



June 20, 2023

Jill Marie Bussey
Director for Public Policy
Lutheran Immigration and Refugee Service
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,¹ 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-

¹ 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).²

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 24.³

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 that reads "Ur M. Jaddou" followed by a long horizontal flourish.

Ur M. Jaddou
Director

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

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