

The background of the image is a waving American flag. The top-left portion shows the blue field with white stars, while the rest of the image is filled with the red and white stripes. The flag has a soft, slightly blurred appearance, giving it a sense of movement and depth.

# Parole in Place

SPOUSES OF US CITIZENS

# Overview of Parole in Place (PIP) of Spouses and Stepchildren


On June 18, 2024, the Biden Administration announced Parole in Place (PIP) for spouses and certain stepchildren of U.S. citizens

The goal of this policy is to provide a way for noncitizen spouses to remain in the U.S. while adjusting status through their marriage to a U.S. citizen.

Part of the Keeping Families Together Initiatives

# How This Program Came to Be

Immigration advocates have been pushing for decades for relief for long-term residents of the United States, with strong ties to the US such as USC family.



PIP is NOT a new program

PIP has been used for parents, spouses and children of USC since 2013



All Parole authority is very broad, but highly discretionary

How Does PIP Work?

# Parole in Place

- Does NOT provide a new form of immigration relief OR Status of any kind
- PIP itself is NOT does not provide a green card
  - It is called PIP because the DHS is paroling a person into the United States that is already here “in place.”
- This renders a person “inspected and paroled into” the United States.



# PIP Benefits

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Three (3) years protection / deferred action from removal

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Ability to apply for a work permit

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For those who entered without inspection (EWI), a grant of PIP will allow someone to meet the *“inspected and admitted or paroled”* requirements to *adjust status in the United States under INA §245(a)*



# Adjustment of Status INA §245(a)

How PIP Helps Keep Families Together



# Adjustment of Status – INA §245(a)

## Governs Regular Adjustments of Status

- *“The status of an alien who was inspected **and** admitted or PAROLED into the United States... ..may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and (3) an immigrant visa is immediately available to him at the time his application is filed.”*

## Remember the I’s

- Inspected
- In the US
- Immediate Relative of USC



# ELIGIBILITY FOR PIP

Who Can Apply

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

# Spouses of USC

Entered the US  
without admission  
or being paroled  
(EWI)

Have resided  
continuously in  
the US since June  
17, 2014

Been legally  
married to a USC  
ON June 17, 2024

Have no  
disqualifying  
criminal history

ANY Criminal  
History – refer  
directly to an  
attorney

Not Inadmissible  
for other reasons

Not pose a threat  
to National  
Security or Public  
Safety

Warrants a  
favorable exercise  
of discretion

# Step Children

Present in the US without admission or parole AS OF June 17, 2024

10 years physical presence NOT required

Child for immigration purposes (unmarried and under 21 years old)

Have a qualifying step-parent / step-child relationship with USC parent as of June 17, 2024

Qualifying “step” relationship = biological parent was married to USC step-parent prior to the CHILD’S 18<sup>th</sup> birthday



# Ineligibility

Who is NOT eligible

# Who is NOT Eligible

Admitted or Paroled

Entered the US after June 17, 2014 (less than 10 years)

Were not married to their USC Spouse on June 17, 2024

Are married to a LPR

- **Note: LPRs that naturalize after 6.17.24 do not qualify their spouses for PIP**

Parents of USC (without spouse)

Have Disqualifying Criminal History

Inadmissible on other grounds (other than 3/10 ULP)

# How USCIS Makes Their Decision

HIGHLY discretionary

Considers each request on a case-by-case basis

Just because there is a program established does not guarantee approval

PIP is granted for Significant Public Benefit or Urgent Humanitarian Reasons

This PIP is usually going to be Humanitarian Reasons – Keeping the family together / in the US as opposed to relocating an entire family (possibly to a dangerous place)

# How USCIS Makes Their Decision



01

Applicant Merits a  
Favorable Exercise of  
Discretion

02

Generally do not need  
to provide extensive  
documentation  
unless there are  
negative factors to  
counter balance

03

Negative factors =  
REFER TO ATTORNEY  
– PERIOD



# Application Process

How to Apply

# Form I-131F

File I-131F Online Only

Filing Fees are \$580.00 – NOT FEE  
WAIVER ELIGIBLE

Supporting Documents (all uploaded  
to the electronic application)

## Required Documentation

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Photo ID (passport, driver's license, ID card, etc.) – OK if it is expired

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Proof of Marriage to USC

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Proof of termination of all previous marriages

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Proof of physical presence in the US (6.17.14 – 6.17.24+ time up to filing)

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Proof of Spouses US Citizenship

# General Criteria for Spouses of USCs

## 2) 10 yrs continuous presence in U.S. as of 6/17/24

- Applicant will have to show continuous presence from June 2014 to June 2024 (or possibly up until time of submission)

- May use:

Rent/Mortgage Statements

Employment Records

Insurance Documents

Utilities

Church Records

Medical Records

Bank Statements

Money Orders

Memberships

School Records

Car Payments

And more...

**Recommendation: do not need docs for every month but avoid big gaps!**

Documents to Prove Physical Presence



## Priority for Some Applicants

USCIS has stated to certain industry officials *(not posted publicly)* that they will giving applicants with an **APPROVED** I-601A priority over those without it



# Other Document Info

- Pending or Approve I-130 NOT required
    - Can file at the same time though
  - OK to have begun CP with a waiver – now could be the time to switch gears to adjustment
    - DO NOT withdraw the IV application Abroad
    - MUST keep it alive
    - MUST REMAIN Plan B
  - Login to CEAC at least 1x per year to keep application alive
    - Pay attention to notices asking if you want to continue the process – ALWAYS select YES and return until your client has their green card in their hands
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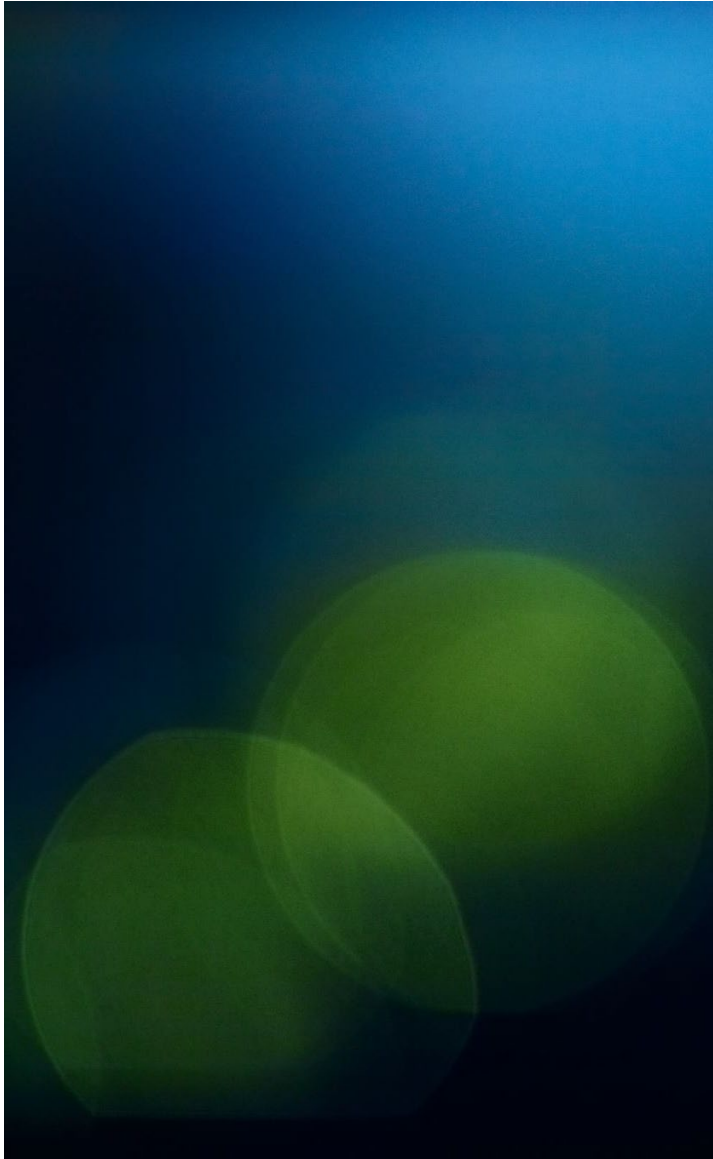
# Applicants in Removal Proceedings

|       |  |
|-------|--|
| YES   | YES, they CAN apply (as long as there are no prior removals)                 |
| REFER | REFER DIRECTLY TO AN ATTORNEY  |
| Note  | Note: LAIA does NOT support cases that involve people in removal proceedings |

# PIP Approval

What Happens Next?





# The Next Steps and Benefits

Can immediately apply for EAD – category (c)(11) – they are now paroled in to the US!

File Adjustment of Status w/EAD (c)(9)

Pros and Cons of each EAD

(c)(11) – No filing Fee | good for 2 years ONLY (at risk if program is terminate)

(c)(9) - \$260 Filing Fee | good for 5 years




What Happens if PIP is Denied



**ARE THERE RISKS OF  
APPLYING FOR PIP**

# Denials


Can be placed into removal proceedings at the discretion of USCIS and consistent with enforcement priorities as set forth in the 2021 Mayorkas Memo



#1 – Convictions of Serious Crimes / Threat to Public Safety or National Security



#2 – Convictions of minor – medium crimes / Other grounds of inadmissibility



#3 – People with no criminal history – just wrong place and wrong time

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Is the Applicant  
Being Placed at  
Risk?

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# Are You Going to Expose Clients

What if a Client  
has never filed  
an application  
with USCIS?



Are we  
exposing them  
unnecessarily?

# Potential Risks to Some Clients in Applying

Litigation

Change in the administration

PIP Being denied (and they were here  
living a quiet life)

PIP Being revoked after being  
granted



Likelihood of  
Litigation – 100%

On 8.23.24 Texas and 16 other states filed a lawsuit to stop the Parole in Place program for spouses of USC.

Does this  
Lawsuit Mean  
that Clients  
Should Not  
Apply for PIP

No, it does not

Clients need to be educated on what is going on and the possible outcomes

**MOST IMPORTANTLY** – Clients need to understand the risks



The Most  
Important  
Factor in  
Deciding to  
Take the Risk



Does the Applicant  
have another form  
of relief if PIP is  
denied, revoked, or  
the program is  
injuncted, or  
terminated

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# Potential Avenues for Plan B Relief

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CP with a waiver

Depart the US on Advanced Parole  
and Reenter

Are they 245i Eligible

Humanitarian Relief

Cancellation of Removal in  
Removal Proceedings (I have a few  
thoughts with respect to this and  
the 10 year requirement)

VAWA

U Visas

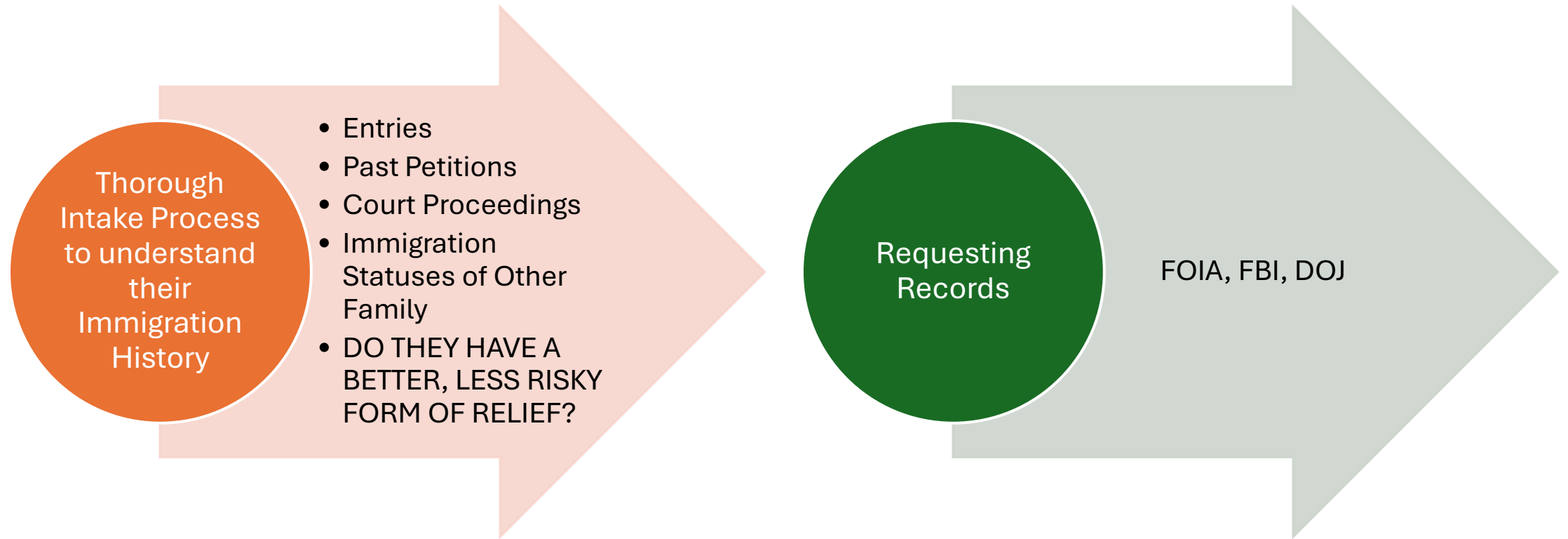


# Protecting Your Clients

How Can I Protect My Clients?

# How Can I Help My Clients to Apply with as Little Risk as Possible

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# Intake and Analysis

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| Process  | Consider  | DO NOT Guess   | DO NOT handle  |
|--|---|--|--|
| <p>Process thoroughly the intake information and what your client says</p> | <p>Consider all Immigration Avenues Available to them</p> | <p>DO NOT Guess – use your membership resources and/or attorney network(s)</p> | <p>DO NOT handle ANY PIP case for someone with a Criminal Record – REFER DIRECTLY TO AN ATTORNEY</p> |

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- +
  - How Do I Protect Myself?

# Ethics and Protection of the IC

Be open and honest on the state of things with your client

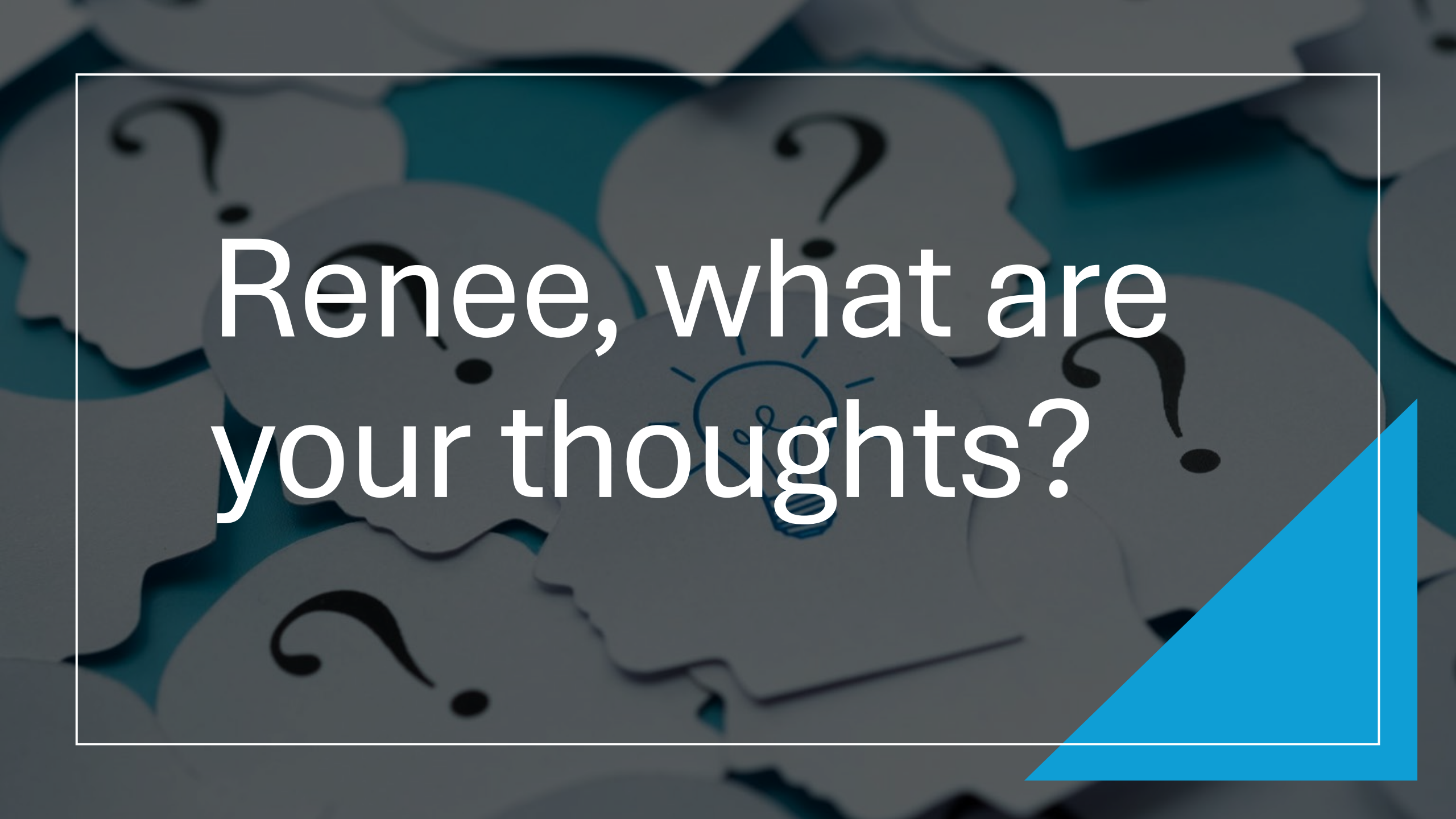
Educate them on the risks

Encourage them to talk with an attorney first

THOROUGH Intake process

Signed Disclaimers (sample to come for membership materials soon)

Everything in writing AND in contract

The background features a dark grey and teal color palette. It is decorated with several puzzle pieces, some of which contain question marks. A central puzzle piece features a lightbulb icon with radiating lines, symbolizing an idea or thought. The text is centered within a white rectangular border.

Renee, what are  
your thoughts?

# Possible Outcomes (opinion only)

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USCIS will continue to take applications unless enjoined (ordered) not to pending the outcome of litigation.

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Applications may remain on hold – or be approved – during litigation

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The 5<sup>th</sup> Circuit already upheld the parole program for Cuba, Nicaragua, Haiti, and Venezuela (this is good news)

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It would be difficult to completely invalidate this PIP without causing harm to Military PIP – just not sure how far the Petitioners (Texas and their friends) are willing to take this



See You Again!

**THANK YOU!**

Soon!