

March 6, 2023

Ur Mendoza Jaddou, Director  
U.S. Citizenship and Immigration Services  
5900 Capital Gateway Drive  
Camp Springs, MD 20588

**RE: Prioritizing the Processing of Adjustment of Status Applications filed by Afghans Seeking Lawful Permanent Residency Pursuant to the Special Immigrant Visa Program**

Dear Director Jaddou,

We respectfully and urgently write to request USCIS prioritize the processing of approximately 11,000 adjustment of status applications (Forms I-485) filed by Afghans who entered the United States as parolees during Operation Allies Refuge (OAR) and Operation Allies Welcome (OAW) and who are currently eligible for lawful permanent residence through the Special Immigrant Visa (SIV) program.

On November 21, 2022, 156 organizations submitted a comprehensive list of recommendations<sup>1</sup> to the Department of Homeland Security (DHS) and the U.S. Citizenship and Immigration Service (USCIS) on the urgent need to provide extensions of temporary protections and work authorization for Afghans who arrived through OAR/OAW. Advocates received an official, written response on February 7, 2023.<sup>2</sup> That letter indicated USCIS shares the commitment to ensure Afghan evacuees are able to remain in the U.S. We understand that DHS and USCIS are currently exploring a range of options to serve as a bridge until Afghans can obtain more permanent immigration status. We are grateful for those efforts and look forward to receiving additional information and guidance in the near future.

We encourage USCIS to avoid the need for extensions of temporary protections for Afghans who are already on a path to lawful permanent residency by prioritizing and expediting the processing of adjustment of status applications (Forms I-485) filed by Afghans under the SIV program. A recent news report indicates USCIS has already processed 3,600 of these adjustment applications and that approximately 11,000 cases remain pending adjudication.<sup>3</sup> As time runs down on their underlying parole protections, we urge you to direct USCIS field offices, including those in Baltimore, Houston, Oklahoma City, Providence, San Francisco, and Washington to ensure these cases are appropriately tracked and processed *before parole expiration*. **USCIS should immediately ensure any applications that require interviews are scheduled, any cases that**

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<sup>1</sup> Lutheran Immigration and Refugee Service (LIRS), “Re-Parole Request for Afghans who arrived under OAR and OAW,” November 21, 2022, [www.lirs.org/wp-content/uploads/2022/11/FINAL\\_DHS-Re-parole-Request-for-Afghans-who-Arrived-via-OAR\\_OAW\\_21-NOV-2022.pdf](http://www.lirs.org/wp-content/uploads/2022/11/FINAL_DHS-Re-parole-Request-for-Afghans-who-Arrived-via-OAR_OAW_21-NOV-2022.pdf).

<sup>2</sup> Lutheran Immigration and Refugee Service (LIRS), “Letter Response to Jill Marie Bussey from the Department of Homeland Security,” February 7, 2023, [www.lirs.org/wp-content/uploads/2023/02/212023\\_101618AM\\_22-7191\\_Response.pdf](http://www.lirs.org/wp-content/uploads/2023/02/212023_101618AM_22-7191_Response.pdf).

<sup>3</sup> Camilo Montoya-Galvez, “Tens of thousands of Afghans in U.S. could lose deportation protections unless Congress Acts,” CBS News, February 16, 2023, [www.cbsnews.com/news/afghan-adjustment-act-evacuees-parole-legal-status-deportation-protections/](http://www.cbsnews.com/news/afghan-adjustment-act-evacuees-parole-legal-status-deportation-protections/).

**have had interviews canceled are either adjudicated or rescheduled, and exercise its discretion to waive interviews generously.** USCIS should conduct regular sweeps of pending cases to ensure applications are expedited and processed well before parole ends.<sup>4</sup> For adjustment cases that will require more time to complete, USCIS should provide the applicant with information about extending temporary protections and work authorization.

The SIV program for Afghans was created to provide permanent protection to Afghans affiliated with U.S. missions such as translators and interpreters. Many Afghans brought to the United States via OAR/OAW experienced disruptions in their SIV process as they sought safety, were processed at Lily Pads and Safe Havens, and settled into their new communities. While some people may have received legal services to assist them with their SIV adjustment applications at Safe Havens<sup>5</sup>, many had to find legal services in their receiving communities - navigating an evolving process few had experienced before. For the 11,000 applicants waiting for USCIS processing, they are just one step away from lawful permanent residency and the stability we promised them when they put their lives at risk to serve our mission in Afghanistan - **we must finish the job and fulfill our promises by completing their processing before their parole period ends.**

Afghans who arrived on parole are eligible to apply for federal mainstream benefits in their state, such as cash assistance through Supplemental Security Income (SSI) or Temporary Assistance for Needy Families (TANF), health insurance through Medicaid, and food assistance through Supplemental Nutrition Assistance Program (SNAP). Afghans who receive lawful permanent residence via the SIV program may also access these vital benefits. However, these benefits are not typically accessible for people with an adjustment pending. **A failure to adjudicate SIV adjustment applications before parole expiration may cause significant benefits disruptions that would destabilize our Afghan allies and their families.** Further, most Afghans who entered via OAR/OAW are also eligible for ORR benefits such as medical assistance, employment preparation, job placement, English language training, and other services offered through ORR. **Access to these Congressionally mandated and vital ORR-funded services and benefits will be lost when the parole term ends.**

Faced with the uncertainty of timely application processing and the void of information about re-parole, some SIV adjustment applicants are also submitting adjustment-based work authorization applications and asylum applications. As we understand, SIV adjustment applicants are required to pay the associated filing fee for the I-765 application, which can amount to a week's wages. Adjustment-based, or c(9), I-765s cannot be filed online and the processing times are inconsistent, adding to the uncertainty of whether they will be approved in time before their parole-based, or c(11), work authorization ends. While asylum may be a legal option, the application process can take a toll on the mental health of applicants who may be re-traumatized when retelling experiences of persecution. Asylum application processing is also more laborious for legal services providers and adds to USCIS' burgeoning caseloads. Clearing the current SIV adjustment application caseload would be mutually beneficial for applicants, legal services providers, and the agency.

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<sup>4</sup> Per the Afghan Allies Protection Act of 2009, Public Law 111-8, March 11, 2009, § 602(b), codified at 8 United States Code (U.S.C.) § 1101 note, "Afghan Allies Protection," the entire visa process should take no more than 9 months.

<sup>5</sup> Lutheran Immigration and Refugee Service (LIRS), "Faith Leaders and Organizations Letter to Congress re: the Afghan Adjustment Act," March 1, 2022, [www.lirs.org/wp-content/uploads/2022/03/Faith-Leaders-and-Organizations-Letter-Afghan-Adjustment-Act.pdf](http://www.lirs.org/wp-content/uploads/2022/03/Faith-Leaders-and-Organizations-Letter-Afghan-Adjustment-Act.pdf).

However, it should not come at the cost of other applicants who have awaited adjudication of their citizenship and family-based applications. **As USCIS prepares for a significant caseload of filings for extensions of temporary protections and work authorizations while also processing asylum and other cases for Afghans, streamlining processing and clearing the small but manageable caseload of SIV adjustment applications will lessen the agency's workload.**

We appreciate your consideration of this urgent request. Please contact Jill Marie Bussey, Director for Public Policy at Lutheran Immigration and Refugee Service at [jbussey@lirs.org](mailto:jbussey@lirs.org), and Mustafa Babak, Executive Director at Afghan-American Foundation at [mustafa@afghanamericans.org](mailto:mustafa@afghanamericans.org) for any questions or concerns.

cc: Phyllis A. Coven, Citizenship and Immigration Services Ombudsman, Department of Homeland Security

Sincerely,

#AfghanEvac

Afghan-American Community Organization

Afghan-American Foundation

Afghanistan Advocacy Group

Afghans For A Better Tomorrow

Allied Shepherd

Amicangelo & Theisen, LLC

Association of Wartime Allies (AWA)

CAIR-WA

Catholic Community Services of Lane County, Inc.

Catholic Legal Immigration Network, Inc.

Church World Service

Combined Arms

Congregational UCC

Conklin Immigration Law, LLC

Dorcas International Institute of RI

FAMIL

Fresh Start RAC

Ghafoor Foundation

HIAS

Human Rights First

IAVA

Immigrant ARC  
Immigration Legal Advocacy Project  
International Refugee Assistance Project (IRAP)  
International Rescue Committee  
Jewish Family Service of San Diego  
Law Office of Spojmie Nasiri, PC  
Law Office Of Zahedi PLLC  
Lutheran Immigration and Refugee Service  
Lutheran Social Services of the National Capital Area (LSSNCA)  
Metrowest Legal Services  
No One Left Behind  
Nooristan Foundation  
OKC Afghan Legal Network  
Prime Counsel  
Project ANAR  
The 5ive Pillars Organization  
Truman Center for National Policy  
U.S. Committee for Refugees and Immigrants  
Unitarian Universalists for Social Justice  
Veterans for American Ideals  
VECINA  
Volunteer Lawyers Project of CNY, Inc  
With Honor Action  
Women For Afghan Women  
World Relief



June 20, 2023

Jill Marie Bussey  
Director for Public Policy  
Lutheran Immigration and Refugee Service  
[JBussey@lirs.org](mailto:JBussey@lirs.org)

Dear Ms. Bussey:

Thank you for your March 6, 2023 letter to U.S. Citizenship and Immigration Services (USCIS) regarding processing of Adjustment of Status applications (Forms I-485) filed by Afghan nationals seeking lawful permanent residence status pursuant to the Special immigrant Visa (SIV) program.

As encouraged by Congress,<sup>1</sup> USCIS is prioritizing the processing and adjudication of adjustment of status applications filed by Afghan special immigrants and designated a direct filing address for Afghan immigrants to file their Form I-485, Application to Register Permanent Residence, to help prioritize the processing of these applications. The average time from receipt of an SIV Form I-485 filing to scheduling an interview is approximately six months and a final decision on the SIV Form I-485 is made in approximately 8.4 months. By comparison, the average processing time for Immediate Relative Form I-485 from receipt to final decision is approximately one year. For those individuals who require rescheduling of interviews due to USCIS needs, our field offices are directed to give priority to the applicants whose interviews have to be cancelled or postponed. The current processing time for Form I-765, Application for Employment Authorization associated with a pending Form I-485 is less than six months. We also look forward to providing an online filing option for category (c)(9) Employment Authorization Document (EAD) (applicant pending adjustment of status) applications in the coming year.

Additionally, through September 30, 2023, there is no fee to file Form I-485 to adjust status to that of lawful permanent resident on the basis of classification as an Afghan special immigrant, and any associated biometric services, or to file an associated Form I-601, Application for Waiver of Grounds of Inadmissibility. We appreciate your sharing that the filing fee associated with the category (c)(9)-based EAD may be challenging for some individuals. There is currently no fee exemption for category (c)(9) EAD filings for adjustment of status applicants, however most Afghans paroled under Operation Allies Welcome (OAW) have received an EAD incident to their status as parolees and do not need to apply for an additional EAD if they apply for adjustment of status. Individuals who need to file for an EAD based on their pending (c)(9) status and on account of their parole-based EAD lapsing, may file a paper-

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<sup>1</sup> Extending Government Funding and Delivering Emergency Assistance Act, Pub. L. 117-43.

based Form I-912, Request for Fee Waiver for USCIS' consideration. Individuals with an underlying basis to apply for an EAD may apply for a fee-waiver, however, currently fee waivers are not yet available for online filing, so the Form I-765 EAD application, along with the Form I-912, would need to be filed by mail. Please also note the proposed fee rule proposes a fee exemption for SIVs for all fees filed with or associated with SIV filing through adjustment (including Forms I-131, I-212, I-290B, I-485, I-601, and I-765).<sup>2</sup>

In the meantime, the fee-exempted, streamlined re-parole and employment authorization application process for eligible Afghan nationals that was launched on June 8, 2023, will help to facilitate their continuity of lawful presence and work authorization in the United States. As part of this effort, USCIS will extend on a case-by-case basis, for urgent humanitarian reasons and significant public benefit, the parole and employment authorization of Afghan nationals who arrived in the United States under humanitarian parole through OAW who have already filed—or will timely file prior to the expiration of their current period of parole—asylum or adjustment of status applications. For more information on the OAW re-parole and employment authorization application process, please see our website, “Re-Parole Process for Certain Afghans,” at <https://www.uscis.gov/humanitarian/information-for-afghan-nationals/re-parole-process-for-certain-afghans>.

USCIS has also continued its commitment to supporting Afghans paroled under OAW and Enduring Welcome (EW) through hosting Afghan Support Centers across the country. At seven locations across the country through at least September 2023, USCIS is convening a variety of U.S. government personnel and nongovernmental organizations to provide information regarding immigration, legal, and social services available for those who arrived through OAW and EW. Additionally, USCIS is providing interpreters to assist Afghans navigate the Center and best access the services available. The next Afghan Support Center will take place in Sacramento, CA on June 21-June 24.<sup>3</sup>

Thank you again for your letter and interest in this important issue. Please share this response with the other organizations that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou  
Director

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<sup>2</sup> *U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements*, 88 FR 402 (Jan. 4, 2023).

<sup>3</sup> Additional details about this support center event and upcoming support centers are available at <https://www.uscis.gov/outreach/upcoming-local-engagements>.