

## Muster

**Date:** Week of October 29, 2018

**Topic:** Classifying Travelers Granted Paroles at Ports of Entry

**Headquarters POCs:** Enforcement Programs Division (EPD),  
(b) (7)(E)

**Office:** Admissibility and Passenger Programs (APP)

### General Guidelines:

- CBP has been directed to parole individuals in accordance with statutory and regulatory language and, as a result, there are no programmatic or systematic paroles authorized; only case-by-case basis. An audit of parole usage indicates that CBP officers are routinely incorrectly coding paroles during secondary processing. To ensure accurate processing at ports of entry (POE), the OFO is issuing guidance to the field regarding parole classifications.
- §212(d)(5) INA is the statutory parole authority where parole of the alien will serve a legitimate law enforcement purpose, medical emergency, or other urgent humanitarian need. Parole does not convey any immigration benefits to the beneficiary nor does it convey any lawful status.

### CBP Parole at POEs:

- §212(d)(5) parole includes applicants detained as inadmissible aliens placed in removal proceedings or order removed<sup>1</sup> and who presents neither a security risk nor a risk of absconding; or alien crewman<sup>2</sup> who is found on arrival to be afflicted<sup>3</sup>, disabled, shipwrecked or castaway, medical treatment or observation, stowaway, temporary inadmissibility<sup>4</sup>, or emergent reasons/strictly in the public interest.
- The proper classification for an alien who an emergent need exists, i.e., a legitimate law enforcement purpose or a medical emergency is:
  - **“DT” Port of Entry Parole**
- §212(d)(5) Parole for a Deferral of Inspection (8 Code of Federal Regulations (CFR) §235.2) should not be considered for an inadmissible alien unless that alien may be able to prove themselves admissible by evidence not immediately available at the time of the application. The proper classification for parole for a Deferral of Inspection is:
  - **“DE” Deferred Inspection Parole**

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<sup>1</sup> 8 CFR §235.3(b)(iii) expedited removal, 8 CFR §235.3(c) proceedings under section §240 and 8 CFR §217.4(c) VWP applicants

<sup>2</sup> §253 INA and 8 CFR §253.1(b) through (g) describes the circumstances for parole of alien crewman at the expense of the agent/transportation line who is found on arrival to be one of the categories described.

<sup>3</sup> See §255 INA - only after certification by United States Public Health Service.

<sup>4</sup> §235(c) INA

**Other Inadmissible/Removable Aliens Encountered at POEs:**

- §212(d)(5) INA also provides parole authority to other Agencies (e.g., USCIS, ICE) within DHS and OFO uses its parole authority to consider these inadmissible travelers. A common example is the USCIS Employment Authorization Document (Form I-766) with the Advance Parole Endorsement which during its validity serves in the same manner as a Form I-512 by endorsement. This “Combo Card”’s proper classification is:
  - **“DA” Advance Parole**
- All of the following classifications have specific guidance and/or memos/musters that outline their proper application. This memo/muster does not supercede the most current guidance on the use of these classifications. The following classifications for other DHS Agencies are available in (b) (7)(E) and (b) (7)(E) for CBP officer use:
  - **“CH” Advance Humanitarian Parole**
  - **“FP” Filipino World War II Parole**
  - **“CP” Public Interest Parole**
  - **“HF” Haitian Family Reunification Parole**
  - **“DA” Advance Parole**

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