

New Immigration Policies Related to Venezuelan Migrants

October 25, 2022

In FY2022, the Department of Homeland Security's (DHS's) [Customs and Border Protection \(CBP\)](#) recorded 187,716 [encounters](#) of Venezuelan nationals at or between ports of entry along the U.S.-Mexico land border, with September marking the highest monthly total ever (33,804). On October 12, 2022, the Biden Administration [announced](#) new policies to address the record levels of Venezuelans encountered at the border. The multipronged approach, [coordinated with Mexico](#), features changes to border enforcement practices and a new process to allow Venezuelans who have a U.S. sponsor to apply for [immigration parole](#) and fly directly into the United States.

Venezuela Country Conditions and Humanitarian Crisis

[Venezuela](#), under the authoritarian rule of President Nicolás Maduro, remains in deep economic and humanitarian crises. From 2014 to 2021, Venezuela's economy contracted by 80% and exhibited rates of hyperinflation among the world's highest, according to [estimates](#) by the International Monetary Fund (IMF). While hyperinflation has abated, food insecurity and a collapse of health and other social services have left [7 million people](#) in need of humanitarian assistance and led over [7.1 million](#) more Venezuelans to flee the country. An October 2022 [International Organization for Migration \(IOM\) report](#) estimated that 75% of Venezuelans seeking assistance in countries in Latin America and the Caribbean are living under precarious circumstances.

Border Policy Changes and the New Parole Process

The new border enforcement policies aim to reduce the number of Venezuelans encountered by CBP at the Southwest border. Prior to these changes, the vast majority of Venezuelans encountered were processed for removal and [released](#) into the United States, where they could [apply for asylum](#) during immigration court proceedings. Now, Venezuelans apprehended between ports of entry are subject to the public health-related [Title 42 policy](#), which allows CBP to expel migrants back to Mexico (in [coordination with the government of Mexico](#)). Although the DHS [notice](#) outlining the new policies is not explicit, some Venezuelans may be considered exceptions to Title 42 on a case-by-case basis and may be allowed to enter the United States and apply for asylum during removal proceedings.

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The other major component of the policy changes is a [new process](#) to allow up to 24,000 Venezuelans who are outside the United States to travel by air to the U.S. interior and be paroled into the country. [Immigration parole](#) is official permission to enter and remain temporarily in the United States. [Existing law](#) gives the DHS Secretary discretionary authority 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 to the United States.” [Venezuelans granted parole](#) will be allowed to stay for up to two years and apply for work authorization. Parole does not provide a dedicated pathway to U.S. lawful permanent residence.

This new process for Venezuelans is modeled after [Uniting for Ukraine \(U4U\)](#), a process launched in April 2022 for Ukrainians fleeing Ukraine after the Russian invasion. As under U4U, Venezuelans wishing to use this process must first have a U.S. supporter who agrees to provide them with financial support for the duration of their parole period in the United States. The [new policy](#) is limited to Venezuelan nationals and their immediate family members who pass security checks and complete public health requirements (including vaccinations). Individuals are ineligible if they (1) have been ordered removed from the United States in the previous five years; (2) have crossed into the United States without authorization between ports of entry after October 19, 2022; (3) have unlawfully entered Mexico or Panama after October 19, 2022; (4) are permanent residents or dual nationals of a country other than Venezuela; (5) hold refugee status in any country; or (6) are unaccompanied minors.

U.S.-Mexico Agreement

Since a [2019 U.S.-Mexico migration agreement](#), and particularly since the [March 2020 launch](#) of Title 42 expulsions, Mexico has [accepted U.S. policies](#) that have shifted the burden of handling migrants from the United States to Mexico. On October 12, 2022, Mexico [agreed](#) to accept the expulsion of an unspecified number of U.S.-bound Venezuelan migrants in exchange for DHS making additional [H-2B visas](#) available for temporary nonagricultural workers. Historically, the majority of [H-2B visas](#) have been issued to Mexican nationals. Venezuelan migrants expelled to Mexico will reportedly have the option to [apply for asylum](#) in Mexico, accept [voluntary return by air](#) from Mexico to Venezuela, leave Mexico within [15 days](#), or be subject to apprehension and deportation by Mexican authorities. [IOM](#) and migrants rights organizations have expressed concerns that the border policy could further [overwhelm](#) Mexican shelters and leave Venezuelan migrants [stranded](#) in Mexico and Central America. Mexico’s backlogged National Refugee Assistance Commission (COMAR) received [8,665](#) asylum applications (*solicitudes del reconocimiento de la condición de refugiado*) from Venezuelans from January through September 2022 (compared to 6,123 in all of 2021). COMAR’s director has [reportedly said](#) that his agency could have trouble attending to this influx of Venezuelan asylum seekers, but will do its best despite [funding limitations](#).

Considerations for Congress

The Biden Administration [contends](#) that these new policies will “provide an incentive for Venezuelans to avoid the often dangerous journey to the border,” provide a safe and orderly way for Venezuelans to enter the United States, and “[help ease pressure](#) on the cities and states receiving these individuals.” Some observers [argue](#) that the number of parolees allowed under the new process (24,000) will do little to address the much larger number of Venezuelan migrants who have been arriving at the U.S. border. Some critics of the change that makes Title 42 applicable to Venezuelans [oppose](#) the use of a public health policy to deter migration, in addition to it depriving [migrants](#) of their legal [right](#) to pursue asylum. [Some Members of Congress](#) have called for greater transparency and information regarding the policy changes that affect Venezuelans. Others argue that [refugee processing](#) for Venezuelans should be expanded and that Venezuela [should be redesignated](#) for [Temporary Protected Status](#) (TPS) to include individuals who arrived after the [March 8, 2021, cutoff date](#).

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