



December 14, 2021

Hon. Joseph R. Biden, Jr.  
President of the United States  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Hon. Kamala D. Harris  
Vice President of the United States  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Hon. Alejandro N. Mayorkas  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Avenue, SE  
Washington, DC 20528

Hon. Antony Blinken  
Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

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

*VIA EMAIL*

**RE: Humanitarian Parole Denials for Afghans**

Dear President Biden, Vice President Harris, Secretaries Mayorkas and Blinken, and Director Jaddou:

We write to you on behalf of the undersigned organizations, legal services providers, resettlement agencies, law firms, and law school clinics, to express our extreme concern regarding the exclusionary approach the Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS) has adopted towards over 30,000 Afghans who have applied for Humanitarian Parole to the United States. As [Secretary Mayorkas](#) and [Secretary Blinken](#) have separately stated, the United States has a moral imperative to protect vulnerable Afghans, including the many left behind after the United States withdrawal or stranded in third countries who have since sought a pathway to protection in the United States via humanitarian parole.

When the Afghan Network for Advocacy and Resources ("Project ANAR") wrote to you on October 20, 2021, with 113 other signatories, we requested public transparency, congressional oversight, community coordination, safe passage for Afghans, and a new pathway to broad relief

for Afghans seeking refuge and family reunification in the United States. As legal service providers, advocates, and members of the Afghan diaspora, we seek not only adjudication of Afghan Humanitarian Parole applications, but the favorable use of the wide discretion that USCIS has to grant parole. Instead, USCIS has laid out [a plan](#)<sup>1</sup> that will close the door to tens of thousands of Afghans seeking safety in the United States. As Afghans begin to receive parole denials, we grow increasingly concerned about this approach. We lay out the issues of this approach, and our recommendations below.

Our concerns include, but are not limited to, the following:

## **I. Insurmountable Evidentiary Requirements**

The types of evidence that USCIS requires -- for example, the standard requiring third-party evidence that names an applicant as facing risk of serious harm -- is insurmountable for Afghans in crisis and unnecessarily burdensome. Humanitarian Parole is not a process that confers immigration benefits and thus should not require such high evidentiary requirements. Afghans will have to pursue other immigration pathways once in the United States, at which point they can produce the evidence that those pathways require. Yet, this evidentiary standard is nearly impossible for anyone to meet, let alone Afghans, and goes far beyond the requirements of asylum and refugee law.

This evidentiary requirement also fails to account for the circumstances under which Afghans filed parole applications, and ignores the realities of life in Afghanistan, that make this type of evidence inaccessible. Many vulnerable Afghans are in hiding, without stable housing, and may have destroyed or lost evidence if they *did* have it for fear of persecution. Afghans applied for parole in the wake of a dire humanitarian crisis, in an effort to rapidly flee harm from the Taliban, circumstances which the Departments of Homeland Security and State are certainly familiar with. The pandemic compounded the difficulty of obtaining official documents or reports, which are impossible for many Afghans to obtain even during times of relative stability. Many filed these applications at the urging of Members of Congress and federal agency staff, with the expectation of accessing evacuation pathways. That USCIS grants few numbers of Humanitarian Parole applications in typical years does not reflect that Afghans are ineligible, but that Afghans have insufficient viable alternative options. The United States paroled tens of thousands of Afghans since August without forcing them to meet these standards---those Afghans are no different from the Afghans who have applied through the Humanitarian Parole process with USCIS, except that the door has been arbitrarily closed on them.

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<sup>1</sup> On November 5, 2021, USCIS updated its website with information about processing of Afghan Humanitarian Parole Applications, to state, among other things, that it will prioritize third-country applications and will inform Afghans in country found eligible of parole that they must travel outside of Afghanistan before they can be processed.

## **II. Inappropriate Threat Standard**

By requiring Afghans to demonstrate an individualized imminent threat through third party evidence in order to access Humanitarian Parole, USCIS is allowing Afghans to die before they can be granted parole. Afghans applied for parole, and continue to do so, with the expectation that they must show urgent humanitarian reasons and significant public benefit. USCIS Humanitarian Parole standards outlined in the [2017 Humanitarian Parole and Significant Public Benefit Training Module](#) expand on those requirements, and allow USCIS to grant parole to individuals to come to the United States “Due to Fear of Harm Due to Generalized Violence that Occurs During a Civil Conflict, based on Ethnic, Tribal, or Religious or Political Violence.” USCIS has a history of guiding its officers to grant parole based on fear of harm due to generalized violence, specifically stating that applicants “may receive a parole request based on fear of harm due to generalized violence that occurs during a civil conflict. Examples of civil conflicts include ethnic, tribal, religious, or political violence, as well as war.”<sup>2</sup> This harm is “shared by a significant segment of the general population” and country conditions information is specifically outlined as a helpful mechanism to evaluate the parole request. Despite this guidance, USCIS has chosen to arbitrarily heighten its standards for Afghans presently living through such a crisis.

In addition, USCIS has not demonstrated what types of evidence might meet this heightened standard, and we fear that if someone is able to demonstrate that their situation is one that rises to this standard, it will be far too late for them to apply for parole and escape this imminent violence. Their case will also sit in a backlog of over 90 days, with the potential of falling through the cracks. Furthermore, this is a duplicative and unnecessary requirement as the asylum process, which many will have to follow after arriving in the United States on parole, already provides an opportunity for USCIS to evaluate whether the individual has a well founded fear of persecution in their home country. Importantly, the impact of applying such a high standard is to erect an insurmountable barrier for vulnerable Afghans who seek to reunite with immediate family members in the United States.

## **III. Inappropriate Evidentiary Standard for Third Country Applications will Result in Blanket Denials for Afghans**

Some Afghans have risked their lives to seek safety in third countries, and pursue pathways to family reunification or access immigration status they were promised as Special Immigrant Visa applicants, *because* of imminent threats on their lives, as well as with the knowledge that DHS cannot complete processing of their applications while they remain in Afghanistan. For that reason, they may no longer be able to demonstrate an imminent threat on their life in the country

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<sup>2</sup> *International Operations Officer Training Course: Humanitarian and Significant Public Benefit Parole*. U.S. Citizenship and Immigration Services. March 8, 2017.  
<https://refugeerights.org/wp-content/uploads/imported-files/HP-FOIA-min.pdf>.

where they reside. Afghans in third countries may lack stable living situations and legal status, and live under constant threat of detention and deportation, making it just as difficult for them to procure certain types of evidence as those in Afghanistan, let alone to produce such evidence with regard to harm they might suffer in a third country to which they have fled. This standard not only rules out parole for Afghans already in third countries or those who make it to third countries, but is also contradictory to USCIS's stated prioritization of Humanitarian Parole applications from those in third countries. It is contradictory, inefficient, and exclusionary to apply this evidentiary standard.

#### **IV. Lack of Access to Alternative Pathways**

Afghans have turned to Humanitarian Parole because other pathways are inaccessible, backlogged, and insufficient for the urgent needs produced by the Taliban takeover of the country. Advocates have [long urged](#) special programs to address the inaccessibility of existing pathways. UNHCR and U.S. refugee processing requires presence in third countries, which have largely closed their borders to Afghans. Even the few who may have passports and the ability to make the dangerous journey across a land border face uncertainty when arriving in third countries. Other visa pathways, including family reunification, take years and do not address the immediate needs of Afghans who are facing immediate harm.

The United States withdrawal and evacuations in August allowed some Afghans access to parole in the United States, while leaving countless others behind. Afghans now left with no other option but to apply for Humanitarian Parole include those who have immediate family in the United States that have arrived in the United States since August, Afghans who had other pending immigration applications, and others who have always lacked viable pathways and were made vulnerable by the Taliban takeover. Afghans have resettled in the United States since August, due to DHS parole discretion. The lack of alternative pathways is particularly important because the United States has a specific responsibility to Afghans to ensure the existence of humanitarian pathways. While neighboring countries must [open their land borders](#) to Afghans, the United States must lead the way in meeting its obligation to keep its air borders and safe passage routes open to Afghans. The United States cannot and should not abandon those who were not able to access these pathways prior to August 2021.

#### **Recommendations**

Given the above concerns, we urge the following:

- 1. Special Afghan Parole Program:** We recognize the limits of the individualized Humanitarian Parole Program that exist, and the changes that USCIS has implemented in adjudicating Afghan applications since August. We urge USCIS to implement a special

parole program for Afghans that will meet the unique and large-scale needs of this population, and the urgency the situation demands.

2. **Broad Favorable Use of Discretion:** In the absence of a special parole program for Afghans, we urge USCIS to use its discretion to broadly grant Afghans parole. Parole is a tool historically utilized in moments of crisis. USCIS has the authority to widely implement the use of parole for Afghans at risk. USCIS must recognize that even if someone is potentially eligible for an alternative pathway, they have applied for Humanitarian Parole because they cannot wait for other pathways, or cannot effectively access other pathways. Afghans can pursue appropriate immigration pathways once safely in the United States, where they will have the support of their families, communities, and legal counsel.
3. **Reduced Evidentiary and Threat Standards:** In the absence of a special parole program for Afghans, we urge USCIS to consider what types of evidence Afghans can realistically obtain given the ongoing crisis, to accept widely documented country conditions as evidence in parole applications. We urge USCIS not to base its denials on lack of individualized third party evidence of threats of harm, and to embrace an approach in line with the generalized standard laid out in the 2017 USCIS training course, cited above.
4. **Establish a Process for Consular Processing:** The United States is capable of continuing to process and resettle at-risk Afghan nationals, even when a physical consular presence is challenging or impossible. The United States must either facilitate entry for Afghans into third countries so that they may complete processing in that third country, or conditionally approve parole applications and allow Afghans to complete their processing once in the United States.<sup>3</sup>
5. **Broad Approval of Fee Waivers or a Policy of Waiving Fees:** Afghans continue to file for Humanitarian Parole. In the emergency response effort to file applications quickly, Afghans overwhelmingly paid the \$575 per person fee to avoid processing delays. We urge USCIS to adopt a policy of waiving all Humanitarian Parole fees, or at a minimum broadly approve fee waivers for Afghan applications. Community resources are better utilized supporting arriving refugees and Afghans abroad directly.
6. **Broad Use of Customs and Border Protection (CBP) Parole at Ports of Entry in Tandem with Ongoing Evacuation Efforts:** Given that DHS parole authority extends beyond USCIS, we urge the DHS to employ broad discretion to parole Afghans and

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<sup>3</sup> *Fulfilling America's Promise: Options to make U.S. humanitarian protection pathways viable for at-risk Afghans.* Human Rights First, International Refugee Assistance Project (IRAP), InterAction. November 2021. <https://www.humanrightsfirst.org/sites/default/files/Afghan-Evacuation-Administration-Memo-FORMATTED.pdf>.

implement screening mechanisms that will allow CBP to parole those Afghans who may access evacuation pathways. We ask DHS, the State Department, and others to maintain channels for evacuation and safe passage routes for Afghans.

7. **Public Information:** USCIS must make information about Humanitarian Parole for Afghans more accessible to the public, including regular updates to its website. Applicants applied often at the suggestion of government officials, in the wake of an unfolding humanitarian crisis and by direct consequence of United States foreign policy. They deserve ongoing and frequent updates. We ask USCIS to meet with stakeholders regularly regarding the processing of Humanitarian Parole applications from Afghans.

We urge your offices to address these concerns immediately.

Signed,

Afghan Network for Advocacy and Resources (Project ANAR)

1. 13 Lines LLC
2. AAG
3. ACCESS of WNY
4. Afghan American Church
5. Afghan-American Community Organization (AACO)
6. Afghan Coalition
7. Afghan Evacuation and Resettlement Lawyers (AERL)
8. Afghan Legal Empowerment Portal
9. Afghan Refugee Relief
10. Afghan Refugee Relief and Aid of Michigan
11. Afghan Scout Relief Fund
12. Afghans For A Better Tomorrow
13. AK Poku Law, PLLC
14. Akin Gump Strauss Hauer & Feld Pro Bono Practice
15. Al Otro Lado
16. Aldea - The People's Justice Center
17. American Immigration Council
18. American Immigration Lawyers Association New England
19. American Muslim Empowerment Network (AMEN)
20. Amnesty International USA
21. Arizona Justice For Our Neighbors
22. Arkansas Coalition of Marshallese
23. ARTogether
24. Asian Services in Action (ASIA)
25. Association of Wartime Allies
26. Azadi Alliance
27. Berkeley Immigration Group
28. Berkeley Law Afghanistan Project
29. Building One Community
30. Burma Refugee Families & Newcomers
31. Cal Voices
32. California Collaborative for Immigrant Justice
33. Capital Area Immigrants' Rights Coalition (CAIR Coalition)
34. Catholic Charities NY, Immigrant and Refugee Services
35. Catholic Legal Immigration Network, Inc.
36. Catholic Multicultural Center
37. Causa Justa :: Just Cause
38. Center for Gender & Refugee Studies
39. Center for Empowering Refugees and Immigrants

40. Central Valley Immigrant Integration Collaborative
41. Central Washington Justice For Our Neighbors
42. Centro Legal de la Raza
43. Christian Reformed Church Office of Social Justice
44. Church World Service
45. Colorado Immigrant Rights Coalition
46. Columbia Law School Immigrants' Rights Clinic
47. Community Action Board of Santa Cruz County, Inc.
48. Community Asylum Seekers Project
49. Community Legal Aid Society, Inc.
50. Community Legal Services in East Palo Alto
51. Community Legal Services, McGeorge Law School
52. Connecticut Institute for Refugees and Immigrants
53. Connecticut Shoreline Indivisible
54. Corazon Healdsburg
55. Cornell Law School Afghanistan Assistance Clinic
56. Council on American-Islamic Relations - Sacramento Valley / Central California
57. Council on American-Islamic Relations, Washington Chapter (CAIR-WA)
58. Curran, Berger & Kludt LLP
59. DaVita Inc.
60. Development Now Initiatives
61. Diocesan Migrant & Refugee Services, Inc.
62. Disciples Immigration Legal Counsel
63. Disciples Refugee & Immigration Ministries
64. Doctors for Camp Closure
65. Dolores Street Community Services
66. East Bay Refugee and Immigrant Forum
67. Equal Access Legal Services
68. EVAC (Evacuating Vocal Afghan Citizens)
69. Fayetteville Justice for Our Neighbors
70. Fletcher Afghan Evacuation & Resettlement Working Group
71. Freedom Now
72. Fresh Start Refugee Assistance Center
73. Georgia Asylum and Immigration Network (GAIN)
74. Grace Church of Evergreen
75. Hanan Refugees Relief Group
76. Harvard Afghan Alliance
77. Hearts & Homes for Refugees
78. HIAS
79. HIAS Pennsylvania



80. Higuera Law
81. Honor the Promise
82. Hope Border Institute
83. Human First Coalition
84. Human Rights First
85. Human Rights Initiative of North Texas
86. Human Rights Watch
87. Immigrant ARC
88. Immigrant Defense Advocates
89. Immigrant Legal Advocacy Project
90. Immigrant Legal Center
91. Immigration Attorneys LLP
92. Immigration Equality
93. Immigration Hub
94. Immigration Institute of the Bay Area
95. Innovation Law Lab
96. Institute for Women in Migration (IMUMI)
97. International Civil Society Action Network (ICAN)
98. International Institute of New England
99. International Refugee Assistance Project (IRAP)
100. International Rescue Committee
101. Japanese American Citizens League
102. Jewish Family & Community Services - East Bay
103. Just Neighbors Ministry
104. Justice Action Center
105. Justice for Our Neighbors El Paso
106. Justice for Our Neighbors Michigan
107. Kehilla Community Synagogue
108. Khanbabai Immigration Law
109. Kurdish Alliance of North America
110. La Raza Community Resource Center
111. Latin Advocacy Network (LATINAN)
112. Law Foundation of Silicon Valley
113. Law Office of Ban Al-Wardi
114. Law Office of Helen Lawrence
115. Law Office of J. Lance Conklin
116. Law Office of Jennifer L. Hennessey
117. Law Office of Parastoo G Zahedi Esquire
118. Law Office of Patavee Vanadilok, P.C.
119. Law Office of Renee C. Redman LLC

120. Law Office of Spojmie Nasiri, PC
121. Leadership Conference of Women Religious
122. Long Beach Immigrant Rights Coalition
123. Lutheran Immigration and Refugee Service
124. Maine Immigrants Rights Coalition
125. Mainers for Accountable Leadership Action
126. MAPS-AMEN (American Muslim Empowerment Network)
127. MH Global Immigration & Mobility Consulting
128. Miami Valley Immigration Coalition
129. Michigan Immigrant Rights Center (MIRC)
130. Migrant Center for Human Rights
131. National Immigrant Justice Center
132. National Immigration Forum
133. National Immigration Law Center
134. National Iranian American Council
135. National Justice for Our Neighbors
136. National Network for Immigrant and Refugee Rights
137. New American Pathways
138. New England Justice for Our Neighbors
139. New York Conference UMC Board of Church and Society
140. New York Immigration Coalition
141. New York Legal Assistance Group
142. Nilsen Immigration Law
143. NorCal Resist
144. North Bay Rapid Response Network: Solano, Napa and Sonoma Counties
145. Northwest Immigrant Rights Project
146. NuruZan, Inc.
147. NYSBA International Section Afghan Task Force
148. Oasis Legal Services
149. Open Door Legal
150. Open Immigration Legal Services
151. Operation Freedom Birds
152. Operation North Star
153. Operation Recovery
154. Operation Sacred Promise
155. Oxfam America
156. Pangea Legal Services
157. Pars Equality Center
158. Partnership for the Advancement of New Americans (PANA)
159. Parwana's People

160. Pilgrim Congregational UCC
161. Presidents' Alliance on Higher Education and Immigration
162. Prime Counsel, PLLC
163. Public Counsel
164. Race Matters, First Congregational UCC
165. Rainbow Beginnings
166. Refugee & Immigrant Assistance Center
167. Refugee & Immigrant Transitions
168. Refugee Congress
169. Refugee Council USA
170. Refugee Empowerment Center
171. Refugee Empowerment Program
172. Refugee Solidarity Network
173. Refugees International
174. Reinaert LLC
175. Rian Immigrant Center
176. San Francisco Immigrant Legal & Education Network
177. San Joaquin College of Law - New American Legal Clinic
178. SB County Immigrant Legal Defense Center
179. Services, Immigrant Rights And Education Network (SIREN)
180. Sikh Coalition
181. Sisters of Mercy of the Americas Justice Team
182. SLC Consulting, Inc.
183. Society For The Advancement of Judaism
184. Sound Central
185. South Asian Americans Leading Together (SAALT)
186. South Asian Bar Association Chicago
187. Street Level Health Project
188. Student Clinic for Immigrant Justice
189. T'ruah: The Rabbinic Call for Human Rights
190. Tahirih Justice Center
191. Talent Beyond Boundaries
192. Tarjoman Relief
193. Task Force Antal
194. Team America Relief
195. Team Hope/Enduring Hope Alliance
196. Team Spirit
197. The Afghan-American Foundation
198. The Lamia Afghan Foundation
199. Truman-Veritas Afghan Alliance

200. US Campaign for Palestinian Rights
201. U.S. Committee for Refugees and Immigrants
202. UC Davis Immigration Law Clinic
203. Unitarian Universalist Service Committee
204. University of San Francisco Immigration & Deportation Defense Clinic
205. UnLocal
206. USC Law International Human Rights Clinic
207. Ustun Law International, PLLC
208. Van Der Hout LLP
209. VECINA
210. Veteran Esquire Legal Solutions, PLLC
211. Veterans for American Ideals
212. Victoria L. Block Law
213. Viets For Afghans
214. Welcoming Alliance for Refugee Ministry (WARM)
215. Werner-Kohnstamm Family Giving Fund
216. Westchester Jewish Coalition for Immigration
217. Western New York Peace Center
218. Win Without War
219. Wind of the Spirit Immigrant Resource Center
220. With Honor
221. Women for Afghan Women Organization
222. World Education Services
223. World Relief
224. WOW Explorations
225. #AfghanEvac

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