

IMMIGRATION **JUSTICE** CAMPAIGN



Parole from Immigration Detention

During the COVID-19 Pandemic

May 5, 2020

Agenda

- Detention during COVID-19 pandemic
- What is “parole” and who is eligible
- Process for requesting parole
- Relevant factors to address
 - Including COVID-19 arguments
- Documenting and submitting parole requests
- Logistical challenges during the pandemic

Speakers

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www.immigrationjustice.us

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COVID-19 Updates

The COVID-19 pandemic is having profound impacts on the immigration detention system and the immigration courts. On this page you will find updates related to detention, release from detention, the operation of the immigration courts, and legal arguments related to COVID-19.

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IMMIGRATION **JUSTICE** CAMPAIGN

Detention Facilities

- Many run by private prison companies (Geo Group, CoreCivic)
- Remote locations
- Prison conditions



Detention During COVID-19

- Tens of thousands still detained
- Same prison conditions
- Inadequate/abusive ICE responses to pandemic



What is Immigration “Parole”?

- Different from parole in criminal justice system
- In this training, we’re focusing on “parole” as a form of release from immigration detention
- Some immigration detainees eligible for potential release on bond, some only eligible for release on parole

Two Types of Parole

- Parole under INA 212(d)(5)(a)
 - "Case by case basis"
 - "For humanitarian reasons or significant public benefit"
- "Conditional" parole under INA 236(a)

Who is Eligible for Parole

INA 212(d)(5)

“Parole”

- “Arriving alien”
 - Came to official port of entry but lacked valid entry documents
- Entered without inspection (EWI)
 - Crossed border away from official port of entry, via desert

INA 236

“Conditional” parole

- Entered without inspection (EWI)
- Entered with inspection
 - Came to official port of entry, had valid entry documents (passport, U.S. visa) and was admitted in lawful immigration status (e.g. tourist, student)

How Do I Know If My Client is an “Arriving Alien”?

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No. [REDACTED]

In the Matter of:

Respondent: [REDACTED] currently residing at:

c/o DHS ICE Stewart Detention Center, 146 CCA Road, P.O. Box 248, Lumpkin, GA 31815

(Number, street, city and ZIP code)

(Area code and phone number)

- You are an arriving alien.
 You are an alien present in the United States who has not been admitted or paroled. You are an applicant for admission.
 You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that:

Who is Eligible for Both Types of Parole?

- Those who entered without inspection (EWI)



- When your client is eligible for both, ask for both

Who Adjudicates Parole Requests For People in Detention?

ICE Enforcement and Removal Operations

<https://www.ice.gov/ero>



U.S. Immigration and Customs Enforcement

Parole Request Process

1. Talk with client and sponsor
2. Gather supporting documents
3. Draft parole request
4. Submit request to relevant Enforcement and Removal Office (like a Deportation Officer)
5. Follow up as needed with ERO

Additional Challenges During COVID-19 Pandemic

- Contact with client
- Obtaining client signatures
- Plans for if your client needs to be quarantined upon release

Parole Factors

- Identity of applicant established
- Not a flight risk
- Not a danger to the community

Additionally:

- Humanitarian factors - medical, psychological, etc.
- Significant public benefit (usually law enforcement purposes)
- “Case-by-case basis”

COVID-19 Factors

- Medical conditions that put people at a higher risk of illness

What to Submit

- Letter explaining why client merits parole
- Letter from parole sponsor
- Proof of identity of sponsor
- Evidence of address of sponsor (utility bill)
- Evidence of income of sponsor (W-2, pay stubs, letter from employer)
- G-28 Entry of Appearance with DHS
- Sometimes: Client's ID, evidence of sponsor's lawful immigration status

What to Submit

- Evidence of medical need for release
 - When you need medical records
- Evidence of other humanitarian factors for release
 - Effects of trauma
 - Particularly vulnerable in detention

Working with Parole Sponsor

- First contact with parole sponsor
 - Explain who you are - and who you are not.
 - Gauge English proficiency
 - Confirm sponsor willing and able to house client
 - Confirm sponsor's immigration status
 - Explain parole process and timeline
 - Answer questions
 - Thank the sponsor
- Drafting sponsor letter

Parole Request Letter

- Explain clearly how client satisfies criteria in parole memo
- “Case-by-case basis” - articulate what makes your client’s case unique
- Audience: ERO Officer is not a judge, not an attorney
- We provide sample letters

Following Up With ICE

- Call, email ERO regularly to follow up on request. CC supervisors
- Make sure Officer has everything s/he needs
- Follow up until officer makes decision on parole request
- Importance of attorney follow up

What next?

- If ICE paroles client
 - Logistics of release and travel
 - Client will need to move for change of venue in removal proceedings
- If ICE does not parole client

Support for Parole Cases with Justice Campaign

- Local practice information for relevant detention site
- Training and templates
- Mentoring support through regular office hours with experienced immigration attorney

Campaign Parole Resources

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Parole

Some noncitizens in immigration detention can request that they be “paroled,” or released, from detention while their cases are pending in immigration court. The resources on this page will assist pro bono attorneys in drafting parole requests for detained noncitizens.

[Gathering Documents](#)

As you prepare your client’s parole application, these materials will walk you through what documents to look for, and how to draft any letters of support.



[Getting Started: Overview of Parole Eligibility](#)

These materials provide an overview of which asylum seekers are eligible for parole, and how to apply for parole.



[Writing and Submitting Parole Request](#)

This page contains sample parole requests for detained asylum seekers at several different detention facilities.



Parole Cases With Justice Campaign

Step 1: Sign up on Justice Campaign website:

<https://immigrationjustice.us/>

Step 2: Go to our Parole Cases page, <https://immigrationjustice.us/volunteeropportunities/volunteer/parole-cases/>, and Apply Now. Indicate when signing up that you attended this webinar

Step 3: Visit Campaign website regularly to view updated list of available cases

Step 4: Email us at probonocoordinator@immcouncil.org when you are interested in a case

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Thank you!