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ZZZ103764.E

26 May 2011

Cuba/United States: Rights and obligations associated with having an American Visa that states "Not a visa. Foil prepared at the DHS Request. Special Parole for Family Members of Cuban Immigrant Beneficiaries"; whether this entitles the holder to permanent residence
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

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This Response replaces RIR ZZZ103564.E of 19 August 2010.

In 17 August 2010 correspondence with the Research Directorate, a United States (US) Citizenship and Immigration Services (USCIS) liaison officer serving with Citizenship and Immigration Canada (CIC) stated that the notation, "Not a visa. Foil prepared at the DHS Request. Special Parole for Family Members of Cuban Immigrant Beneficiaries", found on a travel document issued by the United States (US) "gave the holder one-time permission to travel to the US and apply to adjust his or her status from within the country" (US 17 Aug. 2010). The US Liaison Officer stated that a visa foil is used because its security features prevent fraud, but this does not make the document a visa, which is why the indication "not a visa" is present (ibid.).

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The US Liaison Officer stated that the notations do not entitle the holder to permanent residence in the US (ibid.). He explained that "parole does not afford the individual any legal status in the United States - it is rather a mechanism that allows an individual to physically arrive into the United States, and then, if eligible, to pursue other immigration benefits" (ibid.). According to the US Liaison Officer, this parole is governed by section 212, sub-section (d), paragraph (5) of the *Immigration and Nationality Act* (INA) (ibid.).

According to the website of the USCIS, section 212, sub-section (d), paragraph (5) of the INA states:

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(A) The Attorney General may, except as provided in subparagraph (B) [...] in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States, but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Attorney General, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United

States.

(B) The Attorney General may not parole into the United States an alien who is a refugee unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee under section 207 [which deals with admission of refugees]. (US 1952)

The following information on the Cuban Family Reunification Parole Program (CFRP) may also be of interest. The website of the US Interests Section in Havana, Cuba, provides the following information about the CFRP program:

On November 21, 2007, the Department of Homeland Security announced that it had begun the Cuban Family Reunification Parole (CFRP) Program. Under this program, U.S. Citizenship and Immigration Services (USCIS) is offering beneficiaries of approved family preference-based immigrant visa petitions an opportunity to come to the United States rather than remain in Cuba to apply for lawful permanent resident status (i.e., a "green card"). The purpose of the program is to expedite family reunification through safe, legal, and orderly channels of migration to the United States and to discourage dangerous and irregular maritime migration. (US n.d.).

The website adds that "U.S.-based United States Citizen and Lawful Permanent Resident petitioners whose Forms I-130, Petition for Alien Relative, have been approved" will receive written notice "of their beneficiary's eligibility to participate in the CFRP Program and the procedures for requesting parole. However, participation in the CFRP is voluntary" (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

United States (US). 17 August 2010. Correspondence with a US Citizenship and Immigration Services (USCIS) Liaison Officer.

_____. 1952. United States (US) Citizenship and Immigration Services (USCIS) *Immigration and Nationality Act*.
< <http://www.uscis.gov/portal/site/uscis/menuitem.f6da51a2342135be7e9d7a10e0dc91a0/?vgnnextoid=fa7e539dc4bed010VgnVCM1000000ecd190aRCRD&vgnnextchannel=fa7e539dc4bed010VgnVCM1000000ecd190aRCRD&CH=act> > [Accessed 18 Aug. 2010]

_____. N.d. US Interests Section in Havana, Cuba. "Cuban Family Reunification Program."
< http://havana.usint.gov/cuban_family_reunification_parole_program2.html > [Accessed 13 Aug. 2010]

Additional Sources Consulted

Oral Source: Attempts to obtain information from a representative of the United States Interest Section in Havana, Cuba, were unsuccessful.

Publications: *Carrier Information Guide: United States Documentary Requirements for Travel; Cuban Migration in the United States: Policy and Trends; Cubans in the United States.*

Internet sources, including: America.gov, British Broadcasting Corporation

(BBC), Embassy of the United States (US) of America in Ottawa, The Federal Register, ImmigrateUSA.us, Inter Press Service (IPS), United States (US) — Department of Homeland Security.

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