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THE TRUMP ADMINISTRATION REVOKES CHNV PAROLE: SPAIN AS AN ALTERNATIVE

On March 25th, the Department of Homeland Security (DHS) published a notice titled: "Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans." In doing so, the Trump Administration fulfilled its threat, stripping hundreds of thousands of individuals of their immigration status. But what exactly is Parole, and why can it be revoked overnight by the U.S. executive branch?

Abstract: The revocation of the CHNV parole program by the Trump Administration has left over half a million immigrants from Cuba, Haiti, Nicaragua, and Venezuela in an irregular status. This measure, based on the broad discretionary powers allowed by the U.S. immigration system, has led to serious legal and humanitarian consequences. In this context, the article examines the legal precariousness of parole and explores the Spanish immigration system in search of viable, stable, and human rights–respecting alternatives in Spain, following the alarming shift toward exclusionary migration policies.

Resumen: La revocación del parole CHNV por la Administración Trump ha dejado en situación irregular a más de medio millon de inmigrantes de Cuba, Haití, Nicaragua y

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Venezuela. Esta medida, basada en la enorme discrecionalidad que permite el sistema migratorio estadounidense ha generado graves consecuencias legales y humanitarias. En este contexto, se analiza la precariedad jurídica de los parole y se observa el sistema de extranjería español en aras de encontrar alternativas viables, estables y respetuosas con los derechos humanos en España tras la alarmante deriva de las políticas migratorias excluyentes.

I. LEGAL NATURE OF PAROLE

The U.S. Immigration and Nationality Act (INA) grants the Department of Homeland Security (DHS) the discretionary authority to grant what is known as parole to foreign nationals who are deemed inadmissible under immigration law, whose main foundation is the INA itself. Specifically, Section 212(d)(5)(A) of the INA confers such discretionary power upon the Secretary of Homeland Security to permit the temporary entry into U.S. territory of an applicant for admission who does not meet the admissibility requirements.

First and foremost, parole is structured as a discretionary power of the U.S. Administration and its use is exceptional. For this reason, the law requires justification of the grounds enabling its grant on a case-by-case basis. Ultimately, such grounds fall into two categories: urgent humanitarian reasons or a demonstrated significant public benefit.

Thus, parole is a discretionary, revocable, and, above all, precarious act. It is granted entirely outside the regular immigrant admission process. Moreover, the regulation clearly emphasizes its provisional nature by establishing that the grant of parole is a temporary measure which, by definition, does not substitute for the formal admission procedure. In other words, under no circumstances does it amount to a finding of admissibility for the individual who receives it1.

As an immediate legal consequence, the individual granted this status becomes legally present in the United States, but without formal admission. This absence of admission under U.S. immigration law is crucial, as it means that, not having been admitted, the person cannot benefit from or apply for any subsequent process of regularization within the country. It is as if the individual were still irregular, with parole merely shielding them from deportation for the duration of its validity.

In this regard, the doctrine of the Board of Immigration Appeals (BIA) has been clear in holding that departure and re-entry under parole status does not in any way constitute the acquisition of admissible status. As a result, the person remains in the

[1] USCIS Policy Manual, Vol. 7, Part B, Ch.2, C.

legal position of an applicant for admission throughout the entire period—and more importantly—upon the expiration of the discretionary benefit they have been granted2.

II. ADMINISTRATIVE REVOCATION OF PAROLE

Parole, as a discretionary power of the Administration, allows for the granting of permission to enter and remain in U.S. territory under exceptional circumstances to individuals who, according to immigration regulations, are deemed inadmissible pursuant to Section 212 of the INA. By its very legal nature within the U.S. system, parole may be revoked at any time by the Secretary of the Department of Homeland Security.

In January 2025, the Trump Administration launched its immigration crackdown and, specifically, announced a radical shift in policy. Executive Order 14165, titled Securing Our Borders, was issued, in which President Trump instructed the DHS to revoke all parole programs, with particular emphasis on the most prominent and far-reaching of them: the CHNV program, created in 2023 for nationals of Cuba, Haiti, Nicaragua, and Venezuela.

In accordance with the President's instructions, on March 25, 2025, the DHS issued an order cancelling thousands of humanitarian permits under the CHNV program3. In that document, approved by the Secretary of the Department, Kristi Noem, the previous Administration is openly criticized, accusing it of lacking sincerity in the justification given for expanding the use of parole and implementing the CHNV program. Specifically, it challenges the claim that the program served a significant public benefit by reducing the number of illegal entries into the United States—an objective which, according to Secretary Noem, was not achieved.

The order terminating the CHNV Program underscores its almost absolute discretionary nature, explicitly stating: "*the Secretary, in her discretion, is terminating the CHNV parole programs. The decision to do so, or not do so, is committed to the Secretary's sole discretion*."

Thus, although it is acknowledged that the cancellation of the program will affect the immigration status of approximately 532,000 migrants from Cuba, Haiti, Nicaragua, and Venezuela, the measure is justified on the grounds that maintaining the program is fundamentally at odds with the objectives and foreign policy of the current Administration.

On April 14, a Massachusetts Court granted a preliminary injunction temporarily suspending the revocation4. However, on May 30, the United States Supreme Court

[2] Matter of Arrabally and Yerrabelly, 25 I&N Dec. 771 (BIA 2012).
[3] Department of Homeland Security, *Federal Register*, Vol. 90, No. 59 (March 25th, 2025).
[4] *Doe v. Mayorkas*, U.S. District Court for the District of Massachusetts, Order granting Preliminary Injunction, April 14th, 2025.

lifted the injunction5. As a result, DHS proceeded to implement the termination of the CHNV Parole Program.

Consequently, on June 12, it made headlines in the United States and abroad that DHS had begun to notify affected migrants individually via email that their paroled immigration status had been revoked in execution of Executive Order 14165. Therefore, they were required to leave the country, as they were deemed inadmissible and ineligible to apply for any form of stay, residency, or regularization. Their work permits were also revoked with immediate effect6.

III. IMMEDIATE LEGAL CONSEQUENCES FOR CHNV MIGRANTS

The revocation of parole leaves its former beneficiaries without any legal basis for remaining in U.S. territory. It is important to recall that individuals who entered the United States under this discretionary and temporary permit did so because, under the applicable immigration regulations (INA), they were considered inadmissible for obtaining an ordinary visa, stay, or residency authorization. Therefore, consequently, once their extraordinary permit is revoked, they remain inadmissible under the Immigration and Nationality Act and, as a general rule, have no available path to regularization. In this way, the humanitarian permit—parole—has become a large-scale immigration trap.

To this must be added that, under Section 237(a)(1)(B) of the INA:

> *"Any alien who is present in the United States, or whose nonemigrant visa (or other documentation authorizing admission into the United States as a nonimmigrant) has been revoked under section 221(i), is deportable."*

In other words, any individual whose parole has been revoked automatically falls into an irregular status, as they no longer have any legal basis to remain in—or even to enter—the United States. As such, they become subject to summary removal, which means they may undergo a deportation process without a formal hearing.

However, the legal consequences in the field of immigration extend even further. Remaining in U.S. territory without legal authorization is not only grounds for summary deportation but may also result in a re-entry ban ranging from 3 to 10 years, as established in Section 212(a)(9)(B) of the INA. This is especially true in light of the specific provision found in subparagraph (ii) of the aforementioned section, which states:

> "For purposes of this paragraph, an alien is deemed to be unlawfully present in the United States if the alien is present in the United States after the expiration of the period of stay authorized by the Attorney General or is present in the United States without being admitted or paroled."

[5] *Department of Homeland Security v. Doe,* Supreme Court Order (May 30th, 2025).
[6] [6] DHS Official Press release, *Termination of CHNV Parole Notifications Sent*, June 12th, 2025.

This situation also severely limits any possibility of regularization—even under extraordinary circumstances—for migrants whose parole has been revoked. U.S. immigration law creates a vicious cycle by requiring legal presence as a prerequisite to initiate any regularization process. Pursuant to Sections 245 and 245A of the INA, a person whose parole has been revoked is legally barred from adjusting their status within the United States. Consequently, unless they obtain another extraordinary permit for humanitarian reasons (such as the parole that has just been rescinded), they are required to leave the U.S. and restart the entire immigration process from a third country.

Moreover, due to their irregular presence, they may be subject to a re-entry bar of at least three years. This means that even those willing to comply fully with the lawful immigration process face the uncertainty that, once they have left the country and appear at a U.S. consulate in their home country, the consular officer may inform them that a re-entry bar has been imposed. As a result, they are deemed inadmissible for any type of visa, stay, or residency authorization.

With the mere cancellation of the CHNV parole program, the Trump Administration has generated over half a million irregular immigrants within the country. Beyond the substantial loss of rights this entails, and the sharp decline in the quality of life and socio-economic stability for those individuals and their families (as we have seen, revocation also means the immediate termination of work authorization), it is evident that this administrative decision—an exercise of discretion that is undoubtedly excessive—has generated immense legal and migratory uncertainty in the United States.

IV. EXTRAORDINARY PATHWAYS TO REGULARIZATION

Despite the unfavourable context, migrants whose parole has been revoked may still access certain extraordinary legal remedies, provided they meet the stringent requirements established by U.S. law and jurisprudence.

a) **Asylum**: Migrants whose humanitarian parole has been revoked may apply for political asylum based on persecution in their country of origin, provided that they do so within one year of their most recent entry into the United States—not from the date of notification of the parole revocation. This is because the asylum process and its eligibility criteria operate independently of the applicant's immediately preceding immigration status[7].
b) **TPS Status:** Temporary Protected Status (TPS) is also a discretionary permit granted by the U.S. Administration. However, it is not available to all immigrants. Currently, TPS designations exist for Venezuela and Haiti,

[7] USCIS, instructions for Form I-589, Application for Asylum and Withholding of Removal.

meaning only applicants from these countries are eligible to apply[8]. It is important to note that, similar to CHNV *parole*, TPS is discretionary and revocable, making it a precarious form of protection and thus not entirely reliable.

c) **VAWA (Violence Against Women Act):** Victims of domestic violence perpetrated by U.S. citizens may file applications for permanent residence even if they are in an irregular status. This is because the law waives certain grounds of inadmissibility for these applicants, including unlawful entry and presence in the United States[9].

d) **U and T Visas:** Individuals who are victims of certain crimes (U Visa) and victims of human trafficking (T Visa) may qualify for these humanitarian visas, provided they cooperate with law enforcement authorities[10].

e) **Parole in Place (PIP):** This option is available for spouses and children of active-duty military personnel or veterans. It serves as a preliminary step toward obtaining permanent residency. Unlike the CHNV *parole*, PIP does confer admissible status[11].

f) **Waivers of Inadmissibility:** The INA provides for waivers (or dispenses) of inadmissibility. Through these waivers, grounds of inadmissibility such as fraud or unlawful presence may be forgiven if it is demonstrated that deportation would cause extreme hardship to a qualifying relative who is a U.S. citizen or lawful permanent resident[12].

While the mass revocation of *parole* has created a severe situation of vulnerability and insecurity—not only within the United States but throughout the region—U.S. immigration law does offer legal remedies to regularize the status of certain individuals, particularly family members and victims of U.S. citizens. However, given the sociological profile of immigration to the United States (predominantly young men), it is foreseeable that these lawful avenues will remain inaccessible to the vast majority of the approximately 532,000 migrants deliberately rendered undocumented by the Trump Administration.

V. ALTERNATIVES IN SPAIN: SPECIAL REFERENCE TO INTERNATIONAL PROTECTION

In light of the revocation of the CHNV parole programs and the resulting migratory abandonment of over half a million families, Spain emerges as a viable alternative for those seeking stability and migration protection. This is particularly relevant for

[8] USCIS, Temporary Protected Status (TPS) Designated Countries List.
[9] *Vid.* Sec. 245(a) and (c) about exceptions VAWA; USCIS Policy Manual, Vol. 7, Pt. B, Ch.6.
[10] USCIS, Forms I-918 e I-914, Supplement B.
[11] USCIS, *Parole in Place for Military Families* Guidance, 2024.
[12] *Vid.* Sec. 212(h), (i) y (a)(9)(B)(v) INA; USCIS Instructions for Forms I-601 e I-212.

nationals of Latin American countries—such as Cuba, Nicaragua, and Venezuela—who share undeniable cultural ties with Spain, facilitating greater integration synergies.

Spanish immigration and foreign nationals' law is less restrictive than its U.S. counterpart in several key aspects. That is to say, Spain affords greater legal guarantees than the United States when it comes to the rights of foreigners. For instance, the Spanish system does not hinge on rigid criteria of admissibility. Instead, administrative authorizations for visas, stays, and residency (in addition to asylum and subsidiary international protection) are governed by regulated, rule-based procedures. This means that—unlike in the United States—there is not such a high degree of administrative discretion in Spain when granting these authorizations, and even less so in revoking them unilaterally without proper justification.

1. Applications for Asylum or International Protection in Spain

Pursuant to Law 12/2009 of October 30, governing the right to asylum and subsidiary protection, Spain recognizes the right of any person to request international protection if they are on Spanish territory or at a border and claim to have a well-founded fear of persecution or face a real risk of suffering serious harm upon return to their country of origin.

Among the main grounds applicable to those affected by the revocation of parole are the following:

- **Political persecution:** Particularly relevant in authoritarian regimes such as those of Nicaragua or Venezuela.
- **Structural humanitarian crisis:** Including severe shortages of food, basic services, and institutional and economic collapse, as is the case in Cuba.
- **Risk of generalized violence:** Characterized by extremely dangerous areas, high levels of corruption, and organized crime, as is the case in Haiti.

In light of such conditions, Spain stands out as a highly viable alternative due to the flexibility of its immigration and asylum regulations. Specifically, international protection in Spain can take two primary forms:

a) **Asylum**: This is granted when an individual faces personalized persecution on grounds of race, religion, nationality, political opinion, sexual orientation, or membership in a particular social group.

b) **Subsidiary protection**: This applies when returning to the country of origin poses a real risk of suffering serious harm such as torture, inhuman or degrading treatment, serious threats, or indiscriminate violence.

Furthermore, applicants have the right to remain in Spain throughout the processing of their asylum application, as well as access to free legal assistance and humanitarian aid. Additionally, after the first six months of their application, they are automatically granted a work permit.

2. Residence Permits for Humanitarian Reasons

As an alternative to applying for asylum, Spain's new Immigration Regulation (Real Decreto 1155/2024, of November 19) provides in Article 128 and following the possibility of obtaining a temporary residence permit on humanitarian grounds—even for those who are in an irregular administrative situation.

This category of residence based on exceptional circumstances includes a number of specific cases, such as:

a) Risk to the applicant's physical integrity if returned to their country of origin;
b) Health-related reasons that require medical treatment unavailable in the applicant's home country;
c) Any other circumstance that, in the judgment of the immigration authority, justifies the need to grant temporary residence.

This type of humanitarian residence permit is granted for a period of one year, renewable, and it authorizes the holder to work legally in Spain. Importantly, the procedure does not require the applicant to leave the country to apply from a consulate; it is available as a pathway for internal regularization.

3. Other General Pathways for Regularization in Spain

While asylum and residence on humanitarian grounds represent the most urgent and exceptional cases for regularization in Spain—tailored to individual and often complex situations—the Spanish legal framework also provides more general pathways to obtain legal residence, both from within and outside the country. Though these options require meeting specific prerequisites, they may offer a viable alternative for migrants who, after the revocation of parole in the United States, choose to begin a new life project in Spain or elsewhere in Europe. The most relevant pathways include:

a) Family Reunification: Available to individuals with direct family members who are either Spanish citizens or legal residents in Spain. This includes spouses, children, or dependent ascendants.

b) Residence Permits for Reasons of Public Interest or Cooperation with Authorities: Allows regularization of individuals who have cooperated with Spanish law enforcement agencies, contributed to the investigation of crimes, or whose presence in Spain is deemed to serve a legitimate public interest.

c) Student Stay and Residence Permits: Available for individuals seeking to pursue higher education or formal academic training in Spain. These permits authorize residence for the duration of the studies and, in most cases, come with the possibility of obtaining a work permit.

d) Residence for Highly Qualified Employment: Intended for professionals with high qualifications who have secured a job offer in Spain. These permits can be processed either from the applicant's home country or within Spain, provided the necessary professional qualifications are met.

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VI. CONCLUSIONS

The widespread revocation of the CHNV parole by the Trump Administration represents an extreme exercise of administrative discretion that borders on arbitrariness, even if one acknowledges that the implementation of such programs had serious deficiencies. Moreover, it marks a turning point in contemporary U.S. immigration policy.

This decision—taken swiftly and without individualized assessment of the humanitarian permits granted, lacking verifiable objective criteria or any motivation beyond the assertion of discretionary authority to revoke—inflicts a humanitarian harm that is difficult to repair on hundreds of thousands of affected families.

Undoubtedly, it is an unprecedented measure that undermines the rights of over half a million people who now live in a clear state of legal and socioeconomic vulnerability. But above all, it blurs the line between discretion and arbitrariness by leaving those who placed their trust in the U.S. immigration system entirely without protection.

Furthermore, it reinforces an immigration policy grounded in exclusion and uncertainty. This is the concrete manifestation of an offensive against immigration, whose echoes are also felt in Europe—a development that must be closely monitored in defence of the fundamental guarantees of Public Law.

In the face of this scenario of vulnerability, it is essential that those affected are informed of possible alternative pathways outside the U.S. immigration system. Spain, as a country committed to the protection of human rights and with strong historical and cultural ties to the main nationalities impacted by the parole revocation, offers flexible solutions that may provide a viable option for families unable to return to their countries of origin.

Raising awareness of these available alternatives is crucial to safeguarding individual and family rights and stability, especially when these are abruptly disrupted by arbitrary administrative decisions.

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