



IMMIGRATION UPDATE - AUGUST 26, 2024

Posted on August 26, 2024 by Cyrus Mehta

Headlines:

DHS Implements 'Keeping Families Together' Parole-in-Place Program, Texas Files Compliant – The Department of Homeland Security estimated that 500,000 noncitizen spouses and 50,000 noncitizen stepchildren of U.S. citizens may meet the eligibility criteria.

Court Preliminarily Approves Proposed Settlement in *Garcia Perez v. USCIS* – The case is a class action lawsuit involving the federal government's practices with respect to work permits for applicants for asylum or withholding of removal.

DOS Issues Final Rule on Effect of Certain Pardons on Criminal-Related Grounds of Ineligibility – The Department of State has amended a regulation relating to the effect of certain pardons on criminal-related grounds of visa ineligibility.

Details:

[Back to Top](#)

DHS Implements 'Keeping Families Together' Parole-in-Place Program, Texas Files Complaint

On August 19, 2024, the Department of Homeland Security (DHS) [announced](#) a [Federal Register notice](#) to implement Keeping Families Together, a parole-in-place process for certain noncitizen spouses and stepchildren of U.S. citizens. DHS estimated that up to 500,000 noncitizen spouses and 50,000 noncitizen stepchildren of U.S. citizens may meet the eligibility criteria. "If granted parole, these noncitizen spouses and noncitizen stepchildren of U.S. citizens, if otherwise eligible, could apply for lawful permanent residence without leaving

the country," DHS said. Texas filed a complaint almost immediately.

The process started on August 19, 2024. To apply, individuals must file [Form I-131F, Application for Parole in Place for Certain Noncitizen Spouses and Stepchildren of U.S. Citizens](#), online after creating a myUSCIS account. The filing fee is \$580. Fee waiver requests for Form I-131F will not be accepted, DHS said.

On August 23, 2024, the state of Texas, along with [more than a dozen states](#), filed a [complaint](#) in the U.S. District Court for the Eastern District of Texas, Tyler Division, against the program, calling it "unlawful" and arguing that it "incentivizes illegal immigration and will irreparably harm the Plaintiff States."

U.S. Citizenship and Immigration Services (USCIS) recently released a [filing guide](#) for the new parole process, and [frequently asked questions](#).

[Back to Top](#)

Court Preliminarily Approves Proposed Settlement in *Garcia Perez v. USCIS*

The U.S. District Court for the Western District of Washington granted [preliminary approval](#) of a [proposed settlement agreement](#) in *Garcia Perez v. U.S. Citizenship and Immigration Services*.

The case is a class action lawsuit involving the federal government's practices with respect to Employment Authorization Documents for applicants for asylum or withholding of removal. Under the terms of the proposed settlement, class members are entitled to new procedures relating to the crediting of time toward eligibility for work authorization.

Details:

- [USCIS notice](#) (scroll to Aug. 5, 2024).

[Back to Top](#)

DOS Issues Final Rule on Effect of Certain Pardons on Criminal-Related Grounds of Ineligibility

Effective August 22, 2024, the Department of State (DOS) has [amended](#) a regulation relating to the effect of certain pardons on criminal-related grounds of visa ineligibility.

The rule amends the existing regulation "to implement the plain meaning of

statutory authorities and the President's constitutional authority regarding the effect of pardons on inadmissibility under INA sections 212(a)(2)(A)(i) and 212(a)(2)(B)." The rule "conveys interpretation of Congress having expressly not provided an exception to inadmissibility based on a pardon, reflecting a plain reading of the inadmissibility ground in INA section 212(a)(2)(A)(i) that multiple courts have shared."

DOS found that the rule is "interpretative" and amends visa policy as a "foreign affairs function of the United States" and is therefore not subject to notice-and-comment requirements.

[Back to Top](#)