

# Assisting Afghans Paroled at the U.S.-Mexico Border *Guide for Resettlement Agencies and Legal Service Providers*

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## I. Summary Chart

	Humanitarian Parole/ Significant Public Benefit Parole		Conditional Parole
<b>INA Citation</b>	INA § 212(d)(5)(A)		INA §236(a)(2)(B)
<b>Issuing Authorities</b>	USCIS, CBP		ICE, EOIR via Immigration Court
<b>Basis of Issuance</b>	Issued on case-by-case discretion for urgent humanitarian or significant public benefit reasons		Issued upon release from ICE custody while removal proceeding is active
<b>Average Parole Duration</b>	<p><u>OAW Humanitarian Parole:</u> Generally, 2 years (with 2-year renewal possible)</p> <p><u>Humanitarian Parole issued at the Border:</u> Average 3 months (varies)</p>		Duration of removal proceeding adjudication: Average 3-4 years
<b>Immigration Documentation</b>	<p>I-94</p> <p><i>*Electronically accessible; I-94 may or may not be issued in the form of passport stamp or paper I-94</i></p>		Release documentation issued by DHS or EOIR showing pending removal proceedings, such as “Release on Recognizance” (I-220A), “Notice to Appear” (I-862), “Notice to Report” (I-385), and “Order of Supervision” (I-220B)
<b>Work Authorization</b>	Work authorization incident to status; can apply for EAD under eligibility category (c)(11)		May apply for EAD after 150 days of filing asylum application (Form I-589) under eligibility category (c)(8)
<b>ASA ORR Benefits Eligibility</b>	Yes		No
<b>R&amp;P Benefits Eligibility</b>	Yes		No
<b>Mainstream Federal Benefits Eligibility</b> (Medicaid, WIC, SNAP, TANF, SSI)	Yes		No <i>Note: Pregnant women and children may be eligible for Medicaid and WIC, regardless of immigration status; eligibility may vary by <u>state</u>.</i>
<b>Asylum Type</b>	<p><b>Affirmative</b></p> <p><i>If a Notice to Appear (NTA) has not been filed with the court, client may affirmatively apply for asylum by filing Form I-589 with USCIS. <u>If the affirmative asylum case is not granted</u>, individual will be referred to Immigration Court for a defensive asylum hearing.</i></p>	<p><b>Defensive</b></p> <p><b><i>If issued a Notice to Appear (NTA) that has also been filed with the immigration court, client may defensively apply for asylum by filing Form I-589 with the Immigration Court.</i></b></p>	<p>Defensive</p> <p><i>Client may defensively apply for asylum by filing Form I-589 with the Immigration Court, assuming an NTA has been properly filed with the immigration court.</i></p>
<b>Asylum Hearing</b>	USCIS Asylum/Field Office	Immigration Court	Immigration Court
<b>Asylum Adjudicator</b>	USCIS Asylum Officer	Immigration Judge	Immigration Judge

## II. Brief Overview of Parole at the U.S.-Mexico Border

**Humanitarian Parolees** | Afghans arriving along the U.S.-Mexico border may be paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (INA) as “humanitarian parolees.” This commonly occurs for those who present at a port of entry and are designated as “arriving aliens.”

**Conditional Parolees** | Afghans who entered or attempted to enter the United States without inspection, and who were subsequently detained at the border, may be issued an Order of Release on Recognizance, pursuant to section 236(a)(2)(B) of the INA. The Department of Homeland Security (DHS) typically does not consider those who enter or attempt to enter the United States without inspection to have been paroled into the United States, even if they are subsequently released into the United States. DHS refers to this class of persons as “conditional parolees.” This stance has implications for both benefits access and employment authorization.

Both groups of individuals (whether “arriving aliens” paroled into the country or individuals who entered or attempted to enter without inspection, were detained, then subsequently released) are likely to be issued Notices to Appear and placed into removal proceedings before the immigration court. This Guide will outline key considerations related to both types of parole, with the aim of equipping legal practitioners and resettlement staff with guidance on immigration legal implications, documentation, benefits eligibility, and other resources to assist Afghans who have crossed the U.S.-Mexico border.

## III. Humanitarian Parole

### 1. Documentation

Examples of evidence of humanitarian parole status includes Form I-94, Arrival/Departure Record, that is endorsed with a parole stamp, or a parole stamp in a passport. Humanitarian parolees often have a paper I-94 that shows the section of law that they were paroled under: INA § 212(d)(5). Their I-94 may also refer to a class of admission such as “OAR” (Operation Allies Refuge) or “DT” (the code for those granted what’s known as “port parole”). Both OAR and DT signify that the individual has been granted humanitarian parole. If an individual did not receive a paper Form I-94, they may also be able to access an electronic I-94 from the CBP website at <https://i94.cbp.dhs.gov/i94/#/home> or through the CBP One Mobile App.

### 2. Parole Duration

Unlike humanitarian parole through “OAW” (Operation Allies Welcome), humanitarian parole issued to Afghans at the border can vary in length (two weeks to under one year), and on average lasts three months. It is critical that you check the parole expiration date indicated on the I-94 or parole stamp, as the duration of parole will

determine 1) the duration of eligibility for certain benefits and 2) the timeframe for the client to take immigration legal action to ensure continuity of status and work authorization once their humanitarian parole expires.

### 3. Immigration Legal Implications

Humanitarian parole is temporary in nature and alone will not provide a permanent option to remain in the United States. Please ensure that individuals are referred to immigration legal practitioners. It is crucial that they consult with an authorized legal practitioner, as many people claim to be immigration practitioners but are not immigration attorneys or representatives accredited by the Department of Justice to offer immigration legal advice.

If a client is given a Notice to Appear (NTA) and that NTA is actually filed with the court, this indicates that the client is in active removal proceedings. It is *extremely important* that the legal practitioner confirm the Immigration Court hearing date and time. The client *must* be present at their Immigration Court hearing. Failing to appear before court at the assigned court date and time could result in an order of removal (deportation) *in absentia*. The easiest way to look up a client's immigration court hearing is through the automated website of the Executive Office for Immigration Review ("EOIR"), available at <https://acis.eoir.justice.gov/en/>. This requires the client's A-Number. An individual's A-Number appears on the top right corner of their NTA and is titled "File Number." By typing their A-Number into the EOIR website, you will be able to confirm the date, time, and location of their upcoming immigration court hearing. If the A number is not found in the system, that typically means that the case has not yet been filed with the immigration court. It is recommended that the client check the website at least weekly to confirm whether an initial hearing has been scheduled for their case.

Consideration of an asylum application is critical and time-sensitive: there is a **one-year asylum filing deadline** from the asylum seeker's date of arrival. Most Afghans paroled at the U.S.-Mexico border will be placed into removal proceedings and will therefore file their asylum application with the immigration court. If their removal proceedings were dismissed by DHS or terminated by the Immigration Judge, then the applicant is eligible to file their asylum application with United States Citizenship and Immigration Services (USCIS) instead of defensively with the immigration court. Upon filing for asylum, the client may generally apply for an Employment Authorization Document (EAD) once 150 days have passed since filing their asylum application.

Clients must be advised of the importance of keeping their address up to date. This includes updating their address with both USCIS via [Form AR-11](#) and with EOIR via [Form EOIR-33](#). Both forms can be submitted either electronically or through the mail.

### 4. Work Authorization

Certain [Afghan parolees](#) are authorized to work incident to their parole status for a period of 90 days. These parolees may present their unexpired Form I-94 to their employer to show their identity and employment authorization for I-9 employment verification purposes. After 90 days, these parolees must present additional documentation to show their valid employment authorization, including an EAD or an unrestricted Social Security card and List B document.

Humanitarian parolees may apply for work authorization on Form I-765 for the duration of their parole status. For Afghans, a parole-based EAD does not require a fee or fee waiver. A complicating factor is that often the duration of the applicant's parole status is shorter than the processing times for the EAD, which will result in the denial of their EAD unless their parole status is extended. Another complicating factor for those with parole status who

entered along the U.S.-Mexico border is that the regulations deem parole to be terminated upon service of a Notice to Appear. USCIS has recently relied on these regulations to deny EADs even to those with facially valid parole documents. Given the complications with employment authorization, it is recommended that Afghans who were paroled along the border be referred to a legal representative as soon as possible to be assessed for asylum eligibility, or other forms of relief under the immigration laws of the United States.

## 5. Benefits Eligibility

Afghans granted Humanitarian Parole may be eligible for the following benefits and services:

### a. **Reception & Placement (R&P) Program**

Afghan Humanitarian Parolees may be eligible for enrollment into the Reception & Placement (**R&P**) Program funded by the U.S. Department of State's Bureau of Populations, Refugees, and Migration (PRM).

- Affiliates will need to request "assurance" with PRM, requiring copies of clients' documentation of humanitarian parole.
- It will be critical for these clients to be connected to immigration legal services as soon as possible.
- Through the R&P Program, the client may receive the full scope of core services for 90 days *or* may alternatively opt into the cash-based model, per the local resettlement agency's discretion, and in alignment with the agency's cash-based model policy.
- Connection with public benefits and social services (employment, ESL, public benefits like SNAP, Medicaid, cash assistance, WIC) are part of the required R&P core services. Please note that the duration of mainstream federal benefits *follows the duration of humanitarian parole*, and thus, can be very brief (often 3 months) for clients who were granted humanitarian parole at the border. Please keep this in mind when discussing mainstream federal benefits eligibility with clients.

R&P Service Period: Per PRM's guidance, so long as the client is still in valid parole "status" as of the first day of their service period (the date of assurance), clients can and should benefit from the entire R&P service period, even if the client's status changes or expires during their R&P service period. Note that if the client uses the R&P cash-based model, the R&P service period may be shorter than the traditional 90-day R&P service period. Any expenditure made to, or on behalf of, the client must be made during the client's 90-day R&P service period.

### b. **Office of Refugee Resettlement (ORR) Benefits and Services**

Per the Afghan Supplemental Appropriations (ASA) Act, Afghan Humanitarian Parolees may be eligible to enroll in ASA-funded ORR benefits and services, including but not limited to:

- Immigration Legal Services for Afghan Arrivals (ILSAA)
- Matching Grant (MG)\*
- Preferred Communities (PC)\*
- PC-Afghan Supplemental Program
- Refugee Cash Assistance (RCA)
- Refugee Medical Assistance (RMA)
- Refugee Support Services (RSS)
- Specialized ORR Programs, including health services, technical assistance for small businesses, financial savings, youth mentoring, or other targeted support groups. Click [here](#) for more details on ORR-services for Afghan Humanitarian Parolees.

\*Note: Afghan Parolees are eligible for ORR services for the duration of their parole period. Certain ORR programs, such as Matching Grant and Preferred Communities require clients to remain eligible for the entirety of the program's service period duration (8 months for Matching Grant and 6-24 months for Preferred Communities). If the program's service period surpasses the duration of parole (average 3 months) for Afghan humanitarian parolees who have crossed the U.S.-Mexico border) these programs may not be a viable program option.

PC Afghan Supplemental Program:

The PC Afghan Supplemental Program may be a good option for Afghan Humanitarian Parolees who have crossed the U.S.-Mexico border. Through this program, offices may offer the following services throughout the duration of the client's parole: case management, direct assistance (to cover housing, medical needs, and other emergency material aid), immigration legal assistance, social integration support, and referrals to other programs and services that may best serve the needs of the client.

Note: As noted above, Afghan Parolees are eligible for ORR services for the duration of their parole period. Per ORR's guidance, any expenditure made to, or on behalf of, a client enrolled in the PC Afghan Supplemental Grant *must* be expended while the client's humanitarian parole "status" is valid. Note, however, that the expenditure may cover assistance (e.g. housing direct assistance) that benefits the client beyond the duration of humanitarian parole as long as the expenditure takes place while the client is "in status."

Immigration Legal Services for Afghan Arrivals (ILSAA):

Funded by ORR and implemented by the U.S. Committee for Refugees and Immigrants (USCRI), ILSAA offers free immigration legal assistance to qualifying Afghans, including humanitarian parolees. Services are available throughout the United States. For more information and to submit a request for assistance, please see: <https://ilsaa.acf.hhs.gov/afghan-arrivals/> .

Note on ORR Funded Immigration Legal Assistance: Per ORR's guidance at this time, Afghan Humanitarian Parolees may benefit from all ASA-funded ORR benefits except legal representation for a *defensive* asylum case (e.g. if client has been issued a *Notice to Appear*, evincing that the client is in active removal proceedings).

**c. Mainstream Federal Benefits (Medicaid, SNAP, SSI, TANF)**

Afghan humanitarian parolees may be eligible to apply for federal mainstream benefits in their state, such as:

- Supplemental Security Income (SSI)
- Temporary Assistance for Needy Families (TANF)
- Health insurance through Medicaid
- Food assistance through Supplemental Nutrition Assistance Program (SNAP)

USCIS typically does not consider benefits received while the applicant was in an immigration category exempt from public charge inadmissibility in any future public charge analysis. Therefore, there is no disadvantage to applying for public benefits for which Afghan parolees may be eligible. Please note that the duration of mainstream federal benefits *follows the duration of humanitarian parole*, and thus, can be very brief (often 3 months) for clients who were granted humanitarian parole at the border. Please keep this in mind when discussing mainstream federal benefits eligibility with clients. For more information on mainstream federal benefits for immigrants, please see the following resources from National Immigration Law Center (NILC):

- *Overview of Immigrant Eligibility for Federal Programs:* <https://www.nilc.org/wp-content/uploads/2023/03/overview-immeligfedprograms-2023-03.pdf>

- *Healthcare coverage by State:* <https://www.nilc.org/wp-content/uploads/2023/03/med-services-for-immis-in-states-2023-3-23.pdf>
- *Healthcare Coverage Map:* <https://www.nilc.org/issues/health-care/healthcoveragemaps/>

#### **d. State-Funded Benefits (Varies by State)**

State-funded public benefits can vary greatly by state. For questions concerning state-funded public benefits, offices should consult their State Refugee Coordinator.

## **IV. Conditional Parole**

### **1. Documentation**

DHS often issues Form I-220A, Order of Release on Recognizance, to people who are detained at the border upon entry and thereafter released without being paroled under humanitarian parole. DHS refers to this class of persons as “conditional parolees.” Form I-220A states that the “conditional parolee” has been granted conditional parole into the United States as authorized by section 236 of the INA. While many advocates have argued that these individuals have actually been paroled into the United States under section 212(d)(5), as this is arguably the only statutory basis for their release, DHS continues to treat these individuals differently for purposes of benefits and employment authorization. People to whom DHS grants so-called “conditional parole” are released from detention pending a decision on whether they are to be removed from the United States.

### **2. Parole Duration**

When DHS releases someone under a grant of what they refer to as “conditional parole,” the documents that evince conditional parole do not show a date that the parole expires.

### **3. Immigration Legal Implications**

DHS contends that people granted conditional parole are not considered truly paroled into the U.S. as are humanitarian parolees under INA § 212(d)(5). “Conditional parolees” must follow certain conditions in order to maintain their parole, including that they must report to any interview or hearing as required by DHS or the Immigration Judge, attend their “check-ins” with ICE as outlined in the Form I-220A, secure permission to change residence from DHS before they move, and follow all laws.

Typically, these individuals will have received an NTA upon release from detention with their Form I-220A. An NTA generally indicates that the client is in active removal proceedings. It is *extremely important* that the legal practitioner confirm the Immigration Court hearing date and time. The client must be present at their Immigration Court Hearing. Failing to appear before court at the assigned court date and time could result in an order of removal (deportation) *in absentia*. The easiest way to look up a client’s immigration court hearing is through the automated website of the Executive Office for Immigration Review (EOIR), available at <https://acis.eoir.justice.gov/en/>. This requires the client’s A-Number. An individual’s A-Number appears on the top right corner of their NTA and is titled “File Number.” By typing their A-Number into the EOIR website, you will be able to confirm the date, time, and location of their upcoming immigration court hearing. If the A-Number is not found in the system, that typically means that the case has not yet been filed with the immigration court. It is recommended that the client check the website at least weekly to confirm whether an initial hearing has been scheduled for their case.

Consideration of an asylum application is critical and time-sensitive: there is a **one-year asylum filing deadline** from the asylum seeker's date of arrival. Afghans conditionally paroled at the U.S.-Mexico border pending the outcome of their removal proceedings will file their asylum application with the immigration court. Upon filing for asylum, the client may generally apply for an Employment Authorization Document (EAD) once 150 days have passed since filing their asylum application.

Clients must be advised of the importance of keeping their address up to date. This includes updating their address with both USCIS via [Form AR-11](#) and with EOIR via [Form EOIR-33](#). Both forms can be submitted either electronically or through the mail.

#### 4. Work Authorization

Conditional parole does not grant employment authorization, and a person whom DHS claims to have conditionally paroled is not eligible to apply for an EAD based solely on receipt of Form I-220A. However, there may be other possible bases for work authorization, including based on an asylum application that has been pending for at least 150 days.

#### 5. Benefits Eligibility

Afghans who crossed the U.S.-Mexico Border and who were released under Conditional Parole are **not** eligible for the resettlement benefits and services through the State Department's Reception & Placement program or services funded by the Office of Refugee Resettlement. Clients with Conditional Parole are generally not eligible for mainstream federal benefits (Medicaid, SNAP, SSI, TANF). However, certain states may offer state-funded benefits for certain emergency cases regardless of immigration status (such as Emergency Medicaid), as well as benefits for certain non-citizen groups. For example, pregnant women and children may be eligible for Medicaid and SNAP (via SNAP for Women, Infants, and Children, "WIC"), regardless of immigration status. Receipt of such benefits on their own will not render such individuals inadmissible on public charge grounds. Please note that State-funded benefits programs and eligibility may vary by state. For more information on public benefits for immigrants, please see the following resources from National Immigration Law Center (NILC):

- *Overview of Immigrant Eligibility for Federal Programs:* <https://www.nilc.org/wp-content/uploads/2023/03/overview-immeligfedprograms-2023-03.pdf>
- *Healthcare coverage by State:* <https://www.nilc.org/wp-content/uploads/2023/03/med-services-for-imms-in-states-2023-3-23.pdf>
- *Healthcare Coverage Map:* <https://www.nilc.org/issues/health-care/healthcoveragemaps/>

## V. Redacted Documentation Samples

### Form I-94, Arrival/Departure Form

USCIS, CBP, and ICE issue Form I-94, Arrival/Departure Record, in either paper or electronic format, to noncitizens who have been granted humanitarian parole and serves as evidence of their immigration status or category. Afghan humanitarian parolees may receive a paper I-94 endorsed with a parole stamp, or a parole stamp in a passport, indicating the dates of parole duration and the section of immigration law that they were paroled under: INA § 212(d)(5).

#### Example 1: Electronic I-94

3/3/23, 11:59 AM 194 - Official Website

For: [REDACTED]

 **U.S. Customs and Border Protection**  
Securing America's Borders

**Most Recent I-94**

---

Admission (I-94) Record Number : [REDACTED]  
Most Recent Date of Entry: 2023 January 26  
Class of Admission : DT  
Admit Until Date : 01/25/2024  
Details provided on the I-94 Information form:

Last/Surname : [REDACTED]  
First (Given) Name : [REDACTED]  
Birth Date : [REDACTED]  
Document Number : [REDACTED]  
Country of Citizenship : [REDACTED]

[Get Travel History](#)

► Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

► If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

► Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

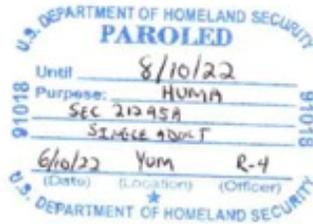
DHS No. 1001-0111  
Expiration Date 03/31/2023

[For inquiries or questions regarding your I-94, please click here](#)

[Accessibility](#) | [Privacy Policy](#)

### Example 2: Copy of Parole Stamp

CONTROL Name (Last, First, Middle)						
Birthdate		Age		Marital Status		Widowed
				<input checked="" type="checkbox"/> Single		<input type="checkbox"/> Married
				<input type="checkbox"/> Separated		<input type="checkbox"/> Divorced
Sex	Hair	Eyes	Complexion	Height	Weight	Scars or Marks
M	BLK	BRN	MED	66	200	None Indicated
U.S. Address/Mail (Number) (Street) (City) (State) (ZIP CODE)						
Alien's Telephone #			Date of Action		Location Code	
			06/10/2022		WEL	
City, Province (State) and Country of Birth					Country of Citizenship	
Date, Place, Time, and Manner of Last Entry/Attempted Entry					Status at Entry	
06/09/2022, 0600, 35 miles (A) E of BLD, PMA (APROCT)					PMA Mexico	
Foreign Address/Residence (Number, Street, City, Province (State), Country)						
Method of Location/Apprehension			(At/Near)		Date & Hour	
PB UNKNOWN			AW ILLI, AX		06/09/2022 0645	



### Example 3: Copy of Parole Stamp

You are required to retain this permit in your possession and to surrender it to the transportation line at the time of your departure unless you depart over the land border of the United States in which case you must surrender it to a Canadian immigration officer on the Canadian border, or to a United States immigration officer of the Mexican border.

**DEPARTURE RECORD**

Port:

Date:

Manner:

Country of Destination:

UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
Form Approved OMB No. 43-R0496  
ARRIVAL - DEPARTURE RECORD  
Form I-94 (Rev. 05/01/07)

# Form I-220A, Order of Release on Recognizance

CBP and ICE issue [Form I-220A, Order of Release on Recognizance \(PDF\)](#), to noncitizens who have been placed in removal proceedings and then released on their own recognizance as “conditional parolees.” This form is not evidence of having an immigration status or category.

## Example: I-220A, Order of Release on Recognizance (Page 1 of 5)

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**ORDER OF RELEASE ON RECOGNIZANCE**

Name: [REDACTED] File No.: [REDACTED]  
Date: [REDACTED]

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

- You must report for any hearing or interview as directed by Immigration and Customs Enforcement or the Executive Office for Immigration Review.
- You must surrender for removal from the United States if so ordered.
- You must report in (writing) (person) to Duty officer at See I-831 on 01/17/2023 10:00 as directed.

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

- You must not change your place of residence without first securing written permission from the officer listed above.
- You must not violate any local, State or Federal laws or ordinances.
- You must assist Immigration and Customs Enforcement in obtaining any necessary travel documents.
- Other: *Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.*

*If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.*

See attached sheet containing other specified conditions (Continue on separate sheet if required)

**NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by Immigration and Customs Enforcement.**

BATES, P 4017  
(Name and Title of ICE Official)

---

**Alien's Acknowledgement of Conditions of Release under an Order of Recognizance**

I hereby acknowledge that I have (read) (had interpreted and explained to me in the Spanish language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

[Signature of ICE Official Serving Order]      [Signature of Alien]

Date: 07/13/2022

I hereby cancel this order of release because:

The alien failed to comply with the conditions of release.       The alien was taken into custody for removal.

(Signature of ICE Official Cancelling Order)      Date

ICE Form I-220A (10/20) Page 1 of 5



Example: I-220A, Order of Release on Recognizance (Page 3 of 5)

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

ORDER OF RELEASE ON RECOGNIZANCE  
(ADDENDUM)

Name: [REDACTED] File No.: [REDACTED]  
Date: [REDACTED]

- That you do not associate with known gang members, criminal associates, or be associated with any such activity.
- That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- That you do not commit any crimes while on this Order of Release on Recognizance.
- That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- Any violation of the above conditions will result in revocation of your employment authorization document.
- Any violation of these conditions may result in you being taken into ICE custody and you being criminally prosecuted.
- Other:

x [REDACTED]  
\_\_\_\_\_  
(Signature of Alien)

Example: I-220A, Order of Release on Recognizance (Page 5 of 5)

U.S. Department of Homeland Security

Continuation Page for Form I-220A

Alien's Name	File Number	Date
[REDACTED]		
LOCATION OF ICE OFFICE WHICH YOU REPORT TO		
-----		
5441 Watons Dr. SE, Albuquerque, NM 87106		
Signature  A 7889 VILLALOBOS		Title Deportation Officer

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# Form I-862, Notice to Appear

[Form I-862, Notice to Appear \(NTA\) \(PDF\)](#), is a charging document that instructs a noncitizen to appear before an immigration judge. This is the first step of removal proceedings. An NTA is not an identity document, nor is it evidence of having an immigration status or category.

## Example: I-862, Notice to Appear (Page 1 of 4)

DEPARTMENT OF HOMELAND SECURITY  
**NOTICE TO APPEAR**

DOB [REDACTED]  
Event No. [REDACTED]

In removal proceedings under section 240 of the Immigration and Nationality Act, the Department of Homeland Security has issued this Notice to Appear to you.

Respondent: [REDACTED] residing at:  
[REDACTED] (Area code and phone number)

You are an arriving alien.  
 You are an alien present in the United States who has not been admitted or paroled.  
 You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of [REDACTED] and a citizen of [REDACTED];
3. You entered the United States at or near Wellton, Arizona, on or about June 6, 2022;
4. You were not then admitted or paroled after inspection by an Immigration Officer.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the See Continuation Page Made a Part Hereof

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:  
See Continuation Page Made a Part Hereof

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.  
 Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:  
700 E. SAN ANTONIO, STE 750 EL PASO TX 79901, BOIR El Paso, TX  
(Complete Address of Immigration Court, including Room Number, if any)

on May 15, 2023 at 1:00 PM to show why you should not be removed from the United States based on the charge(s) set forth above.

Date: July 13, 2022

[Signature]  
2-1566 ESPARZA - DO  
(Signature and Title of Issuing Officer) (Sign in ink)  
Albuquerque, NM  
(City and State)

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**Notice to Respondent**

**Warning:** Any statement you make may be used against you in removal proceedings.

**Alien Registration:** This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

**Representation:** If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

**Conduct of the hearing:** At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

**One-Year Asylum Application Deadline:** If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at [www.uscis.gov/i-589](http://www.uscis.gov/i-589). Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

**Failure to appear:** You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

**Mandatory Duty to Surrender for Removal:** If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

**U.S. Citizenship Claims:** If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

**Sensitive locations:** To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

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**Request for Prompt Hearing**

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an Immigration Judge and request my hearing be scheduled.

Before: \_\_\_\_\_  
(Signature of Respondent) (Sign in ink)

\_\_\_\_\_  
Date: \_\_\_\_\_  
(Signature and Title of Immigration Officer) (Sign in ink)

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**Certificate of Service**

This Notice To Appear was served on the respondent by me on July 23, 2023, in the following manner and in compliance with section 239(a)(1) of the Act.

in person     by certified mail, returned receipt # \_\_\_\_\_ requested     by regular mail

Attached is a credible fear worksheet.

Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

\_\_\_\_\_  
(Signature of Respondent if Personally Served) (Sign in ink)

A 7889 VILLALOBOS - Deportation Officer  
 \_\_\_\_\_  
(Signature and Title of officer) (Sign in ink)

## Example: I-862, Notice to Appear (Page 3 of 4)

### Privacy Act Statement

**Authority:**

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 238, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

**Purpose:**

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

**Routine Uses:**

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/ops/dolo/systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

**Disclosure:**

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

Example: I-862, Notice to Appear (Page 4 of 4)

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name	File Number	Date
[REDACTED]		
THE SERVICE ALLEGES THAT YOU:		
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Immigration and Nationality Act;		
ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:		
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212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.		
212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.		
Signature  R. ESPARZA	Title DO	

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