RESOLVED, That the American Bar Association supports a range of mechanisms through which an individual who is not subject to mandatory detention under the Immigration and Nationality Act may obtain release from immigration detention including bond, parole, and release on recognizance or under an order of supervision;

FURTHER RESOLVED, That in light of the Attorney General’s recent decision in Matter of M-S-, 27 I&N Dec. 509 (A.G. 2019), which reversed longstanding precedent by eliminating the authority of Immigration Judges (effective July 15, 2019) to grant bond to certain asylum-seekers even after they have established a credible fear of persecution or torture, the American Bar Association urges Immigration and Customs Enforcement (“ICE”) to utilize the critically important alternative of humanitarian parole as a basis for release from custody; and

FURTHER RESOLVED, That the Association urges the Department of Homeland Security to:

(a) codify the core requirements of ICE’s 2009 Parole Directive into regulation;

(b) ensure that the 2009 Parole Directive remain in full force and effect prior to or in the absence of such codification;

(c) conduct regular training programs for new and experienced ICE officers to reinforce their familiarity with and understanding of the factors set forth in the Parole Directive that support release from custody; and

(d) conduct prompt parole determinations for all asylum-seekers who have passed a Credible Fear interview and grant parole to those who have established their identities, who pose no threat to national security or public safety and who do not present a significant flight risk.
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