

Lawful Immigration Pathways for Eligible Afghan Nationals Residing in the United States



Since July 2021, more than 85,000 Afghan nationals have resettled in their new communities in the United States as part of Operation Allies Welcome (OAW). The U.S. Department of Homeland Security is coordinating with federal, state, and local government partners to provide ongoing assistance to Afghan nationals to support their resettlement and give them information about long-term lawful pathways in the United States. If you are an Afghan national living in the United States, there are several lawful immigration pathways that may be available to you:

Asylum

If you are an Afghan national who was paroled into the United States under OAW and you are currently in the United States, you may apply for asylum if you have been persecuted or fear you will be persecuted in Afghanistan on account of your nationality, race, religion, membership in a particular social group, or political opinion. If you choose to apply for asylum, you must apply within one year of your last arrival to the United States, unless you can show that you qualify for an exception to the one-year filing deadline.

If you file after the one-year filing deadline, USCIS will still accept your application. We will consider whether you have established a change in circumstances that materially affects your eligibility for asylum or extraordinary circumstances directly related to the delay in filing your asylum application, and whether the delay in filing your application was reasonable given your circumstances. Generally, OAW parolees who have maintained valid parole until a reasonable period before filing their asylum application would qualify for the extraordinary circumstances exception so that they are not required to file within one year if they are still maintaining parole.

If you file your asylum application after your parole expires, the asylum officer will ask you questions to determine whether your delay in filing was reasonable given your situation. If the officer determines that your delay was not reasonable, and you are not in immigration status or parole at the time, then the officer will not be able to grant your asylum application but will instead refer your asylum application to an immigration judge who will consider your asylum application anew in a hearing and determine whether you should be permitted to remain in the United States.

Benefits of asylum

Individuals granted asylum may apply for lawful permanent resident status (a Green Card) after one year. For more information, visit uscis.gov/asylum or visit uscis.gov/tools/settling-us to download the brochure, *USCIS Welcomes Refugees and Asylees*. After five years of being a lawful permanent resident and meeting certain eligibility requirements, you may apply for naturalization to become a U.S. citizen. Additionally, if you are granted asylum status as a principal asylee, you may be eligible to file a [Form I-730, Refugee/Asylee Relative Petition](https://uscis.gov/i-730), to request follow-to-join benefits for your spouse and/or unmarried children under 21 years of age. Similarly, if you are the spouse or child of a person who has been granted asylum in the United States, they may be able to petition for you to be granted asylum as a derivative by filing Form I-730. To access Form I-730, the form instructions, and instructions on where to file, visit uscis.gov/i-730.

How do I apply?

To apply for asylum, file Form I-589, Application for Asylum and for Withholding of Removal, with USCIS. To access Form I-589, the form instructions, and instructions on where to file, visit uscis.gov/i-589.

Note: USCIS is expediting the processing of asylum applications for certain Afghan nationals under Section 2502(c) of the Extending Government Funding and Delivering Emergency Assistance Act. Under the Act, USCIS will conduct the initial asylum interview within 45 days of filing and, if there are no exceptional circumstances, USCIS will complete the final asylum adjudication within 150 days of filing. For instructions to ensure we expedite your application, visit the Information for Afghan Nationals webpage at uscis.gov/allieswelcome and look under the Asylum section.

Special Immigrant Visa Classification

Afghan nationals who worked for or on behalf of the U.S. government or for the International Security Assistance Force in Afghanistan may be eligible to apply for Special Immigrant Visa (SIV) classification.

Benefits of Special Immigrant Visa Classification

A special immigrant may file Form I-485, Application to Register Permanent Residence or Adjust Status (uscis.gov/i-485), to obtain lawful permanent resident status (a Green Card). After five years of being a lawful permanent resident and meeting certain eligibility requirements, you may apply for naturalization to become a U.S. citizen.

How do I apply?

Beginning July 20, 2022, Afghan nationals seeking SIV classification must generally file the revised Form DS-157, Petition for Special Immigrant Classification for Afghan SIV Applicants, with the Department of State (DOS) at the same time they apply for Chief of Mission (COM) approval. This is a new process that replaces the previous two-step process. For more information visit travel.state.gov/afghan.

What if I already have COM approval?

If you are in the United States and you already started the SIV application process and received COM approval from DOS on or before July 20, 2022, you should file Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, with USCIS. For more information visit uscis.gov/i-360.

What if my COM request is pending?

If you are in the United States with a pending COM request on or before July 20, 2022, see the chart below.

If your...	Then...
COM request is pending and you have a signed DS-157	After your COM request and DS-157 petition are approved, you may apply for a Green Card by filing Form I-485 with USCIS.
COM request is pending and you have an unsigned DS-157	After your COM request is approved, file Form I-360 with USCIS. After approval of your I-360 petition, you may apply for a Green Card by filing Form I-485 with USCIS.
COM request is pending and you have no DS-157	After your COM request is approved, file Form I-360 with USCIS. After approval of your I-360 petition, you may apply for a Green Card by filing Form I-485 with USCIS.
COM request was approved before July 20, 2022	File Form I-360 with USCIS. After approval of your I-360 petition, you may apply for a Green Card by filing Form I-485 with USCIS.
Form I-360 is pending with USCIS	After your Form I-360 is approved, you may apply for a Green Card by filing Form I-485 with USCIS.

Family-Based Immigrant Petitions

If you have a family member (spouse, parent, son, daughter, or sibling) who is a U.S. citizen or lawful permanent resident, they may be eligible to file an immigrant petition on your behalf.

Benefits of a family-based immigrant petition

If we approve your family member's immigrant petition, you may be eligible to apply for lawful permanent resident status (a Green Card). In general, after five years of being a lawful permanent resident and meeting certain other eligibility requirements, you may apply for naturalization to become a U.S. citizen.

How can my family member file a family-based immigrant petition?

For more information and to learn about the application process and eligibility for family-based immigrant petitions, visit uscis.gov/green-card/green-card-eligibility-categories.

Temporary Protected Status

On March 16, 2022, the Secretary of Homeland Security announced the designation of Afghanistan for Temporary Protected Status (TPS) for 18 months. This designation allows nationals of Afghanistan (and individuals having no nationality who last habitually resided in Afghanistan) who have continuously resided in the United States since March 15, 2022, to file initial applications for TPS.

Benefits of TPS

If you have TPS, you are not removable from the United States, can obtain an Employment Authorization Document, may be granted travel authorization, and cannot be detained by the Department of Homeland Security based solely on your immigration status.

Note: If you register for TPS, you may still apply for nonimmigrant status, adjustment of status based on an immigrant petition, or any other benefit or protection you are eligible for, including asylum.

How do I apply?

File Form I-821, Application for Temporary Protected Status (uscis.gov/i-821), online at my.uscis.gov. You will need to first create a free USCIS online account. You must register for TPS during the 18-month registration period that runs from May 20, 2022, through Nov. 20, 2023. We encourage you to register as soon as possible within the 18-month registration period. For more information, visit uscis.gov/tps.

Important Reminder: Change Your Address When You Move

To ensure you receive important notices and documents from USCIS about your pending petitions or applications, and to receive correspondence from USCIS, generally, you must report your change of address with USCIS within 10 days of moving each time you move, even if you are moving to a temporary location. Visit uscis.gov/ar-11 to learn how to submit a change of address request online. If you have questions about an address change request and you entered the United States on or after July 30, 2021, due to the humanitarian crisis in Afghanistan, email USCIS at nbcafghancoa@uscis.dhs.gov.

Contact USCIS

When you call the USCIS Contact Center at 800-375-5283, say to the automated system that you have an "Afghan" or "Operation Allies Welcome" case, and it will route you to a person who will directly assist you.

Individuals may pursue multiple pathways at the same time. To learn more about other pathways available to Afghan nationals residing in the United States, visit uscis.gov/allieswelcome.

