

9 FAM 42.1 PROCEDURAL NOTES

*(CT:VISA-811; 05-09-2006)
(Office of Origin: CA/VO/L/R)*

9 FAM 42.1 PN1 APPLICATION TO REPLACE ALIEN REGISTRATION RECEIPT CARD

(CT:VISA-679; 01-27-2005)

Consular officers may accept an alien's application for replacement of the alien receipt card from aliens physically present in their consular district. Consular officers shall send the completed Form I-90, Application to Replace Permanent Resident Card, along with the proscribed fee, in the form of a check or money order to the Department of Homeland Security (DHS) office having jurisdiction over the alien's place of residence in the United States. For procedures regarding the processing of such applications (see 9 FAM Appendix N, 300).

9 FAM 42.1 PN2 PROCEDURES FOR RECOMMENDING HUMANITARIAN PAROLE

9 FAM 42.1 PN2.1 Information Required

(CT:VISA-679; 01-27-2005)

When a consular officer believes that exceptional circumstances or grave humanitarian concerns warrant the use of humanitarian parole, the officer shall cable or fax his or her recommendation to the U.S. Immigration and Customs Enforcement (USICE) Office of International Affairs (OIA) Parole and Humanitarian Assistance Branch (PHAB), setting forth the special circumstances or concerns. The cable takes the place of Form I-131, Application for Travel Document (see 9 FAM 42.1 PN7). The recommendation must include the following.

9 FAM 42.1 PN2.1-1 For Each Prospective Parolee

(CT:VISA-811; 05-09-2006)

For each prospective parolee, the following items are required:

- (1) Complete name (including aliases), date, and place of birth;
- (2) Immigration status and alien registration number (if any);
- (3) Occupation, if applicable, and current address abroad;
- (4) Relationship to sponsor;
- (5) Confirmation that the required fee has been paid;
- (6) Length of time for which parole is sought (not to exceed one year except in highly unusual circumstances); and
- (7) Certification that a *consular lookout and support system* (CLASS) namecheck was made and the results.

9 FAM 42.1 PN2.1-2 For Each Sponsor

(CT:VISA-811; 05-09-2006)

For each sponsor the following information is required:

- (1) Complete name, date, and place of birth;
- (2) Immigration status and alien registration number, if applicable;
- (3) Occupation;
- (4) Current address;
- (5) A statement of how and by whom medical care, housing, transportation, and other subsistence needs will be met for each prospective parolee; *and*
- (6) A completed and signed Form I-134, Affidavit of Support. A Form I-864, Affidavit of Support under Section 213A of the Act is not to be used.

9 FAM 42.1 PN2.1-3 Other Required Information

(TL:VISA-429; 06-25-2002)

- (1) A statement of why a U.S. visa cannot be obtained for each prospective parolee and why a waiver is not available;
- (2) Verification of approved visa petitions (if any);
- (3) A statement of the emergent reasons that parole should be authorized; and
- (4) Documentation verifying assertions made in support of the request.

9 FAM 42.1 PN2.2 Where to Send Humanitarian Parole Recommendation

(CT:VISA-811; 05-09-2006)

- a. Post should forward humanitarian parole recommendations by cable to the USICE Headquarters PHAB. In order to ensure that USICE receives such cables in a timely manner, the Department strongly recommends that posts follow up by faxing the cable to USICE. The Form I-134, Affidavit of Support and any supporting documentation may be faxed to USICE, either by the consular officer or by an interested party in the United States. If the Form I-134 and/or any supporting documentation will be sent to USICE by an interested party in the United States, the cable must state this. The unclassified fax number for the USICE Headquarters PHAB is 202-514-0542.
- b. In **ALL** cases where the consular officer recommends humanitarian parole, an info copy of the cable must be sent to the Department slugged for the CA/VO/F/P officer responsible for parole. Posts should identify any high profile cases likely to generate outside interest and must slug the cable in such cases to CA/VO/P as well.
- c. As stated in 9 FAM 42.1 N4 a, humanitarian parole authority generally rests with the USICE Headquarters PHAB. Normal humanitarian parole authority was transferred from the three overseas DHS District Offices to the USICE Headquarters PHAB in 2001. However, in an emergency situation outside of normal business hours in Washington, DC, posts may send humanitarian parole recommendations to the overseas DHS District Office with jurisdiction over the post.

9 FAM 42.1 PN3 PROCEDURES FOR REQUESTING *SIGNIFICANT PUBLIC BENEFIT PAROLE (SPBP)*

9 FAM 42.1 PN3.1 Where to Submit Significant Public Benefit Parole (SPBP) Requests

(CT:VISA-811; 05-09-2006)

Posts must submit SPBP requests to the Department (CA/VO/F/P and the relevant country desk), with an info copy to the USICE Headquarters PHAB. Requests may be cabled or faxed and must be unclassified or sensitive but unclassified (SBU). CA/VO/F/P and the country desk will coordinate with other interested Department bureaus and, if the request is approved for recommendation by the Deputy Assistant Secretary for Visa Services, it will be formally conveyed to USICE. If any problems or questions relevant to the parole request should develop, the Department will alert the requesting post and solicit a response. Posts should note in their requests whether the

individual for whom parole is sought was the subject of a previous parole recommendation, post reporting or interagency discussion.

9 FAM 42.1 PN3.2 Format and Content of Significant Public Benefit Parole (SPBP) Requests

(CT:VISA-679; 01-27-2005)

a. Requests for SPBP must contain the following information:

- (1) Name of the principal alien;
- (2) Date and place of birth of the principal alien;
- (3) Justification for parole request;
- (4) Proposed parolee's address abroad;
- (5) Certification that a CLASS namecheck was made and the results;
- (6) Information on the agency or individual financially responsible for the parolee's living expenses while he or she is in the United States, and, where feasible, a completed Form I-134, Affidavit of Support;
- (7) Identification of those offices/agencies that have concurred in the request;
- (8) The alien's expected travel itinerary and U.S. port of entry;
- (9) Where applicable, names and biographic data for all accompanying family members and justification for their inclusion in the parole request;
- (10) Certification that CLASS namechecks were made for all accompanying family members and the results of the namecheck(s); and
- (11) Certification as below by the COM, DCM or appropriate Department official with the title of office director or higher.

b. The required language for the certification is as follows:

I, (Title), (Name of Embassy), U.S. Department of State, attest to the Deputy Assistant Secretary of State for Visa Services and the Department of Homeland Security (DHS) Office of International Affairs, Parole and Humanitarian Assistance Branch, that:

- (1) The justification and information pertinent to the parole request are accurate and complete, insofar as information is available to this post.
- (2) Namechecks have been completed in the CLASS database on the person named in the request and, as appropriate, information obtained from foreign law enforcement agencies.

- (3) All database findings on the person named above, including copies of computer screens and other related materials have been identified and forwarded to the DHS Office of International Affairs, Parole and Humanitarian Assistance Branch.
- (4) The following is a complete list of all Department offices and U.S. Government agencies known or thought to have an interest in this request: (List agencies, contact names and numbers, as appropriate).

Signature/Name/Date

9 FAM 42.1 PN4 POST ACTION WHEN PAROLE IS AUTHORIZED

(CT:VISA-679; 01-27-2005)

The USICE Headquarters PHAB will notify the post by cable if a favorable decision is reached in the case. Interested parties (sponsors, Congressional offices, etc.) in the United States will be notified of the decision by mail. The USICE cable will:

- (1) Authorize the issuance of a transportation letter;
- (2) Identify the parole beneficiary;
- (3) Indicate the length of time for which parole has been authorized; and
- (4) List any known grounds of ineligibility.

DHS may also indicate that the applicant has sufficient financial resources.

9 FAM 42.1 PN4.1 Post Action Upon Authorization

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Upon receipt of the notification of approval for parole, the processing post must:

- (1) Verify the beneficiary's identity;
- (2) Review the results of the medical exam (if applicable);
- (3) Verify that no other grounds of ineligibility exist;
- (4) Conduct the CLASS namecheck;
- (5) Ensure that the applicant answers all questions under item 38 of Form DS-156, Nonimmigrant Visa Application (Post may wish to use the Form DS-156 itself, and, if so, should annotate on the front of the Form DS-156 "Parole Case" and file the Form DS-156 at post);

and

- (6) If post is convinced that no other grounds of ineligibility exist, issue the necessary transportation letter (see 9 FAM Appendix N, Exhibit V). There is no charge for the transportation letter.

9 FAM 42.1 PN4.2 Post Action if Additional Ineligibility Grounds are Discovered

(CT:VISA-679; 01-27-2005)

If, in reviewing the notification of parole authorization, the consular officer determines that additional grounds of ineligibility unknown to USICE exist, the post, in a cable addressed to the USICE Headquarters PHAB and CA/VO/F/P, must advise of the ineligibilities and make its recommendation on the case. The authority to reaffirm or revoke the authorization of parole rests with USICE alone.

9 FAM 42.1 PN5 USICE DENIAL OF PAROLE

(CT:VISA-679; 01-27-2005)

There is no appeal process for an USICE denial of parole. However, in the rare instance when the consular officer feels there is pertinent information that was not included in the original request, the consular officer may request a review of the case. The cabled request for review should be sent to USICE Headquarters (Attention: Director, PHAB), with an info copy to CA/VO/F/P. The subject line should read: Parole Reconsideration. A properly prepared first request should make a request for review unnecessary.

9 FAM 42.1 PN6 MEDICAL EXAMINATION RESULTS

(CT:VISA-679; 01-27-2005)

If the parolee is required to have a medical examination, the consular officer shall attach completed Form DS-2053, Medical Examination for Immigrant or Refugee Applicant, to the transportation letter referred in 9 FAM 42.1 PN4.1 (6). The applicant is responsible for paying for the medical examination. The consular officer may waive the medical examination in an emergency case if authorized by USICE.

9 FAM 42.1 PN7 CASES NOT RECOMMENDED FOR PAROLE

(CT:VISA-679; 01-27-2005)

In cases where the consular officer does not recommend parole, but where an applicant is referred directly to the USICE, the alien should be given Form I-131, Application for Travel Document, and the mailing address of the USICE Headquarters PHAB.