



Memorandum

TO: Richard Revesz
Administrator,
Office of Information and Regulatory Affairs,
Office of Management and Budget

THROUGH: Elizabeth Cappello
DHS Deputy Chief Information Officer

FROM: Samantha Deshommès
USCIS Office of Policy and Strategy,
Chief Regulatory Officer

SAMANTHA L
DESHOMMES

Digitally signed by
SAMANTHA L DESHOMMES
Date: 2023.07.07 12:24:19
-04'00'

SUBJECT: Request for Emergency OMB Paperwork Reduction Act (PRA) Clearance –
USCIS Form I-134A, Online Request to be a Supporter and Declaration of
Financial Support; and USCIS Form I-131, Application for Travel Document

Purpose: U.S. Citizenship and Immigration Services (USCIS) is requesting emergency approval of a revision of Form I-134A, Online Request to be a Supporter and Declaration of Financial Support, and a revision of Form I-131, Application for Travel Document. USCIS is seeking approval for both collections of information under 5 CFR 1320.13.

Background: Section 212(d)(5) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(d)(5), provides the Secretary of Homeland Security with the discretionary authority to parole noncitizens into the United States temporarily, under such reasonable conditions that the Secretary may prescribe, only on a case-by-case basis for “urgent humanitarian reasons or significant public benefit.” See INA sec. 212(d)(5)(A), 8 U.S.C. 1182(d)(5)(A); see also 6 U.S.C. 202(4) (charging the Secretary with the responsibility for “[e]stablishing and administering rule...governing...parole”).

DHS will implement changes to the current Cuban Family Reunification Parole (CFRP) and Haitian Family Reunification Parole (HFRP) programs and establish new Family Reunification Parole (FRP) processes for certain Colombian, Salvadoran, Guatemalan, and Honduran

beneficiaries of approved Form I-130, Petition for Alien Relative. The updated CFRP and HFRP processes and the new FRP processes would provide lawful pathways as an alternative to irregular migration to help relieve pressure at the Southwest Border (SWB) and reunite families, consistent with the U.S. national interest and its foreign policy priorities. DHS has decided to implement an FRP process consistent with Executive Order (EO) 14010 Section 3(b)(ii)¹ and the Collaborative Migration Management Strategy issued by the National Security Council (NSC),² and the recommendation has been coordinated between USCIS and U.S. Customs and Border Protection (CBP).

DHS uses Form I-134A to determine whether a U.S.-based individual has sufficient financial resources and access to those funds to support the beneficiary named on the form for the duration of the beneficiary's temporary stay in the United States, as well as to obtain information concerning whether the beneficiary merits a favorable exercise of discretion under the statutory parole standard. Form I-134A is filed by a U.S.-based individual (the potential supporter) to request to be considered as a supporter and to agree to provide financial support to the beneficiary named on the form during the beneficiary's temporary period of stay in the United States. In addition to expanding the use of this form to other parole processes, USCIS is adding (1) associated changes to the instructions and FRP process-specific fields to identify eligible beneficiaries (2) a familial relationship evidence requirement, and (3) a free text box for the supporter to provide an explanation for why the potential beneficiary should be considered for humanitarian or significant public benefit parole.

USCIS has used the Form I-131 for CFRP and HFRP since their announcement but is now changing the process to use the Form I-134A. As a result, we are revising Form I-131 to remove the instructions, time burden, and respondents associated with CFRP and HFRP because applicants under those processes will no longer submit a Form I-131 for an initial period of parole.

Discussion: DHS requests emergency approval because the delay associated with the normal information collection request clearance process would harm the public interest. The FRP processes represent one part of the United States' ongoing efforts to engage hemispheric partners to increase their efforts to collaboratively manage irregular migration. The expansion of lawful pathways for noncitizens to enter the United States is necessary to ensure partners' continued collaboration on migration issues, including the ability of the United States to meet other immigration-management priorities such as the timely establishment of Safe Mobility Offices (SMOs) in key locations.

¹ Executive Order 14010, *Creating a Comprehensive Regional Framework to Address the Causes of Migration, To Manage Migration Throughout North and Central America, and To Provide Safe and Orderly Processing of Asylum Seekers at the United States Border*, Sec. 3(b)(ii) (Feb. 2, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-02-05/pdf/2021-02561.pdf>, directed the Secretary of Homeland Security to consider the promotion of "family unity by exercising the Secretary's discretionary parole authority to permit certain nationals of the Northern Triangle who are the beneficiaries of approved family-sponsored immigrant visa petitions to join their family members in the United States, on a case-by-case basis."

² National Security Council, *Collaborative Migration Management Strategy* (July 2021) <https://www.whitehouse.gov/wp-content/uploads/2021/07/Collaborative-Migration-Management-Strategy.pdf>.

Ongoing negotiations with partner countries involve the implementation of a range of new measures, including working to establish SMOs in key locations throughout the Western Hemisphere to manage and reduce irregular migration and improve qualified individuals' access to accelerated refugee processing, family reunification, and labor pathways in the United States. As a key part of these negotiations, the United States and its partners are providing meaningful alternatives to irregular migration, including through lawful pathways to the United States, Canada, and Spain, as well as integration in host countries closer to home. The success of SMOs and other new measures to reduce irregular migration to the SWB is therefore connected to the United States expanding access to lawful pathways, including family reunification parole processes that will benefit nationals in countries identified to host SMOs. The U.S. Government also continues to engage with and ask additional governments to consider connecting their lawful pathways to SMO efforts and is building goodwill and momentum to seek SMOs in still more countries in the region.

In addition, in the past several years, out-migration from the countries of Northern Central America (NCA, including El Salvador, Guatemala, and Honduras) has accounted for a significant proportion of individuals seeking to irregularly migrate to the United States. In Fiscal Years 2021 and 2022, migrants from the NCA constituted 40% and 23%, respectively, of all individuals encountered at the SWB.³ Economic insecurity; food insecurity; climate change; gang violence; corruption; sexual, gender-based, and domestic violence, and flight from threatened persecution and/or torture based on race, nationality, gender, particular social group, or political opinion, coupled with the desire to reunite with family members already in the United States, are driving migrants from the NCA countries to the United States.

Under the proposed FRP processes, USCIS would no longer consider parole requests for individuals outside the United States. Instead, the Department of State would send an invitation letter to the petitioner of the approved Form I-130. The petitioner would initiate a USCIS Form I-134A online to confirm that the petitioner has sufficient financial resources to support each intended parolee for the duration of their stay.

Delaying the information collection approval would be contrary to the public interest because it would undermine the above-referenced time-sensitive negotiations and efforts to manage migration collaboratively with foreign partners.

USCIS seeks emergency processing of the Form I-134A and Form I-131 information collection packages in accordance with 5 CFR 1320.13. USCIS certifies that the requirements of 5 CFR 1320.13(a) are met and that:

- The collection of information is needed immediately and is essential to the mission of the agency.
- The use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information.
- Public harm is reasonably likely to result if normal clearance procedures are followed.

³ CBP, Nationwide Encounters (last viewed June 12, 2023) <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

USCIS greatly appreciates the timely consideration of this request.

Recommendation: Please sign decision memo requesting emergency approval of this collection of information under 5 CFR 1320.13.