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## **Frequently Asked Questions on the Venezuelan Parole Process**

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The Department of Homeland Security (DHS) has announced a new parole process for up to 24,000 Venezuelans who are seeking safe haven within the United States due to the conditions in their country. This process is being implemented in conjunction with a new enforcement policy, which allows the government to apply Title 42 to Venezuelans who attempt to enter the United States at the border without authorization. Title 42 is a provision of the Public Health Services Act that permits federal health authorities to prohibit the entry of individuals into the United States to protect public health. The law was first used by the Trump administration to prevent migrants from seeking asylum at the border during the height of the COVID-19 pandemic and remains in place currently. Under a joint agreement with Mexico, Venezuelans may now be returned to Mexico under Title 42.

On Oct. 18, 2022, DHS began accepting online applications for the new parole process, which allows Venezuelans who are outside the United States to apply for advance permission to travel to the United States and enter through a grant of parole. While the new program is similar in some respects to the Uniting for Ukraine parole program, there are also significant differences. This FAQ addresses questions about eligibility, the application process, and related issues for Venezuelan clients.

### **Venezuelan Parole Process**

#### **What is the “Venezuelan Parole Process?”**

Based on the Uniting for Ukraine (U4U) program launched in April 2022, the Venezuelan Parole Process allows Venezuelans and their immediate family members outside the United States to seek parole for a two-year period. The application process is completed online via [myUSCIS](https://myuscis.dhs.gov/) and requires each individual seeking parole to have a U.S.-based “supporter,” who agrees to provide the applicant with financial support for the duration of his or her stay in the United States. If approved, the beneficiary receives travel authorization from U.S. Customs and Border Patrol (CBP) and may seek parole at a U.S. port of entry. This program was created in conjunction with a new policy to enforce Title 42 against Venezuelans. Its stated intent is to provide a safe process for Venezuelans fleeing humanitarian and economic crisis to come temporarily to the United States, while also reducing the number of Venezuelans who are arriving at the United States’ southern border seeking asylum.

## **Where can I find information about the program?**

Details regarding the program and eligibility requirements were first published in the [Federal Register Notice](#). The U.S. Citizenship and Immigration Services (USCIS) has a [webpage](#) that provides information about the process for Venezuelans and addresses frequently asked questions.

## **What is the application process?**

A U.S.-based supporter initiates the application process by filing a Form I-134, Declaration of Financial Support, online via a [myUSCIS](#) account. USCIS uses the biographic information to conduct a background check on the supporter. The agency will also review the I-134 to ensure the supporter's ability to financially support the Venezuelan national (or qualifying family member) during the two-year parole period. Once USCIS determines the I-134 is sufficient, it will email the beneficiary instructions on how to create a myUSCIS account and progress to the next step: verifying biographic information (submitted by the supporter) and attesting to having completed vaccination requirements or being eligible for an exception. Beneficiaries will also be required to download the CBP One Mobile App to enter biographic information and submit a live photo to verify identity, which will be used to complete background checks. Once all biographic and medical requirements are satisfied, applicants will receive an approval or denial. If approved, beneficiaries receive a notice in their online account that provides authorization to travel to the United States and be paroled into the country. After being paroled, the beneficiary must complete a medical screening for tuberculosis within 14 days of arrival and complete any other vaccine requirements. As a parolee, the beneficiary may also request employment authorization by filing Form I-765.

## **Can an attorney or DOJ accredited representative submit an I-134 or a G-28 on behalf of the supporter online?**

No, currently there is no way to submit a G-28 online. Attorneys and DOJ accredited representatives may assist in the preparation of I-134s. However, supporters must have their own USCIS account and submit their I-134 on their own.

## **Supporter Requirements**

### **Who is eligible to be a supporter?**

The I-134 must be filed by a supporter who is residing in the United States with lawful status. For purposes of this program, USCIS has provided a list of those considered to have "lawful status," which includes the following:

- U.S. citizens and U.S. nationals;
- Lawful permanent residents, lawful temporary residents and conditional permanent residents;
- Nonimmigrants in lawful status who have not violated any of the terms or conditions of their nonimmigrant status;
- Asylees, refugees and parolees;

- Temporary Protected Status (TPS) holders;
- Deferred action (including DACA) recipients; and
- Beneficiaries of Deferred Enforced Departure (DED).

Lawful status does not include those with pending asylum or initial TPS applications. There is no requirement that the supporter be related to the beneficiary or be of a minimum age.

Supporters must pass security and background vetting and demonstrate sufficient financial resources to receive, maintain, and support the beneficiary for the duration of the parole period.

### **What are the responsibilities of the supporter?**

The supporter must be willing and able to receive, maintain, and financially support the beneficiary during the two-year parole period. There is no bright-line rule requiring a specific amount of income or assets; USCIS will evaluate each application on a case-by-case basis as to whether the financial support is sufficient.

When I-134s are required from those seeking fiancé(e) visas or humanitarian parole in other contexts, USCIS refers to the Federal Poverty Guidelines (FPG) to determine whether the supporter has demonstrated an income of at least 100 percent of the FPG for his or her household size. The current guidelines are available at <https://www.uscis.gov/i-864p>. In this context, however, USCIS has not indicated that it will apply the 100 percent of FPG standard to supporters and has instead emphasized its discretionary power. Until we learn more, this 100 percent standard might be a helpful starting point for assessing whether a supporter can satisfy the financial requirements.

### **Can an organization, business or entity act as a supporter?**

An organization, business, or entity cannot serve as the supporter on an I-134 since the form requires an individual to sign. However, USCIS will consider financial and other support that organizations agree to provide for a beneficiary. This could include the following: receiving the beneficiary upon arrival in the United States and providing transportation to initial housing; ensuring that the beneficiary has safe and appropriate housing for the duration of the parole and initial basic necessities; helping the beneficiary complete necessary paperwork, such as for employment authorization, a Social Security card, or services for which the individual may be eligible; ensuring that the beneficiary's health care and medical needs are met for the duration of the parole; and assisting the beneficiary with accessing education, learning English, securing employment and enrolling children in school. An organization can demonstrate its support through a letter of commitment or another document included with the I-134.

### **May a beneficiary have multiple I-134 supporters?**

Multiple supporters may join to provide support for a beneficiary. However, per the USCIS website, one supporter should file an I-134 and include supplementary evidence

demonstrating the identity of and resources to be provided by the additional supporters. A statement explaining the intent to share responsibility for supporting the beneficiary should be attached. USCIS will assess the supporters' collective ability to support the beneficiary.

### **Is the I-134 enforceable?**

No court has recently addressed the enforceability of the I-134 against the supporter by either the beneficiary or by a federal or state agency that provides benefits to the beneficiary. For a detailed discussion of this issue, and the use of Form I-134 more generally, see CLINIC's [Frequently Asked Questions About Form I-134, Affidavit of Support](#).

### **What documentation should the supporter submit with the I-134?**

The supporter should submit proof of his or her U.S. citizenship or immigration status and evidence of sufficient income and resources. This evidence may include bank statements, paystubs, a letter from an employer, or a copy of the most recent tax return. Note that USCIS has not indicated that supporters must submit any specific documentation to demonstrate sufficient income and resources.

For reference, the general [Instructions](#) to the I-134 list the following documents as being required:

- A signed statement from an officer of the bank or other financial institution that states when the account was opened, the total amount deposited for the past year, and the present balance of such account;
- A signed statement from an employer on business letterhead that states the date and nature of employment, salary paid, and whether the position is temporary or permanent;
- A copy of the last federal income tax return, or a report of commercial rating concern (if self-employed); and
- A list containing the serial numbers and denominations of bonds and names of the owners (if applicable).

While these are not required for I-134s submitted in the Venezuelan parole process, supporters may want to consider including some of these documents if they are available.

### **Beneficiary Eligibility**

#### **Who qualifies as a beneficiary for the process for Venezuelans?**

Beneficiaries must meet the following eligibility requirements:

- Be a Venezuelan national with a valid Venezuelan passport or be the immediate family member of a Venezuelan national beneficiary of the Venezuelan parole process with a valid passport;
- Be outside the United States;

- Have a supporter who filed a Form I-134 on his or her behalf that USCIS has vetted and confirmed as sufficient;
- Provide for their own commercial travel to a U.S. airport and final U.S. destination;
- Have cleared biographic and biometric security checks;
- Not be a permanent resident or dual national of any country other than Venezuela, and not currently hold refugee status in any country. Note that this requirement does not apply to immediate family members of an eligible Venezuelan national with whom they are traveling.
- Not be an unaccompanied child;
- Not have been ordered removed from the United States within the past 5 years or be subject to a bar based on a prior removal order;
- Not have crossed irregularly into the United States, between ports of entry, after Oct. 19, 2022;
- Not have unlawfully crossed the Mexican or Panamanian borders after Oct. 19, 2022; and
- Comply with additional requirements, including vaccination requirements and other public health guidelines.

### **What if a beneficiary does not possess a valid passport?**

The beneficiary must have a valid, unexpired passport. USCIS provides the following information on their website regarding extensions for Venezuelan passports:

Certified extensions of passport validity serve to meet this requirement. If a beneficiary's passport validity has been extended, the expiration date of the extension should be reflected as the passport expiration date. CBP will not authorize travel if the beneficiary's passport or extension is expired.

Consistent with the National Assembly decree of May 21, 2019, certain expired Venezuelan passports remain valid. A Venezuelan passport:

- Issued before June 7, 2019 (even if expired before this date), without a passport extension ("prórroga"), is considered valid and unexpired for five years beyond the expiration date printed in the passport.
- Issued on or after June 7, 2019, without a "prórroga" is not considered valid beyond the expiration date printed in the passport.
- Regardless of passport issue date, with a "prórroga" issued before June 7, 2019, a passport is considered valid and unexpired for five years beyond the expiration date of the "prórroga."
- Regardless of passport issue date, with a "prórroga" issued on or after June 7, 2019, a passport is considered valid and unexpired through the expiration date of the "prórroga."

### **Who is eligible for the Venezuelan parole process as an immediate family member?**

Immediate family members include the spouse, common law partner, and children (unmarried and under the age of 21) of a Venezuelan national. The family member

does not need to be a Venezuelan national. Any child who is under the age of 18 must be traveling with a parent or legal guardian to qualify for the parole process. Family members' cases can be linked together using the online process.

**Will USCIS accept arguments that a permanent resident, dual national of any other country, or someone who holds refugee status in another country is not firmly resettled and therefore should be eligible for parole under this process?**

USCIS has not issued any guidance on this point. During a recent stakeholder engagement, USCIS clarified that temporary status – for example, a Temporary Protection Permit or Permiso de Protección Temporal from Colombia – is not considered permanent status and would not disqualify someone from the parole process. Note that the bar for someone who is a permanent resident, dual national of any other country, or who holds refugee status in another country does not apply to an immediate family member of a Venezuelan national.

**Does each family member need his or her own I-134? Can one I-134 be filed for a family if the supporter can demonstrate sufficient support?**

At least one Form I-134 must be filed for each beneficiary, including minor children. A supporter may agree to support multiple beneficiaries, such as for various members of a family, but he or she must file a separate I-134 for each beneficiary.

To ensure that family members are processed together, the primary beneficiary can create a “group” on myUSCIS and add beneficiary family members to his or her account. If approved, travel authorization for each family member would be posted to the primary beneficiary's account.

**Can a child under age 18 enter the United States alone as a beneficiary of the Venezuelan parole process?**

No. Children who are under the age of 18 must travel to the United States in the care and custody of their parent or legal guardian to benefit under this program. Children who arrive at a U.S. port of entry without their parent or guardian may be placed in the custody of the U.S. Department of Health and Human Services under the Trafficking Victims Protection Reauthorization Act in order to protect against human trafficking and other exploitation. A child who wants to travel without a parent or guardian would need to apply instead for humanitarian parole through the standard Form I-131 application process.

**What other steps must be completed after an I-134 is found sufficient?**

USCIS will send the beneficiary an email with instructions on how to create a myUSCIS account and take other next steps. The beneficiary must review his or her biographic information and make any necessary edits before confirming it. The beneficiary must also attest to the following:

- Not being a permanent resident or dual national of any other country; that he or she does not hold refugee status in another country; or that the applicant is the

spouse, common-law-partner, or unmarried child under the age of 21 and traveling with an eligible national of Venezuela;

- Understanding the requirement that children under age 18 must travel with a parent or legal guardian; and
- Having either completed or satisfied an exception to the vaccine requirements for measles, polio and the first dose of an [FDA approved or authorized COVID-19 vaccine](#) or a [WHO-Emergency use listed \(EUL\) COVID-19 vaccine](#).

After being paroled into the United States, the beneficiary must attest to receiving a medical screening for tuberculosis, including an Interferon-Gamma Release Assays (IGRA) test, within 14 days. Additional details about the vaccine requirements and exceptions are available on the USCIS [Venezuelan Process vaccine attestation page](#).

### **What happens after travel authorization is approved?**

Beneficiaries will receive an email instructing them to check their myUSCIS account for the result of their authorization to travel to the United States and seek parole under the process for Venezuelans. The travel authorization is valid for 90 days, and beneficiaries are responsible for arranging and funding their own travel. Beneficiaries are instructed to travel to the United States by air. CBP will inspect the beneficiary upon arrival to the port of entry and make a discretionary decision about whether to parole him or her into the country. Once paroled, the individual may apply for an employment authorization document (EAD) using the (c)(11) category code. If granted, the EAD would be valid for the duration of the parole grant. The filing fee for the I-765 is \$410, but fee waivers are available.

### **How long does it take to receive travel authorization?**

The process is intended to be fast and streamlined. The first beneficiaries have been paroled into the United States through this process within four days of applying. Since this is a very new process, we will continue to monitor processing times.

### **Can the initial two-year grant of parole be extended?**

At this time, USCIS has not published any information regarding the possibility of extending the initial parole grants. General DHS policy is that the agency that initially granted parole is the one that grants re-parole to allow a parolee to remain for an additional period.

### **Can someone with a valid B1/B2 visa attempt to enter the United States under the process for Venezuelans instead?**

Yes, Venezuelans may apply for parole under this process even if they already have a valid visitor visa. While having a valid visitor visa is not a disqualifying factor, potential beneficiaries should consult with an immigration practitioner about the relative pros and cons of entering with parole versus as a nonimmigrant.

### **Can someone who is paroled under the parole process for Venezuelans travel abroad, either with advance parole or an existing nonimmigrant visa?**

USCIS notes on its website that if someone has already been paroled into the United States through this process, parole will be terminated automatically if the individual departs without obtaining advance authorization to travel. However, parolees may be able to apply for advance parole. The I-131 instructions state that individuals paroled into the United States who seek to travel abroad temporarily for urgent humanitarian reasons or in furtherance of a significant public benefit may be eligible for advance parole.

Note that a parolee who departs and then attempts to re-enter the United States using a B1/B2 visa may terminate his or her parolee status upon admission in B1/B2 status. The parolee may also face scrutiny at the port of entry regarding whether he or she possesses the requisite nonimmigrant intent. Until there is more clarity on this issue and guidance from DHS, Venezuelan beneficiaries should be cautioned about traveling abroad.

### **Are Venezuelan parolees eligible for federal benefits?**

No. Unlike Ukrainians who are paroled under the U4U program, Venezuelans are not eligible for federal benefits.

### **Does the Venezuelan parole process provide parolees with a path to permanent status?**

No. Parole is only a temporary remedy and does not put recipients on a path to permanent status. Practitioners should screen these clients for more permanent relief if they would like to stay here permanently, including eligibility for asylum, an employment- or family-based visa, or some other immigration benefit.

### **Will CBP still grant parole to Venezuelans who arrive at the border without going through the parole process?**

Thousands of Venezuelans without valid entry documents were paroled by CBP into the United States before the creation and launching of the Venezuelan Parole Process. However, as of Oct. 12, 2022, Title 42 expulsions have been expanded to include Venezuelans, who can now be expelled to Mexico. While there are some exemptions to Title 42, Venezuelans should be aware that the new policy of expulsions is now being enforced.