

Global Immigration alert

August 2024

United States

USCIS publishes filing guide and new form for Keeping Families Together

Executive summary

On 18 June 2024, President Joseph R. Biden Jr. announced a new Keeping Families Together Parole in Place Program (the Program). The primary purpose of the Program is to permit certain noncitizen spouses and children of U.S. Citizens to apply for lawful permanent residence without first being required to leave the United States and risk separation that may last several years.

On 16 August 2024, U.S. Citizenship and Immigration Services (USCIS) released Form I-131F, Application for Parole in Place for Certain Noncitizen Spouses and Stepchildren of U.S. Citizens, and an accompanying guide to assist applicants in preparing a request for parole in place through the online process. USCIS began accepting applications on Form I-131F as of 19 August.

Background and analysis

The Program enables a grant of parole in place to noncitizen spouses and stepchildren of U.S. Citizens on a case-by-case basis. To be eligible, as of 17 June 2024, noncitizen spouses must be present in the United States without admission or parole; have resided in the United States for 10 or more years; and be legally married to a U.S. Citizen. The noncitizen spouse must also not have any disqualifying criminal history or otherwise constitute a threat to national security, public safety, or border security.

For stepchildren, as of 17 June 2024, they must have been under the age of 21 and unmarried; be physically present in the United States without admission or parole; have been

continuously physically present in the United States since at least 17 June 2024 through the date of filing the I-131F; have a noncitizen parent who entered into a legally valid marriage with a U.S. Citizen on or before 17 June 2024 and before the stepchild's 18th birthday; and have no disqualifying criminal history and otherwise not deemed to be a threat to public safety or national security.

Form I-131F must be filed online. Each requestor must file a separate I-131F requesting parole in place, and each requestor must have their own USCIS online account, including minors. At this time, there is no fee waiver available for Form I-131F.

What this means

Eligible family members of U.S. Citizens may proceed immediately with requesting a grant of parole in place. If the I-131F is approved and parole is granted, it will generally be granted for a period of three (3) years during which period the noncitizen applicant may apply for adjustment of status on Form I-485, if otherwise eligible, without being required to leave the United States in order to cure their initial entry without inspection.

The grant of parole does not, however, authorize parole back into the United States after international travel. A separate application for an Advance Parole travel document would be required to facilitate international travel.

It is important for all noncitizens considering submitting an I-131F to understand that the Program did not result from a

statutory or regulatory change. It is an expansion of existing discretionary authority under the *Immigration and Nationality Act*. Consequently, a different administration could terminate the Program at any time.

We will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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