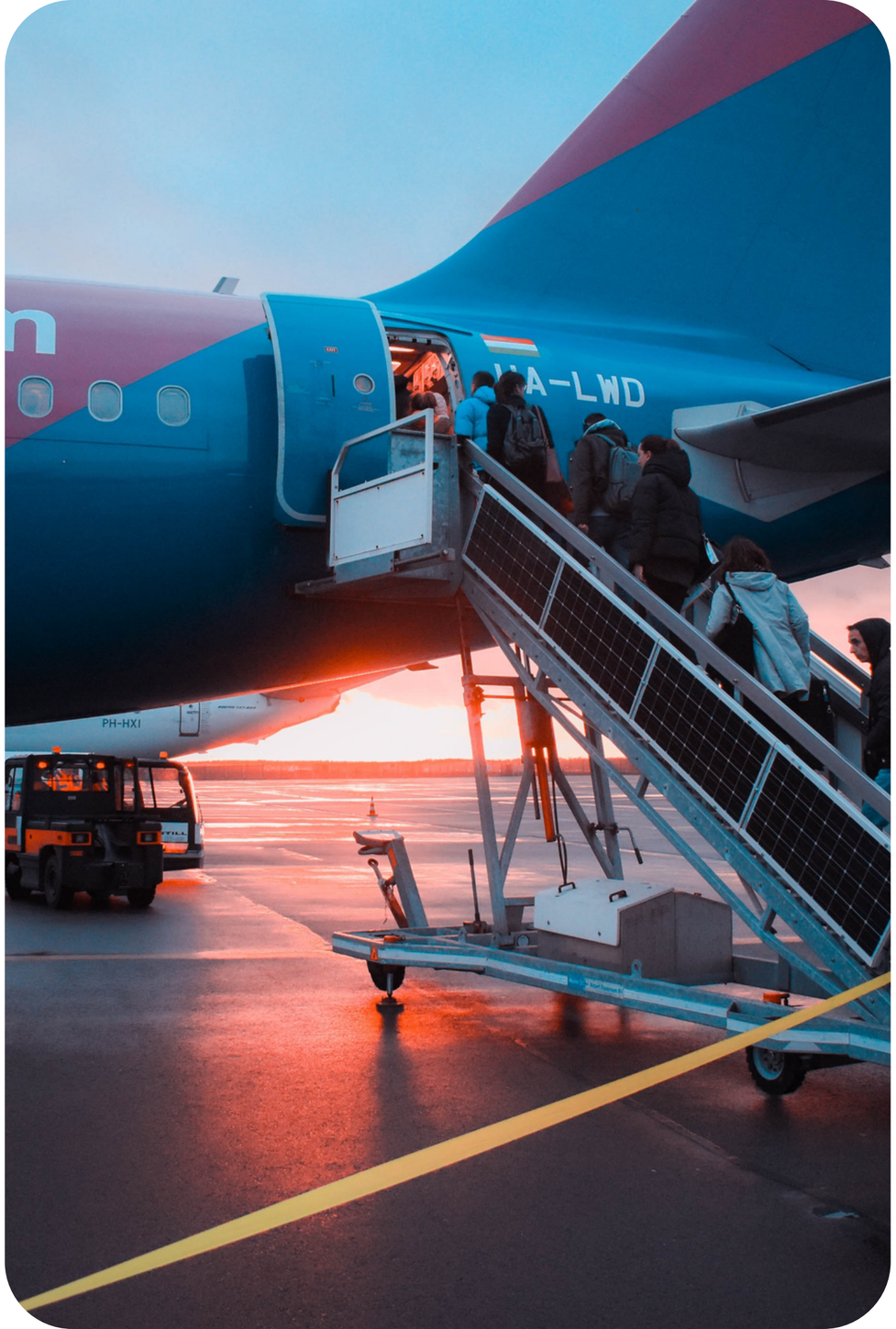
The Journey Law Group, P.C.
The New Humanitarian Parole Seminar
January 2023

The New Humanitarian Parole for Haitians (Outside of the US)



KEY THINGS ABOUT THIS SEMINAR

PART 1

Presentation of the New Rule (20 Mins)

Understanding the new parole program and addressing some Frequently Asked Questions

PART 2

Ask Me Anything / Q & A Forum (30 Mins)

Attendees ask general questions about the new rule or issues impacting their specific concerns

PART 3

Low-Bono Legal Assistance
Sign Up

Our team registers those who seek legal assistance as financial supporters

Using your phone's camera, scan this QR code to receive a copy of presentation materials or to sign up for low-bono legal assistance.

ABOUT THE SPEAKER

Jeri Milan, Esq.

Managing Attorney at
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New York, NY 10038

Ms. Jeri Milan is a licensed immigration attorney admitted to practice in New York State, the Southern and Eastern District Courts of NY, and the Court of Appeals for the Second Circuit, and admitted to the Immigration Bar in all 50 states. She earned her Juris Doctor from the City University of New York Law School and has a bachelor's degree in Cultural Studies with a concentration in Philosophy.

Ms. Milan studied forced migration law, asylum, and refugee protection laws in Sydney, Australia. Her career in immigration law began 13 years ago with a focus on removal/deportation litigation and humanitarian immigration relief cases, such as temporary protected status, inadmissibility waivers, Violence Against Women Act (VAWA), special immigrant juvenile status, asylum, withholding of removal, and protection under Article III of the Convention Against Torture.

Ms. Milan is also a multi-awarded legal writer and co-founder of an international development non-profit for impoverished out-of-school children in New York City and Manila, Philippines. She is a fourth-generation Seventh-day Adventist and an immigrant from Manila.

Legal Disclaimer

The information presented at this seminar and the supplementary materials provided to registrants are only intended for educational and informational purposes. Nothing contained herein is considered the rendering of legal advice for specific cases or circumstances.

No one should act or refrain from acting based on any information presented at this seminar without seeking the appropriate legal or other professional advice on the particular facts and circumstances at issue from a lawyer practicing as permitted by applicable laws, regulations, or rules of professional conduct. No attorney-client relationship is formed by registration for any seminar or the use of the seminar materials.

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PART 1

Understanding the New Humanitarian Parole Program for Haitians

and Frequently Asked Questions

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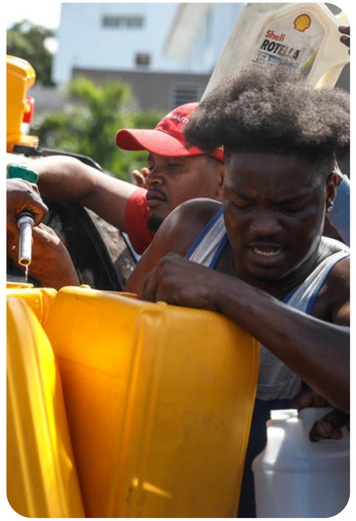
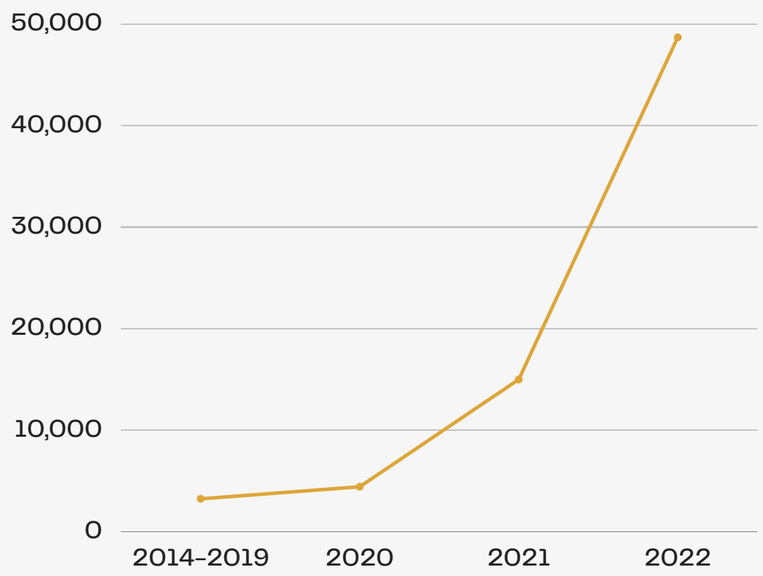
A CASE FOR HUMANITARIAN PAROLE: HAITI

AN URGENT HUMANITARIAN CRISIS



The Haitian Migration Impact



1

IMPACT 1

In 2022, DHS encounters of Haitians at the SWB increased to unprecedented levels, with 48,697 unique encounters, as compared to the annual average of 3,242 unique encounters for 2014 to 2019.

2

IMPACT 2

Haitian migrants are also increasingly taking to the sea in makeshift boats. Maritime migration from Haiti also increased sharply in 2022, with a total of 4,025 Haitian nationals intercepted at sea compared to 1,205 in 2021 and 398 in 2020

3

IMPACT 3

This led to thousands of Haitian nationals living in a makeshift camp under a bridge in Del Rio, with a peak of 9,753 unique encounters in a single month in May 2022.

Data: OIS analysis of United States Coast Guard (USCG) data provided October, 2022; Maritime Interdiction Data from USCG, October 5, 2022.

What the new rule is (and what it isn't)

On Jan. 5, 2023, the Department of Homeland Security (DHS) announced a safe and lawful way for qualifying Haitians outside of the U.S. with U.S.-based supporters to travel by air and temporarily reside in the United States for up to two years.

Through a **fully online process**, individuals can be considered, on a case-by-case basis, for **advance authorization to travel to the United States** and seek a temporary period of parole.

Individuals arriving under this new process may also apply for work authorization.

Individuals may be considered:

- if they have a supporter in the United States who will provide financial and other support;
- undergo a clear and robust security vetting;
- meet other eligibility criteria;
- warrant a favorable exercise of discretion

What the new rule isn't

It is NOT a program that confers immigration benefits, such as legal permanent resident status.

Parole does not mean admission to the United States, which means it does not allow a change to another nonimmigrant visa category.

However, parolees may adjust their status to a permanent residence only if there is an approved employment-based or immediate relative petition and the priority date is current.

It is NOT for any Haitian national who is a permanent resident or dual national of any country other than Haiti, or currently holds refugee status in any country, unless DHS operates a similar parole process for the country's nationals.

It is NOT for anyone who:

- fails to pass national security and public safety vetting or is otherwise deemed not to merit a favorable exercise of discretion;
- has been ordered removed from the United States within the prior five years or is subject to a bar to admissibility based on a prior removal order;
- has crossed irregularly into the United States, between the port of entry, after January 9, 2023, with very narrow exceptions
- has irregularly crossed the Mexican or Panamanian border after January 9, 2023; or
- is under 18 and not traveling through this process accompanied by a parent or legal guardian, and as such is a child whom the inspecting officer would determine to be an unaccompanied child

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Step-by-Step Process

1

STEP 1

A U.S.-based supporter will submit Form I-134A, Online Request to be a Supporter and Declaration of Financial Support, with USCIS through the online myUSCIS web portal to initiate the process.

2

STEP 2

If USCIS confirms a supporter, the beneficiary will receive an email from USCIS with instructions on creating a USCIS online account and other next steps.

Individuals who seek authorization to travel to the United States must confirm that they meet public health requirements, including certain vaccination requirements.

3

STEP 3

After confirming biographic information and completing eligibility attestations, the beneficiary will receive instructions through myUSCIS on accessing CBP Mobile Application.

4

STEP 4

The beneficiary receives a notice through myUSCIS confirming whether CBP grants their advance authorization to travel to the United States. Individuals are given 90 days from the grant of authorization to travel via air to the United States.

5

STEP 5

When a beneficiary arrives at a port of entry, the CBP will inspect them. Beneficiaries will undergo additional fingerprint biometric vetting consistent with the CBP inspection process.

6

STEP 6

Individuals granted parole generally will be paroled into the U.S. for up to two years and are eligible to request employment authorization from USCIS by filing Form I-765 online or by mail.

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FREQUENTLY ASKED QUESTIONS

supporter-related
frequently asked questions

1) Is the U.S. Government **limiting the number of individuals** allowed to enter the United States under this new parole program?

supporter-related
frequently asked questions

1) Is the U.S. Government **limiting the number of individuals** allowed to enter the United States under this new parole program?

Yes. The U.S. will provide travel authorizations for up to 30,000 individuals to come each month across the Haitian, Cuban, Nicaraguan, and Venezuelan parole programs.

2) Is there a **cost** to file Form I-134A?

2) Is there a **cost** to file Form I-134A?

No. Neither the supporter nor the beneficiary is required to pay the U.S. government a fee for the request. Supporters may not ask for a fee from a beneficiary to file Form I-134A on the beneficiary's behalf.

3) What is the difference between temporary protected status (TPS) and this new parole program?

3) What is the difference between temporary protected status (TPS) and this new parole program?

key differences

Under TPS, a beneficiary

- is already in the US
- does not require a sponsor
- applies for relief in the US

Under a Humanitarian Parole Program, a beneficiary:

- CANNOT already be in the US and must **travel by air to the US at their expense** only upon a grant of an advance authorization
- requires a financial supporter
- must have a passport valid for international travel;
- must meet vaccination requirements;

4) Can a supporter agree to support **more than one** beneficiary?

4) Can a supporter agree to support **more than one** beneficiary?

Yes. There is no limit on how many beneficiaries a supporter may agree to support, but USCIS will determine if a supporter has the financial ability to support all beneficiaries for the duration of the parole period, which is up to two years.

5) Is there a specific **income** requirement for Form I-134A?

5) Is there a specific **income** requirement for Form I-134A?

No. Each potential supporter's circumstances are unique, and the financial information they provide on Form I-134A must be substantiated by proof of assets and resources and must conform with the Federal Poverty Guidelines

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2022 Federal Poverty Guidelines

I-864P, 2022 HHS Poverty Guidelines for Affidavit of Support

Use the HHS Poverty Guidelines to complete Form I-864, Affidavit of Support Under Section 213A of the INA.

These poverty guidelines are effective beginning Mar. 1, 2022.

Close All Open All

For the 48 Contiguous States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands:

Sponsor's Household Size	100% of HHS Poverty Guidelines*	125% of HHS Poverty Guidelines*
	For sponsors on active duty in the U.S. armed forces who are petitioning for their spouse or child	*For all other sponsors*
2	$18,310	$22,887
3	$23,030	$28,787
4	$27,750	$34,687
5	$32,470	$40,587
6	$37,190	$46,487
7	$41,910	$52,387
8	$46,630	$58,287
	Add $4,720 for each additional person	**Add $5,900 for each additional person**

6) What **type of financial proof** must I provide?

6) What **type of financial proof** must I provide?

Some examples of financial evidence may include your federal income tax filing (tax transcript), bank officer statements, Form W-2 from your employer, pay stub or pay statements from the past few months, and any proof of income coming into your household.

7) Can **organizations (such as a churches)** serve as supporters?

7) Can **organizations (such as a churches)** serve as supporters?

Yes. Through a letter of commitment or other documentation from an officer or other authorized representative of the organization, business, or other entity describing the monetary or other types of support (such as housing, basic necessities, transportation, etc.) the entity will provide to the specific beneficiary. An individual may file on behalf of an organization, business, or other entities LIKE THE BROOKLYN SDA CHURCH.

8) I want to support a **family of four**. Can I file one Form I-134A for the entire family?

8) I want to support a **family of four**. Can I file one Form I-134A for the entire family?

No. Supporters must file a separate Form I-134A for each beneficiary, including minor children. Note that children under the age of 18 must be traveling to the United States in the care and legal custody of their parent or legal guardian.

9) I'm a U.S. citizen, but I **live abroad**. Would I be eligible to become a supporter?

9) I'm a U.S. citizen, but I **live abroad**. Would I be eligible to become a supporter?

No. To be eligible to become a supporter, you must be based in the United States.

10) **How long** will it take between the time a supporter submits Form I-134A and when a beneficiary is granted travel authorization?

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USCIS promises to review and process cases as expeditiously as possible. Applicants should monitor their USCIS online account frequently for messages and notices from USCIS, and for the most current travel authorization status.

11) Can I submit Form I-134A **on paper**?

11) Can I submit Form I-134A **on paper**?

No. Everything is filed online.

12) I have a **pending** immigration case (i.e., asylum or Temporary Protected Status or TPS). Am I eligible to apply to become a supporter?

12) I have a **pending** immigration case (i.e., asylum or Temporary Protected Status or TPS). Am I eligible to apply to become a supporter?

No. If you have a pending immigration case, such as a pending asylum application or pending initial TPS application but do not hold a lawful status in the United States, or are not a parolee or recipient of deferred action or Deferred Enforced Departure (DED), you are ineligible to become a supporter.

13) Can a beneficiary applying for advance authorization to travel **be in the United States?**

13) Can a beneficiary applying for advance authorization to travel **be in the United States?**

No. To be eligible under the processes, the beneficiary and their immediate family member must be outside the United States. Form I-134A should record the beneficiary's current physical address outside of the United States.

14) Does the beneficiary have to **live with their supporters** after being paroled into the United States?

14) Does the beneficiary have to **live with their supporters** after being paroled into the United States?

No. The beneficiary is not required to live with their supporter; however, the types of support beneficiaries may need in addition to financial support for the duration of their parole period, including safe and appropriate housing, health care, transportation, obtaining initial necessities, assistance with submitting forms such as the employment authorization application, learning English, securing employment, and enrolling children in school.

15) Can children under 18 years old be paroled into the United States **without a parent or legal guardian?**

15) Can children under 18 years old be paroled into the United States **without a parent or legal guardian?**

No. Children under the age of 18 years old cannot travel without an accompanying parent or legal guardian. If unaccompanied, children are not eligible for parole under this process.

16) Can children **travel under the passport of their parents**?

16) Can children **travel under the passport of their parents**?

No. Minor children traveling with their parents must have their own passports and may not be included on a parent's passport.

17) Is the beneficiary obligated to **repay** the supporter for financially agreeing to support?

17) Is the beneficiary obligated to **repay** the supporter for financially agreeing to support?

No. Beneficiaries are not obligated to repay, reimburse, work for, serve, marry, or otherwise compensate their supporter in exchange for filing Form I-134A on your behalf or for providing financial support while you are in the United States.

18) I’ve already submitted Form I-134A to USCIS to become a supporter, but I need to **correct or update the information.**
How do I do that?

18) I've already submitted Form I-134A to USCIS to become a supporter, but I need to **correct or update the information.** How do I do that?

Your supporter will need to submit a new Form I-134A on your behalf.

19) My Form I-134A has been confirmed, but the agency **still needs to contact my beneficiary**. What should I do?

19) My Form I-134A has been confirmed, but the agency **still needs to contact my beneficiary**. What should I do?

After completing the verification process, the beneficiary's supporter can send USCIS a secure message regarding the issue through their own USCIS online account.

20) Are parolees who come to the U.S. through this process eligible for REAL ID-compliant **driver's licenses or identification cards?**

REAL ID	Enhanced	Standard
- Meets all REAL ID requirements, **including to board domestic flights.** - Cannot be used to cross the border. - Can renew early to avoid additional fee. - Available to citizens, permanent residents, and all other individuals with proof of lawful status. **- Must visit an office.**	**- Also meets all REAL ID requirements** - Can also be **used to enter Canada**, Mexico, and many Caribbean nations by land or sea. - Only available to **U.S. citizens.** **- Additional $30 fee.** **- Must visit an office.**	**- Not accepted for federal purposes, including boarding domestic flights, after May 3, 2023** - Can renew online or by mail, except for Commercial Driver Licenses (CDLs).

20) Are parolees who come to the U.S. through this process eligible for REAL ID-compliant **driver's licenses or identification cards?**

Eligible beneficiaries under the process and their immediate family members paroled into the U.S. are not eligible for a REAL ID-compliant driver's license or identification card.

beneficiary-related frequently asked questions

1) I am a **dual citizen** of another country other than my country of origin, am I eligible?

beneficiary-related frequently asked questions

1) I am a **dual citizen** of another country other than my country of origin, am I eligible?

No. But minor children of eligible beneficiaries may have dual citizenship.

2) I meet the requirements to be considered for an advance travel authorization, but my husband is a dual national of another country. Can I be the **primary beneficiary** to allow him to qualify for the process?

2) I meet the requirements to be considered for an advance travel authorization, but my husband is a dual national of another country. Can I be the **primary beneficiary** to allow him to qualify for the process?

Yes. While eligible beneficiaries under the process may not be permanent residents or dual nationals of any other country and not currently hold refugee status in any country (unless DHS operates a similar parole process for the country's nationals), this requirement does not apply to immediate family members. Immediate family members in this process include a spouse or common-law partner of an eligible beneficiary under the process and their unmarried child(ren) under the age of 21.

3) My **passport is expired**. Should I request an extension, or will my expired passport be accepted?

3) My **passport is expired**. Should I request an extension, or will my expired passport be accepted?

The beneficiary must have a valid, unexpired passport. Certified extensions of passport validity serve to meet this requirement. If a beneficiary's passport validity has been extended, the expiration date of the extension should be reflected as the passport expiration date.

4) I lived abroad for some time and recently returned to my country of nationality. Is there any **residence time length requirement** to be eligible under this process?

4) I lived abroad for some time and recently returned to my country of nationality. Is there any **residence time length requirement** to be eligible under this process?

There is no required length of time that you must have resided in your country of nationality prior to your supporter submitting Form I-134A on your behalf.

5) I mistakenly submitted **incorrect information** about myself and my minor children to CBP and was denied travel authorization. What should I do?

5) I mistakenly submitted **incorrect information** about myself and my minor children to CBP and was denied travel authorization. What should I do?

Your supporter will need to submit a new Form I-134A on your behalf.

6) My travel authorization will expire soon, and I cannot arrange travel to the United States. Can I request an **extension**?

6) My travel authorization will expire soon, and I cannot arrange travel to the United States. Can I request an **extension**?

Yes. If, for reasons beyond your control, you cannot travel within the 90-day travel authorization validity period, your supporter may submit a one-time request for a 90-day travel authorization extension to USCIS.

7) If approved to travel to the United States as a beneficiary under this new process, when can I apply for **employment authorization**?

7) If approved to travel to the United States as a beneficiary under this new process, when can I apply for **employment authorization**?

After you are paroled into the United States, you are eligible to apply for discretionary employment authorization from USCIS.

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PART 2

ASK ME ANYTHING

Q & A Forum

30:00

PART 3

Sign up for Low-Bono Legal Assistance

Next Steps

REGISTER YOUR NAME & CONTACT INFO

With your phone, use the QR code found on the bottom-left corner of the screen or come to our table to write down your information.

CHECK YOUR EMAIL OR PHONE FOR INSTRUCTIONS

We will send you instructions, a questionnaire, and a file request and invite you to log in to your portal.

SIGN A LIMITED REPRESENTATION AGREEMENT WITH OUR FIRM

A limited legal representation means our attorney-client relationship does not exceed beyond the preparation and filing of the relevant forms and supporting evidence.

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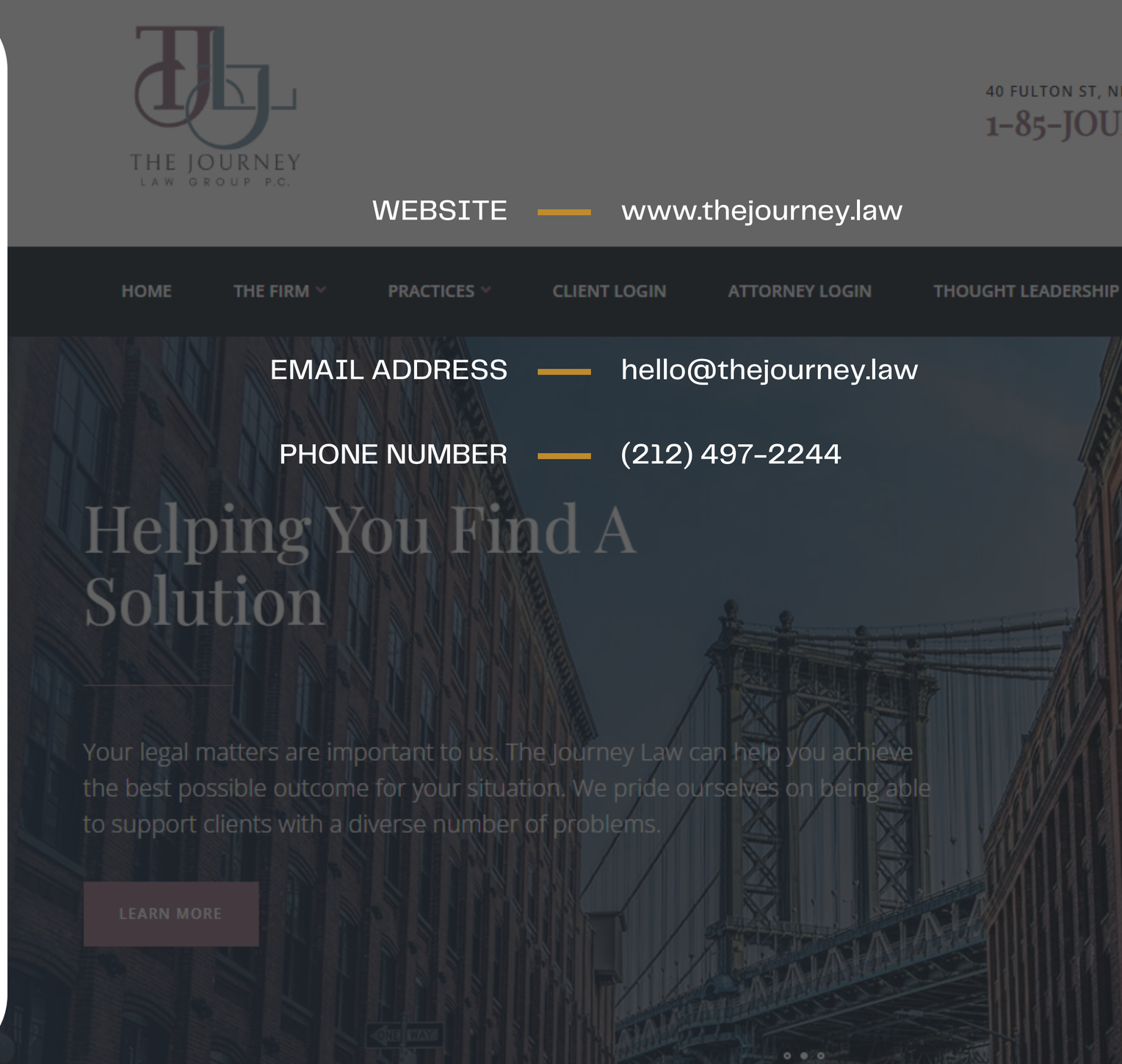
Thank you!

Reach out to us
if you have any questions.



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Acknowledgment