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# Frequently Asked Questions About Keeping Families Together

**i ALERT:** On Aug. 19, 2024, DHS posted for public inspection a Federal Register notice implementing the Keeping Families Together process for certain noncitizen spouses and stepchildren of U.S. citizens. Additional information on eligibility criteria, the application process, and examples of required documentation is available on the [Keeping Families Together](#) page, this FAQ page, and in the [Federal Register notice](#).

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## General Questions ^

### Q. What is Keeping Families Together?

A. Keeping Families Together is a process that allows certain noncitizen spouses and stepchildren of U.S. citizens to apply for parole in place to enable them to apply for lawful permanent resident status without having to be separated from their families by leaving the United States for processing. Parole is an exercise of DHS's discretionary authority under section 212(d)(5)(A) of the Immigration and Nationality Act (INA) to allow certain noncitizen "applicants for admission" to be present in the United States on a temporary, case-by-case basis for urgent humanitarian reasons or a significant public benefit. The INA defines an "applicant for admission," in relevant part, as a noncitizen "present in the United States who has not been admitted." Noncitizens who are present in the United States without admission or parole may be considered for parole in place under this process because they remain "applicants for admission." Parole in place is available only for noncitizens who are present in the United States. Those who receive parole are eligible to apply for work authorization for the period of parole

### Q. Which form should I file to apply for Keeping Families Together? Can I file online?

A. Requestors must file [Form I-131F, Application for Parole in Place for Certain Noncitizen Spouses and Stepchildren of U.S. Citizens](#), under this process. The form can only be filed online. Paper-based applications sent to USCIS by mail will be rejected (not accepted or receipted). We have created a [Filing Guide for Form I-131F \(PDF, 8.91 MB\)](#) to help individuals as they prepare for parole in place through the online process.



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**Q. What fee is required to file a request under Keeping Families Together (Form I-131F)? Can I obtain a fee waiver or fee exemption for this process?**

A. The fee to apply is \$580. No fee waivers or fee exemptions are available for this process at this time.

**Q. Someone told me if I pay them a fee, they can expedite my Form I-131F or guarantee that it will be approved. Is this true?**

A. No. While an attorney or accredited representative may charge a fee to prepare your request, anyone who guarantees faster processing or a positive outcome by USCIS if you pay them a fee may be trying to scam you. Visit our [Avoid Scams](#) page to learn how you can protect yourself from immigration scams.

Please also remember that USCIS will begin accepting requests for this process on Aug. 19, 2024. **Any filings received before this date will be rejected by USCIS (not accepted or receipted).**

**Q. If my Keeping Families Together request is granted, how long will my parole period last?**

A. In general, if you are granted parole as a noncitizen spouse or noncitizen stepchild of a U.S. citizen under this process, your parole period will be valid as of the date USCIS approves your Form I-131F and will expire 3 years from that date. However, parole terminates automatically if you depart the United States. Parole may also be terminated at any time in DHS's discretion upon a determination that parole is no longer warranted, for example, following the commission of criminal conduct.

As long as your parole remains valid (that is, is not expired or terminated), you will be considered in a period of authorized stay. As a parolee, you may apply for any immigration status for which you may be otherwise eligible, including adjustment of status to that of a lawful permanent resident.

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## Criteria for Keeping Families Together

**Q. What are the eligibility criteria for Keeping Families Together?**

A. To be considered for this process as a noncitizen spouse of a U.S. citizen, you must:

- Be present in the United States without admission or parole;
- Have been continuously physically present in the United States since at least June 17, 2014, through the date of filing your request;
- Have a legally valid marriage to a U.S. citizen on or before 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 national security and public safety vetting.

To be considered for this process as a noncitizen stepchild of a U.S. citizen, you must:

- Have been under the age of 21 and unmarried on June 17, 2024;

- Be present in the United States without admission or parole;
- Have been continuously physically present in the United States since at least June 17, 2024, through the date of filing your request;
- Have a noncitizen parent who entered into a legally valid marriage with a U.S. citizen on or before June 17, 2024, and before your 18th birthday;
- 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 national security and public safety vetting.

**\*NOTE:** Consistent with the Sept. 30, 2021, [Guidelines for the Enforcement of Civil Immigration Law \(PDF\)](#), a noncitizen who poses a threat to border security will be generally disqualified from receiving parole in place pursuant to this process. However, there is an exception for stepchildren who entered the United States unlawfully after Nov. 1, 2020, and who otherwise meet the criteria for parole in place under this process.

All such requests for parole in place are considered on a case-by-case basis for urgent humanitarian reasons or a significant public benefit, in the exercise of discretion, taking into account the totality of the circumstances of each individual request.

**Q. If I meet the criteria listed above, will I be guaranteed to have my Form I-131F approved under this process?**

A. No. All requests under this process are considered on a case-by-case basis in the exercise of discretion, taking into account the totality of the circumstances of each individual request and evaluating whether parole is warranted as a matter of discretion for significant public benefit or urgent humanitarian reasons.

**Q. If I entered the United States on a nonimmigrant visa or was admitted in another status and overstayed, am I eligible for Keeping Families Together?**

A. No. Parole in place is only available to an “applicant for admission,” which the Immigration and Nationality Act (INA) defines, in relevant part, as a noncitizen “present in the United States who has not been admitted.” This means that noncitizens who were last admitted on valid nonimmigrant visas or were admitted in another status but have remained in the United States beyond their authorized period of stay cannot request parole in place under this process. However, a noncitizen who was previously “inspected and admitted” to the United States may be eligible under the law to apply for adjustment of status as an immediate relative of a U.S. citizen, if they are the beneficiary of an approved immigrant visa petition. For more information, please visit the [Adjustment of Status](#) webpage.

**Q. I have already departed the United States for an immigrant visa interview appointment at a U.S. embassy or consulate abroad. Can I make a request for Keeping Families Together?**

A. No. This process is only available to noncitizens who are present in the United States without admission or parole. Noncitizens who have already departed the United States may be eligible for consular processing abroad.

**Q. I have Deferred Action under Deferred Action for Childhood Arrivals (DACA) or Temporary Protected Status (TPS). Am I eligible to make a request for Keeping Families Together?**

A. If you are a current DACA recipient or TPS beneficiary, you may request parole in place under this process if you are currently present in the United States without admission or parole and you are otherwise eligible. However, if you previously departed the United States and re-entered with a TPS Travel Authorization Document or an Advance Parole Document, you are not eligible for parole in place under this process because you have already been admitted or paroled into the United States.

If you are in a valid period of parole at the time your DACA renewal request is adjudicated, USCIS will deny your DACA renewal request as a matter of discretion.

**Q. I once had Deferred Action for Childhood Arrivals (DACA) or Temporary Protected Status (TPS), but my DACA or TPS has lapsed. Am I eligible to make a request for Keeping Families Together?**

A. If your DACA or TPS has lapsed, you may request parole in place under this process if you are currently present in the United States without admission or parole. However, if you previously departed the United States and re-entered with a TPS Travel Authorization Document or an Advance Parole Document, you are not eligible for parole in place under this process because you have already been admitted or paroled into the United States.

If you submit a DACA renewal request while in a valid period of parole or are in a valid period of parole at the time your DACA renewal request is adjudicated, USCIS will deny your DACA renewal request as a matter of discretion.

**Q. Will I be able to request re-parole (a new period of parole) and renew my employment authorization when the duration of my parole under Keeping Families Together ends?**

A. DHS is not planning a re-parole process. If you do not apply for adjustment of status or receive another immigration status before your period of parole expires, you may begin to accrue or resume accruing [unlawful presence](#). Any parole-based employment authorization granted by USCIS (category (c)(11)) will also generally expire at the same time your parole period expires.

However, if you file for adjustment of status, you may request employment authorization on the basis of your pending adjustment application, Form I-485 (category (c)(9)). If approved, you can receive employment authorization with a five-year validity date under category (c)(9). If your parole under this process is granted, you should not delay in filing their subsequent I-130 petition and I-485 application.

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## How to Make a Request Under Keeping Families Together

**Q. How do I make a request under Keeping Families Together?**

A. You must submit [Form I-131F, Application for Parole in Place for Certain Noncitizen Spouses and Stepchildren of U.S. Citizens](#), online with the applicable filing fee of \$580. You may not file for this process using a paper form. Any paper filing received by USCIS will be rejected (not accepted or receipted) and you will have to file again to have your request considered.

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You must submit with your online request documentation establishing that you meet all eligibility criteria and evidence of any additional factors you would like USCIS to consider. Each requestor, including stepchildren, must have their own USCIS online account to prepare and file the Form I-131F individually.

A parent or legal guardian may create an online account for their minor child if the purpose is to submit a form on behalf of the minor. If a parent or legal guardian is not available, a primary caregiver or legal assistance provider may also help a child create their own USCIS online account.

For information on creating a USCIS online account, visit our [How to Create a USCIS Online Account page](#).

### Examples of Documents to Submit to Demonstrate You Meet the Criteria

**NOTE:** Documents that are not in English must be accompanied by a certified translation of the entire document into English.

**NOTE:** You may provide expired documents in conjunction with other documents.

<p>Proof of identity</p>	<ul style="list-style-type: none"> <li>• Valid State or country driver’s license or identification;</li> <li>• Birth certificate with photo identification;</li> <li>• Valid passport; or</li> <li>• Any U.S. government issued document bearing your name, date of birth, and photo.</li> </ul> <p><b>NOTE:</b> Foreign civil documents must be issued by the official issuing authority in the relevant country and meet other requirements in the <a href="#">Department of State’s Foreign Affairs Manual</a>.</p>
<p>Proof of your (or your parent’s) legally valid marriage on or before June 17, 2024</p>	<ul style="list-style-type: none"> <li>• Current marriage certificate showing a legally valid marriage took place on or before June 17, 2024; and</li> <li>• Divorce or annulment decree, or death certificate showing that any prior marriages were terminated (if applicable).</li> </ul>

**Examples of Documents to Submit to Demonstrate You Meet the Criteria**

<p>Proof of spouse’s (or stepparent’s) status as a U.S. citizen</p>	<ul style="list-style-type: none"> <li>• U.S. birth certificate;</li> <li>• Certificate of Naturalization;</li> <li>• Certificate of Citizenship;</li> <li>• Form FS-240, Consular Report of Birth Abroad; or</li> <li>• The biographical page of current U.S. passport.</li> </ul>
<p>Proof of continuous physical presence in the United States during the required time period (since at least June 17, 2014, through the date of filing, if requesting parole in place as the spouse of a U.S. citizen, or from June 17, 2024, through the date of filing, if requesting parole in place as the stepchild of a U.S. citizen)</p>	<ul style="list-style-type: none"> <li>• Internal Revenue Service tax transcripts listing tax information;</li> <li>• Rent receipts or utility bills;</li> <li>• Deeds, mortgage statements, or rental contracts;</li> <li>• Bank, credit card, or loan statements showing regular transactions;</li> <li>• Insurance policies;</li> <li>• Automobile license receipts, title, or registration;</li> <li>• Hospital or medical records;</li> <li>• School records (letters, report cards, etc.);</li> <li>• Attestations to your physical presence by religious entities, unions, or other civic or community organizations;</li> <li>• Official records from a religious entity confirming your participation in a religious ceremony;</li> <li>• Birth certificates for children born in the United States;</li> <li>• Money order receipts for money sent into or out of the United States; or</li> <li>• Any other document that shows that you maintained your physical presence in the United States.</li> </ul>

### Examples of Documents to Submit to Demonstrate You Meet the Criteria

Proof of your qualifying relationship to your U.S. citizen stepparent (for stepchildren only)

- Your birth certificate listing the name of your noncitizen parent; and
- Marriage certificate of your noncitizen parent and U.S. citizen stepparent, showing a legally valid marriage took place on or before June 17, 2024, and before your 18th birthday.

## Examples of Documents to Submit to Demonstrate You Meet the Criteria

Evidence to demonstrate that you merit a favorable exercise of discretion for parole based on a significant public benefit or urgent humanitarian reasons

USCIS will examine the totality of the circumstances to determine whether your request should be granted based on a review of all positive and negative factors in your case.

If you have a final unexecuted removal order, non-disqualifying criminal history, or other derogatory information in your case, you may provide additional documentation that you believe demonstrates your parole is warranted based on a significant public benefit or urgent humanitarian reasons, and that you merit a favorable exercise of discretion. Such documentation may relate to, but is not limited to:

- Community ties;
- Your 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;
- Your status as a parent or caregiver of a U.S. citizen child, or elderly parent or in-law;
- Your status as a caregiver for an individual with disabilities, including a U.S. citizen parent, in-law, or sibling;
- Your 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;
- Any mitigating factors that relate to the specific criminal conduct or prior removal order at issue; or
- Other positive factors about which you wish to provide information.

This is a non-exhaustive list of factors; we may consider any relevant factors in our discretionary



## Examples of Documents to Submit to Demonstrate You Meet the Criteria

case-by-case analysis.

### **Q. Is there a deadline after which USCIS will no longer accept requests for Keeping Families Together?**

A. There is no filing deadline for this process.

### **Q. What evidence can I submit to show my continuous physical presence in the United States since June 17, 2014 (if I am the spouse of a U.S. citizen), or since June 17, 2024 (if I am the stepchild of a U.S. citizen)?**

A. If you are making a request for this process as the spouse of a U.S. citizen, you must submit documentation that shows you have been continuously physically present in the United States from June 17, 2014, up until the time of filing your request, to meet the continuous physical presence requirement.

If you are the stepchild of a U.S. citizen, you must submit documentation that shows you have been continuously physically present in the United States from June 17, 2024, until the time of filing your request.

You 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.

It is helpful to submit evidence of your physical presence during at least each year of the required period. We will review the documentation in its totality to determine whether you have established by a preponderance of the evidence that you were continuously physically present in the United States for the required period.

If gaps in your documentation raise questions about whether you were continuously physically present in the United States for the required period, we may issue, at our discretion, a Request for Evidence to allow you to submit additional documentation that supports your claimed continuous physical presence.

### **Q. What evidence can I submit to show I merit a favorable exercise of discretion for this process?**

A. Our decision whether to grant your request is a discretionary, case-by-case determination. Even if you establish that you have met all the criteria for eligibility, we will examine the totality of the circumstances in your individual case to determine whether your request should be granted based on a significant public benefit or urgent humanitarian reasons and whether you merit a favorable exercise of discretion based on a review of all positive and negative factors present in your case. If there are negative factors that outweigh the positive factors presented by the evidence, we may deny your request. If you have a final unexecuted removal order or non-disqualifying criminal history, you may provide additional documentation that you believe demonstrates that you merit a favorable exercise of discretion. Such documentation may relate to, but is not limited to:

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- Community ties;
- Your 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;
- Your status as a parent or caregiver of a U.S. citizen child, or elderly parent or in-law;
- Your status as a caregiver for an individual with disabilities, including a U.S. citizen parent, in-law, or sibling;
- Your 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; or
- Other positive factors about which you wish to provide information.

This is a non-exhaustive list of factors; we may consider any relevant factors in the discretionary analysis, including mitigating factors that relate to the specific criminal conduct or prior removal order at issue.

**Q. Will USCIS verify documents or statements I provide to support my request?**

A. USCIS has the authority to verify documents, facts, and statements provided to support immigration requests, including requests under this process. We may contact relatives, educational institutions, other government agencies, or other entities to verify information. In addition, USCIS will conduct background and security checks. If USCIS determines you have made a material misrepresentation or engaged in fraud as part of your request, your request will be denied, and you may be ineligible or inadmissible for other immigration benefits in the future. You may also be subject to criminal prosecution.

**Q. Am I required to demonstrate that I am not inadmissible in order to qualify for this process?**

A. No. Parole is neither an admission to the United States nor a determination of admissibility. As a result, requestors do not need to demonstrate that they are not inadmissible as part of this process. However, USCIS may consider facts and circumstances that may give rise to one's inadmissibility in making the case-by-case discretionary parole determination, and requestors who subsequently apply for adjustment of status will be evaluated for admissibility at that stage.

**Q. Will I be subject to the public charge ground of inadmissibility when I request parole in place?**

A. No. Parole is neither an admission to the United States nor a determination of admissibility. As a result, requestors do not need to demonstrate that they are not inadmissible under the public charge ground of inadmissibility as part of this process. However, requestors who subsequently apply for adjustment of status will be evaluated for admissibility, including the public charge ground of inadmissibility, at that stage.

**Q. Will the information I share in my Keeping Families Together request be used for immigration enforcement purposes?**

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A. DHS generally will not use information contained in a request under this process for the purpose of initiating immigration enforcement action, unless DHS determines, in its discretion, that you pose a threat to national security, public safety, or border security.

This process does not preclude DHS from, in its discretionary authority, taking enforcement actions in accordance with the INA and consistent with governing policies and practices, against noncitizens who may be eligible or who have pending requests for parole under this process.

DHS may disclose information in the request to national security and/or law enforcement agencies, including ICE and CBP, for purposes other than initiation of immigration enforcement proceedings. These purposes include assistance in the consideration of parole, identification or prevention of fraudulent claims, investigation of a possible national security threat, investigation or prosecution of a criminal offense, or as otherwise needed, consistent with statutory authorities, obligations, and restrictions, as well as governing privacy and information-sharing policies.

**Q. If my request is pending and I am encountered by CBP or ICE, will I be placed into removal proceedings?**

A. The Sept. 30, 2021, [Guidelines for the Enforcement of Civil Immigration Law \(PDF\)](#) direct DHS to focus its limited resources on noncitizens who pose a threat to our national security, public safety, or border security.

Those *guidelines* remain in effect. Filing a request under this process, or eligibility to file a request for parole in place under this process, does not prevent CBP or ICE from taking enforcement action against an individual when otherwise appropriate under applicable law and policy.

**Q. If USCIS denies my request, will I be placed in removal proceedings?**

A. If we deny your request under this process, we generally will not issue a Notice to Appear (NTA) or refer your case to ICE for possible enforcement action solely based on our denial. USCIS maintains discretion to issue an NTA or refer the case to ICE for possible enforcement action consistent with governing policies and practices, including initiating immigration enforcement proceedings based on a threat to national security, public safety or border security\*.

\***NOTE:** Consistent with the Sept. 30, 2021, [Guidelines for the Enforcement of Civil Immigration Law \(PDF\)](#), a noncitizen who poses a threat to border security will be generally disqualified from receiving parole in place pursuant to this process. However, there is an exception for stepchildren who entered the United States unlawfully after Nov. 1, 2020, and who otherwise meet the criteria for parole in place under this process.

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## Marriage

**Q. What is considered a legally valid marriage?**

A. USCIS will generally recognize a marriage as valid for purposes of Keeping Families Together if it is legally valid in the place where the marriage was celebrated, the parties to the marriage were legally free to marry, and the marriage is not contrary to the public policy of the United States or of the state where the couple resides.

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. Even if a marriage is valid in the place of celebration, there are circumstances where USCIS may not recognize a marriage relationship as valid for the purposes of this process, consistent with existing case law and policies for family-based immigrant visa petitions and other benefits.

Examples of the types of marital relationships that USCIS generally will not recognize for the purposes of this process include, but are not limited to:

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

### **Q. Are common law marriages considered legally valid marriages for purposes of Keeping Families Together?**

A. USCIS recognizes common law marriages in adjudicating immigration benefits in certain circumstances and will similarly recognize them for purposes of Keeping Families Together 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.

If you live in a different state than where you entered into your marriage, you may still be eligible. Some states may recognize a common law marriage contracted in another state even if the recognizing state does not accept common law marriage as a means for its own residents to contract marriage.

If you are requesting parole in place under Keeping Families Together on the basis of a common law marriage, you should submit a copy of the statute, regulation, or case law that states the requirements in that jurisdiction for establishing a common law marriage. You should also submit evidence that demonstrates you met the requirements in the jurisdiction for establishing a common law marriage on or before June 17, 2024. USCIS will review the laws of the relevant jurisdiction on common law marriages and the evidence you submit to determine whether you and your spouse should be considered to be married for purposes of this process and when the marriage was established.

### **Q. If my U.S. citizen spouse has died, am I still eligible for Keeping Families Together?**

A. If your U.S. citizen spouse has died and you have not remarried, you may still be eligible for the Keeping Families Together process. However, to be eligible for immigrant visa petition approval and eligible to apply to adjust status as a widow(er) of a U.S. citizen, you must meet other eligibility

requirements. For more information, [see FAQ under “Eligibility for Form I-485, Application to Register Permanent Residence or Adjustment of Status”](#) below.

## Stepchildren

### **Q. What are the age requirements to be eligible for Keeping Families Together as a stepchild?**

A. To be considered for this process as a stepchild of a U.S. citizen, you must have been under 21 and unmarried as of June 17, 2024. In addition, the legally valid marriage between your noncitizen parent and your U.S. citizen stepparent must have occurred on or before June 17, 2024, and before your 18th birthday.

### **Q. I was under 21 and unmarried as of June 17, 2024, and am the stepchild of a U.S. citizen. Am I eligible for Keeping Families Together?**

A. Yes, if you meet all other criteria. You may be eligible for this process if, as of June 17, 2024, you were under age 21, unmarried, and met the definition of a stepchild under INA 101(b)(1)(B), including being under the age of 18 at the time of your parent’s marriage to your U.S. citizen stepparent. If you pursue adjustment of status, USCIS will determine whether, at the time of the Form I-130 filing, you met the INA definition of a child or of a son or daughter of a U.S. citizen. For more information on family-based immigration processes, please refer to [USCIS resources](#).

### **Q. If I am a stepchild of a U.S. citizen, do I have to file my own individual request?**

A. Yes. You must file your own Form I-131F, pay the \$580 filing fee, and submit documentation establishing you meet the criteria for this process. Parents or legal guardians may sign and submit a request on behalf of a minor child under the age of 14. Children may also sign a request for themselves. If a parent is filling out the information on behalf of their child, the parent must include their information in the “preparer” section of Form I-131F.

### **Q. If I am making a request for this process as the stepchild of a U.S. citizen, must I have at least 10 years of continuous physical presence?**

A. No. As a stepchild of a U.S. citizen, you must demonstrate continuous physical presence in the United States since at least June 17, 2024, through the date of filing. You are not required to demonstrate that you have been continuously physically present for 10 years before June 17, 2024.

### **Q. I am the stepchild of a U.S. citizen, and my noncitizen parent or U.S. citizen stepparent is deceased. Am I eligible under Keeping Families Together?**

A. You may be eligible for this process if your noncitizen parent or U.S. citizen stepparent is deceased. However, a grant of parole does not guarantee eligibility for immigrant visa petition approval or adjustment of status.

### **Q. If I am granted parole in place under Keeping Families Together as a stepchild of a U.S. citizen, what will happen to me if my parent and U.S. citizen stepparent divorce before I am able to apply to adjust my status (before my parole period ends)?**

A. If your noncitizen parent and U.S. citizen stepparent divorce, you may continue to be eligible as an immigrant petition beneficiary and for adjustment of status if your stepparent demonstrates an ongoing bona fide parent-child relationship to you. This might include evidence that you and your stepparent reside together or that your stepparent provides financial and emotional support for your care.

## Continuous Physical Presence

**Q. Do brief departures from the United States interrupt the continuous physical presence threshold criterion? Also, if I am granted parole, will a brief, casual, and innocent absence from the United States affect my eligibility for adjustment of status?**

A. No. A brief, casual, and innocent absence from the United States will not interrupt your continuous physical presence in the United States during the required period for the purpose of Keeping Families Together. For the purpose of this process, a brief, casual, and innocent absence means an absence from the United States that took place prior to June 17, 2024, and:

1. The absence was short and reasonably calculated to accomplish the purpose for the absence;
2. The absence was not because of a departure under an order of exclusion, deportation, or removal;
3. The absence was not because of an order of voluntary departure, or an administrative grant of voluntary departure before you were placed in exclusion, deportation, or removal proceedings;
4. The purpose of the absence and your actions while outside the United States were not contrary to law; and
5. You are not 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 \(PDF\)](#).

However, to be eligible for adjustment of status, you must be admissible to the United States. If you were unlawfully present in the United States before your departure and absence from the United States, you may be inadmissible to the United States under INA section 212(a)(9)(B) or (C) and ineligible for adjustment of status under INA section 245(a), even after a grant of parole in place, depending on certain factual circumstances, including how long you were unlawfully present in the United States before your departure and whether you departed after being ordered removed from the United States. If you were removed or departed the United States under an outstanding order of exclusion, deportation, or removal and subsequently reentered without being admitted or paroled, USCIS will not grant you parole in place under Keeping Families Together, regardless of the date of your removal, departure, or reentry.

More information concerning unlawful presence is available on the [USCIS website](#), including information about the availability of a waiver for inadmissibility under INA section 212(a)(9)(B) or consent to reapply for admission after spending 10 years outside the United States for inadmissibility under INA section 212(a)(9)(C). Determining if you are inadmissible after accruing unlawful presence can be complex. If you need help or legal advice on immigration matters, make sure the person

helping you is authorized to give legal advice. You can find information about authorized legal services on our [Avoid Scams](#) page.

**CAUTION:** If you need to travel during your parole period or while your adjustment of status application is pending, please [carefully review the “Travel” section of these FAQs below](#), which refers to obtaining an Advance Parole document prior to departing the United States.

## Removal Proceedings and Removal Orders

### **Q. I am currently in removal proceedings. Am I eligible for Keeping Families Together?**

A. Yes. If you are otherwise eligible for parole in place under this process, including that you are present in the United States without admission or parole, USCIS will consider your request if you are currently in removal proceedings before an immigration judge (also called INA Section 240 proceedings), including if your case is on appeal before the Board of Immigration Appeals, or if you have a case that is administratively closed. This includes if you were released on bond or on your own recognizance.

However, USCIS will consider any relevant information related to your removal proceedings, and any other relevant factors, in determining whether to grant parole in place as a matter of discretion. If you constitute an enforcement priority based on national security, public safety, or border security\* concerns/issues, USCIS will deny your request for parole in place under this process.

\***NOTE:** Consistent with the Sept. 30, 2021, [Guidelines for the Enforcement of Civil Immigration Law \(PDF\)](#), a noncitizen who poses a threat to border security will be generally disqualified from receiving parole in place pursuant to this process. However, there is an exception for stepchildren who entered the United States unlawfully after Nov. 1, 2020, and who otherwise meet the criteria for parole in place under this process.

### **Q. How do I find out if I am in removal proceedings or have a removal order?**

A. If you do not know if you have a removal order or are currently in immigration proceedings, you can use your A-Number to look up your immigration court case status at <https://acis.eoir.justice.gov/en/>. You can also call the EOIR hotline: 800-898-7180 / 304-625-2050 / TDD: 800-828-1120. ‘A-Number’ refers to the immigration file number provided to you by U.S. immigration officials. It is an eight or nine-digit number that begins with an ‘A’ and can be found on correspondence you have received from DHS or USCIS or on immigration court records.

### **Q. I have a final removal order but have not departed or been removed from the United States or have not departed after a grant of voluntary departure. Am I eligible for the Keeping Families Together process?**

A. You may request parole in place under Keeping Families Together if you otherwise meet the criteria, but if you have a final removal order and have not departed the United States after the entry of that order, or have not been removed from the United States—sometimes called an “unexecuted” removal order (including a removal order that resulted from failure to depart after a grant of voluntary departure)—you are subject to a rebuttable presumption of ineligibility for this process.

**Q. If my removal proceedings were administratively closed, am I eligible for Keeping Families Together?**

A. Yes. USCIS may grant your parole in place request, if you otherwise meet the eligibility criteria and merit a favorable exercise of discretion. However, to apply for adjustment of status, you may need to seek re-calendar, termination, or dismissal of your removal proceedings, depending on your circumstances.

**Q. I was removed from the United States with a final order of removal and reentered without being admitted or paroled. Am I eligible for parole in place under Keeping Families Together?**

A. No. If you were removed or departed the United States under an outstanding order of exclusion, deportation, or removal and subsequently reentered without being admitted or paroled, USCIS will not grant you parole in place under Keeping Families Together, regardless of the date of your removal, departure, or reentry.

**Q. What factors will USCIS consider in determining whether I have rebutted the presumption of ineligibility for parole in place because I have a final unexecuted removal order?**

A. USCIS will evaluate, in the exercise of its discretion on a case-by-case basis, all positive and negative factors presented in your case, including the facts and circumstances underlying the unexecuted final removal order, in determining whether you overcome the presumption of ineligibility and be granted parole in place. Examples of information that may be relevant to overcoming the presumption of ineligibility include, but are not limited to:

- Circumstances surrounding your removal order, such as:
  - Lack of proper notice;
  - Your age when the removal order was issued;
  - Lack of counsel, ineffective assistance of counsel or being a victim of fraud in connection with immigration representation;
  - Other extenuating factors or considerations, such as:
    - Language access issues;
    - Status as a victim of domestic violence;
    - A physical or mental condition requiring care or treatment;
    - Other extenuating personal factors, such as requestor's limited resources (for example, a lack of housing that would have affected the requestor's ability to appear);
  - Other mitigating factors.

**Q. I was granted parole in place under this process but am in removal proceedings before an immigration judge or the Board of Immigration Appeals or had my removal proceedings administratively closed. Can I apply for adjustment of status to that of a lawful permanent resident with USCIS?**

A. Not immediately. If you want to file for adjustment of status with USCIS, you must ask the immigration judge to first terminate or dismiss your removal proceedings. Even if USCIS grants you parole in place, the immigration court generally retains sole jurisdiction over your application for



adjustment of status (Form I-485) as long as you remain in removal proceedings, including if your removal proceedings were administratively closed.

If you are in INA section 240 proceedings, you should contact the appropriate [local ICE Office of the Principal Legal Advisor \(OPLA\) field office](#) where your removal case is located and provide information about your approved parole request. You may request that ICE OPLA work with you, at their discretion, to jointly request that the court terminate or dismiss your removal proceedings, or if your case is administratively closed, to request that the court re-calendar and then terminate or dismiss your removal proceedings.

**Q. I was granted parole in place under Keeping Families Together but have a final unexecuted removal order issued by an immigration judge or the Board of Immigration Appeals. Can I apply for adjustment of status to that of lawful permanent resident before USCIS?**

A. No. USCIS generally will not have jurisdiction to adjudicate your application for adjustment of status (Form I-485), unless your removal proceedings are first reopened and terminated or dismissed by an immigration judge.

If you have a final unexecuted removal order, you may [contact ICE OPLA](#) to request that they work with you, at their discretion, to jointly submit a motion asking the immigration court to reopen and terminate or dismiss your removal proceedings.

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## Criminal Charges and Convictions

**Q. What impact does having a criminal conviction have on eligibility for this process?**

A. All felony offenses will be disqualifying under this process. Convictions for the following offenses are also disqualifying regardless of whether the conviction was a felony or misdemeanor. DHS reserves its discretion to determine that other offenses are disqualifying, even if not listed.

- 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 process. To overcome the presumption of ineligibility, you must provide documentation demonstrating positive factors that can be considered in overcoming this presumption and showing that you warrant a favorable exercise of discretion. You should include

copies of arrest records and certified court dispositions for each arrest or criminal charge, as well as evidence that you completed your sentence, if applicable.

Even if you establish that you have met all the criteria for eligibility, and have rebutted the presumption of ineligibility, USCIS will examine the totality of the circumstances to determine whether your request should be granted as a matter of discretion for significant public benefit or urgent humanitarian reasons.

**Q. If I have a conviction for a felony offense, am I eligible for this process?**

A. No. If you have been convicted of a felony offense, you are not eligible for this process, and we will deny your request.

**Q. What offenses qualify as felonies?**

A. A felony is a federal, state, or local criminal offense punishable by imprisonment for a term exceeding one year. A single conviction for a felony offense is disqualifying for purposes of this process.

**Q. I have pending criminal charges. Am I eligible for this process while the charges remain pending?**

A. No. If you have been charged with any criminal offense and the charges remain pending, we will deny your request and not refund your filing fee. You may make a request for this process once your charges are resolved. However, if your criminal charges result in a conviction, and you are convicted of a crime that renders you ineligible for this process, your request will be denied. If your charges result in a conviction and the conviction does not render you ineligible for this process, the conviction will result in a rebuttable presumption of ineligibility, which may be overcome by demonstrating positive factors that outweigh the negative factors in your case.

You should include copies of arrest records and certified court dispositions for each arrest or criminal charge, as well as evidence that you completed your sentence, if applicable. USCIS will weigh the seriousness of the conviction against the positive factors and any other relevant information in each individual case. We will consider all criminal history in determining whether you merit a favorable exercise of discretion under this process.

**Q. What qualifies as a national security, public safety, or border security concern?**

A. If the background check or other information uncovered during the review of your request indicates that you pose a public safety, national security, or border security concern, we will not grant your parole request. Indicators of national security concerns include, but are not limited to, participation in activities that threaten the United States. Indicators of public safety concerns include, but are not limited to, serious criminal conduct and criminal history. Indicators of border security concerns include apprehension following entry into the United States without authorization on or after Nov. 1, 2020; however, stepchildren who otherwise meet the eligibility criteria will not be disqualified if they entered on or after Nov. 1, 2020.

**Q. Are dismissed, expunged, vacated, pardoned, deferred, annulled, invalidated, withheld, or sealed convictions subject to the presumption of ineligibility?**

A. Yes. 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. You may be able to overcome this presumption, however, depending on the specific facts of your case, including but not limited to the fact that the conviction was expunged or vacated under state law, the reasons for the expungement or vacatur, the nature of the underlying offense, your age at the time of the commission of the underlying offense, and any other relevant facts surrounding the original conviction. In addition, USCIS may consider your entire criminal history, if any, along with other facts to determine, whether, under the totality of the circumstances, a favorable exercise of discretion is warranted.

**NOTE:** If you were never convicted (for example, you were only arrested), you are not subject to the presumption of ineligibility.

**Q. If I have a criminal conviction that makes me presumptively ineligible for Keeping Families Together, how can I overcome that presumption?**

A. The presumption may be rebutted on a case-by-case basis by providing evidence that demonstrates positive and mitigating factors that overcome the presumption. USCIS will weigh the seriousness of the conviction against mitigating factors relating to the conviction as well as other positive factors that suggest you merit a favorable exercise of discretion. The weight of the presumption will be guided by the nature and seriousness of the conviction. A less serious conviction, or a conviction that does not indicate you are a public safety concern, will carry less weight and can be more easily rebutted. In adjudicating parole in place requests on an individualized, case-by-case basis, the nature and seriousness of the conviction will determine the evidence needed to overcome it.

You should submit a detailed statement explaining the circumstances of the conviction, any mitigating factors, and any positive factors you want USCIS to consider and any other evidence you think may support your case. USCIS may request additional evidence from you if the evidence you submit initially is not sufficient to overcome the presumption of ineligibility. Examples of factors we will consider in determining whether the presumption of ineligibility based on a criminal conviction can be overcome – such as the age and nature of the conviction, as well as positive factors about the requestor – are described below.

**Q. What factors will USCIS consider to determine whether I have overcome the presumption of ineligibility because of a criminal conviction?**

A. Factors that can be considered in overcoming the presumption of ineligibility due to a criminal conviction may include, but are not limited to:

- Age of the conviction(s) (remoteness in time);
- Your age at the time of the offense and conviction, including whether you were 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 your 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;
- Your particular vulnerability, including any physical or mental condition requiring treatment or care in the United States;
- Your status as a victim of criminal activity, including domestic violence, particularly if related to the criminal conduct at issue;
- Your status, or that of your U.S. citizen spouse, as a current or former member of the U.S. military;
- Your status as the primary caregiver for a U.S. citizen child or elderly U.S. citizen parent or in-law;
- Your 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.

**Q. If I have a misdemeanor conviction for driving without a license, or driving with an expired license, will it make me ineligible for this process?**

A. No. Misdemeanor convictions for minor traffic offenses, including driving without a license or driving with an expired license, will not make you ineligible for this process or create a presumption of ineligibility.

**Q. Are juvenile delinquency dispositions subject to the presumption of ineligibility?**

A. Yes. Juvenile delinquency dispositions will create a presumption of ineligibility for purposes of this process, even if they do not constitute convictions for immigration purposes. However, the factors considered when determining whether the presumption has been overcome, such as the nature of the underlying offense, your age at the time of the commission of the underlying offense, the length of time that has passed since the adjudication, and any other relevant facts surrounding the offense may be especially relevant in such cases. In addition, we may consider your entire criminal history, if any, along with other positive factors to determine, whether, under the totality of the circumstances, a favorable exercise of discretion is warranted.

If you cannot provide the record of the disposition because it is sealed or because State law prohibits its disclosure (even to you), USCIS still may request a statement or other information from you to determine whether the presumption has been overcome and a favorable exercise of discretion is otherwise warranted.

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## Background Checks

**Q. Will USCIS conduct a background check when reviewing my request?**

A. Yes. USCIS will conduct biographic and biometric background checks as part of its consideration of your request.

**Q. What do background checks involve?**

A. You must submit biometrics at an application support center (ASC), and USCIS will conduct background and security checks. Following your submission of your request, USCIS will send you a notification via your myUSCIS account that explains when and where to appear for your biometrics collection appointment. If you are unable to attend the appointment, you can reschedule using our online rescheduling request process. For more information, see [Vol. 1, Part C, Chapter 2 – Biometrics Collection](#) in the USCIS Policy manual.

## After USCIS Makes a Decision on Your Request

**Q. Can I appeal USCIS denial of my request under Keeping Families Together?**

A. No. You cannot appeal the decision if we deny your parole in place request. However, you can file a new request, with new or additional evidence demonstrating your eligibility for parole in place, with the accompanying \$580 filing fee.

**Q. Can I file a motion to reopen or reconsider USCIS denial of my request under Keeping Families Together?**

A. No. You cannot file a motion to reopen or reconsider the denial of your parole in place request under Keeping Families Together. However, you can file a new request, with new or additional evidence demonstrating your eligibility for parole in place, with the accompanying \$580 filing fee.

**Q. What will I receive if USCIS approves my request under Keeping Families Together?**

A. If USCIS approves your parole in place request, you will receive a Form I-797, Approval Notice, that indicates the grant and validity period of parole in place. It will also include a copy of your Form I-94, Arrival/Departure Record, and Form I-94 number.

**Q. If my request for Keeping Families Together is approved, will I accrue unlawful presence?**

A. No. If you are granted parole in place under Keeping Families Together, you are in a period of authorized stay, which means you do not accrue unlawful presence while your parole remains valid (that is, not expired or terminated). Importantly, however, if you receive parole in place under Keeping Families Together, it does not erase any unlawful presence accrued *before* the start of your parole period. Furthermore, a pending request for parole in place does not stop the accrual of unlawful presence.

If your parole expires or is otherwise terminated, you will begin accruing [unlawful presence](#) unless you are maintaining or obtain another status during the parole period. Parole may be terminated at any time in DHS's discretion upon a determination that parole is no longer warranted, for example, following the commission of criminal conduct. It is recommended that you apply for lawful permanent resident status as soon as possible after obtaining parole in place under this process. For more information on applying for lawful permanent resident status, please visit the [How to Apply for a Green Card](#) webpage.

**Q. If USCIS does not grant my request, will I be placed in removal proceedings?**

A. If we deny your request for parole in place, we will generally not issue a Notice to Appear (NTA) or refer your case to ICE for possible enforcement action solely based on the denial, unless DHS is initiating immigration enforcement proceedings against you because you are considered a priority under the Sept. 30, 2021, [Guidelines for the Enforcement of Civil Immigration Law \(PDF\)](#) as a threat to national security, public safety, or border security.\*

**\*NOTE:** Consistent with these guidelines, a noncitizen who poses a threat to border security will be generally disqualified from receiving parole in place pursuant to this process. However, there is an exception for stepchildren who entered the United States unlawfully after Nov. 1, 2020, and who otherwise meet the criteria for parole in place under this process.

**Q. What happens if my request under Keeping Families Together is granted, but I do not apply for or receive adjustment of status during my parole period?**

A. When the parole period terminates, a noncitizen returns to the same immigration status or category that they maintained before the parole in place, if any (unless that status or category has since expired or terminated), and their case will be dealt with in the same manner as any other applicant for admission, unless they obtained another immigration status or category during the parole period that is still valid beyond the parole end date. As stated above, DHS is not contemplating a re-parole process.

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## I-601A Provisional Unlawful Presence Waivers

**Q. I have a pending Form I-601A, Application for Provisional Unlawful Presence Waiver. Can I still make a request under Keeping Families Together?**

A. Yes, you may make a request for this process while you have a pending Form I-601A. If you are granted parole in place under this process, you may then be eligible to apply for adjustment of status to that of lawful permanent resident by filing Form I-485, Application to Register Permanent Residence or Adjust Status, in the United States without first seeking a provisional unlawful presence waiver. If your Form I-131F request is granted and you then apply for adjustment of status with USCIS, you will no longer be eligible for a provisional unlawful presence waiver, and we will deny your Form I-601A.

**Q. What will happen with my pending Form I-601A if I file a request under Keeping Families Together?**

A. Your Form I-601A will remain pending and will be adjudicated in the normal course. We will not refund the fee you paid for Form I-601A if you file a request for parole in place under this process. In addition, note that if your parole in place is granted and you apply to adjust status to that of a lawful permanent resident (Form I-485), you will no longer be eligible for a provisional unlawful presence waiver, and we will deny your Form I-601A.

**Q. My Form I-601A was approved, but I have not left the United States to attend a consular interview yet. May I make a request under Keeping Families Together?**

A. Yes. If you are present in the United States without admission or parole, are otherwise eligible for this process, and merit a favorable exercise of discretion, we may approve your request even though

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we already approved your Form I-601A.

**Q. I previously filed a Form I-601A and now am filing a Form I-131F. Do I have to pay the Form I-131F fee?**

A. Yes. You must pay the \$580 fee for the Form I-131F, even if you previously filed a Form I-601A.

**Q. I previously filed a Form I-601A. Will you prioritize consideration of my Form I-131F?**

A. USCIS may prioritize your Form I-131F if you have a pending or approved Form I-601A and you include your Form I-601A receipt number on your Form I-131F request. For this reason, you should make sure to include your Form I-601A receipt number on your Form I-131F.

**NOTE:** For your case to be identified and potentially prioritized, you must ensure that all biographic information on Form I-131F, including your name, exactly match the information you provided on the Form I-601A you previously filed.

**Q. I have a pending Form I-601A. What happens to that request if my request under Keeping Families Together is granted?**

A. Your Form I-601A will remain pending and will be adjudicated in turn. However, one of the eligibility requirements for the Form I-601A is that you do not have a pending application for lawful permanent residence with USCIS. Therefore, if you are granted parole in place and file for adjustment of status with USCIS, your pending Form I-601A will be denied.

**Q. If I am granted parole in place under Keeping Families Together and no longer need a provisional unlawful presence waiver, will USCIS refund the filing fee for my Form I-601A?**

A. No. Keeping Families Together is voluntary and requires payment of the requisite fee even if you have filed a Form I-601A. Filing fees are final and non-refundable, regardless of any action we take on your application, petition, or request, or if you withdraw your request.

**Q. If my request under Keeping Families Together is denied, does this affect the decision on my pending Form I-601A?**

A. No. The denial of a request for parole in place does not affect the adjudication of the Form I-601A, but the reasons that led to the denial of a parole in place request may also affect eligibility for a provisional unlawful presence waiver, including the determination of whether you merit a favorable exercise of discretion.

**Q. If my request under Keeping Families Together is denied, can I still file a Form I-601A?**

A. Yes. Form I-601A has different eligibility requirements than parole in place. A denial of parole in place does not make you ineligible for a provisional unlawful presence waiver; however, you should review the reasons for the denial of your parole in place request to determine if any of those reasons also make you ineligible for a provisional unlawful presence waiver.

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Employment Authorization



**Q. If my request for Keeping Families Together is granted, will I be eligible to request employment authorization?**

A. Yes. If USCIS approves your request for Keeping Families Together, you can apply for an Employment Authorization Document (EAD) by filing [Form I-765, Application for Employment Authorization](#), under eligibility category (c)(11). You can only apply for employment authorization *after* your Keeping Families Together request is approved. If you file your Form I-765 Employment application before USCIS approves your I-131F request under this process, USCIS will reject or deny your Form I-765.

**Q. Will there be a fee to apply for employment authorization (Form I-765)?**

A. Yes. If you file online through your myUSCIS account, the filing fee for Form I-765 is \$470. If filing on paper and sending by mail, the filing fee for [Form I-765](#) is \$520. If you would like to request a fee waiver, you must file your Form I-765 by mail and your filing must include a completed [Form I-912](#) or a written request for a fee waiver with supporting evidence of your financial inability to pay the fee. At present, you cannot request a fee waiver if you file your Form I-765 online.

Please visit our [Request for Fee Waiver](#) webpage for additional information, guidance and tips on fee waiver requests. You can also review the [Form G-1055](#) for a complete fee schedule.

**Q. Can I file my Form I-131F at the same time (concurrently) as an application for employment authorization (Form I-765)?**

A. No, at this time, you must submit these two forms separately. If your Form I-131F is approved and you are granted parole in place, you can then file Form I-765 to apply for an EAD based on your authorized period of parole.

**Q. How long will I be authorized for employment?**

A. If your request for this process is approved and you are later granted an employment authorization document (EAD) under eligibility category (c)(11), your EAD will generally be valid for the same duration as your parole period, which can be up to three years under this process. Once you apply for adjustment of status to lawful permanent resident, you will then be eligible to apply for employment authorization pending adjudicating of your adjustment application under eligibility category (c)(9). You can receive employment authorization with a five-year validity under category (c)(9). If your parole under this process is granted, you should not delay in filing a subsequent I-130 petition and I-485 application.

**Q. What should I do if my Employment Authorization Document (EAD) was lost, stolen, or damaged?**

A. If your parole period is currently valid, and you need to replace a valid EAD because yours was lost, stolen, or damaged, please review the “Replace an EAD” section on the [Employment Authorization Document](#) page.

**NOTE: Do not** file Form I-131F with this replacement Form I-765. If you submit Form I-131F when you are filing to replace a lost, stolen, or damaged EAD, we will deny your Form I-131F, and we will not refund the filing fee for Form I-131F.



**Q. As an employer, if I provide my employee with information regarding their employment to support a request for parole in place, will that information be used for immigration enforcement purposes against me or my company?**

A. An employer may, as they determine appropriate, provide individuals requesting parole in place under this process with documentation verifying their employment. This information will not be shared with ICE for civil immigration enforcement purposes under section 274A of the Immigration and Nationality Act (relating to unlawful employment of noncitizens), except in cases involving unscrupulous employers who exploit undocumented workers by engaging in illegal acts ranging from the payment of substandard wages to imposing unsafe working conditions and facilitating human trafficking and child exploitation, and who therefore may be a DHS worksite enforcement priority as described in the Oct. 12, 2021 memorandum entitled “[Worksite Enforcement: The Strategy to Protect the American Labor Market, the Conditions of the American Worksite, and the Dignity of the Individual.](#)”

**Q. How can I tell if an employer is discriminating against me because I am a parolee?**

A. An employer may be engaging in discrimination if they:

- Demand that an employee only show specific documents from the [Lists of Acceptable Documents](#) or ask for more or different documents than are required to complete [Form I-9, Employment Eligibility Verification](#), or create an E-Verify case; or
- Reject documents from the [Lists of Acceptable Documents](#) that reasonably appear to be genuine and relate to the employee, including documentation showing employment authorization because it has a future expiration date or because of an employee’s prior unauthorized status.

The Civil Rights Division of the U.S. Department of Justice has an office dedicated to ensuring that employers do not discriminate against individuals who are permitted to work in the United States. These include parolees who have been granted work authorization. If you think your employer may be discriminating against you, contact the Immigrant and Employee Rights Section (IER) at 800-255-7688 (TDD for the deaf and hard of hearing: 800-237-2515).

**Q. What happens to my employment authorization if USCIS terminates my parole before it expires?**

A. If USCIS terminates your grant of parole, there will no longer be a basis for your parole-based employment authorization. USCIS may therefore revoke your employment authorization.

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## Eligibility for Form I-130, Petition for Alien Relative

**Q. Can I file a family-based petition (Form I-130) at the same time as my parole in place request (Form I-131F)?**

A. Each form must be filed separately with their own fees, but there is no requirement to wait to file a Form I-130. The Form I-131F may only be filed online, whereas the Form I-130 may be filed online or on paper by regular mail. The timing in which you file a Form I-130 will not affect the adjudication time of your Form I-131F.

**Q. USCIS granted my request under Keeping Families Together. Does my U.S. citizen spouse or stepparent need to file Form I-130 for me so that I am able to apply to adjust to lawful permanent resident status?**

A. Yes, unless your U.S. citizen spouse or stepparent has already filed a Form I-130 on your behalf. To be eligible for lawful permanent resident status on the basis of your marriage or stepchild relationship to a U.S. citizen, you must have an approved Form I-130. If you requested parole as the stepchild of a U.S. citizen, you must have a separate Form I-130 filed on your behalf.

**Q. What are the requirements for my U.S. citizen spouse to file Form I-130?**

A. In addition to having a legally valid marriage that is valid in the place of celebration, and that is not contrary to the public policy of the United States or state in which you and your spouse reside, your petitioning U.S. citizen spouse must demonstrate that your marriage is bona fide and was not entered into for the primary purpose of seeking an immigration benefit. For additional information on requirements and filing procedures for Form I-130, please see our [Form I-130, Petition for Alien Relative](#) page.

**Q. What are the requirements for my U.S. citizen stepparent to file Form I-130?**

A. To be a beneficiary of a Form I-130 as a stepchild, and eligible to apply to adjust status, the child's stepparent must demonstrate that their marriage to the child's noncitizen parent was bona fide. For additional information on requirements and filing procedures for Form I-130, please see our [Form I-130, Petition for Alien Relative](#) page.

**Q. What additional documents can I provide to demonstrate that my marriage is bona fide for purposes of the Form I-130?**

A. At the time of filing the Form I-130, your U.S. citizen spouse, as the Form I-130 petitioner, will need to provide evidence that your marriage is bona fide. Such evidence may include but is not limited to:

- Documentation showing joint ownership of property or evidence that you and your spouse reside together;
- Documentation showing that you and your spouse have shared financial resources;
- Birth certificates of children born to you and your spouse;
- Affidavits from others who have personal knowledge of your marriage; and
- Any other documentation to establish that there is an ongoing marital union.

Additionally, your marriage must not be contrary to the public policy of the United States or state where you and your spouse reside.

**Q. What are the requirements for widow(er)s and what do I file?**

A. If you are a [widow\(er\)](#), you must have a pending or approved Form I-130 filed prior to your spouse's death, which will be converted to a [Form I-360, Petition for Amerasian, Widow\(er\), or Special Immigrant](#). If a Form I-130 was not already filed on your behalf, you may file a Form I-360 petition as a self-petitioner but must do so within two years of your spouse's death. You also must not have been

legally separated from your spouse at the time of death and you must not remarry prior to the adjudication of your Form I-360.

## Eligibility for Form I-485, Application to Register Permanent Residence or Adjustment of Status

### **Q. Can I apply for adjustment of status (Form I-485) concurrently with my Keeping Families Together request (Form I-131F)?**

A. No. You must first be granted parole in place before applying for adjustment of status.

### **Q. If USCIS grants my request under Keeping Families Together, does this mean I will be eligible to adjust my status to that of a lawful permanent resident (LPR)?**

A. This process does not change the eligibility criteria for LPR status but provides an opportunity for eligible noncitizen spouses and children of U.S. citizens to adjust their status under existing legal authorities without having to depart the United States to seek an immigrant visa at a U.S. embassy or consulate. To qualify for adjustment of status under [INA 245\(a\)](#), an applicant must prove that they have been inspected and admitted or paroled into the United States, among other requirements. A grant of parole in place will satisfy the parole requirement under INA 245(a). Eligibility for [Form I-485, Application to Register Permanent Residence or Adjust Status](#), and any related forms that might be required, including [Form I-601, Application for Waiver of Grounds of Inadmissibility](#), will be determined on their own merits in a distinct and separate process from the parole in place decision.

### **Q. If my request under Keeping Families Together is granted, am I subject to the “3- and 10-year unlawful presence bars” and the “permanent bar”?**

A. If you are granted parole in place under this process and subsequently apply for adjustment of status, you will be evaluated for admissibility at that stage. For more information about how unlawful presence impacts the determination of inadmissibility, please visit [Unlawful Presence and Inadmissibility](#).

Determining if you are inadmissible after accruing unlawful presence can be complex. If you need help or legal advice on immigration matters, make sure the person helping you is authorized to give legal advice. You can find information about authorized legal services on our [Avoid Scams](#) page.

### **Q. If I have previously worked in the United States without employment authorization, am I ineligible for adjustment of status under INA section 245(c)(2) and 245(c)(8)?**

A. The bars to adjustment of status at INA section 245(c)(2) and INA section 245(c)(8), which are related to accepting or engaging in unauthorized employment, generally do not apply to noncitizens seeking adjustment of status based on an approved Form I-130 as an immediate relative of a U.S. citizen. Spouses and children of U.S. citizens are considered immediate relatives under the INA.

### **Q. If my request under Keeping Families Together is granted, what will happen to me if my spouse passes away before I am able to apply to adjust my status (before my parole period ends)?**

A. If your U.S. citizen spouse has died, you may still be eligible for [adjustment of status](#) if you meet the eligibility requirements. To qualify, you must not have been legally separated from your spouse at the time of death and you must not remarry before USCIS adjudicates your adjustment application.

If you qualify as a widow(er), and you have a pending or approved Form I-130 filed before your spouse's death, it will be automatically converted to a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant.

If a Form I-130 was not already filed on your behalf, you may file a Form I-360 as a self-petitioner, but you must do so within two years of your spouse's death.

**Q. If my request under Keeping Families Together is granted, what will happen to me if my spouse and I divorce before I am able to apply to adjust my status (before my parole period ends)?**

A. Generally, you will be ineligible to adjust status as the spouse of a U.S. citizen if you and your spouse divorce before you apply to adjust status. To be eligible for immigrant petition approval or to adjust status as the spouse of a U.S. citizen, you must still be married to your spouse at the time of application and final adjudication.

**Q. If my request under Keeping Families Together is granted, will I be subject to the public charge ground of inadmissibility when I apply to adjust status to that of a lawful permanent resident?**

A. If you apply for adjustment of status to become a lawful permanent resident after you are granted parole under this process, you must demonstrate that you are not inadmissible under the public charge ground of inadmissibility at INA 212(a)(4) (unless you are exempt from the public charge ground of inadmissibility), as well as the other grounds of inadmissibility in INA section 212.

For more detailed information on the public charge ground of inadmissibility, please refer to [USCIS Public Charge Resources](#), as well as [USCIS Policy Manual, Volume 8, Part G, Public Charge Ground of Inadmissibility](#).

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## Travel

**Q. If my request under the Keeping Families Together is granted, can I travel outside the United States during my period of parole?**

A. A grant of parole in place through Keeping Families Together does **not** authorize parole back into the United States if you decide to depart. If you depart the United States after being granted parole in place, your period of parole will automatically terminate. If you depart the United States without first obtaining an Advance Parole Document, you run a significant risk of not being able to return to the United States and you may also be ineligible for future immigration benefits.

**CAUTION:** Travel outside of the United States, even with advance parole, may have severe immigration-related consequences, including with respect to potential inadmissibility or execution of an outstanding order of removal. Parole into the United States is not guaranteed even if you have

been granted advance parole prior to leaving the country. You are still subject to immigration inspection at a U.S. port of entry to determine whether you may be paroled into the United States and whether you are eligible for the immigration status you seek. For further information, see [Travel Documents | USCIS](#). Consultation with a qualified attorney or accredited representative is strongly advised prior to any travel outside of the United States.

 Close All  Open All

Last Reviewed/Updated: 08/19/2024