



Relief for the Undocumented Spouses and Stepchildren of U.S. Citizens

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On June 18, 2024, the Biden Administration announced the creation of a new immigration process that would allow certain undocumented spouses and stepchildren of U.S. citizens to receive parole in place under section 212(d)(5)(A) of the Immigration and Nationality Act (INA). The Administration estimates that 500,000 undocumented spouses and 50,000 stepchildren of U.S. citizens will be eligible for this process.

How does someone apply?

The Department of Homeland Security (DHS) plans to issue a notice with further details about this process in the *Federal Register* later this summer. The process is not currently available, and filings pertaining to this announcement will be rejected if submitted prior to the notice being issued.

What is the impact of parole in place?

Parole in place (PIP) allows someone to remain legally in the United States, apply for work authorization, and be protected from deportation for the duration of the parole period (in this case, three years). Receiving PIP will allow certain individuals to apply for lawful permanent resident status (i.e., a green card) through their U.S.-citizen spouse (or stepparent). Parole is granted on a case-by-case basis at the discretion of DHS, and it is not guaranteed for those who apply.

Who will be eligible for this new process?

To be eligible, an individual must:

- Be present in the United States without having been admitted or paroled into the country;
- Have been continuously present in the United States for at least 10 years as of June 17, 2024; and
- Have a legally valid marriage to a U.S. citizen as of June 17, 2024.

The undocumented children of those granted parole under this process may also be considered for parole on a case-by-case basis if they are physically present in the United States without admission or parole and have a qualifying stepchild relationship with a U.S. citizen parent as of June 17, 2024. To qualify as a stepchild under the INA, the child must be unmarried, under the age of 21, and the marriage of the child's biological parent and U.S.-citizen stepparent must have taken place prior to the child's 18th birthday.

In reviewing applications, DHS will also consider previous immigration history, criminal history, and the results of background checks and national security and public safety vetting.

Will there be a fee to apply?

Yes. More information about the cost of this process, including the potential for a fee waiver, will be made available in the near future.

Are individuals who overstayed their nonimmigrant visa eligible for this process?

No. According to DHS, individuals who were lawfully admitted to the United States on temporary visas and remained beyond the expiration of those visas are not eligible for parole. If an application submitted as part of this process is denied, DHS maintains its authority to issue a Notice to Appear or to refer the case to Immigration and Customs Enforcement (ICE) for an enforcement action.

Will this process be challenged in the courts?

It is possible that this new process will face a legal challenge, as some have argued that this is an improper use of the parole authority under U.S. law.

What is the USCCB's response?

The chairman of the U.S. Conference of Catholic Bishops' (USCCB) Committee on Migration [voiced support for this new process](#) when it was announced, calling family unity a fundamental right, while also urging Congress "to overcome partisan divisions and enact immigration reform that includes an earned legalization program for longtime undocumented residents."

Where can I find more information about this process?

As more information becomes available, it will be added to the U.S. Citizenship and Immigration Services (USCIS) website: www.uscis.gov/keepingfamilies-together