

Federal Court Temporarily Stays DHS Approvals of Parole-in-Place Applications Under ‘Keeping Families Together’ Program

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On August 26, 2024, the U.S. District Court for the Eastern District of Texas [issued an administrative stay](#) enjoining the U.S. Department of Homeland Security (DHS) from granting parole-in-place requests under the Biden administration’s “[Keeping Families Together](#)” initiative for fourteen days. The agency will continue to accept filings and schedule biometric appointments in the meantime.

Quick Hits

- On August 26, 2024, the U.S. District Court for the Eastern District of Texas issued an administrative stay enjoining DHS from approving parole-in-place applications for fourteen days.
- Noncitizen spouses and stepchildren of U.S. citizens who were not inspected and admitted or paroled into the United States may apply by submitting Form I-131F with USCIS online.
- Parole in place is a discretionary request that USCIS will consider on a case-by-case basis.
- Parole in place may be granted for up to three years, and individuals who are granted parole in place are immediately eligible to apply for work authorization for their periods of parole.

On June 18, 2024, President Biden announced the [Keeping Families Together](#) initiative, instructing DHS to create a new process to promote family unity and keep U.S. citizens with noncitizen spouses and children together. On August 20, 2024, DHS implemented the [process](#) to further this initiative, permitting certain noncitizen spouses and stepchildren of U.S. citizens present in the United States to request [parole in place](#). This benefit will allow eligible individuals to remain in the United States while applying for lawful permanent residence.

Judge J. Campbell Barker issued his order in [State of Texas v. U.S. Department of Homeland Security](#), a challenge to the “Keeping Families Together” program brought by Republican attorneys general of sixteen states. Judge Barker stated in his order that the “stay may be extended for a like period ... for good cause or if all adverse parties consent to a longer extension.” Judge Barker added that he “expects that good cause may exist to extend [the] administrative stay for additional periods through mid-October [2024].”

Eligibility Requirements

To be eligible for parole-in-place, an [applicant must](#):

- “[h]ave been continuously physically present in the United States” without admission or parole (noncitizen spouses who are present without lawful status for other reasons, such as visa overstay, are not eligible) since at least June 17, 2014, through the date the request is filed;
- for a noncitizen spouse, “[h]ave a legally valid marriage to a U.S. citizen on or before June 17, 2024”;
- for a noncitizen stepchild, “[h]ave a noncitizen parent who entered into a legally valid marriage with a U.S. citizen on or before June 17, 2024, and before [the child’s] 18th birthday”;
- “[h]ave no disqualifying criminal history and otherwise not [be]deemed to be a threat to public safety, national security, or border security.”

U.S. Citizenship and Immigration Services (USCIS) will use its discretion to adjudicate parole-in-place requests that have significant public benefit to the United States.

Application Process

Qualified applicants may submit [Form I-131F](#) online. Each applicant must file Form I-131F online through the individual’s MyUSCIS account and pay the \$580 filing fee. Once an application is submitted, each applicant will be required to provide biometrics to USCIS.

Parole in place may be granted for up to three years. Once approved, applicants are eligible to apply for employment authorization and will have three years to apply for permanent residency.

Next Steps

DHS estimates that as many as 500,000 noncitizen spouses and 50,000 noncitizen stepchildren of U.S. citizens may be eligible for [parole in place](#). DHS stated that the Keeping Families Together initiative would expand the eligible workforce and stimulate the U.S. economy. DHS also stated that the program would alleviate strain on the U.S. Department of State and help decrease significant wait times for other noncitizens applying for immigrant visas at consulates and embassies abroad.

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National Law Review, Volume XIV, Number 248

Source URL: <https://natlawreview.com/article/federal-court-temporarily-stays-dhs-approvals-parole-place-applications-under>