



PRESIDENTS' | ON HIGHER EDUCATION ALLIANCE | AND IMMIGRATION

Legal Pathways and Resources for Afghan Students and Scholars

September 8, 2021

1. What are legal options for Afghan students and scholars seeking to evacuate Afghanistan or a third country and enter the United States?¹

** In general, as of today, people in third countries who are in a tenuous situation are the priority. Humanitarian parole, a temporary visa such as F or J, or finishing a green card may help them get here. For people still in Afghanistan, the goal is to set up a pathway for each of them if possible, understanding that we do not know when or if they will be able to leave the country.

- **Humanitarian Parole** is a [legal mechanism for entry into the United States](#) that involves an application form, fee, a person to request parole and a financial sponsor. Once a person is paroled, they can remain in the United States for the period authorized by the government and may apply for work authorization. At this point humanitarian parole is most useful for people who are in third countries with a functioning airport and US consulate, but if no other options humanitarian parole can be filed for people in Afghanistan to use when/if they are able to leave. **Port Parole** is a legal mechanism for entry into the United States that can be granted at an airport or post of entry by the Customs and Border Protection, and is a common tool used now for some evacuees arriving in the United States.
- **Special Immigrant** is a status that [qualifying Afghan nationals may apply for based on their service to the U.S. government](#). The SIV process is lengthy and involves an application form. An SIV holder is a lawful permanent resident (green card holder) following admission into the United States.
- **Refugee resettlement** allows certain Afghan nationals to be screened and admitted to the United States as a refugee because they face persecution in Afghanistan for a specific reason such as political opinion or religion. Some Afghan nationals may be referred by an agency like the UNHCR for a Priority 1 status while other Afghan nationals who do not qualify for an SIV but served or were involved in a U.S. program may qualify for a [Priority 2 Refugee](#) status referral. Referral for placement on a P-1 or [P-2](#) may not lead to refugee resettlement - it is simply placement on a list for consideration.
- **F-1** is a [status designated for international students](#) who are seeking admission to the United States to pursue a full course of study. Qualifying Afghan nationals who have received admission to a university may pursue this status

¹ See generally [IRAP's website](#) and [this guide](#) for a broad overview of options. For resources while waiting in third countries, see <https://help.unhcr.org/>.

- **J-1** is a [status designated for exchange visitors and scholars](#) who are seeking admission to the United States as part of cultural exchange. A sponsor is required. Some Afghan nationals may enter the United States through a J-1 visa.

2. What are the legal options for Afghan students or scholars inside the United States?²

** In general, people in the US have time to process what has happened over the past couple of months. Most are on temporary visas or have been paroled for two years as part of the evacuation. There is a one year deadline to file for asylum from the time of entry in the United States.

- **Asylum:** Afghan nationals who are already in the United States, including those who are paroled, can apply for [asylum](#) if they can show they would suffer or have suffered persecution because of race, religion, nationality, political opinion, or membership in a particular social group. Asylum should generally be sought within one year of a person's last arrival into the United States. Asylum involves an application form and extensive documentation but there is no application fee.
- **Change or Extension of Status:** Afghan nationals who are in the United States in a temporary status such as an F-1 student or B-2 tourist status may [change](#) or [extend](#) their temporary status. This involves a form and an application fee.
- **Adjustment of Status:** Afghan nationals who are in the United States with an approved Special Immigrant Visa petition or who have a qualifying relationship with a family member or a U.S. employer for which a visa is available, may apply for adjustment of status (i.e., green card) inside the United States. This involves [a form](#) and an application fee.
- **Deferred Action:** Afghan nationals without any kind of status or option available may apply for prosecutorial discretion or protection called "deferred action." There is no application fee or form but once a person is granted deferred action, they may apply for work authorization.

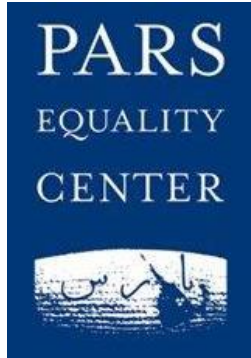
3. What Benefits are available to Afghan nationals entering or inside the United States?

**Many tens of thousands of Afghans paroled into the United States after the evacuation are currently eligible for only minimal federal support, but there is [advocacy to provide more](#).

The availability of benefits depends on the immigration status a person is under. Afghan SIV holders are eligible for [resettlement benefits](#). Afghan parolees may also be eligible for [certain benefits](#). Asylum seekers are not eligible for benefits while their applications are pending but once asylum is granted, asylees are eligible for [certain benefits](#).

The goal of this document is to provide general information and is not meant to act as a substitute to legal advice from an attorney.

² [Immigration Advocates Network](#), [Human Rights First](#), and [PARS Equality Center](#) have links for pro bono legal services.



Asylum Basics for Afghan Nationals

December 29, 2021

This document describes the legal option of asylum for qualifying Afghan nationals.

Q: What is humanitarian parole? Humanitarian parole is a temporary discretionary authorization to enter the United States that can be granted based on humanitarian or significant public benefit reasons. On August 26, 2021, the U.S. Citizenship and Immigration Services (USCIS) published guidance for Afghan nationals seeking parole into the United States.

Q: After being paroled, can an Afghan apply for asylum? Yes, being paroled does not affect one's ability to file for asylum.

Q: What is asylum? Regardless of their manner of entry or immigration status, any person may apply for asylum if they are physically present in the United States. To qualify, an asylum seeker must prove they are a "refugee" under immigration law which in turn requires they have suffered or will suffer persecution by the government or a group the government is unwilling or unable to control based on their race, religion, nationality, political opinion, or membership in a social group. An asylum seeker must show that the reason for their persecution is tied to one of these grounds.

Q: What are the limitations to asylum? There are many. One important rule is that asylum seekers must file their applications within one year of their last arrival or if they file after one year, show they meet an exception based on a changed circumstances such as country conditions or extraordinary circumstances such as a mental disability. A person can also be denied asylum based on their criminal history inside and outside the United States or because they have been firmly resettled in a third country (i.e., offered permanent residence in a third country).

Q: Are there exceptions to the one-year filing deadline for Afghans? DHS has indicated that it will treat parole as an extraordinary circumstance under [8 CFR § 208.4 \(a\)\(5\)\(iv\)](#). Therefore, any Afghans who have been paroled should meet the exception for the one year filing deadline. At this time, we are awaiting more information regarding this matter, but DHS should release updated guidelines soon.

Q: Is there a fee for applying for asylum? No. There is no fee for applying for asylum.

Q: If someone is granted asylum, can they stay in the United States permanently? Once a person is granted asylum, they can apply for permanent residence after one year and for citizenship (naturalization) after five years.

Q. How does someone apply for asylum? Asylum is filed on a government [Form I-589](#) with supporting documents. Applying for asylum can be complex so it is advisable to speak to an immigration attorney with experience in asylum.

Q. What status does someone have after filing for asylum? It depends. A person who is in a valid immigration status at the time they apply for asylum continues to retain this status while their application for asylum is pending. A person who is undocumented at the time they apply for asylum will remain in an undocumented status but with an asylum application pending.

Q. What happens after someone applies for asylum affirmatively? Once an individual files for asylum, the application is processed by USCIS. In most cases, an asylum applicant will receive a notice to attend an interview at the [asylum office](#). The wait time for an interview can range from a few months to years.

Q: Where Can I Find More Resources?

- [Penn State Law Center for Immigrants' Rights Clinic](#)
- [AILA - Find Resources for Assisting Afghan Clients](#)
- [Pars Equality Center](#)

Benefits for Afghan Humanitarian Parolees

Are you an Afghan individual who has been granted humanitarian parole?

You may be eligible for cash assistance, medical assistance, employment preparation, job placement, English language training, and other services offered through the Office of Refugee Resettlement (ORR). You may also be eligible for federal “mainstream” (non-ORR funded) benefits, such as cash assistance through Supplemental Security Income (SSI) or Temporary Assistance for Needy Families (TANF), health insurance through Medicaid, and food assistance through Supplemental Nutrition Assistance Program (SNAP). This document focuses on the benefits and services funded by ORR.

Some Afghan humanitarian parolees can also receive Afghan Placement and Assistance (APA) services from local refugee resettlement agencies. To find a local refugee resettlement agency, visit: <https://www.wrapsnet.org/rp-agency-contacts/>.

Where do I apply for ORR benefits/services after I arrive in the U.S.?

ORR provides funding to state governments, resettlement agencies, and other nonprofit community-based organizations to provide benefits and services for eligible individuals. You can apply at the state government benefits office or closest resettlement agency in your state beginning on or after the date that you received humanitarian parole. For a list of state contacts go to: <https://www.acf.hhs.gov/orr/grant-funding/key-state-contacts>.

When should I apply for ORR benefits/services?

Now. Do not wait. Your benefits and services are only available for a limited time. ORR-funded cash and medical assistance are limited to a maximum of eight months from your date of eligibility. For most employment services and other services aimed at economic self-sufficiency, the eligibility period is five years from your date of eligibility.

Who are Afghans with humanitarian parole?

Certain Afghan individuals have been or will be granted humanitarian parole by the U.S. Department of Homeland Security, in response to their need for rapid evacuation and relocation under Operation Allies Refuge/Operation Allies Welcome. Afghan humanitarian parolees paroled into the U.S. between July 31, 2021, through September 30, 2022, are eligible to apply for mainstream benefits, resettlement assistance, and other benefits available to refugees, until March 31, 2023, or the end of their parole term, whichever is later. Spouses or children of these individuals paroled into the U.S. after September 30, 2022, are also eligible to apply for these benefits.

What should I bring with me?

You should bring proof of your humanitarian parole and the date you received it. Types of proof include a Form I-94 noting Humanitarian Parole (per INA section 212(d)(5)(A)), a foreign passport with DHS/CBP admission stamp noting “OAR,” or a foreign passport with DHS/CBP admission stamp noting “OAW.” Each individual in a family applying for ORR benefits and services should bring their own proof and the date their humanitarian parole (or other ORR-eligible status) was granted.

What are some of the benefits and services I can receive as an Afghan humanitarian parolee?

Some Afghan humanitarian parolees are eligible to apply for federal mainstream benefits in their state, such as cash assistance through Supplemental Security Income (SSI) or Temporary Assistance for Needy Families (TANF), health insurance through Medicaid, and food assistance through Supplemental Nutrition Assistance Program (SNAP).

Initial ORR Benefits (up to 8 months from eligibility date)

Refugee Cash Assistance (RCA)

Those not eligible for SSI or TANF may receive Refugee Cash Assistance (RCA). Counting from their date of eligibility, individuals may receive up to eight months of RCA to help meet their most basic needs, such as food, shelter, and transportation.



ORR Matching Grant Program

Some may participate in the ORR Matching Grant (MG) Program, an early self-sufficiency program. Enrollment slots are limited in number and by location. The MG Program provides cash assistance, intensive case management, and employment services to help clients immediately find and maintain employment. The goal of the program is to assist clients to become economically self-sufficient within 180 days. Clients should enroll in the MG Program as soon as possible after their date of eligibility.



Refugee Medical Assistance (RMA)

Those not eligible for Medicaid may receive up to eight months of RMA from their date of eligibility. RMA provides the same health insurance coverage as Medicaid.



Services (up to 5 years from eligibility date)

Employment Assistance: Refugee Support Services

Afghan humanitarian parolees may be eligible to access the Refugee Support Services (RSS) program to receive employability services, available for up to five years from their date of eligibility. RSS helps provide employability services; job training and preparation; assistance with job search, placement, and retention; English language training; childcare; transportation; translation and interpreter services; and case management.



Specialized Programs

Some clients may be eligible for specialized programs such as health services, technical assistance for small business start-ups, financial savings, youth mentoring, or other targeted support programs.



Benefits for Afghan Humanitarian Parolees

Are you an Afghan individual who has been granted humanitarian parole?

You may be eligible for cash assistance, medical assistance, employment preparation, job placement, English language training, and other services offered through the Office of Refugee Resettlement (ORR). You may also be eligible for federal “mainstream” (non-ORR funded) benefits, such as cash assistance through Supplemental Security Income (SSI) or Temporary Assistance for Needy Families (TANF), health insurance through Medicaid, and food assistance through Supplemental Nutrition Assistance Program (SNAP). This document focuses on the benefits and services funded by ORR.

Some Afghan humanitarian parolees can also receive Afghan Placement and Assistance (APA) services from local refugee resettlement agencies. To find a local refugee resettlement agency, visit: <https://www.wrapsnet.org/rp-agency-contacts/>.

Where do I apply for ORR benefits/services after I arrive in the U.S.?

ORR provides funding to state governments, resettlement agencies, and other nonprofit community-based organizations to provide benefits and services for eligible individuals. You can apply at the state government benefits office or closest resettlement agency in your state beginning on or after the date that you received humanitarian parole. For a list of state contacts go to: <https://www.acf.hhs.gov/orr/grant-funding/key-state-contacts>.

When should I apply for ORR benefits/services?

Now. Do not wait. Your benefits and services are only available for a limited time. ORR-funded cash and medical assistance are limited to a maximum of eight months from your date of eligibility. For most employment services and other services aimed at economic self-sufficiency, the eligibility period is five years from your date of eligibility.

Who are Afghans with humanitarian parole?

Certain Afghan individuals have been or will be granted humanitarian parole by the U.S. Department of Homeland Security, in response to their need for rapid evacuation and relocation under Operation Allies Refuge/Operation Allies Welcome. Afghan humanitarian parolees paroled into the U.S. between July 31, 2021, through September 30, 2022, are eligible to apply for mainstream benefits, resettlement assistance, and other benefits available to refugees, until March 31, 2023, or the end of their parole term, whichever is later. Spouses or children of these individuals paroled into the U.S. after September 30, 2022, are also eligible to apply for these benefits.

What should I bring with me?

You should bring proof of your humanitarian parole and the date you received it. Types of proof include a Form I-94 noting Humanitarian Parole (per INA section 212(d)(5)(A)), a foreign passport with DHS/CBP admission stamp noting “OAR,” or a foreign passport with DHS/CBP admission stamp noting “OAW.” Each individual in a family applying for ORR benefits and services should bring their own proof and the date their humanitarian parole (or other ORR-eligible status) was granted.

What are some of the benefits and services I can receive as an Afghan humanitarian parolee?

Some Afghan humanitarian parolees are eligible to apply for federal mainstream benefits in their state, such as cash assistance through Supplemental Security Income (SSI) or Temporary Assistance for Needy Families (TANF), health insurance through Medicaid, and food assistance through Supplemental Nutrition Assistance Program (SNAP).

Initial ORR Benefits (up to 8 months from eligibility date)

Refugee Cash Assistance (RCA)

Those not eligible for SSI or TANF may receive Refugee Cash Assistance (RCA). Counting from their date of eligibility, individuals may receive up to eight months of RCA to help meet their most basic needs, such as food, shelter, and transportation.



ORR Matching Grant Program

Some may participate in the ORR Matching Grant (MG) Program, an early self-sufficiency program. Enrollment slots are limited in number and by location. The MG Program provides cash assistance, intensive case management, and employment services to help clients immediately find and maintain employment. The goal of the program is to assist clients to become economically self-sufficient within 180 days. Clients should enroll in the MG Program as soon as possible after their date of eligibility.



Refugee Medical Assistance (RMA)

Those not eligible for Medicaid may receive up to eight months of RMA from their date of eligibility. RMA provides the same health insurance coverage as Medicaid.



Services (up to 5 years from eligibility date)

Employment Assistance: Refugee Support Services

Afghan humanitarian parolees may be eligible to access the Refugee Support Services (RSS) program to receive employability services, available for up to five years from their date of eligibility. RSS helps provide employability services; job training and preparation; assistance with job search, placement, and retention; English language training; childcare; transportation; translation and interpreter services; and case management.



Specialized Programs

Some clients may be eligible for specialized programs such as health services, technical assistance for small business start-ups, financial savings, youth mentoring, or other targeted support programs.



Benefits for Afghan and Iraqi Special Immigrant Visa (SIV) Holders or SQ/SI Parolees

Are you an Afghan or Iraqi individual who has been granted an SIV or SQ/SI parole?

You may be eligible for cash assistance, medical assistance, employment preparation, job placement, English language training, and other services offered through the Office of Refugee Resettlement (ORR). You may also be eligible for federal “mainstream” (non-ORR funded) benefits, such as cash assistance through Supplemental Security Income (SSI) or Temporary Assistance for Needy Families (TANF), health insurance through Medicaid, and food assistance through Supplemental Nutrition Assistance Program (SNAP). This document focuses on the benefits and services that ORR funds. To find out what resettlement benefits and services are available, contact your State Refugee Coordinator: <https://www.acf.hhs.gov/orr/grant-funding/key-state-contacts>.

Some SIV holders and SQ/SI parolees can also receive Reception and Placement (R&P) services from local refugee resettlement agencies. To find a local refugee resettlement agency (R&P affiliate) visit: <https://www.wrapsnet.org/rp-agency-contacts/>.

Where do I sign up for ORR benefits/services after I arrive in the U.S.?

ORR provides funding to state governments, resettlement agencies, and other nonprofit community-based organizations to provide benefits and services for eligible individuals. You can sign up at the state government benefits office or closest resettlement agency in your state beginning on or after the date that you received an SIV or SQ/SI parole. For a list of state contacts go to: <https://www.acf.hhs.gov/orr/grant-funding/key-state-contacts>.

When should I sign up for ORR benefits/services?

Now. Do not wait. Your benefits and services are only available for a limited time. ORR-funded cash and medical assistance are limited to a maximum of eight months from your date of eligibility. For most employment services and other services aimed at economic self-sufficiency, the eligibility period is five years from the date you received an SIV or SQ/SI parole.

Who has an SIV or SQ/SI Parole?

Certain individuals are granted a Special Immigrant Visa (SIV) or SQ/SI parole by the U.S. Department of Homeland Security. Afghan or Iraqi nationals granted an SIV or SQ/SI parole for their service to the U.S. government are eligible for ORR benefits. For more information on the Afghan program, visit: <https://travel.state.gov/content/travel/en/us-visas/immigrate/special-immg-visa-afghans-employed-us-gov.html>. For the Iraqi program, see: <https://travel.state.gov/content/travel/en/us-visas/immigrate/special-immg-visas-iraqis-employed-us-gov.html>.

What should I bring with me?

You should bring proof of your SIV or SQ/SI parole and the date you received it. Types of proof include your passport with an immigrant visa stamp noting that you have been granted an SIV or an I-94 (DHS Arrival/Departure Record) noting Special Immigrant (SQ/SI) Parole. If you traveled with your spouse and children, every individual should bring their own proof and the date their SIV/parole was granted.

What are some of the benefits and services I can receive as an Afghan or Iraqi SIV Holder or SQ/SI Parolee?

Some SIV holders and SQ/SI parolees are eligible to apply for federal mainstream benefits in their state, such as cash assistance through Supplemental Security Income (SSI) or Temporary Assistance for Needy Families (TANF), health insurance through Medicaid, and food assistance through Supplemental Nutrition Assistance Program (SNAP).

Initial ORR Benefits (up to 8 months from eligibility date)

Refugee Cash Assistance (RCA)

Those not eligible for SSI or TANF may receive Refugee Cash Assistance (RCA). Counting from their date of eligibility, individuals may receive up to eight months of RCA to help meet their most basic needs, such as food, shelter, and transportation.



ORR Matching Grant Program

Some may participate in the ORR Matching Grant (MG) Program, an early self-sufficiency program. Enrollment slots are limited in number and by location. The MG Program provides cash assistance, intensive case management, and employment services to help clients immediately find and maintain employment. The goal of the program is to assist clients to become economically self-sufficient within 180 days. Individuals should enroll in the MG Program as soon as possible after their date of eligibility.



Refugee Medical Assistance (RMA)

Those not eligible for Medicaid may receive up to eight months of RMA from their date of eligibility. RMA provides the same health insurance coverage as Medicaid.



Services (up to 5 years from eligibility date)

Employment Assistance: Refugee Support Services

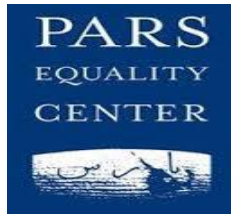
SIV holders and SQ/SI parolees may access the Refugee Support Services (RSS) program to receive employability services, available for up to five years from their date of eligibility. RSS helps provide employability services; job training and preparation; assistance with job search, placement, and retention; English language training; childcare; transportation; translation and interpreter services; and case management.



Specialized Programs

Some clients may be eligible for specialized programs such as health services, technical assistance for small business start-ups, financial savings, youth mentoring, or other targeted support programs.





Humanitarian Parole and the Affidavit of Support:

FAQ for Sponsors

September 10, 2021

Q: What is humanitarian parole? Humanitarian parole is a temporary discretionary authorization to enter the United States that can be granted based on humanitarian or significant public benefit reasons. Each application for humanitarian parole must be accompanied with an Affidavit of Support from a sponsor.

Q: What does it mean to be a sponsor? A sponsor must demonstrate they have sufficient income or financial resources to help support a humanitarian parole applicant so that they will not become a “public charge” while in the United States. “Public charge” is a term of art in immigration law but refers to situations when the individual is dependent on the federal government. The sponsor acts as the assurance to the government that they have financial means to help support a foreign national if that becomes necessary. Essentially, the I-134 form helps USCIS get a sense of the assistance that will be available to the parolee.

Q. What kind of support do I have to provide? There is no specific requirement regarding the kind of support. In effect, the support is mostly a moral obligation.

Q: What does it mean to have sufficient income or resources? There are no clear rules on what “sufficient” income or resources are under immigration law for the I-134 form. With that said, because USCIS has familiarity with the Federal Poverty Guidelines, these guidelines can be a guide to showing sufficient income. As an example, [100% of the poverty guidelines for a family of 4](#) is: \$26,500.

Q: Is the Form 1-134 legally binding? No. According to the Department of State [Foreign Affairs Manual](#): “This affidavit, submitted by the applicant at your request, is not legally binding on the sponsor and should not be accorded the same weight as Form I-864.”

Q: What kind of evidence can a sponsor provide to show they have sufficient income or financial resources? The USCIS Form I-134 Instructions include a variety of sample supporting documents to submit along with Form I-134. Some of the typical documents include: the most recently filed IRS 1040 form, W-2 or 1099 form; verification of employment letter or business license; and paystubs for a minimum of a month for proof of sufficient income. For proof of sufficient resources, various documents can be provided to show the level of assets of the

sponsor for example—a deed of home with estimate of value, financial statements for stocks and bonds, and bank account statements.

Q: Can organizations serve as a sponsor? Yes. [Organizations](#) such as legal service providers, churches, and non-profit organizations can serve as a sponsor. Organizations can also write letters of support to bolster an individual sponsor.

Q: Do sponsors have to pay money up front? No. Sponsors do not have to make a payment up front. Rather, they have to agree to financially support the foreign national if this becomes necessary while they are in the United States.

Q: If I am sponsoring a family, do I have to fill out more than one form? Yes. According to the Form Instructions, you must submit a separate Form I-134 for each foreign national.

Q. Is there a fee for form I-134? There is no fee for Form I-134 to serve as a financial sponsor. However, there is a fee for the humanitarian parole application, Form I-131.

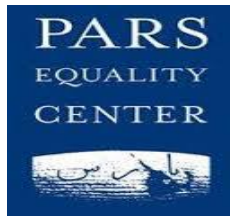
Q. Does a sponsor have to be a U.S. Citizen or lawful permanent resident (i.e., green card holder)? There is no formal indication that the sponsor must be a U.S. citizen or green card holder.

Q. When is the I-134 considered operative? The I-134 is considered operative only when the individual has arrived in the United States.

Q: Where can I find more information about the Form I-134? There is very little government issued guidelines on the I-134. With that said, below are a few resources:

- [USCIS](#) – United States Citizenship and Immigration Resources
- [Health and Human Services Poverty Guidelines](#)
- [Foreign Affair Manual](#)

The goal of this document is to provide general information and is not meant to act as a substitute to legal advice from an attorney.



Parole and Beyond for Afghan Nationals

Updated August 30, 2021

Many Afghans are arriving in the United States through a legal mechanism called parole. This document describes the legal options and rights/responsibilities for Afghan nationals seeking or arriving in the United States through parole.

Q: What is humanitarian parole? Humanitarian parole is a temporary discretionary authorization to enter the United States that can be granted based on humanitarian or significant public benefit reasons. On August 26, 2021, the U.S. Citizenship and Immigration Services (USCIS) published guidance for Afghan nationals seeking parole into the United States.

Q: How does an individual apply for humanitarian parole? Any individual can request humanitarian parole. These applications should be expedited by writing “Afghanistan Humanitarian Parole” on the mailing envelope as well as writing “EXPEDITE REQUESTED” on the upper right corner of the application or cover letter. Requests for Humanitarian Parole should include:

- Form I-131, Application for Travel Document
- Form I-134, Affidavit of Support (PDF, 463.53 KB)
- Supporting documentation
- The filing fee (or Form I-912, Request for Fee Waiver)

Q: How long does it take for a humanitarian parole application to be processed? USCIS processing of humanitarian parole applications can vary. For cases of Afghan Nationals, USCIS has been processing requests more quickly.

Q: If a person is outside the United States and humanitarian parole is conditionally approved by USCIS, what happens next? Individuals will be asked to fill out a nonimmigrant visa application digitally in a form called DS-160, schedule an appointment with a U.S. embassy and appear for an interview. When the individual arrives in the United States, a Customs and Border Protection (CBP) officer will inspect the travel documents and issue the parole if authorized.

Q: What is port parole? “Port parole” refers to a process where the CBP independently paroles a person at a U.S. port of entry like an airport. This might happen if a person boards an evacuation flight and arrives in the United States. Unlike humanitarian parole, there is no formal application process or filing fee for port parole.

Q: If a person is paroled by CBP, do they need to apply for humanitarian parole? No. Once an individual has been paroled by CBP they do not have to apply for humanitarian parole with USCIS.

Q: What is the legal authority for parole? The legal authority for parole can be found in section 212(d)(5) of the Immigration and Nationality Act and the regulations at 8 C.F.R. 212.5. The authority is discretionary, meaning that the Department of Homeland Security (DHS) has the choice to decide to parole or not parole an individual.

Q: Does parole provide a legal status? No. Parole is a discretionary tool that allows a person to make a lawful entry into the United States.

Q: How long does parole last? The duration of a person's parole is specified by the DHS agency who authorizes it and marked with a stamp in the passport or other entry document. Typically, parole is granted for no more than one year, but the DHS has indicated that parole be granted for certain Afghan nationals for a period of two years given the circumstances.

Q: After being paroled, what legal options do individuals have? Afghan parolees should be screened by an immigration attorney for formal legal status. Some people who are paroled into the United States may already have a pending application for legal status. For those who have not filed an immigration application or petition at the time of arrival, below are some legal options they may qualify for:

- Adjustment of status (i.e., based on a qualifying relationship to a family member). An individual seeking to adjust status must maintain a valid unexpired parole document.
- Asylum (those who suffered or face persecution in Afghanistan based on a specific characteristic)
- Special Immigrant Visa status (certain Afghan nationals employed by or on behalf of the U.S. government)

Q. Can parole be extended? Technically parole cannot be renewed, but **re-parole** can be requested to extend the parole period. For those who entered on port parole they can seek re-parole through CBP at any deferred inspection office. For those who entered on an approved humanitarian parole application, a new application for humanitarian parole must be filed again with USCIS to initiate re-parole.

Q: What are the rights and responsibilities of Afghan parolees?

- Work: Parolees can apply for work authorization on USCIS form I-765 and can begin to work if/when USCIS approves their request for work authorization.
- Education: Right to K-12 public education regardless of immigration status.
- Law enforcement: Right to remain silent if approached by a law enforcement or police officer.
- Compliance and Notice: Parolees must follow the conditions of their parole and seek other immigration benefits or re-parole at the end of the authorized parole period. Parolees must notify USCIS of changes in their address by filing out Form AR-11.

Q: Where Can I Find More Resources?

2

The goal of this document is to provide general information and is not meant to act as a substitute to legal advice from an attorney.

- Penn State Law Center for Immigrants' Rights Clinic
- AILA - Find Resources for Assisting Afghan Clients
- Pars Equality Center