



AN UPDATE ON KEEPING FAMILIES TOGETHER PAROLE IN PLACE PROCESS

A summary of where we go from here and what to
keep in mind as the KFT PIP process halts nationally

NOVEMBER 14, 2024

INTRODUCTION

In June 2024, the Biden administration announced a new parole process for certain spouses and stepchildren of U.S. citizens. The process, known as Keeping Families Together Parole in Place (KFT PIP), went into effect on August 19, 2024. Just days after its implementation, Texas and 15 other states filed a lawsuit to stop the process. A federal district court (Court) in Texas swiftly ordered USCIS to stop approving applications while the case was pending, though applicants could still file an application under the process. The Court's order was set to expire on November 8, 2024. However, on November 7, 2024, the Court in Texas ruled that the government did not have authority to create KFT PIP and stopped the program entirely.

WHAT DOES THE COURT'S DECISION MEAN?

The Court ruled that the Biden administration did not have the power to issue this type of parole in place and declared the KFT PIP process invalid. This means that USCIS cannot accept, process, or issue a decision on any KFT PIP applications at this time. On November 13, 2024, USCIS [updated its website](#) confirming that USCIS will not adjudicate pending KFT PIP applications and will not accept new applications. Biometrics appointments related to KFT PIP are cancelled. Some applicants may feel obligated to attend their biometrics appointment (and that's fine), but if they do, they will be turned away without their biometrics being taken.

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At this time, we do not know if the decision will be appealed, however, this seems unlikely given USCIS's recent update. While it seems very unlikely, if an appeal were to be filed, we do not know whether applications can be filed while the appeal is pending. **Below is a brief discussion of some possible outcomes for the litigation and process:**

- **Option 1: Biden administration does nothing.** As of the time of this writing, we do not know whether the Biden administration plans to appeal the Court's decision. Given USCIS's update on November 13, 2024, an appeal seems unlikely. If the Biden administration decides not to appeal the decision, the Court's decision becomes final and the KFT PIP process ends.
- **Option 2: Biden administration appeals the Court's ruling.** The Biden administration may opt to appeal the Court's decision. Even if the Biden administration files an appeal, it is likely that the Court will not allow USCIS to accept new applications. Also, it is highly likely that the Trump administration will withdraw the appeal as soon as Trump takes office. Unfortunately, the outcome would be the same, KFT PIP process comes to an end.

WHAT IF I WAS THINKING OF APPLYING FOR KFT PIP?

Unfortunately, because of the Court's decision, new KFT PIP applications will not be accepted. USCIS stated on November 13, 2024, that it will stop accepting new applications for this process. USCIS indicated that additional information on how it will handle pending cases will be published in the coming days.

WHAT IF I ALREADY APPLIED FOR KFT PIP?

Many applicants with pending KFT PIP applications are wondering what happens next. USCIS has yet to publish information on what will happen with pending cases. On November 13, 2024, USCIS stated it will publish information in the coming days on how it will handle pending cases and paid application fees.

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The steps for each person will depend on their unique circumstances (i.e., if they have another form of relief such as DACA, if they started the consular process, if they are in removal proceedings, etc.), so speaking with a qualified legal service provider is key! If you filed an application for KFT PIP, you do not need to take any action on your application. If you have been scheduled for a biometrics appointment, USCIS considers it cancelled. If you think your biometrics appointment might be for another application you filed, it is best to go and confirm. **Here are some general considerations:**

1. I Currently Have Another Form of Relief like Deferred Action for Childhood Arrivals or Temporary Protected Status

Some applicants for KFT PIP already had other forms of temporary relief such as Deferred Action for Childhood Arrivals (DACA) or Temporary Protected Status (TPS). Those with DACA should continue to timely renew their DACA and may want to consider applying for advance parole under DACA if they have an employment, education, or humanitarian basis for seeking advance parole. DACA advance parole will allow you to travel outside of the U.S. and re-enter with parole, which will put you in the same position as if you were granted KFT PIP. See our [**Advance Parole for DACA Recipients Community Explainer**](#).

Similarly, those with TPS may request travel authorization. Once a TPS beneficiary returns from authorized travel after July 1, 2022, they will be admitted back into TPS. That new admission into the U.S. will help a person qualify for adjustment of status to lawful permanent resident (LPR), which requires that someone has been “inspected and admitted or paroled.” (This was one of the main benefits of KFT PIP).

Those who have DACA, TPS, or other forms of relief should still consult with a qualified legal service provider to discuss any immigration options and assess the risks considering the changes to immigration law and policy expected under the next presidential administration.

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2. My Consular Processing Case is Started or Pending

Some KFT PIP applicants are already the beneficiary of a pending or approved I-130 family petition, filed by their U.S. citizen spouse or stepparent and may have already begun consular processing. Applicants in this category should continue with their case. Unless an applicant was granted KFT PIP or received parole through another avenue, they will have to depart the U.S. to attend a consular interview to complete the immigration process. Individuals should speak to a qualified and trusted legal service provider to make sure they are eligible to process outside the U.S. before leaving. Additionally, a legal service provider can screen for other options for status without leaving the U.S.

3. I Have Only Applied for KFT PIP

U.S. citizens may petition their spouses and certain stepchildren by filing an I-130 petition with USCIS. Although the I-130 petition does not grant status, it can lead to permanent residence in the future. If you filed a KFT PIP application but have not yet filed an I-130 petition or other application for a benefit, it is important that you speak with a trusted legal service provider to explore next steps, whether it is starting the I-130 family-based process or exploring other options.

4. I Am Currently in Removal Proceedings

KFT PIP applicants who are in removal proceedings, either before an Immigration Judge or who have a pending appeal with the Board of Immigration Appeals, will have to continue defending themselves against removal. Applicants in removal proceedings should speak with a trusted legal service provider to explore options to apply for immigration status and stop the removal process.

5. I Have a Prior Removal Order

KFT PIP applicants who have an unexecuted removal order, meaning the person had not deported or left voluntarily after being ordered removed, should consult with a



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legal services provider as soon as possible to discuss their unique situation. This group is most at risk since they already have a removal order against them, and the government has their latest information, such as address, that was shared when filing for KFT PIP. We do not know what the government will do with the information they collected under KFT PIP, so it is best to have a consultation with a qualified legal service provider as soon as possible to assess if there are any other forms of relief that you may be eligible for.

WHAT IF I AM UNCERTAIN ABOUT WHAT I SHOULD DO NOW?

Speak to a qualified legal services provider about your case! Whether you filed an application under this process or were considering filing one, it's very important that you speak to a qualified legal services provider to discuss the options given your unique circumstances. Find legal support in your area at: ilrc.me/gethelp.

HOW CAN I KEEP MYSELF INFORMED OF THE LATEST DEVELOPMENTS?

We will continue to update our KFT PIP [landing page](#) as more information becomes available. You can also visit USCIS's [KFT website](#) for the latest developments.

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