

# Relief Organizations Brace for Mass Denial of Humanitarian Parole for Afghans Trapped Under Taliban Rule

*This week, the U.S. government began denying humanitarian parole applications and dashing the hopes of thousands of Afghans awaiting rescue.*

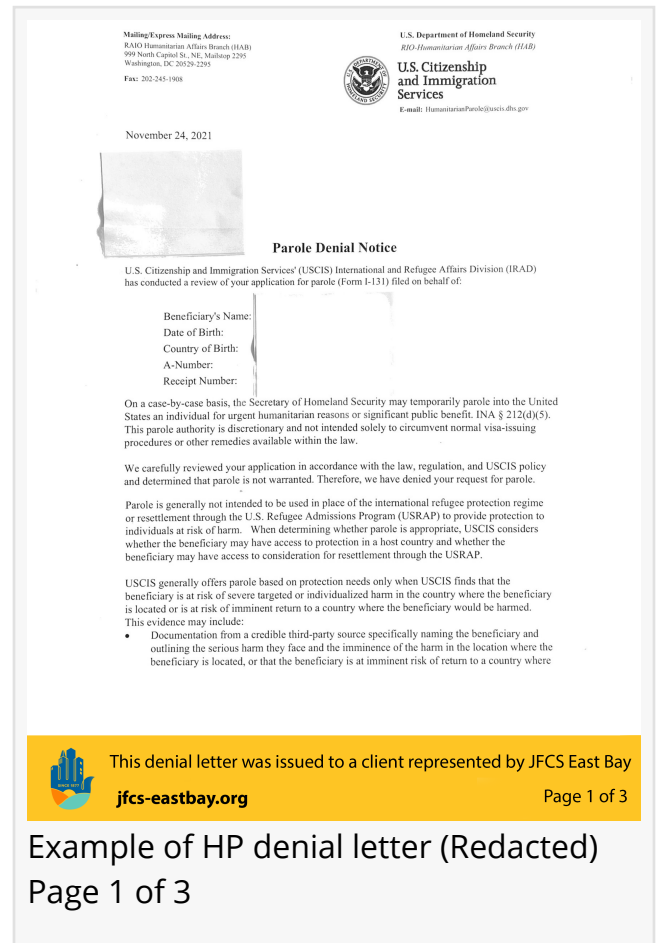
BERKELEY, CA, U.S., December 6, 2021

/EINPresswire.com/ -- In August, the world watched the botched and incomplete evacuation of U.S. allies at Hamid Karzai International Airport in Kabul, Afghanistan, aghast at the horrific images of families physically torn apart by frantic crowds, babies passed through barbed wire fence into the arms of strangers, and victims bloodied, maimed, or killed in the terrorist bombing.

But what then seemed like the height of this humanitarian crisis was, in fact, only the beginning. Since then, thousands of Afghans in communities across the U.S. have been desperate to rescue their loved ones who were left behind. The only legal channel available to most has been the dim hope of humanitarian parole. After months of inaction on these urgent petitions, this week, U.S. Citizenship and Immigration Services (USCIS) began denying them and extinguishing any chance of rescue.

In just four months, [JFCS East Bay](#) has resettled almost 300 Afghan evacuees and anticipates welcoming many more. Our Immigration Legal Services team has assisted in the filing of nearly 100 humanitarian parole applications and covered thousands of dollars in USCIS filing fees since August.

In October, worried by a lack of progress on the humanitarian parole applications, JFCS East Bay signed an open letter along with Project ANAR (the Afghan Network for Advocacy and Resources) and 112 other organizations calling for the U.S. government to address the growing backlog and deficient processing of humanitarian parole applications for Afghans.



Months later, USCIS finally began processing these cases – only to deny them.

The wave of denial letters received by immigration advocates across the U.S. this week articulate—for the first time—a set of stringent new criteria that will exclude the vast majority of Afghan humanitarian parole applicants from eligibility. According to JFCS East Bay Director of Immigration Legal Services, Kyra S. Lilien, “Redacted copies of these denial letters began popping up on listservs from immigration attorneys across the U.S. this week. No one has reported receiving a ‘request for evidence,’ as is the norm before USCIS denies a case. Instead, we all got these flat denials.”

Among other things, USCIS rejection letters are asking applicants to provide “documentation from a credible third-party source specifically naming the beneficiary and outlining the serious harm they face and the imminence of the harm in the location where the beneficiary is located.”

USCIS reports that it has received more than 30,000 such applications. At \$575 per person, USCIS

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*JFCS East Bay Director of  
Immigration Legal Services,  
Kyra S. Lilien*

has likely taken in about \$17,250,000 in application fees from these filings, making this process look like a classic “bait and switch” scam.

“Not only has USCIS created a very high evidentiary standard, it’s announcing these new stringent criteria after the fact, and applying them retroactively to pending applications,” says Lilien. “We have clients who have been waiting for an answer for months. While they wait, their family members have been kidnapped by the Taliban. Afghans are in hiding, freezing, without enough food, while being hunted by the Taliban. Turning the tables on them now is fundamentally unfair.”

“These new USCIS requirements are incongruous with a humanitarian crisis.” Lilien explains. “USCIS cannot expect Afghans who are fleeing for their lives to come up with a notarized statement from their persecutor.”

- the beneficiary will suffer serious harm.
- Evidence of a USCIS grant of a protection-based immigration benefit such as asylum, refugee, or special immigrant status to an immediate family member or same-sex partner of the beneficiary, and the family member is ineligible for derivative status or the risk of serious harm is so imminent that the family member cannot wait for refugee or visa processing.
- Evidence of the beneficiary’s particular vulnerabilities.
- Evidence of the severity and imminence of the harm the beneficiary fears.

In your case, USCIS did not find sufficient evidence of the nature noted above to establish eligibility for parole.

Persons who believe they are in need of protection due to persecution or fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion should contact the United Nations High Commissioner for Refugees (UNHCR) to assess the protection issue and determine whether resettlement is the best solution for an individual or family. For more information, please go to [www.UNHCR.org](http://www.UNHCR.org).

For further information on access to the U.S. Refugee Admissions Program (USRAP), please visit the Department of State [Refugee Admissions](https://www.state.gov/refugee-admissions/) website at <https://www.state.gov/refugee-admissions/>. The Department of State recently announced a new USRAP Priority 2 designation for certain Afghan nationals who have worked with the U.S. government, on U.S. government-funded programs or projects, or for U.S.-based non-governmental organizations and media organizations.

USCIS is unable to complete processing of this application while the beneficiary is in Afghanistan. If the beneficiary is able to leave Afghanistan, the beneficiary should contact the United Nations High Commissioner for Refugees (UNHCR) to assess the need for protection and determine whether resettlement is the best solution for an individual or family. For more information, please go to [www.UNHCR.org](http://www.UNHCR.org). Parole is not intended to replace established refugee processing channels.

If the beneficiary is at imminent risk of severe harm in a third country or at imminent risk of forced return to Afghanistan, you may contact USCIS at [HPNotifications@uscis.dhs.gov](mailto:HPNotifications@uscis.dhs.gov) with information on whether the beneficiary has contacted UNHCR for protection assistance and third-party credible evidence of the risk of severe and imminent harm. USCIS will consider reopening the denial for no fee and reconsidering the parole request if sufficient new evidence is provided within one year from the date of this denial letter.

At this time, USCIS is not authorizing parole for SIV applicants who have not yet received Chief of Mission approval, absent other compelling reasons for parole. The U.S. government is committed to expeditiously processing visa applications for Afghan nationals who may be eligible for a Special Immigrant Visa (SIV). For more information on eligibility for an SIV, including obtaining Chief of Mission approval, please refer to the Department of State website at [www.state.gov](http://www.state.gov).

If you believe we have incorrectly decided your case, you may file a motion requesting us to reconsider our decision, reopen the proceeding, or both. In contrast, you may not file an



This denial letter was issued to a client represented by JFCS East Bay

[jfcs-eastbay.org](http://jfcs-eastbay.org)

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Example of HP denial letter (Redacted)  
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The USCIS denial letters lay bare the utter abandonment of Afghan allies whom the U.S. government failed to evacuate, advising persons who fear persecution to find their own way out of Afghanistan so that they may seek refugee status through the United Nations. The problem with that approach is that achieving refugee status can take a lifetime.

“Instead of coming up with impossibly narrow criteria,” says Lilien, “USCIS should create an Afghan Parole Program that would allow for parole based on generalized risk, without requiring specific evidence of individualized harm. The Taliban is no longer making headlines in the U.S., but immigration advocates are hearing the real story from our clients. It is only a matter of time before they will be beaten, tortured, or killed because of their association with the U.S. Making them wait until that happens, just so they can prove they really are in danger, is repugnant.”

The U.S. cannot wash its hands of Afghanistan and move on. The U.S. has a responsibility to process these Afghan humanitarian parole applications fairly and live up to its professed promise to leave no one behind.

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administrative “appeal.”

The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Form I-290B, Notice of Appeal or Motion, within 33 days of the date of this decision with the proper fee amount or a request for a fee waiver. This time period includes three days added for service by mail. The Form I-290B website ([www.uscis.gov/i-290b](http://www.uscis.gov/i-290b)) contains the latest information on fee, filing location, and other requirements. Include a copy of this Denial Notice with any I-290B filing.

For Humanitarian Parole applications, the mailing address for I-290B motions is:

**U.S. Postal Service:**  
P.O. Box 660119  
Dallas, TX 75266-0119

**Fed Ex, UPS, and DHL Deliveries:**  
Attn: I-290B Manual Process  
2501 S. State Hwy 121 Business  
Suite 400  
Lewisville, TX 75067

Alternatively, you may file a new Form I-131, Application for a Travel Document, with filing fee (or Form I-912, Request for Fee Waiver) and supporting evidence, including any significant new facts that are relevant to the application for parole. Additional information on required documentation can be found on our website at <https://www.uscis.gov/humanitarian/humanitarian-or-significant-public-benefit-parole-for-individuals-outside-the-united-states>.

As the I-131 petitioner, you are responsible for communicating this information to the beneficiary.

If you have other questions, please visit our website at <https://www.uscis.gov/contactcenter>.

Sincerely,

JOHN W BIRD

For John W. Bird  
Chief, Humanitarian Affairs Branch  
cc: Karen Anne BIRD

Digitally signed by JOHN W BIRD  
Date: 2021.11.24 07:40:08 -0500



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