



## ***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?**

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*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