

Explainer: Humanitarian Parole

Parole is an available tool under the Immigration and Nationality Act (INA) that allows certain individuals to enter the U.S. and temporarily stay without an immigrant or non-immigrant visa. Parole is discretionary and assessed by USCIS on a case-by-case basis. Under the [INA](#), “the Secretary of Homeland Security can use their discretion to parole any noncitizen applying for admission into the U.S. temporarily for urgent humanitarian reasons or significant public benefit.”

I. Background

Parole enables a person to lawfully enter the U.S., provides temporary lawful presence in the U.S., and protects that person from deportation while in the allotted parole timeframe. In some circumstances, parolees are even permitted to apply for a work permit.

Parole is temporary. It does not confer permanent status (such as lawful permanent residency) and does not confer a pathway to citizenship. There are no derivative family benefits allowed under parole, meaning a parolee cannot apply for their immediate family members such as a spouse or child to come into the U.S. Although parole is generally used in emergency contexts, requiring expeditious adjudications, all parolees undergo various vetting and background check requirements.

Parole is not intended to be used as a way to circumvent other immigration pathways, like the [refugee resettlement](#) process or the [family preference](#) category process. On USCIS’s “Humanitarian Parole” explainer webpage, the agency specifically [states](#), “You cannot use parole to avoid normal visa-issuing procedures or to bypass immigration procedures.” However, in some circumstances, Congress has permitted beneficiaries of larger-scale parole programs to obtain a pathway to citizenship via the [passage of adjustment legislation](#) in order to allow parolees to apply for green cards.

A. Use of Humanitarian Parole

Humanitarian parole is most commonly [used](#) to allow individuals to enter the U.S. to seek medical treatment, visit a sick family member, attend the funeral of a deceased family member, or serve as an organ donor for someone in the U.S., amongst other scenarios. Parole for a “[significant public benefit](#)” is most often used to allow a “noncitizen to appear for and participate in a civil or criminal legal proceeding in the U.S.” Even though humanitarian parole potentially may be available in many emergency situations, it is not commonly utilized and can be time-consuming and expensive. In FY2020, USCIS received only [1,500](#) requests for humanitarian or significant public benefit parole.

B. Humanitarian Parole Programs

Various programs to provide humanitarian parole have been created to help specific populations. The [Military Parole in Place Program](#) was [created](#) to preserve family unity and allow military members to focus on their duties and not to worry about their family member’s immigration status. The [Filipino World War II Veterans Parole Program](#) was created to allow Filipino veterans of WWII and their U.S. citizen or lawful permanent resident spouses to apply for parole for certain family members in order to wait in the U.S. for their family-sponsored visa to become available. The [International Entrepreneur Parole Program, which allows DHS to](#)

[parole foreign entrepreneurs into the U.S. to create start-up business ventures](#), was enacted with the goal of creating jobs and bolstering the U.S. economy.

C. Humanitarian Parole and Advance Parole to Facilitate Travel

Humanitarian parole also has been regularly utilized by other groups of identifiable persons to facilitate travel. It has been issued, on an ad hoc basis, to bring together some [families](#) who were [separated](#) under the Zero Tolerance Program, allowing deported parents to re-enter the U.S. to be reunited with their children. Additionally, [advance parole](#) has permitted individuals with [Temporary Protected Status](#) (TPS) and Dreamers with [Deferred Action for Childhood Arrivals](#) (DACA) to apply to travel for urgent humanitarian, educational, or employment purposes and re-enter the U.S., even though TPS and DACA do not otherwise permit those who leave the United States to re-enter.

D. Use of Parole in Humanitarian Crises

Humanitarian parole has also been utilized many times to resettle significant numbers of people into the U.S. following armed conflicts or other crises. [For example](#), humanitarian parole was used during Operation New Life in 1975 in response to the U.S. withdrawal from Vietnam and moved approximately 130,000 parolees. Humanitarian parole was utilized during Operation Pacific Haven in 1996 in response to the U.S. withdrawal from Iraq and moved approximately 6,600 parolees. It was recently used to relocate and resettle [tens of thousands of Afghans](#) following the 2021 U.S. pullout from Afghanistan.

To address [instability El Salvador, Honduras and Guatemala](#) —the “Northern Triangle countries” – the [Central American Minors \(CAM\) Program](#) uses parole as a tool to protect at-risk children. First created in 2014 by the Obama administration and revived in 2021 by the Biden administration, CAM allows parents or certain relatives with legal status in the U.S. to apply for their children in the Northern Triangle. The program is intended to prevent these children from otherwise making the dangerous journey to the U.S. border. Under the program, children are admitted into the U.S. either under humanitarian parole or, if they qualify, as refugees. Since its creation and revival, approximately [1,400](#) parolees have entered the U.S. under CAM.

II. Benefits of Humanitarian Parole Programs

a. Provides Protection from Harm

Humanitarian parole protects migrants from harm, serving as a lifesaving resource for eligible individuals. Humanitarian parole allows those facing danger the ability to lawfully enter the U.S. that otherwise would not exist or would take years to materialize.

For example, Afghans evacuated following the 2021 U.S. withdrawal from Afghanistan through [Operation Allies Welcome](#) were rapidly and effectively moved to safety in the U.S. using humanitarian parole. While many Afghan parolees may have been eligible for refugee resettlement had they fled to another country, this process typically takes several years. Undergoing the regular refugee process would have been challenging for the tens of thousands of Afghans fleeing after the Taliban came to power and would have further strained the refugee resettlement system in the U.S. and abroad. Utilizing parole for those evacuated was a fast and efficient way to protect them from harm.

Similarly, Central American children paroled into the U.S. under CAM is a safe alternative to attempting to cross the U.S./Mexico border without authorization, which is a dangerous and often deadly journey. Aiding refugees and vulnerable populations is a cornerstone of the U.S. immigration system and humanitarian parole furthers this principle by protecting those most at risk.

b. Addresses National Security and Health Concerns

Because parolees are required to be vetted and undergo background checks in order to enter the U.S., humanitarian parole programs enhance national security and public health. Generally, applicants for parole undergo these checks in their home countries, but the Afghan evacuation has highlighted the contemporary ability to do this elsewhere. During the Afghan evacuation, parolees were regularly [vetted and screened](#) in third countries (in so-called lily pad sites) and subsequently received a full [medical](#) screening, including COVID-19 tests and vaccinations for MMR, varicella, polio, COVID-19, and other age-appropriate vaccines, at specific military bases in the U.S.

While humanitarian parole focuses on the individual who has an urgent humanitarian need, these processes ensure public safety, public health, and national security. As opposed to other migrants who may attempt to enter the U.S. without inspection, those entering through the humanitarian parole process receive necessary background screening.

c. Tool of Last Resort

Humanitarian parole is also a valuable “tool of last resort” – when no other immigration option exists for migrants fleeing danger, it may be available. The U.S. immigration system is complex and cumbersome, sometimes requiring years or even decades for visas to be approved. In some instances, there are no viable opportunities for people to obtain relief and limited ways for the system to address urgent situations that require imminent action.

For individuals who fall into the humanitarian or public interest categories, humanitarian parole can be a needed and essential lifeline. An illustrative example is that humanitarian parole has permitted deported U.S. veterans to enter the U.S. to obtain [medical treatment](#) from the Veterans Administration or attend the funeral of a family member.

III. Shortcomings of Humanitarian Parole Programs

a. Permanent Status Is Not Available

While parole provides a lawful way to enter the U.S. and is extremely useful in certain scenarios, it is temporary. It has real shortcomings for those admitted as parolees and who face barriers to returning to their countries of origin. Parole has never been intended to be a long-term solution to humanitarian crises. While some parole categories may be able to apply for re-parole once their initial designation of parole expires – extending their lawful stay in the U.S. – USCIS has the discretion to deny these applications. When re-parole is not an option – either because someone is unable to reapply or receives a denial– parolees are left without immigration status and may be subject to the initiation of removal proceedings. In many ways, parolees who are unable to return to their home countries are in legal limbo, as they can temporarily remain in the U.S., but have virtually no way to obtain lawful permanent status.

Historically, large-scale usages of humanitarian parole have been followed with the passage of a corresponding [adjustment act, legislation providing parolees with a pathway to permanent immigration status](#). For example, the [Indochinese Parole Adjustment Act and other enactments](#) followed the end of the Vietnam War and the [Cuban Adjustment Act](#) followed the Cuban revolution and the rise of Fidel Castro.

Operation Allies Welcome, which was carried out in conjunction with the U.S. evacuation from Afghanistan, placed tens of thousands of Afghans on parole, but without a pathway to permanent status in most circumstances. [Advocates](#) are vocally calling for the passage of an [Afghan Adjustment Act](#) in order to provide permanence and certainty to this deserving population.

While re-parole (and now, [Temporary Protected Status](#)) may be an option for these Afghan parolees, they continue to face uncertainty and have limited options for permanent status. For Afghan parolees, and others who face the reality of mass levels of violence and persecution, an eventual return to their country of origin is simply not an option. Rather, in circumstances where parolees have been removed from extraordinary dangerous situations that show no sign of improving, congressional passage of an adjustment act including a pathway to permanent status is the logical and humane response. Humanitarian parole provides an immediate way to help people fleeing dangerous situations but requires congressional action – an adjustment act – to provide the permanent relief that is often needed.

b. Inability to Access Public/Refugee Benefits

Another shortcoming of humanitarian parole is that those admitted through it are generally ineligible for public benefits. Unlike those admitted to the U.S. as refugees, parolees are ineligible for refugee cash assistance or food stamps and receive limited access to case management assistance to help them adapt to life in the U.S.

A notable [exception](#) to this lack of access to needed benefits are Afghan parolees admitted under Operation Allies Welcome. Due to an act of Congress, these paroles [have been made eligible](#) for traditional refugee resettlement services, including cash assistance, job placement, English language learning opportunities, and case management services.

c. Potential Burdens on USCIS and the Immigration Courts

As noted above, the temporary and discretionary nature of humanitarian parole leaves parolees without permanent status. In the absence of an adjustment act, parolees seeking permanent status are left to seek other forms of relief such as asylum through the immigration court system or filing a petition with USCIS, often facing long odds and at high cost.

The asylum system is extremely backlogged, with USCIS, immigration courts, advocates and attorneys all struggling to keep pace with an overburdened system. The affirmative asylum system current has over [400,000](#) pending cases. Additionally, the immigration court system has over [1.6 million cases](#) pending. Adding large numbers of humanitarian parolees to these backlogs will have significant impacts, taxing the system further. Doing so would undoubtedly create further processing delays for all immigrants applying for affirmative asylum and those in removal proceedings. Congressional action to provide alternative permanent options – like an adjustment act – avoids worsening these backlogs.

d. Strains on Family Unity

[Family unity and reunification](#) is one of the core principles of the U.S. immigration system. Many forms of immigration benefits foster family unity through family petitions or derivative petitions. For example, an admitted refugee can apply for certain family members through a [Refugee Relative Petition](#). Yet, unlike other forms of immigration relief, humanitarian parole does not confer any family or derivative benefits. Humanitarian parole, without a subsequent adjustment process, does not supply avenues for beneficiaries to bring their families with them.

e. Inconsistent Outcomes and Lengthy Wait Times

Humanitarian parole is granted inconsistently and can force applicants to wait lengthy times in dangerous conditions. While the U.S. evacuated tens of thousands of Afghans before U.S. withdrawal from the country at the end of August 2021 through Operation Allies Welcome, tens of thousands of Afghans who did not get evacuated remain and are unable to get humanitarian parole through that channel. These Afghans fear the Taliban, and many applied for humanitarian parole on an individual basis, as they were not provided parole like those evacuated last year. Unfortunately, despite help from friends, families, co-workers, and immigration advocates who submitted applications on their behalf, but they have been met with little success.

The New York Times [reported](#) that over 43,000 applications for humanitarian parole have been submitted to USCIS since July 2021 on behalf of individual vulnerable Afghans in Afghanistan and other countries. Yet, only a fraction of these applications have been processed, let alone approved: “[USCIS] has processed fewer than 2,000. About 1,500 had been denied and 170 approved as of Feb. 11.” Vulnerable Afghans, many with family or work ties to the U.S., remain in danger while waiting for their applications to be processed. Many, if not most, will receive [denials](#), given the high evidentiary standard imposed under the process.

Outside of the Afghan evacuation and requests for humanitarian parole for those still abroad, the humanitarian parole process yields inconsistent outcomes and lengthy wait times. For example, during the first eligibility period of the [CAM](#) program, some eligible parents had to wait over a year to get an appointment with a refugee resettlement agency to file their application, meaning their vulnerable children waited in Central America during this period.

Outcomes vary for humanitarian parole adjudications, with even U.S. military veterans with strong humanitarian parole cases sometimes facing challenges. For example, a deported veteran applied for humanitarian parole and [was admitted](#) to enter the U.S. to seek medical treatment only after his legal team intervened following an initial denial.

Delayed adjudications and inconsistent outcomes harm the purpose of humanitarian parole as applicants and their legal representatives cannot predict how long they will have to wait to escape danger or seek critical medical care.

IV. Conclusion

With numerous groups of people, including Afghans, permitted to enter the U.S. via humanitarian parole, federal authorities clearly recognize the usefulness of the humanitarian parole program for those needing protection in the U.S. Accordingly, requests for humanitarian parole, including the approximately 40,000 pending requests for Afghans in Afghanistan and third countries, should be processed expeditiously in a timeframe that reflects the urgency of the

situation. Parolees who can't return to their home countries need permanent protections, consistent with principles of U.S. immigration and refugee laws. Therefore, humanitarian parole programs that arise out of humanitarian crises should be accompanied with adjustment acts.

The U.S. has a [long history](#) of using parole in emergency situations and then providing for permanent relief through congressional passage of a subsequent adjustment act for parolees. In the Afghan situation, the U.S should be proactive in continuing to provide humanitarian parole on an individualized basis where appropriation and pass an adjustment act to provide a permanent solution to those who need it.