By email on February 15, 2022

Re: Request for Creation of the Afghan Parole Program, a Designated Parole Program for At-Risk Afghans

Dear Secretary Mayorkas and Director Jaddou:

We write on behalf of the undersigned legal services providers, resettlement agencies, law firms, law school clinics, and non profit organizations serving asylum seekers and refugees to respectfully request the creation of a designated parole program for at-risk Afghans who urgently require protection and seek reunification with family.

The creation of the Afghan Parole Program is necessitated and justified by the urgent needs of Afghans requiring immediate protection, and as a complement to other protection avenues being established for the longer-term future. We call on you, as the Secretary of Homeland Security (DHS) and the Director of the U.S. Citizenship and Immigration Services (USCIS), to use your authority to establish the Afghan Parole Program to protect vulnerable Afghans. As Secretary Mayorkas stated in September 2021, “[w]e have a moral imperative to protect [vulnerable Afghans], to support those who have supported this Nation.”^1 An Afghan Parole Program would be a significant step in acknowledging the urgency of this moment and helping to fulfill that moral imperative.

I. Past Efforts to Protect Wartime Evacuees Through Parole

Humanitarian parole authority has been utilized by both Democratic and Republican administrations since the end of World War II to protect wartime evacuees fleeing violence and persecution. In 1957, President Dwight D. Eisenhower ordered Operation Safe Haven, a 90-day refugee and resettlement operation following the Hungarian Revolution, which resulted in the evacuation of over 27,000 Hungarian refugees and the resettlement of 11,000 Hungarian refugees in the United States a year later.^2 After the fall of Saigon at the end of the Vietnam War, the U.S.

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established a parole program to rapidly evacuate over 140,000 Vietnamese refugees under Operation New Life.³ In 1996, the U.S. resettled 6,600 Iraqi Kurds under Operation Pacific Haven, which brought wartime allies and their families to safety between September 1996 to April 1997.⁴ In 1999, following the Serbian attack on Pristina (Kosovo), the Clinton administration conducted Operation Open Arms and airlifted approximately 20,000 Kosovar Albanians to Fort Dix, New Jersey, where their eligibility for refugee status was considered.⁵ In 2007, the Department of Defense used Significant Public Benefit Parole to quickly evacuate Iraqi translators who had worked with U.S. troops during Operation Iraqi Freedom.⁶ As evidenced by these historic events, conditions during and immediately after wartime often present urgent humanitarian reasons for utilizing the tool of parole to meet immediate protection needs that refugee processing cannot.

II. Conditions that Merit the Creation of the Afghan Parole Program

The Biden administration, recognizing the urgency of the moment, acted within the bounds of its enumerated legal authorities in prioritizing the lives and safety of U.S.-affiliated and at-risk Afghans by conducting the non-combatant extraction operation, Operation Allies Refuge. While the military evacuation efforts ended with the withdrawal of U.S. troops in August 2021, at-risk Afghans’ dire need for protection has not.

The Afghan Parole Program is urgently needed to address the dire circumstances at-risk Afghans face from the Taliban after the chaotic withdrawal of the U.S. military following its presence in Afghanistan for two decades.

Violence and Fear of Taliban Reprisal

In keeping with its promises, the administration must act with urgency to utilize all tools at its disposal, including parole, to provide protection from persecution and violence in Afghanistan due to the accelerating human rights and humanitarian crisis.⁷ These threats of violence are particularly acute for Afghans who have partnered with the U.S., former members of the Afghan National Security Forces,⁸ women, journalists, religious and ethnic minorities, LGBTQ persons, and more.⁹ The return of the Taliban to power in Afghanistan has devastating implications for the

aforementioned groups with serious reports of extrajudicial killings, disappearances, and other significant human rights abuses.\textsuperscript{10}

**Humanitarian Crisis**

The UNHCR has reported that “665,000 Afghans … have been newly displaced inside the country in 2021,” with 80 percent being women and children.\textsuperscript{11} As winter has set within Afghanistan, 23 million Afghans, approximately 55 percent of the population, are experiencing extreme hunger and are approaching famine conditions.\textsuperscript{12} This humanitarian crisis is further exacerbated by the lack of healthcare resources available to Afghans, especially amidst six epidemics the nation is experiencing. Hospitals are facing a deficit in funding due to the loss of international support, thereby causing doctors to go unpaid, medicine to be scarce, and conditions to be unsafe for at-risk Afghans.\textsuperscript{13}

**Economic Crisis**

International donors’ desertion of Afghanistan following the Taliban’s ascent to power immediately pushed the aid-dependent Afghan economy into a tailspin. As it stands, the central bank of Afghanistan’s $9 billion in reserves, most of which is held in the United States, remains frozen and the International Monetary Fund has blocked roughly $450 million in funds.\textsuperscript{14} The Afghani, Afghanistan’s currency, lost 11 percent of its value compared to the United States dollar within the span of a day in December 2021. Many Afghans are now out of work, the country is experiencing food shortages, and ordinary Afghans are unable to afford the basic necessities for life.\textsuperscript{15}

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\textsuperscript{13}UNHCR, Afghanistan Emergency, available at \url{www.unhcr.org/en-us/afghanistan-emergency.html}.

\textsuperscript{14}“The United Nations says Afghanistan’s economy is collapsing ‘right before our eyes,’” NPR (Dec. 10, 2021), available at \url{www.npr.org/2021/12/10/1062946434/the-united-nations-says-afghanistans-economy-is-collapsing-before-our-eyes}.

III. How the Afghan Parole Program will Protect Human Life and Complement Refugee Resettlement Efforts

Special or designated parole programs have been utilized by the U.S. government many times in the past and have long been seen as an important complement to refugee resettlement efforts.\textsuperscript{16} The dismantling of the U.S. refugee program in recent years has been well-documented.\textsuperscript{17} As the refugee program is rebuilt and strengthened for the long term, the Afghan Parole Program would meet the immediate need of vulnerable populations that the United States is compelled to protect and to reunite with loved ones after its withdrawal. Such programs are temporary in nature and can end when it is determined that the program is no longer necessary. While a parole program would not change the requirement that USCIS review each parole request on a case-by-case basis, it would offer a more streamlined and efficient system for case review, allowing USCIS to protect at-risk Afghans while maintaining the integrity of its case review process and allowing it full use of its discretion.

Just as Afghans entered the country through Operation Allies Refuge on humanitarian parole and will likely have to apply for asylum or other immigration status, Afghans who come through this parole program would likewise need to secure permanent status after arriving in the United States. However, given the pattern and practice of persecution in-country, as outlined above, those who qualify for this parole program will likely have strong prima facie claims to refugee protection, as well as others eligible for SIV status, family-based visas, or other immigration pathways.

The Afghan Parole Program should encompass all SIV-eligible Afghans, regardless of the phase or stage of their process, and their family members, particularly newborns to Afghan SIVs who were born after the visa was originally issued, but before the visa was reissued. Refugees referred to the U.S. Refugee Admissions Program (USRAP), including P1, P2, P3 and I-730 petitions, should be included while the USRAP process is rebuilt to process this population. Those seeking family reunification must be a priority given the family separation caused by the hasty evacuation.\textsuperscript{18} With all of this and with an eye to preserving familial bonds as they exist within Afghan culture, the government should take a broad view of the family unit. In addition, members of Afghan society whose work, such as human rights defenders, and those whose identity alone, such as LGBTQ persons or ethnic minorities, make them a target for harm should be included in this vital pathway to protection. Finally, there is a particular need to provide parole for women, including activists, business owners, physicians, or those engaged in any work that is considered by the Taliban as non-conforming to its extreme religious views. These are the categories of persons that we most commonly encounter who are in immediate need of protection; the Afghan Parole Program should also allow access for others with compelling protection needs.


The Bureau of Population, Refugees, and Migration (PRM) under the US Department of State created the Afghan Placement and Assistance (APA) program to provide Afghans on humanitarian parole key benefits and services during the first 90 days after departure from federal facilities via Cooperative Agreements with the nine national refugee resettlement agencies.\(^{19}\) Eligibility to enroll Afghans who enter the United States with humanitarian parole into the APA program is limited in duration.\(^{20}\) Given the steps taken to provide support to newly arrived Afghans, those who apply for the Afghan Parole Program who would qualify for the APA, and other forms of assistance, should require minimal financial sponsorship to approve their parole application. We understand that in past discussions of similar programs concerns have been raised about the financial and economic implications of such programs; that should not be a concern here. However, the time limitations on eligibility for enrollment makes it urgent for USCIS to establish the Afghan Parole Program so as to ensure the maximum number of Afghans benefit from the APA and resettlement infrastructure.

The purpose of the Afghan Parole Program would be to acknowledge and address the urgent and exigent needs for protection for certain Afghans who would have otherwise been evacuated if the U.S. military had remained in Afghanistan. The Afghan Parole Program would offer immediate, life-saving solutions for at-risk Afghans who cannot wait years for refugee processing to be established in meaningful way, and for families who have endured the trauma of separation in addition to the many other traumas they have experienced surrounding the fall of the elected government to the Taliban and the ensuing displacement.

IV. Conclusion

We urge you to immediately establish the Afghan Parole Program for at-risk Afghans in urgent need of protection in addition to creating protection pathways and expedited access to the refugee program. Given the chaos of the evacuation, country conditions, the Afghan Parole Program is warranted and will complement refugee resettlement in the long run. Please contact Jill Marie Bussey jbussey@lirs.org or Robyn Barnard barnardr@humanrightsfirst.org with any questions or to arrange for stakeholder engagement. Thank you for your consideration.

Sincerely,

#AfghanEvac Coalition
Adams Immigration Law LLC
ADL (Anti-Defamation League)
Afghan Coalition
Afghan Community of Maine (ACM)
Afghan Evacuation and Reconstruction Lawyers (AERL)


\(^{20}\) H.R.5305, the Extending Government Funding and Delivering Emergency Assistance Act, authorizes Afghan parolees to receive refugee benefits and places statutory guardrails around eligibility. Eligible Afghans are those paroled into the United States between July 31, 2021 and September 30, 2022; or those paroled into the United States after September 30, 2022 and, either the spouse or child of such a parolee or the parent or legal guardian of an unaccompanied child paroled during that period. The duration of eligibility for Afghan parolees to receive resettlement benefits lasts until March 31, 2023, or the term of parole granted, whichever is later.
Afghan Girls Financial Assistance Fund
Afghan Legal Empowerment Portal
Afghan Refugee Housing Network - NY
Afghan Refugee Relief and Aid
Afghan Refugee Relief and Aid of Michigan
Afghan Scout Relief Fund
Afghan-American Community Organization (AACO)
Afghan-American Foundation
Afghans For A Better Tomorrow
Al Otro Lado
Aldea - The People's Justice Center
Alianza Sacramento
American Friends Service Committee (AFSC)
American Immigration Council
Amnesty International USA
Amplio Foundation
Arab American Family Services
Asian Americans Advancing Justice - Chicago
Asian Counseling and Referral Service
Asian Law Alliance
Asian Pacific Institute on Gender-Based Violence
Asian Services in Action (ASIA)
Association of Public and Land-grant Universities
Association of Wartime Allies
Austin Region Justice for Our Neighbors
Berrien Immigrant Solidarity Network
Bethany Christian Services
Broward for Progress
Building Peaceful Bridges
Business Council for Peace (Bpeace)
California Collaborative for Immigrant Justice
California Partnership to End Domestic Violence
Capital Area New Mainers Project
Catholic Charities of Santa Clara County
Catholic Charities of Southern New Mexico
Catholic Legal Immigration Network, Inc.
Catholic Multicultural Center
Center for Gender & Refugee Studies
Center for Victims of Torture
Central American Refugee Center (CARECEN-NY)
Central Valley Immigrant Integration Collaborative
Centro Legal de la Raza
ChildFund
Church World Service
Community Legal Aid Society, Inc.
Community Legal Services in East Palo Alto (CLSEPA)
Connecticut Institute for Refugees and Immigrants
Connecticut Shoreline Indivisible
Cornell Law School Afghanistan Assistance Clinic
Curran Berger & Kludt LLP
Direct Aid International
Disciples Immigration Legal Counsel
Doctors for Camp Closure
Dolores Street Community Services
East Bay Refugee and Immigrant Forum
Equal Access Legal Services
Esperanza United (Formerly Casa de Esperanza National Latin@ Network)
Exodus World Service
Faith in Public Life
Faiths for Safe Water
Fill the Needs
First Focus on Children
Florence Immigrant & Refugee Rights Project
Forging Opportunities for Refugees in America
Georgia Asylum and Immigration Network (GAIN)
Global Advocates for Afghanistan
Global Afghan Allies
Global Friends of Afghanistan
Grace Church of Evergreen
Greater Change International
Hope Border Institute
Human Rights Advocates International
Human Rights First
Humanitarian Immigration Law Clinic, Elon University School of Law
Immigrant Allies of Marshalltown
Immigrant and Refugee Services, Catholic Charities Community Sevives, NY
Immigrant ARC
Immigrant Defense Advocates
Immigrant Legal Advocacy Project
Immigrant Legal Resource Center
Immigration Equality
Immigration Institute of the Bay Area
Immigration Program at New York Law School
Innovation Law Lab
International Civil Society Action Network (ICAN)
International Institute of New England
International Refugee Assistance Project (IRAP)
International Rescue Committee
Jesuit Refugee Service/USA
Jewish Family & Community Services - East Bay
Joint Development Associates International, Inc.
Jubilee Campaign USA Inc
Just Neighbors Ministry
Justice for Migrant Women
Justice for Our Neighbors El Paso
Justice for Our Neighbors Michigan
Khanbabai Immigration Law
Kurdish Alliance of North America
La Raza Community Resource Center
Ladder to the Moon Network
LaFountain Immigration Law, LLC
Leadership Conference of Women Religious
Levin Santalone LLP
Loyola University New Orleans College of Law, Stuart H. Smith Law Clinic and Center for Social Justice
Lutheran Immigration and Refugee Service
Mad River Valley Chamber of Commerce
Maine Business Immigration Coalition
Maine Coalition to End Domestic Violence
Maine Immigrants Rights Coalition
Maine Multicultural Center
MAPS-AMEN (American Muslim Empowerment Network)
Marigold Fund
Maryknoll Office for Global Concerns
Migrant Center for Human Rights
Mississippi Center for Justice
Monsoon Asians & Pacific Islanders in Solidarity
Mothers and Others, Justice and Mercy for Immigrants
Muslim Bar Association
Nasiri Law
National Clearinghouse for the Defense of Battered Women
National Immigration Forum
National Immigration Law Center
National Network for Immigrant and Refugee Rights
Neighbors Link
New England Justice for Our Neighbors
New Mainers Resource Center, Portland Adult Education
New Mexico Asian Family Center
New York Annual Conference Board of Church and Society
Nilsen Immigration Law
NorCal Resist
Northeastern University Immigrant Justice Clinic
Northwest Immigrant Rights Project
NuruZan Foundation
Oasis Legal Services
Open Immigration Legal Services
Oxfam America
Pangea Legal Services
Pars Equality Center
Paws Unite People Inc
Preble Street
Presidents’ Alliance on Higher Education and Immigration
Project ANAR
Public Counsel
REACT DC, Inc.
Refugee & Immigrant Transitions
Refugee Action Network
Refugee Congress
Refugee Council USA
Refugee Education & Adventure Challenge (REACH)
Refugee Women's Alliance
RefugeeOne
Refugees International
RefugePoint
Robert McKee, Attorney at Law
Ronco Consulting Corporation
Safe Passage Project
Scholars at Risk Network
Sikh Coalition
Sisters of Mercy of the Americas Justice Team
Smith College
Sound Central
South Asian Americans Leading Together (SAALT)
South Asian Bar Association - Chicago
Southeast Asia Resource Action Center (SEARAC)
Southwest Asylum & Migration Institute ("SAMI")
Student Clinic for Immigrant Justice
Syrian Community Network
Tahirih Justice Center
Tarjoman Relief
Team America Relief
Team13
The Five Pillars Org
The Advocates for Human Rights
The Door
The Ethiopian Community Development Council, Inc.
The Fletcher Evac Working Group
The Interfaith Center of New York
The Law Office of Goss & Associates LLC
The Legal Aid Society (New York)
The Legal Project
The Right to Immigration Institute
Truman Center for National Policy
U.S. Committee for Refugees and Immigrants
UCLA Afghan Legal Support Clinic
Unitarian Universalist Refugee and Immigrant Services and Education
UnLocal
USC Gould School of Law International Human Rights Clinic
VECINA
Vermont Network Against Domestic and Sexual Violence
Viets for Afghans
Vista Pointe Partners
Vital Voices
Voice for Refuge Action Fund
Volunteers of Legal Service, Inc.
Westchester Jewish Coalition for Immigration
Wild Iris Family Counseling & Crisis Center
Wind of the Spirit Immigrant Resource Center
Witness at the Border
WK Family Fund
Women's Initiative for Self Empowerment
Women's Refugee Commission
Young Center for Immigrant Children's Rights
August 5, 2022

Jill Marie Bussey  
Lutheran Immigration and Refugee Service  
jbussey@lirs.org

Dear Ms. Bussey:

Thank you for your February 15, 2022 letter requesting an Afghan Parole Program for at-risk Afghans and expedited access to the refugee program for Afghan nationals. Secretary Mayorkas asked that I respond on his behalf. As an initial matter, I want to apologize for the delay in responding to your letter. We have implemented new procedures to better ensure our responses to correspondence such as yours are timely.

The Department of Homeland Security (DHS) values our partnerships with the Lutheran Immigration and Refugee Service, Human Rights First, and the many knowledgeable and dedicated advocates and practitioners working to aid asylum seekers, refugees, Special Immigrant Visa beneficiaries, and parolees seeking protection in the United States.

As of July 19, 2022, the U.S. government has welcomed approximately over 88,000 Afghan nationals, U.S. citizens, and lawful permanent residents through Operation Allies Welcome (OAW). More than 83,000 Afghan nationals have joined their new communities across the United States. Congress has appropriated funds that enable the United States to provide resettlement assistance, such as cash assistance, medical assistance, employment preparation, job placement, and English language instruction for 95,000 parolees in OAW through the end of Fiscal Year 2022. Afghan nationals continue to be considered for humanitarian parole into the United States on a case-by-case basis.

Afghan evacuees complete a rigorous and multi-layered screening and vetting process that includes national security and criminal records checks before they can enter the United States. This process includes intelligence, law enforcement, and counterterrorism professionals from the Departments of Defense (DOD), State (DOS), and Homeland Security (DHS), Federal Bureau of Investigation (FBI), National Counterterrorism Center (NCTC), and other Intelligence Community partners that review fingerprints, photos, and other biometric and biographic data for every Afghan evacuee. Further, Afghan evacuees are subject to recurrent vetting, as are other foreign nationals visiting the United States, to further enable the federal government to identify and appropriately act upon any potential information of concern.

Once paroled by DHS, Afghan nationals may be eligible to apply for employment authorization and immigration benefits through U.S. Citizenship and Immigration Services (USCIS). USCIS is working hard to respond to the needs of Afghan evacuees and has personnel processing individuals’ requests for immigration benefits at federally approved facilities. USCIS
personnel are adjudicating applications for employment authorization, conducting other immigration processing, including the provision of “special immigrant” status to those who qualify, and providing administrative support to expedite the processing of applications for immigrant status and work authorization. USCIS also announced that it will exempt filing fees and streamline application processing for Afghan nationals who were paroled into the United States for humanitarian reasons on or after July 30, 2021. The Department of State and the Department of Health and Human Services are working to provide initial relocation support to Afghans granted parole, including short-term emergency health insurance.

The Department is working to provide resettlement options to those who aided the U.S. mission in Afghanistan and other vulnerable Afghans. We are working closely with the U.S. Department of State and the U.S. Department of Health and Human Services to provide care, process parolees, and ultimately, through the resettlement agencies, support Afghan parolees’ resettlement in local communities across the United States. We are enhancing our support of the U.S. Refugee Admissions Program (USRAP) by increasing staffing to conduct refugee interviews and resuming in-person refugee circuit rides in the region. As of July 22, 2022, USCIS has interviewed almost 4,300 Afghan refugee applicants this fiscal year. Additionally, USCIS, in partnership with the U.S. Department of State, has begun an ambitious initiative to process Afghan refugee applicants within 30-days of arrival at Camp as Sayliyah (CAS) in Doha, Qatar. As of July 22, 2022, 615 Afghan refugee applicants and their derivative family members who were interviewed at CAS have already arrived in the United States.

As you know, USCIS has recently reinstituted our quarterly asylum engagements and will soon relaunch a similar quarterly refugee engagement. Further, in addition to offering asylum-related presentations for Afghan guests at the OAW haven in Leesburg, Virginia, USCIS has launched a series of local and national OAW-specific stakeholder engagements, including for legal service providers and resettlement agencies, to provide information on the asylum process for Afghan parolees. USCIS has also published information for OAW asylum applicants whose asylum interviews might take place at a USCIS field office instead of an asylum office (i.e., circuit rides).1

Moreover, throughout this fiscal year USCIS has invited the public to numerous stakeholder events to discuss updates on programs in place to assist vulnerable populations, including, among others: an overview of OAW in October 2021; a Humanitarian and Significant Public Benefit Parole stakeholder engagement in November 2021; the OAW and Humanitarian Parole stakeholder event in December 2021; a roundtable on the USRAP and Refugee Processing in May 2022; and a stakeholder engagement on Form I-730, Refugee/Asylee Relative Petition, in July 2022. In addition, USCIS participated in stakeholder engagements hosted by the Unified Coordination Group and other federal government partners. A list of upcoming national engagements can be found under the Engagement Opportunities section on our website.2 We look forward to your participation in these important discussions and will continue to provide

1 A chart that lists the locations where OAW asylum applicants who qualify for expeditious processing under Section 2502(c) of the Extending Government Funding and Delivering Emergency Assistance Act (PDF) may expect to have their asylum interviews, based on where they live, can be found at https://www.uscis.gov/humanitarian/information-for-afghan-nationals/oaw-circuit-ride-locations.
updates on our website for programs and initiatives involving immigration benefits for vulnerable populations.

Thank you again for your letter and interest in this important issue. As we continue to assist and develop new ways to assist Afghans in need of protection, we appreciate the information you have shared in your letter and in multiple meetings. Should you wish to discuss this matter further, please do not hesitate to contact me at public.engagement@uscis.dhs.gov.

Respectfully,

[Signature]

Ur M. Jaddou
Director