



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

August 21, 2021

Ms. Ur Mendoza Jaddou
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20588

Re: USCIS Policy and Procedures Relating to Afghanistan Evacuation

Dear Ms. Jaddou:

On behalf of the American Immigration Lawyers Association (AILA) we write to express our deep concerns regarding the escalating humanitarian crisis in Afghanistan and to urge U.S. Citizenship and Immigration Services (USCIS) to take immediate steps to adopt and implement policies and procedures to ensure that immigration benefits applications and petitions for Afghan nationals who are in grave risk of danger are processed expeditiously. The measures that USCIS adopts and implements will have a profound impact on safeguarding the lives of thousands of Afghan nationals who now face imminent risk of violence, persecution, and death. To that end, we offer below some recommendations on policies that USCIS can adopt to ensure that applications and petitions submitted on behalf of Afghan nationals who are in grave risk of danger are processed expeditiously.

Humanitarian Parole

USCIS currently requires that Form I-131 applications for Humanitarian Parole must be filed with the Dallas Lockbox. Our members report that it is currently taking several weeks for the intake process to be completed and a receipt notice (Form I-797) to be issued, slowing down the processing of urgent humanitarian parole requests by several weeks. AILA urges USCIS to adopt the following measures to ensure the expeditious processing of humanitarian parole request for those fleeing Afghanistan:

- Immediately staff up the intake team at the Dallas Lockbox to prioritize the intake of Humanitarian Parole applications.
- Instruct Afghan-related applicants seeking Humanitarian Parole to mark “Afghanistan Humanitarian Parole” on their mailing envelope to allow for these applications to be flagged for expeditious intake upon arrival at the Dallas Lockbox.
- Update USCIS’ online resources, such as the Humanitarian Parole webpage (<https://www.uscis.gov/forms/explore-my-options/humanitarian-parole>) with information about Form G-1145, E-Notification of Application/Petition Acceptance, so that stakeholders are better informed about this form and the option of receiving a text message and/or email when the USCIS Lockbox receives the Humanitarian Parole application.

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- Given that urgent nature of the crisis unfolding in Afghanistan, proactively email the receipt notice (Form I-797) for Humanitarian Parole applications to applicants, preparers, or attorneys of record, even if a Form G-1145 was not submitted, to more expeditiously allow applicants to confirm that USCIS has received the form, as many pro se applicants may have failed to complete Form G-1145 as it is not listed as one of the forms on the agency's [Humanitarian Parole webpage](#).
- Upon intake by the Dallas Lockbox, expedite the transfer of humanitarian parole applications to the Humanitarian Affairs Branch for adjudication.
- Expedite the adjudication of Humanitarian Parole applications for applicants based in Afghanistan as quickly as possible, including staffing up adjudicators to assist with the adjudication of such applications.

AILA respectfully requests some clarifying information about the Humanitarian Parole adjudication process:

- Besides writing "Expedite" on the form, are there any other recommendations that USCIS has for stakeholders to ensure that Humanitarian Parole applications for Afghan citizens are timely received and processed by USCIS?
- Upon approval of a Humanitarian Parole application, is USCIS working with its counterparts in DOS and DOD to add approved applicants who are based in Afghanistan to flight manifests for evacuation from Afghanistan?

Filing Fees and Fee Waivers

An application for Humanitarian Parole requires that an applicant either submit a filing fee of \$575 or request that the filing fee be waived by submitting a request in writing or Form I-912, Request for Fee Waiver. In light of the events unfolding in Afghanistan, entire families are now in grave risk of danger and retaliation by the Taliban and in desperate need to flee Afghanistan. Afghan families are beginning to apply in large numbers for Humanitarian Parole. This has the potential to result in exorbitant expenses for many families who are in dire need of protection and already are required to expend significant sums just to be evacuated. For example, a family of five seeking to apply for Humanitarian Parole may find themselves needing to gather filing fees of more than \$2,800 dollars. While AILA acknowledges that a filing fee waiver option exists, given the urgent humanitarian crisis in Afghanistan, many individuals cannot wait the additional time that it would take for USCIS to adjudicate the fee waiver request, nor can they risk a denial or rejection of their humanitarian parole application if USCIS ultimately denies their fee waiver request. As such, many individuals are opting to pay the filing fee, even if they can't afford it.

AILA urges USCIS to adopt the following measures relating to filing fees and fee waivers:

- Allow family members to apply together as one family unit thereby only requiring one filing fee (or fee waiver) to be submitted.
- Staff up adjudicators to process fee waiver requests so that a request for a fee waiver does not delay the adjudication of an underlying humanitarian parole application.
- Exercise broad discretion in granting fee waivers for individuals fleeing Afghanistan that request a fee waiver.

Evidence of Birth

AILA has received reports that some of our members are receiving Requests for Evidence (RFEs) from USCIS for birth certificates in cases where the Afghan Tazkera (national identity document) has been submitted. The Department of State (DOS) accepts the Tazkera as the equivalent to a birth certificate and regularly accepts it in lieu of an Afghan passport. In light of the humanitarian crisis unfolding in Afghanistan and the urgent need for many to evacuate Afghanistan, it is very difficult for individuals to obtain new documentation. We urge USCIS to accept the Afghan Tazkera as the equivalent to a birth certificate and to exercise the greatest flexibility when requesting additional documentary evidence from Afghan nationals, including requiring English translations of documents

Signature Flexibility

The extremely fluid nature of events in Afghanistan have resulted in difficulty and delays in obtaining required signatures on USCIS forms. As time is of the essence in preparing and submitting applications and petitions for applicants, we respectfully request that USCIS provide the maximum possible flexibility with respect to the signature requirement for Humanitarian Parole applications and other related forms. Specifically, we request consideration of either:

- A temporary authorization for immediate adult family members in the U.S. to execute the forms on behalf of their relative in Afghanistan based on a text or email authorization by the applicant; and/or
- In the absence of an appropriate immediate family relative, that the applicant be permitted to designate an appropriate agent in the U.S., again via text or email, to execute USCIS forms.

Adjudication of Form I-589, I-730 and I-130 petitions

AILA urges USCIS to expedite the processing of Form I-589, Application for Asylum and for Withholding of Removal for individuals from Afghanistan, as well as Forms I-730, Refugee/Asylee Relative Petition and Form I-130, for individuals with relatives based in Afghanistan. Similarly, AILA urges USCIS to work with DOS to expedite the processing of these petitions once they reach the National Visa Center. We also urge USCIS to work the Department of Defense to include applicants with pending or approved I-730s and I-130s who are based in Afghanistan in evacuation plans.

We thank you for your consideration of these recommendations and look forward to hearing from you at your earliest convenience. As the situation in Afghanistan evolves, we appreciate continued engagement with USCIS on the policies and procedures that the agency is adopting and implementing in response to the escalating humanitarian crisis in Afghanistan. If you require any additional information or clarification, please contact Sharvari (Shev) Dalal-Dheini at (202) 507-7621 or by email at sdalaldheini@aila.org or Diane Rish at (202) 507-7642 or by email at drish@aila.org.

Respectfully,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

cc: Tracy Renaud, Acting Deputy Director, USCIS
Felicia Escobar Carrillo, Chief of Staff, Office of the Director
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