



AFGHAN ASYLUM PRO BONO TRAINING

MAY 11, 2022

AGENDA

Background

Overview of Asylum

Other Relief Options

Timeline and Commitment

Available Resources and Support

Questions

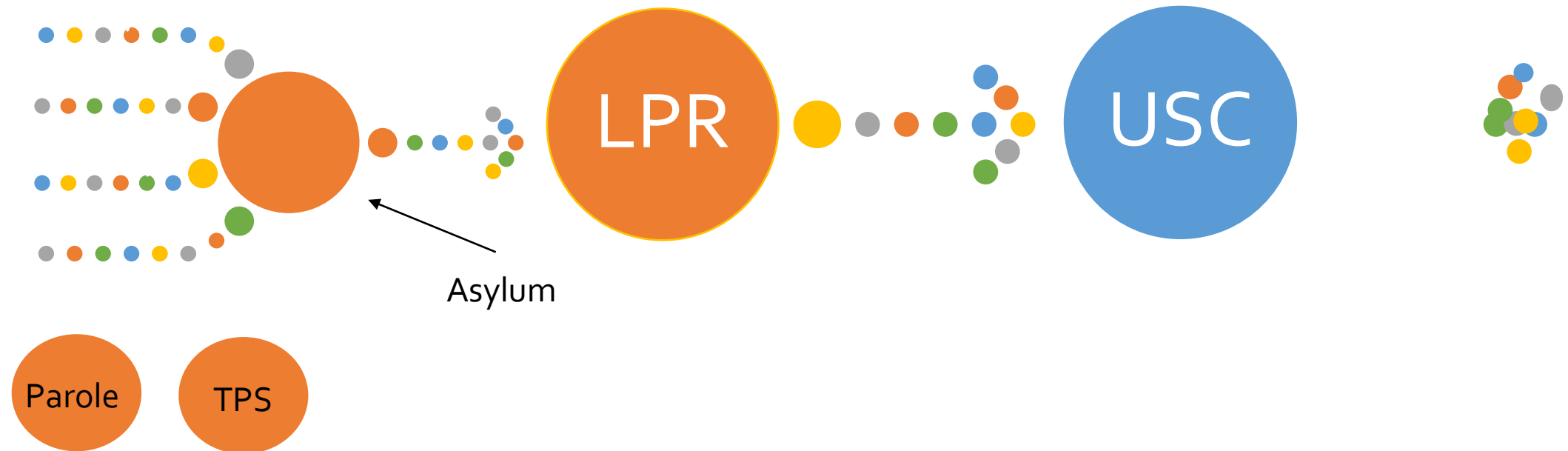
BACKGROUND ON THE CURRENT SITUATION

- Roughly **1,200** Afghans have been resettled to Minnesota since October 2021
- The overwhelming majority currently have "**parole**" status.

What is parole?

- **Parole** is temporary permission to live in the United States
- It is **NOT** refugee status
- Parole status for most evacuees will expire in mid-late 2023 (exact date depends on when a person entered the U.S.)
- Most evacuees have already received a "work permit" (EAD)
- Most evacuees are **not** presently eligible to apply for "green cards" (LPR)

PATHWAYS TO PERMANENT STATUS



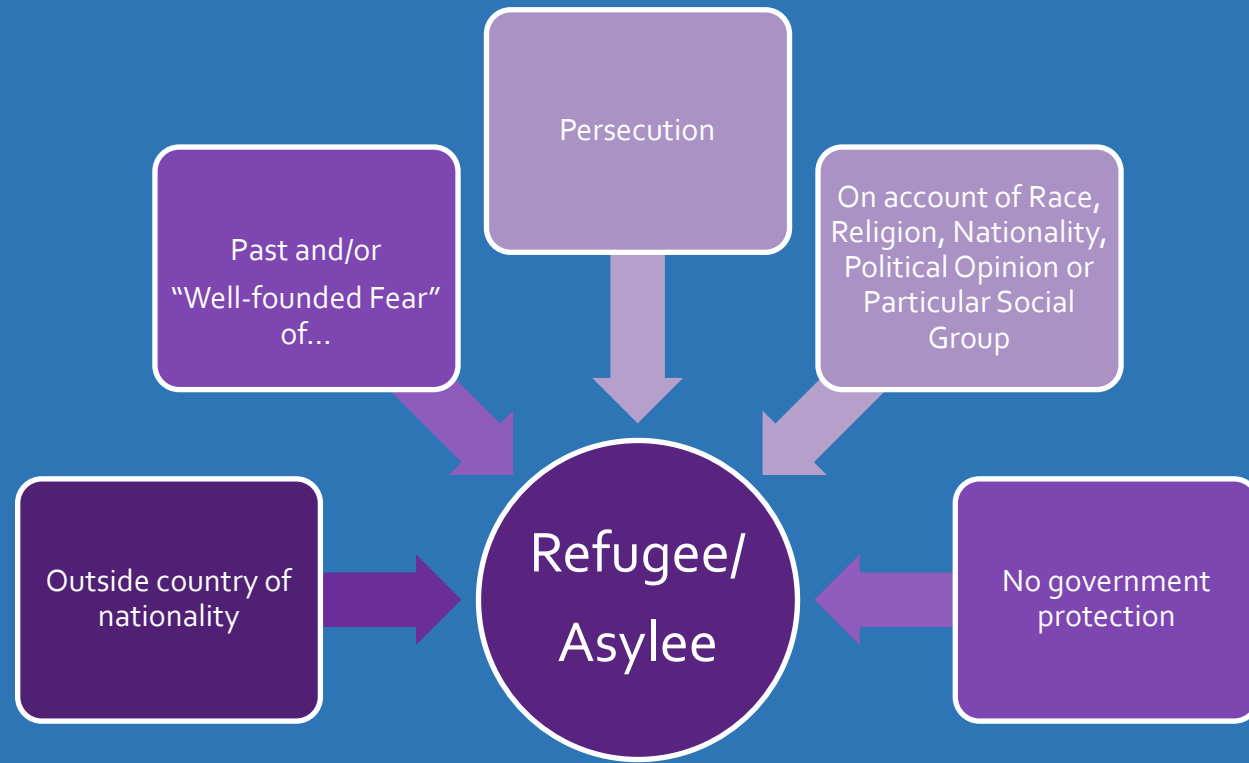


OVERVIEW OF ASYLUM

ASYLUM: WHAT IT IS AND ADDITIONAL BENEFITS

- More secure status than parole-no 'expiration date'
- Apply for permanent resident status after being asylee for one year
- Apply for family (spouse, <21 children) to join
- Travel outside U.S. with refugee travel document
- Qualify for certain public benefits
- Eligible to work without special authorization





ASYLUM ELIGIBILITY

EXAMPLES OF PROTECTED GROUNDS

- **Race/Nationality**
 - Hazara
- **Political Opinion**
 - Pro- U.S./NATO
 - Pro Islamic Republic of Afghanistan
 - Pro Women's Rights/Education
 - Anti-Taliban
 - Supporting banned/dissident parties
- **Religion**
 - Atheist
 - Shi'ite
 - Christian
- **'Moderate' Islam**
 - 'None'
- **Particular Social Groups**
 - Women in Afghanistan
 - Other gender-based PSGs
 - Family-based PSGs
 - "Immediate Relative of X"
 - Tribes/clans
 - Witnesses to Crimes/Persecution
 - Former membership in a group or employment

There is no one "Best" Ground—it depends on the facts of an asylum seeker's individual case—and you can argue multiple theories.

“PARTICULAR SOCIAL GROUP” (PSG)- SPECIAL CONSIDERATIONS

- **Three-part test:**
 - **Immutability:** A characteristic someone **cannot** change or **should not** have to change
 - **Particularity:** Does the group have ‘discrete boundaries,’ so it is clear who is and who is not a member of the group
 - **Social Distinction:** Does the relevant society (Afghanistan) consider that group to be a meaningful social category
- You do not have to pick just one PSG, or ground!
- Submit any PSGs you want to pursue in writing into the record.

One Year-Filing Deadline

- 8 CFR 208.4(a)(5): exception where parole is valid

Terrorism-Related Inadmissibility Grounds (TRIG)/Persecution

Firm Resettlement

Dual Citizens

- Must have well-founded fear of persecution in **all** countries of nationality or citizenship **BUT**
- may be derivative asylee irrespective of their own claim

BARSTO ASYLUM

DERIVATIVE ASYLEES

- **Spouse**

- U.S. immigration law **does not** recognize polygamous marriages

- **Children**

- Must be **under the age of 21** on the date the I-589 (asylum application) is filed with USCIS

Other Considerations

- Derivatives can acquire asylum status through an individual whether they have an individual well-founded fear of persecution
 - Certain eligibility bars may also apply to derivatives
- Derivatives may (but are not required) also submit their own application as a "principal." This means that someone can be both a **principal** and **derivative** applicant at the same time. (E.g., two spouse both apply).



OTHER RELIEF OPTIONS

OTHER RELIEF OPTIONS

Special Immigrant Visa (SIV)

- Alternate pathway to permanent status for certain individuals
- Eligibility Requirements:
 - Employed by or on behalf of the United States government after 2001 or by the International Security Assistance Force (ISAF);
 - For at least one year;
 - Must have recommendation letter from supervisor
- Three successive applications (Chief of Mission, I-360, and I-485)
- No status granted until final application is approved (I-485)

Temporary Protected Status (TPS)

- Temporary protection granted to certain Afghan nationals residing in the U.S. on or before March 15, 2022
- **Not possible to apply yet**
- Can supplement other non-citizen statuses including parole
- Straightforward application, especially if attorney is already working on an asylum application

HUMANITARIAN PAROLE

- Humanitarian Parole allows individuals to enter the United States based on urgent humanitarian reasons. It **does not** help relatives leave Afghanistan or other third countries.
- USCIS indicated that applications filed for individuals in Afghanistan cannot be completed or processed due to the closure of the Embassy.
- **Application fee:** \$575 per applicant (*not refunded if application is denied or remains pending*)
- Humanitarian Parole is unfortunately **not** a feasible option for Afghan evacuees to bring relatives still in Afghanistan to the United States



TIMELINE AND COMMITMENT

ASYLUM FILING: CONTENT & PROCESS

- Initial application and supporting documents are submitted to the **Nebraska Service Center**:
 - G-28, Notice of Entry of Appearance as Attorney
 - I-589, Asylum Application Form
 - Supporting Documents
- Our Jurisdiction: Chicago Asylum Office
 - Updates to submitted documents go directly to Chicago Asylum Office
- Asylum Office indicates it will schedule interviews within 45 days of the application being submitted

I-589

- Make sure you use the most up to date version of the asylum application
 - Can be found on the USCIS website:
<https://www.uscis.gov/i-589>
- Applications in Pashto and Dari are available to help with application prep, but an English application **must** be submitted

Department of Homeland Security U.S. Citizenship and Immigration Services U.S. Department of Justice Executive Office for Immigration Review		OMB No. 1615-0067; Expires 07/31/2022 I-589, Application for Asylum and for Withholding of Removal	
START HERE - Type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is no filing fee for this application.			
NOTE: <input type="checkbox"/> Check this box if you also want to apply for withholding of removal under the Convention Against Torture.			
Part A.I. Information About You			
1. Alien Registration Number(s) (A-Number) (if any)		2. U.S. Social Security Number (if any)	
3. USCIS Online Account Number (if any)			
4. Complete Last Name		5. First Name	
6. Middle Name			
7. What other names have you used (include maiden name and aliases)?			
8. Residence in the U.S. (where you physically reside)			
Street Number and Name		Apt. Number	
City		State	
Zip Code		Telephone Number ()	
9. Mailing Address in the U.S. (if different than the address in Item Number 8)			
In Care Of (if applicable):		Telephone Number ()	
Street Number and Name		Apt. Number	
City		State	
Zip Code			
10. Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		11. Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	
12. Date of Birth (mm/dd/yyyy)		13. City and Country of Birth	
14. Present Nationality (Citizenship)		15. Nationality at Birth	
16. Race, Ethnic, or Tribal Group		17. Religion	
18. Check the box, a through c, that applies: a. <input type="checkbox"/> I have never been in Immigration Court proceedings. b. <input type="checkbox"/> I am now in Immigration Court proceedings. c. <input type="checkbox"/> I am not now in Immigration Court proceedings, but I have been in the past.			
19. Complete 19 a through c. a. When did you last leave your country? (mm/dd/yyyy) _____ b. What is your current I-94 Number, if any? _____ c. List each entry into the U.S. beginning with your most recent entry. List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.) Date _____ Place _____ Status _____ Date Status Expires _____ Date _____ Place _____ Status _____ Date _____ Place _____ Status _____			
20. What country issued your last passport or travel document?		21. Passport Number _____ Travel Document Number _____	
22. Expiration Date (mm/dd/yyyy)			
23. What is your native language (include dialect, if applicable)?		24. Are you fluent in English? <input type="checkbox"/> Yes <input type="checkbox"/> No	
25. What other languages do you speak fluently?			
For EOIR use only.		For USCIS use only.	
Action:		Decision:	
Interview Date: _____		Approval Date: _____	
Asylum Officer ID No.: _____		Denial Date: _____	
		Referral Date: _____	

SUPPORTING DOCUMENT INDEX

- Client Declaration (Principal Applicant)
- Country Conditions
- Direct evidence of past harms (and/or future threats) [?]
- Corroborating declaration(s) [?]
- Expert Report(s) [?]
 - Psychological evaluation
 - Forensic medical evaluation
- Legal memo/brief [?]
 - Bar-related issues
 - PSG cognizability
 - Other questions of law



INTERVIEWING YOUR CLIENT(S) & PREPARING DECLARATIONS

- The client is the expert on their life
 - Your job is to learn to key facts from your client(s)
- You are the expert on the law & process
- Working with interpreters
 - Best practices
 - Leveraging technology
- Trauma-sensitive interviewing
 - PTSD can present differing (and sometimes contradicting) ways
 - Practice Tips
 - Open-ended questions
 - Empower clients to the extent possible
 - Confirm & validate
 - Segmenting

ASYLUM INTERVIEW: PROCESS & TIMELINE

- Asylum Interview
 - Likely in the Twin Cities (*in person*)
 - "Non-adversarial," but inquisitorial format
 - Attorney can be present
 - Client may bring their own interpreter; USCIS can provide one but it will be telephonic and there have been reported issues
- USCIS represents it will decide applications within **180** days of interview
 - What if it is approved?
 - What if it is denied?



AVAILABLE RESOURCES AND SUPPORT

WEEKLY OFFICE HOURS AND 1- ON-1 SUPPORT

- **Weekly Office Hours**
 - every **Wednesday** from **2:30PM (CST)** to **4:00PM (CST)** beginning on June 8th
 - Submit questions in advance to be answered by an attorney
 - Open to all volunteers (attorneys and paralegals)
 - Training topics
- **1-on-1 Support**

RESOURCES

- The Advocates will provide all volunteers with access to a shared SharePoint site once you have been given a pro bono case.
- Resources available include:
 - Affirmative Asylum training course (IRAP/VECINA)
 - Trauma-informed asylum screening recordings
 - Translated pro se toolkits (HIAS)
 - Country conditions materials
 - Sample case documents

QUESTIONS?

Zack Albun, Staff Attorney

zalbun@advrights.org

Katherine Veldhuizen, Program Coordinator

kveldhuizen@advrights.org

The Advocates for Human Rights

Refugee and Immigrant Program

330 2nd Avenue South, Suite 800

Minneapolis, MN 55401

TheAdvocatesForHumanRights.org

General: 612-341-3302 | WhatsApp: 612-293-9335

legalclinic@advrights.org