



U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515

June 9, 2023

Alejandro Mayorkas  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
301 7<sup>th</sup> St, SW  
Washington, DC 20528

Dear Secretary Mayorkas,

I want to follow up on my February 2023 request about issuing parole to arriving Cubans. We have an urgent and unprecedented situation that has come about due to a unique set of circumstances.

For the first time in U.S. history, we now have hundreds of thousands of Cubans inside the U.S. stuck in legal limbo, unable to adjust their status under the Cuban Adjustment Act. Because of this, I would like to request that you issue Parole in Place (PIP) to all Cubans in possession of a form I-220A. This would fix the situation and allow them to access the Cuban Adjustment Act.

Below I am highlighting some key events to help explain how this situation developed and why it needs to be addressed:

- In January 2017, the Wet-Foot/Dry-Foot policy was repealed.
  - Without clear guidance, U.S. government officials began issuing I-220A forms to some Cubans entering the United States. Others were given parole.
    - As you know, a form I-220A (Order of Release on Recognizance) releases these individuals into the United States after they have been processed.
    - Cubans that are given an I-220A form are not officially “admitted” into the United States nor are they considered “arriving aliens.” Therefore, they are unable to adjust their status to become a lawful permanent resident through the Cuban Adjustment Act.
    - Importantly, Cubans that are paroled in are “admitted” and therefore eligible for the Cuban Adjustment Act.
- In September 2017, Hurricane Irma strikes Cuba as a Category 5 storm, devastating the island and its economy.
- In September 2017, the United States begins removing personnel and shutting down consular services in Cuba due to sonic attacks/Havana Syndrome.
  - This shuts off vital family reunification and travel services which allow Cubans to legally leave the island. In the absence of U.S. personnel, these services stop, and Cubans have extremely limited options to leave the island.
- In March 2020, the COVID pandemic ravages Cuba, exacerbating existing economic struggles on the island while ways to legally leave Cuba continue to be closed.
- Throughout 2020, the number of Cuban migrants fleeing by boat through the Florida straits begin to surge.
- In December 2020, the Cuban Regime stops accepting Cubans back to the island, and all deportation flights stop. This makes it impossible for any Cubans in the U.S. to be returned to the island.

- In January 2021, as numbers of migrants from Latin America arriving at our southern border start to surge, most Cubans continue to attempt to come to the U.S. by sea.
- In July 2021, historic protests of Cubans calling for freedom rock Havana and the island. The regime shuts the internet down across the island and beats and jails hundreds of protestors. Many start preparing to escape as tensions reach a tipping point.
- In November 2021, Nicaragua eliminates visa requirements for Cubans, giving Cubans a legal way to get to Central America.
  - This leads to a rush of Cubans to the southern border, through the land route from Nicaragua.
- Throughout 2022 alone, over 250,000 Cubans migrated to the United States through the southern border. This is more than 2 percent of the island's 11 million population and represents the largest exodus from the island in history.
  - Many of these Cubans are given a form I-220A and released into the United States.
- In January 2023, your Administration resumes full consular services in Havana.

Until last year, large numbers of Cubans did not arrive by land. Through confusing guidance at the border, and the discretion of officers processing arrivals, many Cubans are being given an I-220A form instead of parole. Parole issuance by ICE has been random at different designated ports of entry across the U.S.-Mexico border. The result is that some ICE officials issue Parole to Cubans and others are released with an I-220A.

This shuts off their access to use the Cuban Adjustment Act, which has been law for 60 years now. Since I-220A holders are not considered "arriving aliens" they are referred to EOIR preventing USCIS from adjudicating their I-485 (Application to Register Permanent Residence) resulting in a "Notice of Administrative Closure." I believe this is the first time since the passage of the Cuban Adjustment Act that a large number of Cubans in the United States are ineligible to adjust status through this Act.

Furthermore, Cubans with an I-220A are not eligible to obtain Employment Authorization and they must rely on temporary public assistance. When that runs out, they are unable to provide for themselves. Those awaiting the opportunity to plead their case in court are at the mercy of a 4.5+ year immigration court backlog. Sadly, they cannot return home without facing the wrath of a brutal regime.

As your Administration has resumed consular services in Cuba and is implementing policies to help address irregular migration at the southern border, I am hopeful we can work together to better manage any future flows of individuals from the island. However, the current situation requires an immediate and targeted fix beyond the actions you are currently taking.

Fortunately, you have the power to fix this situation through the use of Parole in Place, which would make this group eligible to use the Cuban Adjustment Act as Congress intended. I humbly request that, within all applicable rules and regulations, you take swift action to address this through executive action.

Please let me know if I can provide any additional information to help address this situation.

Sincerely,



Maria Elvira Salazar  
Member of Congress