

**From:** "U.S. Citizenship and Immigration Services" <[uscis@public.govdelivery.com](mailto:uscis@public.govdelivery.com)>

**Reply-To:** "[uscis@public.govdelivery.com](mailto:uscis@public.govdelivery.com)" <[uscis@public.govdelivery.com](mailto:uscis@public.govdelivery.com)>

**Date:** Monday, November 21, 2022 at 3:12 PM

**To:**

**Subject:** Certain Afghan and Ukrainian Parolees Are Employment Authorized Incident to Parole

Congress has recently passed laws relating to certain Afghan and Ukrainian parolees that have included language providing that parolees covered by the legislation "...shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157)...." Under DHS regulations, refugees are authorized employment incident to status, and under current USCIS policy and practice, refugees are not charged a fee by USCIS for their initial Form I-765, Employment Authorization Document (EAD). Parolees, however, are not employment authorized incident to status, and must pay a fee (currently \$410) for their EAD, unless the fee is waived or exempted.

To implement the statutory language "other benefits available to refugees" in the context of section 2502(b), P.L. No. 117-43 (Afghan parolees) and section 401 of Public Law 117-128 (Ukrainian parolees), USCIS is providing the benefits of employment authorization incident to status normally accorded to refugees and a no-fee initial (and replacement of an initial) EAD to Afghan and Ukrainian parolees so that they receive the same treatment as refugees.

Effective Nov. 21, 2022, Ukrainian and Afghan parolees, and their qualifying family members, with certain classes of admission are considered employment authorized incident to parole, which means that they do not need to wait for USCIS to approve their Form I-765, Application for Employment Authorization, before they can work in the United States. This updated policy guidance applies to the following individuals, if their parole has not been terminated:

- Afghan parolees whose unexpired Form I-94, Arrival/Departure Record, contains a class of admission of "OAR." If you are an Afghan parolee covered under section 2502(b), P.L. No. 117-43 who did not receive an "OAR" class of admission on your Form I-94, please email U.S. Customs and Border Protection at [oawi94adjustments@cbp.dhs.gov](mailto:oawi94adjustments@cbp.dhs.gov) to update your class of admission, if appropriate;
- Ukrainian parolees whose unexpired Form I-94 contains a class of admission of "UHP"; and
- Ukrainian parolees whose unexpired Form I-94 contains a class of admission of "DT" issued between Feb. 24, 2022, and Sept. 30, 2023, and indicates Ukraine as the country of citizenship on the document.

For these parolees, their unexpired Form I-94 is an acceptable receipt they may present to their employer to show their identity and employment authorization for the purposes of Form I-9, Employment Eligibility Verification. The receipt satisfies the Form I-9 requirement for 90 days from the date of hire (or in the case of reverification, the date employment authorization expires). Individuals who received a Form I-94 when they entered the United States should visit [U.S. Customs and Border Protection's Form I-94](#) page to view and print a copy of their Form I-94. If you do not have a passport, you can use your A-Number to retrieve your Form I-94 online at the site above by choosing "Get Most Recent I-94." Enter your A-Number in the Document Number field and enter your country of citizenship or "USA" in the Country of Citizenship field.

After the 90-day period, parolees must present an EAD or unrestricted Social Security card and acceptable List B identity document from the Form I-9 Lists of Acceptable Documents (such as a state-issued driver's license or

identification card). Ukrainian and Afghan parolees must still file a Form I-765 to receive a physical EAD. USCIS will provide additional guidance for employers about completion of [Form I-9, Employment Eligibility Verification](#).

Effective Nov. 21, 2022, USCIS is also exempting the fee to file Form I-765 for Ukrainian parolees filing for an EAD by mail. Afghan parolees under OAW are already exempt from the fee for an initial paper-filed Form I-765 (and a replacement EAD) through Sept. 30, 2023.

Effective Dec. 5, 2022, USCIS will be able to process fee exemptions for online filings of Form I-765 for eligible Ukrainian and Afghan parolees. We encourage use of online filing for more efficient processing.

See our [Uniting for Ukraine](#) and [Information for Afghan Nationals](#) pages for more information about submitting Form I-765. See our [File Online](#) page for more information about creating an account and filing online.

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