



# **USCIS Advance Parole Documents**

**January 6, 2017**  
**Fiscal Year 2016 Report to Congress**



**Homeland  
Security**

*U.S. Citizenship and Immigration Services*

# Message from U.S. Citizenship and Immigration Services

January 6, 2017

I am pleased to submit the following report, "USCIS Advance Parole Documents," which has been prepared by U.S. Citizenship and Immigration Services (USCIS).

This report was compiled pursuant to language set forth in Senate Report 114-68 accompanying the Fiscal Year (FY) 2016 Department of Homeland Security Appropriations Act (P.L. 114-113).

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:



The Honorable John R. Carter  
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Lucille Roybal-Allard  
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable John Hoeven  
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jeanne Shaheen  
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

I am pleased to respond to any questions you may have. Please do not hesitate to contact me at (202) 272-1000 or the Department's Deputy Under Secretary for Management and Chief Financial Officer, Chip Fulghum, at (202) 447-5751.

Sincerely,

A handwritten signature in black ink, appearing to read "León Rodríguez". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

León Rodríguez  
Director  
U.S. Citizenship and Immigration Services

# Executive Summary

This report responds to the Senate request to provide information on the use of advance parole documents.<sup>1</sup>

As requested, the report provides details on how many applications for advance parole documents were received by USCIS and, of those, how many applications were approved and denied. From FYs 2012–2015, USCIS received approximately 300,000 applications for advance parole documents each year. The majority of requests for advance parole documents comes from individuals seeking adjustment of status.

Without conducting a manual review of each case, USCIS is unable to provide data on all deferred action recipients who obtained advance parole documents, because USCIS does not track electronically advance parole applications from recipients of deferred action that is not associated with the Deferred Action for Childhood Arrivals (DACA) policy. However, this report does include the number of DACA recipients who obtained advance parole documents and the number of applicants for adjustment of status (seeking lawful permanent resident status, commonly known as applying for a “green card”) who obtained advance parole documents.

The report also provides data on the number of applications for which the filing fee was waived because of an inability to pay. The majority of applicants for advance parole do not receive a waiver for the filing fee.

Without a manual review of each case, USCIS could not determine electronically which recipients actually traveled abroad, returned, were paroled into the United States upon return on the basis of an advance parole document, and applied for adjustment of status. When an individual applies for adjustment of status, USCIS verifies on a manual, case-by-case basis whether the adjustment applicant has been inspected and admitted or paroled into the United States on the basis of the evidence presented, such as a stamped advance parole document, and/or the review of the Department’s records of that applicant. However, this report does provide information on the number of certain recipients, including DACA and non-DACA recipients, who obtained advance parole documents and subsequently filed adjustment of status applications.<sup>2</sup>

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<sup>1</sup> With the exception of data on fee waiver requests for Form I-131, this report, based on USCIS’s understanding of the legislative language, includes only information on requests for advance parole documents made for individuals currently in the United States.

<sup>2</sup> Some recipients of deferred action under DACA may be eligible to file for adjustment of status independent of a grant of advance parole and/or entry into the United States pursuant to a grant of advance parole. However, as with the request for statistical data in requests (3) and (5) in Senate Report 114-68, providing data on this population is

Without a manual review of each case, USCIS also could not determine the specific basis for approval of an advance parole document or the supporting documentation that was considered when making a determination on the application for an advance parole document, because USCIS does not track this information electronically. However, this report does provide information on the types of supporting evidence accepted in support of applications for an advance parole document.

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not possible without a manual review to construct each individual's immigration history using means such as the paper A-file and a full systems review.



# USCIS Advance Parole Document

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# I. Legislative Language

This document has been compiled in response to language included in Senate Report 114-68, which accompanies the Fiscal Year (FY) 2016 Department of Homeland Security Appropriations Act (P.L. 114-113).

Senate Report 114-68 states as follows:

The Committee seeks more detail on the use of advance parole and directs USCIS to report on how many advance parole documents are being approved for entry into the United States. The report should, for the past 4 years, detail:

- (1) how many applications for advance parole were made, how many granted, and how many denied;
- (2) the number of advance parole documents granted to deferred action recipients and applicants for adjustment of status;
- (3) the specific basis for the grant of advance parole under USCIS' criteria set forth in the instructions to the Form I-131 (i.e., educational, employment, or humanitarian);
- (4) the number of applications in each year for which the filing fee was waived;
- (5) the supporting documentation, by type, that was used to make advance parole determinations; and
- (6) the number of aliens, broken down by deferred action recipients and non-deferred action recipients, granted advance parole who left the country, were paroled back into the country using the advance parole document, and have filed an application for adjustment of status to lawful permanent residence.

## II. Background

USCIS may issue an advance parole document for urgent humanitarian reasons or significant public benefit to a foreign national<sup>3</sup> inside the United States who is preparing to travel abroad and is planning to return.<sup>4</sup> USCIS issues advance parole documents pursuant to the general statutory parole authority under sections 103(a) and 212(d)(5) of the Immigration and Nationality Act (INA), section 402(4) of the Homeland Security Act (P.L. 107-296), and the implementing regulations, as well as pursuant to program-specific provisions, such as INA section 244(f)(3) and 8 CFR 244.15 regarding Temporary Protected Status.<sup>5</sup> The use of advance parole documents also has been recognized by the Board of Immigration Appeals.<sup>6</sup> The decision to grant an advance parole document, as with parole, is a matter of discretion and is decided case-by-case. USCIS weighs the circumstances of the specific request and any reasons in support of parole against any negative factors that may exist.

Issuance of an advance parole document is not, itself, a grant of parole, and receipt of an advance parole document does not guarantee the recipient's parole into the United States following travel abroad.<sup>7</sup> A U.S. Customs and Border Protection officer makes a separate discretionary decision regarding the parole request itself upon the foreign national's arrival at the port of entry.

### Supporting Documentation

USCIS electronically does not track the supporting documentation that is considered when making a determination on the application for an advance parole document. However, to be considered for advance parole, all applicants must submit a Form I-131, *Application for Travel Document*, and the following required evidence:

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<sup>3</sup> The term "foreign national" generally is used in lieu of the term "alien," which means a person who is not a citizen or national of the United States. Notwithstanding, when quoting the title, subtitle, or text of a statute or regulation that includes the term "alien," the term "alien" is used.

<sup>4</sup> USCIS issues single-use and multiple-use advance parole documents. USCIS also may issue a travel document that provides advance authorization for parole to a foreign national outside the United States with a need to visit the United States temporarily for urgent humanitarian reasons or significant public benefit. Information on these travel documents is not included in this report.

<sup>5</sup> Congress specifically has stated that a TPS beneficiary may travel abroad with the prior consent of the Secretary. INA § 244(f)(3).

<sup>6</sup> *Matter of G-A-C-*, 22 I&N Dec. 83 (BIA 1998); *Matter of Arrabally*, 25 I&N Dec. 771 (BIA 2012).

<sup>7</sup> *Matter of G-A-C-*, 22 I&N Dec. at 88 n.3; *Matter of Arrabally*, 25 I&N Dec. at 778 n.6.

- Proper fee in accordance with the form instructions<sup>8</sup> or a fee waiver request. Generally, USCIS may not waive fees for applications for an advance parole document for individuals within the United States;<sup>9</sup>
- Copy of any document issued by the Department showing the person's current immigration status in the United States, if any;
- Copy of receipt notice for a pending adjustment or other immigration benefit application, if applicable;
- Copy of the order, notice, or document that granted deferred action, if applicable;
- Copy of a government-issued photo identity document;
- Two photographs as described in the form instructions; and
- Evidence supporting the facts that are the reason for the advance parole document request.

Individuals who have received deferred action under the DACA policy and who request an advance parole document additionally must provide documentation that the travel will be in furtherance of humanitarian, employment, or educational purposes. Travel for vacation is not a valid basis for issuance of a DACA-related advance parole document. USCIS determines whether the foreign national's purpose for international travel is justifiable on the basis of the circumstances described in the request and the supporting documentation provided.

Supporting documentation to demonstrate humanitarian purposes includes, but is not limited to:

- A letter from the applicant's physician explaining the nature of his or her medical condition, the specific medical treatment to be sought outside of the United States, and a brief explanation why travel outside the United States is medically necessary; or
- Documentation of a family member's serious illness or death.

Supporting documentation to demonstrate educational purposes includes, but is not limited to:

- A letter from a school employee acting in an official capacity describing the purpose of the travel and explaining why travel is required or beneficial; or
- A document showing enrollment in an educational program requiring travel.

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<sup>8</sup> 8 CFR 103.7.

<sup>9</sup> 8 CFR 103.7(c)(3) and (d).

Supporting documentation to demonstrate employment purposes includes, but is not limited to:

- A letter from the applicant's employer or conference host describing the need for travel; or
- A document showing a specific employment need, such as a conference program, that also shows the applicant's participation.

### III. Data Report

Tables 1, 2A, 2B, and 3 provide the available requested USCIS data on advance parole documents for FYs 2012–2015, in response to requests (1), (2), and (4) in Senate Report 114-68, respectively.<sup>10</sup> Without a manual review of each case, USCIS could not determine the specific basis for approval of an advance parole document or the supporting documentation that was considered when making a determination on the application for an advance parole document, because USCIS does not track this information electronically. Accordingly, this report does not include statistical data in response to requests (3) and (5) in the Senate Report.

Regarding request (6) in Senate Report 114-68, without a manual review of each case, USCIS also could not determine electronically which deferred action recipients and nondeferred action recipients actually traveled abroad, returned, were paroled into the United States upon return on the basis of an advance parole document, and applied for adjustment of status. Therefore, this report does not include full data in response to request (6) of the Senate Report. When an individual applies for adjustment of status, however, USCIS verifies on a manual, case-by-case basis whether the adjustment applicant has been inspected and admitted or paroled into the United States on the basis of the evidence presented, such as a stamped parole document, and/or the review of the Department's records of that applicant. Thus, in Tables 4A and 4B, USCIS has provided data regarding individuals with an approved advance parole request and a later approved application for adjustment of status, broken down by DACA recipients and non-DACA recipients. Some recipients of deferred action under DACA may be independently eligible to file for adjustment of status independent of a grant of advance parole and/or entry into the United States pursuant to a grant of advance parole. However, as with the request for statistical data in response to requests (3) and (5) of the Senate Report, providing data on this population is not possible without a manual review to construct each individual's immigration history using means such as the paper A-file and a full systems review.

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<sup>10</sup> However, because USCIS is unable to provide data on non-DACA deferred action recipients who obtained advance parole documents without conducting a manual review of each such case, Table 2A provides only data on deferred action under DACA.

**Table 1: Receipts, Approvals, and Denials for Form I-131, Application for Travel Document for Individuals within the United States**

<b>U.S. Citizenship &amp; Immigration Services (USCIS) Form I-131 - Advance Parole Receipts, Approvals, and Denials Fiscal Years 2012 – 2015</b>			
<b>Fiscal Year</b>	<b>Receipts*</b>	<b>Approvals</b>	<b>Denials</b>
2012 Total	284,064	283,470	9,322
2013 Total	291,336	263,420	7,581
2014 Total	291,553	253,119	18,326
2015 Total	334,301	300,803	18,553
<b>Grand Total</b>	<b>1,201,254</b>	<b>1,100,812</b>	<b>53,782</b>

\*Not all applications are adjudicated in the same fiscal year as received. Thus, numbers of approvals and denials always may not equal receipt numbers.

**Table 2A: Deferred Action for Childhood Arrivals Recipients who Obtained Advance Parole Documents**

<b>U.S. Citizenship &amp; Immigration Services Form I-131, Application for Travel Document Filed after Form I-821D Approval “Valid From” Date* Fiscal Years 2012 – 2015</b>	
<b>Fiscal Year</b>	<b>I-131 Approvals</b>
2012 Total	-
2013 Total	1,409
2014 Total	5,687
2015 Total	12,847
<b>Grand Total</b>	<b>19,943</b>

Without conducting a manual review of each case, USCIS is unable to provide data on non-DACA deferred action recipients who obtained advance parole documents.

\*Comparison used the earliest Form I-821D “valid from” date by A-Number. The Form I-821D decision date was used where invalid data were returned for the Form I-821D “valid from” date.

**Table 2B: Applicants Within the United States with a Pending Form I-485, Application to Register Permanent Residence or Adjust Status, who Obtained Advance Parole Documents**

<b>U.S. Citizenship &amp; Immigration Services Form I-131, Application for Travel Document Advance Parole Approvals Filed in Connection with a Form I-485 Fiscal Years 2012 – 2015</b>	
<b>Fiscal Year</b>	<b>I-131 Approvals</b>
2012 Total	252,616
2013 Total	229,210
2014 Total	210,062
2015 Total	253,671
<b>Grand Total</b>	<b>945,559</b>

**Table 3: Approvals of Fee Waiver Requests for Form I-131 for Individuals in the United States and Abroad**

<b>U.S. Citizenship and Immigration Services Form I-131, Application for Travel Document Approved Fee Waivers Fiscal Years 2012 - 2015</b>	
<b>Fiscal Year</b>	<b>Approvals</b>
2012	1,189
2013	1,518
2014	2,733
2015	4,737
<b>Grand Total</b>	<b>10,177</b>

Fee waiver data exclusively on requests for an advance parole document for individuals within the United States can only be determined through a manual file review. Domestic cases generally are ineligible for a fee waiver, but waivers may be authorized at the discretion of USCIS. Therefore, the vast majority of these fee waiver approvals are likely for requests for advance parole documents for individuals who are abroad.

**Table 4A: Deferred Action for Childhood Arrivals Recipients who Obtained Advance Parole Documents and Later Filed an Adjustment of Status Application**

<b>U.S. Citizenship &amp; Immigration Services I-131, Application for Travel Document Advance Parole Approvals with Receipt Date After I-821D Approval “Valid From” Date* and I-485 Receipts Filed after I-131 “Valid From” Date* Fiscal Years 2012 - 2015</b>	
<b>Fiscal Year</b>	<b>I-131 Recipients</b>
2012	-
2013	370
2014	1,652
2015	2,811
<b>Grand Total</b>	<b>4,833</b>

\*Comparison used the earliest Form I-821D or Form I-131 “valid from” date by A-Number. Decision date was used where invalid data were returned for Form I-821D or Form I-131 “valid from” date.

**Table 4B: Individuals who Obtained Advance Parole Documents (excluding Deferred Action for Childhood Arrivals recipients) and Later Filed an Adjustment of Status Application**

<b>United States Citizenship and Immigration Services I-131, Application for Travel Document Non-DACA Recipients of Advance Parole Documents with I-485 Filed on or after I-131 “Valid From” Date* Fiscal Years 2012 – 2015</b>	
<b>Fiscal Year</b>	<b>I-131 Recipients</b>
2012	2,010
2013	2,517
2014	3,639
2015	3,833
<b>Grand Total</b>	<b>11,999</b>

\*Comparison used the earliest Form I-131 “valid from” date by A-Number. Status date was used where invalid data were returned for Form I-131 “valid from” date.

USCIS excluded individuals who had a pending adjustment of status application, or earlier filed an adjustment of status application at the time of the advance parole document request because USCIS understands the legislative language to request only those adjustment of status applications filed after an approved advance parole document request.

## IV. Conclusion

USCIS issues advance parole documents pursuant to the Secretary's authority under sections 103(a) and 212(d)(5) of the INA, section 402(4) of the Homeland Security Act (P.L. 107-296), and the implementing regulations, as well as pursuant to program-specific provisions, such as INA section 244(f)(3) and 8 CFR 244.15 regarding Temporary Protected Status. USCIS adjudicates applications for advance parole documents case-by-case, applying the criteria set forth in law. The number of receipts and approvals of requests for advance parole documents have been fairly consistent from FYs 2012–2015. FY 2014 and FY 2015 saw an increase in denials (noting not all approvals or denials occur in the same fiscal year in which an application was filed, as shown by the filing receipt).

Of the groups about which the legislative language inquires, the largest group of advance parole document recipients is individuals with pending applications to adjust status to lawful permanent residence. As noted in the report, although USCIS is unable to provide volume data on non-DACA deferred action recipients who obtained advance parole documents because USCIS systems currently do not track this information electronically, USCIS is able to identify that individuals who obtained advance parole documents because DACA recipients were a small portion of the total group. The number of DACA recipients who have applied for adjustment of status after receiving an advance parole document has been fairly consistent from FYs 2012–2015.

Finally, USCIS notes that the number of fee waiver requests granted for applications for an advance parole document has remained very small from FYs 2012–2015. The majority of individuals applying for advance parole documents pays a fee.