



**U.S. Customs and
Border Protection**

JUN 08 2015

MEMORANDUM FOR: All Port Directors
Tucson Field Office

FROM: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Director, Field Operations
Tucson Field Office

SUBJECT: Discretionary Authority when Issuing Paroles

The attached muster and reference material provides information to CBP supervisors/managers on discretionary authority regarding issuing port paroles. This muster is designed to remind CBP supervisors/managers of their responsibilities when exercising discretionary authority in approving / denying paroles.

If there are any questions, please contact Program Manager (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

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Date: June 2015

Topic: Port of Entry Paroles - Discretionary Authority

Reference: CBP Directive No. 3340-043 § 8.2, “The Exercise of Discretionary Authority” dated September 3, 2008 (Review Date: September 2011)
INA § 212(d)(5)(A)
8 CFR § 212.5;
8 CFR § 212.1(g)
8 CFR 103.7(b)(1)(i)(EEE)(3)(L)
8 CFR § 103.7(c)

This muster is intended to remind all CBP Supervisor/Managers that each request for a port parole is granted at the discretion of port management. Any approval determination should only be made on a case-by-case basis after reviewing all available facts.

- A parole is an exercise of discretionary authority delegated to port management to permit an inadmissible alien to come into the U.S. This should be on a case-by-case basis, for urgent humanitarian reasons, and for significant public benefit (reasons deemed strictly in the public interest), provided the alien(s) is neither a security risk nor a risk of absconding (adding to the illegal population).
- A parole should never be granted to an alien solely for the purpose of circumventing the visa process.
- A parole does not constitute a formal admission into the U.S. and confers only temporary permission to be present in the U.S. without having been admitted.
- Approval authority for a parole is at the discretion of the Port Director, Assistant Port Director, and delegated no lower than the GS-1895-13 Second-line Supervisor, unless the parole reason fits within the criteria outlined in the HQ OFO/APP Memorandum dated May 12, 2015, *Parole of Inadmissible Nonimmigrant Aliens*
- The duration of parole should only be until the date required to complete the purpose. It shall not to exceed one year from the date the parole was granted at the port of entry.
- A parole terminates upon the following: completion of the purpose for the parole, upon expiration, termination or revocation, and upon departure from the U.S.
- All parole requests initiated at the port, should be referred in (b) (7)(E) and documented in (b) (7)(E) on Form I-160 “Notice of Refusal of Admission/Parole into the United States”.

- Parole actions should be documented on Form I-94, Arrival/Departure Record, endorsed with the “parole” stamp and with the appropriate code and basis for parole such as CPL-Significant Public Benefit Parole (Authorized by HQ/ICE/LEPU), DT-Port of Entry Parole, DE-Deferred Inspection.
- For a parole request, the reason for the emergent circumstances, including all queries conducted, any findings, etc., *must* be completely documented in (b) (7)(E) on the I-160, and on the Discretion Authority Checklist to support the decision for either approval or denial. All information provided by the alien to support their requests, all information obtained and/or discovered by port processing must be reviewed by the approving Manager/Supervisor prior to the alien being released.
- When a form of discretion under consideration requires the payment of an associated fee, i.e.; certain paroles, ports should determine if the action taken is solely for the benefit of the alien before waiving the fee.
- In accordance with 8 CFR § 103.7(c) - Waiver of Fees, filing fees may be waived, if the alien can establish inability to pay the fee.

Attachments:

CBP Directive 3340-043
HQ OFO/APP Memorandum