

**PAROLE IN PLACE PROGRAM FOR SPOUSES OF U.S. CITIZENS  
SAMPLE SCREENING FORM**

Use this form to determine a client’s eligibility for the parole in place (PIP) program for spouses of U.S. citizens.

Use the colored boxes around the applicant’s answers to help guide your screening:



Stop – Applicant not eligible for this program

Caution – Applicant needs additional analysis

Proceed – Applicant meets this eligibility criteria

The information in the blue boxes is provided to assist you in determining eligibility for this program.

**CONTACT AND BIOGRAPHIC INFORMATION:**

|                                |                   |                              |                  |  |
|--------------------------------|-------------------|------------------------------|------------------|--|
| First Name:                    |                   | M.I.                         | Last Name:       |  |
| Preferred Name:                |                   |                              | Gender Identity: |  |
| Alias(es) or other names used: |                   |                              | A#:              |  |
| Date of Birth:                 | Country of Birth: | Race/Ethnicity:              |                  |  |
| Home Address:                  |                   |                              |                  |  |
| Email Address:                 |                   |                              |                  |  |
| Phone Number:                  |                   | Preferred Method of Contact: |                  |  |

**INFORMATION REGARDING MARRIAGE:**

1. Were you married to a U.S. citizen **on or before** June 17, 2024?
2. Are you currently married to a U.S. citizen?
3. Was your marriage registered with civil authorities?

|                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |

This PIP Program requires an applicant to be married to a U.S. citizen on or before of June 17, 2024. If the applicant answers “No” to question 1, they are not eligible for this program.

The applicant must be married to the U.S. citizen as of the date of filing for PIP. If the applicant answers “No” to question 2, they are not eligible for this program unless the applicant’s U.S. citizen spouse died before submitting their parole request as a widow(er) and the applicant has not remarried. Please note that there are additional requirements the noncitizen must meet to be eligible for adjustment of status.

If they answered “No” to question 3, above, they are likely ineligible for this program unless they reside in a state that recognizes common law marriage and can demonstrate they meet the requirements for establishing it as of June 17, 2024, without registering their marriage with civil authorities. USCIS recognizes common law marriages in adjudicating immigration benefits if:

- The parties live in a jurisdiction that recognizes common law marriages;
- The parties meet the qualifications for common law marriage for that jurisdiction;
- The marriage is valid and recognized by the jurisdiction in which the marriage was established; and
- The marriage was established on or before June 17, 2024.

The applicant will also need to submit a copy of the statute, regulation, or case law that states the requirements in that jurisdiction for establishing a common law marriage.

USCIS will generally recognize a marriage as valid for the purposes of this program if it is legally valid in the place where the marriage was celebrated. Although U.S. States and foreign countries may have specific laws governing jurisdiction, the place of celebration is generally where the ceremony took place or where the officiant of the ceremony was located and where the marriage certificate was issued. For marriages that occurred outside of the United States, foreign civil documents must be issued by the official issuing authority in the relevant country and meet other requirements in the [Department of State’s Foreign Affairs Manual](#).

USCIS will not recognize:

- Civil unions, domestic partnerships, or other relationships that do not confer the same legal rights and responsibilities to the parties as in a marriage recognized by a civil authority;
- Marriages that are contrary to public policy in the United States (such as proxy, marriages, polygamous marriages, marriages involving minors, or marriages involving close relatives); and
- Marriages where one or both parties to the marriage are not legally free to marry or have not given consent to the marriage.

|                           |                |                   |
|---------------------------|----------------|-------------------|
| Spouse’s First Name:      | M.I.:          | Last Name:        |
| Preferred Name:           | Date of Birth: |                   |
| Date of U.S. Citizenship: |                | Date of Marriage: |

If the applicant or their U.S. citizen spouse were previously married, they will need to prove their prior marriage(s) ended before their qualifying marriage.

**INFORMATION REGARDING CONTINUOUS PHYSICAL PRESENCE:**

1. Were you present in the U.S. on June 17, 2014?

Yes  No

2. Were you present in the U.S. on June 17, 2024?

Yes  No

3. Did you leave the U.S. at any time between June 17, 2014, and submission of your application?

Yes  No

This PIP Program requires an applicant to have been continuously, physically present in the United States for at least 10 years as of June 17, 2024. Requestors should provide documentation to account for as much of the period as reasonably possible, but there is no requirement that every day or month of that period be specifically accounted for through direct evidence. If the applicant answers “No” to questions 1 or 2 above, they are not eligible for this program.

If they answered “Yes” to question 3, they may still be eligible for this program if their absence was brief, casual, and innocent. The absence must meet the following requirements:

- The absence was short and reasonably calculated to accomplish the purpose for the absence;
- The absence was not because of a departure under an order of exclusion, deportation, or removal;
- The absence was not because of an order of voluntary departure, or an administrative grant of voluntary departure before they were placed in exclusion, deportation, or removal proceedings;
- The purpose of the absence and actions while outside the United States were not contrary to law; and
- Their reentry does not make them “a threat to border security” (apprehended while attempting to unlawfully enter the United States on/after Nov. 1, 2020, or apprehended in the United States after unlawfully entering after Nov. 1, 2020). See DHS’s Sept. 30, 2021, [Guidelines for the Enforcement of Civil Immigration Law \(PDF\)](#).

#### INFORMATION REGARDING IMMIGRATION HISTORY:

Were you “inspected and admitted or paroled” into the U.S. on your **last** entry?

Yes  No

This PIP Program requires an applicant to be present in the U.S. without having been “inspected and admitted or paroled.” If the applicant was admitted to the United States (such as with a nonimmigrant visa), they are not eligible for parole in place as a noncitizen spouse, even if the applicant overstayed their status or are otherwise in the United States past their authorized period of stay. Additionally, if the applicant previously departed the United States and re-entered with a TPS Travel Authorization Document or an Advance Parole Document, they are not eligible for parole in place under this program. If the applicant answered “Yes” to this question, they are not eligible for this program.

Please note that if the applicant selected “Yes” to this question they may be eligible to apply for adjustment of status as an immediate relative of a U.S. citizen, if they are the beneficiary of an approved Form I-130 petition.

Have you have been in any exclusion, deportation, removal, or rescission proceedings?

Yes  No

If the applicant is in removal proceedings, they may still qualify for parole. 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 parole in place. However, a noncitizen who is in removal proceedings because they are an enforcement priority under DHS’s Sept. 30, 2021, [Guidelines for the Enforcement of Civil Immigration Law \(PDF\)](#) will be disqualified from receiving parole in place. If parole is granted, they will likely have to take additional steps with the immigration court prior to filing for adjustment of status.

If someone has a removal order but did not depart the United States (unexecuted removal order) or failed to depart the United States pursuant to a grant of voluntary departure, they will be *presumed ineligible* for PIP unless they can establish that there are significant favorable factors that outweigh the removal order. Factors that can be considered in overcoming the presumption are listed in the rule. If parole is granted, they will likely have to take additional steps with the immigration court prior to filing for adjustment of status because USCIS’s granting parole does not rescind, cancel, vacate, or otherwise remove the existence of the unexecuted removal order.

If someone was removed or departed the United States under an outstanding order of exclusion, deportation, or removal and subsequently reentered without being admitted or paroled, they are not eligible for this program.

**INFORMATION REGARDING CRIMINAL HISTORY**

Have you, either as an adult or juvenile, ever:

1. Had any contact with law enforcement?
2. Been arrested, detained or confined by any law enforcement, military, or immigration official?
3. Been cited, or given a ticket (other than traffic ticket)?
4. Been charged with a crime or offense?
5. Been convicted of a crime or offense?

|                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |

This PIP Program requires that an applicant not have any disqualifying criminal history. If an applicant answers “Yes” to the above questions, it does not necessarily follow that they are ineligible. It merely means that they need to be carefully screened before moving forward.

List **all** interactions with law enforcement officials in the United States and any other country:

| Crime or offense | Date of Conduct | Date of Conviction/Plea | Place of Crime or Offense | Result or Disposition | Sentence |
|------------------|-----------------|-------------------------|---------------------------|-----------------------|----------|
|                  |                 |                         |                           |                       |          |
|                  |                 |                         |                           |                       |          |
|                  |                 |                         |                           |                       |          |

Noncitizens with pending criminal charges will be ineligible for PIP under this program until those charges are resolved. Noncitizens who have been convicted of serious offenses will be ineligible, as will those whom USCIS determines pose a threat to national security, public safety, or border security. Disqualifying criminal history includes any felony conviction. It also includes any misdemeanor conviction of serious crimes including:

- Murder, torture, rape, or sexual abuse;
- Offenses involving firearms, explosive materials, or destructive devices;
- Engaging in activities 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).

All other criminal convictions not listed above, excluding minor traffic offenses, will result in a presumption of ineligibility for this program. Convictions that were, for example, dismissed, expunged, vacated, pardoned, deferred, annulled, invalidated, withheld, or sealed will still create a presumption of ineligibility for purposes of this process, even if they may no longer constitute convictions for immigration purposes. Additionally, even juvenile delinquency adjudications result in a presumption of ineligibility. The weight of the presumption will be guided by the nature and seriousness of the conviction. To overcome the presumption of ineligibility, the applicant must provide documentation demonstrating positive factors that can be considered in overcoming this presumption and showing that they warrant a favorable exercise of discretion. Factors that can be considered in overcoming the presumption are listed in the rule.

Arrests or criminal charges that do not result in a conviction, such as when a requestor had been arrested but no charges were lodged, or when a requestor had been arrested with charges lodged that were later dismissed, does not result in a presumption of ineligibility. Misdemeanor convictions for minor traffic offenses, including driving without a license or driving with an expired license, will not make an applicant ineligible for this process or create a presumption of ineligibility

### INFORMATION REGARDING SECURITY AND PUBLIC SAFETY

1. Have you ever been involved in or accused of being involved in dangerous activities such as terrorism or spying?
2. Are you or have you ever been a member of, involved in, or in any way associated with any organization, association, fund, foundation, party, club, society or similar group in the U.S. or in any other location in the world, including military service?
3. Have ever joined a gang, or have ever been accused of being associated with a gang, even if you were not a member of one?

|                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |

This PIP Program requires that an applicant not be a threat to national security or public safety. If a person answers “Yes” to any of the above questions, it does not necessarily follow that they are ineligible. It merely means that they need to be carefully screened before moving forward. 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 this process, as aligned with immigration enforcement priorities. Indicators of national security concerns include, but are not limited to, participation in activities that threaten the United States or gang membership. Indicators of public safety concerns include, but are not limited to, serious criminal conduct or criminal history. Indicators of border security concerns include recent apprehension while attempting to enter the United States unlawfully or apprehension following unlawful entry after November 1, 2020. If a noncitizen poses a threat to national security or public safety, DHS will detain, remove, or refer them to other federal agencies for further vetting, investigation, or prosecution as appropriate.

#### **INFORMATION REGARDING INADMISSIBILITY**

To be eligible for adjustment of status, an applicant generally must, among other requirements, have been “inspected and admitted or paroled into the United States.” A grant of parole only satisfies this threshold requirement. There will need to be an analysis related to all other requirements for adjustment of status to determine whether they are inadmissible under any applicable grounds

#### **INFORMATION REGARDING FAVORABLE EXERCISE OF DISCRETION**

USCIS will examine the totality of the circumstances to determine whether an applicant’s request should be granted based on a review of all positive and negative factors in their case. If they have a final unexecuted removal order, non-disqualifying criminal history, or other derogatory information in their case, they may provide additional documentation that demonstrates parole is warranted based on a significant public benefit or urgent humanitarian reasons, and that they merit a favorable exercise of discretion.

#### **INFORMATION REGARDING PRIORITIZATION**

Have you ever filed a Form I-601A?

Yes  No

USCIS may prioritize the adjudication of Form I-131F for noncitizens who previously filed a Form-I-601A.