



Practice Pointer: Parole Programs Available to Cubans Throughout the Years

Over the years, the Executive Branch has created a number of parole programs specifically for Cubans. With changes in policy from administration to administration, as well as security-related issues at the U.S. embassy in Havana, these programs have gone through various periods of change. The below describes the parole programs available to Cubans as of June 2023. It also discusses some parole programs which are no longer open to new participants, but through which some clients may have received parole in the past.

Parole for Cubans Under the Cuban, Haitian, Nicaraguan, and Venezuelan Program

In January 2023, the Department of Homeland Security (DHS) announced a new parole program for nationals of Cuba, Haiti, Nicaragua, and Venezuela. CLINIC has a separate FAQ on this parole program, available at our [“Resources on Parole”](#) page.

The Cuban Family Reunification Parole Program

The Cuban Family Reunification Parole (CFRP) Program allows for a U.S.-based petitioner to file for parole for a family member in Cuba if the petitioner has an approved I-130 petition for that family member, there is no visa number available, and the petitioner has received an invitation from the Department of State’s National Visa Center to participate in the program. The principal beneficiary must be a Cuban national living in Cuba. Once the individual enters the United States on parole and remains physically present for one year, he or she can apply for adjustment of status pursuant to the Cuban Adjustment Act. To qualify for Cuban adjustment as a principal applicant, one must be a native or citizen of Cuba; have been inspected, admitted or paroled; be physically present in the United States for at least one year; and be admissible.

In May 2022, U.S. Citizenship and Immigration Services (USCIS) announced the resumption of the CFRP program, which had been paused for several years due to the lack of U.S. embassy personnel in Havana. In August 2022, USCIS began mailing CFRP program interview notices to petitioners with instructions for the beneficiary interview. In the same month, the agency began conducting interviews at the U.S. Embassy Havana. Capacity has remained limited and USCIS has not yet issued new invitation letters. However, in April 2023, DHS indicated that it would be “modernizing” its CFRP program, and in June of 2023, USCIS posted an FAQ describing

what updates applicants could expect to see.¹ The updated program appears to continue to limit applicants to those who have been invited to participate, but is moving towards a simplified online I-134A application process, and eliminating the need for interviews at Havana or any other consular post. Practitioners should continue to consult the USCIS website for the most up-to-date information.

The Cuban Medical Professional Parole Program

The Cuban Medical Professional Parole program² allowed Cuban health-care providers who were conscripted by the Cuban government to study or work in another country to apply to enter the United States on parole together with their accompanying spouses and any minor children. This program was terminated on the same day the “wet foot/dry foot” policy was terminated due to efforts to normalize relations with Cuba. Cubans paroled under this program should be eligible for adjustment under the Cuban Adjustment Act (CAA), as discussed below.

Parole at the Border

Pursuant to the previous “wet-foot/dry-foot” policy, Cubans were eligible for parole provided they were physically in the United States or at a port of entry and presented themselves to immigration officials. Immigration officers were instructed to grant Cubans parole status, even in cases in which they had arrived in the United States at other than a designated port of entry. Individuals not apprehended at the border could previously seek section 212(d)(5) parole through their local USCIS office, using the same procedures for parole in place.³ Additionally, Cubans detained at the border were not subjected to expedited removal but paroled under INA § 212(d)(5) to seek adjustment under the CAA. Cubans interdicted at sea were returned to Cuba and not eligible for parole.⁴

Although this policy was officially ended on Jan. 12, 2017, by former President Obama as part of a process to normalize relations with Cuba,⁵ many officers continued thereafter to parole Cubans at the border and issue them documentation reflecting INA § 212(d)(5) parole. In recent years, practices by Customs and Border Protection (CBP) officers at the border have varied

¹ Fact Sheet: U.S. Government Announces Sweeping New Actions to Manage Regional Migration, DHS, dhs.gov/news/2023/04/27/fact-sheet-us-government-announces-sweeping-new-actions-manage-regional-migration (April 27, 2023) and Family Reunification Parole Process, USCIS, uscis.gov/FRP (last updated June 7, 2023).

² Cuban Medical Professional Parole Program, USCIS, uscis.gov/humanitarian/humanitarian-parole/cuban-medical-professional-parole-cmpp-program (last updated Jan. 19, 2017).

³ See Discretionary Options for Military Members, Enlistees and Their Families, USCIS, uscis.gov/military/discretionary-options-for-military-members-enlistees-and-their-families.

⁴ “Processing of Initial Parole or Renewal Parole Requests Presented by Natives or Citizens of Cuba to USCIS Field Offices,” USCIS Interoffice Memorandum (Mar. 4, 2008), hsdl.org/?view&did=21360.

⁵ Statement by the President on Cuban Immigration Policy, obamawhitehouse.archives.gov/the-press-office/2017/01/12/statement-president-cuban-immigration-policy (Jan. 12, 2017).

between releasing Cubans on their own recognizance⁶ and paroling them under INA § 212(d)(5). Most recently, as part of a new, overarching program intended to disincentivize irregular migration to the United States, the Biden administration introduced a federal rule limiting asylum for those migrants who do not take advantage of one of these legal parole programs in order to enter the United States.⁷ Given the variety of possible entries their Cuban clients may have had in the last few years, therefore, practitioners should carefully review the circumstances of entry of those clients and any documents issued to them by border agents. They should also consider filing Freedom of Information Act (FOIA) requests to CBP and/or USCIS to gain an accurate understanding of the circumstances of their clients' entry.

Cubans who can establish that they have been paroled into the United States may qualify for adjustment of status. To qualify for adjustment under the CAA, an applicant generally must:

- (1) Be a native or citizen of Cuba;
- (2) Have been inspected and admitted or paroled into the United States;
- (3) Be physically present in the United States for at least one year; and
- (4) Be admissible to the United States.⁸

For more information about adjustment under the CAA, see our FAQ, "[All About Cuban Adjustment](#)," on the CLINIC website.

⁶ Many advocates are arguing, with varied success before USCIS and the Executive Office for Immigration Review, that these releases are, in fact, paroles pursuant to a Supreme Court decision in *Jennings v. Rodriguez*. For more information about that argument, please see our FAQ, "All About Cuban Adjustment," at cliniclegal.org/resources/humanitarian-relief/all-about-cuban-adjustment-faqs-legal-practitioners (last updated March 2022).

⁷ "Circumvention of Lawful Pathways," DHS/EOIR Joint Federal Rule, 88 FR 31314 (May 11, 2023), [federalregister.gov/documents/2023/05/16/2023-10146/circumvention-of-lawful-pathways](https://www.federalregister.gov/documents/2023/05/16/2023-10146/circumvention-of-lawful-pathways).

⁸ P.L. 89-782, (Nov.2, 1966) [govinfo.gov/content/pkg/STATUTE-80/pdf/STATUTE-80-Pg1161.pdf](https://www.govinfo.gov/content/pkg/STATUTE-80/pdf/STATUTE-80-Pg1161.pdf)