

The Afghan evacuation demonstrated the United States' extraordinary capacity to protect people from human rights violations. But without special legislation, tens of thousands of Afghans now face an uncertain future in the United States. Congress must act now so that the allies evacuated today will not face deportation in the future.



Abbas* told us that he has Special Immigrant Visa Status, but his immigration paperwork says he and his family were admitted on humanitarian parole. He will need legal help to FOIA records and will need to file for SIV status or asylum to stay in the United States.



Mustafa* told us that the U.S. Government was taking care of his green card. Because they helped with his family's humanitarian parole application, **he believed the U.S. Government would make sure he had status long-term.** We had to break the news that he and his wife and seven children will face a long and uncertain asylum application process in order to stay here permanently.

Solution: Pass an Afghan Adjustment Act so the people we evacuated have a straightforward path to permanent resident status.



Traveling with her six-month-old child, Wagma* was paroled into the U.S. When we reviewed her paperwork, we discovered that although Wagma had been paroled in, **immigration officers had simply waived the child through without any documentation.**

Solution: Ensure Afghan Adjustment Act is not limited to people who entered with humanitarian parole.



12-year-old Hamza* must navigate his immigration options alone. Unaccompanied children who are granted asylum will not be able to bring their parents to the United States until they are both over 21 years old *and* U.S. citizens. If unaccompanied children are granted Special Immigrant Juvenile Status, they will never be able to petition for their parents.

Solution: Ensure the Afghan Adjustment Act allows children who are principal applicants to include their parents and siblings.



Nahal* arrived on humanitarian parole but because she once was forced to feed some Taliban fighters who passed through her village, she will be barred from asylum.

Solution: Amend 8 USC 1182(a)(3)(B) so that overbroad definitions of "material support of terrorism" do not bar people from protection.

People are overwhelmed, confused, and traumatized. Many people who entered on humanitarian parole believe they can stay permanently. Some were in the middle of processing Special Immigrant Visas or other immigrant visas when they were evacuated and now must locate files and submit new forms and filing fees with USCIS. Everyone remains fearful for the safety of those left behind. Finding out that there is no clear way to stay in the United States or reunite with family members compounds the trauma.

Parole leads to nothing. While humanitarian parole allowed the United States to quickly bring people to safety, the 2-year admission period provides no way for people to build stable new lives in our communities. Congress must pass new statutory authority so evacuees can remain permanently and rebuild their lives in the United States.

Not every evacuee has parole. The speed and scope of the evacuation has meant that people are arriving with a variety of immigration statuses and, sometimes, without any immigration status at all. New statutory authority must not arbitrarily limit green cards to people who arrived on humanitarian parole.

Expedited asylum processing is not the answer. With a backlog of 350,000 cases, the historically underfunded U.S. Asylum Office infrastructure simply cannot handle the volume of tens of thousands of Afghan asylum applications. Congress's "expedited" processing timeline in the September budget deal simply restates the statutory timeline for all asylum processing that has been in place and unmet for 25 years. Asylum cases also take significantly more resources than a green card application to adjudicate—both involve high levels of vetting, though.

U.S. immigration laws are unforgiving. Mistakes and missed deadlines can mean deportation one day. People without proof of lawful entry or whose parole has expired will have virtually no way to get or regain status. Statutory filing deadlines and overbroad asylum bars mean that people who file for asylum may end up being denied and deported despite their fears of being targeted by the Taliban.

***The Advocates for Human Rights provides on-site immigration legal help to people arriving in Minnesota from military bases around the country. These examples have been drawn from cases we have seen during our first weeks of operation. Names have been changed.**

Contact: Lindsey Greising, Staff Attorney, The Advocates for Human Rights,
lgreising@advrights.org