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# Chapter 1 - Purpose and Background

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## A. Purpose

The Immigration and Nationality Act (INA) gives the Secretary of Homeland Security discretionary authority to parole into the United States temporarily, under conditions the Secretary may prescribe, on a case-by-case basis for urgent humanitarian reasons or significant public benefit, any alien applying for admission to the United States, regardless of whether the alien is inadmissible to, or removable from, the United States. <sup>[1]</sup>

Congress did not define the phrase “urgent humanitarian reasons or significant public benefit,” entrusting the interpretation and application of these standards to the Secretary.

USCIS has the authority to impose conditions on the grant of parole, including requiring reasonable assurances that the parolee will appear at all hearings and will depart the United States when required to do so. <sup>[2]</sup>

## B. Background

In general, if USCIS favorably exercises its discretion to authorize parole to an alien who is present inside the United States without admission, the alien is granted parole in place (PIP) in the case of the initial parole authorization, or re-parole in the case of a subsequent or new period of parole.

If USCIS favorably exercises its discretion to authorize parole for an alien located outside of the United States, then either USCIS or the U.S. Department of State issues a travel document to enable the alien to travel to a U.S. port of entry (POE) and request parole from U.S. Customs and Border Protection (CBP). CBP officers make the final determination, upon the alien's arrival at a U.S. port of entry, whether to parole the alien into the United States and for what length of time. Once an alien is paroled into the United States, the parole allows the alien to stay temporarily in the United States.

In some cases, U.S. Immigration and Customs Enforcement (ICE) may grant PIP or re-parole under INA 212(d)(5)(A) to an alien within its jurisdiction who is physically present in the United States.

Parole is not an admission to the United States.<sup>[3]</sup> When an alien is paroled into the United States, the alien is still deemed to be an applicant for admission.<sup>[4]</sup>

Parole terminates automatically upon the expiration of the authorized parole period or upon the parolee's departure from the United States.<sup>[5]</sup> Parole also may be terminated upon written notice to the alien if USCIS determines the purpose for which the parole was authorized has been accomplished or if USCIS determines that neither humanitarian reasons nor public benefit warrant the continued presence of the parolee in the United States. When parole is terminated, the alien is "restored to the status that he or she had at the time of parole."<sup>[6]</sup>

Generally, an alien who is paroled into the United States is not employment authorized incident to parole.<sup>[7]</sup> Rather, most parolees must apply for and be granted employment authorization and be issued an Employment Authorization Document (Form I-766) before they may legally work in the United States.<sup>[8]</sup> The grant of employment authorization is a separate determination from the grant of parole.

## C. Immigration Parole Fee

As of October 16, 2025, any alien who is paroled into the United States must pay the immigration parole fee unless an exception applies.<sup>[9]</sup> This fee cannot be waived or reduced and is in addition to any fee required when requesting parole with USCIS.<sup>[10]</sup> Parole requests filed with USCIS are generally filed on the Application for Travel Documents, Parole Documents, and Arrival/Departure Records ([Form I-131](#)).<sup>[11]</sup> However, the immigration parole fee is required each time an alien is granted parole under INA 212(d)(5)(A), including initial parole from outside the United States, PIP, re-parole, or parole from DHS custody, unless an exception applies and regardless of the form on which the request is filed.<sup>[12]</sup> USCIS indicates which fees are required and their respective amounts on its Fee Schedule ([Form G-1055](#)).

USCIS, CBP, or ICE makes the final determination of whether the alien is subject to the immigration parole fee depending on which agency makes the final determination to grant parole. For an alien who must travel to a POE to seek parole from CBP, USCIS may authorize parole and make a preliminary determination on whether the alien may qualify for an exception to the immigration parole fee, but CBP makes the final determination on whether the alien receives parole and is required to pay the fee upon the alien's arrival at the POE. <sup>[13]</sup> For an alien physically present in the United States who requests PIP or re-parole under INA 212(d)(5)(A), USCIS makes the final parole determination for cases within its jurisdiction and determines whether the alien is subject to the immigration parole fee. <sup>[14]</sup> For an alien who is physically present in the United States and in ICE's jurisdiction, ICE makes the final parole determination and determines whether the alien is subject to the immigration parole fee.

The agency that issues the final approval of the parole request and makes the final determination that the alien is subject to the immigration parole fee collects the fee payment. Failure to pay the immigration parole fee when required results in denial of the parole request.

## 1. Exceptions

In determining whether an alien is subject to the immigration parole fee, the officer considers whether the alien qualifies for an exception. The alien requesting parole has the burden of demonstrating that he or she qualifies for an exception to the immigration parole fee. <sup>[15]</sup> The officer determines that an alien is not subject to the immigration parole fee if the alien is being paroled into the United States because the alien:

- Has a medical emergency and the alien cannot obtain necessary treatment in the alien's country of residence, or has a life-threatening medical emergency and there is insufficient time for the alien to seek admission to the United States through the normal visa process; <sup>[16]</sup>
- Is the parent or legal guardian of an alien minor who has a medical emergency and the alien minor cannot obtain necessary treatment in the alien minor's country of residence, or the alien minor has a life-threatening medical emergency and there is insufficient time for the alien minor to seek admission to the United States through the normal visa process; <sup>[17]</sup>
- Is needed in the United States to donate an organ or other tissue for transplant and there is insufficient time for the alien to seek admission to the United States through the normal visa process; <sup>[18]</sup>
- Has a close family member in the United States whose death is imminent, and the alien could not arrive in the United States in time to see the family

member alive if the alien sought admission to the United States through the normal visa process;<sup>[19]</sup>

- Is seeking to attend the funeral of a close family member and the alien could not arrive in the United States in time to attend the funeral if the alien sought admission to the United States through the normal visa process;<sup>[20]</sup>
- Is an adopted child with an urgent medical condition who is in the legal custody of the petitioner for a final adoption-related visa and whose medical treatment is required before the expected award of a final adoption-related visa;<sup>[21]</sup>
- Is a lawful applicant for adjustment of status under INA 245 and is returning to the United States after temporary travel abroad;<sup>[22]</sup>
- Has been returned to a contiguous country pursuant to INA 245(b)(2)(C) and is being paroled into the United States to allow the alien to attend his or her immigration hearing;<sup>[23]</sup>
- Was granted status of Cuban or Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980);<sup>[24]</sup> or
- Is determined by DHS to be an alien whose parole has resulted or will result in a significant public benefit because the alien:
  - Has assisted or will assist the U.S. government in a law enforcement matter;
  - Is required to be present by the U.S. government in furtherance of such law enforcement matter; and
  - Is inadmissible or does not satisfy the eligibility requirements for admission as a nonimmigrant, or there is insufficient time for the alien to be admitted to the United States through the normal visa process.<sup>[25]</sup>

If the alien is not being paroled into the United States for a reason that is one of the listed fee exceptions, then the alien does not qualify for an exception to the immigration parole fee and must pay the immigration parole fee.

Similarly, the alien does not qualify for an exception to the immigration parole fee if it appears the alien is being paroled for an excepted reason, but the alien fails to provide evidence that the excepted reason applies. For example, an alien minor child granted initial parole to reunite with a lawful permanent resident parent in the United States and to receive life-saving medical treatment who does not provide sufficient evidence related to the availability of medical treatment in the alien minor child's country of residence has failed to meet the burden of proving that an exception applies and is therefore subject to the immigration parole fee.<sup>[26]</sup>

USCIS determines (or initially determines) whether an alien is subject to the immigration parole fee, or whether an exception applies, based on the evidence submitted in support of the parole request. USCIS does not issue a Request for Evidence solely to determine whether the alien qualifies for an exception to the immigration parole fee, although USCIS may request additional evidence to determine whether a discretionary grant of parole is warranted.

If the alien believes that he or she qualifies for an exception to the immigration parole fee, the alien should provide evidence that he or she qualifies for the exception at the time of filing the parole request with USCIS. The alien may submit additional evidence of an exception before USCIS adjudicates the parole request. If such evidence is not submitted before USCIS issues a conditional approval and notice of payment for PIP or re-parole requests, and the alien fails to make a required fee payment, the request for PIP or re-parole may be denied. If such evidence is not submitted before USCIS adjudicates a parole request for an alien who must travel to a POE to seek parole from CBP, USCIS will make an initial determination on the immigration parole fee based on the available evidence.

The following table shows the most common types of parole requests adjudicated by USCIS, which agency is responsible for the final grant of parole, and whether an exception to the immigration parole fee could generally apply.

#### Immigration Parole Fee Exceptions for Parole Requests Adjudicated by USCIS

Fee Exception	Initial Parole for Alien Outside the United States (CBP grants parole at POE)  Fee Exception Could Apply	Advance Parole Document for Alien Inside the United States (CBP grants parole at POE)  Fee Exception Could Apply	PIP/Re-parole (USCIS grants parole)  Fee Exception Could Apply
Medical emergency <sup>[27]</sup>	Yes	No	Yes
Medical emergency for minor <sup>[28]</sup>	Yes	No	Yes

Organ donation or transplant <sup>[29]</sup>	Yes	No	Yes
Imminent death of close family member <sup>[30]</sup>	Yes	No	Yes
Funeral of close family member <sup>[31]</sup>	Yes	No	Yes
Urgent medical situation for adopted child <sup>[32]</sup>	Yes	No	Yes
Lawful applicant for adjustment of status (INA 245) <sup>[33]</sup>	No	Yes	No
Immigration court hearing <sup>[34]</sup>	No	No	No
Cuban or Haitian entrant <sup>[35]</sup>	Yes	Yes	Yes
Law enforcement assistance <sup>[36]</sup>	Yes	Yes	Yes

## 2. Collection of Payment

An alien requesting parole from USCIS does not submit payment of the immigration parole fee at the time of filing the parole request.<sup>[37]</sup> Instead,

USCIS notifies the alien in writing if the alien is subject to the immigration parole fee and, if subject to the fee, provides instructions on how to complete the required payment.

#### *USCIS Collects the Immigration Parole Fee*

USCIS collects payment of the immigration parole fee if:

- The alien is physically present in the United States and requests parole in place (PIP) or re-parole from USCIS pursuant to INA 212(d)(5)(A);<sup>[38]</sup>
- USCIS, in its discretion, determines that the alien should be granted parole; and
- USCIS determines that the alien has not demonstrated that he or she qualifies for an exception to the immigration parole fee.

After receiving the request for PIP or re-parole, USCIS first determines whether the alien warrants a PIP grant or re-parole. If USCIS determines that the alien does not warrant a grant, USCIS denies the request on the merits without determining whether the alien is subject to the immigration parole fee.

Only if USCIS determines that the alien warrants a grant of PIP or re-parole does USCIS determine whether the alien is subject to the immigration parole fee or an exception applies.

If USCIS determines that the alien warrants a grant of PIP or re-parole and is subject to the immigration parole fee, USCIS issues the alien or parole petitioner a conditional approval of the request for PIP or re-parole contingent upon the alien's full and timely payment of the immigration parole fee.

After the alien completes timely payment of the immigration parole fee electronically<sup>[39]</sup> and USCIS completes its final vetting procedures, USCIS completes processing of the request and issues the alien a final approval notice. If the alien fails to make a timely payment of the immigration parole fee, USCIS denies the request for failure to pay.

If USCIS determines that the alien warrants a grant of PIP or re-parole and is not subject to the immigration parole fee because an exception applies, USCIS completes processing of the request and issues the alien or parole petitioner a final approval notice.

#### *CBP Collects the Immigration Parole Fee*

In general, CBP collects payment of the immigration parole fee if:

- The alien requests parole by presenting himself or herself for inspection at a POE (including aliens who have been authorized by USCIS to travel to the POE to seek parole);

- CBP, in its discretion, determines that the alien should be granted parole; and
- CBP determines that the alien does not qualify for a fee exception.

If CBP determines that an alien should be granted parole and is subject to the immigration parole fee, CBP notifies the alien and provides instructions on how to complete full payment. If the alien fails to pay the immigration parole fee in accordance with CBP's instructions, then the alien is denied parole into the United States and may be subject to detention or removal.

When USCIS authorizes an alien to travel to a POE to seek parole, CBP makes the final determination at the POE whether the alien should be granted parole and whether the alien is subject to the immigration parole fee. USCIS notifies the petitioner or alien in writing of USCIS' initial determination that the immigration parole fee applies or that the alien may be eligible for an exception to the immigration parole fee. Even if USCIS makes an initial determination that an alien for whom it authorizes parole appears to qualify for an exception to the immigration parole fee, CBP ultimately determines whether the alien is in fact subject to the immigration parole fee at the POE. In this situation, the alien may present additional evidence of an exception to the immigration parole fee to CBP at the POE. If CBP determines that the alien is subject to the immigration parole fee, then the alien is required to complete payment of the fee in accordance with CBP instructions.

#### *ICE Collects the Immigration Parole Fee*

ICE collects payment of the immigration parole fee if ICE grants parole pursuant to INA 212(d)(5)(A) to an alien within its jurisdiction who is physically present in the United States. If ICE determines that an alien should be granted parole and is subject to the immigration parole fee, ICE notifies the alien and provides instructions on how to complete full and timely payment.

## **D. Legal Authorities [Reserved]**

[Reserved]

## **Footnotes**

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[<sup>1</sup>] See [INA 212\(d\)\(5\)\(A\)](#). USCIS, U.S. Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection (CBP) all have authority to authorize parole. See Delegation of Authority to the Commissioner of U.S. Customs and Border Protection, Delegation 7010.3, signed May 11, 2006. See [Delegation of Authority to the Assistant Secretary for U.S. Immigration and Customs Enforcement](#), Delegation 7030.2, signed November 13, 2004 (effective



March 1, 2003). See [Delegation of Authority to the Bureau of Citizenship and Immigration Services](#), Delegation 0150.1, signed June 5, 2003 (effective March 1, 2003). See Memorandum of Agreement, *Coordinating the Concurrent Exercise by USCIS, ICE, and CBP, of the Secretary's Parole Authority under INA 212(d)(5)(A) with Respect to Certain Aliens Located Outside of the United States*, signed September 2008.

[^2] See [INA 212\(d\)\(5\)\(A\)](#). See [8 CFR 212.5\(d\)](#).

[^3] See [INA 101\(a\)\(13\)\(B\)](#) and [INA 212\(d\)\(5\)\(A\)](#). See [8 CFR 1.2](#) (“An arriving alien remains an arriving alien even if paroled pursuant to section 212(d)(5) of the Act, and even after any such parole is terminated or revoked.”).

[^4] See [INA 212\(d\)\(5\)\(A\)](#).

[^5] See [8 CFR 212.5\(e\)\(1\)](#).

[^6] See [8 CFR 212.5\(e\)\(2\)](#). See *Hassan v. Chertoff*, 593 F.3d 785, 789 (9th Cir. 2010).

[^7] See [8 CFR 274a.12\(c\)\(11\)](#). However, certain parolees are employment authorized incident to parole for any employer and other parolees are employment authorized with a specific employer incident to parole. For example, entrepreneurs paroled under [8 CFR 212.19](#) are employment authorized with a specific employer incident to their parole. See [8 CFR 274a.12\(b\)\(37\)](#). In addition, DHS has decided as a matter of policy to provide the benefit of employment authorization incident to parole akin to what is normally accorded to refugees (as well as a no-fee initial and replacement of an initial Employment Authorization Document) to certain Afghan parolees and certain Ukrainian parolees so that they receive similar treatment as refugees, which aligns with the spirit of legislation that states that certain Afghan parolees and certain Ukrainian parolees “shall be eligible for . . . other benefits available to refugees . . .” See Section 2502(b) of the Extending Government Funding and Delivering Emergency Assistance Act, [Pub. L. 117-43 \(PDF\)](#), 135 Stat. 344, 377 (September 30, 2021), amended by Section 1501 of Division M of the Consolidated Appropriations Act of 2023, [Pub. L. 117-328 \(PDF\)](#), 136 Stat. 4459, 5189 (December 29, 2022), and Section 401(b) of the Additional Ukraine Supplemental Appropriations Act, [Pub. L. 117-128 \(PDF\)](#), 136 Stat. 1211, 1218 (May 21, 2022). For more information on employment eligibility for aliens, see Volume 10, Employment Authorization, Part A, Employment Authorization Policies and Procedures, Chapter 2, Eligibility Requirements [[10 USCIS-PM A.2](#)].

[^8] See [8 CFR 274a.12\(c\)\(11\)](#) and [8 CFR 274a.13](#).

[^9] See [8 U.S.C. 1804](#). The One Big Beautiful Bill Act (H.R.-1), Title X, Subtitle A of [Pub. L. 119-21 \(PDF\)](#) (July 4, 2025) added a new statutory obligation for any alien paroled into the United States to pay a fee, unless an exception applies.

DHS announced the implementation of this fee in Immigration Parole Fee Required by HR-1 Reconciliation Bill. See [90 FR 48317](#) (Oct. 16, 2025).

[<sup>10</sup>] See [8 U.S.C. 1804\(f\)](#). See [90 FR 48317](#) (Oct. 16, 2025) and [90 FR 34511 \(PDF\)](#) (Jul. 22, 2025) (“[T]he new immigration fees codified in HR-1 will be imposed on aliens in addition to any other fee authorized by law and by the Secretary of Homeland Security.”). The Fee Schedule ([Form G-1055](#)) indicates which fees are required.

[<sup>11</sup>] Certain types of parole requests may be filed on other forms, such as the Application for Entrepreneur Parole ([Form I-941](#)). Furthermore, in some circumstances, USCIS may consider a parole request without requiring the filing of an application form.

[<sup>12</sup>] See [8 U.S.C. 1804\(a\)](#).

[<sup>13</sup>] See [8 CFR 212.5\(f\)](#). See [90 FR 48317](#), [48318](#) (Oct. 16, 2025).

[<sup>14</sup>] For requests for initial parole submitted on the Application for Entrepreneur Parole ([Form I-941](#)), USCIS may authorize parole but CBP determines at the POE whether the alien receives parole upon his or her return to the United States and whether the alien is subject to the immigration parole fee.

[<sup>15</sup>] See [8 U.S.C. 1804\(b\)](#).

[<sup>16</sup>] See [8 U.S.C. 1804\(b\)\(1\)](#).

[<sup>17</sup>] See [8 U.S.C. 1804\(b\)\(2\)](#).

[<sup>18</sup>] See [8 U.S.C. 1804\(b\)\(3\)](#).

[<sup>19</sup>] See [8 U.S.C. 1804\(b\)\(4\)](#).

[<sup>20</sup>] See [8 U.S.C. 1804\(b\)\(5\)](#).

[<sup>21</sup>] See [8 U.S.C. 1804\(b\)\(6\)](#).

[<sup>22</sup>] See [8 U.S.C. 1804\(b\)\(7\)](#). This exception does not apply to adjustment of status under INA 209 or INA 245a.

[<sup>23</sup>] See [8 U.S.C. 1804\(b\)\(8\)](#).

[<sup>24</sup>] See [Pub. L. 96-422 \(PDF\)](#) (October 10, 1980). See [8 U.S.C. 1804\(b\)\(9\)](#).

[<sup>25</sup>] See [8 U.S.C. 1804\(b\)\(10\)](#).

[<sup>26</sup>] Note that an alien’s failure to provide evidence of the circumstances forming the basis of the parole request could also result in denial of the parole

request on the merits.

[^ 27] See [8 U.S.C. 1804\(b\)\(1\)](#).

[^ 28] See [8 U.S.C. 1804\(b\)\(2\)](#).

[^ 29] See [8 U.S.C. 1804\(b\)\(3\)](#).

[^ 30] See [8 U.S.C. 1804\(b\)\(4\)](#).

[^ 31] See [8 U.S.C. 1804\(b\)\(5\)](#).

[^ 32] See [8 U.S.C. 1804\(b\)\(6\)](#).

[^ 33] See [8 U.S.C. 1804\(b\)\(7\)](#).

[^ 34] See [8 U.S.C. 1804\(b\)\(8\)](#).

[^ 35] See [8 U.S.C. 1804\(b\)\(9\)](#).

[^ 36] See [8 U.S.C. 1804\(b\)\(10\)](#). While ICE generally adjudicates law-enforcement related parole requests, USCIS may adjudicate requests for initial or advance parole for U or T nonimmigrants, including aliens placed on the U waitlist.

[^ 37] The immigration parole fee is separate from any fee required when filing the parole request. If the alien erroneously submits payment of the immigration parole fee, USCIS returns the fee. For more information on the required fees, see Fee Schedule ([Form G-1055](#)).

[^ 38] See Application for Travel Documents, Parole Documents, and Arrival/Departure Records ([Form I-131](#)). For requests for initial parole submitted on the Application for Entrepreneur Parole ([Form I-941](#)), USCIS may authorize parole but CBP determines at the POE whether the alien receives parole upon his or her return to the United States and whether the alien is subject to the immigration parole fee.

[^ 39] The conditional approval notice provides the alien with instructions to submit payment through [Pay.gov](#) by credit, debit, or prepaid card, or Automated Clearing House payment from a U.S. bank account. As of October 28, 2025, USCIS does not accept payment of the immigration parole fee with bank drafts, cashier's checks, certified checks, personal checks, or money orders. See [Transition to Electronic Payments \(PDF, 313.26 KB\)](#), PA-2025-19, issued August 29, 2025.

