



Migration and Refugee Services

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UNITED STATES CONFERENCE OF CATHOLIC BISHOPS



CATHOLIC LEGAL
IMMIGRATION
NETWORK, INC.

Guide to Client Documentation and Benefits for Afghan Parolees

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1. What is Parole?

Parole is the discretionary authority granted to the Secretary of Homeland Security (DHS) to allow an individual to enter, return to, or remain in the United States without granting the person formal admission. Parole is typically granted for a **temporary, finite period of time noted on the parole document given to the grantee**, or “parolee.” Each parole request is considered on a case-by-case basis. Over the history of parole, DHS and its predecessors have paroled various categories of individuals into the United States and focused primarily on those with humanitarian needs, those whose parole would bring significant public benefit to the United States, and those who have an application for adjustment pending.

Parole is **not** a permanent immigration status and **does not** provide a path to permanent immigration status without an underlying basis in immigration law. The parolee must take additional steps to ensure they remain legally present in the United States after their authorized period of parole has ended. It is likely that the two main avenues for relief pursued by Afghan parolees will be adjustment of status and asylum.

- If the parolee has an approved Special Immigrant Visa petition (as evidenced by an indication of having been granted SQ/SI parole status, discussed below), or a pending or approved alien relative petition (Form I-130), they may file form I-485, *Application to Register Permanent Residence or Adjust Status*, to apply to adjust their status and obtain a Green Card if there is an immigrant visa number available to them.¹
- If the parolee has suffered past persecution or has a well-founded fear of future persecution due to their race, religion, nationality, membership in a particular social group, or political opinion, they may file Form I-589, *Application for Asylum and Withholding of Removal*.² This application will be adjudicated by USCIS as an affirmative asylum filing, as the Afghan parolees are not typically being placed into removal proceedings.

2. Evidence of Parole

Examples of evidence of parole status (see examples below):

- Form I-94, Arrival/Departure Record, endorsed with a parole stamp
- Parole stamp in a passport
- Electronic Form I-94 which can be downloaded from CBP’s website.³

The Form I-94 provides proof of the beneficiary’s entry as a parolee and the date by which the beneficiary must depart the United States. Parole ends on the date the parole period expires, when the

¹ Visa number availability for special immigrants can be determined by consulting the Department of State’s monthly Visa Bulletin and referring to preference category 4 of the employment-based numbers. See Department of State, the Visa Bulletin, <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html>. As of September 2021, this category is “current.” Family-based preference categories are available at the same link.

² USCIS, I-589 Application for Asylum, <https://www.uscis.gov/i-589>.

³ Customs and Border Protection, I-94 Website, <https://i94.cbp.dhs.gov/i94/#/home>.

beneficiary departs the United States, or when the beneficiary acquires another immigration status, whichever occurs first.⁴

If an Afghan national presents an I-94 card with a class of admission of either “DT” or “OAR,” this indicates they have been paroled into the United States. Note that according to CBP codes, “DT” stands for parole granted at a port of entry or District Office. The class of admission may also be listed as “OAR,” which stands for Operation Allies Refuge. Despite the use of the word “refuge,” these individuals are not considered “refugees” as that term is defined under the Immigration and Nationality Act and are rather in parole status. USCCB has seen a variety of Admissions Categories on the I-94 and various “purposes” for parole on the endorsed stamp, including “DT” and “OAR.” Both DT and OAR signifies that the individual has been paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act.

Since the start of the Afghan evacuation effort, DHS has changed the duration of parole for Afghan parolees. Afghan nationals paroled into the U.S. prior to August 25, 2021, typically received parole for one year, whereas individuals paroled on or after August 25, 2021, are typically granted parole for two years. Afghan nationals who mistakenly did not receive an I-94 card upon entry to the United States or who notice an error in their I-94 cards should contact Customs and Border Protection (CBP) at OperationAlliesRefuge@cbp.dhs.gov.

3. Conditions of Parole for Afghan Evacuees

In most cases, parole is being granted for two years for the Afghan evacuees. Parole is granted pursuant to 8 U.S.C. §1182(d)(5), or INA §212(d)(5). Parole is contingent upon compliance with certain conditions, including:

- Within seven days of being granted parole, parolees must:
 - Get vaccinated for MMR and polio and receive one dose of the COVID vaccine, absent proof of prior vaccination;
 - Undergo tuberculosis testing and take appropriate isolation and treatment measures if the tuberculosis test is positive; and
 - Report compliance with this requirement to U.S. Citizenship and Immigration Services (USCIS) at www.uscis.gov/vaccination-status.
- Provide every change in address to USCIS as soon as possible and no later than 30 days after each change of address (www.uscis.gov/addresschange)
- Comply with all public health directives, comply with requests for additional information from the Department of Homeland Security and federal law enforcement, and comply with local, State and Federal laws and ordinances.
- Additional conditions on a case-by-case basis.

Failure to comply with these conditions could lead to termination of parole, detention and removal from the U.S., and could interfere with a parolee’s ability to become an LPR or obtain other immigration status.

Afghan evacuees brought to the U.S. are provided transportation to military bases (referred to as “safe havens”), where they receive housing and meals at no cost, receive required medical vaccinations and

⁴ <https://www.uscis.gov/archive/information-for-afghan-nationals-on-parole-into-the-united-states>

screenings and are given an opportunity to complete work authorization paperwork (Form I-765). They will also be enrolled in temporary medical insurance and receive medical care, if needed. This processing will satisfy the medical requirements detailed above.

Some parolees have not gone to military bases but have rather settled with their family throughout the United States. Parolees who have not gone to a military base forego any services they would receive there, such as the medical vaccinations and screenings, and possible expedited processing of their employment authorization document. **They must also be sure to comply with the conditions of parole, including the medical and vaccination requirements listed above and reporting changes of address. Otherwise, their parole may be subject to termination.**

4. Afghans with Special Immigrant Visas (SQ1⁵ or SI1⁶ IV Category)

- Some Afghans will be arriving in the United States with Special Immigrant Visas already approved. If these individuals have been admitted on immigrant visas in their passports, this means that they are already lawful permanent residents of the United States. These individuals do not need to separately file Form I-485 and should receive their green cards directly in the mail.⁷ Members of this group are assured resettlement in the U.S. and can access full refugee benefits (see [Section 7: Eligibility for Benefits](#) for more details). A sample visa is included below, as well as a sample of a passport with an I-551 stamp that provides evidence of permanent residency.
- In rare cases, practitioners have reported that certain Afghans were admitted as LPRs without actually having received an immigrant visa in their passports from the U.S. embassy in Kabul. Therefore, it is important to look not only for the immigrant visa but also for any indication in their passport that they received a temporary I-551 stamp. Even in the absence of an immigrant visa, the I-551 stamp indicates that the individual is already a lawful permanent resident of the United States.

⁵ The SQ1 code refers to immigrant visa holders who are Iraqis and Afghans employed by U.S. Government, new arrivals. Immigrant Classes of Admission, <https://www.dhs.gov/immigration-statistics/lawful-permanent-residents/ImmigrantCOA>.

⁶ The SI1 code refers to immigrant visa holders who are Special immigrant interpreters who are nationals of Iraq or Afghanistan, new arrivals. Immigrant Classes of Admission, <https://www.dhs.gov/immigration-statistics/lawful-permanent-residents/ImmigrantCOA>.

⁷ Most immigrant visa holders need to pay an immigrant visa fee in order to receive their green cards in the mail. Afghan special immigrants are exempt from payment of this fee. However, they must make sure to maintain a valid address with USCIS to receive their green cards in the mail. See USCIS Immigrant Fee, <https://www.uscis.gov/forms/filing-fees/uscis-immigrant-fee>

Afghans with SQ/SI Parole (also referred to as SIV parolees)

A second group of Afghans arriving in the U.S. are those who are still completing their SIV processing. These individuals do not have an immigrant visa and have not been admitted as LPRs but typically have approved underlying I-360 petitions. These individuals will be paroled into the U.S. and will typically be immediately eligible to apply for adjustment of status. SQ/SI parole grants individuals access to the full suite of refugee resettlement benefits, including public benefits and ORR-funded programs and services (see [Section 7: Eligibility for Benefits](#) for more details). It is in the best interest of any parolee who is eligible for SQ/SI parole to remain at the military base until USCIS has completed initial processing and provided them proof of SQ/SI parole. Those who opt out of this processing may not be eligible for refugee resettlement benefits. Individuals who opt out will be processed as Afghan parolees without SQ/SI parole (see [Section 6](#) below). An overview of the process for adjusting to SQ/SI parole is included below:

- After being paroled into the U.S. and being transported to a U.S. military installation, the parolee will complete a medical examination. On-site physicians will complete Form I-693, *Report of Medical Examination and Vaccination Record*.
- USCIS will review the Form I-693 and other documents and upon determining the individual is eligible for adjustment to SQ/SI parole will issue a Form I-94, *Arrival/Departure Form* as proof of Special Immigrant Status. The Form I-94 will include a stamp that reads:
“SPECIAL IMMIGRANT STATUS (SQ/SI) PAROLE
Sec 602(8)(1) AAPA / Sec 1059(a) NDAA 2006
Date: _____ USCIS Officer: _____”
- NGO staff will complete Form I-765, *Application for Employment Authorization*. The applicant’s biometrics (fingerprints and photograph) will be taken on-site. USCIS will accept the Form I-765 on-site without fee. The employment authorization document (EAD) will be mailed to IOM who will forward the card to the appropriate Resettlement Agency. Recently, there have been reports that some Afghans are receiving their EADs while still on base, but this may vary across the military bases.
- USCIS is printing the I-94 from the CBP website and stamping the hard copy with the SQ/SI stamp. The hard copy is then provided to the parolee to use as proof of their status until they receive their EAD. The Afghan parolees have been informed that it is not possible to obtain a replacement if the hard copy of the I-94 is lost. If the I-94 is lost, then the parolee will need to wait until they receive their EAD.
- Individuals who wish to complete the Form I-485, *Application to Register Permanent Residence or Adjust Status* may receive assistance from the NGO community on base, though most SQ/SI special immigrants will arrive to their final resettlement location without having completed the I-485. This processing varies from base to base, as all have different capabilities for assisting individuals with the I-485 application on-site.
 - If completed on base, USCIS will collect completed forms and forward them for expedited processing. Some bases have reported they are attempting to adjudicate the I-485 applications while the applicants are still on base, but again, this varies greatly among the military bases. Given the complexity of this form, it is not clear how many parolees will actually complete Forms I-485 on base.
 - Those who leave the military base without completing the I-485 will need to complete the Form I-485 at their final destination and should follow the filing and

address update guidance in the Guide⁸ for Completing a Form I-485, *Application to Register Permanent Residence or Adjust Status*, under SIV Afghan Operation Allies Refuge Process to ensure timely delivery of their green card.

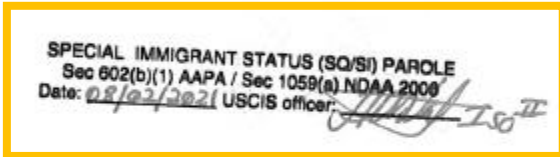
- A sample I-94 for a client granted SQ/SI parole is included below.

 For: [REDACTED]



Most Recent I-94

Admission (I-94) Record Number : [REDACTED]
Most Recent Date of Entry: 2021 July 30
Class of Admission : DT
Admit Until Date : 07/28/2022
Details provided on the I-94 Information form:



Last/Surname : [REDACTED]
First (Given) Name : [REDACTED]
Birth Date : [REDACTED]
Passport Number : [REDACTED]
Country of Issuance : Afghanistan

[Get Travel History](#)

- ▶ Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).
- ▶ If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.
- ▶ Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

CBP Form 1481-0111
Application Date: 07/31/2021

[For inquiries or questions regarding your I-94, please click here](#)

[Accessibility](#) | [Privacy Policy](#)

⁸ <https://www.uscis.gov/i-485>

5. Afghans Parolees without SQ/SI Parole

- In addition to the two categories of arrivals noted above there is a third group of Afghan nationals arriving in the U.S. This group is comprised of Afghans without approved I-360 petitions, or those who did not get far enough in the SIV process to qualify for SQ/SI parole. These individuals were typically granted parole to enter the United States because of their vulnerability or because of their family ties to the United States.
- These individuals will have the opportunity to go to a military base for further processing. NGO staff will complete Form I-765, *Application for Employment Authorization* on base. The applicant's biometrics (fingerprints and photograph) will be taken and USCIS will accept the Form I-765 on-site. The employment authorization document (EAD) will be mailed to IOM who will forward the card to the appropriate Resettlement Agency. Recently, there have been reports that some Afghans are receiving their EADs while still on base, but this may vary across the military bases.
- This group will need further legal assistance to determine what, if any, long-term status they may qualify for under immigration law. Many will apply for asylum, which will typically be done once they are in their resettlement community. The asylum process can be lengthy, depending on the local asylum office backlogs. They may also be able to apply for adjustment of status if they have an approved I-130 immigrant visa petition filed by a U.S. citizen or lawful permanent resident family member. There may be other possibilities as well, such as U visas or Special Immigrant Juvenile Status. Afghan Parolees without SQ/SI parole will need to be screened carefully by an immigration attorney, as there will likely be a great variety in the types of applications that they file depending on their particular case.
- A few examples of these stamps are included below:

Example 1:



6. Eligibility for Benefits

Program	Status		
	SIVs	SQ/SI Parolees	Afghans Parolees without SQ/SI Parole
Reception and Placement (R&P) Program: Immediate resettlement assistance for newly arrived refugees, SIVs, and Amerasians resettled through the U.S. Refugee Admissions Program.	✓	✓	✗
Afghan Placement and Assistance (APA) Program: Immediate resettlement assistance for newly arrived Afghan parolees who do not meet the eligibility criteria for the R&P program.	✗	✗	✓
Matching Grant (MG) Program: Assists ORR eligible populations to overcome barriers and become economically self-sufficient within 180-days.	✓	✓	✗
Preferred Communities (PC) Program: Supports ORR eligible populations with challenging needs that require special attention, including those with serious medical conditions, women at risk, and elderly refugees.	✓	✓	✗
Refugee Support Services (RSS): Provides employability services and other services to address barriers to employment.	✓	✓	✗
Temporary Assistance for Needy Families (TANF): Time-limited cash assistance and other support services for qualifying low-income individuals with dependent children.	✓	✓	✗
Refugee Cash Assistance (RCA): Similar program to TANF for those who do not qualify for TANF (e.g., single adults).	✓	✓	✗
Medical Assistance: Refugee Medical Assistance (RMA) or Medicaid Medicaid: Health care coverage for qualifying low-income individuals. RMA: Program similar to Medicaid for those who are not eligible for Medicaid.	✓	✓	✗ [*]
Supplemental Nutrition Assistance Program (SNAP): Food assistance for qualifying low-income individuals.	✓	✓	✗ ^{**}
Supplemental Security Income (SSI): Cash assistance to low-income individuals who are elderly, blind, or disabled.	✓	✓	✗

* Only for pregnant women and children and youth under 21 at state's option.

** Unless a child under the age of 18 or one of several other conditions apply.