

On June 18, 2024, the Biden administration [announced](#) it would extend access to the Parole-in-Place program to some spouses and stepchildren of U.S. citizens. This program will open doors for certain people to obtain parole and employment authorization, and to potentially become eligible to pursue lawful permanent residence.

NIJC will continue to update this guidance as more details become available about how the administration intends to implement this program. Here are a few things people should know now based on the information currently available:

- 1. No one can apply yet.** The administration still needs to publish notice and instructions about the application process, including the application, fee, and required supporting documents. We expect this will happen later this summer.
- 2. Who will be eligible:** U.S. Citizenship and Immigration Services (USCIS) will consider an individual's eligibility on a case-by-case basis.

Spouses of U.S. citizens must:

- ✓ Be present in the United States without admission or parole;
- ✓ Have been continuously present in the United States for at least 10 years as of June 17, 2024;
- ✓ Have a legally valid marriage to a U.S. citizen as of June 17, 2024; and
- ✓ Have no disqualifying criminal history or otherwise constitute a threat to national security or public safety

Stepchildren of U.S. citizens must:

- ✓ Be present in the United States without admission or parole; and
- ✓ Have a qualifying stepchild relationship to the U.S. citizen as of June 17, 2024

### 3. What you can do now:

- ✓ Schedule a legal consultation with a trusted legal service organization or immigration attorney to be informed of your options.
- ✓ Gather documents – **The following are only recommended documents.** USCIS has not yet published what documents will be necessary.
  - Identity documents (Your birth certificate, photo identification)
  - Marriage certificate
  - Proof that your spouse is a U.S. citizen (U.S. birth certificate, naturalization certificate, or U.S. passport)
  - Proof of legal termination of any past marriages for you and your spouse (divorce, annulment, death certificate)

- Your children's birth certificates
  - Proof that you have been in the United States from June 18, 2014 to June 17, 2024, including U.S. income tax returns and household bills with your name and U.S. address
  - Certified court dispositions for any criminal arrests
  - Copies of any past immigration applications
- ✓ Save money for the application fee.

**4. Avoid Notary Fraud:** Applying for this — or any other immigration benefit — carries some risk. A person who applies and does not qualify and/or includes inaccurate information in an application could face negative immigration consequences including: denial of benefits, loss of filing fees, ineligibility for future benefits, and/or referral for deportation proceedings.

As you explore eligibility for this immigration benefit, please keep the following points in mind:

- × No attorney or legal service provider can promise you an outcome on your case. Because we don't have final instructions from the government, it remains unclear who will qualify for this benefit.
- × Because the government has not yet released the full requirements for this program, no one can promise you are eligible for this benefit or guarantee you will be able to receive an employment authorization document. While some attorneys may ask for a fee to assess your case and/or be under contract with you to complete your application if you are eligible, be careful about paying for legal services at this time.
- × Avoid fraud by notaries and other unlicensed providers. Only licensed attorneys and accredited representatives who work at recognized nonprofit organizations can provide a legal assessment of your case or offer you legal services.

NIJC offers legal consultations at our Chicago and Indiana offices for individuals residing in Illinois and Indiana with household incomes at or below 200% of the federal poverty line. Please call 312-660-1370 to schedule a legal consultation.

Share this information via NIJC's website: <https://immigrantjustice.org/know-your-rights/parole-in-place-spouses-and-stepchildren>



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