

# Fact Sheet

December 14, 2009

## **Revised Parole Policy for Arriving Aliens with Credible Fear Claims**

### **What are the main differences between the new and old policies?**

Under the new policy, aliens who arrive in the United States at a port of entry and are found to have a credible fear of persecution or torture will automatically be considered by DRO for parole. This is a change from the prior policy, which required aliens to affirmatively request parole in writing. In addition, the new policy adds heightened quality assurance safeguards, including monthly reporting by ICE field offices and headquarters analysis of parole rates and decision-making, as well as a review of compliance rates for paroled aliens. Further, while the prior policy allowed ICE officers to grant parole based on a determination of the public interest, it did not define this concept. By contrast, the new directive explains that the public interest is served by paroling arriving aliens found to have a credible fear who establish their identities, pose neither a flight risk nor a danger to the community, and for whom no additional factors weigh against their release.

### **When will the policy take effect?**

The policy becomes effective Jan. 4, 2010.

### **Who does the policy apply to?**

The policy applies to aliens arriving at U.S. ports of entry who have been determined by a USCIS asylum officer or immigration judge, upon review, to have a credible fear of persecution or torture.

### **Will ICE consider applying the policy to other aliens? Why is it limited to arriving aliens found to have a credible fear?**

We are continuing to review all detention policies and priorities. Currently, aliens other than arriving aliens may generally have their continued detention by ICE reviewed by immigration judges, the Board of Immigration Appeals, and the federal courts.

### **Did ICE coordinate this policy with other DHS components and external stakeholders?**

ICE considered significant input from the NGO community, UNHCR, and members of Congress when revising its policy, and that input is reflected in the new guidelines. ICE has also coordinated extensively with the U.S. Citizenship and Immigration Services (USCIS) Asylum Division and Department of Homeland Security Leadership while developing the policy.

### **How will arriving aliens be notified of their parole option?**

When the policy becomes effective, USCIS asylum officers will explain the new process to arriving aliens once determined to have a credible fear of persecution or including providing information regarding appropriate documentation the aliens may provide to help establish their eligibility for release.

**What is parole?**

Parole is an administrative measure used by DHS to temporarily authorize the release of an alien into the United States. Parole is not a lawful admission or a determination of an alien's admissibility, and can be conditioned upon such terms as the posting of a bond or other guarantee.

**What is credible fear?**

This is a term from section 235(b) of the Immigration and Nationality Act that refers to a threshold determination by a USCIS asylum officer or an immigration judge, upon review, that takes into account the credibility of the alien's statements regarding his or her fear of persecution or torture and other pertinent facts to determine whether there is a significant possibility that the alien could establish eligibility for asylum or other forms of humanitarian immigration protection.

*U.S. Immigration and Customs Enforcement was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE comprises four integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.*