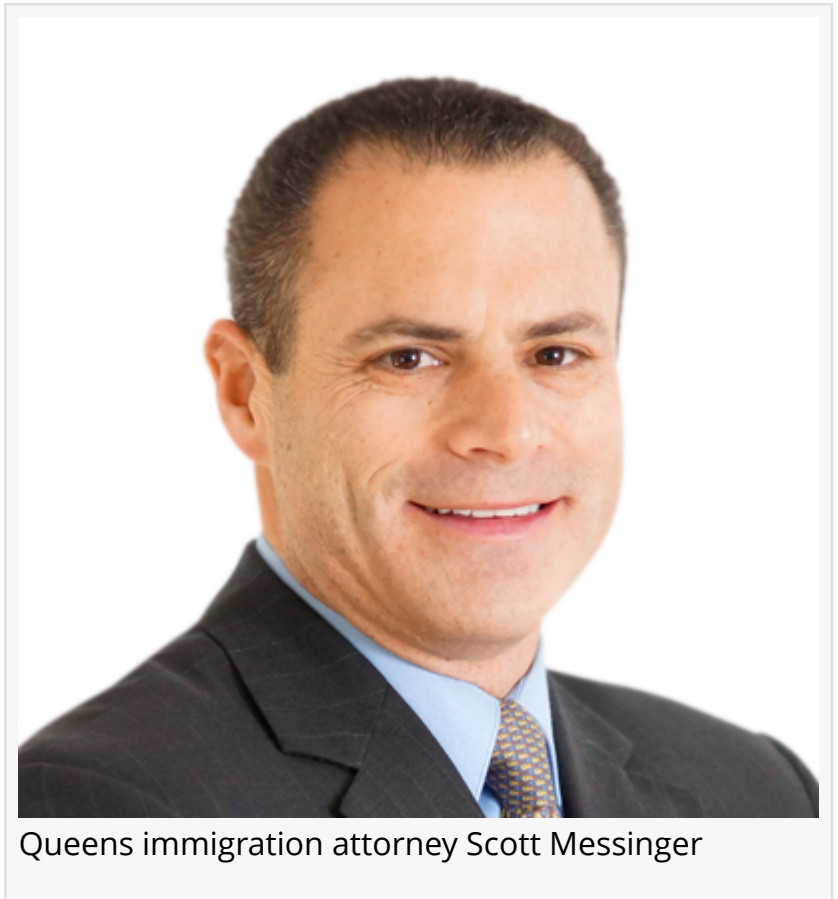


Temporary Parole provides only temporary relief for fleeing Afghans in the United States

Under Operation Allies Refuge, Afghan nationals brought to the United States can be paroled for two years as humanitarian aid parolees. by Haley Larkin

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EINPresswire.com/ -- After the rapid takeover of Kabul by the Taliban, the Biden Administration scrambled to find a way to evacuate thousands of Americans and Afghans to the United States. Under Operation Allies Refuge, qualifying Afghan nationals are being admitted to the United States under a system of immigration parole, regardless of their immigration status.



Queens immigration attorney Scott Messinger

Immigration Parole is an authority granted to the Department of Homeland Security to temporarily admit individuals into the United States without proper immigrant or non-immigrant visas on a case-by-case basis. Individuals must qualify for parole for either humanitarian aid reasons or for "significant public benefit," such as waiting to be a witness in a trial.

Under the Biden Administration's Operation Allies Refuge, Afghan nationals brought to the United States will have the opportunity to be paroled for two years as humanitarian aid parolees. [New York immigration attorney Scott Messinger](#) compares this operation to a similar parole program based on humanitarian reasons, the Haitian Family Reunification Parole (HFRP) Program. HFRP was established in 2014 and was slated for termination in the waning days of the Trump administration, although that decision has since been reversed. Messinger explains that Haitians currently in the United States could also apply for Temporary Protected Status (TPS), allowing them to get work permits on a temporary basis. TPS is available to aliens from designated countries that have experienced a natural disaster or ongoing armed conflict; currently about a dozen countries are covered by TPS, including Haiti.



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*Scott Messinger, Queens, NY
Immigration Attorney*

The Secretary of Homeland Security delegates parole authority to three agencies within the department: U.S. Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), and Customs and Border Patrol (CBP). Parole can be requested inside or outside of the United States. CBP is granted the authority to parole individuals on a case-by-case basis at the port of entry.

Admission to the United States as a parolee is not

considered formal admittance for immigration law purposes, creating a roadblock for any pathway to citizenship because parolees do not qualify for permanent residence. Additionally, conditions can be put on parolees “such as medical screening and reporting requirements,” that must be fulfilled to stay in the United States. Parole status can be revoked at any time without advance notice, and parolees are required to leave the United States at the time their parole expires.

Additionally, parole status is separate from acquiring refugee status. The refugee application process happens entirely outside of the United States. It is a highly-vetted system and can take years to achieve. However, refugees receive immediate benefits and assistance once arriving in the United States, usually in the form of housing assistance, job search and training support, and more general help from resettlement agencies across the United States. Parolees may be eligible to apply for certain benefits, such as a work permit, but they do not have access to the support refugees are guaranteed.

It is possible that Afghan nationals granted parole status could apply for political asylum once inside the United States, provided they meet the criteria for asylum, such as fear of persecution due to religion or nationality. “A parolee could file for political asylum after being granted parole,” says immigration lawyer Scott Messinger. “They could then normally pursue their application here in the U.S.” Asylum is often difficult to get, but it does provide a way to remain in the United States.

Parole is not a new immigration policy; it has been used countless times throughout U.S. history. Congress did not establish the refugee admission process until 1980. Therefore, those fleeing their country out of fear of persecution before 1980 were mostly admitted to the United States as a parolee. For instance, in the 1960s and 1970s, large groups from Cuba and Indochina were admitted as parolees. Currently, the United States has five special parole programs including the Haitian Family Reunification Parole Program, the Cuban Family Reunification Parole Program, the Central American Minor Refugee/Parole Program, the Filipino World War II Veterans Parole Program, and the International Entrepreneur Parole program.

The Department of Homeland Security states that some Afghan nationals “may be eligible to

apply for immigration status through USCIS.” However, this leaves the question of what will happen to the Afghans who were not eligible to apply for immigration status after the two-year parole period expires. Under U.S. refugee and asylee law, if they prove a credible threat of persecution, they most likely will not be able to return to their home country but must leave the United States if they have not obtained a different immigration status at the end of the parole.

Immigration parole is a short-term solution for an issue that has long-term implications. In the past, some parolees were granted permanent residence through an act of Congress. For instance, in 1990, under the Foreign Operations Appropriation Act, Congress enacted the Lautenberg Amendment, allowing certain Soviet and Indochinese nationals to adjust their status to legal permanent residents and to obtain a green card. In 2004, the Specter Amendment extended this policy to certain Iranian nationals of religious minorities. While Afghans will be permitted to stay in the United States under immigration parole for the next two years, it is still uncertain of what their future will be.

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