Legal Orientation for Afghan Evacuees: 
Know Your Options, Responsibilities, and Rights
Legal Orientation

- Who we Are
- What is a Legal Orientation
- Your Family
- Your Options
- Your Rights and Responsibilities
- Next Steps
- Questions and Answers
Who We Are:
National Immigrant Justice Center (NIJC)
Who We Are Not

The U.S. Government

A Refugee Resettlement Organization
- World Relief
- Refugee & Immigrant Community Services
- RefugeeOne

Immigration Officers
Legal Orientation

- Who we Are
- What is a Legal Orientation
- Your Family
- Your Options
- Your Rights and Responsibilities
- Next Steps
- Questions and Answers
Legal Orientation

**Educate**
- Learn about your options, responsibilities, and rights as a non-citizen and Afghan evacuee
- Learn about your legal options and what immigration applications you may need to file

**Prepare**
- Access resources to prepare for obtaining permanent status
- Learn to identify and look out for people who make take advantage of you and your immigration status

**Take Action**
- Begin planning to apply for permanent status if eligible
- Coordinate with refugee resettlement organizations to obtain benefits
Legal Orientation

- Most Afghan evacuees do not have permanent status
- The process to obtain permanent status, if you are eligible, is complicated
- Noncitizens in the United States have certain responsibilities and do not have the same benefits as citizens
- Learn your options, responsibilities, and rights to best protect yourself (and your family)
Legal Orientation

- Who we Are
- What is a Legal Orientation
- Your Family
- Your Options
- Your Rights and Responsibilities
- Questions and Answers
Options for Afghan nationals in Afghanistan to leave and come to the United States are uncertain

- U.S. citizen or permanent resident ("green card") parents/spouses/children may be able to petition for certain family

- Humanitarian Parole: special permission to enter the United States for "humanitarian" reasons
  - Difficult to obtain
  - Requires access to a U.S. embassy
  - No evidence it’s a real option at this time
  - NIJC is not current assisting with humanitarian parole
Legal Orientation

- Who we Are
- What is a Legal Orientation
- Your Family
- Your Options
- Your Rights and Responsibilities
- Next Steps
- Questions and Answers
Your Options: What is Parole

- TEMPORARY authorization to remain in the United States
- Can be terminated
- Does not lead to permanent status
Your Options: Employment Authorization (Work Permit)

- Afghans who entered with PAROLE can apply for employment authorization (work permit) and a restricted social security card
  - Right to work lawfully until your permit expires
  - Employers cannot ask you how you obtained your work permit
  - If the work permit will soon expire, employers can ask you for an updated work permit, but cannot terminate you until after it has expired.

- If you did not apply for a work permit at a base OR you filed for a work permit at a base, but have not received it:
  - Talk to your refugee resettlement case worker
Important Points to Remember:

• Social Security Number…
  – This is your number for life!
  – You can use it for other purposes even after your work permit/parole expires
  – To use it for work, you will need a valid work permit

• Driver’s License
  – In Illinois, you can obtain an IL drivers license with a work permit, social security number, and proof of Illinois residence
  – Federal law allows Afghan evacuees to obtain drivers licenses – talk to your resettlement org.
Your Options: Paths to Permanent Status

- Unique options for Afghan Nationals
- Asylum
- U Visa
- T Visa
- Special Immigrant Juvenile Status
- Family petitions
Your Options: SIV

- Path to permanent residency for certain Afghans who worked in Afghanistan for the U.S. and meet other demanding requirements.

- Lengthy process that requires support of prior U.S. employer

- If you have believe you may be eligible for SIV or
- If you have a pending SIV petition or
- If you have an approved petition, but do not yet have residency
  → speak with an immigration attorney
Your Options: P1/P2

- Option for Afghans who do not qualify for SIV to seek U.S. resettlement through the U.S. Refugee Admissions Process.

- Must be referred by the U.S. government, or a U.S.-affiliated company that employed the Afghan citizen in Afghanistan.

- You must be outside of the U.S. to qualify for P1/P2 refugee processing.

- Process may take years.
Your Options: Asylum

Immigration status for people who can’t return to their country of citizenship because they:

1) Have been **harmed in the past** or are afraid they **will be harmed in the future**
2) Because of a **characteristic** they cannot or should not be required to change
3) By the government in their country, or a person/group the government **cannot or will not control**

General violence, fear of war, or generalized crime is not sufficient for asylum!
What Characteristics Make You Eligible For Asylum?

- Race
- Religion
- Nationality
- Political Opinion (or the political opinion imputed to you)
- Membership in a Particular Social Group
What is a “Particular Social Group?”

People who share a characteristic they cannot or should not be required to change

- Family
- Sexual orientation or gender identity (gay, lesbian, transgender)
- Former status (former attorneys; journalists; etc.)
- Past acts (witness)
- Women from certain families, communities, countries (domestic violence)
What Bars You From Asylum?

- One-Year Filing Deadline (with exceptions)
- Residence in another country
- Persecutor of others
- Connection to “terrorist” group or activity (broad definition)
- Certain crimes (in the United States or abroad), whether convicted or not
Immigration must receive your asylum application within one year of the date you last entered United States.

<table>
<thead>
<tr>
<th>Last Entered the United States</th>
<th>Immigration Must Receive Your Application By</th>
</tr>
</thead>
<tbody>
<tr>
<td>August, 28, 2021</td>
<td>August 27, 2022</td>
</tr>
</tbody>
</table>

Exceptions exist – including having lawful status – but don’t risk it.
If you previously had permanent status in another country, you may be barred from asylum.

- Other protection may be available to you

If you have citizenship in another country besides Afghanistan, you will have to prove asylum eligibility for BOTH countries.
Asylum Bars: Persecutor Bar

- If you participated in, assisted in, or supported someone in harming another, you may be barred from asylum. For example:
  - Serving as a prison guard where abuse occurred
  - Working for a government agency where other government officials were harming others
  - May apply even if you were forced and did not want to act

- If you were a soldier or were ever connected to a formal or informal militia, your activity will likely be examined.

- If you think this may apply to you, speak with an attorney and proceed carefully.
Asylum Bars: Terrorism Bars

- If you ever assisted a group that used violence against a government, you may be barred from asylum
  - This may include:
    - Paying a ransom
    - Providing food or shelter
    - Giving money or goods

- Even if someone forced you and you did not want to act, the bars may apply
- If you think this may apply to you, speak with an attorney and proceed carefully
The Asylum System

**Asylum Office/Affirmative Process**
- In U.S.; not in deportation proceedings
- File Affirmative Application
- Asylum Office Interview
- Grant
- Referral

**Immigration Ct/Defensive Process**
- Arrested at port of entry
- "Notice to Appear" Issued
- Master Calendar Hearing
- Merits Hearing

Afghan Parolees are Here

Arrested by immigration internally
How to Apply for Asylum?

- You can apply for asylum even if you don’t have an attorney
  - If you can obtain an experienced asylum attorney, you should.

- Asylum application = Form I-589
  - Form and instructions at [https://www.uscis.gov/i-589](https://www.uscis.gov/i-589)

- NO FEE: the U.S. government does not charge a fee for asylum is free

- NIJC will conduct clinics for asylum seekers who are applying without attorneys in the next few months
How Long Does It Take To Get an Asylum Decision?

IT DEPENDS (on a lot)

Afghan Asylum Seekers who were Paroled:

• New law says:
  – Asylum interview must happen within 45 days of filing
  – Decision within 150 days of filing UNLESS there are exceptional circumstances

• What could = an exceptional circumstances?
  – Asylum bars?
  – Too many applications and not enough officers?
What Benefits Does Asylum Provide?

- Protection from deportation
- Path to citizenship
- Status for spouse and children
- Automatic employment authorization and certain public benefits
- Right to apply for a refugee travel document
# Asylum v. SIV

<table>
<thead>
<tr>
<th>ASYLUM</th>
<th>SIV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gives you permanent status and a pathway to citizenship in the U.S.</td>
<td>Gives you permanent status and a pathway to citizenship in the U.S.</td>
</tr>
<tr>
<td>Allows you to work legally.</td>
<td>Allows you to work legally.</td>
</tr>
<tr>
<td>Allows you to file petitions for spouses and unmarried children under age 21.</td>
<td>Once SIV status is approved you can apply for lawful permanent residence (green card)</td>
</tr>
<tr>
<td>Allows you to apply for lawful permanent residence (green card) after one year.</td>
<td>After receiving a green card you can petition for family members to come to the U.S.</td>
</tr>
<tr>
<td>Length of process is uncertain, it could be quick and it could take a long time.</td>
<td>The process takes a very long time.</td>
</tr>
</tbody>
</table>
You may be eligible to apply for permanent status if:

- You were the victim of a serious crime in the United States and reported it to the police.
- You were forced to work or to participate in sex acts.
- You are under age 21 and one of your parents abused, abandoned, or neglected you or has died.
Your Options: Other Things to Know

- **Education:** Children can and must attend school regardless of immigration status.

- **Healthcare:** Can access medical benefits in Illinois:
  - All children, no matter their immigration status
  - Adults who intend to file for asylum

- **Refugee benefits:** available to Afghan parolees even though they are not legally “refugees”
*Legal consultations are very important* 
**BUT** beware of fraud.

- Only immigration attorneys and “accredited representatives” can complete and file immigration applications.
- Dept. of Justice (DOJ) recognized organizations are non-profits. Verify that your representative is accredited here →[www.justice.gov/eoir/ra/raroster.htm](http://www.justice.gov/eoir/ra/raroster.htm)
- Ask lawyers if they have immigration experience and review their licenses.
Legal Orientation

- Who we Are
- What is a Legal Orientation
- Your Family
- Your Options
- Your Rights and Responsibilities
- Next Steps
- Questions and Answers
Your Rights and Responsibilities

- If you move, you must change your address with immigration
  - Form AR-11: https://www.uscis.gov/ar-11

- Follow U.S. laws
  - Breaking the law could lead to termination of your parole status, deportation proceedings, and/or immigration detention
  - Some U.S. rules may be unfamiliar to recent arrivals:
    - You could get into trouble if you drink alcohol and then drive car. Never drink and drive.
    - You could get into trouble if you use physical punishments to correct your children.
Other Reminders:

➢ Do not register to vote if you are not a citizen
➢ Do not say or write that you are a citizen
➢ Do not seal your criminal record
➢ Do not have items hanging in the rearview mirror of your car
➢ Pay Your traffic fines
Legal Orientation

- Who we Are
- What is a Legal Orientation
- Your Family
- Your Options
- Your Rights and Responsibilities
- Next Steps
- Questions and Answers
What’s Next?

- Stay in touch with your refugee resettlement caseworker for changes in immigration law and policy for Afghans.

- Watch NIJC’s website at https://immigrantjustice.org/AfghanSupport for upcoming clinics for Afghan asylum seekers and other legal orientation sessions.

- If you move, remember to update your address with the U.S. government so you are able to continue with your legal case.
Questions...