

Committee on Homeland Security

Testimony of the Honorable Kenneth T. Cuccinelli, II

July 15, 2025 Hearing on the use of Parole by the Biden Administration

Two-and-a-half million people, on a so-called “case by case” basis? The loose application and use of parole to effectively create new immigration entry pathways for illegal aliens who do not qualify to enter the United States legally.

Mr. Chairman, Ranking Member, and Members of the Committee, thank you for your interest and concern regarding the growth in mass-scale abuses of immigration parole authority, most particularly during the Biden administration.

While exact numbers are subject to debate due to fluid definitions that have changed as convenient to accomplish open-borders goals, roughly 2.5 million illegal aliens were granted parole by the Biden administration, thus making parole authority one of the most important tools in support of an open-borders policy based on raw entries.

In the most conservative reasonable terms, parole was granted by the Biden administration to groups of individuals (not on a case-by-case basis) as follows:

Program / Category	Estimated Number Paroled
Afghan Evacuees	~76,000
Ukrainians (U4U)	~171,000
CHNV Program	~435,000
CBP One Parole	~400,000+
Border Parole (Mass)	~1.2 to 1.4 million
CAM Program	Several thousand
TOTAL	~2.3 to 2.5 million

The statute that provides legal authority for the granting of parole by the Secretary of Homeland Security is INA § 212(d)(5)(A), which provides as follows:

“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 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 Secretary of Homeland Security, 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.”

The language you see bolded above was passed by Congress in 1996 as part of the **Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)**, which was passed on a broad and bi-partisan basis. This language substantially narrowed the parole authority existing prior to the passage of the IIRIRA. The 1996 language narrowed the statutory parole language that had been in place since 1952. Critically, the addition of “only on a case-by-case basis” was the first time that Congress had clarified that it intended that parole NOT be used for groups of people, but only for individual cases, considered one at a time.

Despite that rather obvious limitation, the Biden administration created a series of new immigration admission arrangements without Congressional approval – essentially making its own law – using the parole authority, sometimes explicitly and other times implicitly.

The restrictions added to the parole authority in 1996 have never been fully litigated. Such a case was in process at the transition from the Biden administration to the Trump administration, but the case was withdrawn by the Trump administration and the District Court ruling was vacated and dismissed.

If Congress truly wants “case-by-case” to be applied one case at a time, then clearly additional explicit restrictions should be put in place. My suggestion would be to pick a number low enough that any competent Secretary of Homeland Security would want to be particular with each parole slot. I would suggest something in the 3-5,000 range. At that level, there would be no point in setting up so-called, but misnamed, “programmatic parole” arrangements, as they would reach annual limits so fast that they would not be useful for such purpose.

One might reasonably ask, what about those poor Hungarians facing the Soviets under Eisenhower? Or other such large-scale, but obviously righteous “urgent humanitarian reasons”? The answer to that is found in the Immigration and Nationality Act as amended by the Refugee Act of 1980.

In a situation like the Hungarians following the Soviet crackdown in 1956, the President now has broad authority to set and change the number of refugees that may enter the U.S. in a given year. The President's authority to change the number reflects Congress' determination that flexibility was required to meet exactly that kind of sudden refugee crisis. Thus, such a tool is available for circumstances that meet refugee/asylum requirements, but not just for a general increase in letting in otherwise ineligible individuals.

America is reaping the financial and security costs of former-President Joe Biden's unprecedented and illegal importation of millions of illegal aliens, and we will for literally decades. Parole reform is but one immigration task that requires Congress' attention if it is ever to be set on a proper long-term footing.

I am happy to answer any questions that you may have at this time.