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Form I-131 Parole Applications for Afghan Nationals Outside the United States



National Stakeholder Engagement

March 20, 2024

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Reminders



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1. Send questions from media to media@uscis.dhs.gov.
2. Send questions from congressional offices to usciscongressionalinquiries@uscis.dhs.gov
3. Electronic Reading Room
uscis.gov/records/electronic-reading-room 
4. We will address pre-submitted questions. You can submit additional questions through the Q&A box.
5. No case-specific questions, questions about issues under litigation, or questions outside the scope of today's engagement.



Agenda



- Parole Overview
- Eligibility Requirements
- USCIS Parole Process
- Common Claims and Evidence
- Special Considerations for Afghan Nationals
- Resources
- Question and Answer Session

Parole Overview



Parole is:

- A discretionary authority (INA § 212(d)(5))– exercised on a case-by-case basis – that allows an individual to be present in the United States for a temporary period of time for:
 - Urgent humanitarian reasons; and/or
 - Significant public benefit.

Parole is not:

- An admission to the U.S. A parolee remains an “applicant for admission” while inside the U.S.
- A path to immigration status (*but a parolee may apply for any status for which they are otherwise eligible*).
- Intended to be used solely to avoid normal visa processing procedures and timelines, to bypass inadmissibility waiver processing, or to replace established refugee processing channels.

Parole Jurisdiction Among DHS Components



- 2008 Memorandum of Agreement outlines the responsibility of the DHS components with respect to the exercise of parole authority for individuals outside the U.S. or at a Port of Entry.
- USCIS, ICE, and CBP have concurrent parole authority.
 - CBP - Determines whether to grant parole at Ports of Entry.
 - ICE – Adjudicates parole requests from U.S. Government agencies for law enforcement/intelligence gathering, individuals in removal proceedings, or with final removal orders.
 - USCIS - Adjudicates a variety of types of parole requests.
- While USCIS and ICE both adjudicate and approve parole requests for noncitizens outside the U.S., **CBP can grant parole at a POE.**

USCIS Administered Parole



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Advance parole is for noncitizens inside the U.S. who seek to travel abroad and return to the U.S.

Parole in Place enables certain noncitizens inside the U.S. who are present without admission to remain here as parolees.

Parole for noncitizens outside the U.S.

- Individual parole requests – handled by Parole Operations

The Role of the Department of State (DOS)



- DOS has a role only after USCIS issues a conditional approval. DOS does not consider or approve parole requests.
- USCIS issues conditional approval notice - includes an explanation of additional steps the parole beneficiary must complete before a travel document is issued:
 - Medical requirements (as applicable);
 - DS-160, *Online Nonimmigrant Visa Application*; and
 - Identity verification and submission of biometrics - DOS verifies beneficiary's identity, collects biometrics, confirms all other requirements (for example, medicals) are completed.
- If no derogatory information or new identity information is found, DOS issues boarding foil on behalf of USCIS.
- Beneficiary must travel **within 30 days** of boarding foil issuance.

Parties to a Request for Parole for a Noncitizen Outside the U.S.



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- **Petitioner:** The person completing the [Form I-131, Application for Travel Document](#), on behalf of an individual outside the United States who is seeking parole. “Self-petitioners” are people who file Form I-131 for themselves.
- **Beneficiary:** An individual for whom parole is sought.
- **Financial supporter:** An individual who agrees to provide financial support for the beneficiary of a parole application by filing a [Form I-134, Declaration of Financial Support](#), or if an organization, a statement of support.
- **Parolee:** A parole beneficiary who is paroled into the United States. In the Form I-131 context, a parolee is the beneficiary of an approved Form I-131 petition who has been paroled by CBP.

Financial Support



- Financial support is an important factor considered in the exercise of discretion:
 - Petitioners must include Form I-134, Declaration of Financial Support, and supporting evidence with each parole request.
- No set formula; need evidence the beneficiary will be supported, based on specific needs of the beneficiary.
- May have more than one financial supporter.
- USCIS will consider availability of resettlement assistance, if any.

Submitting Parole Requests for Additional Family Members



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- **If submitting an additional parole request for another family member:**
 - Include the receipt numbers for the original parole requests; and
 - Include a detailed explanation why the requests should be considered together.

Adding a family member later does not guarantee the newly filed family member will be processed at the same time as the rest of the family.

USCIS Online Account



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- USCIS can process cases more efficiently when we receive all relevant information in advance.
- Petitioners can link their paper-filed Form I-131 to their USCIS online account. The online account enables petitioners to:
 - Access case status information
 - Upload responses to Requests for Evidence
 - Submit additional relevant documentation to support the parole request
 - Update address information for petitioners and beneficiaries

Parole Processing Times



- With the recent surge in requests for parole, petitioners should expect processing delays.
 - Since August 2021, USCIS has received over 53,800 Form I-131 parole requests for Afghan nationals outside the United States and over 70,000 parole requests for all nationalities.
- Petitioners may request expedited processing when submitting the Form I-131. Generally, most requests received for parole are based on urgent humanitarian needs. Therefore, you must demonstrate that your parole request is particularly urgent or time-sensitive, such as a life-threatening or other extremely urgent situation, to receive expedited processing.
- USCIS reviews all parole requests for all nationalities to determine whether the request warrants expedited processing for an urgent or time-sensitive reason and is not expediting parole requests based on nationality alone.

Eligibility for Parole



The basic statutory requirements to approve parole:

1. Must demonstrate:
 - a) Urgent Humanitarian Reasons; and/or
 - b) Significant Public Benefit to the United States

2. The beneficiary merits a favorable exercise of discretion

Favorable Factors for Afghan Requests



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USCIS will consider the following circumstances as strong positive factors in assessing urgent humanitarian reasons and significant public benefit for parole, as well as the exercise of discretion, for Afghan beneficiaries:

- Immediate family of a U.S. Citizen (spouse, unmarried children under 21, and parents);
- Immediate family of a lawful permanent resident (LPR) (spouse and unmarried children under 21);
- Locally Employed Staff of Embassy Kabul and their immediate family (spouse and unmarried children under 21);

Favorable Factors for Afghan Requests (cont.)



USCIS will consider the following circumstances as strong positive factors in assessing urgent humanitarian reasons and significant public benefit for parole, as well as the exercise of discretion, for Afghan beneficiaries:

- Special Immigrant Visa (SIV) applicants whose applications have received Chief of Mission (COM) approval and immediate family members included on their case;
- Immediate relatives of Afghan nationals previously relocated to the United States through Operation Allies Welcome (spouse, unmarried children under 21, and, in the case of unaccompanied minors, their primary caregiver, including but not limited to a parent or legal guardian, and the spouse and dependent children under 21 of the primary caregiver);

Favorable Factors for Afghan Requests (cont.)



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USCIS will consider the following circumstances as strong positive factors in assessing urgent humanitarian reasons and significant public benefit for parole, as well as the exercise of discretion, for Afghan beneficiaries:

- Individuals referred to USRAP through a P-1 embassy referral or P-2 group designation referral and at imminent risk of refoulement (return) or serious, targeted harm in the country outside Afghanistan where they are located;
- Individuals who are extended family members (including, but not limited to, parents, adult children, and siblings and their families) of Afghan nationals who have received COM approval or entered the United States with an SIV, **and who are at heightened risk of harm due to their family member's service with the U.S. government;**

Favorable Factors for Afghan Requests (cont.)



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USCIS will consider the following circumstances as strong positive factors in assessing urgent humanitarian reasons and significant public benefit for parole, as well as the exercise of discretion, for Afghan beneficiaries:

- Individuals who have assisted the U.S. mission and assert risk of harm but may not be eligible for COM or SIV approval for reasons unrelated to a finding of fraud or other derogatory information (for example, where the applicant was not employed for enough time to qualify for COM or SIV approval).

Additionally, we will weigh the significant public benefit and consider parole on a case-by-case basis for individuals who were employed or volunteered in positions supporting the broader U.S. objectives in Afghanistan and who assert risk of harm due to that work.

Requests for Afghan Nationals – Evidence of Favorable Factors



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If you are applying or have a pending parole request for an Afghan national, we strongly recommend submitting relevant evidence to demonstrate strong positive factors for Afghan nationals. This may include evidence to establish:

- Familial relationships to U.S. citizen or LPR;
- Relationship to an Afghan national with COM approval or SIV;
- Assistance to the U.S. mission when ineligible for SIV; or
- Employment/ volunteer work supporting broader U.S. objectives.

Requests Based on Protection Concerns— Factors



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For parole requests based on protection from harm, the petitioner should describe the reasons in detail and provide corroborating evidence. Relevant factors may include:

- Particular vulnerabilities of the beneficiary as well as significant family or other ties to the United States; and
- Whether the beneficiary has family members who have been granted asylum or refugee status in the United States, but the beneficiary is not eligible as a derivative family member to join them in the United States.

Requests Based on Protection Concerns Evidence



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USCIS requires documentation corroborating the claimed, specific risk of harm facing the individual. Examples may include:

- Reports or other documentation from a credible third-party source specifically naming the beneficiary and outlining the serious harm he or she faces and the imminence of this harm.
- Evidence of a USCIS grant of protection-based immigration benefit to an immediate family member of the beneficiary and the beneficiary is either ineligible for derivative status or the risk of harm is so imminent they cannot wait for the derivative application to be processed.
- Evidence the beneficiary is a member of a targeted group.

Requests Based on Protection Concerns - Evidence (cont.)



Evidence may include information regarding:

- The severity and imminence of the harm the beneficiary fears;
- A beneficiary's particular vulnerabilities;
- The beneficiary's living conditions;
- The lack of accessibility to relief mechanisms or protection measures other than parole;
- The relocation to another part of the beneficiary's home country or a neighboring country is not possible or would not prevent the harm the beneficiary fears; and
- The need for parole would be temporary in nature, such as an ability to regularize immigration status.

Afghan Nationals Referred to USRAP



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USCIS addresses protection needs through established protection pathways, including the U.S. Refugee Admissions Program (USRAP). Parole is generally not used to circumvent regular refugee processing.

For individuals referred to the USRAP who seek parole, USCIS will consider the following:

- Are they at imminent risk of serious, targeted harm in the country outside Afghanistan where they are located?
- Are they at risk of imminent return to Afghanistan where they would be at imminent risk of serious, targeted harm?
- Do they have a specific vulnerability while waiting for resettlement processing?

Parole Requests for Afghan Nationals in Afghanistan



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- Parole does not provide a way for an Afghan national to leave Afghanistan.
- USCIS does not conditionally approve parole for beneficiaries in locations where there are no U.S. consular services, such as Afghanistan or Iran.
- If USCIS determines a beneficiary in Afghanistan initially appears eligible for parole, USCIS will issue a Notice of Continued Parole Processing informing the petitioner to notify USCIS if the beneficiary relocates to a country where they can continue parole processing.

Afghan Parole - Medical Requirements



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- In alignment with guidelines from the Centers for Disease Control and Prevention (CDC), medical requirements must be completed by a panel physician approved by local U.S. embassy or consulate, prior to travel:
 - MMR (measles, mumps, rubella) vaccine
 - Polio vaccine
 - COVID-19 vaccine (1 dose)
 - Other age-appropriate vaccinations, as determined by the CDC
 - Tuberculosis (TB) screening
- If this cannot be accomplished abroad due to lack of availability or urgency, USCIS may require the vaccine(s) as a condition of parole after arrival in the U.S., along with TB screening. Visit [cdc.gov/vaccines](https://www.cdc.gov/vaccines) for more information.

Parole Cases That Have Been Denied



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- A petitioner may file a motion to reopen or reconsider on Form I-290B, Notice of Appeal or Motion, requesting USCIS to reconsider our decision, reopen the case, or both.
 - Petitioner must file within 33 calendar days of the date of the denial notice.
 - USCIS may exempt the filing fee for the first Form I-290B filed on behalf of an Afghan national if we denied the Form I-131 from Aug. 1, 2021, through Sept. 30, 2023.
 - Untimely filings may be denied, but we will still review any associated evidence to determine whether a Service Motion to Reopen is appropriate.

Parole Process Recap: Afghan Nationals Outside Afghanistan



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Petitioner files Form I-131 with filing fee (or request for fee waiver) and applicable documentation and evidence.

If the case remains pending, the petitioner may link their case to their USCIS online account to upload supplemental information and evidence to support their parole request. Applicants may apply online by setting up a USCIS online account or may submit a paper application to the Dallas Lockbox.

USCIS adjudicates parole request.

Eligible for Parole

- USCIS issues a conditional approval notice to the petitioner.
- Petitioner must inform beneficiary of the necessary additional steps.
- Once medical requirements and DS-160 are completed, beneficiary appears at a U.S. embassy or consulate in person. DOS completes additional steps.
- If no new information is identified that will impact parole request, DOS issues boarding foil.
- Beneficiary travels to the U.S. where CBP makes the final parole determination.

Ineligible for Parole

- USCIS issues a denial notice to the petitioner.
- Petitioner may file Form I-290B.



Parole Process Recap: Afghan Nationals Inside Afghanistan



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Petitioner files Form I-131 with filing fee (or request for fee waiver) and applicable documentation and evidence.

If the case remains pending, the petitioner may link their case to their USCIS online account to upload supplemental information and evidence to support their parole request.

USCIS adjudicates parole request.

Appears Eligible for Parole

- USCIS issues a Notice of Continued Parole Processing.
- Beneficiary must arrange travel to a country where there is a U.S. embassy or consulate before USCIS can fully process their parole request.

Beneficiary Relocates

- Petitioner notifies USCIS online of their new location.
- USCIS updates the record and issues a conditional approval notice to the petitioner.
- Petitioner must inform beneficiary of the necessary additional steps.
- Once medical requirements and DS-160 are completed, beneficiary appears at a U.S. embassy or consulate in person. DOS completes additional steps.
- If no new information is identified that will impact parole request, DOS issues boarding foil.
- Beneficiary travels to the U.S. where CBP makes the final parole determination.

Ineligible for Parole

- USCIS issues a denial notice to the petitioner.
- Petitioner may file Form I-290B.



Resources



- Department of State 9 FAM 202.3
- General information on requesting parole for individuals outside the United States
uscis.gov/humanitarian/humanitarian-or-significant-public-benefit-parole-individuals-outside-united-states
- Information for Afghan Nationals on Requests to USCIS for Parole uscis.gov/humanitarian/humanitarian-parole/information-for-afghan-nationals-on-requests-to-uscis-for-humanitarian-parole

Humanitarian Parole Requests Filed on Behalf of Afghan Nationals



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- Since Aug. 2021, USCIS has received over 53,800 Form I-131 parole requests for Afghan nationals outside the U.S.
- **Processed approx. 19,500 cases**
 - Over 3,900 conditionally approved
 - Issued over 1,100 notices of continued processing to Afghan beneficiaries currently located in countries where we do not have an embassy or consular presence
 - Roughly 13,800 denied
- **Approx. 34,300 pending**

Concluding Remarks



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- For more information on our national engagements, visit uscis.gov/outreach.
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