



**U.S. Citizenship
and Immigration
Services**

Memorandum

TO: Richard Revesz
Administrator,
Office of Information and Regulatory Affairs,
Office of Management and Budget

THROUGH: Eric Hysen
DHS Chief Information Officer

FROM: Samantha Deshommes
USCIS Office of Policy and Strategy,
Chief, Regulatory Coordination Division

SUBJECT: Request for Emergency OMB Paperwork Reduction Act (PRA) Clearance – USCIS Form I-131F, Application for Parole in Place for Certain Noncitizen Spouses and Stepchildren of U.S. Citizens.

Purpose: U.S. Citizenship and Immigration Services (USCIS) requests emergency approval for Form I-131F, Application for Parole in Place for Certain Noncitizen Spouses and Stepchildren of U.S. Citizens, a new collection of information. USCIS is seeking approval for the collection of information under 5 C.F.R. § 1320.13(a)(2)(ii) and (iii).

Background: Family unity is a bedrock objective of the U.S. immigration system. While U.S. immigration law generally provides noncitizens who are married to U.S. citizens with the opportunity to apply for lawful permanent resident (LPR) status while remaining in the United States, the requirement to be inspected and admitted or paroled prevents many families from availing themselves of this benefit, even though they otherwise qualify for LPR status.

Recognizing the hardships that American families and communities face as a result of obstacles such as this, President Joseph R. Biden in 2021 directed the U.S. Department of Homeland Security (DHS) and other agencies to “identify barriers that impede access to immigration benefits and fair, efficient adjudications of these benefits and make recommendations on how to remove these barriers as appropriate and consistent with applicable law.”¹

Furthermore, on June 18, 2024, President Biden announced that DHS would take action to preserve the unity of mixed status families by establishing a process for certain noncitizen spouses and stepchildren to

access LPR status without requiring them to depart the United States. DHS is now working to implement that process and open it up for applications by August 19, 2024.

Discussion: Consistent with the President’s announcement, DHS is establishing a process for certain noncitizens who are married to a U.S. citizen (or are the noncitizen stepchild of a U.S. citizen) and are present in the United States without admission or parole, to request parole in place under section 212(d)(5)(A) of the INA, 8 U.S.C. § 1182(d)(5)(A).

DHS is publishing a notice in the *Federal Register* titled, “Implementation of Keeping Families Together” and creating Form I-131F, Application for Parole in Place for Certain Noncitizen Spouses and Stepchildren of U.S. Citizens, to implement this process as an online, electronically filed collection of information. Form I-131F will be used by eligible noncitizens to request parole in place under this process.

Establishing the new Form I-131F is essential to the effective adjudication of parole in place requests and subsequent immigration benefit requests submitted by eligible individuals. Emergency processing is justified because USCIS must quickly collect the requested information to fulfill its mission of implementing the President’s announcement and meet public expectations that USCIS will begin accepting applications by August 19, 2024. In addition, for various reasons, significant public harm is reasonably likely to result if USCIS were to seek public comment before the process is implemented. First, the hardships these families have endured will continue, undermining the President’s directive to eliminate barriers to the immigration system and promote family unity and security. Second, individuals who may be considered for parole in place under this process are already susceptible to fraud perpetrated by consultants and others seeking to game the system, who make false promises to secure parole for a fee, before the process is actually implemented. Put simply, noncitizens face a heightened risk of being victimized by immigration scammers the longer it takes to implement this process. To mitigate these risks, the President’s announced process should be implemented swiftly—by August 19.

USCIS seeks emergency processing of the Form I-131F in accordance with 5 C.F.R. § 1320.13. USCIS certifies that the requirements of 5 C.F.R. § 1320.13(a) are met and that:

- The collection of information is needed immediately and is essential to the mission of the agency.
- The use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information.

USCIS greatly appreciates the timely consideration of this request.

Recommendation: DHS recommends the emergency approval of this collection of information under 5 C.F.R. § 1320.13.

ⁱ Exec. Order No. 14012, *Restoring Faith in Our Legal Immigration System and Strengthening Integration and Inclusion Efforts for New Americans*, 86 Fed. Reg. 8277 (Feb. 5, 2021).