

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

RECORD OF DETERMINATION/PAROLE DETERMINATION WORKSHEET

Alien's Claimed Name(s) (including AKAs) _____
A#(s) _____
Detention Facility Name and Location _____
Field Office _____

This worksheet should be completed pursuant to section 212(d)(5) of the Immigration and Nationality Act (INA) and 8 C.F.R. § 212.5 for each arriving alien in U.S. Immigration and Customs Enforcement (ICE) custody following a determination by a U.S. Citizenship and Immigration Services asylum officer or an immigration judge of the Executive Office for Immigration Review that the alien has a "credible fear" of persecution or torture, within the meaning of INA § 235(b)(1)(B)(v) and 8 C.F.R. § 208.30(e)(2)-(3). Such an alien will have been initially processed under the INA's expedited removal provisions and should have a completed Form I-870 (Record of Determination/ Credible Fear Worksheet) in his or her A-file. For those aliens initially denied parole, a letter to that effect must be prepared for the signature by the Office of Detention and Removal Operations (DRO) Field Office Director or, where that authority has been delegated, to the Deputy Field Office Director or Assistant Field Office Director, in whose area of responsibility the alien is detained. The letter should provide a brief explanation of the reasons for denial of parole and notify the alien that he or she may request redetermination of parole based upon changed circumstances or additional evidence relevant to the alien's identity and whether and to what extent the alien poses a danger to the community or a flight risk.

The parole decision includes four determinations. First is an assessment of the alien's identity. Second is whether the alien is likely to appear at all scheduled hearings and enforcement appointments, including for removal upon issuance of a final order of removal. Third is whether the alien presents a security risk to the United States or a danger to the community. Fourth is whether there are any additional factors that may militate in favor of or against release, including, in particular, any exceptional, overriding reasons why an otherwise eligible alien should not be paroled. In completing this worksheet, DRO personnel should consult ICE Policy Directive Number 11002.1, entitled "Parole of Arriving Aliens Found to have a Credible Fear of Persecution or Torture" (effective on January 4, 2010).

This entire worksheet must be completed in every case. Use blank 8" x 11" paper if additional writing space is required. Include copies of all evidence that supports the decision to parole or not parole the alien with this worksheet.

Part I. Foreign Language

- Was a parole interview conducted in a language other than English? Yes No
(If "No," proceed to Part II)
- In what language was the interview conducted: _____
- Was an interpreter used? Yes No
- Do the interviewing officer, alien, and interpreter (if applicable) understand one another? Yes No

Comments: _____

Part II. Determination

A. Identity

- Does the individual have valid, government-issued documentation of identity? Yes No
- In the absence of government-issued documentation of identity, are there any third-party affidavits from affiants, who are themselves able to establish their own identity and address, that support the validity of the individual's claimed identity? Yes No
- Has the individual otherwise established his or her identity through credible statements such that there are no substantial reasons to doubt the individual's identity as stated by the individual? Yes No
- Identify any statements or evidence that relate to the individual's identity and explain why the evidence does or does not satisfy the standard:

B. Risk of Flight

- Does the individual have an address where he or she will reside (including, if applicable, residence provided by a community-based service provider)? Yes No
- Does the individual have any substantial ties to the community (e.g., relatives, organizations)? Yes No
- Are there any substantial reasons to believe the individual will not appear as required for all scheduled hearings and enforcement appointments? Yes No
- If substantial reasons exist to consider the individual a flight risk, is there an alternative to detention (ATD) program available? Yes No
- If ATD is unavailable, would imposition of a bond ensure the individual's appearance? Yes No
- Has the individual established that he or she does not pose a substantial risk of flight (taking into account such conditions or ATD options as may be applied)? Yes No
- Please explain your conclusion: _____

C. Danger to the Community

- Is there any substantial reason to believe that the individual poses an actual danger to the community or U.S. national security? Yes No
- Identify any evidence offered that relates to the individual's potential danger to the community or national security (including any mitigating evidence such as proof of rehabilitation) and explain why it does or does not justify continued detention: _____

D. Additional Factors (Including any Exceptional, Overriding Factors why Parole Should Not Be Granted)

- Are there any additional factors relevant to whether the alien should be released? Yes No
- Please explain: _____

Part III. Signatures and Approval

• Initial Preparer's Recommendation Grant Parole Deny Parole

(Name and Title of Preparing Officer) (Signature of Preparing Officer) (Date of Recommendation)

- Please explain your recommendation: _____

• Supervising Official's Assessment Grant Parole Deny Parole

(Name and Title of Supervising Official) (Signature of Supervising Official) (Date of Assessment)

- Please explain your assessment: _____

• Deciding Official's Conclusion Grant Parole Deny Parole

(Name and Title of Deciding Official) (Signature of Deciding Official) (Date of Decision)

- Please explain your conclusion: _____
