

# FAQ

## SUMMARY OF ELIGIBILITY CRITERIA & FREQUENTLY ASKED QUESTIONS

**UPDATE:** EXPLAINER ON THE U.S.  
ANNOUNCEMENT REGARDING THE “NEW  
HUMANITARIAN PAROLE PROGRAM FOR CUBANS,  
HAITIANS, NICARAGUANS AND VENEZUELAN”

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Inter-Agency Coordination  
Platform for Refugees and  
Migrants from Venezuela

Please note that all statements in this document are a non-authoritative interpretation of the applicable legal and public issuances and are intended to provide the most up-to-date information on the situation. Given the ongoing efforts to clarify the applicable procedures this is a “living document”, subject to changes, and does not constitute any legally binding guidance.

For more information on the CHNV program in general and by nationality, including for sponsors to file applications, see the United States Citizenship and Immigration Services (USCIS) website: <https://www.uscis.gov/CHNV>. **The USCIS remains the only authoritative source regarding the CHNV program.**

As previously reported, on 12 October 2022, the U.S. government announced a “New Migration Process for Venezuelans”, with an enforcement element and a ‘safe pathways’ element. Since its announcement, thousands of Venezuelans have seen their migratory or refugee flight options impacted, whether that is to continue moving towards the north, remain in the current host country, go back to a previous host country, or consider returning to the country of origin.<sup>1</sup>

On 5 January 2023, the U.S. government announced further policy changes for the treatment of asylum seekers and migrants at the U.S.-Mexico border in general, and the treatment of Cubans, Haitians, Nicaraguans and Venezuelans specifically.

**This Summary of Eligibility Criteria & FAQ** serves to explain the specific parameters of the new Humanitarian Parole Program for Cubans, Haitians, and Nicaraguans and provides additional information on the options available for refugees and migrants from Cuba, Haiti, Nicaragua and Venezuela amidst this new situation. The document will be updated on a regular basis.

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[1] See hereto R4V Guidance issued on <https://www.r4v.info/en/FAQ-new-US-migration-process>

## Summary of eligibility information

- As part of a new agreement between the governments of Mexico and the United States, Cubans, Haitians, Nicaraguans and Venezuelans (CHNV) who attempt to cross the U.S. southern border between ports of entry will be expelled back to Mexico or otherwise subject to removal and they will be ineligible for the "Humanitarian Parole Program".
- So as long as the current Title 42 public health expulsions order is still in effect, the U.S. border is effectively closed for Cubans, Haitians, Nicaraguans and Venezuelans, as it is closed to other populations who arrive at the border to seek asylum, including at port of entry, unless an individual qualifies for the very limited humanitarian exceptions to the Title 42 order. Such exemptions are discretionary and allowed on a case-by-case basis only.
- The new CHNV Humanitarian Parole Program<sup>2</sup> will allow up to 30,000 eligible individuals across those four nationalities per month to enter the U.S. for a period of 2 years, with the ability to apply for work authorization.
- Applications for the CHNV program must be initiated by an eligible U.S.-based sponsor who meets specific criteria (outlined below).
- The U.S. government has begun implementing this new mechanism, with thousands of Cubans, Haitians, Nicaraguans

and Venezuelans having been admitted to the U.S. pursuant to the Humanitarian Parole Program. Instructions and relevant forms for applicants and their U.S.-based "supporters" can be found at the USCIS website, here: <https://www.uscis.gov/CHNV>.

Eligibility criteria to become a supporter are as follows. Eligible supporters must be:

- 1.** be a U.S. citizen, national, or lawful permanent resident; or hold a lawful status in the United States<sup>3</sup>; or be a parolee or recipient of deferred action or Deferred Enforced Departure. Supporters can be sole individuals, individuals filing on behalf of a sponsoring community group (such as a church), or individuals representing an entity (such as representing organization, business, or other entity);
- 2.** pass security and background vetting, including for public safety, national security, human trafficking, and exploitation concerns; and
- 3.** demonstrate sufficient financial resources to receive, maintain, and support the intended beneficiary whom they commit to support for the duration of their parole period.

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[2] *Immigration parole is official permission to enter and remain temporarily in the United States. It provides lawful presence but is temporary in nature and does not lead to any direct opportunity to apply for permanent residency. The parole provision in the U.S. Immigration and Nationality Act (INA) gives the Secretary of the Department of Homeland Security (DHS) discretionary authority to "parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States." A parolee is permitted to remain in the United States for the duration of the grant of parole and may be granted work authorization.*

[3] *This includes TPS holders and resettled refugees in the U.S.*

The Cubans, Haitians, Nicaraguans and Venezuelans who are potential beneficiaries of parole must meet the below criteria:

- be outside of the United States and be a national of one of the designated countries or be an immediate family member (i.e., spouse, common law partner, or unmarried child under 21 years old) of such individual and traveling with that person;
- have a U.S.-based supporter who has been approved (see above);
- complete vaccination and testing requirements for diseases including COVID-19, Polio and Measles. Full public health requirements will be posted on the USCIS website in the coming days (<https://www.uscis.gov/CHNV>);
- possess a valid national passport to enable entry to a city in the interior of the U.S by air, and have the ability to pay for their own airfare to the United States (more on passport requirements in section below, by nationality); and
- demonstrate that a grant of parole is warranted based on significant public benefit or urgent humanitarian reasons and that they merit a favorable exercise of discretion.

Any children under 18 must travel with a parent or legal guardian.

While in the United States during the 2-year parole period, the paroled Cubans, Haitians, Nicaraguans and Venezuelans can apply for asylum or another permanent status if they are eligible, or they can opt to return home.

### **Ineligibility factor 1:**

Cubans, Haitians, Nicaraguans and Venezuelans who cross into Panama, Mexico or the United States irregularly by land after 9 January 2023, the date when the Federal Register notice was published,<sup>4</sup> will be ineligible for the parole process.

### **Ineligibility factor 2:**

Cubans, Haitians, Nicaraguans and Venezuelans with dual citizenship, permanent residency, or refugee status in another country are ineligible for the parole process. The permanent residence or dual citizenship limitation for primary beneficiaries does not apply to immediate family members.

### **Ineligibility factor 3:**

Cubans, Haitians, Nicaraguans and Venezuelans who were ordered removed from the United States in the previous five years are ineligible for the parole process.

To note: a Title 42 expulsion is not a removal under U.S. law, so an expulsion prior to the cutoff date of 9 January 2023 may not impact eligibility. However if an individual is expelled after crossing into the U.S. irregularly after 9 January 2023, they would be ineligible for the program based on the first ineligibility factor noted above.

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[4] <https://www.federalregister.gov/documents/2023/01/09>

## General information on the Humanitarian Parole Program for Cuban, Haitian, Nicaraguan and Venezuelan nationals:

### Cubans, Haitians, Nicaraguans and Venezuelans (CHNV) nationals in Mexico

- For Cuban, Haitian, Nicaraguan and Venezuelan nationals who are ineligible for the U.S. parole program (for example, don't have a U.S. supporter or arrived in Mexico after the cut-off date) how can they seek access to territory/asylum in the United States?
  - ▶ Though the U.S. border is still technically “closed” to asylum seekers and undocumented migrants under the Title 42 public health expulsions order, Cuban, Haitian, Nicaraguan and Venezuelan nationals (alongside other nationalities) are eligible for Title 42 exemptions and could potentially enter and be processed through a U.S. port of entry and gain access to the U.S. asylum system through limited Title 42 exemptions. Title 42 exemptions are granted in limited number, they are discretionary, and are allowed on a case-by-case basis and therefore are not guaranteed.
- What is the legal status of Cuban, Haitian, Nicaraguan and Venezuelan nationals who are expelled under Title 42 after 12 October under the agreement between the U.S. and Mexico?
  - ▶ The Mexican government has not officially confirmed how it will treat the legal status question of Cubans, Haitians, Nicaraguans or Venezuelans who have been expelled back to Mexico, and practices vary in each port of entry. Someone who is expelled after entering the United States irregularly following midnight on 9 January 2023, the date of the publication of the

Federal Register, is not eligible to apply for this parole program because of their irregular entry after publication of the policy.

- ▶ The most common practice that has been observed with Venezuelan nationals being expelled is the use of an “oficio de salida”: The national Migration Institute (INM) issues an order to the expelled person to leave the country in a given time period which may vary from 7 to 15 days, or in some cases 30 days. After this period, persons expelled under Title 42 are considered to be in the country irregularly and at-risk of detention and deportation from Mexico.

Over the three years that Title 42 has been in place, Mexican authorities have implemented different measures to manage expulsions. In most cases, the Mexican authorities have issued an “oficio de salida” (as explained above), however there have also been cases of detention and deportation. Another practice has involved transferring people to southern Mexico, where they are released. It should be noted that third-country nationals expelled back to Mexico under Title 42 can opt to seek asylum in Mexico.

### Cuban, Haitian, Nicaraguan and Venezuelan nationals elsewhere:

- Can a parole application for a Cuban, Haitian, Nicaraguan and Venezuelan national under the new process be initiated anywhere?
  - ▶ Yes. Any Cuban, Haitian, Nicaraguan and Venezuelan national outside the United States (including those still inside their country of nationality) can apply for the Humanitarian Parole Program, provided that they are eligible for the program and have a qualifying supporter in the U.S. who initiates the process on their behalf.

- When will the application process open?

- ▶ The process for supporters to initiate an application on behalf of Venezuelan nationals opened on 18 October 2022.
- ▶ The portal for all other nationalities (Cubans, Haitians and Nicaraguans) opened on 6 January 2023.
- ▶ U.S.-based supporters initiate an application on behalf of a Cuban, Haitian, Nicaraguan or Venezuelan national by submitting a "[Form I-134A - Online Request to be a Supporter and Declaration of Financial Support](#)." to USCIS on behalf of each potential beneficiary. Supporters can be individuals, individuals filing on behalf of a sponsoring community group (such as a church), or individuals representing an entity (such as an employer).

- How does a person in transit irregularly apply for the Humanitarian Parole Program?

- ▶ The process is initiated through an online application by the qualifying U.S.-based supporter. It remains to be seen what documents (if any) a country will issue to a Cuban, Haitian, Nicaraguan or Venezuelan national in a third country irregularly who is waiting for adjudication of their parole application. As noted above, however, individuals who enter Panama, Mexico, or the U.S. irregularly after the 9 January 2023 cut-off date, are ineligible for the program.

- If a Cuban, Haitian, Nicaraguan or Venezuelan national is irregularly in a third country and does not have a valid passport or other documents, how can they take a flight to the U.S. if they are granted parole?

- ▶ One of the eligibility requirements for this program is that the applicants must have a valid, unexpired passport. If a beneficiary's passport validity has been extended, the expiration date of the extension should be reflected as the passport expiration date. The U.S. authorities will not authorize travel if the beneficiary's passport or extension is expired.
- ▶ Certified extensions of passport validity serve to meet this requirement for Venezuelans (only).
- ▶ More information is not yet available on this issue of certified extensions for Cuban, Haitian and Nicaraguan applicants.

- Will everyone be required to fly to a port of entry once approved for parole?

- ▶ The U.S. guidance states that beneficiaries of the Humanitarian Parole Program will be required to fly into an airport in the interior of the United States, "absent extraordinary circumstances." The types of circumstances considered extraordinary are not named or listed. The R4V Platform and its partners will monitor what possible extraordinary circumstances may consist of.

- Since Cuban, Haitian, Nicaraguan or Venezuelan nationals who have already been granted refugee status in a third country are ineligible for the U.S. parole program, could a refugee renounce their refugee status to be considered eligible for the Humanitarian Parole Program?
  - ▶ It is unlikely that renunciation of one's refugee status would make someone eligible for the Program. The process states that Cuban, Haitian, Nicaraguan and Venezuelan nationals are ineligible for the Program if they currently hold refugee status in any country. If a Cuban, Haitian, Nicaraguan or Venezuelan national were to lose their refugee status or their permanent residency status in a third country by voluntarily leaving that country without the required permissions to do so, it is unclear how the U.S. would treat such a situation.
  - ▶ Individuals who enter Panama, Mexico, or the U.S. irregularly after 9 January 2023,<sup>5</sup> however, are ineligible for the program.
- Are Cuban, Haitian, Nicaraguan and Venezuelan nationals who have been granted temporary protection in a third country, or have applied for asylum but are still awaiting a decision, eligible for the U.S. Humanitarian Parole Program?
  - ▶ According to information provided by the U.S. authorities, asylum-seekers with pending claims in another country and individuals with temporary protection will still be eligible for the parole program.
- As relates to the temporary protection regime for Venezuelans in Colombia, why would the U.S. consider a Venezuelan national recognized refugee as ineligible but a Venezuelan with temporary protection as potentially eligible?
  - ▶ Under U.S. law, individuals who have been granted refugee status in another country may be barred from asylum (and possibly ineligible for refugee resettlement) under operation of the "firm resettlement" bar in the U.S. immigration statute. Since the U.S. government appears to have designed the Venezuelan humanitarian parole program around the assumption that parolees may need to regularize their stay in the U.S. by applying for asylum, they are seeking to ensure that the parolees they approve will not face a specific legal barrier at the asylum stage.
- How will the U.S. treat Cuban, Haitian, Nicaraguan and Venezuelan nationals who hold a second nationality?
  - ▶ Cuban, Haitian, Nicaraguan and Venezuelan nationals who also hold another nationality will not be eligible for the Humanitarian Parole Program, as explicitly stated in the announcement. If the primary beneficiary meets the eligibility criteria, however, immediate family members with dual citizenship are eligible because this limitation does not extend to them.

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[5] <https://www.federalregister.gov/documents/2023/01/09>

- How will the U.S. treat Cuban, Haitian, Nicaraguan or Venezuelan families who are otherwise eligible for the Parole Program, but are separated?

(For example, a Venezuelan father in Mexico who is eligible, and a Venezuelan mother and child who are in Venezuela)

- ▶ The R4V Platform and partners understand that the principle of family unity will apply to the Humanitarian Parole Program. As such, it is our understanding that a U.S.-based sponsor who wishes to sponsor a married couple and their child could, in theory, submit an application on behalf of each family member, even if the husband and wife are not residing in the same country at the time of application. The R4V Platform will seek additional clarity on this issue, including any processing issues which might arise for separated families, including issues related to child custody for example and exit permits from the host/transit country.
- How will the U.S. treat Cuban, Haitian, Nicaraguan and Venezuelan Parole Program applications that include a dependent (spouse or child) who holds another nationality?

(For example, a Haitian couple with a child who was born in Chile and is a Chilean national)

- ▶ Certain nationals who are not from Cuba, Haiti, Nicaraguan or Venezuelan may use this process if they are an immediate family member of a Cuban, Haitian, Nicaraguan and Venezuelan beneficiary and traveling with that beneficiary. For purposes of this process, immediate family members are limited to a spouse, common-law partner, and/or unmarried child(ren) under the age of 21. Therefore, if one beneficiary is eligible their immediate family members who on their own

would not eligible will also be considered eligible. This would apparently include the scenario where the parents are of Cuban, Haitian, Nicaraguan or Venezuelan nationality but the child is not (the child's eligibility is derived from the parent).

- How will children travelling with non-parental adults (who are not their legal guardians) be able to access this Parole Program?

- ▶ Children who are not traveling with their parents or adult legal guardians are considered "unaccompanied children" under U.S. law and are not able to enter the U.S. on a parole under this Program.
- ▶ However, if a Cuban, Haitian, Nicaraguan, or Venezuelan unaccompanied child presents at the U.S. border or is apprehended between a port of entry, she or he is to be processed into the U.S. and referred to the custody of the federal Office of Refugee Resettlement (ORR) as required under the national Trafficking Victims Protection Act (TVPRA) and cannot be expelled under Title 42. Even if the child is traveling with a non-parental family member, the child is typically separated from the accompanying family member.

- If parole is only granted for two years, what happens after that two-year period expires?

- ▶ Parole can be extended by the U.S. authorities. However, it appears that the expectation is that parolees will apply for asylum (or another lawful status, if available) during the parole period. Once an individual has claimed asylum, they can lawfully remain in the country during the pendency of their proceedings, even after their parole expires. Individuals who want to seek asylum must file an application within one year of their entry into the United States (unless they meet a very



narrow range of exceptions), and it can take months or years for the relevant authorities to adjudicate their protection claim.

- Can someone who is granted parole and enters the United States apply for asylum or another permanent status immediately or is there a waiting period?

- ▶ While there is no official guidance on this point, we believe that someone who is paroled and enters the U.S. may apply for asylum or another permanent status immediately. Individuals who want to seek asylum must file an application within one year of their entry into the United States or they may be barred from obtaining this form of protection (but still eligible for lesser forms of relief that do not lead to permanent status, like protection under the Convention against Torture (CAT) or basic non-refoulement protection under a form of protection called “withholding of removal”).

- Can parole be terminated during the two-year period that it is granted for?

- ▶ Yes. Parole is discretionary and is not a permanent status. It can be terminated at any time, at the discretion of the U.S. authorities. A parolee whose parole status is terminated would need to apply for asylum or another form of protection or relief from deportation (if they had not already done so) if they were put into a removal procedure.

- Will Cuban, Haitian, Nicaraguan and Venezuelan parolees be eligible for any federal or state public benefits in the U.S.?

- ▶ Venezuelans and Nicaraguans who are paroled under this Program will tend not to have access to federal or state public benefits, although they may have access to some state benefits, depending on the state where they take up residence.
- ▶ For Haitians and Cubans who are paroled into the United States with an I-94 form (see above) they will have access to a long-standing federal benefit program administered by the federal Office of Refugee Resettlement (ORR) specific to those populations. More info here: <https://www.acf.hhs.gov/sites/default/files/documents/orr/Benefits-for-Cuban-Haitian-Entrants.pdf>

- Is there any way that Cuban, Haitian, Nicaraguan and Venezuelan nationals who do not have a U.S. sponsor but might otherwise qualify for the Program can be linked to a potential U.S. sponsor?

- ▶ [Welcome.US](https://welcome.us/)<sup>6</sup>, a non-profit organization, is developing an [online sponsorship platform](#) which aims to match potential Cuban, Haitian, Nicaraguan and Venezuelan applicants with willing and qualified sponsors in the United States. The Welcome.US initiative is focused on trying to build opportunities for particularly vulnerable persons who do not have sponsors. More information will soon be available on this potential referral mechanisms.

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[6] <https://welcome.us/>



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