

Parole Request Outline

USCIS
Attn: HP
2501 S. State Hwy 121, Business
Suite 400
Lewisville, TX 75067

RE: CLIENT: U Visa Derivative on Waitlist
Form I-131: Request for Parole Pursuant to 8 CFR 214.14(d)(2)
FEE WAIVER Requested

Dear USCIS Officer,

This is a request for parole issuance to [CLIENT], who have received conditional approval of U derivative status and currently reside in [COUNTRY]. She is the minor daughter of U principal applicant [NAME OF PRINCIPAL], who resides in CITY, STATE and has been placed on the U visa waitlist. Parole is requested to allow [CLIENT] to travel to the U.S. and reunite with her mother. In these cases, parole is warranted for the following reasons:

I. 8 CFR 214.14(d)(2) Directs USCIS to grant Deferred Action or Parole to U-1 Applicants and Family Members on the Waiting List

The regulations relating to U status and U visa processing have specific and clear language relating to the steps USCIS must take when adjudicating U applications after the annual cap has been met. These steps, detailed in 8 CFR 214.14(d)(2) *require* USCIS to place all eligible petitioners on a waitlist and to grant deferred action *or parole* to U-1 petitioners and qualifying family members while they are on the waiting list.

This regulatory directive necessarily means that U waitlist applicants are all persons who have urgent humanitarian reasons and/or significant public interest circumstances justifying parole. Pursuant to INA §212(d)(5), parole may only be granted in circumstances involving humanitarian or significant public interest concerns. By incorporating a parole mandate in the regulations, the assessment that one or both of these circumstances exist has already been made. .

This regulatory directive is extremely important in this present case, as it will allow [NAME OF PRINCIPAL], a victim of X crime, to be reunited with [his/her] family, thus contributing to [his/her] safety and healing. Although we have detailed below the specific compelling humanitarian and significant public interest circumstances supporting parole issuance to these children, it should not be necessary to establish such circumstances in order for parole to approved for any U waitlist applicants abroad

II. Additional Humanitarian and Significant Public Interest Circumstances Justify Issuance of Parole

Parole as illustrated in INA §212(d)(5) is granted on a case-by-case basis for “urgent humanitarian reasons” or “significant public benefit.”¹

A. Significant Public Benefit

There is a significant public benefit of those who are victims of crimes and who have helped in the investigation or prosecution of those crimes to be reunited with their family members. USCIS itself has recognized the significant public interest and the availability of parole for victims of crimes and their families. 8 CFR § 214.14(d)(2), for instance, states that USCIS “**will grant deferred action or parole** to U-1 petitioners and qualifying family members while the U-1 petitioners are on the waiting list” Moreover, former-Director of USCIS Director Alejandro Mayorkas (now Deputy Secretary of DHS) has stated,

*The U-visa is an important tool aiding law enforcement to bring criminals to justiceAt the same time, we are able to provide immigration protection to victims of crime and their families. **Both benefits are in the interest of the public we serve.***²

Granting parole to [CLIENT's] derivative (insert derivative's name) fulfills this objective

By conditionally approving PRINCIPAL’s U visa application, USCIS has recognized that [PRINCIPAL] was a victim of a qualifying crime, suffered harm as result, and cooperated in the investigation and prosecution of that crime, thus making [his/her] community a safer place. PRINCIPAL’s derivatives are in [Country] and PRINCIPAL is desperate to be reunited with them in order to begin to heal from this event. Parole is necessary in this case in order to support victims coming forward to report the crimes committed against them.

[IF relevant] CIS already decided it was in the public interest to grant conditional status to PRINCIPAL’s] despite inadmissibility based on [insert public interest arguments from waiver request]

PRINCIPAL was helpful to law enforcement in the following ways (insert facts)

PRINCIPAL needs family support in the following ways as [he/she] describes in the attached statement:

B. Humanitarian Grounds

¹ 8 CFR §212(d)(5)

² Press release, USCIS Reaches Milestone for Third Straight Year: 10,000 U Visas Approved in Fiscal Year 2012” (emphasis added) (available at: <http://www.uscis.gov/news/uscis-reaches-milestone-third-straight-year-10000-u-visas-approved-fiscal-year-2012>)

Describe circumstances of PRINICIPAL's victimization and trauma and the hardship PRINICIPAL faces without derivative.

Describe circumstances of derivative back home including danger to derivative, derivatives's family, health problems, etc.

Documents included:

- Form G-28 for CLIENT (and/or Derivatives]
- Form I-134 and supporting documents
- Form I-131 and filing fee; [If not submitting, see ASISTA practice advisory]
- Statement of CLIENT;
- Document showing relationship between CLIENT and DERIVATIVE (marriage certificate, birth certificate, etc.)
- Copy of CLIENT's conditional grant/deferred action notice
- Copy of CLIENT's passport
- Statement of CLIENT
- Statement of DERIVATIVE
- Other supporting Statements/Declarations to show need for family reunification
- Medical documentation, if applicable, to show hardship to client

Thank you for your consideration of this application.

Sincerely Yours,

Legal Representative