

Report to Congress Use of the Attorney General's Parole Authority Under the Immigration and Nationality Act

Introduction

Section 602(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 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 allows for aliens who appear to be inadmissible to the inspecting officer to be granted 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 conditions supporting their parole cease to exist.

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 first report presents the available data for fiscal years (FY) 1996 and 1997. Historical data on the parole program have been published in the *Statistical Yearbook of the Immigration and Naturalization Service* beginning in FY 1995 and in the *Comprehensive Triennial 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 this report. It continues with a description for fiscal years 1996 and 1997 of the total number of paroles granted to persons from major countries of origin. 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 available, each of these sections also contains information for persons paroled in FY 1996 on the length of time for which parole was given and the average length of time spent in parole status. 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 on 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 Form I-94 and compiled 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 granted. The actual

duration of parole is calculated from matching a parolee's arrival and departure documents. (More than half of the FY 1996 arrival records on parolees were not matched in the NIIS system with departure records. If parolees change to another nonimmigrant category or adjust to legal 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.) 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 FY 1996 and 1997

In FY 1996, 138,334 grants were made under the parole authority. FY 1997 saw an increase in paroles to 199,843. Table 1 displays the total number of paroles granted during these years for the 33 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 33 countries listed in Table 1 accounted for 83 and 86 of all paroles in the 2 years, respectively. Our neighboring countries were prominent. Mexico dominated in both years, accounting for 20 percent of all paroles in FY 1996 and 34 percent in FY 1997. Cuba placed second in FY 1996 and third in FY 1997, due primarily to paroles under the Cuban Migration Agreement, which will be discussed below under *Overseas Parole*. Canada ranked third in FY and second in FY 1997. These patterns and trends are best understood by examining each type of parole separately.

Table 1

Aliens Paroled by Selected Country of Citizenship*
FY 1996 and 1997

Country	FY 1996	FY 1997
All countries	138,334	199,843
Mexico	27,904	68,045
Cuba	19,833	8,247
Canada	8,985	15,392
United Kingdom	6,335	8,187
China (PRC)	4,099	6,105
India	3,997	5,485
El Salvador	3,587	4,467
Philippines	3,478	5,218

Soviet Union (former)	3,304	5,364
Germany	2,471	3,348
Korea	2,345	3,281
Colombia	2,266	3,098
Japan	2,230	3,146
Pakistan	2,207	2,733
Dominican Republic	2,046	2,220
France	1,808	2,304
Brazil	1,793	2,672
Taiwan	1,665	2,612
Jamaica	1,605	1,767
Guatemala	1,569	2,103
Israel	1,456	1,778
Haiti	1,374	1,305
Poland	1,293	1,402
Peru	1,229	1,671
Italy	1,195	1,503
Venezuela	1,020	1,625
Australia	983	1,332
Ecuador	846	1,361
Honduras	818	1,311
Netherlands	744	1,061
Vietnam	580	959
Cambodia	54	129
Laos	15	68
Percent of yearly total	83.2%	85.7%
*Countries are listed if they had at least 1,000 parolees or if their nationals were eligible for a special parole program.		

Categories of Parole

In general, the parole authority allows the INS to respond to individual cases that present problems 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.

Since FY 1992, INS has used 6 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 inspector, usually to allow short periods of entry. Examples include allowing otherwise inadmissible aliens 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 persons residing legally in the United States in something other than lawful permanent resident (LPR) status, who need to travel abroad and return, and whose conditions of stay do not allow for routine re-entry.
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** is the category reserved for aliens who need specialized medical care in the United States or because a severe medical condition makes detention or deportation of an otherwise inadmissible alien inappropriate.
5. **Public interest parole** is intended for use with aliens who enter to take part in legal proceedings, either as witnesses or defendants.
6. **Overseas parole** is the only category that is designed to constitute long-term admission to the United States. In recent years, most of the aliens 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 fiscal years 1996 and 1997.

1. Port-of-Entry Parole

Many scenarios are cited for the exercise of discretion by the supervisory inspector at a port to allow brief visits. 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 parolees do not clearly belong in one of the other parole categories, port-of-entry parole is used. The port-of-entry parole allows for some administrative flexibility to deal with situations that could not have been foreseen. The authority for this type of parole rests with the INS district offices.

This category of parole is the one most commonly used. In FY 1996 it represented 68 percent of all paroles, and in FY 1997 its share rose to 76 percent. Our immediate neighbors, Mexico and Canada, represented 29 percent of these paroles in FY 1996 and 41 percent in FY 1997. The

other paroles in this category were distributed among many countries. Most countries showed an increase between the 2 years, but Mexico accounted for 53 percent of the substantial increase of more than 57,000 in the category (see Table 2).

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. Port-of-entry parole presents a good illustration of this. During FY 1996, 70 percent of all port-of-entry paroles were issued for periods of time ranging from 2 months up to 1 year. In practice, these cases were resolved in a median time of 1 month, meaning that half the cases were resolved in a month or less, while the remainder took longer than a month.

While the great majority of persons who are granted port-of-entry parole can be assumed to depart the United States soon after entry, there are certain exceptions. Persons who are paroled when they request asylum upon arrival at a port are allowed to remain until their applications are decided. A significant number of aliens have been paroled in past years to pursue claims for asylum, including approximately 11,000 Haitians in fiscal years 1992 and 1993, as many as 20,000 from Guatemala and El Salvador under the terms of the ABC settlement in fiscal years 1993 and 1994, and about 6,500 Kurds from Iraq in the fall of 1996. Some of them have received asylum, and some are still present in the United States awaiting decisions on their requests for asylum, while the backlog of asylum claims is being reduced. As of April 1, 1997, many asylum applicants are now subject to the expedited removal credible fear process and would not be paroled, but would be detained in INS custody.

Table 2
Aliens Granted Port-of-Entry Parole,
by Selected Country of Citizenship*
FY 1996 and 1997

Country	FY 1996	FY 1997
All countries	93,822	151,385
Mexico	22,018	52,677
Canada	5,417	9,121
United Kingdom	5,208	7,013
China (PRC)	3,436	5,301
India	3,343	4,696
Philippines	2,965	4,593
El Salvador	2,258	2,981
Cuba	2,208	2,236
Korea	1,985	2,829
Japan	1,899	2,742
Germany	1,860	2,758
Soviet Union (former)	1,847	2,681
Colombia	1,803	2,539

Dominican Republic	1,694	1,827
Brazil	1,534	2,325
Taiwan	1,490	2,376
Pakistan	1,477	2,160
France	1,477	1,955
Jamaica	1,301	1,305
Israel	1,270	1,533
Guatemala	1,200	1,663
Haiti	1,115	850
Poland	1,040	1,153
Peru	997	1,408
Venezuela	823	1,426
Australia	823	1,148
Honduras	663	1,111
Ecuador	617	1,101
Percent of yearly total	78.6%	82.9%
*Countries were selected if they had at least 1,000 parolees in either year.		

A review of the countries shown in Table 2 which account for large numbers of port-of-entry paroles in fiscal years 1996 and 1997 indicates that 9 of them were also among the top 10 nationalities of asylum applicants in one of those years, including Mexico, China, India, El Salvador, the Philippines, the former Soviet Union, Guatemala, Haiti, and Honduras. As of the end of FY 1997, 7,100 of the principal applicants with pending asylum claims first entered in parole status.

2. Advance Parole

When aliens present in the United States under certain temporary statuses need to depart and return, they must apply to INS in advance of their departure to be allowed to reenter. The most common example is aliens whose applications for adjustment to lawful permanent resident status are in process. 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*
FY 1996 and 1997

Country	FY 1996	FY 1997
All countries	5,256	8,998

Canada	1,084	1,885
Mexico	1,008	3,571
United Kingdom	313	333
India	212	246
El Salvador	187	196
Pakistan	126	151
China (PRC)	120	132
Germany	113	149
Soviet Union (former)	106	116
Israel	92	108
France	84	100
Philippines	74	109
Percent of yearly total	67.0%	78.9%
*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 less than 4 percent of all paroles in FY 1996 and about 4.5 percent in FY 1997. Nationals of Canada and Mexico were the most numerous in both years, making up 40 percent of the advance paroles in FY 1996 and 61 percent in FY 1997. The increase in grants of advance parole to nationals of Mexico accounted for 68 percent of the increase in this category between 1996 and 1997.

The great majority of advance paroles during FY 1996 were issued for 1 year. The median time between issuance and resolution of advance paroles was less than 2 months. These persons can generally be assumed to still be residing in the United States.

3. Deferred Inspection Parole

In the case of deferred inspection, the inspecting officer at a port-of-entry cannot make a final determination 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 INS district offices.

Deferred inspections account for a relatively small proportion of all paroles--6 percent in FY 1996 and 5 percent in FY 1997. Mexico and Canada again predominated in this category, with 24 percent of the deferred inspections in 1996 and 20 percent in 1997 (see Table 4). The number from Mexico remained almost constant between the 2 years, while the number from Canada and other countries increased.

In FY 1996, deferred inspection paroles were issued for a median time of 2 weeks. They were generally resolved within 25 days. The current status of aliens admitted after deferred inspection is a function of the status to which they are entitled under the INA upon resolution of their cases. Aliens found inadmissible should be considered to have departed or to be in removal proceedings. No data are compiled on how many are admitted or their status upon admission.

Table 4
 Aliens Granted Deferred Inspection by Selected Country of Citizenship*
 FY 1996 and 1997

Country	FY 1996	FY 1997
All countries	8,483	10,109
Mexico	2,018	2,000
Canada	459	795
United Kingdom	457	499
Germany	267	296
El Salvador	265	247
Philippines	234	248
Colombia	211	313
Korea	206	250
Soviet Union (former)	201	169
Jamaica	185	304
Dominican Republic	179	252
Japan	176	156
Haiti	142	259
China (PRC)	133	256
India	126	173
Guatemala	123	137
Cuba	120	97
Ecuador	119	140
France	106	125
Taiwan	101	91
Venezuela	86	109
Peru	85	119
Brazil	84	125
Honduras	79	121
Iran	65	105

Percent of yearly total	73.4%	73.1%
*Countries were selected if they had at least 100 deferred inspections in either year.		

4. Humanitarian Parole

Under INS' classification scheme adopted in 1992, the use of humanitarian parole is restricted to aliens allowed to enter or remain temporarily for medical reasons. This may include people who require treatment not available in their home countries, or people whose health is too poor for them to leave immediately. Grants of humanitarian parole are under the jurisdiction of the INS Office of International Affairs. In prior years *humanitarian parole* had a broader meaning, and it is possible that some parolees are still being classified that way at ports-of-entry when the reason for their parole is something other than medical.

Persons given humanitarian parole accounted for 7 percent of all paroles in FY 1996 and 8 percent in FY 1997. As in the categories reviewed above, nationals of Mexico and Canada were the most numerous, accounting for 41 percent of the humanitarian paroles in 1996 and 65 percent in 1997. The number of humanitarian paroles nearly doubled between the 2 years, and the increase in the number paroled from Mexico accounted for most (81 percent) of that increase. Table 5 displays the number of grants of humanitarian parole by country during fiscal years 1996 and 1997.

Table 5
Aliens Granted Humanitarian Parole by Selected Country of Citizenship*
FY 1996 and 1997

Country	FY 1996	FY 1997
All countries	9,396	16,773
Mexico	2,465	8,437
Canada	1,416	2,531
El Salvador	844	1,009
Pakistan	527	312
China (PRC)	333	327
India	282	303
United Kingdom	229	245
Bangladesh	185	106
Philippines	161	194
Guatemala	153	221
Colombia	138	106
Poland	114	112
Germany	98	116
Korea	84	106

Japan	62	119
Percent of yearly total	75.5%	84.9%
*Countries were selected if they had at least 100 humanitarian paroles in either year.		

Humanitarian paroles were issued in FY 1996 for a wide range of times: 1 month to 1 year, with 7 months being the median. The actual median time from arrival to departure of a humanitarian parolee was 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 in this group typically depart once they have completed their treatment.

5. Public Interest Parole

The 1992 classification system defined *public interest parole* as the appropriate category for aliens who were entering in conjunction with a legal proceeding. They may have been brought to the United States for prosecution under our laws, or they may be assisting in a prosecution. The authority for public interest parole rests with the INS Office of International Affairs. As in the case of humanitarian parole, *public interest parole* had a broader meaning in the past, and some persons paroled at the ports-of-entry for reasons unrelated to a legal proceeding may still be enumerated here.

Public interest parole has been the least used type of parole in recent years, accounting for less than 2 percent of all paroles in both FY 1996 and 1997. Canadian and Mexican nationals were again the most common in this category, as shown in Table 6. They accounted for 44 percent of all public interest paroles in 1996 and 65 percent in 1997. The increase in the absolute number from these 2 countries accounted for all of the increase in public interest parole between 1996 and 1997.

Table 6
Aliens Granted Public Interest Parole by Selected Country of Citizenship*
FY 1996 and 1997

Country	FY 1996	FY 1997
All countries	2,242	3,593
Canada	603	1,050
Mexico	379	1,299
Germany	124	22
United Kingdom	115	87
Haiti	37	128
Percent of yearly total	56.1%	72.0%
*Countries were selected if they had at least 100 public interest paroles in either year.		

On average in FY 1996, public interest parole was given for 2 months, and the median length of actual stay was 18 days.

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 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.

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, so parole is no longer used in this way. Some aliens are issued parole overseas 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 declined between FY 1996 and FY 1997 from 14 percent (of 138,334) to only 4.5 percent (of 199,843) of all paroles.

Table 7
Aliens Granted Overseas Parole by Selected Country of Citizenship*
FY 1996 and 1997

Country	FY 1996	FY 1997
All countries	19,133	8,989
Cuba	17,488	5,893
Soviet Union (former)	1,150	2,398
Vietnam	280	448
Cambodia	33	30
Laos	0	27
Percent of yearly total	99.0%	97.9%
*The selected countries had overseas parole programs, or their nationals were eligible to adjust to lawful permanent alien status under special legislation.		

Persons paroled under the overseas programs in 1996 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. Most of the "overseas" parolees, of course, did not depart.

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 91 percent of all arrivals in this category in FY 1996 and 66 percent in FY 1997. In that accord the United States agreed to admit 20,000 persons yearly by direct application in Havana, to prevent 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 remainder are paroled. 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 6 percent of the total paroled overseas in FY 1996 and 27 percent in FY 1997. Special legislation 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 beginning August 15, 1988. Most of the former Soviet nationals who qualified arrived in

fiscal years 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 looks at 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 7). These groups are discussed separately below.

From fiscal years 1989 through 1996, approximately 80,000 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 1997, about 49,000 are reported as having done so. Therefore, as of September 30, 1997, about 31,000 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.

During FY1997, 2,903 additional parolees arrived who are or will also be eligible for lawful permanent resident status under this law (Table 8). Typically the Soviet parolees become lawful permanent residents during their second year of residence in the United States, while the parolees from the Southeast Asian countries tend to gain permanent resident status during their second or third years. In total, about 83,000 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 under lawful permanent resident or parole status, although a few may have emigrated or died.

Table 8
Grants of Parole and Adjustments from Parole Status, Long-Term Parole Countries
Fiscal Years 1989-1997

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
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	35,005	48,160	67,332	165,823	
Source: Special tabulations by the INS Statistics Branch, Office of Policy and Planning					

The number of Cubans currently residing in the United States in parole status is much more difficult to estimate, since Cubans were 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 when 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 1996 was 59,596, with the largest number (28,139) coming in FY 1995. An additional 5,893 arrived in FY 1997 (Table 8), for a 6-year total of 65,489. 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. By the end of FY 1997, 39,492 Cuban parolees who arrived from 1992 through 1996 had become lawful permanent residents. On average they did so during their second year of residence (see footnote 8). This means that about 20,000 Cubans who arrived from fiscal years 1992 through 1996 were still in parole status at the end of FY 1997.

As the final column in Table 8 shows, in each year from FY 1989 through FY 1997, on average about two-thirds of the parolees who became lawful permanent residents were the beneficiaries of special legislation for persons from Southeast Asia, the former Soviet Union, or Cuba.

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 is presented in Table 9. In it, the number of aliens who first entered in parole status and who became lawful permanent residents in each year from fiscal years 1991 through 1997 is divided by the number of parolees who entered in the second preceding fiscal year (1989-1995). 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 is arbitrary, based on the waiting period for overseas parolees who adjust status under special provisions of law as described above, and on their observed behavior. 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 23 percent of the persons paroled in fiscal years 1989 through 1995 became lawful permanent residents in fiscal years 1991 through 1997. 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. In total, nearly 166,000 persons became lawful permanent residents from fiscal year 1989 through 1997 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*
Fiscal Years 1989-1997

Parole Arrivals:	Adjustments to LPR Status:
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Fiscal Year	Total Paroled	Total Less Advance and Deferred Inspection Paroles	Status at Entry Was Parole	Estimated Percent** of Year's Parolees Adjusting Status	
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	1,148,358	965,490	165,823	FY 1989-95:	22.8%
*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 138,000 in FY 1996 to just under 200,000 in FY 1997.
- The great majority of these paroles took place at the ports of entry for specific short-term purposes, based on decisions made by INS inspectors.
- Under advance parole and deferred inspection, about 10 percent of the paroles in each year were of aliens already residing in the United States, or for whom parole was issued to resolve technical matters.
- Just under 10 percent of the paroles issued in each year were for medical reasons or in conjunction with a legal proceeding.

- About 19,000 parolees in FY 1996 and 9,000 in FY 1997 arrived through a special overseas parole program under which they are eligible to become lawful permanent residents after 1 year of residence.
- Parole status is usually authorized for periods up to 1 year in most cases, but the issue is resolved in a much shorter time, and the alien departs.
- From fiscal years 1989 through 1997, more than 83,000 persons from the former Soviet Union or Southeast Asia have been paroled under special legislation giving them the right to become lawful permanent residents after a 1-year waiting period.
- From fiscal years 1992 through 1997, more than 65,000 Cubans have received parole; these persons are entitled under existing law to become lawful permanent residents.
- At the end of FY 1997, approximately 7,100 persons who were awaiting processing of their claims for asylum had initially entered under the parole authority. Many of them are entitled to have their asylum claims considered under the ABC settlement (see footnote 4 on p. 5).
- Approximately 23 percent of the parolees who entered from fiscal years 1989 through 1995 became lawful permanent residents in fiscal years 1991 through 1997. Most of these persons (two-thirds) arrived under the special long-term parole programs for nationals of selected countries, which included provisions for adjusting to lawful permanent resident status.

¹ The total presented here for FY 1996 is about 5,000 higher than that previously published in the *1996 Statistical Yearbook of the Immigration and Naturalization Service*, due to corrections in the data base. 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.

² 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 into INS custody.

³ Many of the port-of-entry paroles may actually fall under 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.

⁴ 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.

⁵ From its high point of more than 485,000 pending cases at the end of March 1996, the asylum caseload fell to approximately 398,600 at the end of FY 1997. At that time it included 185,900 aliens from El Salvador, 112,100 from Guatemala, and 15,100 from Haiti, 3 of the 4 countries with the largest asylum backlogs. The fourth country was Nicaragua, with 16,500 cases. The Kurds from Iraq were paroled into Guam, and most of them received asylum within a short time.

⁶ Based on accounts from the ports-of-entry, advance paroles may be underreported, with some being tallied instead in the port-of-entry category.

⁷ Section 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, Public Law 101-167, commonly known as the "Lautenberg Amendment."

⁸ Based on median calendar years of arrival, as calculated from unpublished INS tabulations.

⁹ 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.

¹⁰ Excluding deferred inspections and advance parole.

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