



FAQ on New Spousal/Stepchild Parole in Place (PIP) Program

Updated Aug. 19, 2024

The U.S. Citizenship and Immigration Services (USCIS) issued a pre-published version of the Federal Notice it plans to publish on Aug. 20, 2024, concerning the Parole in Place (PIP) program for noncitizen spouses and stepchildren of U.S. citizens. If approved for PIP, these spouses and stepchildren may be able to apply for lawful permanent resident (LPR) status without having to leave the United States and apply for an immigrant visa at a U.S. consulate overseas. The following are frequently asked questions related to key information contained in the Notice.

Who is eligible for the new PIP program?

Spouses are eligible to file for the new PIP program if they meet the following criteria:

- Be present in the United States without admission or parole;
- Have been continuously physically present in the United States for at least 10 years as of June 17, 2024, and through the date of filing;
- Have a legally valid marriage to a U.S. citizen as of June 17, 2024;
- Have no disqualifying criminal history and otherwise not deemed to be a threat to public safety, national security, or border security; and
- Submit biometrics and undergo required background checks and nationality security and public safety vetting.

Stepchildren are eligible to file for the new PIP program if they meet the following criteria:

- Be present in the United States without admission or parole;
- Be continuously physically present in the United States since June 17, 2024, and through the date of filing;
- Be under 21 on June 17, 2024;
- Be the stepchild of a U.S. citizen as of June 17, 2024;
- Have no disqualifying criminal history;
- Submit biometrics and undergo required background checks and nationality security and public safety vetting, and be found not to pose a threat to national security or public safety.

Applicants must show by a preponderance of the evidence, that they meet the eligibility criteria outlined above and that parole is warranted as a matter of discretion for urgent humanitarian reasons or significant public benefit.

Why will spouses and stepchildren approved for PIP be eligible to apply for LPR status?

The U.S. citizen spouse or stepparent is already able to file a Form I-130, Petition for Alien Relative, on behalf of the family member. That is the first step in the immigration process, though it can also be combined with the second step, which is the eligible spouse or child filing a Form I-485, Application to Register Permanent Resident or Adjust Status. To be eligible to file an I-485, the applicant must have been “inspected and admitted or paroled” into the United States. Those spouses and children who entered unlawfully were previously prevented from filing for adjustment of status and needed to apply for an immigrant visa at a U.S. consulate abroad. But with the “parole” status provided through PIP, and their being classified as “immediate relatives” — spouses or unmarried children under age 21 of a U.S. citizen — they qualify to file under section 245(a) of the Immigration and Nationality Act (INA).

Other family relationships that fall within the “preference categories,” such as the spouses and unmarried children of LPRs, would not qualify to file for adjustment unless they had always maintained lawful immigration status in the United States. Obtaining parole status through PIP, therefore, would not allow these family members to file for adjustment under INA § 245(a).

When is the first date one can file for PIP?

The earliest date that a spouse or child may file for PIP is Aug. 19, 2024. “Filing” is defined as receipt by the USCIS of a signed application that contains the proper fee.

What is the form and filing fee?

Applicants will use Form I-131F, Application for Parole in Place for Certain Noncitizens Spouses and Stepchildren of U.S. Citizens. The fee is \$580 and includes biometrics. There is no fee waiver availability.

What is the filing address?

Applicants will submit the form, fee, and supporting documents online. The application is not available for paper filing.

Must each applicant, including stepchildren, submit their own application?

Yes. Each applicant, including stepchildren, must prepare and file the Form I-131F individually. Applicants must have their own USCIS online account to prepare and file this form. For more information on creating a USCIS online account visit: [How to Create a USCIS Online Account page](#).

What documents need to be submitted?

USCIS will automatically determine which documents an applicant should provide as they fill out the application online. An applicant must submit all evidence and supporting documents listed at the time of filing.

What information must be provided on the form?

- Applicant’s full name and any other names they have used;

- Applicant's phone number and email address;
- Applicant's current mailing address and physical address;
- Applicant's date of birth;
- Applicant's country of birth and country of citizenship;
- Applicant's gender;
- Applicant's biographical information, including their height, weight, hair and eye color, and their race and ethnicity.
- Applicant's A-Number, if any;
- Applicant's social security number, if any;
- Applicant's USCIS online account, if any;
- Applicant's marital status and date of marriage;
- Applicant's U.S. citizen spouse's or stepparent's current legal name;
- Applicant's U.S. citizen spouse's or stepparent's date of birth;
- Applicant's U.S. citizens spouse's or stepparent's social security number;
- When did the Applicant begin their continuous physical presence in the United States?
(MM/DD/YYYY)
- Has the Applicant ever been in exclusion, deportation, removal, or rescission proceedings?
- Has the Applicant ever been arrested for, charged with, or convicted of a felony or misdemeanor in or outside the U.S.?
- Has the Applicant ever or is now engaged in activities that could be reasonable grounds for concluding that they are a danger to public safety or the security of the United States?
- Has the Applicant ever filed Form I-601A, Application for Provisional Unlawful Presence Waiver, with USCIS and, if so, what is the receipt number?
- Explain why the Applicant qualifies for PIP, including information regarding the significant public benefit or urgent humanitarian reasons warranting a grant of parole.

What documents establish identity?

An applicant must provide a copy of an official photo identity showing their photo, name, and date of birth. Expired documents are acceptable. If a document is in a foreign language, you must include the English translation and the translator's certification. The following documents can be used:

- Valid government-issued driver's license;
- Passport identity page;
- USCIS work permit (EAD);

- Any government-issued document containing the applicant's name, date of birth and photo; or
- Any school-issued form of identification with photo.

What documents establish evidence of the spouse or parent's U.S. citizenship?

- U.S. passport;
- Birth certificate, if born in the United States;
- Certificate of Naturalization;
- Certificate of Citizenship; or
- Consular Report of Birth Abroad.

What documents establish marriage to a U.S. citizen as of June 17, 2024?

- Marriage certificate issued by one of the 50 U.S. states or U.S. territories.
- Marriage certificate issued by a foreign country that is recognized as an official document in that jurisdiction (see the [Department of State Reciprocity Table](#) for confirmation that the document is acceptable).
- Divorce decree/decree of dissolution of marriage, if previously married.
- Registration of common law marriage. These are currently recognized in the District of Columbia and the following states: Colorado, Iowa, Kansas, Montana, New Hampshire, Texas, and Utah. Each state has its own specific regulations and requirements for such unions. Submit a copy of the statute, regulation, or case law that states the requirements in that jurisdiction for establishing a common law marriage as well as evidence that demonstrates the applicant meets the requirements in the jurisdiction for establishing a common law marriage on or before June 17, 2024.

What documents establish parent/child relationship as of June 17, 2024?

- Birth certificate;
- Adoption decree;
- Evidence of legally valid marriage between the parent and the U.S. citizen stepparent as of June 17, 2024, and before the child turned 18, such as a marriage certificate.

What documents may be used to establish continuous presence in the United States since June 17, 2014?

The following are suggested documents:

- Rent receipts or utility bills;
- School records (letters, report cards, etc.);
- Hospital or medical records;

- Attestations of residence by religious entities, unions, or other organizations, identifying applicant by name;
- Official records from a religious entity confirming participation in a religious ceremony;
- Money order receipts for money sent into or out of the United States;
- Birth certificates of children born in the United States;
- Dated bank transactions;
- Automobile license receipts, title, or registration;
- Deeds, mortgages, or rental agreement contracts;
- Insurance policies; or
- Tax returns or tax receipts.

How many documents should the applicant submit? Does an applicant have to submit documentation to account for every day or month of the continuous residence period?

No. Applicants do not have to account for every day or month of the continuous residence period through direct evidence. Submit a reasonable number of documents to establish continuous physical presence from on or before June 17, 2014, until the date of filing (for spouses) or from on or before June 17, 2024, until the date of filing (for stepchildren). USCIS suggests submitting evidence of physical presence during at least each year of the required period, but it will evaluate the totality of the evidence submitted.

Does the spouse applicant have to establish that it was a *bona fide* marriage when it was entered?

No. The applicant has to submit only a copy of the marriage certificate.

Does the spouse applicant have to show that the couple is still residing together and that it is a viable marriage?

No. The applicant has to submit only a copy of the marriage certificate.

Does the child have to be under 21 on the date of applying for PIP?

No. Stepchildren who are now over 21 but unmarried are still eligible for PIP if they were the beneficiary of a Form I-130 petition filed before they turned 21. The USCIS will be applying the Child Status Protection Act to preserve the child's age and "immediate relative" status on the date the I-130 was filed.

If the child was born out of wedlock to the U.S. citizen father, will the child have to establish legitimation?

No. The child does not have to establish that they were born in wedlock or that they were legitimated by the parent.

If your U.S. citizen spouse or stepparent has died prior to filing your PIP request, can you still qualify for PIP?

Yes, you may still qualify for PIP as long as a legally valid marriage was entered into on or before June 17, 2024.

What is possible evidence of favorable discretionary factors?

The following are suggested documents establishing:

- Community ties;
- Particular vulnerability related to advanced or young age;
- Length of presence in the United States;
- Existence of a mental or physical condition or illness requiring care or treatment in the United States;
- Status as a parent or caregiver of a U.S. citizen child, or elderly parent or in-law;
- Status as a caregiver for an individual with disabilities, including a U.S. citizen parent, in-law, or sibling;
- Status as a victim or witness of a crime or civil rights violation, or labor rights violation under investigation by a labor agency;
- Effect on other family members, including family members who are U.S. citizens and lawful permanent residents;
- Mitigating factors that relate to any specific criminal conduct or prior removal order at issue; or
- Payment of federal and state taxes;
- Payment of child support;
- Membership in local church;
- Stable employment; and
- Volunteer activities.

What are some actions that would make the applicant ineligible for PIP?

Parole is neither an admission to the United States nor a determination of admissibility. As a result, applicants for PIP will not be screened for the grounds of inadmissibility; that will happen at the adjustment of status stage. However, USCIS may consider facts and circumstances that may give rise to one's inadmissibility in making the case-by-case discretionary parole determination.

The USCIS will be screening for PIP eligibility through the results of biometrics, which reveal arrests, convictions, orders of deportation or removal, and interactions with Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) officials. Practitioners should screen potential

applicants for the following grounds of inadmissibility that will arise at the adjustment of status stage and provide appropriate advice:

- Departure and illegal reentry after accruing one year or more of unlawful presence in the aggregate, which would trigger the “permanent” bar under INA § 212(a)(9)(C)(i)(I);
- Departure after deportation or removal order and illegal reentry after April 1, 1997, which would trigger the “permanent” bar under INA § 212(a)(9)(C)(i)(II);
- Illegal reentry after deportation or removal order, which would trigger potential reinstatement of removal under INA § 241(a)(5);
- Smuggling a child or other family member into the United States, which would trigger a bar under INA § 212(a)(6)(E);
- Committing immigration fraud or misrepresentation, which would trigger a bar under INA § 212(a)(6)(C)(i);
- Making a false claim of U.S. citizenship after September 30, 1996, which would trigger a bar under INA § 212(a)(6)(C)(ii);
- Having a health-related issue, which would trigger a bar under INA § 212(a)(1); and
- Certain criminal activity (set forth below).

What are some criminal convictions that would disqualify the applicant?

Disqualifying criminal history includes criminal convictions that are likely to render the individual statutorily ineligible for adjustment of status, as well as convictions that do not render noncitizens statutorily ineligible but nevertheless would result in a denial in the exercise of discretion.

All felony convictions disqualify the person from PIP including convictions for the following offenses, regardless of whether the offense is classified as a felony:

- Murder, torture, rape, or sexual abuse;
- Offenses involving firearms, explosive materials, or destructive devices;
- -Offenses relating to peonage, slavery, involuntary servitude, and trafficking in persons;
- Aggravated assault;
- Offenses relating to child pornography, sexual abuse or exploitation of minors, or solicitation of minors;
- Domestic violence, stalking, child abuse, child neglect, or child abandonment; and
- Controlled substance offenses (other than simple possession of 30 grams or less of marijuana).

With the exception of minor traffic offenses, all other criminal convictions will result in a rebuttable presumption of ineligibility for the PIP process.

Note that the following convictions could make the applicant inadmissible:

- Being convicted of a crime of moral turpitude might trigger a bar under INA § 212(a)(2)(A)(i)(I);

- Being convicted of multiple offenses that result in confinement of five years or more would trigger a bar under INA § 212(a)(2)(B);
- Being convicted of a controlled substance violation would trigger a bar under INA § 212(a)(2)(A)(i)(II).

I have pending criminal charges? Am I eligible to apply for PIP while my charges remain pending?

No. An applicant with pending criminal charges is ineligible for PIP. Where an applicant has pending criminal charges, USCIS will deny the PIP request and the filing fee will not be refunded. USCIS will consider any pending criminal charges to be disqualifying, regardless of the nature of the charges. An applicant may apply for PIP once those charges are resolved.

I have juvenile delinquency dispositions, or adult convictions that are dismissed, expunged, vacated, pardoned, deferred, annulled, invalidated, withheld or sealed. Are these dispositions subject to the presumption of ineligibility?

Yes. These dispositions will create a rebuttable presumption of ineligibility for PIP. Please refer to information on how this presumption may be rebutted below.

Does the presumption of ineligibility apply if I was not convicted and was only arrested?

No. You are not subject to the presumption of ineligibility if you were not convicted and were only arrested.

If my criminal conviction or disposition creates a presumption of ineligibility, how can I overcome that presumption?

To overcome the presumption of ineligibility, an applicant must provide documentation demonstrating positive and mitigating factors that overcome the presumption and show that the applicant warrants a favorable exercise of discretion. USCIS will weigh the seriousness of the conviction against the mitigating factors, as well as other positive factors. The nature and seriousness of the conviction will guide the weight of the presumption so that a less serious conviction, or a conviction that does not indicate a public safety concern, will carry less weight and be more easily rebutted.

An applicant should submit a detailed statement explaining the circumstances of the conviction, any mitigating factors, and any positive factors and relevant evidence USCIS should consider.

USCIS will consider the following factors to determine whether an applicant has overcome the presumption of ineligibility due to a criminal conviction:

- Age of the conviction(s) (remoteness in time);
- Applicant's age at the time of the offense and conviction, including whether the applicant was a juvenile at the time of the offense;
- Sentence or penalty imposed;
- Evidence of subsequent rehabilitation;
- Nature of the conviction, including whether the conduct at issue was non-violent;
- Whether the conviction was an isolated offense when considered against the rest of an applicant's history, if any (including consideration of whether multiple criminal convictions were on the same date and may have arisen out of the same act, omission or scheme of conduct);

- Existence of a mental or physical condition that may have contributed to the criminal conduct;
- An applicant’s particular vulnerability, including any physical or mental condition requiring treatment or care in the United States;
- An applicant’s status as a victim of criminal activity, including domestic violence, particularly if related to the criminal conduct at issue;
- An applicant’s status, or that of your U.S. citizen spouse, as a current or former member of the U.S. military;
- An applicant’s status as the primary caregiver for a U.S. citizen child or elderly U.S. citizen parent or in-law;
- An applicant’s good character, such as property ties, business ties, or value and service to the community; or
- Other factors USCIS considers in its exercise of discretion.

What are some actions that demonstrate the applicant poses a threat to national security?

All applicants will undergo national security and public safety vetting as part of this process. Those who pose a threat to national security or public safety will be disqualified from this process and, where appropriate, may be referred for law enforcement action. Noncitizens who pose a threat to national security or public safety will not be eligible for PIP. These include persons who are members of terrorist organizations or criminal gangs.

How will USCIS determine whether to approve the application?

Upon receipt of a properly filed parole in place request, USCIS will determine on a case-by-case basis whether a grant of parole is warranted based on a “significant public benefit” or “urgent humanitarian” reason and whether the applicant merits a favorable exercise of discretion. All requests will take into consideration the potential requestor’s previous immigration history, criminal history, the results of background checks and national security and public safety vetting, and any other relevant information available to or requested by USCIS.

What will be the duration of parole? What happens when it ends?

Under this process, a qualifying individual may be granted PIP on a case-by-case basis for up to three years. Pursuant to 8 CFR 212.5(e)(2)(i) USCIS may terminate parole upon notice at any time where a determination is made that parole is no longer warranted for humanitarian reasons or public benefit.

At the conclusion of the three-year parole period, USCIS anticipates that these individuals will either have a pending adjustment application or will have been granted permanent residence. DHS does not contemplate a re-parole process at this time.

Can I travel if I have been granted PIP?

PIP status will automatically terminate if the parolee travels outside the United States without first obtaining advance parole.

Will applicants need to submit biometrics?

All applicants must submit biometrics at a USCIS Application Support Center (ASC). After filing the application, USCIS will notify an applicant in writing of the time and location of the biometric appointment. Failure to appear for biometrics submission may result in denial of the application.

Biometrics will be used to conduct background and security checks, including a check of criminal history records maintained by the FBI before making a decision on an application.

Are nonimmigrants who have overstayed their period of authorized stay eligible for PIP?

No. Parole is only available to noncitizens who are “applicants for admission” under INA § 235(a). Therefore, PIP may be granted only to certain individuals who are present in the United States without admission. This process is not available to those who were previously lawfully admitted to the United States.

If you were admitted to the United States, such as with a nonimmigrant visa, you are not eligible for parole in place as a noncitizen spouse or stepchild because you are not an applicant for admission, even if you overstayed your nonimmigrants status or are otherwise in the United States past your authorized period of stay.

Are applicants in removal proceedings that are pending before an immigration judge eligible for PIP?

Noncitizens in removal proceedings may apply for PIP before USCIS if they otherwise qualify. USCIS will weigh, on a case-by-case basis, the existence and circumstances of the removal proceedings, as well as the applicant’s positive equities, in determining whether to grant PIP. However, a noncitizen who is in removal proceedings because they are an enforcement priority under the *Guidelines for the Enforcement of Civil Immigration Law*, issued by Secretary Mayorkas in September 2021, will be disqualified from receiving parole in place pursuant to this process. Under those *Guidelines*, the following persons are considered an enforcement priority: suspected terrorists, dangerous criminals, and recent unlawful entrants. However, there is an exception for stepchildren who entered the United States unlawfully after Nov. 1, 2020, and who otherwise meet the criteria for PIP.

If the PIP application is pending and the applicant is encountered by CBP or ICE, will they be placed into removal proceedings?

The *Guidelines* direct CBP and ICE to focus its limited resources on noncitizens who pose a threat to our national security, public safety, or border security. An application under this process does not prevent CBP or ICE from taking enforcement action against an individual who falls within these priorities.

Am I eligible to apply for PIP if I have an unexecuted final removal order?

Applicants with unexecuted final removal orders (those with a final order of removal who did not depart the United States) are presumptively ineligible for PIP. In the exercise of its discretion, USCIS will evaluate the facts and circumstances underlying the unexecuted final removal order, including the basis for the removal order, to determine whether the applicant may overcome the presumption of ineligibility.

In the determination of whether an applicant has overcome the presumption of ineligibility based on an unexecuted final removal order USCIS will consider information including but not limited to the following:

- Lack of proper notice;
- Age of the noncitizen at the time the removal order was issued;
- Ineffective assistance of counsel or being a victim of fraud in connection with immigration representation; or
- Other extenuating factors or considerations such as:
 - Inability to understand proceedings because of language barriers;
 - Status as a victim of domestic violence;
 - Other extenuating personal factors, such as requestor's limited resources (e.g., lack of housing that would have impacted ability to appear);
- A physical or mental condition requiring care or treatment during immigration proceedings.

Am I eligible to apply for PIP if I was removed from the United States with a final order of removal, exclusion, or deportation and I subsequently reentered the United States without being admitted or paroled?

No. USCIS will not grant PIP requests where an applicant was removed or departed the United States under an order of exclusion, deportation, or removal and subsequently reentered without being admitted or paroled.

What steps may I take if USCIS denies my application for PIP?

Upon denial of a PIP request, there is no right to an administrative appeal or a motion to reopen or reconsider. An applicant may file a new request with a new fee and new or additional evidence demonstrating eligibility for PIP.

If USCIS denies the application for PIP, will the applicant be placed in removal proceedings?

If USCIS denies a request for parole, USCIS maintains discretion to issue a Notice to Appear (NTA) or refer the case to ICE for possible enforcement action consistent with the *Guidelines*.

I have a pending or approved I-601A, Application for Provisional Unlawful Presence Waiver. Can I apply for PIP and how might a PIP application affect my pending I-601A?

Yes, you may make a request for PIP if you have a pending or approved Form I-601A.

If your Form I-131F request is granted, and you apply for adjustment of status with USCIS, you will no longer be eligible for provisional unlawful presence waiver and USCIS will deny your Form I-601A.

Will USCIS prioritize consideration of the Form I-131F if I previously filed a Form I-601A?

USCIS may prioritize consideration of the Form I-131F if an applicant previously filed a Form I-601A that is pending or approved, so long as the PIP applicant includes the Form I-601A receipt number on the Form I-131F request.

Can an individual apply for an employment authorization document (EAD) when they apply for PIP or while their application is pending?

No. The applicant cannot apply concurrently for an EAD and PIP. After the person is granted PIP, they can apply for an EAD as a parolee and can do so by submitting a completed [Form I-765, Application for Employment Authorization](#), using the (c)(11) category code. The EAD would be valid for three years. Alternatively, the person can apply for adjustment of status and an EAD using the (c)(9) category code. The EAD would be valid for five years.

How long will it take to receive a decision on the employment authorization application?

Application processing times vary. USCIS has several tools that individuals can use to request information about their applications submitted to the agency, including the [Case Status Online](#) tool.

Where can I find more resources and helpful information about the new PIP process for noncitizen spouses and stepchildren of U.S. citizens?

- CLINIC's [website on PIP](#), which includes a document checklist and eligibility screening tool
- [USCIS FAQ](#)
- CLINIC's [resource on notario fraud](#)