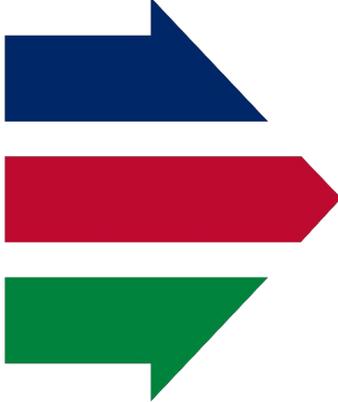


#AFGHAN EVAC

Three horizontal arrows pointing to the right, stacked vertically. The top arrow is blue, the middle arrow is red, and the bottom arrow is green.

Caseworker Guide

Disclaimer

This document is built based on AfghanEvac volunteers' professional and lived experience, meetings with U.S. Government officials, and the sharing of best practices across the coalition ecosystem. None of the items contained herein should be considered legal advice or anything other than the sharing of best practices.

The contents of this document may be used to provide information on guidelines and facts. Only immigration lawyers should give immigration advice.

Afghans have their own agency and no one other than the impacted family should be making decisions on their behalf.

The contents of this presentation may change as conditions or policy shift.

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Overview

Following the US withdrawal from Afghanistan, tens of thousands of US citizens, lawful permanent residents, US-affiliated and at-risk Afghan allies continue to seek assistance. The US State Department continues to organize relocation efforts in partnership with volunteer groups composed of veterans, frontline civilians, current and former members of the national security and intelligence communities, members of human rights-focused non-profits, everyday Americans, Hill caseworkers, and others.

This guide is an attempt to collate and summarize key information for volunteers and non-profit employees aiding in navigating Afghan case issues, intended as a resource to help you determine how to triage and submit inquiries. It is compiled based on public informational sources, meetings with US government members and groups, Congressional resources, and lived experience.

The contents of this presentation may not be considered official federal government policy or legal advice.

Background

The War in Afghanistan (2001-2021) was the longest war in US history, beginning when the US and its allies invaded in the aftermath of the 9/11 World Trade Center attack. By December 2001, US-led forces had unseated Taliban leadership and established a mission to install a new democratic government in Afghanistan. After a 20-year-long insurgency against US-allied NATO and Afghan Armed Forces, the Taliban took back control of the country on August 15, 2021. The US military withdrew its last remaining military forces from Kabul on August 30, 2021.

Despite the fact that the Biden administration had announced a withdrawal plan early in 2021, the US government was not prepared for how suddenly the Afghan government collapsed to Taliban forces. Chaos erupted as their rapid and often violent assumption of control drove thousands to attempt to flee the country. US embassy officials burned sensitive documents as they scrambled to pull out of Kabul, including an undisclosed number of Afghan passports and visas in their possession.

From August 15 - August 30, the US military conducted efforts to evacuate Americans and Afghan allies out of the international airport in Kabul. Crowds flooded the area, overwhelming the perimeter of the airport and upending attempts at systematic processing. A tragic suicide attack outside of the airport gates on August 26 killed an estimated 180 people, including 13 US service members and more than 170 Afghans. Although the military evacuation has ended, many of our offices continue to hear from vulnerable Afghans who are at risk of persecution from the Taliban. The Department of State has committed to providing ongoing relocation assistance to US citizens, legal permanent residents and certain other travelers seeking to leave Afghanistan.

Abbreviations & Terminology

SIV	Special Immigrant Visa	Afghan Special Immigrant Visa program created in 2009 for Afghan allies who risked their lives serving with US troops or working with a US government agency
COM	Chief of Mission	First step in Afghan SIV application process
CARE	Coordinator for Afghan Relocation Efforts	Ambassador Mara Tekach's team within the Department of State, the directive tasked with facilitating ongoing evacuation from Afghanistan
NEO	Noncombatant Evacuation Operations	US military evacuation out of Kabul Aug 15 - Aug 31 2021
CAS	Camp Al Sayliyah	US "lily pad" base in Doha, Qatar, destination of most State-organized relocation flights from Afghanistan
EHC	Emirates Humanitarian City	Refugee camp outside of Abu Dhabi, UAE housing several thousands of Afghans of mixed status
AAA	Afghan Adjustment Act	Proposed legislation that would allow Afghans paroled into the US during the NEO to apply for permanent resident (green card) status
OAW	Operation Allies Welcome	DHS-led initiative to process and support Afghans resettled in the US since the fall of Kabul
IOM	International Organization for Migration	UN agency that coordinates travel to the US for Afghans granted SIVs or refugee status
NCC	National Conference Center	Facility in Loudoun County, Virginia that the federal government has contracted to temporarily house incoming Afghans who are being resettled through the OAW pipeline

TRIG	Terrorism-Related Inadmissibility Grounds	Section of immigration law that states any individual who is a member of a "terrorist organization" or who has engaged or engages in terrorism-related activity is not eligible to enter the US
CONUS	Continental United States	self-explanatory
OCONUS	Outside the Continental United States	self-explanatory
MOU	Memorandum of understanding	Agreement to proceed with a mutual working relationship
ISL	Islamabad	Designation for US embassy post in Islamabad, Pakistan
KBL	Kabul	Designation for former US embassy post in Kabul, Afghanistan
EW	Enduring Welcome	Longer term phase of Afghanistan relocation/resettlement operation to begin FY 2023
RSC	Resettlement Support Center	Where refugee referrals are processed abroad
TDY	Temporary Duty	Military or civilian USG employee on assignment at a location other than their permanent duty station. Ex. TDY Consular Officers
CEAC	Consular Electronic Application Center	State Department's online visa application service center where applicants for nonimmigrant visa or immigrant visa services may complete and submit an application.
LPR	Legal Permanent Resident of the US	Green card holder
USRAP	US Refugee Admissions Program	self-explanatory

Falcon is the case management system currently being used by the CARE team.

Project Rabbit is a Department of Defense (DOD) project led by the Deputy Assistant Secretary of Defense for Afghanistan, Pakistan, and Central Asia to streamline verification of employment records for **DOD-affiliated** SIV applicants.

Alien Registration Number ("A-Number", "Alien Number") is a unique seven-to-nine-digit number that DHS issues to most foreign nationals seeking to come to the US.

Biometrics is the process used to identify people based on their physical traits, including fingerprints, photograph and signature.

Circuit Rides are refugee processing trips that USCIS conducts to interview refugee applicants in locations abroad.

A **port of entry** is any location in the US or its territories that is designated as a point of entry for both US citizens and foreign nationals.

A **safe haven** is a location of temporary refuge given to migrants who have fled their countries of origin to seek protection or relief from persecution or other hardships until they can return to their countries safely or, if necessary, until they can obtain permanent immigration relief.

The **visa bulletin** is a dataset published by the State Department once a month that indicates when immigrant visas become available based on when the petition was originally filed. For non-immediate preference category relatives, consular processing cannot move forward until a visa is available according to the current visa bulletin.

Visa Retrogression is when more people apply for a visa in a particular category or country than there are visas available. Retrogression typically occurs toward the end of the fiscal year as visa issuance approaches the annual category or per-country limitations. (*See Statutory Limitation section for more*)

Non-refoulement is a concept in international human rights law that guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or other irreparable harm, regardless of immigration status.

Immigration 101

The US has been regulating immigration at a federal level since the 1860s. The primary immigration law today is the [Immigration and Nationality Act of 1952](#) (INA). Most immigration-related legislation since then has amended various sections of the INA but there have also been some standalone bills. From 1933-2003, immigration regulation fell under the jurisdiction of one agency: the Immigration and Naturalization Service (INS). In 2003 immigration authorities were reorganized under the new Department of Homeland Security (DHS), while consular processing and visa issuance remained under the Department of State (DOS).

Department of Homeland Security (DHS)

- **Citizenship & Immigration Services (USCIS)** determines eligibility for and adjudicates immigration benefits
- **Immigration & Customs Enforcement Services (ICE)** identifies, apprehends those subject to removal, manages detainment and removal for those without lawful status
- **Customs & Border Protection (CBP)** makes final determination whether or not to admit someone to the US, enforces customs, agricultural, immigration law at ports of entry

Department of State (DOS)

- The **Bureau of Consular Affairs (CA/H)** is responsible for issuing visas to eligible foreign nationals in accordance with US immigration law, which generally requires visa applicants to be interviewed by a consular officer at a US embassy or consulate overseas to see if they are eligible for the visa.
- The **Bureau of Population, Refugees, and Migration (PRM)** administers US refugee assistance and admissions programs, provides funding for UNHCR, IOM
- The **National Visa Center (NVC)** conducts immigrant visa and fiancee visa pre-processing after USCIS approves a petition
- The **Coordinator for Afghan Relocation Efforts (CARE)** team facilitates ongoing relocation of US citizens, green card holders, certain SIV applicants, and other Afghan Allies from Afghanistan

USCIS adjudicates applications and petitions for various immigration benefits that correlate to immigration status, work authorization, citizenship, etc. USCIS cannot grant a visa itself, but many visas require an approved USCIS immigration petition as a first step.

Examples of types of USCIS applications:

[I-485 Application to Register Permanent Residence or Adjust Status](#)

[I-765 Application for Employment Authorization](#)

[I-90 Application to Replace Permanent Resident Card \(Green Card\)](#)

Examples of types of USCIS petitions:

Family-based petitions are used by US citizens or US lawful permanent residents to sponsor foreign national relatives for visas. Ex. [I-130 Petition for Alien Relative](#); [I-129F Petition for Alien Fiancé\(e\)](#)

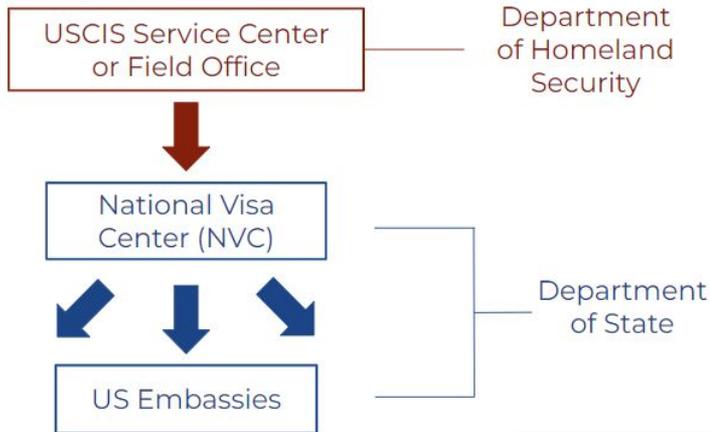
Employment-based petitions are used by US-based companies and organizations to sponsor foreign workers they want to hire. Ex. [I-140 Immigrant Petition for Alien Worker](#); [I-129 Petition for a Nonimmigrant Worker](#)

Note: Afghan SIV applicants are *self-petitioners*, meaning the petitioner and the beneficiary are the same person.

USCIS officers adjudicate, or make the decision to approve or deny, an application or petition. If USCIS feels that they need additional information to adjudicate a case they may issue a **Request for Evidence (RFE)**. If they feel they need to talk to the applicant/petitioner in person, they can issue an appointment notice for an interview at a local USCIS field office.

If and when USCIS approves a petition, the approved file is transferred from USCIS to NVC for pre-processing, document collection, etc. NVC gives the petition a new case number associated with the appropriate embassy – assuming there is a visa currently available for them. Once NVC determines that a case is interview-ready, they notify the embassy. NVC waits for the embassy to tell them that there is an interview slot available before they forward the casefile to them.

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Petitions and the visas they correlate with generally fall under one of two categories: nonimmigrant visas (NIV) and immigrant visas (IV).

Nonimmigrant visas

Nonimmigrant visas are temporary in nature, available to people who intend to visit the US for a finite, agreed-upon period of time. Per [Section 214\(b\) of the Immigration and Nationality Act](#), most nonimmigrant visa applicants must overcome the *presumption of immigrant intent*.

214(b) says that consular officers *must* view every nonimmigrant visa applicant as an intending immigrant who is planning to visit and then permanently stay in the US. The applicant has the burden of convincing them that they intend to leave the US after a temporary visit. If the consular officer is not satisfied, they are required by law to deny the nonimmigrant visa application. An applicant may be able to overcome 214(b) by evidencing strong ties to their home country or another country that would logically compel them to leave the US after a predetermined amount of time that aligns with the type of nonimmigrant visa they are seeking.

214b is the most commonly cited basis in nonimmigrant visa refusals.

Student visas

- Recipients of previous J, F, M visas may be exempt from interview requirements for a new visa in the same category per <https://travel.state.gov/content/travel/en/News/visas-news/important-announcement-on-F-M-and-academic-J-Visas.html>
- Approved J1 sponsor list: <https://j1visa.state.gov/participants/how-to-apply/sponsor-search/>

H1B visa

- Employment-based nonimmigrant visa for specialty occupations, up to 6 years
- At minimum requires a BA or equivalent degree in a related field
- Most employers are subject to a cap, so USCIS gets way more apps every year than visas available -- high demand for workers: <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-1b-specialty-occupations-and-fashion-models/h-1b-cap-season>
- Certain types of employers are *cap-exempt* and can submit petitions anytime such as Institutions of higher education; Non-profit entities which are “related to” or “affiliated with” institutions of higher education; Non-profit research organizations, Government research organizations
- Labor test is requirement but lower standard than PERM cert
- Premium processing available = potential for quick turnaround
- Dependents include spouse, unmarried children under 21
- ***Dual intent = applicant does not have to prove they will leave the US***

L visa

- Temporary intracompany transferees who work in managerial positions or have specialized knowledge
- May be option for people who held high level positions at international company with US presence
- ***Dual intent = applicant does not have to prove they will leave the US***

O1 visa

- Extraordinary ability in sciences, arts, education, business, or athletics
- Extremely high eligibility threshold
- Requires a job offer but generally no labor market test required
- Premium processing available = potential for quick turnaround
- Dependents include spouse, unmarried children under 21

Immigrant visas

Immigrant visas allow a qualified applicant with an approved petition to reside in the US permanently. Since the point of seeking an immigrant visa is to make the US one's permanent home, applicants do not have to overcome 214(b). In most cases immigrant visa holders are eligible for employment authorization and have a pathway to a green card, although the length and complexity of that pathway is dependent on the case.

Types of immigrant visas

Employment-based immigrant visa pathways

How a US-based employer sponsors a foreign national employee

EB1 visa

- Slightly lower eligibility threshold than O1 but still pretty high
- Can self-sponsor -- doesn't require petitioner
- Premium processing available = potential for quick turnaround
- Dependents include spouse, unmarried children under 21

EB2 visa

- Lower eligibility threshold than EB1
- Can self-sponsor, but requires demonstrating that the beneficiary will work in their field so having job offer/contract is important

Family-based immigrant visa pathways

How a US citizen or US lawful permanent resident sponsors a foreign national relative for a green card.

- **Immediate Relative** of a US Citizen
- **Preference Relative** of a US citizen or Legal Permanent Resident

If you are an **Immediate Relative** of a US Citizen...

- Spouse of a US citizen
- Unmarried child under 21 years old of a US citizen
- Parent of a US citizen over 21 years old
- *in some cases a widow(er) of a US citizen

...your US citizen relative can petition on your behalf, and you may apply for legal permanent residency (green card) based on that familial relationship.

If you are a **Preference Relative** of a US citizen or Legal Permanent Resident...

- First preference (F1) - unmarried sons and daughters (21 years of age and older) of US citizens
- Second preference (F2A) - spouses and children (unmarried and under 21 years of age) of lawful permanent residents
- Second preference (F2B) - unmarried sons and daughters (21 years of age and older) of lawful permanent residents
- Third preference (F3) - married sons and daughters of US citizens
- Fourth preference (F4) - brothers and sisters of US citizens (if the US citizen is 21 years of age and older)

...your US citizen/LPR relative can petition on your behalf, and you may apply for permanent residency *subject to statutory limitations on immigrant visa availability*

The Visa Bulletin: Numerical, statutory limitations on visa issuance

The Immigration and Nationality Act (INA) limits the number of immigrant visas that consular officers can issue per fiscal year to 675,000. On top of those 675,000 visas, the INA sets no limit on the number of family-based visas that can be issued to the immediate relatives (spouse, parents, unmarried children under 21) of US citizens. All other family-based visas are limited or “capped” to a finite number based on the beneficiary’s *preference category*, determined by the petitioner’s status and their relationship to them. Most non-immediate preference categories are significantly oversubscribed – more petitions submitted than visas available – meaning the beneficiary must wait for a visa to become available for them per the [visa bulletin](#).

Remember, if the beneficiary is the spouse, parent, or unmarried child (under age 21) of a US citizen, you don’t even need to worry about the visa bulletin – there’s no backlog or wait time besides the time it takes USCIS to actually process the petition.

China, India, Mexico and the Philippines

The INA further limits the number of immigrant visas available for each preference category based on country of origin. Under this annual “country cap,” no single country may account for more than 7% of the total annual preference limits. The visa bulletin has separate columns for the countries that consistently exceed the country cap. Because visa demand is so high, the wait time for preference category immigrant visas is often much longer for citizens of these four countries.

Expedite Requests

Outside of statutory limitations, immigration cases are generally processed in the order that they are received. In a very limited number of cases, the government may expedite processing based on specific needs or circumstances. The threshold for expedite eligibility is *extremely* high because the requester must demonstrate why their situation is significantly more urgent than every other person waiting for their case to move forward. When you ask for a case to be expedited, you are asking the government to prioritize that applicant over thousands of others.

USCIS publishes specific criteria for expedite requests [here](#).

You may request expedited processing from USCIS by demonstrating that your situation falls under one or more of the following categories:

- Severe financial loss to a company or person, provided that the need for urgent action is not the result of the petitioner's or applicant's failure to:
 - File the benefit request or the expedite request in a reasonable time frame, or
 - Respond to any requests for additional evidence in a reasonably timely manner;
- Urgent humanitarian reasons;
- Compelling U.S. government interests (such as urgent cases for the Department of Defense or DHS, or other public safety or national security interests); or
- Clear USCIS error.

NVC does not publish specific expedite request criteria, but congressional offices may flag cases with urgent circumstances via Congressional inquiry. The NVC Congressional Inquiries Unit reviews these emails on a daily basis and can forward requests to the relevant embassy/consulate for consideration.

- For life or death medical emergencies, please be sure to include a letter (or statement) from a physician or medical facility that includes contact information for the physician or medical facility; the letter (or statement) must declare that a life or death medical emergency exists
- Always include the case number and one of the following: the Petitioner's name and date of birth, the Beneficiary's name and date of birth, or the Invoice ID number

Afghan SIVs must have received Chief of Mission (COM) approval to be considered for expedited processing/interview scheduling. *There is no point in asking NVC to schedule an expedited interview for a SIV applicant who has not received COM approval yet – they can't do it!*

For all cases, there must be a visa statutorily available in order for expedited processing/appointment to be considered. *There is no point in asking NVC to expedite a preference relative's case if the beneficiary's priority date is not yet current – the embassy can't issue their visa even if they wanted to!*

Special Immigrant Visas for Afghans

Special Immigrant Visas (SIVs) are a special type of visa available to certain Afghans who worked with or on behalf of the US government or its contractors or in Afghanistan. Applicants must be experiencing an ongoing, serious threat as a consequence of their employment in order to apply. Those granted SIVs enter the US in lawful permanent residence (green card) status. Eligible dependents are spouses and unmarried children under 21.

Statutory authorities

2006 - [Section 1059 of the 2006 NDAA \(50 / year, smaller, translators\)](#)

2009 - [602\(b\)\(2\)\(A\)\(ii\)\(I\) of the Afghan Allies Protection Act of 14 2009 \(8 U.S.C. 1101\)](#)

Afghan SIV Application Process Overview

For comprehensive guidance: [Special Immigrant Visas for Afghans Who Were Employed by/on Behalf of the US Government](#)

- Apply for Chief of Mission (COM) approval by submitting [Form DS-157, Petition for Special Immigrant Classification for Afghan SIV Applicants](#) to NVC. If your application is approved, the NVC will send you an approval letter and instructions on how to continue.
 - *Prior to July 20, 2022, Afghan SIVs were required to take the additional step of filing Form I-360 with USCIS after obtaining COM approval. This is no longer required for SIV applicants filing after **July 20, 2022**.*
- Complete Form DS-260 Application for Immigrant Visa and Alien Registration and submit your supporting documents through the [Consular Electronic Application Center \(CEAC\)](#).
- Complete consular processing, including interview & medical screening through a US embassy (or non-embassy processing site such as CAS)
 - Once a Special Immigrant Visa is printed and issued into an applicant's passport, IOM can arrange travel to the US from any country where commercial flights are available to the US. In these cases IOM would issue a promissory note – an interest-free loan from the government that the SIV will eventually have to pay back at some point. Afghan SIV holders may contact SIV_OPE@iom.int directly to request flight arrangements.

Administrative Processing

Administrative processing is the final step in the visa application lifespan, designed to ensure that the applicant poses no security risks. Before issuing a visa, the State Department reviews various government databases for any security-related information that may impact eligibility for a visa (ex. criminal convictions, security risks, prior visa overstays or denials, etc.). Sometimes this review happens very quickly, but sometimes it takes many months or even years. Post-visa interview administrative processing times are often disproportionately long for the Afghan population.

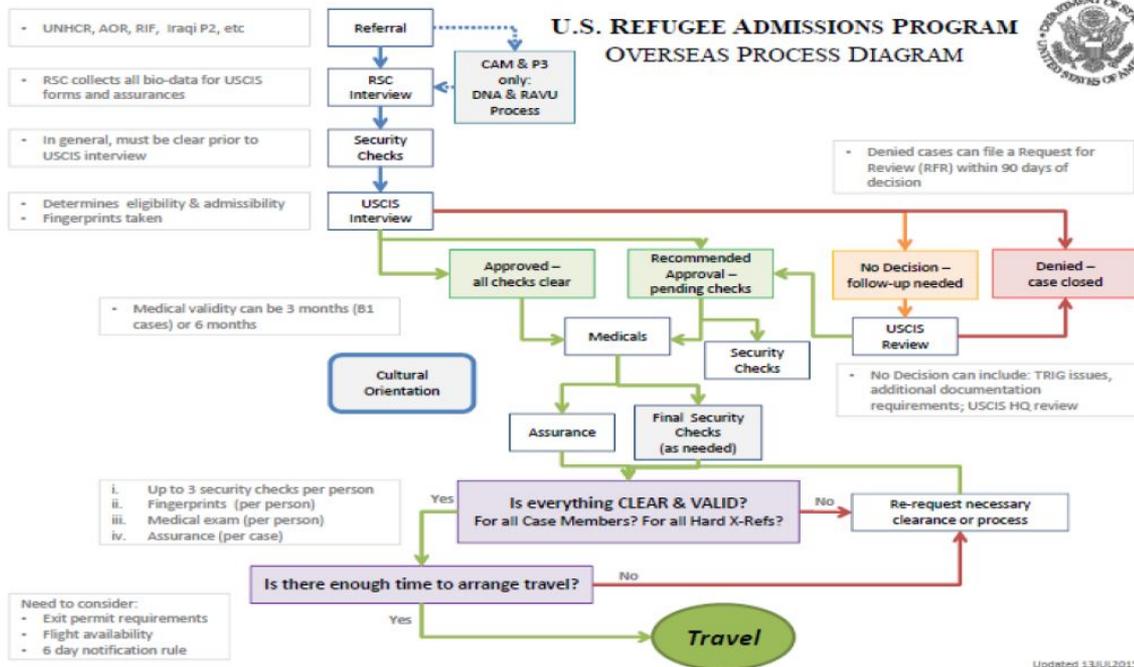
What does this mean? Visa applicants will not always leave their interviews with a printed visa in hand, as there will likely be a waiting period before visa issuance. If this happens, their visa status on CEAC may be listed as “REFUSED”. Administrative processing refusals are often temporary and do not necessarily indicate an issue with the content of a specific visa application. Until or unless the applicant receives a direct request from the embassy, they do not need to do anything besides wait for administrative processing to be completed. Once administrative processing is complete, the embassy will issue a decision and notify the applicant of next steps.

Unfortunately, there is no way to circumvent administrative processing because it is directly tied to national security.



U.S. Department of State Bureau of Population, Refugees, and Migration

Refugee Processing



P1/P2 Refugee Designations are US Refugee Admissions Program (USRAP) designations under which certain Afghans may be considered for resettlement as refugees in the US.

P1 is generally for individuals who are affiliated with/known to a high-level US embassy or government official.

- Afghans who do not meet P2 requirements but are “known to Embassy Kabul”
- Sometimes made for famous or well-known, highly visible public figures
- From wrapsnet: “A US government official seeking to make a P-1 referral must have known you in Afghanistan and will need to obtain the relevant Senior Executive Service/Senior Foreign Service official’s approval prior to referring you to the P-1.”

P2 is for individuals who worked for US government agencies, organizations funded by US agencies, or for US-based NGOs such as media organizations in Afghanistan. It may be appropriate for interpreters (and others) who do not meet requirements for the SIV; anyone who has worked for US agencies or organizations funded by US agencies; and anyone working in media organizations. More information [here](#).

- Afghans who meet all SIV requirements *except* the minimum time-in-service
- Afghans who worked for a US government-funded program or project supported through a US government grant or cooperative agreement
- Afghans employed by a US-based media organization or NGO

It is important to note that refugee designations are not visa categories, they are referrals into the refugee processing pipeline. Afghans must be referred by a third party and are expected to transit to a third country for processing.

Note for P1/P2-Referred Afghans currently in Pakistan: Limited, small-scale processing is occurring in Pakistan but State Department is in negotiations with the Pakistani government to set up a Resettlement Support Center (RSC) in Pakistan that would allow for refugee processing for the Afghan diaspora population. Our understanding is that there are significant diplomatic roadblocks. Until there is a functional RSC in Pakistan, these cases will not be processed at scale. We do not have a timeline for when that will happen. P1/P2-referred Afghans who are currently in Pakistan must support themselves for a yet undetermined amount of time, until refugee processing can commence through a functional RSC.

Resettlement

[The Office of Refugee Resettlement \(ORR\)](#) promotes the health, well-being, and stability of refugees, unaccompanied children, and other eligible individuals and families, through the provision of benefits and services. ORR is part of the Administration for Children and Families within the US Department of Health and Human Services.

Unaccompanied Children

ORR provides care and placement for unaccompanied children who enter the US from other countries without an adult guardian.

[Key Documents for the Unaccompanied Children Program](#)

Further resources:

- [ORR Afghan Assistance Resources](#)
- [ORR Handout: Benefits for Afghan Humanitarian Parolees](#)
- [ORR Benefits at a Glance](#)
- [ORR State Contacts](#)

10 VOLAGs (Voluntary Agencies)

Agencies that have cooperative agreements with the State Department to provide reception and placement services for refugees arriving in the US.

- [Church World Service](#)
- [HIAS - The Global Jewish Nonprofit](#)
- [International Rescue Committee](#)
- [Lutheran Immigration and Refugee Service](#)
- [U.S. Committee for Refugees and Immigrants](#)
- [United States Conference of Catholic Bishops](#)
- [World Relief](#)
- Bethany Christian Services
- Episcopal Migration Ministries
- Ethiopian Community Development Council

<https://www.wrapsnet.org/resources/>

- RSC Africa (CWS)
 - Contact: Case@CWSAfrica.org
- RSC Asia (IRC)
 - Contact Malaysia office: KL.Inquiries@rescue.org
 - Contact Thailand office: RSC-Inquiries@rescue.org
- RSC Austria (HIAS)
 - Contact: caseinquiries@hias-vienna.at
- RSC Eurasia (IOM)
 - Contact: ICC@iom.int
- RSC Latin America (IOM)
 - Contact: rscla@iom.int
- RSC Middle East & North Africa (IOM)
 - Contact: ic@iom.int
- RSC Turkey & the Middle East (ICMC)
 - Contact: info.rsc@icmc.net

Humanitarian Parole

Humanitarian parole is a form of temporary immigration relief under DHS authority for people who are otherwise ineligible to come to the US. USCIS seems to be applying an *exceptionally* high standard in determining whether to grant parole to Afghan nationals. Please note that parole is not intended to be used to avoid the typical refugee process or to provide protection to individuals at generalized risk of harm. Processing parole applications typically takes several months and USCIS is experiencing a backlog due to the number of applications received. The application is \$575 per family member, but you may seek a fee waiver. More information can be found on Afghan Humanitarian Parole can be found on USCIS's website [here](#).

Further reading:

- [Mass. ACLU group sues over U.S. denying Afghans humanitarian entry](#), WBUR
- [Agency Failures Make Obtaining Humanitarian Parole Almost Impossible for Afghans](#), American Immigration Council

Asylum

The United Nations High Commissioner for Refugees (UNHCR) [defines](#) asylum as a form of protection that allows an individual to remain in the US instead of being removed (deported) to a country where they fear persecution or harm. Under US law, people who flee their countries because they fear persecution can apply for asylum. If they are granted asylum, this gives them protection and the right to stay in the United States.

To initiate an asylum claim, you must either already be in the US or presenting yourself at a port of entry.

Further reading:

- [UNHCR Resources for asylum-seekers in the US](#)
- [Asylum Seeker Advocacy Project \(ASAP\) Resources for Asylum Seekers](#)

Basic Elements of an Asylum Claim

- Persecution
 - Past persecution/Well-founded fear of future persecution
- Protected Ground
 - Race
 - Religion
 - Nationality
 - Political Opinion
 - Membership in a Particular Social Group (PSG)
- Perpetuated by the government or an entity the government is unable or unwilling to control
- Relocation is not possible within home country

Note: experiencing general violence does not qualify as persecution on its own, nor does economic instability. Persecution cannot be motivated solely by poverty/economic desires.

Family Reunification

In November 2022, the State Department announced that it would be launching a web-based application platform for Afghan Parolees separated from their immediate relatives in Afghanistan. See: [November 14, 2022 DOS Press Release: State Department Launches Afghan Family Reunification Landing Page](#)

On January 12, 2023, the State Department published [Form DS-4317 Family Reunification Assistance for Afghan Parolees who are in the United States](#)

[Family Reunification for Afghans Informational Webpage](#)

“The U.S. Government is committed to helping U.S. citizens and Afghans in the United States reunite with their family members who remain in Afghanistan. This page describes your different immigration options for reuniting with your family. Your options are based on your citizenship, your immigration status, and how you entered the United States.

Your first step is the immigration process. In addition, some family members may be eligible for assistance from the U.S. Government to depart Afghanistan. If the U.S. Government helps your family members depart Afghanistan, they will only be able to enter the United States if approved by U.S. immigration officials.”

Relocation Flights

In partnership with CARE, the #AfghanEvac Coalition has created a detailed breakdown of eligibility for relocation flights. A full quality version of this chart can be found on the #AfghanEvac website [here](#).

Eligibility for USG Relocation Flights from Afghanistan

All Travelers Must Have Valid Passport from Country of Nationality			Definition of 'Eligible Family'
This requirement cannot be waived. Traveler's passport cannot be expired; if flying to Doha, passport must have 6 months validity <i>from date of travel</i> . Traveler must have physical possession of passport; a photocopy is not acceptable. Extension stamps from the MoFA are acceptable.			Except where indicated, 'eligible family' means one spouse and unmarried children under age 21. If a child was added to an SIV case, or an I-130 petition was filed for a child prior to that child turning 21, the unmarried child over age 21 may be eligible; this will be determined by the US Department of State on a case-by-case basis.
Principal Traveler Type	Eligible?	Manifesting?	Notes
US Citizen (AMCIT)	Yes	Yes	Eligible for relocation if they were not previously relocated by the US Department of State and if they arrived in Afghanistan prior to August 2021. LPRs who have been outside the US for more than 12 months may need authorization from USCIS for reentry.
Lawful Permanent Resident (LPR)	Yes	Yes	CEAC Visa status should read ISSUED. Possession of printed visa foil in Passport and "foil-less" (no physical visa in Passport) are both acceptable. Principal applicant must travel ahead of or with derivatives. All derivatives should be included on petition.
SIV Issued	Yes	Yes	Applicant will have received email from NVC stating all documentation has been received and case is awaiting interview scheduling. All derivatives should be included on case.
SIV Interview Ready	Yes	Yes	Encourage applicant to continue required paperwork to move to interview-ready status.
SIV COM-Approved	Yes	No	CEAC Visa status will read REFUSED.
SIV Refused	Maybe *	Maybe *	* Eligibility for travel and manifesting depends on reason case is in refused status. Travel decisions will be made by the US Department of State on a case-by-case basis.
Eligible Family of US Citizen, LPR	Yes	Yes **	US Citizen eligible family includes parents. LPR eligible family <i>does not</i> include parents.
Non-Eligible Family of US Citizen, LPR	No	No	** Interview-ready IV case, with submitted/accepted Affidavit of Support (DS-864) required.
Eligible Family of OAW Parolee	Yes	Yes	Eligible family members of Afghan nationals in the US who were granted Parole status. Complete form DS-4317 required. See www.state.gov/afghanistan-family-reunification for details.
Eligible Family of Asylee	Yes	Not Yet	Eligible family members of Afghan nationals in the US who were granted Asylee status. Complete I-730 follow-to-join petition required. See www.state.gov/afghanistan-family-reunification for details.
P1 / P2 / P3 Referral	Maybe ***	Maybe ***	*** For the vast majority, processing must be completed in a third country (outside both Afghanistan and the US). Enduring Welcome authorizes relocation for the "most at-risk" USRAP referrals; more detail on "most at-risk" forthcoming.
Humanitarian Parolee	No	No	Processing must be completed in a third country (outside both Afghanistan the US).
Diversity Visa Selectee	No	No	Processing must be completed at an Embassy; visa <i>must be issued by September 30</i> .

Based on #AfghanEvac understanding of US Government policy as of January 2023

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Operational Challenges

We have seen many issues with the relocation flight system, both logistical and policy-based. The topics below represent some of the most pervasive barriers:

- Narrow eligibility
- Insufficient frequency & capacity
- Inability to verify legitimate communication
- Family reunification/unaccompanied children
- Documentary requirements (especially for Afghans whose passports were destroyed)
- Inconsistent processing at CAS
- TB are unreliable, inconsistent in their decisions

Trauma-sensitive language suggestions

Instead of this...	...Say this:	Why?
Victim	Survivor	The word victim carries a negative connotation. Referring to someone as a survivor empowers them by recognizing their resiliency and persistence.
I can't believe that happened/ that's unbelievable	I believe you and I'm sorry that happened. Thank you for trusting me with this information.	Even if you're not intentionally expressing disbelief, it may seem that way to survivors. It also indicates that their experience is so shameful that they shouldn't talk about it.
I feel bad/sorry for you	Your feelings are valid. You are not alone.	Don't make it about yourself. A survivor may feel uncomfortable opening up because they don't want to make you feel sad or burdened. It's important to let them know that they have a right to feel however they feel about what happened.
I promise...	I will do everything that I can to help you.	There are very few - if any - guarantees in this work, and it doesn't help anyone to make promises you can't keep. Even the best case scenario is a long, difficult road. You're never going to have the capacity to meet EVERY need they identify. They deserve transparency about what you can and can't do.

CARE Public Inquiry Contact Center

As of September 2022 CARE's Contact Center is operational and accessible to Afghans in relocation pipeline at **(678) 916-5522** (format for most in Afghanistan will be 0016789165522). *Note this line is not supposed to be used by caseworkers, nor distributed to the general public. It's intended as a resource for those who are already in CARE's database, typically those they have contacted already.*

- Typical automated phone tree they need to navigate (PRESS 4 to talk to a human)
- Languages available: Pashto, Dari & English
- Can assist people known to CARE/in their database. They will need to call from or at least know the phone number that CARE contacted them from or has on file for them.

myUSCIS Online Account

Online account tools are particularly valuable for resettled Afghan populations and other crisis-driven communities who are likely to relocate or change contact information while an application or petition remains pending with USCIS.

How to create a myUSCIS account

1. Go to my.uscis.gov
2. Click “Sign up”
3. Enter your email address 2x
4. Click link in email from myAccount@uscis.dhs.gov
5. Review and agree to Terms of Use
6. Choose strong password
7. Select 2-step verification preference
8. Enter verification code
9. Save backup code
10. Select password reset Q&A
11. Select account type (select option for applicant, petitioner, or requestor)



Welcome To Your USCIS Account

Select What You Want To Do



Add a case to your account

Enter your online access code (OAC) to add and manage a case to your account



File a form online

Start a new form, upload evidence, and pay and submit online



Enter a representative passcode

Review and sign forms prepared for you by your attorney or representative



Verify your identity

Answer questions about your immigration history to verify your personal identity

If you lose access to your myUSCIS account because you no longer have access to the email used to set up the account, or if you are locked out, you may use this webform to request assistance from USCIS's Technical Help Desk:

<https://my.uscis.gov/account/v1/needhelp>

Re-Parole for Afghans admitted under OAR/OAW/EW

[Re-Parole Process for Certain Afghans](#)

USCIS re-parole process that will allow certain Afghan evacuees to maintain legal status in the US, effective **June 9, 2023 – July 31, 2024**.

What You Need to Know About the Streamline Application Process for Eligible Afghans	
What form should I use?	Form I-131 Application for Travel Document
How much is the filing fee?	There is no filing fee. Automatic fee exemption. No fee waiver required.
Can I request employment authorization?	Yes, by using Form I-131. Do not submit Form I-765, Application for Employment Authorization.
Do I need to submit any other forms?	No. Do not submit Form I-134, Declaration of Financial Support.

Trauma-informed language

Caseworkers and other front line civilians frequently encounter individuals with a history of trauma. Afghans are far more likely to have experienced or witnessed severe trauma such as torture, physical and/or sexual violence, extreme poverty, neglect, persecution, etc. than the general population.

Trauma-informed care is a framework through which service providers recognize the prevalence of ongoing trauma in the lives of the people we're working with, as well as our responsibility to work in a manner that avoids inadvertently causing harm or prompting unhealthy interpersonal dynamics in the helping relationship.

Trauma-informed care in casework is not the same as *trauma-focused therapy*, as our goal is not to directly address past trauma, but to view problems we're presented with in the context of an individual's lived experiences.

The core principles of trauma-informed care are safety, trust, collaboration, choice, and empowerment.

In practice, this means responding to people in ways that convey respect and compassion, honor self-determination, and enable the rebuilding of healthy interpersonal skills and coping strategies. Trauma-informed care recognizes that any form of traumatic exposure – whether it is physical, mental, or emotional – impacts how someone interacts with and experiences the world. It seeks to create a safe environment where the emotional vulnerability of survivors is respected and prioritized.

Social services can be oppressive, and marginalized people may present a mistrust of authority figures and a wariness of professional helpers. By viewing the collective experiences of individuals holistically, behaviors that seem irrational or self-destructive are better understood as survival skills/defense mechanisms that once helped an individual respond to traumatic events in their life, but may now be impeding their ability to make decisions, tolerate distress, or communicate in healthy ways. Trauma-informed care recognizes that the burden is on us as caseworkers to facilitate trust through compassion and sensitivity.

Recommended reading:

- [Trauma-Informed Care and Mental Health](#) (pages 184-188)
- [Trauma-Informed Social Work Practice](#)
- [Trauma-informed or trauma-denied: Principles and implementation of trauma-informed services for women](#)

Other Resources:



EVACUATE OUR ALLIES

[Evacuate Our Allies \(EOA\)](#) is a coalition of trusted human rights, religious, and refugee organizations working alongside veterans and frontline civilians to evacuate, welcome, and support the resettlement of as many at-risk Afghans as possible. EOA focuses on legislative advocacy and works closely with #AfghanEvac.

[Afghan Adjustment Act Info](#)



[Human Rights First \(HRF\)](#) is an independent advocacy and action organization represented on both the #AfghanEvac and Evacuate Our Allies Coalitions. HRF has been actively advocating for the protection of Afghan allies for years before, during and after the fall of Kabul. In summer 2021 they launched Project Afghan Legal Assistance (PALA), a critical effort to address immediate legal representation needs and coordinate resources within the legal community, resettlement agencies and other stakeholder groups.

Training links:

- [TRIG and the Taliban: Terrorism-Related Bars to Protection of Relevance to Afghan Asylum Applicants](#)
- [Understanding the Afghan Refugee Crisis](#)

[Amnesty International](#) is an international non-governmental organization focused on human rights. Amnesty is an active member of EOA that has been tracking reports on violations of international humanitarian law related to the Afghan refugee crisis.

[Afghanistan 2021-2022 Report](#)

Report **known torture/abuse cases** to Amnesty at afghanistaninfo@amnesty.org

**AMNESTY
INTERNATIONAL**



[The American Immigration Lawyers Association \(AILA\)](#) is a voluntary bar association of over 15,000 attorneys and law professors who practice and teach immigration law.

- [Resources for Assisting Afghan Clients](#)
- [AILA Lawyer Search](#)



[The International Refugee Assistance Project \(IRAP\)](#) organizes law students and lawyers to develop and mobilize direct legal aid, litigation and systemic advocacy on behalf of refugees and displaced persons. IRAP publishes extremely specific application process guides for applicants.

[Legal Resources and Self-help Guides for Afghans](#)

[SIV Contract Database](#)

[SIV FAQ](#)

[How do I add my spouse or child to my SIV application?](#)

Additional Resources

- [List of Signatories to the Refugee Conventions](#)
- [Afghan TPS announcement](#)
- [OFAC General Licenses and Guidance in Support of Humanitarian Assistance and Other Support to Afghanistan \(December 2021\)](#)
- [Age-Out Rules for Afghan SIV Derivative Children \(LIRS\)](#)

[Jenna's US Refugee & Asylum System Slideshow](#)

(totally unofficial for informational purposes only)

Disclaimer

This document is built based on AfghanEvac volunteers' professional and lived experience, meetings with U.S. Government officials, and the sharing of best practices across the coalition ecosystem. None of the items contained herein should be considered legal advice or anything other than the sharing of best practices.

The contents of this document may be used to provide information on guidelines and facts. Only immigration lawyers should give immigration advice.

Afghans have their own agency and no one other than the impacted family should be making decisions on their behalf.

The contents of this presentation may change as conditions or policy shift.