

On June 18, 2024, the Biden administration [announced](#) it would extend access to parole in place for some spouses and stepchildren of U.S. citizens.

On August 19, U.S. Citizenship and Immigration Services (USCIS) published [guidance](#) and started accepting online applications for the “Keeping Families Together” program.

This program will open doors for certain people to obtain parole and employment authorization, and to potentially become eligible to pursue lawful permanent residence.

1. Who is 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 from June 17, 2014 through the date you file for parole in place;
- ✓ 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 been continuously present in the United States from June 17, 2024 through the date you file for parole in place;
- ✓ Be unmarried and under 18 years of age when their noncitizen parent married a U.S. citizen spouse;
- ✓ Be unmarried and under 21 years of age on June 17, 2024; and
- ✓ Have no disqualifying criminal history or otherwise constitute a threat to national security or public safety

2. What does it mean to be granted “parole in place” through the Keeping Families Together program? If USCIS approves your application, you will receive a parole document (Form I-94) valid for three years. Parole is similar to a lawful admission to the United States. With parole, you would be eligible to apply for employment authorization for the duration of your parole. You may also become eligible to apply for permanent residence; however, we strongly suggest you receive a legal screening before filing any application for permanent residence.

3. **What you can do:**

- ✓ Closely review [USCIS guidance](#) about the program.
- ✓ 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.***
 - Identity documents (Your birth certificate, photo identification)
 - Marriage certificate documenting the marriage between you and your U.S. citizen spouse or the marriage between your noncitizen parent and U.S. citizen stepparent
 - Proof that your spouse or stepparent 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 or your noncitizen parent and U.S. citizen stepparent (divorce, annulment, death certificate)
 - Your children’s birth certificates
 - Proof that you have been in the United States from June 17, 2014 to the present (for spouses) or June 17, 2024 (for stepchildren) including U.S. income tax returns and household bills with your name and U.S. address
 - Certified court dispositions for any criminal arrests, including juvenile delinquency proceedings
 - Copies of any past immigration applications
- ✓ Save the application fee(s):
 - \$580 to apply for the “Keeping Families Together” parole in place program
 - \$470 to apply online (or \$520 to apply using the paper form) for employment authorization once you have been granted parole in place.

4. Avoid Notary Fraud: 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.

No attorney or legal service provider can promise you an outcome on your case or that your case will receive expedited treatment.

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.

5. Who should proceed with caution? People who have had contact with the criminal legal system and people with complex immigration histories should seek legal counsel from a licensed immigration attorney or accredited representative before applying.

- **What convictions will bar someone from parole in place?**
 - i. Any felony conviction; and
 - ii. Any conviction for the following offenses (misdemeanor or felony): murder, torture, rape, sexual abuse, offenses related to firearms, explosive materials, or destructive devices; offenses related to peonage, slavery, involuntary servitude, and trafficking in persons; aggravated assault; domestic violence, stalking, child abuse, neglect or abandonment;

controlled substance offenses (except possession of less than 30 grams of marijuana); child pornography, sexual abuse or exploitation of minors; or solicitation of minors.

- **If you have a conviction for a misdemeanor and it is not on the list above:**
Schedule a legal consultation to determine if you qualify for parole in place. The nature and seriousness of the conviction will be considered against any mitigating factors or other positive factors in your case.
- **If you have a pending criminal case:**
People who have a pending criminal charge do not qualify for parole in place. NIJC recommends that you and your criminal defense attorney be informed about any immigration consequences before pleading to any criminal charge. After your criminal case is completed, schedule an immigration legal consultation to determine if you qualify for parole in place.
- **If you are in removal proceedings:**
Individuals in removal proceedings may apply for parole in place. However, DHS will not grant parole to someone who constitutes a national security, public safety, or border security concern. NIJC recommends that anyone in removal proceedings schedule a legal consultation before applying for parole in place.
- **If you were deported and returned to the United States:**
People who departed the United States under an order of removal, deportation, or exclusion and re-entered the United States without permission are not eligible for parole in place under this program. If you are unsure about your immigration history, you should schedule a legal consultation to explore how prior contact with the immigration system could affect your eligibility.
- **If your parole in place request is denied:**
There is no way to appeal a parole denial or request that the case be reopened. If you believe you are eligible and wish to apply again, you may do so, but will be required to pay the filing fee again. While USCIS says denials will not generally be referred to Immigration and Customs Enforcement to initiate removal proceedings, there is always a risk that could happen, particularly if you have had contact with the criminal legal system or have a complex immigration procedural history.

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>