



## Biden's Parole in Place & DACA Announcements: FAQs

On June 18, 2024, President Biden announced an expansion of parole-in-place for certain spouses and step-children of US citizens. This announcement will positively impact 550,000 immigrants without immigration status who reside in the United States. While this is not enough, we believe this is a step in the right direction, and we will continue to fight for a path to citizenship for all the 11 million undocumented immigrants in this country.

### **What immigration benefit did President Biden announce?**

Parole-in-place is temporary protection against deportation that typically comes with eligibility to apply for employment authorization. It is not a form of nonimmigrant or immigrant status, but rather simple permission to be in the US. The Department of Homeland Security ("DHS") has the power to broadly expand access to the benefit and there is already a parole-in-place program for certain people connected to the US military.

### **Why do people need parole-in-place?**

As a result of restrictions in immigration law added in the '90s, most people need an inspection, admission, or parole in order to get a green card without leaving the US. If they have never been formally let into the country by DHS, they will be forced to apply for a green card abroad, even if they have an approved petition from a family member. The process of leaving the country can be dangerous for many, including resulting in years of family separation. Parole-in-place can provide parole and in so doing, open a route to apply for a green card in the US for certain people who would not otherwise have the inspection, admission, or parole they would need.

### **Who will be eligible for this expansion of parole-in-place?**

We do not fully know. DHS intends to publish more details soon, but some basic information has been previewed.

An undocumented person may be eligible if they:

- Have never been admitted or paroled;
- Have been in the US since at least June 17, 2014;
- Were married to a US citizen on June 17, 2024, or have a parent who was married to a U.S. citizen on June 17, 2024 (if the marriage occurred before their 18th birthday, and they are currently under 21 and unmarried);

- Do not pose a “threat to public safety or national security,” and
- Convince DHS to exercise discretion in their favor.

Examples of people ineligible because they have been admitted or paroled include those who overstayed a visa. We do not yet know who DHS will deem to pose a “threat to public safety or national security” or what factors DHS will consider in its discretion.

### **How many people will be eligible?**

DHS estimates 500,000 spouses and 50,000 stepchildren of US citizens will be eligible.

### **What are the risks of applying?**

We do not yet know, but DHS indicated it will take enforcement action, including detention and deportation, against those it believes pose a “threat to public safety or national security.”

### **What will be the application process?**

We do not yet know, but DHS indicated there will be a fee and application, and that requests submitted before the process formally opens will be rejected.

### **But didn't Biden also say something about DACA?**

Generally, the only way to obtain an H1B or other work visa is from outside of the United States. Leaving the country for a shot at an H1B poses many of the same risks as leaving for a green card. For example, many DACA recipients currently require a “waiver” to return to the US with the visa, but would not know if they will be granted a waiver until they leave the US. DHS indicated that it will work with the Department of State to minimize some of these risks for DACA recipients and some others who have graduated from college in the US, but we are staying tuned for more information.

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