

Explainer: Venezuela Parole Program and Title 42 Expansion

On October 12, the Department of Homeland Security (DHS) [announced](#) a new policy approach to address — and deter — increasing arrivals of Venezuelan migrants at the Southwest border.

As one part of this approach, on October 18 the administration launched a [private sponsorship parole program](#) that will initially allow up to 24,000 Venezuelans to access temporary protections in the U.S. According to DHS, the continued operation of the parole program will be contingent on the second plank of the administration's response to increased Venezuelan migration: An agreement with Mexico to immediately expel Venezuelans arriving at the border under a pandemic-era policy called [Title 42](#).

The parole program and expansion of Title 42 mark a significant shift in U.S. policy towards Venezuelan migrants. The policies also raise serious concerns regarding the safety of migrants returned under Title 42 and whether the parole program is accessible enough to serve as a real alternative to irregular migration.

This explainer will describe the new approach, its likely impact, and concerns associated with its implementation.

What are the eligibility requirements of the new Venezuelan parole program?

Parole is a [tool](#) that allows specific groups of individuals to enter and temporarily stay in the United States for humanitarian reasons or because their entrance is determined to be in the public interest.

DHS has said the new [private sponsorship parole program](#) for Venezuelans will operate similarly to the [Uniting for Ukraine](#) (U4U) parole program that has recently provided temporary protections to [over 50,000](#) Ukrainians fleeing the Russian invasion. However, there are additional eligibility restrictions for the Venezuelan program that distinguish it from U4U.

To apply for and be granted parole via the Venezuela program, prospective beneficiaries must:

- Be a Venezuelan national or an immediate family member outside the United States
- Hold a valid passport
- Have a sponsor in the U.S. who has agreed to provide financial and resettlement assistance and filed a declaration of financial support ([Form I-134](#))

Prospective beneficiaries will NOT be eligible if:

- They are a resident, dual-national, or refugee in another country
- They are an unaccompanied child
- They have been ordered removed from the U.S. in the past 5 years
- They have crossed irregularly or unlawfully into the U.S., Mexican, or Panamanian borders after October 19, 2022.

Upon initial acceptance parolees must:

- Provide for their own legal, commercial travel to a U.S. port of entry (land or air)
- Pass vetting and screening procedures established by DHS and Customs and Border Protection (CBP).

To serve as a sponsor for the program, individuals must:

- Hold lawful status in the U.S. (nonimmigrants, parolees, asylum recipients, and those on Temporary Protected Status *are* eligible to serve as sponsors)
- Demonstrate proof of financial capability to ensure housing and medical care for the parolee and to ensure other needs are met for the duration of the parole period
- Pass security and background vetting designed to pick up flags related to human trafficking and exploitation concerns

There will not be a fee to apply for the program and sponsors will not be required to have a familial connection to the prospective beneficiary. To begin the process, sponsors must only submit the correct [form](#) for each beneficiary they wish to support.

What benefits will Venezuelan parolees receive?

Like other parole programs, beneficiaries of the Venezuelan parole program will receive protection from deportation for an initial period of two years. They will be able to apply for work authorization upon arrival, but that application process is backlogged and often takes several months to complete. Barring an act from Congress, parolees will be ineligible for most other benefits, including those typically offered to refugees and others with more permanent protections.

Parolees will not have a clear path to permanent status in the U.S. and as of October 21 will be excluded from TPS protections that are currently only available to those who have arrived before March 8, 2021. Parolees will be able to apply for asylum or other immigration pathways if they are otherwise eligible.

How will the expansion of Title 42 impact Venezuelans seeking protection at the border?

[Title 42](#) is a pandemic-era policy that both the Trump and Biden administrations have used to immediately expel arriving migrants to Mexico or their countries of origin. Migrants expelled under Title 42 are not provided the opportunity to make claims for asylum. In March 2022, the Biden administration [announced its intention](#) to end the use of Title 42 because there was no longer a viable public health rationale and the policy was causing harm to migrants and [disorder](#) at the border. However, a [court order](#) has kept the policy in place.

The use of Title 42 relies heavily on receiving countries agreeing to the rapid expulsions. Prior to October 12, arriving Venezuelans were almost [entirely exempt](#) from Title 42 because both Venezuela and Mexico refused to accept them upon expulsion. Accordingly, of the 153,905 encounters of Venezuelan migrants at the southern border in fiscal year 2022, fewer than 1,000 were expelled under Title 42. Most Venezuelan migrants were able to enter immigration court proceedings in the U.S. and to seek asylum. In FY 2021, [73%](#) of Venezuelan applicants were determined to be eligible for asylum and granted protections.

But starting October 12, the Biden administration made a deal with Mexico to [expand](#) Title 42 expulsions to include Venezuelans. These expulsions began immediately, with hundreds of arriving Venezuelans expelled to Mexico the day the deal was announced. The expulsions will [also apply](#) to Venezuelans attempting to apply for asylum at a U.S. port of entry.

Upon expulsion, Venezuelan migrants will be unable to make a claim for protection and instead sent to various places in Mexico as decided by U.S. and Mexican authorities. They will [ordered](#) to leave Mexico within 15 days. Migrants returned to Mexico under Title 42 are subject to [notoriously dangerous](#) conditions, and a Human Rights First report has documented over 10,000 incidents of kidnapping, torture, rape, and other violent attacks on those who been blocked or expelled to Mexico under Title 42.

It is unlikely that all Venezuelan arrivals will be subject to Title 42 expulsions, and particularly family units may be able to access exemptions. According to [CBP data](#) for August 2022, only 37% of family units from countries subject to Title 42 expulsions to Mexico were actually returned under the policy. Still, there have already been [documented instances](#) of Venezuelan families being expelled in the first few days of the policy's implementation.

How many migrants will be affected by the parole program and title 42 expansion?

DHS has [stated](#) that the parole program will be initially capped at 24,000 total beneficiaries. That is [fewer](#) than the over 33,000 Venezuelan migrants who arrived at the Southwest border in September 2022 alone.

However, the October 12 DHS announcement [noted](#) that it “may consider expanding [the parole program] in the future.” Initial [reporting](#) about the plan indicated the administration had considered including other nationalities like Cubans, Haitians, and Nicaraguans, and an expansion to those countries may still be under consideration.

Regarding the expansion of Title 42 expulsions to include Venezuelans, Mexico has agreed to accept up to 1,000 expelled Venezuelans each day, and hundreds have already been expelled in the policy's first few days of operation. However, according to an October 16 [Associated Press report](#), Mexico has privately insisted that it will only accept one Title 42 expulsion for each Venezuelan granted protections via the parole program.

What reasons did the Biden administration provide for implementing the two policies impacting Venezuelan migrants?

The Biden administration advanced [several reasons](#) for creating the Venezuelan parole program and expanding Title 42 for Venezuelan migrants. According to the DHS announcement and federal register notice, the chief objective of the plan is to reduce irregular migration from Venezuela and discourage migrants from embarking on the dangerous journey across the Darién Gap and to the border. The administration has also said the plan will reduce strain on DHS border processing and on receiving communities and promote regional coordination on more safe and orderly migratory pathways.

Venezuelan arrivals at the border have been increasing significantly in recent months. While they have [only accounted](#) for about 7% of all border encounters in the past fiscal year, they have made up a [higher proportion](#) (over 13%) of arrivals allowed to stay in the U.S. to pursue asylum claims in immigration court. The arrivals have gained particular attention in recent months as Republican governors [initiated schemes](#) to transport mostly Venezuelan migrants from the border to cities and localities further north.

The plan to address and deter irregular Venezuelan migration may have been designed in part to dissipate some of this media attention. New York City Mayor Eric Adams —who had previously

[denounced](#) the use of Title 42 — offered his approval for the administration’s planned expansion of the policy to Venezuelans. Mayor Adams had previously [declared](#) a state of emergency to respond to the high numbers of Venezuelan asylum seekers being transported to the city.

What are the concerns associated with the administration’s plan?

The desire to create more safe and orderly pathways for arriving migrants is sound, but the limited nature of the new parole program and the expansion of Title 42 raise serious concerns. As currently constructed, the plan is unlikely to respond effectively to the administration’s stated goals.

Limited eligibility and access to the parole program

The overwhelming majority of Venezuelans who are fleeing to the U.S. border will not be able to access the newly created parole program due to the program’s low ceiling and strict eligibility requirements.

Venezuela is the origin of one of the largest forced migration crises in the world. The country is [in the midst](#) of “an unprecedented social and humanitarian collapse” and [millions have fled](#) violence, corruption, food insecurity, and a lack of medicine and other essential services.

Those currently making their way to the U.S. border are among the poorest and most vulnerable individuals fleeing the Maduro regime. They are desperate enough to cross the Darién Gap, a 60+ mile jungle footpath [plagued](#) by dangerous wild animals, criminal organizations, grueling terrain, raging rivers, and dead bodies.

The parole program’s initial cap of 24,000 is just a fraction of the Venezuelans already in transit. And the program is cost-prohibitive, requiring prospective beneficiaries to have a valid passport, a connection to a sponsor in the U.S., and to cover commercial travel to a U.S. port of entry.

In general, the new parole program will only be accessible to a small number of wealthier and better-connected Venezuelans. Even the cost of a passport is prohibitively expensive for most prospective migrants. By one estimate, [just 1%](#) of those fleeing Venezuela hold valid travel documents. Unless eligibility and capacity are expanded, the parole program does not represent a viable alternative for most Venezuelans choosing to flee the country on foot.

Consequences of Title 42 expansion

The right to apply for asylum and humanitarian protection at the border — including between ports and “irrespective of status” — is explicitly enshrined in the Immigration and Nationality Act. A policy to immediately expel arriving Venezuelans (and the use of Title 42 in general) infringes upon that right.

There is no clear strategy in place to protect Venezuelan migrants who are en route to the Southwest border or who are and will be expelled under Title 42. The plan — designed to “deter” unsafe migration across the Darién Gap — may actually force some migrants, left without options, to retrace their path going the opposite direction through the jungle.

As the Biden administration has repeatedly acknowledged, Title 42 has also been an ineffective border management tool. Its use has [driven](#) higher repeat crossing rates and caused negative

enforcement outcomes. The Title 42 era has [been a boon](#) to cartels and smugglers at the border, and an expansion to Venezuela is likely to exacerbate these concerns.

Conclusion

The new Venezuelan parole program represents an opportunity for Americans across the country to come forward as sponsors and demonstrate an ethic of welcome to their communities and to the world. But while the administration may choose to expand it, the program as currently constructed is too limited to serve as a realistic alternative for many of the most vulnerable migrants fleeing the Maduro regime.

Instead, the most significant part of the Biden administration's announced approach to Venezuelan migration is the expansion of Title 42 expulsions at the border. In the short term, this [may ease pressure](#) on some migrant receiving communities across the country, which may serve as a political win for the administration with midterm elections approaching. But enforcement-focused efforts have [rarely worked](#) to sustainably deter irregular migration, in part because they underestimate the conditions migrants are fleeing and the desperation of those who do make it to the border.

The challenges we face at the border and in the hemisphere demand sustainable, humane solutions. Creative [uses of parole](#) could play an important role in a [comprehensive approach](#) to regional migration, but expanding Title 42 puts migrants in danger — and it sacrifices long-term progress for short-term politics.

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