Welcoming Afghans
Legal Orientation and
Cultural Humility Workshop

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Legal Disclaimer

The materials presented are for informational purposes only and not for the purpose of providing legal advice.
Center for Immigrants’ Rights Clinic
Goals

- Cultural Humility
- Immigration Options for Afghans
- Share Resources
Cultural Humility
What is culture for you?

Source: https://images.app.goo.gl/284QpbUMh3bZtwQx8
What Is Culture?

The systems of knowledge shared by a group of people. Cultivated behavior that is the totality of a person’s learned, accumulated experience which is socially transmitted.

Source: Cultural Humility and Working with Afghan Clients – ABA & HIAS Conference, 02.09.2022
What is Cultural Humility?

Cultural humility involves a humble awareness that you will never stop learning and growing as we connect with others.

Source: Cultural Humility and Working with Afghan Clients – ABA & HIAS Conference, 02.09.2022
Understanding Cultural Humility

Be aware and sensitive to historic realities
- Like legacies of violence and oppression against certain groups of people

Be aware of one’s own values and beliefs
- It is important to understand that those notions come from the combination of cultures that people experience in their everyday lives.

Gaining cultural knowledge:
- What are other cultures like, and what strengths do they have?

Developing cultural self-awareness:
- What is my culture, and how does it influence the ways I view and interact with others?

Source: Project READY. ready.web.unc.edu. Licensed under CC BY-NC-SA 4.0.
Cultural Considerations

- Be sensitive
- Learning common greetings (*Salam, Salam alaikum*)
- Afghan (not Afghani-Afghani – Afghani is a currency)
- Cultural and social considerations
  - Physical interactions
  - Eye contact
- Gender

Sources: Cultural Humility and Working with Afghan Clients – ABA & HIAS Conference, 02.09.2022. AILA Roundtable Discussion, 09.17.2021
How can I practice Cultural Humility?

Seek

- Actively seek knowledge of the cultural practices and world view.
- Engage in dialogue with them
- Compassion, respect and understanding

Develop

- Develop skills for communication and interaction across cultures.

Study

- Study the history of the community we work with.

Avoid

- Avoid generalizations, do not assume that everyone in an ethnic group is the same, focus on this individual, and ask questions when in doubt!

Source: Cultural Humility and Working with Afghan Clients—ABA & HIAS Conference, 02.09.2022
Asylum
Refugee
Parole
No legal option
Family basis
Employment basis
Employmeny basis
SIV
Want to return
Parole
Asylum
Source: by Unknown author, licensed under CC BY.
Immigration Options for Afghans
What is Parole?

- A mechanism by which certain individuals are granted permission to enter the US and remain temporarily for humanitarian purposes.
- Parole granted to Afghans expires after 2 years.
- Afghans who have been paroled are often called "Parolees."

Source: Catholic Legal Immigration Network: Guide to Client Documentation and Benefits for Afghan Parolees

Source: https://www.uscis.gov/humanitarian/humanitarian-or-significant-public-benefit-parole-for-individuals-outside-the-united-states
Parole

- Parole does **not** provide a direct pathway to a permanent legal status ("Green Card").
- Parolees can apply for an employment authorization document (EAD).
- Parolees must report the change of address **within 10 days**.

Source: https://www.uscis.gov/humanitarian/humanitarian-parole/information-for-afghan-nationals-on-requests-to-uscis-for-humanitarian-parole
Parole & Legal Options

- Special Immigrant Visa
- Asylum
- Family
- Employment

Source: https://www.uscis.gov/humanitarian/humanitarian-parole/information-for-afghan-nationals-on-requests-to-uscis-for-humanitarian-parole
Special Immigrant Visa (SIV) For Afghans

- The Special Immigrant Visa (SIV) program is available for Afghans who were employed by or on behalf of the US government.

- SIV provides a direct pathway to a Green Card.

Special Immigrant Visa (SIV) For Afghans – The Story of Abdul Aman
SIV Requirements

- Applicant has been employed by or on behalf of the US government in Afghanistan
- For at least one year;
- Letter of recommendation from employer & Chief Of Mission (COM) approval;
- Experienced/Experiencing an ongoing serious threat because of their employment.

Source: https://www.uscis.gov/sites/default/files/document/fact-sheets/Post-base_Departure_Information_Sheet_SIV_Attachment.pdf
Asylum

- Asylum is a protection offered to individuals present on the US territory who are unable or unwilling to return to their home country because of fear of persecution.
- The asylum application must be filed within one year.
- Asylum provides a direct pathway to a green card.
Asylum Requirements

- Show past persecution or fear of persecution in the future in their home countries.

- Show that harm or threat was afflicted by the government or a group the government is unable or unwilling to control.

Asylum Five Grounds

- The persecution must be occurring for one of these 5 grounds:

  - Race
  - Religion
  - Nationality
  - Political Opinion
  - Membership in a Particular Social Group

Source: https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum
Asylum Application

- Form I-589 (the Asylum application filed with the USCIS).
- A written declaration (the story).
- Any supporting documentation to corroborate the claim.

Family Based Options

- Afghans who have US Citizens or Lawful Permanent Residents (LPRs) relatives may be eligible for family-based immigration.

- US Citizens or LPRs file petitions for their relatives with the USCIS.

Source: https://www.uscis.gov/green-card/green-card-eligibility/green-card-for-family-preference-immigrants
Employment Based Options

- Afghan parolees can apply for employment-based adjustment of status.
- Types of EB visas that may be available:
  - **EB-1**: Persons with extraordinary ability.
  - **EB-2**: Professionals holding advanced degrees and persons of exceptional ability.
  - **EB-3**: Skilled workers, professionals, and other workers.

Afghan Adjustment Act

- Not all Afghan parolees will be able to adjust status.

- An 'Afghan Adjustment Act' would help thousands of Afghan parolees to obtain a permanent legal status, stability, and visibility about their future.

Be careful of fake lawyers!

https://schuylerhospital.org/weather-closings-today/be-careful-yellow-warning-road-sign-caution-danger/
Resources

Finding local resources and legal help
THRIVE – International Programs

LINK: https://thriveip.org/

TILS–Immigration Legal Services Program

Se habla Español. Interpreters are available for many languages upon request.

Thrive provides affordable immigration legal services to low-income and vulnerable community members in north central/north-eastern Pennsylvania, the Lehigh Valley, and other areas as needed.

Our program is recognized by the Department of Justice per 8 CFR § 1292, and we are an affiliate of CLINIC.

Our DOJ accredited representatives provide accurate advice about immigration issues, assistance with USCIS applications, and representation at USCIS interviews to serve our community.
IMMIGRATION IN A BIDEN ADMINISTRATION

RESOURCES

Afghanistan
Immigration Legislation
Immigration Enforcement and Discretion
DACA/DER/TIPS
Muslim and African Travel Bans
Asylum
General

Afghanistan
Resources from the Clinic

*Video from the Penn State Law Center for Immigrants' Rights Clinic and the United States Conference of Catholic Bishops*, Process for Arriving Afghans, February 2022

*Asylum Basics for Afghan Nationals*, Penn State Law Center for Immigrants' Rights Clinic, PARS Equality Center, Khanbaba Immigration Law, December 29, 2021. *(in Pashto)* *(in Dari)*

CENTER FOR IMMIGRANTS' RIGHTS CLINIC RESOURCES

LINK: [https://pennstate.edu/immigration-biden-administration#Afghanistan](https://pennstate.edu/immigration-biden-administration#Afghanistan)
Find Resources for Assisting Afghan Clients

AILA Doc. No. 210819.35 | Dated January 21, 2022

The situation in Afghanistan is constantly changing and the information provided below could be outdated. AILA recommends that individuals consult with an attorney for further information and guidance. AILA members: this document is accessible to the public and can be shared with clients and the community who may need access to resources. Members of the public: if you need an immigration lawyer, please consult AILA’s Immigration Lawyer Search.

Recently Added Resources
- DOS Provides Videos About the Asylum Process in Various Languages
  - English Version
  - Dari Version
  - Pashtu Version
- DOS Provides Diversity Visa Reassignment Procedures for Kabul and Baghdad – January 5, 2022
- USCIS Issues Guidance on How to Request Corrections to EADs for Afghans – December 21, 2021
- Afghans in Need of Immigration Assistance
- AILA Resources on the Parole Process
- Call for Examples: Third Country Processing Experiences for Afghan Nationals
- AILA Provides One Source Related to Immigration Options for Afghan Nationals

AMERICAN IMMIGRATION LAWYERS ASSOCIATION

LINK: https://www.aila.org/advo-media/issues/all/resources-assisting-afghan-clients
What are you doing to help Afghans?
Thank you!