

August 20, 2021

The Honorable Antony J. Blinken  
United States Secretary of State  
Washington, DC 20520

**RECEIVED**  
**By ESEC at 9:07 am, Aug 23, 2021**

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
Washington, DC 20528

Dear Secretary Blinken and Secretary Mayorkas,

I write today on behalf of NAFSA: Association of International Educators to urge immediate action to protect the lives of, and provide stability to, Afghan students, scholars, researchers, and those involved in advocating for, promoting, or engaging in higher education.

NAFSA is the world's largest nonprofit professional association dedicated to international education with nearly 10,000 members at more than 3,500 colleges and universities. U.S. institutions of higher education have welcomed and educated millions of students from all over the world, with many going on to become world leaders and some of our closest partners. NAFSA members are horrified at the prospects facing the Afghan people and those who may be targeted for their engagement in, or support of, higher education, especially women.

NAFSA urges the following actions and policies.

**1. Announce special student relief (SSR) for Afghan students in F and J status.** Regulations allow the Departments of Homeland Security (DHS) and State (DOS) to suspend or alter rules regarding duration of status, full course of study, and employment eligibility, for specific groups of F-1 and J-1 students from parts of the world that are experiencing emergent circumstances. International students from Afghanistan would greatly benefit from SSR, which allows DHS to suspend the 20 hour per week limits on incident-to-status on-campus and USCIS-authorized off-campus employment, and for students to be considered engaged in a "full course of study" for the duration of their employment authorization if they satisfy specific minimum course load requirements.

**2. Allow for waiver of or flexibility from eligibility requirements for the issuance of the Student and Exchange Visitor Information System (SEVIS) Form I-20 "Certificate of Eligibility for Nonimmigrant (F-1) Student Status."** To obtain a foreign student visa (F), a prospective U.S. higher education student must present a Form I-20 issued by an institution certified by the Immigration and Customs Enforcement Student and Exchange Visitor Program. Eligibility for the Form I-20 requires the prospective student to provide transcripts or other records of courses taken, proof of financial responsibility for the student, and other supporting documents (8 CFR 214.3(k)(2)). A U.S. higher education institution should be allowed to issue the Form I-20 in the absence of some or all of these requirements if the higher education

institution determines that alternative requirements meet the standard for admission to the institution. The exigent circumstances require the utmost flexibility for Afghans seeking to begin or continue their higher education.

**3. Allow humanitarian parole for Afghan students, scholars, researchers and create a new category for Afghan women.** Application for humanitarian parole is available for people who have a compelling emergency and there is an urgent humanitarian reason or significant public benefit to allowing an individual to temporarily enter the United States. Afghan students, scholars, and researchers, especially women, now meet this standard. The filing, review, and approval process should be streamlined. Work authorization and other benefits should be available to those granted humanitarian parole.

NAFSA supports the creation of a new “humanitarian parole category for certain at-risk Afghan women leaders, activists, human rights defenders” and others as recommended in an August 16, 2021, bipartisan letter signed by 46 senators to the Biden-Harris administration.

The senator’s letter states that they and their staff are “receiving regular reports regarding the targeting, threatening, kidnapping, torturing, and assassinations of women for their work defending and promoting democracy, equality, higher education, and human rights.” “Defending and promoting” higher education should be expanded to include women engaging in and pursuing higher education.

Throughout the 20-year period in Afghanistan, the U.S. government encouraged and supported Afghan women in their efforts to engage in public life and obtain higher education. The U.S. government should continue that support now by protecting their lives through the creation of a new humanitarian parole category for Afghan women.

**4. Waive the presumption of immigrant intent and unabandoned residence abroad conditions for F students and J exchange visitors and their families.** The requirement that F-1 and J-1 students, scholars, and researchers and their families prove that they intend to return to an unabandoned residence abroad following their stay in the United States should be waived. If a waiver is not possible, the requirement should be satisfied by an intent to return when conditions in Afghanistan are normalized.

**5. Waive the INA 212(e) two-year home residence requirement for J-1 exchange visitors and their dependents.** The Departments of State and Homeland Security should cooperate to waive the INA section 212(e) requirement that J-1 exchange visitors return to Afghanistan for two years following completion of an exchange visitor program that is funded by U.S. or Afghan government funding, because the J-1 participant’s field of expertise is on the Department of State’s Skills List for Afghanistan, or because the exchange visitor participated in a program of gradual medical education.

**5. Announce temporary protected status (TPS) for Afghans in the United States.** It is unclear when or if Afghan nationals will be able to return to Afghanistan. TPS should be made available as quickly as possible, with a rolling date of physical presence in the United States that

allows Afghan nationals to apply for initial grants of TPS throughout the validity of the TPS notice.

**6. Advise all U.S. embassies and consulates to receive and process visa applications for Afghan nationals.** Concerted ongoing efforts should be made to facilitate the expeditious processing of visa applications for Afghan nationals at third-country posts worldwide.

**7. Continue evacuation flights for as long as possible so as to include students, scholars, and researchers.** Procuring necessary documents and gaining safe passage is monumentally difficult. In the initial crush to leave the country, many Afghans deserving support will be made to wait. NAFSA urges evacuation flights for as long as possible so that those seeking to begin or continue their engagement in higher education may have the opportunities to do so.

**8. Act in all ways available to aid the departure of Afghan nationals.** The U.S. government should take any and all appropriate actions, consistent with applicable law, to preserve and fortify educational and research opportunities by Afghan students, scholars, and researchers and their safe departure from Afghanistan.

Please do not hesitate to contact me with any questions or if NAFSA: Association of International Educators may be of assistance.

Sincerely,



Esther Brimmer, D.Phil  
Executive Director and CEO



U.S. Citizenship  
and Immigration  
Services

June 28, 2022

Esther Brimmer, D.Phil  
Executive Director and CEO  
NAFSA: Association of International Educators  
1425 K Street, NW, Suite 1200  
Washington, DC 20005

Dear Dr. Brimmer:

Thank you for your August 20, 2021 letter regarding an urge for action to protect the lives of, and provide stability to, Afghan educators and students. Secretary Mayorkas asked that I respond on his behalf. I apologize for the delay in responding.

As of April 15, 2022, the U.S. government has welcomed approximately 86,000 Afghan nationals, U.S. citizens, and lawful permanent residents through Operation Allies Welcome (OAW). More than 73,000 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.

Afghan nationals who have been granted humanitarian parole may be eligible for employment authorization and to apply for immigration status through U.S. Citizenship and Immigration Services (USCIS). 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, including

translation and interpretation services, to expedite the processing of applications for immigrant status and work authorization. DOS and the Department of Health and Human Services (HHS) also provide resettlement services to Afghans granted parole. Afghan parolees may be eligible for cash assistance, medical assistance, job placement support, English language training, and other services offered through the HHS Office of Refugee Resettlement (ORR). They may also be eligible for other federal benefits, such as cash assistance through Supplemental Security Income or Temporary Assistance for Needy Families, health insurance through Medicaid, and food assistance through the Supplemental Nutrition Assistance Program.

USCIS is continuously exploring ways to improve the parole process and has provided updated guidance on our webpage created specifically for Afghan nationals requesting parole.<sup>1</sup> USCIS will continue to update the webpage as needed to provide guidance on requests for parole and associated requests for fee waivers.

Please note, however, that parole is not intended to avoid normal visa processing procedures and timelines, such as for the Special Immigrant Visa (SIV) program, or replace established refugee protection mechanisms, such as local protection and, where applicable, referral to the U.S. Refugee Admission Program (USRAP) for resettlement.

In some limited circumstances, the reasons for parole are so urgent that obtaining a visa or processing via the USRAP is not a realistic option. These reasons, along with all other factors that are relevant to the case, are taken into consideration when USCIS assesses whether there are urgent humanitarian or significant public benefit reasons for the parole and whether the individual warrants a favorable exercise of discretion. Because the U.S. Embassy in Afghanistan has suspended operations, USCIS is unable to complete processing of parole requests for beneficiaries who are in Afghanistan at this time. We are also unable to help beneficiaries leave Afghanistan and travel to a location with a U.S. embassy or consulate to complete processing of a parole request. However, if USCIS determines that a beneficiary in Afghanistan may be eligible for parole, USCIS notifies the petitioner that the beneficiary should contact USCIS if they are able to get to a third country where there is a U.S. embassy or consulate, and USCIS will continue processing the parole request.

In addition to parole processing for urgent humanitarian and significant public benefit reasons, USCIS is working closely with DOS to more expeditiously process cases accepted to the USRAP and has deployed refugee officers to adjudicate Afghan refugee cases referred by DOS for USCIS interview. Individuals who believe they are in need of protection due to persecution or fear of persecution on account of their race, religion, nationality, membership in a particular social group, or political opinion are encouraged to seek local protection mechanisms, such as contacting the United Nations High Commissioner for Refugees (UNHCR) to assist with providing immediate protection support, where available, and to assess the protection issue to determine whether resettlement is the best solution for an individual or family. UNHCR also notes that individuals in Afghanistan who believe they need protection may contact the toll-free Awaaz humanitarian helpline. We are in the process of rebuilding the refugee resettlement

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<sup>1</sup> <https://www.uscis.gov/humanitarian/humanitarian-parole/information-for-afghan-nationals-on-requests-to-uscis-for-humanitarian-parole>

infrastructure to fulfill President Biden's commitment to ensuring the United States is responsive to refugee crises in Afghanistan and elsewhere by resuming our role as a global leader in refugee resettlement. USCIS continues to hire additional refugee officers and is also implementing solutions such as a videoconferencing technology to enhance our capacity to interview refugee applicants when our ability to physically travel to circuit ride locations is limited.

Additionally, Afghan nationals may be eligible for referral to the USRAP through the Afghan Priority 2 (P-2) Program, which includes Afghan nationals who do not meet the minimum time-in-service for a Special Immigrant Visa but who work or worked as employees of contractors, locally-employed staff, interpreters/translators for the U.S. Government, United States Forces Afghanistan, International Security Assistance Force, or Resolute Support; Afghan nationals who work or worked for a U.S. Government-funded program or project in Afghanistan supported through a U.S. Government grant or cooperative agreement; and Afghan nationals who are or were employed in Afghanistan by a U.S.-based media organization or non-governmental organization. U.S.-based media organizations may also refer Afghan nationals who worked for them under stringer, freelance, and comparable arrangements. If an individual does not meet any of the criteria for a P-2 referral but is well known to a U.S. embassy or U.S. Government agency, and has imminent and compelling protection concerns, he or she may be eligible for referral to the Priority 1 (P-1) program directly through the U.S. embassy or U.S. Government agency that knows the individual. Individuals lawfully admitted to the United States as refugees or asylees may also file family reunification cases for their spouses, unmarried children under 21, and parents who are outside their country of origin under the Priority 3 (P-3) program.

The U.S. Government also remains committed to processing SIV applications efficiently:

- In response to the White House's July 14 announcement of Operation Allies Refuge (now OAW), experts from DOS, DOD, DHS, and HHS coordinated the government's efforts to support the relocation of eligible Afghan nationals and their families who supported the United States in Afghanistan, and who are currently in the SIV application process.
- USCIS surged resources to train additional adjudicators to meet the increase in Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant filings and reduce the average processing time.
- Afghan SIV applicants do not pay a filing fee for Form I-360 if their filing eligibility is due to their service as a former U.S. Government employee or translator.
- USCIS continues to receive Form I-360 filings via email from Afghanistan and from Afghan nationals at third-country processing sites and U.S. military bases, all of which are being expedited.

Please be assured that the U.S. Government continues to explore options to serve at-risk Afghan nationals through a number of mechanisms, including increasing refugee processing, efficiently processing applications for Afghan nationals who may be eligible for a SIV, and expediting processing of family-based petitions and immigrant visa petitions filed on behalf of Afghan nationals. Further, on March 16, 2022, Secretary Mayorkas announced a new designation of Afghanistan for Temporary Protected Status (TPS) for 18 months. The designation of TPS for Afghanistan affords protection for Afghans living in the United States

Dr. Esther Brimmer

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from returning to Afghanistan. TPS applies to individuals who are already residing in the United States as of March 15, 2022, and meet all other requirements, including undergoing security and background checks. The 18-month designation of TPS for Afghanistan went into effect on May 20, 2022, on the date of its Federal Register notice.

Thank you again for your letter. Should you require any additional assistance, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal flourish.

Ur M. Jaddou  
Director