

Immigration Legal Information

AFGHAN EVACUEES

Overview of Immigration Legal Status Options | Key Resources | FAQ

The following is an overview of official sources of information about immigration services to Afghan nationals and their immediate family members evacuated to the United States who require additional immigration processing after entry.

The official source of information to be followed is U.S. Citizenship and Immigration Services (USCIS) which has provided an overview of key information for Afghan nationals at this site:

[USCIS /Humanitarian /Information for Afghans](#)

Afghan nationals and their families relocated to the United States since August 2021 are made up of three distinct groups:

- Admitted into the U.S. by U.S. Customs and Border Protection (CBP) as a lawful permanent resident (LPR)
- Paroled into the U.S. by CBP and granted Special Immigrant status (your I-94 Arrival/Departure record is stamped "Special Immigrant Status (SQ/SI) parole)
- Admitted into the U.S. as a conditional Lawful Permanent resident with a CBP stamp of CQ1, CQ2, or CQ3 as the "class of admission (COA)

FAQs: Once Afghan Evacuees Reach Host Communities

1. My family is still in Afghanistan. How do I apply to get them here?

We recommend that you speak with an immigration attorney or accredited legal service provider about immigration options for your family. Below is some general information:

USCIS has said that humanitarian parole applications for the spouse and unmarried children under 21 of Afghans evacuated through Operation Allies Welcome will be considered to have a "strong positive factor" weighing in favor of granting parole. For information about parole for Afghans, including how to file for fee waivers, see USCIS' Information for Afghan Nationals on Requests to USCIS for Humanitarian Parole page in English, Pashto or Dari.

However, it is not possible to complete parole processing in Afghanistan because there is no U.S. Embassy in Afghanistan. Because of this, USCIS is not prioritizing parole applications for people in Afghanistan, and there are also very large numbers of pending parole applications and the process may take a long time

The spouse and children under 21 of Afghans who have received SIV status may apply for "follow-to-join" SIVs. More on that process is [here](#). It is also not possible to complete SIV processing in Afghanistan because there is no U.S. Embassy in Afghanistan.

2. I applied for SIV status at a Safe Haven. When will I find out the result and how do I check on it?

The U.S. government's [main Afghan SIV program website](#) has information on how to contact the U.S. government based on which stage of the SIV process your application is at.

If you are in the first step of filing an application for Chief of Mission (COM) Approval, the State Department's National Visa Center (NVC) can be reached at "afghansivapplication@state.gov" and applications usually take many months to receive a decision. NVC communicates with applicants through this email address. There is no website to check the status of a COM application.

If you received COM approval and are in the second step of filing an I-360 petition with U.S. Citizenship and Immigration Services (USCIS), then USCIS can be reached at "sivtranslator.nsc@dhs.gov" and petitions usually take several weeks to receive a decision. USCIS communicates with applicants over this email.

If you received I-360 petition approval and filed an I-485 application for adjustment of status with USCIS, USCIS communicates via mail. You may change your address [here](#).

For the I-360 and I-485 applications, once you are provided a "receipt number" you may check the status [here](#). The receipt number is a unique 13-character identifier that USCIS provides for each application or petition it receives. The receipt number consists of three letters-for example, EAC, WAC, LIN, SRC, NBC, MSC or IOE-and 10 numbers. You can find it on notices of action USCIS sends you.

Legal information from a legal aid organization on the SIV process is available [here](#) in English, Dari, and Pashto.

3. I have all of my SIV application support documents, but I did not get a chance to start the application before I was evacuated. Can I apply now, in the U.S.?

Afghans in the United States may apply for an SIV status. If the initial steps in the SIV process, COM approval and an I-360 petition, are successful, then Afghans may file an application for permanent residence based on the successful I-360 (SIV) petition.

Information from the U.S. government is available on the [Department of State](#) and [USCIS](#) websites.

Another potentially useful guide is [this video](#) from the Catholic Charities legal team in Milwaukee, Wisconsin.

4. Do I need a lawyer to apply for a SIV?

You do not need a lawyer to apply for an SIV. All of the applications are filed in English. Legal information from a legal aid organization on the SIV process is available [here](#) in English, Dari, and Pashto.

5. I have heard the U.S. government is going to pass laws to let the Afghans who were evacuated stay in the U.S. – is that correct?

There are multiple pieces of legislation being proposed to define a distinct immigration pathway in U.S. law for Afghan nationals who were evacuated and brought to the US as humanitarian parolees. These legislative proposals are being reviewed by Congress. Afghans who currently have parole must apply for a permanent legal status before their parole ends. We recommend that you speak with an immigration attorney about your best options for permanent legal status in the United States

Additional Resources:

[American Immigration Lawyers Association \(AILA\)](#)
Provides information on how to find an immigration lawyer

[Human Rights First](#)
One may submit a referral to Project Afghan Legal Assistance (PALA) to connect Afghans with free legal services

Sources for the above answers include:

Pennsylvania University Law Clinic: <https://pennstatelaw.psu.edu/immigration-biden-administration#Afghanistan>

International Refugee Assistance Project and Peollet, S: www.refugeerights.org

USCIS: <https://travel.state.gov/content/travel/en/us-visas/immigrate/special-immg-visa-afghans-employed-us-gov.html>