

JUNE 30, 2015

## USING PAROLE FOR FAMILY REUNIFICATION OF FILIPINO WAR VETERANS

*Beyond prosecutorial discretion, the Obama Administration can use the parole power as a way to overcome the family separation created by visa backlogs for urgent humanitarian reasons*

By Purna Lal

**W**hen Art Caleda donned the colors of the U.S. military uniform to serve in World War II in the 1940s, he was promised by then President Franklin Roosevelt that after the war, the United States would provide him, and the other Filipino nationals who served with him, U.S. citizenship and full veterans benefits.<sup>1</sup>

Unfortunately, the United States failed to keep its promise. For decades, thousands of Filipino veterans who served in World War II were denied official recognition and veteran benefits. To right this wrong, and after much litigation, Congress enacted § 405 of the Immigration Act of 1990, Public Law 101-649 (“IMMACT”) in 1990, to extend eligibility for United States citizenship to these aging Filipino veterans.<sup>2</sup> This late measure enabled 30,000 Filipino war vets to finally immigrate to the United States.<sup>3</sup>

However, no allowance was made for their children, and the Filipino war veterans had to individually sponsor their children who were residing in the Philippines. As soon as he received citizenship, in 1996, Art Caleda, now in his 90s, petitioned for his three sons to join him in the United States.<sup>4</sup> Alas, it has been almost twenty years since then, and he is still waiting to reunite with his children.<sup>5</sup>

Due to the overwhelming visa backlog, many of these Filipino war veterans have now passed away, without having the chance to reunite with their families still

---

<sup>1</sup> David Nakamura, *Filipinos Who Fought to Aid U.S. in World War II Still Await Green Cards for Grown Children*, WASH. POST (Jan. 3, 2015), [http://www.washingtonpost.com/politics/filipinos-who-fought-to-aid-us-in-world-war-ii-still-await-green-cards-for-grown-children/2015/01/03/a370e704-913d-11e4-ba53-a477d66580ed\\_story.html](http://www.washingtonpost.com/politics/filipinos-who-fought-to-aid-us-in-world-war-ii-still-await-green-cards-for-grown-children/2015/01/03/a370e704-913d-11e4-ba53-a477d66580ed_story.html) [hereinafter Nakamura]

<sup>2</sup> See Immigration Act of 1990 Pub. L. No. 101-649, 104 Stat. 4978 (1990).

<sup>3</sup> Ken McLaughlin, *World War II Filipino Veterans on the Verge of Getting Full U.S. Military Benefits*, SAN JOSE MERCURY NEWS (May 16, 2008), [http://www.mercurynews.com/ci\\_9286566?source=rss](http://www.mercurynews.com/ci_9286566?source=rss).

<sup>4</sup> Nakamura, *supra* note 1.

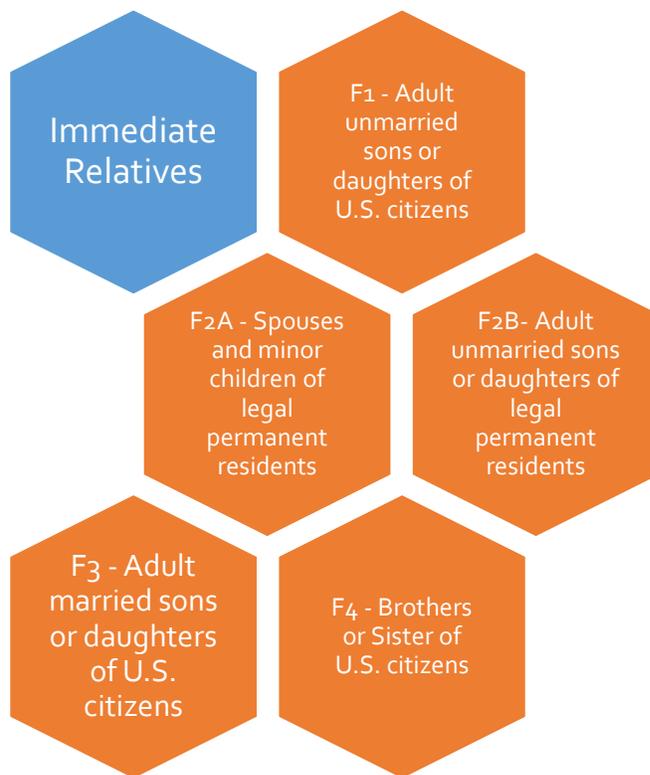
<sup>5</sup> *Id.*

living in the Philippines. Of the 250,000 Filipino vets of World War II, less than 40,000 are still alive.<sup>6</sup> The few thousand war veterans who live in the United States continue to be separated from their children, and other relatives, left behind in the Philippines.

## IMMIGRANT VISA BACKLOG LEAVES MANY IN LIMBO

Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000 and an annual limit of 140,000 for employment based visas.<sup>7</sup> For years now, this allotment has failed to cover all of the family-based and employment-based applicants seeking permanent residence.

For family-based immigration, individuals must fall into one of two groups: “immediate relatives” or a “family preference category.” The INA limits the definition of immediate relatives to the spouse, child under 21 and parents of U.S. citizens 21 and older. Persons who fall within the immediate relative category do not typically have to wait to apply for a visa to immigrate to the United States.



However, there are five family preference categories, as demonstrated in the chart above. If an individual falls within any of the family preference categories, she or

<sup>6</sup> Momar G. Visaya and Allyson Escobar, *Lawmakers Introduce Bill to Help Filipino Veterans Receive Deserved Benefits*, ASIAN JOURNAL (Jan. 15, 2015), <http://asianjournal.com/news/lawmakers-introduce-bill-to-help-filipino-veterans-receive-deserved-benefits/>.

<sup>7</sup> See 8 U.S.C. § 1151.

he can expect to wait a significant amount of time before she or he can even apply for admission to the United States.

This is due to the fact that the law sets numerical limits on how many people can come to the United States through the family preference categories each year, along with numerical limits on each preference category. For example, typically only 23,400 individuals who fall into the F1 category (unmarried adult sons or daughters of a U.S. citizen) can immigrate to the United States each year.<sup>8</sup> Immigration to the United States via the family preference categories is further limited by the fact that each country is only allowed seven percent of visas in each preference category,<sup>9</sup> which means that only seven percent of the 23,400 can come from the Philippines.

These numerical limits have created a backlog of applications in the family preference categories because the demand for visas each year exceeds the availability of visas. According to the Department of State's Annual Immigrant Visa Waiting List published in November 2014, over 4.2 million family members of U.S. citizens and lawful permanent residents are waiting in line to join their families in the United States.<sup>10</sup>

Given that the family-sponsored preference limit is capped at 226,000 a year, with 4.2 million applications backlogged, it would take many years to clear the backlog of family preference petitions. In particular, the family visa backlog is devastating for Asian Americans in the United States. Six of the top ten countries on the family-visa waiting list come from the Asian region: Philippines, India, Pakistan, Bangladesh, China, and Vietnam.<sup>11</sup> Together, these six countries comprise approximately 1.6 million of the 4.2 million immigrants waiting to join their families in the United States.<sup>12</sup> This means that almost one-third of potential immigrants to the United States are waiting in a long line to join Asian American families already living in the United States.

Moreover, the current backlog exacerbates family separation for countries such as the Philippines and China. For example, the number of visas available to the unmarried sons and daughters of lawful permanent residents from the Philippines is 1,838 per year (under the F-2B category).<sup>13</sup> However, the number of pending applications from the Philippines in this category is 50,298.<sup>14</sup> The length of time it would take to clear this backlog is 27.4 years. In other words, lawful permanent residents from the Philippines filing for their unmarried son or daughter today,

---

<sup>8</sup> See 8 U.S.C. § 1153.

<sup>9</sup> *Id.*

<sup>10</sup> ANNUAL REPORT OF IMMIGRANT VISA APPLICANTS IN THE FAMILY-SPONSORED AND EMPLOYMENT-BASED PREFERENCES REGISTERED AT THE NATIONAL VISA CENTER AS OF NOVEMBER 1, 2014, DEPARTMENT OF STATE, *available at* <http://travel.state.gov/content/dam/visas/Statistics/Immigrant-Statistics/WaitingListItem.pdf> [hereinafter DOS Report].

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> There are only 26,266 visas available each year under the F-2B category with a 7 percent per-country cap, which amounts to  $26,266 \times .07 = 1,838$ .

<sup>14</sup> DOS Report, *supra* note 10.

would need to wait 27 years their son or daughter to legally join them in the United States.

Even if they naturalize to enable their relatives to immigrate faster, the F-1 visa category (unmarried adult sons and daughters of U.S. citizens) is also oversubscribed by more than a decade. As a result, many Filipino war veterans who were granted citizenship in the 1990s due to their service to the United States, continue to be separated from their children abroad, and many have died awaiting family reunification.<sup>15</sup> It is mathematically impossible for many families stuck in the visa backlog to ever reunite.

## VISA MODERNIZATION THROUGH EXECUTIVE ACTION

The recent bipartisan Senate immigration legislation, S. 744, provided a way to clear this tremendous family-visa backlog within ten years. It reclassified spouses and minor children of legal permanent residents—currently in the 2A family preference category—as immediate relatives, allowing them to immediately reunite with their families.<sup>16</sup> It allowed certain family members to live and work in the U.S. as they await their visas.<sup>17</sup> Additionally, due to an amendment from Senator Mazie Hirono (D-Hawaii) while S.744 was before the Senate Judiciary Committee, the omnibus legislation also included a critical exemption for the children of Filipino war veterans from the long immigrant visa wait times.<sup>18</sup>

However, S. 744 stalled due to inaction by the House of Representatives. In response to this, and mounting public outcry about the pace of deportations, on November 20, 2014, President Obama announced a series of changes to the immigration system to be executed through memos issued by the Department of Homeland Security (DHS).<sup>19</sup> As part of the November 2014 executive actions, President Obama issued a presidential memorandum creating an interagency task force charged with recommending areas for improvement in the legal immigration system, including family and employment-based visas.<sup>20</sup> On January 29, 2015, Advancing Justice | AAJC, submitted detailed recommendations on the many ways that the Obama Administration can modernize the legal immigration system to streamline and improve the processing of certain visas.<sup>21</sup>

---

<sup>15</sup> Nakamura, *supra* note 1.

<sup>16</sup> See Border Security, Economic Opportunity, and Immigration Modernization Act, S. 744, 113th Cong. (2013).

<sup>17</sup> *Id.*

<sup>18</sup> *Senate Judiciary Committee Adopts Hirono Amendment That Reunifies Filipino World War II Veterans and Their Families*, MAZIE HIRONO: A VOICE FOR HAWAII IN THE U.S SENATE (May 21, 2013), <http://www.hirono.senate.gov/press-releases/senate-judiciary-committee-adopts-hirono-amendment-that-reunifies-filipino-world-war-ii-veterans-and-their-families>.

<sup>19</sup> DEP'T OF HOMELAND SEC., *Fixing Our Broken Immigration System Through Executive Action - Key Facts* (Jan. 5, 2015), <http://www.dhs.gov/immigration-action>.

<sup>20</sup> Office of the Press Secretary, *Presidential Memorandum – Modernizing and Streamlining the U.S. Immigrant Visa System for the 21st Century*, THE WHITE HOUSE (Nov. 21, 2014), <https://www.whitehouse.gov/the-press-office/2014/11/21/presidential-memorandum-modernizing-and-streamlining-us-immigrant-visa-s>.

<sup>21</sup> ADVANCING JUSTICE | AAJC, *Advancing Justice | AAJC Written Comments: Streamlining the Legal Immigration System* (Jan. 29, 2015), <http://www.advancingequality.org/news-media/publications/advancing-justice-ajc-written-comments-streamlining-legal-immigration>.

Of the many proposals submitted to this task force, a couple that have resonated with advocates include enabling the recapture of unused visas, and moving forward, not counting derivative family members in the preference categories as individuals but as members of a single family unit.<sup>22</sup> Another recommendation is to use parole power to allow certain admissible family members who are currently waiting in the backlog to live and work in the United States while they await their immigrant visas. The Obama Administration can take administrative action now to reunite these families by using a little known mechanism called parole.

## HISTORICAL USES OF PAROLE POWER

The Secretary of Homeland Security has the discretion to parole temporarily into the United States, under such conditions as she or he may prescribe, any non-citizen applying for admission.<sup>23</sup> The Secretary may exercise this discretion only on a case-by-case basis for “urgent humanitarian reasons” or “significant public benefit.” However, past administrations have used this executive authority to admit thousands of refugees and immigrants into the United States.<sup>24</sup>

At the end of World War II, the United States started practicing an ad hoc approach to refugee admissions because the existing immigration system proved insufficient for admitting large numbers of individuals facing humanitarian crises or other emergency situations. The Immigration Act of 1952 introduced the first provision codifying the Attorney General's parole authority.<sup>25</sup> Under INA § 212(d)(5)(A), executive parole power became the key instrument to facilitate the arrival of various foreign national groups who later adjusted their immigration status to permanent residence.

At no time was parole used as an invitation to avoid the normal requirements of immigration law. Rather, it was used in instances where the existing law fell short. One of the first uses of the parole power was to assist non-citizen orphan children in 1953. Under Section 5 of the Refugee Relief Act of 1953, Congress granted 4,000 special immigrant visas to orphans under the age of 10 who were adopted by U.S. citizens.<sup>26</sup> However, months before the expiration date of the program, the 4,000 cap had been reached, with many eligible orphans left without completed adoptions.<sup>27</sup> Responding to this emergency, President Dwight

---

<sup>22</sup> *Id.*

<sup>23</sup> See 8 U.S.C. § 1182(d)(5) (Supp. IV 1980); see also 8 C.F.R. § 212.5(a) (1982) (revised 1982). The Secretary is constrained to use the parole power only ‘for emergent reasons or for reasons deemed strictly in the public interest.’ INS regulations have authorized the DHS Secretary and the district directors to grant parole at virtually any stage in the exclusion process, from prior to inspection to after a finding of inadmissibility has been made.

<sup>24</sup> See IMMIGRATION POLICY CENTER, *Executive Grants of Temporary Immigration Relief, 1956-Present*, AMERICAN IMMIGRATION COUNCIL (Oct. 2 2014), <http://www.immigrationpolicy.org/just-facts/executive-grants-temporary-immigration-relief-1956-present>.

<sup>25</sup> Immigration and Nationality Act of 1952, Pub. L. No. 82-414, § 212(d)(5), 66 Stat. 163, 188 (1952) The parole power includes various humanitarian or public interest justifications, 8 CFR §212.5, as well as securing advance permission to return to the U.S. from certain sojourns abroad.

<sup>26</sup> See Refugee Relief Act of 1953, Pub. L. No. 83-203, 67 Stat. 400 (1953); ELIZABETH J. HARPER, *IMMIGRATION LAWS OF THE UNITED STATES* 511 (3d ed. 1975).

<sup>27</sup> See EDWARD P. HUTCHINSON, *LEGISLATIVE HISTORY OF AMERICAN IMMIGRATION POLICY: 1798-1965* 550 (1981); see also 1917 Immigration Act §20, as amended by §23, 64 Stat. 987 of the Act (Sept. 23, 1950).

Eisenhower paroled the remaining orphans into the custody of their adoptive or prospective parents.<sup>28</sup> Later, Congress passed legislation that allowed the paroled children to adjust their status to lawful permanent residence.<sup>29</sup>

Parole power was used extensively since then. Between November 1956 and June 1958, President Eisenhower's administration granted parole to 31,915 Hungarians who escaped their country after a failed uprising against the former Soviet Union.<sup>30</sup> Congress concurred with this practice by enacting the Act of July 25, 1958 to provide permanent residence to these refugees.<sup>31</sup> Presidents Kennedy, Johnson and Nixon also used parole power expansively to destabilize the Cuban regime and grant status to most of the 621,403 applications received by Cuban asylum seekers fleeing the revolution in Cuba.<sup>32</sup> President Kennedy and President Johnson also employed the parole power to parole over 15,000 Chinese nationals who fled Hong Kong in 1962.<sup>33</sup>

Following the Vietnam War, Presidents Ford and Carter also used executive parole to bring over 360,000 Indo-Chinese individuals from Vietnam, Cambodia, and Laos to the United States when the number of available conditional entries was vastly exceeded.<sup>34</sup> From 1972 until 1980, Soviet refugees also received parole when enough conditional entries were not available.<sup>35</sup>

Congress enacted The Refugee Act of 1980, which provided a more deliberate way to admit refugees from abroad. The Attorney General, and later the Secretary of DHS, retained authority under Section 212(d)(5) to parole non-refugees or individual refugees if "compelling reasons in the public interest" dictated parole.<sup>36</sup> From 1982 to 1997, the parole power regulations' list of situations for which the exercise of the parole authority is justified included "aliens who have close family relatives in the United States (parent, spouse, children, or siblings who are United States citizens or lawful permanent resident aliens) who are eligible to file, and have filed, a visa petition on behalf of the detainee."<sup>37</sup>

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 brought some sweeping changes to the parole power. Through the enactment of IIRIRA Section 602(a), Congress amended section 212(d)(5)(A) of the INA to allow the granting of parole on a case-by-case basis for "urgent humanitarian reasons" or where such a grant would result in a "significant public benefit." Following the statutory changes in 1996, the former Immigration and

---

<sup>28</sup> *Id.*

<sup>29</sup> Immigration and Nationality Act of September 11, 1957, Pub. L. No. 85-316, § 4(d), 71 Stat. 639, 710 (1957).

<sup>30</sup> George Springsteen, *Memorandum for Lieutenant General Brent Scowcroft, Waivers for Admission of Refugees* (Apr. 5, 1975) <http://fordlibrarymuseum.gov/library/document/0047/phw19750416-02.pdf>.

<sup>31</sup> Pub. L. No. 85-559, §2, 72 Stat. 419, 419-20 (1958).

<sup>32</sup> *Id.*

<sup>33</sup> 1966 Annual Report of the Immigration and Naturalization Service 7 (1966).

<sup>34</sup> *Refugees Arriving in the U.S.: 1956-1985*, 2 MIGRATION NEWS (1986); Act of Oct. 3, 1965, Pub. L. No. 89-236, § 3, 79 Stat. 911, 913 (1965) (codified at INA § 203(a)(7) (1966)).

<sup>35</sup> *Congress Considers Proposals to Increase Soviet Émigré Flow*, 66 No. 14 Interpreter Releases 397 (1989).

<sup>36</sup> 8 USC §1182(d)(5)(B).

<sup>37</sup> *See* Detention and Parole of Inadmissible Aliens Interim Rule, 47 Fed. Reg. 30044, 30045 (July 9, 1982).

Naturalization Service issued regulations that removed close family relatives from the list of generally acceptable exercises of parole authority.<sup>38</sup> However, the Attorney General, and now the Secretary of Homeland Security, retained the discretion to determine who to parole into the United States, and have continued to use this power sparingly.

Since the statutory change in 1996, the parole power has generally been used in the following ways:

<b><u>TYPE OF PAROLE</u></b>	<b><u>AUTHORIZED USE</u></b>
<b>Advance parole</b>	Authorization to travel abroad and return to the U.S. without triggering the unlawful presence bars
<b>Deferred inspection</b>	Parole granted to a non-citizen at the border where there is insufficient evidence for lawful admission but the non-citizen does not appear to be clearly inadmissible. In these cases, inspection is deferred until a later time.
<b>Humanitarian</b>	Parole for non-citizens with serious medical conditions who are either detained in the U.S. and subject to removal, or residing abroad and need to come to the U.S. for medical reasons
<b>Port of Entry (POE)</b>	Parole granted at port of entry
<b>Public Interest</b>	Parole that is typically granted for non-citizens serving as witnesses to legal proceedings or who are subject to legal prosecution in the U.S.
<b>Parole-in-Place</b>	Parole granted to persons already in the U.S. who entered unlawfully or without inspection

## PAROLE FOR THE FAMILY MEMBERS OF FILIPINO WAR VETERANS FOR URGENT HUMANITARIAN REASONS

Previous examples demonstrate that the parole power has been used extensively in humanitarian emergencies by executives from both parties. However, past presidents have also used the parole power in cases that prompted no real emergency other than to promote family reunification and provide legal avenues for expedited migration to the U.S. where none existed.

Perhaps nothing exemplifies this more than the public interest parole granted by President Clinton to Cuban preference visa beneficiaries on the immigrant visa waiting list in September 1994 who could not receive a visa by the end of fiscal

---

<sup>38</sup> Compare Detention and Parole of Inadmissible Aliens Interim Rule, 47 Fed. Reg. 30044, 30045 (1982) (including close family relatives), with Inspection and Expedited Removal of Aliens Interim Rule, 62 Fed. Reg. 10312, 10348 (Mar. 6, 1997) (removing close family relatives).

year 1995.<sup>39</sup> Such persons were paroled “no matter where their numbers would normally have come up.”<sup>40</sup> Parole was also offered to the unmarried sons and daughters of Cubans issued immigrant visas or granted refugee status, as well as to family members who resided in the same household.<sup>41</sup> According to the State Department under the Clinton Administration, parole was used in this specific case for political reasons: “to move from illegal and unsafe migration—the rafting—to legal, safe, reliable methods of migration.”<sup>42</sup> The United States continues to have in place various types of parole for Cuban nationals including, but not limited to, Special Cuban Migration parole, Cuban Family Reunification, parole for Cuban family of immigrant visa bearers, and parole for Cuban medical professionals.<sup>43</sup>

While there are now limits to the exercise of parole power, nothing precludes the current President from using parole on a case-by-case basis for urgent humanitarian reason or significant public benefit. Indeed, providing parole to assist ailing Filipino war veterans who served the United States courageously, would categorically fit the urgent humanitarian reasons for which parole should be granted.<sup>44</sup> These war veterans courageously served the United States, and need their loved ones beside them. Granting parole to their now adult children in the backlogs would ensure that these veterans are treated fairly and with respect. With only 6,000-10,000 Filipino war veterans remaining in the United States, and many needing urgent medical care, the number of eligible parolees would likely be small, albeit significant.

Nothing in the Immigration and Nationality Act precludes the Executive Branch from taking this action.<sup>45</sup> Moreover, the Obama Administration has specifically used the parole power on several prior occasions to promote family unity in

---

<sup>39</sup> *State Dept. Implements Cuban Migration Agreement*, 71 NO. 41 Interpreter Releases 1409 (1994).

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *U.S., Cuba Reach Important Migration Agreement*, 71 No. 35 Interpreter Releases 1213 (1994).

<sup>43</sup> Memorandum between United States Citizenship and Immigration Services, Immigration and Customs Enforcement, and Customs and Border Protection on Coordinating the Concurrent Exercise By USCIS, ICE, and CBP of the Secretary’s Parole Authority Under INA § 212(d)(s)(A) with Respect to Certain Aliens Located Outside the United States, Immigration and Customs Enforcement (Sept. 2008), <http://www.ice.gov/doclib/foia/reports/parole-authority-moa-9-08.pdf>.

<sup>44</sup> These recommendations on using the parole power are not meant to be exhaustive. Parole can also be used in the following circumstances:

- Humanitarian parole for the partners of LGBT asylum seekers who are still living in dangerous conditions abroad, and who can adjust through section 209 after receiving asylee status in the U.S.;
- A renewable humanitarian parole granted for up to a year to family members of sick, elderly and disabled U.S. citizens and lawful permanent residents;
- Parole for asylum seekers currently in U.S. detention who have demonstrated credible fear; and
- Humanitarian parole for the deported spouses of U.S. citizens and parents of U.S. citizens who are 21 and older provided the parents can also receive a concurrent waiver of the INA (9)(A)(ii)(I) bar from the DHS.

<sup>45</sup> See INA §201(c). The only apparent limitation on such use of the parole power involves overcoming the chargeability of parolees against available family visa numbers in each fiscal year. Section 603 of IIRIRA also made long-term parolees who do not depart the U.S. after 365 days chargeable against the 480,000 worldwide numerical limitation established for family-sponsored immigrant visas.

urgent humanitarian contexts. In the first instance, parole was used to enable Haitian orphans abroad to join their prospective and adoptive parents in the U.S., after the devastating January 2010 earthquake in Haiti.<sup>46</sup> As a result of this program, approximately 1,200 Haitian orphans were reunited with their families in the United States.<sup>47</sup>

In the second instance, the Administration extended parole-in-place (PIP) to the spouse, child, or parent of an individual who is currently a member of the U.S. Armed Forces or the Selected Reserve (or who previously served in the U.S. Armed Forces or Selected Reserve).<sup>48</sup> More recently and at the request of the Department of Defense, the Obama Administration also extended the use of parole-in-place to spouses, children and parents of U.S. citizen and lawful permanent residents seeking to enlist in the U.S. Armed Forces.<sup>49</sup>

Finally, in late 2014, DHS announced the Haitian Family Reunification Parole Program to expedite family reunification for certain eligible Haitian family members of U.S. citizens and lawful permanent residents.<sup>50</sup> Under the newly-established Haitian Family Reunification Parole program, Haitians who are paroled will be allowed to enter the United States and apply for work authorization but will not receive permanent resident status until their priority dates become current.<sup>51</sup> This is yet another example of how the Administration is using the parole power to reunite families who are impacted by the visa backlogs. Certainly then, precedent does exist to use parole similarly for nationals of other countries, such as the Philippines.

Once granted parole, the adult children of Filipino vets will be reunited with their aging parents in the United States. Eventually, these parolees would be able to apply for adjustment of status to lawful permanent residence.

## CONCLUSION

Ultimately, Congress should enact commonsense reforms that fix the legal immigration system in a manner that enables families to stay together. Until then, President Barack Obama should use the parole tool in his arsenal to reunite

---

<sup>46</sup> *Special Humanitarian Parole Program for Haitian Orphan Fact Sheet*, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (Apr. 7, 2010), <http://www.uscis.gov/archive/archive-news/special-humanitarian-parole-program-haitian-orphan-fact-sheet>.

<sup>47</sup> *Id.*

<sup>48</sup> See Memorandum on Parole of Spouses, Children and Parents of Active Duty Members of the U.S. Armed Forces, the Selected Reserve of the Ready Reserve, and Former Members of the U.S. Armed Forces or Selected Reserve of the Ready Reserve and the Effect of Parole on Inadmissibility under Immigration and Nationality Act from U.S. Citizenship and Immigration Services § 212(a)(6)(A)(i) (Nov. 15, 2013), [http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2013/2013-1115\\_Parole\\_in\\_Place\\_Memo.pdf](http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2013/2013-1115_Parole_in_Place_Memo.pdf). A grant of “parole in place” eliminates two of the bars to adjustment of status normally applicable to those applicants who entered without inspection. First, the parole grant means that the individual is no longer inadmissible under § 212(a)(6)(A)(i) (covering persons who entered without inspection). Second, the grant of parole satisfies the requirement that an adjustment applicant must have been “inspected and admitted or paroled.”

<sup>49</sup> Memorandum from Jeh Johnson to León Rodríguez on Families of Armed Forces and Enlistees (Nov. 20, 2014), [http://www.dhs.gov/sites/default/files/publications/14\\_1120\\_memo\\_parole\\_in\\_place.pdf](http://www.dhs.gov/sites/default/files/publications/14_1120_memo_parole_in_place.pdf).

<sup>50</sup> *USCIS Announces Haitian Family Reunification Parole Program*, 91 NO. 41 Interpreter Releases 1925 (2014).

<sup>51</sup> *Id.*

families estranged by the broken legal system. The historical and more contemporary use of the immigration parole power points to the need for more flexible approaches to admissions of groups and individuals for humanitarian reasons and significant public benefit.

Without doubt, one of those reasons is family unity given the tremendous family visa backlogs that have separated the families of those who have so courageously served the United States. Whether through the use of parole or parole-in-place, the President can and must use his executive powers to reunite Filipino war veterans with their loved ones, and restore the promise of full citizenship that the United States had made to these veterans so long ago.

*Prerna Lal is a staff attorney for immigration and immigrant rights at Asian Americans Advancing Justice / AAJC. She can be reached at [plal@advancingjustice-aaajc.org](mailto:plal@advancingjustice-aaajc.org) or 202-296-2300 Ext: 108.*