

Afghan Evacuation: From Parole to Permanent Protection

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The United States government evacuated over [124,000 people](#) from Afghanistan after the fall of the democratically elected government to the Taliban in Aug. 2021. While some of the evacuees were U.S. citizens, lawful permanent residents, and visa holders, most Afghans who were ultimately brought to the United States entered temporarily as “parolees” to the U.S. This document answers many of the frequently asked questions about the immigration status of our newly arrived Afghan neighbors, the benefits and limitations of parole as a protection mechanism, and reviews options for more permanent protections and stability.

What is Humanitarian Parole?

The [parole provision](#) in the Immigration and Nationality Act (INA) gives the Secretary of Homeland Security (DHS) the authority to “parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States.” In plain language, this means DHS and its respective component agencies can use parole to allow people to enter the United States for urgent humanitarian reasons. Humanitarian parole is typically only granted for one or two years, during which parolees are considered “applicants for admission.” Certain people who receive parole may also apply for work authorization and once granted, may live and work in the United States for the duration of the grant of parole—again, generally only one to two years.

Which DHS Agencies Have the Authority to Grant Humanitarian Parole?

Parole may be granted by the U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE). We will focus on the most relevant parole options for Afghans. The first, which is often referred to as “port parole,” is the process by which a CBP officer makes an individual

determination to parole, or permit temporary entry, to a person that has arrived at a U.S. port of entry, like an airport. This is the process that CBP used to authorize entry to most Afghans who arrived in the United States via Operation Allies Refuge evacuation flights.

Another way foreign nationals outside of the United States may seek parole is by requesting USCIS to issue humanitarian parole. To do so, the foreign national applies by submitting Form I-131 with USCIS. The application process can take several months, requires a filing fee of \$575 per application (or a fee waiver), and is considered a last resort for those who do not meet other visa entry requirements.

All the parole options discussed thus far are individual applications for humanitarian parole and require significant evidence of eligibility. Parole may also be issued through the creation of a special parole program for a designated group of vulnerable individuals. This parole authority has been used in the past by Republican and Democratic administrations to protect affected groups, particularly in cases of war or crisis.

What "status" does parole confer?

Parole is not an immigration status and entrants under parole are not considered admitted to the United States. Rather, it is permission to enter and remain in the U.S. for a temporary and fixed period. Generally, whichever type or process is used for obtaining humanitarian parole, it does not convey a direct pathway or mechanism for persons to transition from temporary parole to long-term status. However, those who are otherwise eligible for lawful permanent residence or a "green card," either through the Special Immigrant Visa (SIV) program, family sponsorship or reunification, asylum, or another status, may apply for that status or continue their application process from within the United States while on parole. Given the nature of the evacuation and the wave of new applications that is suddenly necessary, applying for these more lasting protections will present a significant challenge for new Afghan arrivals.

How were Afghans brought to the United States through the evacuation effort in August 2021?

Most evacuees (U.S. citizens, green card holders, and Afghans in need of protection) left Afghanistan on military or government-chartered flights which brought them to a third country. These evacuees stayed for varying lengths of time at U.S. military bases, or "lily pads," where they completed preliminary medical and biometrics screenings. Evacuees then arrived at U.S. ports of entry at either the Dulles or Philadelphia airport.

Upon arrival at the airport, evacuees were processed by CBP officials as international arrivals. Afghans who did not already have a green card, Special Immigrant Visa (SIV), or other advance permission to enter the United States were inspected and processed by CBP officials, who screened arrivals and made individual case decisions for “port parole” – meaning the determination of entry on parole was made at the port of entry.

During the U.S. withdrawal from Afghanistan and subsequent fall of the government to the Taliban, [almost 124,000 people were evacuated from Afghanistan](#), including approximately 75,000 Afghans who were eventually evacuated to military bases, [of whom 44 percent are children](#).

Why did the Biden administration use humanitarian parole to protect Afghan evacuees?

Humanitarian parole authority has been utilized by both Democratic and Republican administrations since the end of World War II to protect people fleeing from persecution. After the fall of Saigon at the end of the Vietnam War, the U.S. established a parole program to rapidly evacuate over 130,000 Vietnamese refugees under Operation New Life. In 1996, the U.S. resettled 6,600 Iraqi Kurds under Operation Pacific Haven. These wartime allies and their families were brought to safety between September 1996 to April 1997.

The Biden administration recognized the urgency of the moment. Acting within the bounds of enumerated legal authorities and in accordance with this past precedence, the administration prioritized the lives and safety of U.S.-affiliated and at-risk Afghans by conducting the evacuation and permitting more immediate entry via humanitarian parole—rather than rely on the time-intensive SIV, family reunification, or refugee processes. Most Afghan evacuees were allowed to enter the U.S. for two years, but currently do not have a clear pathway to remain in the U.S. long term as lawful permanent residents.

How many Afghans have been brought to safety in the United States? How many more need protection?

The effort to protect American-affiliated and other at-risk Afghans remain ongoing, with tens of thousands of Afghan nationals at-risk both in Afghanistan and in third countries. However, as of December 6, 2021, according to DHS, nearly 75,000 Afghans have arrived in the United States. Of these individuals, 35,000 Afghan evacuees remain at seven military sites across the United States and 29,000 Afghans have departed these military bases to resettle into U.S. communities. Around 3,200 evacuees—a combination of U.S. citizens, green card holders, and Afghan nationals—are waiting for U.S.-bound flights at military bases in the Middle East and Europe.

Amid the crisis, advocates and experts in refugee resettlement [estimated at least 300,000](#) Afghans were in imminent danger of retaliation by the Taliban and in need of protection. With new actors adding to security threats in Afghanistan and considering additional data collected throughout the evacuation process, there are an estimated 185,000 American-affiliated Afghans in urgent need of protection.

Are Afghans abroad able to request Humanitarian Parole even though the military evacuation effort has ended?

A person outside of the U.S. may seek humanitarian parole while they are in their home country or another country with a U.S. consular presence. The process is often lengthy and involves filling an application (Form I-131) with the U.S. Citizenship and Immigration Service (USCIS) and, if conditionally approved, completing processing at a U.S. consulate abroad.

Following the fall of the democratically elected government in Afghanistan to the Taliban, USCIS is experiencing a historic surge in humanitarian parole applications, with approximately 40,000 applications received at the time of this writing. This is more than ten times the average total of humanitarian parole applications USCIS receives in a year and is clear evidence that the need for protections for at-risk Afghans is ongoing.

In response to the demand, USCIS released special guidance about filing humanitarian parole applications for Afghans abroad on Nov. 5, 2021. This guidance sets a concerning high threshold for approval of humanitarian parole for Afghans that many legal experts see as insurmountable for most.

What makes Humanitarian Parolees different from Afghans admitted via the Special Immigrant Visa, refugee, and other programs?

Humanitarian parole provides temporary entry to the U.S. only and does not provide a pathway to permanent status in the way that the SIV program, family reunification options, and refugee processing do.

Special Immigrant Visas are issued to those who fulfill the very specific criteria laid out by the law. Afghan nationals must have worked "by or on behalf of the U.S. government in Afghanistan" or "by the International Security Assistance Force (ISAF), or a successor mission, in a capacity that required the applicant to...perform activities for the U.S. military personnel stationed at ISAF." The SIV program, which was revised in July 2021, requires applicants to have been employed for a minimum of one year, between October 7, 2001, and December 31, 2023.

This limited visa category excludes those who worked with the U.S. for less than one-year, human rights activists, female judges and journalists, as well as many Afghans who would face Taliban persecution if they remained in-country.

Refugee status can only be applied for outside of the United States. For those who have arrived in the United States, those who have a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a social group are eligible to apply for asylum. Due to the gruesome brutality of the Taliban, including since its takeover in August, nearly all Afghans who were “port paroled” meet the legal definition of refugee or—if given the time—would have been eligible for the SIV program (which grants LPR status on arrival).

Can newly arrived Afghans change to another immigration status?

Once in the country, newly arrived Afghans who are eligible, can apply for asylum, family-based immigration, or SIV status to obtain lawful permanent residence. DHS has announced that it will exempt filing fees and streamline application processing for Afghan nationals who are eligible for SIV status and were paroled into the United States for humanitarian reasons on or after July 30, 2021.

Unfortunately, this is not as simple as it seems. Both the SIV and asylum processes remain incredibly backlogged, with long case-processing times. Despite sustained legislative action to improve processing times for the SIV application, the program has been plagued with delays and high rates of erroneous rejections that were frequently overturned in appeals. Further, family cases may be subject to visa retrogression and backlogs. Humanitarian parole does not provide a clear pathway to permanent status in the way that the SIV, family reunification, refugee, or asylum processes do. That is why time is of the essence to ensure that new Afghan arrivals are given an equal opportunity to thrive in the United States.

Are new Afghan arrivals eligible to receive refugee resettlement benefits?

Because Afghans were brought to the U.S. and allowed to enter under humanitarian parole, they are not considered refugees (refugees are processed from outside of the U.S.). Recognizing newly arrived Afghans would need help getting on their feet, however, Congress provided two rounds of funding for a special program called the Afghan Parolee Assistance Program (APA).

Afghans who were paroled into the U.S. between July 31, 2021 and September 30, 2022 are eligible to apply for and receive [benefits](#) 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). Access to these benefits expires March 31, 2023, or the end of their parole term, whichever is later.

Why does Lutheran Immigration and Refugee Service (LIRS) care about Afghans in-country and new Afghan arrivals?

The United States has a long history of protecting and welcoming the world's most vulnerable on our shores—but that legacy is in jeopardy. At-risk Afghans include female journalists and judges, human rights activists, U.S. contractors, and affiliates who seek refuge and a future in the United States. The United States has a moral obligation to protect those endangered because of their race, ethnicity, expression of a political opinion, religion, or a vulnerable social group. Moreover, if an Afghan was put under direct threat because of publicly demonstrated shared values (for women's right to education, for instance) or because they worked in furtherance of the U.S. mission to preserve those values in Afghanistan, our nation has a duty to safeguard them. It is now time for the United States to take corrective measures and ensure the continued legal protection of our new Afghan neighbors by providing a pathway to legal status. At LIRS, we remain committed to advocating for protections for at-risk Afghans abroad while also providing those who have arrived here with the long welcome they deserve, and the opportunity to pursue the American Dream.

What is the Afghan Adjustment Act (AAA) and why is it important for Congress to pass it?

The Afghan Adjustment Act would (AAA) provide a corrective measure by allowing Afghan refugees to apply for lawful permanent resident status (LPR or green card status). While it has yet to be introduced in either chamber, the AAA could cover Afghans paroled into the United States for a duration set by Congress, which would allow U.S.-affiliated and vulnerable Afghans who remain in-country (or in third countries) to evacuate to the U.S. The AAA grants the Biden administration discretion to ensure that Afghans seeking safety are not barred from protection due to existing laws that fail to consider the unique and perilous journeys many Afghans experienced to get to safety. The purpose of this legislation is to put our new Afghan neighbors on the same legal footing they would have enjoyed had they been admitted through the U.S. resettlement or SIV program, rather than through the chaotic and dangerous Kabul evacuation.

It also represents how Congress has [adjusted the status of previous generations of wartime evacuees](#), including from Vietnam, Cuba, and Iraq.

What happens if Congress fails to pass the Afghan Adjustment Act?

If recently arrived Afghans are forced to use existing immigration pathways to lawfully receive LPR status, we anticipate the addition of tens of thousands of new asylum cases to the already massive asylum backlog. The current affirmative asylum system is facing a backlog of approximately [400,000 cases](#), as the agency responsible for processing (USCIS) also has approximately [9 million](#) pending green card cases. Adding more asylum cases to an already stressed system would be [unfair](#) both to our Afghan allies and the tens of thousands of asylum applicants who have been waiting years for decisions on their cases.

We also anticipate that Afghan asylum cases are at risk of being denied because of the urgent circumstances under which many individuals left Afghanistan. With the rapid fall of Kabul, many Afghans arrived with little more than the clothes on their backs and destroyed important documents to avoid Taliban violence and persecution as the US embassy fell. This makes proving asylum claims much more difficult and increases the likelihood that Afghan parolees will end up in already-overwhelmed immigration courts. The Afghan Adjustment Act is desperately needed to provide fundamental fairness to Afghan neighbors who have just escaped a deadly situation.

How can I support newly arrived Afghans and LIRS?

As a resettlement agency, LIRS and our partners stand ready to welcome our Afghan neighbors and their family members and to continue advocating for those left behind. We have been hard at work welcoming the thousands of Afghans who have arrived in the United States, but our work has only just begun! We look forward to helping our new Afghan neighbors settle into their new communities in the next several months—but we can't do it alone. [Learn more about how you can join us in our work of welcome.](#)

We encourage you to join LIRS and the [Evacuate Our Allies Coalition](#) in advocating for our Afghan siblings both here and abroad:

- Call on Congress to Support the Afghan Adjustment Act - We believe that Congress has an urgent and moral responsibility to pass the Afghan Adjustment Act. If you agree, please participate by [sending a message](#) to your members of Congress to encourage them to support the AAA.

- Call on the Biden Administration to Continue the Evacuation - The U.S. has a moral obligation to protect at-risk Afghans including those in-country and in host/third countries. [Join us in urging](#) the Biden administration to create new pathways of protection and provide a robust humanitarian response for the Afghan people who have been left behind.

For questions about this resource, please contact Advocacy@lirs.org.