

Department of Homeland Security

Briefing Paper to Highlight DHS Parole Initiatives

Prepared for the Senior Plenary Session of the Interagency Group on Insular Areas
February 28, 2013

This briefing paper summarizes recent actions taken by the U.S. Department of Homeland Security (DHS) authorizing the use of parole authority since the 2011 Senior Plenary Session of the Interagency Group on Insular Areas (IGIA). The Secretary of Homeland Security has authorized the use of parole for immediate relatives of U.S. citizens, certain stateless individuals, and caregivers of critical medical or special needs individuals in the Commonwealth of the Northern Mariana Islands (CNMI). The Secretary also has decided to exercise her discretionary parole authority on a case-by-case basis and subject to certain conditions, to permit citizens of the Russian Federation seeking to visit Guam temporarily to enter Guam without a B-1/B-2 nonimmigrant visa.

Parole for Immediate Relatives of U.S. Citizens and Certain Stateless Individuals

On a case-by-case basis, U.S. Citizenship and Immigration Services (USCIS) will consider an application for parole for the immediate relatives of U.S. citizens and certain “stateless” individuals in the CNMI. A grant of parole will allow immediate relatives of U.S. citizens and stateless individuals to lawfully remain in the CNMI. USCIS has exercised discretionary parole authority on a case-by-case basis in the CNMI since 2009 for special situations.

General Eligibility Requirements

Individuals who may apply for parole under this policy are:

- Immediate relatives of a U.S. citizen. An immediate relative for purposes of this exercise of parole authority is an individual who:
 - Is a legal spouse, an unmarried child under 21 years old, or a parent (regardless of the age of the U.S. citizen child) at the time of adjudication, and
 - Who was lawfully present in and residing in the CNMI as of Nov. 27, 2011. (Please see the “Immediate Relatives” section below for more information.)
- An alien born in what is now the CNMI between Jan. 1, 1974, and Jan. 9, 1978. These individuals are sometimes referred to as “stateless” because of their unique situation under the Covenant Act establishing eligibility for U.S. citizenship of individuals born in the CNMI.
- A child (unmarried under 21 years old) or legal spouse of an alien who was born in what is now the CNMI between Jan. 1, 1974 and Jan. 9, 1978 (also referred to as a “stateless” individual).

Immediate Relatives

For the purposes of this exercise of parole authority only, an “immediate relative” is the legal spouse, unmarried child under 21 years old, or parent of a U.S. citizen. This category, unlike the statutory definition of “immediate relative,” includes the parents of minor U.S. citizen children.

Parents of minor U.S. citizens are eligible for parole even though they are not “immediate relatives” as defined in the Immigration and Nationality Act (INA). According to U.S. immigration law, an “immediate relative” is defined, as “the children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age.” INA § 201(b)(2)(A)(i). This means that the parent of a U.S. citizen child is not an immediate relative and cannot be sponsored by the child for permanent residence in the United States until the child turns 21 years of age. However, in light of the unique circumstances brought about by the incorporation of the CNMI within U.S. immigration law, USCIS is including these parents in the group eligible to apply for this particular exercise of parole authority.

Paroles of eligible individuals were granted until December 31, 2012. In November, 2012, USCIS announced that it would grant parole extensions for up to two years.

Parole for Caregivers of Critical Medical or Special Needs Individuals

Residents of the CNMI who have an in-home caregiver who is a foreign worker, may have the in-home caregiver apply to USCIS for humanitarian parole if he or she is required for extraordinary medical or special needs reasons and meets other conditions for eligibility. With the expiration of umbrella permits on Nov. 27, 2011, caregivers such as these may not had another option under U.S. immigration law, and in-home care services currently may not be available through the commercial sector.

General Eligibility Requirements

Foreign National Caregivers

USCIS may grant parole on a case-by-case basis based on the individual circumstances presented for urgent humanitarian reasons when:

There is a compelling medical or special needs situation (this may include but is not limited to an individual who is disabled and unable to care for him or herself or a special needs child for whom no care facilities exist in the CNMI);

The existing foreign caregiver has worked for the same disabled or special needs individual prior to Nov. 28, 2011; and

There is a continuing need for the special care.

A foreign worker applying for parole under this situation must be providing care for a person who requires medical assistance in order to live independently or is otherwise in a situation of urgent humanitarian need. This means a significant medical or special needs situation going beyond normal house maintenance or ordinary childcare. This could include, for example, an individual who is disabled and unable to care for him or herself or a special needs child for whom no care facilities exist in the CNMI.

Parole is granted for up to one year. The caregiver must also apply for an employment authorization document (EAD). The caregiver can apply for extension of the parole and EAD before they expire.

PLEASE NOTE: This is not a blanket option for anyone using the title “caregiver.” If the individual is employed in the home simply to make life easier or to facilitate employment of the household outside the home by taking care of the children, cleaning the home, buying groceries, cooking meals and other such work, he or she is not eligible to be considered for parole under this policy.

Parole of Citizens of Russia into Guam

On November 15, 2011, the Secretary of Homeland Security signed a Decision Memorandum that allows U.S. Customs and Border Protection (CBP) to exercise discretionary parole authority on a case-by-case basis to permit citizens of the Russian Federation seeking to visit Guam temporarily to enter Guam without a B-1/B-2 nonimmigrant visa. This policy became effective on January 15, 2012.

The new parole eligibility allows citizens of Russia to enter Guam visa-free and travel between Guam and the CNMI for a period of stay up to 45 days, provided the traveler meets certain conditions. Russian citizens seeking admission to Guam under this program must possess a valid, unexpired machine-readable passport, have not previously violated the terms of any prior admission to the United States and present a valid completed CBP Form I-94, Arrival/Departure Record and Form I-736, Guam-CNMI Visa Waiver Information. Visitors who are paroled under this authority may not engage in local employment or labor for hire. Parole authorization is limited to Guam and the CNMI only and does not permit travel to another location within the United States.

Previously, on October 21, 2009, the Secretary announced her decision to exercise her discretionary parole authority on a case-by-case basis to permit citizens of the People’s Republic of China and Russia to travel to the CNMI visa-free. This exercise of parole authority became effective November 28, 2009.