



U.S. Department of Justice
Immigration and Naturalization Service

ROD

HQINS 70/10.10

Office of Executive Associate Commissioner

425 I Street NW
Washington, DC 20536

NOV 28 2001

MEMORANDUM FOR REGIONAL DIRECTORS
SERVICE CENTER DIRECTORS
OFFICER DEVELOPMENT AND TRAINING FACILITY, GLYNCO

FROM: *[Signature]*
Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

SUBJECT: Deferred Inspection, Parole and Waivers of Documentary Requirements

Attached is the policy memorandum establishing field guidance for authorizing the deferred inspection, parole, or waiver of any documentary requirement at the ports-of-entry (POEs). Aliens shall not be paroled for deferred inspection, otherwise paroled into the United States, or granted a waiver of any documentary requirement without the express approval of the District Director, Deputy District Director, Assistant District Director for Inspections, or Assistant District Director for Examinations. In addition, all Forms I-512, Authorization for Parole of an Alien into the United States, issued overseas must be approved by the District Director or Deputy District Director. This authority shall not be delegated. Please ensure that all districts and POEs are aware of and comply with this policy.

Attachment



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NOV 14 2001

MEMORANDUM FOR MICHAEL A. PEARSON
EXECUTIVE ASSOCIATE COMMISSIONER
OFFICE OF FIELD OPERATIONS

FROM: Michael D. Cronin *Michael D. Cronin*
Acting Executive Associate Commissioner
Office of Programs

SUBJECT: Deferred Inspection, Parole and Waivers of Documentary Requirements

During the Nation's heightened security alert and until further notice, aliens shall not be paroled for deferred inspection, otherwise paroled into the United States, or be granted a waiver of any documentary requirement without the express approval of the District Director, Deputy District Director, Assistant District Director for Inspections, or Assistant District Director for Examinations.

District Directors, Deputy District Directors, Assistant District Directors for Inspections, and Assistant District Directors for Examinations shall only parole for deferred inspections, otherwise parole into the United States, or grant a waiver of any documentary requirement on a case-by-case basis after all appropriate database checks have been completed. Such discretion should be applied only in cases where inadmissibility is technical in nature (i.e., documentary or paperwork deficiencies), or where the national interest, law enforcement interests, or compelling humanitarian circumstances require the subject's entry into the United States, and where the alien is likely to comply with the terms of the exercise of discretion.

This authority shall not be delegated. This guidance does not change the existing statutory and regulatory standards for parolees and documentary waivers.

Further, all Authorizations for Parole of an Alien into the United States (Form I-512) issued by overseas Immigration and Naturalization Service (INS) offices must be approved by the District Director or Deputy District Director. Authorizations for Parole of an Alien into the United States (Forms I-512 and I-512L) issued at stateside INS district offices or service centers

Memorandum for Michael A. Pearson
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need not have the express approval of the District Director, Deputy District Director, or Service Center Director.

Officers at ports-of-entry (POEs) must obtain the approval of the District Director, Deputy District Director, Assistant District Director for Inspections, or Assistant District Director for Examinations when granting waivers of documentary requirements for nonimmigrants under section 212(d)(4) of the Immigration and Nationality Act (INA) and for returning residents not in possession of proper documents pursuant to section 211(b) of the INA. Pursuant to the attached October 3, 2001, memorandum, "Interim Guidance: Status of FY 2002 Refugee Admissions," refugee applicants who arrive at a port-of-entry may be granted a 30-day deferred inspection. Officers must obtain the approval of the District Director, Deputy District Director, Assistant District Director for Inspections, or Assistant District Director for Examinations prior to deferring the inspection of refugee applicants.

While Officers need not obtain the approval of the District Director, Deputy District Director, Assistant District Director for Inspections, or Assistant District Director for Examinations to parole aliens in possession of a valid Form I-512 or I-512L, such as adjustment of status applicants or certain alien applicants under the Legal Immigration Family Equity (LIFE) Act, such aliens are still subject to the INS inspection process. Attached is a copy of the October 26, 2001, memorandum addressing the issue of aliens presenting Form I-512L at the POE.

This memo does not change the procedures for Border Crossing Card holders contained in the September 28, 2001 Memorandum entitled "Expiration of Non-Biometric Border Crossing Cards (BCCs) and Implementation of the Machine-Readable Biometric BCC on October 1, 2001." A copy of this memorandum is also attached.

The point of contact in the Office of Inspections is Assistant Chief Inspector Cheryl Becker (202) 305-4764.

Attachments (3)