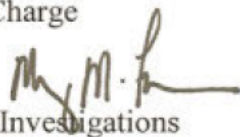




U.S. Immigration
and Customs
Enforcement

JUN 27 2006

MEMORANDUM FOR: Special Agents in Charge

FROM: Marcy M. Forman 
Director, Office of Investigations

SUBJECT: Accountability of U.S. Immigration and Customs Enforcement
(ICE) Significant Public Benefit Paroles

A Significant Public Benefit Parole (SPBP) is a temporary status used to bring alien cooperators, and in some cases their immediate family members, into the United States for law enforcement purposes (i.e. debriefing, court testimony, operational issues, or for the safety of an individual based on a threat assessment). SPBPs are intended for **short-term** paroles only.

In March 2005, I delegated parole authority to Office of Investigations (OI), Special Agents in Charge (SAC) and Resident Agents in Charge (RAC). As a result, SACs and RACs have the authority to initiate or continue the practice of authorizing SPBPs and the responsibility to ensure individuals who are granted parole are accounted for and appropriately removed from the United States when their parole expires.

The Office of International Affairs, Parole and Humanitarian Assistance Branch (PHAB) provides oversight of the ICE SPBP program. In order to ensure that ICE can account for all SPBPs that were approved by the ICE Headquarters PHAB and the OI field offices, you are to complete all of the following:

1. Designate an Assistant Special Agent in Charge (ASAC) at your SAC office to be the SPBP coordinator to liaison with PHAB on all parole cases. Responsibilities will include oversight and coordination of your office's review of all parole cases (Field or HQ approved) within your SACs area of responsibility (AOR) as well as oversight of all future parole-related requests and tasks. No later than June 30, 2006, submit the name, phone, fax and e-mail address for your ASAC coordinator to PHAB via email addressed to Program Manager (b)(6); (b)(7)(c) at (b)(6); (b)(7)(c)@dhs.gov.
2. Conduct a 100 % physical inventory of all authorized SPBPs in your AOR. This will include all SPBPs authorized at the field level by the SAC or RAC for ICE and for other law enforcement agencies (LEA) as well as those SPBPs approved by the Headquarters PHAB. You are to complete this inventory by August 1, 2006.

3. Submit to PHAB a report detailing your findings on the current status of all SPBPs in your AOR. The report must identify all paroles that are noncompliant with the SPBP Protocol. Attached is a list of the current noncompliant SPBPs that have been identified in the PHAB (b) (7)(E) [REDACTED]. However, PHAB is aware that some SPBPs may have been approved by the field but not have been reported to HQ. Therefore, your list may include more than those identified in the attached report. Submit your report to Program Manager (b)(6); (b)(7)(c) [REDACTED] at (b)(6); (b)(7)(c) [REDACTED]@dhs.gov by August 1, 2006.

At the completion of this review and shortly after receipt of your report, the PHAB will coordinate with your SPBP ASAC to resolve any outstanding parole issues. In the future, your SPBP coordinator will receive monthly updates from PHAB on the status of cases that are in your AOR.

It is important that all parolees are maintained in a current parole status as mandated by the SPBP protocols. The SAC will also be notified of any ICE authorized SPBPs for which no re-parole (extension) information was forwarded to PHAB as required in the SPBP Protocol. In these cases, the SAC will be asked to provide the information prior to cancellation of the parole status. However, paroles authorized for outside LEAs that are out of status for more than 30 days will be terminated by PHAB and if the terminated parole is in your SAC office AOR, your ASAC coordinator will receive a request to issue a Notice to Appear (NTA).

The PHAB notes that SAC/RAC offices should only approve extensions (re-paroles) for ICE authorized SPBPs after a careful assessment of each case and a complete evaluation of the benefit to the government and the merits of the current ongoing investigation. Please bear in mind that a SPBP is a temporary law enforcement tool and should not be used to circumvent immigration law and/or policies.

PHAB will conduct semi-annual reviews of all approved and denied SPBPs to ensure authorizations or denials are being adjudicated in accordance with applicable laws, policy and Congressional intent. PHAB will report their findings initially to the SAC and SPBP coordinator for corrective action. Periodic reports will also be sent to the Director's office for review.

The new SPBP Protocol will be forthcoming along with additional guidance on the policies and procedures.

Thank you for your cooperation on this important matter and for your offices close cooperation with the PHAB to ensure ICE quickly enhances its oversight of the SPBP Program. Questions concerning this matter should be directed to (b)(6); (b)(7)(c) [REDACTED] PHAB Unit Chief, at (202) 732- (b)(6); (b)(7)(c) [REDACTED] or via email at (b)(6); (b)(7)(c) [REDACTED]@dhs.gov or (b)(6); (b)(7)(c) [REDACTED] PHAB Program Manager, at (202) 732- (b)(6); (b)(7)(c) [REDACTED] or via email at (b)(6); (b)(7)(c) [REDACTED]@dhs.gov.

Attachment: Overdue Parole list by File Control Office.