

Parole in Place

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QUESTION: Elena grew up in Mexico. In her early twenties, she was in an abusive relationship, and eventually decided that her best option to escape was to come to the U.S. She entered without documents. Elena worked for a number of years and met Jesse, who had just finished a second tour of duty with the army in Iraq. The couple dated for several years and then got married.

Does Elena have any options to gain legal status?

ANSWER: In this case, Elena likely has a very good option to gain legal status in the U.S. Generally, one of the barriers to undocumented people applying to adjust status while in the U.S. is the lack of a legal entry (for example, with a visitor visa). However, because Elena's spouse is in the army, she can apply for something called 'parole in place.' This acts as a

'legal entry' to the U.S. without her having to actually leave and reenter. Once she gets parole in place, she can apply for adjustment of status. Before applying, Elena would have to confirm there are not any other barriers to her applying for adjustment of status – for example, if she had entered and left the country multiple times without documents.

Generally, immigrants can get parole in place if their spouse is currently in the armed forces or is a veteran. The program is also available to parents of U.S. citizens or lawful residents who serve or served in the military. The program serves the same purpose for parents as it does for spouses – giving the immigrant a 'lawful entry' and making them eligible to adjust status in the U.S. if they meet the other requirements.

If Elena's spouse was not in the military, she might still be able to gain legal status in the U.S. through another route. Depending on her circumstances, she might be able to apply for a waiver in the U.S. or outside of the country, then go through consular processing and come back in as a permanent resident.

You should consult with an immigration attorney to see if you are eligible for any other immigration benefit. You can schedule a consultation with attorney Margaret O'Donnell by calling (206) 774-8758 or emailing jvargas@globallawadvocates.com.

For appointments call 206-774-8758 or email
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