CYBER LEGAL ADVOCACY BRIEF

A Preventive Law Series
Cyber Center of Excellence Office of the Staff Judge Advocate
Legal Assistance Division, Fort Gordon

Family-Based Immigration Parole in Place

WHAT IS PAROLE IN PLACE?
Parole in Place is a discretionary program of the U.S. Citizenship and Immigration Services (USCIS) to grant parole to military family members currently in the U.S. who entered without inspection. Parole is a lawful immigration status that allows you to stay in the U.S. for increments of one year and grants access to certain immigration benefits.

WHY IS GETTING PAROLE STATUS IMPORTANT?
Current immigration law does not allow most people who entered without inspection to apply for permanent residence while remaining in the United States. Instead, those individuals must leave the U.S. and seek consular processing in their home countries after a waiting period of three to ten years, depending on the time they were in the U.S. illegally. Granting parole in place allows individuals to seek permanent residency without going through this time-extensive process.

WHAT ARE THE BENEFITS OF PAROLE IN PLACE?
In addition to eligibility to apply for permanent residency, parole in place status allows you to apply for a work permit. Although parole in place does not excuse periods of undocumented presence, you will not accrue any additional unlawful presence.

WHAT ARE THE REQUIREMENTS?
You must be a spouse, parent, or child of a current or former service member. The military member must be serving active duty or serving in the selected or ready reserves, or former served in either and was not dishonorably discharged. The program is only for individuals who entered without inspection; it does not apply to visa overstays. If you satisfy the requirements, USCIS will then consider discretionary factors like criminal history and character.

I AM GUARANTEED TO RECEIVE PAROLE IN PLACE IF I APPLY?
No. The discretionary program was created under a legal provision allowing for exceptions due to urgent humanitarian reasons or significant public benefit. Congress has determined that there is a public benefit to minimizing disruption to military family unity. However, each application is evaluated on a case-by-case basis. Be aware that, if your application is denied or the program changes, you remain undocumented and have provided USCIS your personal information. You should consult with an immigration attorney before applying to evaluate the merits of your case.

HOW DO I APPLY?
You apply by submitting materials to your local USCIS office. The application includes Form I-131, proof of family relationship and military service, and evidence of favorable discretionary factors. We do not recommend applying without having consulted an immigration attorney. The Legal Assistance Office can provide you with local referrals.

This Information Paper from the Fort Gordon Legal Assistance Office contains general legal information on a topic upon which Legal Assistance Attorneys typically advise. The information provided is general in nature and does not constitute formal, specific legal advice. If you wish to receive legal advice specific to your situation, please consult an attorney. You may schedule a legal assistance appointment by calling the Fort Gordon Legal Assistance Office at 709-791-7812/7813.