



CHICAGOLAND

Immigration Info Session
Afghanistan
June 2022

THE WEBINAR WILL BEGIN SHORTLY



CHICAGOLAND

STAND/WITH THE VULNERABLE™

Immigration Info Session - Afghanistan

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Immigration Legal Services

June 2022

- Immigration Statuses
- Pathways to Lawful Permanent Resident Status
- Afghan Parolees
 - Parole by CBP
 - Special Immigrant Visa
 - Temporary Protected Status
 - Asylum
- Other Options for Afghans Overseas
 - I-131 Humanitarian parole by USCIS
 - I-130 Family petitions
- Questions

WR Services

- Immigrant Family Services
 - Family Case Management/Refugee Resettlement
 - Employment Services
 - Counseling Center
- Education
 - English as a Second Language
 - Job preparedness classes
 - Citizenship education (classes and tutoring)
- Immigration Legal Services
 - Green cards
 - Naturalization/Citizenship
 - DACA
 - Other immigration relief (U-visas)
 - Work permits (EAD)
 - Family Reunification



Who Can Practice Immigration Law?

- Licensed Attorneys
AILA – www.ailalawyer.com
- Department of Justice (DOJ) Accredited Representatives
<https://www.justice.gov/eoir/recognition-accreditation-roster-reports>

- 1) U.S. Citizens
- 2) Lawful Permanent Residents (“LPR” green card holder)
- 3) Refugees/Asylees
- 4) Nonimmigrant Visa Holders (visitor, business, performance, etc.)
- 5) Misc. temporary provisions (Temporary Protected Status, Parole, etc.)
- 6) Undocumented

- Family based
 - USC/LPR family member
 - Wait times
 - Bars to fixing papers
- Employment based
- Diversity Lottery Visa (Afghanistan citizens are eligible)
 - 55K visas/year
 - Country limitations
 - High school equivalent degree/min two years professional experience
- Humanitarian provisions
 - Certain victims of violent crimes (U/T/SIJS), asylee/refugee, SIV
- Court remedies (e.g. cancellation of removal)

- Parole allows an individual who may be ineligible for admission into the U.S. to be in the U.S. for a temporary period for urgent humanitarian reasons or significant public benefit.
- Majority of Afghan evacuees have entered the U.S. on two-year parole
- I-94 stamped “DT” or “OAR”
- Eligible for Employment Authorization Document by filing Form I-765
 - Some completed the I-765 on military base, if not can file now
 - There is no fee
- Parole is not permanent status
- Keep address updated with USCIS through Form AR-11
- Need to re-apply for parole (not considered “renewal”)
 - Requires appearing at any CBP deferred inspection site in person to request extension
 - May not be approved if applicant has TPS, unclear

Afghan Allies Protection Act of 2009

- Created a new special immigrant visa category for Afghans who were employed by or on behalf of the U.S. government in Afghanistan between October 7, 2001 and December 31, 2023
 - Expanded later to include Afghans employed by the International Security Assistance Force
- Had to have experienced, or be experiencing, an ongoing serious threat as a consequence of employment
- Requires:
 - Chief of Mission approval
 - I-360 approval
- Basis for obtaining Lawful Permanent Residence
 - By filing an I-485 adjustment of status (if in the U.S.), or
 - Applying for an Immigrant Visa (DS-260)

What is Temporary Protected Status?

- Temporary lawful status for nationals of designated countries
- Designation is for maximum of 18 months at a time
- Can be extended or terminated 60 days prior to expiration; otherwise automatically extended six months
- Can apply for work permit at the same time

Benefits of TPS:

- Temporary lawful status in the U.S.
- Work authorization, if you apply
- Temporary stay of removal
- Can request advance parole to allow for travel outside the U.S. and reentry into the U.S.

TPS is NOT:

- A pathway for permanent residence or U.S. citizenship
- Permanent – it may be terminated
- Doesn't help those who entered after March 15, 2022

TPS Eligibility Basic Requirements for Afghans

- Be national of Afghanistan
- Continuously residing in U.S. since 03/15/2022
- Continuously physically present in U.S. since 05/20/2022
- Certain criminal history may affect eligibility
- Not firmly resettled in a third country
- Not be inadmissible (or be eligible for a waiver)

Application Timeline

- Can apply from May 20, 2022 – November 20, 2023
- For those with status and work authorization, no urgent need to apply immediately
- Start gathering the necessary documentation and call to schedule an appointment

- Elements of Asylum Eligibility:
 - Past persecution or well-founded fear of future persecution
 - On account of:
 - Race/ethnicity
 - Nationality
 - Religion
 - Political Opinion
 - Membership in a Particular Social Group (gender, age, family, sexual orientation, etc.)
 - Government is unable or unwilling to control the persecutors (or is the persecutor)
 - Not able to relocate safely inside the country

- Application:
 - Submit application to USCIS
 - Apply within 1 year of arriving in the U.S.
 - Though there is an exception for those who enter under humanitarian parole or who obtain TPS
 - Interview with USCIS (within 45 days of filing)
 - Decision (within 150 days of filing)
 - If granted, apply for lawful permanent resident status after 1 year with asylum

Other Options for Afghans Overseas

- Parole allows an individual who may be ineligible for admission into the U.S. to be in the U.S. for a temporary period for urgent humanitarian reasons or significant public benefit.
- Who Can Apply?
 - Can be filed on behalf of someone outside the U.S. with urgent need to enter. Does not require familial relationship
 - Can be filed by individual living outside the U.S.
- Requires
 - I-131 application
 - I-134 sponsor Affidavit of Support, with financial evidence
 - Evidence of reasons for humanitarian/urgent request
 - Interview at a consulate abroad (outside of Afghanistan)
- USCIS has received thousands of requests
 - They are backlogged, taking a long time to process
 - Anecdotal seems like most denied for lack of sufficient evidence of specific harm facing individual (standard of serious and imminent harm)

- Permanent residents and U.S. citizens can file immigrant petitions
 - Visa must be available
 - If in the U.S., potentially can file an adjustment of status
 - If outside of the U.S. then consular processing
- Adult Lawful Permanent residents can file for:
 - Spouses and unmarried children under 21
 - Unmarried sons and daughters (21 and over)
- Adult U.S. citizens can file for:
 - Spouses, unmarried children under 21, parents
 - Unmarried children 21 and over
 - Married children
 - Brothers and sisters

- World Relief is offering assistance with:
 - Temporary Protected Status
 - Humanitarian Parole
 - Special Immigrant Visa
 - Family Petitions
 - Applications for green cards (Adjustments of Status & Consular Processing)
- World Relief has limited appointment availability
 - Only scheduling out 3 months at a time
 - May have to call back on the first day of the month for next availability; can offer referral list if requested
 - Remember: TPS registration period is open through November 2023

Questions?

World Relief Chicagoland Immigration Legal Services

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For more information
visit our website at:
<https://chicagoland.worldrelief.org/>

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