

## International Entrepreneur Parole

**Important Information:** On January 17, 2017, DHS published the [International Entrepreneur Rule, \(IER\)](#) which was scheduled to take effect on July 17, 2017. On July 11, DHS published a [delay rule](#) to extend the effective date of the (IER) to March 14, 2018, in order to ensure it is consistent with President Trump's Executive Order (EO), [Border Security and Immigration Enforcement Improvements](#). This EO states that it is the policy of the executive branch to "end the abuse of parole and asylum provisions currently used to prevent the lawful removal of removable aliens." The delayed effective date of the IER was meant to give USCIS time to issue a new regulation proposing to rescind the IER. However, on December 1, 2017, the U.S. District Court for the District of Columbia vacated the delay rule as a result of litigation in *National Venture Capital Association (NVCA), et al., v. Duke*. While DHS complies with the court order and implements IER, DHS is also in the final stages of publishing a notice of proposed rulemaking seeking to rescind the January 17, 2017 rule.

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Under the International Entrepreneur Rule (IER), DHS may use its parole authority to grant a period of authorized stay, on a case-by-case basis, to foreign entrepreneurs who demonstrate that their stay in the United States would provide a significant public benefit through the potential for rapid business growth and job creation.

Under this final rule, eligibility may be granted for up to three entrepreneurs per start-up entity, as well as the spouses and children of the foreign entrepreneur. Entrepreneurs granted parole will be eligible to work only for their start-up business. Their spouses may apply for work authorization once present in the United States as parolees, but their children will not be eligible to work.

### Eligibility

An entrepreneur applying for parole under this rule must demonstrate that he or she:

- Possesses a substantial ownership interest in a start-up entity created within the past five years in the United States that has substantial potential for rapid growth and job creation.
- Has a central and active role in the start-up entity such that the applicant is well-positioned to substantially assist with the growth and success of the business.
- Will provide a significant public benefit to the United States based on their role as an entrepreneur of the start-up entity by showing that:
  - o The start-up entity has received a significant investment of capital from certain qualified U.S. investors with established records of successful investments;
  - o The start-up entity has received significant awards or grants for economic development, research and development, or job creation (or other types of grants or awards typically

given to start-up entities) from federal, state or local government entities that regularly provide such awards or grants to start-up entities; or

- o They partially meet either or both of the previous two requirements and providing additional reliable and compelling evidence of the start-up entity's substantial potential for rapid growth and job creation.

A spouse or child of an entrepreneur applying for parole under this rule must demonstrate that he or she:

- Is independently eligible for parole based on significant public benefit or urgent humanitarian reasons; and
- Merits a favorable exercise of discretion.

### **How to Apply**

You must file Form I-941, Application for Entrepreneur Parole, with the required fees (including biometric services fees), and supporting documentary evidence in accordance with the Form I-941 instructions.

Filing and obtaining approval of a Form I-941 application under this rule will not, by itself, constitute a grant of parole. If your Form I-941 application is approved, you must visit a U.S. consulate abroad to obtain travel documentation (e.g., a boarding foil) before appearing at a U.S. port of entry for a final parole determination. A Canadian national traveling directly from Canada to a U.S. port of entry may present an approved I-941 at the U.S. port of entry without first obtaining travel documentation.

The spouse and children of an entrepreneur submitting Form I-941 may file Form I-131, Application for Travel Document, with required application fee and biometrics services fee, to request parole in order to accompany or join the entrepreneur. The Form I-131 may be filed concurrently with the Form I-941 or it may be filed separately. **For Part 2 Application Type, write "IER" in the margin of Form I-131. You must file Form I-131 with evidence demonstrating that you are the dependent spouse or child (unmarried, minor child under 21 years of age) of an Entrepreneur Parolee or an Applicant for Entrepreneur Parole. Submit all of the following documents:**

- A copy of a marriage certificate or birth certificate establishing your relationship to an Entrepreneur Parolee or an Applicant for Entrepreneur Parole.
- Documentation indicating that the entrepreneur has a pending Form I-941 requesting parole, that such request was granted, or that the entrepreneur is a parolee. Such documentation may include a copy of: Form I-797, Notice of Action, indicating USCIS' receipt of the entrepreneur's Form I-941; the entrepreneur's Form I-512, Authorization for Parole of an Alien into the United States; or Form I-94, Arrival-Departure Record, indicating that the entrepreneur has been paroled into the United States.

If the Form I-131 is approved, and the spouse of the entrepreneur is paroled into the United States, the spouse may then apply for employment authorization by filing [Form I-765, Application for Employment Authorization. Children of the entrepreneur will not be eligible to apply for employment authorization under this rule.](#) The filing fee for Form I-765 is **\$410**. For Item Number 20, Eligibility Category, enter “(C)(34)”. File Form I-765 with evidence of your parole status, such as your Form I-94, and evidence you are the spouse of an International Entrepreneur Parolee, such as a copy of the principal’s Form I-94 and a copy of your marriage certificate.

File your completed form(s) at the USCIS Dallas Lockbox facility.

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| For U.S. Postal Service (USPS):              | For FedEx, UPS, and DHL deliveries:   |
| USCIS<br>P.O. Box 650890<br>Dallas, TX 75265 | USCIS<br>Attn: IER<br>2501 S. State Highway 121 Business<br>Suite 400<br>Lewisville, TX 75067 |

Note: While DHS is taking steps to comply with the court order, DHS is also in the final stages of publishing a notice of proposed rulemaking seeking to rescind the January 17, 2017 rule. This rescission rulemaking effort will continue.