

February 2008

IMMIGRATION BENEFITS

Internal Controls for Adjudicating Humanitarian Parole Cases Are Generally Effective, but Some Can Be Strengthened





Highlights of [GAO-08-282](#), a report to congressional requesters

Why GAO Did This Study

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.

What GAO Recommends

To ensure that HAB processes applications consistent with its protocols, GAO recommends that DHS review HAB staffing levels; create a formal training program for adjudicating parole cases; and revise Web site instructions for parole applicants. DHS concurred with the recommendations and stated that it had begun taking actions to implement them.

To view the full product, including the scope and methodology, click on [GAO-08-282](#). For more information, contact Richard Stana at (202) 512-8777 or StanaR@gao.gov.

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Internal Controls for Adjudicating Humanitarian Parole Cases Are Generally Effective, but Some Can Be Strengthened

What GAO Found

The 8,748 humanitarian parole applications that HAB adjudicated from October 1, 2001, through June 30, 2007, displayed various characteristics—54 percent of the applicants were female and 46 percent, male; 45 percent of the applicants came from 11 countries, with the largest number from Mexico. Sixty-four percent of the requests for humanitarian parole were for family reunification or medical emergency. Persons under age 18 had a 35 percent grant rate—higher than the rate for applicants over 18 and consistent with the stated purposes of humanitarian parole. Seventy-six percent of applications were denied; 24 percent were granted. Among multiple reasons cited for denial by adjudicators in a projectible sample of cases we analyzed, an estimated 57 percent of applicants had not exhausted other avenues of immigration available to them before applying for humanitarian parole, as generally is required. Data analysis revealed few differences in parole denial rates with regard to gender or, with two exceptions, country of residence. While denial recommendation rates for individual adjudicators varied, HAB officials stated that this is expected because the facts and circumstances of cases vary and adjudicators have different backgrounds and experiences that might affect their reviews of an application.

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.

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Abbreviations

AILA	American Immigration Lawyers Association
DHS	Department of Homeland Security
FMFIA	Federal Management Financial Integrity Act of 1982
HAB	Humanitarian Assistance Branch
HRIFA	Haitian Refugee Immigration Fairness Act of 1998
HIAS	Hebrew Immigrant Aid Society
ICE	U.S. Immigration and Customs Enforcement
INA	Immigration and Nationality Act
INS	U.S. Immigration and Naturalization Service
PCTS	Parole Case Tracking System
USCIS	U.S. Citizenship and Immigration Services

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United States Government Accountability Office
Washington, DC 20548

February 6, 2008

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
House of Representatives

The Honorable Zoe Lofgren
Chairwoman
Subcommittee on Immigration, Citizenship,
Refugees, Border Security and International Law
Committee on the Judiciary
House of Representatives

The Honorable Sheila Jackson-Lee
House of Representatives

The Immigration and Nationality Act (INA) generally requires that most aliens wishing to visit or immigrate to the United States obtain a Department of State-issued visa.¹ As a method of last resort, foreign nationals normally required to have a visa may be allowed to enter the United States without one—with the approval of the Department of Homeland Security (DHS)—on a temporary, case-by-case basis for urgent humanitarian reasons. This process is called humanitarian parole and may be used for such reasons as to allow aliens to obtain urgent medical treatment in the United States or to reunify young children with relatives. Humanitarian parole does not constitute permanent admission of the alien into the country; once the purpose of the parole is fulfilled, the alien is to leave the United States.

Prior to the creation of DHS in March 2003, the authority to parole individuals into the United States rested within the Department of Justice's U.S. Immigration and Naturalization Service (INS). Parole authority was transferred to DHS upon the agency's creation and administered by the

¹8 U.S.C. § 1182(a)(7). Under the Visa Waiver Program, foreign nationals from 27 countries may visit the United States for tourism or business for stays of 90 days or less without obtaining a visa. In addition, citizens of Canada and Bermuda visiting temporarily are not required to have a visa.

Humanitarian Assistance Branch (HAB)² within U. S. Immigration and Customs Enforcement (ICE). In August 2007, DHS transferred HAB from ICE to its U.S. Citizenship and Immigration Services (USCIS).

In response to several news articles citing delays and denials of humanitarian parole to young children, you asked us to review DHS's policies and procedures for adjudicating humanitarian parole applications. This report addresses the following questions: (1) What are the characteristics of those who applied for and were either granted or denied humanitarian parole since fiscal year 2002 and did approval and denial rates differ according to these characteristics or the adjudicator assigned? (2) What internal controls has HAB designed to adjudicate humanitarian parole applications and to what extent did HAB adhere to these internal controls when processing humanitarian parole applications?

To determine the characteristics of those who applied for and were either granted or denied humanitarian parole, we analyzed data on 8,748 humanitarian parole applications adjudicated from October 1, 2001, through June 30, 2007, contained in DHS's automated Parole Case Tracking System (PCTS). The system contains various applicant demographic characteristics such as age; gender; and country of residence; the reason why the applicant requested humanitarian parole (e.g., medical emergency or family reunification); the recommendations by individual adjudicators involved in adjudicating the application; and the adjudication decision. To determine whether approval and denial rates differed according to applicants' demographic characteristics (e.g., gender, country of residence, age) and whether these rates differed by adjudicator, we analyzed PCTS data on the outcomes of adjudication decisions by these characteristics and by the recommendations made by adjudicators. We did not review the underlying merits of these decisions to identify possible reasons for any similarities or differences.

Hard copy application files (for both granted and denied cases) were only available for the March 1, 2007, through June 30, 2007, time period. To determine the reliability of the PCTS data, we compared selected data from a stratified probability sample of 145 hard-copy application case files from this time period with the PCTS data for those cases, reviewed relevant documentation such as HAB protocols for adjudicating

²In December 2007, we were told by HAB officials that the name of what had been the Parole and Humanitarian Assistance Branch had been shortened to HAB.

humanitarian parole applications, and met with knowledgeable officials. We determined that the PCTS data were sufficiently reliable for the purposes of our review.

Each adjudication case in PCTS has two text boxes into which two different adjudicators each enter information about the reason for the request, and their explanation for their recommendation for or against granting humanitarian parole. To examine the reasons for requests for humanitarian parole, we selected a stratified probability sample of 462 cases from fiscal year 2002 through June 30, 2007, and performed a content analysis of the reasons for the requests contained in the text boxes.³ We categorized the explanations in the text boxes for requesting humanitarian parole into the four major categories defined by HAB: (1) life-threatening medical emergencies; (2) family reunification for compelling humanitarian reasons; (3) emergent, defined by the HAB as including the need to visit an ill family member or to resolve matters associated with the death of a relative or to attend a funeral; and (4) “other,” such as a caregiver needed to care for someone in the United States. To determine the reasons for which applicants were denied humanitarian parole, we reviewed the cases in our sample in which the applicant was denied humanitarian parole and performed a content analysis of the reasons for the denials of parole contained in the text boxes. We then categorized the explanations for denials into 10 categories; HAB officials confirmed these categories. These included, for example, that the applicant had not first exhausted alternative immigration processes that might have been available, such as obtaining a visa, absent urgent circumstances that made it impractical to do so, or had not provided sufficient evidence of a claimed medical emergency, or that the applicant had committed a prior immigration violation or crime.

To determine what internal controls HAB designed to adjudicate humanitarian parole applications and the extent to which HAB adhered to these internal controls, we obtained HAB policies and procedures and compared them with standards for internal control in the federal government⁴ and other internal control guidance related to control

³See appendix I for additional information on this sample and for a more detailed description of the content analysis methodology.

⁴GAO: *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999). These standards, issued pursuant to the requirements of the Federal Managers' Financial Integrity Act of 1982 (FMFIA), provide the overall framework for establishing and maintaining internal control in the federal government.

activities, staffing levels, training, and communication with external clients.⁵ We also interviewed HAB officials regarding how HAB internal controls are interpreted and followed. To determine the extent to which internal controls were adhered to, we reviewed our sample of cases selected to assess the reliability of the PCTS data to determine whether the case files contained documentation that a required control, (e.g., supervisory review), had been followed. Our probability sample allowed us to conclude that this control was effective for PCTS applications in the March 1, 2007, to June 30, 2007, time period.

We also interviewed attorneys and accredited representatives who had helped individuals file humanitarian parole applications to obtain their views on the humanitarian parole process. We interviewed 10 immigration attorneys who belonged to the American Immigration Lawyers Association (AILA) as well as 2 accredited representatives from 2 non-profit organizations that offer legal assistance to immigrants. The attorneys whom we interviewed responded to a request from the organization that invited its members to contact us regarding their experiences with humanitarian parole issues. Because we selected the attorneys and accredited representatives using nonprobabilistic methods, their views cannot be generalized to the immigration law community. Additional details on our scope and methodology can be found in appendix I.

We conducted this performance audit from May 2007 through January 2008 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Results in Brief

The 8,748 humanitarian parole applications that HAB adjudicated from October 1, 2001, through June 30, 2007, displayed various characteristics. Specifically, 54 percent of the applicants were female; 46 percent, male. Forty-five percent of the applicants were residents of 11 foreign countries, with Mexico having the greatest number of applicants. Based on our

⁵GAO: *Internal Control Management and Evaluation Tool*, GAO-01-1008G (Washington, D.C.: August 2001).

content analysis sample, an estimated 64 percent⁶ of the requests for humanitarian parole were for two reasons—family reunification (49 percent) and medical emergency (15 percent). Of the 8,748 adjudicated applications, 24 percent were granted and 76 percent were denied. Based on our review of a probability sample from the PCTS database for applications that were denied, we estimate that the adjudicators noted that 57 percent of all applicants had not first exhausted other avenues of immigration available to them—such as applying for a visa, absent urgent circumstances that made it impractical to do so—before applying for humanitarian parole. Under HAB protocols, application for a visa generally should have been made and rejected, prior to applying for humanitarian parole. Our analysis of data in PCTS found few differences in the granting or denial of humanitarian parole related to gender and, with two exceptions, related to country of residence. Men and women were granted parole in almost identical percentages every year since fiscal year 2002. With regard to country of residence, of the 11 foreign nations in which most applicants were residing, applicants from Haiti had the lowest rate of approval (8 percent) while those from Cuba, El Salvador, India, Iran, Iraq, and Mexico had almost identical approval rates (between 18 and 22 percent), and applicants from Lebanon had the highest approval rate (55 percent). HAB officials attributed the Haitians’ low rate to special immigration eligibility rules for Haitians that were not well understood by applicants, and the high rate for Lebanese residents to special circumstances resulting from evacuations associated with the July 2006 conflict between Israel and Hezbollah, in southern Lebanon. Applicants under age 18 were more likely to have been granted humanitarian parole than were adult applicants. This is consistent with the stated purposes of humanitarian parole and the HAB protocols that facilitate family reunification of minors in circumstances of compelling humanitarian need. While 35 percent of the applicants under age 18 were granted humanitarian parole, no other age group had a grant rate over 25 percent. While the 27 adjudicators who have made recommendations since fiscal year 2002 collectively recommended that 75 percent of the humanitarian parole applications be denied, the denial recommendation rates for individual adjudicators varied. HAB officials stated that they expected variation among individual adjudicators because the facts and circumstances of each application varied and adjudicators do not all

⁶All percentage estimates based on the content analysis sample have 95 percent confidence intervals of within plus or minus 8 percentage points of the estimate itself. See appendix I for additional information on the content analysis sample.

review the same applications. Officials noted that no single adjudicator's recommendation can serve as the basis for a final decision; every case requires at least two adjudicators' recommendations, followed by review and a final decision by the HAB Branch Chief or a designee. The six adjudicators who had the highest workload from fiscal year 2002 through June 30, 2007—accounting for about 84 percent of all adjudication recommendations—had denial recommendation rates that ranged from 66 percent to 84 percent.

HAB has designed internal controls to help ensure that requests for humanitarian parole are decided in a fair, equitable, and objective manner. Our review of case files and the PCTS database found that these controls were generally effective, that is, functioning as intended. To help ensure objectivity and fairness in a decision-making process that is discretionary under the law, HAB has written policies and procedures, including a requirement that every application be reviewed by two adjudicators who make a recommendation on whether to approve or deny the application. If the first two disagree, a third makes a “tie-breaking” recommendation. Further, each application is then reviewed by the HAB Branch Chief or a designee, who then makes the final decision. However, according to the HAB Branch Chief, if he or the designee decides to override the adjudicators' recommendations, he or the designee would discuss this with one of his two supervisors before a final decision is made. HAB staff also used informal roundtable discussions to help decide especially difficult or complex cases. Another internal control requires a data system to track, process, and record the key information in every single case. Our review found that PCTS is used and does serve to reliably track application information and record the adjudication results. Another HAB internal control intended to ensure that applicants' requests are processed reasonably quickly—an important factor in humanitarian cases that involve emergency medical or family issues—is a stated goal to adjudicate cases within 60 to 90 days. PCTS data show that cases were adjudicated within this time frame, with the median time for grants being 8 to 18 days and the median time for denials ranging from 10 to 22 days in fiscal years 2002 through 2006. Through June 30 of fiscal year 2007, the median time increased to 53 days for grants and 36 days for denials, which the HAB Branch Chief attributed to the additional security checks now required before final approval. While HAB generally has effective controls, three areas can be strengthened to more fully comport with internal control standards. First, although internal controls standards state that an agency must have sufficient staff to carry out its duties, HAB may no longer have a sufficient number of staff to ensure it continues to follow its policies and procedures. As of December 2007, the program had two permanent

adjudicators—significantly fewer than the number available before the August 2007 movement of HAB from ICE to USCIS—and less than the number needed to ensure that at least two adjudicators and a third, if needed, are available to process applications. HAB officials told us that the prospects for getting additional staff were uncertain and that until permanent staff were assigned, HAB planned to use adjudicators detailed from other USCIS units to help adjudicate humanitarian parole applications. Second, internal control standards state that providing formal training is a method by which an agency can address expertise and experience issues. HAB does not have a formal training program for new staff who may be detailed to its office from elsewhere in USCIS to help process humanitarian parole applications, thereby increasing the risk that adjudicators may not have the expertise to adjudicate applications in accordance with applicable guidelines. Third, internal control standards state that agencies should establish open and effective communications channels with customers. USCIS's Web site—the primary means of communicating program criteria to potential applicants—does not have all needed information about the circumstances under which a person may apply for humanitarian parole, including the need to first exhaust other immigration alternatives (e.g., obtaining a visa), except in circumstances of compelling emergency. Nor does it state that those convicted of an immigration infraction, or other crime, are generally ineligible for humanitarian parole. This lack of information about the need for applicants to generally first exhaust other immigration alternatives, absent a compelling emergency, leaves open the possibility that some applicants might not realize that they generally have to have been denied a visa, or be unable to obtain one in time to cope with an emergency, such as attending a funeral, to request humanitarian parole. As a result, applicants may be losing time, as well as the \$305 application fee required to apply for humanitarian parole. In addition, HAB's workload could be increased unnecessarily, putting additional strains on its limited staff.

To help ensure that HAB continues to adhere to its existing policies and procedures and to strengthen its internal controls, we are recommending that the Secretary of Homeland Security direct the Director of USCIS to ensure that the appropriate number of permanent staff is available to process humanitarian parole applications, develop a formal training program for new and detailed staff, and revise USCIS's Web site information and instructions for humanitarian parole. In commenting on a draft of this report, DHS said it agreed with our recommendations and discussed actions it has underway to address them. Written comments from DHS are in appendix III.

Background

Humanitarian parole—in the context of immigration—refers to official permission for an otherwise inadmissible alien to legally enter the United States temporarily. This includes aliens required to have a visa to visit or immigrate to the United States who are unable to obtain one, either due to ineligibility or urgent circumstances that make it impractical to apply for one. Specifically, the Immigration and Nationality Act grants the Secretary of Homeland Security discretionary authority to parole an alien into the United States temporarily on a case-by-case basis for urgent humanitarian reasons, such as to obtain medical treatment not available in his or her home country, visit a dying relative, or reunify young children with relatives.⁷ Granted for a maximum of 1 year, humanitarian parole does not constitute permanent admission of the alien into the country. Once the purpose of the parole is fulfilled, the alien is to leave the United States.⁸ According to the associated HAB protocols for adjudicating humanitarian parole applications, humanitarian parole is an extraordinary measure, to be used sparingly and not to circumvent normal visa-issuing procedures.

The humanitarian parole application process begins when HAB receives an application and supporting evidence (e.g., a doctor's statement regarding a physical ailment or a death certificate for a family member) from the requester, who may be the applicant, the applicant's attorney, or someone applying on the applicant's behalf.⁹ Upon receiving an application, a HAB staff member checks to ensure that the applicant is seeking humanitarian parole, the required information is entered on the application form (Form I-131), and the package includes the \$305 application processing fee. If the application is complete, the HAB staff member enters the information from the Form I-131 into the PCTS database. In turn, the PCTS generates a letter to confirm receipt of the

⁷8 U.S.C. § 1182(d)(5). In addition to foreign nationals applying to HAB for parole, other individuals can be granted parole. For example, the Secretary of DHS can parole those arriving at a U.S. port of entry (a government-designated location where goods and persons are inspected to determine whether they can be lawfully admitted into the country). *The Report to Congress: Use of the Attorney General's Parole Authority under the Immigration and Naturalization Act Fiscal Years 1998-1999* specifies several categories of parole: advance parole, port of entry parole, deferred inspection parole, overseas parole, public interest parole, and—the subject of this report—humanitarian parole.

⁸However, in certain cases, humanitarian parole may be used to allow juveniles to live with family members in the United States beyond the 1-year limitation until their applications for immigrant visas are processed.

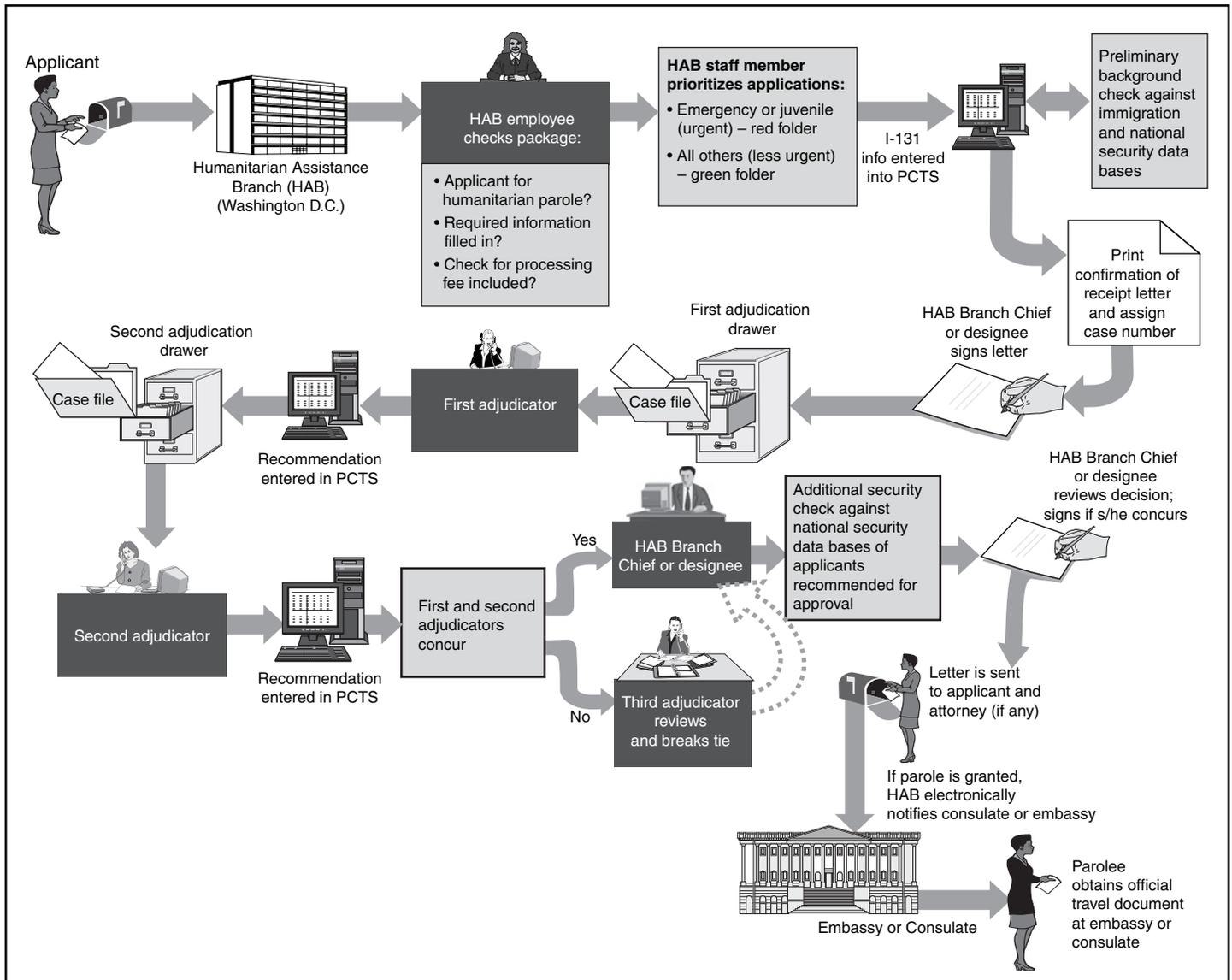
⁹Anyone may file on behalf of another person, provided the potential beneficiary is outside the United States. Application forms and instructions can be found on the USCIS Web site.

application and assigns a case number. The adjudicator¹⁰ then runs a security check on both the applicant (called the beneficiary) and the person requesting humanitarian parole, if different from the applicant, against two federally operated security databases.

If there is no match with immigration or national security databases indicating a security issue with the person(s) applying for humanitarian parole, the HAB Chief (or designee) signs the confirmation-of-receipt letter, which is sent to the applicant or the person applying on his or her behalf. The HAB staff then create a working case file. Urgent cases, such as those related to medical treatment, are placed in red folders and given higher priority over less urgent cases, which are placed in green folders. HAB officials told us that urgent cases are processed immediately. Figure 1 illustrates the process for adjudicating applications for humanitarian parole.

¹⁰According to HAB officials, an adjudicator is an HAB staff member trained in immigration law who reviews the application and recommends whether to grant or deny the humanitarian parole request.

Figure 1: The Humanitarian Parole Application and Adjudication Process



Source: GAO analysis of HAB information.

About Three-Fourths of Humanitarian Parole Applications Were Denied with Few Differences in Denial Rates by Demographic Characteristic and Some Differences in Adjudicator Recommendations

The 8,748 humanitarian parole applications that HAB adjudicated from October 1, 2001, through June 30, 2007, displayed various characteristics, and grant and denial rates did not differ for most of them, although there were some differences in adjudicator recommendations. Specifically, 54 percent were female; 46 percent, male. Forty-five percent of the applicants came from 11 countries, with Mexico having the greatest number of applicants. Most, 68 percent, were under the age of 40. Sixty-four percent of the requests for humanitarian parole were for two reasons—family reunification (49 percent) and medical emergency (15 percent). Of the 8,748 adjudicated applications, 6,615, or about 76 percent, were denied.

We estimate that 57 percent of the denials specified as a reason that the applicant had not first exhausted all other avenues of immigration, such as applying for a visa, and that in 13 percent of the denials, applicants had committed an infraction of immigration law or other crime—both of which are generally disqualifying factors, absent what the USCIS Web site on humanitarian parole describes as “a very compelling emergency.” We found few differences in the granting or denial rates with regard to the demographic characteristic of gender and, with two exceptions, with regard to country of residence. However, we did find a difference in adjudication decisions for applicants under age 18, who had a higher grant rate than other age groups. This is consistent with the stated purposes of humanitarian parole and the HAB protocols that facilitate family reunification of minors in circumstances of compelling humanitarian need. There were some differences in grant/denial recommendation rates among adjudicators, with a denial recommendation rate of 66 to 84 percent for the 6 adjudicators with the greatest workload who made 15,000 adjudication recommendations from fiscal year 2002 through June 30, 2007, or 84 percent of all adjudicator recommendations. However, there was considerably greater variation among those who adjudicated fewer cases, with denial rates ranging from 43 percent to 93 percent of total recommendations among 18 other adjudicators who made 2,957 recommendations, or 16 percent of the total.¹¹

¹¹This figure does not include three adjudicators who made a total of six recommendations from fiscal year 2002 through June 30, 2007. Two of the three adjudicators made a single recommendation each and one adjudicator made four recommendations.

HAB Approved Humanitarian Parole for 24 Percent of Applicants

From October 1, 2001, through June 30, 2007, HAB adjudicated 8,748 applications for humanitarian parole; of these, 24 percent were granted humanitarian parole, while 76 percent were denied parole. Table 1 displays data on humanitarian parole adjudication decision outcomes from fiscal years 2002 through 2007.

Table 1: Humanitarian Parole Adjudication Decision Outcomes, Fiscal Years 2002 to 2007

Fiscal year	Grants		Denials		Total Decisions
	Numbers	Percent of total decisions	Numbers	Percent of total decisions	
2002	365	29	898	71	1,263
2003	364	25	1,092	75	1,456
2004	348	19	1,519	81	1,867
2005	367	23	1,263	77	1,630
2006	407	28	1,043	72	1,450
2007	282	26	800	74	1,082
Total	2,133	24	6,615	76	8,748

Source: GAO analysis of PCTS data.

Note: Data for fiscal year 2007 are through June 30, 2007.

Applicants by Gender

Fifty-four percent of the humanitarian parole applicants were female and 46 percent were male. The gender ratios were generally consistent year to year, with the exception of fiscal year 2005 when 51 percent of applicants were male and 49 percent were female. Table 2 shows the number of humanitarian applicants by gender for fiscal years 2002 through 2007.

Table 2: Gender of Humanitarian Parole Applicants, Fiscal Years 2002 to 2007

Fiscal Year	Total	Male	Percent	Female	Percent
2002	1,183	532	45%	651	55%
2003	1,422	628	44%	794	56%
2004	1,833	840	46%	993	54%
2005	1,622	828	51%	794	49%
2006	1,366	594	43%	772	57%
2007	1,064	494	46%	570	54%
Total	8,490	3,916	46%	4,574	54%
Gender not listed in PCTS	258				
Total number of decisions	8,748				

Source: GAO analysis of PCTS data.

Note: Data for fiscal year 2007 are through June 30, 2007.

Applicants by Country of Residence

Individuals from 167 different countries applied for humanitarian parole. Of the 8,748 applicants, 3,933 or 45 percent, were from 11 countries; 4,632 applicants or 53 percent, were residents of 156 other countries, and no country of residence was listed in PCTS for 183 applicants (2 percent). Residents of Mexico constituted the largest number of humanitarian parole applicants, about 9 percent. Table 3 provides data on the number of final adjudications by country of residence for the top eleven countries.

Table 3: Countries of Residence of Humanitarian Parole Applicants, Fiscal Years 2002 to 2007

Country of Residence	Number of total final adjudications	Applications as a percent of total final adjudications
Mexico	788	9%
Philippines	577	7%
Cuba	552	6%
Lebanon	307	4%
India	302	3%
Colombia	279	3%
China, People's Republic of	238	3%
El Salvador	235	3%
Iraq	231	3%
Haiti	212	2%
Iran	212	2%
Adjudication decisions total for top 11 countries	3,933	45%
Rest of world total	4,632	53%
Country of residence unknown	183	2%
Total	8,748	100%

Source: GAO analysis of PCTS data.

Notes: Data for fiscal year 2007 are through June 30, 2007.

The category "Rest of world total" includes 316 applications for potential beneficiaries of humanitarian parole whom the PCTS database categorized as residing in the United States.

Applicants by Age Group

Most of the applicants for humanitarian parole were under age 40. Of the 8,692 applicants for whom the application contained data on their age in PCTS, 5,966, or 68 percent, were under age 40. Twenty-seven percent of all applicants were under the age of 18. Table 4 shows the number of humanitarian parole applicants by age group.

Table 4: Humanitarian Parole Applicants by Age Group, Fiscal Years 2002 to 2007

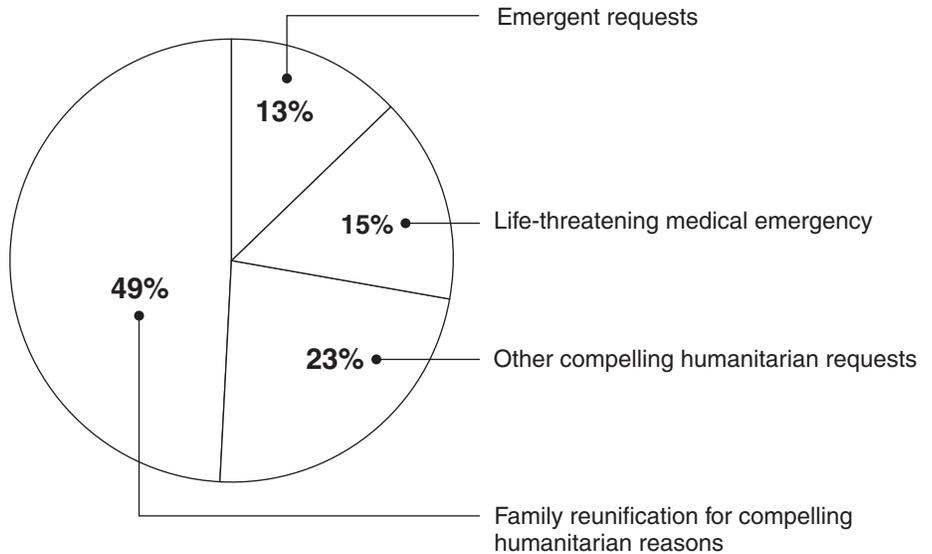
Age group of adjudicated applicants	Number	Percent of Total
Under 18	2,369	27
18-29	2,096	24
30-39	1,501	17
40-49	1,130	13
50-59	798	9
60-99	798	9
No birth date in PCTS	56	1
Total	8,748	100%

Source: GAO analysis of PCTS data.

Note: Data for fiscal year 2007 are through June 30, 2007.

HAB officials identified four broad reasons for humanitarian parole applications: (1) life-threatening medical emergencies; (2) family reunification for compelling humanitarian reasons; (3) emergent, such as to visit an ill family member, or to resolve matters associated with the death of a relative; and (4) “other,” such as a caregiver needed to care for someone in the United States. We estimated that 64 percent of the requests for humanitarian parole were for two reasons—family reunification for compelling humanitarian reasons (49 percent) and medical emergency (15 percent). Figure 2 shows the percentage of applications adjudicated by reason for the request for fiscal years 2002 through 2007, based on a probability sample of 462 cases that we reviewed.

Figure 2: Estimated Frequency of Reasons for Humanitarian Parole Requests, Fiscal Years 2002 to 2007



Source: GAO content analysis of sampled PCTS data.

Note: Data for fiscal year 2007 are through June 30, 2007.

Several Reasons Were Cited for HAB's Denying Humanitarian Parole Applications

The PCTS database shows that since fiscal year 2002, 76 percent of all applicants were denied humanitarian parole. Based upon our review of the narrative summaries in our sample of denied applications, we identified 10 reasons adjudicators cited when recommending a humanitarian parole application be denied. HAB officials agreed that these categories represented the reasons for denial; they noted that because their decisions are discretionary, none of these reasons are in and of themselves automatically disqualifying. Rather, these are the reasons cited in the probability sample as the basis of the reasoning by the HAB adjudicators as leading to their denial recommendation. The 10 categories were:

- The applicant had not exhausted alternative immigration processes available to them for which they might have been eligible, such as obtaining a visa, absent urgent circumstances that made it impractical to do so.
- The applicant provided no evidence supporting an emergent condition, such as a death certificate in the case where the request was to attend a funeral.

-
- The applicant provided no or inadequate evidence to support the reason for the request for humanitarian parole, such as a claimed medical emergency.
 - The applicant had committed a prior immigration violation or other criminal violation.
 - The purpose of the parole was not temporary in nature. That is, HAB believed that the applicant intended to stay in the United States beyond the duration of a parole period.
 - Other family members already in the United States could provide care to the person intended to benefit from the presence of the applicant.
 - The needed medical treatment was available outside the United States.
 - There was insufficient evidence of adequate financial support to prevent the applicant from becoming a public charge while in the United States.
 - The applicant provided no proof of familial relationship in cases where a family relationship was claimed as the basis of the application.
 - Other: This was for applications that did not fall into the other categories. For example, other cases included when persons already approved for humanitarian parole mistakenly applied to HAB for an extension of their parole period rather than apply with a local USCIS district office. Another example was when an applicant for lawful permanent residency departed the United States without first obtaining the needed permission from USCIS and then applied for humanitarian parole to re-enter the United States, a situation that is not valid grounds for humanitarian parole.

In recommending that an application be denied, adjudicators sometimes cited more than one reason in explaining their recommendation. For example, an adjudicator may have cited both that the applicant had not exhausted alternative immigration processes available and that the applicant provided no evidence supporting an emergent condition. Table 5 below shows the estimated percentage of applications where a particular reason for denial was cited.

Table 5: Estimated Percentage of Applications Where Reason for Denial Was Cited, Fiscal Years 2002 to 2007

Reason for denial of humanitarian parole application	Estimated percent
Requester has not exhausted alternative immigration processes	57
No evidence of an emergent condition	46
No evidence or inadequate evidence provided to support the reason for application for humanitarian parole	36
Prior immigration violation or crime	13
Purpose of obtaining humanitarian parole is not temporary in nature (i.e., it was believed that the applicant intended to stay in the United States beyond the duration of a parole period)	12
Other family members in the US can provide care	4
Needed medical treatment was available outside the U.S.	3
Inadequate financial support to keep applicant from becoming a public charge while in the US	3
Other	3
No proof of familial relationship as claimed by applicant	2

Source: GAO content analysis of sampled PCTS data.

Note: Data for fiscal year 2007 are through June 30, 2007.

Table 5 shows that an estimated 57 percent of the denials had as a reason that the applicant had not first exhausted other avenues of immigration, such as applying for a visa, absent urgent circumstances that made it impractical to do so. Table 5 also shows that an estimated 46 percent of all the denied applicants had not provided evidence of an emergent condition and that an estimated 13 percent of denied applicants had committed an infraction of immigration law or other crime. These and the other reasons cited are generally disqualifying factors in applications for humanitarian parole.

Humanitarian Parole Decision Outcomes Show Few Differences by Gender and Country of Residence, but Grant Rates Were Higher for Applicants under Age 18

HAB has considerable discretion in adjudicating humanitarian parole applications. According to HAB’s guidance on adjudicating humanitarian parole applications, exercising discretion involves the ability to consider all factors in making a decision on whether a parole request rises to the level of an urgent humanitarian reason. The exercise of discretion requires that an adjudicator take into account applicable immigration law, regulations, policy and a consideration of the totality of the circumstances of the case including any significant mitigating factors. Most importantly,

according to the guidance, discretionary decisions on humanitarian parole applications should be reached in a fair, equitable, and objective manner.

We analyzed the PCTS data to determine whether there were differences in grant and denial rates according to applicants' gender, country of residence, age, and by adjudicators. The latter factor—the adjudicator involved—must be considered in the context of the adjudication process, which requires that each application be reviewed by two different adjudicators and that if the first two adjudicators disagree in their recommendation, a third adjudicator then reviews the application and makes a recommendation. Then, the HAB Branch Chief or a designee is required to provide supervisory review and make the final decision. Therefore, while individual adjudicators could vary in their recommendations, the internal control system is set up to ensure that no single adjudicator has a decisive role in the outcome decision. (We discuss these internal controls later in this report.).

Our analysis showed virtually no difference in the grant and denial rates according to applicants' gender. With regard to country of residence, of the 11 foreign nations from which most applicants applied, applicants from Haiti had a lower rate of approval than the others while those from Cuba, El Salvador, India, Iran, Iraq, and Mexico had almost identical rates, and applicants from Lebanon had the highest grant rate. HAB officials attributed the lower rate for Haitians to special immigration eligibility rules for Haitians that were not well understood by applicants and the higher rate for Lebanese residents to special humanitarian circumstances resulting from evacuations associated with the July 2006 conflict in southern Lebanon between Israel and Hezbollah.

Humanitarian parole-granting rates were higher for applicants under age 18 than they were for adults, consistent with HAB protocols and practices that favor reunification of children under age 18 with parents or close relatives. Grant and denial recommendation rates by individual adjudicators varied, with greater variation among those who adjudicated fewer cases. According to HAB officials, variations were expected in the grant/denial recommendation rates among adjudicators, since the facts and circumstances of each application varied and adjudicators do not all review the same applications. However, these officials stated that the application process had been designed with multiple checks to ensure that no single person would be able to unfairly influence the decision outcome, and that informal roundtable discussions among many staff were also used to deal with particularly difficult cases. As a result, they said, while grant/denial recommendation rates could vary by adjudicator, the process

had been set up to achieve outcomes based on what amounts to a consensus, rather than being the product of a single adjudicator's recommendation.

Decision Outcomes Were Similar for Male and Female Applicants

For fiscal years 2002 to 2007, there were few differences in the annual grant/denial rates for male and female applicants, in adjudicated humanitarian parole decisions, with the exception of fiscal year 2005, when the grant rate for females was 21 percent and the grant rate for males was 24 percent. Table 6 shows the yearly approval and denial rates by gender.

Table 6: Approval and Denial Rates by Gender, Fiscal Years 2002 to 2007

Fiscal Year	Female				Male			
	Grant		Deny		Grant		Deny	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
2002	192	29%	459	71%	153	29%	379	71%
2003	198	25%	596	75%	159	25%	469	75%
2004	185	19%	808	81%	159	19%	681	81%
2005	164	21%	630	79%	198	24%	630	76%
2006	219	28%	553	72%	169	28%	425	72%
2007	147	26%	423	74%	129	26%	365	74%
Total^a	1105	24%	3469	76%	967	25%	2949	75%

Source: GAO analysis of PCTS data.

Notes: Data for fiscal year 2007 are through June 30, 2007.

The analysis did not include 258 applications for which PCTS did not contain the applicants' gender.

With Two Exceptions, There Were Few Differences in Decision Outcomes by Country of Residence

With two exceptions, there were few differences in the adjudication outcomes for grant or denial of humanitarian parole applications by country of residence. With the exception of applicants from Haiti and Lebanon, denial rates for the 11 countries that had the most applicants ranged from 68 percent to 82 percent, compared to the overall denial rate of 76 percent. The denial rate for Haitian applicants was 92 percent; in contrast, applicants from Lebanon had the lowest denial rate—45 percent. According to HAB officials, the higher denial rate for Haitians may be in part a result of a high number of applications made by Haitians applying for humanitarian parole on behalf of relatives who did not qualify as derivative beneficiaries (spouses and dependent children) under the

Haitian Refugee Immigration Fairness Act (HRIFA) of 1998.¹² For example, an applicant might have applied on behalf of a sibling or extended relative who did not meet the requirements of the Act or those of the humanitarian parole program. With respect to applicants from Lebanon, HAB officials told us that the July 2006 conflict between Israel and Hezbollah had generated applications for humanitarian parole under special urgent circumstances that probably produced a high grant rate. Table 7 shows the percentage of humanitarian parole applications granted and denied by the 11 countries from which the most applicants originated as well as for the total program for fiscal years 2002 through 2007.

¹²Pub. L. No. 105-277, tit. IX, 112 Stat. 2681-538. HRIFA permits certain Haitians living in the United States and their dependents to apply for lawful permanent resident status without having to apply for an immigrant visa at a United States consulate abroad. Eligibility is generally limited to Haitians who were present in the United States by December 31, 1995.

Table 7: Humanitarian Parole Adjudications by Applicants' Country of Residence, Fiscal Years 2002 to 2007

Country of Residence	Number of final adjudications	Number of grants	Grants as a percent of adjudications	Number of denials	Denials as a percent of adjudications
Mexico	788	139	18%	649	82%
Philippines	577	137	24%	440	76%
Cuba	552	103	19%	449	81%
Lebanon	307	170	55%	137	45%
India	302	57	19%	245	81%
Colombia	279	88	32%	191	68%
China, People's Republic of	238	63	26%	175	74%
El Salvador	235	43	18%	192	82%
Iraq	231	50	22%	181	78%
Haiti	212	16	8%	196	92%
Iran	212	42	20%	170	80%
Total Adjudication Decisions top 11 countries	3,933	908	23%	3,025	77%
Rest of World	4,815	1,225	25%	3,590	75%
Total Adjudication Decisions	8,748	2,133	24%	6,615	76%

Source: GAO analysis of PCTS data.

Notes: Data for fiscal year 2007 are through June 30, 2007.

The category "Rest of World" includes 316 applications for potential beneficiaries of humanitarian parole that the PCTS database categorized as residing in the United States. This category also includes 183 persons whose country of residence was not entered into the PCTS database.

Applicants under Age 18 Had Higher Rates of Being Granted Humanitarian Parole, Consistent with HAB Guidance

One of the reasons individuals can request humanitarian parole is to reunite young children with family members. HAB officials told us that they have followed a practice of applying this policy to those who are under age 18, since 18 is the age of majority in many countries. Consistent with this program goal, HAB granted humanitarian parole to 35 percent of the applicants under 18, a higher rate than those for other age groups and 11 percentage points higher than the overall grant rate of 24 percent. Table 8 shows the grant and denial rates by age distribution.

Table 8: Percentage of Applications Granted and Denied by Age Group, Fiscal Years 2002 to 2007

Age Group	Percent Granted	Percent Denied
Under 18	35%	65%
18-29	19%	81%
30-39	25%	75%
40-49	24%	76%
50-59	17%	83%
60-99	17%	83%

Source: GAO analysis of PCTS data.

Note: Data for fiscal year 2007 are through June 30, 2007.

Although Grant/Denial Recommendation Rates Varied among Adjudicators, Those Responsible for Most of the Cases Had Similar Rates

HAB’s process for adjudicating humanitarian parole requests requires that at least two adjudicators review the application and make a recommendation to grant or deny the request. For the 8,748 applications adjudicated from October 1, 2001, through June 30, 2007, 27 adjudicators made a total of 17,963 recommendations. Our analysis of PCTS data showed that of the 17,963 recommendations, 13,480 (75 percent) were to deny the application. The grant/denial recommendation rates by adjudicators varied to some extent among adjudicators, with a denial rate of 66 to 84 percent for the 6 adjudicators with the greatest workloads, who made 15,000, or 84 percent, of all adjudicator recommendations from fiscal year 2002 through June 30, 2007. Collectively, these six adjudicators had a recommendation denial rate of 77 percent, slightly higher than the overall 75 percent recommendation denial rate for the period. Of these six adjudicators, the four who had the highest number of humanitarian parole cases—accounting for just over 69 percent of all adjudicator recommendations—had recommendation denial rates that ranged from just over 76 percent to just under 84 percent. However, there was considerably greater variation among those who adjudicated fewer cases, with denial recommendation rates ranging from 43 percent to 93 percent of total recommendations among 18 other adjudicators who each made 15 or more recommendations, and a total of 2,957 recommendations, or 16 percent of the total, from fiscal year 2002 through June 30, 2007.¹³ Table 9 shows the approval and denial rates for all 27 adjudicators.

¹³The 2,957 figure does not include six additional recommendations by three adjudicators made since fiscal year 2002. Two of the three adjudicators made a single recommendation each, and one adjudicator made four recommendations.

Table 9: Number and Percentage of Adjudication Recommendations for Granting and Denying Humanitarian Parole by Adjudicator, Fiscal Years 2002 to 2007

Adjudicator	Number of recommendations by adjudicator	Percent of all recommendations	Number of denial recommendations	Denials as a percent of adjudicator's recommendations	Number of grant recommendations	Grants as percent of adjudicator's recommendations
1.	5,074	28%	3,863	76%	1,211	24%
2.	3,536	20%	2,957	84%	579	16%
3.	2,297	13%	1,754	76%	543	24%
4.	1,523	8%	1,185	78%	338	22%
5.	1,484	8%	973	66%	511	34%
6.	1,086	6%	819	75%	267	25%
7.	492	3%	337	69%	155	32%
8.	462	3%	314	68%	148	32%
9.	446	2%	191	43%	255	57%
10.	364	2%	218	60%	146	40%
11.	221	1%	155	70%	66	30%
12.	215	1%	169	79%	46	21%
13.	195	1%	108	55%	87	45%
14.	150	1%	112	75%	38	25%
15.	104	1%	77	74%	27	26%
16.	74		65	88%	9	12%
17.	61		57	93%	4	7%
18.	37		31	84%	6	16%
19.	36		19	53%	17	47%
20.	28		23	82%	5	18%
21.	22		12	55%	10	45%
22.	20		18	90%	2	10%
23.	15		8	53%	7	47%
24.	15		13	87%	2	13%
25.	4		0		4	100%
26.	1		1	100%	0	
27.	1		1	100%	0	
Total	17,963	100%	13,480	75%	4,483	25%

Source: GAO analysis of PCTS data.

Notes: Data for fiscal year 2007 are through June 30, 2007.

In the "percent of all recommendations" columns, if the percentage was less than 0.5 percent of the total, no percentage is shown.

The total number of adjudication recommendations exceeds the number of applications adjudicated because two adjudicators are to make a recommendation on each case and, at times, a third adjudicator is asked to make a tie-breaking recommendation when the first two do not agree.

In discussing these data with HAB officials, they noted that three factors should be taken into consideration. First, the facts and circumstances of each application varied, and it is not expected that the grant/denial recommendation rate would be the same for all adjudicators because they do not all review the same applications. Second, each adjudicator brings a different background and work experience to the position. Thus, the adjudicators might judge the facts and circumstances of the same application somewhat differently. Third, no individual adjudicator has sole authority to make the final adjudication decision. Each adjudication outcome requires at least two adjudicators' recommendations and sometimes a "tie breaker" recommendation by a third adjudicator before a final decision is made by the HAB Branch Chief or a designee.

HAB Generally Had Effective Internal Controls, but Those Related to Staffing, Training, and Communication with Stakeholders Could Be Strengthened

HAB has designed internal controls to help ensure that requests for humanitarian parole are decided in a fair, equitable, and objective manner, and our review of case files and the PCTS database found that these controls have been generally effective, that is, functioning as intended. However, three areas could be strengthened to improve HAB's ability to adhere to internal control standards. First, following HAB's transfer from ICE to USCIS, HAB may no longer have a sufficient number of permanent staff to ensure continued compliance with its policies and procedures. Second, HAB does not have a formal training program for staff unfamiliar with humanitarian parole who may be detailed to its office to help process applications thereby increasing the risk that these adjudicators may not have the expertise to make decisions in accordance with applicable guidelines. Third, USCIS's Web site—the primary means of communicating program criteria to potential applicants—has limited information about the circumstances under which a person may apply for humanitarian parole and therefore may be of limited use to those who seek information about the program.

HAB's Internal Controls Were Generally Effective

HAB designed internal controls to help ensure requests for humanitarian parole were decided in a fair, equitable, and objective manner and our review of case files and PCTS data found these controls were generally effective, that is, functioning as intended. For example, our standards for internal control in the federal government require that programs have policies and procedures to help ensure management's directives are

carried out.¹⁴ HAB has two documents—the *Protocol for Humanitarian Parole Requests* and the *Standard Operating Procedures for Humanitarian Paroles*—that provide detailed instructions on how to adjudicate and process humanitarian parole applications. The protocols list the major reasons for humanitarian parole and the factors adjudicators are to consider given the type of humanitarian parole request. For example, in considering medical requests, HAB adjudicators are to consider, among other things, the nature and severity of the medical condition for which treatment is sought and whether or not the requested treatment is available in the applicant’s home or neighboring country. Regarding family reunification, HAB adjudicators are to consider, among other things, whether the request is designed to circumvent the normal visa issuance procedures. Appendix II contains more information on factors HAB adjudicators are to consider when adjudicating humanitarian parole applications. The procedures call for two adjudicators to review each application and make a recommendation regarding whether the application should be approved or denied. Adjudicators are to provide a short summary explaining their reasoning behind their recommendation in a text box in PCTS. Should the two adjudicators disagree, a third adjudicator, or “tie-breaker,” is asked to review the application and make a recommendation. The protocols also require the HAB Branch Chief or a designee to review the application and make a final decision. According to the HAB Branch Chief, the process of having two adjudicators review each case, including a third adjudicator if needed, as well as the Branch Chief’s review and final decision on approval or disapproval, is intended to provide consistency in applying the decision criteria. The Branch Chief also told us that in difficult cases it was not uncommon for all the professional staff in the office to have an informal roundtable discussion to ensure that all the factors and complexities of the application were adequately and fairly considered. He also told us that if he decides to override adjudicators’ recommendations in a case, he does not finalize such a decision until he has first discussed the case with at least one of his two supervisors.

HAB also maintains information in PCTS that is contained in the application as well as data such as the HAB adjudicator summary explanation of the case, the adjudication recommendations made by the various adjudicators, and the decision reached. The system also contains

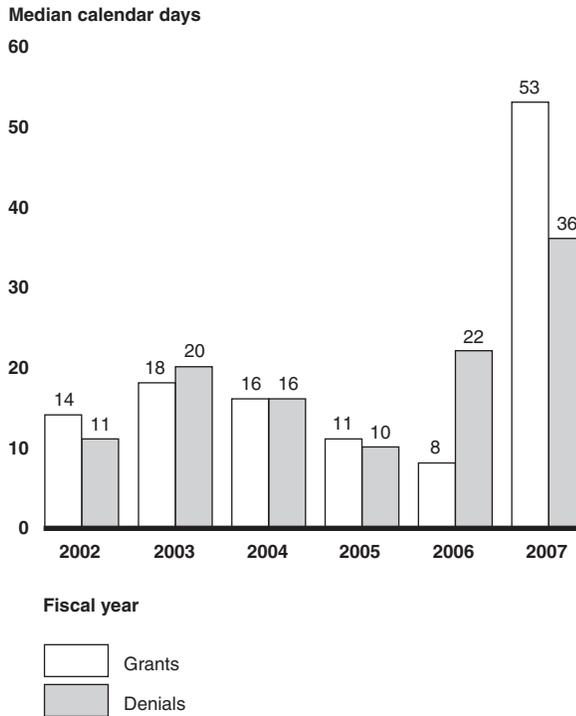
¹⁴See GAO: *Standards for Internal Control in the Federal Government*, GAO/AIMD-00-21.3.1 (Washington, D.C.: November 1999).

built-in checks to help ensure internal controls are followed. For example, the PCTS database will not allow a grant or denial letter to be printed unless the system contains information that two adjudicators reviewed the application, as evidenced by their having filled in the appropriate text boxes.

Our review of a sample of humanitarian parole application case files and associated data in PCTS showed that HAB staff followed established policies and procedures. For example, in all cases the PCTS database showed that at least two adjudicators reviewed each application and had written an explanation in the designated text box explaining the reasoning behind their adjudication recommendation. Our direct observation of PCTS in use confirmed that the edit checks built into PCTS to ensure that all required steps are taken before an applicant grant or denial letter could be printed were working. In addition, all hard copy files we reviewed contained a letter notifying the applicants or their representative of HAB's decision and signed by a HAB official. The letters in the files were signed by the HAB Branch Chief or a designee, indicating that supervisory review was performed. Our probability sample allowed us to conclude that this control was effective for PCTS applications in the March 1, 2007, to June 30, 2007, time period.

HAB has a goal of adjudicating humanitarian parole applications within 60 to 90 calendar days, although HAB officials told us that decisions in the most urgent cases are sometimes made almost immediately. As shown in figure 3, from fiscal year 2002 through fiscal year 2006, HAB achieved this goal, with the median processing time for grants ranging from 8 to 18 days and the median time for denials ranging from 10 to 22 days in this period. Processing some applications took longer than these times, for various reasons. For example, HAB officials cited delays in obtaining the results of DNA testing to confirm a family relationship. For fiscal year 2007 through June 30, 2007, the median time to adjudicate cases increased to 53 days for grants and 36 days for denials. HAB officials told us that they had increased the number of security databases against which applicants provisionally approved for humanitarian parole are checked, prior to granting final approval. As a result, the median number of days to process applications increased in fiscal year 2007 compared to previous years.

Figure 3: Median Number of Calendar Days to Process Humanitarian Parole Applications, Fiscal Years 2002 to 2007



Source: GAO analysis of PCTS data.

Note: Data for fiscal year 2007 are through June 30, 2007.

All 10 immigration attorneys we interviewed, as well as both accredited representatives of two non-profit organizations that offer legal assistance to immigrants, including sometimes helping humanitarian parole applicants, told us that they were generally satisfied with the speed of the adjudication of applications and had no complaints about the time HAB took to adjudicate their client applications. Five of the 12 attorneys and accredited representatives also told us that HAB decided their cases within 30 to 45 calendar days of the submission of the application. Ten of the 12 attorneys and accredited representatives with whom we spoke were generally satisfied with the responsiveness of the HAB staff, including their willingness to grant applicants more time to provide additional evidence to support applications for humanitarian parole.

Controls Related to Staffing, Training, and Communication with Stakeholders Could be Strengthened

Our work showed that controls related to staffing, training, and communication with stakeholders could be strengthened to enable HAB to carry out its mission and to more fully comport with internal control standards. These areas relate to the number of HAB staff needed to ensure it continues to follow its policies and procedures, a training program for new staff not familiar with humanitarian parole and/or staff who may be detailed to the HAB to help process applications, and whether USCIS's Web site—the primary means of communicating program criteria to potential applicants—has sufficient information about the circumstances under which a person may apply for humanitarian parole.

Staffing

Prior to the transfer of HAB from ICE to USCIS, HAB had 11 permanent staff, including the Branch Chief, for processing requests for both humanitarian and other types of parole. According to the HAB Branch Chief, this staffing level helped ensure that HAB (1) adhered to its policies and procedures of having two adjudicators, a third adjudicator when necessary to break ties, different adjudicators to review applications submitted for reconsideration, and supervisory review of each application; (2) performed data entry requirements; and, (3) could meet its goal of adjudicating applications within 60 to 90 calendar days. However, the memorandum of agreement that transferred the humanitarian parole program from ICE to USCIS in August 2007 provided for the reassignment of only the Branch Chief and two adjudicators to administer the humanitarian parole program.

Standards for internal controls in the federal government state that an agency must have sufficient staff, including supervisors, to effectively carry out its assigned duties. Having only a Chief and two adjudicators to administer the humanitarian parole program may not be a sufficient number of staff to ensure HAB can continue to comply with its policies and procedures. For example, as noted above and according to HAB policies and procedures, two adjudicators are to review each application. Should the two adjudicators disagree, a third adjudicator, a tie-breaker, is needed to review the application and make a recommendation. The HAB Branch Chief or a designee is to review each application and make a final decision. With only two adjudicators, there is no one to act as a "tie-breaker" because the Branch Chief normally does not assume this role. In addition, if an applicant's request for humanitarian parole is denied, he or she has the opportunity to provide additional information and have HAB reconsider the application. HAB protocols recommend that in these situations, two different adjudicators—and a third adjudicator when necessary to break a tie—review the reconsidered application. However, having only two adjudicators could put a strain on the program's ability to

continue to meet its goal of processing applications within 60 to 90 days. According to the HAB Branch Chief, based on HAB's current workload, at least nine staff members are needed to administer the humanitarian parole program—a branch chief, a senior adjudications officer, four adjudications officers, two data entry and case management clerks to enter application information into PCTS and to create and maintain the hardcopy folders of the cases, and one case manager to respond to the 400 to 500 associated inquiries that the branch receives each year. Until permanent staff are requested, approved, and assigned, HAB plans to use adjudications officers detailed from other parts of USCIS to help adjudicate humanitarian parole applications.

In addition to having a limited number of staff transferred with the humanitarian parole program, staff members who transferred were those who had relatively less experience processing humanitarian parole applications. The two permanent adjudicators now at HAB accounted for 11 percent of the cases adjudicated between October 1, 2001, and June 30, 2007. None of the top three adjudicators who decided a total of 61 percent of the cases during that period transferred to USCIS. HAB officials also told us that when the program had 11 staff (including the Branch Chief), if a backlog of cases began to develop, they could have everyone work to reduce it. With only two permanent adjudicators and the Branch Chief, HAB does not have the staff needed to address backlogs that might develop or to provide backup in the event of staff require leave for illness, training, or vacations.

Training

Although HAB plans to use detailed adjudicators as necessary, HAB officials told us that they have no formal training curriculum on how to adjudicate humanitarian parole applications. Officials told us that to date, adjudicators have come from the ranks of those who have considerable experience in immigration-related issues and that this enabled adjudicators to know how to adjudicate humanitarian parole applications after brief on-the-job instruction. Officials also told us that they intend to develop training curriculum on adjudication of humanitarian parole cases. Internal control standards in the federal government state that providing formal training is a method by which an agency can address expertise and experience issues. Until a training program is in place, staff detailed to HAB and new permanent staff not familiar with adjudicating humanitarian parole applications may not get the training they need. Having untrained staff increases the risk that they may not have the expertise to make humanitarian parole decisions in accordance with applicable guidelines.

Communication with Stakeholders

Internal control standards in the federal government state that agencies should establish open and effective communications channels with customers and other groups that can provide significant input on agency products and services. This is particularly important with respect to humanitarian parole applications where the applicant pays a \$305 fee for a government service. Our standards for internal controls offer guidelines for communication between an agency and both its internal and external customers. These guidelines state that an agency should provide sufficient information so that clients can understand the rules and processes and can make effective use of the services the agency is supposed to offer.

However, those seeking humanitarian parole may not fully understand the rules for applying. As noted earlier in this report, an estimated 57 percent of those denied humanitarian parole were denied, in whole or in part, because the requester had not exhausted alternative immigration processes, such as requesting a visa, a process that generally must be used prior to requesting a humanitarian parole visa absent urgent circumstances that made it impractical to do so. We also found that an estimated 13 percent of those denied humanitarian parole had committed an infraction of immigration law or other crime, which is also generally a disqualifying factor.

USCIS uses its Web site as the primary tool to communicate information about the humanitarian parole process to the public. The U.S. Department of Health and Human Services has developed *Research Based Web Design and Usability Guidelines*. The 2006 guidelines state that Web sites should be designed to facilitate effective human-computer interaction and that if the content of the Web site does not provide the information needed by users, it will provide little value no matter how easy it is to use. The instructions included on the USCIS Web site for how and under what circumstances to apply for humanitarian parole were limited. For example, the Web site does not state that to be eligible for humanitarian parole, applicants must generally have first exhausted other available avenues of relief, other than in circumstances of compelling humanitarian emergency or when urgency makes it impractical to do so. The instructions state that the applicant is to submit a statement on “why a U.S. visa cannot be obtained instead of having to apply for humanitarian parole” but does not state that an application for a visa generally should

have been made and rejected, again absent urgent circumstances that make it impractical to do so.¹⁵

Further, the written instructions may be confusing to some applicants. For example, the instructions state that “anyone can file an application for humanitarian parole,” including “the prospective parolee, a sponsoring relative, an attorney, or any other interested individual or organization.” While technically true, the language could lead persons to file and pay the \$305 application fee when they first should have exhausted other immigration alternatives (such as filing for a visa), except when there are circumstances that constitute an emergency. This potential lack of information about the need for most applicants to first exhaust other immigration alternatives, absent an emergency, leaves open the possibility that some applicants might not realize that they generally have to have been denied a visa to request humanitarian parole. As a result, applicants may be losing time, as well as the \$305 application fee required to apply for humanitarian parole. In addition, HAB’s workload could be increased unnecessarily, therefore putting additional strains on its limited staff.

Although HAB has extensive protocols on what to consider when adjudicating humanitarian parole applications, there is little information on USCIS’s Web site regarding what HAB considers when adjudicating these applications and finding such information can be difficult. Six of the 12 attorneys and accredited representatives we interviewed said that they and their clients would have benefited from more guidance on the application process, including an explanation of what supporting documentation and evidence to include in the application, adjudication criteria, and examples of circumstances warranting humanitarian parole. Clearer and more explicit information about the humanitarian parole process could better inform potential applicants and their attorneys and representatives. Six of 12 attorneys and accredited representatives stated that having either a phone number or an e-mail address on the Web site to contact HAB would help facilitate communication. Two attorneys suggested that using e-mail could speed correspondence with HAB as well as the submission of application materials.

¹⁵ According to HAB officials, demonstrating exhaustion of other available avenues of relief generally requires applying for and being denied a visa, but a denied visa application is not always necessary, especially in time-sensitive cases where visa issuance is not a practical option, such as to attend a funeral.

Four attorneys who had represented clients who were denied parole told us that HAB should include more information on the grounds for denial in the decision letter. Specifically, four of the seven attorneys who had at least one client denied parole were dissatisfied with the brief form language included with the notification letter. Two attorneys stated that the brief letters gave them the impression that the applications had not received sufficient or serious consideration. HAB officials, however, expressed concern that providing detailed explanations of denials would lead to reapplications of denials tailored to overcome the original grounds for the denial, even when the underlying facts of the case had not changed. This, in their view, would increase the number of potentially frivolous applications and add to the agency's overall workload from persons who were ineligible for humanitarian parole—and slow down the processing times for genuinely urgent cases. Finally, two attorneys who received approvals for their clients stated they would have appreciated clearer instructions about how to obtain the necessary travel documents from an embassy or consulate. HAB officials told us that the letters they provide to applicants or to their representatives can at most tell them whether they have been granted or denied parole and, if granted, which embassy or consulate they need to contact to obtain the travel documents. The officials stated that information regarding embassy and consulate locations and hours of operations is available on the Department of State Web site at www.travel.state.gov.

Conclusions

HAB has instituted internal controls that are designed to help ensure that humanitarian parole applications are decided in a fair, equitable, and objective manner, and these controls were generally effective, that is, functioning as intended. With the move to USCIS resulting in the transfer of only the HAB Branch Chief and two permanent adjudicators, HAB does not have sufficient staff for two independent reviews of an application and a possible tie breaker—a key internal control mechanism. Until an adequate staffing level is decided and implemented, HAB may face challenges in adhering to its policies and procedures on adjudication. Without a formal training program for potential new staff and those who might be detailed to HAB, the agency cannot ensure that these staff will be properly trained to make recommendations in accordance with applicable guidelines. Lastly, additional information on USCIS's Web site about the need for applicants to first exhaust other immigration avenues before applying for humanitarian parole and more information about the criteria HAB uses to adjudicate humanitarian parole applications could help applicants decide whether the expenditure of time and the \$305 application fee would be appropriate and what types of evidence are

needed to help ensure HAB makes an informed decision. Without this additional information, applicants may lose time and money applying for humanitarian parole and HAB's workload may be increased unnecessarily, straining its already limited staff.

Recommendations for Executive Action

To help ensure that HAB is able to process applications for humanitarian parole consistent with its own policies and procedures and to help ensure applicants understand the humanitarian parole rules and processes, we recommend that the Secretary of DHS direct the Director of USCIS to take the following three actions

- coordinate with the HAB Branch Chief to determine the number of staff HAB needs to process humanitarian parole applications in accordance with its policies and procedures and assign them to HAB;
- develop a formal training program curriculum on adjudication of humanitarian parole cases for new and detailed staff; and
- revise USCIS's Web site instructions for humanitarian parole to help ensure that applicants understand the need to first exhaust all other immigration avenues and the criteria HAB uses to adjudicate humanitarian parole applications.

Agency Comments and Our Evaluation

We provided a copy of a draft of this report to DHS for comment. In commenting on our draft report, DHS stated that it concurred with our recommendations and that it has begun taking actions to implement each of them. DHS stated that the HAB is finalizing a comprehensive staffing assessment for review by USCIS and that, in the short-term, HAB has made interim arrangements to have experienced USCIS staff assist its staff. DHS stated that USCIS intends to implement a formal humanitarian parole training program during fiscal year 2008 and that the program would offer an orientation process for all staff members responsible for processing humanitarian parole applications. Last, DHS stated that USCIS will undertake a thorough review of the Web site and make appropriate modifications, including but not limited to the development of a frequently-asked-questions section, and that these modifications would be implemented during fiscal year 2008.

We are sending copies of this report to the Secretary of Homeland Security, the Secretary of State, the Director of the Office of Management and Budget, and interested congressional committees. We will also make

copies available to others on request. In addition, this report will be available at no charge on the GAO Web site at <http://www.gao.gov>.

If you or your staff have any questions concerning this report, please contact me at (202) 512-8777 or by e-mail at stanar@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix IV.



Richard M. Stana
Director, Homeland Security and
Justice Issues

Appendix I: Objectives, Scope, and Methodology

This report addresses U.S. Citizenship and Immigration Service's (USCIS) Humanitarian Assistance Branch's (HAB) policies and procedures for adjudicating applications for humanitarian parole. Specifically, we answered the following questions: (1) What are the characteristics of those who applied for and were either granted or denied humanitarian parole since fiscal year 2002 and did approval and denial rates differ according to these characteristics or the adjudicator assigned? (2) What internal controls has HAB designed to adjudicate humanitarian parole applications and to what extent did HAB adhere to these internal controls when processing humanitarian parole applications? We performed our work at HAB's office in Washington, D.C.

To determine the characteristics of those who applied for and were either granted or denied humanitarian parole since fiscal year 2002 and what differences, if any, there were in grant or denial rates according to these characteristics or the adjudicator assigned, we obtained and analyzed data from DHS's Parole Case Tracking System (PCTS), a database that contains computerized records of all individuals whose applications for humanitarian parole have been approved, denied, suspended, terminated, or are pending. We analyzed the data on the 8,748 cases that were either approved or denied from October 1, 2001, through June 30, 2007, the cutoff date necessary to ensure that the cases under review had been fully adjudicated and closed. PCTS is a database that was carried over from the (former) Immigration and Naturalization Service (INS) to DHS, when the latter was formed and absorbed the INS. The PCTS is now maintained by HAB. PCTS contains no interfaces to any external computer or communication systems.

To determine the reliability of PCTS data, we compared the data in PCTS with the information contained in a sample of hard-copy humanitarian parole applications. While the HAB keeps indefinitely humanitarian parole applications that were approved, the HAB only keeps for 6 months those that were denied. Therefore, to include both approvals and denials in our sample, we selected a stratified probability sample of 145 cases from the 544 cases that were either approved or denied from March 1, 2007, through June 30, 2007, to evaluate data reliability for this period.

The results of our data verification were as follows:

- We sampled 74 denied cases from the population of 378 denied cases and found no errors.
- We sampled 71 granted cases from the population of 166 granted cases during this period and found no errors.

Because we found no instances of error between the data in PCTS and the underlying hard-copy applications, we are 95 percent confident that the frequency of these errors would be less than 4 percent for both the granted and the denied cases for the time period we reviewed. Therefore, we consider the results of our analyses using data from DHS's PCTS to yield accurate representations of the distribution of humanitarian parole grant and denial decisions by applicant characteristics and by adjudicator. We also consider the results of our analyses using PCTS data to yield accurate representations of time frames for adjudicating humanitarian parole applications and of reasons for denial of humanitarian parole applications.

Data Analysis

We performed comprehensive analyses on PCTS data covering the period from October 1, 2001 through June 30, 2007. Our analyses included

- the distribution of humanitarian parole grant and denial decisions by applicant age, gender, and country of residence;
- distribution of grant and denial decisions by reason for request and reason for denial;
- distribution of grant and denial recommendations by adjudicator; and
- time frames required for adjudication (calendar days).

Specifically, we summarized data on the number of applications approved or denied humanitarian parole from October 1, 2001, through June 30, 2007. To determine whether there were any differences in the demographic characteristics among those granted or denied humanitarian parole, we analyzed key demographic characteristics of the applicants (i.e., age, gender, and country of origin). We also examined whether there were any differences in the approval and denial rates between specific adjudicators

To examine the reasons for requesting humanitarian parole and the reasons for which applicants were denied, we selected a stratified probability sample of 462 cases from fiscal year 2002 through June 30, 2007, and performed content analyses on these cases. The sample strata were defined in terms of time period and whether the request was denied or granted. Table 10 summarizes the population of humanitarian parole cases and our sample selected for the content analyses.

Table 10: Sample Population Used for Content Analyses

Type of Humanitarian Parole Case	Time Period	Population	Sample Size
Denied	10/01/01 to 2/28/07	6,238	131
Denied	3/1/07 to 6/30/07	377	149
Total Denied		6,615	280
Granted	10/01/01 to 2/28/07	1,972	122
Granted	3/1/07 to 6/30/07	161	60
Grand Total		8,748	462

Source: GAO.

We performed a content analysis of the reasons for the requests contained in the text boxes on all 462 applications. We then categorized the explanations in the text boxes for requesting humanitarian parole into four major categories: (1) life-threatening medical emergencies; (2) family reunification for compelling humanitarian reasons; (3) emergent, defined by the HAB guidelines as including the need to visit an ill family member, or to resolve matters associated with the death of a relative, or to attend a funeral; and (4) “other,” such as a caregiver needed to care for someone in the United States. These categories are in the protocols that HAB adjudicators use in making their recommendations. We confirmed these categories with HAB.

To determine the reasons for which applicants were denied humanitarian parole, we reviewed the 280 cases in our sample in which the applicant was denied humanitarian parole and performed a content analysis of the explanations for denial of parole contained in the text boxes. We then categorized the explanations for denials contained in these text boxes into 10 categories. HAB officials agreed that these 10 categories represented the reasons for denial. They noted that because their decisions are discretionary, none of these reasons are in and of themselves automatically disqualifying. Rather, these are the reasons cited in the text boxes found in the probability sample as the basis of the reasoning by the HAB adjudicators as leading to their denial recommendation. The 10 categories were:

- The applicant had not exhausted alternative immigration processes available to them and for which they might have been eligible, such as obtaining a visa, absent urgent circumstances that made it impractical to do so.

- The applicant provided no evidence supporting an emergent condition, such as a death certificate in the case where the request was to attend a funeral.
- The applicant provided no or inadequate evidence to support the reason for the request for humanitarian parole, such as a claimed medical emergency.
- The applicant had committed a prior immigration violation or other criminal violation.
- The purpose of the parole was not temporary in nature. That is, HAB believed that the applicant intended to stay in the United States beyond the duration of a parole period.
- Other family members already in the United States could provide care to the person intended to benefit from the presence of the applicant.
- The needed medical treatment was available outside the United States.
- There was insufficient evidence of adequate financial support to prevent the applicant from becoming a public charge while in the United States.
- The applicant provided no proof of familial relationship in cases where a family relationship was claimed as the basis of the application.
- Other: This was for applications that did not fall into the other categories. For example, other cases included when a person already approved for humanitarian parole mistakenly applied to HAB for an extension of the parole period rather than apply with a local USCIS district office. Another example was when an applicant for lawful permanent residency left the United States without first obtaining the needed permission from USCIS and then applied for humanitarian parole to re-enter the United States, a situation that is not valid grounds for humanitarian parole.

In recommending that an application be denied, adjudicators sometimes cited more than one reason in explaining their recommendation. Therefore, we counted all reasons cited by the adjudicators in the PCTS text boxes.

Because we followed a probability procedure based on random selections, our sample is only one of a large number of samples that we might have

drawn. Since each sample could have provided different estimates, we express our confidence in the precision of our particular sample's results as a 95 percent confidence interval (e.g., plus or minus 8 percentage points). This is the interval that would contain the actual population value for 95 percent of the samples we could have drawn. As a result, we are 95 percent confident that each of the confidence intervals in this report will include the true values in the study population. For example, we estimate that 49 percent of requests were for family reunification for compelling humanitarian reasons, so we are 95 percent that for the entire population of requests, between 41 and 57 percent of the time family reunification for compelling humanitarian reasons was the reason for requesting humanitarian parole.

Estimates from this sample are to the population of humanitarian parole cases processed by DHS (or its precursor, the Immigration and Naturalization Service) from October 1, 2001, through June 30, 2007. The 8,748 applications contained in the PCTS data through June 30, 2007, provided by DHS represent 100 percent of the application cases either granted or denied within the Humanitarian Parole program at the time of our analysis.

To determine what internal controls HAB designed to adjudicate humanitarian parole applications and to what extent HAB adhered to these internal controls when processing humanitarian parole applications, we obtained HAB policies and procedures and compared them with standards for internal control in the federal government and other internal control guidance related to control activities, staffing levels, training, and communication with external clients. In assessing the adequacy of internal controls, we used the criteria in GAO's *Standards for Internal Control in the Federal Government*, [GAO/AIMD 00-21.3.1](#), dated November 1999. These standards, issued pursuant to the requirements of the Federal Managers' Financial Integrity Act of 1982 (FMFIA), provide the overall framework for establishing and maintaining internal control in the federal government. Also pursuant to FMFIA, the Office of Management and Budget issued Circular A-123, revised December 21, 2004, to provide the specific requirements for assessing the reporting on internal controls. Internal control standards and the definition of internal control in Circular A-123 are based on GAO's *Standards for Internal Control in the Federal Government*. We also used the guidance contained in *Internal Control Management and Evaluation Tool*, [GAO-01-1008G](#), dated August 2001. In addition, we tested compliance with two internal controls—that at least two adjudicators reviewed each case, and that a signature of the HAB Branch Chief or a designee existed—for each of the 145 cases selected for

our validation sample. From this review, we found no instances of noncompliance with the internal controls. This means that we are 95 percent confident the frequency of this type of noncompliance would be less than 4 percent for the both the granted and the denied cases for the time period we reviewed. Based on this review, we concluded that these internal controls are effective.

Structured interviews with Attorneys and Representatives

To obtain a more complete understanding of the humanitarian parole process, we interviewed accredited representatives (non-attorneys accredited to represent aliens before immigration courts) of 2 non-profit groups that have handled humanitarian parole cases—Catholic Charities USA and the Hebrew Immigrant Aid Society (HIAS)—as well as 10 private attorneys who are members of the American Immigration Lawyers Association (AILA). The 12 individuals we interviewed collectively had assisted with 20 humanitarian parole applications since 2000. We asked each of these individuals a similar set of questions about their experiences with the application process. Additionally, we asked them to describe aspects of that process that worked well and to identify areas where they felt it could be improved. Because these individuals and groups were selected using nonprobabilistic methods, conclusions drawn from these interviews cannot be generalized to the immigration law community.

Appendix II: Major Reasons for Humanitarian Parole Requests and Factors HAB Considers when Adjudicating Applications

The HAB has a protocol document that states in general, that HAB looks at the totality of the circumstances when reviewing requests for humanitarian parole. The protocol also describes broad reasons for humanitarian parole applications and lists factors within these that HAB may consider in determining parole eligibility. According to its protocols, HAB determines whether the reasons given in the requests are urgent or an emergency compared to other seemingly similar requests.

The following information does not constitute a comprehensive list of factors included in the protocol, but rather provides examples of the types of factors HAB considers.

Medical Requests: In considering medical requests, HAB adjudicators are to carefully review the application, supporting documentation, and other resources to determine among other factors

- the nature and severity of the medical condition for which treatment is sought;
- whether or not the requested treatment is available in the home or neighboring country; and
- the medical verification of the need of the prospective parolee.

Family Reunification: Regarding family reunification, HAB will consider many elements, such as

- whether the request is designed to circumvent the normal visa issuance process;
- evidence of a bona fide relationship between the applicant and claimed relatives in the United States; and
- the age and mental and/or physical limitations of the family member who is seeking to be paroled into the United States.

“Emergent” requests: Emergent conditions that the HAB considers include: humanitarian situations, such as visiting dying family member; the need to attend a funeral; or resolution of matters associated with the death of a family member. In addition, according to PHAB protocols, the agency considers

- evidence of a bona fide relationship;
- Medical documentation supporting the prognosis of the family member, or death certificate (when a relative has died); and
- whether there are no other next of kin residing in the United States who can provide emotional support or settle an estate.

Appendix II: Major Reasons for Humanitarian Parole Requests and Factors HAB Considers when Adjudicating Applications

Other Humanitarian Requests: Humanitarian parole is a discretionary decision that inherently permits the HAB to consider any circumstances brought to its attention by the applicant. HAB protocols note that while every situation is “emergent” to the applicant and/or sponsor, many requests for humanitarian parole are for the convenience of the applicant and/or sponsor.

Appendix III: Comments from the Department of Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

January 28, 2008

Mr. Richard M. Stana
Director
Homeland Security and Justice Issues
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Stana:

Thank you for the opportunity to review and comment on the Government Accountability Office's (GAO's) draft report GAO-08-282 entitled *Immigration Benefits: Internal Controls for Adjudicating Humanitarian Parole Cases are Generally Effective but Some Can Be Strengthened*.

The Department of Homeland Security would like to thank GAO for its due diligence and thoroughness in the preparation of this report. Overall, this report provides an accurate description of the process, internal controls and the challenging responsibilities of U.S. Citizenship and Immigration Services' (USCIS') Humanitarian Assistance Branch (HAB).

To enhance the humanitarian parole process, the GAO issued the following three recommendations addressed to the Director of USCIS. USCIS agrees with these three recommendations and has begun to take action to implement the recommended actions, as detailed below.

Recommendation 1: Coordinate with the HAB Branch Chief to determine the number of staff HAB needs to process humanitarian parole applications in accordance with its policies and procedures and assign them to HAB.

The Humanitarian Assistance Branch is finalizing a comprehensive staffing assessment for review by USCIS leadership. As a short-term strategy, HAB has made interim arrangements to have experienced USCIS staff assist in processing this time-sensitive and critical workload.

www.dhs.gov

GAO Recommendation 2: Develop a formal training program curriculum on adjudication of humanitarian parole cases for new and detailed staff.

USCIS intends to implement a formal Humanitarian Parole (HP) training program during Fiscal Year 2008. Such a program would offer a streamlined, consistent, orientation process for all staff members, permanent or detailed, who will be responsible for processing HP requests.

Recommendation 3: Revise USCIS' website instructions for humanitarian parole to help ensure that applicants understand the need to first exhaust all other immigration avenues and the criteria HAB uses to adjudicate humanitarian parole applications.

While USCIS agrees that various modifications can be made to the USCIS website to provide additional clarity and further guidance to the public, USCIS is also mindful that HP, as defined by statute, involves the application of discretion and a careful assessment of unique case circumstances. In light of this adjudicatory foundation, the criterion typically applied in HP adjudications is not static in nature, and the case-by-case review process challenges the development of any bright-line adjudicative criteria. Nonetheless, to ensure that the public has sufficient information on the HP Program, USCIS will undertake a thorough review of its website and make the appropriate modifications, including but not limited to the development of a Frequently Asked Questions section (complete with corresponding answers). USCIS intends to implement these modifications during Fiscal Year 2008.

Thanks you again for the opportunity to comment on this draft report and we look forward to working with you on future homeland security issues.

Sincerely,


Steven J. Pecinovsky
Director
Departmental GAO/OIG Liaison Office

Appendix IV: GAO Contact and Staff Acknowledgments

GAO Contact

Richard M. Stana (202) 512-8777 or StanaR@gao.gov

Staff Acknowledgments

In addition to the contact listed above, Michael P. Dino, Assistant Director; David P. Alexander; Richard J. Ascarate; Frances Cook; Michelle Cooper; Shawn Mongin; Mark Ramage; Jerome T. Sandau; John G. Smale, Jr.; Jonathan R. Tumin; and Derek Updegraff made key contributions to this report.

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