The Immigration and Nationality Act requires that most visitors and immigrants to the United States obtain a visa. Aliens unable to obtain a visa, and with a compelling humanitarian need, may apply to the Department of Homeland Security (DHS) to be granted humanitarian parole. This permits an alien to enter the United States on a temporary basis. Parole responsibility rests with DHS’s Humanitarian Assistance Branch (HAB), which was transferred to the U.S. Citizenship and Immigration Services (USCIS) in August 2007. In response to congressional requesters, GAO examined (1) the characteristics of those who applied for humanitarian parole since October 1, 2001, and (2) internal controls HAB designed to adjudicate applications along with the extent to which HAB adhered to them. To conduct this work, GAO analyzed HAB documents and data, such as its protocols and database of all parole applications since October 1, 2001; interviewed HAB officials about adjudication processes; and interviewed attorneys who had helped individuals file for parole.

HAB has designed internal controls to help ensure that requests for humanitarian parole are decided in accordance with applicable guidelines; these controls have been functioning as intended. Specifically, HAB has, among other controls, clear and detailed written policies and procedures, including a requirement that every application be reviewed by two adjudicators and that if they disagree, a third is to make a “tie-breaking” recommendation. A final decision is then made by the HAB Branch Chief or a designee, but if the Branch Chief decides to override the adjudicators’ recommendations, the case is first discussed with higher-level officials. A computerized data system also records key information in every case. While HAB’s controls are generally effective, three areas can be strengthened. First, following a transfer of HAB to USCIS, HAB may no longer have a sufficient number of permanent staff to ensure it continues to follow policies and procedures, since two adjudicators are insufficient to provide independent reviews of requests for reconsideration—HAB guidance recommends that such requests be reviewed by two additional adjudicators not previously involved. Second, HAB does not have a formal training program for new staff who may be detailed to help process applications. Such training is essential to ensure that criteria for granting and denying parole are applied consistently and fairly by the adjudicators. Third, USCIS’s Web site has limited information about the circumstances under which a person may apply for humanitarian parole. More information and clearer instructions could reduce the number of applications from those who had not taken the steps generally required before applying for humanitarian parole, such as exhausting other available avenues for entry into the United States.