

Humanitarian Parole for Afghan Evacuees

Summary

The Biden Administration has evacuated tens of thousands of Afghans from Kabul. Many Afghans are entering the United States on “humanitarian parole,” which allows individuals in urgent situations to enter the United States when they are not otherwise eligible. This Policy Snapshot explains parole in the immigration context, the role of humanitarian parole, when the United States has relied on humanitarian parole before, and the need for Congress to act.

What is Parole in the Immigration Context?

The Secretary of Homeland Security has the power to waive many requirements for physical entry to the United States. This procedure is called “parole” and is authorized under section 212(d)(5) of the [Immigration and Nationality Act \(INA\)](#). Parole is not an immigration status and individuals who enter under parole are not formally admitted to the United States for the purposes of immigration law. The INA limits how individuals paroled into the United States may convert to an immigration status. Individuals paroled into the United States are ineligible for most public services until and unless they convert to a lawful immigration status.

The Secretary of Homeland Security has delegated parole authority to U.S. Citizenship and Immigration Services (USCIS), Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE). These agencies decide on parole applications and can place conditions on parole. To grant parole, the agencies must determine that the individual has urgent humanitarian needs or that there is a significant public benefit to the United States. Individuals may apply for parole directly, or another person may seek parole on an individual’s behalf.

What is Humanitarian Parole?

Humanitarian parole is a grant of parole justified under the INA by a determination that there exist “urgent humanitarian reasons” for an individual to enter the country. When immigration advocates and experts use the phrase “humanitarian parole,” they generally refer to parole for a “[compelling emergency](#),” although other forms of parole may be justified on general humanitarian

WHO WE ARE

The U.S. Committee for Refugees and Immigrants (USCRI) is a nongovernmental, not-for-profit international organization that responds to the needs and advocates for the rights of refugees and immigrants worldwide.

grounds and under the same statutory authority. USCIS decides humanitarian parole requests, and it uses both the degree of potential harm and the time-sensitivity to come to a determination. While the normal maximum period for humanitarian parole is 365 days, the U.S. government announced that [Afghans will be eligible for parole for up to two years](#). Individuals granted humanitarian parole are eligible for work authorization in the United States but are not eligible for refugee resettlement programs or other federal benefits such as Temporary Assistance for Needy Families (TANF) or the Supplemental Nutrition Assistance Program (SNAP).

[How Has Humanitarian Parole Been Used in Past Evacuations?](#)

Following the U.S. withdrawal from Saigon and South Vietnam in 1975, the U.S. government evacuated approximately 120,000 Vietnamese citizens. Between 1975 and 1979, the U.S. government issued 10 different authorizations for Vietnamese to enter and remain in the country. In total, the United States would accept more than 500,000 Vietnamese refugee arrivals. About [170,000 Vietnamese initially entered the United States as parolees](#). The Vietnamese who made homes here were able to gain a legal status and eventually [became U.S. citizens](#): As of 2017, 77% of immigrants born in Vietnam were naturalized U.S. citizens.

[Why is Congressional Action Necessary?](#)

Congress needs to change U.S. law so that the Office of Refugee Resettlement is allowed to help Afghan evacuees. Most Afghans will need assistance to build new lives, including learning English, access to medical services, support to find housing, and cash assistance. A small proportion of evacuated Afghans had completed the Special Immigrant Visa (SIV) process, and they will have access to services. Many more had begun the SIV process but were unable to complete it because of delays in processing by the United States – on average, SIV applicants wait nearly 3 years for their cases to be adjudicated.

The Administration has proposed using money from the State Department's [Emergency Refugee and Migration Assistance account](#) to help parolees. This funding source will not be able to supply enough money to individual Afghans and will not help enough Afghans in need. Without a change in law, Afghans who enter the United States on humanitarian parole will not be eligible for services like SNAP or TANF unless they gain a legal immigration status through asylum, SIV, or a T visa. In the past, the State Department and Department of Homeland Security [have failed to meet Congressional deadlines](#) to adjudicate SIV applications within nine months. Future processing delays could also harm Afghans who are unable to convert their immigration status through no fault of their own.