



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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**Presence in the U.S.
for at least 10 years
as of June 17, 2024**

(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.)

- Rent or mortgage leases or receipts
- Utility bills
- Other bills and receipts
- Driver's licenses and ID cards
- School records (of yourself and your children)
- Religious records
- Money order receipts
- Dated bank transactions (bank statements)
- Insurance policies (health, life, car, renter)
- Employment records (i.e. employer letter, pay stubs, W-2s)
- Taxes or tax transcripts
- Membership records (i.e., Costco, Amazon, Netflix)
- Dated awards and certificates
- Doctor/Dentist visits
- Medical Records
- Postmarked envelopes with the date, addressed to you with your U.S. address
- Detailed affidavits or declarations from those who have known you were here.
- Any document clearly created in the U.S. with your name and date

- Within your personal records
- Your school or your child's school
- Your religious organization
- 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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