



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

MAY 12 2015

MEMORANDUM FOR: Directors, Field Operations
Director, Preclearance Operations
Office of Field Operations

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

SUBJECT: Parole of Inadmissible Nonimmigrant Aliens

This memorandum is to further clarify guidance previously issued on November 19th, 2014 titled: *Parole of Inadmissible Nonimmigrant Aliens* and on December 16, 2014 Titled: *Parole of Inadmissible Nonimmigrant Aliens*.

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:

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

Authorization of such parole may only be delegated from Directors, Field Operations to Port Directors, Assistant Port Directors and Watch Commanders no lower than the GS-14 level. 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.

Both Title 8, Code of Federal Regulations (CFR) Section 235.3(b)(iii) and 8 CFR 217.4(c) requires the detention of inadmissible nonimmigrant aliens placed in removal proceedings or order removed, except where parole "... is required to meet a medical emergency or is necessary for a legitimate law enforcement purpose."

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Lack of detention space, requests from other law enforcement agencies (unless accompanied by a valid, unexpired I-512 issued by HSI), or other purposes not considered essential for law enforcement are not appropriate reasons to parole an inadmissible alien. Deferral of Inspection should not be considered for an inadmissible alien unless that alien may be able to prove themselves admissible by evidence not immediately available at the time of the application.

This memorandum 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” or “may be a flight risk”.

Please ensure that this memorandum and attached muster 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) Director, Enforcement Programs Division (EPD) at (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) Branch Chief at (b) (6), (b) (7)(C)

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