



## Parole for Formerly Separated Families<sup>1</sup>

October 2023

### **Do families separated at the border under the Trump administration’s “zero tolerance policy” have any parole options to reunite within the United States?**

Under the Trump administration’s “zero tolerance” policy, announced in April 2018, adults crossing the U.S.-Mexico border without inspection were separated from their children so that they could be detained in federal facilities and prosecuted for illegal entry. This policy resulted in thousands of children being removed from their parents’ care and placed in Office of Refugee Resettlement facilities. The adults were often deported to their countries of origin after conclusion of the criminal proceedings.<sup>2</sup>

On Jan. 26, 2021, the Biden administration formally rescinded the “zero tolerance” policy.<sup>3</sup> As a further response to an ongoing federal lawsuit first brought in 2018 by the American Civil Liberties Union (ACLU) against, among other parties, Immigration and Customs Enforcement,, the Biden administration issued an executive order forming the Interagency Task Force on the Reunification of Families (Task Force).<sup>4</sup> Among its various functions per the executive order, the Task Force provides recommendations concerning its member agencies’ authorities to reunite families, including “the possible exercise of parole under section 212(d)(5)(A).”<sup>5</sup> According to a progress report issued by the Task Force on June 2, 2021 (“2021 Progress Report”), “[t]he Task Force is relying on the Secretary of Homeland Security’s parole authority to permit separated families the option to return to the United States to reunify with their children and receive behavioral health services. . . . Families will receive parole for 36 months, which can be renewed.”<sup>6</sup> The Task Force has been working closely with the ACLU and numerous other organizations to identify families and process humanitarian parole requests pursuant to the executive order.

The Task Force established an online portal at [Together.gov](https://www.together.gov) (or [Juntos.gov](https://www.juntos.gov) in Spanish) for separated families or their representatives to register their case and need for reunification. There are also audio guides in M’am, Kí’che, Q’eqchi’, Q’anjob’al, and Portuguese on how to register. Once a family does so, the Task Force determines whether the family qualifies to file a parole application with free assistance

---

<sup>1</sup> CLINIC thanks class counsel for the *Ms. L v. ICE* for reviewing and editing this resource.

<sup>2</sup> William A. Kandel, Cong. Rsch. Serv., R45266, *The Trump Administration’s “Zero Tolerance” Immigration Enforcement Policy* (Feb. 2, 2021).

<sup>3</sup> Memo. from Acting Att. Gen., *Rescinding the Zero-Tolerance Policy for Offenses Under 8 U.S.C. § 1325(a)* (Jan. 26, 2021), [justice.gov/ag/page/file/1360706/download](https://www.justice.gov/ag/page/file/1360706/download).

<sup>4</sup> Executive Order 14011, “Establishment of Interagency Task Force on the Reunification of Families,” Feb. 2, 2021.

<sup>5</sup> *Id.*

<sup>6</sup> “Initial Progress Report,” Interagency Task Force on the Reunification of Families, Dept. of Homeland Security, ii, June 2, 2021, [dhs.gov/sites/default/files/publications/21\\_0602\\_s1\\_family-reunification-task-force-120-day-progress-report.pdf](https://dhs.gov/sites/default/files/publications/21_0602_s1_family-reunification-task-force-120-day-progress-report.pdf).

from the International Organization for Migration (IOM). IOM then contacts the family to help start the application process for humanitarian parole. During this process, IOM representatives will also determine whether additional family members are eligible for parole. According to the [Together.gov](https://together.dhs.gov) website, the government aims to adjudicate the humanitarian parole request within 60 days. Parole is granted for three years upon date of grant and can be either used as an entry mechanism for those family members outside of the United States, or a parole in place program for those currently in the United States.

In addition to three years of parole in the United States and employment authorization, families who register with [Together.gov](https://together.dhs.gov) receive a number of other benefits: their applications (including for the Employment Authorization Document (EAD)) are expedited and not subject to fees, they may be eligible for assistance with the application from IOM, and they are eligible for certain government-funded support services during their parole period in the United States.

The Department of Homeland Security (DHS) has created an additional resource page, "[Family Reunification Task Force – Filing Guides and Cover Letters](#)" which contains resources in various languages for those seeking parole under this program.

Practitioners with clients who could benefit from the parole in place program for formerly separated families may reach out to class counsel for the *Ms. L v. ICE* class action lawsuit (Stephen Kang - [skang@aclu.org](mailto:skang@aclu.org), Anand Balakrishnan – [abalakrishnan@aclu.org](mailto:abalakrishnan@aclu.org), Daniel Galindo, [dgalindo@aclu.org](mailto:dgalindo@aclu.org)). In addition, practitioners can reach out to KIND at [HP@SUPPORTKIND.ORG](mailto:HP@SUPPORTKIND.ORG).

### **What success has the Separated Families Parole Program been seeing?**

Every 60 days, the Task Force publishes an Interim Progress Report highlighting updates on its work and on the parole program. As of Sept. 15, 2023, approximately 5,336 individuals filed parole requests with U.S. Citizenship and Immigration Services (USCIS) through the Task Force process.<sup>7</sup> The Task Force confirmed that, at that time, the average processing time from registration to travel to the United States was 174 days.

### **Additional Resources**

DHS Family Reunification Task Force Page, [dhs.gov/family-reunification-task-force](https://dhs.gov/family-reunification-task-force).

[Together.gov](https://together.dhs.gov) or [Juntos.gov](https://juntos.gov)

KIND Family Separation Response, [supportkind.org/what-we-do/family-separation-response/](https://supportkind.org/what-we-do/family-separation-response/).

---

<sup>7</sup> "Interim Progress Report," Interagency Task Force on the Reunification of Families, Dept. of Homeland Security, Sept. 30, 2023, [dhs.gov/sites/default/files/2023-09/23\\_0930\\_sec\\_frtf-draft-interim-progress-report-september-2023-final-draft-508.pdf](https://dhs.gov/sites/default/files/2023-09/23_0930_sec_frtf-draft-interim-progress-report-september-2023-final-draft-508.pdf).