Frequently Asked Questions (FAQ): Current Policy Updates and Legal Challenges Facing Afghan Nationals in the United States

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I. Introduction

After the Taliban regained control of Afghanistan in August 2021, following the withdrawal of U.S. and NATO forces and the collapse of the former democratic republic, thousands of Afghan allies and their families were forced to flee under urgent and perilous circumstances. These past few years have been tumultuous and deeply challenging for Afghans, many of whom were forced to uproot their lives abruptly and relocate to the United States — if they were fortunate enough to secure evacuation. Countless others had no other choice but to leave loved ones behind, and reunification remains an ongoing struggle.

Even before the Taliban's return, many Afghans had been waiting for years to relocate to the United States through the Special Immigrant Visa (SIV) process. After the fall of the former Afghan government in August 2021, the United States initiated a humanitarian parole program, Operation Allies Welcome (OAW), also known as Operation Allies Refuge (OAR), under which roughly 77,000 Afghans were initially paroled for two years, with the option to renew or extend their status. Subsequent reports indicate that the total number of evacuees reached over 82,000, and more than 88,000 Afghans have been welcomed through OAW overall.[1]

[1] *See* Office of Inspector Gen., U.S. Dep't of Homeland Sec., *DHS Efforts to Support Afghan Parolees Were Effective but Faced Challenges*, OIG-24-24 (May 20, 2024), https://www.oig.dhs.gov/sites/default/files/assets/2024-05/OIG-24-24-May24.pdf (reporting approximately 77,000 Afghans initially paroled under OAW); *See also* U.S. Dep't of Homeland Sec., Office of Immigration Statistics, *Operation Allies Welcome Afghan Evacuee Report* (Mar. 2022),

Afghan parolees have pursued a range of legal pathways to seek permanent status in the United States. Many applied for asylum, some concurrently with Temporary Protected Status (TPS). Others continued or initiated Special Immigrant Visa (SIV) applications based on qualifying employment with or on behalf of the U.S. government. Some have pursued family-based immigration through U.S. citizen or lawful permanent resident relatives.

Today, many Afghans and their families continue to seek permanent legal status and to reunite with loved ones abroad. This FAQ provides immigration practitioners with both updates on recent developments and practical guidance for effectively and zealously representing Afghan clients, whether in the United States or abroad. Major policy changes implemented by the Trump administration beginning in January 2025 have significantly impacted Afghan communities in the United States. Much of the information in this FAQ draws on the expertise and resources of other organizations, including the International Refugee Assistance Project (IRAP), Church World Service (CWS), Project Afghan Network for Advocacy and Resources (ANAR), Afghan Evac, Global Refuge, Association of Wartime Allies (AWA), among several others. CLINIC strongly encourages advocates representing Afghans to review the valuable materials produced by these organizations to best assist and counsel clients and their families. This FAQ also incorporates insights from CLINIC pro bono cases and Affiliate experiences across our network representing Afghan clients. As laws and policies rapidly change, advocates are encouraged to join key Afghan-focused listservs related to stay current and connected.[2] We all learn from one another, especially as laws and policies continue to evolve rapidly.

https://www.dhs.gov/sites/default/files/2022-03/DMOOSEM%20-%20Department%20of%20Homeland%20Security%20Operation%20Allies%20Welcome%20Afghan%20Evacuee%20Report.pdf (reporting a total of 82,015 evacuees); *Visas: Immigrant Visas; Certain Afghan Applicants*, 88 Fed. Reg. 35738 (June 1, 2023), https://www.federalregister.gov/d/2023-11602 (noting more than 88,000 Afghans welcomed).

[2] CLINIC maintains the I-730 listserv. Please email CLINIC Senior Attorney Sarah Bronstein at sbronstein@cliniclegal.org to request to be added. Practitioners can also join the monthly Human Rights First's PALA (Project: Afghan Legal Assistance) calls and be added to their separate list serv. Practitioners can sign up for International Refugee Assistance Legal Practitioners email updates here. Attorneys who are members of the American Immigration Lawyers Association can also request to join the Afghan Evacuation listserv by emailing afghanevacuations@lists.aila.org. The Afghan Project Podcast also provides updates on Afghan-related legal issues, available at https://www.youtube.com/channel/UC820UgQs65L4KJX70FyTjlg.

II. Trump's Key Executive Orders Affecting Afghans

In January 2025, the Trump administration issued a series of executive actions significantly disrupting refugee resettlement and immigrant visa processing for noncitizens from around the world, including Afghanistan. In the following section, we will review four key executive orders affecting Afghans both in the United States and their family members abroad with whom they are seeking to reunite.

A. Executive Order (EO) 14163, Realigning the United States Refugee Admission Program (USRAP)[3]

On Jan. 20, 2025, the administration issued Executive Order 14163, placing an indefinite pause on refugee admissions and processing through USRAP. This pause resulted in the suspension of interviews, security clearances, decisions on refugee applications, medical exams, and all refugee arrivals. The order also immediately halted funding for USRAP-related activities, severely impacting resettlement agencies that provide housing, food, job placement, and other essential services to refugees. Established in 1980 by the Refugee Act, USRAP has safely resettled over three million refugees fleeing persecution. The indefinite suspension has disrupted the program's infrastructure, forced agencies to lay off staff, stranded refugee families abroad, and undermined the United States' long-standing commitment to humanitarian protection. The following section answers key questions about EO 14163 and its ongoing impact on Afghan refugees and their family members.

1) Who is affected by EO 14163?

The suspension halts all refugee processing and travel worldwide, including new and pending cases across Priority 1 (P1) through Priority 4 (P4) categories.

As a review, **category P1** includes individuals referred by the United Nations High Commissioner for Refugees (UNHCR), U.S. embassies, or non-governmental agencies (NGOs) for urgent protection needs. **Category P2** covers groups of special humanitarian concern designated by the U.S. government. **Category P3** involves family reunification

[3] Exec. Order No. 14,163, *Realigning the United States Refugee Admissions Program*, 90 Fed. Reg. 8459 (Jan. 30, 2025), available at https://www.federalregister.gov/documents/2025/01/30/2025-02011/realigning-the-united-states-refugee-admissions-program; *See also* International Refugee Assistance Project, *IRAP Explainer on the U.S. Refugee Admissions Program Suspension*, REFUGEERIGHTS.ORG (Apr. 22, 2025), https://refugeerights.org/news-resources/irap-explainer-on-the-u-s-refugee-admissions-program-suspension.

for spouses, unmarried children under 21, and parents of refugees, asylees, or lawful permanent residents. Finally, **category P4** applies to cases referred by private sponsors through the Welcome Corps program.

The suspension also applies to DS-4317 Family Reunification cases under the Afghanistan Family Reunification Program, as well as to I-730 consular processing and the Follow-to-Join Refugee (FTJ-R) process, the primary mechanisms for refugee family reunification. As a result, there is no intake of new cases, no processing of pending cases, and no advancement of approved cases.

2) Who is *not* directly affected?

The following individuals are not directly impacted by EO 14163, but may be impacted by the June 2025 Travel Ban, which will be discussed later in this FAQ:

- **Afghan SIV applicants and their eligible family members.** SIV applicants and their derivative beneficiaries are not directly affected by EO 14163. The SIV program is an immigrant visa program, separate from refugee resettlement, and consular processing continues for SIV applicants. The Department of State is still adjudicating applications, scheduling interviews, and issuing SIVs. However, other Trump administration actions, specifically the EO 14169 on "Reevaluating and Realigning United States Foreign Aid," have led to a suspension of flights for SIV holders as further discussed below. Additionally, termination of agreements with resettlement agencies has impacted Reception & Placement (R&P) services such as medical referrals, employment support, and English classes for SIV holders upon arrival.[4]

- **Follow-to-Join Asylees (FTJ-A).** FTJ-As are not directly affected by EO 14163. However, FTJ-A beneficiaries are affected by the June 4, 2025, Presidential Proclamation 10949 (or Travel Ban),[5] which bars the entry of certain foreign nationals on national security grounds, including those seeking to enter as

[4] See Peter Hirschberg, *Flights Halted for Afghans Approved for Special U.S. Visas, Advocates Say*, Reuters (Jan. 25, 2025), https://www.reuters.com/world/us/flights-halted-afghans-approved-special-us-visas-advocate-official-say-2025-01-25/ (reporting suspension of flights for SIV holders); Emma Whitford, *State Dept. Ends Cooperation Agreements with Refugee Agencies*, Documented NY (Feb. 28, 2025), https://documentedny.com/2025/02/28/state-dept-ends-coop-agreement-refugee-agencies/ (reporting termination of agreements with resettlement agencies affecting R&P services).

[5] Presidential Proclamation No. 10949, *Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats*, 90 Fed. Reg. 24497 (June 9, 2025), https://www.whitehouse.gov/presidential-actions/2025/06/restricting-the-entry-of-foreign-nationals-to-protect-the-united-states-from-foreign-terrorists-and-other-national-security-and-public-safety-threats/.

following-to-join derivatives of asylees. Please refer to the section (c) below on the Travel Ban.

- **Immediate relatives and family-sponsored preference category relatives who seek consular processing.** EO 14163 does not suspend consular processing of I-130 immigrant petitions, including those for family-sponsored preference categories. These preference categories are: F1 (unmarried adult children of U.S. citizens), F2A (spouses and children of lawful permanent residents), F2B (unmarried adult children of lawful permanent residents), F3 (married children of U.S. citizens), and F4 (siblings of U.S. citizens). In contrast, the June 2025 Travel Ban — Presidential Proclamation 10949 — suspends consular processing for these preference category beneficiaries, such as adult children and siblings of U.S. citizens or lawful permanent residents. Immediate relative petitions (spouses, parents, and unmarried children under 21 of U.S. citizens), which are exceptions to the Travel Ban, are not affected (see section (c) below discussing the Travel Ban).

- The EO does not suspend the entry of refugees admitted before its effective date, Jan. 27, 2025, nor does it affect the immigration status of refugees already physically present in the United States.

3) Has the administration complied with the EO's requirement to report on resuming refugee admissions?

No. EO 14163 required the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report within 90 days assessing whether resuming refugee admissions aligns with U.S. interests. The report was due by April 20, 2025. Although it is unclear if it was submitted internally, it has not been made public, which in turn raises concerns that the report requirement may have been largely symbolic and contributes to fears that the suspension could continue indefinitely.[6]

[6] *See* Stuart Anderson, *The Missing Immigration Document: Where Is the DHS Refugee Report?*, **Forbes**, Apr. 28, 2025, https://www.forbes.com/sites/stuartanderson/2025/04/28/the-missing-immigration-document-where-is-the-dhs-refugee-report/.

4) Are there any legal challenges to EO 14163?

Yes. Shortly after the ban took effect, in early February 2025, the International Refugee Assistance Project (IRAP) filed a federal lawsuit called *Pacito v. Trump*[7] in the U.S. District Court for the Western District of Washington, challenging EO 14163. Plaintiffs include Church World Service (CWS), HIAS, Lutheran Community Services Northwest (LCSNW), and nine affected refugees, including lead plaintiff, Mr. Pacito, a Congolese refugee whose family's resettlement flight was canceled after they had sold all belongings and were waiting in transit. The suit seeks declaratory and injunctive relief, including restoration of refugee processing and funding to USRAP. Plaintiffs argue the executive order violates the Refugee Act of 1980, exceeds statutory and constitutional authority under the INA and the Constitution, and is arbitrary and capricious under the Administrative Procedure Act (APA), causing immediate harm such as canceled travel and layoffs at resettlement agencies. For ongoing litigation updates, visit IRAP's *Pacito* litigation website.

5) What are the key litigation developments?

After the lawsuit was filed, the district court issued a preliminary injunction blocking both the funding suspension and the broader USRAP suspension. The government appealed and sought a stay with the Ninth Circuit Court of Appeals (Ninth Circuit), while plaintiffs moved to enforce the injunction, which district court Judge Whitehead granted on April 11, 2025. Plaintiffs amended their complaint and obtained a second preliminary injunction on March 24, 2025, enjoining the termination of cooperative agreements with all ten U.S.-based resettlement agencies. They also asked the court to certify three subclasses, including a refugee and family member subclass, a reception and placement subclass, and a follow-to-join petitioner subclass.

On March 25, 2025, the Ninth Circuit issued an order [8] to partially stay the first preliminary injunction, limiting its effect to refugees who had been conditionally approved for travel and had made confirmable travel plans before Jan. 20, 2025. In an order on May 5, 2025, the district court rejected the government's attempt to narrow the category of refugees covered by the Ninth Circuit's order to individuals with

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[7] *Pacito et al. v. Trump et al.*, No. 2:25-cv-00255, Doc. 108 (W.D. Wash. 2025); For ongoing updates on the *Pacito* litigation from IRAP, visit https://refugeerights.org/news-resources/pacito-v-trump-challenging-trumps-suspension-of-usrap; see also HYPERLINK "https://www.courtlistener.com/docket/69626101/pacito-v-trump/" https://www.courtlistener.com/docket/69626101/pacito-v-trump/.

[8] *Pacito, et al. v. Trump*, et al., 25-1313, (9th Cir.); see also https://www.courtlistener.com/docket/69699504/pacito-et-al-v-trump-et-al/.

confirmable travel plans within two weeks of Jan. 20, 2025, which would have reduced the number of covered refugees from approximately 12,000 individuals to about 160. The district court then issued a compliance order, ordering the government to again resume the processing, admission, and provision of resettlement services to all refugees with confirmable travel plans, regardless of when that travel would occur. The court also set weekly milestones for the federal government's compliance and weekly reporting requirements for the government to detail all actions taken to comply with the court's order.

On May 9, 2025, the Ninth Circuit clarified that eligibility must be determined case-by-case, based on a strong reliance interest comparable to the named plaintiff, Mr. Pacito. In response, the district court adjusted its compliance orders, including the appointment of a magistrate judge to oversee individual determinations and establish a framework for implementing the injunction.

6) What is the current status of the litigation?

On July 14, 2025, the district court issued a detailed order establishing an injunction relief framework identifying groups of eligible refugees, setting notice and compliance procedures, and providing a process for requesting modification or termination of the injunction. Shortly after, on July 19, 2025, the Ninth Circuit issued an administrative stay, temporarily pausing the injunction implementation framework, pending the resolution of the government's motion to enforce, clarify, or amend the Ninth Circuit's stay order from March 25. Meanwhile, the government's motion to dismiss the amended complaint was denied on July 30, 2025, and the court granted plaintiffs' motion to certify a class of affected individuals. Oral arguments in the case are scheduled for September 19 in Pasadena, California.

7) Should the Ninth Circuit lift the stay, who is eligible under the court's implementation framework injunction?

The district court established a rebuttable presumption of eligibility for refugees whose travel was canceled within two weeks after Jan. 20, 2025. Additionally, the court ordered the government to review whether refugees whose travel was canceled earlier, as far back as Dec. 1, 2024, may also be protected if their circumstances are like those of the lead plaintiff, Mr. Pacito. Specifically, "Review-Eligible Cases" include conditional refugees who, on or before Jan. 20, 2025, had arranged and confirmed travel plans, and whose travel was canceled at some point after Dec. 1, 2024. Other groups protected by the injunction include unaccompanied refugee minors and Afghan evacuees processed at Camp As Sayliyah in Qatar. Additionally, other refugees may qualify for protection if they had arranged travel and can demonstrate strong reliance on resettlement, with exact

criteria still under development. A neutral magistrate judge oversees this ongoing review process.

Mr. Pacito himself was ultimately able to enter the United States to resettle with his family in North Carolina, highlighting the tangible impact of the litigation on families whose lives were disrupted by the government's refugee admissions policies.

8) How can the *Pacito* case potentially help Afghan refugees?

Afghan clients may benefit if they were conditionally approved for travel before Jan. 20, 2025, had arranged travel by that date (such as by booking flights, obtaining medical clearances, or procuring International Organization for Migration, or IOM, documentation), and can demonstrate strong reliance on the U.S. government's promise of resettlement. Afghans evacuated through Camp As Sayliyah are presumed eligible unless the Department of Homeland Security objects.

9) What can advocates do now to support affected Afghan clients?

In practical terms, the compliance regime that offered hope for stranded refugees — including many Afghans — is currently stalled pending the Ninth Circuit's decision. Assuming the Ninth Circuit clarifies the government's obligations and lifts the stay, anyone who falls within the protected group will be contacted by a certain date. Thus, individuals within the protected class do not need to "opt in" or otherwise act. Only if a client has not been contacted should the client or advocate consider reaching out to class counsel to inquire further. However, in the meantime, advocates should screen for potential class members and counsel such individuals to thoroughly document all travel arrangements, medical exams, and communications with the IOM that took place before Jan. 20, 2025. It's also important to gather evidence showing reliance on resettlement promises, like proof of selling a home or quitting a job.

10) Does the Pacito injunction override the current travel ban?

In the district court's July 14, 2025, order establishing the injunction framework, the court determined that "by its plain terms, the Proclamation excludes refugees from its scope," and rejected the government's argument that the Proclamation could be used to evade its obligation to process and admit refugees and follow-to-join refugees (FTJ-R) protected by the injunction.

B. EO 14169 – Reevaluating and Realigning United States Foreign Aid[9]

On Jan. 24, 2025, the administration issued Executive Order 14169, which imposed a minimum 90-day pause on most U.S. foreign aid programs, including funding critical to refugee resettlement and humanitarian assistance. Although the SIV program continues to operate in terms of application intake, Chief of Mission review (COM), and visa adjudication, the order has severely disrupted the program's operation by cutting off funding for essential travel and support services. As a result, many approved SIV recipients are unable to travel to the United States and remain stranded in third countries. The pause also forced the State Department to delay further evacuations from Afghanistan, increasing risks for U.S.-affiliated Afghans abroad. Domestically, the order halts funding for refugee and SIV resettlement agencies, causing abrupt termination of services and financial support for newly arrived refugees and SIV holders. While some limited resumption of services has been ordered through litigation, significant gaps and delays continue to impact Afghan protection and family reunification efforts.

1) How has the funding pause affected travel for approved SIV holders?

The funding suspension has stopped government-supported travel coordination by the IOM, the agency responsible for arranging flights and relocation assistance for refugees and SIV holders. As a result, approved SIV recipients must arrange and pay for their own travel, often at great expense, and may face limited access to resettlement services once they arrive in the United States.[10]

2) How has EO 14169 affected U.S.-based refugee and SIV resettlement agencies?

Many resettlement agencies lost critical funding for reception, placement, and integration services. Some have suspended operations or reduced services, disrupting housing assistance, financial aid, and employment support for newly arrived refugees and SIV holders.

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[9] Exec. Order No. 14,169, *Reevaluating and Realigning United States Foreign Aid*, 90 Fed. Reg. 8619 (Jan. 30, 2025), available at https://www.federalregister.gov/documents/2025/01/30/2025-02091/reevaluating-and-realigning-united-states-foreign-aid.

[10] For guidance, see International Refugee Assistance Project, *IRAP Practice Advisory on Preparing Afghan SIV Holders for Travel to the United States*, Refugee Rights Program (2025), https://refugeerights.org/news-resources/irap-practice-advisory-on-preparing-afghan-siv-holders-for-travel-to-the-united-states, (last visited July 30, 2025).

3) Can self-traveled SIV holders expect to receive resettlement benefits upon arrival?

Access to resettlement benefits to self-traveled SIV holders varies. While many agencies have paused or reduced support, some in major Afghan resettlement areas, such as Northern Virginia and Sacramento, have recently expanded assistance to self-traveled SIV families. Availability depends on the capacity and resources of local agencies.[11]

4) Has litigation helped to restore any resettlement services?

Yes. Federal courts have issued preliminary injunctions that restored some limited resettlement functions and released frozen funds. However, significant delays and gaps in services remain, especially affecting Afghan arrivals efforts.[12]

5) What is the status of the CARE Office for Afghan relocation?

As of July 1, 2025, the Coordinator for Afghan Relocation Efforts (CARE) Office was officially shut down. The State Department informed Congress of this plan in a May 29, 2025, notice, known as Congressional Notification CN 25-032 (page 8).[13] CARE previously played a central role in coordinating evacuations, managing SIV and refugee cases, and supporting family reunification efforts. The State Department claims CARE's functions will be absorbed by the Afghanistan Affairs Office, but no clear transition plan has been released, and the notification even misidentifies the successor office, raising serious concerns about continuity and accountability.

6) Is the elimination of the CARE Office consistent with existing law?

The closure appears to directly conflict with the CARE Authorization Act of 2024, specifically Section 7810 of the National Defense Authorization Act, which requires the appointment of a CARE Coordinator through at least 2027. That position currently

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[11] For support and advocacy for SIV holders, see *No One Left Behind*, the oldest organization dedicated to assisting Iraqi and Afghan SIV applicants with evacuation, resettlement, and government advocacy, https://www.nooneleft.org/ (last visited July 30, 2025).

[12] For additional support and ongoing updates on litigation and resettlement services affecting Afghan refugees, see *Church World Service*, *Daily State of Play: Trump's Indefinite Refugee Ban and Funding Halt*, https://cwsglobal.org/blog/daily-state-of-play-trumps-indefinite-refugee-ban-and-funding-halt/ (last visited July 30, 2025); *see also Executive Order: Reevaluating and Realigning United States Foreign Aid (Donald Trump, 2025)*, BALLOTPEDIA, https://ballotpedia.org/Executive_Order:_Reevaluating_And_Realigning_United_States_Foreign_Aid_(Donald_Trump,_2025)(last visited July 29, 2025).

[13] U.S. Dep't of State, Congressional Notification CN 25-032 (May 29, 2025), https://federalnewsnetwork.com/wp-content/uploads/2025/06/CN_25_032.pdf; **See also** AfghanEvac Coalition, *CARE Office Elimination*, https://afghanevac.org/care-elimination (last visited July 30, 2025).

remains unfilled. Unless the State Department acts to comply or Congress intervenes, the government may be in violation of this statutory requirement. Funding for the CARE team is being phased out, with some functions reportedly ending on Aug. 15, 2025, and others scheduled to sunset on Sept. 30, 2025.

7) What changes occurred in July 2025 that impact Afghan case processing?

On July 11, 2025, the State Department laid off more than 1,300 employees, including nearly all federal staff at the CARE Office and many at the Bureau of Population, Refugees, and Migration. These cuts significantly dismantle institutional support for ongoing relocation efforts.

8) What does the closure of the CARE Office mean for Afghan families who were already in the relocation pipeline?

The loss of CARE has left key functions, such as flight coordination, third-country processing, and case escalation, either paused or fragmented. There is no replacement office with a clearly defined mandate to carry on these responsibilities. Families may face delayed case processing, a lack of information, and difficulty accessing assistance. Without congressional action, there is no centralized government team currently overseeing Afghan evacuations and reunifications.

9) What communication have Afghan applicants and advocates received from the government following the CARE Office closure?

Since the formal closure of the CARE Office, Afghan applicants and advocates have received limited and unclear communication from the CARE team. For example, in one post-closure email, CARE Case Management wrote:

> "CARE continues to assess the impact of the Executive Orders. We will contact you if there are any updates to the status of your case or if any action is required by you."

This non-specific response highlights the ongoing lack of follow-through and persistent ambiguity surrounding Afghan case processing now that CARE has been dismantled.

CARE appears to continue outreach to certain Afghan petitioners or their beneficiaries abroad. For instance, in mid-August 2025, a CLINIC attorney's Afghan client, an I-730 beneficiary spouse living in Afghanistan with her children, received a call from the number (757-916-3738) from an individual speaking fluent Dari who identified themselves as a State Department employee. This number is the Public Inquiry line for

information about the U.S. government's Afghan relocation and departure efforts and was previously used by the CARE team to contact beneficiaries.

During the call, the individual asked the beneficiary to confirm biographic information, case number, and contact details, and inquired whether the beneficiary wished to relocate from Afghanistan. They indicated they would follow up soon and provided the Department of State's phone number (757-916-3738) for information about Afghan relocation and available assistance. CLINIC and the clients have been unable to obtain further information. With the Travel Ban in place and the elimination of CARE, it will be very challenging for most families to self-relocate from Afghanistan, especially for women and children, while simultaneously confronting the risk and high likelihood of having their NIE denied.

As practical guidance for advocates whose clients receive similar calls, counsel clients to ask the caller to clearly identify themselves, including their name and contact information, since such calls can catch clients off-guard, particularly those in hiding who know the CARE team has been disbanded. Clients should also be advised to contact their attorney or representative promptly after the call.

C. EO 14161 – Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats (EO Implementing the Travel Ban)

EO 14161 directs the Department of Homeland Security to ensure that all immigrants seeking admission to the United States, or already present in the country, are "vetted and screened to the maximum degree possible," consistent with the standards used during the first Trump administration. In practice, the order implements enhanced security screening protocols that significantly slow the processing of immigration applications, introducing new delays affecting Afghans seeking protection or family reunification. Importantly, this EO also directs the Department of State, with other federal agencies, to identify countries with inadequate vetting information, potentially triggering full or partial entry suspensions under INA § 212(f), laying the groundwork for the June 2025 Travel Ban.[14]

[14] U.S. President, *Presidential Proclamation: Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats* (June 4, 2025), https://www.whitehouse.gov/presidential-actions/2025/06/restricting-the-entry-of-foreign-nationals-to-protect-the-united-states-from-foreign-terrorists-and-other-national-security-and-public-safety-threats/.

1) What is the new 2025 Travel Ban and how does it impact Afghan nationals?

On June 4, 2025, the U.S. government issued a presidential proclamation targeting 19 countries, predominately across the Middle East, North Africa, and sub-Saharan Africa, effective June 9, 2025. The ban imposes full restrictions on 12 countries and partial restrictions on 7. Although broader in scope than earlier bans, it retains structural features, such as exemptions for legal permanent residents, that the Supreme Court upheld, and its gradual roll-out may make it more difficult to successfully challenge in court. Section 5 of the Proclamation calls for the Secretary of State to issue a report assessing the operation of the ban and proposing any modifications to it within 90 days, or by approximately Sept. every 180 days thereafter.

2) Whom does the ban apply to?

The ban applies to nationals of the listed countries who were outside of the United States on June 9, 2025, and who do not hold a valid United States visa as of that date.

3) Which countries face a full ban?

The following 12 countries have a full entry ban for their nationals: **Afghanistan**, Myanmar, Chad, Republic of Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan, and Yemen. This means nationals from these countries are barred from entering the U.S. for nearly all visa types, including immigrant and nonimmigrant visas, but do remain eligible for the limited exceptions described below.

4) Which countries face a partial ban?

Seven countries face partial visa restrictions on select visa categories: Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan, and Venezuela. Nationals of these countries are barred from receiving:

- Immigrant visas, and
- Certain nonimmigrant visas, including:
    - B-1/B-2 (tourist and business nonimmigrants)
    - F (academic students)
    - M (vocational students)
    - J (exchange visitors)
    - Other nonimmigrant visas, such as H, L, or O, may still be issued but with significantly reduced validity periods or limited entries at consular officers' discretion, limiting travel, study, or work opportunities.

5) How does the ban affect Afghan nationals currently in the United States?

Afghan nationals inside the U.S. are not subject to the ban and may continue seeking asylum or adjusting status. However, international travel carries re-entry risks and Afghans should consult with their attorney or representative regarding traveling abroad.

6) Can Afghans with valid visas or legal permanent residency still travel to the United States?

Yes. If an Afghan national already had a valid visa or lawful permanent resident status (green card), they are not subject to the ban. The proclamation explicitly exempts anyone who was issued a visa before June 9, 2025.

7) What about SIV applicants?

SIV beneficiaries are exempt from the ban, provided their cases are properly documented. If you have an interview scheduled, clearly indicate your eligibility under the SIV program.

8) What happens to Afghan Diversity (DV) Lottery winners?

Unfortunately, Afghans selected for the Diversity Visa (DV) Lottery are fully banned from receiving immigrant visas under the proclamation. No exceptions are currently listed. Note, however, the litigation in *Thein v. Trump*, No. 1:25-cv-02369 (D.D.C.), where a group of DV selectees, including Afghan nationals, challenged the State Department's handling of DV applications after the June 2025 travel ban under Proclamation 10949. The plaintiffs argued that their cases were placed "on hold" and risked expiration before the September 30, 2025, deadline. On August 21, 2025, Judge Sparkle L. Sooknanan ruled that the State Department may not deny or indefinitely delay adjudication of DV applications solely on the basis of the travel ban, though her decision did not extend to applicants whose visas had already been formally refused. The ruling allows DV cases that were on hold to proceed with adjudication, but applicants may still face barriers to actual travel or entry.

9) How does the travel ban affect humanitarian parole and travel document requests (Form I-131)?

While individuals may apply for humanitarian parole under INA § 212(d)(5), grants of parole are not categorically exempt from the travel ban. Even if USCIS approves a Form I-131 request for advance or humanitarian parole, consular posts will not issue a visa or travel document unless the individual qualifies for a National Interest Exception (NIE). As a result, affected individuals, such as certain Afghan nationals, may be unable to board

flights or enter the United States despite having an approved Form I-131. Please see part II, section (d)(14) below for more information on the NIE eligibility.

10) Is it safe for individuals to travel with Refugee Travel Documents if they are citizens of a banned country?

While section 6(d) of the Proclamation specifically states that asylees are not subject to the Travel Ban, it is not advisable for asylees or refugees who are in the United States to travel with Refugee Travel Documents (RTDs). An asylee or refugee who travels with an RTD is not guaranteed entry back into the United States, and CBP has broad authority to deny re-entry once an individual is outside of the United States. CLINIC currently advises that asylee/refugee nationals of countries that are subject to the Travel Ban do not travel with RTDs and instead wait to travel until after they are admitted into LPR status.[15]

11) Are there any exceptions to the June 2025 travel ban?

Yes. Although the June 2025 Presidential Proclamation imposes broad restrictions on the issuance of visas to nationals of certain countries, several key categorical exceptions apply. Individuals falling into the following categories are not subject to the ban and may still enter the United States if they meet the eligibility requirements for their respective visa categories:

- Individuals holding valid U.S. visas issued before June 9, 2025, including both immigrant and nonimmigrant visa holders.
- LPRs: Green card holders are exempt and may travel freely.
- Dual nationals: Nationals of a banned country who also hold citizenship in a non-banned country may enter the U.S. using their non-restricted passport. For example, a dual citizen of Afghanistan and Canada may enter with a Canadian passport.
- Afghan SIV holders, including both principal applicants and derivative beneficiaries.
- Immediate Family Visas: Consular processing will resume for consular processing of immediate relative petitions, including:
    - IR-1 / CR-1 – Valid spouse of a U.S. citizen. IR-1 refers to immediate relative spouses of U.S. citizens (USCs) who have been married for

[15] For additional information and guidance on international travel and the Travel Ban, see IRAP & ASISTA, *Legal Practice Toolkit: Advising Clients in Humanitarian Statuses on International Travel* (Aug. 12, 2025), https://refugeerights.org/news-resources/legal-practice-toolkit-advising-clients-in-humanitarian-statuses-on-international-travel

longer than two years at the time USC files the I-130 or have completed two years in conditional residency and their I-751 has been approved. CR-1 refers to spouses of USCs married for less than two years when the I-130 is filed. They are granted conditional residency for a period of two years and subject to the I-751 filing requirement.
    - IR-2 / CR-2 – Unmarried child under age 21 of a U.S. citizen (CR-2 for marriages under two years).
    - IR-5 – Parent of a U.S. citizen (petitioner must be at least 21 years old) Applicants in these categories must provide clear and convincing documentation of the qualifying relationship. This may include:
        - Birth or marriage certificates.
        - Adoption decrees.
        - DNA testing, where establishing a biological relationship between a parent and child.
        - Affidavits, photographs, or other supporting evidence.
- International adoptees: Children entering under the following immigrant visa categories are exempt:
    - IR-3 / IR-4 – Intercountry adoptions from non-Hague countries.
    - IH-3 / IH-4 – Adoptions under the Hague Convention.
        - These exemptions ensure ongoing adoption cases are not disrupted.
- Athletes and official sports delegations: Individuals participating in major international sporting events designated by the Secretary of State, such as the Olympics or World Cup, are exempt.
- Certain diplomatic and international organization visa holders. The following nonimmigrant visa categories are exempt from the ban:
    - A-1, A-2 (diplomatic visas).
    - C-2, C-3 (transit visas).
    - G-1 through G-4 (international organization personnel).
    - NATO visa categories.

This chart below illustrates the categorical exceptions to the June 2025 travel ban.

Catories NOT Subject to the June 2025 Travel Ban	Details / Notes
Valid visas	People with valid visas as of June 9, 2025
Lawful permanent residents (LPRs)	Green Card holders
Dual nationals	Traveling on a passport of a country NOT listed in the ban
Afghan SIV holders	Principal applicants and derivatives granted SIVs now or in the future
Ethnic/religious minorities	Immigrant visas for minorities facing persecution in Iran
Immediate family visas	IR-1/CR-1, IR-2/CR-2, IR-5 with clear evidence of family relationship (e.g., DNA)
Athletes and sports personnel	Including coaches, support staff, immediate relatives for major sporting events
Children Adopted Abroad	IR-3, IR-4, IH-3, IH-4
Special immigrant visas (SIVs)	For U.S. government employees
Specific non-immigrant visas	A-1, A-2, C-2, C-3, G-1, G-2, G-3, G-4, NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, NATO-6

12) Which family categories are *not* exempt and remain subject to the travel ban?

The following non-immediate relative categories are not exempt from the ban and are not eligible to receive immigrant visas while the proclamation remains in effect, even if their I-130 petitions are approved:

- F1: Unmarried sons and daughters of U.S. citizens.
- F2(A): Spouses of lawful permanent residents (LPRs).
    - F2(A): Children of LPRs.
- F2(B): Unmarried sons and daughters of LPRs.
- F(3): Married sons and daughters of USCs.
- F(4): Brothers and sisters of adult USCs.

These individuals may still submit and receive approval of their I-130 petitions from USCIS, but consular processing and visa issuance will be suspended until the travel ban is lifted or modified.

> Tip: If the F2A preference category applies, the LPR should notify the NVC immediately upon naturalization, as this will convert the beneficiary's case to the immediate relative category, exempt from the travel ban.

13) What are National Interest Exceptions under the June 2025 travel ban, and how can someone qualify?

The ban includes very limited, case-by-case exceptions known as National Interest Exceptions (NIEs). These exceptions are granted only when an individual's travel serves a significant U.S. national interest. There are two primary categories of exceptions:

- **Department of Justice Exception**: The U.S. Attorney General may allow entry if the travel advances a critical justice interest, such as testifying in a criminal trial.
- **Secretary of State National Interest Exception**: The Secretary of State can permit travel if it clearly advances broader U.S. national priorities.

Unlike previous bans, the current proclamation does *not* provide waivers based on personal hardship. As a result, exceptions are narrowly tailored and expected to be very rare. Applicants seeking an NIE must first apply for a visa. There is no separate application process or form for NIEs; instead, the possibility of an exception is considered during the standard visa interview. Consular officers evaluate whether the travel advances a U.S. national interest, and any NIE request is elevated by the interviewing officer to the Chief of Mission, who then forwards it to senior officials in Washington, D.C., for final approval. Typical reasons *not* considered sufficient for NIE approval include routine family visits, business, employment, schooling, or wedding travel. Several Afghan advocates have reported their NIE waiver request being denied for their Afghan clients, but CLINIC is still monitoring these developments.

Conversely, some possible qualifying reasons might include travel related to U.S. government interests, law enforcement, national security, urgent medical treatment, or participation in designated international sporting events. Because the threshold for NIE approval is very high, applicants should be well-prepared to explain during their visa interview how their travel clearly benefits U.S. national interests. Supporting facts should be included on the DS-160 application form, and applicants may submit additional documentation to the consulate after the interview if needed. For more detailed guidance, see the American Immigration Lawyers Association's (AILA) Practice Alert on National Interest Exceptions. [16] Note that as of the date of this publication, CLINIC is not aware of any NIE grants under the ban, thus far.

[16] American Immigration Lawyers Association, *Practice Alert: National Interest Exceptions to the Proclamation Suspending Visa Issuance*, AILA Doc. No. 23071100 (July 22, 2025), https://www.aila.org/library/practice-alert-national-interest-exceptions-to-the-proclamation-suspending-visa-issuance.

14) How does the June 2025 travel ban affect follow-to-join refugees (FTJ-R or V93) and follow-to-join asylees (FTJ-A or V92)?

The June 2025 travel ban has created serious confusion about its implications for FTJ-R (V93) and FTJ-A (V92). Although these visa categories are not explicitly listed in the Presidential Proclamation, the U.S. Department of State has confirmed — via a congressional inquiry — that follow-to-join asylum cases do not meet any of the listed exceptions in Section 4 of the Proclamation. As a result, the Department is restricted from issuing these visas while the Proclamation remains in effect. The Department has instructed consular posts to refuse these visa applications under section 212(f) of the Immigration and Nationality Act. Although some cases were initially delayed under 221(g) while awaiting further instructions, consular officers have now been directed to close them out as 212(f) refusals. In practice, this means that both V92 and V93 beneficiaries are currently blocked from traveling to the United States, even though they are not specifically named in the ban.

CLINIC is aware that some consulates continue scheduling I-730 follow-to-join Afghan (FTJ-A) interviews abroad despite the travel ban. However, advocates consistently report that applicants face visa refusals under INA § 212(f) or are placed into administrative processing under 221(g) after their interviews. For instance, CLINIC has received reporting that I-730 interviews have taken place, since June 9, in Tajikistan and Islamabad. Although interviews proceed, visas are refused under 212(f).

At least one Afghan advocate reported that despite preparing and submitting a thorough National Interest Exception (NIE) waiver packet in support of an application of an FTJ-A, the consular officer refused to accept it. Other advocates have reported that when trying to submit the NIE waiver during the I-730 interview abroad, the consular officer placed the application under 221(g) processing and asked the application to surrender their passport, presumably for further NIE review. There are also reports of Afghan FTJ-A visa applicants being detained by Pakistani immigration authorities and returned to Afghanistan. Unfortunately, there are increasing reports of consulates issuing 212(f) refusals and summarily denying any NIE application and, in some cases, issuing212(f) refusals stating preemptively that any NIE waiver filed will not be granted. *See* Appendix A.

This development highlights the precarious position of applicants stuck in third countries, where their immigration status and ability to remain while awaiting decisions are uncertain. Given these challenges, pursuing congressional inquiries to request affirmative NIE consideration *may be* helpful.

15) What can legal advocates do now to support their FTJ clients?

Legal advocates should actively monitor ongoing developments, including litigation challenging the application of the June 2025 travel ban to FTJs. There is increasing conversation and advocacy, particularly regarding FTJ-A cases. Practitioners representing FTJ-A beneficiaries are encouraged to follow the I-730 listserv, including a newly dedicated working group for legal representatives of FTJ-A beneficiaries that offers support, resources, and regular updates.

[17] While the prospects of receiving an approved NIE waiver can be daunting, this should not deter advocates from preparing and applying for this waiver on behalf of Afghan clients, many of whom are U.S. allies or family members of U.S. allies and whose lives are continuously at risk due to contributions made in support of the United States. Advocates should also consider engaging with their congressional offices to urge them to request that the Department of State expressly exempt FTJs from the scope of the travel ban as part of the initial 90-day review mandated by the Proclamation, which is quickly approaching on Sept. 9.

Advocates should also continue filing I-730 petitions with USCIS to preserve eligibility and meet the strict two-year filing deadline. Even though visa issuance is currently suspended, timely filing the petition remains essential to protect the family's future reunification options once the ban is lifted or modified.

16) Does the Travel Ban bar individuals from seeking asylum, withholding, or protection under the Convention Against Torture (CAT)?

No. However, in practice, most refugees and their families remain affected by a separate Executive Order, EO 14163, which suspends the USRAP, as previously discussed. While some refugees have been permitted to enter under the *Pacito v. Trump* injunction, most cases remain stalled. Legal challenges to these restrictions are ongoing but face significant hurdles, particularly considering the Supreme Court's decision in *Trump v. Hawaii*, 585 U.S. 667 (2018), which upheld an earlier travel ban issued under similar statutory authority, making future challenges more difficult to succeed.

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[17] For advocates representing follow-to-join asylee (FTJ-A) clients, email mikershow@gmail.com to request to join this working group.

D. Presidential Proclamation 10888, Guaranteeing the States Protection Against Invasion: [18]

With this proclamation, President Trump invoked INA §§ 212(f) and 215(a) to suspend entry of noncitizens across the southern border, including asylum seekers. This proclamation eliminates access to asylum and related protections for most border crossers and mandates removal unless the individual qualifies for protection under CAT. Unaccompanied children and other vulnerable populations are not exempt. Noncitizens subject to the proclamation who manifest a fear of return are not referred for asylum screening. Instead, they are assessed solely for CAT protection under 8 C.F.R. § 208.18, which requires showing that they are "more likely than not" to be tortured if removed. The process is outlined in DHS-issued guidance requiring individualized screening interviews by USCIS asylum officers, often conducted telephonically while the individual is in DHS custody. There is no immigration judge review of negative CAT assessments. [19] The Trump administration also terminated the use of CBP One, a tool to facilitate lawful entry into the U.S., replacing it with CBP Home, a self-deportation tool. See below for further discussion on the termination of CBP One).

In *RAICES v. Noem*,[20] the D.C. District Court blocked President Trump's proclamation that sought to shut down asylum at the border entirely. The judge certified a nationwide class for plaintiffs who are or will be subject to the asylum ban executive order and are currently present or will be present in the United States. The court also held that the administration's attempt to use INA § 212(f), citing an alleged "invasion" as justification, was unlawful because it directly conflicted with asylum protections expressly granted by Congress. The ruling emphasized that the president cannot ignore, or rewrite, immigration laws enacted by Congress by creating an extra-statutory system that denies people the fundamental right to seek asylum, a protection firmly rooted in U.S. law for decades. The court also found that this proclamation went beyond the prior administration's attempts to circumvent the asylum statute by leaving no pathway for

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[18] President Donald J. Trump, Proclamation No. 10888, Guaranteeing the States Protection Against Invasion, 90 Fed. Reg. 8333 (Jan. 29, 2025), https://www.whitehouse.gov/presidential-actions/2025/01/guaranteeing-the-states-protection-against-invasion/

[19] *See* Guidance Document, *RAICES v. Noem*, No. 1:25-cv-00306 (D.D.C. Mar. 17, 2025), https://iptp-production.s3.amazonaws.com/media/documents/2025.03.17_RAICES_v.Noem-_Produced_Guidance_Documents.pdf.

[20] *Refugee & Immigrant Ctr. for Educ. & Legal Servs. (RAICES) v. Noem*, No. 1:25-cv-00306, 2025 WL 4239967 (D.D.C. July 2, 2025), https://www.courthousenews.com/wp-content/uploads/2025/07/judge-moss-blocks-trump-invasion-proclamation-opinion.pdf; for updates on this ligation see https://litigationtracker.justiceactioncenter.org/cases/raices-v-noem-district-court-asylum-ban.

asylum seekers to have their claims heard, instead mandating summary deportations to countries where they face grave risk.

The DOJ appealed the District court's ruling to the U.S. Court of Appeals for the D.C. Circuit, which lifted its pause on the lower court's decision.[21] The appellate court clarified that, even as the proclamation could temporarily pause access to the asylum system, the government cannot disregard other legal protections, namely withholding of removal and protections under the United Nations Convention Against Torture (CAT), which safeguard noncitizens who would likely face persecution or torture if deported. Unlike asylum, these protections do not grant permanent U.S. residency or protection from deportation to a third-party country.

CBP officers have since reportedly been ordered to halt removals executed under the asylum ban provisions and process asylum seekers at the border based on the statutory framework of asylum law. The case remains pending before the D.C. Circuit and may ultimately reach the Supreme Court, where the government is expected to argue that the proclamation was a lawful exercise of executive power justified by a "national security threat" at the border.

III. Current State of Afghan OAW/OAR Parole

On June 8, 2023, DHS announced a streamlined re-parole process for certain Afghan nationals who were paroled into the United States on or after July 31, 2021 and have an I-94, Arrival/Departure Record, that shows they were paroled under class of admission codes "PAR" (general admission code for parole), "OAR" (Operation Allies Refuge), or "OAW." Under this re-parole process, USCIS conducted a case-by-case review for parole extension eligibility of Afghan nationals who had already applied for permanent immigration benefits.

Afghan nationals who had not yet applied for permanent immigration benefits could apply for re-parole under the streamlined process by filing Form I-131, either online or by mail, before July 31, 2024, to be considered for re-parole. Extensions of parole and re-parole periods were granted for two-year periods.

[21] *RAICES v.* Noem, 25-5243, (D.C. Cir.), https://www.courtlistener.com/docket/70702469/refugee-and-immigrant-center-for-education-and-le-v-kristi-noem/?utm.

1) Can eligible individuals still apply for Afghan re-parole?

At the time of writing, Afghan re-parole (for those who have not applied for permanent benefits) has not been terminated and is still an option for which eligible parolees may wish to file by filing Form I-131.[22] CLINIC is aware of at least one recently reported case where USCIS approved the Afghan re-parole application. Note that the filing fee of $630 (paper) or $580 (online) is now required for Afghan OAR/OAW re-parole requests.

It is important to note that for recent parolees (i.e. those who have entered since May 2023, or within the two years immediately preceding this May 2025 leaked ICE email that introduced ICE's expanded use of expedited removal), affirmatively filing Form I-131 to request re-parole may place them at risk of being targeted for expedited removal proceedings, especially if they have no other pending benefits applications. Further, in May of 2025, DHS issued a delegation of authority to USCIS to order an applicant or petitioner expeditiously removed, issue warrants for arrest or removal, detain and remove noncitizens, and investigate civil and criminal violations of immigration laws. The May 2025 delegation of authority effectively eliminates the distinction between ICE and USCIS. *See* Appendix B, DHS Delegation 15006 Memo. However, DHS's policy of referring OAR/OAW parolees (or any parolee who entered at a port of entry) who have been present in the United States for two years or more for expedited removal is currently stayed pending litigation in *CHIRLA v. Noem.*[23] If those individuals have filed permanent benefit applications that remain pending, they should seek or maintain Employment Authorization Documents (EADs) based on those pending benefits.

2) Are Afghans with pending permanent benefit applications still receiving automatic parole extensions?

Although the USCIS website continues to state that Afghan nationals with pending Forms I-589 (asylum) or I-485 (adjustment of status) are automatically considered for an extension of OAR/OAW parole, CLINIC has not received reports of any Afghan parolees receiving extensions of parole automatically under the Trump administration. Previously, USCIS routinely granted parole extensions to eligible individuals under the same criteria. It is unclear whether DHS will consider individuals with pending permanent benefit applications for another extension of parole, but the general consensus is that they will not.

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[22] *See* USCIS., *Information for Afghan Nationals*, U.S. Dep't of Homeland Sec., https://www.uscis.gov/humanitarian/information-for-afghan-nationals (last visited July 31, 2025).
[23] 1:25-cv-00872, District of Colombia, March 24, 2025

3) Will the expiration of parole impact Afghans who are adjusting status based on a family petition?

Immediate relatives of USCs (spouses, parents, and unmarried children under 21) who entered with parole will continue to be adjustment eligible if their parole terminates before the I-485 is filed. They will continue to be eligible to adjust because immediate relatives are not subject to the INA 245(c) adjustment bars, which include not being in lawful status at the time of filing the I-485 or accruing any period of unlawful status in the U.S.

Preference category relatives, such as spouses and children of lawful permanent residents and brothers and sisters of USCs, are subject to the INA 245(c) adjustment bars and must maintain lawful status (i.e., parole or TPS) to until they file the I-485 to be eligible to adjust status based on a family petition.[24]

IV. Policy Changes Impacting Afghan Nationals Who Entered Through the Southern Border

Following the initial wave of Afghan parolees arriving in the United States in late 2021, several Afghan nationals, many already residing in third countries, sought entry at the southern border. DHS has implemented broad policy changes that directly impact Afghan nationals who entered through the southern border, both with parole and without inspection. DHS has also adopted dangerous rhetoric on its website that labels parolees as "illegal aliens" and encourages these individuals who lawfully entered the United States via CBP One to "self-deport." In light of these changes, it is essential that practitioners are aware of the procedural posture of the cases of their clients who entered through the southern border.

A. Termination of CBP One and Implementation of CBP Home

CBP One was a mobile application implemented by CBP in 2023 that allowed users to make appointments at some ports of entry at the U.S.–Mexico border. Individuals who made an appointment via the app and successfully attended an appointment with CBP officers were granted parole, usually for a period of 2 years, and permitted to enter the United States. In January 2025, DHS cancelled the CBP One application and all future

[24] For more on exploring other avenues of relief for Afghan parolees, see CLINIC, *Frequently Asked Questions on Trump Administration Policies Affecting Parolees: Enforcement and Termination of Parole* (Apr. 3, 2025), https://www.cliniclegal.org/resources/enforcement-and-detention/frequently-asked-questions-trump-administration-policies.

appointments and indicated that they would begin to terminate parole for those who were still within their authorized parole period. However, a lawsuit was filed on Aug.11, 2025, in the U.S. District Court for the District of Massachusetts, challenging these terminations, seeking to suspend and annul the parole and work permit revocations, and restore parole status until the original parole period was completed. The case, *Doe v. U.S. Dep't of Homeland Security*, No. 1:25-cv-11568, remains pending as of the date of this resource's publication.

1) What is CBP Home?

In March 2025, DHS introduced "CBP Home" as a pseudo-replacement for the CBP One application. While it shares some functionality with CBP One, its primary purpose is fundamentally different. CBP Home is designed to allow individuals within the United States to notify the government of their departure from the country. DHS has actively promoted this "self-deportation" feature, even offering monetary incentives to encourage use of the app.

2) Has parole been categorically terminated for Afghans who used CBP One to enter the United States?

In early April 2025, DHS began to issue "Notices of Termination of Parole" to those who entered the United States via CBP One as well as those who entered through other parole processes, usually by e-mail or via their myUSCIS accounts. Many Afghans who entered the southern border via CBP One suddenly had their parole status revoked, along with their ability to work in the United States. These notices stated that DHS is terminating the individual's parole (within a certain time, most often seven days) and instructed the recipient to depart the country. Some individuals received a follow-up notice that retracted the notice, indicating that the notice was issued in error. Only individuals who receive an individual Notice of Termination of Parole in their myUSCIS account or by mail, or served on their Accredited Representative or attorney, have had their parole terminated. If an individual's parole has been terminated, their (c)(11) EAD will also be terminated. However, as mentioned above, parole terminations for those who entered via CBP One have been challenged in federal court and is the subject of ongoing litigation as of the date of this resource's publication.

3) Should Afghans use CBP Home to "self-deport" the United States if they received termination of parole notices?

It is important to note that despite DHS's continued efforts to encourage those who entered via CBP One and others to self-deport by making misrepresentations about returning lawfully in the future, for most, departing the United States will be detrimental to their current and future pathways to immigrate. Further, if the individual has pending applications for asylum or SIV adjustment of status, the termination or expiration of

parole does not impact their eligibility for these benefits. However, as previously discussed, preference category beneficiaries planning to adjust status based on a family petition may become barred under INA 245(c) if their parole is terminated before they file the I-485.

If an individual with a pending asylum or adjustment of status application departs the United States, those applications will be deemed abandoned. If an individual departs while in removal proceedings, an immigration judge will likely issue an *in-absentia* removal order against them. And if someone who has accrued unlawful presence or has an expedited removal order departs the United States, their departure could trigger unlawful presence bars, removal order inadmissibility grounds, and in some cases, the permanent bar.

For more information about termination of parole and implementation of CBP Home, see this CLINIC advisory.

4) Will the termination of parole impact Afghans who are adjusting status based on a family petition?

Immediate relatives of USCs (spouses, parents, and unmarried children under 21) who entered with parole will continue to be adjustment eligible if their parole terminates before the I-485 is approved, because immediate relatives are not subject to the INA 245(c) adjustment bars, which include not being in lawful status at the time of filing the I-485 or accruing any period of unlawful status in the United States.

Preference category relatives, such as spouses and children of lawful permanent residents and brothers and sisters of USCs, are subject to the INA 245(c) adjustment bars and must maintain lawful status (i.e. parole or TPS) to be eligible to adjust status based on a family petition filed on their behalf.

For instance, the following hypothetical scenario helps illustrate how INA §§ 245(a) and (c) apply in practice, particularly regarding Afghan parolees in the United States:

> **HYPOTHETICAL:** Fatima is an Afghan citizen who entered the United States on Jan. 23, 2025, pursuant to 212(d)(5) humanitarian parole status for a two–year period. Her U.S. citizen brother had filed Forms I-131 and I–134 on her behalf. USCIS approved the applications, and the DOS interviewed and processed Fatima's parole application abroad at the U.S. embassy in Islamabad. Upon entering the United States, Fatima sought advice on how to apply for lawful permanent residency. Fatima's brother filed an I-130 petition in the F-4 category for her that is still pending with USCIS.

- **Legal Options:** Fatima can continue to pursue the family-based route. But being in the F-4 category, once her I-130 is approved, she will still have a long wait before a visa becomes available and she can apply for permanent residency. Since her parole status expires in less than two years, to be eligible to apply for adjustment in the family preference category, she will need to maintain lawful immigration status, at least until she files her adjustment application. This also includes not working without authorization. With her late entry date, she is not eligible for TPS from Afghanistan. Fatima should consider filing for asylum, if eligible, to provide another option for immigration relief leading to permanent residency. However, if Fatima's parole expires, a pending asylum claim is not a lawful immigration status for purposes of adjusting under 245(a). She can pursue her asylum claim, however, and if granted, apply for adjustment as an asylee under INA § 209.

5) What if an individual's OAR/OAW parole has now expired or has been terminated, but they are in removal proceedings?

Many Afghan nationals who were paroled in after attending a CBP One appointment were also issued a Notice to Appear (NTA) and placed into removal proceedings. While some parolees' NTAs were never filed with the Executive Office of Immigration Review (EOIR) and so they were able to file their asylum application with USCIS, many were placed into removal proceedings and filed their asylum applications defensively with EOIR.

If an Afghan national filed their I-589 in proceedings and it remains pending, the expiration of their parole will not impact their application. The I-589 will remain pending defensively and they can seek an EAD after their asylum EAD clock has run 150 days. However, with the lapse of their parole and the new expansion of the use of expedited removal to its full statutory authority under the second Trump administration, individuals who were paroled into the United States, especially since May 2023, as explained above, may be deemed subject to expedited removal.

An individual who entered with parole and is in INA § 240 removal proceedings risks that DHS will unilaterally dismiss those proceedings and place them into INA § 235 expedited removal, triggering mandatory detention, as discussed further below. However, DHS's policy of placing parolees who have been present in the U.S. for more than two years in

expedited removal proceedings is currently stayed due to pending litigation in *CHIRLA v. Noem*.[25]

For a more detailed discussion about the categories of individuals whom DHS may subject to expedited removal, please see CLINIC's Frequently Asked Questions on Trump Administration Policies Affecting Parolees: Enforcement and Termination of Parole.

6) Has the expansion of expedited removal for use against recent parolees been challenged in federal court?

In March 2025, the Coalition for Humane Immigrant Rights (CHIRLA) filed a lawsuit in a federal district court in the District of Columbia on behalf of members of the plaintiffs' organizations who were granted parole at a border port of entry through OAW/OAR parole or the CHNV parole process, challenging the government's use of expedited removal against these parolees. On Aug. 1, 2025, the U.S. District Court for the District of Columbia in *CHIRLA v. Noem*[26] stayed government policies seeking to put individuals who entered on parole at a port of entry in expedited removal proceedings. The court found that the INA does not authorize expedited removal for people who were paroled at a port of entry even after their parole has been terminated. However, on Aug. 18, 2025, the U.S. Court of Appeals for the D.C. Circuit issued a temporary stay of the order, thereby allowing DHS to continue initiating expedited removal proceedings against recent parolees, but explicitly states that the stay does not apply to parolees who have been continuously present in the United States for two years or more.

In light of this litigation update, practitioners should take the following steps as delineated in this AILA practice alert, depending on the procedural posture of the case:

1) Contact the client's ICE Deportation Officer immediately to notify them that the client is covered by the district court's order in *CHIRLA v. Noem*, and thus that ICE may not pursue expedited removal against them. Include evidence that your client is covered by the order, i.e., that they were previously paroled into the United States at a port of entry and have continuously resided in the U.S. for two years. Counsel should also ask that ICE promptly vacate the expedited removal (ER) order, halt any other ER-related processes (e.g., CFI scheduling), and release the client from detention. Counsel should also request written confirmation that the ER order has been vacated.

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[25] For more information, see *Practice Alert: AILA and National Immigration Project Issue Guidance on CHIRLA v. Noem Order*, AM. IMMIGR. LAWYERS ASS'N, AILA Doc. No. 25080502 (Aug. 5, 2025), https://www.aila.org/library/practice-alert-aila-and-national-immigration-project-issue-guidance-on-chirla-v-noem-order.

[26] 1:25-cv-00872, District of Colombia, March 24, 2025

2) If **during an immigration court hearing** OPLA moves to dismiss to ER a person previously paroled at a Port of Entry over two years ago, raise this order in addition to the other arguments against dismissal.
3) If the **asylum office dismisses an asylum application** and calls for a CFI for a person previously paroled at a port of entry, raise this order and request that the asylum office reinstate the asylum application while also cancelling the CFI.

The AILA practice alert advised that if DHS proceeds with ER even though the client is covered by the *CHIRLA v. Noem* APA stay, contact litigation counsel Laura Flores-Perilla (Laura.Flores-Perilla@justiceactioncenter.org) and Elia Gil Rojas (Elia.GilRojas@justiceactioncenter.org)

B. Expansion of Expedited Removal and Mandatory Detention

1) What is the new reported ICE policy regarding bond eligibility for immigrants who entered without inspection?

In July 2025, various news outlets and the American Immigration Lawyers Association (AILA)[27] reported that ICE has adopted a new, unpublished policy[28] substantially restricting bond eligibility for immigrants who entered the United States without permission. Under this policy, ICE argues that individuals who entered without inspection, even if they have lived in the United States for years, are legally considered "applicants for admission." As such, ICE's position is that they are subject to mandatory detention under INA § 235(b) and are ineligible to request bond before an immigration judge. Although the statutory framework has not changed, this aggressive interpretation represents a substantial shift in practice. It could lead to the prolonged detention of a vastly larger population of noncitizens — potentially millions — while their cases move through immigration court. The change comes as ICE receives a large increase in detention funding through the 2025 "Big Beautiful Bill," giving the agency the capacity to detain many more individuals than in the past.

The internal memorandum discussed above instructs OPLA attorneys to argue that all individuals charged under INA §§ 212(a)(6) and/or 212(a)(7) are "applicants for admission" and therefore not eligible for bond. OPLA cites *Jennings v. Rodriguez*, 138 S.

[27] AILA *Practice Alert: ICE Updates Legal Position in Bond Proceedings* (July 28, 2025), https://www.aila.org/library/practice-alert-ice-updates-legal-position-in-bond-proceedings.
[28] See *AILA, ICE Memo: Interim Guidance Regarding Detention Authority for Applications for Admission*, https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission(last visited July 2025).

Ct. 830 (2018); *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019); and *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025) as legal authority for this position.[29]

However, the recent BIA decision in *Matter of Akhmedov*, 29 I &N Dec. 166 (BIA 2025) undermined ICE's position that those who entered the United States without inspection are not entitled to bond. This case involved an individual to whom an immigration judge had granted bond who entered the United States without inspection in January 2022. The BIA vacated the judge's bond order based on a finding of flight risk but asserted that custody in the case was governed by INA § 236(a) rather than § 235(b). In so doing, the BIA confirmed that individuals who entered without inspection are necessarily detained under INA § 236 despite ICE's position that INA § 235(b) applies, thereby subjecting them to mandatory detention. As such, individuals who were denied bond after the July 8, 2025, policy implementation should seek a new bond hearing based on a material change to the law.

2) What does it mean to be an "applicant for admission," and why does this matter?

This recent shift in ICE's bond policy hinges on the immigration law concept of the "applicant for admission," a designation with profound consequences for detention and bond eligibility. To fully understand the impact of this change, it is important to review how immigration law categorizes noncitizens in removal proceedings:

> **"Arriving aliens:"** This category includes individuals who seek admission at a port of entry (such as an airport or land border) or those interdicted at sea and transported to the United States. Immigration law has long precluded arriving aliens from seeking release on bond from an immigration judge, placing them in mandatory detention during the pendency of their proceedings.
>
> **"Applicants for admission:"** This broader classification includes:
>
> a. Individuals who present themselves at a port of entry without proper documentation;
> b. Individuals who enter the United States between ports of entry without inspection;
> c. Noncitizens physically present in the United States without having been admitted or paroled; and

[29] AILA continues to monitor and track reports regarding this sudden change in OPLA's position on bond and encourages AILA members to report case examples to the ICE Liaison Committee using the "Report a Trend" form available at https://www.aila.org/committees-groups/aila-national-committees/aila-eoir-ice-liaison-committee.

d. Individuals interdicted at sea and later brought to the United States.

This designation matters because, under ICE's current policy and recent BIA precedent — *Matter of Q. Li*, 29 I&N. Dec. 66 (BIA 2025) — an applicant for admission who is arrested and detained without a warrant upon arrival in the United States, whether at a port of entry or between ports, can continue to be subject to mandatory detention under INA § 235(b) if they are detained years after their entry. Under ICE's policy, these individuals are ineligible for bond and may only seek release via requests for parole directly from ICE. If parole is granted but subsequently terminated, mandatory detention under § 235(b) resumes. ICE's interpretation, however, goes well beyond *Q. Li*, applying to individuals who entered unlawfully years ago and were never arrested or previously released.

3) What does this new policy mean for Afghan noncitizens who crossed the southern border without inspection if later detained by DHS?

Afghan nationals who entered the U.S. without inspection or parole face heightened risk of prolonged detention under this policy, *regardless* of how long they have lived in the United States. This includes Afghans who crossed the southern border years ago, outside the two years, and were never arrested or detained by immigration authorities. It also applies to those who were initially detained but then released with Notice to Appear in court, for example, Afghan asylum seekers who entered with their families and were released with instructions to report to ICE or appear in immigration court.

4) Can advocates still argue for bond eligibility or request release from detention on parole?

Noncitizens and advocates can request release on parole from ICE, particularly if they have mental or physical vulnerabilities. Although parole is granted only rarely under the current administration, submitting a parole request remains an important option for seeking discretionary relief. Sample parole request templates are available to assist advocates in preparing these applications in CLINIC's Removal Toolkit (Affiliate-only). The toolkit also contains a sample motion for bond hearing, and procedures for requesting a bond hearing are outlined in the Immigration Court Practice Manual (ICPM), Chapter 9.3

There are also strong legal arguments challenging ICE's restrictive parole and bond policies, such as those based on the recent BIA decision in *Matter of Akhmedov*, 29 I. & N. Dec. 166 (BIA 2025), discussed in part IV, section (b)(1), above. The Northwest

Immigrant Rights Project (NWIRP) also filed *Rodriguez Vazquez v. Bostock*[30] in March 2025, challenging the Tacoma Immigration Court's practice of denying bond to noncitizens who entered without inspection — even those with long-term residence in the United States. The case also addresses delays in appellate review of bond denials. The court has ordered bond hearings for the lead plaintiff and is considering class certification for others similarly affected. While this case currently applies only to the plaintiffs involved, it reflects broader legal challenges to ICE's position.

5) What about Afghans who were apprehended by DHS upon entry, released, and filed their I-589 application with USCIS?

Some Afghan nationals entered the United States without inspection, were quickly apprehended, and issued final expedited removal orders under INA § 235 using Form I-860, *Notice and Order of Expedited Removal*. Many were later released into the United States, and either (1) issued Notices to Appear (NTAs), placing them in INA § 240 removal proceedings, or (2) never issued NTAs at all. Among those who received NTAs, some had their removal proceedings dismissed or terminated and later refiled Form I-589 with USCIS. Others, who were never issued NTAs, submitted their asylum applications affirmatively with USCIS from the outset.[31]

USCIS has begun dismissing properly filed affirmative asylum applications by alleging the existence of prior expedited removal orders. Where an individual received a final expedited removal order on the form I-860, Notice and Order of Expedited Removal, and thereafter filed their I-589 affirmatively with USCIS, USCIS has begun to issue notices entitled "Notice of No Jurisdiction," indicating that they lack jurisdiction over these cases. To see a sample dismissal letter from USCIS, see Appendix C. The notices reject the affirmative I-589 filing, leaving the individuals in limbo and without the ability to renew their (c)(8) EADs. Applicants whose affirmative applications are dismissed face the burden of either pursuing defensive asylum in Immigration Court, if an NTA is issued, or requesting a Credible Fear Interview (CFI) to initiate removal proceedings.[32]

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[30] Complaint, *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC (W.D. Wash. Mar. 2025), https://www.nwirp.org/our-work/impact-litigation/assets/vazquez/120Vazquez20complaint.pdf.

[31] See AILA, *Practice Pointer: Next Steps After USCIS Dismisses an Affirmative I-589 Due to an Alleged Prior Expedited Removal Order*, AILA Doc. No. 25072801 (July 28, 2025), https://www.aila.org/library/practice-pointer-next-steps-after-uscis-dismisses-an-affirmative-i-589-due-to-an-alleged-prior-expedited-removal-order.

[32] See Joel Rose, *Asylum Seekers Struggle as U.S. Immigration System Faces Mounting Pressures*, NPR (Aug. 10, 2025), https://www.npr.org/2025/08/10/nx-s1-5487598/asylum-seekers.

In some cases, expedited removal orders were never actually issued or removal proceedings initiated. In other instances, expedited removal orders may exist but the related documentation, such as the Form I-860, *Notice and Order of Expedited Removal*, may be incomplete or unclear. Because USCIS relies on these alleged orders to deny jurisdiction, it is critical to carefully review each applicant's records, including the issuance date of any Form I-860, to verify whether a valid expedited removal order exists. FOIA requests can help obtain these records, but the FOIA processing times are slow, and the results are often incomplete and heavily redacted. Many applicants also lack copies of their border records, further complicating accurate review.

Additionally, an individual who received a signed I-860 before being paroled or released into the United States and was not given a Credible Fear Interview (CFI) may now be targeted for expedited removal, especially if they entered within the last two years. If they are arrested by DHS officials, they should be advised to express their fear of returning to their country to each person with whom they come in contact and request a CFI as soon as possible.

Even if an individual filed an I-589 with USCIS and thus affirmatively expressed to DHS their fear of return to their home country, if detained, they must be prepared to verbally state (or manifest) their fear of return and request a CFI from every officer with whom they interact. If the individual receives a positive CFI determination, they will be placed into removal proceedings under INA § 240 and may file then Form I-589 with the immigration court. However, the individual could still remain subject to mandatory detention throughout their proceedings.[33]

Practitioners should regularly check their myUSCIS accounts for updates on online-filed I-589 cases and encourage clients to do the same. For paper-filed cases, USCIS Case Status Online should be monitored regularly. Clients must be prepared for the possibility of detention and advised to repeatedly express their fear of return and request a CFI if they are detained. It is also important to have a signed Form G-28 on file to ensure representation if the client is detained. If an affirmative I-589 is dismissed and the client is in removal proceedings, an I-589 should be promptly filed with the Immigration Court to preserve the original filing date.

[33] *See Matter of Q. Li*, 29 I. & N. Dec. 66 (B.I.A. 2025) finding that an applicant for admission detained upon arrival is held under INA § 235(b) and is ineligible for bond under INA § 236(a). The BIA also held that an alien released on parole under INA § 212(d)(5)(A) who has that parole terminated is returned to custody under § 235(b) pending removal proceedings. The Supreme Court's ruling in *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018), affirmed the government's authority for mandatory detention but left unresolved whether constitutional limits exist on the length of detention, allowing due process challenges in federal court.

When applications are dismissed or clients are detained, a CFI should be requested immediately by contacting USCIS and notifying ICE for detained individuals. Preparing clients thoroughly for the CFI process is also critical. For more information about the steps to take after a client's affirmative I-589 has been dismissed, see this AILA practice pointer.

6) What about Afghan nationals in removal proceedings who may be eligible for an SIV but entered without inspection?

Some Afghan nationals in removal proceedings may appear eligible for a Special Immigrant Visa (SIV) based on prior service to the U.S. government or its contractors. For Afghan SIV holders adjusting status under INA § 245, some bars to adjustment under INA § 245(c) apply, but key exemptions exist. Unlike most immigrant categories, Afghan SIV applicants may adjust status even if they have worked without authorization, lack current lawful status, failed to maintain continuous lawful status since entry, or violated the terms of a nonimmigrant visa. Adjustment of status for Afghan SIV holders requires that the applicant was lawfully admitted or paroled into the United States; entry without inspection (EWI) does not satisfy this requirement.[34] Therefore, those who entered the United States EWI, for example, by crossing the southern border between ports of entry, are not eligible to adjust status under the SIV program.

While, in theory, an individual could seek SIV status through consular processing abroad if removal proceedings are first dismissed or terminated, significant legal barriers remain. For someone who entered EWI without any inspection or parole and accrued unlawful presence, departing the United States could trigger a 3- or 10-year bar to re-entry.[35] To overcome this, an approved I-601A waiver (a pre-departure provisional inadmissibility waiver for unlawful presence available for applicant not in removal proceedings/subject to removal order) or I-601 waiver is required. Both waivers require a qualifying relative, specifically a U.S. citizen or lawful permanent resident spouse or parent, who would suffer extreme hardship if the waiver were denied. Without such a relative, this waiver path is generally unavailable for SIVs.[36] This resource will address SIV adjustment of

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[34] *See* USCIS, *Green Card for an Afghan Employed on Behalf of the U.S. Government*, https://www.uscis.gov/green-card-for-an-afghan-employed-behalf-us-government; *see also* USCIS Policy Manual, Vol. 7, Part. F, Ch. 10, https://www.uscis.gov/policy-manual/volume-7-part-f-chapter-10.

[35] In most cases, an applicant does not accrue unlawful presence while a bona fide asylum application (Form I-589) is pending. This means that the time spent with a properly filed and pending I-589 is generally not counted towards the "3- and 10-year bars" that can make the applicant inadmissible to the United States.

[36] *See* USCIS Policy Manual, Vol. 6, Part H, Chapter 9: Eligibility for Immigrant Visa and Admission, https://www.uscis.gov/policy-manual/volume-6-part-h-chapter-9; *see also* Switchboard TA, *Afghan Adjustment of Status Resource* (Feb. 2024), https://www.switchboardta.org/wp-content/uploads/2024/02/Written-Resource-Afghan-Adjustment-of-Status.pdf.

status in greater detail below. In these cases, pursuing asylum in removal proceedings may be the only viable path to legal protection and eventual lawful permanent resident status.

V. Policy Changes That Impact All Afghans in Removal Proceedings

A. Pretermission of Asylum Applications in Removal Proceedings

On April 11, 2025, EOIR issued Policy Memo 25-28, interpreting current law to permit immigration judges to pretermit, i.e., deny without a hearing, asylum applications that are legally insufficient. The memo then directs judges to take "all appropriate action" to resolve cases quickly, i.e., order removal or grant voluntary departure, once an individual's asylum application is deemed insufficient and pretermitted and no other legal pathway for relief appears.

This policy raises serious due process concerns for Afghan nationals in removal proceedings, particularly in the asylum context, where legal standards are complex, rapidly evolving, and often circuit-specific. It also is in direct violation of INA § 240(b)(4)(B) which provides respondents the right to present evidence in their case, examine evidence against them, and cross-examine government witnesses. The new policy increases the risk that applications, especially those filed by *pro se* respondents, will be denied before applicants have a meaningful opportunity to explain their claims or correct perceived legal deficiencies.

In light of this memo, legal services providers should carefully screen cases and develop a clear, legally grounded asylum claim from the outset. It is essential to clearly articulate eligibility in Form I-589, including any proposed particular social groups, and any accompanying briefing. In instances where I-589s were previously submitted in "skeletal form," advocates should supplement the filings as soon as possible with amendments to the Form I-589 and any other updated evidence in support of their clients' claims. Advocates should be prepared to oppose pretermission where factual disputes or complex legal issues exist, and, where appropriate, argue that factual development and credibility determinations require a full hearing.

For more information on avoiding pretermission and developing arguments against pretermission, please see this NIP and CRGS Practice Advisory.

B. Unilateral Dismissals of Proceedings to Pursue Expedited Removal

OPLA counsel has adopted a practice of unilaterally moving to dismiss proceedings so that ICE can arrest individuals at immigration courthouses and place them into expedited removal proceedings, thereby subjecting them to mandatory detention. Immigration judges (IJs) are frequently granting dismissal over the objection of the respondents, but even in cases where IJs do not grant dismissal, there are reports of ICE detaining individuals at immigration courts in error or direct violation of law.

ICE has reportedly stated that they have the discretion to place individuals in both INA § 235 and INA § 240 proceedings simultaneously. However, this is contrary to statute, as INA § 240(a)(3) states "a proceeding under this section shall be the *sole and exclusive procedure* for determining whether an alien may be admitted to the United States or, if the alien has been so admitted, removed from the United States" (emphasis added).

Individuals who were detained and placed into INA § 235 proceedings as arriving aliens, passed their CFIs, and were transferred to INA § 240 proceedings may still be subject to mandatory detention while proceedings are pending pursuant to the Supreme Court case *Jennings v. Rodriguez*.[37] Further, the BIA recently held in *Matter of Q. Li*[38] that individuals who enter without inspection, are detained and released with parole without a CFI, but never issued an NTA, are still considered "applicants for admission" and therefore, arriving aliens. Therefore, if these individuals are later placed in INA § 240 proceedings, they may also still be subject to mandatory detention.

Practitioners should be prepared to argue against dismissal orally in court or request to submit the response in writing within the 10-day response period the Immigration Court Practice Manual provides. However, as ICE is arguing in these cases that they are detaining individuals under INA § 235, practitioners may need to file habeas petitions to seek federal judicial review to argue that their client is not subject to expedited removal, especially if their INA § 240 proceedings remain pending.

For a more detailed discussion of courthouse arrests and expedited removal, see this NIP practice alert.

[37] 138 S. Ct. 830 (2018).
[38] 29 I. & N. Dec. 66 (BIA 2025).

VI. Termination of Temporary Protected Status for Afghanistan

DHS issued a Federal Register Notice (FRN), "Termination of the Designation of Afghanistan for Temporary Protected Status" on May 13, 2025, that set to terminate TPS for Afghanistan on July 14, 2025. The FRN also indicated that TPS EAD validity would terminate on that date. However, there is ongoing litigation in this matter in the case *CASA v. Noem*[39], and the U.S. Court of Appeals for the Fourth Circuit temporarily stayed the termination date for Afghan TPS for seven days while the Court considered whether to grant relief for a longer period. The court declined to do so, and the termination of TPS for Afghanistan went into effect on July 21, 2025. As such, Afghan TPS recipients are no longer in TPS status, and their TPS-based EADs are no longer valid.

It is important to note that under current USCIS NTA guidance, if a TPS designation is terminated, and the former TPS recipient has no other legal status or authorization to remain in the United States, USCIS is to coordinate with ICE and CBP as to issuance of NTAs after the designation ends. Therefore, Afghan nationals who only had TPS and/or OAW/OAR parole should apply for any permanent immigration benefits for which they are eligible as soon as possible, such as asylum and/or adjustment of status.

For more information on Afghan and other TPS designations, see this CLINIC advisory.

VII. Special Procedures and Considerations for Afghan OAW/OAR Parolees Filing for Asylum

Afghan nationals who were paroled into the United States between July 30, 2021, and Sept. 30, 2022, may still qualify for expedited asylum procedures, as long as their parole has not been terminated. Additionally, Afghan nationals paroled after Sept. 30, 2022, may still qualify if they are the spouse or child of a person in the first group and eligible for derivative asylum status, or if they are the parent or legal guardian of an unaccompanied minor from the first group.

[39] *CASA v. Noem*, (8:25-cv-00525) District Court, D. Maryland (2025).

1) What special timeline applies to the asylum process for Afghan parolees?

Under the Afghanistan Supplemental Appropriations Act of 2022, USCIS is required to schedule the asylum interview within 45 days of receiving the asylum application and to issue a decision within 150 days, unless there are exceptional circumstances. These statutory deadlines were created to ensure timely protection for Afghan parolees. Advocates may refer to the case *Ahmed v. Department of Homeland Security* to underscore the government's obligation to adhere to these timeframes.[40]

2) How can Afghan parolees meet the one-year filing deadline for asylum?

Afghan parolees may still file a timely asylum application even if more than one year has passed since their arrival in the United States. Under 8 C.F.R. § 208.4(a)(5)(iv), an asylum application is not automatically considered late if the applicant was in lawful immigration status or parole at the time of filing, or if they file within a reasonable time, generally six months, after losing that status or parole. This regulatory exception provides crucial protection for Afghan nationals whose parole is expiring or has recently expired, allowing them to avoid dismissal based solely on the one-year filing deadline. For more information on overcoming the one-year deadline, see 8 C.F.R. § 208.4 and the comprehensive guidance from CLINIC on preparing and questioning for the asylum office interview regarding the one-year filing deadline.[41]

3) What happens if USCIS denies the asylum application?

If USCIS denies the asylum application and the applicant is no longer in lawful immigration status or parole at the time of denial, the case must be referred to EOIR for removal proceedings under 8 C.F.R. § 1208.14. However, if the applicant remains in lawful status or parole when denied, USCIS may deny the application without referring the case to immigration court. While Afghan parolees generally have a high asylum approval rate nationwide, achieving a favorable outcome depends heavily on thorough case review, careful preparation, and strong legal representation. It is also important to

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[40] *Ahmed v. U.S. Dep't of Homeland Sec.*, No. 4:23-cv-01892 (N.D. Cal. filed Apr. 19, 2023). USCIS filed a Public Status Report on Aug. 11, 2025, reporting that of 22,189 asylum applications filed by Afghan evacuees under Operation Allies Welcome between July 2021 and July 2025, over 95% have been adjudicated (20,239 granted), with 903 cases still pending beyond the 150-day deadline at issue in the litigation.

[41] *See* Catholic Legal Immigration Network, Inc. (CLINIC), *Preparing for and Questioning the Asylum Office Interview on the One-Year Filing Deadline*, https://www.cliniclegal.org/resources/asylum-and-refugee-law/preparing-questioning-asylum-office-interview-one-year-filing.

be aware that applicants referred to EOIR without other available relief could face a real risk of expedited removal, which can lead to swift deportation.

4) What are the key TRIG exemptions for Afghan asylum seekers?

The Terrorism-Related Inadmissibility Grounds (TRIG) under INA § 212(a)(3)(B) broadly cover individuals involved in terrorist activities, including providing "material support." Because the Taliban is designated a Tier 1 terrorist organization, many Afghan asylum seekers face TRIG issues, which can delay adjudications as applications undergo heightened vetting. However, DHS and State announced three key exemptions in June 2022 (later published in the Federal Register) to ensure these grounds do not automatically bar protection for Afghans. These exemptions apply case-by-case and include:

1) **Afghans who supported U.S. military interests** by resisting the Taliban or fighting the Soviet occupation. This excludes those who targeted non-combatants, U.S. interests, committed human rights abuses, or worked for terrorist groups.
2) **Afghans employed as civil servants** (e.g., teachers, doctors) during specified periods (1996–2001, or after August 2021), excluding those in senior positions or directly supporting Taliban violence.
3) **Afghans who provided minimal or incidental material support** to terrorist groups, such as paying small fees at checkpoints or for utilities, serving customers under duress, or paying for essential documents needed to flee.

There is no separate exemption application; asylum officers apply these during case adjudication. To benefit, applicants must fully disclose any contacts or support related to terrorist organizations. Other factors delaying Afghan asylum decisions include careful review of the persecutor bar, especially for former Afghan military or intelligence personnel, and the complexity of family-based applications where multiple related claims are submitted simultaneously.[42]

5) How should practitioners analyze the firm resettlement bar?

The firm resettlement statutory bar to asylum increasingly arises in the case of Afghans who entered the U.S. several months or more after the Taliban's takeover in August

[42] For more information on this topic, please see CLINIC, *Practice Advisory: Common Obstacles when Representing Afghans in Immigration Proceedings* (Sept. 2023), https://www.cliniclegal.org/sites/default/files/2023-09/Practice%20Advisory%20Common%20Obstacles%20when%20Representing%20Afghans%20in%20Immigration%20Proceedings.pdf; see also CLINIC, *FAQ: Designation of New Foreign Terrorist Organizations*, https://www.cliniclegal.org/resources/asylum-and-refugee-law/frequently-asked-questions-designation-new-foreign-terrorist.

2021. Under INA § 208(b)(2)(A)(vi), an applicant is ineligible for asylum if they "firmly resettled in another country prior to arriving in the United States." The regulations at 8 C.F.R. § 208.15 expand on the statutory definition by providing that an applicant is considered firmly resettled if, *after* the events that gave rise to their asylum claim, the applicant entered into another country and received or could have been eligible for an offer of permanent resident status, citizenship, or some other type of permanent resettlement. The firm resettlement bar does not apply to the spouse and children of refugees and asylees who are derivatives of the principal applicant. Such individuals are eligible for derivative asylum and refugee status, regardless of whether they are firmly resettled in a third country. 8 C.F.R. § 207.7; 8 C.F.R. § 208.21(a)8 C.F.R. § 208.21(a)8 C.F.R. § 208.21(a). Two exceptions to the "firm resettlement" bar exist: (1) when entry into a third country was a necessary consequence of flight and the stay was brief with no significant ties (8 C.F.R. § 208.15(a)), or (2) when an offered permanent residence was so restricted that the applicant was not in fact resettled (8 C.F.R. § 208.15(b)).

In *Matter of A-G-G-,* the BIA established a four-step framework for determining cases involving firm resettlement as a mandatory bar to asylum. 25 I&N Dec. 486, 500–03 (BIA 2011). While this FAQ does not comprehensively address the firm resettlement bar, practitioners should refer to USCIS's Refugee, Asylum, and International Directorate's (RAOI) "Firm Resettlement Training Model" which — while not binding on EOIR — offers detailed analysis, examples, and an in-depth overview of the four-step framework. Additionally, the Practice Advisory on *Common Obstacles When Representing Afghans in Common Obstacles When Representing Afghans in Immigration Proceedings*, provides guidance on how the firm resettlement bar can specifically apply in the context of Afghan cases. It is important for advocates to carefully screen Afghan asylum clients by asking which countries they passed through upon leaving Afghanistan and the nature and duration of their stay. This information is required on Form I-589 and must be disclosed. Some Afghans, for instance, were evacuated by NATO countries such as Denmark, while others lived in countries like Brazil during their attempts to reach the United States.

Below are practical tips for navigating the four-step analysis in *Matter of A-G-G-*:

1. Government's Burden:
DHS must present prima facie evidence of an offer of permanent resettlement, even if the applicant did not accept it, either through direct evidence (e.g., a government document granting permanent status) or indirect evidence sufficient in clarity and force.

Tip: Make the government meet its burden first! Remember, in removal proceedings, evidence is admissible only if it is probative and its admission is fundamentally fair. Be sure to carefully scrutinize any government document presented as evidence of an offer of permanent resettlement. If the document lacks probative value, consider objecting or asking the immigration judge to assign it little weight. For example, an attorney blog citing a third country's immigration law is most likely not sufficient evidence of an offer or of the client's eligibility for permanent status.

2. Applicant's Rebuttal:

The asylum applicant can rebut DHS's evidence by showing, by a preponderance of the evidence, that an offer was never made or that they would not qualify for it.

Tip: It can be challenging to research and understand the immigration laws of another country. Practitioners can consider submitting a question to the Library of Congress "Ask a Librarian" service (though it may take time to receive a reply) or reaching out to an attorney or relevant organization in the third country to learn more about their immigration laws. Evidence such as visa denials, temporary evacuation documentation, or proof of ineligibility can be highly persuasive.

Remember that an offer of permanent resettlement is not the same as merely having access to a process to apply for refugee or asylum status. As the Ninth Circuit explained in *Maharaj v. Gonzalez*, 450 F.3d 961, 977 (9th Cir. 2006) (en banc), "the fact that a country offers a process for applying for some type of refugee or asylum status is not the same as offering the status itself." However, an applicant may have an offer if they are entitled to permanent resettlement and all that remains is completion of a ministerial act. Be sure to emphasize this distinction when presenting evidence or rebutting the government's claims.

3. Totality of Evidence: The adjudicator must consider the totality of evidence and make a determination whether the evidence of an offer of firm resettlement has been rebutted.

Tip: In Afghan cases, carefully document timelines, the nature of the client's stay, and their ability (or lack thereof) to access permanent status. Even brief evacuations or short-term stays in third countries may not constitute firm resettlement. Be sure to present a clear chronology and

contextual evidence — such as programmatic evacuations, temporary residency, or conditional status — to strengthen rebuttal arguments.

4. No Rebuttal – Bar Applies:
If the adjudicator finds that the applicant was firmly resettled, the burden shifts to the applicant to show that one of the statutory exceptions applies:

- **Restrictive Conditions:** The applicant's stay in the third country was subject to conditions that significantly limited their ability to establish permanent residence, such as restrictions on employment, travel, housing, or access to public services.

  Tip: Many Afghans in third countries faced strict limitations on work, residence, or legal rights. Be sure to document these conditions to demonstrate that permanent resettlement was not possible.

- **No Significant Ties:** The applicant did not establish meaningful legal, social, or economic connections in the third country, preventing integration or access to permanent status.

  Tip: Many Afghan asylum seekers lacked family, community, or economic connections in the third country. Evidence of limited social networks, inability to integrate, or transient living arrangements can help show that the client did not establish significant ties.

Lastly, in addition to the firm resettlement bar, advocates should consider the implications of dual nationality. While an applicant with dual nationality is generally expected to establish eligibility for asylum in each country of citizenship,[43] it is important not to assume dual nationality based solely on birth in a third country. For example, many Afghans were born in Pakistan or Iran to Afghan parents but are not citizens of those countries. In most such cases, neither dual nationality nor firm resettlement is an issue.

[43] Note, however, the U.S. Court of Appeals for the Second Circuit in *Zepeda-Lopez v. Garland*, 38 F.4th 315 (2d Cir. 2022), held that a dual national seeking asylum need only demonstrate a well-founded fear of persecution in one country of nationality to qualify as a "refugee" under the INA overturning the prior BIA decision in *Matter of B-R-*, 26 I&N Dec. 119 (BIA 2013), noting that the second nationality may still be relevant for other eligibility bars, such as firm resettlement, and for the Attorney General's exercise of discretion.

VIII. Important Considerations for Family Reunification and Derivative Status

Many Afghan nationals inside the United States who are asylees or refugees or who are now LPRs after adjusting status based on asylee/refugee status, SIV, or family petitions seek to reunify with family members in Afghanistan or waiting in third countries. Family reunification has long been particularly challenging for many Afghans because there is no U.S. consulate or embassy in Afghanistan and now is nearly impossible due to the policies implemented under Trump 2.0 including the Travel Ban, Refugee Ban, and closure of the CARE Office. In this section, we will clarify who can derive status and outline the steps necessary to preserve derivative eligibility as well as provide a brief overview of pathways for family reunification that may still be available.

A. Derivative Status: Qualifying Relationships and Updates

1) Who qualifies as a "child" under immigration law for derivative status?

Biological child: Under INA § 101(b)(1) and 8 U.S.C. § 1101(b)(1), a biological child qualifies as a "child" if unmarried and under the age of 21 at the time of filing the asylum application (Form I-589), unless the Child Status Protection Act (CSPA) applies.[44] This includes children born in wedlock, whether from a first marriage or a subsequent marriage, and children born out of wedlock. For children born in wedlock, the parent must establish the legitimacy of the parent-child relationship, typically through birth certificates, medical records, or school records. For children born out of wedlock, the relationship with the mother is presumed; for fathers, a bona fide parent-child relationship must be demonstrated through evidence such as paternity tests, custody documents, and proof of support.

> **Practice Note**: The CSPA "freezes" the child's age as of the date the principal asylee files their I-589, preserving eligibility for derivative asylum status even if the child turns 21 after filing. To maintain derivative status, the child must be unmarried both at filing and at adjudication. In cases where a child married after

[44] In August 2025, USCIS updated its guidance on CSPA age calculation based on the Final Action Dates chart of the Department of State Visa Bulletin, applying to requests filed on or after August 15, 2025. See USCIS, *USCIS Updates Policy on CSPA Age Calculation*, https://www.uscis.gov/newsroom/alerts/uscis-updates-policy-on-cspa-age-calculation. Under the new policy, USCIS now treats a visa as available for CSPA purposes at the same time it considers a visa immediately available for accepting and processing an adjustment of status application.

asylum grant but later divorced, the child may regain eligibility if under 21 or protected by CSPA. Similar age calculations apply for derivative SIV children based on the principal's petition filing date and visa availability, with USCIS and DOS guidance governing these calculations.[45]

Adopted Child: Under INA § 101(b)(1)(E), adopted children must have been adopted before turning 16 (or under 18 if a sibling) and must have lived with the adopting parent(s) for at least two years. A valid adoption requires a formal court decree; informal or cultural practices are not sufficient for immigration purposes. In Afghanistan, adoption in the U.S. legal sense is prohibited under Islamic law, and adoption certificates are not issued.[46] While Afghan courts may grant guardianship, guardianship alone does not confer eligibility under U.S. immigration law. As a result, prospective parents generally must obtain guardianship abroad and then finalize the adoption in the United States. Only U.S. citizens — not lawful permanent residents — may petition for adopted orphans.

Stepchild: Under INA § 101(b)(1)(B), a stepchild is a child who was under 18 years of age when the marriage creating the step-relationship occurred between the child's biological or legal parent and the stepparent.

2) What is the definition of "spouse" under U.S. immigration law?

Under the Immigration and Nationality Act (INA) § 101(a)(35), a "spouse" is defined as a person legally married to another. Although the INA does not explicitly define "marriage," its meaning is inferred from this section, which clarifies that proxy marriages, where the parties were not physically present together at the ceremony, are *not* recognized unless the marriage was consummated afterward. Thus, for immigration purposes, a valid spouse must be legally married with the marriage ceremony involving the physical presence of both parties or subsequent consummation.

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[45] For further detail on the CSPA and age-out protections for Afghan SIV children, see Catholic Legal Immigration Network, Inc. (CLINIC), *Age-Out Rules for Afghan SIV Children* available at https://www.cliniclegal.org/resources/family-based-immigration-law/child-status-protection-act/age-out-rules-afghan-siv; see also International Refugee Assistance Project, *Some Afghan SIV Applicants Can Now Seek to Add Their Adult Children to Their SIV Applications*, Int'l Refugee Assistance Project (Mar. 14, 2024), https://refugeerights.org/news-resources/some-afghan-siv-applicants-can-now-seek-to-add-their-adult-children-to-their-siv-applications.

[46] U.S. Dep't of State, Afghanistan Reciprocity Schedule, Adoption Certificates, https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/Afghanistan.html (last visited Aug. 18, 2025).

3) How does the Foreign Affairs Manual (FAM) define and evaluate marriages for immigration purposes?

The FAM explains that the validity of a marriage is determined by the law of the place where the marriage was celebrated. If a marriage was legally performed and recognized there, it is generally valid for U.S. immigration. However, even if legal abroad, some marriages may be void under U.S. public policy, such as polygamous marriages, marriages between close relatives, or those involving minors, meaning USCIS will not recognize them for immigration benefits. For detailed information on polygamous marriages, please review CLINIC's Practice Pointer: Navigating the Complexities of Polygamy in Immigration. The FAM also advises that the marriage cannot have been entered into to evade U.S. immigration laws.[47]

4) Are there specific considerations for underage marriages, especially for Afghan nationals?

Under Afghan law, the legal marriage age is generally 16, with parental consent allowed at age 15. For any underage marriage to be recognized for immigration, it must be valid in the place of celebration and not violate strong U.S. public policy. Since U.S. states have varying laws on minors and marriage validity, a marriage that is legal in Afghanistan may still be challenged if it conflicts with U.S. public policy standards.

5) Does USCIS recognize proxy marriages?

Generally, USCIS does not recognize proxy marriages unless they have been consummated after the ceremony. This is an important factor to confirm, especially for clients who married while physically apart.

6) How can the Department of State's country-specific reciprocity table[48] help determine whether a foreign marriage is valid for immigration purposes?

The reciprocity table lists the types of marriages legally recognized in each country, which helps practitioners verify if a marriage is valid under the law of the place where it was celebrated, an essential step for immigration eligibility. The Reciprocity Schedule for Afghanistan was recently updated to reflect that only marriage certificates that will be

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[47] See 9 FAM § 102.8-1, U.S. Dep't of State, *Foreign Affairs Manual*, https://fam.state.gov/fam/09FAM/09FAM010208.html.

[48] U.S. Dep't of State, *Visa Reciprocity and Civil Documents by Country*, https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country.html (last visited July 30, 2025).

accepted as proof of valid marriage are the Nekah Khat (Dari/Pashto), a green booklet with photos of the bride, groom, and two witnesses, or the Sharaie Waseqa Khat (Dari/Pashto), a white, one-page document with photos of the bride, groom, and five witnesses.

7) What is the new USCIS policy on marriages for purposes of I-730 petitions?

As of March 3, 2025, USCIS updated its policy[49] to require that all marriages between principal refugees or asylees and their derivative spouses be legally valid under the law of the place where the marriage was celebrated to qualify for immigration benefits, including I-730 petitions. This ends the prior "informal marriage" exception that USCIS recognized beginning in February 2022, which had allowed derivative spouses to be approved even if the marriage couldn't be legally formalized due to persecution-related circumstances or restrictive local laws.

8) Does the new policy affect spouses who were already admitted under the prior "informal marriage" policy?

Generally, no. Spouses who were already admitted as derivative refugees or asylees under the prior informal marriage policy may still be eligible to adjust status or naturalize, despite the policy change. However, practitioners should verify that the informal marriage was valid under the earlier USCIS policy at the time of the derivative's admission. If the marriage would not have qualified even under the former policy (for example, if the marriage was not legally valid in the country of celebration due to age or other requirements), the derivative spouse's eligibility for benefits may be in question.

9) Can a derivative spouse who entered the United States under the previous "informal marriage" policy still adjust status or naturalize under the new USCIS guidance?

Yes. The new policy should not bar adjustment or naturalization for spouses who were already admitted as derivative asylees or refugees under the prior "informal marriage" policy (in effect before March 3, 2025). The new guidance applies only to I-730 petitions that were pending or filed on or after March 3, 2025, and reverts to the stricter requirement that all marriages must be legally valid in the jurisdiction where celebrated.

[49] See https://www.uscis.gov/newsroom/alerts/uscis-updates-guidance-on-validity-of-alien-refugee-and-asylee-marriages.

B. SIV Family Reunification

1) How can an Afghan LPR who obtained status through the SIV program bring a spouse or children to the United States?

If the LPR's relationship with the spouse or children existed before the client became an LPR, the spouse or children are eligible to immigrate as derivatives of the SIV case. If the relationship did not exist at the time the LPR obtained permanent residency, the LPR will need to file a Form I-130, Petition for Alien Relative, for the spouse and children. More information about I-130 processing is provided below. However, note that as long as a child is born of a marriage that existed at the time the principal became an LPR, then the child is an eligible derivative (even if the child did not exist at that time). This scenario may arise for SIV principals who married before immigrating and immigrated without their spouse but traveled back and forth and have children with their spouse after immigrating. Those children should be eligible derivatives of their parent's SIV petition and do not need a separate I-130 petition to be filed.

As previously discussed, only children who meet the definition of "child" for immigration purposes can immigrate as derivatives. Immigration law defines a "child" as one who is unmarried and under the age of 21. However, the CSPA applies to Afghan SIV applicants, so some children whose biological age is over 21 will still be able to immigrate as SIV derivatives if certain conditions are met. For more information on the CSPA and how it applies to Afghan SIV applicants, please see CLINIC's advisory, Age Out Rules for Afghan SIV Derivative Children.

2) What steps must an LPR who adjusted status in the United States through the SIV program take to assist a spouse and minor children abroad?

If the LPR adjusted status in the United States through the SIV program, the first step is to file Form I-824, Application for Action on an Approved Application or Petition. There is no filing fee for Form I-824 for Afghan special immigrants with LPR status who check the box in Part 2, Item 1.c., "USCIS to notify a U.S. Consulate through the NVC about my adjustment to permanent resident in the United States." It is also possible for the applicant to file Form I-485, Application to Register Permanent Residence or Adjust Status, at the same time, the I-824 is submitted. This is advisable in many cases to ensure age-out protections for derivative children.

Once the I-824 is approved, the case will be transferred to the NVC, where the derivatives can submit immigrant visa applications and required civil documents. There is no filing fees required for derivative SIV applicants. Once the required civil documents are received, the NVC will notify the applicants that a case is ready to be scheduled for

an interview at the consulate or embassy where they reside or to which they can travel for their interview.

3) **What steps can an individual who obtained an immigrant visa overseas through the SIV program take to assist a spouse and minor children abroad?**

If the Afghan LPR obtained an immigrant visa at a U.S. consulate overseas and included the spouse and unmarried children under the age of 21 on the original SIV application, the family members may be processed as SIV "follow-to-join" family members. In this case, there is no need to file Form I-824. Instead, the case will be advanced through the Department of State, either through the NVC or the embassy or consulate where the individual wishes to process, depending on where the case is pending.

4) **What is the best way for a practitioner to communicate with the NVC about an SIV follow-to-join case?**

The NVC can be contacted by email at nvcsiv@state.gov. Representatives should attach a Form G-28 and include a brief, succinct summary of the case, being sure to include the applicant's name, date of birth, and NVC case number. There is also an SIV specific phone number for the NVC: 1-603-334-0828.

5) **What is the best way for a practitioner to communicate with a U.S. embassy or consulate about an SIV follow-to-join case?**

If the case is no longer at the NVC, the representative should contact the consulate where the individual will process. Since there is no U.S. embassy in Afghanistan, the derivative applicants may process through any consulate where they are able to travel or where they currently reside. They do not have to physically be in a third country if they can show an ability to travel to that country. A list of all U.S. consulates and embassies is available at this website: https://www.usembassy.gov/.

Each overseas mission maintains a dedicated website that includes information on immigrant visa processing for that country. It is advisable to search the website for the contact information for the immigrant visa section. Some consulates have a dedicated email address for the immigrant visa section, while some have a "contact us" form for immigrant visa inquiries. As with communication with the NVC, representatives should attach a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, and include a summary of the case, being sure to include the applicant's name, date of birth, and NVC case number. Representatives should make clear what it is they are requesting that the consulate do in a particular case (for example, transfer a

case, schedule an interview, or expedite an interview). Since the consulates receive a high volume of communication, a short summary of the case will be more helpful than a lengthy description that includes unnecessary procedural history.

C. Family-Based Immigration and Humanitarian Parole

1) Can an Afghan client file for humanitarian parole for a relative who remains overseas?

Applicants for humanitarian parole (HP) filed for Afghan nationals who are outside of the United States are also subject to the Travel Ban, but as discussed previously, may be considered for a National Interest Exception. Advocates should continue to carefully consider the unique circumstances of each applicant's case when deciding whether to file a humanitarian parole application. Advocates have been critical of the strict criteria that USCIS has applied to Afghan humanitarian parole applications, which has led to denials in even compelling cases. Family members overseas who have a possible pathway to immigrate through the family-based immigration process and/or SIV are strongly encouraged to pursue those options instead, given that requests for HP are currently subject to the ban, the high standard that USCIS has applied to Afghan HP applications in the past, and the confusion surrounding the NIE and how to request it, but with the caveat that it very likely will only be granted in an extremely small number of cases. Humanitarian parole should be an option of last resort, as the application is expensive to file, time-consuming to prepare, and the likelihood of success small.

There may be unique cases, however, where humanitarian parole may be the only option available for a family member in Afghanistan. These cases may involve vulnerable family members who face targeted harm due to age, disability, or sexual orientation, for whom compelling circumstances also exist that could warrant a NIE. For more information on filing applications for humanitarian parole, please see CLINIC's All About Parole Practice Advisory.

2) How can an LPR or U.S. citizen immigrate Afghan family members?

To begin immigrant visa processing for a relative overseas, the LPR or U.S. citizen files an I-130 petition. There are different categories of family-based immigration. Immediate relatives include spouses of U.S. citizens, unmarried minor children of U.S. citizens, and parents of U.S. citizens aged 21 or older. There is no numerical quota on the number of immigrant visas issued each year to immediate relatives. However, as discussed above, preference category relatives are subject to the Travel Ban and may not be issued visas while it remains in effect, whereas immediate relatives are not.

3) What happens after the I-130 petition is approved?

Upon approval of the petition, the case is transferred to the NVC for submission of an immigrant visa application and supporting documents. Once the NVC confirms that all documents have been received and accepted, the case is considered "documentarily qualified." The NVC then schedules the immigrant visa interview and forwards the case to the appropriate U.S. consulate.

As noted above, beginning in 2023 the U.S. government offered departure assistance through the CARE office for I-130 beneficiaries who remained in Afghanistan. The State Department would contact family members with departure options from Afghanistan after the NVC notified family members that their immigrant visa applications were are ready to be scheduled for an interview. However, as discussed above, as of July 1, 2025, the CARE Office was officially shut down. The State Department claims CARE's functions will be absorbed by the Afghanistan Affairs Office, but no clear transition plan has been released as of the date of publication.

4) Who qualifies for derivative asylum benefits on an I-589 application?

Only certain family members can qualify for derivative asylum benefits. These include the applicant's legal spouse and unmarried children under the age of 21 at the time the I-589 is filed. Under the CSPA, a child's age is locked in as of the date of filing, which can preserve eligibility even if the child turns 21 after that point. The definition of "child" under INA § 101(b)(1) includes biological children, adopted children who meet specific legal criteria, and stepchildren in certain circumstances.

In affirmative asylum cases filed with USCIS, only spouses and children who are **not** in removal proceedings may be included as derivatives. In defensive asylum cases before the immigration court (EOIR), spouses and children may be included **only** if they are also in removal proceedings, typically before the same immigration judge, depending on the situation. If a spouse or child cannot be included as a derivative because USCIS or EOIR lacks jurisdiction, reunification may still be possible through Form I-730 (refugee/asylee relative petition) after the principal applicant is granted asylum.

There is also an important exception for unaccompanied children: even in removal proceedings, USCIS retains initial jurisdiction over their asylum applications under

Section § 235(d)(7)(C) of the TVPRA. This was confirmed in the Jan. 30, 2025, USCIS memorandum on UAC procedures.[50]

IX. Special Considerations for Adjustment of Status for SIV vs. Asylee

CLINIC has received numerous questions from Affiliates regarding Afghans seeking to adjust their status based on Special Immigrant Visa (SIV) or asylee status, and the potential impact that their adjustment, or eventual naturalization, may have on derivative beneficiaries. In the sections that follow, we aim to clarify some of these common questions and provide guidance for practitioners assisting Afghan clients.

1) What is the process for an asylee to adjust status to a lawful permanent resident (LPR)?

Asylees who have been granted asylum under INA § 208 and have resided in the U.S. for at least one year may apply to adjust status under INA § 209(b) and 8 §

CFR 209.2 USCIS allows asylees to file their adjustment applications even before completing the one-year physical presence requirement, provided they meet the one-year physical presence requirement by the time the application is adjudicated.[51] Notably, the adjudicating officer must first review the underlying asylum application (Form I-589), or the I-730 petition, that provided the individual with asylum status as well as confirmed the applicant's identity, family relationships, and date of asylum grant. Interviews are not strictly required and the determination as to whether one should be scheduled is made on a case-by-case basis (see the special note below). Fortunately, there is a generous waiver under INA § 209(c), which can waive certain inadmissibility grounds — such as immigration- or crime-related grounds and polygamy — for humanitarian purposes, to preserve family unity, or if the applicant can demonstrate waiver is otherwise in the public interest.

> **Note:** USCIS issued a policy alert on Aug. 1, 2025, that adds several criteria for referring asylee and refugee adjustment of status applicants for interviews,

[50] U.S. Citizenship & Immigr. Servs., *Updated Procedures for Asylum Applications Filed by Unaccompanied Children* (Jan. 30, 2025), https://www.uscis.gov/sites/default/files/document/memos/JOP_UAC_Procedures_Memo_1.30.25.pdf.
[51] USCIS Policy Manual, Vol. 7, Part M, Ch. 5, https://www.uscis.gov/policy-manual/volume-7-part-m-chapter-5.

which will significantly increase the number of asylee and refugee adjustment cases referred for an interview. By regulation, officers make case-by-case determinations on whether to interview refugee and asylee applicants for adjustment of status. The updated policy advises officers generally to refer a case for interview when certain factors are present, including unverifiable, confusing, conflicting, or newly claimed identities; questions regarding the applicant's underlying refugee or asylee status, or fraud or misrepresentation; and potential inadmissibility concerns, such as those arising from FBI fingerprint results. The guidance also directs officers to refer a case for an interview where they have "articulable" concerns related to national security or terrorism. Additionally, an applicant who is a citizen of, or has habitually resided in, a country that is currently or was previously designated as a state sponsor of terrorism will likely be scheduled for an interview. The complete updated guidance is located in Volume 7 of the USCIS Policy Manual for refugees and asylees, respectively. The new policy guidance applies to any relevant application that is pending or filed on or after Aug. 1, 2025. This could significantly slow the processing of Afghan asylum-based adjustment and should be considered when determining whether it is more advisable to apply for adjustment of status based on asylum status or SIV. It is also highly advisable for practitioners to attend their client's scheduled USCIS interview due to the increased ICE enforcement and detention policies, as ICE is detaining certain applicants when appearing for their USCIS interview or biometrics appointments.

2) What are some common inadmissibility issues practitioners should screen for in an asylee adjustment cases?

Many asylum-related bars (e.g., persecutor bar, firm resettlement bar) do not apply to adjustment. However, terrorism-related inadmissibility grounds (TRIG) apply at both asylum and adjustment stages. It's important to disclose any potential TRIG issues on the Form I-485 and to review prior asylum interview and hearing notes (via FOIA) to confirm whether any exemptions were granted. Courts generally allow USCIS to re-examine these issues at adjustment, especially if not addressed during asylum adjudication.

3) How does adjustment of status work for Afghan SIV holders, and do they need to wait for a visa to become available?

Afghan SIV holders adjust status under INA § 245.[52] To be eligible, an applicant must:

1. Have been admitted or paroled into the United States;
2. Be physically present in the United States;
3. Have an approved or conditionally approved Form I-360 or DS-157; and
4. Be admissible or qualify for a waiver.

Unlike many employment-based applicants, Afghan SIVs are exempt from the standard EB-4 visa bulletin limitations. This means they do not need to wait for a priority date to become current before applying to adjust status, as long as visas remain available for Afghan SIVs in the given fiscal year. Congress has authorized additional SIVs for Afghan applicants multiple times, most recently adding 12,000 visas and extending the program through Dec. 31, 2025, to help accommodate eligible Afghans who supported the U.S. mission in Afghanistan.[53]

Afghan SIV applicants are also exempt from certain common bars to adjustment under INA § 245(c). This means that even if they have violated immigration status in the past, they may still be eligible to adjust. Specifically, SIV applicants can still apply for adjustment even if they:

- Worked in the United States without authorization;
- Were not in lawful status when they filed the adjustment application;
- Did not maintain continuous lawful status since entering the United States; or
- Violated the terms of a nonimmigrant visa after entering.

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[52] See U.S. Citizenship & Immigration Services, *Green Card for an Afghan Who Was Employed by or on Behalf of the U.S. Government*, https://www.uscis.gov/green-card-for-an-afghan-employed-behalf-us-government; U.S. CITIZENSHIP & IMMIGR. SERVS., *USCIS Policy Manual*, vol. 7, pt. F, ch. 10, https://www.uscis.gov/policy-manual/volume-7-part-f-chapter-10.

[53] Exclusion from numerical limitations: "Aliens granted special immigrant status under this subsection are not counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act." 8 U.S.C. §§ 1151(d), 1152(a), 1153(b)(4) (2024); see U.S. GOV'T, *Compilation of Special Immigration Visas* (2024), https://www.govinfo.gov/content/pkg/COMPS-13206/pdf/COMPS-13206.pdf; Global Refuge, *Congressional Funding Bill Authorizes Additional Special Immigrant Visas* (Mar. 2024), https://www.globalrefuge.org/news/congressional-funding-bill-authorizes-additional-special-immigrant-visas/; Andorra Bruno, CONG. RSCH. SERV., *Afghan Special Immigrant Visas (SIVs)*, CRS Report R43725 (Jan. 15, 2025), https://www.congress.gov/crs-product/R43725.

These exemptions are critical because they remove barriers that typically disqualify applicants in other immigrant categories. However, SIV applicants must still be otherwise admissible to the United States or qualify for a waiver if any grounds of inadmissibility apply.

Note that practitioners across the country have reported an emerging pattern of COM revocations during SIV Adjustment of Status (AOS) processing and efforts to rescind lawful permanent resident (LPR) status for Afghan nationals admitted under the Special Immigrant Visa (SIV) program. For more information, please refer to part X, below.

4) Is USCIS still expediting AOS applications for Afghan SIV Holders and Afghan Asylees/Refugees?

Advocates nationwide report that Afghan SIV and asylee AOS applications are no longer receiving expedited processing under current USCIS policy, as currently stated on their website. [54] Many applications face significant delays between filing and the interview date. For example, CLINIC has received reports of Afghan asylee AOS applications pending over a year without an interview notice, exceeding the USCIS-estimated 16-month processing time. At the same time, despite a previously reported internal pause on adjudicating refugee and asylee AOS applications, several advocates report that these cases continue to move forward, including many approvals. SIV AOS applications are also progressing, though more slowly, and face additional hurdles such as COM revocations and heightened security scrutiny, as discussed below. However, delays in adjudications of AOS applications could make processing times even longer for Afghan asylees and refugees. Recent USCIS policy guidance on interview criteria for refugee and asylee AOS applications (see part IX, section (a)) may further extend adjudication timelines for Afghan asylees and refugees.

5) How do family members adjust status as derivative SIVs and asylees?

A derivative asylee must continue to meet the definition of a spouse or child of the principal asylee *both* at the time of filing the I-485 and at the time of the final adjudication of the adjustment application.[55] A spouse is no longer eligible if the marriage ends due to death or divorce, and a child loses eligibility if they marry or no longer meet the legal definition of a child. Additionally, if the principal asylee no longer meets the

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[54] USCIS, *USCIS Extends Certain Fee Exemptions and Expedited Processing for Afghan Nationals*, https://www.myuscisgov.com/newsroom/stakeholder-messages/uscis-extends-certain-fee-exemptions-and-expedited-processing-for-afghan-nationals.html (last visited July 30, 2025).

[55] *See* USCIS, *Policy Manual*, Vol. 7, Part M, Ch. 2, Asylee Adjustment of Status, https://www.uscis.gov/policy-manual/volume-7-part-m-chapter-2 (last visited Aug. 22, 2025).

definition of a refugee or has not applied for adjustment of status when the derivative applies, the derivative cannot adjust status. However, it's important to note that if a derivative asylee is not adjustment eligible under INA § 209 because their relationship with the principal ended or the principal naturalized — they do **not** lose their asylum status. They simply cannot adjust status as a derivative, though they may be eligible to adjust on another basis, such as through a family petition. This contrasts with derivative refugees, who also adjust status under INA § 209(b) but under a separate process. Derivative refugees do not need to continue to meet the definition of a a refugee nor maintain their relationship with the principal refugee *after* their admission to the U.S. to be eligible to adjust status under INA § 209(b). [56] In short, a derivative asylee's adjustment eligibility depends on the continued eligibility of the principal asylee and the maintenance of their relationship, whereas a derivative refugee's adjustment eligibility does not.

6) What are the naturalization implications for SIV holders and asylees, especially for their derivative family members?

SIV derivative applicants do not have their own underlying immigrant petition and may only adjust status based on the principal SIV applicant's application. In general, dependent applicants must maintain the requisite familial relationship to the principal.[57]

For both asylees and Afghan SIV holders, naturalization of the principal applicant before a derivative family member adjusts status can create major legal complications.

For Asylees: If an asylee principal becomes a lawful permanent resident (LPR) and then naturalizes before their derivative adjusts status, the derivative may no longer qualify as a "following-to-join" family member under INA § 208(b)(3)(A). In that case, the derivative must pursue another immigration path, such as:

a. Filing an affirmative asylum application as a principal and requesting *nunc pro tunc* asylum — which, if granted, may preserve the original asylum grant date and allow for adjustment eligibility.
b. The now-naturalized principal may also file an I-130 family-based petition for the spouse or child, but this can involve longer timelines and different eligibility rules.

[56] *See* USCIS, *Policy Manual*, Vol. 7, Part L, Ch. 2, Refugee Adjustment, https://www.uscis.gov/policy-manual/volume-7-part-l-chapter-2#S-F (last visited Aug. 22, 2025).
[57] *See* USCIS, *Policy Manual*, Vol. 7, Part B, Ch. 2, Part B on 245(a) Adjustment, https://www.uscis.gov/policy-manual/volume-7-part-b-chapter-2 (last visited Aug. 22, 2025).

For SIV Holders: Similarly, if a principal SIV holder naturalizes before their derivative adjusts status, the derivative loses eligibility to adjust status. The principal SIV can consider filing an I-130 petition for the family member and restart the immigration process if eligible.

In the end, timing matters. Derivatives must adjust status or immigrate while the principal is still a permanent resident to retain derivative eligibility. This is especially urgent for older children, as CSPA protections may not apply if eligibility is lost due to the principal's naturalization.[58]

X. COM Revocation Notices

Practitioners across the country have reported an emerging pattern of COM revocations and efforts to rescind lawful permanent resident (LPR) status for Afghan nationals admitted under the SIV program. In some cases, individuals have held permanent residency for several years before receiving a COM withdrawal of support letter,[59] raising questions about timing and procedural fairness. Although not widespread, some revocations appear connected to employment verification letters from companies or supervisors who have since been added to government-maintained blacklists due to alleged irregularities or fraudulent conduct. As this list of questionable employers expands, the government seems to be re-examining previously approved SIV cases tied to these sources. While this practice reportedly predates the Trump administration, the pace and scope of revocations have increased markedly in recent months. Though some cases may involve fraud or misrepresentation, generally by the employer or supervisor who provided the verification letter, there are also several reports of revocations involving applicants with fully valid employment histories and no wrongdoing. DHS has not released detailed public statements on these revocations. Some members of Congress have requested further information and called for careful review of affected cases to ensure due process is followed. Below are a few common questions CLINIC has received with answers.

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[58] *See USCIS Policy Manual*, Vol. 7, Part A, Ch. 7 (regarding CSPA and "sought to acquire" requirements), https://www.uscis.gov/policy-manual/volume-7-part-a-chapter-7.

[59] For detailed information on these revocations, see *What to Know About Chief of Mission (COM) Revocations for Lawful Permanent Residents (LPRs)*, International Refugee Assistance Program (IRAP), https://support.iraplegalinfo.org/hc/en-us/articles/36237176957460-What-to-Know-about-Chief-of-Mission-COM-Revocations-for-Lawful-Permanent-Residents-LPRs (last visited Aug. 1, 2025).

1) What is a Chief of Mission (COM) Withdrawal of Support Letter?

A COM Withdrawal of Support letter is typically sent via email from the National Visa Center (NVC), from addresses such as afghansivapplication@state.gov or canvcafghansivapplication@state.gov. The letter informs the individual that the U.S. government has reviewed their SIV application and decided to withdraw COM approval previously granted. As stated previously, the individual may receive this revocation notice years after the initial approval and becoming a legal permanent resident. The letter generally includes reasons for the withdrawal and advises that the recipient has 120 days from the date the letter was emailed to submit an appeal, consistent with the appeal process available during the original SIV application.

2) What happens if an appeal of the revocation is denied?

If an appeal is submitted and subsequently denied by the NVC, the recipient cannot file another appeal on the same case. However, the individual retains the right to initiate a new COM application addressing the grounds cited in the prior denial. If no appeal is submitted or if the appeal is denied, the COM revocation becomes final. The withdrawal of COM approval negates the basis for the original SIV petition, and the individual will likely receive notification from USCIS that the underlying visa petition (e.g., Form I-360) is being revoked.

3) What is the Notice of Intent to Revoke (NOIR) from USCIS?

Following a COM revocation, USCIS may issue a Notice of Intent to Revoke the underlying SIV petition. This notice explains the reasons for the intended revocation and provides the petitioner with an opportunity to respond. If USCIS revokes the petition, removal proceedings may be initiated, potentially resulting in rescission of the individual's lawful permanent resident status and commencement of deportation procedures.

4) What steps must the government take to revoke LPR status?

If an Afghan SIV holder adjusted status while inside the United States, USCIS may attempt to rescind their lawful permanent resident (LPR) status under INA § 246.

Rescission is only available *within five years* of adjustment and typically occurs when DHS alleges that the person was inadmissible at the time of adjustment.[60]

To rescind a person's adjustment to lawful permanent resident (LPR) status, USCIS must serve the individual with a Notice of Intent to Rescind (NOIR) via personal service within five years of the date the adjustment was granted. Once the NOIR is properly served, the rescission process may continue even if it extends beyond the initial five-year period, meaning that service of the NOIR effectively "stops the clock" on the time limit. If a person becomes removable due to an event occurring after adjustment of status to lawful permanent residence, they are not subject to rescission based on that event.

Following service of the NOIR, the individual has 30 days to submit a sworn written answer and/or request a hearing before an Immigration Judge. A rescission hearing will be held if the individual timely contests the allegations or requests a hearing. These proceedings are conducted similarly to removal proceedings and allow the individual to present evidence and arguments.[61] If the individual's LPR status is rescinded, they become removable and may be placed in removal proceedings under INA § 240. An Immigration Judge's decision in a rescission proceeding can be appealed to the Board of Immigration Appeals (BIA).

For SIV recipients who entered the United States as LPRs through consular processing, DHS may instead proceed directly to removal proceedings alleging inadmissibility at the time of admission, without rescission. In both scenarios, removal proceedings may ultimately result.

5) Who can immigration practitioners contact for more information or advocacy support?

Immigration practitioners seeking guidance on individual cases or broader developments related to COM revocations may turn to national advocacy organizations such as FAMIL

[60] *See* 8 C.F.R. § 246.1 (2024), https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-246/section-246.1; USCIS Policy Manual, Vol. 7, Pt. Q, Ch. 3, https://www.uscis.gov/policy-manual/volume-7-part-q-chapter-3.

[61] Exec. Office for Immigration Review, U.S. Dep't of Justice, Chapter 7, Section 3: Revocation of Lawful Permanent Resident Status, Immigration Court Practice Manual, https://www.justice.gov/eoir/reference-materials/ic/chapter-7/3 (last visited Aug. 1, 2025).

USA[62] and organizations such IRAP. These organizations offer both case-specific advice and updates on emerging trends affecting Afghan SIV recipients.

Another valuable resource is congressional offices, especially those with staff specializing in immigration or connected to the Foreign Affairs Committee. Filing congressional inquiries[63] can often prompt more timely or detailed responses from USCIS or the Department of State, helping to clarify complex case issues or policy concerns. Given the ongoing risk that lawful permanent resident status granted through COM approval may be revoked, practitioners should proactively explore and advise on all alternative options to maintain lawful status, including applying for asylum or pursuing other viable forms of relief from removal. Even clients who are already lawful permanent residents and facing a COM revocation may still be eligible to file for asylum.

XI. Conclusion

Here at CLINIC, we understand the ongoing challenges Afghan clients and their families face in regularizing their immigration status and safely reuniting with loved ones. We also recognize the difficulties advocates encounter due to limited access to information, lack of transparency, and sudden policy changes that profoundly impact lives, such as executive orders restricting refugee entry, programs unique to Afghans, the Travel Ban, the termination of TPS for Afghanistan, expanded expedited removal and enforcement, and more. Many of the issues covered in this FAQ are evolving rapidly, and we remain committed to updating this resource as we learn from our affiliates working directly with Afghan communities on the ground. Looking ahead, a bipartisan bill introduced on Aug. 8, 2025, the Afghan Adjustment Act (AAA) (H.R. 4895) and the Fulfilling Promises to Afghan Allies Act (S.2679), would allow eligible Afghan interpreters and support staff to apply for lawful permanent resident status after additional security checks. If passed, the bill would provide work authorization, reduced risk of detention, family stability, and eventual eligibility for U.S. citizenship once residency requirements are met.[64] CLINIC

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[62] FAMIL USA is a national nonprofit organization that provides legal and social services to Afghan immigrants, refugees, and asylum seekers in the United States. *See* FAMIL USA, https://www.familusa.org (last visited Aug. 1, 2025).

[63] *See* Catholic Legal Immigration Network, Inc. (CLINIC), *Practice Pointer: How to File Congressional Inquiries*, https://www.cliniclegal.org/resources/practice-pointer-how-file-congressional-inquiries (last visited July 30, 2025).

[64] *See* Matthew Blumenthal, *Blumenthal Backs Permanent U.S. Status Pathway for Afghan Allies*, VisaVerge (Aug. 10, 2025), https://www.visaverge.com/news/blumenthal-backs-permanent-u-s-status-pathway-for-afghan-allies/; Afghan Adjustment Act, H.R. 4895, 119th Cong. (2025), https://www.govtrack.us/congress/bills/119/hr4895/text.

encourages practitioners and organizations to advocate for this legislation by urging their representatives in Congress to support the bill. We hope this FAQ is helpful to practitioners and advocates as they assist Afghan clients navigating these complex and shifting immigration landscapes. This resource will be updated regularly to reflect new developments.

XII. Appendices

A. INA 212(f) Embassy Letters

B. DHS Delegation 15006

C. USCIS Dismissal of I-589

Embassy of the United States of America
Islamabad, Pakistan
Immigrant Visa Unit

Date: 08/01/2025

Case Number: [redacted]

Name: [redacted]

Dear Applicant:

This is to inform you that a consular officer found you ineligible for an immigrant visa under Section 212(f) of the Immigration and Nationality Act, pursuant to Presidential Proclamation "Restricting the Entry of foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats". Today's decision cannot be appealed.

Taking into account the provisions of the Proclamation, a National Interest Exception (NIE) will not be granted in your case.

Sincerely,

[redacted]

U.S. Consular Officer

Embassy of the United States of America
Islamabad, Pakistan
Immigrant Visa Unit

Date: 08/01/2025

Case Number: [redacted]

Name: [redacted]

Dear Applicant:

This is to inform you that a consular officer found you ineligible for an immigrant visa under Section 212(f) of the Immigration and Nationality Act, pursuant to Presidential Proclamation "Restricting the Entry of foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats". Today's decision cannot be appealed.

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Taking into account the provisions of the Proclamation, a National Interest Exception (NIE) will not be granted in your case.

Sincerely,

U.S. Consular Officer

Department of Homeland Security
DHS Delegation Number: 15006
Revision Number: 00
Issue Date: 05/02/2025

DELEGATION TO DIRECTOR, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, TO ORDER EXPEDITED REMOVAL AND TO ENFORCE IMMIGRATION LAWS

I. Purpose

This delegation vests authority in the Director, U.S. Citizenship and Immigration Services (USCIS), to order expedited removal pursuant to 8 U.S.C. § 1225 and to take additional actions to enforce civil and criminal violations of the immigration laws. The United States Immigration and Customs Enforcement and United States Customs and Border Protection already have these authorities. This delegation supersedes and replaces paragraph 3 of section III, "Reservations," of Delegation 0150.1 (Issue Date 6/5/2003).

II. Delegation

Pursuant to the authority vested in the Secretary of Homeland Security by law, I hereby delegate to the USCIS Director:

A. Authority to order expedited removal under 8 U.S.C. § 1225 *et seq.*

B. Authority under the immigration laws, including but not limited to sections 235, 236, and 241 of the INA (8 U.S.C. 1225, 1226, and 1231), to issue and execute detainers and warrants of arrest or removal, detain aliens, release aliens on bond and other appropriate conditions as provided by law, and remove aliens from the United States.

C. Authority to investigate alleged civil and criminal violations of the immigration laws within the jurisdiction of USCIS, including but not limited to issuance and execution of warrants, and making recommendations for prosecutions or other appropriate action when deemed advisable.

III. Re-delegation

Unless otherwise prohibited by statute, Executive Order, or other operation of law, the authority contained in this delegation may be re-delegated in writing by the USCIS Director to an appropriate subordinate official of USCIS and may be successively re-delegated to other officers or employees of USCIS qualified to exercise the authority.

IV. Authorities

A. Homeland Security Act of 2002, Pub. L. No. 107-296, § 102, 116 Stat. 2135 (2002), as amended (6 U.S.C. § 112).

B. Immigration and Nationality Act of 1952, Pub. L. No. 82-414, §§ 103(a), 235, 66 Stat. 163, as amended (8 U.S.C. §§ 1103(a), 1225).

C. 8 C.F.R. § 2.1 (Authority of the Secretary of Homeland Security).

D. 8 C.F.R. part 235 (Expedited Removal)

E. 8 C.F.R. part 287 (Field Officers; Powers and Duties)

F. OHS Delegation No. 0151.1, "Delegation to the Bureau of Citizenship and Immigration Services," June 5, 2003.

V. Office of Primary Interest

The USCIS Office of the Director is the office of primary interest in this delegation.

Kristi Noem
Secretary of Homeland Security

05-02-25
Date

U.S. Department of Homeland Security
USCIS Asylum Vetting Center
401 W. Peachtree St. NW, Ste. 2500, Atlanta, Georgia 30308

U.S. Citizenship and Immigration Services

Date: June 10, 2025

[redacted]

RE: [redacted]

Notice of Dismissal of Form I-589

Dear [redacted]

This letter refers to your Form I-589, *Application for Asylum and for Withholding of Removal*, filed with U.S. Citizenship and Immigration Services (USCIS).

Department of Homeland Security (DHS) records indicate that you were apprehended by DHS officials, placed in expedited removal, and issued a Form I-860, Notice and Order of Expedited Removal.

The asylum office cannot process your Form I-589 at this time. However, you may still have your claim of fear considered by an asylum officer through the credible fear screening process pursuant to 8 CFR 208.30. To request a credible fear interview with an asylum officer, you must:

1. take this letter to the U.S. Immigration and Customs Enforcement (ICE) Office of Enforcement and Removal Operations (ERO) Officer in charge of your case;
2. explain that you have a fear of return to your country or to the country to which you may be removed; and
3. request that the ERO Officer refer you for a credible fear interview by an asylum officer.

The asylum office will not issue you an appointment notice for your credible fear interview until it has received a referral from ICE ERO.

Your Form I-589 is dismissed as of **06/10/2025. [WHERE APPLICABLE: This dismissal of your Form I-589 includes the dependents included on your Form I-589 who are listed above.]** All processing of your Form I-589 is terminated.

Please include your full name, alien number (A-number) listed above, and your current address on any correspondence with U.S. Citizenship and Immigration Services (USCIS) or the immigration court.

Change of Address:

You must report a change of address to USCIS within 10 days of moving by following the instructions on the How to Change Your Address webpage (https://www.uscis.gov/addresschange). Changing your

address with the U.S. Postal Service (USPS) will not change your address with USCIS.

For a list of low-cost legal service providers, please visit the EOIR website at https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

Sincerely,

[redacted]