



(U.S. Air Force photo by Staff Sgt. Brandon Cribelar)



# Afghan Evacuation Crisis

## Three Years of Legal Response

## Overview

**Afghan Evacuation:** Since August 2021, approximately 80,000-90,000 Afghan nationals arrived in the United States through the Department of Homeland Security's Operation Allies Refuge/Operation Allies Welcome program, a federal program that assisted vulnerable Afghans, including those who worked alongside the United States in Afghanistan prior to 2021, to safely resettle in the United States. As a resettlement agency, IRC was responsible for providing holistic, wrap-around resettlement services such as case management, housing, employment support, and legal services for around **12,000** of these evacuees.

**Immigration Legal Context:** Afghans arriving through Operation Allies Welcome received **parole**, permission to enter and **temporarily** remain in the US for humanitarian reasons. It was the first time since the passage of the Refugee Act of 1980 that the US government relocated a large number of individuals fleeing persecution to the US without first granting refugee status overseas. This meant that despite significant US support for Afghans arriving in the US, Afghan parolees nevertheless had to navigate the complex US immigration system to try to identify potential pathways to permanent protection and status. Some would be eligible to adjust status as Special Immigrant Visa holders. Others could derive status from family members already residing in the US, and others would need to navigate the asylum process.

**Legal Services Response:** IRC's legal services programs nearly doubled overnight to provide adequate response to community needs, aided by funding from ORR and private donors. Legal Services teams immediately began the process of providing individual legal screenings to **all** adult Afghan parolee clients, with the aim of identifying appropriate pathways to permanent status. In the months and years that followed, IRC provided large-scale direct legal services across the US, and built partnerships to facilitate legal referrals beyond IRC's legal services program's capacity. IRC also advocated for the proposed Afghan Adjustment Act, and for the extension of TPS and Humanitarian Parole for Afghans.

# Afghan Clients Served: *August 2021 - September 2024*



**10,542**

Unique Clients Served



**55%    45%**

Men

Women



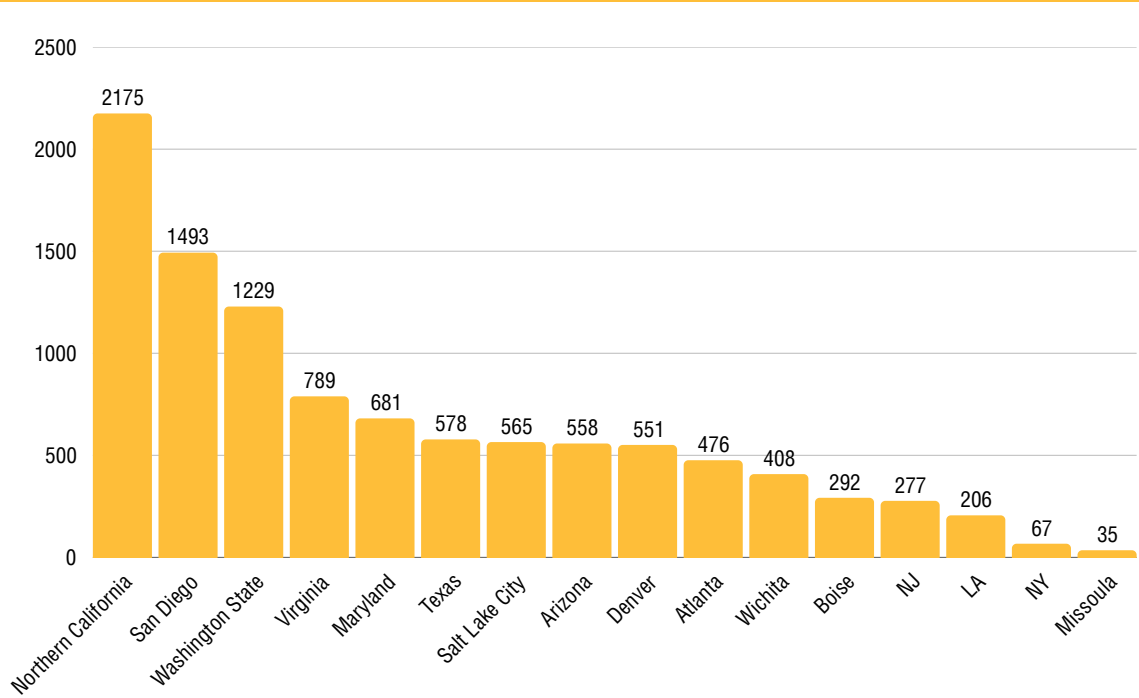
**3,318**

Children Under 18

Among clients receiving direct legal services, including consultations and filings.



## Unique Clients Served by Office



### In Context

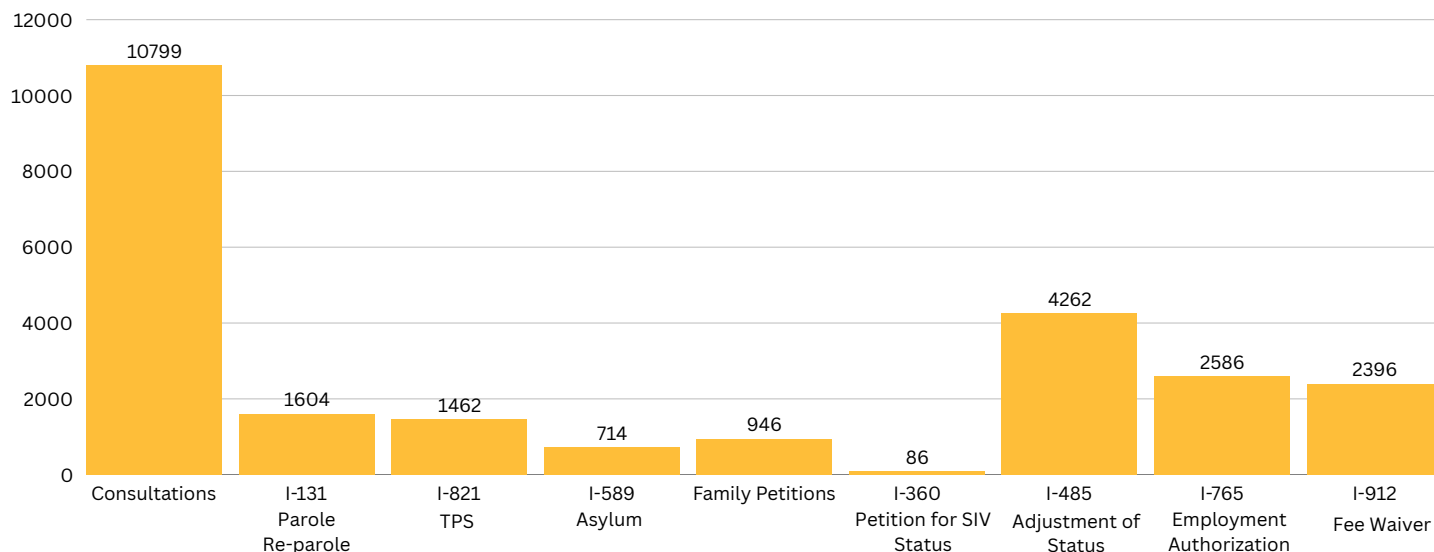
Between FY22 and FY24, resettled Afghans represented **29%** of all clients served by IRC Legal Services.

California, Washington State, Virginia, and Texas (regions with larger Afghan populations prior to 2021) became hotspots for Afghan resettlement.


# Services to Afghan Clients


## Top Services to Afghan Clients

August 2021 - September 2024



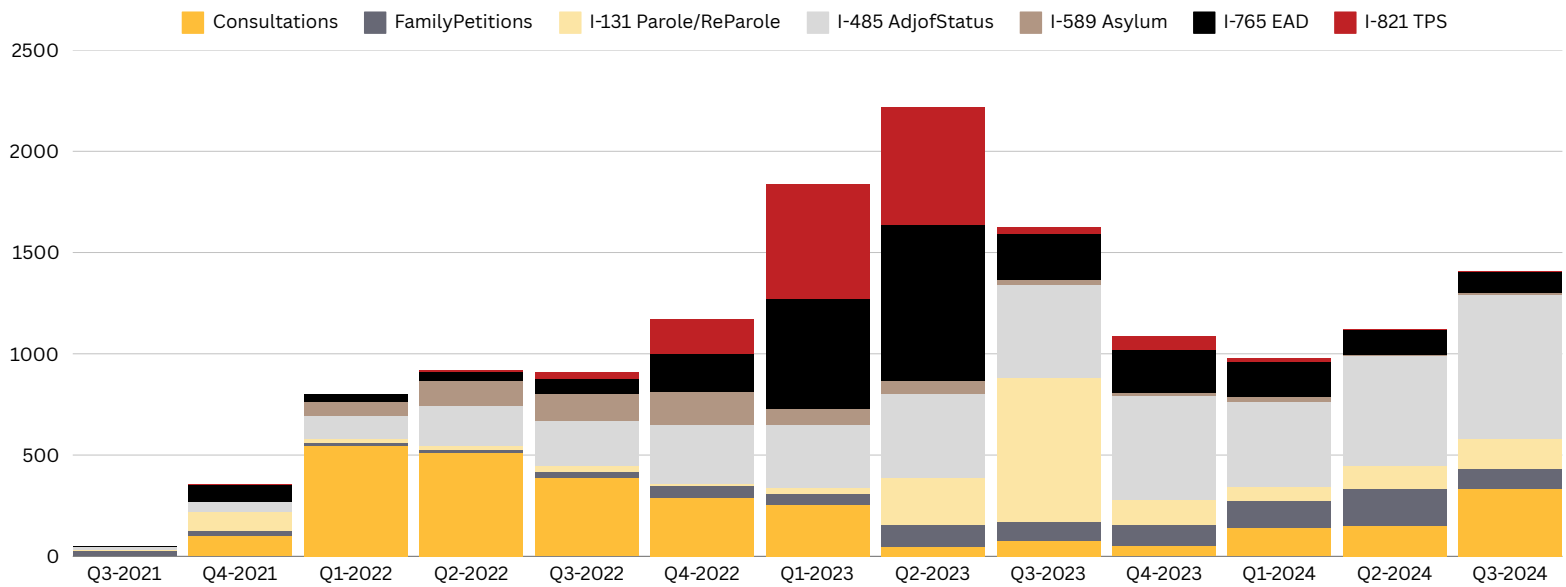
- Adjustment of Status (I-485) filings include Afghan clients adjusting to Lawful Permanent Resident status based on SIV, Asylum, or Refugee status, or based on family petitions.
- Asylum applications are filed by a principal applicant and include derivative family members. The **714** applications for principle applicants above included **1,065 derivatives applicants**.
- Family petitions (including I-130, I-730, I-129F, DS-260, and I-864) help reunite resettled Afghans with family members still in danger in Afghanistan and other countries.

 Between FY22 and FY24, **45%** of all legal services provided have been provided to Afghan clients. In total, **26,814** services were provided.

 On average, Afghan clients served by IRC reviewed **more than 2** unique legal services. While some clients were referred to other legal service providers after a consultation, many clients returned for ongoing legal support across the above categories. Some clients received **upwards of 10 or even 20 legal services**.

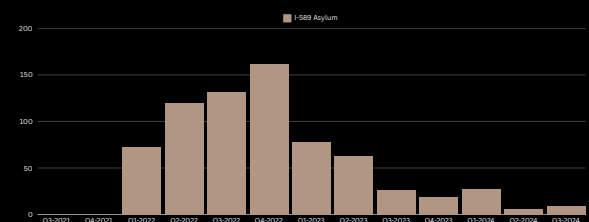
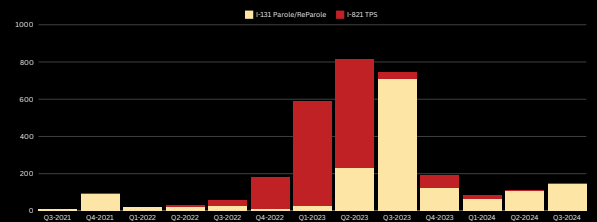
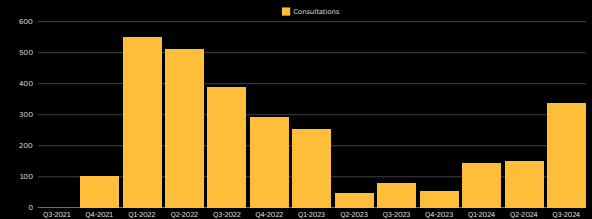
# Services to Afghan Clients

## Trends in Services Over Time



## Response In Context

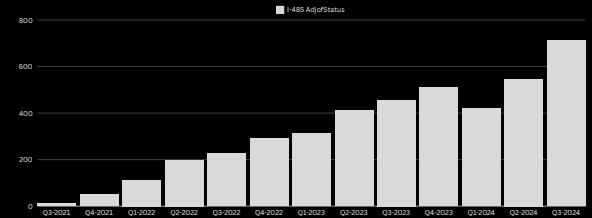
- Consultations peaked in Q1 of FY22, when IRC local offices began serving Afghan parolees. Many offices held group processing events to meet the community need.
- With no automatic pathway to permanent residency and time running out in many clients' initial 2-year parole period, maintaining temporary status became a priority. Offices held further group processing events to help transition clients to Temporary Protected Status (TPS) which was designated for Afghanistan in May 2022, and later apply for Re-parole during FY23.
- By the end of FY22, IRC local offices with capacity began filing asylum applications for clients identified by legal screenings as strong candidates. Ten IRC local offices provided asylum services. Many other clients were referred to community partners for assistance with the first step in their pathway to permanent residence.





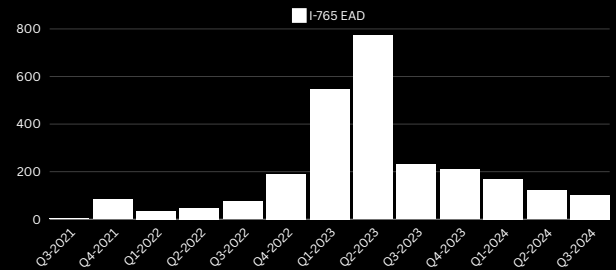
# Trends in Services Over Time

■ Applications for Adjustment of Status (AoS) for Afghans rose over the course of the response. Afghans who had been approved for Asylum and SIV returned to IRC for assistance with AoS. IRC also assisted with AoS for subsequent waves of Afghan evacuees who were admitted with Refugee status after processing abroad.

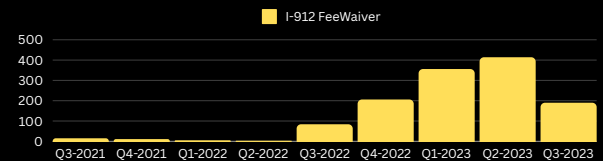


## Concurrent Services

■ **Employment Authorization:** applications for employment authorization peaked along with applications to renew or transition between temporary immigration statuses (TPS and Re-parole). The risk of losing employment authorization posed yet another challenge for resettled Afghans without permanent legal status in the United States.



■ **Fee Waiver:** while USCIS waived fees for certain filings (e.g. SIV Adjustment of Status) for Afghan nationals, other applications like TPS still required application fees. IRC staff helped clients gather evidence to apply for income-based fee waivers to access critical legal services.





# Takeaways

- **Adaptability:** In order to meet IRC's Afghan client community needs under unprecedented scale and velocity, IRC formed an HQ-based Afghan Legal Response Team—comprised of four licensed attorneys—to build capacity at IRC's legal services programs at 24 US offices. The team provided in-depth trainings on topics such as SIV (a new legal service for IRC); developed pro se asylum clinic models; advised on complex legal cases; and, collectively, made 17 deployments to 10 IRC offices for a total of 19 weeks of on-site support and development. IRC Immigration staff network-wide not only adjusted to a huge shift from the traditional demographic and legal context of clients served by IRC, but continued to adapt at scale to the changing legal needs and options for Afghan clients over the past 3 years.
- **Pitfalls of Temporary Immigration Status:** Afghan parolees faced challenges not shared by previous groups of humanitarian evacuees, since they arrived without a streamlined pathway to permanent legal status. The uncertain legal status of Afghan parolees required ongoing legal assistance. Even for those eligible for immigration benefits, navigating the immigration system created heavy burdens of time, effort, and money. In many communities, the legal needs of Afghan evacuees strained the capacity and expertise of pro bono legal service providers, and long processing times for some benefits left applicants in limbo. Many individuals who arrived through Afghan parole still had not obtained permanent legal status at the time of their most recent IRC legal service.

Since 2021, resettled Afghans have adjusted to life in the US, pursuing careers and schooling while still navigating lengthy immigration pathways to permanent legal status.



# Outcomes: Status of Benefits Applications

Because of the scale of the response to the Afghan evacuation crisis, many legal services took place in pro se clinics. For services for which IRC did not enter direct representation, outcomes are not known. In addition, while the government expedited processing for some applications for Afghan parolees (e.g. Asylum), others, like Adjustment of Status, have processed slowly, and many are still pending. This makes quantifying the ultimate outcomes of Afghan legal services difficult. **What we do know about applications for temporary protections and permanent status:**

## Adjustment of Status (I- 485)

**4,262** I-485 applications filed: Out of **2,107** adjudicated applications, **2,036** were approved. This is a **95%** approval rate among cases with known outcomes.

## Asylum (I-589)

**714** asylum applications filed: Out of **468** adjudicated applications, **454** were approved. This is an approval rate of **97%** of cases with known outcomes.

## Re-Parole (I-131)

**1,604** applications for re-parole filed: The majority of re-parole cases were filed pro se, and outcomes are unknown. However, among **506** re-parole applications with known outcomes, **473** approvals were recorded. This is a **93%** approval rate among cases with known outcomes.

## TPS (I-821)

**1,462** applications for TPS filed: The majority of TPS cases were filed pro se, and outcomes are unknown. However, among **391** TPS applications with known outcomes, **349** approvals were recorded. This is an **88%** approval rate among cases with known outcomes.



## Asylum and Permanent Residency

Of the over 700 principal asylum applicants (and their 1,065 derivatives) directly assisted by IRC, over 30% have already been approved and filed for Adjustment of Status with IRC assistance.



## Temporary Status to Permanent Residency

Around 2,400 clients received direct assistance from IRC to maintain or move between temporary immigration statuses (TPS or re-parole). Among those clients, 44% eventually applied to adjust status under any category (i.e. asylum, family-based, and SIV petitions) with IRC's help after identifying a pathway to permanent residency.



## Referrals

Around 25% of resettled Afghans received *only* a legal screening from IRC. For these clients, data on current immigration status is not available. Based on considerations for capacity, scope of IRC legal services, and expertise, many offices referred Afghan parolees to community partners for further assistance.

# Advocacy for Detained Afghans

Since 2021, IRC's has provided assistance to Afghans improperly apprehended and detained by ICE at the border. IRC's advocacy led to their release and brought to light ICE's discriminatory practices against asylum-seeking Afghans:

- **ABC** – was an Afghan journalist who managed one of the first schools for young women in Afghanistan and lectured on women's rights. He was targeted by the Taliban, imprisoned, and tortured. ABC fled and IRC assisted with his parole request and appeal, after the initial denial. He was eventually granted parole and filed for asylum with help from IRC. His asylum case is currently still pending.
- **XYZ** - was an Afghan government contractor and youth activist who helped orphans and widows of Afghan soldiers killed by the Taliban. He had a pending Special Immigration Visa (SIV) due to his wife's work for the US government. His brother also served as a translator for NATO forces. Therefore, the family was threatened by the Taliban. IRC filed his parole request and appeal, after it was rejected. He was granted parole and IRC is representing him in his asylum claim.
- **Deportation Defense and LA Times Investigation:** As a result of these and other cases, IRC uncovered a broader initiative to target and prosecute migrants of Muslim majority countries. IRC's Technical Advisor worked tirelessly to help many Afghan clients who were unfairly detained to be released from ICE custody. Over six months, IRC collaborated with the *Los Angeles Times* to review hundreds of cases and analyze the prosecutorial trends. This resulted in [an article](#) published in August 2023. The prosecutions are now being investigated by DHS and the ACLU.

## Case Story: Asylum to Permanent Residence in Utah

For 5 years, Hamid\* worked in protection and security for the Afghan government, even working closely with the former Afghan president. Shortly before the collapse of Kabul, Hamid received multiple threats from the Taliban, who labeled him a “non-believer” and a pro-US agent and even called for his execution. Hamid was evacuated from Afghanistan in August 2021, and arrived in Salt Lake City through Operation Allies Welcome.

IRC legal staff identified Hamid as a strong candidate for asylum, and connected him to a community partner, an attorney who assisted with his asylum application pro bono. Hamid and his lawyer argued that based on his service with the former Afghan government and the multiple threats made against him by the Taliban, returning to Afghanistan would risk Hamid's life. In 2023, his asylum application was approved.

With his asylum approval in hand, Hamid returned to IRC for further legal assistance. IRC legal staff filed his application for adjustment of status based on asylum. The case was approved, and in 2024, Hamid became a lawful permanent resident and received his green card. In the words of his legal team at IRC Salt Lake City, Hamid is a humble and hardworking person, and is deeply appreciative of the peace and opportunity he has found in the United States.



# Case Story: Impact of Ongoing Afghan Legal Assistance

Safiullah\* arrived in Charlottesville, Virginia as a Special Immigrant Visa holder in 2014. He received initial resettlement services from IRC, including housing assistance and job readiness training. With his SIV green card and IRC support, he quickly adjusted to life in Virginia. Feeling settled, he made a visit back to Afghanistan to get married. When he returned to Charlottesville, he came straight to IRC Immigration to request assistance bringing his new wife Samira\* to the US as the spouse of a green card holder. Local immigration staff helped Safiullah file an I-130 petition for Samira. While the I-130 processed, Safiullah reached his 5-year anniversary of arrival in the United States. He applied for naturalization and became a US citizen in 2020.

During the summer of 2021, Safiullah watched the events unfolding in Afghanistan from Virginia with great concern. He and Samira now had 2 sons, and he feared for his family's safety because of his past work with the US military. As the evacuation began, IRC staff at local offices fielded panicked calls from countless resettled Afghan clients desperate to get their family members out of Afghanistan. Safiullah was among them; IRC immigration staff passed on the limited information available from the Department of State – the government aimed to evacuate the families of SIV holders, like Samira and her sons, who were waiting for their family-based visas to travel to the US. Thankfully, amidst chaos and panic at Hamid Karzai International Airport, Samira and her sons managed to board an evacuation flight.

"They are in Qatar," Safiullah texted the IRC immigration team.

In August 2021, Samira and her sons arrived in Charlottesville, with stamps in their passports granting 2 years of humanitarian parole. Like hundreds of other Afghan parolees, they attended a legal screening workshop at the IRC office, where legal services staff analyzed their cases and provided the family with options. Safiullah could sponsor his wife and sons for adjustment of status right away. In 2022, IRC legal staff prepared family-based I-485 applications for Samira and her sons.

After nearly 2 years pending at USCIS, the I-485s for Samira and her two sons were approved in 2024. Samira was a permanent resident – and even better, now that Safiullah and Samira's sons were green card holders who resided with their US citizen parent, they automatically derived US citizenship from Safiullah! Finally, the whole family could rest assured of their right to live permanently in the United States. Ongoing support from the IRC immigration network helped make it possible, from the initial family petitions, to the parolee legal screenings, and the final applications for adjustment.

\*Client names and dates of services changed to protect clients' anonymity.