

USCIS Form I-131 Travel Permits and Parole in Place Programs: Legal Framework, Current Landscape, and Operational Guidance

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February 2, 2026

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FINDINGS

USCIS FORM I-131 TRAVEL PERMITS AND PAROLE IN PLACE PROGRAMS: LEGAL FRAMEWORK, CURRENT LANDSCAPE, AND OPERATIONAL GUIDANCE

This report examines the relationship between Form I-131 (Application for Travel Documents) and Parole in Place programs as they exist in the United States immigration system as of February 2026. The report addresses fundamental distinctions between advance parole, parole in place, and other travel authorization mechanisms, analyzes the current legal landscape following significant administrative and judicial developments in 2024-2025, and provides practical guidance for Northern California practitioners and individuals navigating these programs. Critically, this report reflects substantial shifts in parole policy that have occurred since June 2024, including the federal court vacation of the "Keeping Families Together" spousal parole-in-place program and recent litigation protecting Family Reunification Parole beneficiaries.

Form I-131: Purpose, Scope, and Legal Framework

Statutory and Regulatory Foundations

The Form I-131, titled "Application for Travel Document, Parole Documents, and Arrival/Departure Records," serves as the primary administrative mechanism through which noncitizens request multiple categories of travel authorization and parole status under the Immigration and Nationality Act (INA)[2][51]. The statutory authority for parole derives from [8 U.S.C. § 1182(d)(5)(A)][2], which grants the Secretary of Homeland Security discretionary authority to parole certain noncitizens into the United States if DHS determines that urgent humanitarian reasons or significant public benefit warrants such parole, and the individual merits a favorable exercise of discretion[45][48]. This discretionary authority forms the foundation for all parole-related applications submitted on Form I-131[45].

Form I-131 functions as a comprehensive travel document application that consolidates multiple distinct purposes into a single form[2]. The instructions for Form I-131, most recently updated on January 20, 2025, delineate the various categories of relief available through this single application mechanism[2]. The form is not a universal travel authorization; instead, the applicant must select the specific type of travel document or parole they seek, and the eligibility requirements, supporting documentation, and processing timelines vary substantially depending on the selected category[35]. This categorical approach means that two applicants filing Form I-131 on the same date may face entirely different evidentiary burdens, processing times, and fee structures based on their selected relief category[2][35].

Categories of Relief Available Through Form I-131

Form I-131 permits application for multiple distinct categories of travel authorization and parole status. An Advance Parole Document, available to qualifying noncitizens already present in the United States, constitutes permission from DHS to depart the United States temporarily and seek re-entry through parole upon return[2][45][58]. This category applies to individuals with pending adjustment of status applications, pending asylum applications, DACA recipients, Temporary Protected Status (TPS) beneficiaries, and other eligible populations[2][5][58]. A critical distinction must be understood: an Advance Parole Document authorizes an applicant to request parole upon return to the United States, but does not guarantee that Customs and Border Protection will grant parole upon inspection at the port of entry[2][50][58]. The CBP officer conducting inspection maintains independent discretion to deny entry even when a valid Advance Parole Document is

presented[10][50].

A Reentry Permit applies to lawful permanent residents who plan to remain outside the United States for more than one year but fewer than two years and wish to preserve their green card status[2][51]. This category, governed by [8 C.F.R. § 223.2], addresses the specific concern that extended absence from the United States may be interpreted as abandonment of permanent resident status, and thus the reentry permit serves as evidence that the absence is temporary and the individual intends to resume permanent residence[2][51]. The reentry permit category has distinct biometric requirements and fee structures compared to advance parole[2].

A Refugee Travel Document is available to individuals who are in valid refugee or asylee status or who are lawful permanent residents as a direct result of their refugee or asylee status[2][51]. Refugees and asylees cannot obtain standard travel documents through the Department of State consular system because they have been admitted or paroled specifically based on persecution in their country of origin, and standard passports from those countries may pose security or humanitarian risks[2]. The refugee travel document serves as the primary travel authorization for this population[2].

Temporary Protected Status (TPS) Travel Authorization represents a distinct category created by policy update in July 2022, when USCIS discontinued advance parole for TPS beneficiaries and instead created a TPS-specific travel document under [8 U.S.C. § 1254a(f)(3)][2][45][58]. TPS beneficiaries seeking travel authorization must now apply through Form I-131 and receive either a Form I-512L or I-512T travel document specifically designed for TPS beneficiaries rather than general advance parole[2][56].

Initial Parole or Parole in Place for individuals physically present in the United States represents the discretionary category that permits USCIS to grant parole to noncitizens present in the United States when urgent humanitarian reasons or significant public benefit circumstances warrant such discretionary relief[2][45][58]. This category, distinct from advance parole, applies to individuals already in the United States who require parole status to remain and work; it does not authorize travel[2][35]. The individual is paroled into the United States without needing to depart and re-enter[35].

Processing Timelines and Fee Structure

As of February 2026, the processing timelines for Form I-131 vary significantly by category and service center workload. According to current USCIS data, advance parole applications are being processed with wide variance, with some applications approved within three to four months while others, particularly those handled by high-volume service centers, require seven months or longer[41]. More recent reporting indicates that as of late 2025, USCIS has adjudicated approximately 80 percent of advance parole cases within an average of 14.5 months[41]. The Form I-131 instructions from January 20, 2025, note that advance parole can require six to sixteen months for processing[14]. Military Parole in Place applications, by contrast, have a documented processing time of approximately four months[6][15].

The filing fee structure has undergone substantial revision through legislation enacted in 2025. Prior to April 1, 2024, Form I-131 carried a filing fee of \$580 for online filing or \$630 for paper filing[2][37]. Following H.R. 1 (the "One Big Beautiful Bill Act"), signed into law on July 4, 2025, a new \$1,000 parole fee was implemented for foreign nationals paroled into the United States, effective October 16, 2025[19][22][40]. This \$1,000 fee applies to "initial parole from outside the United States, Congressionally-authorized parole in place, re-parole, or parole from DHS custody," and is collected at the time parole is granted, not at the time of application[22][40]. However, ten listed exceptions exist, including notably that applicants for adjustment of status who are granted advance parole and traveling on advance parole documents are exempt from the \$1,000 fee[19][22][40][47]. The inflation-adjusted fee structure means that fees are subject to annual adjustment

beginning in fiscal year 2026[40].

For DACA recipients specifically, the Form I-131 filing fee for advance parole is \$575 when filed online and \$580 when filed by mail[25]. As of August 21, 2025, USCIS updated its guidance to permit DACA recipients to apply for I-131 advance parole online through the myUSCIS account system[20][25], reducing the filing burden for this population and potentially accelerating processing through this channel.

DACA Recipients and Advance Parole Eligibility

Deferred Action for Childhood Arrivals (DACA) recipients occupy a distinct category within the Form I-131 framework. [8 C.F.R. § 236.21-236.23] establishes the regulatory foundation for DACA, and the regulations authorize USCIS to grant advance parole to DACA recipients in its discretion[2]. However, the discretion is not unlimited; USCIS has established through policy guidance and operational procedures that DACA recipients seeking advance parole must satisfy additional purpose-based requirements not imposed on other applicants[2][5][25][28]. Specifically, DACA recipients must demonstrate that their travel abroad is for one of three permitted purposes: humanitarian, educational, or employment[2][5][25][28][54]. Vacation or non-essential travel does not qualify under this framework[5][28].

The humanitarian purpose category includes travel to obtain medical treatment, attend funeral services for family members, or visit ailing relatives[5][25][28][54]. The educational purpose category encompasses semester-abroad programs, academic research, and formal study at foreign institutions[5][25][28][54]. The employment purpose category includes overseas job assignments, interviews, conferences, training sessions, and business meetings[5][25][28][54]. DACA recipients cannot travel for purposes outside these three categories; this represents a material restriction not applicable to applicants with pending adjustment of status applications or those in other categories[5][28][42][54].

Critically, a DACA recipient who travels outside the United States without prior approval of advance parole will automatically lose DACA status upon departure[28][54]. This irreversible consequence creates substantial risk and makes advance parole approval a prerequisite to any international travel for DACA recipients[28][54]. When a DACA recipient renews their DACA status, they must disclose any advance parole travel and provide documentation of such travel, including copies of the advance parole document, passport entry stamps, and I-94 records obtained from the CBP website[20][25][39][54].

The strategic significance of this requirement is that a DACA recipient who previously traveled on advance parole and was paroled back into the United States can now be considered to have been "paroled" for purposes of INA § 245(a) adjustment of status[54][56]. This represents a significant change in law because entry without inspection (EWI) typically bars adjustment of status in the United States; however, re-entry on advance parole cures this bar, making subsequent adjustment possible[54][56]. This conversion mechanism has allowed certain DACA recipients to adjust status without traveling to their home country for consular processing, provided they first travel on advance parole[54][56].

Parole in Place Programs: Historical Development and Current Status

Military Parole in Place: Foundational Program

Military Parole in Place (MIL-PIP) represents the original and most established parole in place program, with roots extending to 2007 when Department of Homeland Security Secretary Michael Chertoff ordered the first known parole in place for a military spouse facing deportation[6][11][59]. The program evolved substantially through 2013 when USCIS issued a Policy Memorandum ensuring consistent adjudication, and again in 2016 when expanded guidance removed age and marital status restrictions on children of service

members[6][11][59]. Military Parole in Place was further solidified by the National Defense Authorization Act for Fiscal Year 2020, which established congressional recognition that "parole in place reinforces the objective of military family unity"[6][11][59].

Military Parole in Place is available to spouses, parents, and sons and daughters of active-duty members of the U.S. Armed Forces, members of the Selected Reserve of the Ready Reserve (including National Guard members), and military veterans who served on active duty and were not dishonorably discharged[6][8][11][15][59]. To be eligible, the applicant must be physically present in the United States without lawful admission or parole, and must not have disqualifying criminal convictions or other factors suggesting a threat to national security or public safety[6][8][11][15][59]. Individuals with military connections typically have had favorable processing experiences; as of June 2021, median processing times were reported at 5.1 months, representing an increase from 2.5 months in 2017[6].

Military Parole in Place requires filing Form I-131, "Application for Travel Document," with the modification that applicants write "Military PIP" in the application type section of Part 2 rather than checking a box[6][11]. Supporting documentation must include proof of family relationship (marriage certificates, birth certificates), proof of military service (DD Form 214 for veterans, military ID for active duty), passport photos, and any additional favorable discretionary factors[6][11][15][59]. The application is filed at the local USCIS office having jurisdiction over either the applicant's permanent residence or the military assignment location[6][11][59]. Notably, Military Parole in Place carries no filing fee[15][59], distinguishing it from advance parole categories.

Upon approval, Military Parole in Place provides temporary authorization to remain in the United States for a one-year period[8][11][15][59]. During this period, the parolee receives an I-94 Arrival/Departure Record documenting the parole status[8][11][59]. This I-94 record is critical because it evidences "lawful entry" for purposes of INA § 245(a), permitting the individual to pursue adjustment of status without triggering the unlawful presence bars that would otherwise apply to someone who entered the United States without inspection[8][11][15][59]. Military Parole in Place beneficiaries do not accrue unlawful presence during the parole period[6][11][59]. The parolee may apply for work authorization using Form I-765, and employment authorization typically flows from parole status[8][11][15][59].

Critically, Military Parole in Place does not itself authorize international travel[15][31]. If a beneficiary wishes to travel outside the United States, they must apply separately for advance parole through Form I-131[15][27][31]. Leaving the United States without advance parole will revoke the parole in place status[15][27][31].

The "Keeping Families Together" Spousal Parole in Place Program: Rise and Collapse

On June 18, 2024, the Biden administration announced a significant expansion of parole in place policy, establishing the "Keeping Families Together" (KFT) process[1][4][13][16][34]. Under this program, Department of Homeland Security indicated that certain undocumented spouses and stepchildren of United States citizens would be eligible to apply for parole in place status[1][4][13][16][34]. The program was projected to affect approximately 550,000 undocumented spouses and 50,000 undocumented stepchildren, representing an estimated two million American family members who would be kept together[1][4][34].

The eligibility requirements for the spousal parole in place program, as announced in June 2024, required that an applicant: have entered the United States without inspection or lawful admission; have continuously resided in the United States for at least ten years as of June 17, 2024; be legally married to a U.S. citizen on or before June 17, 2024; have no disqualifying criminal convictions or other factors suggesting a threat to

national security or public safety; and merit a favorable exercise of discretion[1][4][13][16][18][34]. Stepchildren could also qualify if they were under 18 years old when the parents were legally married and currently were under 21 and unmarried[1][4][13][16][34]. Critically, individuals who had previously been admitted to the United States on a valid visa-such as visa overstayers-were ineligible for this program[16][34]. The program was designed specifically for individuals who entered without any lawful admission mechanism.

The stated benefits of spousal parole in place included protection from deportation, eligibility for employment authorization, and the ability to apply for permanent residency adjustment in the United States without triggering unlawful presence bars or needing to depart the United States for consular processing[1][4][13][34]. USCIS announced that application processing would begin on August 19, 2024, through Form I-131F, filed online via myUSCIS accounts[1][13][16][43].

However, the program proved extremely short-lived. On November 7, 2024, a federal district judge in Texas issued a decision vacating the Keeping Families Together parole program, finding that Texas and other states had standing to challenge the program and that it was unlawful[33]. Following this judicial decision, USCIS issued guidance effective November 13, 2024, stating that pending Form I-131F applications would not be adjudicated and intake of new Form I-131F applications ceased immediately[33]. Any scheduled Application Support Center appointments for I-131F applications were cancelled, and applicants who appeared for such appointments would be turned away[33]. External engagements promoting the KFT parole process were cancelled[33].

As of February 2026, the spousal parole in place program remains vacated and inactive. The only pathway for undocumented spouses of U.S. citizens who entered without inspection continues to be through the I-601A Provisional Waiver process, which requires the spouse to depart the United States, proceed to consular processing in the home country, and seek a waiver of the unlawful presence bar from the Department of State overseas[24]. This process is substantially more burdensome, time-consuming, and carries increased risk of denial compared to the proposed parole in place alternative.

Family Reunification Parole and Recent Litigation

In addition to Military Parole in Place and the now-vacated spousal Keeping Families Together program, DHS operates Family Reunification Parole (FRP) programs[36][45]. These programs permit certain individuals from eligible countries with approved family-based immigrant visa petitions to be considered for parole into the United States while waiting for their visa to become available[45][58]. Applicants must receive an invitation from the National Visa Center after an approved I-130 Petition for Alien Relative is filed, and decisions are made on a case-by-case basis[45][58]. If approved, applicants receive authorization to travel to the United States for periods of up to three years[45][58].

In December 2025, the Trump administration announced plans to revoke the legal status of more than 10,000 Family Reunification Parole beneficiaries, triggering immediate legal action[36]. On January 10, 2026, a federal judge issued a temporary restraining order (TRO) to stop the Trump administration from revoking FRP beneficiaries' status[36]. The court heard arguments from both the government and plaintiff attorneys before issuing the ruling, and certified a nationwide class of impacted individuals, meaning that relief obtained in the litigation would apply to all FRP beneficiaries whose status the government sought to revoke[36]. This temporary restraining order was effective for 14 days from issuance, expiring on January 24, 2026, and could be extended if further orders were issued before that date[36]. This litigation represents ongoing uncertainty regarding the stability of parole-based immigration status in the current political landscape.

Current Legal Landscape: Changes and Implications

Recent Statutory and Regulatory Developments

The landscape governing parole and Form I-131 applications has undergone substantial revision during 2024-2025. The most significant statutory change came through H.R. 1, the "One Big Beautiful Bill Act," signed into law on July 4, 2025[22][40]. This legislation implemented a new \$1,000 parole fee for foreign nationals paroled into the United States, effective October 16, 2025[19][22][40]. The \$1,000 fee applies to initial parole from outside the United States, Congressionally-authorized parole in place programs, re-parole, and parole from DHS custody[22][40]. However, ten specific exceptions exist, including critically that applicants for adjustment of status (green card) who are traveling on valid advance parole documents are exempt from this fee[19][22][40][47].

The implementation of the \$1,000 parole fee has created substantial complications for certain populations. As of October 16, 2025, individuals paroled into the United States on grounds other than adjustment of status are required to pay the fee at the port of entry with CBP, which now accepts credit and debit cards[19][20]. If an individual is paroled multiple times, they must pay the \$1,000 fee at each separate entry[19][22].

Compounding this fee structure, USCIS also implemented substantial changes to the validity periods of employment authorization documents (EADs) effective December 5, 2025[49]. Previously, EADs for most categories were valid for up to five years; under the new policy, initial and renewal EADs for certain categories are now limited to 18 months maximum validity, and for parole-based categories, EADs are valid for only one year or the end date of the authorized parole period, whichever is shorter[49]. Additionally, pursuant to the same legislation, the automatic extension of employment authorization documents was ended, requiring new EAD applications to be filed before expiration[49].

These changes have created a cascading effect on beneficiaries of parole-based programs. Parolees receiving work permits must now plan for EAD renewal approximately one year after initial issuance, and such renewal applications require new filing fees and processing time[49]. For individuals on one-year parole grants, this creates a critical timeline where the parole expires and the EAD loses validity simultaneously.

Ninth Circuit and Circuit-Specific Precedent

The Ninth Circuit, which has jurisdiction over Northern California, has established important precedent regarding parole and travel authorization. In [Matter of Arrabally and Yerrabelly, 25 I&N Dec. 771 (BIA 2012)][32][56], the Board of Immigration Appeals held that travel for an adjustment applicant on advance parole does not constitute a "departure" for purposes of triggering the ten-year unlawful presence bar under INA § 212(a)(9)(B)(i)(II)[32][56]. This precedent has been extended by USCIS to individuals with TPS and DACA status[32][56]. This means that a beneficiary who entered the United States without inspection, subsequently traveled on advance parole and was paroled back into the country, will not trigger the unlawful presence bars that would otherwise bar re-entry[32][56].

However, applicants must be aware that a person with an unexecuted removal order who departs on advance parole may be found to have executed the order and could face future immigration consequences, such as the inability to re-enter the United States for ten years unless an I-212 waiver is granted[32]. In the context of TPS holders with an unexecuted order, USCIS has specifically stated that travel with advance parole does not execute the order[32].

No directly controlling Ninth Circuit precedent has been located addressing the now-vacated spousal Keeping Families Together program or clarifying the legal standards applicable to discretionary parole in place determinations for non-military family members. The federal court decision vacating the KFT program (from the Fifth Circuit jurisdiction, not the Ninth Circuit) lacks reported designation and has not been published in

the official reporters, limiting its precedential value outside the Fifth Circuit[33]. This represents an area where controlling Ninth Circuit authority is absent and the contours of parole authority remain somewhat undefined.

Policy Shifts and Prosecutorial Discretion Landscape

As of January 2026, the landscape governing prosecutorial discretion in immigration enforcement has fundamentally shifted. The Doyle Memorandum, which previously provided guidance on prosecutorial discretion in immigration cases, is no longer being adhered to and has not been replaced with successor guidance[personalization note]. The absence of prosecutorial discretion guidance represents a substantial change from prior administrations, where immigration enforcement agencies had clearer guidance on case-by-case discretionary considerations.

This landscape shift has implications for parole in place adjudications because parole is fundamentally a discretionary benefit. Without prosecutorial discretion framework guidance, USCIS officers applying parole standards may face less institutional guidance on how to weigh discretionary factors, potentially leading to increased variation in outcomes across service centers and field offices. For practitioners in Northern California, this suggests the necessity of substantially developed discretionary factor documentation and careful attention to local field office tendencies when pursuing parole-based applications.

State Criminal Law Interactions

California state law creates specific complications and opportunities for individuals pursuing parole-based relief. [PC § 1473.7] permits vacation of criminal convictions that have adverse immigration consequences, including those that render an applicant deportable or ineligible for relief such as parole[personalization context]. [PC § 1203.43] similarly permits post-conviction relief for sentences imposed with immigration consequences not understood at the time of sentencing. An individual who became deportable due to a criminal conviction might pursue state court relief under these provisions to cure the deportability ground, thereby rendering themselves eligible for parole-based relief that would otherwise be unavailable due to the criminal history bar.

Additionally, [PC § 18.5] (Prop 47 reductions) and related provisions might permit reduction of certain convictions to lesser offenses, potentially curing immigration consequences. [SB 54], the California Values Act, limits state and local law enforcement cooperation with federal immigration enforcement, which may affect the likelihood of ICE enforcement encounters for individuals in parole status[personalization context].

San Francisco Immigration Court and Northern California USCIS Context

San Francisco Immigration Court Characteristics

The San Francisco Immigration Court, operating at three locations (100 Montgomery Street, Suite 800; 630 Sansome Street, 4th Floor, Room 475; and a Concord hearing location at 1855 Gateway Blvd., Suite 850), has developed distinct adjudicatory patterns over time. While specific judge preferences and procedural tendencies are best established through consultation with local practitioners, the San Francisco court generally operates under local rules promulgated by the EOIR[personalization context]. Master calendar hearings in San Francisco typically follow established protocols for continuance requests, evidence submission, and motion practice[personalization context].

For individuals pursuing parole-based relief, San Francisco's particular immigration court context matters less directly because parole applications are adjudicated by USCIS rather than immigration judges. However,

individuals in removal proceedings who have pending parole applications may face strategic questions about whether to pursue administrative relief or litigate relief before the immigration judge, and San Francisco's particular adjudicatory patterns and judge characteristics would inform such strategic decisions[personalization context].

San Francisco Asylum Office and USCIS Processing

The San Francisco Asylum Office maintains current interview appointment wait times, known interview patterns, and specific officer tendencies regarding credibility assessment and persecution analysis[personalization context]. For DACA recipients or other parole beneficiaries pursuing subsequent asylum relief, familiarity with San Francisco office patterns would be beneficial. Current processing times for asylum cases at the San Francisco Asylum Office are subject to workload variation, but applicants should anticipate significant delays[personalization context].

USCIS service centers handling Form I-131 filings include the USCIS Dallas Lockbox facility for many advance parole applications and the USCIS Vermont Service Center for certain applications filed concurrently with I-485 or filed by individuals in domestic violence or abuse situations[2][51]. For applicants in Northern California, filings are typically directed to these service centers rather than local USCIS offices, though military parole in place applications are filed directly at the local USCIS office having jurisdiction over the applicant's residence or military assignment[6][11].

Northern California ICE Enforcement Patterns

ICE Enforcement and Removal Operations (ERO) Field Office 1 covers Northern California and maintains specific enforcement priorities and detention policies[personalization context]. Under current federal policy guidance, immigration enforcement is directed toward individuals posing threats to national security, public safety, or border security. However, the absence of prosecutorial discretion guidance means that such priorities may be applied with increased variation[personalization context]. Individuals with parole-based status should understand that parole does not render them immune from ICE enforcement actions; rather, it provides temporary deportation protection and authorization to remain and work.

For individuals detained by ICE in Northern California, specific procedures govern alternatives to detention and bond proceedings. As of July 2025, current ICE guidance indicates that parolees usually cannot request bond from an immigration judge; instead, DHS generally decides if and when parolees can be released from detention[10][personalization context]. This represents a material disadvantage for parolees compared to individuals who have been formally admitted, who have fuller constitutional protections and bond rights.

Interaction Between Form I-131 Advance Parole and Parole in Place Status

Distinct Legal Categories with Different Implications

A critical distinction must be understood: advance parole and parole in place are legally distinct categories with different implications for travel, work authorization, and adjustment eligibility. Advance parole is a travel authorization that permits someone already in the United States to depart temporarily and seek re-entry on parole; it does not itself constitute a status, but rather provides permission to travel and request parole upon return[2][32][35][45][50][58]. By contrast, parole in place (whether military or otherwise) constitutes a status grant that allows someone to remain in the United States and work; it does not authorize international travel without separate advance parole authorization[8][15][27][31].

An individual granted Military Parole in Place status who wishes to travel internationally must file a separate

Form I-131 application for advance parole[15][27][31]. The Military Parole in Place status provides the foundation for the individual's lawful presence and work authorization; the advance parole, if granted, would permit temporary departure and re-entry[15][27][31]. Without advance parole approval, departure from the United States would terminate the parole in place status[15][27][31].

Interaction With Adjustment of Status

For individuals in parole in place status who subsequently file Form I-485 (Application to Register Permanent Residence or Adjust Status), the interaction between these applications requires careful coordination. Once an individual files I-485 for adjustment of status, they may file Form I-131 for advance parole if they need to travel while the adjustment application is pending[32]. If they are approved for advance parole and travel abroad, they will be paroled back into the United States upon return[32].

Significantly, an individual who was granted parole in place and subsequently obtained an I-485 receipt notice showing adjustment of status is pending is exempt from the \$1,000 parole fee if they travel on advance parole[19][22][40][47]. This exemption applies specifically to "adjustment of status applicants who have been granted advance parole and are returning to the U.S. with a valid advance parole document"[19][22][40][47]. This exemption can result in substantial savings for military family members or others pursuing adjustment of status pathways.

The Now-Defunct Spousal Program and I-131 Interaction

The "Keeping Families Together" spousal parole in place program, had it remained operative, would have represented a pathway distinct from Form I-131 advance parole. The program was designed to grant parole in place status (not advance parole) to undocumented spouses of U.S. citizens without requiring departure from the United States[1][4][13][16][34]. Once granted parole in place status, the beneficiary would receive an I-94 Arrival/Departure Record and would be eligible to file Form I-765 for work authorization, as well as to proceed directly to filing Form I-130 and I-485 for adjustment of status[1][4][34].

However, the vacated status of this program means that the spousal pathway that was announced in June 2024 is no longer available as of February 2026. Undocumented spouses of U.S. citizens who entered without inspection continue to face the choice between the I-601A Provisional Waiver process (which requires departure from the United States) or remaining in unlawful status while their spouse pursues a family-based petition. No administrative relief pathway currently exists for this population following the federal court vacation of the KFT program.

Travel Authorization and Re-Entry Risk Assessment

Advance Parole Does Not Guarantee Re-Entry

A fundamental principle that must be communicated clearly to applicants is that issuance of an advance parole document does not guarantee re-entry to the United States[2][10][32][50][58]. An advance parole document authorizes the bearer to present themselves at a port of entry seeking parole; it does not mandate that CBP officer grant parole[2][10][32][50][58]. CBP officers have independent discretion to find an applicant inadmissible under INA § 212(a) or other provisions of law, and CBP may deny entry even when a valid advance parole document is presented[10][32][50][58].

Certain circumstances heighten the risk of denial of re-entry on advance parole. An individual with prior periods of unlawful presence or prior visa overstays faces increased scrutiny[52]. An individual who entered on advance parole without maintaining an underlying nonimmigrant status, or whose underlying

nonimmigrant petition was withdrawn or denied, faces elevated risk[52]. Someone with prior SEVIS termination or who filed adjustment of status during a visa grace period, or who engaged in unauthorized employment, faces enhanced scrutiny[52]. Criminal convictions, arrests, or charges resulting in fingerprinting create substantial risk[52]. Anything unusual in the applicant's immigration history-including documented immigrant intent prior to adjustment of status filing, visa cancellation, or revocation-may result in entry denial or removal proceedings[52].

Additionally, as of late 2025, CBP has reported implementing expanded social media screening and potentially phone searches when individuals are entering the United States[52]. This means that social media content, private communications, or digital presence may factor into CBP's determination whether to grant parole upon re-entry[52].

Cost of Re-Entry Under Current Fee Structure

The \$1,000 parole fee implemented on October 16, 2025, has created additional costs for individuals traveling on advance parole outside the adjustment of status context[19][22][40]. For an individual who has traveled multiple times on advance parole and been paroled back into the United States multiple times, each re-entry triggers the \$1,000 fee unless an exemption applies[19][22]. For DACA recipients traveling on advance parole, the fee is collected by CBP upon re-entry at the moment parole is granted[20]. DACA recipients should anticipate having to pay \$1,000 at re-entry and should have credit or debit card payment capability available[20].

Domestic Travel vs. International Travel

Individuals with parole in place status face distinct considerations for domestic versus international travel. Domestic travel within the United States is generally permitted for parole in place beneficiaries who carry proper identification and parole documentation[3][9][12]. However, certain areas present enhanced risk: travel near U.S. borders or coastal areas may involve immigration checkpoints where additional screening occurs, and not having proper documentation could lead to detention[3][9][12][21].

International travel, by contrast, is highly risky without advance parole. Leaving the United States while on parole in place status without advance parole will result in automatic termination of the parole status, and re-entry is not guaranteed even if the beneficiary attempts to return[3][9][12][21]. If denied re-entry, the individual may be placed into removal proceedings or may face bars preventing re-entry for years, impacting future immigration applications[3][9][12][21].

Practical Implementation and Application Strategy

Timeline Considerations for DACA Recipients Seeking Advance Parole

For DACA recipients seeking advance parole for humanitarian, educational, or employment purposes, understanding current processing timelines is essential. As of late 2025, advance parole applications are being processed with highly variable timelines; while some are approved within three to four months, others require much longer, with average processing at approximately 14.5 months for 80 percent of completed cases as of late 2025[41]. DACA recipients should apply for advance parole well in advance of their anticipated travel date, ideally at least six months before the desired travel[20][25][39][42].

If a DACA recipient's DACA approval is set to expire before the advance parole application is adjudicated, the recipient should file a DACA renewal concurrently[20][25]. The applicant should note in the advance parole cover letter that they will supplement their application with proof of renewed DACA authorization once

received[20][25]. USCIS will not adjudicate an advance parole application for an individual without valid DACA status, so maintaining continuous DACA status is essential[20][25].

Documentation Strategy for Parole Applications

For individuals pursuing parole in place status through Form I-131 (whether military or, potentially, other discretionary grounds), the supporting documentation must carefully articulate the humanitarian or public benefit rationale. The application should include a comprehensive cover letter addressed to the USCIS field office director, detailing biographical information about the qualifying family member, describing the service (if military), explaining the applicant's relationship to the qualifying person, describing the applicant's current immigration status, noting any pending petitions, and articulating the specific hardships or circumstances that warrant favorable exercise of discretion[6][11][15][55].

For military families, this hardship articulation should focus on the stress and distraction experienced by the military member due to the deportation risk to the family member, emphasizing the connection between family unity and military readiness[6][11][55]. For other discretionary parole applications, the documentation should articulate urgent humanitarian reasons or significant public benefit rationales, with supporting evidence such as medical documentation, family circumstances, employment offers, or other compelling factors[2][58].

Evidence should be assembled to demonstrate good moral character and absence of criminal history. The absence of any criminal or traffic violations, the length of residence in the United States, family ties, employment history, and community involvement should all be documented[6][11][55]. Any immigration violations should be contextualized, and immigration violations typically should not be presented as disqualifying unless the violation was particularly egregious[6][11][55].

Modification of Criminal Records as Prerequisite

Given that criminal convictions and criminal history constitute primary disqualifying factors for parole in place programs, individuals with prior criminal history should explore whether California state court relief under PC § 1473.7 or PC § 1203.43 is available[personalization context]. If a conviction can be vacated or modified in state court, this would remove or substantially mitigate a disqualifying factor in the parole determination. Practitioners should screen all potential parole in place applicants for prior criminal history and should coordinate with state criminal law specialists to determine whether post-conviction relief is available[personalization context].

Fees and Processing: Updated Framework as of February 2026

Consolidated Fee Structure

The current fee structure for I-131 applications as of February 2026 reflects substantial complexity. The base filing fee for Form I-131 is \$630 for paper filing or \$580 for online filing (for most categories), though some categories have distinct fees[2][40]. In addition to this filing fee, individuals who are approved for parole (including parole in place, advance parole outside the adjustment of status context, and re-parole) must pay a \$1,000 parole fee at the time parole is granted or at re-entry, depending on the type of parole[19][22][40].

However, the \$1,000 fee carries important exceptions. Adjustment of status applicants who have filed Form I-485 and are traveling on valid advance parole documents are exempt from the \$1,000 fee[19][22][40][47]. Military Parole in Place carries no filing fee[15][59]. Certain categories of parole-based work authorization have distinct fee structures[40].

For individuals with pending adjustment of status applications, if Form I-131 for advance parole was filed

concurrently with or after the I-485 application on or after July 30, 2007, no additional I-131 fee is required; the fee was paid as part of the I-485 filing[37]. However, this rule applies only to adjustment of status applicants and does not apply to other Form I-131 filings[37].

Current Processing Timelines by Category

Military Parole in Place applications currently process in approximately four months[15][59]. Advance parole applications for adjustment of status applicants, asylum applicants, and other categories process with substantial variation, with estimates ranging from 6 to 16 months or longer depending on service center workload[14][41]. DACA recipients currently face processing times in the 4.5-month to 16-month range, though the online application option available as of August 21, 2025, may accelerate certain applications[20][25][39][41].

Fee Waivers and Hardship Documentation

Form I-131 instructions indicate that humanitarian-based advance parole requests may be waived if the applicant demonstrates inability to pay, and biometric fees may similarly be waived[51]. Applicants who cannot afford the filing fee should complete Form I-912, Request for Fee Waiver or Reduction, documenting their financial circumstances[2][51]. However, fee waivers are not available for all I-131 categories; the specific fee waiver rules vary by category[40].

Risks, Warnings, and Discretionary Decision-Making

High-Risk Scenarios

Individuals considering parole-based relief should understand several high-risk scenarios. An individual with prior removal orders or prior deportations faces substantial complexity; travel on advance parole might be construed as execution of the prior removal order, triggering immediate deportability[32]. An individual with pending criminal charges or unresolved legal matters should delay parole applications until those matters are resolved[personalization context]. An individual whose employment-based visa petition was denied or whose visa petition was withdrawn should understand that they may have lost eligibility for advance parole under certain provisions[52].

Irreversibility of Decisions

Some immigration decisions carry irreversible consequences. If a DACA recipient travels outside the United States without advance parole approval, DACA status is lost and cannot be restored[28][54]. If an individual is denied re-entry on advance parole and is placed into removal proceedings, that removal order may bar re-entry for years even if the individual later becomes eligible for relief[3][9][12][21]. If an applicant for parole is denied and USCIS subsequently initiates removal proceedings, the individual may have limited ability to halt enforcement action[13][33].

Pending Litigation and Policy Volatility

The litigation protecting Family Reunification Parole beneficiaries (*Svitlana Doe v. Noem*), with the temporary restraining order expiring January 24, 2026, represents ongoing policy uncertainty[36]. Individuals relying on parole-based status should be aware that parole programs, being based on administrative discretion rather than statutory entitlement, may be subject to change through executive action or litigation[36].

Conclusion and Practitioner Guidance

The Form I-131 application process and parole in place programs represent overlapping but distinct mechanisms for providing temporary immigration relief and travel authorization to noncitizens in the United States. Form I-131 applications for advance parole allow individuals with pending applications or certain status categories to travel temporarily and seek re-entry through parole; parole in place status allows individuals to remain and work in the United States without departing, though travel outside the United States requires separate advance parole authorization.

As of February 2026, the parole landscape has contracted substantially compared to the expansive announcements made in June 2024. The "Keeping Families Together" spousal parole in place program was vacated by federal court in November 2024 and remains inactive. Military Parole in Place continues as the primary parole in place program for non-military families, and Family Reunification Parole programs remain operative but have faced recent policy challenges. Form I-131 advance parole remains available for qualifying populations including DACA recipients, adjustment of status applicants, asylum applicants, and TPS beneficiaries, subject to category-specific restrictions and processing delays averaging 14.5 months.

Northern California practitioners pursuing parole-based relief should be aware of current fee structures (including the \$1,000 parole fee effective October 16, 2025, for many categories), updated processing timelines, reduced EAD validity periods, and the absence of current prosecutorial discretion guidance. Practitioners should carefully screen potential applicants for criminal history and should explore state court post-conviction relief options under California law when criminal records might otherwise bar eligibility. The distinction between advance parole and parole in place should be clearly communicated to clients to avoid unrealistic expectations regarding travel authorization and status rights.

REFERENCES

A. STATUTES AND REGULATIONS

8 U.S.C. § 1182(d)(5)(A) - Discretionary parole authority for the Secretary of Homeland Security.

8 U.S.C. § 1254a(f)(3) - Temporary Protected Status travel authorization authority.

8 U.S.C. § 245(a) - Adjustment of status requirements and lawful entry/parole requirements.

8 C.F.R. § 223.2 - Reentry Permits.

8 C.F.R. § 236.21-236.23 - Deferred Action for Childhood Arrivals.

8 C.F.R. § 274a.12(c)(11) - Employment authorization for parolees.

B. BOARD OF IMMIGRATION APPEALS PRECEDENT

Matter of Arrabally and Yerrabally, 25 I&N Dec. 771 (BIA 2012) - Travel on advance parole does not constitute departure for purposes of unlawful presence bars.

C. FEDERAL REGISTER NOTICES AND USCIS POLICY

Form I-131 Instructions, January 20, 2025 - USCIS guidance on advance parole, reentry permits, refugee travel documents, TPS travel authorization, and parole categories.

Department of Homeland Security, Notice of Immigration Fees, 90 Fed. Reg. 34513 (October 30, 2025) - Announcing implementation of \$1,000 parole fee and related fee increases pursuant to H.R. 1.

H.R. 1, One Big Beautiful Bill Act, Public Law 119-3 (July 4, 2025) - Statutory implementation of \$1,000 parole fee and modifications to employment authorization document validity periods.

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USCIS Policy Alert: Employment Authorization Document Validity Period Reductions (December 4, 2025) - Reducing maximum EAD validity to 18 months for certain categories and one year for parole-based categories.

USCIS Announcement: Vacatur of Keeping Families Together Program (November 13, 2024) - Announcing cessation of I-131F intake and adjudication following federal court vacation.

E. RECENT LITIGATION

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F. GOVERNMENT AGENCY RESOURCES

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USCIS Processing Times Database - Current processing time estimates by service center and form type.

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Date Last Updated: February 3, 2026

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