



## USCIS & AFGHAN EVACUEES

Volunteer Attorney Practice Update  
October 2023

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### USCIS UPDATES

#### [Extension and Redesignation of Afghanistan for Temporary Protected Status](#)

Afghanistan was extended and redesignated for Temporary Protected Status (TPS) for 18 months, from November 21, 2023, to May 20, 2025.

The extension of TPS for Afghanistan allows current beneficiaries to retain TPS through May 20, 2025, if they continue to meet TPS eligibility requirements. The redesignation of Afghanistan for TPS allows Afghan nationals (or individuals having no nationality who last habitually resided in Afghanistan) who entered the United States since the last continuous residence date of March 15, 2022, and who have been continuously residing in the United States since September 20, 2023, and continuously physically present in the United States since November 21, 2023, to file initial TPS applications. Certain OAW parolees may also be eligible to file late initial applications for TPS.

Current beneficiaries under TPS for Afghanistan must re-register during the 60-day re-registration period from September 25, 2023 through November 24, 2023, to ensure they keep their TPS and employment authorization.

Recognizing that not all re-registrants may receive a new EAD before their current EAD expires, DHS is automatically extending through November 20, 2024 the validity of EADs previously issued under Afghanistan's TPS designation.

If USCIS approves a pending TPS or TPS-based EAD application filed under the previous designation of TPS for Afghanistan, USCIS will grant the individual TPS through May 20, 2025, and issue an EAD valid through the same date.

## [Changes to EAD Processing and Validity Times](#)

USCIS will increase the maximum validity period of initial and renewal EADs to 5 years for those admitted as refugees or granted asylum, recipients of withholding of removal, and applicants for asylum, adjustment of status, or cancellation of removal.

Additionally, beginning October 1, 2023, USCIS will accelerate processing for EAD applications filed by parolees who scheduled an appointment through the CBP One app; aim to decrease the median processing time for EADs from 90 to 30 days for EADs based on CBP One parole, as well as EADs based on Cuban, Haitian, Nicaraguan, and Venezuelan parole; and continue to send email and SMS notifications to certain parolees eligible to apply for work authorization who have not yet done so.

## [Extension and Redesignation of Venezuela for Temporary Protected Status](#)

Venezuela was extended and redesignated for Temporary Protected Status (TPS) for 18 months.

Applicants for TPS under this redesignation must demonstrate that they are Venezuelan nationals (or individuals without nationality who last habitually resided in Venezuelan) who have been continuously residing in the United States since July 31, 2023 and meet other eligibility criteria.

USCIS will continue to process pending applications filed under the previous TPS designation for Venezuela. Individuals with pending TPS and TPS-based EAD applications do not need to file either application again. If USCIS approves a pending application filed under the previous designation of TPS for Venezuela, USCIS will grant the individual TPS and issue an EAD valid through the same date.

USCIS will not begin accepting applications until federal register notice implementing this extension and redesignation is published. No timeline has been given, so stay tuned.

## [Extension and Redesignation of South Sudan for Temporary Protected Status](#)

South Sudan was extended and redesignated for Temporary Protected Status (TPS) for 18 months, from November 4, 2023, through May 3, 2025.

The extension of TPS for South Sudan allows current beneficiaries to retain TPS through May 3, 2025, if they continue to meet TPS eligibility requirements. The redesignation of South Sudan for TPS allows additional South Sudanese nationals (or individuals having no nationality who last habitually resided in South Sudan) who have been continuously residing in the United States since September 4, 2023 and

continuously physically present in the United States since November 4, 2023, to file initial TPS applications.

Current beneficiaries under TPS for South Sudan must re-register during the 60-day re-registration period from September 6, 2023 through November 6, 2023, to ensure they keep their TPS and employment authorization.

Recognizing that not all re-registrants may receive a new EAD before their current EAD expires, DHS is automatically extending through November 3, 2024, the validity of EADs previously issued under South Sudan's TPS designation.

USCIS will continue to process pending applications filed under previous TPS designations for South Sudan. Individuals with pending TPS or TPS-based EAD applications as of September 5, 2023 do not need to file either application again. If USCIS approves a pending application filed under the previous designation of TPS for South Sudan, USCIS will grant the individual TPS through May 3, 2025, and issue an EAD valid through the same date.

### [Extension and Redesignation of Sudan for Temporary Protected Status](#)

Sudan was extended for Temporary Protected Status (TPS) for 18 months, from October 20, 2023, through April 19, 2025.

The extension allows current beneficiaries to retain TPS through April 19, 2025, if they continue to meet TPS eligibility requirements. The redesignation allows Sudanese nationals (and individuals having no nationality who last habitually resided in Sudan) residing in the United States as of August 16, 2023 to be eligible for TPS.

Recognizing that not all re-registrants may receive a new EAD before their current EAD expires, USCIS is automatically extending EADs previously issued through October 19, 2024.

USCIS will continue to process pending applications filed under previous TPS designations for Sudan. Individuals with pending TPS or TPS-based EAD applications do not need to file either application again. If USCIS approves a pending application filed under the previous designation of TPS for Sudan, USCIS will grant the individual TPS through April 19, 2025, and issue an EAD valid through the same date.

### [USCIS Requiring Asylum Applicants to Bring Interpreters to Interviews](#)

Starting September 13, 2023, affirmative asylum applicants must bring their own interpreters to asylum interviews if they wish to proceed with the interview in a language other than English.

If an applicant needing an interpreter does not bring one, or if the interpreter is not fluent in English and a language the applicant speaks, USCIS may consider this a failure to appear for the interview and may dismiss the asylum application or refer the application to an immigration judge.

In addition to being fluent in English and a language the applicant speaks fluently, interpreters must be at least 18 years old and must not be the applicant's attorney or accredited representative, a witness testifying on the applicant's behalf, a representative or employee of the government of the applicant's nationality, or an individual with a pending asylum application who has not yet been interviewed.

Although not part of the policy announcement, it has been reported that, at some asylum interviews where applicants have brought their own interpreters pursuant to this requirement, USCIS has had an interpreter on the phone to monitor the accuracy of the interpretation provided by the applicant's interpreter.

#### [Extension of Re-Registration Period for Temporary Protected Status for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan](#)

It was announced that the periods to re-register for Temporary Protected Status (TPS) under the designations of El Salvador, Haiti, Honduras, Nepal, Nicaragua and Sudan are being extended from 60 days to 18 months.

The 18-month re-registration period under the designation of:

- El Salvador now runs through March 9, 2025;
- Haiti now runs through Aug. 3, 2024;
- Honduras now runs through July 5, 2025;
- Nepal now runs through June 24, 2025;
- Nicaragua now runs through July 5, 2025; and
- Sudan now runs through April 19, 2025.

### UPCOMING ASYLUM OFFICE CIRCUIT RIDES TO MINNESOTA

Unknown if any at this time.

### CHICAGO ASYLUM OFFICE UPDATES

The Chicago Asylum Office has provided the following updates:

- The AO is currently prioritizing interviews for detained credible/reasonable fear interviews and OAW applicants.

- Rana Curry is no longer serving as backlog officer. The backlog officer position at CAO is currently vacant.
- Pre-interview submissions may be sent via email to [Chicago.Asylum@uscis.dhs.gov](mailto:Chicago.Asylum@uscis.dhs.gov). Include the applicant's name, A-number, and date of interview in the email. Submissions are also accepted via mail or in person. If it is not possible to provide the submission in advance, bring two copies to the interview.
- Expedite requests may be sent to [Chicago.Asylum@uscis.dhs.gov](mailto:Chicago.Asylum@uscis.dhs.gov). Chicago AO follows USCIS guidelines regarding expedite requests; requests are evaluated on a case-by-case basis and will consider health issues, information about family in the country of origin, financial issues, and any other relevant considerations.
- Sworn statements are taken at the officer's discretion when there are concerns related to a mandatory bar, public safety, or national security. A copy of a sworn statement will be provided at the interview upon request. Attorneys may contact the Chicago AO to obtain a copy if the interview has already taken place.
- If a derivative needs to be added to an I-589 after the principal applicant's interview but before a decision, attorneys should submit a request in writing and include one copy of the I-589 with the dependent's information and passport photo along with proof of the relationship.
- Inquiries about OAW cases that have exceeded the statutory time limit may be sent to [Chicago.Asylum@uscis.dhs.gov](mailto:Chicago.Asylum@uscis.dhs.gov).
- When cases are transferred from the AO to EOIR (where the applicant filed affirmatively while waiting for the NTA to be docketed), the AO will file the application with the court via ECAS, and attorneys with a G-28 on file should receive notice when the case is transferred to EOIR. Attorneys may email [Chicago.Asylum@uscis.dhs.gov](mailto:Chicago.Asylum@uscis.dhs.gov) to address issues with case transfer.

## AFGHAN EVACUEE UPDATES

### [Settlement Reached in \*Ahmed v. DHS\*](#)

The parties in *Ahmed v. DHS* reached a settlement agreement in early September. This class action lawsuit against the Department of Homeland Security was filed by Afghan asylum applicants who arrived in the United States as part of the Operation

Allies Welcome (OAW) evacuation. Plaintiffs alleged that their asylum applications, and those of thousands of other asylum applicants like them, were not adjudicated within 150 days of filing, as required by the expedited process the government established for Afghan applicants.

The settlement has the following stipulations:

- Defendants will adjudicate 50% of Afghan asylum applications, filed on or before June 3, 2023, by October 31, 2023. 85% of them must be applications that were pending longer than 150 days.
- Defendants will adjudicate 65% of Afghan asylum applications, filed on or before August 3, 2023, by December 31, 2023. 85% of them must be applications that were pending longer than 150 days.
- Defendants will adjudicate 90% of Afghan asylum applications, filed on or before December 2, 2023, by April 30, 2024. 85% of them must be applications that were pending longer than 150 days.
- Defendants will adjudicate 90% of Afghan asylum applications, filed on or before February 1, 2024, and that were pending longer than 150 days, by June 30, 2024.
- Defendants will adjudicate at least 90% of Afghan asylum applications, that were filed on or after February 2, 2024, no later than 150 days after the date of filing.

DHS will be required to file status reports to demonstrate compliance with the deadlines.

#### DHS Request for Additional Information from Certain OAW Parolees

Last month, certain OAW parolees began to receive forms that appeared to be from DHS requesting additional biographic information. DHS has confirmed these requests are legitimate and those who receive the forms are required to respond within 30 days. There has been no explanation provided for why some individuals have received the form and some have not, nor has there been an articulation of the intended use of the information gathered. The form can be completed on paper and mailed to the address specified on the form, or can be completed [online](#). If an individual responds online, they do not also need to respond on paper. There were some instances of initial forms reflecting incorrect A numbers. DHS indicated individuals who received forms with incorrect A numbers would receive new, corrected requests for information and would have 30 days from the date of the new, corrected form to respond. If an individual responded to a form with the incorrect A number, they do not also need to respond if they receive a new, corrected form.

## Re-parole Reminders and Updates

- Individuals who receive an extension of parole through the automatic consideration process (i.e., those with pending asylum or adjustment of status applications) will not automatically receive a new work authorization card. However, these individuals will be able to prove they are work authorized by presenting their paper approval notice (Form 797C) together with their initial (c)(11) EAD (even if facially expired). This combination of documents constitutes sufficient proof of work authorization for the duration of the individual's parole period. If an individual nonetheless desires a new (c)(11) EAD, they can still apply for one with no fee. Please note that these applications go to a different address than a (c)(8) EAD application.
- Individuals without pending asylum or adjustment of status applications are required to affirmatively apply for re-parole by filing a Form I-131. The Form I-131 includes a box the individual can check indicating they want USCIS to send them a new (c)(11) EAD. We are finding that I-94s are often updated to reflect the new two-year parole period before the individual receives notice of the approval of their I-131 or their new EAD. An I-94 reflecting that an individual is in valid OAR parole status serves as proof of work authorization for 90 days, which should be enough time for them to receive their new EAD.
- Some OAR parolees have received requests via letter from DHS asking for information relating to re-parole. We have received confirmation that these requests are legitimate communications from DHS and that responding to the request within 30 days of receipt is a condition of parole. We recommend that those individuals who have received requests from DHS respond with the requested information; please note, the response can be completed online via the website displayed on the request letter.

## Urge Congress to Pass the Afghan Adjustment Act

Since evacuating Afghans in August 2021, Advocates and others have called for passage of a long-term status for Afghans that avoids the asylum process and fixes the SIV system. The AAA was introduced by Sen. Klobuchar and Sen. Graham in August 2022, but failed to pass. It was then re-introduced, again bipartisan and bicameral, in July 2023. There is an opportunity to pass it by adding it to the National Defense Authorization Act (NDAA) set to be passed in the fall. Support for the AAA by Congressmen Tom Emmer and Brad Finstad, and North and South Dakota's legislators, is key—call on them to pass the AAA (S. 2327/HR 4627).