

## **Muster**

**Date:** January 5, 2023

**Topic:** Processing of Nicaraguan Nationals Arriving to the United States with Advance Travel Authorization

**HQ POC/Office:** Admissibility and Passenger Programs

This muster outlines the considerations for processing noncitizens arriving in the United States who have obtained advance authorization to travel to the United States to seek parole under the Department of Homeland Security (DHS) established Nicaragua parole process.

- This process implements the use of the DHS Secretary's authority to consider the parole of certain Nicaraguan nationals and their qualifying immediate family members<sup>1</sup> into the United States, based on significant public benefit and urgent humanitarian reasons.
- Parole may only be considered on a case-by-case basis, for urgent humanitarian reasons or significant public benefit, and only after appropriate vetting.
- Parole under this process will utilize the "NHP – *Nicaraguan Humanitarian Parole*" disposition in Unified Secondary (USEC).
- Noncitizens encountered without travel documents sufficient for entry who have not received advance authorization to travel under this process will be processed as appropriate, consistent with established policy and procedure, and may not be considered for parole under this process.
  - NHP may not be used for any noncitizen without an approved corresponding travel authorization under this process as verified in CBP systems and a valid, unexpired passport.
  - NHP may not be used for noncitizens arriving at any location other than an air port of entry (POE).
- Noncitizens may not have their inspection deferred in order to allow them to obtain advance travel authorization under this process post-arrival in the United States.
- Consistent with current policy, CBP officers (CBPOs) will refer undocumented noncitizens who appear to be inadmissible to the United States for secondary admissibility inspection. Generally, noncitizens arriving under this process are expected

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<sup>1</sup> Immediate family members are limited to spouse or common-law partner and unmarried children under the age of 21. Family members must travel with the principal noncitizen to be considered for parole under this process upon arrival in the United States.

to be lacking documents sufficient for admission and therefore must be referred for secondary admissibility inspection.

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| (b)(7)(E)   |
| (b)(7)(E) However, USEC will display an approved travel authorization (b)(7)(E) |
| (b)(7)(E)   |
- Noncitizens determined to be unaccompanied noncitizen children (UC), consistent with 6 U.S.C. § 279(g)(2), are not eligible for parole under this process.
  - UC may be processed for other available processing dispositions, including but not limited to issuance of a Notice to Appear (NTA).
  - Under no circumstance is a UC to be released from CBP custody to a non-parent or non-legal guardian.
  - Consistent with the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), UC must be turned over to the custody of the U.S. Department of Health and Human Services (HHS).
- Moreover, for all noncitizens arriving as part of a family unit, CBPOs are reminded that the guidance implementing *Ms. L*, including “Interim Guidance on Preliminary Injunction in *Ms. L v. ICE*” issued on June 27, 2018, as well as the June 1, 2021, memorandum “Clarifying Guidance on Separation of Family Units Due to 8 U.S.C § 1326 Prosecutions or Related Criminal History” remain in effect.
- Consistent with current practice, POEs should coordinate (b)(7)(E) (b)(7)(E) where noncitizens arriving under this process are determined to be possible matches to national security records or who present a public safety risk upon arrival in the United States.
  - Those with a final negative vetting from (b)(7)(E) may be paroled, consistent with this guidance, if appropriate.
  - Those with positive vetting results: (b)(7)(E) (b)(7)(E) must be processed consistent with established policy and procedure.
- CBPOs will determine the appropriate processing disposition for each noncitizen on a case-by-case-basis at the time the noncitizen presents themselves at the POE.
- Where parole for this population is appropriate, CBPOs will initiate a USEC event with the appropriate program specific disposition and complete all necessary case processing, to include recordation of the A-number in the event and the issuance of an electronic I-94.
  - CBPOs should utilize the (b)(7)(E) to validate if an A-number was previously issued by United States Citizenship and Immigration Services (USCIS). *Note: All individuals arriving under this process are expected to have an existing A-number.*

- If no A-number was issued, CBPOs must issue an A-number following current processing procedures prior to completion of processing for parole under this process.
- Parole under this process must include biometric capture (search & enroll) and review of results for all noncitizens age 14-79 considered in scope for biometric collection or for whom collection is otherwise warranted.
- To be considered for parole under this process, each individual must have their own travel authorization approval.
- Individuals not independently eligible under this process must be traveling with their principal family member to be considered for parole under this process as a dependent.
- Noncitizens for whom parole is appropriate under this guidance should generally be paroled for a period of two years.
- CBPOs are reminded to ensure both the A-number and the passport number are correct prior to issuance of an electronic I-94.
- CBP will provide a *Parole Information For Certain Nationals of: Cuba, Haiti, Nicaragua, Ukraine, Venezuela* tear sheet to all noncitizens paroled under this process.

Nothing in this guidance supersedes the local exercise of discretionary authority and the ability of the port to make determinations regarding appropriate processing, on a case-by-case basis considering the totality of the circumstances.



U.S. Customs and  
Border Protection

January 5, 2023

MEMORANDUM FOR: Directors, Field Operations  
Office of Field Operations

FROM: Executive Director (b)(6), (b)(7)(C)  
Admissibility and Passenger Programs  
Office of Field Operations

SUBJECT: Updated Processing of Venezuelan Nationals Arriving to the United  
States with Advance Travel Authorization

In an effort to alleviate the continued strain experienced by U.S. Customs and Border Protection (CBP) along the southwest border (SWB) as the result of a sustained influx of noncitizens without appropriate documents for admission, the Department of Homeland Security (DHS) established a process that provides certain nationals of Venezuela, and their qualifying immediate family members<sup>1</sup>, the opportunity to request advance authorization to travel to the United States to seek a discretionary grant of parole under Section 212(d)(5) of the Immigration and Nationality Act (INA). This process implements the use of the Secretary of Homeland Security's authority to consider the parole of certain Venezuelan nationals and their qualifying immediate family members into the United States, for significant public benefit or urgent humanitarian reasons. Previously, DHS had set a numerical cap on the number of noncitizens able to travel to the United States under this process; however, that cap now has been removed in favor of a monthly limit applicable across multiple parole processes.

This process provides a streamlined way for Venezuelan nationals to submit certain personal information to U.S. Citizenship and Immigration Services (USCIS) and CBP to facilitate the issuance of an advance authorization to travel to the United States to seek parole. Venezuelan nationals arriving to the United States under this process may be considered, on a case-by-case basis, for a temporary period of parole for up to two years, provided that they: have a USCIS approved supporter in the United States; possess a valid passport for international travel; clear robust security vetting; provide for their own commercial travel to an interior air port of entry (POE); meet other specified criteria, including vaccination requirements and other public health guidelines; and warrant a favorable exercise of discretion. These criteria will also apply to the immediate family members of noncitizens not independently eligible under this process.

Under this process, U.S. based persons or entities may submit to USCIS an I-134, *Declaration of Financial Support*, or, beginning January 6, 2023, an I-134A, *Online Request to be a Supporter and Declaration of Financial Support*, on behalf of individuals for whom advance authorization

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<sup>1</sup> Immediate family members are limited to spouse or common-law partner and unmarried children under the age of 21. Family members must travel with the principal noncitizen to be considered for parole under this process upon arrival in the United States.

to travel under this process may be appropriate. Following USCIS vetting of the supporter, confirmation of the beneficiary's biographic information, and the beneficiary's attestation of vaccination against measles, polio, and COVID-19, the beneficiary will submit biometric information, specifically a facial photograph, to CBP using the CBP One™ mobile application. Available biographic and biometric information will be vetted by CBP (b)(7)(E) (b)(7)(E) for national security, border security, public health, and safety. Following completion of vetting of the potential beneficiary, CBP will issue an approval or denial of advance authorization to travel to the United States to seek parole.

To relieve pressure at the SWB POEs currently experiencing an influx of undocumented noncitizens, beneficiaries with approved advance authorization to travel to the United States to seek parole will be required to travel to the United States on commercial flights. Noncitizens traveling under this process by air must adhere to all applicable Centers for Disease Control and Prevention (CDC) COVID-19 guidance.

This memorandum outlines how OFO may consider exercising discretionary authority under Section 212(d)(5) of the INA to consider parole for certain noncitizens into the United States under this process pursuant to an October 12, 2022 memorandum approved by the Secretary of Homeland Security, entitled *Parole Process for Certain Venezuelan Nationals* and a December 22, 2022 memorandum, approved by the Secretary of Homeland Security, entitled *Updates to the Parole Process for Certain Venezuelan Nationals*. This guidance outlines the considerations for processing noncitizens arriving in the United States at an air POE without appropriate documents sufficient for entry, but who have obtained advance authorization to travel to the United States to seek parole under this process.

Noncitizens determined to be unaccompanied noncitizen children (UC), as described in 6 U.S.C. § 279(g)(2), are not eligible for parole under this process. UC may be processed for other available processing dispositions and must be turned over to the custody of the U.S. Department of Health and Human Services (HHS) under established policy and procedure and consistent with the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). Moreover, for all noncitizens arriving as part of a family unit, CBP officers are reminded that the guidance implementing *Ms. L.*, including "Interim Guidance on Preliminary Injunction in *Ms. L. v. ICE*" issued on June 27, 2018, as well as the June 1, 2021, memorandum "Clarifying Guidance on Separation of Family Units Due to 8 U.S.C. § 1326 Prosecutions or Related Criminal History" remain in effect.

Consistent with current practice, POEs should coordinate (b)(7)(E) (b)(7)(E) where noncitizens arriving under this process are determined to be possible matches to national security records or who present a public safety risk upon arrival in the United States. Those with a final negative vetting from (b)(7)(E) may be paroled, consistent with this guidance, if appropriate. Those with positive vetting results (b)(7)(E) (b)(7)(E) must be processed consistent with established policy and procedure. Venezuelan nationals encountered at a land border POE without travel documents sufficient for entry will be processed as appropriate, consistent with established policy and procedure, and may

not be considered for parole under this DHS-designated process. Noncitizens arriving at land POEs may be required to demonstrate proof of vaccination against COVID-19.

While the CDC's *Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists* ("CDC Order") remains in effect, Venezuelan nationals may be prevented entry at the international boundary or be expelled from the United States pursuant to the CDC Order. POEs may continue to except noncitizens, regardless of citizenship, from the CDC Order on a case-by-case basis and process them in accordance with all applicable law and policy. Following the cessation of the enforcement of the CDC Order, OFO will inspect and process all noncitizens pursuant to Title 8 authorities.

Venezuelan nationals encountered by CBP at the SWB and processed under Title 8 may, in the exercise of discretion, be permitted to voluntarily withdraw their application for admission and return to Mexico and still be eligible for the parole process, provided that such withdrawal would be their first with CBP, whether U.S. Border Patrol (USBP) or the Office of Field Operations (OFO), after December 20, 2022. When processing Venezuelan nationals who are determined to be amenable to withdrawal, officers must read the subject the advisal outlined in the *Withdrawal Statement for Noncitizen Potentially Eligibly for Advance Travel Authorization*, which informs the individual that the decision to withdraw is voluntary. Officers are reminded that, when processing a Venezuelan national for a withdrawal of their application for admission, the provisions of CBP Directive No. 3340-043 *The Exercise of Discretionary Authority* remain in effect.

The attached muster contains specific processing guidance. This guidance supersedes the October 17, 2022 Admissibility and Passenger Programs issued *Processing of Venezuelan Nationals Arriving to the United States with Advance Travel Authorization* memorandum and muster. Nothing in this guidance supersedes the local exercise of discretionary authority and the ability of the port to make determinations regarding appropriate processing, on a case-by-case basis considering the totality of the circumstances.

Please ensure that this memorandum and muster are disseminated to all POEs within your field office. Should you have any questions or require additional information, please contact (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C), (A) Director, Enforcement Programs Division at (b)(6), (b)(7)(C)

Attachments: Muster, *Updated Processing of Venezuelan Nationals Arriving to the United States with Advance Travel Authorization*, Admissibility and Passenger Programs, January 5, 2023

## Muster

**Date:** September 21, 2021

**Topic:** Unaccompanied Children (UC) Processing in support of Operation Allies Welcome (OAW)

**HQ POC/Office:** Systems Enforcement Analysis and Review (SEAR),  
[REDACTED] (b)(7)(E); Admissibility and Passenger Programs (APP)

### **Background:**

A UC is defined as a noncitizen child under the age of 18, without lawful immigration status, and for whom no parent or legal guardian is present in the United States, or for whom a parent or legal guardian is unavailable to provide care and physical custody. See 6 U.S.C. § 279(g)(2).

This muster outlines the considerations for processing NUC, including for parole, arriving in the United States pursuant to Operation Allies Welcome without appropriate documents sufficient for entry and the appropriate utilization of the “OAR – Operation Allies Refuge.” When operationally feasible, the Office of Refugee Resettlement/Health and Human Services (ORR/HHS) is releasing UCs to the custody of the close family.

### **Primary Processing:**

- CBPO will follow established procedures to process inadmissible UC including systems checks, interview, fingerprinting for 14 years and older, and establishing relationships with co-travelers.
- CBPO will follow the Trafficking Victims Protection Reauthorization Act (TVPRA) and Flores Settlement Agreement (FSA), to combat human trafficking of UC.
- If the primary CBPO determines the child/ren are inadmissible and are not traveling with a parent or court appointed guardian, UC will be referred to admissibility secondary.
- Spousal relationships where one or both spouses are under the age of 18 also does not qualify in accordance with TVPRA to make the spouse(s) an accompanied child/ren.
  - In this circumstance, the CBPO should refer the child to ORR/HHS, after completing case processing as appropriate, and once they assume custody, ORR/HHS decide on reunification of the spouses.
- CBPO will not parole UC with the parole codes “OAR” or “DT” and release directly from primary inspection. UC will be processed ahead of other travelers during primary and secondary inspection.

### **Secondary Processing:**

- Supervisory CBPO will be notified upon referral of a UC to secondary and the secondary CBPO will create a secondary event in Unified Secondary (USEC), issue an A-file Number to the UC, and record all appropriate biographical information.
  - If the UC arrives with an A-file number already issued then the number will be recorded within the secondary event and the port of entry does not need to re-issue a new number.

- If the UC arrives with genetic family members, such as siblings, (b)(7)(E)

**(b)(7)(E)**

- UC should be processed as “PAROLED-(OAR)-OPERATION ALLIES REFUGE” for a period of two years:

**(b)(7)(E)**

- UC may only be paroled from secondary with referral to onsite ORR/HHS personnel to assist with placement/assistance.

**(b)(7)(E)**

**(b)(7)(E)**

- Secondary CBPOs will transfer custody, complete I-216, I-94 (appropriately annotated “OAR” and A-Number), and ensure chain-of-command notifications are made until ORR/HHS assumes custody for placement. Upon the completion of the transfer of custody, the USEC event custody transfer will be completed and closed.



## Muster

**Date:** March 24, 2023  
**Topic:** Advance Travel Authorization (ATA) Reminders  
**Headquarters POCs:** Enforcement Programs Division (EPD) and  
Systems Enforcement Analysis and Review (SEAR).  
(b)(7)(E)  
**Office:** Admissibility and Passenger Programs (APP)

The Office of Field Operations (OFO) is providing a reminder on the requirements surrounding Advanced Travel Authorization (ATA) and Uniting for Ukraine (U4U) processing for eligible nationals of Cuba, Haiti, Nicaragua, and Venezuela (CHNV) and eligible nationals of Ukraine.

Under ATA (CHNV), an individual is ineligible to be considered for parole if that person is a dual national or permanent resident of, or holds refugee status in, another country, unless DHS operates a similar parole process for the country's nationals. For a full list of ineligibilities, please see the memo/musters "Processing of Nicaraguan/Cuban/Haitian/Venezuelan" Nationals Arriving to the United States with Advance Travel Authorization issued January 5, 2023.

Under U4U, an individual is ineligible if that person did not reside in Ukraine immediately before the Russian invasion (through Feb. 11, 2022) and was displaced as a result of the invasion. For a full list of ineligibilities, please see memo/muster titled Updated Processing of Noncitizens Under the Uniting for Ukraine Program issued June 6, 2022.

### Biometrics:

- U.S. Customs and Border Protection (CBP) officers are reminded that a full 10-Print Search and Enroll (b)(7)(E) are required for noncitizens aged 14-79.
- The following populations require a 10-print Search and Enroll:
  - Cuban Humanitarian Parole (CHP)
  - Haitian Humanitarian Parole (HHP)
  - Nicaraguan Humanitarian Parole (NHP)
  - Venezuelan Humanitarian Parole (VHP)
  - Ukrainian Humanitarian Parole (UHP)

(b)(7)(E)

### Legal Guardianship:

- OFO does not recognize *temporary* guardianship or custody arrangements for inadmissible noncitizen children.
- If a noncitizen child, under the age of 18, arrives with an adult who claims to be the child's parent or legal guardian, OFO must verify the validity of the claimed relationship.
- Legal guardianship requires documentation that a competent court or other legal entity has granted the adult full legal and physical custody of the child, and that the adult has the legal authority to make decisions regarding the physical care of the child.
- Documents such as power of attorney, permission slips, and consent to travel are not sufficient documentation from a competent court or legal entity.

- OFO may not release a child to an adult who is not a parent or legal guardian, nor permit a child to continue onward travel in the company of such an adult.

### Unaccompanied Children (UC):

- Based on current parole process guidelines, a child is only eligible for a CHNV or U4U parole if they arrive to the port of entry (POE) traveling with their parent/legal guardian or are met by their parent/legal guardian at the POE *with an active* CHNV or U4U parole.
- The parent/legal guardian's immigration status should not affect the determination as to whether the parent/legal guardian is available to provide care and custody but may impact an immigration processing disposition.
- If the child arrives with a valid, unexpired ATA, and the parent/legal guardian can provide immediate care and custody for the child, then the child should be turned over to the parent/legal guardian, documenting both individuals within USEC using the following actions:

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(b)(7)(E)
2. 

(b)(7)(E)
3. Process both the parent/legal guardian and child, generally ensuring the child's class of admission/parole reflects the parent/legal guardian's class of admission/parole as outlined below.
  - If a parent/legal guardian is present in the United States without status and arrives to the POE to accept custody for the child, 

(b)(7)(E)

(b)(7)(E)
  - If the parent/legal guardian is within another status (Temporary Protected Status, Lawful Permanent Resident (LPR), approved grant of asylum, etc.) 

(b)(7)(E)

(b)(7)(E)
  - If the parent/legal guardian was previously paroled under CHNV or U4U, 

(b)(7)(E)

(b)(7)(E)
  - If the parent/legal guardian is unwilling to come to the POE, the child should be processed as a UC with an NTA and turned over to the U.S. Department of Health and Human Services (HHS).
- For all noncitizens arriving as part of a family unit, CBP officers are reminded that the following guidance implementing *Ms. L* remain in effect:
  - "Interim Guidance on Preliminary Injunction in *Ms. L v. ICE*" issued on June 27, 2018.
  - "Clarifying Guidance on Separation of Family Units Due to 8 U.S.C § 1326 Prosecutions or Related Criminal History" issued on June 1, 2021.

### Referring UC to HHS:

- For POEs using USEC's UC referral service<sup>1</sup>, UC should be referred to HHS through this placement request.
  - Reference USEC's *UAC Request for Placement Training Guide* for step-by-step directions.
- For POEs not using USEC's referral service, POEs should continue to refer UC to HHS following their local placement request procedures with a "Placement Form" to the local U.S. Immigration Customs Enforcement (ICE) Enforcement Removal Operations (ERO) Field Office Juvenile Coordinator (FOJC).

<sup>1</sup> Reference Appendix for list of airports with USEC UC Referral Service enabled.

## Appendix

- The following airports have activated the UC referral service as of March 16, 2023:

**(b)(7)(E)**

- For POEs interested in enabling the USEC UC Referral Service contact

**(b)(7)(E)**

## Muster

**Date:** January 5, 2023

**Topic:** Updated Processing of Venezuelan Nationals Arriving to the United States with Advance Travel Authorization

**HQ POC/Office:** Admissibility and Passenger Programs

This muster outlines the considerations for processing noncitizens arriving in the United States who have obtained advance authorization to travel to the United States to seek parole under the Department of Homeland Security (DHS) established Venezuela parole process.

- This process implements the use of the DHS Secretary's authority to consider the parole of certain Venezuelan nationals and their qualifying immediate family members<sup>1</sup> into the United States, based on significant public benefit and urgent humanitarian reasons.
- Parole may only be considered on a case-by-case basis, for urgent humanitarian reasons or significant public benefit, and only after appropriate vetting.
- Parole under this process will utilize the "VHP – *Venezuelan Humanitarian Parole*" disposition in Unified Secondary (USEC).
- Noncitizens encountered without travel documents sufficient for entry and who have not received advance authorization to travel under this process will be processed as appropriate, consistent with established policy and procedure, and may not be considered for parole under this process.
  - VHP may not be used for any noncitizen without an approved corresponding travel authorization under this process as verified in CBP systems and a valid passport.
  - VHP may not be used for noncitizens arriving at any location other than an air port of entry (POE).
- Consistent with the National Assembly decree of May 21, 2019, certain expired Venezuelan passports remain valid. A Venezuelan passport:
  - Issued before June 7, 2019 (even if expired before this date), without a passport extension ("prorroga"), is considered valid and unexpired for five years beyond the expiration date printed in the passport.

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<sup>1</sup> Immediate family members are limited to spouse or common-law partner and unmarried children under the age of 21. Family members must travel with the principal noncitizen to be considered for parole under this process upon arrival in the United States.

- Issued before June 7, 2019 (even if expired before this date), with a "prorroga" issued before June 7, 2019, is considered valid and unexpired for five years beyond the expiration date of the "prorroga".
  - Issued before June 7, 2019 (even if expired before this date), with a "prorroga" issued on or after June 7, 2019, is considered valid and unexpired through the expiration date of the "prorroga" or for five years beyond the expiration date printed in the passport, whichever is later.
  - Issued on or after June 7, 2019, without a "prorroga" is not considered valid beyond the expiration date printed in the passport.
  - Issued on or after June 7, 2019, with a "prorroga" issued on or after June 7, 2019, is considered valid and unexpired through the expiration date of the "prorroga".
- Noncitizens may not have their inspection deferred in order to allow them to obtain advance travel authorization under this process post-arrival in the United States.
- Consistent with current policy, CBP officers (CBPOs) will refer undocumented noncitizens who appear to be inadmissible to the United States for secondary admissibility inspection. Generally, noncitizens arriving under this process are expected to be lacking documents sufficient for admission and therefore must be referred for secondary admissibility inspection.
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| (b)(7)(E)            |  |
| (b)(7)(E)            | However, USEC will display an approved |
| travel authorization | (b)(7)(E)                              |
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- Noncitizens determined to be unaccompanied noncitizen children (UC), consistent with 6 U.S.C. § 279(g)(2), are not eligible for parole under this process.
  - UC may be processed for other available processing dispositions, including but not limited to issuance of a Notice to Appear (NTA).
  - Under no circumstance is a UC to be released from CBP custody to a non-parent or non-legal guardian.
  - Consistent with the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), UC must be turned over to the custody of the U.S. Department of Health and Human Services (HHS).
- Moreover, for all noncitizens arriving as part of a family unit, CBPOs are reminded that the guidance implementing *Ms. L*, including "Interim Guidance on Preliminary Injunction in *Ms. L v. ICE*" issued on June 27, 2018, as well as the June 1, 2021, memorandum "Clarifying Guidance on Separation of Family Units Due to 8 U.S.C § 1326 Prosecutions or Related Criminal History" remain in effect.
- Consistent with current practice, POEs should coordinate 

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matches to national security records or who present a public safety risk upon arrival in the United States.

- Those with a final negative vetting from (b)(7)(E) may be paroled, consistent with this guidance, if appropriate.
- Those with positive vetting results (b)(7)(E) (b)(7)(E) must be processed consistent with established policy and procedure.
- CBPOs will determine the appropriate processing disposition for each noncitizen on a case-by-case-basis at the time the noncitizen presents themselves at the POE.
- Where parole for this population is appropriate, CBPOs will initiate a USEC event with the appropriate program specific disposition and complete all necessary case processing, to include recordation of the A-number in the event and the issuance of an electronic I-94.
  - CBPOs should utilize the (b)(7)(E) to validate if an A-number was previously issued by United States Citizenship and Immigration Services (USCIS). *Note: All individuals arriving under this process are expected to have an existing A-number.*
    - If no A-number was issued, CBPOs must issue an A-number following current processing procedures prior to completion of processing for parole under this process.
  - Parole under this process must include biometric capture (search & enroll) and review of results for all noncitizens age 14-79 considered in scope for biometric collection or for whom collection is otherwise warranted.
  - To be considered for parole under this process, each individual must have their own travel authorization approval.
  - Individuals not independently eligible under this process must be traveling with their principal family member to be considered for parole under this process as a dependent.
  - Noncitizens for whom parole is appropriate under this guidance should generally be paroled for a period of two years.
  - CBPOs are reminded to ensure both the A-number and the passport number are correct prior to issuance of an electronic I-94.
  - CBP will provide a *Parole Information For Certain Nationals of: Cuba, Haiti, Nicaragua, Ukraine, Venezuela* tear sheet to all noncitizens paroled under this process.

Nothing in this guidance supersedes the local exercise of discretionary authority and the ability of the port to make determinations regarding appropriate processing, on a case-by-case basis considering the totality of the circumstances.



U.S. Customs and  
Border Protection

January 5, 2023

MEMORANDUM FOR: Directors, Field Operations  
Office of Field Operations

FROM: Executive Director (b)(6), (b)(7)(C)  
Admissibility and Passenger Programs  
Office of Field Operations

SUBJECT: Processing of Nicaraguan Nationals Arriving to the United States  
with Advance Travel Authorization

In an effort to alleviate the continued strain experienced by U.S. Customs and Border Protection (CBP) along the southwest border (SWB) as the result of a sustained influx of noncitizens without appropriate documents for admission, and building on the success of other advance travel authorization processes, the Department of Homeland Security (DHS) has established a process that provides certain nationals of Nicaragua, and their qualifying immediate family members<sup>1</sup>, the opportunity to request advance authorization to travel to the United States to seek a discretionary grant of parole. This process implements the use of the Secretary of Homeland Security's authority to consider the parole of certain Nicaraguan nationals and their qualifying immediate family members into the United States, for significant public benefit and urgent humanitarian reasons. The number of advance travel authorizations issued under this process is subject to a monthly limit, which is applicable across multiple parole processes.

This process will provide a streamlined way for Nicaraguan nationals to submit certain personal information to U.S. Citizenship and Immigration Services (USCIS) and CBP to facilitate the issuance of an advance authorization to travel to the United States to seek parole. Nicaraguan nationals arriving to the United States under this process may be considered, on a case-by-case basis, for a temporary period of parole for up to two years, provided that they: have a USCIS approved supporter in the United States; possess a valid passport for international travel; clear robust security vetting; provide for their own commercial travel to an interior air port of entry (POE); meet other specified criteria, including vaccination requirements and other public health guidelines; and warrant a favorable exercise of discretion. These criteria will also apply to the immediate family members of noncitizens not independently eligible under this process.

Under this process, beginning January 6, 2023, U.S. based persons or entities may submit an I-134A, *Online Request to be a Supporter and Declaration of Financial Support*, to USCIS on behalf of individuals for whom advance authorization to travel under this process may be appropriate. Following USCIS vetting of the supporter, confirmation of the beneficiary's

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biographic information, and the beneficiary's attestation of vaccination against measles, polio, and COVID-19, the beneficiary will submit biometric information, specifically a facial photograph, to CBP using the CBP One™ mobile application. Available biographic and biometric information will be vetted by CBP (b)(7)(E) (b)(7)(E) for national security, border security, public health, and safety. Following completion of vetting of the potential beneficiary, CBP will issue an approval or denial of advance authorization to travel to the United States to seek parole.

To relieve pressure at the SWB POEs currently experiencing an influx of undocumented noncitizens, beneficiaries with approved advance authorization to travel to the United States to seek parole will be required to travel to the United States on commercial flights. Noncitizens traveling under this process by air must adhere to all applicable Centers for Disease Control and Prevention (CDC) COVID-19 guidance.

This memorandum outlines how the Office of Field Operations (OFO) may consider exercising discretionary authority under Section 212(d)(5) of the Immigration and Nationality Act (INA) to consider parole for certain noncitizens into the United States under this process pursuant to a December 22, 2022 memorandum, approved by the Secretary of Homeland Security, entitled *Parole Process for Certain Nicaraguan Nationals*. This guidance outlines the considerations for processing noncitizens arriving in the United States at an air POE without appropriate documents sufficient for entry but who have obtained advance authorization to travel to the United States to seek parole under this process.

Noncitizens determined to be unaccompanied noncitizen children (UC), as described in 6 U.S.C. § 279(g)(2), are not eligible for parole under this process. UC may be processed for other available processing dispositions and must be turned over to the custody of the U.S. Department of Health and Human Services (HHS) under established policy and procedure and consistent with the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). Moreover, for all noncitizens arriving as part of a family unit, CBP officers are reminded that the guidance implementing *Ms. L*, including "Interim Guidance on Preliminary Injunction in *Ms. L v. ICE*" issued on June 27, 2018, as well as the June 1, 2021, memorandum "Clarifying Guidance on Separation of Family Units Due to 8 U.S.C. § 1326 Prosecutions or Related Criminal History" remain in effect.

Consistent with current practice, POEs should coordinate (b)(7)(E) (b)(7)(E) where noncitizens arriving under this process are determined to be possible matches to national security records or who present a public safety risk upon arrival in the United States. Those with a final negative vetting from (b)(7)(E) may be paroled, consistent with this guidance, if appropriate. Those with positive vetting results (b)(7)(E) (b)(7)(E) must be processed consistent with established policy and procedure. Nicaraguan nationals encountered at a land border POE without travel documents sufficient for entry will be processed as appropriate, consistent with established policy and procedure, and may not be considered for parole under this DHS designated process. Noncitizens arriving at land POEs may be required to demonstrate proof of vaccination against COVID-19.

While the CDC's *Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists* ("CDC Order") remains in effect, Nicaraguan nationals may be prevented entry at the international boundary or be expelled from the United States pursuant to the CDC Order. POEs may continue to except noncitizens, regardless of citizenship, from the CDC Order on a case-by-case basis and process them in accordance with all applicable law and policy. Following the cessation of the enforcement of the CDC Order, OFO will inspect and process all noncitizens pursuant to Title 8 authorities.

Nicaraguan nationals encountered by CBP at the SWB and processed under Title 8, may, in the exercise of discretion, be permitted to voluntarily withdraw their application for admission and return to Mexico and still be eligible for the parole process, provided that such voluntary withdrawal would be their first with CBP, whether U.S. Border Patrol (USBP) or OFO, after the announcement of this process. When processing Nicaraguan nationals who are determined to be amenable to withdrawal, officers must read the subject the advisal outlined in the *Withdrawal Statement for Noncitizen Potentially Eligibly for Advance Travel Authorization*, which informs the individual that the decision to withdraw is voluntary. Officers are reminded that, when processing a Nicaraguan national for a withdrawal of their application for admission, the provisions of CBP Directive No. 3340-043 *The Exercise of Discretionary Authority* remain in effect.

The attached muster contains specific processing guidance. Nothing in this guidance supersedes the local exercise of discretionary authority and the ability of the port to make determinations regarding appropriate processing, on a case-by-case basis considering the totality of the circumstances.

Please ensure that this memorandum and muster are disseminated to all POEs within your field office. Should you have any questions or require additional information, please contact (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), (A) Director, Enforcement Programs Division at (b)(6), (b)(7)(C).

Attachments: Muster, *Processing of Nicaraguan Nationals Arriving to the United States with Advance Travel Authorization*, Admissibility and Passenger Programs, January 5, 2023

## **Muster**

**Date:** January 5, 2023

**Topic:** Processing of Cuban Nationals Arriving to the United States with Advance Travel Authorization

**HQ POC/Office:** Admissibility and Passenger Programs

This muster outlines the considerations for processing noncitizens arriving in the United States who have obtained advance authorization to travel to the United States to seek parole under the Department of Homeland Security (DHS) established Cuba parole process.

- This process implements the use of the DHS Secretary's authority to consider the parole of certain Cuban nationals and their qualifying immediate family members<sup>1</sup> into the United States, based on significant public benefit and urgent humanitarian reasons.
- Parole may only be considered on a case-by-case basis, for urgent humanitarian reasons or significant public benefit, and only after appropriate vetting.
- Parole under this process will utilize the "CHP – *Cuban Humanitarian Parole*" disposition in Unified Secondary (USEC).
- Noncitizens encountered without travel documents sufficient for entry who have not received advance authorization to travel under this process will be processed as appropriate, consistent with established policy and procedure, and may not be considered for parole under this process.
  - CHP may not be used for any noncitizen without an approved corresponding travel authorization under this process as verified in CBP systems and a valid, unexpired passport.
  - CHP may not be used for noncitizens arriving at any location other than an air port of entry (POE).
- Noncitizens may not have their inspection deferred in order to allow them to obtain advance travel authorization under this process post-arrival in the United States.
- Consistent with current policy, CBP officers (CBPOs) will refer undocumented noncitizens who appear to be inadmissible to the United States for secondary admissibility inspection. Generally, noncitizens arriving under this process are expected

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<sup>1</sup> Immediate family members are limited to spouse or common-law partner and unmarried children under the age of 21. Family members must travel with the principal noncitizen to be considered for parole under this process upon arrival in the United States.

to be lacking documents sufficient for admission and therefore must be referred for secondary admissibility inspection.

- |           |   |
|-----------|---|
| (b)(7)(E) | However, USEC will display an approved travel authorization |
| (b)(7)(E) |   |
| (b)(7)(E) | (b)(7)(E)   |
- Noncitizens determined to be unaccompanied noncitizen children (UC), consistent with 6 U.S.C. § 279(g)(2), are not eligible for parole under this process.
  - UC may be processed for other available processing dispositions, including but not limited to issuance of a Notice to Appear (NTA).
  - Under no circumstance is a UC to be released from CBP custody to a non-parent or non-legal guardian.
  - Consistent with the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), UC must be turned over to the custody of the U.S. Department of Health and Human Services (HHS).
- Moreover, for all noncitizens arriving as part of a family unit, CBPOs are reminded that the guidance implementing *Ms. L*, including “Interim Guidance on Preliminary Injunction in *Ms. L v. ICE*” issued on June 27, 2018, as well as the June 1, 2021, memorandum “Clarifying Guidance on Separation of Family Units Due to 8 U.S.C § 1326 Prosecutions or Related Criminal History” remain in effect.
- Consistent with current practice, POEs should coordinate (b)(7)(E) (b)(7)(E) where noncitizens arriving under this process are determined to be possible matches to national security records or who present a public safety risk upon arrival in the United States.
  - Those with a final negative vetting from (b)(7)(E) may be paroled, consistent with this guidance, if appropriate.
  - Those with positive vetting results (b)(7)(E) (b)(7)(E) must be processed consistent with established policy and procedure.
- CBPOs will determine the appropriate processing disposition for each noncitizen on a case-by-case-basis at the time the noncitizen presents themselves at the POE.
- Where parole for this population is appropriate, CBPOs will initiate a USEC event with the appropriate program specific disposition and complete all necessary case processing, to include recordation of the A-number in the event and the issuance of an electronic I-94.
  - CBPOs should utilize the (b)(7)(E) to validate if an A-number was previously issued by United States Citizenship and Immigration Services (USCIS). *Note: All individuals arriving under this process are expected to have an existing A-number.*

- If no A-number was issued, CBPOs must issue an A-number following current processing procedures prior to completion of processing for parole under this process.
- Parole under this process must include biometric capture (search & enroll) and review of results for all noncitizens age 14-79 considered in scope for biometric collection or for whom collection is otherwise warranted.
- To be considered for parole under this process, each individual must have their own travel authorization approval.
- Individuals not independently eligible under this process must be traveling with their principal family member to be considered for parole under this process as a dependent.
- Noncitizens for whom parole is appropriate under this guidance should generally be paroled for a period of two years.
- CBPOs are reminded to ensure both the A-number and the passport number are correct prior to issuance of an electronic I-94.
- CBP will provide a *Parole Information For Certain Nationals of: Cuba, Haiti, Nicaragua, Ukraine, Venezuela* tear sheet to all noncitizens paroled under this process.

Nothing in this guidance supersedes the local exercise of discretionary authority and the ability of the port to make determinations regarding appropriate processing, on a case-by-case basis considering the totality of the circumstances.

## Muster

**Date:** October 17, 2022

**Topic:** Processing of Venezuelan Nationals Arriving to the United States with Advance Travel Authorization

**HQ POC/Office:** Admissibility and Passenger Programs

This muster outlines the considerations for processing noncitizens arriving in the United States without appropriate documents sufficient for entry but who have obtained advance authorization to travel to the United States to seek parole under the Department of Homeland Security (DHS) established Venezuela parole process.

- This process implements the use of the DHS Secretary's authority to consider the parole of certain Venezuelan nationals and their qualifying immediate family members<sup>1</sup> into the United States, for urgent humanitarian reasons and significant public benefit.
- Parole may only be considered on a case-by-case basis, for urgent humanitarian reasons or significant public benefit, and only after appropriate vetting.
- Parole under this process will utilize the "VHP – *Venezuelan Humanitarian Parole*" disposition in Unified Secondary (USEC).
- Noncitizens encountered without travel documents sufficient for entry and without having participated in this DHS-approved process will be processed as appropriate, consistent with established policy and procedure, and may not be considered for parole under this process.
  - VHP may not be used for any individual without an approved corresponding travel authorization under this process as verified in CBP systems and a valid, unexpired passport.
    - Where appropriate, CBP officers may accept an expired passport and issue VHP when the passport has expired within 90 days of the CBP encounter.
- It is expected that individuals arriving to the United States under this process will be in possession of a valid passport.
  - Consistent with Admissibility and Passenger Programs (APP) guidance issued on June 7, 2019, CBP will recognize as valid, Venezuelan passports that have been issued a passport extension ("prorroga"), until the expiration of the extension.

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<sup>1</sup> Immediate family members are limited to spouse or common-law partner and unmarried children under the age of 21. Family members must travel with the principal noncitizen to be considered for parole under this process upon arrival in the United States.

- Noncitizens may not have their inspection deferred in order to allow them to obtain advance travel authorization under this process post-arrival in the United States.
- Consistent with current policy, CBP officers (CBPOs) will refer undocumented noncitizens who appear to be inadmissible to the United States for secondary admissibility inspection. Generally, noncitizens arriving under this process are expected to be lacking sufficient entry documents and therefore must be referred for secondary admissibility inspection.
- |                                  |                            |
|----------------------------------|----------------------------|
| (b)(7)(E)                        |                            |
| (b)(7)(E)                        | However, USEC will display |
| an approved travel authorization | (b)(7)(E)                  |
| (b)(7)(E)                        |                            |
- Noncitizens determined to be unaccompanied noncitizen children (UC), consistent with 6 U.S.C. § 279(g)(2), are not eligible for parole under this process.
  - UC may be processed for other available processing dispositions, including but not limited to issuance of a Notice to Appear (NTA).
  - Under no circumstance is a UC to be released from CBP custody to a non-parent or non-legal guardian.
  - Consistent with the Trafficking Victims Protection Reauthorization Act of 2008 (TVPPRA), UC must be turned over to the custody of the U.S. Department of Health and Human Services (HHS).
- Moreover, for all noncitizens arriving as part of a family unit, CBPOs are reminded that the guidance implementing *Ms. L*, including “Interim Guidance on Preliminary Injunction in *Ms. L v. ICE*” issued on June 27, 2018, as well as the June 1, 2021, memorandum “Clarifying Guidance on Separation of Family Units Due to 8 U.S.C § 1326 Prosecutions or Related Criminal History” remain in effect.
- Venezuelan nationals encountered at a land border port of entry (POE) without travel documents sufficient for entry will be processed as appropriate, consistent with established policy and procedure.
  - Venezuelan nationals subject to the Centers for Disease Control and Prevention’s (CDC’s) *Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists* (“CDC Order”) Order may be prevented entry at the international boundary or be expelled from the United States pursuant to the CDC Order.
  - POEs may continue to except noncitizens, regardless of citizenship, from the CDC Order on a case-by-case basis.
  - Noncitizens arriving at land POEs may be required to demonstrate proof of vaccination against COVID-19.

- Consistent with current practice, POEs should coordinate (b)(7)(E) (b)(7)(E) where noncitizens arriving under this process are determined to be possible matches to national security records or who present a public safety risk upon arrival in the United States.
  - Those with a final negative vetting from (b)(7)(E) may be paroled, consistent with this guidance, if appropriate.
  - Those with positive vetting results (b)(7)(E) (b)(7)(E) must be processed consistent with established policy and procedure.
- CBPOs will determine the appropriate processing disposition for each noncitizen on a case-by-case-basis at the time the noncitizen presents themselves at the POE.
- Where parole for this population is appropriate, CBPOs will initiate a USEC event with the appropriate program specific disposition and complete all necessary case processing, to include recordation of the A-number in the event and the issuance of an electronic I-94.
  - CBPOs should utilize the (b)(7)(E) to validate if an A-number was previously issued by United States Citizenship and Immigration Services (USCIS). *Note: All individuals arriving under this process are expected to have an existing A-number.*
    - If no A-number was issued, CBPOs must issue an A-number following current processing procedures prior to completion of processing for parole under this process.
  - Parole under this process must include biometric capture (search & enroll) and review of results for all noncitizens age 14-79 considered in scope for biometric collection or for whom collection is otherwise warranted.
  - To be considered for parole under this process, each individual must have their own travel authorization approval.
  - Individuals not independently eligible under this process must be traveling with their principal family member to be considered for parole under this process as a dependent.
  - Noncitizens for whom parole is appropriate under this guidance should generally be paroled for a period of two years.
  - CBPOs are reminded to ensure both the A-number and the passport number are correct prior to issuance of an electronic I-94.
  - CBP will provide a *Ukraine and Venezuela Parole Information* tear sheet to all noncitizens paroled under this process.

Nothing in this guidance supersedes the local exercise of discretionary authority and the ability of the port to make determinations regarding appropriate processing, on a case-by-case basis considering the totality of the circumstances.



U.S. Customs and  
Border Protection

January 5, 2023

MEMORANDUM FOR: Directors, Field Operations  
Office of Field Operations

FROM: Executive Director (b)(6), (b)(7)(C)  
Admissibility and Passenger Programs  
Office of Field Operations

SUBJECT: Processing of Haitian Nationals Arriving to the United States with  
Advance Travel Authorization

In an effort to alleviate the continued strain experienced by U.S. Customs and Border Protection (CBP) along the southwest border (SWB) as the result of a sustained influx of noncitizens without appropriate documents for admission, and building on the success of other advance travel authorization processes, the Department of Homeland Security (DHS) has established a process that provides certain nationals of Haiti, and their qualifying immediate family members<sup>1</sup>, the opportunity to request advance authorization to travel to the United States to seek a discretionary grant of parole. This process implements the use of the Secretary of Homeland Security's authority to consider the parole of certain Haitian nationals and their qualifying immediate family members into the United States, for significant public benefit and urgent humanitarian reasons. The number of advance travel authorizations issued under this process is subject to a monthly limit, which is applicable across multiple parole processes.

This process will provide a streamlined way for Haitian nationals to submit certain personal information to U.S. Citizenship and Immigration Services (USCIS) and CBP to facilitate the issuance of an advance authorization to travel to the United States to seek parole. Haitian nationals arriving to the United States under this process may be considered, on a case-by-case basis, for a temporary period of parole for up to two years, provided that they: have a USCIS approved supporter in the United States; possess a valid passport for international travel; clear robust security vetting; provide for their own commercial travel to an interior air port of entry (POE); meet other specified criteria, including vaccination requirements and other public health guidelines; and warrant a favorable exercise of discretion. These criteria will also apply to the immediate family members of noncitizens not independently eligible under this process.

Under this process, beginning January 6, 2023, U.S. based persons or entities may submit an I-134A, *Online Request to be a Supporter and Declaration of Financial Support*, to USCIS on behalf of individuals for whom advance authorization to travel under this process may be appropriate. Following USCIS vetting of the supporter, confirmation of the beneficiary's

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<sup>1</sup> Immediate family members are limited to spouse or common-law partner and unmarried children under the age of 21. Family members must travel with the principal noncitizen to be considered for parole under this process upon arrival in the United States.

biographic information, and the beneficiary's attestation of vaccination against measles, polio, and COVID-19, the beneficiary will submit biometric information, specifically a facial photograph, to CBP using the CBP One™ mobile application. Available biographic and biometric information will be vetted by CBP (b)(7)(E) (b)(7)(E) for national security, border security, public health, and safety. Following completion of vetting of the potential beneficiary, CBP will issue an approval or denial of advance authorization to travel to the United States to seek parole.

To relieve pressure at the SWB POEs currently experiencing an influx of undocumented noncitizens, beneficiaries with approved advance authorization to travel to the United States to seek parole will be required to travel to the United States on commercial flights. Noncitizens traveling under this process by air must adhere to all applicable Centers for Disease Control and Prevention (CDC) COVID-19 guidance.

This memorandum outlines how the Office of Field Operations (OFO) may consider exercising discretionary authority under Section 212(d)(5) of the Immigration and Nationality Act (INA) to consider parole for certain noncitizens into the United States under this process pursuant to a December 22, 2022 memorandum, approved by the Secretary of Homeland Security, entitled *Parole Process for Certain Haitian Nationals*. This guidance outlines the considerations for processing noncitizens arriving in the United States at an air POE without appropriate documents sufficient for entry but who have obtained advance authorization to travel to the United States to seek parole under this process.

Noncitizens determined to be unaccompanied noncitizen children (UC), as described in 6 U.S.C. § 279(g)(2), are not eligible for parole under this process. UC may be processed for other available processing dispositions and must be turned over to the custody of the U.S. Department of Health and Human Services (HHS) under established policy and procedure and consistent with the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). Moreover, for all noncitizens arriving as part of a family unit, CBP officers are reminded that the guidance implementing *Ms. L*, including "Interim Guidance on Preliminary Injunction in *Ms. L v. ICE*" issued on June 27, 2018, as well as the June 1, 2021, memorandum "Clarifying Guidance on Separation of Family Units Due to 8 U.S.C. § 1326 Prosecutions or Related Criminal History" remain in effect.

Consistent with current practice, POEs should coordinate with the (b)(7)(E) (b)(7)(E) where noncitizens arriving under this process are determined to be possible matches to national security records or who present a public safety risk upon arrival in the United States. Those with a final negative vetting from (b)(7)(E) may be paroled, consistent with this guidance, if appropriate. Those with positive vetting results (b)(7)(E) (b)(7)(E) must be processed consistent with established policy and procedure. Haitian nationals encountered at a land border POE without travel documents sufficient for entry will be processed as appropriate, consistent with established policy and procedure, and may not be considered for parole under this DHS designated process. Noncitizens arriving at land POEs may be required to demonstrate proof of vaccination against COVID-19.

While the CDC's *Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists* ("CDC Order") remains in effect, Haitian nationals may be prevented entry at the international boundary or be expelled from the United States pursuant to the CDC Order. POEs may continue to except noncitizens, regardless of citizenship, from the CDC Order on a case-by-case basis and process them in accordance with all applicable law and policy. Following the cessation of the enforcement of the CDC Order, OFO will inspect and process all noncitizens pursuant to Title 8 authorities.

Haitian nationals encountered by CBP at the SWB and processed under Title 8, may, in the exercise of discretion, be permitted to voluntarily withdraw their application for admission and return to Mexico and still be eligible for the parole process, provided that such voluntary withdrawal would be their first voluntary withdrawal with CBP, whether U.S. Border Patrol (USBP) or OFO, after the announcement of this process. When processing Haitian nationals who are determined to be amenable to withdrawal, officers must read the subject the advisal outlined in the *Withdrawal Statement for Noncitizen Potentially Eligibly for Advance Travel Authorization*, which informs the individual that the decision to withdraw is voluntary. Officers are reminded that, when processing a Haitian national for a withdrawal of their application for admission, the provisions of CBP Directive No. 3340-043 *The Exercise of Discretionary Authority* remain in effect.

The attached muster contains specific processing guidance. Nothing in this guidance supersedes the local exercise of discretionary authority and the ability of the port to make determinations regarding appropriate processing, on a case-by-case basis considering the totality of the circumstances.

Please ensure that this memorandum and muster are disseminated to all POEs within your field office. Should you have any questions or require additional information, please contact: (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); (A) Director, Enforcement Programs Division at (b)(6), (b)(7)(C).

Attachments: Muster, *Processing of Haitian Nationals Arriving to the United States with Advance Travel Authorization*, Admissibility and Passenger Programs, January 5, 2023



U.S. Customs and  
Border Protection

August 24, 2021

MEMORANDUM FOR: Directors, Field Operations  
Office of Field Operations

FROM: Executive Director (b)(6), (b)(7)(C)  
Admissibility and Passenger Programs  
Office of Field Operations

SUBJECT: Parole of Afghan Nationals in Support of Operation Allies Refuge

This memorandum outlines how U.S. Customs and Border Protection (CBP) Office of Field Operations (OFO) may consider exercising the appropriate use of discretionary authority under Section 212(d)(5) of the Immigration and Nationality Act (INA) to parole certain Afghan nationals into the United States, given the circumstances in Afghanistan and in support of Operation Allies Refuge. This memorandum outlines the considerations for processing individuals, including for parole, arriving in the United States pursuant to Operation Allies Refuge without appropriate documents sufficient for entry. For those who are determined to be inadmissible, in addition to parole, other forms of discretion may be considered, such as I-193 waivers, as appropriate. Parole may only be considered on a case-by-case basis, for urgent humanitarian reasons or significant public benefit, and only subsequent to appropriate vetting. Individuals for whom parole is appropriate under this memo should generally be paroled for a period of two years.

Individuals who are determined to be unaccompanied noncitizen children, consistent with 6 U.S.C. 279(g)(2), may not be considered for parole under this memorandum and must be processed under established policy and procedure. Moreover, for all individuals who arrive as part of a family unit, officers are reminded that the guidance implementing *Ms. L*, including issued on June 27, 2020, "Interim Guidance on Preliminary Injunction in *Ms. L v. ICE*," remains in effect. Inadmissible Afghan nationals, including those without travel documents sufficient to be admitted, encountered outside of Operation Allies Refuge will be processed as appropriate, consistent with established policy and procedure.

Officers should consider an I-193 waiver, rather than parole, if an individual is otherwise admissible as a nonimmigrant and arrives in the United States with:

- Valid passport, a valid non-immigrant purpose of travel and no U.S. visa
- Expired passport and expired non-immigrant U.S. visa; or
- No passport, no visa and:
  - Identity confirmed in CBP systems based on previous entries
  - A valid non-immigrant purpose of travel

When considering whether parole is appropriate, officers should consider, as part of their discretionary determination, whether the individual:

**(b)(7)(E)**

Afghan nationals paroled by OFO under this memorandum should generally have conditions placed on their parole, such as medical screening and reporting requirements. Those conditions are outlined in the appropriate tear sheet. **(b)(7)(E)**

**(b)(7)(E)**

Failure of individuals granted parole to follow conditions may be cause for termination of the parole and initiation of detention and removal proceedings.

Individuals determined to be possible matches to national security records or to present a public safety risk upon arrival in the United States **(b)(7)(E)**

**(b)(7)(E)**

**(b)(7)(E)** Those with a final negative vetting from **(b)(7)(E)** may continue with the parole process, but additional conditions may be appropriate on a case-by-case basis. Those with positive vetting results **(b)(7)(E)** **(b)(7)(E)** must be processed consistent with established policy and procedure.

Please ensure that this memorandum is disseminated to all ports of entry within your jurisdiction.

Should you have any questions or require additional information, please contact **(b)(6), (b)(7)(C)**

**(b)(6), (b)(7)(C)** (A) Director, Enforcement Programs Division at **(b)(6), (b)(7)(C)**

## Muster

**Date:** August 24, 2021

**Topic:** Parole of Afghan Nationals in Support of Operation Allies Refuge

**HQ POC/Office:** Enforcement Programs Division, (b)(6), (b)(7)(C) or  
(b)(7)(E)

This muster outlines the considerations for processing Afghan nationals, including for parole, arriving in the United States pursuant to Operation Allies Refuge without appropriate documents sufficient for entry.

- Parole may only be considered on a case-by-case basis, for urgent humanitarian reasons or significant public benefit, and only subsequent to appropriate vetting. Individuals for whom parole is appropriate under this guidance should generally be paroled for a period of two years.
- Individuals who are determined to be unaccompanied noncitizen children, consistent with 6 U.S.C. 279(g)(2), may not be considered for parole under this memorandum and must be processed under established policy and procedure.
- Moreover, for all individuals who arrive as part of a family unit, officers are reminded that the guidance implementing *Ms. L*, including issued on June 27, 2020, “Interim Guidance on Preliminary Injunction in *Ms. L v. ICE*,” remains in effect.
- Inadmissible Afghan nationals, including those without travel documents sufficient to be admitted, encountered outside of Operation Allies Refuge will be processed as appropriate, consistent with established policy and procedure.
- For individuals who seek to transit the United States or only seek to be in the United States for a non-immigrant purpose, officers should consider an I-193 waiver, rather than parole, if an individual is otherwise admissible and arrives in the United States with:
  - Valid passport, a valid non-immigrant purpose of travel and no U.S. visa
  - Expired passport and expired non-immigrant U.S. visa; or
  - No passport, no visa and:
    - Identity confirmed in CBP systems based on previous entries
    - A valid non-immigrant purpose of travel
- When considering whether parole is appropriate, officers should could consider, as part of their discretionary determination, whether the individual:

**(b)(7)(E)**

**(b)(7)(E)**

- Afghan nationals paroled by OFO under this guidance should generally have conditions placed on their parole, such as medical screening. Those conditions are outlined in the appropriate tear sheet.

**(b)(7)(E)**

Primary Officer will select parole code **OAR - OPERATION ALLIES REFUGE** with an Admit Until Date (AUD) not to exceed 2 years.

- Failure of individuals granted parole to follow conditions may be cause for termination of the parole and initiation of detention and removal.

**(b)(7)(E)**

- Those with a final negative vetting from (b)(7)(E) may continue with the parole process, but additional conditions may be appropriate on a case by case basis.
- Those with positive vetting results: (b)(7)(E) (b)(7)(E) must be processed consistent with established policy and procedure.
- Upon completion of secondary inspection, individuals will be processed with the appropriate class of admission or “OAR – Operation Allies Refuge (Port of Entry Parole – OAR)” Parole code.



## **AFGHAN PAROLE INFORMATION**

Welcome to the United States. You have been processed by U.S. Customs and Border Protection (CBP) and paroled into the United States for two years for urgent humanitarian reasons, pursuant to 8 U.S.C. § 1182(d)(5). Your parole into the United States is conditioned upon your compliance with the conditions outlined below.

### **Transport to U.S. Government-Run Location and Assistance at No Charge to You**

You will be provided transportation to a government-run location where you will be provided housing at meals at no cost, receive required medical vaccinations and screenings, and given an opportunity to complete work authorization paperwork. You also will be enrolled in temporary medical insurance and receive medical care, if needed. **This processing will satisfy the medical requirements detailed below.**

Once these steps are complete, the U.S. government will arrange travel to your final destination in the United States. You will be given an opportunity to connect with non-governmental organizations that operate independently from the U.S. government and that may assist in your resettlement in the United States.

### **Medical Conditions of Parole**

**Within seven days of being granted parole**, you are required to:

- get vaccinated for MMR, polio, and one dose of the COVID vaccine, absent proof of prior vaccination;
- undergo tuberculosis testing and take appropriate isolation and treatment measures if the tuberculosis test is positive; and
- report compliance with this requirement to U.S. Citizenship and Immigration Services (USCIS) at [www.uscis.gov/vaccination-status](http://www.uscis.gov/vaccination-status).

If you do not go to the government-run locations where these services are provided, you will be responsible for arranging the vaccinations and testing on your own.

### **Other Conditions of Parole**

- Consistent with 8 U.S.C. § 1302 *et seq.* and as a condition of your parole, you must provide every change in your address to USCIS as provided at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange).
- You must notify USCIS of every change of address as soon as possible and no later than 30 days from each change of address.
- You must comply with all public health directives, comply with requests for additional information from the Department of Homeland Security and federal law enforcement, and comply with local, State and Federal laws and ordinances.
- You may also be subject to additional conditions of parole on a case-by-case basis.

### **Failure to Comply with Conditions of Parole**

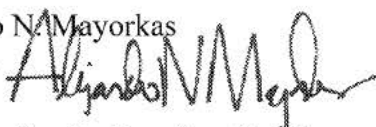
Failure to comply with these conditions can lead to termination of your parole, detention and removal from the United States, and could interfere with the ability to become a legal permanent resident and/or obtain other benefits and immigration relief to which you might otherwise be entitled.



**Homeland  
Security**

August 23, 2021

MEMORANDUM FOR: Troy Miller  
Acting Commissioner  
U.S. Customs and Border Protection

FROM: Alejandro N. Mayorkas  
Secretary 

SUBJECT: **Guidance for the Immigration Processing of Afghan Citizens  
During Operation Allies Refuge**

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Given the current circumstances in Afghanistan, the United States has been involved in the processing, transporting, and relocating of vulnerable Afghan nationals, including many who worked for or on behalf of the United States. Some of these individuals were in various stages of processing for immigration status in the United States – whether based on a family relationship, through a special immigrant visa, or as part of a refugee program – but were not able to complete these processes because of the current situation in Afghanistan. Others, despite likely eligibility, never applied because they had not previously sought to leave Afghanistan and relocate in the United States.

In light of these considerations, and in support of the work that has been coordinated across the U.S. government as part of Operation Allies Refuge, I find that it is an appropriate exercise of discretionary authority under Section 212(d)(5) of the Immigration and Nationality Act for U.S. Customs and Border Protection officers to parole certain Afghan nationals into the United States, on a case-by-case basis, for a period of two years and subsequent to appropriate vetting, provided their movement to the United States is being carried out pursuant to Operation Allies Refuge.

Once paroled by CBP, Afghan nationals may be eligible to apply for status through United States Citizenship and Immigration Services. Afghan nationals paroled by CBP may also have conditions placed on their parole, to include medical screening and reporting requirements. Failure to follow these conditions may be cause for termination of the parole and initiation of detention and removal.

cc:

Ur M. Jaddou, Director  
U.S. Citizenship and Immigration Services

Tae Johnson, Acting Director  
U.S. Immigration and Customs Enforcement



U.S. Customs and  
Border Protection

October 17, 2022

MEMORANDUM FOR: Directors, Field Operations  
Office of Field Operations

FROM: Executive Director (b)(6), (b)(7)(C)  
Admissibility and Passenger Programs  
Office of Field Operations

SUBJECT: Processing of Venezuelan Nationals Arriving to the United States  
with Advance Travel Authorization

In an effort to alleviate the continued strain experienced by U.S. Customs and Border Protection (CBP) along the southwest border (SWB) as the result of a sustained influx of undocumented noncitizens, the Department of Homeland Security (DHS) has established a new process that provides certain nationals of Venezuela lacking United States entry documents, and their qualifying immediate family members<sup>1</sup>, the opportunity to request advance authorization to travel to the United States to seek parole. This process implements the use of the DHS Secretary's authority to consider the parole of certain Venezuelan nationals and their qualifying immediate family members into the United States, for significant public benefit and urgent humanitarian reasons.

This process will provide a streamlined way for Venezuelan nationals to submit certain personal information to U.S. Citizenship and Immigration Services (USCIS) and CBP to facilitate the issuance of an advance authorization to travel to the United States to seek parole. Venezuelan nationals arriving to the United States under this process may be considered, on a case-by-case basis, for a temporary period of parole for up to two years, provided that they: have a USCIS approved supporter in the United States; possess a valid passport for international travel; clear robust security vetting; provide for their own commercial travel to an interior air port of entry (POE); meet other specified criteria, including vaccination requirements and other public health guidelines; and warrant a favorable exercise of discretion. These criteria will also apply to the immediate family members of noncitizens not independently eligible under this process.

Beginning October 18, 2022, U.S. based persons or entities may begin to submit an I-134, *Declaration of Financial Support*, to USCIS on behalf of individuals for whom advance authorization to travel under this process may be appropriate. Following USCIS vetting of the

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<sup>1</sup> Immediate family members are limited to spouse or common-law partner and unmarried children under the age of 21. Family members must travel with the principal noncitizen to be considered for parole under this process upon arrival in the United States.

supporter, confirmation of the beneficiary's biographic information, and the beneficiary's attestation of vaccination against measles, polio, and COVID-19, the beneficiary will submit biometric information, specifically a facial photograph, to CBP using the CBP One™ mobile application. Available biographic and biometric information will be vetted by CBP (b)(7)(E) (b)(7)(E) for national security, border security, public health, and safety. Following completion of vetting of the potential beneficiary, an approval or denial of advance authorization to travel to the United States to seek parole will be issued.

To relieve pressure at the SWB POEs currently experiencing an influx of undocumented noncitizens, beneficiaries with approved advance authorization to travel to the United States to seek parole will be required to travel to the United States on commercial flights. Noncitizens traveling under this process by air must adhere to the Centers for Disease Control and Prevention (CDC) guidelines regarding COVID-19 testing but will not be required to demonstrate proof of COVID-19 vaccination at time of boarding.

Venezuelan nationals encountered at a land border POE without travel documents sufficient for entry will be processed as appropriate, consistent with established policy and procedure. Venezuelan nationals subject to the CDC's *Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists* ("CDC Order"), may be prevented entry at the international boundary or be expelled from the United States pursuant to the CDC Order. POEs may continue to except noncitizens, regardless of citizenship, from the CDC Order on a case-by-case basis and process them in accordance with all applicable law and policy. Noncitizens arriving at land POEs may be required to demonstrate proof of vaccination against COVID-19.

This memorandum outlines how CBP Office of Field Operations (OFO) may consider exercising discretionary authority under Section 212(d)(5) of the Immigration and Nationality Act (INA) to parole certain noncitizens into the United States under this process pursuant to DHS Under Secretary Robert Silvers' October 12, 2022 memorandum *Parole Process for Certain Venezuelan Nationals*. This guidance outlines the considerations for processing noncitizens arriving in the United States without appropriate documents sufficient for entry but who have obtained advance authorization to travel to the United States to seek parole under this process.

Noncitizens determined to be unaccompanied noncitizen children (UC), consistent with 6 U.S.C. § 279(g)(2), are not eligible for parole under this process. UC may be processed for other available processing dispositions and must be turned over to the custody of the U.S. Department of Health and Human Services (HHS) under established policy and procedure and consistent with the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). Moreover, for all noncitizens arriving as part of a family unit, CBP officers are reminded that the guidance implementing *Ms. L*, including "Interim Guidance on Preliminary Injunction in *Ms. L v. ICE*" issued on June 27, 2018, as well as the June 1, 2021, memorandum "Clarifying Guidance on

Separation of Family Units Due to 8 U.S.C. § 1326 Prosecutions or Related Criminal History” remain in effect.

Consistent with current practice, POEs should coordinate (b)(7)(E) (b)(7)(E) where noncitizens arriving under this process are determined to be possible matches to national security records or who present a public safety risk upon arrival in the United States. Those with a final negative vetting from (b)(7)(E) may be paroled, consistent with this guidance, if appropriate. Those with positive vetting results (b)(7)(E) (b)(7)(E) must be processed consistent with established policy and procedure.

The attached muster contains specific processing guidance. Nothing in this guidance supersedes the local exercise of discretionary authority and the ability of the port to make determinations regarding appropriate processing, on a case-by-case basis considering the totality of the circumstances.

Please ensure that this memorandum and muster are disseminated to all POEs within your field office. Should you have any questions or require additional information, please contact (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (A) Director, Enforcement Programs Division at (b)(6), (b)(7)(C).

Attachments: Muster, *Processing of Venezuelan Nationals Arriving to the United States with Advance Travel Authorization*, Admissibility and Passenger Programs, October 17, 2022



U.S. Customs and  
Border Protection

January 5, 2023

MEMORANDUM FOR: Directors, Field Operations  
Office of Field Operations

FROM: Executive Director (b)(6), (b)(7)(C)  
Admissibility and Passenger Programs  
Office of Field Operations

SUBJECT: Processing of Cuban Nationals Arriving to the United States with  
Advance Travel Authorization

In an effort to alleviate the continued strain experienced by U.S. Customs and Border Protection (CBP) along the southwest border (SWB) as the result of a sustained influx of noncitizens without appropriate documents for admission, and building on the success of other advance travel authorization processes, the Department of Homeland Security (DHS) has established a process that provides certain nationals of Cuba, and their qualifying immediate family members<sup>1</sup>, the opportunity to request advance authorization to travel to the United States to seek a discretionary grant of parole. This process implements the use of the Secretary of Homeland Security's authority to consider the parole of certain Cuban nationals and their qualifying immediate family members into the United States, for significant public benefit and urgent humanitarian reasons. The number of advance travel authorizations issued under this process is subject to a monthly limit, which is applicable across multiple parole processes.

This process will provide a streamlined way for Cuban nationals to submit certain personal information to U.S. Citizenship and Immigration Services (USCIS) and CBP to facilitate the issuance of an advance authorization to travel to the United States to seek parole. Cuban nationals arriving to the United States under this process may be considered, on a case-by-case basis, for a temporary period of parole for up to two years, provided that they: have a USCIS approved supporter in the United States; possess a valid passport for international travel; clear robust security vetting; provide for their own commercial travel to an interior air port of entry (POE); meet other specified criteria, including vaccination requirements and other public health guidelines; and warrant a favorable exercise of discretion. These criteria will also apply to the immediate family members of noncitizens not independently eligible under this process.

Under this process, beginning January 6, 2023, U.S. based persons or entities may submit an I-134A, *Online Request to be a Supporter and Declaration of Financial Support*, to USCIS on behalf of individuals for whom advance authorization to travel under this process may be appropriate. Following USCIS vetting of the supporter, confirmation of the beneficiary's

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<sup>1</sup> Immediate family members are limited to spouse or common-law partner and unmarried children under the age of 21. Family members must travel with the principal noncitizen to be considered for parole under this process upon arrival in the United States.

biographic information, and the beneficiary's attestation of vaccination against measles, polio, and COVID-19, the beneficiary will submit biometric information, specifically a facial photograph, to CBP using the CBP One™ mobile application. Available biographic and biometric information will be vetted by CBP (b)(7)(E) (b)(7)(E) for national security, border security, public health, and safety. Following completion of vetting of the potential beneficiary, CBP will issue an approval or denial of advance authorization to travel to the United States to seek parole.

To relieve pressure at the SWB POEs currently experiencing an influx of undocumented noncitizens, beneficiaries with approved advance authorization to travel to the United States to seek parole will be required to travel to the United States on commercial flights. Noncitizens traveling under this process by air must adhere to all applicable Centers for Disease Control and Prevention (CDC) COVID-19 guidance.

This memorandum outlines how the Office of Field Operations (OFO) may consider exercising discretionary authority under Section 212(d)(5) of the Immigration and Nationality Act (INA) to consider parole for certain noncitizens into the United States under this process pursuant to a December 22, 2022 memorandum, approved by the Secretary of Homeland Security, entitled *Parole Process for Certain Cuban Nationals*. This guidance outlines the considerations for processing noncitizens arriving in the United States at an air POE without appropriate documents sufficient for entry but who have obtained advance authorization to travel to the United States to seek parole under this process.

Noncitizens determined to be unaccompanied noncitizen children (UC), as described in 6 U.S.C. § 279(g)(2), are not eligible for parole under this process. UC may be processed for other available processing dispositions and must be turned over to the custody of the U.S. Department of Health and Human Services (HHS) under established policy and procedure and consistent with the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). Moreover, for all noncitizens arriving as part of a family unit, CBP officers are reminded that the guidance implementing *Ms. L*, including "Interim Guidance on Preliminary Injunction in *Ms. L v. ICE*" issued on June 27, 2018, as well as the June 1, 2021, memorandum "Clarifying Guidance on Separation of Family Units Due to 8 U.S.C. § 1326 Prosecutions or Related Criminal History" remain in effect.

Consistent with current practice, POEs should coordinate (b)(7)(E) (b)(7)(E) where noncitizens arriving under this process are determined to be possible matches to national security records or who present a public safety risk upon arrival in the United States. Those with a final negative vetting from (b)(7)(E) may be paroled, consistent with this guidance, if appropriate. Those with positive vetting results (b)(7)(E) (b)(7)(E) must be processed consistent with established policy and procedure. Cuban nationals encountered at a land border POE without travel documents sufficient for entry will be processed as appropriate, consistent with established policy and procedure, and may not be considered for parole under this DHS designated process. Noncitizens arriving at land POEs may be required to demonstrate proof of vaccination against COVID-19.

While the CDC's *Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists* ("CDC Order") remains in effect, Cuban nationals may be prevented entry at the international boundary or be expelled from the United States pursuant to the CDC Order. POEs may continue to except noncitizens, regardless of citizenship, from the CDC Order on a case-by-case basis and process them in accordance with all applicable law and policy. Following the cessation of the enforcement of the CDC Order, OFO will inspect and process all noncitizens pursuant to Title 8 authorities.

Cuban nationals encountered by CBP at the SWB and processed under Title 8, may, in the exercise of discretion, be permitted to voluntarily withdraw their application for admission and return to Mexico and still be eligible for the parole process, provided that such voluntary withdrawal would be their first with CBP, whether U.S. Border Patrol (USBP) or OFO, after the announcement of this process. When processing Cuban nationals who are determined to be amenable to withdrawal, officers must read the subject the advisal outlined in the *Withdrawal Statement for Noncitizen Potentially Eligibly for Advance Travel Authorization*, which informs the individual that the decision to withdraw is voluntary. Officers are reminded that, when processing a Cuban national for a withdrawal of their application for admission, the provisions of CBP Directive No. 3340-043 *The Exercise of Discretionary Authority* remain in effect.

The attached muster contains specific processing guidance. Nothing in this guidance supersedes the local exercise of discretionary authority and the ability of the port to make determinations regarding appropriate processing, on a case-by-case basis considering the totality of the circumstances.

Please ensure that this memorandum and muster are disseminated to all POEs within your field office. Should you have any questions or require additional information, please contact (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) (A) Director, Enforcement Programs Division at (b)(6), (b)(7)(C).

Attachments: Muster, *Processing of Cuban Nationals Arriving to the United States with Advance Travel Authorization*, Admissibility and Passenger Programs, January 5, 2023

### Muster

**Date:** Immediate upon receipt

**Topic:** Parole Code Reasons Update

**Headquarters POCs:** Enforcement Programs Division (EPD)

(b)(7)(E)

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

- Based on the statistical analysis of Parole Reasons, CBP has been inconsistent with their use of paroles. This muster serves to provide guidance on the proper use of CBP's "DT" and "DE" Parole Authority.
- An alien can be considered for parole if they are inadmissible or removable from the United States. The "DT" and "DE" codes were created to justify the reason for parole in specific cases. The parole of an alien into the United States must be documented on a Form I-94 and include the parole stamp. The list below will give reasons and examples of the common reasons for "DT" and "DE" paroles.

### *CBP Codes*

<i>Code</i>	<i>Description</i>		
<i>DE</i>	Deferred Inspection: After secondary inspection at a port of entry an alien is given the opportunity to overcome a minor inadmissibility at their initial point of entry or onward location. Examples include but are not limited to: expired medical form in an immigrant packet, no translation of birth certificate for NA3 baby, or valid document was left in the United States, etc. Refer to Discretionary Directive 3340-043 regarding deferred inspections.		
<i>Code</i>	<i>Description</i>	<i>Reason</i>	<i>Example</i>
<i>DT</i>	Port of Entry Parole: Authorizes an alien to be in the United States without admission <ul style="list-style-type: none"><li>• Authorized at the port upon alien's arrival</li><li>• Is used at the discretion of CBP to allow an alien to be present in the United States</li><li>• Usually for short periods of entry when an emergent need exists</li></ul>	(b)(7)(E)	

*DT*  
*(cont.)*

**(b)(7)(E)**

*Continued on following page*

Here is a screen shot of how the information is displayed in a Unified Secondary event:

**(b)(7)(E)**

The crewmember parole reasons listed below should only be utilized in seaport environments. These parole codes will be added to Unified Secondary (USEC) in the March 2020 release as more sea locations transition to USEC.

*CBP Crewmember Paroles*

<i>Code</i>	<i>Description</i>	<i>Reason</i>	<i>Example</i>
<b>DT</b>	<p><u>Crewmember Paroles</u> – <i>For use in the Seaport Port of Entry operating environments only</i></p> <p>Port of Entry Parole: Authorizes an alien to be in the United States without admission</p> <ul style="list-style-type: none"> <li>• Authorized at the port upon alien's arrival</li> <li>• Is used at the discretion of CBP to allow an alien to be present in the United States</li> <li>• Usually for short periods of entry when an emergent need exists</li> </ul>	<p><b>(b)(7)(E)</b></p>	

**(b)(7)(E)**

## **Muster**

**Date:** January 5, 2023

**Topic:** Processing of Haitian Nationals Arriving to the United States with Advance Travel Authorization

**HQ POC/Office:** Admissibility and Passenger Programs

This muster outlines the considerations for processing noncitizens arriving in the United States who have obtained advance authorization to travel to the United States to seek parole under the Department of Homeland Security (DHS) established Haiti parole process.

- This process implements the use of the DHS Secretary's authority to consider the parole of certain Haitian nationals and their qualifying immediate family members<sup>1</sup> into the United States, based on significant public benefit and urgent humanitarian reasons.
- Parole may only be considered on a case-by-case basis, for urgent humanitarian reasons or significant public benefit, and only after appropriate vetting.
- Parole under this process will utilize the "HHP – *Haitian Humanitarian Parole*" disposition in Unified Secondary (USEC).
- Noncitizens encountered without travel documents sufficient for entry who have not received advance authorization to travel under this process will be processed as appropriate, consistent with established policy and procedure, and may not be considered for parole under this process.
  - HHP may not be used for any noncitizen without an approved corresponding travel authorization under this process as verified in CBP systems and a valid, unexpired passport.
  - HHP may not be used for noncitizens arriving at any location other than an air port of entry (POE).
- Noncitizens may not have their inspection deferred in order to allow them to obtain advance travel authorization under this process post-arrival in the United States.
- Consistent with current policy, CBP officers (CBPOs) will refer undocumented noncitizens who appear to be inadmissible to the United States for secondary admissibility inspection. Generally, noncitizens arriving under this process are expected

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<sup>1</sup> Immediate family members are limited to spouse or common-law partner and unmarried children under the age of 21. Family members must travel with the principal noncitizen to be considered for parole under this process upon arrival in the United States.

to be lacking documents sufficient for admission and therefore must be referred for secondary admissibility inspection.

- (b)(7)(E)

(b)(7)(E)

 However, USEC will display an approved travel authorization 

(b)(7)(E)

(b)(7)(E)
- Noncitizens determined to be unaccompanied noncitizen children (UC), consistent with 6 U.S.C. § 279(g)(2), are not eligible for parole under this process.
  - UC may be processed for other available processing dispositions, including but not limited to issuance of a Notice to Appear (NTA).
  - Under no circumstance is a UC to be released from CBP custody to a non-parent or non-legal guardian.
  - Consistent with the Trafficking Victims Protection Reauthorization Act of 2008 (TVPA), UC must be turned over to the custody of the U.S. Department of Health and Human Services (HHS).
- Moreover, for all noncitizens arriving as part of a family unit, CBPOs are reminded that the guidance implementing *Ms. L*, including “Interim Guidance on Preliminary Injunction in *Ms. L v. ICE*” issued on June 27, 2018, as well as the June 1, 2021, memorandum “Clarifying Guidance on Separation of Family Units Due to 8 U.S.C § 1326 Prosecutions or Related Criminal History” remain in effect.
- Consistent with current practice, POEs should coordinate 

(b)(7)(E)

(b)(7)(E)

 where noncitizens arriving under this process are determined to be possible matches to national security records or who present a public safety risk upon arrival in the United States.
  - Those with a final negative vetting from 

(b)(7)(E)

 may be paroled, consistent with this guidance, if appropriate.
  - Those with positive vetting results 

(b)(7)(E)

(b)(7)(E)

 must be processed consistent with established policy and procedure.
- CBPOs will determine the appropriate processing disposition for each noncitizen on a case-by-case-basis at the time the noncitizen presents themselves at the POE.
- Where parole for this population is appropriate, CBPOs will initiate a USEC event with the appropriate program specific disposition and complete all necessary case processing, to include recordation of the A-number in the event and the issuance of an electronic I-94.
  - CBPOs should utilize the 

(b)(7)(E)

 to validate if an A-number was previously issued by United States Citizenship and Immigration Services (USCIS). *Note: All individuals arriving under this process are expected to have an existing A-number.*

- If no A-number was issued, CBPOs must issue an A-number following current processing procedures prior to completion of processing for parole under this process.
- Parole under this process must include biometric capture (search & enroll) and review of results for all noncitizens age 14-79 considered in scope for biometric collection or for whom collection is otherwise warranted.
- To be considered for parole under this process, each individual must have their own travel authorization approval.
- Individuals not independently eligible under this process must be traveling with their principal family member to be considered for parole under this process as a dependent.
- Noncitizens for whom parole is appropriate under this guidance should generally be paroled for a period of two years.
- CBPOs are reminded to ensure both the A-number and the passport number are correct prior to issuance of an electronic I-94.
- CBP will provide a *Parole Information For Certain Nationals of: Cuba, Haiti, Nicaragua, Ukraine, Venezuela* tear sheet to all noncitizens paroled under this process.

Nothing in this guidance supersedes the local exercise of discretionary authority and the ability of the port to make determinations regarding appropriate processing, on a case-by-case basis considering the totality of the circumstances.



U.S. Customs and  
Border Protection

March 12, 2021

MEMORANDUM FOR: Directors, Field Operations  
Office of Field Operations

FROM: Executive Director (b)(6), (b)(7)(C)  
Admissibility and Passenger Programs

SUBJECT: Third-Party Advance Requests for Parole

U.S. Customs and Border Protection (CBP) encounters inadmissible noncitizens in circumstances that may warrant the exercise of discretion. The Office of Field Operations (OFO) must retain the ability to adjudicate exigent parole requests at ports of entry (POEs) for humanitarian and law enforcement purposes on an individual, case-by-case basis, considering the totality of circumstances at the time of a noncitizen's application for admission. Parole authority may be exercised for noncitizens absent risk factors associated with national security, criminality, or public safety.

Parole may be exercised for urgent humanitarian reasons or for significant public benefit including those groups set forth in 8 C.F.R. § 212.5(b), and as further outlined in Section 8.2 of CBP Directive 3340-043, *The Exercise of Discretionary Authority*.

OFO field leadership retains authority to make decisions regarding the exercise of discretion consistent with existing laws, regulations and policies. To increase visibility and consistency, field offices will now be required to notify OFO headquarters regarding the denial of any third-party advance requests for parole consideration. Beginning March 15, 2021, all advance requests for parole must be documented in the (b)(7)(E) module (outlined further in the attached muster). Decisions made in a real-time operational environment for noncitizens physically present at a POE (or Deferred Inspection location) are not affected by this memorandum.

Following denial of an advance request, the field office must forward all relevant correspondence (b)(7)(E) to the (b)(7)(E) (b)(7)(E) and include a brief explanation of the case, including the factors considered prior to making the final decision. This guidance does not relieve field offices from making a case-by-case determination on parole requests made to the field office or at the port of entry.

Please ensure that this memorandum is disseminated to all ports of entry within your jurisdiction. Should you have any questions or require additional information, please contact (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Director, Enforcement Programs Division (EPD) at (b)(6), (b)(7)(C).

**Muster**

**Date:** March 12, 2021

**Topic:** Third-Party Advance Requests for Parole

**Headquarters POCs:** Systems Enforcement Analysis and Review (SEAR)  
**(b)(7)(E)**

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

U.S. Customs and Border Protection (CBP) encounters inadmissible noncitizens in circumstances that may warrant the exercise of discretion. The Office of Field Operations (OFO) must retain the ability to adjudicate exigent parole requests at ports of entry (POEs) for humanitarian and law enforcement purposes on an individual, case-by-case basis, considering the totality of circumstances at the time of a noncitizen's application for admission. Parole authority may be exercised for noncitizens absent risk factors associated with national security, criminality, or public safety.

Parole may be exercised for urgent humanitarian reasons or for significant public benefit including those groups set forth in 8 C.F.R. § 212.5(b), and as further outlined in Section 8.2 of CBP Directive 3340-043, *The Exercise of Discretionary Authority*.

OFO has recently seen an increase in requests for paroles submitted prior to the arrival of noncitizens or otherwise coordinated through an attorney or representative (including Non-Governmental Organizations) herein – “Third-Party Parole Requests (TPPR).”

**Workflow:**

**(b)(7)(E)**

**(b)(7)(E)**

**(b)(7)(E)**

**(b)(7)(E)**

**(b)(7)(E)**

**(b)(7)(E)**

**(b)(7)(E)**

- For cases approved in advance for parole, when the noncitizen arrives at the POE, the primary CBP officer will refer the noncitizen to secondary.

**(b)(7)(E)**

## Muster

**Date:** July 20, 2021  
**Topic:** Advance Parole (Form I-512) Processing  
**HQ POC/Office:** Enforcement Programs Division, (b)(6), (b)(7)(C), or  
(b)(7)(E)

- This muster is issued as a reminder to Customs and Border Protection Officers (CBPOs) of the inspectional procedures and process regarding noncitizens seeking parole into the United States with an approved Advance Parole, Form I-512.
- Noncitizens in possession of an approved advance parole from United States Citizenship and Immigration Services (USCIS), such as a Form I-512 or Form I-766 Employment Authorization Document/Form I-512 Advance Parole combination card, should be referred to secondary admissibility to complete inspection in accordance with existing procedures.
- Existing procedures include system checks (b)(7)(E)  

**(b)(7)(E)**
- Once the secondary inspection is complete and the officer has determined that the noncitizen is eligible for parole into the United States, they must document the parole in the appropriate secondary processing system:
  - Assign the “DA” class of admission;
  - Enter the duration of parole based on the authorized parole period stated on Form I-512, not to exceed one (1) year;
  - For noncitizens who present a Form I-512/Form I-766 combination card and are seeking parole due to ongoing adjustment of status (pending USCIS adjudication on Form I-485 application), the inspecting CBPO has the discretion to authorize parole duration beyond the expiration date of the combo card, not to exceed one (1) year.
- CBPOs are reminded that individuals presenting a valid I-512 are not subject to Expedited Removal.



U.S. Customs and  
Border Protection

DATE: June 1, 2021

MEMORANDUM FOR: Directors, Field Operations  
Office of Field Operations

FROM: Executive Director (b)(6), (b)(7)(C)  
Admissibility and Passenger Programs

SUBJECT: Family Reunification Task Force Paroles

On February 2, 2021, the President issued Executive Order 14011 (E.O. 14011) that established the Family Reunification Task Force. The Task Force will identify all children who were separated from their families by the Department of Homeland Security (DHS) at the United States-Mexico border between January 20, 2017 and January 20, 2021; facilitate the reunification of those children with their families; and provide recommendations regarding the provision of additional services and support to the children and their families.

On May 7, 2021, the Secretary of Homeland Security issued interim guidance for the parole of certain separated parents, children, and other family members into the U.S. for reunification purposes for a period of 36 months. U.S. Customs and Border Protection (CBP) recently processed four such individuals at land border locations and expects additional individuals to begin arriving by air as early as this week.

CBP inspectional systems were updated with a new code (**PFR**) for parole issued under this guidance. The **PFR** code will serve to document authorization of these parolees to remain in the United States for a period of 36 months from the date of application for admission. Beneficiaries of parole being issued under this guidance will typically be authorized advanced parole by U.S. Citizenship and Immigration Services (USCIS) and be in possession of either a Boarding Foil or Transportation Letter issued by a US Embassy or Consulate. As with all parole, the **PFR** parole requires processing in Unified Secondary (USEC) in the designated admissibility secondary inspection location at a port of entry.

Beneficiaries may be escorted by representatives of Non-Governmental Organizations (NGOs), to assist in the travel process into the United States; however, these individuals are only to escort and will not provide representation or assistance during the CBP inspectional process. CBP Headquarters should receive advance notification of when and where the beneficiaries will be arriving and in the initial stages will notify the respective Field Offices of the anticipated arrivals. (b)(7)(E)

(b)(7)(E)

The parole for purposes of family reunification under E.O. 14011 is expected to generate significant media interest; therefore, responses to media inquiries should be coordinated with the CBP Office of Field Operations Communications Office and the Office of Public Affairs. Statements will be generated and shared with field office public affairs liaisons for distribution to media and responses to inquiries. It is recommended that local Professionalism Service Managers be engaged to ensure these encounters are handled as seamlessly as a possible and in a manner that reflects positively on CBP and DHS.

Please ensure that this memorandum and attachments are disseminated to all ports of entry within your jurisdiction. Should you have any questions or require additional information, please contact: (b)(6), (b)(7)(C), Director (Acting), Enforcement Programs Division (EPD) at (b)(6), (b)(7)(C).

# USBP Southwest Border Parole\* Apprehensions by Sector

January 1, 2015 - October 31, 2023

*Data includes Deportable Migrants Only*

Data Source: EID (Unofficial) FY15-FY23 as of End of Year Dates; FY24TD as of 11/28/23

FY	BBT	DRT	ELC	EPT	LRT	RGV	SDC	TCA	YUM	SBO Total
FY2015				54						54
FY2016				63						63
FY2017				58						58
FY2018				67						67
FY2019				125						125
FY2020	1			12						13
FY2021		13,655		20		19,666	21		2,108	35,470
FY2022	228	158,491	8,767	53,366	119	52,252	9,747	3,144	92,118	378,232
FY2023	50	88,544	12,689	91,776	168	29,454	14,469	14,819	51,985	303,954
FY2024TD				1						1

\*Paroles include apprehensions with a disposition of 'P'.