

# What Is Immigration Parole?

Learn about the different types of parole and how to apply

## What Is Immigration Parole?

Immigration parole is granted to certain non-citizens, allowing them to temporarily live and, in some cases, work in the United States without fear of deportation. Under the [Immigration and Nationality Act \(https://www.govinfo.gov/content/pkg/STATUTE-66/pdf/STATUTE-66-Pg163.pdf\)](https://www.govinfo.gov/content/pkg/STATUTE-66/pdf/STATUTE-66-Pg163.pdf) (INA), the Secretary of the Department of Homeland Security (DHS) is able to grant parole status (<https://www.uscis.gov/policy-manual/volume-3-part-f-chapter-1#footnotelink-1>) for urgent humanitarian reasons or reasons pertaining to public interest.

The law does not strictly define these terms, leaving it up to the Department of Homeland Security (DHS) – and its three sub-agencies – to determine their meaning. It's important to note that, similar to [the Deferred Action for Childhood Arrivals \(https://www.boundless.com/immigration-resources/what-is-daca/\)](https://www.boundless.com/immigration-resources/what-is-daca/) (DACA) program, immigration parole is *not an immigration status nor does it mean that a person has been officially admitted into the United States*.

The following guide will provide an overview of immigration parole:

1. [Types of Parole](#)
2. [The Parole Process](#)
3. [Implications of the BBB Act](#)

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## Types of Parole

In this section, we will address three of the main types of immigration parole.

### Advance Parole

In certain situations, non-citizens who want to leave the United States temporarily can apply for advance parole ([using Form I-131 \(https://www.boundless.com/immigration-resources/the-advance-parole-travel-document-explained/\)](https://www.boundless.com/immigration-resources/the-advance-parole-travel-document-explained/)). Unfortunately, in some cases, those granted advance parole may not be permitted to re-enter upon their return. U.S. Customs and Border Protection (CBP) retains the authority to override parole status at the border if they see fit.

For instance, DACA recipients might be rejected at the border due to their history of unlawful presence. Green card applicants who are still waiting to hear back from U.S. Citizenship and Immigration Services (USCIS) might be rejected if their petition was denied during their trip abroad.

Non-citizens might apply for advance parole if:

- Their green card application is still pending
- They're still waiting to hear back about their petition for asylum and they want to travel to Canada to apply for a U.S. immigrant visa
- They have Temporary Protected Status (TPS) or are a recipient of DACA and wish to travel abroad
- They have valid personal reasons (such as a death in the family)

### Significant Public Benefit Parole

This type of parole is generally implemented when a non-citizen, who is otherwise unable to enter the United States, is needed as a witness in court proceedings — usually involving international drug trafficking or issues pertaining to national security.

In rare cases, public benefit parole might be extended (<https://www.uscis.gov/humanitarian/humanitarian-or-significant-public-benefit-parole-for-individuals-outside-the-united-states>) to a non-citizen seeking experimental medical treatment. In this case, it might be argued that the public would benefit from the knowledge gained during the administration of treatment.

### Urgent Humanitarian Parole

As mentioned above, DHS has broad discretionary power to interpret the law — specifically, the meaning of the terms “urgent” and “humanitarian.” Nonetheless, USCIS has indicated three important factors that it includes in its deliberations:

- The level of suffering experienced if parole is not granted
- The time pressure
- The effect a rejection might have on the applicant's well being

A petitioner's situation may be deemed urgent if it involves a strict timeline — for instance, if the petitioner is in dire need of medical treatment or if they have a family member who is nearing the end of their life. To be clear, USCIS officers may take other factors under consideration when determining the outcome of a parole request (more on this later).

These are just three types of parole. Others include Military Parole-in-Place and country-specific programs like the Cuban Family Reunification Program. For more information on the various types of parole requests, you can visit the USCIS website (<https://www.uscis.gov/humanitarian/humanitarian-parole/guidance-on-evidence-for-certain-types-of-humanitarian-or-significant-public-benefit-parole-requests>).

### The Parole Process

The process for obtaining parole status is not straightforward. Each of the three sub-agencies — USCIS, CBP, and Immigration and Customs Enforcement (ICE) — has broad authority in determining whether a person is eligible to receive parole.

Each agency deals with its own subset of requests. ICE, for its part, deals primarily with requests pertaining to national security and crime-related issues. CBP, on the other hand, makes decisions regarding parole at the port-of-entry. For our purposes, we will focus on parole for people living outside the United States, as implemented by USCIS. In this section, we'll cover the following:

- Sponsor Requirements
- Eligibility Criteria
- Filing Process

#### Sponsor Requirements

USCIS will want to know whether the parolee will have financial support during their stay in the United States. To that end, the applicant must have a financial sponsor who can provide evidence of sufficient financial resources. Note: *the sponsor may be the same person as the petitioner.*

The sponsor will need to submit [Form I-134](https://www.boundless.com/immigration-resources/form-i-134-explained/) (<https://www.boundless.com/immigration-resources/form-i-134-explained/>), otherwise known as an Affidavit of Support – not to be confused with [Form I-864](https://www.boundless.com/immigration-resources/what-is-an-affidavit-of-support/) (<https://www.boundless.com/immigration-resources/what-is-an-affidavit-of-support/>), which is often used in conjunction with family-based green card applications. Form I-134 is usually required in non-immigrant contexts, such as with parole. [To successfully file this form](https://www.uscis.gov/sites/default/files/document/forms/i-134instr.pdf) (<https://www.uscis.gov/sites/default/files/document/forms/i-134instr.pdf>), the sponsor will need to supply evidence that they have the financial means to support the applicant. Evidence may include the following:

- A written statement from a bank official indicating the date the account was opened, the current balance, and the total deposit amount for the previous year
- A written statement (on official stationery) provided by an employer indicating whether the job is temporary or permanent, the sponsor's salary, a description of the position, and the date of employment
- A list of bonds owned by the sponsor
- A copy of their most recent tax return, if the sponsor is self employed

Lastly, the sponsor is not technically required to be a citizen or permanent resident. That being said, USCIS looks favorably on applications with sponsors who have some form of permanent residency.

### Eligibility Criteria

USCIS makes its judgements on a case-by-case basis. Positive factors are weighed against any negative factors when deciding whether to grant parole.

USCIS [offers a non-exhaustive list](https://www.uscis.gov/humanitarian/humanitarian-or-significant-public-benefit-parole-for-individuals-outside-the-united-states) (<https://www.uscis.gov/humanitarian/humanitarian-or-significant-public-benefit-parole-for-individuals-outside-the-united-states>) of factors to be considered. They include the following:

- Any issues pertaining to national security
- Evidence of the petitioner's character
- The potential impact an applicant might have on the community once they arrive in the United States
- Any evidence pertaining to a history of fraud or criminal behavior
- Documentary proof that the beneficiary will be financially supported
- Whether the applicant could fulfill the purpose of their parole by other means
- The future circumstances of the applicant – that is, whether they'll leave the United States or pursue permanent status once the duration of parole has lapsed

These are just a few examples of factors considered by USCIS officers as they deliberate parole requests. Note: USCIS reserves the right to end a person's parole at any time, if they find that parole ceases to serve its intended purpose.

### Filing Process

#### 1. SUBMIT NECESSARY FORMS

There are two forms that all parole applications must include. They are:

- Form I-131, otherwise known as Application for Travel Document
- Form I-134, or Affidavit of Support

We've already covered the main concerns associated with I-134 in the section titled "Sponsor Requirements." For Form I-131, the applicant will need to include evidence that is relevant to their case. If for instance they are applying for parole to get medical treatment in the United States, they can submit evidence from the following list:

- Proof that the applicant's condition is severe
- Written statement from a U.S. doctor indicating the cost of the treatment, the timeline of the treatment process, and their consent to administer the treatment
- Written statement from a doctor in the applicant's home country, indicating the diagnosis of the condition, the necessary medical treatment, and the reasons for referring the patient to a U.S. doctor
- Any documents pertaining to the cost of the treatment
- Documentation showing how the parolee will pay for their treatment

In addition to providing evidence, the applicant will also need to include [2 passport-style photos](https://www.boundless.com/blog/green-card-photo-requirements/) (<https://www.boundless.com/blog/green-card-photo-requirements/>), and a copy of their official ID, containing their name, date of birth, and photo. They will also need to attend a biometrics appointment. For more information, you can read the USCIS [instructions](https://www.uscis.gov/sites/default/files/document/forms/i-131instr.pdf) (<https://www.uscis.gov/sites/default/files/document/forms/i-131instr.pdf>) for filling out Form I-134.

## 2. USCIS PERFORMS INITIAL REVIEW

The Humanitarian Affairs Branch (HAB) will first determine whether HAB indeed has jurisdiction over the case and whether the application is time-sensitive, in which case it would be expedited. If HAB finds that it does not have jurisdiction then the case would be sent to ICE for further review.

## 3. USCIS DELIBERATES AND ISSUES DECISION

After it is determined that HAB has jurisdiction, a USCIS officer will inspect the application, making sure that all the requested documents are included. The officer will also perform a background check and request further evidence if needed. They may also send out a Notice of Intent to Deny. Once a USCIS officer has made their decision, they will send the case file to their supervisor for review.

## 4. USCIS COMMUNICATES DECISION TO APPLICANT

Once a decision is finalized, the petitioner will be notified as to whether their application was approved. If approved, they will receive a letter telling them how to get their travel documents. The consulate or embassy nearest the applicant will also be notified. If denied, the petitioner will receive a letter informing them that their application has been rejected.

## 5. PAROLEE OBTAINS TRAVEL DOCUMENTS

If the petitioner has been approved, they will need to submit Form DS-160 (<https://www.boundless.com/immigration-resources/form-ds-160-explained/>), otherwise known as Application for a Nonimmigrant Visa. They will also need to attend an appointment for further security checks, biometrics, and identity verification. If all goes well during the appointment, the petitioner will receive a document known as a boarding foil. This will allow them to travel to the United States, but they must do so within 30 days of receiving the document.

## 6. APPLICANT IS PAROLED INTO THE UNITED STATES

Finally, once the applicant arrives in the U.S., CBP will review their documents and determine whether parole should be granted. If parole is granted, the new arrival will receive Form I-94 (<https://www.boundless.com/immigration-resources/form-i-94-travel-record-card-online/>), otherwise known as an Arrival/Departure Record, which will show the duration of their parole and date of entry. Once in the country, the parolee can submit Form I-765 (a work permit) if they intend to find employment.

Note: This process can change depending on the applicant's circumstances. For instance, filing Form I-134 will have different requirements if the petitioner is already in the United States.

### Implications of the BBB Act

The scope of immigration parole could change in the coming weeks, as Congress deliberates over the Build Back Better Act (<https://time.com/6111649/reconciliation-bill-immigration/>). Under BBB, the parole system would expand to include over 7 million (out of the total 10.5 million (<https://www.pewresearch.org/fact-tank/2021/04/13/key-facts-about-the-changing-u-s-unauthorized-immigrant-population/>)) undocumented immigrants — specifically, those who have been living in the United States since January 1st, 2011 or before. Parole would protect beneficiaries from the threat of deportation (for the duration of their parole) while also providing them the ability to work legally in the U.S. And through a process known as visa recapture (<https://www.cato.org/blog/different-green-card-recapture-proposals-offer-wildly-divergent-outcomes>) — whereby formerly unused visa numbers are redistributed — 2 million people could benefit from an expedited green card process.

Moving forward, BBB backers will continue to face the challenge of the “merely incidental” test (<https://indivisible.org/resource/legislative-process-101-senates-byrd-rule>). Previous attempts to include immigration issues in a reconciliation bill have crashed against the cliffs of Elizabeth McDonough's parliamentary opinion (<https://www.pbs.org/newshour/politics/read-the-senate-rules-decision-that-blocks-democrats-from-putting-immigration-reform-in-budget>). But some are hopeful that the inclusion of immigration parole will help sidestep some of the issues raised in her previous rulings.

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