

## Report to Congress

### Use of the Attorney General's Parole Authority Under the Immigration and Nationality Act Fiscal Years 1998-1999

#### Executive Summary

- The parole authority allows for aliens who appear to be inadmissible to the inspecting officer to be granted permission for a temporary stay in the United States "on a case-by-case basis for urgent humanitarian reasons or significant public benefit."
- The number of grants of parole into the United States increased from 234,545 in fiscal year (FY) 1998 to 263,755 in FY 1999.
- 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.
- Fewer than 8 percent of all paroles in recent years were of aliens already residing in the United States (advance parole), or aliens who were paroled to resolve technical matters (deferred inspection).
- In FY 1998, 13 percent of all paroles issued were made for humanitarian reasons (usually medical) or for public benefit (usually in conjunction with a legal proceeding). In FY 1999, this figure fell to 10 percent.
- About 17,000 parolees in FY 1998 (7.3 percent of all paroles) and 22,000 in FY 1999 (8.5 percent) arrived through a special overseas parole program under which they are eligible to apply for lawful permanent resident (LPR) status after 1 year of residence.
- Except for deferred inspection paroles, parole status is generally authorized for periods up to 1 year, but most persons paroled depart in a much shorter time.
- From FYs 1989 through 1999, more than 90,700 persons from the former Soviet Union or Southeast Asia have been paroled under special legislation allowing them to apply for LPR status after a 1-year waiting period.
- From FYs 1992 through 1999, more than 96,000 Cubans have received parole. Under existing law they may apply for LPR status after 1 year of residence.

- Approximately 17 percent of the parolees who arrived from FY 1989 through 1997 are known to have become LPRs in FY 1991 through 1999; this figure should be considered a lower-bound estimate. 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 LPR status.

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### Use of the Attorney General's Parole Authority Under the Immigration and Nationality Act Fiscal Years 1998-1999

#### Introduction

Section 602(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Public Law No. 104-208, directs 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 allows for aliens who appear to be inadmissible to the inspecting officer to be granted permission for a temporary stay in the United States "on a case-by-case basis for urgent humanitarian reasons or significant public benefit." A grant of parole does not constitute an admission into 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 later to be admitted in a lawful alien status for which they are eligible.

The reports are to cover "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 report presents the available data for Fiscal Years (FY) 1998 and 1999. The last report, covering FYs 1997 and 1998, was released in July 2000. 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 1998 and 1999. The next section describes 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 major 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 1998 on the length of time for which parole was given and the duration of stay. 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 paroles have been collected on INS Form I-94 (Arrival-Departure Record) 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 stay is calculated from matching electronic records of arrivals and departures.<sup>1</sup> Information on parolees who become lawful permanent residents (LPRs) is available from the immigrant data base. The INS does not maintain data pertaining specifically to parolees detained in custody.

## Arrivals under the Parole Authority in FYs 1998 and 1999

In FY 1998, 234,545 grants were made under the parole authority.<sup>2</sup> FY 1999 saw an increase in paroles to 263,755.<sup>3</sup> Table 1 displays the total number of paroles granted during these fiscal years for the 42 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 42 countries listed in Table 1 accounted for nearly 90 percent of all paroles in each year. Our neighboring countries were prominent. Mexico dominated the picture, accounting for 34 percent of all paroles in 1998 and 28 percent in 1999. Canada and Cuba placed second and third in 1998. In 1999 Cuba moved into second place. Parole arrivals from Cuba take place primarily under the Cuban Migration Agreement, which is discussed below under *Overseas Parole*. The patterns and trends shown in Table 1 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 INA. The prototype case arises in an emergency situation. For example, the sudden evacuation

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<sup>1</sup> For the FY 1998 parole arrivals, fewer than half were matched in the NIIS system with departure records. If parolees change to another nonimmigrant category or adjust to lawful permanent resident status, their Form I-94 may be placed in their file rather than sent to the NIIS data processing facility for matching with their arrival record. In this way, failure to match a departure record with each arrival record does not necessarily reflect unauthorized failure to depart in many cases. It does mean that the calculations of length of stay based on record matching must be regarded only as estimates.

<sup>2</sup> The data system from which these figures are taken counts the number of arrivals 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 Division, Office of Policy and Planning. The data for FY 1998 were revised after the last Parole Report was completed, so the figures presented here differ slightly from the earlier ones; they are consistent with those in the *1998 Statistical Yearbook of the Immigration and Naturalization Service*.

<sup>3</sup> The parole totals may appear higher than they should be because some inspectors may at times erroneously complete Form I-94 when they place an arriving alien directly into INS custody.

of U.S. citizens from dangerous circumstances abroad often includes household members who are not citizens or LPRs, 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.<sup>4</sup> 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 at ports-of-entry, usually to allow short periods of stay. 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 movement of emergency workers, such as fire fighters, to assist with an emergency. As such, either humanitarian reasons or significant public benefit may justify the decision to parole.
- 2. Advance parole** may be issued to aliens residing legally in the United States in other than 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** exemplifies the “urgent humanitarian reasons” specified in the law. It is used in cases of medical emergency and comparable situations.
- 5. Public interest parole** explicitly invokes the “significant public benefit” language in the law. It is generally used for aliens who arrive to take part in legal proceedings.
- 6. Overseas parole** is the only category of parole that may constitute a first step toward long-term presence in 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 1998 and 1999.

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<sup>4</sup> 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.

Table 1  
 Aliens Paroled by Selected Country of Citizenship\*  
 FYs 1998 and 1999

Country	FY 1998	FY 1999
<b>All countries</b>	<b>234,545</b>	<b>263,755</b>
Mexico	80,281	74,164
Canada	16,417	20,232
Cuba	15,073	20,431
United Kingdom	10,173	13,240
China (PRC)	7,114	7,590
India	6,727	7,982
Soviet Union (former)	6,138	9,756
Philippines	5,887	6,963
Germany	4,102	5,318
El Salvador	3,628	4,085
Japan	3,454	4,273
Colombia	3,439	3,688
Brazil	3,432	4,212
Pakistan	3,257	3,154
France	3,179	4,183
Korea	3,153	3,493
Dominican Republic	2,816	3,954
Taiwan	2,649	3,003
Venezuela	2,398	2,932
Peru	1,962	1,967
Israel	1,823	2,144
Jamaica	1,800	2,048
Italy	1,778	2,227
Guatemala	1,694	1,633
Ecuador	1,563	1,787
Australia	1,539	2,185
Netherlands	1,426	1,792
Poland	1,369	1,207
Honduras	1,315	1,399
Spain	1,212	1,515
Argentina	1,191	1,421
Nigeria	1,120	1,127
Vietnam	1,115	1,757
Dominica	1,113	2,160
Haiti	1,075	1,022
Sweden	987	1,381
Trinidad & Tobago	955	1,004
South Africa	821	1,084
Switzerland	818	1,037
Nicaragua	608	1,106
Cambodia	153	256
Laos	20	42
Percent of yearly total	89.9%	89.5%
*Selected countries had at least 1,000 paroles in either year or their nationals were eligible for a special parole program.		

## 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 are not admissible. 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 these instances, either humanitarian reasons or significant public benefit may justify the grant of parole. 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.<sup>5</sup> In FY 1998 it represented 72 percent of all paroles, and in FY 1999 its share rose slightly to 74 percent. Our immediate neighbors, Mexico and Canada, represented 39 percent of these paroles in FY 1998 and 34 percent in FY 1999; the number of port-of-entry paroles from Mexico dropped while those from Canada rose. The other paroles in this category were distributed among many countries, and the increase of 27,000 was spread widely among 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 extend the parole. During FY 1998, 70 percent of all port-of-entry paroles were issued for periods of time ranging from 8 months up to 1 year, and the matched departure records showed that 70 percent left within 4 months 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 have been certain exceptions. Prior to 1997, a significant number of aliens were paroled to pursue claims for asylum, including as many as 20,000 persons from Guatemala and El Salvador under the terms of the ABC settlement<sup>6</sup> in FYs 1993 and 1994, and about 6,500 Kurds from Iraq in the fall of 1996. Some of these persons received asylum,<sup>7</sup> and some qualified for other forms of relief under various immigration laws. 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

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<sup>5</sup> 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 I-94.

<sup>6</sup> 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.

<sup>7</sup> 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.

accordance with the expedited removal credible fear process. District Directors may then release them on parole pending a hearing before an immigration judge. As a result of expedited removal, by the end of FY 1999, fewer than 1,000 of the principal applicants with asylum claims pending before the INS had first arrived in parole status.

Table 2  
Aliens Granted Port-of-Entry Parole by Selected Country of Citizenship\*  
FYs 1998 and 1999

Country	FY 1998	FY 1999
<b>All countries</b>	<b>169,357</b>	<b>196,409</b>
Mexico	55,290	51,928
Canada	11,234	15,170
United Kingdom	8,928	11,886
China (PRC)	6,275	6,840
India	5,940	7,314
Philippines	5,271	6,249
Soviet Union (former)	3,609	5,510
Germany	3,466	4,703
Brazil	3,097	3,871
Japan	3,029	3,882
France	2,792	3,768
Korea	2,756	3,108
Pakistan	2,735	2,825
Colombia	2,706	3,148
El Salvador	2,510	2,523
Taiwan	2,418	2,774
Dominican Republic	2,338	3,429
Venezuela	2,022	2,641
Peru	1,708	1,738
Israel	1,560	1,960
Italy	1,525	2,021
Australia	1,341	1,955
Guatemala	1,313	1,220
Ecuador	1,302	1,624
Jamaica	1,277	1,559
Netherlands	1,204	1,590
Poland	1,201	1,035
Honduras	1,116	1,196
Spain	1,030	1,316
Argentina	1,028	1,267
Dominica	989	1,989
Cuba	940	2,773
Sweden	874	1,280
Percent of yearly total	85.5%	84.6%

\*Countries were selected if they had at least 1,000 paroles in either year.



## 2. Advance Parole

Some aliens reside in the United States legally but do not have permanent resident status. If they need to depart for an unexpected purpose and return, and if their status would not otherwise permit re-entry, they may apply to the INS in advance of their departure to be allowed to return. Parole in this instance is considered to serve the public interest. The most common example is aliens who have applied but not received decisions on their requests to adjust to LPR status. Therefore, the arrival of a person under advance parole represents the return from abroad of someone who was previously in the United States, not a net addition to the resident population. Permission for advance parole is issued by the INS District Offices.

Table 3  
Aliens Granted Advance Parole by Selected Country of Citizenship\*  
FYs 1998 and 1999

Country	FY 1998	FY 1999
<b>All countries</b>	<b>8,344</b>	<b>7,955</b>
Canada	1,985	2,058
Mexico	1,729	629
United Kingdom	420	570
India	248	225
Pakistan	231	89
Colombia	220	108
China (PRC)	214	282
Germany	194	243
Philippines	158	314
Venezuela	148	121
El Salvador	128	177
Soviet Union (former)	124	288
France	122	181
Brazil	115	141
Japan	103	144
Dominican Republic	86	234
Dominica	40	109
Percent of yearly total	75.1%	74.3%
*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 3.6 percent of all paroles in FY 1998 and only 3.0 percent in FY 1999.<sup>8</sup> Nationals of Canada and Mexico were the most numerous in both years, making up 45 percent of the advance paroles in FY 1998 and 34 percent in FY 1999. The number of grants of advance parole to nationals of Mexico fell by nearly two-thirds between 1998 and 1999.

<sup>8</sup> Based on accounts from the ports-of-entry, some advance paroles may be tallied in the port-of-entry category.

The great majority of advance paroles during FY 1998 were issued for 1 year. Following arrival, these persons can 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 are 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 an INS office locally or at the destination, where more information can be made 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 often represent technical rather than substantive matters and are usually resolved rapidly. The public interest is served by enhancing port efficiency. 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 small and declining proportion of all paroles--4.3 percent in FY 1998 and 3.6 percent in FY 1999, down from 22.5 percent as recently as FY 1993. Mexico and Canada again predominated in this category, with 26 percent of the deferred inspections in 1998 and 28 percent in 1999 (see Table 4). The total number of deferred inspections and the figures by country changed very little between the 2 years.

In FY 1998, deferred inspection paroles were issued for a median time of 2 weeks. Upon completion of inspection, if admissible, 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 follow-up information is compiled at this time on how many are admitted or their status upon admission.<sup>9</sup>

### 4. Humanitarian Parole

The humanitarian parole category exemplifies the legislative language, "urgent humanitarian reasons," as the basis for granting parole. It is used primarily with aliens allowed to 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.

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<sup>9</sup> An audit covering deferred inspections granted from August 1, 1998, to July 31, 1999, found that at least 11 percent of these aliens failed to appear for their scheduled appointments. The audit recommended the implementation of a tracking system and strengthened reporting requirements (U.S. Department of Justice, Office of the Inspector General, *Audit Report: Immigration and Naturalization Service's Deferred Inspections at Airports*, September 2001, 01-29). In response, the INS has revised its deferred inspection procedures and is considering how a tracking system can be implemented in conjunction with ongoing systems improvements.

Persons given humanitarian parole accounted for 10.4 percent of all paroles in FY 1998 and 8.2 percent in FY 1999. As in the categories reviewed above, nationals of Mexico and Canada were the most numerous, accounting for 82 percent of the humanitarian paroles in both years. The number of humanitarian paroles dropped by 11 percent from 1998 to 1999, with most countries showing a decline. The major exception was El Salvador, with an increase of more than 300 paroles. Table 5 displays the number of grants of humanitarian parole by country during FYs 1998 and 1999.

Table 4  
Aliens Granted Deferred Inspection by Selected Country of Citizenship\*  
FYs 1998 and 1999

Country	FY 1998	FY 1999
<b>All countries</b>	<b>10,108</b>	<b>9,608</b>
Mexico	1,786	1,806
Canada	822	851
United Kingdom	480	445
Jamaica	361	294
Colombia	348	235
Dominican Republic	329	254
Haiti	301	145
Germany	266	235
China (PRC)	242	261
India	241	241
Cuba	212	399
El Salvador	199	178
Philippines	173	162
Korea	169	193
France	150	133
Brazil	141	118
Venezuela	138	126
Guatemala	129	99
Japan	126	126
Ecuador	125	94
Soviet Union (former)	129	99
Nigeria	119	108
Italy	119	97
Pakistan	117	124
Peru	112	120
Percent of yearly total	72.5%	72.7%
*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 1998 and 1999

Country	FY 1998	FY 1999
<b>All countries</b>	<b>24,491</b>	<b>21,756</b>
Mexico	18,292	16,106
Canada	1,802	1,620
El Salvador	742	1,077
China (PRC)	238	114
United Kingdom	224	218
India	206	110
Philippines	199	172
Guatemala	179	212
Pakistan	140	89
Germany	117	87
Japan	117	87
Korea	103	59
Percent of yearly total	91.3%	91.7%

\*Countries were selected if they had at least 100 humanitarian paroles in either year.

Humanitarian paroles were issued in FY 1998 for a wide range of periods of stay: 4 months to 1 year, with 10 months being the median. Matched departure records showed an average duration of stay of less than 1 month. There is no information on the number of humanitarian parolees, if any, who remain in the United States for longer periods of time; persons coming for medical treatment typically depart once they have completed their treatment.

#### 5. Public Interest Parole

The public interest parole category explicitly invokes the “significant public benefit” language in the law. It is primarily used with aliens arriving 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 most infrequently used type of parole in recent years, accounting for about 2 percent of all paroles in both FYs 1998 and 1999. Canadian and Mexican nationals were again the most common in this category, as shown in Table 6. They accounted for 72 percent of all public interest paroles in 1998 and 74 percent in 1999. The increase of 500 from Mexico accounted for the slight increase in public interest parole between 1998 and 1999. On average in FY 1998, public interest parole was given for 2 months, and matched departure records showed a 1-month average duration of stay.

Table 6  
Aliens Granted Public Interest Parole by Selected Country of Citizenship\*  
FYs 1998 and 1999

Country	FY 1998	FY 1999
<b>All countries</b>	<b>5,024</b>	<b>5,560</b>
Mexico	3,092	3,581
Canada	543	516
China (PRC)	111	82
United Kingdom	104	77
Colombia	79	145
El Salvador	48	125
Percent of yearly total	79.2%	81.4%
*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, because in addition to arrival in the United States, the parole may represent entry into or exit from 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 crimes for which they were being prosecuted, public interest parolees may remain for substantial periods of time while serving 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 cover large numbers of arriving refugees individually and in 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, and since then, people who meet the statutory definition of *refugee* are not paroled. However, 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 come under special legislation allowing them to become LPRs 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 existence of programs abroad under which refugees are screened, and on country-specific legislation. As shown in Table 7, the number increased between FYs 1998 and 1999 from 7.3 percent (of 234,545) to 8.5 percent (of 263,755) of all paroles, due to an increase in Cuban parolees.

Table 7  
Aliens Granted Overseas Parole by Selected Country of Citizenship\*  
FYs 1998 and 1999

Country	FY 1998	FY 1999
<b>All countries</b>	<b>17,221</b>	<b>22,467</b>
Cuba	13,888	17,209
Soviet Union (former)	2,281	3,814
Vietnam	532	693
Cambodia	64	170
Laos	4	13
Percent of yearly total	97.4%	97.5%
*The selected countries had overseas parole programs, or their nationals were eligible to adjust to LPR status under special legislation.		

Persons paroled under the overseas programs in 1998 were usually given parole for 1 year or more, to allow time for them to apply for and be granted adjustment of status after the 12-month waiting period in the controlling legislation. Parolees arriving under these programs are not typically expected to depart the United States. Most adjust status and become LPRs.

Table 7 indicates that the overseas parole category continues to be dominated by Cubans arriving under the 1994 Migration Agreement with Cuba, who made up 81 percent of all arrivals in this category in FY 1998 and 77 percent in FY 1999. In the 1994 accord, the United States agreed to accept 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 LPRs; the rest are paroled consistent with the Agreement.<sup>10</sup> Under the Cuban Adjustment Act of 1966, as amended, Cuban parolees may adjust their status to that of LPR 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 13 percent of the total paroled overseas in FY 1998 and 17 percent in FY 1999. Special legislation<sup>11</sup> in 1989 established a program for adjustment to LPR status of persons from the former Soviet Union, Vietnam, Laos, or Cambodia who had been paroled after being denied refugee status. People qualified if they were granted parole overseas and arrived on or after August 15, 1988. Most of the former Soviet nationals who qualified arrived in FYs 1989 through 1993.

<sup>10</sup> Potential parolees are selected for interview in Cuba by lottery. Their backgrounds are screened according to U.S. immigration law 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?

<sup>11</sup> Section 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, Public Law 101-167, commonly known as the "Lautenberg Amendment."

Vietnamese arrivals under the program were highest from FYs 1990 through 1994, while the number from Laos and Cambodia never reached 1,000 yearly and now is very small. Like the Cubans, these parolees may apply to adjust to LPR 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 mandating this report requires, focusing primarily on the category of overseas parole, because most persons arriving in recent years in this category qualified to become LPRs after 12 months in the United States. They may be Cubans who qualify under the terms of the 1966 Cuban Adjustment Act, persons from Southeast Asia or the former Soviet Union who qualify under the Lautenberg Amendment cited above (see footnote 11), or other persons who benefit from special legislation. These groups are discussed separately below.

From FYs 1989 through 1998, approximately 86,000 persons born in Vietnam, Cambodia, Laos, or the former Soviet Union received parole (Table 8). The law allowed them to become LPRs beginning in FY 1991. Through FY 1999, nearly 53,000 are reported as having done so. Therefore, as of September 30, 1999, about 33,000 persons were residing in the United States in parole status who were eligible under this law to file for adjustment to LPR status. Undoubtedly, some have already done so.

During FY 1999, 4,690 additional parolees arrived who are eligible for LPR status under the Lautenberg Amendment (Table 8). In past years, the Soviet parolees have generally applied to become LPRs during their second year of residence in the United States, while the parolees from the Southeast Asian countries tended to apply during their second or third years.<sup>12</sup> In total, about 90,700 persons have been paroled who qualified under these provisions to become LPRs. They can be presumed to still reside in the United States in LPR or parole status or as naturalized citizens, although some may have emigrated or died.

Section 646 of the IIRIRA allows nationals of Poland or Hungary to become LPRs if they were paroled into the United States between November 1, 1989, and December 31, 1991, after being denied refugee status. As with the Soviet and Southeast Asian parolees, they may apply after 1 year in residence. From FYs 1997 through 1999, a total of 189 parolees gained permanent residence under this provision; almost all were born in Poland.

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 LPRs 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.

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<sup>12</sup> Based on median calendar years of arrival, as calculated from unpublished INS tabulations. Relatively few of these parolees completed their adjustment to LPR status in FYs 1998 and 1999; 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.

The number of Cubans arriving first by raft and then under the overseas parole program from FYs 1992 through 1998 was 79,352, with the largest number (28,139) coming in FY 1995. An additional 17,209 arrived in FY 1999 (Table 8) for an 8-year total of 96,561. Like the parolees from the countries covered by the Lautenberg Amendment, the Cuban parolees may be assumed to still reside in the United States under parole or LPR status or as citizens. By the end of FY 1999, 48,093 Cuban parolees who arrived from 1992 through 1998 had become LPRs. On average, they did so during their second year of residence (see footnote 12). This yields an estimate of more than 31,000 Cubans who arrived from FYs 1992 through 1998 who were still in parole status at the end of FY 1999.

Table 8  
Grants of Parole and Adjustments from Parole Status, Long-Term Parole Countries  
FYs 1989-1999

Parole Arrivals from Selected Areas:				Adjustments to LPR Status by Persons from All Countries:	
Fiscal Year	Former Soviet Union	Southeast Asia	Cuba	Parole Status at Arrival	Percent of Total Parole Adjustments from Selected Areas
1999	3,814	876	17,209	1,957	83.3%
1998	2,281	600	13,888	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		11,268	60.4%
1990	6,784	5,432		7,551	67.0%
1989	4,146	842		7,907	66.5%
<b>Total</b>	<b>41,100</b>	<b>49,636</b>	<b>96,586</b>	<b>178,378</b>	

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

The drop in the number of parolees known to have adjusted to LPR status in FYs 1998 and 1999 is not thought to reflect a real decline in the likelihood that parolees will become permanent residents. Many applicants were waiting for their applications to be processed (footnote 12). In addition, a large proportion of the records of the persons who adjusted to LPR status in those years did not contain a code showing their nonimmigrant class of admission: 48 percent in FY 1998 and 57 percent in FY 1999. These included many nationals of countries eligible under the special provisions described above. Since many of these nationals are also admitted as refugees, it is not possible to estimate how many of them adjusted after a parole admission.



As the final column in Table 8 shows, in most years from FYs 1989 through 1999, at least two-thirds of the parolees who became LPRs 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 LPR status to be from those countries.

In general, parole in categories other than overseas parole does not lead to LPR status *as a result of the parole*. However, parolees may qualify individually to become LPRs under various provisions of the INA. 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 LPRs 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 arrived in parole status<sup>13</sup> and who became LPRs in each year from FYs 1991-1999 is divided by the number of parolees who arrived in the second preceding fiscal year (1989-1997). This calculation assumes that parolees adjust to LPR status during their second year in the United States.<sup>14</sup>

Table 9 indicates that, at a minimum, 17 percent of the persons paroled in FYs 1989 through 1997 became LPRs in FYs 1991 through 1999. Because the number of former parolees adjusting status is known to be underreported in FYs 1998 and 1999, this is a lower-bound estimate. More parolees from this period will come forward to adjust to LPR status in future years. In total, at least 178,000 persons are known to have become LPRs from FYs 1989 through 1999 after arriving as parolees, including the nationals of the former Soviet Union, the Southeast Asian countries, Poland, Hungary, and Cuba as discussed above.

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<sup>13</sup> The base number of parolees used is the total number of paroles less those granted 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.

<sup>14</sup> 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. It is possible that a period longer than 2 years between arrival and adjustment of status would be appropriate for these years, but data are not available at this time to support the choice of an alternative time interval. Parolees adjusting status under regular provisions of the INA would have faced various waiting times. For example, those with asylum must wait for 1 year after asylum is granted to apply for LPR 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 LPR status.

Table 9  
Parole Arrivals Compared to Adjustments from Parole Status\*  
FYs 1989-1999

Parole Arrivals:			Adjustments to LPR Status:		
Fiscal Year	Total Paroled	Total Less Advance and Deferred Inspection Paroles	Parole Status at Entry	Estimated Percent** of Year's Parolees Adjusting Status	
1999	263,755	246,192	1,957	1997	1.1%
1998	234,545	216,093	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		
<b>Totals</b>	<b>1,646,658</b>	<b>1,427,775</b>	<b>178,378</b>	<b>FYs 1989-97:</b>	<b>16.9%</b>
*See text for a full explanation of methods of calculation used in this table and the impact of missing data on the estimates.					
**Calculated by dividing the number of LPRs in the current year whose status at arrival was parole by parole arrivals for the second preceding year, excluding 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 LPRs during their second year of residence.					