



Keeping Families Together Parole in Place: FAQs

President Biden recently announced an expansion of parole-in-place for certain spouses and step-children of U.S. citizens. On August 19, 2024, the federal government began receiving applications for this new type of parole (“Keeping Families Together” or KFT parole). **But on August 26, 2024, a federal court in Texas paused the approval of any new and pending applications. As of today, September 3, 2024, the federal government is allowed to receive new applications and conduct background checks (which includes scheduling applicants for biometrics appointments), but it will not approve new applications until the court orders otherwise.** If allowed to resume, KFT parole may positively impact up to 550,000 immigrants without immigration status who reside in the United States.

What is parole?

Parole is a longstanding form of temporary protection against deportation that typically comes with eligibility to apply for employment authorization. It is not a permanent form of immigration relief, which means it does have various limitations (including the inability to travel abroad). In its most basic form, parole authorizes someone to be in the U.S., even if they lack a formal entry document (like a visa), immigration status, or originally entered the U.S. without permission (sometimes technically referred to as entry without “inspection”). People can obtain parole either upon entry to the U.S. or once they are already inside the country. When someone obtains parole inside the U.S., it is called “parole in place.”

Why do people need parole-in-place?

By law, Congress long ago gave the federal government the power to grant parole for humanitarian reasons or where the public interest suggested parole was necessary. As such, people have received parole for various reasons over the last decades, sometimes as a way to enter the U.S. after fleeing war in their home country or to provide relief to groups of immigrants already in the U.S., such as relatives of U.S. military service members.

But there is another reason why people may need parole. In the 1990s, Congress enacted several legal restrictions that made it harder for most people to get a green card through a U.S. citizen family member. One of those restrictions says that individuals who originally entered the U.S. without permission (by crossing the border, for example) must leave the U.S. and “consular process” (travel abroad) to get a green

card at a U.S. consulate or embassy. This requirement does not apply if the individual can show they were “admitted or paroled” (meaning, they entered the U.S. with permission), which means these individuals can seek a green card through their U.S. citizen relative without leaving the country.

The process of leaving the U.S. can be dangerous for many, because it can result in family separation, sometimes for years due to processing delays and other complex legal rules that govern consular process. Parole-in-place eliminates those dangers for family members of U.S. citizens by recognizing and authorizing the person’s presence in the U.S. In doing so, parole-in-place provides a route to apply for a green card **without leaving the US** for people who were not originally inspected, admitted, or paroled when they entered the U.S.

Who is eligible for this expansion of parole-in-place?

An undocumented spouse of a U.S. citizen may be eligible if they:

- Have never been admitted or paroled (that means people who came on a visa and overstayed are not eligible);
- Have been in the US since at least June 17, 2014;
- Were married to a US citizen on June 17, 2024 (this includes some widowers who were married on that date who have not remarried);
- Do not pose a “threat to public safety or national security,” and
- Convince DHS to exercise discretion in their favor.

An undocumented stepchild of a US citizen may be eligible if they:

- Have never been admitted or paroled (that means people who came on a visa and overstayed are not eligible);
- Have a parent who was married to a U.S. citizen on June 17, 2024 and the marriage occurred before their 18th birthday;
- Are currently under 21 or were beneficiary of a family petition filed before age 21 and unmarried;
- Do not pose a “threat to public safety or national security,” and
- Convince DHS to exercise discretion in their favor.
- **Note:** A stepchild does not need their parent to apply or even qualify to apply.

If KFT Parole resumes, what benefits does it offer?

Individuals who qualify for KFT Parole will be granted parole for a period of up to three years. During that time, the individual can apply for employment authorization that will be linked to the three-year parole period. Separately, some individuals will also be

eligible to apply for permanent residence through their U.S. citizen spouse, but please note that process is completely separate from the parole process and has its own eligibility requirements. Qualifying for parole does not guarantee the individual will qualify for permanent residence.

What would make someone ineligible for this program?

Automatic ineligibility for felony convictions: all felony convictions, including DUI offenses in jurisdictions where such offenses are punishable by imprisonment exceeding one year, are disqualifying.

Automatic ineligibility for certain convictions, even if not a felony, relating to:

- Murder, torture, rape, or sexual abuse;
- Offenses involving firearms, explosive materials, or destructive devices;
- Engaging in activities relating to peonage, slavery, involuntary servitude, and trafficking in persons;
- Aggravated assault;
- Offenses relating to child pornography, sexual abuse or exploitation of minors, or solicitation of minors;
- Domestic violence, stalking, child abuse, child neglect, or child abandonment; and
- Controlled substance offenses (other than simple possession of 30 grams or less of marijuana).

Presumptive ineligibility for any other conviction: all other convictions, except for minor traffic offenses, will trigger a “rebuttable presumption of ineligibility.” This simply means that the applicant will need to demonstrate that the positive equities in the applicant’s life weigh in favor of granting the individual parole. This will require an individualized analysis of the applicant’s life and their case. According to immigration authorities, the less serious a conviction, the easier it may be to rebut the presumption of ineligibility.

For individuals with criminal convictions or any other interaction with the criminal justice system, we highly recommend speaking with a trusted immigration attorney to evaluate their eligibility for this program.

What if I have a removal order or am currently in removal proceedings?

Individuals in removal proceedings are eligible for parole, but USCIS will consider the circumstances of the removal proceedings in their analysis.

If you have an unexecuted removal order (meaning you have not departed), you are still eligible for parole. But USCIS will apply a presumption of ineligibility, which will require that the applicant show the positive equities in their case outweigh the negative, including the circumstances behind the unexecuted removal order.

If, however, the applicant departed with a removal order or was removed by the federal government and then re-entered the U.S. without permission, then the individual is not eligible for parole under this program.

What is the application process?

The application is called the Form I-131F and costs \$580. It must be filed online. There is no fee waiver. And it does not require filing any other USCIS application. **Note:** Applicants must have a USCIS online account to file. If you need help creating an account, please visit this [USCIS website](#) for assistance. **Also, due to a temporary court order in Texas, the federal government is currently not approving applications.**

What are the risks of applying now, especially given the litigation in Texas?

Each individual should assess and understand the risks and benefits of applying for KFT parole, which may require speaking to an attorney or accredited representative. Some individuals may decide to apply for KFT parole regardless of the ongoing litigation because there are factors in their lives that weigh in favor of applying.

That said, please bear in mind the following information. Because of the litigation in Texas, the federal government is currently not allowed to approve any applications. We do not know how long this pause will remain in effect. Moreover, because the outcome of any litigation is uncertain, there is a possibility that individuals who apply now and pay the \$580 filing fee may not receive a decision on their application soon, if ever. **The federal government has said the filing fee is non-refundable.**

In terms of potential referrals to ICE for immigration enforcement, please, note that according to the federal government's guidance, individuals who are deemed ineligible for parole will "generally" not be automatically referred to ICE for immigration enforcement, except in situations where the applicant is considered a threat to national security, public safety, or border security.

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