

PAROLE IN PLACE FOR MILITARY FAMILIES

by Margaret D. Stock

Margaret D. Stock is an attorney admitted in Alaska who is Counsel to the Firm at Lane Powell, PC. She is a retired lieutenant colonel, Military Police Corps, U.S. Army Reserve. Ms. Stock earned her undergraduate degree in government in 1985 at Harvard-Radcliffe, her law degree at Harvard Law School in 1992, and an M.P.A. in 2001 at the John F. Kennedy School of Government at Harvard. The opinions expressed in this article are her own, and not necessarily the opinions of any government agency. This practice advisory is substantially based on a guide for Judge Advocate General Legal Assistance Attorneys that was developed (with the assistance of the author) by attorney Rebecca Lawless of the U.S. Army. Ms. Lawless handled one of the first successful parole in place (PIP) cases in the Seattle area. Other materials reproduced in this article were provided by the USCIS Denver and Los Angeles offices.

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In the summer of 2010, *The New York Times* reported that the U.S. Department of Homeland Security (DHS) had quietly put into place some new immigration administrative remedies for the immediate family members of U.S. military personnel.¹ As most practitioners know, family members of U.S. military personnel often run afoul of our nation's complex and dysfunctional immigration laws, and the particular burdens imposed on military personnel by their service makes resolving those problems even more difficult than solving similar problems for civilian clients. This practice advisory will assist attorneys who advise military family members considering an application for one of the more common discretionary remedies, a form of immigration parole that is commonly called "parole in place" (PIP).

Parole in place is really not a new remedy; the first publicly reported example of it being used for a military family member involved the case of Yaderlin Hiraldo and Alex Jimenez. Yaderlin's situation came to national media attention in mid-2007, when her husband, Specialist Alex Jimenez of the United States Army, was reported Missing In Action (MIA) after his squad was ambushed in Iraq.² Prior to his disappearance, Alex had filed papers seeking to obtain lawful permanent residence status for his wife.³ Unfortunately for Alex, DHS officials decided that Yaderlin was not eligible for lawful permanent resident (LPR) status because she had entered the United States in an irregular manner.⁴ She was placed into removal proceedings, and for several years the government tried to deport her. She was in removal proceedings when her husband was reported missing, and had been told to leave the United States and seek a visa overseas; and yet without his presence and support, she could not hope to obtain permission to return to the United States, and would be barred for ten years from applying.⁵ When Senator John Kerry wrote a letter to Secretary of Homeland Security Michael Chertoff, and major news media began highlighting Yaderlin's predicament,⁶ Secretary Chertoff exercised his authority to grant "discretionary parole" to Yaderlin.⁷ Once she had been granted

¹ See J. Preston, *Immigration Policy Aims to Help Military Families*, *N.Y. Times*, Aug. 1, 2010, at A15.

² M. Baram and D. Schoetz, *A Military Wife's Rock and Hard Place: Husband Missing in Iraq; Wife Facing Potential Deportation at Home*, *ABC News* (June 20, 2007), available at <http://abcnews.go.com/TheLaw/story?id=3297537>.

³ *Id.*

⁴ *Id.*

⁵ Associated Press, "Wife of Mass. Soldier Missing in Iraq Faces Deportation, Attorney Says," (June 21, 2007).

⁶ See G. Simmons, "Feds Say Missing Soldier's Illegal Immigrant Wife Not Likely to Be Deported," *Fox News* (June 20, 2007), available at www.foxnews.com/story/0,2933,284832,00.html.

⁷ "Chertoff Agrees to Kerry's Request to Protect Wife of Missing Soldier" (June 21, 2007), available at <http://kerry.senate.gov/cfm/record.cfm?id=277541> (containing text of letter from Department of Homeland Security (DHS) Secretary Chertoff to Senator John Kerry of Massachusetts, describing how Secretary Chertoff had directed that "ICE will grant Ms. Hiraldo discretionary parole into the United States").

parole, Yaderlin was immediately eligible to adjust her status, despite her unlawful entry. Within a matter of days, U.S. Citizenship and Immigration Services (USCIS) granted her application to adjust status, and she was given a “green card.”⁸ The story would have had a happy ending except that Alex Jimenez was later determined to have been killed in action.

What Is Parole in Place?

Parole in place (PIP) is a process by which USCIS assists family members of U.S. military personnel to become eligible to “adjust status” in the United States and thus become permanent residents of the United States. Under Immigration and Nationality Act (INA)⁹ §245(a), a person cannot adjust status unless he or she has been “admitted or paroled” into the United States.¹⁰ Usually, a person who has not been “admitted or paroled” into the United States cannot obtain lawful permanent residence unless he or she leave the United States and travels abroad to a U.S. consulate. If a person who has not been admitted or paroled into the United States leaves the United States and attempts to undergo consular processing, however, the person nearly always faces an inadmissibility bar that is triggered by departing the United States. Thus, the person cannot obtain his or her lawful permanent residence status easily through consular processing. PIP attempts to avoid the separation of military families by allowing some family members—in meritorious cases only—to adjust their status inside the United States and thereby avoid a lengthy separation that might harm the military member’s morale, readiness, or ability to complete his or her service. PIP is granted in order “to preserve family unity and address U.S. Department of Defense concerns regarding soldier safety and readiness for duty.”¹¹ PIP is also a remedy that appeals to the views of Americans that in wartime, the government should provide special support to military families; when the availability of PIP was made public, 18 members of the House of Representatives, including nine Republicans, wrote to DHS to indicate their support for the program. Secretary of Homeland Security Janet Napolitano wrote back to these Members of Congress that “[o]n a case-by-case basis, DHS utilizes parole and deferred action to minimize periods of family separation, and to facilitate adjustment of status within the United States by immigrants who are the spouses, parents and children of military members.”¹²

PIP is only available to persons who are present in the United States; it should not be confused with the “humanitarian parole” that is available to persons who are outside the United States.

Who Should Request PIP?

Under current immigration law, a person who entered the United States without inspection cannot adjust status unless he or she falls into a category in which special rules apply (such special rules apply to asylees, Cubans, special immigrant juveniles, Violence Against Women Act¹³ petitioners, grandfathered aliens, and some others). A PIP request is often proper for immediate military family members who entered the United States without inspection, do not have an eligible visa petition or labor certification filed on or before April 30, 2001, and do not otherwise fall into a special adjustment category.¹⁴ Before you can determine whether a

⁸ Associated Press, “Illegal Immigrant Wife of Missing Soldier Awarded Green Card to Stay in U.S.,” (July 2, 2007).

⁹ Immigration and Nationality Act of 1952 (INA), Pub. L. No. 82-414, 66 Stat. 163 (codified as amended at 8 USC §§1101 *et seq.*).

¹⁰ INA §245(a) status as person admitted for permanent residence on application and eligibility for immigrant visa. The status of an alien who was inspected and admitted or paroled into the United States or the status of any other alien having an approved petition for classification as a VAWA self-petitioner may be adjusted by the attorney general, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if: §245(a)(1), the alien makes an application for such adjustment; §245(a)(2), the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence; and §245(a)(3), an immigrant visa is immediately available to him at the time his application is filed.

¹¹ J. Preston, Immigration Policy Aims to Help Military Families, *N.Y. Times* (Aug. 1, 2010) at A15.

¹² J. Napolitano, Letter to the Honorable Zoe Lofgren, Aug. 30, 2010 (reproduced at the end of this Practice Advisory).

¹³ Violence Against Women Reauthorization Act of 2005 (VAWA 2005), Pub. L. No. 109-162, secs. 3(a), 801–34, 119 Stat. 2960, 2964–71, 3053–77 (2006), as amended by Pub. L. No. 109-271, 120 Stat. 750 (2006).

¹⁴ A person who is present in the United States after having entered unlawfully but who is unlikely to face deportation proceedings may inadvertently alert DHS to his or her unauthorized status by making a PIP request. Because PIP requests are

continued

PIP request is proper for your client, the client must be very candid with you about how he or she entered the United States.¹⁵ If you are unsure whether your client should apply to adjust using a different process, you should consult an immigration attorney who has handled similar cases. (See *Whom can I contact for further information?* below).

Can PIP be Requested if a Person Is in Proceedings?

As the opening example to this practice advisory demonstrates, PIP is possible when a person is in removal proceedings. If a military family member is in removal proceedings and is granted PIP, an immigration judge (IJ) would be prevented from adjudicating a follow-on adjustment application by 8 CFR §1245.2. USCIS, however, does have jurisdiction to adjudicate an adjustment application in this situation.¹⁶ Family members in this situation may file a new adjustment application with USCIS—after the PIP is granted—and then request termination of proceedings without prejudice to allow them to pursue administrative remedies. Counsel may explain that whether or not the IJ terminates, the respondent will still be eligible to adjust status,¹⁷ and if the case is not terminated and the IJ proceeds, the IJ may be facing a future Motion to Reopen.

Who Should NOT Request PIP?

A grant of PIP will not resolve immigration problems that involve issues other than ineligibility under INA §245(a). A grant of PIP will not, for example, lift a permanent bar for false claim to United States citizenship;¹⁸ work to waive a criminal ground of inadmissibility;¹⁹ relieve an immigrant of the consequences of a prior deportation or removal order;²⁰ or allow an immigrant to adjust status when the immigrant needs a waiver of some other ground of inadmissibility. PIP only cures the problem that an immigrant cannot adjust status without showing that he or she has been “admitted or paroled.” PIP is not a magic solution to every immigration problem. It has very limited application to a specific set of circumstances when the military family member has not been admitted or paroled in a manner that allows adjustment under INA §245(a).

Requesting PIP may also not be advisable when there is no military-related reason to grant the PIP. For example, USCIS may determine not to grant PIP when the military member is about to be discharged from the military, or when the military member is serving as an inactive Reserve member. Practitioners should be cautious about requesting PIP under those circumstances. It is not absolutely necessary, however, for the military member to be deploying or to be on active duty; in a case in Los Angeles where family member’s presence in the United States was essential so that an Army Reserve soldier could obtain military-related treatment at the Veterans Affairs agency, parole was granted so that the soldier’s wife could adjust status.²¹ If a military member is stationed abroad, USCIS may also argue that PIP is unnecessary; but if the military

not automatically granted, the benefits and risks of making a request must be discussed with the client. If the PIP request is denied, the client will likely face removal proceedings.

¹⁵ The term “client” is used loosely herein to refer to the service member and his or her immediate family member seeking PIP. In many cases, it will be appropriate (and necessary) to represent both the service member and the family member, and thus to get informed consent for dual representation before you begin work. A determination must be made on a case-by-case basis as to whether dual representation is appropriate or feasible.

¹⁶ See 8 CFR §245.2(a)(1) (“Jurisdiction. USCIS has jurisdiction to adjudicate an application for adjustment of status filed by any alien, unless the immigration judge has jurisdiction to adjudicate the application under 8 CFR §1245.2(a)(1)”); see also *Matter of Castro-Padron*, 21 I&N Dec. 379, 380 (BIA 1996) (describing exception to general jurisdictional bar to adjustment by immigration judge in exclusion proceedings).

¹⁷ See *Matter of C-H-*, 9 I&N Dec. 265 (BIA 1961).

¹⁸ See INA §212(a)(6)(C)(ii)(I) (“In general.—Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under this Act (including §274A) or any other federal or state law is inadmissible.”).

¹⁹ See INA §212(a)(2).

²⁰ See INA §212(a)(9).

²¹ T. Watanabe, “Iraq War Veteran’s Wife Spared Deportation,” *L.A. Times*, (Nov. 6, 2009) (“Jack Barrios said his wife was the family’s anchor, caring for his 1-year-old daughter and 3-year-old son while he worked 15-hour days at two jobs, and helping him battle his post-traumatic stress.”).

member is stationed in a country where the US Status of Forces Agreement requires the spouse to have a lawful US immigration status in order to join the US military member in the foreign country, then PIP may be necessary before the spouse can obtain a green card and join his or her military member spouse overseas.

A military family member also does not need PIP if the military family member was admitted lawfully but has no documentation of the entry. Those cases are governed by *Matter of Areguillin*²² and *Matter of Quilantan*²³ and practitioners do not need PIP to file for adjustment in these circumstances.

How Do I Request PIP?

As of this writing, no formal regulatory guidance on military PIP has been issued by DHS or USCIS. Practitioners report a variety of different approaches at different USCIS offices.

In most USCIS field offices, a PIP request consists of a hardship letter signed by the service member and supporting documentation, which should be submitted to the local USCIS office having jurisdiction over the service member's residence or place of duty. An example of the list of requirements from the Los Angeles USCIS Office is reproduced in the Appendix.

Some practitioners report that their particular USCIS field office also requires that a biometrics fee be paid with the initial request for PIP; others report that a Form I-131 is required; and yet others report that a Form I-131 and a fee are required. As of this writing, there is no standardized practice, so practitioners should check with the local AILA chapter, the AILA Military Assistance Program (MAP) listserv, or the local USCIS for specifics on how military PIP cases are handled at their location. This practice advisory will also be updated online whenever USCIS issues relevant guidance.

DO NOT submit a PIP request to the USCIS Humanitarian Parole office in Washington, D.C.; that office only handles requests for parole for persons who are outside the United States, and PIP is a program for military family members who are inside the United States.

A sample PIP request letter for a noncitizen spouse is attached as a general guide. The enclosures referenced should be attached with numbered dividers for the reader's convenience. The letter is typically addressed to the director of the local USCIS field office or, if the client has an ongoing case with USCIS, the office that has issued the most recent decision regarding the case.

The opening paragraph of the hardship letter should state that this is a request for a parole in place so that the particular military family member can file an Application to Register Permanent Residence or Adjust Status (I-485) while in the United States. The body of the letter should describe the circumstances that led the service member to join the armed forces. The letter should then describe the history of the military member's relationship with the family member seeking PIP; establishing the bona fide nature of the relationship is extremely important, as USCIS is unlikely to grant PIP in any case in which there are indicators of marriage fraud. The family member's immigration status should be discussed, including the status of any petitions filed for the family member, such as an I-130. The conditions of the family member's home country at the time he or she came to the United States should be discussed. The current conditions may be mentioned if they are such that a return to the country would pose a danger to the family member's health or safety. If applicable, the family member's loss of Commissary and Post Exchange privileges, military housing, access to military family member health care, and assistance from the Family Readiness Group may be mentioned. Finally, the hardship the service member would experience if the family member were deported should be described in detail. If the service member or the service member's children have special needs that make them especially dependent on the family member for support, these needs should be explained and supporting documentation provided where appropriate. At a minimum, the body of the letter must contain the service member's name, date of birth, place of birth, rank in military, branch of service, and unit of assignment, as well as the dates and places of birth of the family member and any children. Any upcoming deployments for which the service member is preparing should be mentioned.

²² *Matter of Areguillin*, 17 I&N Dec. 308 (BIA 1980); see also *Matter of Quilantan*, 25 I&N Dec. 285 (BIA 2010).

²³ *Matter of Quilantan*, 25 I&N Dec. 285 (BIA 2010).

While you, the attorney, can provide a great service by drafting the hardship letter, your client can assist by gathering copies of the many documents that will be referenced therein and attached as enclosures. These should include at least the following:

- The service member's birth certificate and proof of U.S. citizenship (if applicable);
- The family member's birth certificate;
- The birth certificates of any children;
- If the family member is the spouse, the couple's marriage certificate and evidence of the bona fide nature of the marriage;
- The family member's military family member identification card;
- A copy of Defense Eligibility Enrollment Reporting System enrollment documentation for the family member;
- Two original passport photos of the family member;
- A copy of any deployment orders for the service member; and

Additional documents that substantiate the case of hardship can be enclosed as well.

Will the PIP Request be Granted?

Parole in place determinations are made on a case-by-case basis and are purely discretionary. Your client should not assume his or her request is approved until USCIS officially notifies him or her of the approval. Typically, clients are notified to come for an interview with a USCIS officer who is specially trained to handle PIP applications, and that officer will make an initial determination whether to grant the PIP, but the officer's decision will be reviewed at a higher level before the PIP request is approved.

If the PIP Request Is Granted, What Else Do I Need to Do for My Client?

When the request for PIP is granted, your client will receive a parole document in the form of an I-94 card (see example at the end of this practice advisory). The next step depends on the stage of proceedings your client was at when the PIP request was initiated.

If your client had received a denial of his or her Application to Register for Permanent Residence or Adjust Status (I-485), but already had a Relative Petition (I-130) approved, you will want to draft a letter addressed to the USCIS field office that issued the denial, requesting that the case be re-opened. You should enclose a certified copy of the parole document with the request.

If your client has never filed anything with USCIS, he or she may need to file a Relative Petition (I-130) and an Application to Adjust Status (I-485) with a certified copy of the parole document; typically, this will be a standard "one step" application filed at a USCIS lockbox. Because the filing fees are quite high, if you are unsure of which forms the client needs to file, you may want to consult with an attorney who has handled a PIP case before proceeding.

If your client is in proceedings, you will also file a one-step application with USCIS, because an IJ does not have jurisdiction to adjudicate an adjustment application by someone who has been granted PIP. For more information, see the discussion above under "Who Should File for PIP?"

Whom Can I Contact for Further Information?

The AILA MAP is a collaborative effort between the AILA and the Legal Assistance Offices of each service's Judge Advocate General's Corps. AILA MAP maintains a listserv devoted to discussions of military-related issues such as Parole in Place. Attorneys with questions regarding PIP can seek the guidance on PIP issues by joining the AILA MAP listserv, or by contacting Susan Timmons of AILA MAP at stimmons@aila.org.

SAMPLE PIP REQUEST LETTER

Carl Adams, Field Office Director
U.S. Department of Homeland Security
12500 Tukwila International Boulevard
Seattle, Washington 98168

Dear Mr. Adams:

My name is John Doe. I am making a humanitarian parole request on behalf of my wife, Jane Doe. I am asking that she be paroled in place based on her unique status as a military spouse and because of the genuine hardship that I and my children would face if she were removed from the country.

My wife Jane came to the United States in 2004. She entered without inspection. It was out of desperation that she fled her home country of [name of country] and left her family. This is one of the poorest countries in the world. Natural disasters have compounded the poverty and crime levels. Her only hope for any life at all was to come to the United States. I have attached as Enclosure 1 a report for Congress describing the conditions of her home country near the time she came to the United States for your reference. The conditions there today remain much the same.

I met my wife in 2004, shortly after she arrived in the United States. We have had two children together, now ages 5 and 3 (See Enclosure 2, Birth Certificates of Child #1 and Child #2). On October 10, 2008 we married. (See Enclosure 4, Marriage Certificate). I joined the military on November 1, 2008. (See Enclosure 3, Military Documentation). I became a U.S. citizen on April 5, 2009.

After I became a U.S. citizen, my wife and I met with a USCIS agent at Joint Base Lewis-McChord to inquire about how Jane could go about applying for permanent residence. It was our understanding that she would be able to adjust status by filing an I-485. In July 2009, she filed this application, and I also filed an I-130, a Petition for Alien Relative, on her behalf. The I-130 was approved on November 25, 2009. By Notice of Decision dated March 1, 2010, we found out that her unlawful entry prevents her from adjusting under INA §245(a) and that she does not otherwise qualify under §245(i). (See Enclosure 5, Notice of Decision dated March 1, 2010).

It is now our understanding that Jane is not able to adjust status because she entered the United States without inspection. I have further been told that she can process for a visa in her home country, but if she does that, she must leave me and the children and travel to [name of country]; her departure from the United States will trigger a 10 year bar from the United States; I will have to request a waiver of that bar while she waits in [name of country]; the granting of the waiver is not guaranteed and processing will take many months, during which time I will have to find someone to take care of my children so that I can meet my military obligations.

I have been told that USCIS sometimes allows spouses of service members to be paroled in place if their removal from the country would work a hardship on the service member. I can attest that I would face severe hardship if my wife were removed from the country. In 2009, our youngest child was identified as being developmentally delayed. He needs extra assistance in the areas of language development and motor skills. (See Enclosure 6, Statement from Pediatrician). As a stay-at-home mother, Jane is this child's main caregiver. She coordinates all of his therapies and does special exercises with him so that he can overcome these challenges.

I made the decision to join the military because of the opportunity it presented but also because of my love for this country. If my wife leaves me and the children, it will be extremely difficult for me to take care of our children on my own. While we do have some family members in the United States, none of them would be able to meet the children's daily needs. If my wife is not present in the United States, the military will require me to create a family care plan and to identify other individuals who can take care of the children if military duties were to prevent me from doing so. I would not be able to identify anyone as a long-term care provider for the children and, thus, I would likely face a discharge from the military for lack of a family care plan. (See Enclosure 7, Army Regulation 600-20(b)(2) and Army Regulation 635-200, para 5–8).

I've attached my Sworn Statement as Enclosure 8 in support of this humanitarian parole request. In addition, I have attached my passport as Enclosure 9, my wife's birth certificate as Enclosure 10, and my proof of citizenship as Enclosure 11. I've attached a copy of my wife's dependent military identification card as Enclosure 12.

A copy of my wife's Defense Enrollment Eligibility Reporting System (DEERS) documentation is attached as Enclosure 13, and two passport photos of my wife are attached as Enclosure 14. I will be happy to provide anything else you need in order to act on this request.

My wife's deadline for filing a Motion to Reopen—30 days from the date of the Notice of Decision—is approaching next week. If it is not possible for you to issue a decision on this request by that date, I would respectfully request that the deadline for filing a Motion to Reopen be extended.

In closing, I thank you for considering the hardship to me, a U.S. service member, and to the extent the law allows you to do so, the hardship to my wife and children, when issuing a decision on this request. If you would like to contact me, I may be reached at (555) 555-5555 or 1234 ABC Street, Tacoma, Washington 12345.

Sincerely,
John Doe
Sergeant, U.S. Army
Enclosures

CHECKLIST

Parole, Deferred Action and Expedited Adjudication

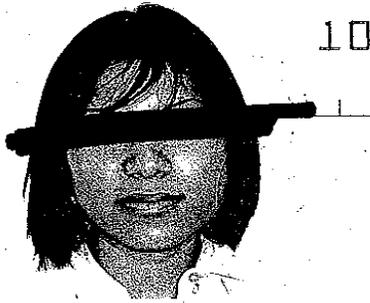
FOR FORMS: www.uscis.gov/forms

300 N. Los Angeles St. 2nd Fl, rm 2050

Los Angeles, CA 90012

Attn: Officer Scott

- Parole in Place-
 - Must submit signed statement from service member with reason of why Parole-in-Place is needed including address and telephone number.
 - Proof of Identity and Nationality (Birth Certificate (with translation), Passport, Id., etc.)
 - Evidence of been a Military Dependent (ID, & DEERS printout, Marriage Certificate)
 - Copy of any documentation previously issued by USCIS
 - Two passport photos
 - Copy of Service Member military ID, proof of legal status and Military orders if applicable.



10

U.S. DEPARTMENT OF HOMELAND SECURITY
PAROLED
 170113 Until 1/26/2011
 Purpose: adjust status
based on marriage
to USC in military
 1/27/10 Des [Signature]
 (Date) (Location) (Officer)
 U.S. DEPARTMENT OF HOMELAND SECURITY

14. Family Name [Redacted]	
15. First (Given) Name [Redacted]	16. Birth Date (Day/Mo/Yr) 01/06 [Redacted]
17. Country of Citizenship MEXICO	

See Other Side

ENGLISH

STAPLE HERE

Warning - A nonimmigrant who accepts unauthorized employment is subject to deportation.

Important - Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future.

You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of the law.

Surrender this permit when you leave the U.S.:

- By sea or air, to the transportation line;
- Across the Canadian border, to a Canadian Official;
- Across the Mexican border, to a U.S. Official.

Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on page 2 of Form I-20 prior to surrendering this permit.

Record of Changes

Parole granted per District Director
A [Redacted]

Port: Departure Record

Date:

Carrier:

Flight #/Ship Name:

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

August 30, 2010

The Honorable Zoe Lofgren
U.S. House of Representatives
Washington, DC 20515

Dear Representative Lofgren:

Thank you for your July 9, 2010 letter regarding the immigration needs of soldiers and their families. The Department of Homeland Security (DHS), including U.S. Citizenship and Immigration Services (USCIS), is committed to assisting military families. In partnership with the Department of Defense, USCIS launched the Naturalization at Basic Training Initiative in August 2009, a program that gives non-citizen enlistees an opportunity to naturalize immediately before graduation from basic training. Since January 2009, USCIS has naturalized over 500 military personnel through this initiative.

In addition, a new DHS policy under this Administration promotes the use of several discretionary authorities to help military dependents secure permanent immigration status in the United States as soon as possible. On a case-by-case basis, DHS utilizes parole and deferred action to minimize periods of family separation, and to facilitate adjustment of status within the United States by immigrants who are the spouses, parents and children of military members. Where military dependents have already departed the United States to seek an immigrant visa through consulate processing, DHS in collaboration with the Department of State, is expediting the adjudication of all necessary waivers, including the Form I-601, Waiver of Inadmissibility.

Finally, DHS as a matter of policy does not initiate removal proceedings involving military dependents absent the existence of serious, negative factors indicating that the individuals pose a threat to public safety or national security. On a case by case basis, we also consider requests for joint motions to reopen past proceedings where relief for a military dependent appears to be available.

Thank you for your concern. I hope to continue to foster a close working relationship with you on this and other important issues. An identical letter will be sent to the representatives who co-signed your letter. If you need additional assistance, please do not hesitate to contact me at (202) 282-8203.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano", written over a horizontal line.

Janet Napolitano

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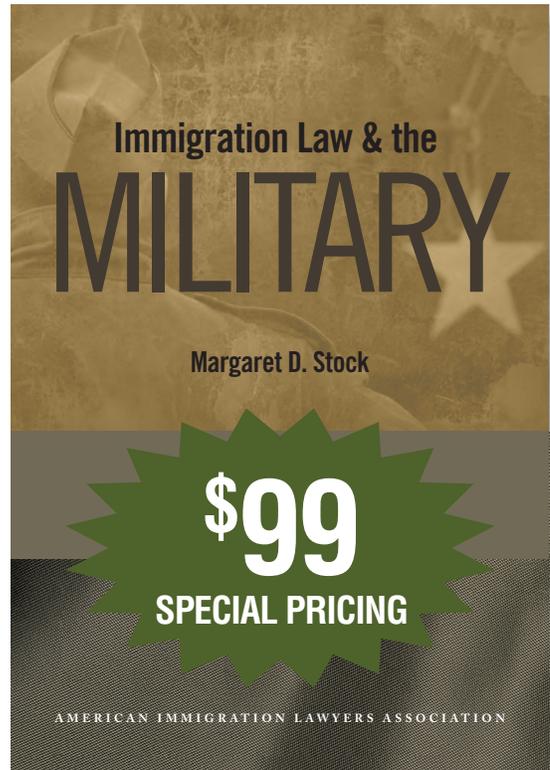
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- Military-related issues for family members of military personnel
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