



October 15, 2024

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

RECEIVED
By ESEC at 9:31 am, Oct 16, 2024

Re: Continuation of Parole for Certain Cubans, Haitians, Nicaraguans, and Venezuelans

Dear Secretary Mayorkas:

As members of Refugee Council USA (RCUSA)—a diverse coalition of service providers and advocacy organizations working to support forcibly displaced persons—we write because certain individuals who have been granted humanitarian or significant public benefit parole through the processes for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV) may lose lawful presence and work authorization if not considered for re-parole through a streamlined process. As of August 2024, over 515,000 people have entered the United States through CHNV, which authorizes their stay in the country for up to two years. These processes have become an important legal pathway for people found on a case-by-case basis to qualify for parole, and many individuals continue to qualify for parole on the same basis used for their original determination. In the absence of being granted another benefit, such individuals will rely on re-parole (or the extension of parole) to maintain their lawful presence in the United States and be legally authorized to work. Thus, we are deeply concerned that the Department of Homeland Security (DHS) is apparently not offering a streamlined re-parole process or automatically considering extension of parole for CHNV beneficiaries, while simultaneously providing this to similarly-situated populations. It is critical that DHS reconsider this decision in order to promote the equitable treatment of CHNV beneficiaries and avoid placing unnecessary strain on relevant federal agencies, as well as on American communities.

We urge DHS to undertake the following steps:

1. With respect to parolees generally, automatically consider extending parole and work authorization for parolees with a pending application for another benefit that would provide lawful presence in the United States (i.e., without requiring them to affirmatively request re-parole, as was done for certain Afghans);
2. Reassure CHNV parolees without a pending application for another benefit, their sponsors, employers, and the community-based organizations serving them that parole and access to work authorization may continue for those who (a) make a timely request for re-parole (ideally, through a streamlined process) and (b) qualify on a case-by-case basis for a favorable exercise of discretion;
3. Concurrently process applications for re-parole and work authorization renewals; and
4. Consider granting parole periods longer than two years, and ensure processing delays do not lead to gaps in lawful presence/that renewal periods reflect timely applications.

The first parolees to benefit from CHNV, Venezuelan nationals, arrived in the United States during the final months of 2022. The two-year parole periods granted to these parolees will begin to expire in a matter of weeks, causing concern about the ability of many to remain lawfully present and employed in the United States. It is not clear what percentage of CHNV beneficiaries have already been granted or are in the process of requesting some alternative benefit that authorizes them to remain lawfully in the country once their parole expires, such as asylum, Temporary Protected Status (TPS), or lawful permanent residence through the Cuban Adjustment Act. However, like far too many in our country, CHNV beneficiaries have grappled firsthand with an acute shortage of affordable immigration legal services, coupled with extended processing times for the relief mentioned and other immigration benefits. Moreover, certain CHNV parolees would face life-threatening conditions or other adverse circumstances in their countries of origin but lack access to TPS or another form of humanitarian protection.¹

For those whose situations warrant such a favorable exercise of DHS' discretion, it is in the national interest for the Administration to minimize adverse consequences—namely, significant numbers of people falling out of lawful status and losing legal work authorization—due to processing backlogs and other conditions beyond people's control. Many of our networks are actively serving CHNV parolees throughout our country, assisting them to navigate the complex requirements of U.S. immigration law, secure employment, learn English, and more. Through these efforts, we see firsthand how CHNV beneficiaries have positively impacted American communities when empowered with the ability to do so, especially through the employment authorization made possible by their parole. At the same time, we know how detrimental the sudden loss of this work authorization can be for families, employers, and social services. Failing to afford a streamlined re-parole process to CHNV beneficiaries fundamentally undermines the Administration's underlying rationales for instituting the CHNV processes.

We recognize that the adjudication of re-parole for CHNV beneficiaries, when added to the existing caseload for U.S. Citizenship and Immigration Services (USCIS), poses certain logistical and prioritization challenges for the agency. However, through the experience gained from the re-parole processes launched for Afghan parolees in June 2023 and Ukrainian parolees in February 2024, we believe USCIS is in a strong position to provide such a streamlined re-parole process for CHNV beneficiaries. Moreover, DHS' failure to pursue this course of action would only perpetuate inequity and injustice within our immigration system.

Given the swiftly approaching end of initial parole periods for the first CHNV beneficiaries, combined with equity concerns and logistical considerations, timing is of the essence. In addition to publishing information about a streamlined re-parole process for CHNV parolees, DHS should immediately implement a robust outreach effort to avoid unnecessary hardship for beneficiaries, service providers, and communities. It is imperative that any re-parole process established by DHS be equitable, effective,

¹ For example, a new TPS designation for Nicaragua has not been provided in over two decades. Meanwhile, Catholics and others in the country are facing unprecedented persecution by the government, including the revocation of citizenship as a punitive measure suffered by political prisoners.

and accessible. While the Afghan and Ukrainian re-parole processes were well-received and serve as helpful models (e.g., not requiring the involvement of supporters when adjudicating re-parole applications for Ukrainians), we encourage DHS to apply critical lessons learned during their implementation. These lessons include providing adequate lead time for DHS, beneficiaries, and service providers to understand the process and mobilize resources. At a minimum, DHS should clarify through timely communications to current CHNV beneficiaries that filing a Form I-131 for re-parole remains an option available to individuals who have not acquired another basis for lawful presence in the United States.

Thank you for your attention to these urgent matters. We welcome the opportunity to discuss them further with you and your staff.

Sincerely,

Church World Service

Center for Gender & Refugee Studies

Center for Victims of Torture

Global Refuge

HIAS

Human Rights First

International Refugee Assistance Project (IRAP)

International Rescue Committee

Department of Migration and Refugee Services, U.S. Conference of Catholic Bishops

Refugees International

The Episcopal Church

U.S. Committee for Refugees and Immigrants

World Relief

CC: The Honorable Ur Jaddou, Director, U.S. Citizenship and Immigration Services
Mr. Troy Miller, Senior Official Performing the Duties of the Commissioner, U.S. Customs
and Border Protection
Mr. Jake Sullivan, National Security Advisor
Ms. Neera Tanden, Domestic Policy Advisor

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
Camp Springs, MD 20588-0009



**U.S. Citizenship
and Immigration
Services**

December 11, 2024

Refugee Council USA (RCUSA)
1628 16th Street NW
Washington, DC 20009

Dear Refugee Council USA:

Thank you for your October 15, 2024 letter to the U.S. Department of Homeland Security (DHS) regarding the processes for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV processes). I am responding on behalf of the Department.

DHS is committed to ensuring a fair, orderly, and humane immigration system, consistent with U.S. law and international obligations. The Immigration and Nationality Act (INA) provides the Secretary of Homeland Security with the discretionary authority to parole noncitizens “into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit . . .” INA sec. 212(d)(5)(A), 8 U.S.C. 1182(d)(5)(A); *see also* 6 U.S.C. 202(4). The CHNV processes support DHS’s broader strategy to disincentivize irregular migration by simultaneously expanding the availability of safe, orderly, and lawful pathways to come to the United States, and strictly enforcing our nation’s immigration laws by imposing consequences on individuals who do not avail themselves of these lawful pathways, including the swift removal of those without a legal basis to remain in the United States.

DHS has not created a re-parole process for noncitizens paroled into the United States under the CHNV processes. Parole will automatically terminate at the end of the parolee’s period of parole, typically two years from the date they were paroled into the United States. If a parolee has not obtained a lawful status or is not in a period of authorized stay, they will need to leave the United States once their authorized parole period expires. Otherwise, they may begin to accrue unlawful presence and may be placed in removal proceedings after their authorized parole period expires.

However, during their period of parole, noncitizens paroled into the United States under the CHNV processes may apply for employment authorization and apply for any immigration benefit for which they are eligible, such as asylum, Temporary Protected Status (TPS), and adjustment of status to that of a lawful permanent resident. A majority (over 90 percent) of parolees under the CHNV processes whose parole is set to expire by the end of 2024 have already applied for or been granted asylum, TPS, or adjustment of status.

Please note that DHS sent email notifications to certain parolees under the CHNV processes whose two-year parole periods are set to expire and who have not yet applied for or been granted an immigration status or benefit that would allow them to remain in the United States after their parole period expires. The notifications let parolees know that although there is no re-parole process under the CHNV processes, they may apply for any immigration benefit for which they are eligible, such as TPS, asylum, and family-based immigration. The notifications also include links to the relevant forms and uscis.gov webpages.

Thank you again for your letter and interest in this important issue. Please share this response with the other organizations that cosigned your letter. Should you wish to discuss this matter further, please do not hesitate to contact the USCIS Public Engagement Division by email at public.engagement@uscis.dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director