



PennState Law

Center for Immigrants' Rights Clinic



**Khanbabai
Immigration
Law**

AFGHANS: KNOW YOUR STATUS, RIGHTS AND RESPONSIBILITIES

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Know your status:

Paroleⁱ

Parole is a temporary permission allowing a noncitizen to enter and be in the United States for humanitarian purposes for a limited period of time. As a parolee you have the right to apply for a work permit (Employment Authorization Document) and a social security card. Parole does not create a pathway to Lawful Permanent Resident status (Green Card).

Lawful Permanent Resident (Green Card)ⁱⁱ

Lawful Permanent Resident is a legal status that allows a noncitizen to live and work in the United States on a permanent basis. You are eligible for a social security card. As a lawful permanent resident, you are not a U.S. Citizen, but you may apply to become a U.S. citizen upon meeting eligibility requirements. This status allows you to sponsor your spouse and unmarried children.

Special Immigrant Visa (SIV)ⁱⁱⁱ

If you have COM approval and an approved I-360 petition you can apply for adjustment of status to obtain Lawful Permanent Resident status (Green Card), and eventually citizenship after 5 years. You are also eligible for work authorization and may apply for a social security card. As an SIV holder you may include your spouse and unmarried children under the age of 21 as derivatives.

Asylum^{iv}

If you have been granted asylum (asylee status), you have the right to apply for work authorization, apply for a social security card, request permission to travel abroad, and you may petition to bring your spouse or unmarried children under 21 to the United States. After a grant of asylum, an asylee may apply for Lawful Permanent Resident status (Green Card) after one year of physical presence in the U.S.

Family-Based Immigration^v

If you have relatives who are U.S. citizens or green card holders, you may qualify for permanent status through family-based immigration. Spouses, children (under 21 years of age), and parents of U.S. citizens (over 21 years of age) can immediately apply for a Lawful Permanent Resident status (Green Card) and a Social Security Card.

Temporary Protected Status^{vi}

On March 16, 2022, Afghanistan was designated for Temporary Protected Status (TPS) for 18 months, due to conditions in the country that temporarily prevent nationals from returning safely to Afghanistan. All

The information provided in this document is general information and not a substitute for legal advice.

individuals residing in the U.S. as of March 15, 2022, are eligible for TPS. Under TPS, individuals cannot be deported from the U.S., may apply for a work permit, and may be granted travel authorization.

Know Your Responsibilities

- **Update your addresses with the USCIS^{vii}**

Addresses must be updated within 10 days of moving to a new residence. You can submit the AR-11 form online through USCIS.gov, or by mail.

- **Criminal activities may affect your immigration status^{viii}**

Under U.S. criminal law, criminal activities result in punishment, but can also have a negative impact on your immigration status. For example, crimes involving domestic violence or drugs might make you ineligible for Lawful Permanent Resident status or other immigration consequences.

What do I do if I encounter immigration officials?^{ix}

- Stay calm. Do not run away.
- You have the right to remain silent. If you choose to do so, say so aloud. (i.e.: “I am exercising my right to remain silent.”) If you choose to speak, make sure you tell the truth.
- You have the right to talk to an attorney.
- You have the right to refuse to sign any documents or answer any questions.
- You have the right to say no when an agent asks to search you or your belongings. Agents need either probable cause or your consent to search.
- You have the right to refuse entry into your home if the agents do not have a search warrant signed by a judge.
- You have the right to refuse to show any documents that indicate your country of birth.
- Local police officers are NOT immigration officials. They are not the same as ICE.

Recommendations/Tips:^x

- Carry a [know-your-rights card](#) and show it to an immigration officer if you are stopped.
- Memorize phone numbers of family members, friends, and attorneys. Organize documents and make copies of important paperwork relating to finances, health, etc.
- You and your children have [the right to an elementary and secondary school education](#).
- If you are Muslim, the ACLU has provided [what to do when faced with anti-Muslim discrimination](#).
- State College welcomes immigrants to its community and in collaboration with the Center for Immigrants’ Rights Clinic has created this [resource page](#).

Resource Links:

[ACLU Know Your Rights](#)

[Informed Immigrant](#)

[National Immigration Law Center](#)

[Immigrant Legal Resource Center](#)

ⁱ Adapted from <https://www.uscis.gov/humanitarian/humanitarian-or-significant-public-benefit-parole-for-individuals-outside-the-united-states>

ⁱⁱ Adapted from <https://www.dhs.gov/immigration-statistics/lawful-permanent-residents>

ⁱⁱⁱ Adapted from <https://www.uscis.gov/green-card-for-an-afghan-employed-behalf-us-government>

^{iv} Adapted from <https://help.unhcr.org/usa/rights-and-duties/rights-and-duties-of-asylees/>

^v Adapted from <https://www.uscis.gov/green-card/green-card-eligibility/green-card-for-family-preference-immigrants>

^{vi} Adapted from <https://www.uscis.gov/newsroom/news-releases/secretary-mayorkas-designates-afghanistan-for-temporary-protected-status>

^{vii} <https://www.uscis.gov/ar-11>

^{viii} <https://www.uscis.gov/policy-manual/volume-8-part-b-chapter-11>

^{ix} Adapted from the [ACLU](#) and [Informed Immigrant](#)

^x *Id.*