Military Parole in Place Under USCIS Form I-131: Legal Framework, Procedural Requirements, and Implementation for Immigration Practitioners

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FINDINGS

MILITARY PAROLE IN PLACE UNDER USCIS FORM I-131: COMPREHENSIVE LEGAL FRAMEWORK, PROCEDURAL REQUIREMENTS, AND STRATEGIC IMPLEMENTATION FOR IMMIGRATION PRACTITIONERS

This report provides a detailed legal analysis of Military Parole in Place (MIL-PIP), the discretionary immigration benefit available to qualifying family members of active-duty service members, members of the Selected Reserve of the Ready Reserve, and military veterans through Form I-131, Application for Travel Document. Key findings establish that MIL-PIP operates as a case-by-case discretionary parole authority under [8 U.S.C. § 1182(d)(5)(A)][1] and has been formalized through multiple USCIS policy memoranda and statutory recognition in the National Defense Authorization Act for Fiscal Year 2020, which affirmed that parole in place serves the significant public benefit of military family unity.[2] Current processing timelines average approximately four to six months from receipt of application to completion, with no initial filing fee required under Form I-131 but a new $1,000 immigration parole fee due upon approval.[3] The program extends eligibility to spouses (including widows/widowers), parents, and sons or daughters of any age or marital status when the qualifying military member served honorably and without dishonorable discharge.[4] Notably, approval is not automatic despite eligibility, as USCIS exercises substantial discretion informed by criminal history, prior immigration violations, and positive discretionary factors that demonstrate military family hardship or readiness concerns.[5] The benefit cures the statutory ground of inadmissibility under [8 U.S.C. § 1182(a)(6)(A)(i)][6] (entry without inspection or admission), thereby allowing adjustment of status within the United States for qualified immediate relatives, but does not address other grounds of inadmissibility and creates complex interactions with unlawful presence bars and criminal inadmissibility determinations that require careful pre-filing assessment.

Statutory Authority and Program Framework: Understanding Military Parole in Place

Military Parole in Place represents a specialized application of the Secretary of Homeland Security's parole authority under [8 U.S.C. § 1212(d)(5)(A)][7], which permits the granting of parole to foreign nationals "on a case-by-case basis for urgent humanitarian reasons or significant public benefit."[8] Unlike traditional parole authority, which has historically applied to individuals seeking to enter the United States from abroad, the military parole in place doctrine extends this authority to foreign nationals already present within the United States without lawful admission or prior parole.[9] The statutory text itself does not explicitly authorize in-place parole; rather, executive branch interpretation dating back to 2007, when DHS Secretary Michael Chertoff authorized the first documented grant of military parole in place, established that the statute's language is sufficiently broad to encompass this application.[10] USCIS formally codified military PIP through a Policy Memorandum issued on November 15, 2013, which provided standardized adjudication procedures and established that the status of a beneficiary as spouse, parent, or child of active-duty military personnel or qualifying veterans "ordinarily weighs heavily in favor of parole in place."[11] Subsequent expansion through a November 2016 USCIS Policy Memorandum clarified that the program extends to family members of deceased military members and removed age restrictions that previously limited sons and daughters to individuals under twenty-one years of age and unmarried status.[12]

Congressional recognition of the program occurred through the National Defense Authorization Act (NDAA) for Fiscal Year 2020, which codified the "sense of Congress" that parole in place reinforces the objective of military family unity and is an important tool for maintaining military readiness by reducing the distraction

and stress service members experience when facing potential separation from family members.[13] The statutory provision specifically directs the Secretary of Homeland Security to consider, "on a case-by-case basis, whether granting the request would enable military family unity that would constitute a significant public benefit."[14] This language, while not creating a statutory entitlement, substantially constrains DHS discretion by establishing a rebuttable presumption that military family unity ordinarily constitutes significant public benefit sufficient to justify parole in this context.[15] The NDAA language further emphasizes that "except as required in furtherance of the missions of the Armed Forces, disruption to military family unity should be minimized in order to enhance military readiness and allow members of the Armed Forces to focus on the faithful execution of their military missions and objectives, with peace of mind regarding the well-being of their family members."[16] This legislative framing provides advocates with persuasive authority for arguing that denial of parole should be extraordinary rather than routine, particularly absent serious adverse factors.

The regulatory framework implementing military parole sits within [8 CFR 212.5][17], which establishes the general parole procedures and criteria applicable across all parole determinations made by DHS officials. The regulation specifies that parole authority rests with numerous DHS officials including directors of field operations, port directors, field office directors, and other designated officials who must exercise discretion based on the particular facts of each case.[18] The regulatory standard requires consideration of multiple factors in making a parole determination, "Not all factors listed need be present for parole to be exercised. Those officials should apply reasonable discretion. The consideration of all relevant factors includes" factors such as the reason for the parole request, evidence of criminal history or immigration violations, evidence of fraud, whether the noncitizen's presence would benefit a U.S. citizen or lawful permanent resident, evidence of character, and whether other means of entry are available to the noncitizen.[19] For military parole in place specifically, USCIS policy guidance indicates that adjudication officers should weigh the demonstrated hardship to the military service member against negative factors in the applicant's background, with the strong presumption that the military relationship itself constitutes a significant positive factor absent disqualifying criminal or security concerns.[20]

Eligibility Requirements and Qualifying Family Relationships

The foundational eligibility requirement for military parole in place restricts the benefit to specific family relationships with qualifying military personnel. As articulated in USCIS policy memoranda and Form I-131 instructions, eligible beneficiaries must be either the spouse (including widow or widower), parent, or son or daughter (of any age and regardless of marital status) of a qualifying military member or veteran.[21] The qualifying military member category includes individuals meeting any one of three criteria: (1) active-duty members of the United States Armed Forces; (2) members of the Selected Reserve of the Ready Reserve, which includes National Guard members; or (3) veterans who served on active duty or in the Selected Reserve of the Ready Reserve and received a discharge other than dishonorable.[22] The definition of "veteran" does not require that the service member remain alive, extending eligibility to family members of deceased military personnel, thereby covering surviving spouses, parents, and adult children who seek to resolve their immigration status following the service member's death.[23]

The spousal relationship eligibility provision applies without restriction on the marriage date relative to the military service or parole application, requiring only that a legally valid marriage exists.[24] Notably, the spousal category includes widows and widowers of service members, whether the service member is deceased at the time of the parole application or died after the military relationship is established but before parole is granted.[25] The regulation does not impose requirements regarding the current marital status of the surviving

spouse, though in practice, evidence of a bona fide marriage and documentation of the death will be required to establish eligibility.[26] Unlike certain family-based immigration categories that may impose age restrictions or marital status requirements on beneficiaries, military parole in place imposes no such limitation on spouses, permitting remarriage, divorce, or any other marital status transition prior to or during the application process without affecting the established marriage that formed the basis of military relationship eligibility.[27]

The parent category requires that the applicant be the parent of the qualifying military member, who must themselves be an active-duty service member, Selected Reserve member, or veteran with honorable discharge.[28] The parent-child relationship may be established through biological relationship, adoption, or legitimation of a child born outside of wedlock, provided the relevant documentation can be produced.[29] Unlike immediate relative provisions in family-based immigration that restrict "parent" to biological or adoptive parents and generally exclude step-parents except in narrow circumstances, military parole policy permits inclusion of step-parents who meet the definition of parent.[30] Applicants need not establish that they have resided with the military member or maintained an active relationship with the service member, only that the familial relationship is legally established and documented. This provision is particularly significant for undocumented parents who entered the country illicitly decades before a child's military service commenced.

The son or daughter category represents a substantial expansion of military parole eligibility when compared to many family-based immigration provisions. USCIS policy specifies that sons and daughters are eligible regardless of age or marital status, meaning an undocumented adult child of any age, including married adult children or those with their own dependent children, may qualify.[31] The category encompasses biological children, stepchildren, and adopted children, as well as children born out of wedlock if evidence of legitimation can be provided.[32] The definition does not impose any requirement that the son or daughter be unmarried, under a certain age, or childless, distinctions that are material in other immigration contexts such as immediate relative classification for adult unmarried children of U.S. citizens.[33] Notably, the 2016 USCIS Policy Memorandum that expanded this category specifically removed language limiting eligibility to children under twenty-one years of age and unmarried, thereby broadening the beneficiary pool to include middle-aged and elderly adult children.[34]

Critically, all eligible beneficiaries must be physically present in the United States at the time of the parole in place application. USCIS policy establishes that military PIP operates exclusively as an in-place parole mechanism and is not available to military family members seeking to be paroled into the United States from abroad.[35] The applicant must therefore have entered the United States and established a physical presence within the country prior to filing the Form I-131 request, though no minimum duration of U.S. presence is specified as a formal requirement.[36] This requirement reflects the statutory language of [8 U.S.C. § 1212(d)(5)(A)][37], which grants parole authority to permit individuals to "enter the United States," a framework that executive branch interpretation has extended to permit granting parole status to individuals already present but without prior admission or parole. The absence of a minimum continuous presence requirement means that even an individual who entered weeks or months prior to the parole application may be eligible, though USCIS adjudicators will likely view minimal time in the country as a negative discretionary factor.

An additional foundational requirement specific to veteran families establishes that the veteran must have been discharged under conditions other than dishonorable discharge.[35] This language tracks the statutory definition of veteran status under various federal statutes and reflects a policy determination that individuals discharged dishonorably for serious misconduct are not appropriate candidates for discretionary military parole grants. Importantly, discharge other than dishonorable encompasses honorable discharges, general

discharges under honorable conditions, and medical discharges, among other categories, meaning that a veteran need not have received an honorable discharge specifically but only must lack a dishonorable discharge.[36] A veteran with a general discharge or other discharge type may therefore qualify, though evidence of the discharge will be required and may affect the discretionary calculus if the discharge resulted from conduct related to criminal activity or other factors suggesting unreliability or danger.

Form I-131 Application Procedures and Documentary Requirements

Application for military parole in place proceeds through submission of Form I-131, Application for Travel Document, to the appropriate local USCIS field office serving the applicant's place of residence or military assignment location.[37] The form itself is titled "Application for Travel Document" because it is the same form used for advance parole, refugee travel documents, and other travel authorization requests, but USCIS instructions specify that applicants seeking military parole in place must not check one of the standard boxes under Part 2 (Application Type) but instead handwrite the words "Military PIP" on the form to designate the benefit category.[38] This procedural requirement is material and appears throughout USCIS guidance and practitioner resources, likely because failure to properly designate the benefit category may result in USCIS personnel misclassifying the application, leading to processing delays or misapplication of eligibility criteria.[39]

Form I-131 requires completion of multiple sections requesting biographical information about the applicant, information about any person on whose behalf the applicant is applying (generally not applicable for military PIP), the address where the applicant will be staying in the United States, and the purpose of the travel document request.[40] Applicants must provide their full legal name, date and place of birth, nationality, current address, immigration status, and A-number (Alien number) if previously assigned by USCIS or immigration court.[41] Part 2 of the form requires applicants to identify the type of travel document requested, and this is where the handwritten "Military PIP" designation is placed.[42] The form must be signed by the applicant and will not be accepted by USCIS if unsigned or incomplete in sections that are applicable to the applicant's case.[43] While Form I-131 itself carries no filing fee when used for military parole requests, applicants may optionally file Form G-1145, E-Notification of Application/Petition Acceptance, to receive electronic notification of receipt by USCIS, though this optional form should be clipped to the front of the application if included.[44]

The documentary requirements accompanying Form I-131 for military parole in place are substantial and require careful collection and organization. USCIS mandates the following core categories of supporting evidence: first, proof of the family relationship between the applicant and the qualifying military member, which varies based on the type of relationship.[45] For spouse applicants, proof of family relationship requires submission of the original or certified copy of the marriage certificate or, if applicable, documentation of termination of any previous marriages through divorce decree or death certificate.[46] For parent applicants, the family relationship may be established through the military member's birth certificate listing the applicant as a parent, or for stepparents, through a combination of the birth certificate listing the biological parent and marriage certificate demonstrating the stepparent's marriage to that biological parent.[47] For adopted children or parents, an adoption decree is required. For children or stepchildren applicants, proof of family relationship requires the applicant's own birth certificate listing the military member as a parent, or for stepchildren, the military member's spouse's birth certificate showing the stepchild's natural parent and documentation of marriage between the military member and the natural parent.[48]

Second, proof of military service by the qualifying family member is mandatory and must include specific documentation.[49] For active-duty service members, acceptable proof includes a photocopy of the front and

back of the service member's military identification card (DD Form 1173) or a copy of the current military ID issued by the Defense Enrollment Eligibility Reporting System (DEERS).[50] For veterans, the primary document establishing service is the DD Form 214, Certificate of Release or Discharge from Active Duty, which shows the veteran's character of discharge (honorable, general, medical discharge, or other), length of service, rank, and other service information.[51] The DD Form 214 can be obtained from the National Archives through the eVetRecs online tool or by submitting Standard Form 180 by mail or fax, and applicants should request copies from the veteran or, if the veteran is deceased, from the next of kin or the applicant if they have authority to request on the deceased's behalf.[52] Additional acceptable documentation includes military deployment orders, orders assigning the service member to a duty station, or official military correspondence documenting active service status.[53]

Third, USCIS requires submission of two color passport-style photographs of the applicant with white or off-white background, meeting standard photographic specifications used for immigration applications generally.[54] These photographs must be identical, recent, and show a clear, unobstructed view of the applicant's face.[55] Fourth, applicants are strongly encouraged to submit evidence of "favorable discretionary factors" that would support approval, though this category is not strictly mandatory.[56] Favorable discretionary factors may include documentation of the family hardship that would result from the applicant's separation from the military service member, evidence of deep community integration, documentation of stable employment, letters from community members or military representatives discussing the applicant's character and the military readiness impact of potential separation, evidence of children in U.S. schools, proof of property ownership or rental agreements, medical records demonstrating health needs that would be difficult to manage in a foreign country, and other documentation supporting the applicant's ties to the United States and the hardship calculus.[57]

Significantly, Form I-131 instructions emphasize that applicants should check the specific version of the form they are using, as older or incorrect versions will result in application rejection.[58] USCIS updates Form I-131 periodically, and the version date appears in small print on the bottom left corner of each page.[59] Practitioners filing should obtain current versions from the USCIS website (www.uscis.gov/i-131) immediately prior to filing to avoid submission of outdated forms. The completed application packet-including the original or certified copies of all documents, never photocopies of originals unless otherwise specified-must be mailed to the USCIS field office serving the applicant's area of residence or military assignment. USCIS provides specific mailing addresses for Form I-131 submissions on its website section titled "Filing Addresses for Form I-131," and applications should be sent via trackable mail service such as certified mail or courier service to provide evidence of receipt and submission date.

Grounds for Ineligibility, Criminal Bars, and Discretionary Denial Factors

Military parole in place is neither an automatic grant upon establishment of eligibility nor a benefit immune from denial on discretionary grounds. USCIS exercises substantial case-by-case discretion in approving or denying military parole in place applications, with approval authority established through both policy and regulation but not through a statutory entitlement mechanism. This discretionary framework means that even applicants meeting all formal eligibility requirements may be denied if USCIS determines that adverse factors outweigh positive factors or that a favorable exercise of discretion is not warranted.

Criminal history and security concerns constitute the most significant grounds for military parole in place denial. USCIS guidance indicates that applicants with "serious adverse factors such as a criminal conviction" may face denial regardless of military family status. While military parole in place does not formally require screening for all grounds of inadmissibility (as this occurs at the adjustment of status stage), USCIS

adjudicators conduct background checks through biometrics processing that reveal arrests, convictions, deportation orders, and interactions with immigration enforcement. Convictions involving violence, sexual offenses, drug trafficking, fraud, or weapons offenses are characterized as likely to result in denial, even if the offenses do not technically trigger mandatory bars to adjustment of status. The rationale for applying a more restrictive standard at the parole stage than at the adjustment stage reflects policy concerns about providing secure status to individuals whose background suggests danger to public safety or national security.

When evaluating criminal history for military parole purposes, USCIS adjudicators consider the nature of the offense, the age of the conviction, the applicant's age at time of the offense, the sentence imposed, and evidence of rehabilitation or community ties that might rebut an adverse presumption. The assessment is fact-specific and does not rely on categorical bars but rather on individualized discretionary analysis. However, certain conviction categories appear more determinative of denial. Convictions for violent felonies, particularly those involving weapons, assault, battery, or crimes against persons, typically result in denial. Drug trafficking or drug manufacturing convictions constitute grounds for concern about national security and public safety that generally override military family unity considerations. Convictions for immigration fraud, false claims to citizenship, document fraud, or human trafficking carry particular weight given the applicant's lack of candor in prior dealings with the immigration system.

An applicant with pending criminal charges is explicitly ineligible for military parole in place during the pendency of those charges, regardless of the charge severity. This requirement means that applicants facing criminal prosecution must delay parole applications until charges are adjudicated or dismissed, even for minor charges. This timing issue is critical for practitioners advising clients, as the existence of pending charges alone bars eligibility regardless of the likelihood of ultimate conviction. Once charges are resolved through acquittal, dismissal, or conviction, the applicant may pursue military parole, though the manner of resolution affects the discretionary calculus.

For applicants with criminal convictions that do not fall into automatic disqualification categories, USCIS has established a rebuttable presumption of ineligibility that creates a burden on the applicant to submit detailed evidence overcoming the presumption. This evidence burden is substantial and requires submission of mitigating documentation demonstrating that positive factors and evidence of rehabilitation outweigh the negative factors presented by the conviction. To overcome the presumption of ineligibility, an applicant must submit documentation addressing the following factors: the remoteness in time of the conviction (older convictions carry less weight than recent convictions); the applicant's age at time of the offense and conviction (juvenile offenses receive different treatment than adult offenses); the sentence or penalty imposed (light sentences or probation suggest lesser seriousness than substantial prison terms); evidence of subsequent rehabilitation through employment, education, or community service; the nature of the conviction and whether it involved violence (violent offenses are viewed more seriously); other criminal history or pattern of criminal conduct; any mental or physical condition that contributed to the criminal conduct; the applicant's particular vulnerability including any condition requiring treatment or care in the United States; the applicant's status as victim or witness; military service by the applicant or their military family member; and the applicant's status as a primary caregiver for a U.S. citizen child, elderly parent, or person with disabilities.

Juvenile delinquency dispositions are treated similarly, with USCIS creating a presumption of ineligibility even though juvenile adjudications are ordinarily not considered convictions for immigration purposes. This approach differs from certain other immigration contexts where juvenile dispositions are accorded less weight, and applicants must carefully screen for juvenile matters and prepare corresponding mitigation evidence. Expunged, vacated, or sealed convictions are also subject to a rebuttable presumption of ineligibility, though the reasons for the expungement or vacatur are considered in assessing whether the presumption applies.

Prior immigration violations or patterns of immigration non-compliance constitute adverse discretionary factors that may support denial. Immigration fraud, document fraud, false statements to USCIS or immigration officers, attempts to enter the United States unlawfully, or prior removal orders all weigh against approval. An applicant with a prior deportation or removal order faces substantial obstacles to parole approval unless the applicant can demonstrate significant change in circumstances or that the prior removal was based on factors no longer applicable.

Pending immigration charges or ongoing removal proceedings create substantial obstacles to military parole approval. An applicant with a Notice to Appear (NTA) initiating removal proceedings may apply for parole, but the existence of initiated proceedings is viewed negatively in the discretionary analysis. Similarly, applicants subject to outstanding orders of deportation or removal face presumptively negative discretionary determinations unless they can demonstrate legal relief from those orders or fundamental changes rendering the orders no longer applicable.

Notably, military parole in place does not provide a blanket waiver of inadmissibility grounds. While parole grants "admission" or "parolee" status for purposes of adjustment eligibility under [8 U.S.C. § 245(a)], it cures only the specific ground of inadmissibility under [8 U.S.C. § 1182(a)(6)(A)(i)] (present without inspection or admission). Other grounds of inadmissibility remain and must be addressed through separate waivers at the adjustment of status stage. An applicant subject to the permanent bar under [8 U.S.C. § 1182(a)(9)(C)] (having accrued more than one year of unlawful presence and illegally reentered) cannot benefit from military parole in place because the permanent bar applies to all relief applicants except those eligible for specific statutory exceptions. Similarly, applicants with criminal convictions triggering mandatory bars such as crimes of violence, drug trafficking, or crimes of moral turpitude must address those bars through the I-601 waiver process and cannot rely on parole status alone to overcome them.

Processing Timelines, Current Fees, and Administrative Status

Current processing timelines for military parole in place applications reflect substantial variation based on field office location, application complexity, and the volume of applications under adjudication. Historical data from USCIS indicates that median processing times increased from 2.5 months in 2017 to 5.1 months as of June 2021. More recent guidance from USCIS indicates that as of mid-2025, the national median processing time for Form I-131 filed as parole in place is approximately four to six months, with faster processing in cases with clean records and strong evidence, and slower processing in cases requiring Requests for Evidence (RFEs), complicated histories, or heavy field office backlogs.

These official processing time estimates reflect only the time from receipt of the application by USCIS to completion of the adjudication; they do not include the time required by applicants to gather supporting documentation, complete the application form itself, or submit any required amendments or supplemental evidence. Practitioners advising clients should counsel that the total timeline from initial consultation to approval may extend substantially beyond the official processing time estimate, particularly if applicants must obtain documents from foreign governments, military records centers, or other third parties.

The fee structure for military parole in place has undergone significant recent change. Traditionally, Form I-131 submitted for military PIP purposes carried no filing fee, and USCIS maintained that military families should not bear application fees as a recognition of military service. This policy remained in effect through early 2025. However, commencing October 15, 2025, USCIS implemented a new regulation establishing a $1,000 "immigration parole fee" applicable to individuals who travel into the United States on advance parole or who are paroled into the United States. This $1,000 fee is paid not at the time of initial Form I-131

application but rather upon conditional approval of the parole, after USCIS issues notification of intent to approve. The fee must be paid online within a deadline specified in the USCIS notice, and USCIS will not issue final approval of parole until the fee is received and processed. Importantly, applicants for adjustment of status who are traveling on advance parole documents issued pursuant to adjustment applications, and presumably military family members granted parole in place and subsequently adjusting status, are excepted from this fee requirement, meaning the $1,000 fee applies upon the initial grant of parole but may not require additional payment when transitioning to adjustment of status.

The implementation of this parole fee in October 2025 represents a significant policy shift and may substantially impact the financial burden on military families applying for parole. Combined with potential costs of gathering documentation, obtaining certified copies, military records retrieval fees, and immigration legal representation, the total cost of pursuing military parole in place may now reach $2,000 or more depending on documentation requirements. This cost burden is particularly significant for undocumented immigrants whose income and access to credit may be limited.

Processing can be expedited or delayed depending on whether USCIS issues a Request for Evidence (RFE) seeking additional documentation or clarification. An RFE does not constitute a denial but rather indicates that USCIS requires additional information before making a final determination. Applicants receiving an RFE should respond promptly and thoroughly, as failure to respond or inadequate response may result in denial based on the incomplete record. The time limit for responding to an RFE is generally thirty days from issuance, though USCIS may grant extensions for good cause if applicants cannot obtain required documentation within that period.

Biometrics processing is typically required, whereby USCIS notifies the applicant to attend an appointment for fingerprinting, photograph, and signature collection. The biometric appointment notice specifies the date, time, and location of the appointment, and applicants must attend as scheduled or contact USCIS to reschedule if necessary. Failure to appear for a biometric appointment may result in application denial, and applicants should treat this appointment as mandatory.

Upon approval, USCIS issues a parole document that typically takes the form of an I-94 card or paper I-94 document noting that the individual is paroled in place until a specified date, usually one year from the date of approval. Military parole is ordinarily granted in one-year increments and is renewable upon expiration, though renewal is not automatic and requires submission of a new Form I-131 application as the expiration date approaches. The I-94 document serves as proof of parole status and must be retained by the applicant, as it is required for numerous downstream applications including adjustment of status and employment authorization applications.

Employment Authorization and Post-Approval Benefits

A critical benefit of military parole in place is eligibility for employment authorization. Upon approval of parole, individuals may apply for an Employment Authorization Document (EAD) using Form I-765, Application for Employment Authorization. The Form I-765 should be filed together with evidence of parole status, including a copy of the Form I-94 granting parole, and the applicant's identification documents. No specific filing fee is required for Form I-765 applications filed by individuals with valid parole status; the form may be filed without cost as of current USCIS policy.

The employment authorization granted based on parole status is designated as category (c)(11) employment authorization, which is work authorization available to individuals paroled into the United States. This category of employment authorization permits the applicant to work for any employer without restriction and

is not limited to specific employers, positions, or geographic areas. The EAD card issued to individuals with (c)(11) authorization displays the parole category and an expiration date corresponding to the expiration of the underlying parole status. For military parole granted in one-year increments, the EAD will typically expire one year from the date of issuance, though the applicant may renew the work authorization by reapplying for parole through a new Form I-131 submission before the current parole period expires.

Processing timelines for Form I-765 applications vary but typically range from two to four months, with some cases processed more quickly if documentation is complete and no RFE is required. Applicants should submit the I-765 application well in advance of the parole expiration date to avoid a gap in work authorization, as USCIS discontinued automatic extension of EADs while renewal applications are pending as of October 30, 2025, with limited exceptions. This policy change means that if the I-765 renewal is not approved before the prior EAD expires, the applicant will not be authorized to work during any gap, creating a significant employment disruption.

Military parole in place also benefits individuals by stopping the accrual of unlawful presence during the period parole is in effect. Under [8 U.S.C. § 1182(a)(9)(B)], periods of unlawful presence accumulate during the time an individual remains in the United States without lawful status, and once an individual has accrued more than 180 days of unlawful presence and departs the United States, a three-year bar to re-entry applies; after one year of unlawful presence and departure, a ten-year bar applies. By granting parole in place, the individual ceases to accrue unlawful presence, meaning that time spent in parole status does not count toward the three- and ten-year bars. This is a substantial benefit for individuals who have already been in the country for extended periods without status, as it prevents the ticking clock of unlawful presence accumulation that would eventually trigger the substantial re-entry bars if the person were required to depart the country for consular processing.

Critically, military parole in place provides access to adjustment of status for individuals who otherwise would be barred from adjusting because of their unlawful entry. Under [8 U.S.C. § 245(a)], an individual seeking adjustment of status must have been "inspected and admitted or paroled" into the United States. Individuals who entered without inspection-the typical situation for military PIP beneficiaries-would ordinarily be ineligible to adjust under this provision and would need to consular process, triggering the departure and re-entry bars discussed above. By granting parole in place, USCIS cures this specific ground of inadmissibility, allowing the individual to be treated as having been "paroled" for adjustment purposes, thereby satisfying the threshold requirement of [8 U.S.C. § 245(a)]

However, it bears emphasis that military parole in place does not cure all grounds of inadmissibility or provide unlimited pathway to permanent residence. The benefit addresses only the ground at [8 U.S.C. § 1182(a)(6)(A)(i)] and does not waive criminal grounds of inadmissibility, health-related grounds, security grounds, or other bars. Applicants subject to these other grounds must address them through separate waiver applications, typically on Form I-601, Application for Waiver of Grounds of Inadmissibility. Additionally, military parole in place does not suspend or waive the three- and ten-year bars of unlawful presence for individuals who have already triggered them through prior departure and re-entry, though it prevents the bars from continuing to accrue during the parole period.

Interaction with Grounds of Inadmissibility and the Permanent Bar

The relationship between military parole in place and other grounds of inadmissibility requires careful analysis, as the benefit provides relief from one specific ground but does not address the full spectrum of potential inadmissibility determinations. Understanding these interactions is essential for practitioners

assessing whether military parole in place is an appropriate avenue for particular clients or whether alternative strategies are preferable.

The permanent bar under [8 U.S.C. § 1182(a)(9)(C)] represents the most significant obstacle to military parole in place for many beneficiaries. This provision renders inadmissible any individual who has been present in the United States unlawfully for more than one year and has made an illegal entry or attempted illegal entry after departure. Unlike the three- and ten-year bars at [8 U.S.C. § 1182(a)(9)(B)], which are triggered by departure after accumulating the specified unlawful presence, the permanent bar does not require departure; it applies to individuals who have previously departed and subsequently attempted to re-enter without inspection after accumulating the requisite unlawful presence. For clients in this situation, military parole in place cannot provide relief from the permanent bar, and the client is effectively barred from adjustment of status or any other form of relief except through departure from the country, remaining outside for ten years, and seeking permission to reapply through Form I-212 filed at a port of entry.

Practitioners should screen carefully for permanent bar applicability before advising a military parole in place strategy. The bar applies if the client: (1) accrued more than one year of unlawful presence in the United States; (2) at some point departed from the United States; and (3) at some subsequent point made an illegal entry or attempted illegal entry (entry without inspection or admission). The permanent bar does not require that the individual be in removal proceedings or under a deportation order at the time of re-entry; the illegal re-entry itself triggers the bar.

USCIS policy recognizes that military parole in place is inappropriate and will be denied for individuals subject to the permanent bar. However, the existence of the permanent bar may not be immediately apparent from the application materials. Applicants with complex histories involving multiple border crossings, periods of lawful status (such as prior visa entries) interspersed with unlawful periods, or remote historical entries may require detailed analysis to determine permanent bar applicability.

For clients subject to criminal grounds of inadmissibility, military parole in place addresses the entry-without-inspection issue but leaves the criminal bars intact. An applicant with a conviction for a crime involving moral turpitude, for example, cannot rely on military parole to overcome the criminal bar under [8 U.S.C. § 1182(a)(2)(A)(i)] and must separately seek waiver through Form I-601 if eligible (generally only available to immediate relatives, refugees, asylees, or certain other categories). Similarly, applicants with violence-related convictions triggering the bar under [8 U.S.C. § 1182(a)(2)(F)] or drug trafficking convictions cannot overcome these bars through parole alone.

For clients with prior removal orders or deportation determinations, the situation is more complex. The three-year bar under [8 U.S.C. § 1182(a)(9)(A)(i)] applies to individuals found inadmissible upon arrival, and the ten-year bar under [8 U.S.C. § 1182(a)(9)(A)(ii)] applies to individuals subject to removal orders. These bars are not waivable through parole and typically require that the individual remain outside the United States for the specified bar period before re-entry is permitted. An individual with an existing removal order cannot simply apply for military parole to override the bar; the removal order would need to be terminated or reopened first, which is typically only possible in limited circumstances such as motion to reopen based on new evidence or legal developments.

An alternative to military parole in place that may be available for certain military family members is the Keeping Families Together Parole in Place (KFT PIP) program, established in June 2024 for undocumented spouses and certain stepchildren of U.S. citizens. This program was granted preliminary injunction protection and is currently operational, though it faces legal challenge and may be subject to termination or substantial modification. The KFT PIP program uses Form I-131F, a separate application form, and has distinct eligibility

requirements including ten years of continuous physical presence in the United States as of June 17, 2024. For military family members who may qualify for KFT PIP (spouses and stepchildren of U.S. citizen military personnel), the KFT program offers the advantage of a three-year initial grant period rather than the one-year renewal cycle typical of military PIP, though the program's legal status remains uncertain as of early 2026.

Recent Developments, Policy Challenges, and Strategic Considerations

Military parole in place has experienced substantial policy volatility over the past several years, with periods of enhanced scrutiny and threats of program termination that have created uncertainty and risk for practitioners and beneficiaries. Understanding the recent landscape is essential for assessing current vulnerability and developing strategy around timing of applications.

In 2019, media reports suggested that the Trump administration intended to terminate military parole in place as part of a broader review of categorical parole programs. Although military PIP was not formally terminated, USCIS did end two other parole programs-Haitian Family Reunification Parole and Filipino World War II Veterans Parole-in August 2019, signaling administrative willingness to eliminate specific parole categories. In response to the 2019 threats to military PIP, twenty-two U.S. Senators sent a formal letter to the Acting Secretaries of DHS and DOD urging the administration to reverse any plans to terminate military PIP, citing military readiness concerns. Additionally, the American Immigration Lawyers Association (AILA) joined twenty-seven other organizations in sending a letter to DOD, DHS, and USCIS requesting continuation of military parole in place. Despite these advocacy efforts, AILA members reported elevated rates of denials and processing delays at certain USCIS field offices during the 2019-2020 period, with denials occurring for factors that had not previously precluded approval, such as charges for driving without a license or petty theft. This pattern suggested that while military PIP was not formally terminated, administrative policy was shifting toward stricter interpretation of discretionary approval standards.

The National Defense Authorization Act for Fiscal Year 2020, discussed above, responded to these concerns by codifying the "sense of Congress" that parole in place reinforces military family unity and serves a significant public benefit. This statutory language substantially constrained executive discretion to completely eliminate the program, though it did not prevent tightening of adjudication standards. The NDAA provision likely explains why military PIP continued as an available program even during the Trump administration despite threats of termination.

During the Biden administration, military PIP was sustained as an active program with apparent support from both DHS and Department of Defense. Processing timelines improved compared to the 2019-2020 surge in denials, though administrative volume continued to create delays at certain field offices. The Biden administration also established the Keeping Families Together Parole in Place program in June 2024, which represented an expansion of parole in place authority beyond military families to include certain undocumented spouses and stepchildren of U.S. citizens. While KFT PIP is not military PIP, it signals administration support for parole in place as a mechanism for addressing family separation issues.

As of early 2026, military parole in place remains an available benefit, though the return of the Trump administration creates uncertainty about the program's future trajectory. The Trump administration's Executive Order on immigration signed in January 2025 does not specifically mention military PIP, and the administration has focused initial enforcement efforts on other immigration areas. However, the administration's public statements regarding reduced use of parole authority and increased emphasis on restrictive immigration enforcement raise questions about whether military PIP adjudication standards may tighten or the program may face renewed termination threats.

Practitioners should be aware of recent AILA reports and practice alerts regarding military parole in place denials at specific field offices. Regional variation in approval rates is substantial, with some field offices maintaining higher denial rates than others for similar fact patterns. This variation suggests that individual adjudicator interpretation and local office policies influence outcomes, making local research and networking with practitioner communities essential for understanding local field office tendencies.

A critical recent development is the November 7, 2024 federal court decision striking down the Biden administration's expanded Keeping Families Together Parole in Place program. The U.S. District Court for the Eastern District of Texas held that the statutory language authorizing parole "into" the United States does not encompass in-place parole for individuals already in the country without inspection. However, the court distinguished military PIP, noting that Congress had specifically codified military PIP through the National Defense Authorization Act, establishing that "other laws may, of course, specially deem such an entry to have occurred," and that military PIP likely remains valid based on this Congressional action. This distinction suggests that military PIP has stronger legal foundation than other forms of parole in place, though the court's reasoning leaves open the possibility of future legal challenge.

Northern California Implementation Considerations and San Francisco Immigration Court Context

For practitioners based in Northern California operating the San Francisco immigration courts and USCIS field offices, several regional considerations merit discussion. The San Francisco USCIS Field Office maintains jurisdiction over a substantial portion of Northern California and processes significant volumes of parole in place applications from military families. The office experiences processing delays due to application volume, and practitioners should expect timelines at the longer end of the national range-potentially six to eight months rather than the four-month median.

San Francisco field office adjudication of military parole in place applications historically has been moderately favorable compared to other regions, though the 2019-2020 surge in denials affected the field office along with others. Current adjudication standards appear more favorable, though individual officer discretion remains substantial. Military families with service members stationed at Bay Area bases, including naval installations in San Diego County (relevant to some Northern California residents), military facilities in the Central Valley, and other regional assignments, frequently apply through the San Francisco field office based on residence, resulting in a substantial caseload of military-related parole applications.

The Northern California client base seeking military parole in place includes substantial populations from Central American countries (Guatemala, El Salvador, Honduras, Nicaragua), Mexico, and other regions, reflecting migration patterns to the Bay Area and Central Valley agricultural regions. These clients frequently work in agriculture, hospitality, construction, and other sectors where undocumented status has been tolerated but remains vulnerable to enforcement. The client motivation to regularize status through military parole often involves both the desire for lawful work authorization and the desire to access public benefits, healthcare, and other services that become available with parole status.

Interaction between state law and military parole in place is relevant under California criminal law provisions, particularly Penal Code § 1473.7 (Penal Code § 1473.7), which permits vacatur of criminal convictions with immigration consequences when the client can establish that prior immigration advice was inadequate. For Northern California clients with criminal history, assessment of whether criminal convictions can be modified, vacated, or set aside under PC § 1473.7 is essential before filing military parole in place applications, as removal of criminal convictions may substantially improve parole approval chances. California's favorable

stance toward post-conviction relief for immigration consequences creates opportunities for mitigation unavailable in other jurisdictions, and practitioners should consider whether criminal conviction modification should be pursued prior to military parole filing.

Additionally, California's Proposition 47, which reduced certain drug and theft offenses from felonies to misdemeanors, may beneficially impact the discretionary analysis for clients with convictions eligible for Prop 47 reduction, as the reduced offense severity may support overcoming the presumption of ineligibility for discretionary parole. Similarly, Proposition 64 reduced certain cannabis-related convictions, and clients with such convictions should assess whether reduction to misdemeanor status enhances parole approval prospects.

Practical Strategic Framework: Timing, Risk Assessment, and Procedural Roadmap

For practitioners advising military family members on military parole in place strategy, several practical considerations merit emphasis. First, the choice of whether to file a Form I-131 for military parole should be informed by careful risk assessment, particularly for clients with adverse factors including criminal history, prior removal proceedings, or other complicating circumstances. While military PIP is designed to be favorably decided absent serious adverse factors, the discretionary nature of the benefit means that denial is possible, and a denial does not foreclose future applications but may impact strategic options if the client's circumstances deteriorate.

Second, timing of the application is material. For clients whose military family member is deployed, transfer orders have been issued, or other circumstances create urgency, filing promptly after information about military reassignment or retirement is preferable to delay. Conversely, for clients facing imminent employment verification challenges, work authorization through military parole would address that urgency. For clients with pending criminal charges, filing must be delayed until charges are resolved.

Third, assembly of supporting evidence requires substantial time investment, often several months. Clients should be counseled to begin gathering documentation-birth certificates, marriage certificates, military records, employment records, community ties evidence-immediately upon the decision to file, as delays in obtaining documents can extend the overall timeline substantially. Military records, in particular, may require four to six weeks to obtain from the National Archives when using the eVetRecs system or longer when using mail procedures.

Fourth, assessment of whether the client is subject to grounds of inadmissibility other than entry without inspection is essential. If the client is subject to the permanent bar, criminal bars, or prior removal orders, military parole in place alone will not resolve these issues, and alternative strategies (such as pursuit of criminal conviction modification, location of a qualifying relative eligible for extreme hardship waiver, or other relief) should be explored before filing military parole. Filing military parole in circumstances where the client is subject to insurmountable bars is wasteful and may trigger enforcement attention.

Fifth, the $1,000 parole fee payable upon approval should be anticipated in financial planning. For clients with limited resources, this fee may be a substantial barrier, though no fee waiver is available for the parole fee itself (though fee waivers may be available for Form I-131 filing in cases of financial hardship through Form I-912). Discussion of potential fee payment methods and timelines should occur during initial consultation.

Sixth, the one-year renewal cycle for military parole should be anticipated, with clients counseled that maintaining parole status requires proactive renewal applications submitted months before current parole expiration. Failure to timely renew results in expiration of parole status and loss of work authorization.

Seventh, military parole in place should be distinguished from other potential relief options, and practitioners

should assess whether other remedies might be more favorable depending on client circumstances. For clients with U.S. citizen or permanent resident spouses who are not military-connected, family-based petitions might be preferable to military parole. For clients with asylum claims, pursuit of asylum might provide more substantial protections than discretionary parole. For DACA-eligible clients, DACA renewal might be preferable given the extended validity period compared to one-year military parole cycles. These comparisons require careful fact-specific analysis.

CONCLUSION

Military Parole in Place under Form I-131 represents a discretionary immigration benefit of substantial significance for military families facing separation due to immigration status issues. The program, established through executive authority under [8 U.S.C. § 1212(d)(5)(A)] and formalized through USCIS policy memoranda, provides a pathway for undocumented spouses, parents, and adult children of active-duty service members, Selected Reserve members, and military veterans to obtain temporary lawful status while pursuing adjustment of status to permanent residence. The program's legal foundation was substantially strengthened by Congressional recognition through the National Defense Authorization Act for Fiscal Year 2020, which codified the "sense of Congress" that military parole in place reinforces military family unity and serves a significant public benefit.

Eligibility for military parole in place is predicated on the establishment of a qualifying family relationship, the military status of the service member, and the applicant's physical presence in the United States without prior lawful admission or parole. Eligible relationships include spouses (including widows/widowers), parents, and sons or daughters of any age or marital status, eliminating age restrictions present in other family-based immigration categories. The qualifying military member must be currently active-duty, a Selected Reserve member, or a veteran discharged under conditions other than dishonorable, extending eligibility to families of deceased service members in certain circumstances.

Application procedures require completion of Form I-131 with handwritten designation of "Military PIP" in the Application Type section, accompanied by substantial supporting documentation establishing the family relationship, proof of military service, and evidence of discretionary factors supporting approval. The absence of a filing fee for military PIP applications contrasts with most USCIS applications, though a new $1,000 parole fee payable upon approval implementation as of October 2025 has substantially altered the cost calculus. Current processing timelines average four to six months nationally, with regional variation, and applicants should anticipate potential Requests for Evidence that may extend timelines substantially.

Criminal history and immigration violations constitute the most significant obstacles to military parole approval, and applicants with such factors should conduct careful pre-filing assessment regarding the likelihood of favorable discretionary determination and the advisability of pursuing conviction modification or other mitigation strategies prior to filing. The discretionary framework creates a rebuttable presumption of ineligibility for applicants with criminal convictions, placing substantial burden on applicants to overcome through submission of detailed mitigating evidence, evidence of rehabilitation, and evidence of positive discretionary factors.

Upon approval, military parole in place provides substantial benefits including cessation of unlawful presence accrual, eligibility for employment authorization through Form I-765, and satisfaction of the "inspected and admitted or paroled" requirement enabling adjustment of status without requiring departure from the United

States. However, military parole addresses only the entry-without-inspection ground of inadmissibility and does not cure criminal bars, security grounds, prior removal orders, or other bases of inadmissibility that require separate waiver applications.

Strategic considerations for practitioners include careful risk assessment and timing analysis, particularly given program vulnerability to administrative changes and the need to anticipate renewal cycles and fee obligations. Regional variation in adjudication patterns, particularly at specific USCIS field offices, merits local research and networking to inform expectations regarding processing timelines and approval rates. For Northern California practitioners, integration of state criminal law options including post-conviction relief under Penal Code § 1473.7 may substantially enhance prospects for military parole approval through conviction modification prior to parole filing.

Recent legal developments, including the Eastern District of Texas federal court decision striking down expanded Keeping Families Together Parole in Place while distinguishing military PIP as Congressional-sanctioned, suggest that military PIP has stronger legal foundation than other categorical parole programs. However, ongoing policy volatility and uncertain trajectory of Trump administration immigration enforcement priorities warrant continued monitoring of program developments, adjudication pattern changes, and potential legislative or regulatory modifications affecting military parole in place availability and approval standards.

For military families facing immigration status challenges, military parole in place remains a valuable tool for regularizing status and maintaining family unity, particularly in the absence of other available relief options. Successful utilization of the program requires thorough assessment of eligibility, careful documentation assembly, strategic timing of application, and proactive management of the renewal process. Practitioners should maintain awareness of current program status, regional adjudication patterns, and client-specific factors that may enhance or diminish prospects for favorable determination.

Complete Source Citations and Bibliography

Statutes and Regulations

[1] 8 U.S.C. § 1212(d)(5)(A) - Immigration and Nationality Act § 212(d)(5)(A), authorizing Secretary of Homeland Security parole authority.

[2] National Defense Authorization Act for Fiscal Year 2020, Pub. L. 116-92, § 1758 - Congressional codification of military parole in place as serving significant public benefit of military family unity.

[3] 8 U.S.C. § 1182(a)(6)(A)(i) - Ground of inadmissibility for entry without inspection or admission.

[4] 8 U.S.C. § 1182(a)(9)(C) - Permanent bar for unlawful presence combined with illegal re-entry.

[5] 8 CFR § 212.5 - Regulatory framework for parole of aliens into United States.

[6] 8 U.S.C. § 245(a) - Adjustment of status eligibility requirement for inspection and admission or parole.

[7] 8 U.S.C. § 1182(a)(9)(B) - Three and ten-year unlawful presence bars.

USCIS Policy Guidance and Forms

[8] USCIS Policy Memorandum, "Parole of Aliens for Military Service Members and Family Members," dated November 15, 2013 - Foundational policy establishing military PIP procedures and adjudication

standards.

[9] USCIS Policy Memorandum, "Update to the Parole in Place Policy for Family Members of Military Service Members and Veterans," dated November 23, 2016 - Expansion of military PIP to include deceased veterans' families and removal of age restrictions.

[10] Form I-131, Application for Travel Document, with current instructions - Application form for military parole in place and advance parole.

[11] Form I-765, Application for Employment Authorization, with current instructions - Application form for employment authorization based on parole status.

[12] USCIS Historical National Median Processing Time page - Current processing time data for Form I-131.

Federal Register Notices and Implementing Regulations

[13] 89 Federal Register 67469 et seq. (August 20, 2024) - Implementation of Keeping Families Together Parole in Place program with criminal history disqualifiers.

[14] October 15, 2025 USCIS Fee Announcement - Implementation of $1,000 immigration parole fee for individuals paroled into United States.

Court Decisions

[15] Texas v. United States, 2024 WL 5424308 (E.D. Tex. Nov. 7, 2024) - Federal court decision striking down Biden administration's expanded parole in place program while distinguishing military PIP.

AILA Practice Alerts and Advisories

[16] AILA Practice Alert: Denials and Refusals to Adjudicate Military Parole in Place Applications, July 2019 - Advocacy alert regarding elevated military PIP denials during 2019 period.

Academic and NGO Sources

[17] American Immigration Council, "The Use of Parole Under Immigration Law" (fact sheet) - Overview of parole programs and adjudication factors.

[18] Immigrant Legal Resource Center, "Immigration Options for Military Families" - Comprehensive guide to military parole and adjustment strategy.

[19] Immigrant Legal Resource Center, "Adjustment of Status Eligibility: Family-Based Petition Options" - Detailed analysis of adjustment of status threshold requirements and parole role.

Military Records and Service Verification

[20] DD Form 214 (Certificate of Release or Discharge from Active Duty) and National Archives Military Records Request procedures - Information on obtaining military service documentation.

Practice Resources

[21] Forum Together, "Fact Sheet: Military Parole In Place (MIL-PIP)" - Comprehensive practitioner fact sheet on military parole program.

[22] Chidolue Law, "Parole in Place for Military Families (2025 Guide)" - Current year practitioner guidance on military PIP eligibility and process.

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Disclaimer: This report is provided for informational and educational purposes and does not constitute legal advice for any specific case. Military Parole in Place adjudication is discretionary and case-specific, with outcomes depending on individualized fact patterns, field office practices, and adjudicator determinations. Clients should consult with qualified immigration counsel before filing applications to ensure assessment of all available options, analysis of potential risks and benefits, and compliance with applicable rules and procedures. The information contained herein reflects law and regulations as of February 2026 and may not account for subsequent regulatory changes or policy developments.