


EXHIBIT 41



Homeland Security

November 20, 2014

MEMORANDUM FOR: León Rodríguez
Director
U.S. Citizenship and Immigration Services

FROM: Jeh Charles Johnson 
Secretary

SUBJECT: **Families of U.S. Armed Forces Members and Enlistees**

By this memorandum, I hereby direct U.S. Citizenship and Immigration Services (USCIS) to issue new policies on the use of parole-in-place or deferred action for certain spouses, children, and parents of individuals seeking to enlist in the U.S. Armed Forces.

The authority of the Secretary of Homeland Security to parole an immigrant into the United States is expressly authorized by statute. Section 212(d)(5)(A) of the *Immigration and Nationality Act* (INA) authorizes the Secretary “in his discretion [to] 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 into the United States.”¹

Although parole determinations must be made on an individualized basis, the authority has long been interpreted to allow for designation of specific classes of aliens for whom parole should be favorably considered, so long as the parole of each alien within the class is considered on a discretionary, case-by-case basis. Further, it is generally accepted that this parole authority can lawfully be extended to persons outside the United States as well as persons inside the United States who have not been lawfully admitted.² The latter use of parole is referred to as “parole-in-place.”

¹ INA § 212(d)(5)(A); 8 U.S.C. § 1182(d)(5)(A).

² U.S. Citizenship and Immigration Services Policy Memorandum PM-602-0091 (Nov. 15, 2013).

Under current policy, family members of U.S military service members and veterans are eligible for parole-in-place.³ The Department of Defense has requested that the Department of Homeland Security expand the scope of its parole-in-place memorandum of November 2013 to encompass family members of U.S. citizens and lawful permanent residents who seek to enlist in the U.S. Armed Forces. To support the military and its recruitment efforts, I hereby direct USCIS to work with the Department of Defense to address the availability of parole-in-place and deferred action for the spouse, parent, and child of a U.S. citizen or lawful permanent resident who seeks to enlist in the U.S. Armed Forces.

Further, I am also directing USCIS to consider the availability of deferred action, on a case-by-case basis, to those now undocumented family members of U.S. military service members and veterans who would be otherwise eligible for parole-in-place, but who were inspected and lawfully admitted to the United States.

³ U.S. Citizenship and Immigration Services, *Parole of Spouses, Children and Parents of Active Duty Members of the U.S. Armed Forces, the Selected Reserve of the Ready Reserve, and Former Members of the U.S. Armed Forces or Selected Reserve of the Ready Reserve and the Effect of Parole on Inadmissibility under Immigration and Nationality Act § 212(a)(6)(A)(i)*, November 15, 2013.