



**U.S. Customs and
Border Protection**

JAN 13 2017

MEMORANDUM FOR: Directors, Field Operations
Office of Field Operations

Director, Field Operations Academy
Office of Training and Development

FROM: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Executive Director
Admissibility and Passenger Programs
Office of Field Operations

SUBJECT: Changes to Parole and Expedited Removal Policies Specific to
Cuban Nationals

This memorandum serves to provide guidance on the announcement of changes to several Department of Homeland Security policies and regulations affecting Cuban nationals. This memorandum also supersedes in whole previous guidance regarding Cuban nationals, to include: April 19, 1999, *Eligibility for Permanent Residence Under the Cuban Adjustment Act Despite Having Arrived at a Place Other than a Designated Port-of-Entry (Immigration and Naturalization Service Memorandum)*; June 25, 2013, *Processing of Cubans at Ports of Entry*; October 23, 2013, *Further Simplify of Processing Cuba Citizens under the Cuban Refugee Adjustment Act of 1966(CRAA)*; and, May 27, 2015, *Additional Streamlining of Cuban Refugee Adjustment Act (CRAA) Processing*.

On January 12, 2017, The Secretary of Homeland Security rescinded the parole policy for arriving Cuban nationals, known as “wet-foot/dry-foot” and the Cuban Medical Professionals Parole Program. The Cuban Family Reunification Parole (CFRP) Program, administered by U.S. Citizenship and Immigration Services, remains intact and allows certain eligible residents to apply for an advanced parole for family members in Cuba. These policy changes are effective immediately. Additionally, a regulatory change to 8 CFR Section 235.3(b)(1)(i), Expedited Removal, has been made to rescind the expedited removal exception for citizens of Cuba.

Accordingly, a citizen of Cuba arriving in the United States, who is determined to be inadmissible under section 212(a)(6)(C) or 212(a)(7) of the Immigration and Nationality Act (INA), should be ordered removed from the United States in accordance with section 235(b)(1) of the INA. This, in effect, treats arriving Cuban nationals the same as all other arriving aliens. This change does not alter CBP’s discretionary authority to permit an alien to withdraw his application for admission, approve discretionary 212(d)(4) waiver of documents (I-193) for individuals who are solely lacking a valid passport or visa for their purpose, or 212(d)(5) parole

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authority where parole of the alien will serve a legitimate law enforcement purpose, medical emergency, or other urgent humanitarian need.

Cuban nationals awaiting a credible fear interview will be referred to Immigration and Customs Enforcement, Enforcement and Removal Operations (ERO) for detention pending credible fear determination.

Dual nationals with Cuban citizenship who are applying for admission under the Visa Waiver Program (VWP) will be treated as all VWP applicants, subject to removal under section 217 of the INA, to include a limited review of fear claims, as appropriate.

Please ensure that this memorandum and attached muster are disseminated to all ports of entry within your jurisdiction. If you have any questions or require additional information, please contact (b) (6), (b) (7)(C) (A) Director, Enforcement Programs Division, at (b) (6), (b) (7)(C), or (b) (6), (b) (7)(C), Enforcement Programs Division at (b) (6), (b) (7)(C)

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