



## *Asylum Basics for Afghan Nationals*

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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](#)