

**Parole Program for  
Cubans, Haitians,  
Nicaraguans, and  
Venezuelans**

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**Presenters**

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**Upcoming CLINIC Webinars**

- Options for Cubans: From Parole to Adjustment, March 13, 2 – 3:30 ET
- Advocate for Asylum Seekers, March 14, 2 – 3:30 ET (Free)
- <https://www.cliniclegal.org/training/calendar>

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**Agenda**

- Overview of the country-specific parole programs
- Completing the I-134A
- Completing the beneficiary's online process
- Travel to the U.S.
- Benefits
- Permanent status?
- Practice tips

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**What is Parole?**

- DHS may exercise discretionary authority to allow noncitizens without a visa to enter or remain in the United States temporarily for "humanitarian reasons" or "significant public benefit."
  - INA 212(d)(5)
- Many different types of parole
- Special parole programs have historically been created to benefit people in specific situations:
  - Refugee-related parole programs; family reunification programs

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**Background on Parole for CHNV**

- New programs created in response to record arrivals at southern border
  - April 2022 - DHS creates Uniting for Ukraine
  - Oct. 2022 - Parole process announced for Venezuelans
  - Jan. 2023 - Parole process expanded to include Cubans, Haitians and Nicaraguans
- Online application process requires U.S.-based supporter to file an application for qualifying individual who is outside the U.S.
- Announced in conjunction with expansion of Title 42
- <https://www.uscis.gov/CHNV>

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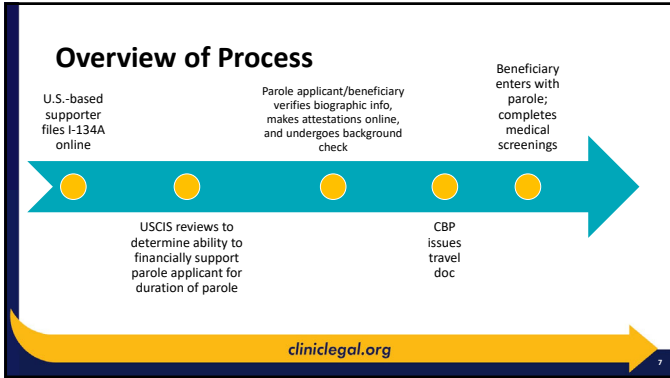
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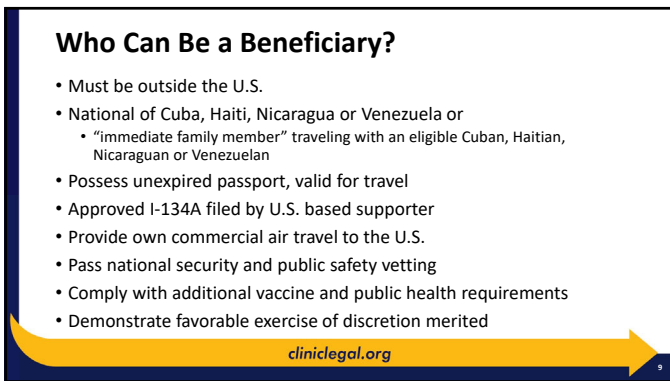
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**Bars to Eligibility**

- Permanent resident; dual national; or refugee status in any other country (except for “immediate family members”)
- Removal order within the past 5 years or is subject to inadmissibility bar based on prior removal order
- Has crossed into U.S. between ports of entry
  - After Jan. 9, 2023 for Cubans, Haitians and Nicaraguans, or
  - After Oct. 19, 2022 for Venezuelans
- Unlawfully crossed Mexican or Panamanian borders after Jan 9, 2023 (for Cubans, Haitians, Nicaraguans) or after Oct. 19, 2022 (for Venezuelans)
- Under 18 and not traveling through this process accompanied by a parent or legal guardian, and thus is unaccompanied minor

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**Immediate Family Members**

- Different from “immediate relative” in family-based context. Includes:
  - Spouse
  - Common law partner
  - Unmarried children under 21
- Immediate family member does not need to be a national of one of the parole countries
  - Dependent spouse or child may qualify even if they are a dual national of a designated country and another country

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**Hypo**

- Marianne is a Haitian national who is eligible for the new parole process. Her seven-year-old son William was born in Chile and is a dual national of Haiti and Chile. Is he eligible for the parole process?
- Alejandro is a citizen of Colombia. His spouse is a Venezuelan who is eligible for the new parole process. Can Alejandro qualify for the Venezuelan parole process?

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**More about Supporters**

- Supporter can:
  - File independently or with others
  - File on behalf of organizations, businesses, or other entity
  - Submit a second I-134A for same beneficiary
  - Alternative supporter can file I-134A for beneficiary included in non-confirmed I-134A

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**Basics of I-134A Process**

- Representative can't file I-134A with online representative account
- Beneficiary can't file I-134A on his/her own behalf
- Supporter files one I-134A for each beneficiary, even children
- Supporter must be willing and able to receive, maintain, and support beneficiary
- Supporter must show sufficient income or financial resources
- File with USCIS through online myUSCIS web portal
- No fee
- USCIS may send RFE or require biometrics

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**Completing the I-134A**

- Provide full legal name and aliases
- Name of organization providing support
- Contact info
- DOB, POB, gender
- Citizenship, immigration status
- Relationship to beneficiary (if any)
- Employment status
- Household size and income

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**Completing the I-134A**

- Describe resources plan to use
- Identify assets convertible to cash
- How meet housing needs?
- How help beneficiary secure benefits, job, school, etc.?
- Submitted I-134A for another beneficiary?
- Name of beneficiary and contact info
- Beneficiary’s DOB, POB, nationality, gender, marital status
- Beneficiary’s passport info

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**Completing the I-134A**

- Anticipated period of stay
- Beneficiary’s household size and income
- Income of dependents
- Identify beneficiary’s assets
- Edit any errors before submitting
- Make corrections after filing

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**Documentary Proof**

- Statement from bank officer identifying the following:
  - Date account opened
  - Total amount deposited for past year
  - Present balance
- Statement from employer on business stationery showing:
  - Date and nature of employment
  - Salary paid
  - Whether position is temporary or permanent

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**Documentary Proof**

- Copy of last federal income tax return (tax transcript), or
- List containing serial numbers and denominations of bonds and name of record owner(s)
- Proof of U.S. citizenship or immigration status
- Supporter and beneficiary's assets

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**Next Steps for Beneficiary**

- USCIS emails beneficiary instructions for creating a myUSCIS account
- Beneficiary must review biographic info and make any necessary edits
- Must attest to:
  - Not being a permanent resident or dual national of any other country; does not hold refugee status in another country; or
  - Affirm that the applicant is the spouse, common-law-partner, or child traveling with an eligible beneficiary
  - Understanding requirement that children under age 18 must travel with parent or legal guardian
  - Having either completed or satisfied an exception to the vaccine requirements for measles, polio, and the first dose of an FDA approved or authorized COVID-19 vaccine or a WHO-emergency use listed COVID-19 vaccine

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**Traveling to the U.S.**

- Beneficiaries are notified to check myUSCIS for decision
- If approved, travel authorization available in myUSCIS account
- Arrange own air travel to the U.S.
- Travel authorization valid for 90 days
  - Supporter may request one-time extension
- CBP inspection at POE; CBP determines whether to parole

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**Employment Authorization**

- Parolees are eligible for employment authorization pursuant to category (c)(11) under the regulations
- Must file an application upon arrival; will not be sent the EAD automatically
- Can file online or through the mail
- Can file a request for fee waiver if eligible
- EAD granted for validity of period of parole

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**What Benefits Can Parolees Access?**

**Cubans and Haitians:**

- Supplemental Security Income (SSI)
- Supplemental Nutrition Assistance Program (SNAP)
- Temporary Assistance to Needy Families (TANF)
- Medicaid
- Refugee Medical Assistance and Refugee Cash Assistance
- Refugee Resettlement Services
- Child Health Insurance Program (CHIP)
- Low Income Home Energy Assistance Program (LIHEAP)
- FEMA rental assistance

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**What Benefits Can Parolees Access?**

**Venezuelans and Nicaraguans:**

- SSI, Medicaid, SNAP, CHIP and TANF subject to 5-year ban
- LIHEAP
- FEMA
- HUD housing programs
- If child, many states provide access to SNAP, Medicaid, CHIP
- If adult, subject to five-year ban on SNAP, Medicaid, TANF
- Permanent bar to SSI

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### Options for Permanent Status

- Parole is not a permanent status. Clients should not rely on possibility that a re-parole will be possible.
- If representing clients only in parole process, make sure to send closing letter with clear instructions that client is responsible for next steps



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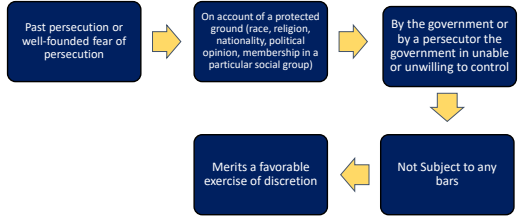
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### Asylum Requirements



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### One-Year Filing Deadline

- Application for asylum must be filed within one year after arrival in the United States, INA § 208(a)(2)(B) and 8 CFR § 208.4
- 2 exceptions – 8 CFR §§ 208.4(a)(4), (5)
  - Changed circumstances that **materially affect eligibility** for asylum
  - Extraordinary circumstances **relating to delay** in filing application
    - Applicant maintained Temporary Protected Status, lawful immigrant or nonimmigrant status, **or was given parole**, until a **reasonable period** before the filing of the asylum application
- “Reasonable period” – generally less than six months
  - Matter of T-M-H- & S-W-C-*, 25 I&N Dec. 193 (BIA 2010)

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### I-589 Filing Process

- Instructions are on USCIS website, <https://www.uscis.gov/i-589>
- File with Service Center or ONLINE!
- Service Center will issue receipt and biometrics notice and will transfer to local asylum office for interview
- Asylum office may approve, deny (if maintaining valid parole status), or refer to court (if no longer in valid parole status)
- No expedited or streamlined processing for these countries, so delays are likely

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### Filing the I-730

- File for spouse or child within two years of asylee/refugee grant
- No filing fee
- Where to file [www.uscis.gov/i-730](http://www.uscis.gov/i-730)
- Adjudicated initially at
  - Nebraska Service Center, or
  - Texas Service Center
- Transferred to field office within the United States for interview

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### Cuban Adjustment Act

To qualify for Cuban adjustment as principal applicant one must:

- 1) be a **native** or **citizen** of Cuba;
- 2) have been **inspected and admitted or paroled** into the United States;
- 3) be **physically present** in the United States for at least **one year**; and
- 4) be **admissible** to the United States

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**Family-Based Immigration**

- USCs can file [I-130 relative petition](#) for:
  - Spouse
  - Parents (if U.S. citizen is 21 or older)
  - Children and sons and daughters (married and unmarried)
  - Siblings (if U.S. citizen is 21 or older)
- LPRs can petition for:
  - Spouse
  - Children and unmarried sons and daughters

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