

President Obama To Grant Parole-In-Place To Enable Some EWIs To Obtain Green Cards In The U.S.

Written by U.S Immigration News
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On November 20, 2014, the President announced the expansion of the use of the Parole-in-Place program to now include family members of U.S. citizens and lawful permanent residents who seek to enlist in the U.S. Armed Forces.

Prior to the issuance of the latest Executive Order by the President, Parole-in-Place was sparingly used for family member of those in the U.S. Armed Forces and those discharged honorably. With this announcement by the President, many more immigrants who were not able to obtain their green cards in the U.S. because they entered the country without inspection will now be eligible.

It will be recalled that on November 15, 2013, U.S. Citizenship & Immigration Services released an internal Policy Memo titled “Parole of Spouses, Children and Parents of Active Duty Members of the U.S. Armed Forces, the Selected Reserve of the Ready Reserve, and Former Members of the U.S. Armed Forces or Selected Reserve of the Ready Reserve and the Effect of Parole on Inadmissibility under Immigration and Nationality Act § 212(a)(6)(A)(i)”

The immediate relatives’ family members of anyone who is serving the U.S. military or has served in the U.S. military who entered the U.S. without inspection can now obtain green cards through the newly introduced Parole-In-Place (PIP) program. It is another way to take care of another group of immigrants in the United States by way of re-interpretation or expansion of interpretation of existing immigration law.

Those who are qualified to apply for parole-in-place and use the approval to obtain green cards through adjustment of status are immediate relatives namely, spouse, parents and children of those serving in the U.S. military or has served previously who entered the United States without inspection. These are aliens without I-94 cards. The parole in place will serve as I-94 card to be used to apply for green card.

In recent years, the President has earned disfavor in some quarters particularly the immigrant communities for not keeping his promise of ensuring the passage of the Comprehensive Immigration Reform. Despite several promises made by the President, we are still waiting for the passage of an immigration bill. This new proposal from the U.S. Department of Homeland Security might be the “bailout” the President needs to help improve his approval ratings among the immigrants.

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It must be noted that pursuant to INA § 212(a)(6)(A)(i), you are regarded as inadmissibility, meaning that you cannot obtain green card in the United States unless if you are qualified under Section 245(i) of the Immigration & Nationality Act if you entered without inspection.

Those who are qualified for adjustment of status under Section 245(i) INA are those whose petitions were filed before April 30, 2001 and who entered the U.S. before December 21, 2000. Anyone who entered after December 21, 2000 without inspection is regarded inadmissible. Even if such a person is married to a U.S. citizen with children he or she cannot obtain green card in the U.S. This new Parole-in-place program will provide the much needed remedy for spouses, parents and children of anyone who is currently serving or has served in the U.S. military or intend to enlist with the military.

According to the old USCIS Policy Memo which is adopted in the current announcement, this parole-in-place program cures the two admissibility grounds contained in § 212(a)(6)(A)(i) INA. According to the Memo, "The first ground relates to the alien who is "present in the United States without being admitted or paroled." This inadmissibility ground generally covers those who entered the United States without inspection (and are still in the United States). Aliens who have entered the United States without inspection, while not "arriving aliens" as defined in 8 C.F.R. § 1001.1(q), are eligible for parole because they remain applicants for admission.⁶ The second inadmissibility ground in section 212(a)(6)(A)(i) relates to the alien "who arrives in the United States at any time or place other than as designated by the [Secretary of Homeland Security]." The aliens in these two groups are covered by the parole-in-place program.

Sometime in 2010, this idea was floated. There was a recommendation to the President to bypass the Congress by re-interpreting existing law to grant some of the relief that would have been granted by the passage of Comprehensive Immigration Reform.

One of the prime provisions of the recommendation was that the President should give the U.S. Citizenship & Immigration Services the go ahead to expand the exercise of its discretion to grant Parole-in-Place to immigrants in the U.S. to enable them adjust their status in America. It appears with this latest announcement the president has heeded the advice.

For now, if you are a spouse, parent or a child of someone in the U.S. military or someone who previously served in the U.S. military, you will need to meet with Attorney Famuyide urgently.

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You might be eligible for the parole-in-place and green card. It is important to note that this program is new and seeking legal counsel is very important before applying.

It must also be noted that if you have criminal records, you might not be able to get parole-in-place. Any other derogatory facts could lead to denial. Parole-in-place is not automatic. It is discretionary and according to the Memo, it should be granted "sparingly".

Attorney Joseph Famuyide will help you apply for parole-in-place. Act now to seek this benefit to obtain your green card in the U.S.

This article is for your information only; it is not a legal advice. If want to apply for this benefit or If you have any question, please feel free to contact Attorney Famuyide at 718-647-6767 or send email to jfamuyide@aol.com .

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