



## U.S. Citizenship and Immigration Services

# Parole for Immediate Relatives of U.S. Citizens and Certain Stateless Individuals

On a case-by-case basis, USCIS will consider an application for parole for the immediate relatives of U.S. citizens and certain “stateless” individuals. A grant of parole will allow immediate relatives of U.S. citizens and stateless individuals to lawfully remain in the Commonwealth of the Northern Mariana Islands (CNMI). USCIS has exercised discretionary parole authority on a case-by-case basis in the CNMI since 2009 for special situations.

The guidance below provides details on how to apply for this parole.

## General Eligibility Requirements

You may apply for this type of parole if you are:

- An immediate relative of a U.S. citizen. An immediate relative for purposes of this exercise of parole authority is an individual who:
  - Is a legal spouse, an unmarried child under 21 years old, or a parent (regardless of the age of the U.S. citizen child) at the time of adjudication, AND
  - Who was legally present in and residing in the CNMI as of Nov. 27, 2011. Please see the “Immediate Relative” section below for more information.
- A foreign national born in what is now the CNMI between Jan. 1, 1974, and Jan. 9, 1978. These individuals are sometimes referred to as “stateless” because of their unique situation under the Covenant Act establishing eligibility for U.S. citizenship of individuals born in the CNMI.
- A child (unmarried under 21 years old) or legal spouse of a foreign national who was born in what is now the CNMI between Jan. 1, 1974 and Jan. 9, 1978 (also referred to as a “stateless” individual).

## Immediate Relative

For the purposes of this exercise of parole authority only, an “immediate relative” is the legal spouse, unmarried child under 21 years old, or parent of a U.S. citizen. This includes the parents of minor U.S. citizen children.

Parents of minor U.S. citizens are eligible for parole even though they are not “immediate relatives” as defined in the Immigration and Nationality Act (INA). According to U.S. immigration law, an “immediate relative” is defined, as “the children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age.” (INA § 201(b)(2)(A)(i)) This means that the parent of a U.S. citizen child is not an immediate relative and cannot be sponsored by the child for permanent residence in the United States until the child turns 21 years of age. However, in light of the unique circumstances brought about by the incorporation of the CNMI within U.S. immigration law, USCIS is including these parents in the group eligible to apply for this particular exercise of parole authority.

NOTE: Married children of U.S. citizens, children older than 21 years old, and spouses of U.S. citizens who are not legally married, are not eligible for consideration for this parole. Any other relatives must obtain another immigration status to be legally present in the CNMI.

## Adopted or Stepchildren of U.S. Citizens

Biological children, adopted children or stepchildren of U.S. citizens are eligible to apply for this exercise of parole authority as long as they meet the definition of “child” in the INA with respect to adoptions and stepchild relationships. This includes:

- A stepchild, as long as the marriage creating the step-relationship occurred before the child turned 18
- An adopted child if:
  - The child has been in the legal and physical custody of the adoptive parent for two years prior to filing. (The legal and physical custody do not have to have been during the same time period, but each must have been met for two years).

### **Widow or Widower of U.S. Citizens**

A widow or widower of a U.S. citizen is eligible to apply for this exercise of parole authority as long as:

- The death of the U.S. citizen spouse occurred less than two years before the date of submitting the application for parole, and
- The widow or widower has not remarried.

### **Who Can Apply**

The immediate relative who is seeking a grant of parole must apply to USCIS as described below. The U.S. citizen may file the application if the immediate relative seeking parole is a child under 18 years old.

If you already applied for parole in November 2011, you do not need to apply again. You will be notified if USCIS requires any additional documentation or an in-person interview.

### **Filing Fee**

There is **no** filing fee to apply for parole. If you are granted parole and would like to work, there is a filing fee of \$380 to apply for an [Employment Authorization Document \(EAD\)](#). For information about filing procedures and fees for obtaining an EAD after you have been granted parole, go to the [‘Form I-765, Application for Employment Authorization’](#) Web page.

### **Prepare the Following Items**

#### **Immediate Relatives**

As a foreign national, you must provide the following to request parole:

- A letter asking for parole that includes:
- A P.O. Box mailing address
- A contact telephone number
- A completed [Form G-325, Biographic Information](#)
- A copy of biographic and validity pages of your passport
- Evidence of your identity and qualifying family relationship with the U.S. citizen spouse, parent or child (including evidence of their U.S. citizenship)
- Evidence of residence in the CNMI at the time of application
- Two passport-style photographs
- Evidence of legal presence in the CNMI as of Nov. 27, 2011, such as an umbrella permit

USCIS will perform the appropriate background checks and will schedule you for a biometrics appointment. USCIS will then make a decision on the parole request based upon the merits of the application that you present and any other material evidence of record. It is important that you include as

much relevant information as possible. If you are granted parole, USCIS will mail you the appropriate documentation and instructions on how to apply for employment authorization.

A decision of whether to grant parole is at USCIS's discretion. There is no appeal of a denial of a parole request. USCIS may impose reasonable conditions on parole and may revoke parole at its discretion.

### **Individuals born in the CNMI between 1974 and 1978 and their legal spouses or children**

To request this parole as an individual born in the CNMI between 1974 and 1978, or as his or her spouse or child, you must provide the following for each individual seeking parole:

- A letter asking for parole that includes:
- A P.O. Box mailing address
- A contact telephone number
- A completed [Form G-325, Biographic Information](#)
- A copy of biographic and validity pages of the passport (if available), or other evidence of identity such as a CNMI driver's license
- Evidence of birth in the CNMI between Jan. 1, 1974, and Jan. 9, 1978, or (if applying as a spouse or child) evidence of qualifying family relationship with an individual born in the CNMI between those dates
- Evidence of residence in the CNMI at the time of application
- Two passport-style photographs

NOTE: Parole is only for individuals born in the CNMI between the qualifying dates who do not have U.S. citizenship. If you are a U.S. citizen, you do not need parole and should not apply for it.

USCIS will perform the appropriate background checks and will schedule you for a biometrics appointment. USCIS will then make a decision on the parole request based upon the merits of the application that you present and any other material evidence of record. It is important that you include as much relevant information as possible. If you are granted parole, USCIS will mail you the appropriate documentation and instructions on how to apply for employment authorization.

A decision of whether to grant parole is at USCIS's discretion. There is no appeal of a denial of a parole request. USCIS may impose reasonable conditions on parole and may revoke parole at its discretion.

### **Unlawful Presence**

A foreign national remaining in the CNMI after his or her immigration status expires typically accrues unlawful presence. Accruing unlawful presence may prevent you from obtaining certain immigration benefits in the future. Please see the 'When to Apply' section below for guidance on when you must apply for parole to avoid accruing any unlawful presence.

### **When to Apply**

There is no deadline for applying for this type of parole; however, USCIS strongly recommends that you apply on or before Jan. 31, 2012. If you submit your request by Jan. 31, 2012, USCIS will allow you to apply for parole without accruing unlawful presence, even if your CNMI umbrella permit or other status expired on Nov. 27, 2011. If you apply on or before Jan. 31, 2012, USCIS will backdate your parole validity to begin on Nov. 27, 2011. If your request for parole is denied, you will have accrued unlawful presence beginning on the date your status expired.

If you apply after Jan. 31, 2012, your parole will be effective from the date your parole is granted. This could result in you accruing unlawful presence between Nov. 27, 2011, and your grant of parole.

### **Where to Apply**

Please see the table below for instructions on where to submit your parole request.

If you are in Saipan	If you are in Rota or Tinian
<p>You may drop off your request at the Application Support Center at the TSL Plaza in Garapan, or you may mail your request to:</p> <p>DHS-USCIS ATTN: PAROLE EXTENSION – CNMI 770 East Sunset Boulevard, Suite 185 Barrigada, Guam 96913</p>	<p>You may drop off your request at the Application Support Center at the TSL Plaza in Garapan, or you may mail your request to :</p> <p>DHS-USCIS ATTN: PAROLE EXTENSION – CNMI 770 East Sunset Boulevard, Suite 185 Barrigada, Guam 96913</p>

## Parole Validity

If USCIS determines that you are eligible for parole, we will grant parole for an appropriate period of time, not to extend beyond Dec. 31, 2012. USCIS will make a decision about possible extensions at a later date.

## Employment

A grant of parole will provide continuing lawful presence after Nov. 27, 2011, until the parole validity period expires or parole is revoked. A grant of parole does not authorize employment but will allow you to apply for work authorization. You can do this by submitting a [Form I-765, Application for Employment Authorization](#).

## Travel

This parole **does not** authorize travel to any other part of the United States. Parole will be automatically terminated if you leave the CNMI. If you need to travel, you will have to contact USCIS.

## Lawful Permanent Residence

Applying for parole is separate from applying for lawful permanent residence (green card). U.S. citizens who are interested in sponsoring a relative for lawful permanent residence will need to file a [Form I-130, Petition for Alien Relative](#), if and when they are eligible to do so.

NOTE: The Form I-130 application only establishes the relationship between a U.S. citizen or lawful permanent resident and his or her alien relative. To obtain a green card through adjustment of status in the CNMI, you would need to submit the entire package, including the Form I-485, [Application to Register Permanent Residence or Adjust Status](#).

## Background

On Nov. 23, 2011, USCIS notified the CNMI public that certain immediate relatives of U.S. citizens and certain “stateless” individuals in the CNMI would be eligible to apply for a grant of parole. USCIS asked that people covered by the announcement not apply until further details were announced. The guidance above provides those further details.

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