



Parole Standards from Federal Regulations

When deciding whether to release on parole an alien otherwise subject to mandatory detention as part of the ER process, ICE is guided by two regulatory standards.

Narrower Standard:

During the ER process (including consideration of a fear claim) and after a final ER order is issued, the alien may be released on parole if parole is "required to meet a medical emergency or necessary for a legitimate law enforcement objective. 8 C.F.R. §§ 235.3(b)(2)(iii), 235.3(b)(4)(ii).

Broader Standard:

When an alien subject to ER is found to have a credible fear, the alien may be released for "urgent humanitarian reasons" or "significant public benefit," provided the alien presents neither a security risk nor a risk of absconding. 8 C.F.R. § 212.5(b).

