



May 8, 2024

EXPERT INSIGHT | Center for Homeland Security & Immigration

BIDEN ADMINISTRATION CONSIDERING ANOTHER UNLAWFUL IMMIGRATION PAROLE SCHEME

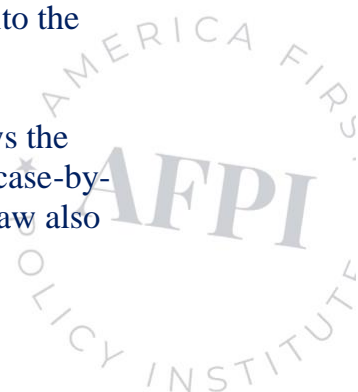
Robert Laro

TOPLINE POINTS

- ★ For years, the Department of Homeland Security has been unlawfully using the narrow immigration parole authority to allow 500,000 or more inadmissible aliens into American communities every year.
- ★ According to reports, the White House is considering unlawfully using parole for the estimated 1.1 million illegal alien spouses of U.S. citizens already in the country.
- ★ This so-called “parole in place” scheme would function as amnesty because of a loophole in the law that would immediately put this population on a path to U.S. citizenship and further fuel the border crisis and human trafficking.

Throughout the Biden Administration’s term, the Department of Homeland Security (DHS) has implemented a failed strategy of trying to manage the historic border crisis by quickly processing illegal aliens out of custody and releasing them into American communities. A favored mechanism of DHS in allowing these illegal aliens into the country is using the immigration parole authority unlawfully.

Found in [section 212\(d\)\(5\)](#) of the INA, the immigration parole authority allows the secretary to parole an otherwise inadmissible alien into the country only on a case-by-case basis for urgent humanitarian reasons or significant public benefit. This law also



requires the alien to be returned to DHS custody and removed from the U.S. once the limited purpose of the parole is completed.

Instead of adhering to the laws established by Congress, the Biden Administration has implemented a series of policies that [exploit parole](#) to achieve the desired goal of mass releasing millions of illegal aliens into American communities. This scheme, which the Biden Administration falsely calls “new lawful pathways,” allows these illegal aliens to become eligible immediately for a work permit and to live in the U.S. indefinitely without threat of removal under the current administration’s non-enforcement policies.

Now, recent [news reports](#) indicate that the Biden Administration is preparing to announce a policy that further disregards the law by granting parole to certain illegal aliens already inside the U.S. Known as “parole in place,” this concept was originally conceptualized by the Clinton Administration, but it is directly in conflict with the plain letter of the law that authorizes parole of aliens “into the country.” According to *The Wall Street Journal*, DHS is seriously considering a policy to grant “parole in place” for the estimated 1.1 million illegal aliens who are married to U.S. citizens. And just like the other unlawful parole programs, these beneficiaries will immediately become eligible for work permits.

Importantly and often overlooked, the work permit is not the only benefit afforded to paroled illegal aliens. Through a series of loopholes in the law and loose definitions, paroled illegal aliens become [eligible](#) for a variety of taxpayer-funded welfare benefits, including those available to legal immigrants.

But unlike the border parolees, the illegal alien spouses of U.S. citizens who obtain “parole in place” would receive amnesty and the ability to become naturalized U.S. citizens eventually. Under Section 245(a) of the INA, an alien who was “inspected and admitted or paroled” can obtain lawful permanent resident status (commonly referred to as a green card) if the alien is otherwise eligible and if an immigrant visa is “immediately available” at the time of application. Under Section 201(b)(2)(A) of the INA, spouses fall within the definition of “immediate relatives”—a category that is exempt from green card numerical limits. This immediate availability combined with the grant of parole and special treatment of illegal alien spouses of U.S. citizens under Section 245(e) and Section 204(g) of the INA would ensure that nearly every recipient of this unlawful “parole in place” scheme becomes a lawful permanent resident and then becomes eligible after a few years to become a naturalized U.S. citizen.

Conclusion

A key principle of the Biden Administration’s response to the humanitarian and security crisis at the southern border is the abuse of the parole authority to continue allowing record numbers of illegal aliens into American communities under the guise of legality.



The Biden Administration now appears prepared to abuse the parole authority further to grant amnesty to about 1.1 million illegal aliens married to U.S. citizens. Many of these illegal aliens married to U.S. citizens likely already qualify for a waiver of their unlawful presence, but under existing immigration law, they must temporarily return to their home country to receive it. While these so-called mixed-status families may elicit sympathies, our immigration laws have a process for illegal alien spouses of U.S. citizens to follow to absolve their violations—a process the Biden Administration is ignoring to ease the burden on illegal aliens.

This parole scheme could also be a starting point to “parole in place” even larger, less sympathetic classes of illegal aliens, which would frustrate efforts by a future America First administration to enforce U.S. immigration law and remove illegal aliens from the country.

