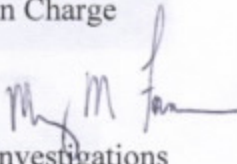




U.S. Immigration  
and Customs  
Enforcement

AUG - 8 2006

MEMORANDUM FOR: All Deputy Assistant Directors  
All Special Agents in Charge  
All ICE Attachés

FROM: Marcy M. Forman   
Director, Office of Investigations

SUBJECT: Interim Policy and Guidelines for Immediate Assumption of  
Significant Public Benefit Parole Responsibilities

Purpose

To address the transition of responsibilities regarding Significant Public Benefit Paroles (SPBPs), previously performed by the U.S. Citizenship and Immigration Service (USCIS), to the Office of Investigations (OI).

Background

On May 9, 2005 and September 22, 2005, former U.S. Immigration and Customs Enforcement (ICE) Assistant Secretary Michael J. Garcia and former U.S. Customs and Border Protection (CBP) Commissioner Robert J. Bonner approved SPBP protocols for law enforcement agencies (LEAs) regarding the parole of aliens into the United States for law enforcement purposes. These protocols provide procedures to be followed by ICE, CBP and LEAs for the request and approval of paroles for law enforcement purposes and designates ICE and CBP as the Department of Homeland Security (DHS) agencies with management oversight of the protocols. USCIS has only agreed to continue to process law enforcement sensitive requests for benefits, such as applications for employment authorization documents related to SPBP.

To ensure uniformity in applying the procedures, the Investigative Services Division (ISD) has drafted interim guidance to be followed by OI field offices, addressing and detailing procedures regarding the approval, tracking and termination of paroles in accordance with the approved SPBP protocol, included as an attachment. These interim guidelines will be adhered to until an ICE directive regarding the same is issued to all ICE components.

Discussion

Effective immediately, Special Agents in Charge (SACs) will assume the oversight of the ICE SPBP program as it pertains to parolees within their areas of responsibility (AOR). SACs will

assume responsibility for the approval of requests for SPBP originated by ICE Special Agents. State and local LEAs will submit SPBP applications through their local SAC office. After concurrence of the SPBP, the SAC office will forward the state/local LEA request to the Parole and Humanitarian Assistance Branch (PHAB), Office of International Affairs for approval. SAC oversight of the SPBP program will include preparation of the Form I-94 (Arrival-Departure Record), preparation of the Form I-512 (Authorization for Parole of an Alien), and control and maintenance of the A-Files for all individuals within a SAC's AOR who are paroled into the United States for law enforcement purposes. SACs will also be responsible for providing such services to other federal, state and local LEAs within their AOR. Additionally, SACs will review all parole requests by all federal LEAs and provide a recommendation before approval.

In support of these responsibilities, the ISD, in coordination with USCIS, is in the process of procuring new parole entry stamps for all field offices. The stamp will be a DHS stamp that shall be utilized by all components with parole authority within the Department. The process to acquire the parole stamps for field offices is currently in the procurement phase. Therefore, the ISD has coordinated, with USCIS, the transfer of parole stamps to OI field offices on a temporary basis. USCIS will also provide local training as needed to facilitate the full implementation of the approved SPBP protocols. Attached you will find step-by-step instructions on how to complete the Form I-94 and Form I-512.

USCIS has designated a point of contact (POC) in each USCIS office (see attached list of POCs) to assist in the transition process. All OI field offices should immediately coordinate with their local USCIS POC regarding the transfer of available parole stamps from the USCIS POC to the SAC Parole Coordinator. Note that USCIS' inventory of parole stamps will not be sufficient to supply all OI field offices. Due to the limited inventory, SAC offices should prioritize supplying available parole stamps only to those Resident Agent in Charge (RAC) offices that are not within commuting distance from their respective SAC office.

All ICE Attachés will assume responsibility for the issuance of Form I-512s for SPBPs approved by the SACs and the PHAB for law enforcement purposes. In foreign locations, the USCIS Officer in Charge (OIC) will share the necessary supplies with the ICE Attaché Office and will provide additional training as needed. All Attachés should immediately coordinate with their local USCIS OIC to arrange the process of sharing of all necessary materials.

If you have any questions regarding the overall transition process and implementation of the ICE SPBP program you may contact Section Chief (b)(6) (b)(7)(C) at 202-353-(b)(6); (b)(7)(C) or via email at (b)(6); (b)(7)(C)@dhs.gov.

Attachments