

Muster

Week of: Immediate
Topic: Parole of Inadmissible Nonimmigrant Aliens
References: Sections 212 and 235 of the Immigration and Nationality Act (INA); and 8 CFR 212 and 235
Headquarters POC: (b) (6), (b) (7)(C)
Office: Admissibility and Passenger Programs

Effective immediately, any parole under Section 212(d)(5) of the Immigration and Nationality Act (INA) for nonimmigrant alien(s) that meet the following criteria:

- The person is a non-immigrant alien;
- Is inadmissible and would otherwise be removed under §235(b), refused under §217 to include 212.1q or Withdrawal in lieu of;
- An emergent need exists, i.e. a legitimate law enforcement purpose or meet a medical emergency, and;
- The person is not a flight risk or at risk to adding to the illegal population.

must be authorized at the GS-15 level. This level of authority may be delegated *only* to GS-14 Port Directors.

- Any authorization of parole must be documented, along with a description of the emergent circumstances requiring such action on form I-160 and made part of the alien's file. In addition, the exercise of a parole of an alien who would otherwise would be removed should only be exercised as a last resort and when all other options are unavailable.
- 8 CFR 235.3(b)(iii) and 8 CFR 217.4(c) requires the detention of inadmissible nonimmigrant aliens placed into removal proceedings or ordered removed, except where parole "... is required to meet a medical emergency or is necessary for a legitimate law enforcement purpose."
- This muster does not supersede CBP Directive #3340-043, *The Exercise of Discretion*, but is intended to address and clarify issues regarding travelers who are considered as potentially "contributing to the illegal population" as an alien who has demonstratively shown that they would otherwise not comply with the terms of their admission or "may be a flight risk" considered as an alien who is likely to flee the jurisdiction or otherwise not comply with a lawful order to avoid the execution of the laws of the United States.
 - The lack of available detention space, including cases where the traveler is not departing until the next day(s), or the case does not meet the prosecutorial guidelines for another agency are not a "legitimate law enforcement purpose"; and the traveler must remain in CBP custody.

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