

IMMIGRATION JUSTICE CAMPAIGN



The Affirmative Asylum Application Process for Afghan Parolees

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U.S. law provides that any individual who is within the geographic confines of the United States may apply for asylum. And although the basic eligibility standards remain the same, the procedures for filing differ depending on whether the applicant is in removal (Immigration Court) proceedings or not.

Most Afghan nationals who have entered the U.S. after July 2021 are here as humanitarian parolees under Operation Allies Welcome (OAW). Parole permits temporary entry into the U.S., with conditions, for a defined period of time - typically two years for Afghan arrivals¹. Upon the expiration of parole, parolees are expected to leave the country if they have not secured a pathway to long-term legal status. There are several pathways under which an Afghan parolee may be eligible to gain status; for many asylum is the most viable option

Generally, people who are in removal proceedings must file their applications to the Immigration Judge who presides over their removal proceedings. Everyone else – that is, people who have not been put into Immigration Court proceedings and unaccompanied minors – file their applications with the DHS’ Asylum Office. As individuals maintaining legal presence in the U.S., Afghan parolees file asylum applications with DHS. This process is often referred to as the “affirmative” asylum process, in contrast to the “defensive” process of applying in Immigration Court.

The Asylum Office

The Asylum Office is a bureau of DHS’ United States Citizenship and Immigration Services department (USCIS), the agency’s benefits adjudication branch. The Asylum Office sits within USCIS’ Refugee, Asylum and International Operations Directorate and its sole charge is adjudicating affirmative asylum applications and conducting credible and reasonable fear proceedings (a pre-screening process by which certain people who are apprehended attempting to enter the United States without legal entry documents are assessed for potential asylum eligibility).

¹ Some Afghan OAW arrivals were erroneously given a parole period of less than two years. If an Afghan OAW parolee’s documentation shows parole dates spanning less than two years, contact U.S. Customs and Border Protection and request to correct the parole period to a full two years.

The Application Process

General procedures for filing an affirmative asylum application are laid forth in detail on USCIS' [website](#). Details specific to Afghan parolee applicants can be found under the “Asylum” tab of [USCIS’s Information for Afghan Nationals](#) page.

In short, they entail:

- Filing [Form I-589](#) (Application for Asylum and Withholding of Removal) along with [Form G-28](#) (Notice of Entry of Appearance) to a USCIS Service Center. The filing location depends on the applicant’s residence. Filing locations are listed on [USCIS’ website](#). Note that envelopes containing I-589s for Afghan parolees should be marked with “ATTN: OAW” to flag the application for expedited processing².
- The Service Center conducts an initial review of the application, to ensure that it is complete, and then schedules the applicant for an appointment at a USCIS Application Support Center (ASC) for the capturing of biometric information (a “biometrics appointment”) which the agency uses to conduct background checks. USCIS notifies applicants of this appointment via mail.³
- Once the applicant’s biometrics (i.e. fingerprints) have been captured, the Service Center forwards the file on to the local Asylum Office with jurisdiction over the applicant’s residence. There are eight Asylum Offices nationwide, and three sub-offices (smaller offices which are governed by one of the eight primary AOs). And some of the offices conduct periodic “circuit rides” to more remote locations without a nearby permanent office. [Here](#) is a tool to locate the closest asylum office.
- The Asylum Office schedules the applicant for an interview, and mails notices to the applicant and his or her representative. USCIS is conducting circuit rides to complete asylum interviews for Afghan parolees. Reference [this chart](#) for information about where an Afghan applicant may expect to have their asylum interview, based on where they live. Notices are typically mailed 21 days before the interview.
- After the interview, the officer confers with a supervisor and renders a decision. In some locations applicants return to the office to pick up their decisions personally; in others, the decisions are sent to the applicants and their representatives by mail.

² Under the [Extending Government Funding and Delivering Emergency Assistance Act](#), USCIS is adjudicating asylum applications filed by certain Afghans in accordance with an expedited timeline. This means USCIS should conduct an interview within 45 days of filing and, if there are no exceptional circumstances, will complete the final adjudication within 150 days of filing.

³ Make sure to notify USCIS if an applicant’s address changes while waiting. As required by the conditions of maintaining parole, parolees must notify USCIS of an address change within 10 days of moving by submitting [Form AR-11](#). Submitting this form ensures applicants will receive important correspondence related to the asylum application, including notices for biometrics appointments and interviews.

After the Decision

The Asylum Office has the authority to grant asylum. If granted, an asylee may file to become a legal permanent resident after one year. It does not, however, have the authority to deny asylum to an applicant who has no other legal status in the United States. In those cases, when it does not approve an application, the AO institutes removal proceedings in the Immigration Court to allow the applicant to renew her claim for asylum before an Immigration Judge (referred to as “referring” a case to the Immigration Court).

When an applicant is in legal status (including parole) at the time of adjudication and the officer does not find that the application warrants a grant, he or she will issue a Notice of Intent to Deny (NOID) to give the applicant a final opportunity to present new evidence or arguments. And if, after reviewing the response to the NOID the officer remains unconvinced that a grant is warranted, s/he will issue a final decision denying asylum.

More information on the various types of Asylum Office decisions is available [here](#).