



PAROLE IN PLACE: DOCUMENTING ELIGIBILITY & RISK ASSESSMENT

A walkthrough for spouses of U.S. Citizens in preparation
for the forthcoming Parole in Place expansion

AUGUST 9, 2024

In June 2024, the Biden Administration announced a new Parole in Place (PIP) process that is planned to go into effect on **August 19, 2024**.

While full process details have not been published, below is information based on the information published by the government as of August 8, 2024, to help community members understand this new process.

NOTE

IT IS IMPORTANT TO CONNECT WITH A TRUSTED LEGAL SERVICE PROVIDER BEFORE FILING AN APPLICATION AND TO STAY INFORMED FOR ADDITIONAL PROCESS ANNOUNCEMENTS!

PROCESS REQUIREMENTS AND ELIGIBILITY MAY CHANGE ONCE ADDITIONAL GUIDANCE IS ISSUED. IT IS ALSO POSSIBLE THAT THE PROCESS MAY BE STOPPED BY A LAWSUIT. IT'S IMPORTANT TO STAY INFORMED OF ALL UPDATES!

WHAT STEPS CAN I TAKE NOW WHILE WE WAIT FOR MORE INFORMATION?

CAUTION: As you begin to explore what can be done now, it is important to be careful and avoid fraud! USCIS is not accepting applications before August 19, 2024, and it is technically possible the process will not start on August 19, 2024. **Do not pay anyone to wait in line!**

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Here are some steps that will guide you in assessing your eligibility for this new process:

- **Step 1: Might I qualify for PIP for spouses of U.S. citizens?** Below is a list of the requirements published as of August 8, 2024. Speak to a trustworthy legal services provider about your case! If you think you might be eligible for PIP for spouses of U.S. Citizens (USC), you need to speak to a legal service provider! Find free or low cost legal support in your area at: <https://ilrc.me/gethelp>.
- **Step 2: Assess the Risks.** Applying for this new process will mean submitting your information to immigration. You must understand that you will be sharing your information with immigration. Because we do not yet know the future of this new process, sharing your information to apply could impact some people negatively. If immigration does not yet know that you are here, you might want to wait to apply. **If you have had any prior immigration problems at the border or otherwise, or problems with the police that resulted in a serious criminal history, it might be risky or not a good idea to apply.** See the next section for more information.
- **Step 3: What documents and evidence will I need?** Start gathering important documents to show your eligibility for this new process and scan and save them separately into PDF or JPEG format. In the next pages, we list the documents that you may use to meet the requirements based on the information that has been published as of August 8, 2024. There are still a lot of unknowns related to this new process—we do not yet know the form, fee amount, and even whether U.S. Citizenship and Immigration Services (USCIS) will begin to accept applications on August 19 (the process could be stopped by a lawsuit).
- **Step 4: Create a MyUSCIS account online if you decide you will be applying.** USCIS suggests doing this and you will need this account if USCIS requires filing the application online. You can create an account at <https://my.uscis.gov/>.

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For additional information about the benefits of this new process, see our Community Explainer: [FAQ: Parole in Place Expansion](#).

Now let's discuss each of these steps in more detail.

STEP 1: IS IT POSSIBLE THAT I MIGHT QUALIFY FOR PIP FOR SPOUSES OF USCS?

While we still do not know all the exact requirements, a person must be able to show the criteria below. Do you meet these criteria? **You must:**

- ▶ Be present in the U.S. without admission or parole (i.e., you last entered the United States without presenting yourself for inspection at an official checkpoint to be allowed in);
- ▶ Have married your U.S. citizen spouse by **June 17, 2024**; and,
- ▶ Have lived continuously in the U.S. for **at least 10 years by June 17, 2024**;

Individuals who apply for this process will also have to complete a background check and show **they have no disqualifying criminal history** nor constitute a threat to national security or public safety.

Additionally, individuals will have to show they merit a favorable exercise of discretion and are **otherwise eligible to apply for adjustment of status**. You should speak to a trusted legal service provider to discuss these requirements.

If you have a criminal or immigration history that disqualifies you from adjusting status to permanent residency, such as the “permanent bar”, you may not want to apply because PIP is not a legal “status” and is temporary. Even if you are approved for PIP, if you cannot later adjust status to permanent resident through a family member or in some other way, you will be more at risk of removal proceedings. Seek trusted and qualified legal assistance first.

Stepchildren of USCS will also be eligible for this new process. The general criteria for

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stepchildren of USC's are that they must be present in the U.S. without admission or parole, they are currently under 21 and unmarried, and they must have a qualifying stepchild relationship with their USC stepparent. This means that their mother/father must have married their USC stepparent prior to the child's 18th birthday. Like for spouses of USC's, full details have not been published and may change. This information is based on the information made public as of August 8, 2024.

STEP 2: WHAT ELSE SHOULD I KEEP IN MIND AS I EXPLORE THIS NEW PROCESS?

While it is anticipated that applications for this new process will begin to be accepted on August 19, we do not know if the process will stay in effect. It is possible that a court may block this new process or that the process will be shut down under a new presidential administration. It is important to determine the amount of risk that could be associated with applying, since applying for an immigration benefit will give your information to immigration. Below are some questions to consider with your legal service provider before applying:



LESS RISK

1. Does immigration already have your information?

Are you in immigration court proceedings?

If you have a case in immigration court there is **no harm in applying**. The government already knows you are here, and you are defending your right to be here. Applying might provide you a new relief option. It might also help you negotiate to have your court case closed, if that's helpful to you.

Have you ever applied for an immigration benefit?

If you have already filed paperwork or an application for an immigration benefit, the government already has your information. Applying for PIP is less risky. Getting PIP might give you a better

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relief option as it might help you get your green card without leaving the U.S. **You may be less at risk if:**

- Your spouse already filed a family petition for you (you may even have a waiver pending)
- You have DACA and are married to a U.S. citizen
- You have TPS and are now married to a U.S. citizen
- You have applied for asylum

2. Does the government not know you are here?

If you have never filed an application for an immigration benefit, the government does not know you are here. If applying for PIP is your first contact with immigration, you will have to decide whether you want to give your information to the government before knowing who the next president is. We do not know what they will do with this information if the next president does not support this new process.

3. Do you have a prior removal order?

This is the riskiest scenario. We do not know yet how the government will use this information to help deport people. If you have a prior removal order it is possible for the government to deport you without giving you a chance to present a case about reasons you should be allowed to stay.

MORE RISK

Even if you are in a group with less risk, it is helpful to get an individualized screening and discuss risks with a trusted legal service provider. They will be able to tell you how your immigration history or criminal history can impact your case. Also, you can still lose money by applying for this new process if the process is stopped.

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STEP 3: WHAT DOCUMENTS AND EVIDENCE WILL I NEED IF THIS NEW PROCESS ALLOWS APPLICATIONS?

You will need to collect documents to show eligibility for this process. This will include identity documents for you, proof of your USC spouse’s status, evidence of marriage, and evidence of your physical presence in the U.S. from June 2014 to June 2024. You should keep a copy of all documentation you are planning to submit and save an electronic copy in PDF or JPEG formats. There is no rule about how much documentation is required. Try to avoid large gaps if you can. **Below is a guide for document collection and a chart to map out these documents over the ten-year period.**

REQUIREMENT	HOW TO PROVE REQUIREMENT? (EXAMPLES)	WHERE TO GET PROOF?
Identity Documents Noncitizen (Applicant) U.S. Citizen	<input type="checkbox"/> Passport <input type="checkbox"/> Consular ID Card <input type="checkbox"/> Birth Certificate + Photo Identification (i.e., Driver’s License) <input type="checkbox"/> Unexpired U.S. Passport <input type="checkbox"/> U.S. Birth Certificate <input type="checkbox"/> Naturalization Certificate <input type="checkbox"/> Certificate of Citizenship	<input type="checkbox"/> Your country’s consulate (i.e., Mexican Consulate) <input type="checkbox"/> CA Department of Motor Vehicles <input type="checkbox"/> Your personal records <input type="checkbox"/> U.S. Department of State <input type="checkbox"/> County Recorder’s Office
Proof of marriage to a U.S. citizen as of June 17, 2024	<input type="checkbox"/> Marriage certificate <input type="checkbox"/> Divorce decree for any prior marriage (if you or your U.S. citizen spouse were previously married, you’ll need a certified divorce decree for any prior marriage)	<input type="checkbox"/> County Recorder’s Office If married abroad - marriage certificate from issuing authority



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<p>Presence in the U.S. for at least 10 years as of June 17, 2024</p> <p>(Gather as many documents as you can for each year, beginning prior to June 17, 2024 and keep track in the Physical Presence Documents Tracker below. Ideally the document will have your name and date, and must be for a transaction within the U.S. For example, if you are using a doctor’s visit, it should be for a doctor’s visit in the U.S., showing your name and the date you went to the doctor.)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Rent or mortgage leases or receipts <input type="checkbox"/> Utility bills <input type="checkbox"/> Other bills and receipts <input type="checkbox"/> Driver’s licenses and ID cards <input type="checkbox"/> School records (of yourself and your children) <input type="checkbox"/> Religious records <input type="checkbox"/> Money order receipts <input type="checkbox"/> Dated bank transactions (bank statements) <input type="checkbox"/> Insurance policies (health, life, car, renter) <input type="checkbox"/> Employment records (i.e. employer letter, pay stubs, W-2s) <input type="checkbox"/> Taxes or tax transcripts <input type="checkbox"/> Membership records (i.e., Costco, Amazon, Netflix) <input type="checkbox"/> Dated awards and certificates <input type="checkbox"/> Doctor/Dentist visits <input type="checkbox"/> Medical Records <input type="checkbox"/> Postmarked envelopes with the date, addressed to you with your U.S. address <input type="checkbox"/> Detailed affidavits or declarations from those who have known you were here. <input type="checkbox"/> Any document clearly created in the U.S. with your name and date 	<ul style="list-style-type: none"> <input type="checkbox"/> Within your personal records <input type="checkbox"/> Your school or your child’s school <input type="checkbox"/> Your religious organization <input type="checkbox"/> Your utility company
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<p>Criminal History</p> <p>(If the applicant has a criminal history, before applying they should first do a background check with the California Department of Justice and/ or FBI. Applicants will likely need court disposition records but should first obtain a background check and consult with an immigration attorney or DOJ accredited representative before going to court to obtain records.)</p>	<ul style="list-style-type: none"><input type="checkbox"/> California Department of Justice Background Check<input type="checkbox"/> FBI Background Check<input type="checkbox"/> Court disposition records	<ul style="list-style-type: none"><input type="checkbox"/> State criminal background check (For example, in California it would be with the California Department of Justice)<input type="checkbox"/> FBI Background Check<input type="checkbox"/> Criminal Courthouse where case took place <p>Make sure to indicate you are requesting your records, for your personal records/ personal reasons. You do NOT have to say you are requesting records for immigration purposes.</p>
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PHYSICAL PRESENCE TRACKER											
Jan. 2014	Feb. 2014	Mar. 2014	Apr. 2014	May 2014	Jun. 2014	Jul. 2014	Aug. 2014	Sep. 2014	Oct. 2014	Nov. 2014	Dec. 2014
Ex. Rent receipt (Jan 12)											
Jan. 2015	Feb. 2015	Mar. 2015	Apr. 2015	May 2015	Jun. 2015	Jul. 2015	Aug. 2015	Sep. 2015	Oct. 2015	Nov. 2015	Dec. 2015
Jan. 2016	Feb. 2016	Mar. 2016	Apr. 2016	May 2016	Jun. 2016	Jul. 2016	Aug. 2016	Sep. 2016	Oct. 2016	Nov. 2016	Dec. 2016
Jan. 2017	Feb. 2017	Mar. 2017	Apr. 2017	May 2017	Jun. 2017	Jul. 2017	Aug. 2017	Sep. 2017	Oct. 2017	Nov. 2017	Dec. 2017
Jan. 2018	Feb. 2018	Mar. 2018	Apr. 2018	May 2018	Jun. 2018	Jul. 2018	Aug. 2018	Sep. 2018	Oct. 2018	Nov. 2018	Dec. 2018
Jan. 2019	Feb. 2019	Mar. 2019	Apr. 2019	May 2019	Jun. 2019	Jul. 2019	Aug. 2019	Sep. 2019	Oct. 2019	Nov. 2019	Dec. 2019
Jan. 2020	Feb. 2020	Mar. 2020	Apr. 2020	May 2020	Jun. 2020	Jul. 2020	Aug. 2020	Sep. 2020	Oct. 2020	Nov. 2020	Dec. 2020
Jan. 2021	Feb. 2021	Mar. 2021	Apr. 2021	May 2021	Jun. 2021	Jul. 2021	Aug. 2021	Sep. 2021	Oct. 2021	Nov. 2021	Dec. 2021



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PHYSICAL PRESENCE TRACKER											
Jan. 2022	Feb. 2022	Mar. 2022	Apr. 2022	May 2022	Jun. 2022	Jul. 2022	Aug. 2022	Sep. 2022	Oct. 2022	Nov. 2022	Dec. 2022
Jan. 2023	Feb. 2023	Mar. 2023	Apr. 2023	May 2023	Jun. 2023	Jul. 2023	Aug. 2023	Sep. 2023	Oct. 2023	Nov. 2023	Dec. 2023
Jan. 2024	Feb. 2024	Mar. 2024	Apr. 2024	May 2024	Jun. 2024	Jul. 2024	Aug. 2024	Sep. 2024	Oct. 2024	Nov. 2024	Dec. 2024

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