

**Immigration Justice Project
of San Diego**

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[http://new.abanet.org/Immigration/Pages/
ImmigrationJusticeProject.aspx](http://new.abanet.org/Immigration/Pages/ImmigrationJusticeProject.aspx)

Information about Parole

What is parole, and who is eligible for parole?

- Parole is a temporary release from immigration detention.
- If you are granted parole, it does not mean that you have been lawfully admitted into the U.S. You will still have to go to court after you are released so that a judge can hear and decide your case.

Can I request parole?

YES, IF YOU MEET THESE FACTORS:

- You are an arriving alien *and*
- You are found to have a credible fear of persecution.

TO REQUEST PAROLE:

- Quickly gather evidence to show the ICE officer.

Who is an “arriving alien?”

- You are an arriving alien if you were stopped while entering the United States.
- You are NOT an arriving alien if you were detained somewhere inside of the U.S.
- Your Notice to Appear will say that you are an arriving alien.

What does it mean to have “credible fear of persecution?”

- An asylum officer will determine whether you have a credible fear of persecution at an asylum interview.
- During the interview, the officer will ask of your fear of return to your native country.
- If the officer believes that you are or were afraid to return to your native country because you would be tortured or killed because of your race, religion, nationality, membership in a particular social group, or political opinion, the official will give you a positive credible fear determination.

You may also be eligible for parole if:

- You have a serious medical condition.
- You are pregnant.
- You are a certain type of juvenile.
- You will be a witness in a judicial, administrative, or legislative proceeding.

What do I need to prove to be granted parole?

There are three factors, discussed in more detail below. You must prove all three:

1. Your identity (that you are who you say you are)
2. That you are not a flight risk, and
3. That you are not a danger to the community

1. PROVING IDENTITY

- The best way is to show government issued identity documents, such as a **birth certificate** or **passport**.
- If you do not have government issued identification, you must give an explanation as to why you do not have them. You should also provide the government with sworn **affidavits** from family and friends who know you and can prove your identity.
 - These affidavits should contain information such as how the person knows you, how long that person has known you, and how often you see or speak to that person. The more information you provide, the better.
 - Those who write the affidavits must include their address, and include a copy of a valid, government issued photo identification document.
- If you cannot obtain identification documents or affidavits from family or friends, you may still be able to establish your identity but you are less likely to be granted parole.

2. PROVING THAT YOU ARE NOT A FLIGHT RISK

- You must show that it is very likely that you will come to court for your hearings.
- Evidence that you own property in the U.S., have family ties in the U.S., or a history of employment in the U.S., are helpful.
- If you have had court in the past, you should provide proof that you came to your hearings.
- The officer will also look at how you entered the U.S., the length and stability of your prior residence in the U.S., your prior immigration and criminal history, your ability to post bond, and possible relief available to you.
- You must also provide the government officer with an address where you will be living.

3. PROVING THAT YOU ARE NOT A “DANGER TO THE COMMUNITY”

- You can show that you do not have a criminal record.
- You must also show that you have not acted contrary to U.S. national security.
- You must also show that you will not be a threat to public safety. Threats to public safety can include:
 - Serious mental illness
 - A history of disciplinary problems or incident reports
 - Any criminal or detention history that shows that you have harmed or would likely harm yourself or others.