

New “Parole in Place” Program for Undocumented Immigrant Family Members of U.S. Citizens



Immigration Blog

By [Elizabeth M. Klarin](#)

August 16, 2024 | **IMMIGRATION**

President Biden has announced that the Department of Homeland Security is to take action to safeguard certain family members of U.S. citizens, allowing many noncitizen spouses and children to apply for “Parole in Place” from which they can adjust their status to “permanent resident” from within the U.S. This is a significant step for undocumented immigrants and their families and a way to grant these people relief and ensure family unity.

The purpose of this program is to prioritize family unity for those families with legal and illegal residents living in the U.S. Many illegal immigrant spouses of U.S. citizens came to the U.S. when they were children, even and have been raised as Americans, despite their technical status. This is the opportunity to create stability in their lives as well as their families. The White House estimates that the new parole-in-place program will have an impact for upwards of 500,000 spouses of U.S. citizens, as well as around 50,000 children of migrants.

The current law states that noncitizens who are married to a U.S. citizen have the opportunity to apply for an immigrant visa through proof of their marriage but to obtain permanent residence, they have to leave the country

and wait for their immigrant visa to be processed and approved while abroad. This is problematic for most families, as risk remains as to whether the intending immigrant spouse will be approved and how long the process will take (i.e. when they will be able to reenter the country as a permanent resident). The entire process, including the waiver required for the time spent without status, takes several years. This new policy is meant to eliminate those factors to allow the promotion of “unity and stability of families” by permitting spouses of U.S. citizens to adjust their status to “permanent resident” from within the U.S., regardless of their ability to show that they entered legally in the first place.

The announcement of this process consisted of the idea of consideration under a “case-by-case basis.” There must be certain precautions taken to ensure that there is no abuse of this policy and that people are eligible. To start, the noncitizen must be living in the U.S. without having been admitted or paroled into the country and have been continually present for at least 10 years as of June 17, 2024. In addition, the noncitizen applicant must have a legally valid marriage to a U.S. citizen as of June 17, 2024, and not have any disqualifying criminal history or otherwise present a threat to national security or public safety. Where present, these factors will trigger eligibility to be considered for this process.

Noncitizen children can also achieve Lawful Permanent Residence through Parole-in-Place if they are physically in the United States and are qualified as a stepchild of a U.S. citizen through marriage. Some of the children of illegal immigrants do not even realize the immense impact of their lack of status until they are ready to get their driver’s license, take a trip out of the country, or even just apply for a job.

Importantly, since this new policy is based on executive action rather than a change in the law that has been subject to legislative review and approval, it is possible that when a new President takes office in January 2024, he or she could roll back the existing policy in place permitting this action. Under the current program, recipients will be protected from deportation and can apply for work authorization, similar to programs like military parole-in-place or Deferred Action for Childhood Arrivals (DACA). These benefits and protections of this Parole-in-Place program are anticipated to last for up to three years or longer if renewals are authorized in the future. It remains to be seen whether these protections will be extended to those already in the current very long and cumbersome process available.

Please check back for updates to this post as the process for applying and political situation evolves. Those wishing to prepare to file an application on or after August 19, 2024, the first date possible to file, can begin gathering the documents listed on [this USCIS web page](#). However, just a few days ahead of this date, there remains no defined process for applying for this benefit.

For questions pertaining to this program, please reach out to Elizabeth M. Klarin, (eklarin@lippes.com), or another one of our qualified immigration practice team members at Lippes Mathias LLP to learn more about how we can help.

Research and contributions for this alert were made by Laura Peterson (Intern) and reviewed by Elizabeth M. Klarin (Partner).

Disclaimer: *The information in this post is provided for general informational purposes only, and may not reflect the current law in your jurisdiction. No information contained in this post should be construed as legal advice from our firm or the individual author, nor is it intended to be a substitute for legal counsel on any subject matter. No reader of this post should act or refrain from acting on the basis of any information included in, or accessible through, this post without seeking the appropriate legal or other professional advice on the particular facts and circumstances at issue from a lawyer licensed in the recipient's state, country or other appropriate licensing jurisdiction.*