

FACT SHEET

# The Biden Administration's Humanitarian Parole Program for Cubans, Haitians, Nicaraguans, and Venezuelans: An Overview



**O**n January 5, 2023, the Biden administration announced its intent to provide “safe and orderly pathways to the United States” for up to 30,000 nationals of Cuba, Haiti, Nicaragua, and Venezuela.<sup>1</sup> The new program, formally known as the Processes for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV), allows certain people from these four countries who have a sponsor in the U.S. and who pass a background check to come to the U.S. for a period of two years to live and work lawfully, using a legal mechanism known as “humanitarian parole.”

The creation of this new parole program, however, was coupled with restricted access to asylum at the U.S./Mexico border for migrants from Cuba, Haiti, Nicaragua, and Venezuela. Starting in January 2023, the government of Mexico agreed to allow the U.S. to expel up to 30,000 migrants from those countries to Mexico each month—preventing them from requesting asylum under U.S. immigration law.<sup>2</sup> With the expiration of the Title 42 order in May 2023, the U.S. announced that it would formally deport some migrants from these countries to Mexico instead of to their home countries.<sup>3</sup>

Migrants are ineligible for the parole program if they crossed without authorization into Panama (following the most common route to the United States), Mexico, or the United States after the relevant parole program was announced—October 19, 2022 for Venezuelan nationals, and January 9, 2023 for Cubans, Haitians, and Nicaraguans. As of April 2023, Cubans and Haitians are also ineligible if they are interdicted at sea while attempting to cross the Caribbean to the U.S. without authorization.<sup>4</sup>

This “carrot and stick” approach, pairing expanded parole with restricted access to asylum, was first adopted by the Biden administration in October 2022 toward Venezuelans, with 24,000 parole slots initially available each month in exchange for the government of Mexico permitting the Department of Homeland Security (DHS) to expel 24,000 Venezuelans to Mexico monthly.<sup>5</sup> With the expansion of the program to Cubans, Haitians, and Nicaraguans on January 9,<sup>6</sup>

30,000 monthly slots are available in total, across all four countries.

In the first several months of the program, United States Citizenship and Immigration Services (USCIS) received 1.5 million applications<sup>7</sup>—enough to fill the monthly CHNV allocation for more than four years. In response to the overwhelming demand, USCIS began to fill half the monthly slots by randomly selecting pending applications via lottery, while the other half are selected based on the date they were received.<sup>8</sup>

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## What is “Humanitarian Parole?”

The Immigration and Nationality Act (INA) grants DHS the discretion to temporarily allow certain non-U.S. citizens to enter or remain in the United States if they apply for admission but lack any legal basis for admission. Individuals who enter the United States under these conditions are granted “parole.”<sup>9</sup> Humanitarian parole does not provide any permanent pathway to remain in the United States and can be revoked or not renewed should DHS decide that it is no longer warranted or if the beneficiary violates the conditions of the parole. A person in the United States on parole may apply for work authorization during the period of their authorized stay.

DHS may grant parole to someone if there are “urgent humanitarian or significant public benefit reasons” for doing so. The INA does not define what constitutes an “urgent humanitarian” or “significant public benefit”

reason. But USCIS states that an “urgent humanitarian” reason might include protection against “targeted or individualized harm.” Individuals who are not eligible for admission into the United States but who can demonstrate an “urgent humanitarian” reason for being allowed to enter or stay in the country may be granted “humanitarian parole.”<sup>10</sup>

In creating the CHNV Humanitarian Parole Program, the Biden administration invoked both grounds for parole, arguing that the programs provide a “significant public benefit for the United States, by reducing unauthorized entries along our [southwest border], while also addressing the humanitarian reasons” causing people to flee those four countries.<sup>11</sup>

## Who is Eligible for the CHNV Humanitarian Parole Program?

### Eligible

In order to be considered for the humanitarian parole program, an individual must meet the following criteria:<sup>12</sup>

- Is a national of Cuba, Haiti, Nicaragua, or Venezuela, or is the immediate relative of a national of one of those countries who is applying for the program.
- Has a supporter in the United States who has filed a Declaration of Financial Support (Form I-134A) on behalf of the applicant and been approved by USCIS.
- Can pay their own way into a U.S. airport.
- Has been vaccinated for measles, polio, and COVID-19.
- Has passed all biographical and security background checks.

### Not Eligible

An individual is ineligible for the humanitarian parole program if they:<sup>13</sup>

- Fail to pass national security and public safety vetting or do not merit a favorable exercise of discretion by DHS.
- Have been ordered removed from the United States within the past five years or are subject to another bar to entry based on a prior removal order.
- Unlawfully crossed the United States, Mexico, or Panama border after October 19, 2022 (for Venezuelans), or January 9, 2023 (for Cubans, Haitians, and Nicaraguans), or were interdicted at sea after April 27, 2023 (for Cubans and Haitians).
- Are considered an “unaccompanied child” under United States law.

# How Does Someone Apply for the CHNV Humanitarian Parole Program?

There are six steps to the application process for parole under the CHNV humanitarian parole program:<sup>14</sup>

1.

The applicant must have financial support from someone in the United States. This supporter, or supporters, must file a Declaration of Financial Support on behalf of the applicant in order for the applicant to be considered for the program. While USCIS uses discretion to judge whether a supporter or group of supporters have the resources to support a parolee, the agency notes that it generally uses the [federal poverty guidelines](#) to determine the minimum amount of support each person would need for a year—dividing the supporter’s (or supporters’) income by the number of their family members in the U.S., uniting all members of the supporter’s (or supporters’) family in the U.S., and any parolees they are applying to bring

2.

USCIS selects which Declarations of Financial Support to review for approval based on two methods. Half of the 30,000 slots available each month are filled based on when the application was filed, so that the oldest 15,000 declarations each month will be reviewed. The other 15,000 will be randomly selected from the pool of all pending declarations.

3.

Once the Declaration of Financial Support has been approved, the applicant must create a myUSCIS account, provide all required biographical information, and attest that they have been vaccinated for measles, polio, and COVID-19.

4.

If the application for the program is approved, the applicant has 90 days to arrange their own air travel to the United States and must travel on a valid passport. Before travelling, they must complete an “advance travel authorization” process through the CBP One smartphone app.<sup>15</sup>

5.

Once the applicant has arrived in the United States, they will be inspected by U.S. Customs and Border Protection (CBP) at the airport and considered for humanitarian parole for up to two years. The applicant must receive a medical screening for tuberculosis within 90 days of their arrival in the United States.

6.

If the applicant is granted humanitarian parole and allowed to enter the United States, they can apply for work authorization by submitting an Application for Employment Authorization (Form I-765) to USCIS.

## Who Can Become a Supporter of an Applicant for the CHNV Humanitarian Parole Program?

A supporter of an individual applying for parole under the CHNV humanitarian parole program must be lawfully present in the United States. This includes:<sup>16</sup>

- U.S. citizens.
- Lawful permanent residents, lawful temporary residents, and conditional permanent residents.
- Non-immigrants in lawful status (such as temporary workers, international students, diplomats, and temporary visitors for business or pleasure).
- Asylees, refugees, and parolees.
- Recipients of Temporary Protected Status (TPS).
- Beneficiaries of deferred action (including Deferred Action for Childhood Arrivals and Deferred Enforced Departure).

## How Does the CHNV Humanitarian Parole Program Differ from Previous Uses of Parole under the Biden Administration?

The Biden administration has used humanitarian parole to admit both Afghan refugees (from summer 2021 to October 2022) and Ukrainian refugees (under the Uniting for Ukraine program).<sup>17</sup> However, the CHNV program, like the Venezuelan parole program that preceded it, is significantly different from previous parole programs used by the Biden administration in ways that have raised concern with immigrant and refugee advocates.

To begin with, while there were no explicit maximums on the number of Afghan or Ukrainian parolees, the CHNV program accepts only 30,000 people into the United States per month—a fairly low number given that 7 million Venezuelans alone have already fled their home country.

Furthermore, the Afghan and Ukrainian parole programs were not paired with harsher enforcement towards other asylum seekers from those countries. However, the Biden administration has expelled tens of thousands of asylum seekers from these countries trying to enter the United States between ports of entry into Mexico. Many of those asylum seekers would not have been eligible for parole under the CHNV program—because they lack family or others in the U.S. who make enough money to sponsor them; because they cannot afford airfare; or simply because they lack passports. Those asylum seekers were originally simply expelled to Mexico under the Trump-era Title 42 policy; after the end of Title 42, some migrants from these countries are now issued “voluntary returns” to Mexico.

# Endnotes

- 1** U.S. Department of Homeland Security, “DHS Continues to Prepare for End of Title 42; Announces New Border Enforcement Measures and Additional Safe and Orderly Processes,” January 5, 2023, <https://www.dhs.gov/news/2023/01/05/dhs-continues-prepare-end-title-42-announces-new-border-enforcement-measures-and>.
- 2** Ibid.
- 3** Ibid.
- 4** DHS Notice: Implementation of a Change to the Parole Process for Haitians, 88 Fed. Reg. 26327 (published April 28, 2023), available at <https://www.federalregister.gov/documents/2023/04/28/2023-09014/implementation-of-a-change-to-the-parole-process-for-haitians>. See also DHS Notice: Implementation of a Change to the Parole Process for Cubans, 88 Fed. Reg. 26329 (published April 28, 2023), available at <https://www.federalregister.gov/documents/2023/04/28/2023-09013/implementation-of-a-change-to-the-parole-process-for-cubans>.
- 5** U.S. Department of Homeland Security, “Process for Cubans, Haitians, Nicaraguans, and Venezuelans,” last updated July 12, 2023, <https://www.uscis.gov/CHNV>.
- 6** DHS Notice: Implementation of a Parole Process for Haitians, 88 Fed. Reg. 1243 (published January 9 2023), available at <https://www.federalregister.gov/documents/2023/01/09/2023-00255/implementation-of-a-parole-process-for-haitians>. See also DHS Notice: Implementation of a Parole Process for Cubans, 88 Fed. Reg. 1266 (published January 9 2023), available at <https://www.federalregister.gov/documents/2023/01/09/2023-00252/implementation-of-a-parole-process-for-cubans>. See also DHS Notice: Implementation of a Parole Process for Nicaraguans, 88 Fed. Reg. 1255 (published January 9 2023), available at <https://www.federalregister.gov/documents/2023/01/09/2023-00254/implementation-of-a-parole-process-for-nicaraguans>.
- 7** Camilo Montoya-Galvez, “1.5 million apply for U.S. migrant sponsorship program with 30,000 monthly cap,” CBS News, May 22, 2023, <https://www.cbsnews.com/news/us-migrant-sponsorship-program-cuba-haiti-nicaragua-venezuela-applications/>.
- 8** American Immigration Council, “The Use of Parole Under Immigration Law,” July 18, 2022, <https://www.americanimmigrationcouncil.org/research/use-parole-under-immigration-law>.
- 9** Ibid.
- 10** Ibid.
- 11** See, e.g., DHS Notice: Implementation of a Parole Process for Nicaraguans, 88 Fed. Reg. 1255 (published January 9 2023), available at <https://www.federalregister.gov/documents/2023/01/09/2023-00254/implementation-of-a-parole-process-for-nicaraguans>.
- 12** U.S. Department of Homeland Security, “Process for Cubans, Haitians, Nicaraguans, and Venezuelans,” last updated July 12, 2023, <https://www.uscis.gov/CHNV>.
- 13** Ibid.
- 14** Ibid.
- 15** American Immigration Council, “CBP One: An Overview,” February 28, 2023, <https://www.americanimmigrationcouncil.org/research/cbp-one-overview>.
- 16** U.S. Department of Homeland Security, “Process for Cubans, Haitians, Nicaraguans, and Venezuelans,” last updated July 12, 2023, <https://www.uscis.gov/CHNV>.
- 17** American Immigration Council, “An Overview of the ‘Uniting for Ukraine’ Program,” January 13, 2023, <https://www.americanimmigrationcouncil.org/research/overview-%E2%80%9Cuniting-ukraine%E2%80%9D-program>.