



EMAIL BULLETIN

U.S. CUSTOMS & BORDER PROTECTION AUTHORIZES INSPECTORS TO GRANT ONE-TIME PAROLE ENTRY INTO THE UNITED STATES FOR CERTAIN LOW-RISK VIOLATORS OF THE VISA WAIVER PROGRAM

17 August 2004

On August 12, 2004, U.S. Customs & Border Protection (CBP) Commissioner Robert C. Bonner announced that CBP Inspectors would now have the discretion to permit a one-time "parole" entry into the United States for Visa Waiver travelers who previously overstayed a Visa Waiver visit.

Entries pursuant to the Visa Waiver program are limited to 90 days. Failure to depart the United States in a timely fashion after a Visa Waiver visit disqualifies travelers from future Visa Waiver entries. With the advent of more complete databases of entry and exit information since September 11, 2001, U.S. CBP has recently developed the ability to detect previous Visa Waiver overstays, often of only a few days, and as long ago as the mid-1990s. Because Visa Waiver travelers have been largely unaware of the penalty for overstays, and have successfully entered the United States under the Visa Waiver program even after previous overstays, many have been shocked to encounter difficulty and even summary exclusion during the past year when trying to enter the United States without a visa. Such individuals have been "turned around" due to their ineligibility for continued use of the Visa Waiver program after a previous overstay. Many times these individuals were handcuffed and detained overnight, or until the next available return flight to their home country.

In order to curb this embarrassing treatment of individuals who pose no risk to the United States, Commissioner Bonner has provided for the temporary, one-time "parole" into the United of individuals "who pose no risk for terrorism, criminality, or those who will become economic migrants." Commissioner Bonner advised CBP Officers that "enforcement must be tempered with common sense," and encouraged officers to favorably consider applicants who pose no threat and who overstayed for only a short period of time. He stressed that "minor violators, who are no threat to the security of the U.S., should not be denied entry and be subject to handcuffing and detention."

The one-time parole is truly intended as a one-time, discretionary measure to avoid harsh treatment of travelers who were not aware that they would require a visa, due to a previous overstay, to enter the United States. After the one-time parole, such individuals will be on notice that their future travel to the United States, even for short business or leisure trips, will require a visa. Travelers who, after a one-time parole, attempt to enter

the United States without the requisite visa will be "turned around" and forced to return to their home countries.

For further information regarding the limitations of the one-time parole and whether future travel to the United States will require a visa in individual cases, please contact your Tindall & Foster, P.C. immigration attorney.