

Report to Congress
Use of the Attorney General's Parole Authority
Under the Immigration and Nationality Act
Fiscal Years 1997-1998

Introduction

Section 602(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Public Law No. 104-208, requires the Attorney General to submit annual reports to the Judiciary Committees of the Senate and House of Representatives. The reports concern the use of the Attorney General's parole authority under section 212(d)(5) of the Immigration and Nationality Act (INA), as amended. This provision, for example, allows for aliens who appear to be inadmissible to the inspecting officer to be granted permission for temporary entry into the United States "on a case-by-case basis for urgent humanitarian reasons or significant public benefit." A grant of parole does not constitute a formal admission to the United States. It confers only temporary permission to be present, requiring parolees to leave when the justification supporting their parole ceases to exist, or to be admitted in a lawful alien status for which they are eligible.

The reports are to describe "the total number of aliens paroled into and residing in the United States and [to] contain information and data for each country of origin concerning the number and categories of aliens paroled, the duration of parole, the current status of aliens paroled, and the number and categories of aliens returned to the custody from which they were paroled during the preceding fiscal year." This second report presents the available data for Fiscal Years (FY) 1997 and 1998. The first report, covering FYs 1996 and 1997, was released in May 1999. Historical data on parole have been published in the *Statistical Yearbook of the Immigration and Naturalization Service* beginning in FY 1995. They are also presented in *The Triennial Comprehensive Report on Immigration* for earlier years.

Organization of This Report

This report begins with a discussion of the data sources that were used in preparing it. It continues with a description of the total number of paroles granted to persons from major countries of origin in FYs 1997 and 1998. The next section discusses the purposes of parole and introduces the six categories into which parolees are classified. The following six sections present more detail

about each category, including the number of paroles granted by country of origin for the same years. To the extent allowed by the data, each of these sections also contains information for persons paroled in FY 1997 on the length of time for which parole was given. The next section presents estimates of the number of persons granted parole and still residing in the United States, including some parolees who arrived in earlier years. Immigration and Naturalization Service (INS) researchers based these estimates on data covering adjustment of status from parole to permanent residence and other data from administrative record systems. The last section summarizes the major findings.

Sources of Data on Parole

Since 1983, data on parolees have been collected on INS Form I94 and maintained in the INS Nonimmigrant Information System (NIIS). This system was designed to capture minimal data on the arrivals and departures of aliens admitted for short visits, who are primarily persons traveling for pleasure or to conduct temporary business. The NIIS system was not intended to provide the kind of detailed data required for this report, but it is the only source of comprehensive information available at this time. The system provides data on the number of paroles by category and country of citizenship, and on the length of time for which parole is initially granted. The actual duration of parole is calculated from matching electronic records of arrivals and departures.^[1] Information on parolees who become permanent residents is available from the immigrant data base. The INS does not maintain data pertaining specifically to parolees held in custody.

Arrivals under the Parole Authority in FYs 1997 and 1998

In FY 1997, 199,843 grants were made under the parole authority.^[2] FY 1998 saw an increase in paroles to 237,414.^[3] Table 1 displays the total number of paroles granted during these fiscal years for the 37 countries that had at least 1,000 paroles in either year or whose nationals may have qualified for special parole programs under the INA.

While INS may grant parole to a national of any country, the 37 countries listed in Table 1 accounted for 87 and 88 percent of all paroles in the 2 years, respectively. Our neighboring countries were prominent. Mexico dominated the picture, accounting for 34 percent of all paroles in each year, and Canada placed second in both years. Cuba ranked third in both years, due primarily to paroles under the Cuban Migration Agreement, which is discussed below under *Overseas Parole*. These patterns and trends are best understood by examining each type of parole separately.

Categories of Parole

In general, the parole authority in section 212(d)(5) allows the INS to respond in individual cases that present problems that are time-urgent or for which no remedies are available elsewhere in the Immigration and Nationality Act. The prototype case arises in an emergency situation. For example, the sudden evacuation of U.S. citizens from dangerous circumstances abroad often includes household members who are not citizens or permanent resident aliens, and these persons are usually paroled. When aliens are brought to the United States to be prosecuted or to assist in the prosecution of others, they are paroled. Parole is sometimes used to reunite divided families. More examples of the use of parole are presented below.[\[4\]](#)

Table 1

Aliens Paroled by Selected Country of Citizenship*

FYs 1997 and 1998

Country	FY 1997	FY1998	
All countries	199,843	237,414	
Mexico	68,045	81,512	
Canada	15,392	16,576	
Cuba	8,247	15,350	
United Kingdom	8,187	10,203	
China (PRC)	6,105	7,149	
India	5,485	6,810	
Soviet Union (former)	5,364	6,134	
Philippines	5,218	5,974	
El Salvador	4,467	3,676	
Germany	3,348	4,084	
Korea	3,218	3,189	
Japan	3,146	3,490	

Colombia	3,098	3,501
Pakistan	2,733	3,269
Brazil	2,672	3,435
Taiwan	2,612	2,654
France	2,304	3,193
Dominican Republic	2,220	2,855
Guatemala	2,103	1,729
Israel	1,778	1,837
Jamaica	1,767	1,824
Peru	1,671	1,977
Venezuela	1,625	2,408
Italy	1,503	1,779
Poland	1,402	1,385
Ecuador	1,361	1,586
Australia	1,332	1,549
Honduras	1,311	1,324
Haiti	1,305	1,102
Netherlands	1,061	1,422
Vietnam	959	1,129
Argentina	928	1,201
Spain	860	1,208
Dominica	714	1,145
Nigeria	135	1,136
Cambodia	129	179
Laos	68	20
Percent of yearly total	87.0%	88.0%
*Countries are listed if they had at least 1,000 parolees or if their nationals were eligible for a special parole program.		

Since FY 1992, the INS has used six categories to classify paroles. A brief description of each follows.

1. **Port-of-entry parole** is the single category used most often. It applies to a wide variety of situations and is used at the discretion of the supervisory immigration inspector, usually to allow short periods of entry. Examples include allowing aliens who could not be issued the necessary documentation within the required time period, or who were otherwise inadmissible, to attend a funeral and permitting the entry of emergency workers, such as fire fighters, to assist with an emergency.
2. **Advance parole** may be issued to aliens residing legally in the United States in other than lawful permanent resident (LPR) status who have an unexpected need to travel abroad and return, and whose conditions of stay do not otherwise allow for readmission to the United States if they depart.
3. **Deferred inspection parole** may be conferred by an immigration inspector when aliens appear at a port-of-entry with documentation, but after preliminary examination, some question remains about their admissibility which can best be answered at their point of destination.
4. **Humanitarian parole** responds to the “urgent humanitarian reasons” specified in the law. It is used in cases of medical emergency and comparable situations.
5. **Public interest parole** refers to the “significant public benefit” language in the law. It is generally used for aliens who enter to take part in legal proceedings.
6. **Overseas parole** is the only category of parole that is designed to constitute long-term admission to the United States. In recent years, most of the aliens the INS has processed through overseas parole have arrived under special legislation or international migration agreements.

Detailed information about each parole category follows, accompanied by data on the number of grants of parole in each category in FYs 1997 and 1998.

1. **Port-of-Entry Parole**

The port-of-entry parole allows for some administrative flexibility to deal with situations that could not have been foreseen. Many scenarios are cited for the exercise of discretion by the supervisory immigration inspector at a port to allow brief visits by aliens who otherwise could not be admitted. For example, relatives may be granted parole to attend a funeral, visit or accompany seriously ill family members, or to assist in the care of a new baby. Crew members may be paroled to conduct ship's business. In certain circumstances, people who arrive at a port-of-entry and assert a claim for asylum may be given a port-of-entry parole to

enter and pursue their claim. If aliens do not clearly belong in one of the other parole categories and parole is desirable, port-of-entry parole is used. The authority for this type of parole rests with the INS district offices.

This category of parole is the one most commonly used.^[5] In FY 1997 it represented 76 percent of all paroles, and in FY 1998 its share fell slightly to 72 percent. Our immediate neighbors, Mexico and Canada, represented 41 percent of these paroles in FY 1997 and 39 percent in FY 1998. The other paroles in this category were distributed among many countries, and the increase of 20,000 was spread widely among the countries (see Table 2).

The INS authorizes parole for a length of time that is expected to be adequate for the traveler to depart or resolve questions about his or her status. A generous estimate of the time required is used to avoid the administrative need to re-parole. During FY 1997, 70 percent of all port-of-entry paroles were issued for periods of time ranging from 5 months up to 1 year.

While the great majority of persons who receive port-of-entry parole can be assumed to depart the United States soon after entry, there are certain exceptions. A significant number of aliens have been paroled in past years to pursue claims for asylum, including approximately 11,000 Haitians in FYs 1992 and 1993, as many as 20,000 persons from Guatemala and El Salvador under the terms of the ABC settlement^[6] in FYs 1993 and 1994, and about 6,500 Kurds from Iraq in the fall of 1996. Some of these persons have received asylum, and some are still present in the United States awaiting decisions on their applications for asylum.^[7] Since April 1, 1997, most asylum applicants who do not possess proper travel documents and seek admission at ports-of-entry are, as required under the IIRIRA, detained in INS custody until a positive decision is made in accordance with the expedited removal credible fear process. District Directors may then parole asylum applicants from detention pending their immigration hearing.

Table 2
Aliens Granted Port-of-Entry Parole, by Selected Country of Citizenship*
FYs 1997 and 1998

Country	FY 1997	FY 1998
All countries	151,385	171,413
Mexico	52,677	56,078
Canada	9,121	11,347
United Kingdom	7,013	8,971
China (PRC)	5,301	6,306
India	4,696	6,022
Philippines	4,593	5,356
El Salvador	2,981	2,551

Korea	2,829	2,788
Germany	2,758	3,474
Japan	2,742	3,067
Soviet Union (former)	2,681	3,629
Colombia	2,539	2,766
Taiwan	2,376	2,434
Brazil	2,325	3,102
Cuba	2,236	980
Pakistan	2,160	2,753
France	1,955	2,811
Dominican Republic	1,827	2,376
Guatemala	1,663	1,341
Israel	1,533	1,577
Venezuela	1,426	2,033
Peru	1,408	1,718
Jamaica	1,305	1,295
Italy	1,271	1,529
Poland	1,153	1,215
Australia	1,148	1,355
Honduras	1,111	1,122
Ecuador	1,101	1,322
Netherlands	865	1,204
Argentina	802	1,031
Spain	736	1,031
Percent of yearly total	84.8%	84.3%
*Countries were selected if they had at least 1,000 parolees in either year.		

A review of the countries shown in Table 2 that account for large numbers of port-of-entry paroles in FYs 1997 and 1998 indicates that 8 of them were also

among the top 10 nationalities of asylum applicants in one of those years, including Mexico, China, India, El Salvador, the former Soviet Union, Pakistan, Guatemala, and Honduras. As of the end of FY 1998, nearly 7,100 of the principal applicants with pending asylum claims first entered in parole status.

2. Advance Parole

Some aliens reside in the United States legally but with other than permanent resident status. If they need to depart and return for an unexpected purpose, and if their status would not otherwise permit reentry, they may apply to the INS in advance of their departure to be allowed to re-enter. The most common example is aliens who have applied but not received decisions on their requests to adjust to lawful permanent resident status. Therefore, the entry of a person under advance parole represents the return from abroad of someone who was already in the United States, not a net addition to the population. Advance paroles are issued by the INS District Offices.

Table 3
Aliens Granted Advance Parole by Selected Country of Citizenship*
FYs 1997 and 1998

Country	FY 1997	FY 1998
All countries	8,998	8,162
Mexico	3,571	1,723
Canada	1,885	1,972
United Kingdom	333	394
India	246	238
El Salvador	196	127
Pakistan	151	222
Germany	149	178
China (PRC)	132	207
Soviet Union (former)	116	126
Philippines	109	151
Israel	108	93
France	100	117
Brazil	98	113
Japan	88	103
Colombia	71	211
Venezuela	38	146

Percent of yearly total	82.1%	68.0%
*Countries were selected if they had at least 100 parolees in either year.		

The numbers reported in Table 3 indicate that advance parole accounted for about 4.5 percent of all paroles in FY 1997 and only 3.4 percent in FY 1998.^[8] Nationals of Canada and Mexico were the most numerous in both years, making up 61 percent of the advance paroles in FY 1997 and 45 percent in FY 1998. The number of grants of advance parole to nationals of Mexico fell by more than half between 1997 and 1998.

The great majority of advance paroles during FY 1997 were issued for 1 year. These persons can generally be assumed to be residing in the United States pending decisions on their cases, as they were before they departed. Once the decisions are reached, they will be converted from parole to their new immigration status.

3. Deferred Inspection Parole

In the case of deferred inspection, the inspecting officer at a port-of-entry cannot make a final determination on the alien's admissibility because necessary information is not available. Instead, an appointment is made for the alien to appear at a local INS office where more information is available and the inspection can be completed. Ordinarily this merely requires the alien to assemble the documents that he/she did not have upon arrival at the port. These cases represent technical rather than substantive matters and are usually resolved rapidly. If admissible, the alien is admitted in the proper visa category, and the parole is terminated. Otherwise, he/she may be placed in removal proceedings. Deferred inspections are controlled by the INS District Offices. Deferred inspections account for a relatively small proportion of all paroles--5 percent in FY1997 and 4 percent in FY 1998. Mexico and Canada again predominated in this category, with 20 percent of the deferred inspections in 1997 and 27 percent in 1998 (see Table 4). The total number of deferred inspections and the figures by country changed very little between the 2 years. In FY 1997, deferred inspection paroles were issued for a median time of 2 weeks. Upon completion of inspection, aliens are admitted in the status for which they qualify under the INA. Aliens found inadmissible withdraw their applications, or they can be subject to removal including expedited removal. No data are compiled on how many are admitted or their status upon admission.

4. Humanitarian Parole

The *humanitarian parole* category specifically invokes the legislative language, "urgent humanitarian reasons," as the basis for granting parole. Its use is primarily with aliens allowed to enter or remain temporarily for medical reasons. This may include people who require specialized treatment not available in their home countries and people with a severe medical condition that makes detention or deportation inappropriate. Grants of humanitarian parole are under the jurisdiction of the INS Headquarters Office of International Affairs.

Persons given humanitarian parole accounted for 8 percent of all paroles in FY 1997 and 10 percent in FY 1998. As in the categories reviewed above, nationals of Mexico and Canada were the most numerous, accounting for 65 percent of the humanitarian paroles in 1997 and 82 percent in 1998. The number of humanitarian paroles increased by nearly half between the 2 years, and the increase of more than 10,000 in the number paroled from Mexico offset small declines from most other countries. Table 5 displays the number of grants of humanitarian parole by country during FYs 1997 and 1998.

Table 4
Aliens Granted Deferred Inspection by Selected Country of Citizenship*
FYs 1997 and 1998

Country	FY 1997	FY 1998
All countries	10,109	10,392
Mexico	2,000	1,920
Canada	795	840
United Kingdom	499	489
Colombia	313	355
Jamaica	304	371
Germany	296	261
Haiti	259	307
China (PRC)	256	252
Dominican Republic	252	329
Korea	250	171
Philippines	248	180
El Salvador	247	206
India	173	250
Soviet Union (former)	169	125
Japan	156	128
Ecuador	140	124
Guatemala	137	132
France	125	156
Brazil	125	139

Honduras	121	93
Peru	119	117
Venezuela	109	136
Iran	105	87
Italy	99	118
Cuba	97	213
Pakistan	91	120
Nigeria	25	121
Percent of yearly total	74.3%	74.5%
*Countries were selected if they had at least 100 deferred inspections in either year.		

Table 5
Aliens Granted Humanitarian Parole by Selected Country of Citizenship*
FYs 1997 and 1998

Country	FY 1997	FY 1998
All countries	16,773	24,897
Mexico	8,437	18,508
Canada	2,531	1,831
El Salvador	1,009	740
China (PRC)	327	241
Pakistan	312	140
India	303	210
United Kingdom	245	234
Guatemala	221	182
Philippines	194	206
Japan	119	123
Germany	116	118
Poland	112	49
Korea	106	106
Colombia	106	86

Bangladesh	106	46
Percent of yearly total	84.9%	91.7%
*Countries were selected if they had at least 100 humanitarian paroles in either year.		

Humanitarian paroles were issued in FY 1997 for a wide range of times: 1 month to 1 year, with 8 months being the median. There is no information on the number of humanitarian parolees, if any, who remain in the United States for longer periods of time; persons admitted for medical treatment typically depart once they have completed their treatment.

5. Public Interest Parole

The *public interest parole* category invokes the “significant public benefit” language in the law. It is primarily used with aliens entering in conjunction with a legal proceeding. These aliens may have been brought to the United States for prosecution under our laws, or they may be assisting U.S. officials in a prosecution. The authority for public interest parole rests with the INS Headquarters Office of International Affairs.

Public interest parole has been the least used type of parole in recent years, accounting for about 2 percent of all paroles in both FYs 1997 and 1998.

Canadian and Mexican nationals were again the most common in this category, as shown in Table 6. They accounted for 65 percent of all public interest paroles in 1997 and 72 percent in 1998. The increase in the absolute number from Mexico accounted for all of the increase in public interest parole between 1997 and 1998. On average in FY 1997, public interest parole was given for 7 weeks.

Table 6

Aliens Granted Public Interest Parole by Selected Country of Citizenship*
FYs 1997 and 1998

Country	FY 1997	FY 1998
All countries	3,593	5,173
Mexico	1,299	3,193
Canada	1,050	555
Haiti	128	13
United Kingdom	87	100
China (PRC)	75	111
Percent of yearly total	73.4%	76.8%
*Countries were selected if they had at least 100 public interest parolees in either year.		

Persons paroled in a law enforcement context present a special complication for data collection, since in addition to entry into the United States, the parole may

represent entry into or out of detention, or transfer to the custody of another law enforcement agency, and the ultimate disposition of these cases is not tracked in the NIIS. If convicted of the crime for which they were being prosecuted, public interest parolees may remain for substantial periods of time while serving their sentences in U.S. prisons.

6. Overseas Parole

Prior to the passage of the Refugee Act of 1980, the Attorney General's parole authority was used as a vehicle to admit large numbers of refugees and refugee groups. The Refugee Act contains a provision prohibiting parole of an alien who is a refugee unless "compelling reasons in the public interest with respect to that particular alien" require parole instead of admission in refugee status, effectively ending this use of parole. Some aliens are issued parole overseas under a statutory provision for such cases after their applications for refugee status have been denied. Because most overseas parolees come from countries where the United States has a refugee admission program, and most enter under special legislation allowing them to become lawful permanent residents after a waiting period of 1 year, this category of parole usually is expected to result in permanent admission.

The number of persons given overseas parole has fluctuated widely, depending on the presence of programs abroad under which refugees are screened, and on the existence of country-specific legislation. As shown in Table 7, the number increased between FYs 1997 and 1998 from 4.5 percent (of 199,843) to 7.3 percent (of 237,414) of all paroles, due to the rise in Cuban parolees.

Table 7
Aliens Granted Overseas Parole by Selected Country of Citizenship*
FYs 1997 and 1998

Country	FY 1997	FY 1998
All countries	8,989	17,377
Cuba	5,893	14,123
Soviet Union (former)	2,398	2,254
Vietnam	448	534
Cambodia	30	87
Laos	27	4
Percent of yearly total	97.9%	97.8%
*The selected countries had overseas parole programs, or their nationals were eligible to adjust to lawful permanent resident status under special legislation.		

Persons paroled under the overseas programs in 1997 were usually given parole for 2 years, to allow time for them to apply for and be granted adjustment of status after the 12-month waiting period. "Overseas" parolees, of course, are not

expected to depart the United States. Most adjust status and become lawful permanent residents.

Table 7 indicates that the overseas parole category is being dominated currently by Cubans arriving under the 1994 Migration Agreement with Cuba, who made up 66 percent of all arrivals in this category in FY 1997 and 81 percent in FY 1998. In that accord, the United States agreed to admit 20,000 persons yearly by direct application in Havana, to forestall dangerous attempts to escape from Cuba by raft. Some Cuban nationals who apply for this program qualify for admission as refugees and some as lawful permanent residents; the rest are paroled consistent with the Agreement.^[9] Under the Cuban Adjustment Act of 1966, as amended, Cuban parolees may adjust their status to that of lawful permanent resident after 1 year of residence in the United States.

Persons from the former Soviet Union made up most of the rest of the overseas parolees, accounting for 27 percent of the total paroled overseas in FY 1997 and 13 percent in FY 1998. Special legislation^[10] in 1989 established a program for adjustment to lawful permanent resident status of persons from the former Soviet Union, Vietnam, Laos, or Cambodia who had been paroled after being denied refugee status. The program applied to persons who were granted parole overseas and arrived on August 15, 1988, or thereafter. Most of the former Soviet nationals who qualified arrived in FYs 1989 through 1993. Vietnamese arrivals under the program were highest from 1990 through 1994, while the number from Laos and Cambodia never reached 1,000 yearly. Like the Cubans, these parolees may apply to adjust to lawful permanent resident status after 1 year of U.S. residence.

Parolees Who Have Become Permanent Residents or Are Likely to Remain

This section addresses the issue of the "current status" of the aliens paroled, as the law requires, focusing primarily on the category of overseas parole, since most persons entering in recent years in this category qualified to become lawful permanent residents after 12 months in the United States. They may be Cubans who qualify under the terms of the 1966 Cuban Adjustment Act, or persons from Southeast Asia or the former Soviet Union who qualify under the Lautenberg Amendment cited above (see footnote 10 on page 12). These groups are discussed separately below.

From FYs 1989 through 1997, approximately 83,000 persons born in Vietnam, Cambodia, Laos, or the former Soviet Union received parole (Table 8). The law allowed them to become lawful permanent residents beginning in FY 1991.

Through FY 1998, about 51,000 are reported as having done so. Therefore, as of September 30, 1998, about 32,000 persons were residing in the United States in parole status who were eligible under this law to file for adjustment to lawful permanent resident status, and some may have already done so.

During FY 1998, 2,879 additional parolees arrived who are or will also be eligible for lawful permanent resident status under this law (Table 8). In past years, the Soviet parolees have generally become lawful permanent residents during their second year of residence in the United States, while the parolees from the Southeast Asian countries tended to gain permanent resident status during their second or third years.^[11] In total, about 86,000 persons have been paroled who

qualified under the provisions of this law to become lawful permanent residents. They can be presumed to still reside in the United States in lawful permanent resident or parole status or as naturalized citizens, although a few may have emigrated or died.

The number of Cubans currently residing in the United States in parole status is much more difficult to estimate, since Cubans have been given parole in significant numbers beginning in 1961. Over this period of time, many have become lawful permanent residents and subsequently citizens, and others have died. For the purpose of this report, the period of the estimate begins with FY 1992, when the number of Cubans arriving by raft began to grow after a number of years in which there were few such arrivals. The number of Cubans arriving first by raft and then under the overseas parole program from FY 1992 through FY 1997 was 65,489, with the largest number (28,139) coming in FY 1995. An additional 14,123 arrived in FY 1998 (Table 8), for a 7-year total of 79,612. Like the parolees from the countries affected by the Lautenberg Amendment, the Cuban parolees may be assumed to still reside in the United States under parole or lawful permanent resident status, or as citizens. By the end of FY 1998, 47,127 Cuban parolees who arrived from 1992 through 1997 had become lawful permanent residents. On average they did so during their second year of residence (see footnote 11 on page 13). This means that about 18,000 Cubans who arrived from FY 1992 through FY 1997 were still in parole status at the end of FY 1998.

Table 8
Grants of Parole and Adjustments from Parole Status, Long-Term Parole
Countries
FYs 1989-1998

Parole Arrivals from Selected Areas:				Adjustments to LPR Status by Persons from All Countries:	
Fiscal Year	Former Soviet Union	Southeast Asia	Cuba	Status at Entry Was Parole	Percent of Total Adjustments from Selected Areas
1998	2,254	625	14,123	10,598	85.2%
1997	2,398	505	5,893	33,901	74.5%
1996	1,150	313	17,488	25,001	65.2%
1995	1,697	1,534	28,139	17,651	50.2%
1994	1,909	4,918	9,149	19,944	60.2%
1993	2,270	8,311	3,220	23,680	67.9%
1992	5,426	18,009	1,600	18,920	69.9%

1991	9,225	8,296	331	11,268	60.4%
1990	6,784	5,432	415	7,551	67.0%
1989	4,146	842	1,097	7,907	66.5%
Total	37,259	48,785	81,455	176,421	

Source: Special tabulations by the INS Statistics Branch, Office of Policy and Planning

As the final column in Table 8 shows, in each year from FY 1989 through FY 1998, about two-thirds of the parolees who became lawful permanent residents did so under special legislation for persons from Southeast Asia, the former Soviet Union, or Cuba. The trend is for an increasing proportion of parolees who adjust to lawful permanent resident status to be from those countries.

In general, parole in categories other than overseas parole does not lead to lawful permanent resident status *as a result of the parole*. These parolees may qualify individually to become lawful permanent residents under various provisions of the Immigration and Nationality Act. The best approach to examine how many overseas parolees have adjusted status is to estimate the percentage of all parolees who enter in a given fiscal year and become lawful permanent residents in subsequent years, under any provision of law. A rough calculation of this type appears in Table 9. There, the number of aliens who first entered in parole status^[12] and who became lawful permanent residents in each year from FY 1991 through 1998 is divided by the number of parolees who entered in the second preceding fiscal year (1989-1996). This calculation assumes that parolees adjust to lawful permanent resident status during their second year in the United States.

The choice of a 2-year period to adjust status is arbitrary, based on the waiting period for overseas parolees who adjust status under special provisions of law as described above, and on the observed behavior of parolees in past years. Other parolees would have faced varying waiting times. For example, those with asylum must wait for 1 year after asylum is granted to apply for lawful permanent resident status, and since FY 1996 the number of persons eligible has exceeded the statutory annual limit of 10,000, making the waiting period longer. On the other hand, a parolee who is the spouse, child, or parent of a U.S. citizen is immediately eligible for permanent resident status.

Table 9 indicates that approximately 21 percent of the persons paroled in FYs 1989 through 1996 became lawful permanent residents in FYs 1991 through 1998. This percentage will continue to increase, since other parolees from this period will come forward to adjust to lawful permanent resident status in future years.^[13] In total, more than 176,000 persons became lawful permanent residents from FYs 1989 through 1998 after entering as parolees, including the nationals of the former Soviet Union, the Southeast Asian countries, and Cuba, as discussed above.

Table 9
Parole Arrivals Compared to Adjustments from Parole Status*
FYs 1989-1998

Parole Arrivals:			Adjustments to LPR Status:		
Fiscal Year					
Total Paroled	Total Less Advance and Deferred Inspection Paroles	Status at Entry Was Parole	Estimated Percent** of Year's Parolees Adjusting Status		
1998	237,414	218,860	10,598	1996	8.5%
1997	199,843	180,736	33,901	1995	33.3%
1996	138,334	124,595	25,001	1994	29.2%
1995	113,542	101,864	17,651	1993	19.0%
1994	111,403	85,694	19,944	1992	17.6%
1993	123,490	92,919	23,680	1991	22.6%
1992	137,478	113,579	18,920	1990	25.9%
1991	127,146	104,879	11,268	1989	12.8%
1990	90,265	73,107	7,551		
1989	106,857	88,117	7,907		
Totals	1,385,772	1,184,350	176,421	FYs 1989-96:	20.5%
*See text for a full explanation of methods of calculation used in this table.					
**Calculated by dividing the current year's lawful permanent residents whose status at entry was parole by parole arrivals for the second preceding year, not including deferred inspections and advance paroles. The 2-year time lag is used because most parolees during the period qualified to adjust status under the Lautenberg Amendment or the 1966 Cuban Adjustment Act, both of which impose a 1-year waiting period, and most of these parolees became lawful permanent residents during their second year of residence.					

Summary

- The number of grants of parole into the United States increased from just under 200,000 in FY 1997 to 237,000 in FY 1998.
- The great majority of paroles took place at the ports-of-entry for specific short-term purposes, based on decisions made by the INS inspectors.

- About 10 percent of all paroles in recent years were of aliens already residing in the United States (advance parole), or for whom parole was issued to resolve technical matters (deferred inspection).
- In FY 1997, 10 percent of all paroles issued were done for humanitarian reasons (usually medical) or for public benefit (usually in conjunction with a legal proceeding). In FY 1998, this figure rose to almost 13 percent.
- About 9,000 parolees in FY 1997 (4 percent of all paroles) and 17,000 in FY 1998 (7 percent) arrived through a special overseas parole program under which they are eligible to apply for lawful permanent resident status after 1 year of residence.
- Parole status is authorized for periods up to 1 year in most cases, but most persons paroled depart in a much shorter time.
- From FYs 1989 through 1998, more than 86,000 persons from the former Soviet Union or Southeast Asia have been paroled under special legislation allowing them to apply for lawful permanent resident status after a 1-year waiting period.
- From FYs 1992 through 1998, more than 81,000 Cubans have received parole. Under existing law they may apply for lawful permanent resident status after 1 year of residence.
- At the end of FY 1998, nearly 7,100 persons, many of whom are part of the ABC settlement class, were awaiting processing of their asylum claims and had initially entered as parolees. (see footnote 6 on page 5).

Approximately 21 percent of the parolees^[14] who entered from FY 1989 through 1996 became lawful permanent residents in FY 1991 through 1998. Most of these persons (at least two-thirds) arrived under special legislation establishing parole programs for nationals of selected countries, which includes provisions for adjusting to lawful permanent resident status.

[1] For the FY 1997 parole arrivals, the INS records did not meet statistical standards for calculating actual length of stay.

[2] The data system from which these figures are taken counts the number of admissions under the parole authority, not the number of persons paroled during the year; some persons may have been paroled and counted more than once. Tables 1 through 7 were calculated from Table 607 maintained by the INS Statistics Branch, Office of Policy and Planning.

[3] The parole totals may appear higher than they should be because some inspectors may at times erroneously complete Form I94 when they place an arriving alien into INS custody.

[4] The release of detained aliens from custody is sometimes referred to as *conditional parole* when applied to aliens arrested in the interior of the United States. It is done under the authority of section 236(a) and, as such, is not covered in this report.

[5] Many of the port-of-entry paroles may belong in one of the other parole categories, but proper classification in the NIIS of some paroles done at ports-of-entry is sometimes not possible based on the notations made on Form I94.

[6] In 1991, a settlement was reached in a class action suit, *American Baptist Churches (ABC) v. Thornburgh*. Under its terms, many nationals of El Salvador and Guatemala were allowed to refile their claims for asylum. Moreover, 187,000 Salvadorans who had registered for Temporary Protected Status (TPS) in 1991 became eligible to file for asylum at the expiration of their TPS period in 1992. They were then given additional time by grants of deferred enforced departure, which expired on December 31, 1994. Many of the paroles of persons from El Salvador and Guatemala were given to enable them to pursue their asylum claims.

[7] From more than 485,000 cases in March 1996, the asylum case backlog fell to 360,200 at the end of FY 1998, when it included 181,000 aliens from El Salvador, 105,200 from Guatemala, and 14,900 from Haiti, 3 of the 4 countries with the largest backlogs. The other was Nicaragua, with 15,100 cases. The Iraqi Kurds were paroled into Guam, and nearly all of them received asylum within a short time. The INS is working to integrate several data systems in order to provide more specific information on the ultimate disposition of asylum claims filed by parolees.

[8] Based on accounts from the ports-of-entry, advance paroles may be underreported, with some being tallied instead in the port-of-entry category.

[9] Potential parolees are selected for interview in Cuba by lottery. Their backgrounds are screened according to U.S. immigration law in order to exclude persons with criminal records and certain medical conditions, and those who are likely to become public charges. Successful applicants must answer yes to two of three questions: Do you have relatives in the United States? Do you have at least 3 years of work experience? Do you have at least a secondary education?

[10] Section 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, Public Law 101-167, commonly known as the "Lautenberg Amendment."

[11] Based on median calendar years of arrival, as calculated from unpublished INS tabulations. Relatively few of these parolees adjusted to lawful permanent resident status in FY 1998; their applications are thought to be delayed in the general backlog of applications for adjustment of status. See U.S. Immigration and Naturalization Service, *Legal Immigration, Fiscal Year 1998*, Annual Report No. 2.

[12] The base number of parolees used is the total number of paroles less those admitted with advance parole and deferred inspection. Most persons with advance parole already reside in the United States and are in the process of becoming LPRs under one of the regular immigration categories. Likewise, most

persons with deferred inspection already reside or are admissible in some other category.

[13] The percentage of parolees who entered in FY 1996 and adjusted status in FY 1998, 8.5 percent, is thought to be artificially low due to the backlog of applications, as described in footnote 9 on page 14.

[14] Excluding deferred inspections and advance parole.

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