



Testimony of

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The Committee on Homeland Security

Subcommittees on

Oversight, Investigations, and Accountability

and

Border Security and Enforcement

United States House of Representatives

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RE: “Case-by-Case: Returning Parole to its Proper Purpose”

Chairmen Brecheen and Guest, Ranking Members Thanedar and Correa, and distinguished members of the subcommittee, thank you for the opportunity to testify.

My name is David Bier. I am the Director of Immigration Studies at the Cato Institute, a nonpartisan public policy research organization in Washington, D.C. For nearly half a century, the Cato Institute has produced original immigration research showing that a freer, more orderly, and more lawful immigration system benefits Americans. People are the ultimate resource. In a free country, immigrants can contribute to their new homes, making the United States a better, more powerful, and more prosperous place.

One legal way for immigrants to enter and participate in US society is parole, an immigration category first created by Congress in the Immigration and Nationality Act of 1952. Over the decades since then, millions of individuals have entered this country as parolees. Although parole is a temporary status, it allows immigrants to adjust to lawful permanent residence, which many thousands of parolees did. Many former parolees are Americans now and are still contributing to their new home. It is an essential and important feature of America's legal immigration system.

Congress should:

- protect current parolees from the president's mass deportation efforts;
- reinstitute the parole processes suspended by the president; and
- expand those processes to give more people a viable legal option to immigrate legally to the United States.

President Biden's use of parole has deep historical precedent.

Although President Biden used parole in various important ways, his uses of parole were not unique. The executive branch has ordered case-by-case categorical parole programs more than 126 times since 1952, when Congress created the parole authority.¹ Here are several noteworthy instances:

- **Parole from detention (1954—1980):** On November 12, 1954, Ellis Island and several other INS detention centers were closed, and detainees were paroled into the United States. The number of detained immigrants fell from a monthly average of 225 to less than 40.² Paroles were carried out under section 212(d)(5) of the INA. The INS promulgated a regulation on January 8, 1958, authorizing this practice of parole from ports of entry rather than detention.³ From 1954 until 1981, "most undocumented aliens detained at the border were paroled into the United States."⁴ Even after 1982, when the use of parole was narrowed, its use continued "when detention is impossible or impractical."⁵ The INS associate commissioner testified in 1964 that the closing of the detention facilities met the requirement of the parole statute because "it created a better image of the American Government and American public."⁶
- **Hungarian parole (1956):** On November 13, 1956, President Eisenhower ordered that 5,000 Hungarians be paroled into the United States.⁷ On December 1, 1956, he

revised the limit to 15,000 Hungarians before eliminating the limit on January 2, 1957.⁸ By June 30, 1957, 27,435 parolees had entered, totaling 31,915 by 1958.⁹ For context, only 109 immigrants were admitted from Hungary in 1956, and only 321,625 immigrants were admitted worldwide. The Justice Department said in 1957 that this was “the first time that the parole provision has been applied to relatively large numbers of people.” Several US charitable organizations helped prepare their parole applications and find housing and jobs for them.

- **Cuban parole (1959—1973):** Starting on January 1, 1959, following the communist revolution, the Eisenhower administration used parole to allow a “small percentage” of Cubans who had left the island and entered the United States illegally. By June 1962, the number of Cubans on parole rose to 62,500. Altogether, about 107,116 Cubans were paroled into the United States from 1959 to 1965. Starting on December 1, 1965, based on a November 6, 1965 memorandum of understanding with the Cuban government, the Johnson administration operated daily “Freedom Flights” from Cuba to Miami.¹⁰ During its operation, 281,317 Cubans were paroled into the United States.¹¹ At its peak year, 46,670 Cubans arrived via parole in 1971.¹² This compares to 361,972 total immigrants that year. Congressional appropriations funded the airlifts. In May 1972, the flights were suspended by the Cuban government before being terminated permanently on April 6, 1973. The Cuban Adjustment Act of 1966 made it possible for Cuban parolees entering after 1959, including future parolees, to adjust their status to legal permanent residence after two years in the United States.
- **Vietnamese, Cambodian, and Laotian parole (1975—1980):** On April 18, 1975, the president authorized a large-scale evacuation to Guam using parole. In FY 1975 alone, about 135,000 received parole.¹³ Congress funded (partially retroactively) the processing under the Indochina Migration and Refugee Assistance Act.¹⁴ In August 1975, the program was expanded to Cambodians and Vietnamese with special connections to the United States, and on May 6, 1977, 11,000 more were authorized from Vietnam, Cambodia, or Laos.¹⁵ From 1975 to the middle of 1980—when the Refugee Act was enacted and replaced the parole programs—more than 330,000 Vietnamese, Cambodians, and Laotians were paroled into the United States.¹⁶
- **Soviet/Moscow Refugee Parole (1988—present):** In August 1988, the attorney general overturned the presumption that Soviet Jews qualified as refugees. On December 8, 1988, he created a “public interest” parole program for 2,000 Soviets per month who were denied refugee status.¹⁷ Parolees needed to have sponsors in the United States and were not eligible for refugee benefits.¹⁸ A total of 7,652 were paroled in FY 1989.¹⁹ About 17,000 Soviets were paroled from 1992 to 1998.
- **Cuban Migration Accord paroles (1994—2003):** On September 9, 1994, the United States and Cuba signed an agreement to pursue policies designed to reduce illegal immigration, including the United States maintaining a minimum level of 20,000 legal admissions of Cubans per year.²⁰ In order to meet the 20,000

immigration quota, the United States created the Special Cuban Migration Program to grant parole to about 5,000 Cubans per year through a lottery.²¹ Around 75,000 Cubans were paroled under these programs from 1994 to 2003 (the last year that statistics were available).²²

- **Cuban Wet Foot, Dry Foot parole (1995—2017):** On May 2, 1995, the US government announced that it would not parole any Cubans intercepted at sea, even if in US waters, but it would parole anyone on US soil or arriving at a port of entry.²³ The INS and later Customs and Border Protection field manual provided that Cuban asylum seekers “may be paroled directly from the port of entry” except for those who “pose a criminal or terrorist threat.”²⁴ Subsequently, the number of Cubans paroled at ports of entry (mainly along the southwest border) increased significantly. From 2004 to 2016, 226,000 Cubans were paroled at US land borders.²⁵
- **Visa Waiver Program parole (2000):** The Visa Waiver Program authorization lapsed in April 2000, so the Attorney General authorized all Visa Waiver Program entries under the parole authority.²⁶ Visa Waiver Program travelers were paroled into the United States from late April to September 2000 (about 8 million times).²⁷
- **Family Reunification Paroles (2007—2017, 2021—2025):** On November 21, 2007, the DHS created a new parole program for any Cuban with an approved family-based petition for legal permanent residence. On December 18, 2014, DHS created a new parole program for any Haitian with an approved family-based immigrant visa petition if they have a priority date within two years of being current.²⁸ On August 2, 2019, DHS announced it would terminate the program but would extend the parole of current participants.²⁹ On October 12, 2021, it reversed its decision and continued the program.³⁰

The Biden administration’s effort to use parole was not unique in purpose, in manner, or in number. There is no basis for describing it as unprecedented or unlawful.

The statute envisions case-by-case categorical parole.

Permitting qualified immigrants to enter the United States with the parole authority is unquestionably legal. Congress created parole authority. Section (d)(5)(A) of the Immigration and Nationality Act (INA) states:

“The Secretary of Homeland Security may . . . 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 . . .”³¹

In 1996, Congress added the phrase “case-by-case basis,” and some people erroneously claim that “case-by-case” means that the Secretary of Homeland Security may not designate any categories of people as eligible *to apply for* parole. But that is obviously incorrect.

1. **The Secretary of Homeland Security must define categories eligible to *apply for* parole.** The statute does not define “urgent humanitarian reasons or significant

public benefit,” requiring the Secretary of Homeland Security to define *the categories* of individuals who meet those requirements and who will be considered for parole on a case-by-case basis. A case-by-case basis means that once they establish their eligibility to apply, they are considered individually. As the Immigration and Naturalization Service (INS) General Counsel in June 2001 explained:

“Designating, whether by regulation or policy, a class whose members generally would be considered appropriate candidates for parole does not conflict with the ‘case -by-case’ decision requirement, since the adjudicator must individually determine whether a person is a member of the class and whether there are any reasons not to exercise the parole authority in the particular case.”³²

2. **The pre-1996 categorical parole processes were administered on a case-by-case basis.** Parole had already always been both categorical and case-by-case. The executive branch has ordered case-by-case categorical parole programs more than 126 times since 1952 when the parole authority was created.³³ For instance, the Cuban Migration Accord of 1994 included a case-by-case requirement despite establishing a new category eligible to apply.³⁴ This language was also used to describe parole decisions for Cubans in 1980 and Vietnamese in the 1970s.³⁵ If Congress had intended the case-by-case language to end all earlier categorical parole programs, it would not have adopted the very language those programs used.
3. **Congress specifically removed language in 1996 that limited parole to narrowly defined circumstances.** The initial House version of the 1996 law that became the Illegal Immigration Reform and Immigration Responsibility Act included language that defined “urgent humanitarian reasons or significant public benefit any alien,” but that bill never reached the floor of the House.³⁶ This was done in response to concerns that it denied the president “flexibility to deal with compelling immigration situations.”³⁷ Congress also excised a provision that would have banned the use of parole for people denied refugee status.
4. **Congress has repeatedly demonstrated agreement with categorical uses of parole.** For instance, in 1966, Congress authorized the adjustment of status to legal permanent residence for any Cuban paroled into the United States for more than 1 year.³⁸ In 1996, even as Cubans continued to be paroled into the United States and as it adopted the 1996 law that added “case-by-case” into the parole statute, it affirmed that the Cuban Adjustment Act should continue until a democratically elected government in Cuba is in power.³⁹ The same year, it provided an adjustment of status for Polish and Hungarian parolees.⁴⁰ In 2010, it provided an adjustment of status for orphan parolees from Haiti.⁴¹ In 2020, it expressed congressional support for an ongoing parole program for relatives of US military members.⁴² In 2021, Congress extended certain refugee benefits to Afghan parolees,⁴³ while regarding a plan to process future parolees, and in 2022, it did the same for Ukrainian parolees.⁴⁴

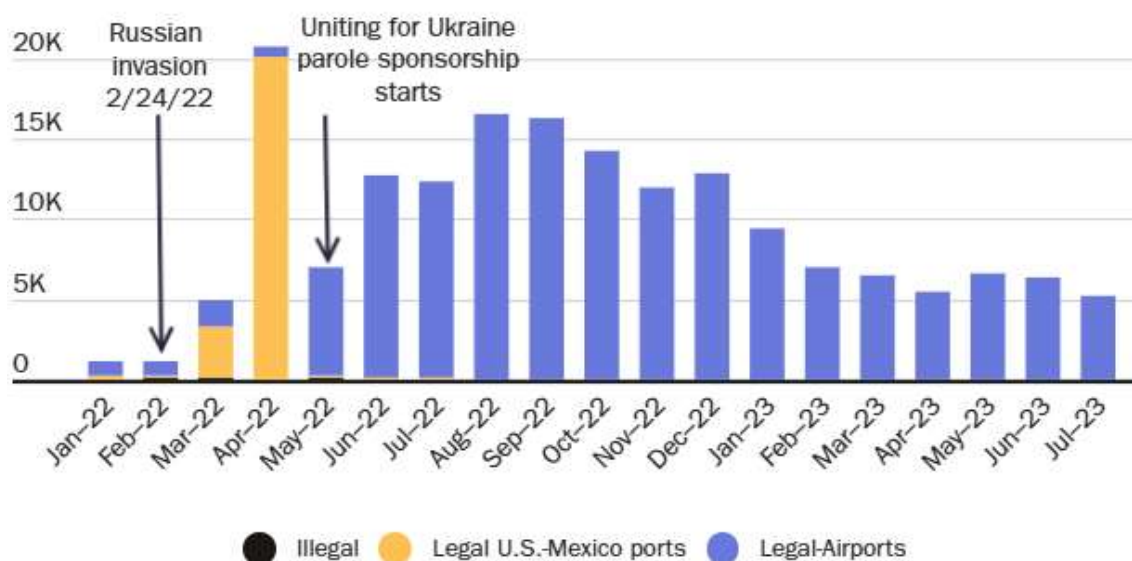
The 2022-2023 parole processes were lawful and effective

When the US government expanded the use of parole in 2022, the United States was experiencing levels of illegal crossings not experienced in decades. As part of a comprehensive strategy to reduce illegal immigration, the United States was negotiating with many countries to reduce flows to the US borders.

- *Ukrainian border parole at ports:* In February 2022, Russia invaded Ukraine, which caused tens of thousands of Ukrainians to come to the US-Mexico border to request protection. Initially, Customs and Border Protection paroled the Ukrainians into the United States under section 212(d)(5)(A) of the INA.⁴⁵ In April 2022, about 20,102 Ukrainians were paroled into the United States from the southwest border.⁴⁶ This was obviously preferable to them crossing illegally and burdening Border Patrol.
- *Uniting for Ukraine parole sponsorship:* The administration correctly determined that it would be even better for Ukrainians not to have to come to the US-Mexico border at all. On April 27, 2022, the Department of Homeland Security (DHS) created the Uniting for Ukraine parole process. Under the U4U process, Ukrainians could apply for and receive travel authorization in Europe and fly to the United States to be paroled at airports, if a US-based sponsor pledged to support them. The statutory justification for this grant of parole was the urgent humanitarian disaster created by the invasion of Ukraine,⁴⁷ and no one ever challenged the action in court. The U4U process reduced Ukrainian arrivals at the US-Mexico border by over 99 percent.

Ukrainians stopped coming to the US-Mexico border after parole sponsorship

Ukrainian border encounters by location of entry, January 2022–July 2023



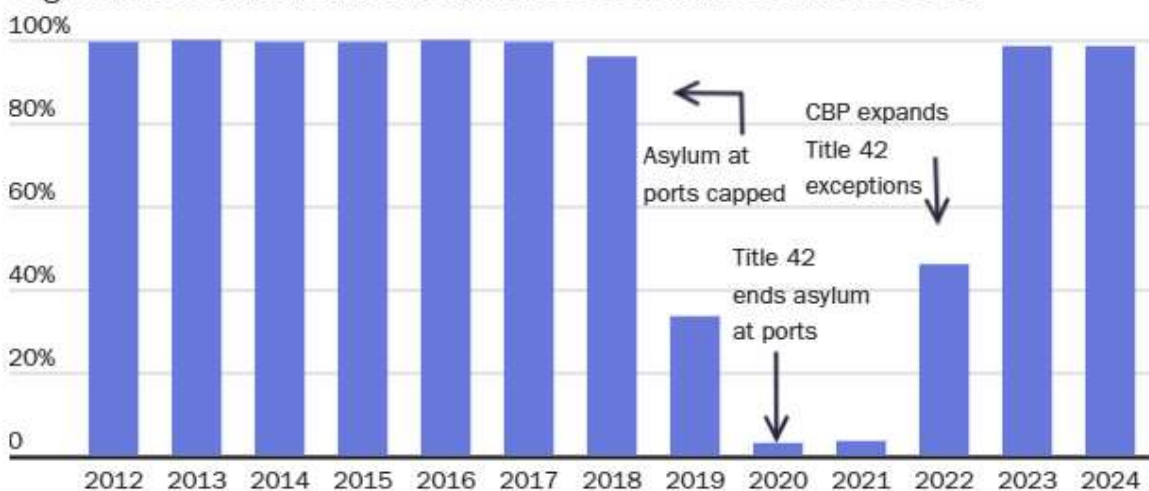
Source: "Nationwide Encounters," Customs and Border Protection, last updated August 28, 2023.

Note: Data are estimated based on inadmissibles at airports minus the average number of inadmissibles at airports preprogram.

- Haitian border parole at ports: Following the proof that US-Mexico ports of entry could handle higher flows of legal crossings of asylum seekers, the administration expanded access to ports for individuals referred to them by certain nonprofit organizations.⁴⁸ Haitians were the most represented among the groups that used this new procedure. This is not surprising because Haitian asylum seekers had historically always entered legally at the US-Mexico border until the Trump administration curtailed and then eliminated their opportunity to do so.⁴⁹ Some states requested a district court block this process,⁵⁰ but it did not do so.⁵¹ Within months of the ports being opened to Haitians, about 99 percent of all Haitians arriving at the southwest border were not crossing illegally anymore.

Haitians don't cross illegally when they have the opportunity to enter legally

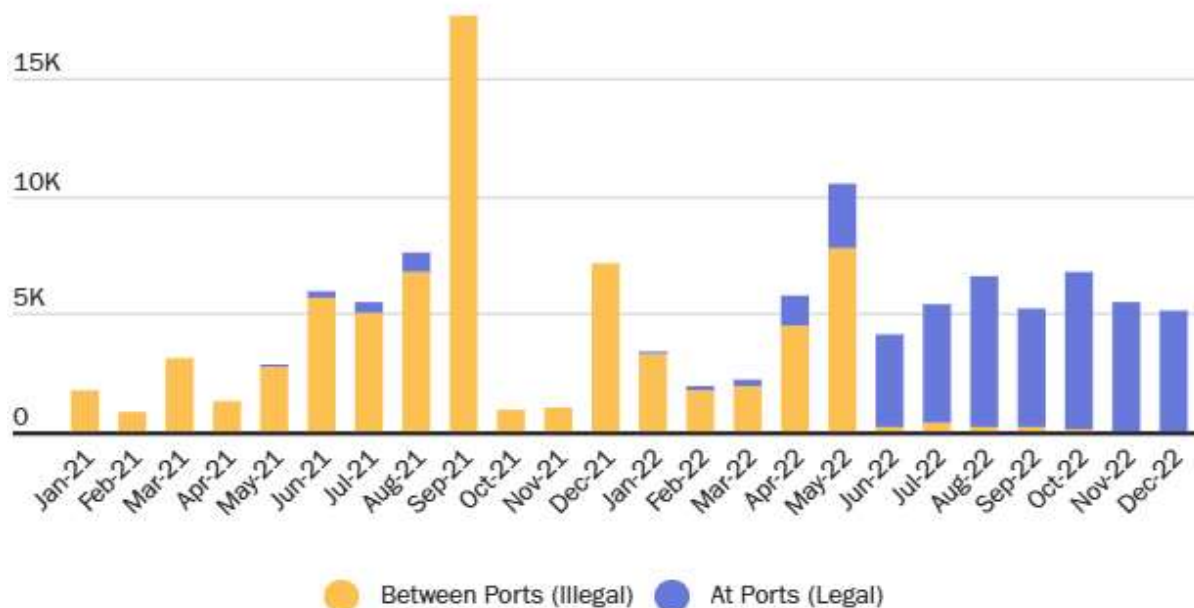
Legal Share of Undocumented Haitians Processed at the U.S.-Mexico Border



Source: Customs and Border Protection, "Nationwide Encounters", 2024; CBP, "Southwest Border Inadmissibles by Field Office," 2017-2019.

Parole at ports reduced illegal immigration by Haitians

Haitians encountered either at or between ports of entry, Jan. 2021–Dec. 2022



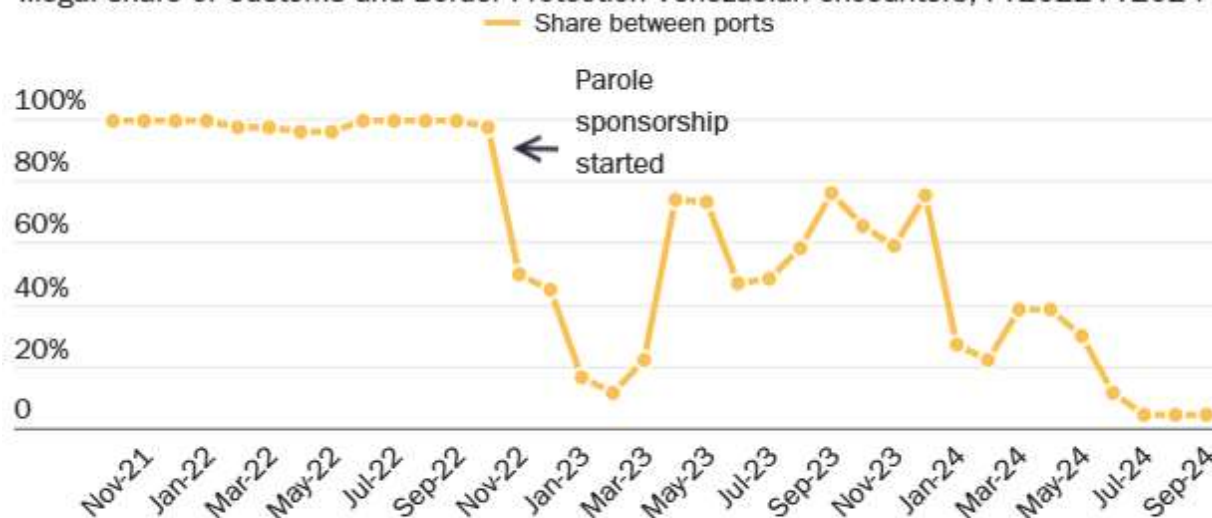
Sources: Customs and Border Protection, "Nationwide Encounters," 2023.

- Venezuelan parole sponsorship process: Following the success of Uniting for Ukraine, DHS expanded the parole sponsorship initiative to include some Venezuelans in October 2022.⁵² The justification was primarily the significant public benefit of “enhancing the security of our border by reducing irregular migration of Venezuelan nationals.” The process initially rapidly reduced illegal immigration. However, because the process was capped at such a low number and there were so many displaced Venezuelans, it did not absorb enough of the demand to end illegal immigration by Venezuelans. Given the long waits for travel authorization that quickly developed, many Venezuelans could not be convinced to wait (despite efforts from some of their friends who did wait).⁵³

Nonetheless, illegal immigration was lower than it would otherwise have been without the processes in place because many immigrants were diverted away from crossing illegally. The Venezuelan experience shows the need for Congress to enact durable permanent options for legal migration, so potential immigrants can credibly believe that the options will continue to exist.

The share of Venezuelans coming illegally decreased after the parole option was created

Illegal share of Customs and Border Protection Venezuelan encounters, FY2022-FY2024



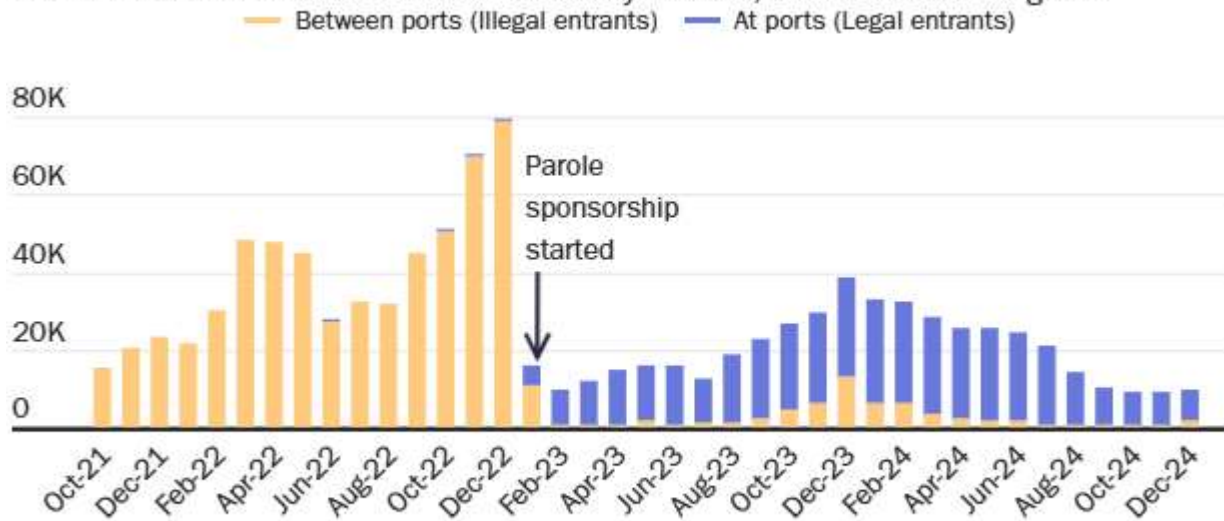
Source: "Nationwide Encounters," Customs and Border Protection.

Note: Data are estimated based on inadmissibles at airports minus the average number of inadmissibles at airports preprogram.

- Parole sponsorship for Cubans and Nicaraguans: In January 2023, DHS announced the expansion of the Venezuelan parole process to Cubans, Haitians, and Nicaraguans—collectively, this process is known as the CHNV parole process. Again, the primary "significant public benefit" that the government cited was reducing illegal immigration.⁵⁴ Although Haitian illegal entries had already almost been eliminated, Cuban and Nicaraguan illegal immigration had reached an unprecedented level in December 2023. The parole process clearly and immediately had an enormous and sustained effect on Cuban and Nicaraguan illegal immigration.

Cubans and Nicaraguans switched away from illegal entry to parole sponsorship

Customs and Border Protection encounters by location, Cubans and Nicaraguans



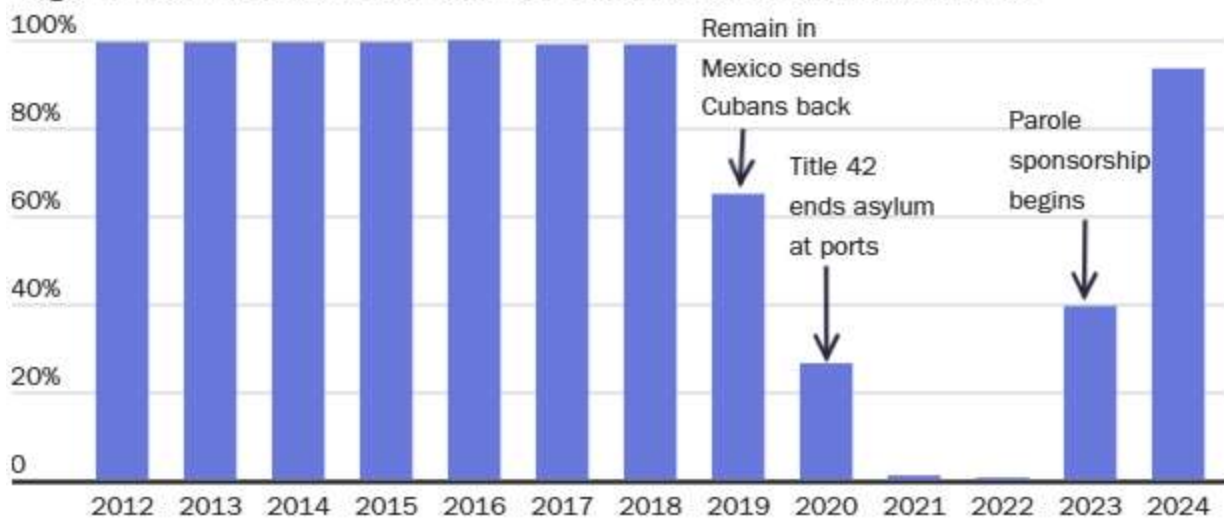
Source: "Nationwide Encounters," Customs and Border Protection.

Note: Data are estimated based on inadmissibles at airports minus the average number of inadmissibles at airports preprogram.

It is not surprising the Cubans quickly adopted the new process because they had historically always entered legally before the Trump administration terminated their right to request asylum at US-Mexico ports of entry. As with Haitians, President Trump created the problem of Cuban illegal immigration that had never existed before at the southwest border by banning the legal way for them to enter.

Cubans don't cross illegally when they have the opportunity to enter legally

Legal Share of Undocumented Cubans Processed at the U.S.-Mexico Border



Source: Customs and Border Protection, "Nationwide Encounters", 2024; CBP, "Southwest Border Inadmissibles by Field Office," 2017-2019.

- Parole through CBP One app: At the same time as the expansion of the parole sponsorship process, the administration created a new process under which anyone in Mexico could schedule an appointment to apply for parole at a port of entry using the CBP One phone application.⁵⁵ Given that CBP had been denying asylum to people who crossed illegally, the CBP One phone app scheduling process was the only way for the United States to comply with sections 208 and 235 of the INA that require the processing of immigrants for asylum.⁵⁶ CBP One had a cap of 1,450 appointments per day.⁵⁷ About 4.2 percent of CBP appointments did not end in parole.⁵⁸

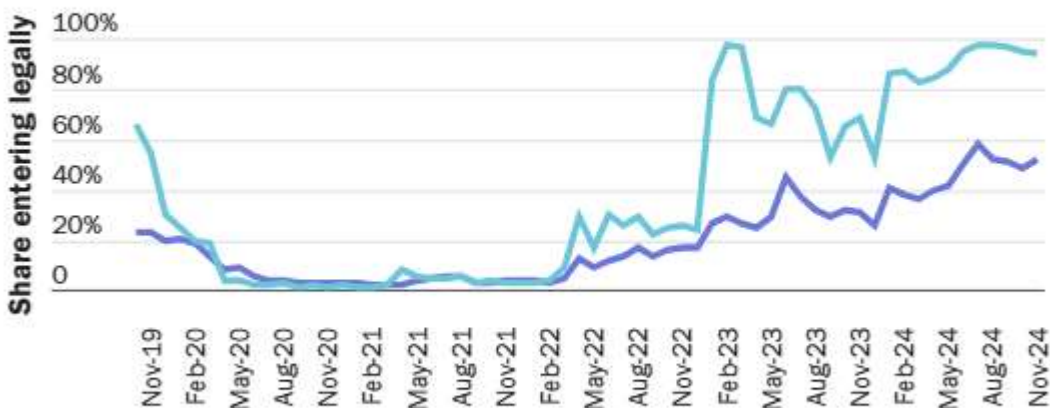
By the end of the Biden administration, the CBP One process became the primary way under which people entered to seek asylum in the United States. As a result of CBP One and earlier Haitian nonprofit referral processes, over one million avoided having to cross the border illegally.⁵⁹ As a result of the CHNV+U4U parole processes, nearly 780,000 immigrants avoided having to come to the border at all. A majority of all CBP encounters were of people entering legally from June to December 2024. By the end of Biden's term, in December 2024, overall Border Patrol arrests were 33 percent lower than when he came into office.⁶⁰

Biden's parole has led to more entering the country legally than illegally

Share of CBP encounters with persons entering legally at ports of entry

Oct. 2019-Nov. 2024

— All nationalities — CHNVU



Sources: CBP, "Nationwide Encounters," 2024.

*Notes: CHNVU=Cuba, Haiti, Nicaragua, Venezuela, and Ukraine. Only includes southwest border inadmissibles except for these countries after the creation of the parole sponsorship programs.

By May 2024—before President Biden's last major executive action on the border and before the suspension of the CHNV program—illegal entries were down:

- by 80 percent for Venezuelans from their pre-parole level (September 2022);
- by 96 percent for Nicaraguans from their pre-parole level (December 2022);
- by 98 percent for Haitians from their pre-parole level (May 2022); and

- by 99 percent for Cubans from their pre-parole level (December 2022).

Several states challenged these parole processes in a case in Texas. The judge in that case ruled that in March 2024, Texas “has failed to prove that it suffered an injury-in-fact” because immigration to and through the state of Texas declined because of the success of the parole process.⁶¹ The state of Texas later urged reconsideration in light of new facts, but the judge affirmed this ruling in May 2024.⁶²

Although these parole processes were categorical, even the Trump administration’s DHS agrees that “potentially eligible beneficiaries were adjudicated on a case-by-case basis.”⁶³ Moreover, the Trump administration’s DHS agreed that “these programs were accompanied by a significant decrease in CHNV encounters between southwest border POEs.”⁶⁴

The parole processes were beneficial to the United States.

The parole processes did more than merely change the categorization of immigrants from legal to illegal. The processes removed a significant burden from Border Patrol, Customs and Border Protection, and state and local governments along the border.

- *More predictable arrivals*: For instance, in September 2021, CBP encountered almost 18,000 Haitians who crossed en masse in a single location in Del Rio, Texas. The crossings so overwhelmed Border Patrol’s processing capabilities that they were unable to bring them into custody for nearly two weeks. Immigration and Customs Enforcement was required to shift half of all deportation flights to Haiti for two weeks.⁶⁵ Everyone admitted through the CBP One app or via parole sponsorship must plan their arrival with CBP in advance, allowing it to predict when people will enter.
- *Pre-arrange transportation in advance*: Border Patrol was required to release people when its detention facilities filled up. Since individuals were released with no notice and often no possessions, they could not easily obtain transportation to their final destination, leading to massive backups at bus stations. “We don’t have enough private bus seats to get everyone out,” McAllen, Texas City Manager Roy Rodriguez told *The New York Post*.⁶⁶ Under CHNV, immigrants would pay for commercial flights directly to their final destination.⁶⁷
- *Pre-arrange housing*: Immigrants who entered illegally often did not know if they would be released or deported, so they had no way to line up housing in advance. Under CHNV, sponsors promised to help find housing for the parolees, and parolees had time to line up housing before they arrived.⁶⁸ Throughout the duration of the CHNV program, the Biden administration checked in with New York City, Boston, Chicago, and Denver—cities that had chosen to house migrants—to see if CHNV immigrants were arriving in any significant numbers. They were not. In fact, one

survey of CHNV arrivals found that only 3 percent were relying on local organizations or the government for support.⁶⁹

- Pre-arrange jobs: Another reason why CHNV parolees were likely not ending up in city shelters is that CHNV allowed parolees to immediately request authorization to work. Unlike people who crossed illegally, the CHNV and CBP One parolees could request employment authorization from DHS on their first day in the United States. Thanks to an act of Congress, U4U parolees did not need to request authorization to start working legally.⁷⁰ Many immigrants in city shelters stated that they just wanted to work but were prohibited from doing so. "What I want the most is to work," an asylum seeker in New York named Patricia told CBS News.⁷¹ Meanwhile, parolees quickly found jobs and started contributing to the United States.⁷² One survey found that once they received their work permits, 88 percent of CHNV parolees planned to work.⁷³

As of 2024, about three-quarters of a million parolees were already working in the United States, including 120,000 in construction, 120,000 in hospitality, and 90,000 in manufacturing.⁷⁴

Due to the increase in immigration from people without traditional visas, such as asylum seekers, parolees, and illegal immigrants, the Congressional Budget Office (CBO) estimated that the US economy would be larger by approximately \$1.3 trillion in 2034 than it would have been in the absence of their contributions, and US federal debt held by the public would be lower by nearly \$1 trillion.⁷⁵ The CBO estimated that parolees comprised the majority of the workers who provided these economic benefits.

The parole processes improved US security and vetting

The parole processes improved vetting by allowing for more information checks prior to entry and for the implementation of enhanced screening for parolees.

1. Every parolee is subject to biometric and biographic background screening prior to entry. As DHS explained:

*"There are distinct advantages to being able to vet more individuals before they arrive at the border so that we can stop individuals who could pose threats to national security or public safety even earlier in the process. The [CHNV] parole process will allow DHS to vet potential beneficiaries for national security and public safety purposes before they travel to the United States. As described below, the vetting will require prospective beneficiaries to upload a live photograph via an app. This will enhance the scope of the pre-travel vetting—thereby enabling DHS to better identify those with criminal records or other disqualifying information of concern and deny them travel before they arrive at our border, representing an improvement over the status quo."*⁷⁶

2. The Biden administration implemented enhanced vetting for parolees. Parolee vetting includes checks against National Crime Information Center data, Terrorism Screening Dataset, INTERPOL, and other US government information. The Biden administration enhanced vetting in two ways: First, as part of the Afghan, Ukraine, and CHNV parole initiatives, the Biden administration also expanded vetting for parolees to include screening against *classified* holdings for the first time from CBP's National Vetting Center, subjecting them to more rigorous checks than other travelers and immigrants to the United States.⁷⁷ Second, it implemented recurrent continuous vetting against all the same US holdings after the CHNV parolees (or anyone else paroled or released into the United States) entered the country.⁷⁸
3. The financial sponsor provided an additional check: The purpose of the financial sponsor was just to provide the parolee with someone who was in the United States and who could help them if necessary. However, the existence of this financial sponsor also enabled an additional layer of vetting for applicants. Approximately 18 percent of parole sponsors were denied by DHS.⁷⁹
4. All applicants submitted their information online. For the first time in the history of US immigration, all applicants and sponsors submitted their information online, which enabled DHS to conduct unprecedentedly detailed fraud reviews of these processes.

DHS never concluded there was massive fraud within the parole sponsorship program.

In 2024, DHS finalized a fraud analysis among CHNV sponsor applications, which led the administration to temporarily suspend processing until an investigation was completed.

- DHS fraud review did not conclude that there was “massive fraud.” Instead, it identified *potential* issues to investigate.
 - *Repeat sponsors were permitted under CHNV:* The primary source of concern came from serial sponsors who had filed dozens of applications on behalf of potential parolees. But there was no limit to how many individuals that a person could sponsor under the program.⁸⁰ Many of these individuals were proud of their philanthropic efforts and were not hiding them.⁸¹ I personally know a wealthy individual who filed over 70 sponsor applications.
 - *Typographical errors in big data aren't a sign of fraud:* I have personally worked with large datasets of user text input, and it is universally the case that some individuals enter physical addresses where there should be mailing addresses, accidentally put the letter “O” instead of the number 0, invert numbers while typing quickly, and make other similar typos. Similarly, in the context of millions of applications, some people accidentally click “yes” when they meant to click “no.” These errors are readily apparent to someone reviewing them in context and are simply not evidence of fraud.

- *DHS did not establish any baseline rate for fraud in immigration processes in general.* There is no basis for concluding that there was more fraud in these processes than in any other immigration categories.
- *DHS fraud review did not recommend ending the program.* It recommended that additional protocols be implemented to better verify the identities of individuals who were submitting supporter applications and investigating the problems.⁸²
- *DHS investigated the concerns and found no programmatic fraud problem.* DHS investigated over 70,000 concerning sponsor applications, and it identified just six criminal referrals.⁸³ DHS concluded: “In the majority of cases, these indicators were ultimately found to have a reasonable explanation and resolved. For example, a supporter had entered a typographic error when submitting their information online.”⁸⁴
- *DHS did not find any fraud concerns related to parolees.* The issues that it recommended investigating were related to US sponsors who would be in the United States with or without the existence of the parole process. DHS review concluded that it did not identify any “issues of concern relating to the screening and vetting of program beneficiaries.”⁸⁵ Law enforcement has no evidence of any criminal threat patterns related to CHNV parolees.
- *CHNV nationals are less crime-prone than the US population.* According to the Census Bureau’s American Community Survey, immigrants—legal and illegal—are less likely to have committed serious crimes for which they are incarcerated in the United States than the average US-born person. The incarceration rate for Cubans, Haitians, Nicaraguans, and Venezuelans is also below the US-born average, meaning that they are lowering the crime rate and victimization rate for Americans.

DHS’s indiscriminate deportation of parolees is unjustified and unjust

Despite the success of the parole processes in reducing illegal immigration and integrating legal arrivals into the US labor market, the Trump administration *immediately* suspended all new entries under CHNV and CBP One—completely removing the scheduling functionality from the CBP One app.⁸⁶

- *DHS is creating more illegal immigration by canceling CHNV.* On March 25, 2025, DHS announced that it was canceling the parole of all CHNV parolees *en masse*.⁸⁷ DHS acknowledges that this abrupt cancelation of their parole will leave many parolees with “no lawful basis to remain in the United States,” increasing the population of people who are in the United States illegally.
- *DHS plans indiscriminate arrests of parolees:* The Trump administration intends to carry out indiscriminate mass deportation of parolees who entered the United States legally under the Biden administration. DHS states that it “intends to remove promptly aliens who entered the United States under the CHNV parole programs,” even though this increases the burden on the department, compared to allowing them to leave voluntarily or continuing their parole.⁸⁸ This will divert resources away from arrests of public safety threats.

- DHS is illegally blocking parolees from receiving any other status. The Trump administration is holding up parolees' applications for permanent or temporary statuses.⁸⁹ This policy is intended to ensure that they remain vulnerable to deportation even if they qualify for asylum or another legal status.
- DHS has stripped parolees of due process prior to removal. DHS is now subjecting parolees to expulsion under expedited removal without permitting them to challenge their removability or request asylum under section 208 of the INA.⁹⁰ This means that any parolee in the country for less than two years receives no due process prior to removal and can be deported based on the say-so of a low-level immigration agent.
- DHS is already treating lawful parolees as criminal threats. DHS has already repeatedly arrested parolees who entered the country legally and incarcerated them, even though they had valid permission to remain in the United States and never violated any laws.⁹¹ Within a week of the inauguration, Carlos in Texas was arrested despite entering legally and living in the United States with parole and without any criminal charges against him.⁹²
- DHS is arresting parolees and sending them to prisons in Cuba and El Salvador. The Trump administration has already sent parolees who never violated any laws in the United States or elsewhere to Guantanamo Bay prison in Cuba. For instance, Luis Alberto Castillo Rivera entered the United States on January 19, 2025 with a CBP One appointment but was sent to a prison in Cuba—even though he has no criminal record.⁹³ DHS has even been sending parolees to El Salvador's notorious prison. For instance, former professional soccer player Jerce Reyes Barrios, who entered the United States via CBP One and has no criminal record in the United States or elsewhere, was illegally renditioned to El Salvador under the Alien Enemies Act in violation of a court order.⁹⁴

The Committee should investigate President Trump's unconstitutional actions.

Although President Biden's use of parole was unquestionably lawful, President Trump is currently engaged in serious violations of the US Constitution since the first day of his presidency. President Trump is currently waging assaults on the First Amendment, Fifth Amendment, Tenth Amendment, Fourteenth Amendment, and the right of habeas corpus. The Committee has a responsibility to investigate these abuses:

- President Trump declares that he is above US law. On his first day in office, President Trump signed an executive order that purports to allow him to suspend all US immigration law that would provide due process to people accused of entering the country illegally.⁹⁵ He asserts that he has "inherent powers to control the borders of the United States" that supersede US immigration law.
- President Trump asserts the power to suspend the First Amendment. The Trump administration has repeatedly arrested people, including lawful permanent residents, for free speech in the United States.⁹⁶ The government has been clear that its actions were not related to any criminal acts,⁹⁷ and it has arrested students for

coauthoring opinion articles criticizing a foreign country's military actions, such as Fulbright scholar Rumeysa Ozturk from Tufts University.⁹⁸

- *President Trump asserts the power to deny US-born Americans their citizenship.* On his first day in office, President Trump declared that Americans born in the United States to people without legal permanent resident status were not US citizens—in direct defiance of the 14th amendment of the US Constitution.⁹⁹ Fortunately, three appeals courts have blocked this unconstitutional action.¹⁰⁰
- *The administration is attempting to coerce state governments unconstitutionally.* He has issued an executive order that attempts to block all federal grants to municipalities that do not allocate their resources to help ICE.¹⁰¹ His administration has sued Illinois and Chicago for refusing to support ICE, asserting that the president can mandate that they do what he wants.¹⁰² His Department of Justice (DOJ) has issued a memorandum requiring *criminal* investigations into state and local officials who fail to cooperate with the federal government.¹⁰³ These actions attempt blatant violations of the Tenth Amendment, which protects states from commandeering by the federal government.
- *President Trump asserts the power to suspend due process.* President Trump invoked the Alien Enemies Act so that he could remove Venezuelans and Salvadorans without giving them the opportunity to challenge their removability in immigration court. The invocation is obviously illegal because the Alien Enemies Act only applies during a time of war, and the United States is not at war—according to his own CIA director.¹⁰⁴
- *President Trump asserts the power to order imprisonment without charge or trial.* President Trump's purpose for invoking the Alien Enemies Act was to rendition people—including some people with lawful statuses in the United States—to a mega-prison in El Salvador. For instance, the administration deported a refugee who was vetted abroad and legally entered the United States under the refugee program to an El Salvador prison without charging them with a crime.¹⁰⁵ Ordering someone imprisoned without charge, trial, and conviction is unconstitutional.¹⁰⁶ The government admits that “many” (probably most) of the individuals sentenced to prison in El Salvador at US taxpayer expense have not committed any crime anywhere.¹⁰⁷ The administration claims that they are members of a Venezuelan gang based on their tattoos, but Venezuelan gang experts and US government agencies have repeatedly debunked the idea that Venezuelan gangs have distinctive tattoos.¹⁰⁸ Even if they did, that would not remove the Constitution's requirement that no person can be subject to punishment without due process.¹⁰⁹
- *President Trump ignores court orders.* When President Trump was caught trying to illegally remove people under the Alien Enemies Act, the judge ordered DHS to stop the removals and return flights to the United States.¹¹⁰ DHS chose to ignore him instead.¹¹¹ In a second case, the administration illegally deported a Salvadoran man to El Salvador, even though he had been granted withholding of removal by an immigration judge barring his removal to El Salvador. A court has ordered DHS to

bring him back, but the administration has not only refused to comply—it has also placed on leave the US attorney who admitted the error in court.¹¹² This is now part of a pattern where the administration is ordered by courts to stop illegal conduct, but it refuses to comply.¹¹³ Congress should investigate these violations and determine further ways to compel executive branch compliance with court orders.

Immigrants—especially legal immigrants—make the United States a wealthier, freer, and safer place to live. The US government should encourage people to immigrate to the United States legally, including through parole. Parole has been an essential component of America’s legal immigration system for over seven decades, and it should continue to be so in the future.

¹ David J. Bier, “[126 Parole Orders over 7 Decades: A Historical Review of Immigration Parole Orders](#),” *Cato at Liberty* (blog), July 17, 2023.

² [Annual Report of the Immigration and Naturalization Service](#), US Department of Justice, 1956.

³ [Fed. Reg. Volume 23 Number 5](#), January 8, 1958.

⁴ “[Highlights of Selected Recent Court Decisions](#),” *I&N Reporter*, October 1957.

⁵ [Hearing on Detention of Aliens in Bureau of Prison Facilities](#), Before the Committee on the Judiciary, Subcommittee on Courts, Civil Liberties, and the Administration of Justice, 97th Cong. 2nd Sess. (June 23, 1982).

⁶ [Study of Population and Immigration Problems](#), Before the Committee on the Judiciary, Subcommittee No. 1, (May 15, 1963) (statement of Mario T. Noto, Associate Commissioner, Immigration and Naturalization Service, U.S. Department of Justice).

⁷ [Annual Report of the Immigration and Naturalization Service](#), US Department of Justice, 1957.

⁸ Page 162, [Journal of the House of Representatives of the United States](#), 85th Cong. 1st Sess. 1957.

⁹ LeMont Eaton, “[Hungarian Parolee Inspection Program](#),” *I&N Reporter*, April 1960.

¹⁰ “[Cuba and United States: Agreement on Refugees](#),” *International Legal Materials* 4, no. 6 (1965): 1118–1127.

¹¹ Charlotte J. Moore, “[Review of U.S. Refugee Resettlement Programs and Policies. A Report. Revised](#),” *Congressional Research Service*, 1980.

¹² Charlotte J. Moore, “[Review of U.S. Refugee Resettlement Programs and Policies. A Report. Revised](#),” *Congressional Research Service*, 1980.

¹³ [Refugee Admissions by Region, Fiscal Year 1975 through September 30, 2022](#), Bureau of Population, Refugees, and Migration, October 5, 2022.

¹⁴ [The Indochina Migration and Refugee Assistance Act of 1975](#), Pub. L. 94–23, 94th Cong. 2nd Sess., May 23, 1975.

¹⁵ Elmer B. Staats, “[Domestic Resettlement of Indochinese Refugees: Struggle for Self-Reliance](#),” *Department of Health, Education, and Welfare*, May 10, 1977.

¹⁶ “[Hearings, Reports, and Prints of the Senate Committee on the Judiciary](#),” US Government Printing Office, 1980.

¹⁷ Ruth Marcus, “[U.S. Moves to Ease Soviet Emigres’ Way](#),” *Washington Post*, December 8, 1988.

¹⁸ [Hearings on Foreign Operation, Export Financing, and Related Programs Appropriations for 1990](#), Before a Subcommittee of the Committee on Appropriations, 101st Cong., 1st Sess. (1989).

¹⁹ [Hearing on U.S. Refugee Programs for 1991](#), Before the Senate Committee on the Judiciary, 101st Cong., 2nd Sess. (October 3, 1990).

²⁰ “[Migration and Refugees](#),” Communique between the United States of America and Cuba, September 9, 1994.

²¹ Immigration and Naturalization Service, “INS ANNOUNCES SECOND CUBAN MIGRATION PROGRAM,” 73 No. 11 Interpreter Releases 319 Interpreter Releases March 18, 1996, [https://uk.practicallaw.thomsonreuters.com/Document/10f915c31232c11dc9209d68a20b39a3a/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/Document/10f915c31232c11dc9209d68a20b39a3a/View/FullText.html?transitionType=Default&contextData=(sc.Default)&firstPage=true)

-
- ²² David J. Bier, "[126 Parole Orders over 7 Decades: A Historical Review of Immigration Parole Orders](#)," *Cato at Liberty* (blog), July 17, 2023.
- ²³ President William J. Clinton, "[Joint Statement with the Republic of Cuba on the Normalization of Migration](#)", May 2, 1995.
- ²⁴ [Inspectors Field Manual, Part A](#), *US Customs and Border Protection*, 2010.
- ²⁵ David J. Bier, "[126 Parole Orders over 7 Decades: A Historical Review of Immigration Parole Orders](#)," *Cato at Liberty* (blog), July 17, 2023.
- ²⁶ Abigail F. Kolker, "[Visa Waiver Program](#)," *Congressional Research Service*, October 15, 2024.
- ²⁷ "[2000 Statistical Yearbook of the Immigration and Naturalization Service](#)," *Department of Justice*, September 2002.
- ²⁸ "[Implementation of Haitian Family Reunification Parole Program](#)," *US Citizenship and Immigration Services*, December 18, 2024.
- ²⁹ "[USCIS to End Certain Categorial Parole Programs](#)," *US Citizenship and Immigration Services*, August 2, 2019.
- ³⁰ "[The Haitian Family Reunification Parole \(HFRP\) Program](#)," *US Citizenship and Immigration Services*, October 12, 2021.
- ³¹ 8 U.S.C. 1882(d)(5)(A))
- ³² "[Expert Declaration of Yael Schacher](#)," Civil Action No. 6:23-CV-00007, *United States District Court, Southern District of Texas, Victoria Division*, June 20, 2023.
- ³³ David J. Bier, "[126 Parole Orders over 7 Decades: A Historical Review of Immigration Parole Orders](#)," *Cato at Liberty* (blog), July 17, 2023.
- ³⁴ "[U.S. Response to the 1994 Cuba Migration Crisis](#)," *US General Accounting Office National Security and International Affairs Division*, September 1995.
- ³⁵ P. 38, [Hearing on Caribbean Refugee Crisis, Cubans, and Haitians](#), *Before the Committee on the Judiciary, United States Senate*, 96th Cong., 2nd Sess. (May 12, 1980).
- ³⁶ H. R. 2202, "[Immigration Control and Fiscal Responsibility Act of 1996](#)," 104th Cong., 1st Sess., August 4, 1995.
- ³⁷ "[Immigration in the National Interest Act of 1995](#)," 104th Cong., 2nd Sess., March 4, 1996.
- ³⁸ initially 2 years.
- ³⁹ [Omnibus Consolidated Appropriations Act](#), Pub. L. 104–208, September 30, 1996.
- ⁴⁰ P.L. 104–208, providing for adjustment of status of Polish and Hungarian parolees.
- ⁴¹ Help HAITI Act of 2010 (P.L. 111–293), providing for adjustment of status of Haitian orphan parolees.
- ⁴² The National Defense Authorization Act of 2020 (P.L. 116–92), expressing congressional support for an ongoing parole program for relatives of U.S. military members.
- ⁴³ The Extending Government Funding and Delivering Emergency Assistance Act of 2021 (P.L. 117–43), providing refugee benefits to Afghan parolees, explicitly appropriating money for those benefits, and directing the creation of a plan to process Afghan parole applications.
- ⁴⁴ The Additional Ukraine Supplemental Appropriations Act of 2022 (P.L. 117–128), providing refugee benefits to Ukrainian parolees.
- ⁴⁵ Kevin Sieff, "[There are new migrants on the U.S.-Mexico border: Ukrainian refugees](#)," *Washington Post*, April 2, 2022.
- ⁴⁶ "[Nationwide Encounters](#)," *US Customs and Border Protection*, last modified March 13, 2025.
- ⁴⁷ [Implementation of the Uniting for Ukraine Parole Process](#), *Department of Homeland Security*, April 27, 2022.
- ⁴⁸ "[Fourth Declaration of Blas Nuñez-Neto](#)," *Arizona v. Centers for Disease Control and Prevention*, November 10, 2022.
- ⁴⁹ David J. Bier, "[How the U.S. Created Cuban and Haitian Illegal Migration](#)," *Cato at Liberty* (blog), February 15, 2022.
- ⁵⁰ David J. Bier, "[Some States Are Fighting in Court to Increase Illegal Immigration](#)," *Cato at Liberty* (blog), November 2, 2022.
- ⁵¹ [State of Louisiana v. Centers for Disease Control and Prevention](#), November 14, 2024.
- ⁵² "[An Implementation of a Parole Process for Venezuelans](#)," *Department of Homeland Security*, October 19, 2022.

⁵³ Julie Turkewitz, [“She Heeded Biden’s Warning to Migrants. Will She Regret It?”](#) *New York Times*, October 24, 2023.

⁵⁴ [“Implementation of a Parole Process for Cubans,”](#) *Department of Homeland Security*, January 9, 2023.

⁵⁵ [“DHS Scheduling System for Safe, Orderly and Humane Border Processing Goes Live on CBP One™ App,”](#) *Department of Homeland Security*, January 12, 2023.

⁵⁶ 8 U.S.C. §1225; 8 U.S.C. §1158

⁵⁷ [“Fact Sheet: CBP One Facilitated Over 170,000 Appointments in Six Months, and Continues to be a Safe, Orderly, and Humane Tool for Border Management,”](#) *Department of Homeland Security*, August 3, 2023.

⁵⁸ [“New Documents Obtained by Homeland Majority Detail Shocking Abuse of CBP One App,”](#) *Homeland Security Republicans*, October 23, 2023.

⁵⁹ [Immigration Enforcement and Legal Processes Monthly Tables](#), *Office of Homeland Security Statistics*, last updated January 16, 2025.

⁶⁰ [Testimony](#) of David J. Bier, Director of Immigration Studies at the Cato Institute, Before the Committee on the Judiciary, Subcommittee on Immigration Integrity, Security, and Enforcement, January 22, 2025.

⁶¹ [“Memorandum Opinion and Order,”](#) *State of Texas v. United States Department of Homeland Security*, March 8, 2024.

⁶² [“Memorandum Opinion and Order,”](#) *State of Texas v. United States Department of Homeland Security*, May 28, 2024.

⁶³ [“Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans,”](#) *Department of Homeland Security*, March 25, 2025.

⁶⁴ See footnote 34, [“Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans,”](#) *Department of Homeland Security*, March 25, 2025.

⁶⁵ Thomas Cartwright, [ICE Air Flights, September 2021 and Last 12 Months](#), *Witness at the Border*, October 8, 2021.

⁶⁶ Marie Banks, [“Not enough seats’: Buses leaving Texas border town packed with illegal migrants,”](#) *New York Post*, July 22, 2021.

⁶⁷ [“CBP Releases December 2024 Monthly Update,”](#) *Customs and Border Protection*, January 14, 2025.

⁶⁸ Marcela García, [“Haitians are desperately looking for sponsors in Boston,”](#) *Boston Globe*, March 3, 2023.

⁶⁹ [“Survey data show the administration’s parole policy for the Americas is a successful model for new legal pathways,”](#) *fwd.us*, January 25, 2024.

⁷⁰ [“Work Authorization for Ukrainians—Uniting for Ukraine Program,”](#) *Reddy Neumann Brown PC*, November 22, 2022.

⁷¹ Camilo Montoya-Galvez, [“As cities struggle to house migrants, Biden administration resists proposals that officials say could help,”](#) *CBS News*, August 22, 2023.

⁷² [“Survey data show the administration’s parole policy for the Americas is a successful model for new legal pathways,”](#) *fwd.us*, January 25, 2024.

⁷³ [“Survey data show the administration’s parole policy for the Americas is a successful model for new legal pathways,”](#) *fwd.us*, January 25, 2024.

⁷⁴ [“Industries with critical labor shortages added hundreds of thousands of workers through immigration parole,”](#) *fwd.us*, March 26, 2025.

⁷⁵ [“Effects of the Immigration Surge on the Federal Budget and the Economy,”](#) *Congressional Budget Office*, July 2024.

⁷⁶ [“Implementation of a Parole Process for Haitians,”](#) *Department of Homeland Security*, January 9, 2023.

⁷⁷ [“Uniting for Ukraine, Process Overview and Assessment,”](#) *Homeland Security Office of Strategy, Policy, and Plans*, November 4, 2024.

⁷⁸ [“DHS Has a Fragmented Process for Identifying and Resolving Derogatory Information for Operation Allies Welcome Parolees,”](#) *DHS Office of the Inspector General*, May 6, 2024.

⁷⁹ [“Shock and Awe: Internal Homeland Security Report Proves that the Biden-Harris-Mayorkas CHNV Parole Program is Loaded with Fraud,”](#) *Federation for American Immigration Reform*, August 2024.

⁸⁰ David Bier and Alex Nowrasteh, [“Biden’s DHS Halting Migrant Program Raises Border Security Concerns,”](#) *Reason*, August 9, 2024.

-
- ⁸¹ Gisela Salomon, Elliot Spagat, and Amy Taxin, "[Message from US asylum hopefuls: Financial sponsors needed](#)," *Associated Press*, January 6, 2023.
- ⁸² Julia Ainsley, "[Biden administration to restart immigration program that was paused over fraud concerns](#)," *NBC News*, August 29, 2024.
- ⁸³ Julia Ainsley and Laura Strickler, "[Biden administration may soon restart immigration program that was paused for possible fraud](#)," *NBC News*, August 28, 2024.
- ⁸⁴ Julia Ainsley, "[Biden administration to restart immigration program that was paused over fraud concerns](#)," *NBC News*, August 29, 2024.
- ⁸⁵ Julia Ainsley, "[Biden administration to restart immigration program that was paused over fraud concerns](#)," *NBC News*, August 29, 2024.
- ⁸⁶ Thomas Graham, "[US asylum seekers in despair after Trump cancels CBP One app: 'Start from zero again'](#)," *The Guardian*, January 23, 2025; "[Plaintiffs' Reply in Support of Motion for Temporary Restraining Order](#)," *Las Americas Immigrant Advocacy Center, et al. v. U.S. Department of Homeland Security, et al.*, January 29, 2025.
- ⁸⁷ See footnote 4, "[Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans](#)," *Department of Homeland Security*, March 25, 2025.
- ⁸⁸ See footnote 4, "[Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans](#)," *Department of Homeland Security*, March 25, 2025.
- ⁸⁹ Camilo Montoya-Galvez, "[U.S. pauses immigration applications for certain migrants welcomed under Biden](#)," *CBS News*, February 19, 2025.
- ⁹⁰ "[Designating Aliens for Expedited Removal](#)," *Department of Homeland Security*, January 21, 2025.
- ⁹¹ Ben Brown, "[ICE arrests Arizona man with legal work permit and active parole status](#)," *ABC15 Arizona*, February 28, 2025.
- ⁹² Sergio Martínez-Beltrán, "[ICE has arrested scores of migrants in the U.S. who have no criminal records](#)," *Morning Edition on NPR*, February 5, 2025.
- ⁹³ "[Declaration of Luis Alberto Castillo Rivera](#)," *Center for Constitutional Rights*, March 1, 2025.
- ⁹⁴ Armando Garcia, "[Man deported to El Salvador under Alien Enemies Act because of soccer logo tattoo: Attorney](#)," *ABC News*, March 20, 2025.
- ⁹⁵ President Donald J. Trump, "[Guaranteeing the States Protection Against Invasion](#)," January 20, 2025.
- ⁹⁶ Bill Hutchinson, "[What we know about the foreign college students targeted for deportation](#)," *ABC News*, April 6, 2025.
- ⁹⁷ Gabe Kaminsky, Madeleine Rowley, and Maya Sulkin, "[The ICE Detention of a Columbia Student is Just the Beginning](#)," *The Free Press*, March 10, 2025; Michael Martin, Destinee Adams, "[DHS official defends Mahmoud Khalil arrest, but offers few details on why it happened](#)," *Morning Edition on NPR*, March 13, 2025.
- ⁹⁸ Molly Farrar, "[Tufts student detained by ICE releases statement while lawyers argue jurisdiction](#)," *Boston.com*, April 3, 2025.
- ⁹⁹ President Donald J. Trump, "[Protecting the Meaning and Value of American Citizenship](#)," January 20, 2025.
- ¹⁰⁰ Nate Raymond, "[Court hands Trump third appellate loss in birthright citizenship battle](#)," *Reuters*, March 11, 2025.
- ¹⁰¹ See Sec. 17: "Executive Order of January 20, 2025, [Protecting the American People Against Invasion](#)."
- ¹⁰² Joel Rose, "[Justice Department sues Chicago and Illinois over 'sanctuary' laws](#)," *NPR.org*, February 6, 2025.
- ¹⁰³ "[Sanctuary Jurisdiction Directives](#)," *Office of the Attorney General*, February 5, 2025; *Cities of Chelsea and Somerville v. Donald J. Trump et al*, Case No. 25-10442 (Mass. Dist. Ct 2025)
- ¹⁰⁴ Rebecca Beitsch, "[CIA director: 'No assessment' US at war with Venezuela amid use of Alien Enemies Act](#)," *The Hill*, March 26, 2025.
- ¹⁰⁵ Verónica Egui Brito, "[Despite refugee status in the U.S., young Venezuelan was deported to Salvadoran prison](#)," *Miami Herald*, March 21, 2025.
- ¹⁰⁶ Ilya Somin, "[How Trump's Alien Enemies Act Deportations Violate the Due Process Clause of the Fifth Amendment](#)," *Reason*, March 19, 2025.
- ¹⁰⁷ <https://www.miamiherald.com/news/local/immigration/article302299534.html>

¹⁰⁸ Verónica Egui Brito and Syra Ortiz Blanes, "[Administration: 'Many' Venezuelans sent to El Salvador had no U.S. criminal record](#)," *Miami Herald*, March 19, 2025.

¹⁰⁹ Ilya Somin, "[How Trump's Alien Enemies Act Deportations Violate the Due Process Clause of the Fifth Amendment](#)," *Reason*, March 19, 2025.

¹¹⁰ Marc Caputo, "[Exclusive: How the White House ignored a judge's order to turn back deportation flights](#)," *Axios*, March 16m 2025.

¹¹¹ Alison Durkee, "[Judge Boasberg Thinks There's 'Fair Likelihood' Trump Administration Violated Court Order With El Salvador Flights](#)," *Forbes*, April 3, 2025.

¹¹² Kyle Cheney, Hassan Ali Kanu, and Josh Gerstein, "[Judge reaffirms order to return Maryland man erroneously deported to El Salvador](#)," *Politico*, April 6, 2025.

¹¹³ David Nakamura, "[Trump administration says it could take months to resume refugee admissions](#)," *Washington Post*, March 11, 2025.