or significant public benefit is in itself a positive discretionary factor. The severity and imminence of the harm feared or the significant public benefit should be considered when exercising discretion. Often, targeted harm protection cases may overlap with issues related to family unity or need for medical treatment that may also present positive discretionary factors. There may be some cases where the petitioner is unable to provide the type of evidence usually required as a matter of discretion for parole based primarily on targeted harm, but there are other strong positive factors such as family unity or particular vulnerability that, in and of themselves would not merit parole, but when balanced with the information provided with respect to the threat of harm could lead to a positive exercise of discretion, taking into account the totality of the circumstances. You should consider all of the general discretionary factors that you would consider for other types of parole requests, such as past immigration violations, derogatory information discovered during security checks, ties to the United States, etc. Generally, the presence of U.S. citizen or lawful permanent resident family members in the United States is a very strong positive discretionary factor for protection-related cases. As in family-unity parole requests, the closer the relationship, the more weight you would give it as a discretionary factor.

For this type of protection request, you should take particular note of the following factors:

Duration of Parole Request

As in all parole cases, you would look to see whether the parole would be temporary in nature. A negative factor that is often present in targeted harm protection cases is that the petitioner is unable to establish that the request is temporary. For example, the threat of targeted harm may continue for years or decades and, therefore, the officer should analyze whether the individual could

establish a colorable asylum claim or has another means to adjust status so that parole would be temporary, if authorized.

To analyze whether the beneficiary may have a colorable asylum claim, you should consider the following:

- Whether the beneficiary was harmed in the past?
- Who seeks to harm the beneficiary?
- Whether that person or entity has the ability to carry out any threat?
- What kind of harm is feared?
- Why does the person/entity seek to harm the beneficiary and whether it is because of the beneficiary's real or imputed race, religion, nationality, membership in a particular social group or political opinion?
- Can the beneficiary access help or protection from government authorities in his or her country?

Bear in mind that you are not adjudicating an asylum or refugee application and the purpose of considering this information, if presented by the petitioner or beneficiary, is not to pre-adjudicate any asylum claim that may be filed should the individual be authorized parole. An individual seeking parole for urgent humanitarian reasons is not required to establish asylum eligibility, nor is asylum eligibility a basis, in itself, for parole. However, the same type of inquiry that is made in asylum adjudications may be helpful to determine if the applicant has a viable asylum claim, and consequently a possible means to regularize status. In your assessment, however, you should not make a finding that the beneficiary is eligible for asylum or refugee status, because that claim is not before you.

Persecutors, Human Rights Abusers, and National Security Issues

Given the context of civil conflict that often exists in cases where parole is requested for protection from targeted harm, it is important to consider any evidence that indicates that the beneficiary may be a persecutor, a human rights abuser, or engaged in activities that raise national security concerns. Evidence that the beneficiary engaged in persecution of others, human rights abuses, or may be subject to terrorism-related inadmissibility grounds without an available exemption is a strong negative discretionary factor. While in some cases the evidence may be clear (such as if the beneficiary is named as a perpetrator in a human rights report), more often the issue arises when an officer finds evidence indicating that the beneficiary was involved in activities or types of employment that are often associated with persecution of others, human rights abuses, a foreign intelligence agency, or close engagement with members of a terrorist organization. These indicators may also be negative discretionary factors if the officer assesses that an in-depth interview would be necessary to appropriately assess this issue. In compelling cases where USCIS has a presence in country or support from the Department of State to conduct such an interview, it may be explored. In other circumstances, the officer may determine that the petitioner may be able to address questions satisfactorily through a Request for Evidence

(RFE). If these concerns have not been resolved through an interview or RFE, a parole request may be denied as a matter of discretion, even when urgent humanitarian reasons or significant public benefit are established, if these negative discretionary factors outweigh the positive factors in the case.

Evidence

Unlike a refugee or asylum adjudication, you must adjudicate a parole request without the benefit of an interview to assess the beneficiary's credibility firsthand.¹⁹ Consequently, parole requests based primarily on the need for protection from targeted harm require corroborative documentation of the specific risk of harm facing the parole beneficiary. In these cases, affidavits or statements alone from the petitioner, beneficiary, relatives, friends, or colleagues generally are not sufficient to establish that discretion should be exercised to grant parole based on risk of imminent serious harm. As noted above, the best evidence, where available, is credible, third-party evidence of the threat. If there is no credible, third-party evidence of a direct threat against the beneficiary, there may be other strong evidence, such as evidence clearly establishing widespread or pervasive, systematic targeting of a specific group for serious harm, the beneficiary's membership in the targeted group, and that those who are targeting the group know or likely will become aware of the beneficiary's membership in the group. Evidence may include, but is not limited to, the following, depending on the basis of the claim.

Credible Third-Party Evidence of Imminent Serious Harm to Individual

Credible third-party evidence that the beneficiary is individually targeted for imminent serious harm may consist of reports or other documentation from a credible third-party source specifically naming the beneficiary, the serious harm he or she faces and the imminence of the harm. Credible third-party sources may include but are not limited to a U.S. government agency, a reputable human rights organization, other reputable institution with reason to have information about a situation, or a media source. When exercising discretion, significant weight should be given to such evidence.

In some cases, credible evidence may consist of USCIS's grant of a protection-based immigration benefit such as asylum, refugee status or special immigrant status to a close family member or same-sex partner of the parole beneficiary:

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

Established threats or harm to a beneficiary's family members (e.g., such as approval of asylum, refugee status or special immigrant status²⁰) may be strong

¹⁹ There may be some rare situations where the Deputy Chief or Chief of RIO arranges for an international adjudications officer or refugee officer deployed abroad to conduct an interview of a parole applicant.

²⁰ Afghan and Iraqi Special Immigrants must establish they provided faithful and valuable service to the U.S. government and experienced an ongoing serious threat to obtain Chief of Mission approval.

evidence of a threat to the beneficiary depending on the nature of the family relationship and the threats or harm. In assessing the nature of the family relationship, the officer should consider cultural context and the family's economic unit or other dependencies. For example, a group that threatened or persecuted an asylee might similarly threaten the asylee's sibling, depending on the context.

As with uncorroborated affidavits from the beneficiary, general reports on country conditions typically would not be considered credible third-party evidence of risk of imminent serious harm to an individual, unless the reports contain specific references to the beneficiary or, in some situations, to the beneficiary's immediate family members.

Reliable country conditions reports could, however, support a claim of targeted harm based on membership in a targeted group, if country conditions reports show widespread or pervasive, systematic targeting of serious harm directed at a particular group.

Additional Country Conditions Information

If you find that the individual parole beneficiary has been or is likely to be targeted for imminent serious harm, you should conduct country conditions research to evaluate whether there are refugee protection mechanisms available and accessible to the individual. You should also research whether the government can or is willing to protect the individual from targeted harm, whether there is a part of the country or another country where the individual is permitted to safely reside, and, if the beneficiary is outside of their country of feared harm, whether there is evidence that the host country is likely to send the beneficiary back to a location where they will likely be targeted for imminent serious harm. The RAIO Research COI Bank, Relief Web (<http://reliefweb.int/countries>), and European Country of Origin Information (<https://www.ecoi.net/>) are valuable starting points for conducting country conditions research related to conflicts around the world. Any country conditions information relied upon in the adjudication must be documented in the analysis.

Particular Vulnerability

If available, the petitioner should provide evidence of the beneficiary's particular vulnerability. Examples of possible evidence include, but are not limited to, letters from established NGOs or aid organizations on the ground, medical records, a national identity card identifying a particular vulnerability (disability, etc.), or photographs.

5.4 Requests Based on Adoption



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International Operations Officer Training Course

HUMANITARIAN AND SIGNIFICANT PUBLIC BENEFIT PAROLE

THIS MODULE IS NOT APPLICABLE TO SPECIAL COUNTRY BASED PAROLE, SUCH AS CUBAN MEDICAL PROFESSIONAL PAROLE (CMPP) OR CUBAN FAMILY REUNIFICATION PAROLE (CFRP).

TRAINING MODULE

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RAIO Directorate – Officer Training / *International Operations Officer Training Course***HUMANITARIAN AND SIGNIFICANT PUBLIC BENEFIT PAROLE****Training Module****MODULE DESCRIPTION:**

This training module provides an overview of the relevant statutory provisions and policy guidance pertaining to the adjudication of an application for advance authorization of humanitarian or significant public benefit parole. This module does not apply to the adjudication of special country-based parole programs such as Cuban Medical Professional Parole (CMPP), Cuban Family Reunification Parole (CFRP), Haitian Family Reunification Parole (HFRP) or any other type of parole program administered by DHS. Through lecture, discussion, and practical exercises, students will become familiar with the analytical framework for adjudicating a parole request, the common types of parole requests received at the International Operations Division, the factors to consider when determining urgent humanitarian reasons or significant public benefit, and discretion.

FIELD PERFORMANCE OBJECTIVE(S)

When adjudicating a request for parole, whether submitted on Form I-131 or through a government request, you (the Officer) will be able to apply the two-step parole analytical framework and make a decision considering the totality of circumstances.

INTERIM PERFORMANCE OBJECTIVES

1. Explain the governing legal authority, jurisdiction, and eligibility criteria for an application for advance authorization for parole (parole request).
2. Summarize the steps and actors involved in the life cycle of a parole request.
3. Explain the two-part analytical framework for adjudicating parole requests.
4. Identify factors to consider when determining urgent humanitarian reasons and significant public benefit.
5. Identify factors to consider in the exercise of discretion.
6. List the common types of parole requests and type-specific factors to consider.

International Operations Division

Humanitarian and Significant Public Benefit Parole

7. Explain the burden and standard of proof, as well as the types of evidence, required for parole applications.
8. Apply pertinent laws and guidance in adjudicating a parole request whether submitted on Form I-131 or through a government request.

INSTRUCTIONAL METHODS

Lecture, discussion, case studies, group activities and practical exercises

METHOD(S) OF EVALUATION

Exam [under development] and practical exercises

REQUIRED READING

1. September 2008 Memorandum of Agreement (MOA), “Coordinating the Concurrent Exercise of USCIS, U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) of the Secretary’s Parole Authority under INA 212(d)(5)(A) with respect to Certain Aliens Located Outside the U.S.”
2. July 9, 2012 Memorandum from IO Chief, Joanna Ruppel to IO-IO Staff, “Procedural Guidance on Parole Case Submissions for Adjudication by the International Operations Division’s Humanitarian Affairs Branch”
3. September 27, 2012 Memorandum from IO Chief, Joanna Ruppel to IO and IASB Staff, “Parole Adjudication Guidance – Officer Adjudication and Documentation”
4. Form I-131, *Application for Travel Document* and Instructions
5. Form I-134, *Affidavit of Support* and Instructions
6. November 23, 1999 Memorandum from INS General Counsel to INS Field Operations and Office of International Affairs, “Readmission of Asylees and Refugees Without Travel Documents”
7. 1998 *Protocol Governing Significant Public Benefit Parole Requests by the Department of State to the Immigration and Naturalization Service*
8. October 9, 2008 Memorandum from USCIS Acting Director to RAIO Associate Director, “Classified Systems Checks for Humanitarian and Significant Public Benefit Parole Requests”
9. Parole Adjudication Worksheet User Guide [under development]

10. CAMINO Parole Case Data Entry Procedures [under development]

11. March 2013, *Parole Procedures Manual*

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SCHEDULE OF REVISIONS

Date	Section (Number and Name)	Brief Description of Changes	Made By
4/12/2021	-	Latest "Draft date" added to all pages of training module for version control.	IRAD Policy

DRAFT

TABLE OF CONTENTS

1	INTRODUCTION AND OVERVIEW	10
1.1	What is Parole?.....	11
1.2	Who May File for Parole/Parties to the Parole Request?.....	12
1.2.1	Who May Be a Parole Petitioner?	12
1.2.2	Who May Be a Parole Beneficiary under IO Jurisdiction?	12
1.2.3	Who May Be a Parole Sponsor?.....	12
1.3	How to Request Advance Authorization for Parole – Two Filing Methods	13
1.3.1	Request by Individual on Form I-131, <i>Application for Travel Document</i>	13
1.3.2	U.S. Government Agency Request for Parole.....	13
1.4	Request for Re-Parole.....	14
1.5	Other Uses for Form I-131, <i>Application for Travel Document</i>	14
1.6	Characteristics of Parole.....	15
1.7	Privacy Rules Relating to Parole Cases.....	16
2	LEGAL AUTHORITY AND JURISDICTION.....	17
2.1	Legal Authority and Resources	17
2.2	Form I-134, Affidavit of Support and Instructions	19
	Form I-134, Affidavit of Support must be filed in conjunction with Form I-131 by an individual who agrees to sponsor the parolee by committing to financially support the parole beneficiary while he or she is in the United States. The form, instructions, and additional information on filing Form I-134 and the required supporting documentation are also on the USCIS public website at www.uscis.gov . See Appendix D.....	19
2.3	Jurisdiction	20
3	THE LIFECYCLE OF A PAROLE CASE	20
3.1.1	Step 1: Filing of Parole Request	20
3.1.2	Step 2: Triage and Assignment at IO-HAB	21
3.1.3	Step 3: Adjudication of Parole Request.....	21
3.1.4	Step 4: 100 % Supervisory Review	21
3.1.5	Step 5: Applicant and/or Consulate Notification.....	21
3.1.6	Step 6: Issuance of Travel Documents and Parole into the United States (Approvals Only) 22	
3.1.7	Step 7: CBP Authorizes Parole into the United States (Approvals Only).....	22
4	MAKING A DECISION ON A PAROLE REQUEST	22
4.1	Overview of the Decision Making Process	23

International Operations Division

Humanitarian and Significant Public Benefit Parole

4.2	The Analytical Framework for the Adjudication of Parole Requests	23
4.2.1	Part I – Analysis of Urgent Humanitarian Reasons or Significant Public Benefit.....	23
4.2.2	Part Two: Analysis of the Exercise of Discretion	25
4.2.3	Determining Length of Parole and Conditions on Parole	28
4.3	Evidence	29
4.3.1	Gathering Evidence	29
4.3.2	Determining Relevance of Evidence	29
4.3.3	Determining Credibility of Evidence	30
4.3.4	Burden of Proof	30
4.3.5	Standard of Proof.....	31
4.3.6	Common Forms of Evidence in Parole Cases	31
4.3.7	Requests for Evidence (RFE)	33
4.4	Derogatory Information in Parole Requests	34
4.5	Fraud in Parole Requests	34
5	THE TYPES OF PAROLE REQUESTS RECEIVED AT IO	35
5.1	Requests Based on Medical Reasons	35
5.1.1	Medical: Request Based on Need for Medical Treatment.....	36
5.1.2	Medical: Request Based on Need to be an Organ Donor.....	40
5.2	Family-based Parole Requests.....	42
5.2.1	Family-based Parole Requests: Family-Related Reasons.....	43
5.2.2	Family-based Parole Requests: Family-unity.....	45
5.3	Requests Based on Need for Protection	53
5.3.1	Natural Disasters.....	54
5.3.2	Civil Conflict	56
5.3.3	Targeted Harm	59
5.4	Requests Based on Adoption.....	64
5.5	Requests to Participate in Legal Proceedings.....	64
5.6	Need to Return to the United States After Failing to Procure A Travel Document Or Failing to Return Prior to Expiration of a Travel Document.....	65
5.6.1	<i>Refugee Travel Document</i> -related Requests.....	65
5.6.2	<i>Reentry Permit</i> -related Requests	66
5.6.3	<i>Advance Parole Document</i> -related Request	66
6	CONCLUSION	70
	PRACTICAL EXERCISES.....	71

International Operations Division

Humanitarian and Significant Public Benefit Parole

OTHER MATERIALS.....73

SUPPLEMENT A – REFUGEE AFFAIRS DIVISION74

Required Reading..... 74

Additional Resources 74

Supplements 74

SUPPLEMENT B – ASYLUM DIVISION75

Required Reading..... 75

Additional Resources 75

Supplements 75

SUPPLEMENT C – INTERNATIONAL OPERATIONS DIVISION76

Required Reading..... 76

Additional Resources 76

Supplements 76

DRAFT

There are several entities within the Department of Homeland Security (DHS) that adjudicate requests for parole under section 212(d)(5) of the Immigration and Nationality Act (INA, or the Act). The guidance contained in this lesson plan applies only to requests for parole documents processed by the Humanitarian Affairs Branch (HAB) and the International Adjudications Support Branch (IASB) of the International Operations (IO) Division, U.S. Citizenship and Immigration Services (USCIS), Refugee, Asylum and International Operations (RAIO) Directorate.

Throughout this training module, you will see the term “**request for parole**” or “**parole request**.” These terms refer to an application requesting advance authorization for parole for urgent humanitarian reasons or significant public benefit. There are two ways parole can be requested on behalf of an individual outside the United States:

1. An individual may file a request using the Form I-131, *Application for Travel Document*, or
2. A United States (U.S.) Government agency of the Executive Branch may file on behalf of an individual.

It is important to note that the parole guidance contained in this lesson plan does *not* apply to requests for parole under the Cuban Family Reunification Parole (CFRP) Program, the Cuban Medical Professional Parole (CMPP) Program, the Haitian Family Reunification Program (HFRP), the Central American Minors (CAM) Refugee/Parole Program or any other type of parole program administered by DHS.

1 INTRODUCTION AND OVERVIEW

This training module provides guidance to you, the Officer, in adjudicating applications requesting advance authorization for parole filed with the IO Division of USCIS by, or on behalf of, an alien who is outside the United States. The relevant statute, regulations, and case law provide little guidance on the administration of the parole provision.

Throughout this lesson plan, the term “parole request” refers to applications requesting advance authorization for parole. Upon the grant of such a request, the Department of State (DOS) (or USCIS) issues a travel document to the individual authorizing Customs and Border Protection (CBP) to grant parole upon the individual’s arrival at a U.S. port of entry.

The purpose of this lesson plan is to provide Officers within IO with a general framework for adjudicating parole requests, in order to promote consistency and transparency in the process as a whole.

TERMINOLOGY

Petitioner: A petitioner is an individual or entity who completes Form I-131, *Application for Travel Document*, or a U.S. Government agency of the Executive Branch that requests parole, on behalf of an individual outside the United States (or in the United States, if it is a request for re-parole). The term “self-petitioner” refers to an individual who files Form I-131 for him or herself. In this lesson plan, the term “petitioner” includes individuals who self-petition and individuals filing a parole request on behalf of someone else.

Beneficiary: A beneficiary is an individual, residing outside the United States (or in the United States, if it is a request for re-parole), who receives the parole benefit.

Sponsor: A sponsor is an individual who agrees to provide financial support for the beneficiary of a parole application by filing Form I-134, *Affidavit of Support*.

Parolee: A parolee is an individual who has been authorized parole and came to the United States under the parole authorization.

1.1 What is Parole?

Parole is an extraordinary measure sparingly used to allow an alien, who may be inadmissible or have no other immigration options, to come to and stay in the United States for a temporary period. Parole is not intended to be used solely to circumvent normal visa processing procedures and timelines, to bypass inadmissibility waiver processing, to replace established refugee processing channels, or to facilitate immigration to the United States.

The Secretary of Homeland Security may, in his or her discretion, parole into the United States temporarily, under such conditions as he or she may prescribe, on a case by case basis, for urgent humanitarian reasons or significant public benefit, any alien applying for admission to the U.S.¹ Historically, parole requests filed with IO have been referred to as “humanitarian parole” requests both within and outside the Government, because the overwhelming majority of parole requests are made for urgent humanitarian reasons. However, it is important to note that parole requests filed with IO may be based on either urgent humanitarian reasons or significant public benefit. Upon receipt of a parole request, IO determines whether grounds exist for the granting of parole. If so, IO will provide advance authorization for parole by authorizing DOS (or USCIS) to issue a travel document enabling the individual to present him or herself at a U.S. port of entry to seek a grant of parole from CBP.

Valid reasons for parole requests include, but are not limited to the following:

- to seek medical treatment;

¹ INA § 212(d)(5).

- for family unification or other family-related reasons;
- to attend legal proceedings; or
- for protection purposes.

1.2 Who May File for Parole/Parties to the Parole Request?

Anyone can request parole for him or herself, or on behalf of another individual by filing Form I-131, *Application for Travel Document*. Additionally, U.S. Government agencies of the Executive Branch may also request parole on behalf of individuals outside the United States using the *Request for Parole Template*. Note: the *Request for Parole Template* is not an official form and is an internally developed document for use by U.S. Government agencies of the Executive Branch to request parole on behalf of an individual outside the United States.

1.2.1 Who May Be a Parole Petitioner?

The parole petitioner is any individual or entity that files the Form I-131, *Application for Travel Document*, or the U.S. Government agency that submits the *U.S. Government Agency Request for Parole Template* on behalf of an individual outside the United States. An individual may also self-petition for advance authorization for parole if he or she is outside the United States (or are requesting re-parole if inside the United States). The petitioner need not be a resident of the United States or related in any way to the beneficiary.

1.2.2 Who May Be a Parole Beneficiary under IO Jurisdiction?

To request parole under IO jurisdiction, the parole beneficiary must be:

- located outside the United States and be seeking to enter the United States, or
- if in the United States, have already been granted parole (e.g., is seeking re-parole) by IO.

A parole beneficiary a foreign national or stateless person, but may previously have received status in the United States (e.g., asylee, refugee, or nonimmigrant).

1.2.3 Who May Be a Parole Sponsor?

The parole sponsor is the individual who makes a financial obligation to provide support to the beneficiary while he or she is in the United States for the duration of the parole authorization period. Generally, the sponsor is a lawful permanent resident (LPR) or U.S. citizen (USC) and has sufficient income or financial resources to meet the Health and Human Services (HHS) Federal poverty guidelines. The sponsor is required to submit an I-134, *Affidavit of Support* for each parole request in order to establish the adequacy of financial resources to support the parolee during his or her stay in the United States. A beneficiary may also self-sponsor and would need to execute an I-134 for him or herself and include supporting financial documentation. Occasionally, a non-profit

organization or medical institution may serve as a sponsor on a parole application. In those instances, if an employee of the organization cannot execute an I-134, then IO may accept a letter of commitment from the organization. Please see the Section 4.4 on *Evidence* below.

1.3 How to Request Advance Authorization for Parole – Two Filing Methods

1.3.1 Request by Individual on Form I-131, *Application for Travel Document*

The most common method to request parole is for an individual or entity to file Form I-131, *Application for Travel Document* with the designated USCIS Lockbox responsible for receiving humanitarian parole applications, along with the requisite fee or fee waiver request; Form I-134, *Affidavit of Support*; and supporting documentation to establish the reasons for the request. The Lockbox staff receives and processes the application and then forwards it to HAB at IO Headquarters (HQ) in Washington, DC for adjudication. In certain circumstances, for urgent and time-sensitive reasons, IO management has the discretion to accept applications filed directly with IO at IO HQ, or at a USCIS office or U.S. Consulate abroad. IO's IASB supports IO in adjudicating parole requests.

1.3.2 U.S. Government Agency Request for Parole

A U.S. Government agency of the Executive Branch may also request parole on behalf of an individual outside the United States. This method for requesting parole is used much less frequently than requesting parole using Form I-131. Generally, the request is based on the reasonable expectation by the requesting agency that the alien's presence in the United States is for urgent humanitarian or for significant public benefit reasons. A request based on significant public benefit is generally premised on the belief that parole of the individual will facilitate one of the following:

- National security;
- Advancing foreign policy goals; or
- Other advantage or benefit to the United States.

The beneficiary of a U.S. Government agency parole request is not required to file Form I-131, and no fee is paid. A government agency requests parole on behalf of the beneficiary directly from IO on the *U.S. Government Agency Request for Parole Template*. The template is submitted with an attestation of the need for parole, sponsorship documents, identity documents for the parolee and sponsor, and any additional documents that support the parole request. Historically, this method for a U.S. Government agency to request parole has been referred to as "Significant Public Benefit Parole (SPBP)" or "Public Interest Parole (PIP)"; however, a U.S. Government agency may make a parole request for either urgent humanitarian reasons or significant public benefit. A U.S. Government agency parole request may also be made by a DHS component. This parole request method is a DHS self-referral, and is sometimes used to remedy an error made by the Department.

1.4 Request for Re-Parole

There is no provision in the regulations to extend the parole authorization period for an individual who has already been paroled into the United States. Parole ends on the date the parole period expires or when the parole beneficiary departs the United States changes to an immigration status, whichever occurs sooner. Although parole is temporary in nature, in some instances, an alien who is present in the United States may need to remain in the United States beyond the period of authorized parole -- for example, if the medical treatment that the beneficiary entered the United States to receive is not yet complete or if the parolee is the beneficiary of an approved I-130 but the visa number is not yet current. In such instances, the petitioner may request re-parole from within the United States.

IO has the authority to re-parole an individual only if IO authorized the initial parole. The petitioner may request re-parole by filing a new Form I-131, with requisite fees and supporting documentation to demonstrate the need for the re-parole and should do so 90 days in advance of the expiration of the authorized parole period.

For a beneficiary of a government parole request who needs to remain in the United States beyond the period of authorized parole, the U.S. Government agency that made the initial request should submit a request for re-parole using the *U.S. Government Agency Request for Parole Template*, or the individual may file Form I-131, *Application for Travel Document*, to request to be re-paroled.

The Parole Procedures Manual provides additional information on parole filing requirements.

1.5 Other Uses for Form I-131, *Application for Travel Document*

This lesson plan focuses on the processing of parole requests for individuals outside the United States (or those in the United States who request re-parole). Please note that Form I-131 is a multi-purpose form and is used to request travel documents or parole in other types of circumstances. The following is a brief description of some other situations in which individuals may procure a travel document or parole by filing Forms I-131. If the parole beneficiary is traveling to the United States, a transportation company may accept any of these documents in lieu of a visa as authorization for the holder to travel to the United States.

Reentry Permit

A Reentry Permit allows a permanent resident or conditional resident to apply for admission to the United States upon returning from abroad during the permit's validity without the need to obtain a returning resident visa from a U.S. Embassy or consulate. *Reentry Permits* are generally valid for 2 years from the date of issuance and their validity period cannot be extended. More detailed information about *Reentry Permits* may be found in the Form I-131 Instructions and in Chapter 52 of the USCIS Adjudicator's Field Manual.

Refugee Travel Document

A *Refugee Travel Document* is a document issued to a person classified as a refugee or asylee, or to a permanent resident who obtained such status as a refugee or asylee in the United States. These individuals must have a *Refugee Travel Document* to return to the United States after temporary travel abroad, unless they possess an Advance Parole Document. A refugee/asylee must apply for a *Refugee Travel Document*, using the Form I-131, prior to his or her departure from the United States, or in certain circumstances, within a year from departure, from an international USCIS office. More detailed information about *Refugee Travel Documents* may be found in the Form I-131 Instructions and in Chapter 53 of the USCIS Adjudicator's Field Manual.

Advance Parole Document for Individuals in the United States

Advance Parole Documents for individuals in the United States authorize certain aliens to return to the United States without an immigrant visa or nonimmigrant visa after temporary travel abroad. An individual must apply for and receive an *Advance Parole Document* (I-512), using the Form I-131, prior to departing the United States. More detailed information about *Advance Parole* may be found in the Form I-131 Instructions and in Chapter 54 of the USCIS Adjudicator's Field Manual.

Parole in Place for Individuals in the United States

Parole in Place allows individuals without legal status to remain in the United States for urgent humanitarian reasons or for significant public benefit. For example, in November 2013, USCIS established a program to consider *Parole in Place* for immediate family members of active duty members and veterans of the U.S. Armed Forces (USCIS PM-602-0091, Nov 15, 2013). More detailed information about *Parole in Place* may be found in Chapter 21.1 of the USCIS Adjudicator's Field Manual.

1.6 Characteristics of Parole

Parole does not constitute an admission into the United States. A Customs and Border Protection (CBP) officer at a port of entry inspects the prospective parole beneficiary, authorizes parole, allows the parolee's physical entry into the United States, and issues an I-94, *Arrival/Departure Record* to the parolee documenting the length of his or her authorized parole period. Although rarely exercised, CBP retains the authority to deny entry to a parole beneficiary or to shorten the length of parole authorized by USCIS. Since parole does not constitute admission, individuals who are otherwise inadmissible may be "paroled" into the United States. Further, parole does not confer any immigration "status" in that it does not provide a parolee with a path to permanent residency or the ability to obtain lawful immigration status. However, in certain situations, a parolee if otherwise eligible may eventually be able to obtain lawful immigration status in the United States through other means. For example, a Cuban national parolee may be eligible to adjust to lawful permanent resident status under the Cuban Adjustment Act, a parolee may apply for asylum, and if approved subsequently adjust his or her status to a lawful permanent resident, or a parolee may be able to obtain TPS.

USCIS may grant a parolee temporary employment authorization as a matter of discretion if the parolee requests employment authorization by filing Form I-765, *Application for Employment Authorization*. Parole terminates automatically, generally without notice upon the parolee's departure from the United States or upon the expiration of his or her parole status noted on the I-94, *Arrival/Departure Record*, whichever is sooner.² A Notice of Intent to Terminate (NOIT) or initiation of removal proceedings through the service of a Notice to Appear (NTA) constitutes written notice of termination of parole.

1.7 Privacy Rules Relating to Parole Cases

The actions of Officers adjudicating parole requests are subject to the Privacy Act of 1974, which establishes safeguards for the protection of records the Government collects and maintains on USCs and LPRs. [See Adjudicators' Field Manual, Chapter 10.12]. The Privacy Act applies to any item, collection, or grouping of information about USCs or LPRs that can be retrieved by using the person's name, social security number (SSN), alien registration number (A Number) or other personal identifying information (PII). The Privacy Act applies to personal information stored in computers as well as that maintained in paper files, such as the Alien file (A-file). DHS extends these privacy rules to aliens as a matter of policy.

General privacy rules and policies that apply to all immigration applications apply equally to applications for parole or travel documents. Information contained in a parole request is often of a sensitive nature involving personal and medical information and should not be released to third parties, except pursuant to routine use (e.g., security check procedures with other agencies), without the petitioner or beneficiary's written consent. USCIS must not release information related to a parole request to anyone, except to pursuant routine use, without the consent of the petitioner. USCIS must not release information related to a parole request, such as a request for a status update, to anyone not listed on Form I-131 or on the G-28, *Notice of Entry of Appearance as Attorney or Accredited Representative*, or a properly executed Form G-28I, *Notice of Entry of Appearance as Attorney in Matters Outside the Geographical Confines of the U.S.*, including other employees of the firm or organization and the sponsor who filed Form I-134, *Affidavit of Support*, except pursuant to routine use.

A revised Form G-28, with a March 4, 2015 edition date, includes two new boxes that allow the applicant/petitioner/requestor to tell USCIS whether they want to receive their notices and secure documents directly, or whether they want USCIS to send them to their legal representative.

Beginning April 13, 2015, USCIS will not accept earlier versions of Form G-28. If an applicant, petitioner, or requestor submits an application or benefit request with a previous version of Form G-28, we will accept only the application or request as long as it meets the acceptance criteria. In this situation, we will not accept the Form G-28 and will send all notices and secure documents only to the applicant/petitioner/requestor.

² [8 CFR 212.5\(e\)\(1\)](#)

Requests for Information and all other notices in the case should be directed to the petitioner or beneficiary, with a copy to the attorney or accredited representative who has filed a Form G-28. You may not contact a sponsor for additional information, unless it relates to the Form I-134 or supporting documentation required.

If a petitioner requests parole for himself for urgent medical reasons, you may not contact a medical professional to ask about the petitioner's situation without the written consent from the petitioner/patient. Where parole is requested to provide support to an individual receiving medical treatment in the United States, you may not reach out to medical providers or third parties to obtain medical information about the patient without that patient's written consent. Nor should medical information be released to anyone without the written consent of the individual whose information will be released.

USCIS' Office of Legislative Affairs (OLA) often reaches out to IO for information on parole requests in order to respond to inquiries from members of Congress on behalf of constituents. When responding to OLA, please check with OLA staff to verify that OLA employees have obtained the needed written consent from the petitioner or beneficiary, and retain a copy of that written consent in the A-file, as well as make a note of it in the remarks field in CAMINO. If you receive an inquiry directly from a member of Congress or a Congressional staff member, you should refer the individual to OLA for assistance in obtaining a response to the inquiry through appropriate channels.

2 LEGAL AUTHORITY AND JURISDICTION

2.1 Legal Authority and Resources

The following statutes, regulations, forms, field guidance, and other resources provide you, an Officer in IO, with the authority and guidance for adjudicating and processing requests for parole filed with USCIS IO. While you may not need to refer to these sources on a daily basis, they are required reading and it is important for you to have a working knowledge of these sources of authority so that you may properly adjudicate the request for parole.

Statute

While USCIS, ICE, and CBP components administer a range of parole categories created in response to myriad circumstances, all parole programs derive from one statutory source: Section 212(d)(5) of the Immigration and Nationality Act (INA). INA Section 212(d)(5) states:

(5)(A) The Attorney General may, except as provided in subparagraph (B) or in section 214(f) [8 USC § 1184(f)], in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States, but such parole of such alien shall not be

regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Attorney General, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.

(B) The Attorney General may not parole into the United States an alien who is a refugee unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee under section 207 [8 USC § 1157].

The Homeland Security Act of 2002, P.L. 107-29, Sections 402 and 421, transfers authority for immigration matters, including parole, from the Attorney General to the Secretary of DHS.

Regulations

8 CFR 212.5(c) pertains to the parole of aliens into the United States and provides USCIS regulatory authority to establish terms and conditions for an individual's parole authorization. Some examples of terms and conditions are listed at 8 CFR 212.5(d), including requiring the individual to provide "reasonable assurances" that he or she "will appear at all hearings and/or depart the United States when required to do so." 8 CFR 212.5(e) provides guidance on the termination of parole.

*Case law*³

There is little applicable or relevant case law to guide or inform IO parole adjudications. The courts have generally recognized the Department's broad discretion to authorize parole and have been reluctant to review such determinations.

Parole Memorandum of Agreement among DHS Components

A September 2008 Memorandum of Agreement (MOA), "Coordinating the Concurrent Exercise by USCIS, ICE and CBP, of the Secretary's Parole Authority under INA § 212(d)(5)(A) with respect to Certain Aliens Located Outside of the United States"⁴ identifies the types of cases over which USCIS has primary jurisdiction.

Foreign Affairs Manual

The Foreign Affairs Manual (FAM) is a multi-volume guidance document that details the policies and structure of the Department of State (DOS) and provides operational instruction for DOS employees on processing travel documents for individuals whose application for advance authorization of parole is approved by USCIS. Additionally, the FAM provides guidance to DOS employees on the process for making a U.S. Government agency parole request for an individual outside the United States for urgent

³ Case law consists of published decisions from the federal courts, the U.S. Supreme Court, Appellate Courts and U.S. District Courts as well as the Board of Immigration Appeals (BIA).

⁴ This Agreement is authorized under § 872 of the Homeland Security Act (HSA) of 2002 (Pub. L. No. 107-296) and is in accordance with the following DHS Delegation Orders: Delegation of Authority to the Commissioner of U.S. Customs and Border Protection (Delegation No. 7010.3, Sec. 2(B)(s)); Delegation of Authority to the Assistant Secretary for U.S. Immigration and Customs Enforcement (Delegation No. 7030.2, Sec. 2(M)); and Delegation of Authority to the Bureau of Citizenship and Immigration Services (Delegation No. 0150.1, Sec. 2(O)).

humanitarian and/or significant public benefit reasons. Foreign Affairs Manual, 9 FAM 42.1 provides information on the process for both.

Adjudicator's Field Manual

The Adjudicator's Field Manual (AFM) is a comprehensive "how to" manual detailing policies and procedures for all aspects of USCIS adjudications. You should use the AFM in concert with the INA, 8 CFR, and other agency guidance.

Legal and HQ Memorandums⁵

USCIS Office of the Chief Counsel occasionally issues memoranda explaining its interpretation of a particular legal issue. Additionally, DHS, USCIS, IO HQ and the RAIO Directorate issue memoranda providing guidance on substantive or procedural matters. Memoranda relevant to the parole adjudication process are included in Appendix A.

Form I-131, Application for Travel Document Instructions

Form I-131, *Application for Travel Document* instructions are incorporated into DHS regulations by operation of 8 CFR 103.2(a)(1).

As noted above, Form I-131 is a multi-purpose form used for a number of reasons, one of which is to request parole. Accordingly, only those sections of the form instructions that apply to parole for individuals outside the United States (or individuals inside the United States requesting reparole) are relevant to this lesson, not the form instructions as a whole.

The form, instructions, and additional information on filing Form I-131 are available on the USCIS public website at www.uscis.gov. The portions of the form and instructions that are relevant to parole requests adjudicated by IO are highlighted in Appendix C.

Protocol Governing Significant Public Benefit Parole Requests by the Department of State to the Immigration and Naturalization Service and Request for SPBP Template

This July 16, 1989 Protocol established the procedure for submitting significant public benefit parole requests (now referred to as government referral requests) by the DOS to legacy INS. The protocol establishes that DOS requests significant public benefit parole as a primary means of assisting persons of clear U.S. Government interest who are considered to be at risk or unable to travel to a third country for normal refugee processing and also on behalf of foreign parents in certain Hague Abduction Cases.

2.2 Form I-134, Affidavit of Support and Instructions

Form I-134, Affidavit of Support must be filed in conjunction with Form I-131 by an individual who agrees to sponsor the parolee by committing to financially support the parole beneficiary while he or she is in the United States. The form, instructions, and

⁵ See RAIO LP on *Sources of Authority*.

additional information on filing Form I-134 and the required supporting documentation are also on the USCIS public website at www.uscis.gov. See Appendix D

2.3 Jurisdiction

The term “jurisdiction” refers to the adjudicative body that has the authority to decide a case. The Secretary of DHS has delegated his parole authority to the following three agency components: USCIS, ICE, and CBP. The MOA between the three DHS components outlines the types of cases over which each component has jurisdiction, and assists with coordination of parole requests. Generally, parole requests from individuals seeking parole at the U.S. border are under the jurisdiction of CBP; parole requests relating to law enforcement or intelligence, to attend court hearings at which the U.S. government is a party, and for aliens in removal proceedings or who have a final order of removal (including one that has been executed) fall to ICE; and all other requests (such as urgent medical and family-related parole requests) fall under the purview of USCIS. The MOA provides a more detailed non-exhaustive list of types of parole requests and the agency that has appropriate jurisdictional authority to adjudicate them.

Within USCIS, several adjudicating components exercise jurisdiction over various categories of parole applications. IO adjudicates applications for advance authorization of parole filed by or on behalf of individuals residing overseas (or seeking re-parole after being authorized parole by IO). Service Center Operations and the Field Operations Directorate adjudicate Form I-131 applications for Advance Parole, Reentry Permits, and Refugee Travel Documents for persons located within the United States who wish to depart the United States and return.

3 THE LIFECYCLE OF A PAROLE CASE

The adjudication and processing of a parole case involve numerous steps and requires significant inter- and intra-agency coordination. To understand your role in the lifecycle of a parole case, review the processing and adjudication of a case from start to finish.

3.1.1 Step 1: Filing of Parole Request

- 1(a): Petitioner files Form I-131 along with the filing fee (or Form I-912, *Request for Fee Waiver*) with the USCIS Lockbox in Dallas and the Lockbox forwards the parole request to HAB at IO HQ in Washington, DC after it is received and processed at the Lockbox; or
- 1(b): If the case is sufficiently urgent or time-sensitive, with IO-HAB management approval, IO accepts the case as a direct file and begins processing while it simultaneously forwards the parole application package to the USCIS Lockbox;

- 1(c): If the case is filed directly with IO-HAB but is not urgent or time – sensitive, IO forwards the parole application package to the USCIS Lockbox for processing; or
- 1(d): If the case is sufficiently urgent or time-sensitive, with IO-HAB management approval, a Consulate overseas accepts Form I-131 along with the filing fee directly and forwards it to HAB at IO HQ via encrypted email. There is no requirement that the petitioner simultaneously file the application with the USCIS Lockbox since the fee is received at post.

3.1.2 Step 2: Triage and Assignment at IO-HAB

IO-HAB mission support staff triage each case to determine jurisdiction and whether the case warrants expediting due the urgent or time-sensitive nature of the request. The staff then enters the case into the Case and Activity Management of International Operations (CAMINO) and immediately assigns the case to an Officer for adjudication.

3.1.3 Step 3: Adjudication of Parole Request

Once you receive the case, you will adjudicate the application. This includes:

- Reviewing the application and all supporting documents;
- Issuing a Request for Evidence (RFE) or Notice of Intent to Deny (NOID), if necessary;
- Completing all mandatory security checks;
- Completing the Parole Adjudication Worksheet;
- Preparing the decision notice(s); and
- Entering appropriate information related to the case in CAMINO.

3.1.4 Step 4: 100 % Supervisory Review

A Supervisor reviews and signs off on the case and, upon concurrence with your decision, updates the appropriate field(s) in CAMINO.

3.1.5 Step 5: Applicant and/or Consulate Notification

- 5(a): If the case is approved, the decision letter is mailed to the petitioner and beneficiary and their attorney of record, if applicable, and a parole authorization memorandum is emailed (encrypted) to the Embassy, Consulate, or USCIS Office closest to the beneficiary's residence. The case is completed when the date(s) the notices are sent is recorded in CAMINO; or
- 5(b): If denied, withdrawn or closed, the appropriate decision letter is mailed to the petitioner and beneficiary, and their attorney of record, if applicable.

The case is completed when the date the notice is sent is recorded in CAMINO.

3.1.6 Step 6: Issuance of Travel Documents and Parole into the United States (Approvals Only)

Beneficiaries must complete a Form DS-160, *Application for a Nonimmigrant Visa* and appear for an appointment with the consular section to verify identity and collect biometrics (for individuals 14 years of age or older) for additional security vetting. If no derogatory information or new identity information is identified during vetting, the Consulate will issue a boarding foil within 30 days of receipt of the parole authorization memorandum. This document allows the beneficiary to travel to the United States within 30 days of issuance of the boarding foil and to present themselves to CBP for parole into the United States.

3.1.7 Step 7: CBP Authorizes Parole into the United States (Approvals Only)

A parolee is permitted physical entry into the United States by a CBP officer, following inspection at a port of entry. At this time, the parolee is issued an I-94, *Arrival/Departure Record*, documenting the length of his or her authorized parole period. If paroled by CBP, the applicant's authorized parole period begins when the applicant enters the United States.

4 MAKING A DECISION ON A PAROLE REQUEST

As an Officer in the IO Division, it is your responsibility to adjudicate every parole request in a legally sound, professional, and comprehensible manner. It is important that all Officers follow the same analytical framework for reaching a decision to ensure clarity, consistency, quality, and transparency in the adjudication process. Because parole is discretionary, and there is little regulatory guidance and no precedential legal decisions to follow, reasonable minds may differ on parole decisions based on substantially similar sets of facts.

Although parole requests may be similar in nature, each application is unique and must be evaluated on its own merits taking into account all the factors unique to the specific parole request, considering the totality of the circumstances. Parole requests by their very nature involve compelling, time-sensitive, and urgent circumstances. Each decision you make involves the life of an individual or individual(s), and sometimes, it may even involve matters of life or death. Although you may be under time constraints, you have a duty to be a neutral, unbiased adjudicator and to give adequate and appropriate consideration to every parole decision you make.⁶

⁶ See RAIO LP: *Making a Decision*.

Each decision you make should be on a case-by-case basis, taking into account all factors and considering the totality of the circumstances. The following analytical framework will assist you in evaluating parole eligibility and determining whether a request should be approved or denied.

4.1 Overview of the Decision Making Process

When making a decision on a parole request, you should:

- Review the file, including the Form I-131, the Form I-134, all supporting documentation provided, and the results of mandatory security checks;
- Evaluate the evidence to determine the facts. You should understand the nature of the parole request and the status of all parties to the case (e.g. Petitioner is a 42 year old USC, seeking parole for his 78 year old father, an Iranian national, to enter the United States to receive medical treatment for stage IV prostate cancer.);
- Considering the totality of the circumstances, apply the two-step parole analytical framework to the facts:
 1. Analyze factors relevant to urgent humanitarian reasons or significant public benefit.
 2. Analyze factors relevant to discretion; and
- Determine whether to approve or deny the parole request.

4.2 The Analytical Framework for the Adjudication of Parole Requests

The legal foundation for parole comes from INA § 212(d)(5), as discussed in Section 2.1 above. The two basic elements of the statute provide the basis for the two-step analytical framework to analyze parole requests. First, you evaluate the evidence to determine whether the beneficiary has urgent humanitarian reasons or if there is significant public benefit for his or her presence in the United States. Second, you determine whether parole should be authorized as a matter of discretion. The analytical framework and steps are discussed in greater detail below.

4.2.1 Part I – Analysis of Urgent Humanitarian Reasons or Significant Public Benefit

While the Secretary's parole authority is broad and discretionary, the petitioner bears the burden to demonstrate that parole is needed for one or both of the statutory reasons set out in the INA: 1) "urgent humanitarian reasons" or 2) "significant public benefit."

There is little additional guidance as to the meaning of the terms "urgent humanitarian reasons" or "significant public benefit" in current statute, applicable regulations, or precedent case law. As such, you should be careful not to require more than has been specified in statute.

Urgent Humanitarian Reasons

Since there is no case law or other guidance that defines urgent humanitarian reasons, you should evaluate the evidence presented to determine whether a certain set of factors are present. You will then weigh or consider these factors, which may vary depending on the type of parole request, in order to determine if there is an urgent humanitarian reason to approve the application. You may give some factors more weight than others, or evaluate each factor equally, but first you will need to determine which factors, if any, are relevant to the decision. Think of the factors relevant to urgent humanitarian reason as initial guideposts in your analytical process. They should help direct you towards a decision. In medical cases, one factor material to urgent humanitarian reason is the nature and severity of the medical condition. The more severe or critical the medical condition, the greater the likelihood that the need for medical treatment will establish an urgent humanitarian reason for parole into the United States. Once you have determined which factors are applicable to the case you are currently adjudicating, you should determine, based on the record whether the factors support a finding of urgent humanitarian reason. Bear in mind that ultimately, you will have to analyze the totality of circumstances to determine whether parole should be authorized.

There are multiple dictionary definitions for the words “urgent” and “humanitarian,” however, for purposes of parole, the following definitions are most appropriate:

Urgent – Requiring or compelling immediate action or attention; pressing.⁷

Humanitarian - 1) having concern for or helping to improve the welfare and happiness of people; 2) pertaining to the saving of human lives or to the alleviation of suffering.⁸

In considering whether a parole request is for urgent humanitarian reasons, as the definition above suggests, urgency may be interpreted in different ways. For purposes of evaluating a parole request, you should interpret the term “urgent” as broadly as possible and consider whether the request is for an immediate **or** compelling reason. “Urgent humanitarian” does not necessarily translate to an emergency. An applicant may demonstrate urgency by establishing a reason to be in the United States that calls for immediate action, such as for critical medical treatment, or to visit, assist or support a family member who is at an end of life stage of an illness or disease. However, an applicant may also demonstrate urgency by establishing a compelling or pressing reason to be in the United States that does not require immediate action, but action that is nonetheless time sensitive, such as the need for surgery to address a serious medical condition before the individual reaches a certain age.

⁷ www.freedictionary.com

⁸ <http://dictionary.reference.com/browse/humanitarian>

The factors to consider in determining urgent humanitarian reasons are dependent on the type of parole request and those specific to common case types are explained further in Sections 7-12 below.

Significant Public Benefit

Similar to urgent humanitarian reasons, there is very little guidance on how significant public benefit should be interpreted in the context of a parole request. The benefit must be of some consequence in order for it to be deemed significant and, because it is a public benefit, it generally should pertain to a population or community at large or be done for, or in the service of, a community as a whole. A benefit is something that is advantageous or good, something that would help society.⁹

In evaluating whether a parole request is for significant public benefit, you should assess whether paroling an individual into the United States would result in an important advantageous effect on a population or community. Generally, a need to participate in a legal proceeding constitutes significant public benefit, as participation in the judicial system is an important part of civic life for a community in the United States and the participation of all private parties to a legal proceedings is required in order for justice to be served.

There may be circumstances that would warrant a finding of both urgent humanitarian reason and significant public benefit, such as a request for medical treatment that involves experimental treatment or medical trials from which the larger community of the United States stands to benefit.

Once you have determined that the applicant has established either urgent humanitarian reasons and/or significant public benefit, you should proceed to the second step of the analysis, which is the exercise of discretion. You do not need to consider discretion if the applicant has failed to establish either the existence of urgent humanitarian reasons or a significant public benefit.

4.2.2 Part Two: Analysis of the Exercise of Discretion

If you determine that urgent humanitarian reasons and/or significant public benefit has been established, you should proceed to step two of the analysis, which requires you to exercise discretion, considering the totality of circumstances. Discretion is exercised on a case-by-case basis, taking into account and weighing the positive factors in the record against any negative factors, to determine if discretion should be exercised favorably.

You should exercise discretion based on articulable, objective, and relevant facts. It is inappropriate to exercise discretion arbitrarily, inconsistently, or based upon speculation. You should review the record and consider the specific facts relevant to each case. There are certain general factors that you should look for, which are explained in detail below, and there may also be additional specific factors, depending on the type of parole request. Discretionary factors specific to common case types are covered in Sections 7-12 below.

⁹ *Id.*

In exercising discretion, you might imagine that you have a scale and are required to place all the negative factors in a case on one side and the positive factors on the other side, taking into account that not all factors have the same weight. The fact that there is an urgent humanitarian reason or a significant public benefit for the applicant to be in the United States is, in itself, a positive factor to take into account in exercising discretion. However, the urgent humanitarian reason or significant public benefit is not in itself determinative and may be outweighed by the negative factors present in a case.

Each factor should be accorded appropriate weight, and generally, no single factor is controlling. The fact that there are more negative factors than positive factors does not necessarily mean that you should exercise discretion to deny the parole request. You should evaluate the evidence presented as a whole and balance the positive equities against adverse information. One or two positive discretionary factors present in a case may be afforded significant weight and tip the scales in favor of a positive exercise of discretion, despite five or six negative factors in a case. Conversely, one single negative factor could outweigh numerous positive factors in a case, such as if the beneficiary has an egregious criminal conviction or is a national security threat. After you analyze the positive and negative factors, you should explain in your decision (on the *Parole Adjudication Worksheet*) your reason for exercising discretion to approve or deny authorization for the beneficiary to be paroled in to the United States.

The following factors, where present, often apply to all parole requests and should be considered along with any other positive or negative factors in the exercise of discretion:

- Character and conduct of parties to the parole request;
- Beneficiary's ties to family members who are USCs or LPRs;
- Criminal record of any party to the parole request;
- Immigration history of any party to the parole request;
- Ability of beneficiary to be financially supported for the duration of the parole request;
- Likelihood of the beneficiary's timely departure prior to the expiration of parole; and
- Ability of the beneficiary to obtain lawful immigration status in the United States prior to the expiration of parole.

Depending on the circumstances, some of these factors may be considered either positive or negative. For example, the fact that an inadmissibility ground applies to the applicant may weigh in favor of exercising discretion to authorize parole, because the applicant has no other way to come to the United State to address the situation for which parole was requested. On the other hand, the reason the applicant is inadmissible may be a negative factor (such as a serious criminal conviction) that weighs against exercising discretion favorably.

Some common positive discretionary factors include, but are not limited to, the following:

- Evidence that the purpose of the parole request may be accomplished within a specific, temporary period of time. For example, where the petitioner submits evidence that the beneficiary seeks medical treatment in the United States, evidence from hospitals or doctors showing that such treatment may be completed within a specific period of time (a certain number of weeks or months);
- Evidence that the beneficiary would timely leave the United States upon expiration of parole or that the beneficiary has a means of obtaining lawful immigration status during the parole authorization period;
- Lack of criminal history or prior immigration violations;
- Evidence of ties to LPRs or USCAs in the United States;
- Evidence that the beneficiary will be supported financially while in the United States (either self-supported or by a sponsor). The sponsor must have sufficient funds to support him or herself, his or her dependents, and any parolee(s) that he or she sponsors;
- Evidence that the beneficiary's presence would benefit a USC or LPR or community (e.g., coming to the United States to be an organ donor for someone who otherwise would not be able to obtain the needed organ, or to attend a legal proceeding that is of general benefit to the community. Both are examples of how the reason for parole itself may be a positive discretionary factor.).

Some common negative discretionary factors include, but are not limited to, the following:

- Insufficient evidence that the purpose of the parole request could reasonably be accomplished within a specific, temporary period of time;
- Failure to establish that the beneficiary would depart the United States prior to expiration of parole or has a means to obtain lawful immigration status in the United States during the parole authorization period;
- Evidence the beneficiary is using the parole process **solely** to circumvent normal visa or waiver processing, or to circumvent established refugee, asylee, or derivative processing channels;
- Derogatory information about any party to a parole request such as:
 - Criminality,
 - National security threat or other threat to community,
 - Immigration violations, or

- Fraud, in the current application or in prior immigration transactions.
- Failure to establish that the beneficiary will have sufficient financial support.

4.2.3 Determining Length of Parole and Conditions on Parole

Once you have applied the two-step analytical framework and decided to approve a parole request, there are two more decisions you need to make. The first is to determine the length of time parole should be authorized (i.e., the period of time that the beneficiary will need to remain in the United States). The second is to determine whether any conditions should be placed on the parole. Guidance on making those decisions is discussed in this section.

Length of Parole

The petitioner specifies the length of time for which parole is requested in Part 3 of Form I-131, *Application for Travel Document*. Generally, the period of parole authorized by IO corresponds with the duration requested on Form I-131. The petitioner's request is given due consideration, because the petitioner is presumably in the best position to understand how much time is required to accomplish the purpose of the parole. However, it is important to remember that ultimately you, the deciding Officer, have the authority to determine the length of parole. You should consider the length of time requested by the applicant in light of the evidence in support of the reason parole is requested to determine whether the length of time requested is appropriate.

Upon reviewing the file, you may find that the parole authorization period should be shorter than what is requested on Form I-131. For example, a petitioner who requests parole for a period of six months to attend the funeral of her father may be able to accomplish the purpose of the parole request in a much shorter period, such as a few weeks. In those instances, you would authorize parole for that shorter time frame, or request additional evidence to establish the reason the longer length of time is required, for instance to settle the affairs of the deceased's estate or contest a will. Generally, since parole is temporary in nature, the duration of parole in most cases ranges anywhere from a few months to a year. However, in certain cases, such as for juveniles where parole is being requested until the beneficiary has a path to permanent residence, the period of parole may be longer, but not to exceed two years per parole request without approval of the IO Chief.

Placing Conditions on Parole

Occasionally you may encounter a parole request where the petitioner has established an urgent humanitarian reason or significant public benefit and that discretion should be exercised favorably, but there is derogatory information in the record that may call into question the beneficiary's intention to depart the United States upon his or her period of authorized parole. For example, the beneficiary may have past immigration violations, such as being unlawfully present in the United States for many years, a long history of non-immigrant visa refusals, or a criminal record. In these cases, if the urgent humanitarian reason for parole outweighs negative factors that are present, you should determine whether it is appropriate to place conditions on the parole.

While conditions are not required, USCIS has regulatory authority to establish terms and conditions when parole is authorized. See 8 CFR 212.5(c). An example of the types of conditions that may be imposed when authorizing parole is requiring the individual to provide “reasonable assurances” that he or she will “depart the United States when required to do so.” See 8 CFR 212.5(d).

The regulation specifies that Officers should apply reasonable discretion when deciding whether to require such assurances. The specific documentation required to fulfill any conditions that the Officer believes should be required and the procedures to follow in conditional parole cases are discussed in greater detail in the Parole Procedures Manual.

4.3 Evidence

4.3.1 Gathering Evidence

In order to determine whether the beneficiary is eligible for parole, you should review and evaluate all the evidence in the record. The parole application and all supporting documents are evidence. Since interviews are rarely¹⁰ conducted for parole cases, you will need to rely on the documentary evidence in the file, such as the application, written statements or affidavits, or letters from experts. Evidence also includes any materials that you may discover during the course of adjudicating the parole request, such as medical research, country conditions materials, results of required background/security checks, or other relevant information.

4.3.2 Determining Relevance of Evidence

The first step to determining the relevance of any evidence is to review the nature of the request to determine what the material facts are in a case. Material facts are those that have a direct bearing on the outcome of a decision.¹¹

For example in a family-related parole request where the petitioner is seeking parole for his mother to visit his sister in the United States before she passes away, material facts would include the type and nature of the family relationship, the existence and severity of the medical situation, and the existence of an acceptable sponsor. These facts are considered “material,” because they affect whether parole authority should be exercised favorably. An example of a non-material fact in the above case scenario is that the sponsor is not a family member, because while the ability for the beneficiary to be supported in the United States is a material fact, the relationship of the sponsor to the beneficiary is generally not.

¹⁰ For certain special parole programs not covered in these materials, interviews are conducted for parole applications, such as for Cuban Medical Parole Professionals and Cuban Family Reunification Cases. USCIS has discretion to require an interview for parole cases, but for most cases, interviews are not practicable because USCIS does not have the staff in place to conduct such interviews.

¹¹ See [Federal Rules of Evidence](#), Rule 401; see also “Notes of Advisory Committee on Proposed Rules.”

Relevant evidence means evidence having a tendency to make the existence of an asserted material fact more or less probable than it would be without the evidence.¹²

Examples of relevant pieces of evidence pertaining to the example above are:

- civil documents such as a birth certificate or marriage certificate that establishes the family relationship;
- a letter from the sister's attending physician providing a detailed diagnosis that establishes the end-of-life condition and the prognosis for recovery; and
- financial documents such as letters verifying the sponsor's employment and income, current tax returns or bank statements that establish the claimed financial status of the sponsor as indicated on the signed Form I-134, *Affidavit of Support* indicating the sponsor's intention to provide financial support to the beneficiary and the ability to support the beneficiary while in the United States.

Conversely, if the presented evidence does not help to establish or undermine an asserted material fact, that evidence is irrelevant. You should not rely on speculative or irrelevant evidence in determining whether the applicant should be authorized parole. An example of irrelevant evidence in this scenario would be a character reference for the sponsor in the case. That would not help establish the fact that the sponsor has sufficient financial resources to support the beneficiary and thus, would generally be irrelevant.

It is important to remember that any decision that you make should be based on material facts that are supported by the evidence in the record. All relevant evidence should be considered in your analysis, even if it makes reaching a decision more difficult.

4.3.3 Determining Credibility of Evidence

Once you have determined that a piece of evidence is relevant, you should also determine whether the documentary evidence present in a case is credible (i.e., reliable or believable). In analyzing credibility, you should consider whether the relevant evidence supports the parole request and whether there are any inconsistencies between the parole request and the evidence presented, whether the inconsistencies come from evidence presented by the petitioner, beneficiary, or sponsor, or were discovered through your background and security vetting or through research you conducted. If you discover inconsistencies that lead you to question the credibility of the evidence, you may issue a request for evidence (RFE), a notice of intent to deny (NOID), or denial, depending on the circumstances. Material inconsistencies will generally warrant a RFE, NOID or denial, whereas a minor inconsistency that would have little to no bearing on your decision-making may not warrant such a step. See IO Parole Procedures Manual for detailed guidance on issuing RFEs, NOIDs, or denials.

4.3.4 Burden of Proof

¹² Federal Rules of Evidence, Rule 401; see also RAIIO Training Module, *Evidence*, section on Types of Evidence.

In all applications for immigration benefits, including parole, the applicant bears the burden of proof to establish eligibility for the benefit sought. *Burden of proof* is defined as “a party’s duty to prove a disputed assertion or charge.”¹³ The burden is on the applicant to establish that he or she is eligible for the benefit sought.¹⁴ The burden of proof encompasses two separate and distinct responsibilities: the burden of producing relevant evidence and the burden of persuading the adjudicator with respect to the assertions made. To determine if the petitioner has met his or her burden of proof (i.e., the burden of production and the burden of persuasion), the adjudicator weighs the material evidence in the record. Although the petitioner has the burden of proof, it is up to you to determine whether it is appropriate to issue a request for evidence to obtain additional relevant evidence not submitted with the application. For information on the RFE process, please consult the IO Parole Procedures Manual.

4.3.5 Standard of Proof

Standard of proof refers to “the degree or level of proof demanded in a specific case.”¹⁵ In immigration benefit adjudications before USCIS, applicants who shoulder the burden of proof must generally persuade the adjudicator of certain factual elements according to the “preponderance of the evidence” standard. A fact is established by a preponderance of the evidence if the adjudicator finds, upon consideration of all the evidence, that it is more likely than not that the fact is true. In other words, there is more than a 50% chance that the fact is true. It is a lower standard of proof than that used in criminal trials, which is “beyond a reasonable doubt.”¹⁶ Determination of whether a fact has been established “by a preponderance of the evidence” should be based on both the quality and quantity of the evidence presented. Common types of evidence received in parole cases are discussed below.

4.3.6 Common Forms of Evidence in Parole Cases

Forms of evidence submitted by the petitioner that you might commonly encounter include, but are not limited, to the following:

- Copy of an official photographic identity document for all parties to the parole request (petitioner, sponsor, and beneficiary) that shows the individual’s photograph, name, and place and date of birth. The purpose of this document is to confirm the identity of the individual, as well as his or her immigration and citizenship status, where applicable. Examples of such identity documents may include, but are not limited to: a valid passport; Form I-551 *Permanent Resident Card*; a national ID card; or an ID card issued by a non-government entity, such as an employment, school or organization/association ID. You should distinguish between those identity documents that may be used to prove identity and those that merely establish the applicant’s association with the issuing entity. The copy of the identity document should clearly show the photograph and identity

¹³ Black’s Law Dictionary (8th ed. 2004).

¹⁴ *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966).

¹⁵ *Id.*

¹⁶ See RAIO CT Module: *Evidence Assessment*

information. Form I-94-Arrival/Departure record is not acceptable as a photographic identity document but may be accepted to confirm the immigration status of an individual.

- Statement that provides a complete description of the urgent humanitarian reason or the significant public benefit, explaining why parole should be authorized and the length of time for which parole is requested.
- Statement explaining why a U.S. visa cannot be obtained, including when and where attempts were made to obtain a visa.
- Statement explaining why a waiver of inadmissibility cannot be obtained to allow issuance of a visa, including when and where attempts were made to obtain a waiver, and a copy of any DHS decision on the waiver request.
- Copy of any decision on an immigrant petition filed on behalf of the beneficiary and evidence regarding any pending immigrant petition, such as Form I-797 receipt or approval notices (e.g., an approved I-130).
- Proof of immigration status in the United States for the petitioner and sponsor, including birth certificates for native born citizens, U.S. passports, naturalization or citizenship certificates, or lawful permanent resident cards;
- Statements by other parties, including affidavits and letters submitted by family, friends, associates, or outside experts.
- Form I-134, *Affidavit of Support* noting sponsor's occupation and ability to provide support, including supporting documentation such as:
 - Statement from an officer of a bank or other financial institution indicating date account opened, present balance, and total amount deposited for the past year;
 - Statement from employer on business stationary showing date and nature of employment, salary paid, and whether the position is temporary or permanent;
 - If sponsor is self-employed, copy of last income tax return filed or report of commercial rating concern;
 - List containing serial number and denomination of bonds and name(s) of record owner; or
 - Evidence of other personal assets or ability to cover beneficiary's expenses and subsistence needs while in the United States.

Note: In certain instances, in lieu of Form I-134, *Affidavit of Support*, IO accepts a letter of commitment from an organization that intends to cover the financial expenses of a parolee. The letter must provide detailed information on the type of support to be provided and must ensure that it will be provided for the duration of the parole period or, in the alternative, until a sponsor files Form I-134 and supporting evidence;

- Copies of civil documents issued by government agencies including, but not limited to birth certificates, marriage certificates, divorce decrees, police records, DNA evidence, and death certificates that establish a claimed relationship or event;
- Where minor children would be traveling to the United States, evidence such as the following:
 - In cases where the minor beneficiary is traveling with one parent and the other parent will remain in their home country, written authorization from the non-traveling parent for the minor to travel, to include the duration of authorized travel and proof of legal custody from a Government authority;
 - In cases where neither parent is traveling, written authorization from both parents for the child to leave the country with an appointed guardian, to include the duration of travel as well as proof of legal guardianship from a Government authority; or
 - In cases where the parent or parents' consent cannot be obtained, a written explanation from the petitioner or beneficiary explaining efforts undertaken to locate the parent, or the circumstances surrounding their unavailability;
- Forms of evidence introduced by the Officer including, but not limited to, the following:
 - An existing A-file for any of the parties to the parole request;
 - Results of USCIS systems checks;
 - Results of mandatory security checks; and
 - Research conducted by Officers such as information pertaining to country-of-origin information and medical conditions;
- Other supporting evidence, which may be listed in sections 7-12 below, such as court documents for legal-based parole requests or medical documents for family-based requests in an end of life of situation.

4.3.7 Requests for Evidence (RFE)

As explained above, once the petitioner has met his or her burden of proof (i.e., the burden of production and the burden of persuasion), the adjudicator weighs the evidence in the record. Although the petitioner has the burden of proof, it is up to you to determine whether to issue an RFE to obtain additional relevant evidence not submitted with the application. RFEs should only be issued if the additional evidence requested would affect the outcome of a decision. For example, in a parole case where the derogatory information in the record is such a strong negative discretionary factor that parole would

not be authorized, you should not request additional evidence regarding the medical condition for which the applicant will receive treatment in the United States.

4.4 Derogatory Information in Parole Requests

Sometimes when conducting background and security vetting of parties to a parole request, you may find information that reveals that a petitioner, beneficiary or sponsor has a criminal record or is believed to be a national security threat in either the United States or another country. This type of derogatory information is typically considered a significant negative factor when considering the totality of the circumstances to exercise discretion. In determining the weight to give to that factor, you should consider the nature of the criminal activity (if any), the relationship between the petitioner or sponsor and the beneficiary, the degree to which the beneficiary will be relying on the sponsor or petitioner for support in the United States, and whether the finances the sponsor will be providing for the beneficiary are in any way tied to the criminal activity or national security issue. Any case in which the officer determines to exercise discretion in favor of granting parole despite the evidence of criminal activity or national security concerns associated with the petitioner, beneficiary or sponsor must receive second-line concurrence from the HAB Chief. Often the information discovered during security checks is classified and should be handled accordingly. For example, classified information should never be placed in an unclassified A-file.

The Program Integrity Branch (PIB) of IO should be contacted for assistance if and when you need to follow up with record holding agencies regarding derogatory information identified during background and security vetting.

If derogatory information is discovered, you should carefully weigh the positive factors present in the case against the negative derogatory information to determine whether parole should still be approved as a matter of discretion, or should be denied based on the derogatory information. When a record holding agency is contacted for more information related to the derogatory information, PIB personnel will also determine whether there are any objections to parole being granted for the reasons requested. Any case considered for approval that has serious derogatory information present should be discussed with your supervisor or the HAB or IASB Chief. Some information is so sensitive, high profile, or has the possibility of being publicized that the IO Chief and other senior management should be made aware of the parole request and higher-level concurrence should be obtained prior to finalizing the decision.

4.5 Fraud in Parole Requests

You should examine all documentation presented in a parole request carefully and be mindful of the documents' authenticity. Petitioners do not need to submit original documentation with their parole requests; copies of documents are acceptable. Therefore, it may be difficult for you to notice the sharp details of the document being considered and thus hard to tell if a document is fraudulent. In assessing the validity of certain civil documents such as birth certificates, marriage certificates, divorce decrees, adoption decrees, death certificates, detention records, or military records, it may be helpful for

you to check the Department of State's website containing the Visa Reciprocity Table and Country Document information or to contact the Forensics Document Lab (FDL). This website provides information on civil document issuance in a wide variety of countries and you may be able to verify if the appropriate government agency has properly issued the document presented in support of a parole request, or whether such a document is even available in a particular country. Occasionally, background and security checks reveal information that indicates some presence of fraud in another immigration context. In such situations, you should determine the relevance, if any, to the parole request under consideration.

When you have identified a fraud indicator in the request, you should consult with the IO-FDNS unit and determine whether it is appropriate to submit a formal fraud referral to FDNS.

5 THE TYPES OF PAROLE REQUESTS RECEIVED AT IO

There are wide varieties of reasons that individuals request parole based on urgent humanitarian reasons or significant public benefit. The most commonly seen parole requests received and adjudicated by IO are requests based on medical reasons, family-based requests, and requests based on protection needs. Other less commonly seen parole requests include requests from individuals who failed to obtain required travel documents prior to departing the United States, individuals participating in legal proceedings in the United States, and requests from individuals seeking parole for adoptive children, among others. All the possible reasons for requesting parole cannot be fully anticipated or addressed in this guidance. For all parole requests, you should be sure to follow the general analytical framework discussed in Section 4.3 above. In addition, it is helpful for you as an Officer to understand any case-specific considerations. The following sections of the lesson plan provide guidance on adjudicating the various types of parole requests, including discussion of the factors that go to urgent humanitarian reasons or significant public benefit, factors relevant to discretion, and types of evidence specific to the parole requests.

5.1 Requests Based on Medical Reasons

A request based on medical reasons exists when the *beneficiary*, or person coming to the United States, needs to receive some sort of medical treatment. Parole requests based on medical reasons generally fall into two categories:

1. An individual (the beneficiary), outside the United States is in need of medical treatment in the United States.
2. An individual (the beneficiary), outside the United States, intends to receive medical treatment to serve as an organ donor for an individual in the United States.

The factors to consider when adjudicating medical parole requests will vary depending on which of the two categories above apply. Additional information on each category is provided below.

Often, when adjudicating requests for parole based on medical reasons, you will encounter complex medical terminology and be presented with information on a variety of medical conditions difficult for a layperson to understand. It is important to remember that you are not a medical expert and that you will need to rely on the expertise of medical professionals to have an informed opinion about a medical condition. Unless there are indications of fraud, you generally should not second-guess the opinions of medical experts included in the record. However, you do need to have a basic non-scientific understanding of what the medical condition is in order to evaluate whether the request based on the medical condition constitutes an urgent humanitarian reason or significant public benefit. If you are unfamiliar with the medical condition identified, and the evidence in the record does not provide sufficient clarifying information to properly evaluate the claim, you should conduct research to gain a better understanding of the medical condition, in order to adjudicate the parole request or to request additional medical information in a RFE. Below are a number of helpful online resources you may consult for basic information on medical conditions including, but not limited to:

- National Institutes of Health – <http://health.nih.gov/>
- Merck Manual- <http://www.merck.com/mmhe/index.html>
- WebMD- <http://www.webmd.com/>
- Mayo Clinic-<http://www.mayoclinic.com/>

You should bear in mind that the petitioner has the burden of proof to establish that an urgent humanitarian reason or significant public benefit is present. Accordingly, conducting research on medical conditions cannot substitute for specific supporting medical documentation from a treating physician or medical institution pertaining directly to the beneficiary or patient associated with the parole request.

You may also want to conduct research to verify that the individual who has provided medical information is indeed a licensed medical professional. In certain circumstances, it may be appropriate to issue a request for evidence to obtain additional documentation or information regarding the qualifications of the medical professional or the specifics of a medical condition as it relates to the beneficiary or individual in the United States.

5.1.1 Medical: Request Based on Need for Medical Treatment

This category involves individuals who require some type of medical treatment in the United States. Generally, an individual who requests parole under this category has been diagnosed in his or her home country, and a doctor in the United States is willing to provide treatment that is either not available or not accessible in the individual's home

country. Parole is often requested for the duration of treatment, including the post-treatment recovery period.

Factors that are relevant to Urgent Humanitarian Reasons Analysis

Apart from factors relevant to all parole cases in determining urgent humanitarian reasons, factors specific to parole requests based on need for medical treatment include:

Nature and Severity of the Medical Condition

A critical factor that you should consider in evaluating whether there is an urgent humanitarian reason for medical treatment in the United States is the nature and severity of the medical condition for which treatment in the United States is sought. This information can assist you in determining how the medical condition affects the patient's life and the consequences to the patient if the medical treatment is not received. Often, information regarding the severity of the illness or nature of the condition will inform how immediate, and therefore how urgent or time sensitive, is the need for medical treatment. For example, a beneficiary's condition may be so critical in nature that failure to treat it within a certain window of time would result in permanent harm, disability, disfigurement, or have other life altering consequences.

Availability of Medical Treatment in Countries Other than the United States

You should examine whether the specific medical treatment needed by the beneficiary is available and reasonably accessible to the beneficiary in his or her country of residence or another country outside of the United States. You should look at the adequacy of the treatment and what attempts, if any, the beneficiary has made to obtain such treatment. If the petitioner or beneficiary asserts that the quality of care available in a country outside the United States is not on par with U.S. medical standards, then you should examine whether he or she has provided evidence to establish the difference in the quality of care or treatment, and whether it would have a serious impact on the applicant's quality of life or recovery.

In evaluating whether an urgent humanitarian reason exists, you should keep in mind that, even though the treatment may be available in the beneficiary's country of residence or another country outside the United States, it might not be reasonably accessible. Factors to consider include whether entry requirements for the country are restrictive; whether treatment is only available to a select few; the availability of a strong support system; the cost-effectiveness of treatment; or new innovative treatment options that would more effectively treat the medical condition. Urgent humanitarian reasons generally are not established simply because it is more convenient for the beneficiary to seek treatment in the United States than in other countries; however, the beneficiary should not be required to show that obtaining treatment in the United States is the last resort or that there is

no other country in the world where the beneficiary could obtain treatment. The issue of the beneficiary's ability to obtain treatment in another country may come up, for example, if there is evidence that the beneficiary previously sought and received appropriate treatment in a third country. You should consider, on a case-by-case basis, the totality of the circumstances to determine whether urgent humanitarian reasons exist and whether the applicant has access to adequate medical care in his or her country of residence or in another accessible or nearby country.

Note: If the individual seeking treatment in the United States is an unaccompanied minor, evidence of legal guardianship arrangements in the United States, parental or guardian authorization for the child to travel unaccompanied to the United States, and consent to obtain required medical treatment should be provided prior to authorizing parole.

Follow-up or Post Treatment Care

Generally, you will evaluate the need for parole to obtain follow-up or post-treatment care in the context of a re-parole application or when you are trying to determine the duration of the original parole. When considering requests where the beneficiary requires post-treatment care, you should look to see whether it constitutes an urgent humanitarian reason as discussed above, including why the required care cannot be provided in the beneficiary's home country or another country accessible to the beneficiary.

Factors that are relevant to Significant Public Benefit Analysis

In the medical context, more so than other types of parole requests, you may see parole applications for medical reasons where the petitioner demonstrates significant public benefit. The request may assert urgent humanitarian reasons, and not necessarily assert that there is a significant public benefit to paroling the individual to the United States, so you will need to examine the medical evidence to determine if there would be significant public benefit, instead of, or in addition to, urgent humanitarian reasons. Although you should remain cognizant of factors that may help establish significant public benefit, you are not expected to have medical expertise or an in depth knowledge of medical and scientific procedures. The burden is on the petitioner to make the case as to why the beneficiary's presence in the United States would be a significant public benefit.

An example would be if a hospital or research institute submitted an application for parole for an individual to come to the United States to participate in a novel medical trial or study that would ultimately benefit the public at large. In these types of cases, you should look to the evidence in the record from the hospital or research institute, such as the nature of research that may help you in evaluating the degree to which the trial or study furthers scientific research, and therefore parole of the beneficiary into the United States may result in significant public benefit.

Factors that are relevant to the Exercise of Discretion

In addition to the general discretionary factors discussed in 4.3.2 above, the factors below, where present, should be considered in the discretionary analysis of parole requests based on medical need:

- Evidence that a physician or medical facility has been identified, has assessed the medical situation, and has agreed to treat the person in need of parole:
 - Look to see whether the physician or facility in the United States has examined the medical records of the patient in determining an appropriate course of action. This goes to whether the purpose of parole is likely to be accomplished and within what time period;
- The estimated length of time needed for the entirety of the medical treatment, trial or study should be considered, including any follow-up treatment:
 - Look to see whether the length of time needed is a year or less, more than a year, or life-long. This information will help you determine whether or not the purpose of the parole may be accomplished within the authorized parole period; and
 - If additional care outside of the medical facility is required, you should look to see if there is someone who will be able to provide adequate care, such as a family member in the United States or a paid caregiver;
- The proposed cost of treatment including doctor's fees, hospital fees and all medical related expenses and evidence that all medical costs and other financial obligations associated with the beneficiary's stay will be covered if paroled into the United States for medical reasons:
 - This includes determining whether the individual has access to health insurance in the United States or has the financial resources to cover all expenses. Private donors, hospitals, institutes, and non-profit organizations (NGOs) may donate resources, services, or offer other forms of support.

On occasion, a parole request may involve a beneficiary that has an undiagnosed condition, i.e., physicians in the beneficiary's home country are unable to diagnose the beneficiary's illness. In such situations, the applicant may be seeking to enter the United States to obtain a diagnosis and possible treatment because advanced diagnostic testing and technology may be more readily available in the United States. In such situations, the petitioner or beneficiary may not be able to establish the criteria above. You should evaluate the impact of the illness on the beneficiary's life and wellbeing, whether the beneficiary has exhausted all medical resources in his or her country, whether a medical institution in the United States has reviewed the beneficiary's medical records and is willing to provide initial diagnostic testing, and whether a cost estimate is provided.

8.3.3 Evidence

Apart from evidence generally required in all parole cases, specific evidence to establish the need for an individual overseas to obtain medical treatment in the United States may include, but is not limited to the following:

- Documentation from a physician in the country of beneficiary's residence, who has examined the beneficiary, should provide the following information:
 - A diagnosis of the beneficiary's medical condition;
 - The treatment needed to address the condition; and
 - The reason the beneficiary requires treatment in the United States, including whether the needed treatment is available and accessible to the beneficiary in the beneficiary's country of residence or another country outside the United States;
- Documentation from a physician or medical facility in the United States that provides the following information:
 - Agreement to provide specific treatment for the identified medical condition of the beneficiary;
 - The length of time the beneficiary will need to be in the United States to receive treatment as well as any requisite follow-up treatment, to include whether the beneficiary will require assistance post-treatment such as by a caregiver; and
 - The cost of treatment (including doctors' fees, hospitalization fees, and all medical-related expenses):
 - Documentation establishing how the cost of the medical treatment (both in the hospital and as an out-patient) and any other associated costs such as medical prescriptions, therapies, equipment, transportation will be covered, whether by insurance, personal funds, or other means.

Panel Physician Requests

A panel physician is a medically trained, licensed and experienced doctor practicing overseas who is appointed by the local U.S. Embassy or Consulate. These medical professionals receive U.S. immigration-focused training in order to provide examinations as required by the CDC (Center for Disease Control and Prevention) and USCIS. Their role generally is only to evaluate an individual for health conditions that may implicate inadmissibility grounds. For parole adjudications, panel physicians should not be used to verify the medical condition of the beneficiary, without your Supervisor's concurrence.

5.1.2 Medical: Request Based on Need to be an Organ Donor

This category involves requests from individuals who are seeking to enter the United States to be an organ donor to an individual in the United States. Organ donor cases are often compelling and urgent in nature and involve complex issues.

The Organ Transplant Process

Organ transplantation is the process of surgically transferring a donated organ into a patient with end stage organ failure. Each recipient must be pre-screened and evaluated to determine if he or she is a candidate for an organ transplant. Once a recipient is approved as a candidate for transplant, he or she will be placed on the Organ Transplant Waiting List¹⁷. This listing is required for all recipients even if the interested donor is a relative. Once on the list, the transplant center will begin to test interested donors. Each interested donor is also prescreened to determine if he or she could be a match. This process can last anywhere from 4-6 months.

Factors that are relevant to Urgent Humanitarian Reasons Analysis or Significant Public Benefit Analysis

Apart from factors relevant to all parole cases in determining urgent humanitarian reasons, factors specific to parole requests related to organ transplantation are:

- Whether the transplant recipient has been evaluated by the transplant center;
- Whether the recipient been approved as a candidate for transplant;
- Whether the recipient has been placed on the Organ Transplant Waiting List; and
- Whether the identified donor residing overseas has been tested abroad to determine whether he or she is a match.

Factors that are relevant to the Exercise of Discretion

In addition to the discretionary factors generally applicable to all parole cases, organ donor requests also require consideration of the following factors:

Health Insurance Coverage

¹⁷ In 1984, the National Organ Transplant Act of 1984 established the Organ Procurement and Transplant Network (OPTN), a national organ sharing system to guarantee, among other things, fairness in the allocation of organs for transplant. Since 1984, the nonprofit United Network for Organ Sharing (UNOS) located in Richmond, Virginia, has operated the OPTN, under a contract with the Division of Transplantation in the Department of Health and Human Services. UNOS maintains a central computer network containing the names of all patients waiting for kidney, heart, liver, lung, intestine, pancreas and multiple-organ transplants, known as the Organ Transplant Waiting List.
<http://www.organtransplants.org/understanding/unos/>
<http://optn.transplant.hrsa.gov/>

An import discretionary factor is the petitioner's ability to cover the cost of the transplant surgery in the United States. Transplant expenses are usually covered by the recipient's health insurance, including the donor's evaluation and hospitalization. Some hospitals may require that the interested donors carry their own individual health insurance in the United States just in case an issue of coverage arises. Some hospitals may require that the interested donors have health insurance in their home country. In examining health insurance coverage, it is important to determine whether the organ donor recipient's health insurance covers post-surgery complications for the recipient as well as the donor.

Organ Buying and Selling

Another factor is whether the donor is being paid or receiving any other form of compensation such as the promise of a visa to the United States. The buying and selling of organs is prohibited and a donor may not receive money or gifts in exchange for an organ. Individuals must agree to serve as donors voluntarily, with full knowledge and disclosure of the process. You should be cognizant of any red flags that may indicate that the donor or recipient are engaged in organ buying or selling. If so, this would be a strong negative discretionary factor.

Evidence

Apart from evidence generally required in all parole cases, including evidence listed in the section above, specific evidence to establish the need for an individual overseas to be an organ donor in the United States may include, but is not limited to, the following:

- A letter from the transplant center stating that the individual in the United States has been placed on the organ donor list; and
- Medical records for the beneficiary as well as a letter from the transplant center indicating that the beneficiary is a match.

5.2 Family-based Parole Requests

Family-based parole requests are made for a wide variety of reasons and comprise a large percentage of parole applications IO adjudicates. Generally, these types of cases involve a family member who desires to be united with other family members in the United States either temporarily or permanently. Sometimes, the desire for family-unity is the only reason the petitioner is requesting parole; other times, it is coupled with another purpose such as medical need or need for protection.

Most family-based parole requests fall into two broad categories. The first category is parole requests based on *family-related* reasons where the requests are typically for the beneficiaries to be present in the United States temporarily. The second category of family-based parole requests is for purposes of *family-unity* and the requests are typically

for the beneficiaries to be present in the United States permanently. The distinctions between these two common types of family-based parole requests are discussed in detail below.

Note that Officers have discretion when determining who constitutes a family member. For example, while family members are usually related by marriage, birth, or adoption, the Officer may consider a same-sex partner or children of a same-sex partner as a family member, in particular if the beneficiary is from a country where same-sex marriage is not legal.

5.2.1 Family-based Parole Requests: Family-Related Reasons

A parole request for family-related reasons generally involves either a request to visit, assist, or support a relative in the United States in some capacity, to attend the funeral of a family member in the United States, or to settle the affairs of a deceased relative. These types of requests are typically for a temporary stay in the United States, as the beneficiary intends to depart the United States once the purpose of the parole request is accomplished. Additional information on the nature of these family-related parole requests is discussed below.

Request to Visit, Assist, or Support a Relative in the United States

These requests generally either involve individuals requesting to visit relatives who have a serious medical condition, who are at an end of life stage (such as individuals in advanced stages of a medical condition who are receiving hospice care) and are in need of support. On the other hand, a request may involve individuals requesting to visit relatives who have other compelling non-medical needs for assistance or support. The parole request may be for the benefit of the individual in the United States or for the benefit of the individual overseas, or both. For example, a critically ill or injured daughter in the United States may need the presence of her mother for emotional support. As such, the benefit would be to the daughter in the United States during her recovery period and likely for the mother as well. In this same scenario, if the daughter in the United States is in a coma, with little or no chance of recovery, there may be no apparent benefit to her, but it may provide comfort, closure, and emotional support to the beneficiary (mother) to visit her daughter.

Other requests under this category may go beyond the need for emotional support and may involve individuals in the United States with a medical condition who require some form of non-medical assistance. For example, an individual in the United States who has a high-risk pregnancy and must remain on bed rest until giving birth may request parole for a family member overseas to assist in caring for her or her young children while she is incapacitated and has no other family or assistance in the United States.

Request to Deal with Affairs of Deceased Relative in the United States

These are parole requests for a family member residing overseas to come to the United States to address issues related to the death of a family member, including but not limited to attending the funeral, settling financial and legal affairs of the deceased family member, and handling any other estate matters.

Factors that are relevant to Urgent Humanitarian Reasons Analysis or Significant Public Benefit Analysis

Apart from factors relevant to all parole cases in determining urgent humanitarian reasons, factors specific to family-related requests for parole include the following.

Availability of Assistance or Support in the United States

In assessing whether there is an urgent humanitarian reason for an individual to be paroled into the United States to visit, assist, or support a family member in the United States, you should assess whether there is anyone else in the United States, a family member or another individual, who can fulfill the need for which parole is requested. If there are other potential care providers present in the United States, you should assess whether any of these family members or alternate care providers are reasonably available and competent to fulfill the need for which parole is requested. If there is no one else in the United States who is reasonably available and competent to provide the care, and failure to obtain such care would result in permanent harm, disability, or disfigurement or have other life-altering consequences, then urgent humanitarian reasons may be established.

In evaluating whether another family member or alternate caregiver is reasonably available and competent to provide the needed assistance or support, you should consider the totality of circumstances, such as whether providing assistance and support would be unduly burdensome because of work, family or other commitments or whether it would present a financial hardship. If provision of such services would be unduly burdensome for another friend or family member to provide, then you should consider whether it is possible for the individual in need of assistance or support to be able to hire someone to fulfill the need for the parole request, taking into account the cost and the individual's financial situation.

Finally, it is important not only to consider the physical and practical aspects of care giving but also to take into account the emotional component of providing support, depending on the circumstances. The person seeking parole may have a relationship with the applicant needing care that would make a significant qualitative difference in the type of care provided. For example, an individual receiving hospice or palliative care may benefit from emotional support and care provided by a close family member during his or her final stages of illness. Alternatively, the individual requiring care may need assistance with simple but private tasks that only a close family member or friend would be able to provide.

It is important to remember that ultimately the burden is on the petitioner to establish that there is no one else reasonably available to provide the appropriate assistance and support, which would include explaining the reasons the individual could not hire a caretaker or why a caretaker would not be appropriate, such as with private tasks.

Need for Multiple Caregivers

Under certain circumstances, one or more family members may request parole to accompany the beneficiary serving as a caregiver, such as minor children accompanying a parent or a spouse with a medical condition. In those situations, you should consider whether there is anyone in the beneficiary's home country who could care for the family members in need of care if left behind or whether they may be at risk of harm if left behind.

In other situations, due to the medical condition of the individual in the United States, post-treatment care may be so intensive, that it may require more than one caregiver.

Factors that are relevant to the Exercise of Discretion

In addition to the standard discretionary factors that one would consider in any parole case, in caregiver cases, you would also consider whether the caregiver has a place to live, has a reliable mode of transportation, if required, and is physically and mentally capable of providing the level of support needed by the individual in the United States.

Evidence

Apart from evidence generally required in all parole cases, specific evidence to establish the need for an individual abroad to visit, assist, or support an individual in the United States may include, but is not limited to the following:

- Documentation from a physician or medical facility in the United States that provides a medical diagnosis and prognosis for the individual in the United States as well as detailed information regarding the type of care required, including the nature and frequency of care, and whether a caregiver is required before medical treatment can proceed;
- A listing of all family members in the United States and why they are not able to provide care to the individual receiving medical treatment; and
- A statement explaining why other alternatives, such as hiring a caregiver, are not reasonable alternatives.

Although the petitioner has the burden of proof, it is up to you to determine whether to issue an RFE to obtain additional relevant evidence not submitted with the application.

5.2.2 Family-based Parole Requests: Family-unity

The most common type of parole request in the family-unity context involves a family member overseas who seeks to join a family member in the United States, or to enter the United States with an immigrating family member prior to completion of his or her immigrant visa process, or other process by which he or she may obtain nonimmigrant or immigrant status. For example, the beneficiary of an immigrant visa that has become current may request parole for his or her minor child or adult child with special needs who would be left behind without alternate means of care if the parents were to immigrate to the United States. Often the individual for whom parole is requested has a family-based immigration petition pending with or approved by USCIS. However, unless the individual is an immediate relative of a U.S. citizen (i.e., unmarried child, spouse, or parent) there is generally a substantial waiting period before an immigrant visa number becomes available, as Congress has limited the number of relatives who may immigrate to the United States under certain family-based categories each year. In these situations, the individual is requesting parole so that he or she does not have to wait outside the United States for his or her visa number to become current and be reunited with family.

Need for Spouses, Children or Grandchildren of Refugees and Asylees to be Present in the U.S. Pending the Ability to Obtain Lawful Immigration Status

This type of family-unity parole request is a subset of the previous category, involving a need for family unity with individuals who have asylum or refugee status in the U.S. The INA provides for the admission of spouses and unmarried children under 21 (“derivatives”) of asylees and refugees, as well as lawful permanent residents who received such status after being admitted as a principal refugee or granted asylum. The I-730, *Refugee/Asylee Relative Petition*, is the form through which the asylee or refugee may petition for his or her family member residing overseas. The three main I-730 eligibility requirements are: 1) the Form I-730 must be filed within two years of the date on which the petitioner was admitted into the United States as a refugee or was granted asylum status¹⁸; and 2) the relationship of a spouse or child to a principal asylee or refugee must have existed *prior* to the date the asylum application was approved or the date the principal was admitted to the United States as a refugee, and 3) no bars and inadmissibility grounds apply. You may encounter parole requests from the following categories of individuals who do not qualify as beneficiaries under the I-730 process and for whom parole is requested to maintain family unity:

- A spouse of a refugee or asylee who married the principal after he or she was granted asylum status or admitted to the United States as a refugee; or
- A same sex partner of a refugee or asylee who was unable to marry the principal under the laws of their former country of residence; or
- A child who was conceived *after* the principal’s grant of asylum or *after* the principal’s admission to the United States as a refugee.

¹⁸ The 2-year limitation may be waived by USCIS for humanitarian reasons. See instructions for Form I-730, *Refugee/Asylee Relative Petition*

- Sometimes an asylee or refugee will return to a third country to visit a spouse who has not yet been able to join the principal in the United States, and during that time together, a child is conceived. The child would not qualify for an I-730 unless the child was in utero at the time of the asylum grant or refugee admission; or
- A grandchild of a principal asylee or refugee (i.e., a child of a derivative asylee or refugee).
 - Occasionally, a derivative asylee or refugee may be under 21 and unmarried, but may also have a child. This child would be the grandchild of the principal asylee or refugee and therefore not eligible to come to the United States under the I-730 process. The grandchild may thus be left behind without a parent or alternate caregiver; parole may be the only alternative for the child to accompany the parent to the United States; or
- A child of a refugee or asylee who gets married prior to the date the principal is granted asylum status or the refugee is admitted as a refugee.
 - Once married, the derivative no longer qualifies for an I-730 as a “child.”

Factors that are relevant to Urgent Humanitarian Reasons Analysis or Significant Public Benefit Analysis in Family-Based Parole Cases.

The factors that are relevant to urgent humanitarian reasons or significant public benefit vary depending on the type of family-based request (i.e., whether it is a parole request that is family-related or based on family-unity), and therefore the factors are relevant to urgent humanitarian reason are discussed separately below.

Relationship between Family Member in the United States and the Beneficiary Overseas

For any family-based parole request, it is important to confirm that a valid relationship exists between the beneficiary outside the United States and the family member in the United States.

An important factor that goes directly to urgent humanitarian reason is the type and nature of the familial relationship between the individual residing outside the United States and the family member(s) in the United States. The type of relationship refers to whether the beneficiary is the parent, child, spouse, niece, grandparent, etc. of the family member in the United States. In the family-related parole context, generally, the closer the relationship, the more weight you would give it when determining when an urgent humanitarian reason exists. For example, one generally would consider it more important for a close relative such as a child to attend the funeral of a parent, rather than a nephew. However, it is equally important to take into account the nature of the relationship between the family members. There could be a situation in which a nephew was raised by an uncle, or had a very close relationship with an uncle such that the nephew held an equivalent relationship to an uncle as a child would have to a parent.

While it is normally safe to assume that a parent/child or spousal relationship is very close, if there is evidence in the record that indicates the nature of the relationship is not close, then that evidence must also be taken into consideration when determining whether an urgent humanitarian reason is present.

Factors that are relevant to Urgent Humanitarian Reasons Analysis or Significant Public Benefit Analysis for Family-Related Cases

Apart from factors relevant to all parole cases in determining urgent humanitarian reasons or significant public benefit, the following factors should be considered:

Nature and Severity of the Medical Condition and/or Need for Assistance

A critical factor that you should consider in evaluating whether there is an urgent humanitarian reason for an individual to be paroled into the United States to visit or provide assistance and support to a family member who is critically ill or injured, or who is at an end stage of life, is the nature and severity of the medical condition of the individual in the United States. This information can assist you in determining how the medical condition affects the patient's life or the life of the beneficiary and the consequences to the individual if the visit and/or assistance and support are not provided. For example, the more critical a patient's medical condition, the greater the likelihood that you would find the need for the patient's son or daughter to visit, to constitute an urgent humanitarian reason for parole. Often information regarding the severity of the illness or condition will inform how immediate, and therefore urgent or time sensitive, the need for the presence of the family member is and whether it is needed immediately, or in the weeks or months ahead.

Type of Assistance or Support Needed

In determining whether the petitioner has established urgent humanitarian reasons for parole, you should examine the type of assistance and support the beneficiary seeking to enter the United States would provide the individual in the United States, and how soon that care is needed (immediately or sometime in the distant future, which goes to the urgent or time-sensitive element). You should not only consider the physical and practical assistance and support needed but should also take into account the emotional component of providing support, depending on the circumstances. The person seeking parole may have a relationship with the individual in the United States that would make a significant qualitative difference in the type of care provided. For example, an individual receiving hospice or palliative care may benefit from emotional support and care provided by a close family member during his or her final stage of life.

Availability of Assistance or Support in the United States

In assessing whether there is an urgent humanitarian reason for an individual to be paroled into the United States to visit or assist and support a family member, or to deal with the affairs of a deceased relative in the United States, you should determine whether there is anyone else in the United States, family member or other individual, who can fill the need for which parole is requested. If there are others present in the United States, you should assess whether any of these family members or alternate care providers are reasonably available and competent to fulfill the need for which parole is requested. If there is no one else in the United States who is reasonably available and competent to provide the assistance or support needed, then urgent humanitarian reasons may be established.

In evaluating whether another family member or friend is reasonably available and competent to provide the needed assistance or support, you should consider the totality of circumstances, such as whether providing assistance and support would be unduly burdensome because of work, family, or other commitments or whether it would present a financial hardship. If provision of such services would be unduly burdensome for another friend or family member to provide, then you should consider whether it is possible for the individual in need of assistance or support to be able to hire someone to provide the support, taking into account the cost and the individual's financial situation.

Finally, it is important to take into account the emotional component of providing support, depending on the circumstances. The person seeking parole may have a relationship with the applicant needing assistance or support that would make a significant qualitative difference in the type of support or care provided. For example, a mother who is at an end of life situation may require the comfort and support of a spouse or child, even if she has siblings residing nearby.

Factors that are relevant to Urgent Humanitarian Reasons Analysis or Significant Public Benefit Analysis for Family-Unity Cases

Apart from factors relevant to all parole cases in determining urgent humanitarian reasons or significant public benefit, the following factors should be considered:

Family Unity

Family unity in and of itself does not constitute an urgent humanitarian reason for parole nor does it present a significant public benefit. Parole is not intended to be used as a vehicle to circumvent normal visa-processing or statutory provisions governing family-based visas. As such, a parole request based solely on the desire for family unity generally will not constitute an urgent humanitarian reason; however, family unity is a factor to take into account in evaluating the totality of the circumstances.

Presence of Particular Vulnerability

You should determine whether there is evidence that the family member in the United States or outside the United States is particularly vulnerable due to age,

disability, special needs, or any other reason that requires him or her to have the support of a family member in the United States.

The beneficiary's vulnerability itself does not constitute an urgent humanitarian reason for parole. You should consider the totality of the circumstances, including the circumstances surrounding the vulnerability and whether concerns raised by the vulnerability of the beneficiary may be addressed where the beneficiary currently resides, or if there are other viable and appropriate ways to address the vulnerability, other than through parole into the United States.

Factors that are relevant to the Exercise of Discretion in Family-Based Parole Requests

In addition to discretionary factors generally present in all parole requests, discretionary factors specific to family-based parole requests include:

Whether the Purpose of Parole may be Accomplished within a Temporary Period of Time

In family-unity or family-related cases, often an important discretionary factor is whether the purpose of parole may be accomplished within a temporary period of time. In family-related cases where the beneficiary is coming in for a specific event, such as to see or assist a dying relative, settle the affairs of the deceased's estate, or attend a funeral, an applicant's ability to establish a relatively certain, limited time frame for which he or she will need to be in the United States, such that the beneficiary may complete the purpose of the parole during the duration of the parole status, is a positive discretionary factor. A petitioner's inability to establish that the purpose of the parole may be achieved in a relatively certain, limited period presents a negative discretionary factor.

In parole requests based on the need for family unity, you should look to see if there is a path for the paroled individual to immigrate or obtain other lawful immigration status to determine if the parole would be temporary. Once the petitioner has established there is a path, you then have to determine the length of time before the beneficiary can regularize status. The longer the path, the greater the likelihood that this would be a negative discretionary factor in exercising discretion. For example, the beneficiary's adult sibling may have an approved Form I-130, *Petition for Alien Relative* on behalf of the beneficiary, which would mean the beneficiary has a path to regularize status, but it may take 9-10 years before the process is complete, which is a negative factor, to be weighed against any positive factors in the case. Having no foreseeable way for the beneficiary to regularize status is a strong negative discretionary factor when the beneficiary intends to reside permanently in the U.S.

Generally, when looking to see whether the beneficiary will have a means to regularize status, you should consider whether the beneficiary has a pending or approved I-130 or another immigrant or nonimmigrant application or petition. An

approved I-130 for the beneficiary presents stronger evidence of intent and ability to regularize status than does a pending I-130. However, the existence of either should be considered a positive discretionary factor when the articulated purpose of parole relates to family unity. Either could be a negative discretionary factor for a request that is not based on family unity, to the extent it may indicate that the beneficiary does not intend to leave the United States after accomplishing the purposes of the parole (such as medical treatment). In certain urgent or time sensitive circumstances, intent to file an I-130 for someone eligible to be a beneficiary of an I-130 may be sufficient to establish a path to regularize status. However, you should look to see whether there are exceptional circumstances beyond the individual's control that prevented him or her from filing the I-130 prior to requesting parole.

The availability of an immigrant visa for preference categories and processing times for I-130s vary and can be determined by consulting the Visa Bulletin, which is updated monthly.

You should consider whether a parole beneficiary is inadmissible as one factor in the totality of the circumstances. Although the inadmissibility grounds are not legally applicable to applicants for parole, when determining whether a parole beneficiary has the ability to regularize status after being paroled as a factor in the exercise of discretion, the applicability of the various inadmissibility grounds are relevant to the parolee's ability to regularize status in the future.

For example, A beneficiary's inadmissibility under INA § 212(a)(9)(A), (B) or (C) for prior unlawful presence and removal orders or under INA § 212(a)(6)(B) for failure to attend a removal hearing may delay his or her ability to adjust status or obtain an immigrant visa for three to 20 years or, in some cases, the beneficiary may remain permanently inadmissible and incapable of obtaining lawful permanent residence in the United States unless granted consent to reapply for admission. Consequently, the beneficiary's inadmissibility under those provisions will generally be a negative discretionary factor in family-related cases if the beneficiary will likely not be able to adjust status within the period of parole. Nonetheless, there may be situations so compelling that the beneficiary's inadmissibility may support the urgent humanitarian reason claim because parole is the only way the beneficiary will be able to come to the United States.

When a parole beneficiary is inadmissible, you should consider whether the beneficiary is eligible for and has, or could be granted, a waiver of the applicable inadmissibility ground. In cases where the beneficiary is inadmissible under INA § 212(a)(9)(A) or (C) you should consider whether the beneficiary is eligible for or has been granted an exception to the inadmissibility through an approved Form I-212, *Application for Consent to Reapply for Admission*.

- INA § 212(a)(9)(A)

To receive this exception, an alien ordered removed and inadmissible under INA § 212(a)(9)(A) must file the Form I-212 from outside of the United States, but may do so at any time during the period of inadmissibility.

- INA § 212(a)(9)(B)

An alien inadmissible under INA § 212(a)(9)(B) for unlawful presence may seek a waiver by filing a Form I-601, Application for Waiver of Grounds of Inadmissibility, with USCIS.

- INA § 212(a)(9)(C)

An alien inadmissible under INA § 212(a)(9)(C) (for an aggregate year or more of unlawful presence or a removal order, and a subsequent entry or attempted entry without admission) may only file a Form I-212 after having spent more than 10 consecutive years outside of the United States since his or her last departure.

USCIS may waive the unlawful presence inadmissibility for an alien who is the spouse, son or daughter of a U.S. citizen or lawful permanent resident and who shows that denial of the waiver request would result in extreme hardship for the alien's U.S. citizen or lawful permanent resident spouse or parent. The alien must also demonstrate that he or she merits a favorable exercise of discretion.

If an inadmissible beneficiary appears eligible to file a Form I-212 or I-601, but does not submit evidence that a waiver was sought or an explanation why it was not sought or approved, you should issue an RFE to request and consider any explanation provided for not filing those forms to waive or except the beneficiary's inadmissibility, if an acceptable explanation could result in approval of the parole application.

When determining whether the beneficiary would be able to adjust status in the United States if granted parole, you should consider the following implications of his or her inadmissibility and any period of time spent in the United States under a grant of parole. Time in the United States during an authorized period of parole will count towards meeting the three or ten year period outside the United States for an alien who is inadmissible under INA § 212(a)(9)(B)(i) for unlawful presence. Similarly, the INA §§ 212(a)(9)(A) five, ten or twenty year bars and the 212(a)(6)(B) five year bar for failure to attend a removal hearing all continue to run during an authorized parole period; once the relevant inadmissibility ground's time period is over, the beneficiary is no longer inadmissible.

In contrast, for an alien permanently inadmissible under INA § 212(a)(9)(C)(i) for unlawful presence or a removal order and a subsequent entry or attempted entry without admission, the time of authorized parole in the United States will **not** count towards the required ten year period outside the United States. In addition, the alien will have to commence a new, ten-year wait outside of the United States upon departure at the expiration of the parole period before the alien may file a Form I-212 *Application for Consent to Reapply for Admission*.

Whether or not the time of authorized parole in the U.S. would count towards the bar applicable may be taken into account along with other factors under the circumstances of the individual case.

Evidence in Family-Based Parole Requests

In addition to the types of evidence generally required for all parole requests, evidence specific to or more commonly seen in family-based parole requests may include, but is not limited to the following, depending on the basis of the claim:

- The Form I-797 receipt notice or approval notice is evidence of the filing of an I-130, I-129F, I-601, I-212 or other immigration benefit request and helps establish the beneficiary's ability to regularize status. This evidence should be confirmed by conducting systems checks;
- Evidence of a beneficiary, petitioner, or sponsor's immigration history, goes to the beneficiary's ability to regularize status, as found in the following USCIS systems: CLAIMS, CIS, CCD, and EARM;
- Civil documents establishing the familial relationship;
- Death certificate establishing the need for the applicant to attend the funeral of the individual in the United States;
- Letter from the funeral home listing the deceased's name and the date of the funeral service; or
- Letter from physician or hospice provider with a medical diagnosis and prognosis.

5.3 Requests Based on Need for Protection

Parole requests based on protection present some of the most difficult cases for Officers to adjudicate and typically involve compelling fact patterns of individuals outside the United States, who may genuinely be at risk of harm, even death, but for whom there may be no legal, timely, or accessible pathway to come to the United States.

There are various types of protection requests received by IO, however, the most commonly seen requests involve one or a combination of the following:

- natural disasters,
- civil conflict, or
- targeted harm.

Most protection cases are based on urgent humanitarian reasons rather than significant public benefit. However, a significant public benefit may also exist in addition to urgent humanitarian reason where, for example, the Department of State has requested parole for a human rights activist or political prisoner whose presence in the United States would advance U.S. foreign policy in promoting human rights.

Although, parole requests based on the need for protection often present compelling circumstances, parole is generally not used for protection reasons for a few important reasons. While INA § 212(d)(5)(A) provides the DHS Secretary the discretionary authority to parole an individual into the United States temporarily on a case-by-case basis for urgent humanitarian reasons or significant public benefit, INA § 212(d)(5)(B) states that the Secretary may not parole into the United States an alien who is a refugee unless the Secretary determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee under section 207.

There are programs in place where individuals may seek protection from harm through the United Nations High Commissioner for Refugees (UNHCR) or the U.S. Refugee Admissions Program (USRAP) while overseas, though only in certain nations, or through other aid organizations and efforts. Finally, USCIS has no operational ability to conduct an interview of a parole applicant to gather additional details about the need for protection and to assess his or her credibility firsthand, as is required with the U.S. Refugee and Asylum programs, prior to approving the request for protection. For all these reasons, where protection is the only basis for a parole request, you generally may authorize parole only in the limited circumstances discussed below.

The following sections provide guidance on factors to consider when adjudicating parole requests based on the need for protection. In parole requests based on the combined need for protection and family unity or medical reasons, you should analyze both claims in conjunction. As in any other type of parole case, you must decide each request on a case-by-case basis, taking into account the totality of the circumstances.

5.3.1 Natural Disasters

An individual who is affected by a natural disaster, such as a flood, earthquake, storm, fire, landslide, or tsunami, may be requesting parole because he or she has lost his or her home, is living in a camp for displaced persons or on the street, has little access to food and clean water, or has limited or no health care.

Factors that are relevant to Urgent Humanitarian Reasons Analysis

Apart from factors relevant to all parole cases in determining urgent humanitarian reasons or significant public benefit, the following factors should be considered:

Particular Vulnerability

Individuals with particular vulnerabilities may be at heightened risk of harm in the aftermath of a natural disaster. Examples of those who may be particularly vulnerable include female heads of household or single females, elderly individuals, unaccompanied children, individuals with physical or mental disabilities or those with particularly serious medical conditions and who are without parents or guardians, or other marginalized groups. For example, being homeless after a disaster may not pose the same threats to health and life for a

healthy young adult as it would for an elderly person with a serious medical condition.

Living Conditions & Accessibility of Existing Relief Mechanisms

In situations of natural disaster affecting a large portion of the population in the applicant's country, you should consider the living conditions of the beneficiary. The fact that an individual is living in sub-standard and poor living conditions abroad, including camp conditions, does not necessarily establish that he or she is at risk of harm. You should look to see what post-disaster relief efforts are undertaken by the home country and the international community to assist the affected population and whether the individual's basic needs are being met, such as food, clean water, shelter, and adequate sanitation or will be met in the very near future. If any such mechanisms exist, you must evaluate whether the beneficiary can reasonably access them and whether he or she has sufficient time to do so in order to avoid the harm feared.

Ability to Relocate

You should also consider whether the beneficiary could reasonably relocate or temporarily move to a different part of his or her home country, or a neighboring country to avoid harm. An individual who can secure adequate protection within their country, albeit a different part of the country, or in a neighboring country will have greater difficulty establishing an urgent humanitarian reason for parole, even if the individual faces harm in the current location.

Factors that are relevant to the Exercise of Discretion

As with all parole cases, the existence of an urgent humanitarian reason or significant public benefit is in itself a positive discretionary factor in protection cases. The severity and imminence of the harm feared may give additional weight to this factor, depending on the facts of the case. Often protection cases may overlap with issues related to family unity or the need for medical treatment. These additional bases for requesting parole may also present positive discretionary factors. You should consider all of the general discretionary factors that you would consider for other types of parole requests, such as past immigration violations, derogatory information discovered during security checks, ties to the United States, etc. For this type of protection request, you should take particular note of the duration of the parole request.

Duration of Parole Request

In all parole cases, when exercising discretion, you should look to see whether the need for parole is temporary in nature. A negative factor that is often present in natural disaster cases is that the petitioner is unable to establish that the need is temporary and has no apparent way to regularize status if paroled into the United States. For example, recovery from natural disasters may continue for years or

decades. The fact that stability or significant recovery may eventually come to the beneficiary's country does not mean that parole will be temporary, as it may take decades to rebuild.

Evidence

In addition to the types of evidence generally required for all parole requests, evidence specific to or more commonly seen in parole requests based on the need for protection from natural disaster may include, but is not limited to the following, depending on the basis of the claim:

Country Conditions Information

In areas of natural disaster, an individual may be unable to provide much, if any documentation in support of his or her case. For this reason, a request for protection based on a natural disaster may require you to conduct research to evaluate the case merits in light of the known situation on the ground. In particular, you should research any evidence of development relief efforts and the locations of those services. One source of information on relief efforts undertaken in response to a natural disaster is Relief Web, a specialized digital service of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA): <http://reliefweb.int/disasters>.

Particular Vulnerability

An applicant's particular vulnerability may be a significant factor in his or her parole request. If able, the applicant should provide evidence of this particular vulnerability. Examples of possible evidence include letters from established NGOs or aid organizations on the ground, medical records, a national identity card identifying a particular vulnerability (disability, etc.), photographs, or a doctor's note from an aid station.

5.3.2 Civil Conflict

You may receive a parole request based on fear of harm due to generalized violence that occurs during a civil conflict. Examples of civil conflicts include ethnic, tribal, religious, or political violence, as well as war. This section of the guidance does not pertain to specific targeted harm, but to a fear of generalized harm shared by a significant segment of the general population. However, it is important to keep in mind that targeted harm or individualized risk of persecution may occur within the context of a larger civil conflict.

Factors that are relevant to Urgent Humanitarian Reasons Analysis

Apart from factors relevant to all parole cases in determining urgent humanitarian reasons or significant public benefit, the following factors should be considered:

Particular Vulnerability

Individuals with particular vulnerabilities may be at heightened risk of harm during a civil conflict. Examples of those who may be particularly vulnerable during civil conflict are similar to those who may be particularly vulnerable in the aftermath of a natural disaster, and include female heads of household or single females elderly individuals, unaccompanied children, individuals with physical or mental disabilities or those with particularly serious medical conditions and who have no parent or guardian to care for them, or other marginalized groups. For example, being homeless during a civil conflict does not pose the same threats to health and life for a healthy young adult as it would for an elderly person with a serious medical condition.

Living Conditions & Accessibility of Existing Relief Mechanisms

In situations of civil conflict affecting a large portion of the population in the applicant's country, you should consider the living conditions of the beneficiary. The fact that an individual is living in sub-standard and poor living conditions overseas, including camp conditions, does not necessarily establish that he or she is at risk of harm. You should look to see if relief efforts are undertaken by the home country or the international community to assist the affected population and whether the individual's basic needs are being met, such as food, clean water, shelter, and adequate sanitation. If any relief mechanisms exist, you must evaluate whether the beneficiary can reasonably access them and whether he or she has sufficient time to do so in order to avoid the harm feared.

Another factor relevant to the urgent humanitarian reason analysis in protection cases is the availability and accessibility of other protection measures. One form of international protection that may be available during prolonged civil conflict is refugee resettlement through the United Nations High Commissioner for Refugees (UNHCR) or the U.S Refugee Admissions Program (USRAP). Other protective measures may include camps for internally displaced persons (IDPs) in other parts of the applicant's native country, and formal or informal refugee camps or resettlement options in neighboring countries with assistance from those countries' governments, NGOs or international relief organizations.

Ability to Relocate

You should also consider whether the beneficiary could reasonably relocate or temporarily move to a different part of his or her home country, or a neighboring country to avoid the harm feared due to generalized violence during a civil conflict. An individual who can secure adequate protection in his or her country, albeit a different part of the country, or in a neighboring country will have greater difficulty establishing urgent humanitarian reason for parole, even if the individual faces harm in the current location.

Factors that are relevant to the Exercise of Discretion

As with all parole cases, the existence of an urgent humanitarian reason or significant public benefit is in itself a positive discretionary factor in protection cases. The severity and imminence of the harm feared may give additional weight to this factor, depending on the facts of the case. Often protection cases may overlap with issues related to family unity or the need for medical treatment. These additional bases for requesting parole may also present positive discretionary factors. You should consider all of the general discretionary factors that you would consider for other types of parole requests, such as past immigration violations, derogatory information discovered during security checks, ties to the United States, etc. For this type of protection request, you should take particular note of the following factors:

Duration of Parole Request

In all parole cases, when exercising discretion, you would look to see whether the need for parole is temporary in nature. A negative factor that is often present in protection cases is that the petitioner is unable to establish that the need for parole is temporary. Many civil conflicts may continue for years or decades. The fact that peace may eventually come to the beneficiary's country does not mean that parole will be temporary.

Persecutors and Human Rights Abusers

In cases where parole is requested for protection from harm due to civil conflict, it is important to consider who the individual is that is seeking parole. If evidence tends to show that the beneficiary is a persecutor or human rights abuser, that would be a strong negative discretionary factor.

Evidence

In addition to the types of evidence generally required for all parole requests, evidence specific to or more commonly seen in parole requests based on the need for protection from civil conflict may include, but is not limited to the following, depending on the basis of the claim:

Country Conditions Information

In areas of civil conflict, an individual may be unable to provide much, if any, documentation in support of his or her case. For this reason, a request for protection based on a civil conflict may require you to conduct country conditions research to evaluate the case merits in light of known country conditions. In particular, country conditions information may shed light on the particular areas impacted by the conflict, and provide information where the conflict is worst and

if there are areas free of conflict. You should research any evidence of relief efforts and the locations of those services. Relief Web is also a valuable starting point for conducting country conditions research related to civil conflicts around the world: <http://reliefweb.int/countries>.

Particular Vulnerability

An applicant's particular vulnerability may be a significant urgent humanitarian reason factor in his or her parole request. If able, the applicant should provide evidence of this vulnerability. Examples of possible evidence include letters from established NGOs or aid organizations on the ground, medical records, a national identity card identifying a particular vulnerability (disability, etc.), photographs, or a doctor's note from an aid organization.

5.3.3 Targeted Harm

An individual may request parole because he or she is targeted for harm by either the government or a non-governmental entity or actor, either as an individual or as a member of a specific group that is being targeted. Parole requests based on targeted harm present some of the most difficult cases for Officers to adjudicate as they typically involve compelling fact patterns of individuals outside the United States, who believe they are at risk of harm, even death, because of who they are as an individual. It is important to keep in mind that targeted harm may occur both within and outside the context of a civil conflict.

Factors that are relevant to Urgent Humanitarian Reasons Analysis

Apart from factors relevant to all parole cases in determining urgent humanitarian reasons or significant public benefit, the following factors should be considered when parole is requested for protection from targeted harm:

Imminent Risk of Serious Harm

Generally, for you to find that there are urgent humanitarian reasons for parole in cases involving claims of targeted harm cases, you must find that the beneficiary is at imminent risk of serious harm. The claim may be based on specific threats targeting the beneficiary individually or, in some cases, the claim may be based on the beneficiary's membership in an at-risk group that has been specifically targeted for harm. In those cases, the evidence must show not only that members of the group are at risk of imminent harm, but that the individual or group targeting the at-risk group knows, or likely imminently will know, that the

beneficiary is a member of that group. Imminent serious harm, in the context of parole cases, means an immediate and present threat of harm that could lead to serious injury (psychological or physical) or death. The following are factors should be considered in determining whether the petitioner has established urgent humanitarian reasons for parole based on imminent risk of serious harm.

Living Conditions & Accessibility of Existing Relief Mechanisms

You should assess the living conditions of an applicant seeking parole for protection from targeted harm. For example, does the beneficiary have to live under extremely restrictive conditions such as never going out in public or need to frequently move to different hiding locations in an attempt to avoid harm? The fact that a person is living openly and takes no precautionary measures to avoid harm may call into question the imminence of the harm feared. You should consider whether restrictive living conditions, if present, impact whether the applicant's basic needs are being met, such as food, clean water, shelter, and adequate sanitation, as well as the effect on the individual of living in the restrictive environment.

Availability and Accessibility of Other Protection Measures

Another factor relevant to the urgent humanitarian reason analysis in protection cases is the availability and accessibility of other protection measures. You should consider whether the government is able to offer the applicant protection from harm if the individual fears a non-governmental entity. If the government is unable to protect an applicant, or if an applicant fears a government entity, you should also consider whether international protection through refugee resettlement may be available through UNHCR or the USRAP while overseas. You should consider whether UNHCR or the USRAP have established refugee processing programs or mechanisms for individuals of the applicant's nationality and whether the applicant can reasonably access them and whether he or she has sufficient time to do so in order to avoid the targeted harm.

Ability to Relocate Within the Country

You should also consider whether the beneficiary can reasonably relocate or temporarily move to a different part of his or her home country to avoid targeted harm from a non-governmental actor, or whether the applicant can reasonably relocate or temporarily move to a neighboring country to avoid harm from a either a governmental or non-governmental actor. An individual who can secure adequate protection within the country, albeit a different part of the country, or in a neighboring country will have greater difficulty establishing urgent humanitarian reason for parole, even if the individual faces imminent risk of serious harm in the current location.

Factors that are relevant to Significant Public Benefit Analysis

U.S. Government Agency requests for parole for individuals outside the United States are often based on the need for protection to avoid targeted harm, which is often an urgent humanitarian reason. However, U.S. Government Agencies typically make such parole requests for significant public benefit reasons as well. A significant public benefit may exist in addition to urgent humanitarian reason where, for example, the Department of State has requested parole for a human rights activist or political prisoner whose presence in the United States is intended to advance U.S. foreign policy goals of promoting human rights. Therefore, the factors relevant to establishing urgent humanitarian reason listed above may not be present in U.S. Government Agency requests or, if present, are typically outweighed by the factors that go to the significant public benefit analysis.

Factors that are relevant to the Exercise of Discretion

In order to exercise discretion favorably in claims where the asserted urgent humanitarian reasons is solely a claim of targeted harm, there must be credible, third-party evidence of the threat. See discussion of evidence below. If there is no credible, third-party evidence of threat, but there are other compelling, positive factors associated with the case such that you believe that discretion should be exercised favorably in a particular case, please discuss with your supervisor.

As with all parole cases, the existence of an urgent humanitarian reason or significant public benefit is in itself a positive discretionary factor in protection cases based on targeted harm. The severity and imminence of the harm feared or the significant public benefit present in a U.S. Government Agency request for parole should be considered when exercising discretion. As a matter of policy, however, if the finding of urgent humanitarian reasons is based solely on targeted harm due to membership in an at risk group, you generally should exercise discretion to deny the request, absent other compelling factors or a special parole program designed for individuals of that group. Often, targeted harm protection cases may overlap with issues related to family unity or need for medical treatment that may also present positive discretionary factors. You should consider all of the general discretionary factors that you would consider for other types of parole requests, such as past immigration violations, derogatory information discovered during security checks, ties to the United States, etc. For this type of protection request, you should take particular note of the following factors:

Duration of Parole Request

As in all parole cases, you would look to see whether the parole would be temporary in nature. A negative factor that is often present in targeted harm protection cases is that the petitioner is unable to establish that the request is temporary. For example, the threat of targeted harm may continue for years or decades and, therefore, the officer should analyze whether the individual could establish a colorable asylum claim so that parole would be temporary, if authorized.

To analyze whether the applicant may have a colorable asylum claim, you should consider the following:

- Whether the applicant was harmed in the past?
- Who seeks to harm the individual?
- Whether that person or entity has the ability to carry out any threat?
- What kind of harm is feared?
- Why does the person/entity seek to harm the applicant and whether it is because of the applicant's real or imputed race, religion, nationality, membership in a particular social group or political opinion?
- Can the individual at risk of targeted harm access help or protection from government authorities in his or her country?

Bear in mind that you are not a trained asylum or refugee officer and the purpose of considering this information, if presented by the petitioner or beneficiary is not to pre-adjudicate any asylum claim that may be filed should the individual be authorized parole. An individual seeking parole for urgent humanitarian reasons is not required to establish asylum eligibility, nor is asylum eligibility a basis, in itself, for parole. However, the same type of inquiry that is made in asylum adjudications may be helpful to determine if the applicant has a viable asylum claim, and consequently a possible means to regularize status. You may also wish to consult the Asylum Division to obtain a recommendation on the merits of an asylum claim after discussion with your supervisor.

Persecutors and Human Rights Abusers

In cases where parole is requested for protection from targeted harm, it is important to consider who the individual is that is seeking parole. If evidence tends to show that the beneficiary is a persecutor or human rights abuser, that would be a strong negative discretionary factor.

Evidence

The standard and burden of proof is the same for all parole cases, including those based on the need for protection from targeted harm. However, as a matter of discretion, IO will generally not authorize parole for protection from targeted harm without credible evidence that the beneficiary is individually at risk of imminent and serious harm. Unlike a refugee or asylum adjudication, you must adjudicate a parole request without the benefit of an interview to assess the beneficiary's credibility firsthand.¹⁹ Consequently, parole requests based solely on the need for protection from targeted harm require corroborative documentation of the specific risk of harm facing the parole beneficiary. In

¹⁹ There may be some rare situations where the Deputy Chief or Chief of IO arranges for an international adjudications officer to conduct an interview of a parole applicant.

these cases affidavits or statements alone from the beneficiary, relatives and friends generally are not sufficient to establish that discretion should be exercised to grant parole based on risk of imminent serious harm.

Therefore, in addition to the types of evidence generally required for all parole requests, you should look for credible third party evidence of imminent risk of serious harm to the applicant specifically. Evidence may include, but is not limited to the following, depending on the basis of the claim:

Credible Third Party Evidence of Imminent Serious Harm to Individual

Credible evidence that the beneficiary is individually at risk of imminent serious harm may consist of reports or other documentation from a credible third party source specifically naming the beneficiary, the serious harm he or she faces and the imminence of said harm. Credible third party sources may include but are not limited to a U.S. Government agency, a reputable human rights organization or a media source. In some cases, credible evidence may consist of USCIS's 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 parole beneficiary:

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

As with uncorroborated affidavits from the beneficiary, general reports on country conditions generally would not be considered credible third party evidence of risk of imminent serious harm to an individual, unless the reports contain specific references to the beneficiary or, in some situations, to the beneficiary's immediate family members.

Additional Country Conditions Information

If there is credible third party evidence that the individual parole beneficiary has been targeted for imminent serious harm, you should conduct country conditions research to evaluate whether there are refugee protection mechanisms available and accessible to the individual. You should also research whether the government can or is willing to protect the individual from targeted harm, and whether there is a part of the country or another country where the individual is permitted to safely reside. Relief Web is also a valuable starting point for conducting country conditions research related to conflicts around the world: <http://reliefweb.int/countries>.

Particular Vulnerability

An applicant's particular vulnerability may be a significant factor relevant to urgent humanitarian reasons for a parole request. If able, the applicant should provide evidence of his or her particular vulnerability. Examples of possible evidence include letters from established NGOs or aid organizations on the ground, medical records, a national identity card identifying a particular vulnerability (disability, etc.), photographs, or a doctor's note from an aid station.

5.4 Requests Based on Adoption

Parole requests involving adoption of children outside the United States present particularly complex issues, especially those related to U.S. implementation of the *Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption* (also known as the Hague Adoption Convention). While it is important that you have a basic understanding of U.S. immigration law related to adoption when considering a parole request involving inter-country adoption, all adoption-related parole requests are forwarded to the appropriate point(s) of contact (POCs) within IO Children's Affairs and Parole Policy (CAPP) Branch for review and an assessment. The assessment by the CAPP POC will include an analysis of the relevant country' (or countries') adoption laws, along with a recommendation for the parole request. The adoptions POC recommendation will be included in the record and will inform the parole determination.

IO adoption POCs provide valuable assistance in determining what, if any, specific evidence is needed to support an adoption-related parole request. Authorization of parole is rare in cases involving inter-country adoption and, when parole is authorized, it is important that the petitioners have a clear understanding of any immigration consequences of parole. It is routinely required that the petitioner demonstrate his or her ability to finalize the adoption of the child and for the beneficiary child to eventually be able to adjust status once in the United States. Such request may also entail obtaining the permission of the appropriate authorities in the child's country of residence.

5.5 Requests to Participate in Legal Proceedings

Under the 2008 Tri-Bureau Parole MOA, ICE assumes jurisdiction over parole requests for aliens who will participate in legal proceedings where one party is a government entity, whether at the federal, state, local, or tribal level of government. The MOA assigns USCIS (IO) jurisdiction to adjudicate parole requests where the individual for whom parole is requested needs to participate in civil proceedings in which all parties are private litigants.

Often, the need to be in the United States to participate in legal proceedings does not constitute an urgent humanitarian reason for parole. However, the ability for an individual to participate in legal proceedings may be a significant public benefit. The individual's ability to resolve outstanding legal issues, especially those involving an LPR or USC, may be of important advantage to the community. Further, it could be considered a significant public benefit in promoting the smooth functioning of the U.S. judicial system.

5.6 Need to Return to the United States After Failing to Procure A Travel Document Or Failing to Return Prior to Expiration of a Travel Document

IO occasionally receives requests to parole individuals into the United States who:

- departed the United States without obtaining the appropriate travel documents, or
- obtained the required travel document prior to departing the United States, but who failed to return to the United States prior to its expiration.

5.6.1 *Refugee Travel Document*-related Requests

This type of parole request is made to bring an individual back into the United States after he or she departed the United States without obtaining a *Refugee Travel Document* to re-enter the United States or failed to return to the United States prior to the expiration of a *Refugee Travel Document*.

A *Refugee Travel Document* is a document issued to a person classified as a refugee or asylee, or to a permanent resident who obtained such status as a refugee or asylee in the United States. A person who holds asylee or refugee status and is not a permanent resident must have a *Refugee Travel Document* to be admitted to the United States after temporary travel abroad. Generally, a request for a *Refugee Travel Document* (filed on the Form I-131) should be filed prior to the individual's departure from the United States. However, the *Refugee Travel Document* may be issued at a U.S. Embassy or Consulate abroad, if the applicant makes this request at the time of filing the application. The travel document is valid for one year and cannot be extended. Regulations governing eligibility for a *Refugee Travel Document* are found at 8 CFR § 223.2.

If a refugee or an asylee has been outside the United States for 1 year or less, he or she may apply for a *Refugee Travel Document* at a USCIS Office internationally, with the permission of the District Director with jurisdiction, but must demonstrate that there was an emergent situation that led the applicant to depart the United States before obtaining a *Refugee Travel Document*. An application for a *Refugee Travel Document* (filed on the Form I-131) will not be adjudicated by USCIS overseas offices if, at the time of filing, the refugee or asylee has been out of the country for more than a year.

If an asylee or refugee's *Refugee Travel Document* has expired or is unable to obtain the *Refugee Travel Document*, parole may be an option for the individual to return to the United States. See November 23, 1999 Memorandum from INS General Counsel to INS Field Operations and Office of International Affairs, "Readmission of Asylees and Refugees Without Travel Documents", which indicates the following:

Although refugees and asylees who leave the United States improperly are not entitled to be readmitted to the United States, they have been accorded a legal status presumably for compelling reasons, because either they have suffered persecution in the past or they have a well-founded fear of persecution upon return to their country. The alien's lack of an advance parole document or his inadmissibility to the United

States created by the lack of a refugee travel document should be viewed in light of the compelling circumstances that led to the alien's status as a refugee or asylee. Accordingly, it is often appropriate for [DHS] to facilitate the return of refugees or asylees to the United States when they are stranded overseas due to the absence or expiration of a refugee travel document. [CBP] inspectors or USCIS international officers should also be mindful that in many cases, the alien may not be aware of the requirement to obtain a refugee travel document and that events abroad often overtake an alien's ability to return to the United States in a timely fashion.

For more information about refugee travel documents see Form I-131 Instructions, 8 C.F.R. § 232.3(b)(2) and Chapter 53 of the USCIS Adjudicator's Field Manual.

5.6.2 *Reentry Permit*-related Requests

A *Reentry Permit* is a travel document that allows a lawful permanent resident or a conditional resident to apply for admission to the United States upon returning from abroad, during the permit's validity, without the need to obtain a returning resident visa from a U.S. Embassy or Consulate. *Reentry Permits* are generally valid for two years from the date of issuance and cannot be extended.

An applicant must be physically present in the United States when filing an application to receive a *Reentry Permit*. However, a *Reentry Permit* may be issued at a U.S. Embassy or Consulate or DHS Office abroad, if the applicant makes this request at the time of filing the application. Departure from the United States before a decision is made on the application for a *Reentry Permit* usually does not affect the application. However, if biometric collection is required and the applicant departs the United States before the biometrics are collected, the application may be denied. In some circumstances, USCIS will permit biometric collection at a USCIS office abroad.

A lawful permanent resident who travels abroad for less than one year does not need a *Reentry Permit* to return to the United States and may re-enter the United States using his or her *Permanent Resident Card* (Form I-551). An LPR who has remained abroad for one year or more and departed the United States without applying for a *Reentry Permit* prior to departing the United States or who has remained abroad beyond the 2-year validity of a *Reentry Permit* may request parole in order to return to the United States. More detailed information about *Reentry Permits* may be found in the Form I-131 Instructions 8 C.F.R. § 223.2 and in Chapter 52 of the Adjudicator's Field Manual.

5.6.3 *Advance Parole Document*-related Request

Individuals who have departed the United States without obtaining an *Advance Parole Document* (Form I-512) prior to their departure, individuals who have remained outside the United States beyond the validity of the *Advance Parole Document*, and individuals not eligible to receive an *Advance Parole Document* sometimes request parole in order to return to the United States.

Aliens who apply for advance parole may have a benefit application pending with USCIS, such as an application for adjustment of status or asylum. In some cases, the alien may have deferred action or be in parole status. The impact of departing the United States without advance parole depends on the application that is pending or the status of the alien prior to departing the United States.

If the pending benefit is an application for adjustment (Form I-485), generally, an alien who departs without obtaining an *Advance Parole Document* will be deemed to have abandoned his or her application for adjustment (Form I-485). However “[t]he effect of departure from the United States is dependent upon the law under which the applicant is applying for adjustment.” Refugees and asylees with a pending adjustment application (Form I-485) who depart the United States prior to obtaining an *Advance Parole Document* do not lose their refugee or asylee status (unless their status is terminated) and an application for adjustment may still be considered valid and not abandoned.

Factors that are relevant to Urgent Humanitarian Reasons Analysis or Significant Public Benefit Analysis

Apart from factors relevant to all parole cases in determining urgent humanitarian reasons or significant public benefit, factors specific to parole requests based on failure to obtain a travel document or failure to return to the United States prior to the expiration of a travel document include:

The Need to Return to the United States

Generally, the need to return to the United States after failing to secure the appropriate travel document (*Refugee Travel Document*, *Reentry Permit*, or *Advance Parole Document*) or failing to return within the validity period of a travel document, in and of itself, does not constitute an urgent humanitarian reason for parole nor does it present a significant public benefit. Parole is not intended to be used as a vehicle to circumvent procedures to obtain a travel document in order to return to the United States. As such, a parole request based solely on the desire to return to the United States may not constitute an urgent humanitarian reason for parole.

In these types of cases, the factors to consider in evaluating whether there are urgent humanitarian reasons for an individual to return to the United States, include, but are not limited to, the following:

- The status the individual had while in the United States, including the reason the person came to the United States in the first place;
 - Was the individual fleeing persecution and therefore may be at risk of further persecution if not able to return to the United States?
- The age the individual was when he or she first came to the United States and the amount of time the individual has lived in the United States;
- The ties the individual has in the United States.;

- The individual's ability to remain where he or she is and his or her current living conditions;
- The impact departure without advance parole may have on the individual's status in the United States and whether remaining outside the United States will result in the individual losing lawful immigration status.

Factors that are relevant to the Exercise of Discretion

In addition to the discretionary factors generally applicable to all parole requests, the following discretionary factors are specifically relevant to parole requests for individuals who do not have the appropriate travel document or whose travel document has expired:

Circumstances Surrounding the Expiration of or Failure to Obtain a Travel Document Prior to the Applicant's Departure from The United States

In considering parole requests based on the need to return to the United States, an important discretionary factor is the circumstances that led to the applicant's departure from the United States and the reason for his or her failure to obtain the requisite travel documentation prior to departure. The key is whether the record indicates that there were compelling circumstances or circumstances beyond the beneficiary's control that prevented him or her from obtaining a travel document prior to departing, or returning timely.

Depending on the circumstance, the existence of some type of emergency that prevented the beneficiary from obtaining a travel document prior to his or her departure from the United States may be considered a positive discretionary factor. For example, an individual may have departed the United States without obtaining travel document if a family member overseas was in critical condition due to a sudden illness or injury, if there was a minor child or individual with special needs who was in a vulnerable situation and needed immediate assistance, if there was a death of a close family member overseas, or if there was some other type of compelling emergency.

In a case where the beneficiary did obtain the requisite travel document prior to departing the United States but failed to enter the United States prior to its expiration, you would look at the circumstances surrounding his or her failure to return in a timely fashion. For example, the fact that an applicant who obtained an *Advance Parole Document* prior to departing the United States had a massive heart attack and underwent surgery while overseas, would present a positive discretionary factor.

The Temporary Nature of Parole

As noted previously, failure to establish that a beneficiary will remain in the United States temporarily or has a path to regularize status once in the United States is a negative discretionary factor. However, if an individual was granted some form of temporary permission to remain in the United States, such as parole or deferred action, it may be appropriate to give this negative discretionary factor less weight, taking into account that a decision had already been made to allow the individual to remain in the United States on a temporary basis with the option of renewing that permission. In addition, this negative factor may be outweighed by positive factors related to the individual's justification for failure to obtain advance parole and the factors that form the basis of the finding of urgent humanitarian reasons. As in all analyses of the exercise of discretion, officers must consider the totality of the circumstances in determining whether to exercise discretion favorably.

Discretionary Factors Only for Refugee Travel Document Cases

In addition to the discretionary factor listed above, for cases relating to an individual's failure to obtain a *Refugee Travel Document*, you should also consider the following factors, many of which overlap with the factors to consider in evaluating urgent humanitarian reason²⁰:

- The compelling circumstances that led to the original approval of asylum or refugee status. The fact that the beneficiary is a refugee or asylee is, in and of itself, a strong discretionary factor to support the beneficiary's parole into the United States. Presumably, the individual was accorded this legal status for compelling reasons either because he or she suffered past persecution or has a well-founded fear of persecution in the country of nationality.
- Whether the individual attempted to obtain a *Refugee Travel Document* from a USCIS Office overseas within one year after departing the United States, but was denied the *Refugee Travel Document* and the reasons for the denial.
- Whether the beneficiary returned to his or her country of persecution. Depending on the reason for return, the fact that a refugee or asylee has returned to his or her country of persecution may cast doubt on the bona fides of the alleged fear of persecution and may be a negative discretionary factor. Where applicable, the petitioner or beneficiary should present evidence regarding any extenuating circumstances that warranted a return to the country of persecution such as a death in the family or medical emergency of a family member who needs assistance. Some individuals will risk suffering persecution to address such circumstances. However, even if there is no evidence of extenuating circumstances for return, return to the home country may not cast doubt on the validity of the

²⁰ Nov 23, 2009. "Readmission of Asylees and Refugees without Travel Documents." [need to link]

asylum or refugee status if there have been changes in the home country such that the individual no longer is at risk of persecution. You should consider the length of time the beneficiary spent in the country, whether the beneficiary suffered any harm and whether he or she availed him or herself of the protection of the government of the country. All these reasons may influence the weight you should give this factor when exercising discretion. Keep in mind, however, that parole adjudication officers are not experts in asylum and refugee law and may not make determinations on whether asylum or refugee status should be terminated; such decisions are made by an asylum officer or Immigration Judge. When you have concerns about the asylum or refugee status, you should discuss with your supervisor whether to discuss the case with the Asylum or Refugee Affairs Division and the degree to which return to the country of persecution may be a negative discretionary factor in the parole determination.

Evidence

In addition to the kinds of evidence generally applicable to all types of parole requests, travel document cases may also require the following:

- A copy of the beneficiary's expired travel document, when relevant, such as an expired refugee travel document or advance parole document;
- Documentation of the beneficiary's departure from the United States (to establish the date he or she left and the length of absence);
- Correspondence or other evidence of any prior, unsuccessful attempts the beneficiary has made to procure the applicable travel document (e.g., correspondence with a USCIS overseas office);
- Medical records, doctor's letters, affidavits, or other evidence attesting to the emergency that required the beneficiary's departure from the United States prior to obtaining the appropriate travel document or kept the beneficiary from returning to the United States prior to the expiration of a travel document.

6 CONCLUSION

This concludes the guidance pertaining to applications for parole filed with IO. For additional guidance on parole procedures and processes, please consult the IO Parole Procedures Manual. For additional information on evidence, sources of authority, researching country of origin information and decision-making, please consult the appendices below, as well as the appropriate RAIO lesson plans available on the [RAIO Training ECN site](#).

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PRACTICAL EXERCISES

UNDER DEVELOPMENT

Practical Exercise # 1

- **Title:**
- **Student Materials:**

DRAFT

OTHER MATERIALS

- A. September 2008 Memorandum of Agreement (MOA), “Coordinating the Concurrent Exercise by USCIS, ICE, and CBP, of the Secretary’s Parole Authority under INA 212(d)(5)(A) with respect to Certain Aliens Located Outside the United States.”
- B. July 9, 2012 Memorandum from IO Chief, Joanna Ruppel to IO-IO Staff, “Procedural Guidance on Parole Case Submissions for Adjudication by the International Operations Division’s Humanitarian Affairs Branch”
- C. September 27, 2012 Memorandum from IO Chief, Joanna Ruppel to IO and IASB Staff, “Parole Adjudication Guidance – office Adjudication and Documentation”
- D. Form I-131, *Application for Travel Document* and Instructions
- E. Form I-134, *Affidavit of Support* and Instructions
- F. November 23, 1999 Memorandum from INS General Counsel to INS Field Operations and Office of International Affairs, “Readmission of Asylees and Refugees Without Travel Documents”
- G. 1998 *Protocol Governing Significant Public Benefit Parole Requests by the Department of State to the Immigration and Naturalization Service*
- H. October 9, 2008 Memorandum from USCIS Acting Director to RAIO Associate Director, “Classified Systems Checks for Humanitarian and Significant Public Benefit Parole Requests”
- I. Parole Adjudication Worksheet User Guide [under development]
- J. CAMINO Parole Case Data Entry Procedures [under development]
- K. *Parole Procedures Manual*[under development]

Supplement A
Refugee Affairs Division

Humanitarian and Significant Public Benefit Parole

SUPPLEMENT A – REFUGEE AFFAIRS DIVISION

The following information is specific to the Refugee Affairs Division. Information in each text box contains division-specific procedures and guidelines related to the section from the Training Module referenced in the subheading of the supplement text box.

REQUIRED READING

9. 0.

ADDITIONAL RESOURCES

1. 0.

SUPPLEMENTS

RAD Supplement – 1
Module Section Subheading

**Supplement B
Asylum Division**

Humanitarian and Significant Public Benefit Parole

SUPPLEMENT B – ASYLUM DIVISION

The following information is specific to the Asylum Division. Information in each text box contains division-specific procedures and guidelines related to the section from the Training Module referenced in the subheading of the supplement text box.

REQUIRED READING

ADDITIONAL RESOURCES

1. 1.
2. 2. 0.

SUPPLEMENTS

ASM Supplement – 1

Module Section Subheading

SUPPLEMENT C – INTERNATIONAL OPERATIONS DIVISION

The following information is specific to the Refugee Affairs Division. Information in each text box contains division-specific procedures and guidelines related to the section from the Training Module referenced in the subheading of the supplement text box.

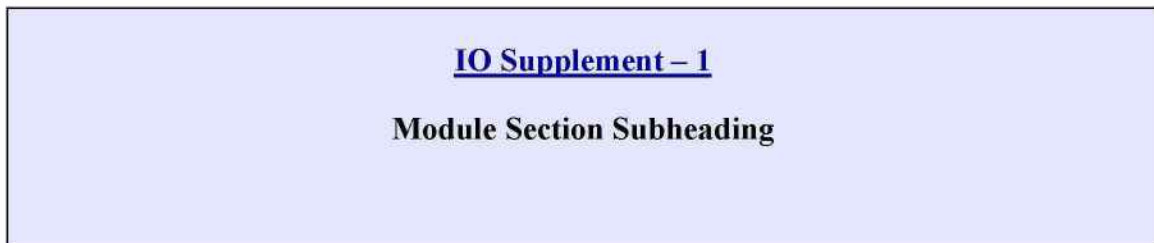
REQUIRED READING

1. 1.

ADDITIONAL RESOURCES

2. 1.2

SUPPLEMENTS





Policy Branch
International and Refugee Affairs Division
 Refugee, Asylum and International Operations
 U.S. Citizenship and Immigration Services

Parole Requests for Afghan Nationals
 Interim Policies and Procedures

Date: ~~November 5~~ December 17, 2021¹

Background:

On August 29, 2021, the Department of Homeland Security (DHS) became the lead agency implementing the ongoing U.S. Government efforts to support vulnerable Afghan nationals, including many who were evacuated with U.S. Government and private partner assistance from Afghanistan following the withdrawal of the U.S. military from Afghanistan. These coordinated efforts are known as Operation Allies Welcome (OAW) and include comprehensive screening and vetting and additional medical screening and vaccination of Afghan nationals paroled into the United States.

USCIS has developed vetting and medical-related requirements to apply Operation Allies Welcome policies to the adjudication of parole requests for Afghan nationals received through Form I-131 or U.S. government referrals that are under International and Refugee Affairs Division's (IRAD) jurisdiction.² This guidance outlines these policies and procedures, as well as eligibility considerations that are specific to parole of Afghan nationals, taking into account the evolving situation in Afghanistan, U.S. policy interests, and other protection mechanisms in place for vulnerable Afghan nationals.

Eligibility:

Adjudicators must follow the [HAB Procedures Manual](#) and the [Parole Training Module](#) when adjudicating parole requests for Afghan nationals. Although parole requests may be similar in nature, each application must be evaluated on its own merits taking into account all the factors unique to the specific parole request and considering the totality of the circumstances. Given the conditions specific to Afghanistan and the implementation of OAW, adjudicators must follow the additional guidance specific to parole requests for Afghan nationals outlined below.

¹ OCC/RALD ~~and OP&S~~ clearance received ~~December 9~~ November 4, 2021

² Many Afghan nationals were transported to the United States by the USG and were paroled at the ports of entry by CBP. Afghan nationals who remain overseas are eligible to apply for ~~humanitarian~~ parole with USCIS by filing the Form I-131, Application for Travel Document. USCIS also receives requests for parole through executive agency referrals. ~~P~~~~Humanitarian~~ parole requests filed on behalf of overseas beneficiaries are adjudicated by IRAD's Humanitarian Affairs Branch (HAB) and, if approved, the individual must visit a U.S. embassy or consulate to complete parole processing (including biometric security checks) and receive travel documents.

The interagency³ is prioritizing relocation to the United States of the following categories of Afghan nationals who have been able to leave Afghanistan:

- Immediate relatives of a U.S. Citizen (spouse, unmarried children under 21, and parents);
- Immediate relatives of a U.S. Lawful Permanent Resident (spouse and unmarried children under 21);
- Locally Employed Staff (LES)⁴ of U.S. Embassy Kabul and their immediate family (spouse and unmarried children under 21);
- Special Immigrant Visa (SIV) applicants who have received Chief of Mission (COM) approval and immediate relatives (spouse and unmarried children under 21) 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 relocated as part of OAW, 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); and
- Individuals referred to the U.S. Refugee Admissions Program (USRAP) through a P1 embassy referral or P2 group designation referral **and in imminent risk of *refoulement* or serious, targeted harm** in the country outside Afghanistan where they are located.

Membership in one of these groups outlined above should be considered a strong positive factor when assessing urgent humanitarian reasons, significant public benefit, and the exercise of discretion.

Special Immigrant Visas (SIV): Special immigrant applicants who have received COM approval have provided the Department of State with evidence to show they have provided faithful and valuable service to the U.S. Government and have experienced an ongoing serious threat. COM approval is a strong positive factor when assessing significant public benefit and urgent humanitarian reasons. SIV applicants who have not received COM approval must provide third party, credible evidence of their work for the U.S. government (see below section on Evidence), as well as evidence of imminent, targeted severe harm or a particular vulnerability (such as a serious medical condition or a single female without support) to show why they are unable to wait to complete SIV or refugee processing. Adjudication officers can find evidence of COM approval by looking in CCD. Evidence of an approved I-360 petition in CLAIMS3 would also be a strong indicator that the individual has received COM approval.

Protection Claims and P1/P2 Refugee Referrals: Parole is not intended to replace refugee processing and, wherever possible, it is USG policy to process protection needs through the U.S. Refugee Admissions Program (USRAP). However, in some circumstances, the protection needs are so urgent that processing via the USRAP, which can take six months or more for an expedited case, is not a realistic option to accord needed protection. While each case is unique and parole determinations are made based on the totality of the circumstances, USCIS generally approves requests based on protection needs only if there is credible, third-party evidence naming the beneficiary that shows the beneficiary is targeted and at imminent risk of severe harm. The interagency has prioritized relocation efforts for those Afghan nationals who have been referred as P1 or P2 refugee referrals if they are in imminent risk of serious, targeted harm in the country outside of Afghanistan where they are located and processing

³ Department and Agency Deputies, in coordination with the National Security Council, established these priority groups

⁴ Locally Employed Staff -are foreign nationals and other locally resident citizens who are legally eligible to work in the country and are employed by the U.S. embassy or consulate.

through the USRAP is not an option. The Department of State is developing procedures so that a State Department Refugee Coordinator, working closely with the United Nations High Commissioner for Refugees, can identify Afghan refugee applicants who are at such risk or have specific vulnerabilities such that expedited refugee processing will not meet the protection needs. In those situations, the Department of State will present a government referral to IRAD for consideration of parole.

While receiving these cases through the government referral process is the preferred approach, that does not preclude individuals from submitting requests for parole using Form I-131 based solely on protection needs. However, the evidentiary burden for those who are not P1/P2 referred applicants for whom PRM and/or UNHCR has confirmed are at imminent risk, will remain high.

Beneficiaries still in Afghanistan

Since the U.S. Embassy in Afghanistan has suspended operations, including all normal consular services, a beneficiary will be required to leave Afghanistan in order to complete processing of their parole request. If an adjudicator finds that a beneficiary residing in Afghanistan is initially found appears initially to be eligible for parole, the adjudicator may issue a Parole Notice (Suspension of Processing) stating that USCIS cannot complete processing of the parole request unless and until the beneficiary informs USCIS that they are able to report to a U.S. embassy or consulate. It may be difficult to assess eligibility based purely on protection needs while an individual is still in Afghanistan, as the adjudicator will not know when or how the beneficiary will leave Afghanistan, where the beneficiary will be once outside of Afghanistan, or the protection that may be available to the beneficiary in that location. Therefore, for Afghan nationals in Afghanistan, parole requests based on protection needs, without other factors, such as the beneficiary's falling into one of the categories of Afghan nationals prioritized by the interagency, family reunification, or urgent medical needs, generally will be denied. Such parole beneficiaries should be given denial notices informing them that 1) their parole applications cannot be approved at this time and that, should they get to a third country, they should contact the United Nations High Commissioner for Refugees (UNHCR) for protection and consideration of refugee resettlement in the United States through the U.S. Refugee Admissions Program; and 2) should they be at imminent risk of severe harm in that third country or forced return to Afghanistan, they should contact USCIS with information on whether they have contacted UNHCR for protection assistance and include any third-party credible evidence of their risk in that third country. USCIS will consider reopening the denied parole application (for no fee) within a year from the denial and may reconsider their request if sufficient additional new evidence is provided.

Beneficiaries outside of Afghanistan

Generally, beneficiaries in need of protection should be directed to contact UNHCR. UNHCR has more direct access to information about the beneficiary and conditions in the host country and can consult with the State Department Refugee Coordinator to assess urgency and the most appropriate protection path, including referral for parole, expedited refugee processing for resettlement in the United States, or resettlement in a third country. Parole is not intended to replace normal refugee processing channels and therefore discretion generally will be exercised to deny a request for parole based on a protection need in lieu of channeling vulnerable individuals through the normal protection channels. However, some vulnerable beneficiaries may be eligible for parole based on the specific circumstances of the beneficiary. When assessing parole eligibility, the adjudicator must review the Form I-131 application carefully for any other factors in addition to the protection request, such as family unity, specific vulnerability that may put the beneficiary at risk of imminent harm in the third country, the possibility of imminent refoulement to Afghanistan, and/or whether the beneficiary has access to UNHCR, depending on the location. The adjudicator should assess the totality of the circumstances to determine whether

there are urgent humanitarian factors or significant public benefit reasons for parole and whether discretion should be exercised favorably. A combination of factors in addition to protection needs – such as factors related to family unity or other close U.S. ties and specific vulnerability – should be considered favorably.

Beneficiaries of Form I-130 or Form I-730 Petitions:

While parole generally is not used to circumvent normal immigration processing channels, family reunification is a positive factor when assessing parole eligibility, particularly when combined with other factors related to vulnerability and when normal immigration processing channels are insufficient to address the need for parole. There often are significant public benefit reasons to promote family unity, particularly with respect to vulnerable family members (for example, when the separated vulnerable family member is outside the United States, or the beneficiary is needed to assist a vulnerable family member inside the United States). Family unity is also a positive factor in the exercise of discretion.

Approved Form I-130 and Form I-730 Petitions

A vulnerable Afghan national who is the beneficiary of an approved Form I-130 petition may be eligible for parole if there are no negative discretionary factors that outweigh the positive factors of risk and family reunification. Vulnerability may be based on age, status (e.g., single female, LBGTQI+ status, religious minority status), medical condition, association with the United States, etc. Adjudicators should review PCQS (CLAIMS 3 and ELIS2) and the A-file to confirm the status of any prior petitions filed for the beneficiary. Generally, parole is not to be used to circumvent normal visa processing.

If the beneficiary has an approved Form I-130 petition and a visa is immediately available (e.g., immediate relatives of U.S. Citizens) or the beneficiary's preference category is current⁵, the processing of the parole request should be suspended (marked closed in the case management system) and the beneficiary referred to immigrant visa processing through the Consular Section unless there are circumstances that indicate the visa process would be significantly delayed beyond the time the beneficiary could safely remain in the third country. IRAD HQ is in regular discussions with the Department of State Consular Affairs (DOS/CA) and will provide updated information about visa processing capacity at posts in the region. Adjudicators may also contact IRAD Policy for information when there are questions in this regard. If the beneficiary is in a particularly vulnerable situation, IRAD Policy can consult with DOS/CA to determine the most expeditious processing based on the specific post.

Similarly, if the Form I-131 beneficiary is also the beneficiary of an approved Form I-730 petition, the beneficiary should be directed to contact the U.S. Embassy or Consulate, or USCIS international office, where the beneficiary is located to transfer the Form I-730 petition for the travel eligibility determination and issuance of a travel document. If the travel document is issued, the beneficiary will be able to enter the United States as an asylee or refugee. Normally, the Department of State process for issuing a boarding foil for a Form I-730 beneficiary is very similar to the process for issuing a boarding foil for a parole beneficiary. IRAD HQ is in regular discussions with the Department of State Consular Affairs (DOS/CA) and will provide updated information about Form I-730 travel eligibility processing capacity at posts in the region. Adjudicators may also contact IRAD Policy for information when there

⁵ See the Department of State [Visa Bulletin](#) for preference categories and visa availability.

are questions in this regard. If the beneficiary is in a particularly vulnerable situation, IRAD Policy can consult with DOS/CA to determine the most expeditious processing based on the specific post.

Pending Form I-130 and Form I-730 Petitions

When a petition is pending, adjudicators should review the evidence provided to determine whether the beneficiary is at risk of harm if they were to wait for adjudication of the underlying petition and immigrant visa processing or travel document processing (Form I-730), whether sufficient evidence has been provided to support the claimed relationship and risk of harm, and to consider positive and negative discretionary factors. Any harm to the petitioner based on delayed family unification should also be considered. Adjudicators may also reach out to IRAD Policy where there are pending family-based petitions, and IRAD Policy can flag the petition for expedited adjudication with the office that has jurisdiction.

No Form I-130 and Form I-730 Petition Filed

When no family-based petition has been filed, but the Form I-131 beneficiary could also be eligible as a beneficiary of a Form I-130 or I-730 Petition based on relationship to a USC, LPR, asylee, or refugee, adjudicators should review the evidence provided to determine whether the beneficiary is at risk of harm if they were to wait for the petition and adjudication process (even if expedited), whether sufficient evidence has been provided to support the claimed relationship and risk of harm, and consider positive and negative discretionary factors have been considered. Any harm to the petitioner based on delayed reunification should also be considered.

The Department of State also has authority to accept Form I-130 petitions filed for immediate relatives at consular posts abroad for expeditious processing in urgent circumstances. Adjudicators may reach out to IRAD Policy to explore whether IRAD HQ could assist in working with partners within USCIS and DOS/CA to expedite the adjudication process if a Form I-130 or I-730 petition were to be filed.

Minors:

Adjudicators should refer to the [HAB Procedures Manual](#) and the [Parole Training Module](#) for additional guidance on adjudicating parole cases for minor children. The Adjudication Programs Coordination Office has also developed the RAIO Afghan Children and Adoption-Related Considerations Primer with information specific to the Afghan population.

Separated Family Members:

During the evacuation of Afghan nationals prior to August 31, 2021, some family members were separated from each other, with certain family members paroled into the United States pursuant to Operation Allies Welcome, some remaining in Afghanistan, and others getting to third countries via other means. There are significant public benefit reasons related to family unity to reunite immediate family members with family members paroled into the United States pursuant to Operation Allies Welcome, which can help improve resettlement outcomes. Reflecting the significant public benefit of this type of family reunification, Congress has authorized resettlement assistance after September 30, 2022, for the spouse and children of Afghan nationals paroled into the United States between July 31,

2021, and September 30, 2022, if their parole has not been terminated, as well as the parent or legal guardian of an unaccompanied Afghan minor paroled into the United States during that period.⁶

There also may be urgent humanitarian reasons to use parole to unite Afghan family members separated during the evacuation efforts, depending on the circumstances of each case. Generally, parole may be appropriate to unite separated immediate family members, including spouses and unmarried children, with an individual who was paroled into the United States as part of Operation Allies Welcome. It may also be appropriate for more extended family members, such as parents, adult children, or siblings, depending on the circumstance of each case and taking into account any vulnerabilities and dependencies among the family members.

Beneficiaries who are in the United States:

Some Afghan nationals who have pending parole requests with USCIS were able to enter the United States through other means, including U.S. government evacuation flights or an immigrant visa. If the adjudicator determines that the beneficiary of an initial Form I-131 filed while the beneficiary was outside the United States is in the United States at the time of adjudication after having been admitted or paroled, the parole request should be denied with an explanation that the reason for parole no longer exists since the beneficiary is currently present in the United States.

Grandfathered Conditional Approvals prior to ~~from~~ August 31, 2021:

USCIS conditionally approved approximately 80 requests for parole for Afghan nationals in August 2021. Some of these beneficiaries were able to board evacuation flights, but many were not. USCIS will generally honor the prior conditional approval for these cases if the beneficiaries are able to continue processing their parole requests outside of Afghanistan within one year of approval and complies with all vetting and medical requirements, unless new derogatory information is found. If the petitioner or beneficiary contacts USCIS to continue processing the parole request, the adjudicator must reopen the case in CAMINO, review the file for any data fields required for vetting and update these in CAMINO, and submit a new OAW vetting request. If the beneficiary is eligible for parole after all security checks are complete, HAB should issue a new Afghanistan Conditional Approval Notice and Afghanistan Authorization Memo, which include the new medical requirements.

Evidence:

In order to determine whether the beneficiary is eligible for parole, the adjudicating officer should review and evaluate all of the evidence in the record. The adjudicator should refer to the [HAB Procedures Manual](#) and the [Parole Training Module](#) for guidance on assessing relevance and credibility of the evidence provided. Adjudicators should also refer to [8 CFR § 103.2\(b\)\(2\)](#) for regulations regarding the submission of secondary evidence when primary evidence is unavailable.

Afghan Documents: Identity and relationship documentation may be lacking in some Afghan parole requests given the circumstances of flight, for those outside of Afghanistan, and due to limitations on the availability of identity documents. For example, according to the September 22, 2021 [Afghan](#)

⁶ See H.R. 5305, Section 2502

https://www.govtrack.us/congress/bills/117/hr5305/text/enr#link=C_V_2502_a&nearest=H68BB5F7B78D94E92A179EDBCC860C09F

[Document Guide](#) produced by the HSI Forensics Lab, citing a UNICEF report, birth certificates are not commonly used in Afghanistan and those that are issued often do not have the child's name. Adjudicators must become familiar with the Afghan Document Guide, which provides detailed information and exemplars of Afghan government documents prior to the recent take-over by the Taliban. Adjudicators are also encouraged to review the [Department of State Reciprocity and Civil-Documents Guide](#) section on Afghanistan. It notes that the main form of identity document used in Afghanistan is the *tazkera* and provides the following comments:

Afghans usually apply for a tazkera when a child reaches school age, but it can also be obtained and/or modified throughout adulthood. The document traces its holder's roots through the father; mother's names are not usually listed on tazkeras. Tazkeras are hand-written, and there have been multiple variants of the document since 1976. U.S. Embassy Kabul requires all Afghan citizens who are applying for immigrant, special immigrant, or other such visas to submit a tazkera, as proof of identity and birth. Some Afghan citizens may also possess birth certificates issued by clinics or hospitals in Afghanistan, but these documents are not accepted for U.S. visa processing. U.S. Embassy Kabul requires that all tazkeras be accompanied by a certified English translation. The tazkera must first be authenticated by the Ministry of Interior before an English translation may be certified by the Ministry of Foreign Affairs.

More information will be provided regarding passports and identity documents issued by the Taliban government once it is available.

Passports: In general, a parole beneficiary must have a passport to travel. However, when the beneficiary is unable to obtain a passport prior to travel to the United States, the adjudicator must notify the Consular Section that the beneficiary does not have a passport in the authorization memo sent to Post. The Consular Section may issue the boarding foil on the Form DS-232.

Verifying Work with the U.S. Government: Copies of letters and certificates from U.S. government agencies or officials can be easily replicated and generally should not be considered strong evidence without credible third-party verification. The Department of Defense (DOD) may be able to verify employment with DOD contractors in certain circumstances. DOD can also verify whether they have referred an individual for P1 or P2 refugee processing, including both individuals who worked for DOD and some who worked for the former Afghan government or military.

IRAD HQ is working to obtain access to the list of P1 and P2 referrals of Afghan nationals to the USRAP. In the near-term, adjudicators can refer cases to IRAD Policy for verification of DOD records if the beneficiary is otherwise eligible for parole (e.g., there is an imminent risk of severe targeted harm, particular vulnerability, or other factors that preclude refugee resettlement or visa processing) and third-party evidence of the beneficiary's claimed work with the U.S. Government is the only outstanding issue. Adjudicators should also send requests for verification of employment by other U.S. Government employers to IRAD Policy, and IRAD Policy will work to establish a mechanism for verifying these requests.

Sponsorship and Resettlement Benefits:

The continuing resolution for Fiscal Year 2022 passed by Congress on September 30, 2021, provides certain Afghan nationals who were paroled into the United States between July 31, 2021, and

September 30, 2022, access to resettlement assistance, entitlement programs, and other benefits normally provided to refugees, and provides similar assistance to certain other Afghan nationals paroled after September 30, 2022.⁷ While sponsorship documents are still required for parole requests to ensure beneficiaries have appropriate reception and support while paroled, adjudicators should take into account the benefits provided to certain Afghan parole beneficiaries through the continuing resolution when determining whether the beneficiary will have sufficient support during the authorized parole period in the United States. Sponsorship documents may also provide additional evidence to show U.S. ties, which may be a positive factor when assessing eligibility for parole.

The Department of State has developed a fact sheet on obtaining resettlement benefits, which the Consular Section will provide to the Afghan parole beneficiary at the time of travel foil issuance. After a beneficiary is paroled into the United States, the parolee will need to approach a designated resettlement agency to identify themselves as eligible for these benefits and be accepted into the program within 90 days of arrival in the U.S. Although Afghan parolees are entitled to resettlement benefits, it may take several weeks or a month to schedule an appointment with a resettlement agency and begin receiving these benefits after arrival. It is important that Afghan parolees have the support of a sponsor during this period.

Vetting:

(U/FOUO) In addition to standard security checks,⁸ **Afghan beneficiaries** of parole are required to undergo vetting consistent with the vetting in place for OAW evacuees. Additionally, the National Counterterrorism Center (NCTC) will continue to conduct biographic vetting for **petitioners and sponsors** of Afghan parole beneficiaries.

(U/FOUO) USCIS is working with vetting partners to establish an automated process to submit these requests for vetting. Until this process is established, IRAD FDNS, in coordination with IDEA, will manually submit vetting requests containing predefined selectors to NCTC for OAW vetting.⁹

(U/FOUO) Parole adjudicators must thoroughly review the file to ensure all required data fields have been entered into the case management system, including aliases, contact information, and passport information. If the parole request does not include the beneficiary's phone number and the beneficiary appears eligible for parole, the adjudicator should issue a Request for Evidence (RFE) requesting the beneficiary's phone number and any other contact information that was not provided at the time of filing, including the beneficiary's full address (current and last address in Afghanistan, if different) and email address. An RFE should only be issued for cases where the beneficiary is initially found eligible for parole, and the RFE response must be received and entered into the case management system prior to initiating OAW vetting.

⁷ See H.R. 5305, Section 2502

https://www.govtrack.us/congress/bills/117/hr5305/text/enr#link=C_V_2502_a&nearest=H68BB5F7B78D94E92A179EDBCC860C09F

⁸ See the [HAB Procedures Manual](#), Section VII. Background and Security Checks (July 9, 2019) and the [Background and Security Check Vetting Guidance for Form I-131 \(HAB\) Parole Adjudication](#) (October 20, 2020)

⁹ A copy of this spreadsheet has been shared with HAB to assist adjudicators and support staff in entering all essential data into the case management system for vetting.

(U/FOUO) Requests for OAW NCTC vetting should only be submitted after an initial assessment of eligibility has been completed and the adjudicator has assessed that the beneficiary may be eligible for parole. If the beneficiary is found ineligible for parole, the parole request should be denied without requesting OAW NCTC vetting.

(U/FOUO) If a biodata change is made after initial vetting has been completed, a vetting request containing the new biodata must be submitted to NCTC.

(U/FOUO) NCTC will coordinate with other vetting agencies and provide USCIS with a consolidated response for each Afghan beneficiary. NCTC will provide a “red” response if information has been identified meeting the vetting agency’s reporting threshold, and a “green” response for cases where no such information was identified. RIO_FDNS will upload the OAW NCTC result in all appropriate case management systems, indicating that OAW NCTC vetting was completed. RIO_FDNS will provide a summary of any derogatory information through its FDNS products to adjudicators.¹⁰ Adjudicators cannot approve a request for parole for a case with an OAW NCTC “red” result without concurrence from IRAD leadership.

(U/FOUO) OAW NCTC vetting is valid for six months and must be run on all Afghan beneficiaries between the ages of 14 and 79. OAW NCTC vetting is limited to Afghan beneficiaries only.

(U/FOUO) Adjudicators may deny a parole request with a national security, fraud or egregious public safety concern prior to FDNS review. Adjudicators must continue to send these cases to RIO-FDNS through the FDNS module in CAMINO or ELIS for RIO-FDNS review and processing post-denial.-

Suspension of Processing Certain Cases:

Parole beneficiaries must report to a U.S. embassy or consulate to complete processing of their parole request, including identity verification, biometrics collection, and receipt of vaccination records. Adjudicators should issue a Parole Notice (Suspension of Processing) if an Afghan beneficiary **appears is** initially **found to be** eligible for parole, but the beneficiary is residing in Afghanistan or another country without U.S. consular services. The Parole Notice (Suspension of Processing) states that USCIS cannot complete processing of the parole request unless and until the beneficiary informs USCIS that they are able to report to a U.S. embassy or consulate.

Adjudicators may also issue the Parole Notice (Suspension of Processing) in cases where the beneficiary **appears is** initially **found to be** eligible for parole but has an approved Form I-730, I-360 (Petition for Amerasian, Widow(er), or Special Immigrant), or I-130 and an immigrant visa is available. The Parole Notice (Suspension of Processing) states that the beneficiary should pursue immigrant visa processing but may notify USCIS once outside of Afghanistan if immigrant visa processing is not a viable option.

The Parole Notice (Suspension of Processing) should only be issued for cases that **appear are** initially **found to be** eligible for parole **and all biographic vetting, including OAW NCTC vetting, is complete.** Adjudicators are not required to review pre-existing A-files prior to issuing a Parole Notice (Suspension of Processing) unless the A-file is required to determine initial eligibility. Once the Parole Notice (Suspension of Processing) has been issued, the adjudicator should administratively close the case in

¹⁰ IRAD FDNS will issue specific guidance to RIO FDNS on how to review these “red” responses and annotate FDNS-DS.

CAMINO or ELIS, purely for case tracking and workload management purposes. The parole application will remain open for at least a year.

If the petitioner or beneficiary notifies IRAD that the beneficiary is able to report to a U.S. embassy or consulate to continue processing of their case, the adjudicator should verify that the beneficiary is still eligible for parole and that all required USCIS-initiated¹¹ security checks are valid. For cases where the beneficiary has an approved immigrant petition and the visa is available, the adjudicator must assess whether a reasonable explanation has been provided for why the beneficiary cannot pursue immigrant visa processing, confirm all required USCIS-initiated security checks are valid, and verify that the beneficiary is still eligible for parole. If the adjudicator determines that the beneficiary is still eligible for parole, the adjudicator must re-open the parole request in CAMINO or ELIS and issue a Conditional Approval Notice. An Authorization Memo must also be sent to Post.

Medical Requirements:

For beneficiaries who are in a location where they can complete Consular processing, adjudicators will generate a Conditional Approval Notice: Referral to Consular Processing if the beneficiary is initially found eligible for parole and all USCIS-initiated vetting has been completed. The Conditional Approval Notice: Referral to Consular Processing notifies the petitioner and beneficiary of the additional steps required to complete processing of their case, including completion of the Form DS-160 and required medical screening and vaccinations through the panel physician. For urgent cases, USCIS or a government referring agency may request documentation of vaccinations through the panel physician before the adjudicator has made an initial decision on eligibility and may consider requiring medical screening for tuberculosis be completed within ~~30-60~~ days of arrival in the United States as a condition of parole. Adjudicators will also generate an authorization memo to Post notifying them of the conditional approval and medical requirements.

In line with current OAW requirements, Afghan parole beneficiaries will be required to complete the following medical screening and vaccinations¹² through a panel physician, unless an exception applies:

- Age-appropriate vaccinations, as determined by the panel physician based on Technical Instructions issued by the Centers for Disease Control and Prevention (CDC), with expanded age requirements for measles, mumps, rubella (MMR) and polio vaccines:
 - i. MMR vaccine starting age ≥ 6 months
 - ii. Polio vaccine starting age ≥ 6 weeks and no upper age limit
- 21-day post-MMR vaccine waiting period prior to travel

¹¹ DOS/CA conducts additional biometric and biographic checks prior to issuance of a boarding foil.

¹²<https://www.cdc.gov/immigrantrefugeehealth/panel-physicians/vaccinations.htm> CDC has additional vaccination age requirements for Afghan nationals: MMR is required for all Afghan nationals 6 months old until those born in or after 1957. Polio vaccination is required for all Afghan nationals 6 weeks or older.

- Completed COVID-19 vaccine series. If COVID vaccine provided is a 2-dose series, both doses must be administered but no waiting period is required after the series is completed.¹³
- Tuberculosis (TB) screening and treatment based on Technical Instructions issued by the Centers for Disease Control and Prevention. The beneficiary is required to take appropriate isolation and treatment measures if the tuberculosis test is positive.
- ~~MMR (measles, mumps, rubella) vaccine~~
- ~~Polio vaccine~~
- ~~COVID-19 vaccine (1 dose)~~¹⁴
- ~~Other age-appropriate vaccinations, as determined by the panel physician based on guidance issued by the Centers for Disease Control and Prevention (CDC)~~
- ~~Tuberculosis (TB) screening (the beneficiary is required to take appropriate isolation and treatment measures if the tuberculosis test is positive)~~

The panel physician will generally complete a Form DS-2054, Report of Medical Examination by Panel Physician, for each beneficiary, which includes the Vaccination Documentation Worksheet to record all vaccinations completed and whether any vaccinations are not medically appropriate and the Tuberculosis Worksheet. Waivers to vaccinations that are not medically appropriate are recorded by the panel physician in the right column of the Vaccination Documentation Worksheet. The beneficiary must submit the medical record completed by the panel physician to the Consular Officer during their interview.

Exceptions:

In general, Afghan parole beneficiaries who have not completed the required medical screening and vaccinations (or provided documentation from the panel physician that the vaccinations are not medically appropriate) will not be issued a boarding foil to travel to the United States. However, there may be exceptional circumstances when a beneficiary is unable to complete the required medical screening and vaccinations, either due to the urgent need to travel or because panel physician services and vaccines are severely limited in the beneficiary's country of processing. Whenever possible, the first dose of all vaccinations should be completed prior to travel. If there is sufficient evidence in the record to support the parole beneficiary's need for urgent travel to the United States (i.e., within 90 days of approval of the parole request), USCIS may consider approving parole with the condition that the

¹³ The COVID vaccination requirement can be fulfilled with: 1) any of the COVID-19 vaccines with FDA approval or emergency use authorization: Janssen (J&J), Pfizer, or Moderna or 2) any of the COVID-19 vaccines listed for emergency use by the World Health Organization (WHO). See also: Guidance for persons vaccinated outside US, Technical Instructions for Panel Physician Exam: COVID 19, What to do when COVID vaccine is not routinely available

¹⁴ The COVID vaccination requirement can be fulfilled with: 1) any of the COVID-19 vaccines with FDA approval or emergency use authorization: Janssen (J&J), Pfizer, or Moderna or 2) any of the COVID-19 vaccines listed for emergency use by the World Health Organization (WHO). See also: Guidance for persons vaccinated outside US, Technical Instructions for Panel Physician Exam: COVID 19, What to do when COVID vaccine is not routinely available

parolee must complete any additional COVID-19 vaccination doses and TB screening within ~~30~~ 60 days of arrival in the United States. If the beneficiary needs to urgently travel to the United States within 30 days of the parole conditional approval, USCIS may waive the 21-day post-MMR vaccination waiting period.

Adjudicators, with the approval of their supervisor, may use their discretion to approve parole into the United States conditioned on the parolee obtaining the required vaccinations and/or TB screening within thirty-60 days of arrival. Adjudicators will issue the beneficiary the Notice Regarding Conditions of Parole via email, if available, copying the petitioner and representative of record, and will also provide the Consular Section with a copy of the Notice Regarding Conditions of Parole to deliver to the beneficiary at the time of foil issuance. This notice outlines the medical requirements that must be completed within 60 days of ~~upon~~ arrival in the United States. The adjudicator must mark that parole was authorized with conditions and note the conditions to parole in the case management system.

Compliance with Conditions of Parole:

If conditions are placed on parole, the parolee must verify that they have met the conditions of their parole by certifying their vaccination and TB screening status on the USCIS website within thirty-60 days of arrival in the United States.¹⁵ IRAD is working with the ELIS team to develop a case flag in ELIS that will notify adjudicators when a parole beneficiary has not reported compliance with the medical requirement conditions within 120 days of an approval of parole with conditions. When ELIS flags a case for non-compliance, an adjudicator must review CIS to determine whether the parole beneficiary entered the United States and the date of entry. If there were conditions placed on parole, it has been 45-75 days since the parolee entered the United States, and the beneficiary has not attested to completing the TB screening and required vaccinations, USCIS will send a warning letter to the beneficiary's last recorded address in AR-11. If the beneficiary fails to complete the vaccination and TB attestation within 120 days of arrival in the United States, USCIS will notify ICE to determine appropriate enforcement actions to promote compliance with the medical requirements. ICE will review each individual referral on a case-by-case basis. ICE or USCIS may amend the parole requirement to impose regular check-ins and technical monitoring or issue a Notice to Appear (NTA) as a means of revoking parole. USCIS may consider a new grant of parole, on a case-by-case basis, upon completion of medical requirements.

Afghanistan Resources:

For additional country conditions information for Afghanistan, please visit the [RAIO Research Unit's Afghanistan Resource Guide](#). For information concerning terrorism-related inadmissibility grounds (TRIG) and TRIG-related concerns in Afghanistan, which may be helpful when determining whether discretion should be exercised to authorize parole, please see the [RAIO TRIG Afghanistan Country Guide](#).

Afghanistan Parole Notices:

- **Conditional Approval Notice, Referral to Consular Processing:** HAB issues this notice to the Form I-131 petitioner, beneficiary, and representative of record when HAB determines that the beneficiary is eligible for parole and all USCIS-initiated security checks have been completed. The notice requires the beneficiary to complete the DS-160 to initiate Consular processing and

¹⁵ [Afghan Parolee Vaccination Status | USCIS](#)

to begin completing required vaccinations. For government requests for parole, HAB issues this notice to the referring agency.

- **Parole Notice (Suspension of Processing):** HAB issues this notice to the Form I-131 petitioner, beneficiary, and representative of record after an initial assessment that the beneficiary may be eligible for parole, but the beneficiary is in a location where there is no U.S. embassy or consulate (e.g., Afghanistan or Iran) or where the beneficiary is also the beneficiary of an approved I-130 or I-730 and HAB determined that parole processing should be halted in favor of immigrant visa processing. For government requests for parole, HAB issues this notice to the referring agency. This notice serves several purposes: 1) notification that the beneficiary must report to a U.S. embassy or consulate to continue processing the parole request; 2) where applicable, notification that the beneficiary should pursue immigrant visa processing and to notify HAB if this is not feasible.
- **Parole Authorization Memo:** HAB issues this memo to the Consular Section, copying the Consular Affairs parole points of contact, when a parole request has been conditionally approved. This memo serves to notify the Consular Section that USCIS has conditionally approved the parole request and any additional requirements for processing the parole request. If the parole beneficiary may be eligible for resettlement benefits, HAB should include a copy of the resettlement benefits fact sheet when the authorization memo is sent to post.
- **Notice Regarding Conditions for Parole:** HAB issues this notice to the Consular Section with the Authorization Memo so that the Consular Section can provide the notice to the beneficiary at the time of foil issuance. HAB may also issue the notice to the parole beneficiary via email, if email address is available, copying the petitioner and representative of record.
- **Parole Denial Notice:** HAB issues this notice to the Form I-131 petitioner, beneficiary, and representative of record when the request for parole is denied. For government requests for parole, HAB issues the denial notice to the referring agency.

Discussion points for Afghan and Ukrainian Parole
Prepared by IRAD March 24, 2022

Background:

As of March 20, 2022, the International and Refugee Affairs Division (IRAD) has pending approximately 46,860 Form I-131 humanitarian parole requests and about 100 government parole requests, for a total of 46,960 cases. While only approximately 630 of the pending parole requests are for Family Reunification Task Force cases, those cases must be processed within 30 days (if the beneficiary is outside the United States) and 60 days for parole in place. In the past six months, IRAD has received an average of 1,575 new parole request per week – an amount similar to the annual number of receipts for some years. When staffed, IRAD’s parole branch, which doubled adjudicative staff this year, has capacity to complete approximately 6,400 parole cases a year. Even with approximately 100 detailees assisting with the effort, the backlog continues to grow, with the resulting impact that we are unable to identify and process some of the most urgent cases in time to address the purposes of the parole (e.g., to assist a terminally ill family member). The humanitarian parole process was not designed or resourced for such large-scale processing. Additionally, the situation in Afghanistan, and now Ukraine, has caused us to reconsider historic parole policies related to refugee-like protection needs and forced migration.

Below is a comprehensive proposed plan with recommendations, grouped by those generally agreed upon and those that require discussion and decision or direction.

Recommendations:

Generally agreed upon from prior discussions

1. Refunds: Provide refunds to Afghan parole petitioners upon request for those who filed for parole prior to the date of the announcement of the refund policy and whose applications have not been adjudicated. Consider allowing them to retain priority for processing based on original filing date if they refile. Decision memo has been drafted and is in clearance.
2. Referral of certain beneficiaries to the USRAP: Continue discussions with PRM on the viability of USCIS referrals of certain parole beneficiaries to the USRAP and increased access. Discussions have been initiated and may require more senior level engagement in the near future.
3. Evidentiary burden: Adjust the evidentiary burden for parole requests based primarily on protection concerns as soon as possible and lift the suspension on denials of Afghan parole cases. Draft revised guidance is with the front office.
4. Use I-290B with fee exemption to request reconsideration: Given the dynamic situation in Afghanistan and the region, allow denied petitioners who requested parole before the date of the announcement of this policy up to one year to request reconsideration and present additional information, without a fee. Use the Form I-290B *Notice of Appeal or Motion* as a collection mechanism that could trigger a service motion to reopen if filed outside of the regulatory filing deadlines. Decision memo has been drafted and soon will be in clearance.
5. Parole programs: Establish family-based parole programs for Afghan and Ukrainian beneficiaries scoped to meet operational resources while identifying ways to expand resources and develop platforms that could enable processing with less reliance on the Department of State. This is being discussed in the inter-agency.

Requires further discussion for decision

6. Processing cases in Afghanistan and Ukraine: **Requires further discussion.**

Deliberative Process privilege

7. Begin hiring process: While working to finalize OPQ's SAM recommendations, authorize IRAD to begin the hiring process to bring on additional permanent or term staff for parole adjudications to complement detail resources. IRAD will be putting forward a proposal on expansion that could include increased number of refugee officers who could process parole cases when not conducting refugee processing, rather than relying solely on dedicated parole officers
8. Messaging: Immediately post an alert on the USCIS webpage for humanitarian parole noting delayed processing times and update contract representative scripts. More detailed messaging to be posted dependent upon adoption of any of the recommendations above, possibly presented as a comprehensive plan.

Discussion:

1. Potential refunds

IRAD and OCFO have drafted a decision memo soon to be in clearance, recommending that USCIS provide fee refunds to Afghan beneficiaries who filed before a certain date and choose to withdraw their pending petitions. A number of stakeholders have requested that USCIS issue refunds, based on their belief that they were misled to understand that requests for parole would enable Afghans to leave Afghanistan, particularly in light of the tens of thousands of Afghans paroled under Operations Allied Welcome. Preliminary estimates, based on an assumption of 11,000 to 14,000 refunds (we have no data to assess the percentage who would seek a refund) are that USCIS would experience a loss of revenue of 6.2 to 8.2 million dollars, with the cost to process less than \$40,000. Withdrawal and receipt of a fee refund would not preclude a petitioner from filing a new I-131 if the beneficiary is able to get to a third country. While we hope to reduce the backlog of pending petitions, we could allow the petitioner to keep the original filing date of the form I-131 for purposes of processing priority. The aim would be to not penalize a petitioner by withdrawing the petition.

Options for Parole Processing (March 24, 2022)

Page 3

2. Referrals to the USRAP

If the Department of State, Population, Migration and Refugee (PRM) agrees, we could notify petitioners that if they withdraw and request referral to the USRAP, USCIS would refer the case to the USRAP. We could also refer to the USRAP all Afghan parole cases denied for reasons other than derogatory information. To prevent the parole program from being used as a mechanism to access the USRAP, inviting potentially hundreds of thousands of requests, we would recommend setting a date filing date in the past (such as the date of implementation) as a cut-off for access to the USRAP. Such referrals could be done by PRM creating a carefully scoped P-2 program or by allowing USCIS to provide P-1 referrals. This unique process could be justified by the unrepresented number of Afghan parole requests received, likely spurred by misunderstanding of OAW. However, if this is done without the eventual establishment of some other, broader access program for Afghans into the USRAP, such as expanded NGO referrals or direct access with anchor relatives, such as Lautenberg and the Central American Minor program, it could be unfair to those who have not applied for parole.

3. Adjustment of the evidentiary standard for protection claims

Historically, USCIS exercised discretion to approve cases based solely on protection needs only if the petitioner provided credible third-party evidence to establish imminent risk of serious harm. This generally has been understood to be individualized evidence. IRAD has put forward for clearance an adjustment to this policy that would allow for approval with evidence other than credible third-party evidence. The guidance, if cleared, would now provide:

“The best evidence, where available, is credible, third-party evidence of the threat. If there is no credible, third-party evidence of a direct threat against the beneficiary, there may be other strong evidence, such as evidence clearly establishing widespread or pervasive, systematic targeting of a specific group for serious harm, the beneficiary’s membership in the targeted group, and that those who are targeting the group know or likely will become aware of the beneficiary’s membership in the group.”

While this adjustment may increase the number of parole requests as petitioners see more approvals, it would help more people find safety more quickly. Additionally, the proposed revised lesson plan language attempts to make it clearer that even if a case based primarily on protection concerns does not meet this evidentiary standard, there may be other factors in the case, such as family reunification or other vulnerability, which in and of themselves would not merit an approval for parole, but when considered cumulatively and taking into account the totality of the circumstances could merit parole approval.

4. Fee exempt request to reconsider a denial

Given the dynamic situation in Afghanistan and the region (with respect to support of Afghans in third country, or lack therefore), IRAD had recommended that USCIS allow denied petitioners one year to request reconsideration and present additional information, without a fee. The current recommendation is to use the Form I-290B *Notice of Appeal or Motion* as a collection mechanism that could trigger a service motion to reopen if filed outside of the regulatory filing deadlines. Further consideration will need to be made on whether to include a sunset date for this policy based on filing date, but this could be tied to the date of the announcement of this policy and/or a comprehensive plan for implementation of other recommendation in this paper. A

3

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Options for Parole Processing (March 24, 2022)

Page 4

fee exemption memo is being drafted and, depending on decisions made on other recommendations in this paper, will be adjusted accordingly.

5. Family-based parole programs

Establishment of family-based parole programs for those with US citizen or lawful permanent resident family members in the United States may be an appropriate humanitarian response to wide-scale war or wide-spread systematic repression. Previously established family reunification parole programs have been based on a determination that there were significant public benefit reasons to provide safe, legal, and orderly migration pathways to address irregular migration issues and/or support other countries, such as Haiti in need of recovery after the 2010 earthquake. However, using Afghanistan and Ukraine as examples, a framework could be developed to establish parole policies and programs that allow family members fleeing war, wide-spread systematic repression, or natural disasters to join and be supported by their U.S.-based family members. The challenge is how to operationalize large programs overseas, given limited capacity of the Department of State to collect biometrics and issue travel documents. Efforts are being made to explore whether use of new technology employed by Customs and Border Protection, such as CBP-1 and the ESTA platform could be used to enable larger-scale processing without needing to rely on the Department of State or significantly expand the USCIS footprint, which also requires support from the Department of State. However, there remains the challenge of biometric collection. Interagency discussions are ongoing regarding use of parole to create a safe haven in the U.S. for certain Ukrainians, as well as establishment of family-based parole programs. USCIS is also working on finalizing proposals an Afghan parole program. IRAD could process any pending parole applications that meet the program criteria, and future requests would be funneled directly through the special program process, alleviating the burden on the humanitarian parole program staff.

6. Processing parole requests for beneficiaries in Afghanistan and Ukraine

Until the recent situation in Afghanistan, USCIS generally denied all requests for parole for beneficiaries who were in countries with no functioning U.S. embassy or consulate. The rationale is that a conditional approval of parole would not enable the beneficiary to leave the country and enter another country for full processing, and USCIS could not predict how long (months or years) it might take the beneficiary to get to a third country, if at all, and whether the beneficiary would still be eligible for parole at that time. This policy was changed in response to the Afghan crisis with the belief that it could help those who might be eligible for parole to make the difficult decision on whether to leave Afghanistan. Approximately 75% pf Afghan parole beneficiaries are in Afghanistan. Rather than denying all requests for beneficiaries in Afghanistan, USCIS is closing/suspending the request for those preliminarily found eligible and will continue to process the request only if notified that the beneficiary is in a third country. To date, USCIS has only received one (1) such notification, out of about 260, and it was for a State Department referred beneficiary who was able to get to a third country. At least 60% of the parole requests for Ukrainians are for beneficiaries in Ukraine.

Options:

- (a) *Continue the new practice as is*, which includes prioritization of requests for Afghan beneficiaries who are outside of Afghanistan by allocating more resources to those cases; extend this practice to Ukrainians in Ukraine.

4

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Options for Parole Processing (March 24, 2022)

Page 5

- (b) *Rather than suspending applications, issue conditional approvals.* The practical impact of a conditional approval and suspension letter is similar. The benefit of issuing a conditional approval would be that a beneficiary might feel more confidence relying on it when making a difficult life decision. The downside is that it could cause further confusion for petitioners or beneficiaries who might believe the conditional approval is both a way out of Afghanistan or Ukraine and a guarantee to come to the United States. There is a risk of creating a reliance factor only to ultimately deny the parole request if circumstances significantly change between the time of initial decision and the beneficiary's ability to reach a third country. This risk may be modified by guidance instructing officers that generally they do not need to reassess the original urgent humanitarian or significant public benefit parole determination, barring unusual factors, which generally is IRAD's intent, assuming the beneficiary contacts USCIS within a certain amount of time.
- (c) *Suspend processing all requests for parole for beneficiaries in countries with no functioning U.S. embassy or consulate.* Rather than denying such cases, per historic practice, USCIS would suspend all requests without review and issue notice that USCIS will process the request only after notification that the beneficiary is in a country where consular processing is possible. This would send a clear signal to petitioners that the humanitarian parole process is not a feasible pathway out of a country where a request cannot be processed to completion. It would also be a more effective use of USCIS and vetting partner resources – focusing limited resources on actions that will have a more immediate effect for someone with urgent need. While processing parole requests for beneficiaries in Afghanistan or Ukraine may help inform the beneficiary's decision to leave, USCIS likely is expending significant resources on processing cases that will never actually assist the beneficiary. This option would be more acceptable if paired with a refund policy, per below.

7. Resources

IRAD is working with OPQ for the FY2022 Staffing Allocation Model and has requested that OPQ not only address projected receipts, but also include backlog reduction in its estimate¹. IRAD's initial, unvalidated analysis is that IRAD would need to complete over 60,500 parole applications this fiscal year to again achieve a 90-day target processing time by the end of FY2022. This does not take into account an anticipated significant surge in requests for Ukrainian beneficiaries, with 193 received since the start of the war on February 24. IRAD has 21 staff in the Humanitarian Affairs Branch. IRAD would need an additional 480 to 600 staff beginning immediately to achieve our normal processing time by the beginning of FY2023. The range is based on potential expansion of criteria for issuance of requests for evidence (RFE), which would increase processing time. IRAD has already signaled to staff to consider issuance of RFEs in more circumstances, which has resulted in a higher number of RFEs issued.

While USCIS has diverted significant resources to assist IRAD with detailee support, use of detailees is not efficient, given time needed for training and ramp up to full adjudicative

¹ OPQ's initial draft indicates IRAD would need about 267 additional officers to get to the point where IRAD can again achieve a 90-day target processing time by the end of FY2023. This does not include management, supervisory and support staff.

Options for Parole Processing (March 24, 2022)

Page 6

capacity. It also impacts quality and consistency. The ability to hire permanent staff or even term staff is recommended, though that takes time and therefore it will be necessary to continue to detail staff in the near future. Extending detailees for 6 months, rather than 4 months, would improve quality/consistency and minimize inefficiencies related to recruiting and training new detailees.

8. Messaging

There continue to be concerns from stakeholder about the lack of information about pending cases. This could be addressed in part by posting an alert on the USCIS parole webpage noting that, due to a surge in requests, processing times could take at least 6 months or longer.

Similarly, we could update contract representative scripts. IRAD is already working with OPQ and EXA to post on the USCIS website more information on the number of pending parole requests and decisions.

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**Meeting with Secretary Mayorkas on Afghan Parole
February XX, 2022**

BOTTOM LINE UP FRONT:

- DHS has received several letters from Members of Congress expressing concerns over USCIS' denial rate for Afghan nationals applying for parole and the current standard of evidence required for parole requests based on protection needs.
 - See January 20, 2022 letter signed by 15 Senators and December 20, 2021 letter signed by 56 Senators and Members of Congress.
- USCIS adjudicates parole requests for urgent humanitarian and significant public benefit reasons for Afghan nationals on a case-by-case basis using an analytic framework that applies to all nationalities, taking into account the totality of the circumstances of each case. Additionally, to complete the parole process, the beneficiary must travel to a U.S. embassy or consulate for biometrics collection, interviewing, and identity verification.
- Congress has signaled its intent that parole is not to be used in lieu of refugee processing, providing that an alien who is a refugee may not be paroled into the United States unless the Secretary determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee.¹
- Moreover, there is no infrastructure to interview and verify protection-related parole requests. Given this, USCIS historically has required a high level of evidence to approve a parole request based on refugee-like protection needs.
- Both USCIS and the Department of State (State) are working to increase refugee and immigrant visa processing for Afghan nationals at risk to enter the United States with a permanent lawful status rather than through parole (temporary and not a lawful immigration status).
- The preferred approach to address increasing protection needs of Afghan nationals is to:
 - Press State to consider increasing access to the USRAP, perhaps through UNHCR and NGO referrals or Priority 2 groups,
 - Continued diplomacy to expand locations where the U.S. government can process Afghan refugee applicants for resettlement; and
 - Work with UNHCR and foreign governments to provide immediate protection needs, local integration, and resettlement opportunities in multiple countries (e.g., Canada or Australia).

DISCUSSION POINTS:

Issue 1: Concerns Raised by Congress on Denial Rate of Afghan Parole Adjudications

- High denial rate for Afghan nationals applying for parole with USCIS – Statistical Comparison and Overview
 - Between July 1, 2021, and January 31, 2022, USCIS received over 42,000 Form I-131 parole requests filed on behalf of Afghan nationals, and USCIS continues to receive over

¹ See Immigration and Nationality Act section 212(d)(5)(B).

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- 100 new requests a day. In a normal year, USCIS receives under 2,000 parole requests from all nationalities.
- At least 75% of Afghan parole requests are for Afghan nationals still in Afghanistan. For those in Afghanistan, USCIS will issue denials for those found ineligible, but will close/suspend requests for those who likely would be found eligible if they could complete processing outside Afghanistan at a U.S. consulate or embassy (e.g., biometric collection and vetting, interview, and identity verification).
 - Those whose cases are closed/suspended are notified to contact USCIS to continue parole processing if they are able to get to a third country.
 - Those whose cases are denied are informed they can request reopening of their case without fee within a year if they have new or additional evidence.
 - Of the Afghan parole requests adjudicated since July 1, 2021, USCIS has denied about 990 (88%), conditionally approved 80 (7%), and closed/suspended 52 (5%) (*for a potential approval rate of 12%*).
 - While the USCIS approval rate for parole varies year over year, over the past six years, USCIS approved approximately 36% of all initial requests for parole. However, the approval rate based on purely protection needs (refugee-like cases) has been approximately 13% [compared to approval of approximately 47% of requests based on medical needs and 37% of requests based on family unity.]
 - Most Afghan nationals are submitting parole requests based on protection needs due to risk of harm from the Taliban, without the requisite evidence or other compelling factors generally required for approval. USCIS has seen a large number of skeletal filings submitted on behalf of Afghan nationals or parole requests with only an attestation from the petitioner indicating the beneficiary will be killed by the Taliban. Without a detailed interview, it is difficult for USCIS to validate the credibility of these claims.
 - USCIS has also noted a trend in parole requests submitted on behalf of Afghan nationals for very large family groups, including in-laws, aunts and uncles, and nieces and nephews, without any evidence of particular vulnerabilities that would support the need for parole. These requests for parole for extended family members have also led to an increase in denials for requests based on family unity.
 - Types of claims more likely to be approved: Thus far, the most common reasons for approving a parole request for Afghan and non-Afghan nationals is a close family relationship to someone in the United States with evidence of a vulnerability, including a minor child, disability/infirmity, serious medical condition, or risk of isolation when immediate family or a caregiver travels.
 - Evidentiary standard for protection cases
 - Members of Congress have raised concerns that USCIS is requiring an impossible burden of proof for Afghan nationals at risk.
 - Generally, for USCIS to exercise discretion favorably in claims based on fear of harm, there must be credible, third-party evidence that the beneficiary is at imminent risk of serious harm.
 - Credible evidence that the beneficiary is at risk of imminent serious harm may consist of reports or other documentation from a credible third-party source specifically naming the beneficiary, the serious harm the beneficiary faces, and the imminence of the harm. Credible third-party sources may include but are not limited to a U.S. Government agency, a reputable human rights organization or a media source. In some cases, credible evidence may consist

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- 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 parole beneficiary, which supports the basis of the parole request.
- In the absence of credible, third-party evidence of threat, adjudicators may also consider whether there are other compelling, positive factors associated with the case that would lead to a positive exercise of discretion (for example, a beneficiary with a particular disability in a country of flight with no local support and a close family member in the U.S.). In other words, the lack of credible, third-party evidence does not preclude an approval when there are other compelling factors and the totality of the circumstances demonstrate that discretion should be exercised favorably.
 - Special consideration for Afghan cases
 - On November 5, 2021, USCIS announced on our public website additional strong positive factors that USCIS would consider when reviewing parole requests filed on behalf of Afghan nationals, which include the Deputies' criteria for prioritized relocation of Afghan nationals.
 - Afghans in Afghanistan
 - Members of Congress have asked what efforts DHS is making to ensure at-risk Afghan nationals are identified and prioritized for evacuation.
 - Members of Congress and stakeholders frequently reference the Secretary's announcement in late-August that it is appropriate to exercise discretion for CBP officers to parole certain Afghan nationals into the United States pursuant to Operation Allies Refuge when raising concerns regarding USCIS' parole policy framework and current denial rates. They seem to conflate the two, which presents messaging challenges.
 - USCIS is unable to assist parole beneficiaries to leave Afghanistan and the filing of a parole application with USCIS does not facilitate departure. State is coordinating evacuation of some Afghan nationals at risk, but this is limited to those who meet the Deputies' criteria or are approved for an exception.
 - Request for a Special Parole Program
 - Members of Congress and stakeholders have requested that DHS create a parole program for categories of Afghan nationals at risk, such as women judges.
 - Generally, parole programs have been put in place where other options, such as refugee processing, are not viable. Basing a parole program on risk categories would be challenging, as there is no infrastructure for detailed interviews to assess the veracity of the claims. However, USCIS is exploring options for an Afghan parole program that could potentially include family reunification and individuals who meet the Deputies' criteria for Afghan priority relocation.
 - Even if DHS were to establish a parole program, it likely would only benefit those who are able to leave Afghanistan on their own, which is a significant limiting factor.

Issue 2: Increased Refugee Processing for Afghan Nationals

- Last year, State announced a new Priority 2 designation for Afghan nationals who have worked with the U.S. government, on U.S. government-funded programs or projects, or for U.S.-based non-governmental organizations and media organizations. Referral to the new Priority 2 designation must be made by a U.S. government agency or the senior-most U.S. citizen employee of the NGO or media organization to deter fraud. State also established a

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process to enable U.S. government agencies to refer known Afghans at risk to the USRAP as Priority 1 referrals.

- State has received over 30,000 such referrals since August and is still reviewing and cleaning up the data. Most referred individuals are still in Afghanistan, and they cannot be processed until they leave Afghanistan.
- USCIS will pilot expedited refugee processing within 30 days for Afghan nationals evacuated from Afghanistan to Camp Al Sayliyah (CAS) in Qatar, including 300 individuals in March. The goal is to increase refugee processing at CAS to 1000 individuals/month.
 - Social media vetting currently required as a matter of policy for nationals of Security Advisory Opinion (SAO) countries such as Afghanistan is limiting USCIS's capacity to process more than 300 refugee applicants a month a CAS. USCIS is analyzing the process for all refugee applicants who require social media checks and will be making recommendations in the very near future.
- USCIS is ready to deploy refugee officers or coordinate VTEL interviews and adjudicate Afghan refugee cases as soon as they are referred to us by State.

Limitations:

- Without faster and greater throughput of vetting results from USRAP vetting agencies, the USRAP will be unable to achieve significantly higher refugee admission numbers for Afghan nationals.
 - Critical to the success of this initiative will be ensuring that one of the vetting Agencies (classified), which still uses a fairly manual process, will be able to significantly increase throughput.
 - DHS should press vetting agencies to confirm their readiness to increase capacity.
- The limited categories and referral requirements present a "protection gap," leaving many Afghan nationals with no mechanism to access the USRAP. They see a parole request as their only hope to come to the United States.
 - One way to address this, which State is exploring, would be to create a more robust process for NGOs to refer refugees to the USRAP. State is also exploring the creation of a P-4 private sponsorship program that could expand categories of individuals who can get access to the USRAP.
- Host country concerns of a pull factor may limit our ability to conduct refugee processing in certain locations, including in Turkey and Pakistan, which host large numbers of Afghan refugees. State is engaging in quiet diplomacy on that front.

Attachment: Summaries of Afghan Parole Cases

Staff Responsible for Briefing Memo: Joanna Ruppel, Chief, International and Refugee Affairs Division, 202-256-0191

From: Bird, John W (Wally)
To: PLAINTIFF PII REDACTION

Cc: PLAINTIFF PII REDACTION
Subject: RE: URGENT ALL HAB STAFF- HOLD DECISIONS on AFGHAN CASES
Date: Friday, September 10, 2021 11:11:37 AM

Please note that this hold is still operative for now. I caught a case going out this afternoon and asked State to hold issuing the final travel document. Please do NOT send final approvals or denials of Afghan cases at this time until we advise you to do so.

Thank you

Wally

From: Bird, John W (Wally)
Sent: Tuesday, September 7, 2021 8:49 AM
To: PLAINTIFF PII REDACTION

Cc: PLAINTIFF PII REDACTION
Subject: URGENT ALL HAB STAFF- HOLD DECISIONS on AFGHAN CASES

Good morning everyone,

We are advised this morning to hold all decisions on Afghan parole cases. Please do NOT send Afghan parole cases (I131 or State SPBP) to the administrative staff for delivery, and administrative staff, if you have Afghan cases pending sending out any notices, please hold them and do not send by mail or email. Please continue to accept Afghan cases that are filed, and create CAMINO records.

This hold only applies to Afghan cases.

Please let me know if you have any questions.

Thank you

Wally

Page 1 of 1 9/3/21 Bird/HAB Request for Guidance on Afghan Parole Applications

Afghan Parole Case Analysis, Request for Guidance

Due to the NEO operations during the last weeks of August, HAB adjusted the weighing of certain factors to meet the significant public benefit of moving approvable Afghan parole cases forward. During the evacuation phase, ending on August 31, HAB weighed the evacuation process heavily, against some traditional evidentiary requirements, and expedited all Afghan cases for NCTC review, producing a data-rich spreadsheet each day to provide US operations on the ground in Kabul with information that would help summon individuals to the airport for evacuation. Some of the factors that were adjusted to allow this emergent processing:

1. Waiving the requirement that parole not circumvent normal immigration processing
2. Waiving the need for Afghan passport information when passports were not available, and emailing petitioners and counsel directly to ascertain whether passports were available, in lieu of the traditional RFE process due to time urgency.
3. Weighing SPBP evacuation issues against traditional protection evidentiary requirements, not requiring third party evidence be submitted to determine whether protection, and not requiring that beneficiaries avail themselves of refugee protection where available.
4. Expediting the review of all Afghan cases above other cases and submitting daily NCTC expedite requests to FDNS.

Starting on August 30, HAB was advised to return to an expedite on a case by case basis, rather than based on Afghan nationality, and to stand down on NCTC expedite requests and the production of approval spreadsheets each day.

Currently Afghan applications are arriving at an abnormally high rate, and in addition we are receiving numerous inquiries requesting expedited adjudication. We received 177 cases on Tuesday, and on Thursday, 10 boxes of cases averaging 10-30 cases in each box. It will take some time to enter these cases to ascertain through CAMINO the full caseload that we are handling, but we anecdotally know that most of these new cases involve Afghan beneficiaries.

Some of the factors that are significant issues that affect analysis for regular parole SOP adjudication:

1. For Afghans in Afghanistan there is no consular operation that issues parole foils.
2. Due to the lack of consular processing, there is no opportunity to obtain visas, so in-country beneficiaries cannot avail themselves of regular immigration or visa processing
3. Most claims that we are seeing are protection related. We are not clear on how we should weigh protection on an on-going basis, and how to consider the weight of 3rd party credible evidence that supports parole on a protection basis.
4. We need to understand the current SPBP weight, given public interest in providing an option for Afghans to leave Afghanistan- considering on-going family relationships with people in the United States, pending or approved SIV applications, affiliations with the US government and or US or international NGOs.
5. Given security concerns, are there new procedures relating to Afghan approvals that are being implemented?

Commented [R1]: I saw this a little differently. COI was pretty strong to support evidence of risk for those closely associated with the USG and certain other categories and also no refugee protection was available, so don't see this as being waived.

Commented [R2]: Yes, good summary below. These are all issues we are working through and discussing with leadership. For now, we should pause adjudication until we can provide more guidance to adjudicators given that the U.S. military assisted evacuation has ended.

From: Ruppel, Joanna PLAINTIFF PII REDACTION
PLAINTIFF PII REDACTION

Sent: Wednesday, September 1, 2021 6:04 PM

To: 'Jaddou, Ur M' PLAINTIFF PII REDACTION

Cc: Lafferty, John L PLAINTIFF PII REDACTION
Kim, Ted H PLAINTIFF PII REDACTION Stone,
Mary M PLAINTIFF PII REDACTION

Subject: RE: Existing Humanitarian Parole Program Questions - revised Lockbox Stats

Attach: Ur's questions.docx

Apologies. I did not notice a revised version of the Lockbox stats that came through. Included in this version.

Joanna Ruppel

Chief, International and Refugee Affairs Division

USCIS Refugee, Asylum and International Operations Directorate

PLAINTIFF PII REDACTION

From: Ruppel, Joanna
Sent: Wednesday, September 1, 2021 5:32 PM
To: 'Jaddou, Ur M' PLAINTIFF PII REDACTION
Cc: Lafferty, John L PLAINTIFF PII REDACTION
Kim, Ted H PLAINTIFF PII REDACTION Stone, Mary M
PLAINTIFF PII REDACTION
Subject: RE: Existing Humanitarian Parole Program Questions

Ur,

Attached please find responses to your questions, charts with data, and also our guidance to adjudication officers. The data merits discussion as it can be misleading if you don't understand context and limitations. While the guidance document says "draft," the lesson plan is what is used. I can explain why it says "draft," when we chat. I don't want to overwhelm you with a large document by sending you the guidance, but if you skip to page 59, you will see the framework that is used. You can also review sections on cases related to family unity.

In the last month the number of requests for parole for Afghan nationals is more than ½ the number of overall parole requests we receive in a normal year.

Joanna

Joanna Ruppel

Chief, International and Refugee Affairs Division

USCIS Refugee, Asylum and International Operations Directorate

PLAINTIFF PII REDACTION

From: Jaddou, Ur M PLAINTIFF PII REDACTION
Sent: Tuesday, August 31, 2021 5:14 PM
To: Ruppel, Joanna <Joanna.Ruppel@uscis.dhs.gov>
Cc: Lafferty, John L PLAINTIFF PII REDACTION

Subject: Existing Humanitarian Parole Program Questions

To be prepared for questions I have no doubt are coming our way, can we chat about the following questions:

- Over the last five years, how many parole applications have we received and adjudicated by year?
- How many staff are dedicated to adjudicating these applications?
- How many Afghan related parole applications have come in thus far, by week?
- How many of those that already came in are for people inside Afghanistan?
- Is it accurate for me to say that we have been expeditiously adjudicating those inside Afghanistan?
- Of the applications already adjudicated, what is the approval rate?
- What is the denial rate?
- What are some of the reasons for denial?
- Why do you believe that under current HP standards that a good number would be denied?

Thanks, Joanna.

Best,

Ur

- **Over the last five years, how many parole applications have we received and adjudicated by year?**
 - Please see attached charts. Currently we have over 1,050 applications pending. Normally, we try to keep at having no more than 450 or so pending (an average of three months of receipts under steady-state), as our target processing time is to complete 90% of our cases within 90 days. We are not meeting our target.

- **How many staff are dedicated to adjudicating these applications?**

- Until recently IRAD was authorized for 6 adjudication officers for parole applications. We have 3 on board and all three are serving as acting supervisory adjudication officers for refugee officers and others assigned to assist with the parole workload.
- The Humanitarian Affairs Branch current staffing level is as follows:

Staffing IRAD Humanitarian Affairs Branch		
Position	Authorized	On Board
Section Chief	1	1
Supervisor	3	1
Adjudication Officers	13	3
Staff Assistant	1	1
Immigration Services Assistants	4	0
Total	22	6

- Until a few months ago, HAB had 6 authorized adjudication officers. Recently, OCFO approved an additional 7. IRAD is in the process of hiring. In the meantime, IRAD has assigned 13 refugee officers and a supervisory refugee officer to assist, and has 2 officer detailees from outside RAIO to support
- IRAD is assessing our parole adjudication staffing needs taking into account our backlog of pending cases, the anticipated 4,000 FRTF parole cases, and Afghan parole cases, among others.

- **How many Afghan related parole applications have come in thus far, by week?**

- OIDP has not yet been able to break it down by week, but since July 1, the Lockbox has received over 1,350 requests for parole from Afghan nationals, of which 1,003 were accepted. Please see chart below for more details for Lockbox receipts.

Form I-131 Humanitarian Parole Requests 7/1/2021 to 9/1/2021	ACCEPTED				Rejected			Total Processed
	With Fee Paid	With Fee Waived	Fee Accepted Elsewhere	Total Accepted	Rejected FW Related	Rejected Not FW Related	Total Rejected	
Non-Afghans	413	26	98	537	79	27	106	643
Afghans HP	907	96		1003	165	188	353	1,356
All HP	1			1				1,462

- **How many of those that already came in are for people inside Afghanistan?**
 - We are unable to accurately assess that without looking at each case, but the vast majority have been for individuals inside Afghanistan.
- **Is it accurate for me to say that we have been expeditiously adjudicating those inside Afghanistan?**
 - Yes, USCIS prioritized the requests for parole for individuals inside Afghanistan during the evacuation. Staff worked overtime and weekends to approve those cases that were approvable and sent the approved lists daily to State. We also requested expedited NCTC checks and completed all the normal vetting before approval.
- **Of the applications already adjudicated, what is the approval rate?**
 - This year, we approved 100% of the Afghan cases requested by State (31 cases adjudicated) and 95% of the Afghan Forms I-131 (72 approved and 4 denied). These stats require explanation and may be misleading because we were focusing on just **getting the approvals** out in hopes of the beneficiaries getting on an evacuation flight. As such, these rates should not be used to anticipate what would be approved in the future, particularly as the volume increases and many people see parole as a ticket out of Afghanistan or to the U.S. (including those who may have been living in third countries for years or are not even Afghan nationals but seek to exploit the situation). Please see historic stats attached.
- **What is the denial rate?**
 - See note above and attached stats.
- **What are some of the reasons for denial? Can we discuss?**
- **Why do you believe that under current HP standards that a good number would be denied?**
 - We anticipate that a significant number of applications will be general pleas for help to get out of Afghanistan based on fear of harm. Please see attached policy guidance on the analytic framework for protection-related cases, beginning on page 59. Below is an excerpt, but good to read in context. Will discuss with you.

Generally, for you to find that there are urgent humanitarian reasons for parole in cases involving claims of targeted harm cases, you must find that the beneficiary is at imminent risk of serious harm. The claim may be based on specific threats targeting the beneficiary individually or, in some cases, the claim may be based on the beneficiary's membership in an at-risk group that has been specifically targeted for harm. In those cases, the evidence must show not only that members of the group are at risk of imminent harm, but that the individual or group targeting the at-risk group knows, or likely imminently will know, that the beneficiary is a member of that group. Imminent serious harm, in the context of parole cases, means an immediate and present threat of harm that could lead to serious injury (psychological or physical) or death.

...

In order to exercise discretion favorably in claims where the asserted urgent humanitarian reasons is solely a claim of targeted harm, there must be credible, third-party evidence of the threat. See discussion of evidence below. If there is no credible, third-party evidence of threat, but there are other compelling, positive factors associated with the case such that you believe that discretion should be exercised favorably in a particular case, please discuss with your supervisor.

From: Bird, John W (Wally)
To: Johnson, Bobbie L
Cc: PLAINTIFF PII REDACTION
Subject: RE: Afghan parole - expedites
Date: Wednesday, September 01, 2021 11:37:38 AM

Yes Bobbie- got it- thank you
Wally

From: Johnson, Bobbie L PLAINTIFF PII REDACTION
Sent: Wednesday, September 1, 2021 12:29 PM
To: Bird, John W (Wally) PLAINTIFF PII REDACTION
Cc: PLAINTIFF PII REDACTION
Subject: Afghan parole - expedites

Wally,

Please see below. D1 made the decision yesterday evening that we can no longer expedite all Afghan parole requests. The decision to expedite those cases initially was about getting people out on flights and now that the flights have ended, we need to go back to the 'normal' expedite process based on triage, not nationality.

If you have any questions, please let us know.

Thank you,

Bobbie

From: Ruppel, Joanna PLAINTIFF PII REDACTION
Sent: Tuesday, August 31, 2021 8:32 PM
To: PLAINTIFF PII REDACTION
Johnson,
Bobbie L PLAINTIFF PII REDACTION
Cc: Stone, Mary M PLAINTIFF PII REDACTION
Subject: FW: Afghan parole - expedites

FYI. We will no longer expedite parole requests based on being an Afghan nationals in Afghanistan but will return to our regular process of expediting based on individualized circumstances.

HQ folks – we will need to work with EXA on scripts and other messaging.

Bobbie and PLAINTIFF PII REDU

Please let HAB staff know.

Thanks all,

Joanna

Joanna Ruppel

Chief, International and Refugee Affairs Division

USCIS Refugee, Asylum and International Operations Directorate

PLAINTIFF PII REDACTION

[REDACTED]

**BACKGROUND AND TALKING POINTS ON
DENIAL OF PAROLE REQUESTS FOR AFGHANS**

April 25, 2022

If Asked about Afghan Parole Denial Rates:

- DHS is committed to helping our Afghan allies and their families within the contours of our law and taking into account existing protection regimes for refugees.
- Under the USCIS parole process, an individual must successfully complete in-person identity verification and biometrics screenings at a U.S. embassy or consulate before the U.S. government can complete processing of their parole request. Therefore, an individual cannot complete processing of their parole request in a location where there is no U.S. embassy or consulate, such as Afghanistan and Iran.
- DHS is unable to help parole beneficiaries leave Afghanistan. Individuals seeking parole from USCIS must arrange their own travel to a third country.
- Regardless of where the Afghan beneficiary is located, USCIS reviews the specific facts of each case individually to determine if there is a well-documented urgent humanitarian reason or significant public benefit to approve parole for an individual.
- USCIS is working closely with the Department of State to identify ways to more expeditiously process cases accepted to the U.S. Refugee Admissions Program, and is deploying refugee officers to interview applicants and adjudicate cases as referred them to USCIS for interview. We are in the process of rebuilding the refugee resettlement infrastructure to fulfill President Biden's commitment to ensuring the United States is responsive to refugee crises in Afghanistan and elsewhere by resuming our role as a global leader in refugee resettlement.
- The U.S. government also remains committed to processing SIV applications efficiently.
- In some limited circumstances, protection needs are so urgent that obtaining protection via local protection mechanisms or resettlement through the U.S. Refugee Admissions Program is not a realistic option. There may also be other factors, such as particularly strong family ties in the U.S., which may merit an approval for parole taking into account the totality of the circumstances.
- The following characteristics are generally viewed as strong, positive factors when USCIS assesses an urgent humanitarian reason or significant public benefit for parole for Afghans and the exercise of discretion. The individual being considered for parole is:
 - The immediate family member of a U.S. Citizen (spouse, unmarried children under 21, and parents);
 - The immediate family member of an LPR (spouse and unmarried children under 21);
 - A former locally employed staff member in U.S. Embassy Kabul or an immediate family member of a locally employed staff member;
 - A Special Immigrant Visa (SIV) applicant who received Chief of Mission approval or an immediate family member who is on the SIV case;
 - The immediate relative of an Afghan national previously relocated to the United States through Operation Allies Welcome (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); or

- The individual was referred to the U.S. Refugee Admission Program (USRAP) through a Priority 1 Embassy Referral or Priority 2 group designation referral and is in imminent risk of refoulement (return) or serious, targeted harm.
- I acknowledge that most requests for parole for Afghan beneficiaries are denied. While the denial rate is consistent with USCIS historic denial rate for parole requests based primarily on protection concerns, I have directed USCIS to review the guidance and policy for parole requests based on a need for protection from harm, and I understand updates on these policies will be forthcoming in the near future. USCIS will continue to update its public website, as needed, to provide guidance on requests for parole and associated requests for fee waivers.
- USCIS will also continue to provide updates to members of Congress.
- If asked about discrepancy between handling of *Uniting for Ukraine* and OAW:
 - We are proud to have welcomed more than 81,000 Afghans in the United States since Kabul fell in August 2021. We continue to welcome Afghans through Operation Allies Welcome, including hundreds who arrived within the past two or so weeks. We are committed to supporting Afghans of special concern to the United States, including those who were employed by or on behalf of the U.S. government, often at great personal risk to themselves and their families. That commitment will not wane as we open our doors to Ukrainians.
 - We have increased the resources dedicated to parole, as well as to the USRAP and Special Immigrant Visa (SIV) processing, and have undertaken steps to streamline the process at every stage
 - One significant distinction between *Uniting for Ukraine* and *Operation Allies Welcome* is that *Uniting for Ukraine* is intended to provide temporary refuge in the United States with the hope that Ukrainian nationals can safely and voluntarily return to their country in the future; given the circumstances of our Afghan allies our Afghan relocation efforts are in support of permanent resettlement.

If asked about whether DHS will establish an Afghan parole program:

- Through Operation Allies Welcome, we have already brought to the U.S. over 81,000 Afghans and are facilitating their resettlement in the United States.
- In addition, there are a number of other channels for Afghan allies in need of protection to come to the DHS, such as the SIV program and the U.S. Refugee Admissions Program.
- DHS is committed to expeditiously processing SIV applicants and is working closely with our Department of State colleagues to increase refugee processing, including for Afghans.
- There is a special P-2 refugee program created specifically for Afghan allies and USCIS is ready to interview and process refugee applicants under that program when presented by the Department of State.
- With respect to parole, we have communicated to the public on the USCIS website the characteristics specific to Afghan parole applicants that are generally viewed as strong, positive factors when USCIS assesses an urgent humanitarian reason or significant public benefit for parole for Afghans and the exercise of discretion.

- We have not ruled out a parole program for our Afghans allies and will continue to assess the situation.

Background

- Between July 1, 2021, and April 24, 2022, USCIS has received over 45,600 parole requests for Afghan nationals and continues to receive new requests daily. USCIS has processed about 2,800 parole requests, and about 42,800 are pending. USCIS temporarily paused issuance of denials for Afghan beneficiaries while reviewing its guidance on protection-based parole requests.
- In a typical year, USCIS receives fewer than 2,000 requests for parole overall for beneficiaries of all nationalities. Of those requests, less than 50%-- or approximately 500-700-- are approved.
- USCIS has increased the number of staff assigned to parole processing over five-fold by detailing approximately 90 other staff to assist with parole processing; nonetheless, there will remain significant delays in processing for some time, particularly with the issuance of more requests for review.
- Approximately 75% of the requests for Afghans are for beneficiaries still in Afghanistan.
- DHS is unable to help parole beneficiaries leave Afghanistan. Individuals seeking parole from USCIS must arrange their own travel to a third country

Denial Rate

- Stakeholders and members of Congress have expressed concern about delays in processing of parole cases and the denial rate for Afghans. As a reminder, Senator Carper reached out to you directly on this. Director Jaddou has engaged with several members on the concerns raised and DHS/USCIS staff are also engaging with Congressional staff on a consistent basis.
- The denial rate of parole requests for Afghan beneficiaries has been about 90%.
- This is consistent with historic rates of denial for parole requests based primarily on protection concerns.

Actions taken by USCIS to address: [Background only. See talking points.]

- *Evidentiary requirements:* [**Not ready to be shared publicly, yet**] USCIS has temporarily suspended issuance of denials while USCIS updates its policy to broaden the evidentiary requirements for parole cases based primarily on protection concerns. USCIS is poised to conduct training of officers this week and next. This likely will result in a higher approval rate. USCIS will also update its website on the more expansive type of evidence that may support a protection-based parole request.
- *Requests for Review:* USCIS has taken a more expansive posture to issuing requests for review and issuing in more circumstances prior to denial.
- *Requests for Reconsideration:* USCIS soon will be announcing that due to the volatile situation in Afghanistan and changing circumstances of Afghan beneficiaries of parole requests, USCIS will permit petitioners to file a **fee exempt** request for reconsideration of denied petitions.
- *Refunds:* [**Not ready to be shared publicly, yet**]: USCIS will soon announce a fee refund for petitioners who decide to withdraw a parole request for an Afghan beneficiary. In the

rush to assist vulnerable Afghans in late summer and early fall of 2021, many attorneys and non-governmental organizations provided public guidance on options for entering the United States, including applying for parole through USCIS for urgent humanitarian and significant public benefit reasons. Many petitioners were under the erroneous belief that the USCIS parole process was a good way to help Afghan beneficiaries depart Afghanistan. Once it was understood that a request for parole would not help a beneficiary leave Afghanistan, many stakeholders requested that USCIS provide a fee refund.

- *Facilitating access to USRAP:* USCIS has requested the Department of the State to allow USCIS to refer to the USRAP Afghan beneficiaries who withdraw their parole application or whose applications were denied prior to USCIS change in parole policy. Discussions are ongoing.

From: Ruppel, Joanna **PLAINTIFF PII REDACTION**
Sent: Monday, April 25, 2022 1:26 PM
To: RAIO-IRAD-Clearance <RAIO-IRAD-Clearance@uscis.dhs.gov>; **PLAINTIFF PII REDACTION**
Subject: **PLAINTIFF PII REDACTION**
Attach: FW: s1 hearing prep - denial rates for Afghans
FINAL.Background and Talking points for S1 prep for Hill briefing April 2022.4.25.22.docx

For your records. Did not go through RAIO clearance, but back channels over the weekend and this morning with me working directly with OLA and the front office.

Joanna

Joanna Ruppel

Chief, International and Refugee Affairs Division

USCIS Refugee, Asylum and International Operations Directorate

PLAINTIFF PII REDACTION

From: Hyams, Emilie R **PLAINTIFF PII REDACTION**
Sent: Monday, April 25, 2022 1:08 PM
To: **PLAINTIFF PII REDACTION** Ruppel, Joanna
PLAINTIFF PII REDACTION Selby, Cara M (Carrie) **PLAINTIFF PII REDACTION**
USCISDIRECTORSADVISORS <DIRADVISORS@uscis.dhs.gov>; USCIS Directors Office Clearance-EXSO <USCISDirectorsOfficeClearance-EXSO@uscis.dhs.gov>
Cc: **PLAINTIFF PII REDACTION**
Subject: RE: s1 hearing prep - denial rates for Afghans

Hi Folks,

Just wanted to loop back and thank you for your assistance getting these TPs together (with a huge hat tip to Joanna). Please find the TPs provided to DHS for S1 prep, attached, which were cleared by IRAD/RAIO, UCG, OLA, and me, COS, and D2.

Thanks,

Emilie

From: Hyams, Emilie R **PLAINTIFF PII REDACTION**
Sent: Sunday, April 24, 2022 12:45 PM
To: **PLAINTIFF PII REDACTION** Ruppel, Joanna
PLAINTIFF PII REDACTION Selby, Cara M (Carrie) **PLAINTIFF PII REDACTION**
Cc: USCISDIRECTORSADVISORS <DIRADVISORS@uscis.dhs.gov>; USCIS Directors Office Clearance-EXSO <USCISDirectorsOfficeClearance-EXSO@uscis.dhs.gov>; **PLAINTIFF PII REDACTION**
Subject: Fwd: s1 hearing prep - denial rates for Afghans

Good Afternoon,

My sincere apologies for the Sunday email.

DHS has asked for TPs to prep S1 for his upcoming hearing that address the high denial rate of Afghan parole denials and any changes in the adjudication process. DHS has requested these TPs by noon, tomorrow.

Due to the time crunch, I'm reaching out directly for the assistance to Joanna and am copying the DO clearance team.

Joanna, can your team lead in the drafting of the TPs, and circulate to this group? I believe we already have some congressional letters that have recently gone out that speak to this, but getting succinct TPs ready will not only help S1 for the hearings, but D1 as well while she's on the road this week. If these TPs track w what has previously been cleared, we can likely skip OCC and OPS review.

It would be ideal if we could get these up to me no later than 9am tomorrow.

Thanks again, and apologies anew for reaching out on the weekend.

Thanks,

Emilie

Emilie Hyams

Deputy Chief of Staff

US Citizenship and Immigration Services

US Department of Homeland Security

From: Escobar Carrillo, Felicia **PLAINTIFF PII REDACTION**

Sent: Sunday, April 24, 2022 8:22:49 AM

To: **PLAINTIFF PII REDACTION**

Cc: **PLAINTIFF PII REDACTION**

Hyams, Emilie R **PLAINTIFF PII REDACTION**

Subject: RE: s1 hearing prep - denial rates for Afghans

Hi Abby –

Looping Emilie, our newish DCOS, you may know her from her prior work at USCIS and on the Hill. We have been meeting with Ur and others to chart out changes in this area. We do have some changes in the works. The question is how much we can/should say. We'll think through this some more and get back to you soon.

What time is the S1 prep? Do you want some draft TPs for that prep session?

Felicia

From: **PLAINTIFF PII REDACTION**

Sent: Saturday, April 23, 2022 6:22 PM

To: Escobar Carrillo, Felicia **PLAINTIFF PII REDACTION**

Cc: PLAINTIFF PII REDACTION

Subject: s1 hearing prep - denial rates for Afghans

Hi Felicia and PLAINTIFF PII REDACT,

Happy weekend, and apologies for the Saturday email.

Just flagging that we anticipate that S1 will be asked during his upcoming hearings about the high denial rate for Afghans seeking parole. I know in responses provided to the Hill, we've stated that the evidentiary standards have not changed, but members' response has that has been to encourage the administration to modify the standards to ensure we are not leaving Afghans in danger behind.

We're likely to bring this up in S1's prep on Monday. Can you all be thinking through a suggested response for this?

Thank you!

PLAINTIFF PII

From: Ruppel, Joanna **PLAINTIFF PII REDACTION**
Sent: Tuesday, October 26, 2021 2:10 PM
To: **PLAINTIFF PII REDACTION**

Johnson, Bobbie L

PLAINTIFF PII REDACTION

Cc: Stone, Mary M **PLAINTIFF PII REDACTION**
Subject: Afghan parole cases - decisions

All,

Had a good meeting with D1. Here is the upshot and next steps:

1. We can move forward to begin to deny cases for those who are ineligible, including the protection cases that do not meet our parole requirements who should seek protection through existing third country protection and refugee processing channels. We should be sure to include very specific language in our denial letters and about the possibility of contacting the UNHCR and contact info (if we have it for the country where the beneficiary is) or website link.
2. We should prioritize processing of beneficiaries outside of Afghanistan, but still process some inside Afghanistan. For example, we could assign 2/3 of the officers adjudicating Afghan cases to those outside of Afghanistan and 1/3 to those in Afghanistan, to the degree we know this information.
3. We should move forward with the formal clearance process for the analytic framework and guidance in the SOP and ensure we also are transparent with that on the website (e.g., the proposed language we have for the website). **PLAINTIFF PII RED.** - **could you please work with RAIO-IRAD Clearance to clean up the latest version of SOP and updated web content and get in clearance for expedited review? We would need all comments by noon Thursday, I think. I recommend you send Chelsea Clough at DHS a bootleg so she can start reviewing.**

I asked for front office support in clearing our draft SOP and web content by Friday. After front office review, this likely will need to go to the Department. So it may not be final/final by the beginning of training.

Joanna

Joanna Ruppel

Chief, International and Refugee Affairs Division

USCIS Refugee, Asylum and International Operations Directorate

PLAINTIFF PII REDACTION

[REDACTED]

From: Ruppel, Joanna PLAINTIFF PII REDACTION
PLAINTIFF PII REDACTION

Sent: Friday, October 15, 2021 12:28 PM

To: 'Jaddou, Ur M' PLAINTIFF PII REDACTION Renaud, Tracy L
PLAINTIFF PII REDACTION Escobar Carrillo, Felicia
PLAINTIFF PII REDACTION Baran, Amanda
PLAINTIFF PII REDACTION PLAINTIFF PII REDACTION

Cc: Anderson, Kathryn E PLAINTIFF PII REDACTION Kim, Ted H
PLAINTIFF PII REDACTION Stone, Mary M PLAINTIFF PII REDACTION
Tabaddor, Ashley
Lafferty, John L PLAINTIFF PII REDACTION

Subject: RE: Afghan parole updates

Sadly, the analysis of the volunteer data just in is different than the initial pass. We continue to analyze and will provide an update once complete, but there were about 319 total volunteers (adjudicators, supervisors, and support) and, of those 285 from RAIO. Given asylum and refugee processing demands, that may be problematic. Correction below.

Joanna

Joanna Ruppel

Chief, International and Refugee Affairs Division

USCIS Refugee, Asylum and International Operations Directorate

PLAINTIFF PII REDACTION

From: Ruppel, Joanna

Sent: Friday, October 15, 2021 11:01 AM

To: Jaddou, Ur M PLAINTIFF PII REDACTION Renaud, Tracy L PLAINTIFF PII REDACTION Escobar Carrillo, Felicia PLAINTIFF PII REDACTION ; Baran, Amanda PLAINTIFF PII REDACTION

Tabaddor, Ashley

PLAINTIFF PII REDACTION Lafferty, John L PLAINTIFF PII REDACTION

Cc: Anderson, Kathryn E PLAINTIFF PII REDACTION Kim, Ted H PLAINTIFF PII REDACTION
Stone, Mary M PLAINTIFF PII REDACTION

Subject: Afghan parole updates

Good morning. This is just to provide you an update on IRAD's efforts to address the influx of requests for parole for Afghan nationals and see if there are any concerns about current approach.

1. Workload:

- a. Volume continues to be extremely high, with about 1,700 accepted on a single day - 10/12/21 – which is similar to the amount IRAD has received in an entire year. Based on analysis of a subset of cases we have been able to put into our case management system, CAMINO, the vast majority of beneficiaries are in Afghanistan.
- b. Other than government request paroles and urgent requests for those outside of Afghanistan, IRAD has not been completing adjudication on Afghan parole requests pending completion of guidance for adjudicators.
- c. The majority of parole applications are not yet in any case management system. We received too many to manually input them into CAMINO and of the over 16,000 applications received fewer than 800 are in CAMINO. IRAD is working with OIT to expeditiously develop ELIS to be able to ingest all the pending parole applications, eliminating the need for manual data entry, and we will be working them in ELIS. Thank you OIT!!!
- d. We have received an outpouring of interest from the detail solicitation, but the vast majority from within RAIIO. Of about 319 volunteers, 285 were from RAIIO. At the current rate of receipts, we would need over 500 *adjudication officers* to keep up – more to address the pending workload of over 16,000. However, we intend to begin with 50-60 adjudication officer detailees, along with 15-20 supervisors, and 20-30 support staff. We will monitor and determine whether we need to do a second wave of detailees.

2. Guidance:

- a. IRAD has drafted an SOP for adjudicators that provides how to apply our parole analytic framework in the context of the Afghan situation. We will be circulating it with OP&S and OCC at the working level, then will run by the front office so USCIS leadership can weigh in on the approach. **We need the guidance no later than October 22, as training is scheduled to begin October 26.**
- b. **Resettlement Support and Sponsorship:** IRAD is in discussions with DOS/PRM on how USCIS approved parolees will be able to access resettlement benefits. We intend to continue to require sponsors for USCIS approved parolees, to help beneficiaries once in the U.S. and connect them with Resettlement Agencies, but we will take into account availability of resettlement benefits in assessing financial support. Basically, we will just need for them to commit to support the beneficiaries until they can get resettlement assistance.
- c. **Vaccination and Medical Screening:** IRAD met with CCD. Given the anticipated circumstances of most Afghan nationals eligible for USCIS parole who will not have ready access to vaccines and may be in too vulnerable situations to get the vaccines and medical screenings, Deliberative Process privilege

Deliberative Process privilege

- d. **Vetting:** IRAD continues to use same vetting partners for parole beneficiaries as used for OAW. It is manual process that is not great for high volume. We are pushing to have the USCIS parole requests incorporated into the process being established for NVC vetting being done for OAW evacuees who are re-enrolled at the bases. We understand that should be turned on soon and will be asking interagency support to incorporate the USCIS parole cases into that process.

3. Outreach:

- a. IRAD and EXA are coordinating on a stakeholder engagement the first week of November.
- b. IRAD has participated in two Hill briefings to address parole issues, as well as two stakeholder meetings for NGOs and representatives supporting Afghans to explain the parole process and considerations.
- c. IRAD will work with EXA to update web content with much more specific guidance on the process and processing time to manage expectations.

4. Afghan parole program:
 - a. As we continue to get questions and recommendations to establish an Afghan parole program,

Deliberative Process privilege

Please let me know if you have any questions/concerns.

Joanna

Joanna Ruppel

Chief, International and Refugee Affairs Division

USCIS Refugee, Asylum and International Operations Directorate

PLAINTIFF PII REDACTION

From: Jaddou, Ur M **PLAINTIFF PII REDACTION**
Sent: Monday, August 30, 2021 4:36 PM
To: Ruppel, Joanna **PLAINTIFF PII REDACTION** Lafferty, John L
PLAINTIFF PII REDACTION
PLAINTIFF PII REDACTION
Cc: Escobar Carrillo, Felicia **PLAINTIFF PII REDACTION**
Stone, Mary M
PLAINTIFF PII REDACTION
Subject: RE: Afghans at Risk in need of Expedited Humanitarian Parole

Should this become a topic for discussion at the 6 pm meeting led by Kelli Ann? Should we raise it with **PLAINTIFF PII REDACTION**? Clearly this will need an inter-agency discussion and decision. The decision about charter flights which is the subject of the current IPC paper touches the issue because it involves what to do about people not known to the government, but doesn't directly address it by asking the question about what USCIS should do when we get parole requests. Needs to be addressed by IPC.

From: Ruppel, Joanna **PLAINTIFF PII REDACTION**
Sent: Monday, August 30, 2021 4:32 PM
To: Lafferty, John L **PLAINTIFF PII REDACTION**
PLAINTIFF PII REDACTION
Jaddou, Ur M **PLAINTIFF PII REDACTION**
Cc: Escobar Carrillo, Felicia **PLAINTIFF PII REDACTION**
; Stone, Mary M **PLAINTIFF PII REDACTION**
Subject: RE: Afghans at Risk in need of Expedited Humanitarian Parole

Thanks. I plan on raising this at our regular 5:30 with some additional information on the number of cases received just in the past 4 days or so (based on what I learned from the Lockbox staff today). Will be good to chat about.

Joanna

Joanna Ruppel

Chief, International and Refugee Affairs Division

USCIS Refugee, Asylum and International Operations Directorate

PLAINTIFF PII REDACTION

From: Lafferty, John L PLAINTEIFF PII REDACTION
Sent: Monday, August 30, 2021 4:30 PM
To: Ruppel, Joanna PLAINTEIFF PII REDACTION

Jaddou, Ur M PLAINTEIFF PII REDACTION
Cc: Escobar Carrillo, Felicia PLAINTEIFF PII REDACTION
Stone, Mary M PLAINTEIFF PII REDACTION
Subject: RE: Afghans at Risk in need of Expedited Humanitarian Parole

Adding the Director, since she just raised some concerns about news of these 700 parole applications after hearing about it in another meeting.

From: Ruppel, Joanna PLAINTEIFF PII REDACTION
Sent: Monday, August 30, 2021 9:16 AM
To: PLAINTEIFF PII REDACTION

Cc: Lafferty, John L PLAINTEIFF PII REDACTION Escobar Carrillo, Felicia
PLAINTEIFF PII REDACTION Stone,
Mary M PLAINTEIFF PII REDACTION
Subject: RE: Afghans at Risk in need of Expedited Humanitarian Parole

This is concerning that they are getting ready to process requests for 700 individuals and highlights the need for DHS messaging on parole. I believe the fact that we published a factsheet on the USCIS website is being read as a signal that HP is the pathway for people in third countries and we likely need to coordinate our messaging with State and the WH. For now, I think all we can say is that DHS and the interagency are exploring appropriation options for vulnerable Afghans in third countries and will be providing more information in the near future. But even that answer probably needs to be cleared.

Joanna

Joanna Ruppel

Chief, International and Refugee Affairs Division

USCIS Refugee, Asylum and International Operations Directorate

PLAINTEIFF PII REDACTION

PLAINTIFF PII REDACTION

From: PLAINTIFF PII REDACTION
Sent: Monday, August 30, 2021 9:05 AM
To: PLAINTIFF PII REDACTION

Cc: Lafferty, John L PLAINTIFF PII REDACTION Ruppel, Joanna PLAINTIFF PII REDACTION
Escobar Carrillo, Felicia PLAINTIFF PII REDACTION
Subject: RE: Afghans at Risk in need of Expedited Humanitarian Parole

Gary—Not sure who is best to field Laura's question, but adding John, Joanna, and Felicia. I know the question of folks in third countries is being looked at in the interagency now.

From: PLAINTIFF PII REDACTION
Sent: Monday, August 30, 2021 8:40 AM
To: PLAINTIFF PII REDACTION

Subject: Fwd: Afghans at Risk in need of Expedited Humanitarian Parole

Good morning. Is there someone I can refer Laura to?

Thanks.

PLAINTIFF PII REDACTION

Office of Strategy, Policy, and Plans
U.S. Department of Homeland Security

From: REIFFL@GTLAW.com <REIFFL@GTLAW.com>
Sent: Sunday, August 29, 2021 3:56:23 PM
To: PLAINTIFF PII REDACTION
Subject: FW: Afghans at Risk in need of Expedited Humanitarian Parole

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the sender. Contact your component SOC with questions or concerns.

Hi PLAINTIFF PII

Looking to see if you all are considering doing something to streamline this process. Happy to discuss what is needed.

I can check in with Ester or Tyler or David, Ur, whomever you suggest.

Thanks for the help.

L

Laura Reiff
Managing Shareholder & Co-Chair, Global Immigration

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From: Reiff, Laura (Shld-NVA-Imm) <REIFFL@GTLAW.com>
Sent: Sunday, August 29, 2021 3:37 PM
To: Betsy.Lawrence@mail.house.gov; Rodarte, Sam (Schumer) <Sam_Rodarte@schumer.senate.gov>
Cc: Reiff, Laura (Shld-NVA-Imm) <REIFFL@GTLAW.com>
Subject: Afghans at Risk in need of Expedited Humanitarian Parole

Hi Betsy and Sam:

I know you all are up to your eyeballs in all things immigration but wanted to bring this to your attention if you aren't already aware. Many of the Afghans at Risk will need expedited HP documents. We are working on a pro bono basis with a large group that will be processing some 700 plus HP cases. These folks will be coming through Pakistan to a safe country like

South Africa or Brazil. We are hoping to have DHS/USCIS help streamline the process since HP is under the authority of DHS and NOT DOS. Can we look at pushing DHS to remove the DOS components like biometrics and the DS-160. I believe this is completely within their authority. The ASCs in the US can do biometrics when folks arrive.

Thanks for your time. I'm going to send this note to our friends at the DPC, and USCIS as well as others on the Hill.

Thanks for your input and thoughts,

Laura

Laura Reiff

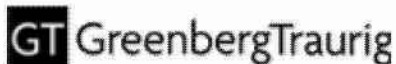
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From: Bird, John W (Wally)
To: PLAINTIFF PII REDACTION
Subject: RE: URGENT AFGHAN PAROLE CASES
Date: Saturday, August 14, 2021 8:54:00 AM

UPDATE: Conditions on the ground are moving very fast, so regular parole processing may not be available. Joanna Ruppel and I spoke a few minutes ago and here is our current assignment:

Hank, LaRocha and Rose are working today with me, and I would like to have a spreadsheet ready for Monday that includes the SPBP cases from State on top, followed by the rest of the open Afghan cases, We have a list of data points that need to be on the spreadsheet and LaRocha and Hank are working that now.

Ill update you soonest-

Wally

From: Bird, John W (Wally)
Sent: Saturday, August 14, 2021 8:16 AM
To: Bird, John W (Wally) PLAINTIFF PII REDACTION

Subject: URGENT AFGHAN PAROLE CASES

Good morning everyone,

Late Friday afternoon we were instructed to drop everything, and focus on completing all Afghan parole cases. As you know from the news, the situation

is deteriorating and the embassy might evacuate at any minute. It is a crucial life and death situation for the parole beneficiaries in Afghanistan, and we need to complete these cases as soon as possible. Please stop work on everything except the Afghan cases. Our current priorities:

1. Create case files/CAMINO records for the 7 remaining State SPBP cases that came in on Friday we will assign these cases using the materials State sent to get them moving while the CAMINO records and files are being created;
2. Assign all non-assigned Afghan parole cases to Sammy, Nate, Richard, Leslie and Rachel.
3. Supervisors please coordinate with the new on boarding officers to note this priority and to hold other actions as necessary to complete the Afghan cases.
4. Track all Afghan cases- to include whether NCTC is clear, whether A files are needed (as soon as possible) and whether hits need resolution.
5. We will work under the assumption that if there are pending immigration benefits for beneficiaries, that parole would not circumvent embassy processing, given that the embassy may not be open.
6. Serve decisions and notices as soon as possible when sent to the HumanitarianParole box for service.
7. Adjudicators, please consider working overtime this week in order to complete the cases for review-

More later- And thank you

Wally