

Global Immigration alert

August 2024

United States

USCIS publishes filing guide and new form for Keeping Families Together

Executive summary

On 18 June 2024, President Joseph R. Biden Jr. announced a new Keeping Families Together Parole in Place Program (the Program). The primary purpose of the Program is to permit certain noncitizen spouses and children of U.S. Citizens to apply for lawful permanent residence without first being required to leave the United States and risk separation that may last several years.

On 16 August 2024, U.S. Citizenship and Immigration Services (USCIS) released Form I-131F, Application for Parole in Place for Certain Noncitizen Spouses and Stepchildren of U.S. Citizens, and an accompanying guide to assist applicants in preparing a request for parole in place through the online process. USCIS began accepting applications on Form I-131F as of 19 August.

Background and analysis

The Program enables a grant of parole in place to noncitizen spouses and stepchildren of U.S. Citizens on a case-by-case basis. To be eligible, as of 17 June 2024, noncitizen spouses must be present in the United States without admission or parole; have resided in the United States for 10 or more years; and be legally married to a U.S. Citizen. The noncitizen spouse must also not have any disqualifying criminal history or otherwise constitute a threat to national security, public safety, or border security.

For stepchildren, as of 17 June 2024, they must have been under the age of 21 and unmarried; be physically present in the United States without admission or parole; have been

continuously physically present in the United States since at least 17 June 2024 through the date of filing the I-131F; have a noncitizen parent who entered into a legally valid marriage with a U.S. Citizen on or before 17 June 2024 and before the stepchild's 18th birthday; and have no disqualifying criminal history and otherwise not deemed to be a threat to public safety or national security.

Form I-131F must be filed online. Each requestor must file a separate I-131F requesting parole in place, and each requestor must have their own USCIS online account, including minors. At this time, there is no fee waiver available for Form I-131F.

What this means

Eligible family members of U.S. Citizens may proceed immediately with requesting a grant of parole in place. If the I-131F is approved and parole is granted, it will generally be granted for a period of three (3) years during which period the noncitizen applicant may apply for adjustment of status on Form I-485, if otherwise eligible, without being required to leave the United States in order to cure their initial entry without inspection.

The grant of parole does not, however, authorize parole back into the United States after international travel. A separate application for an Advance Parole travel document would be required to facilitate international travel.

It is important for all noncitizens considering submitting an I-131F to understand that the Program did not result from a

statutory or regulatory change. It is an expansion of existing discretionary authority under the *Immigration and Nationality Act*. Consequently, a different administration could terminate the Program at any time.

We will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

EY | Building a better working world

EY exists to build a better working world, helping create long-term value for clients, people and society and build trust in the capital markets.

Enabled by data and technology, diverse EY teams in over 150 countries provide trust through assurance and help clients grow, transform and operate.

Working across assurance, consulting, law, strategy, tax and transactions, EY teams ask better questions to find new answers for the complex issues facing our world today.

Follow up on X @EYCanada

EY refers to the global organization, and may refer to one or more, of the member firms of Ernst & Young Global Limited, each of which is a separate legal entity. Ernst & Young Global Limited, a UK company limited by guarantee, does not provide services to clients. Information about how EY collects and uses personal data and a description of the rights individuals have under data protection legislation are available via ey.com/privacy. EY member firms do not practice law where prohibited by local laws. For more information about our organization, please visit ey.com.

About EY Law LLP

EY Law LLP is a Canadian law firm, affiliated with Ernst & Young LLP in Canada. Both EY Law LLP and Ernst & Young LLP are Ontario limited liability partnerships. EY Law LLP has no association or relationship with Ernst & Young LLP in the US, or any of its members. Ernst & Young LLP in the US does not practice law, nor does it provide immigration or legal services. For more information, please visit EYLaw.ca.

About Mehlman Jacobs LLP

Mehlman Jacobs LLP specializes in immigration law and provides legal and strategic advice to employers and their employees on all stages in the immigration process. Providing boutique, customized experience, the firm aims to provide transparency to an often complex and uncertain environment. Mehlman Jacobs, a California Limited Liability Partnership, limited to the practice of immigration law, is a member of Ernst & Young Global Limited and is independently owned and operated by US licensed lawyers.

© 2024 Ernst & Young LLP.

All Rights Reserved.

A member firm of Ernst & Young Global Limited.

EYG no. 007186-24Gb1

This publication contains information in summary form, current as of the date of publication, and is intended for general guidance only. It should not be regarded as comprehensive or a substitute for professional advice. Before taking any particular course of action, contact us or another professional advisor to discuss these matters in the context of your particular circumstances. We accept no responsibility for any loss or damage occasioned by your reliance on information contained in this publication.

EY Law LLP

Alex Israel, Partner
+1 416 943 2698
alex.d.israel@ca.ey.com

Marwah Serag, Partner
+1 416 943 2944
marwah.serag@ca.ey.com

Melanie Bradshaw, Partner
+1 416 943 5411
melanie.bradshaw@ca.ey.com

Author: Sukhpreet Bhogiwala, Associate Attorney, Manager
+1 416 943 3464
sukhpreet.bhogiwala@ca.ey.com

Mehlman Jacobs LLP
Sharon Mehlman, Partner
+1 858 404 9350
sharon.mehlman@mehlmanjacobs.com

Dilnaz A. Saleem, Partner
+1 713 750 1068
dilnaz.saleem@mehlmanjacobs.com

Roxanne Israel, Partner
+1 403 206 5086
roxanne.n.israel@ca.ey.com

Jonathan Leebosh, Partner
+1 604 899 3560
jonathan.e.leebosh@ca.ey.com

Stephanie Lipstein, Partner
+1 514 879 2725
stephanie.lipstein@ca.ey.com