



## Understanding Immigration Context and Eligibility for Cuban and Haitian Entrants

### Guidance for service providers working with Cuban and Haitian nationals seeking Office of Refugee Resettlement (ORR) benefits

Changes in immigration and border policies over the last several years have led immigrants arriving through the southern border—and other ports of entry including airports—to be processed in various ways.<sup>1</sup> These arrivals may therefore require a range of documents from varying government agencies, which can make it difficult to understand their legal status or circumstances, generating confusion around eligibility for ORR benefits and employment authorization.

Service providers across the country have seen an increase in Cubans and Haitian Entrants (CHEs) in their communities. This guide works to help service providers navigate common questions and topics in serving CHEs, including ORR eligibility criteria based on

common immigration processing scenarios that Cuban and Haitian nationals may face upon entry to the U.S.

### Understanding Forced Displacement Drivers for Cuban and Haitian Nationals

Nearly 120 million people worldwide are forcibly displaced from their homes due to persecution, conflict, violence, human rights violations, and events seriously disturbing public order. That amounts to [more than one in 73 people](#) worldwide who are forcibly displaced.

Many who are forcibly displaced need to seek protection in another country—this is referred to as

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<sup>1</sup> The parole program for Cubans, Haitians, Nicaraguans and Venezuelans (CHNV) requires parolees to enter the U.S. through an airport. For more, see the American Immigration Council's explainer available [here](#).

### **Q: Where does the CHE designation originate?**

A: Following the Refugee Act of 1980, the subsequent 1980 Refugee Education and Assistance Act enabled the U.S. government to extend resettlement assistance to Cubans and Haitians. This legislation authorized provision of much needed services to support CHEs and resettled refugees in their integration process. For full context, see [Sec. 501\(e\) of Public Law 96-422, Refugee Education Assistance Act of 1980](#).

### **Q: Who can be considered a CHE?**

An arrival considered a CHE must be a Cuban or Haitian national who:

- Has been granted parole and has not acquired another immigration status; OR
- Is in removal proceedings; OR
- Has a pending asylum application; AND
- Is not subject to a final order of removal.

*This guide highlights some scenarios service providers are likely to encounter when meeting potential clients and determining their eligibility.*

### **Q: Why are Nicaraguan and Venezuelan arriving through CHNV not eligible for the same benefits?**

A: Parole alone does not provide eligibility for ORR benefits. Only Congress has the authority to extend benefits to certain arrivals, as it did recently to certain Afghan and Ukrainian humanitarian parolees.

seeking asylum or international protection—and [receive refugee status](#). Displaced persons who cannot seek refugee status in a neighboring country must take dangerous journeys to a more distant country where they believe they can find safety.

For more detail on factors that cause displaced people to seek protection at the U.S. southern border, see [UNHCR's Global Trends Report 2023](#).

Displacement drivers that affect Haitian arrivals include natural disasters such as earthquakes, hurricanes, and floods that disrupt essential services. High-magnitude earthquakes struck Haiti in 2010 and 2021, for example, and Hurricane Matthew caused devastation in 2016. Ongoing political upheaval has led to civil unrest, and extreme gang violence causes continual displacement. Displacement drivers that affect Cuban arrivals include a long-lasting post-Soviet exodus, government crackdowns on political dissent from 2016 to 2018 and anti-government protests in 2021, and Hurricane Ian in 2022.

Clients may also have encountered various challenges on their journey to the U.S. southern border, including physical dangers and the threat of violence.

### **ORR Benefits for CHEs**

Access to ORR benefits improves resettlement outcomes for new arrivals. Access to benefits for CHE-designated arrivals may vary from state to state, but generally include the following programs:

- [Refugee Cash Assistance](#)
- [Refugee Medical Assistance](#)
- [ORR Matching Grant Program](#)
- [Employment Assistance via Refugee Support Services](#)

Employment and social adjustment services (such as Matching Grant and Refugee Support Services) have different enrollment and eligibility policies per program. See [ORR's CHE Fact Sheet](#) for other relevant benefits.

### **Cubans and Haitians Released from DHS Custody After Entry Through the Southern U.S. Border**

Not all Cuban and Haitian nationals in the U.S. are ORR-eligible as CHEs. CHE designation is limited to Cuban and Haitian nationals who meet certain criteria as defined by law, as indicated above.

Cuban and Haitian nationals who enter the U.S. through the southern border may face various

scenarios that impact their designation as CHEs and thus their eligibility for benefits. The differences are related to factors of law or policy as determined by immigration officials or immigration judges.

Additionally, the processing and documentation of Cubans and Haitians upon entry to the U.S. do not indicate the immigration pathways available to them, nor are they a reflection of the likelihood of a favorable outcome.

These different documents and processes do, however, have real implications for benefits and services individuals can access. See [ORR guidance on documentation requirements for benefit eligibility](#). The following scenarios are not exhaustive but touch on the most common examples.

### **Release on Recognizance and Conditional Parole<sup>2</sup>**

Individuals apprehended after crossing the border may be released into U.S. border communities after initial processing by ICE to continue their immigration process.

The most common release process is [Release on Recognizance \(RoR\), documented on Form I-220A](#). Individuals, including Cuban and Haitian nationals, who receive an I-220A have likely been placed in removal proceedings.

RoR may also be considered release on Conditional Parole under [INA 236\(a\)\(2\)\(B\)](#), which is different from parole under INA 212(d)(5), the most common form of parole. Note that those with Conditional Parole or RoR are ORR-eligible as long as they are in removal proceedings. However, individuals released on Conditional Parole are ineligible for work authorization unless they have applied for asylum and their application has been pending for 180 days, or if they receive Temporary Protective Status (TPS) or qualify on another basis.<sup>3</sup>

### **Release on Bond**

Some asylum seekers placed in immigration detention may seek release through an immigration bond. Individuals can be released on bond either by ICE or by an immigration judge in a custody hearing. Cubans and

Haitians released on bond are ORR-eligible as CHEs as long as they have an active removal proceeding or a pending asylum application. An individual is not eligible for employment authorization based on release on bond alone. However, if this individual has a pending asylum application, they may apply for work authorization after 150 days.

## **Scenarios in which CHEs are Released with Humanitarian Parole**

### **Customs and Border Protection One Entry**

Individuals without a visa or other permission to enter the U.S. (including Cuban and Haitian nationals) who

**Attorneys or partially Department of Justice-accredited representatives who lack the training and experience needed to represent an individual in immigration court should *not* assist individuals in removal proceedings or assist with affirmative filings with USCIS such as an [Application for Employment Authorization \(EAD\) \(Form I-765\)](#).**

**This helps ensure that clients' legal process is not jeopardized by unintentional disclosures or errors on forms submitted to USCIS.**

seek to enter through the southern border may make an appointment to present themselves at a port-of-entry through [the Customs and Border Protection \(CBP\) One mobile app](#). Arrivals entering in this manner are generally placed into immigration removal proceedings and are issued a [Notice to Appear \(NTA\)](#) in immigration court.<sup>4</sup> This has been the most common mechanism through which Cuban and Haitian nationals are released with humanitarian parole since [CBP One](#) appointments began in 2023. Nevertheless, there are [only 1,450 slots per day](#) for CBP One appointments across the entire southern border.

At the discretion of CBP, arrivals may be paroled under INA 212(d)(5) for humanitarian reasons for up to two

<sup>2</sup> *Mandatory Detention and ICE Hold Policy Handout*. Immigrant Legal Resource Center. (2014, August). [https://www.ilrc.org/sites/default/files/resources/mandatory\\_detention\\_ice\\_hold\\_policy\\_handout.pdf](https://www.ilrc.org/sites/default/files/resources/mandatory_detention_ice_hold_policy_handout.pdf)

<sup>3</sup> See INA 236(a)(3) and 8 USC 1226(a)(3).

<sup>4</sup> Cuffari, J. (2024, August). *CBP did not thoroughly plan for CBP one risks ... - DHS OIG*. Office of Inspector General—U.S. Department of Homeland Security. <https://www.oig.dhs.gov/sites/default/files/assets/2024-08/OIG-24-48-Aug24.pdf>

years. Humanitarian parolees are eligible to apply for employment authorization. Note that clients in removal proceedings should be referred to authorized immigration legal service providers with experience in immigration court proceedings.

### CHNV Parole

[The CHNV parole program](#) began in January 2023 to provide “safe and orderly pathways” to the U.S. for up to 30,000 nationals of Cuba, Haiti, Nicaragua, and Venezuela. The program allows certain people from these four countries to come to the U.S. for a period of two years to live and work lawfully through **humanitarian parole**.<sup>5</sup>

Beyond nationality, individuals seeking to qualify for CHNV must:

- Have a U.S.-based supporter who has filed a [Declaration of Financial Support \(Form I-134A\)](#) on behalf of the applicant and who has been approved by USCIS;
- Pay their own way into a U.S. airport;
- Be vaccinated for measles, polio, and COVID-19; and
- Pass all biographical and security background checks.

Individuals already outside their country of nationality, or who cross the U.S.-Mexico border without inspection, are *not* eligible for the CHNV parole program.

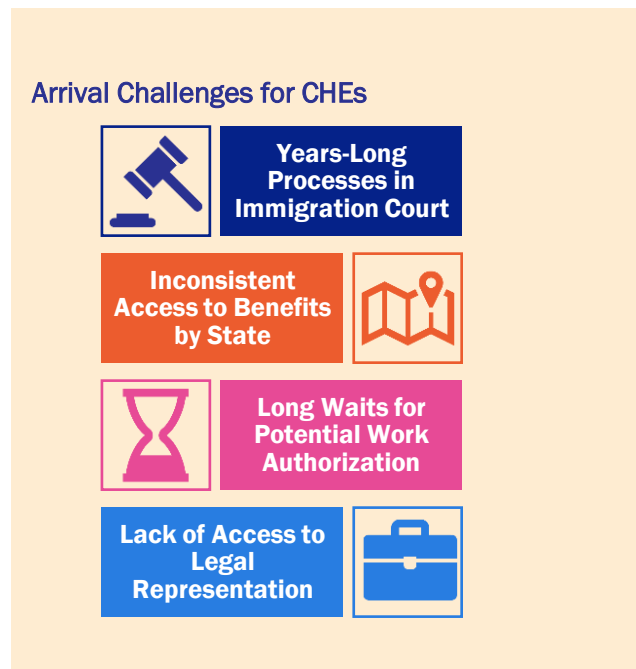
CHNV parolees are not in immigration removal proceedings and may apply affirmatively for various forms of permanent immigration relief if qualified, including asylum or family-based adjustment to [Lawful Permanent Resident \(LPR\) status](#). Additionally, those granted parole may apply for work authorization which, if approved, would permit them to work for the duration of their period of parole. Cubans and Haitians who enter through the CHNV parole program are eligible for ORR benefits as CHEs.

### Parole at the Border

Some Cuban and Haitian nationals being processed by CBP at the southern border might be paroled when released from CBP custody, [although that has not been the most common practice in several years](#). The length of this parole, however, is generally too short (typically three to six months) to confer eligibility for work

authorization, given the time it would take for their employment authorization application to be processed (often nine months or more).

Even if their period of parole has expired, however, Cuban and Haitian nationals who were granted humanitarian parole upon arrival are considered eligible for ORR benefits as CHEs. They will likely have also been issued an NTA in immigration court, indicating they are in deportation proceedings and have a pending immigration hearing.<sup>6</sup>



If the client applies for asylum or another form of relief, like [TPS](#), follow work authorization guidelines according to the process for each form of relief.

### Temporary Protected Status (TPS) Holder, Pending Asylum Application, or in Removal Proceedings

[TPS](#) does not make someone eligible for ORR benefits. However, Haitians can concurrently have TPS and qualify as a CHE. Recall that there are three prongs for Cubans or Haitians who do not have a final removal order to qualify as a CHE: having been paroled into the U.S. and not having acquired any other immigration status; being in removal proceedings; or having submitted a pending asylum application. Someone may

<sup>5</sup> *The Biden Administration’s humanitarian parole program for Cubans, Haitians, Nicaraguans, and Venezuelans: An overview.* American Immigration Council. (2024, July). <https://www.americanimmigrationcouncil.org/research/biden-administrations-humanitarian-parole-program-cubans-haitians-nicaraguans-and>

<sup>6</sup> Cuffari, J. (2024, August). *CBP did not thoroughly plan for CBP one risks ... - DHS OIG.* Office of Inspector General—U.S. Department of Homeland Security. <https://www.oig.dhs.gov/sites/default/files/assets/2024-08/OIG-24-48-Aug24.pdf>

have TPS and qualify as a CHE under two of those prongs: either a pending asylum application and/or because they are in removal proceedings.

However, Haitians who are considered CHEs based on a grant of parole alone (i.e., who are not also in removal proceedings and do not have a pending asylum application)—and who subsequently acquire TPS or another form of immigration status—are no longer eligible for ORR benefits as Cuban/Haitian Entrants.<sup>7</sup> (Note: Cuba is not currently designated for TPS).

Furthermore, a Haitian with valid TPS who was previously designated as a CHE may lose eligibility for benefits if the basis of their CHE classification ends. For example, CHEs who are eligible on the basis of a pending asylum application are no longer eligible for benefits if their asylum application is denied (by USCIS, if applied affirmatively, or by the Executive Office for Immigration Review [EOIR] if the individual was in removal proceedings). However, they would be legally able to remain in the U.S. if they have valid TPS.

## Trauma-Informed Care for CHEs

CHEs, like many other refugee clients, are likely to have experienced the **Triple Trauma Paradigm**: trauma in their country of origin (war, oppression, discrimination), trauma on their migration journey itself (abuses, trafficking, uncertainty about the future) and trauma in the relocation process (separation, lack of choice and control, poverty, isolation, and other unmet needs).

Trauma often results in feelings of being overwhelmed, helpless, or at someone else's control or mercy. It can have negative physical, emotional, psychological, and/or spiritual impacts.

While structural barriers cannot be addressed by service providers alone, consider using a trauma-informed approach while serving your clients to be supportive through past trauma and current challenges.

Consult Switchboard's guide, [Trauma-Informed Care: A Primer for Refugee Service Providers \(2023\)](#), for information on incorporating trauma-informed principles into your resettlement work.

## Exposure to Harm

Compounded challenges in accessing services and navigating a complicated immigration legal system can often lead to precarious conditions and exposure to more harm.

Even where services are available, CHEs may struggle to access ORR benefits and services due to long wait periods or misinformation. They may lack basic needs, such as housing and medical care, and face exploitation by notaries, unscrupulous employers, or traffickers.

These hardships may contribute to failures to appear for hearings in immigration court or other inadvertent immigration violations, leading to *in absentia* removal orders or bars to relief.

Promote the following trauma-informed approach recommendations when working with CHE clients:

- Consider the physical and emotional impacts of trauma on the client.
- Recognize that symptoms of trauma can manifest in behavior, relationships, family dynamics, and community.
- Avoid re-traumatization and be cautious of events that might force or require clients to revisit traumatic memories or events without adequate support.
- Build a transparent and trustworthy collaboration with clients by maintaining confidentiality, managing expectations, and not overpromising results.

## Conclusion: Key Points about CHEs

When working with CHE clients, service providers should remember that:

- CHE is not a legal immigration status in the U.S; it is a designation for ORR benefit eligibility.
- CHEs are often vulnerable to deportation until they are granted more secure or permanent immigration legal status.
- Some clients may be in immigration court removal proceedings.
- Clients likely have faced trauma during their journeys to the U.S. Follow trauma-informed practices to avoid re-traumatizing newcomers.

It is important for service providers to prioritize clients' consultation with an immigration attorney or fully accredited Department of Justice representative to explore their legal options and ensure they understand their legal situation. Failure to do so can impact a client's legal status and access to benefits.

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<sup>7</sup> See 45 CFR 401.2(b)(1).

## Resources

### Switchboard

- **Resource Collection:** [Getting Started in Navigating ORR Eligibility \(2023\)](#)
- **Tool:** [Public Benefits Overview for Refugees and other Humanitarian Immigrants \(2022\)](#)
- **Guide:** [Immigrants' Eligibility for U.S. Public Benefits: A Primer \(2024\)](#)
- **Webinar:** [Understanding the Journey of Cuban And Haitian Entrants \(2024\)](#)
- **Video:** [Understanding Newcomer Immigration Statuses \(2023\)](#)
- **Toolkit:** [Employment Authorization Documents: Reference Guide for Refugee Service Providers \(2022\)](#)

### ORR

- **Guide:** [Benefits for Cuban/Haitian Entrants \(2021\)](#)

### National Resource Center for Refugees, Immigrants, and Migrants (NRC-RIM)

- **Know Your Rights:** [Important Information for Cubans and Haitians Entering the United States Regarding Medical Care \(2023\)](#)

### Sponsor Circles

- **Resource:** [Welcome Plan for Cubans, Haitians, Nicaraguans, And Venezuelans \(2023\)](#); available in English and Spanish

To learn more about  
Switchboard, visit  
[www.SwitchboardTA.org](http://www.SwitchboardTA.org).



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