

Humanitarian Parole (HP) for Afghans & the Impact of Recently Released USCIS HP Training and Guidance Documents

Practice Advisory - February 22, 2024

In this practice advisory,¹ we share [USCIS HP guidance documents](#) that were recently released through the Freedom of Information Act (FOIA) to IRAP and the American Immigration Council (AIC),² provide tips to practitioners on how the documents may be helpful, and answer some frequently asked questions about the HP process for Afghan applicants.³

We stress that overall the vast majority of Afghan HP applications remain pending, many for over two years now, in an incredibly delayed process that statistics released thus far show has had a low approval rate.⁴ Despite the limited utility of HP as a pathway to safety for Afghans thus far, some of the recently released training and guidance documents

¹ This publication is intended for a legal practitioner audience and for informational purposes only. It is not legal advice and does not create an attorney-client relationship. Immigration law and policy change rapidly, and practitioners should confirm whether the law or policy has changed since the date of publication.

² The USCIS HP guidance documents were released through FOIA litigation. Some of the documents were released to IRAP and the American Immigration Council through a FOIA to USCIS seeking guidance and training related to Afghan humanitarian parole and related processes. See [IRAP, FOIA: USCIS Processing of Humanitarian Parole](#) for a copy of the requests, complaint, and link to all documents released. Other documents were released to IRAP through a FOIA to USCIS on Central American Minor parole processing. See [IRAP, FOIA: CAM Parole Application Policies and Procedures](#) for a copy of the FOIA request. Please note that for ease of access, this practice advisory provides direct links to USCIS agency documents hosted on the website DocumentCloud, often with annotations to allow for direct links to a key part of the document, in lieu of standard citations. Advocates who would like a copy of an original document (without annotations) can use the “Original Document (PDF)” option on DocumentCloud and download the original record released to IRAP and the American Immigration Council (AIC) through the Freedom of Information Act (FOIA). Please contact IRAP at legal-practitioner-resources@refugeerights.org if any link is broken.

³ Although this advisory focuses on Afghan applicants, many of the USCIS guidance documents are generally applicable to humanitarian parole applicants. This advisory is not a full step-by-step guide to humanitarian parole filings. For additional background, practitioners can review Project ANAR’s [Afghan Humanitarian Parole Checklist and Pointers](#), VECINA’s [HP training course](#), the Immigration Legal Resource Center’s (ILRC) [Parole in Immigration Law](#) manual, or CLINIC’s [All About Parole](#) guide. For applicants, IRAP’s legal information guide, [How Do I Apply for Humanitarian Parole in the U.S.?](#) is available in English, Dari, Pashto, and other languages. For initial media coverage of USCIS changes in HP adjudication policies when they happened but before the agency documents were publicly available, see Camilo Montoya-Galvez, CBS News, [U.S. expands eligibility for Afghans and others seeking entry on humanitarian grounds](#) (July 1, 2022).

⁴ See Reveal, [Afghanistan’s Recognition Problem](#) (August 13, 2022), and American Immigration Council, [Agency Failures Make Obtaining Humanitarian Parole Almost Impossible for Afghans](#), (March 16, 2023). Statistics are through April 2022 so would not reflect changes as a result of the changes highlighted in this advisory.

contain a number of modest changes and additional insights that may be helpful in certain cases, and we recommend that practitioners use the documents and tips as they advocate for clients.

Below, we begin with some key takeaways from the recently released USCIS guidance and training on HP generally and on Afghan HP processing. Next, we go through [frequently asked questions](#) and answers on Afghan HP processing. We conclude with two appendices—a [chart with a side-by-side comparison of key parts of the 2017 and 2022 trainings](#) and a document [listing and linking to each of the newly released documents](#) with a more detailed analysis of changes.

Four Practitioner Tips Based on the Recently Released USCIS HP Guidance

Of the recently released USCIS HP policy documents, the most useful are likely to be the newest publicly available version of [USCIS's HP training module](#), which serves as the main agency guidance document on HP eligibility standards and contains substantially revised guidance for cases involving applications based on ["targeted harm."](#) and an [October 2022 memorandum on Afghan HP adjudications](#) that provides some additional context on Afghan adjudications that has a bit more detail than publicly available information for Afghans on [USCIS's website](#). Other recently released documents, such as more technical [Standard Operating Procedures \(SOPs\) on parole](#), [fee waivers SOPs](#), [parole adjudication worksheet](#) (2017), and [RFE guidance & templates](#) (2017) for parole adjudications, may also be helpful. In reviewing the documents, our four main practitioner tips are:

- 1. In cases where a client demonstrates a risk of targeted harm due to membership in an at-risk group rather than specific individual threats, advocates should follow and cite to the improved standards in the 2022 training module that make it easier to receive humanitarian parole due to membership in an at-risk group.** USCIS made several changes to its training module that could help applicants seeking parole based on at-risk group membership:
 - First, in the 2022 training, USCIS removed language from its training that instructed officers as a matter of policy to [generally deny cases](#) based on targeted harm due to membership in a risk group and added [detail on the standard for targeted harm due to group membership](#).

- Second, USCIS removed language stating that for a targeted harm application to be approved there generally “[must be](#)” credible, third-party evidence and to look for evidence of a threat “[to the applicant specifically](#)” and instead notes that while that is the best evidence, officers should accept [other strong evidence](#) such as reliable country conditions and evidence of group membership.
2. **Advocates should highlight particular vulnerabilities and other positive factors in HP submissions that apply, provide any evidence of those vulnerabilities and factors, and note the relevant guidance.** The standard for HP applications based solely on “targeted harm” is challenging, but new language in the HP training module emphasizes an officer’s flexibility to approve cases when an applicant either has other [particular vulnerability](#) and the Afghan HP memo contains a similar instruction if [other strong positive factors](#) like family unity are present.
 3. **For U.S.-affiliated Afghan applicants, cite to USCIS’s finding of a significant public benefit policy in the U.S. not abandoning Afghan allies and ensure letters of support can be authenticated and given full evidentiary weight.** The Afghan HP memo has a specific finding that there is a [significant public benefit](#) in sending a message that the U.S. will not abandon Afghan allies including family members, which offers a basis for approval in addition to urgent humanitarian reasons. The memo also notes that USCIS officers will [verify and authenticate letters](#) from U.S. government officials or former employers, so it is important to ensure that there is an official email address or other evidence to ensure they are given full evidentiary weight.
 4. **If applicable, submit evidence of risks to beneficiaries in third countries and evidence related to the timeline of any other available immigration process.** New language in several sections of the 2022 HP training instructs adjudicators to consider risks facing applicants in [third countries](#). The Afghan HP memo also instructs officers processing applications for I-130 or I-730 beneficiaries to [consider risks and the timeline in third countries](#), as well as specifically noting the extended consular wait times for I-730 interviews/processing.

Frequently Asked Questions About HP Adjudications for Afghan Applicants

Below, we try to address some of the common questions and issues that practitioners have raised about the HP process for Afghans and provide the information we have available, including a few references to the recently-released USCIS policies.

How long are HP filings for Afghans taking as of early 2024? Has USCIS still approved less than 1% of applications?

Unfortunately, we do not have more recent data on timelines on decisions since the release of data to [Reveal](#) and separately, [AIC and IRAP](#), covering decisions through mid-2022. Anecdotally, the vast majority of Afghan HP filings appear to remain pending but we have seen a slow increase in the number of decisions and relatively more approvals.

Given the delays and low numbers of approvals, is it worth filing an HP application?

Whether to file HP will of course be specific to the client's circumstances. We recommend reviewing the information about "Eligibility" criteria on USCIS's [website on Afghan HP](#), the [Afghan HP memo](#), and the relevant [USCIS 2022 HP Training](#) sections that cover factors adjudicators will consider along with how adjudicators are instructed to weigh different kinds of evidence.

Can an applicant applying on their own behalf from overseas file for a fee waiver and is USCIS granting these?

Applicants filing on their own behalf can file for a fee waiver based on their financial circumstances and you can find examples of filings with a sworn statement (rather than I-912) in [IRAP's materials](#). However, we have seen USCIS reject these sworn statement fee waiver filings more often in 2023. It may be advisable to add new or additional references to [USCIS's SOPs on fee waivers](#) and USCIS's statement on their [Afghan HP website](#) in the "How to Apply" section that "If you are unable to provide documents demonstrating your inability to pay the filing fee as the petitioner, you must provide a detailed explanation. If you provide this detailed explanation, and you are otherwise eligible for a fee waiver, we may grant your request for fee waiver without supporting documents." Another option we have seen work recently is to include a very basic I-912 for the beneficiary overseas with a detailed written fee waiver request statement attached explaining the financial hardship.

Should I file the I-131 online?

Importantly, if you file for a fee waiver, you will not be able to file online. For applicants who cannot afford the fee, especially those filing on their own behalf, this forecloses the online filing option. For applicants intending to pay the filing fee, online filing may be beneficial because it could save a small amount of time in initial mailing, ensure all relevant documentation is properly scanned for the adjudicator, and make it easier to update (updating via myUSCIS for paper filed I-131's is discussed below).

Will filing an I-912 for a fee waiver impact the I-134 sponsorship analysis?

The fee waiver is adjudicated separately from the substantive application including review of the I-134. The USCIS HP training module seems to contemplate a [fee waiver being filed together with an I-134](#) and there does not appear to be any reference in the training to a relationship between the two.

What are common issues leading USCIS to issue Requests for Evidence for Afghan HP applications?

Some common issues that advocates have seen include RFE's for: 1) evidence related to the sponsor; 2) evidence of the relationship between a U.S. family member and the beneficiary; and 3) evidence of targeted harm, 4) evidence of efforts to pursue protection-based pathways.

Advocates can refer to [USCIS's webpage on humanitarian parole generally](#) that lists evidence relevant to the sponsor, USCIS's 2022 training module section on [sponsorship-related evidence](#) including organizational letters in lieu of an I-134, and template RFEs related to [sponsor documents](#) to ensure they have gathered sufficient evidence before filing.

For family relationships, the [USCIS website on humanitarian parole evidence](#) also lists alternative evidence (affidavits, copies of photographs, records of household members) when civil documentation of a family evidence is unavailable. USCIS's RFE template also lists [questions that USCIS](#) may ask in an RFE related to marriage, so it may be helpful to address these in an affidavit. USCIS's training on humanitarian parole [notes that officers have](#)

[discretion](#) to determine who is a “family member” and may grant consider same-sex partners where same-sex marriage is not legal as family members. Advocates could cite this provision in applications where couples could not marry or a parent could not lawfully adopt a child.

Advocates should be cognizant of whether USCIS is requesting evidence related to a material fact such as establishing the identity of the applicant, beneficiary, or sponsor, or a family relationship that forms the basis of a family unity as a discretionary factor, or whether USCIS is improperly requesting evidence about a non-material fact. USCIS’s training module [instructs officers](#) that the relationship between the sponsor and the beneficiary is generally *not* material. If USCIS issues an RFE seeking evidence of the relationship between sponsor and beneficiary and the relationship is not material to the basis for parole, then advocates could cite the training module in their response.

For requests related to targeted harm, advocates can review both [USCIS’s website on HP evidence](#) and the revised standards for evidence in the 2022 training, in particular those related to applications based on targeted harm due to group membership highlighted in the [chart](#) and [appendix](#) below.

For requests related to pursuit of protection-based pathways, advocates should include any efforts to pursue U.S. refugee pathways or register with UNHCR, as well as any barriers they may have to pursuing these pathways and, if applicable, any reasons why their situation requires more urgency than those pathways may provide.

I am an attorney who submitted an Afghan HP application and on my myUSCIS online account:

1) The USCIS notice does not specify which account/receipt number corresponds to which beneficiary as only the applicant’s name is listed; how can I verify which family member’s application a number corresponds to? 2) I cannot see most of the documents originally submitted with the application in myUSCIS—is this normal? 3) If the beneficiary moved to another country, or there are other important changes / new evidence, can I use myUSCIS to update USCIS?

- 1) Attorneys have successfully called the USCIS contact center to clarify the beneficiary for each application.

- 2) USCIS SOP's note that while an Afghan HP case can be linked to a myUSCIS account, the petitioner/representative [will not have access to the scanned packet](#) and supporting evidence originally submitted.
- 3) USCIS SOP's note that attorneys [can update beneficiary contact information using myUSCIS](#) under the document type "beneficiary contact info" and as long as the case is not "closed" USCIS should be notified when unsolicited evidence is uploaded. Attorneys can also email HAB at HumanitarianParole@uscis.dhs.gov.

I received an RFE or an NOID related to inconsistencies in civil documents or evidence related to threats. Do you have any recommendations on responding?

While each response will be specific to the circumstances, we recommend reviewing the [Afghan HP memo](#) from October 2022 and the relevant [USCIS 2022 HP Training](#) sections to ensure that USCIS is following their guidance regarding Afghan civil documents, targeted harm, family unity, and evidentiary requirements, and that your response is tailored to the current standards. You can also review the [USCIS RFE Guidelines & Templates](#), keeping in mind that the document is from 2017 so will not reflect the latest 2022 changes.

Is it possible to apply for or receive parole without a passport?

Yes, it is possible, and we recommend reviewing the Afghan HP memo section on [Afghan passports](#), which notes that where other sufficient evidence to establish identity exists, USCIS can communicate with the relevant consular office that can issue a boarding foil on a form DS-232. However, in certain countries, even though the use of a DS-232 is permitted by U.S. law, consular offices may not be willing to use a DS-232 if the government of the country where the beneficiary resides and is going through consular processing will not allow individuals to legally depart without a passport. Additionally, keep in mind that if a beneficiary is located within Afghanistan or another country that does not have consular processing and the beneficiary does not have a passport, the beneficiary would have to be able to relocate to a country with consular processing before the DS-232 option could be pursued.

If I receive a notice of "Continued Parole Processing" for a client within Afghanistan or a conditional approval notice for a client in another location, what are the next steps in order for a client to receive parole and travel?

Advocates can review the information for Afghans on [USCIS's Afghan HP website](#) alongside the step-by-step information in the Parole Process section of [USCIS's HP evidence website](#). In general, applicants will have to reside in or travel to a U.S. embassy or consulate and:

- Complete a Form DS-160, an online-based non-immigrant visa application;
- Complete required medical examinations;
- Complete an interview / appointment with a consular office to verify identity and take biometric information for security checks; and
- Await the completion of security checks and the issuance of a boarding foil that will allow travel to the U.S. within 30 days of issuance.

Is DOS providing departure assistance to Afghans in Afghanistan who receive a notice of "Continued Parole Processing"?

No, as of February 2024, there is no option for departure assistance through the Coordinator for Afghan Relocation Efforts (CARE) based on an applicant receiving a Notice of Continued Parole Processing. The organization #AfghanEvac maintains a [flight manifest eligibility infographic](#) that can be helpful to consult to determine if a parole beneficiary may qualify through another category.

I received a notice of "Continued Parole Processing" for a client within Afghanistan. For applicants who receive these notices and relocate to countries with consular processing, what timelines are practitioners seeing?

As USCIS's [Afghan HP website](#) notes, these notices are issued for cases where an applicant "initially appear[s] eligible for parole" but is in a location without consular processing like Afghanistan or Iran. Anecdotally, we have observed inconsistent timelines and decisions following relocation and informing USCIS HAB of relocation. Some applicants have been able to complete processing and travel to the United States within several months (including through U.S. Embassy Islamabad), whereas others have had decisions remain pending, received RFEs, or received denials for some family members. In general, it appears that parole consular processing interviews may take place faster than family-based immigration processing at consulates like Islamabad that have substantial interview backlogs. The Afghan HP memo contains information about the [medical examination and vaccine requirements](#) along with exceptions available.

What information or advice do advocates have to prepare for the interview / appointment at a consulate?

In general, [according to USCIS training](#), interviews with consular officers are only to “verify identity and conduct additional limited vetting” and are relatively short and focused on verifying civil documents and identity. USCIS training contrasts HP interviews with “in-depth interviews” for refugee and asylum applicants where officers elicit testimony, verify information, and probe credibility. USCIS training does not appear to contemplate interviews to assess the positive discretionary factors such as a risk of harm or family unity. However, in the new 2022 section on Persecutors, Human Rights Abusers, and National Security Issues, [USCIS training notes](#) that in compelling cases that require an interview to address negative discretionary factors and where USCIS has staff or DOS support, they can “explore[]” such interviews. While these interviews appear to be rare if they are happening at all, if advocates are aware of complex cases, such as those with extensive military history, they may want to nonetheless prepare for the possibility of a more in-depth interview on those topics in particular.

What options have practitioners successfully pursued to challenge denials?

As USCIS’s [Afghan HP website](#) notes, it is possible to file a Motion to Reconsider or to file a new HP application. Some practitioners avoid MTR’s where a fee is required. On its Afghan HP website, USCIS has indicated that they may exempt the filing fee for the first MTR filed for an Afghan HP application denied between August 1, 2021 and September 30, 2023, and that when an MTR is past the 33-day timeline they will still review any evidence submitted for a potential service motion to reopen. Practitioners have reported some success with challenging cases this way. Other practitioners have pursued litigation through challenges under the APA or other grounds and have seen USCIS re-open or review applications.

Side-by-Side: The 2017 and 2022 Trainings on Key Issues

Issue	2017 Training	2022 Training
<p>Does an HP applicant need to submit third-party evidence that they were individually targeted?</p>	<p>In order to exercise discretion favorably in claims where the asserted urgent humanitarian reasons is solely a claim of targeted harm, there must be credible, third-party evidence of the threat.... you should look for credible third party evidence of imminent risk of serious harm to the applicant specifically.</p>	<p>The best evidence, where available, is credible, third-party evidence of the threat to the beneficiary. If there is no credible, third-party evidence of the threat, there may be other strong evidence, such as reliable country conditions reporting widespread or pervasive, systematic targeting of a group facing serious harm and that individuals who are identified as members of the targeted group are likely at imminent risk of serious harm; reliable evidence of the beneficiary's membership in the targeted group; and reliable evidence that the individual or group imposing serious harm is or likely will become aware of the beneficiary's membership.</p>
<p>Can reliable country conditions support a claim of targeted harm based on membership in a targeted group?</p>	<p>[G]eneral reports on country conditions generally would not be considered credible third party evidence of risk of imminent serious harm to an individual, unless the reports contain specific references to the beneficiary or, in some situations, to the beneficiary's immediate family members. Also, evidence of membership in an at risk group in and of itself, generally is insufficient to establish individualized risk of imminent serious harm such that discretion should be exercised to authorize parole.</p>	<p>[G]eneral reports on country conditions typically would not be considered credible third--party evidence of risk of imminent serious harm to an individual, unless the reports contain specific references to the beneficiary or, in some situations, to the beneficiary's immediate family members. Reliable country conditions reports could, however, support a claim of targeted harm based on membership in a targeted group, if country conditions reports show widespread or pervasive, systematic targeting of serious harm directed at a particular group.</p>

Issue	2017 Training	2022 Training
<p>What factors does USCIS consider relevant to the exercise of discretion in cases of targeted harm based on group membership?</p>	<p>As a matter of policy... if the finding of urgent humanitarian reasons is based solely on targeted harm due to membership in a risk group, you generally should exercise discretion to deny the request, absent other compelling factors or a special parole program for individuals of that group.</p>	<p>There may be some cases where the petitioner is unable to provide the type of evidence usually required as a matter of discretion for parole based primarily on targeted harm, but there are other strong positive factors such as family unity or particular vulnerability that, in and of themselves would not merit parole, but when balanced with the information provided with respect to the threat of harm could lead to a positive exercise of discretion, taking into account the totality of the circumstances.</p>
<p>When will USCIS consider threats to a beneficiary's family members as evidence of a threat to the beneficiary?</p>	<p>In some cases, credible evidence [of a imminent serious harm] may consist of USCIS's 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 parole beneficiary:</p> <ul style="list-style-type: none"> • who is ineligible for derivative status, or • for whom the risk of serious harm is so imminent that he or she cannot wait for the processing of his or her derivative application. 	<p><i>Note: the 2022 training contains the 2017 language to the left but following that adds this new, broader provision:</i></p> <p>Established threats or harm to a beneficiary's family members (e.g., such as approval of asylum, refugee status or special immigrant status) may be strong evidence of a threat to the beneficiary depending on the nature of the family relationship and the threats or harm. In assessing the nature of the family relationship, the officer should consider cultural context and the family's economic unit or other dependencies. For example, a group that threatened or persecuted an asylee might similarly threaten the asylee's sibling, depending on the context.</p>

APPENDIX - List, Links, and Analysis of Recently Released USCIS HP Policy and Guidance Documents

Below, we review the recently released USCIS documents, provide a short description of the document, and analyze for the changes in the USCIS HP training module and Afghan HP memo for practitioners.⁵

- [USCIS, International Operations Division, Humanitarian and Significant Public Benefit Parole Training Module \(April 18, 2022 Draft\)](#)
- [USCIS, IRAD, Parole Requests for Afghan Nationals Interim Policies and Procedures \(October 11, 2022\)](#)
- [USCIS, HAB Procedures Manual \(“Parole SOP”\) \(October 7, 2022\)](#)
- [USCIS, Parole Adjudication Worksheet \(November 16, 2017\)](#)
- [USCIS, IO, HAB, Requests for Evidence: Guidance & Templates \(September 12, 2017\)](#)
- [USCIS, Office of Intake Document Production, Intake Operations Division, Standard Operating Procedure, Form I-912, Request for Fee Waiver \(July 16, 2021\)](#)
- [USCIS, Humanitarian Division Vermont Service Center, Fee Waiver Training \(December 2, 2019\)](#)

[USCIS, International Operations Division, Humanitarian and Significant Public Benefit Parole Training Module \(April 18, 2022\)](#)

The HP Training Module is USCIS’s main agency guidance document on how to determine eligibility for parole. Until the full April 18, 2022 version was released through FOIA litigation, the most up-to-date publicly available copy was from [2017](#). IRAP has prepared an [informal document tracking changes](#) from the 2017 HP training module.⁶ Overall, the most significant revisions from the 2017 version of the USCIS HP training module relate to the section on adjudicating parole requests based on a need for protection due to “[Targeted Harm](#)” and make modest tweaks that improve the standards in certain respects. Immediately below, we present a side-by-side comparison of how the 2017 and 2022 trainings address some key questions for HP applicants. Further below, we go through the

⁵ To view all of the HP-related documents that IRAP has obtained through FOIA including emails and other data, see [IRAP’s USCIS HP Document Collection](#).

⁶ Please note that the software used to generate the tracked changes document sometimes misidentifies text or confuses formatting or footnote changes—outside of informal use, practitioners should review the documents themselves to compare changes.

module and highlight specific changes. Practitioners whose clients received denials or RFEs citing the older standards and appear to qualify under the new standards may wish to consider options to reopen or re-file applications.

USCIS Removes Language Disfavoring HP Applications Based on Targeted Harm Due to Group Membership

USCIS's 2017 training explicitly disfavored HP applications due to targeted harm based on group membership, [stating](#): "As a matter of policy, [] if the finding of urgent humanitarian reasons is based solely on targeted harm due to membership in a risk group, you generally should exercise discretion to deny the request, absent other compelling factors or a special parole program for individuals of that group."⁷ USCIS removed this statement from the 2022 training module and, as described below, it further developed the standard for group-based harm.

USCIS Stops Requiring Evidence Specifically Naming the Beneficiary

In terms of evidence, USCIS [instructed officers](#) in its 2017 training that "you should look for credible third party evidence of imminent risk of serious harm [to the applicant specifically](#)" and "where the asserted urgent humanitarian reasons is solely a claim of targeted harm, there [must be credible, third-party evidence of the threat](#)." USCIS's RFR templates from 2017 reflect that approach, including [template language](#) that requests evidence in the form of documentation of threats from a "credible third-party source specifically naming the beneficiary." USCIS's website on evidence for HP request listed this type of evidence and underlined it for emphasis ("documentation from a credible third party source [specifically naming the beneficiary](#)") but did not contain any examples of evidence that could sustain an HP application based on targeted harm due to group membership.⁸ Following denials of Afghan HP applications noting the lack of reliable third-party evidence naming the beneficiary, lawmakers and advocates highlighted the double standard between USCIS's

⁷ Another section of the 2017 training discussing factors relevant to discretion also contains a [similar statement](#) noting that evidence of group membership "generally is insufficient" to receive parole. The 2022 training also removed this statement.

⁸ USCIS, Guidance on Evidence for Certain Types of Humanitarian or Significant Public Benefit Parole Requests (as of July 2021, date last updated 11/23/2016), *available at* Wayback Machine Internet Archive, <https://web.archive.org/web/20210730034311/https://www.uscis.gov/humanitarian/humanitarian-parole/guidance-on-evidence-for-certain-types-of-humanitarian-or-significant-public-benefit-parole-requests>

approach to Ukrainian and Afghan applicants.⁹ In the 2022 training, USCIS instead [instructs officers](#) that while the “best evidence, where available, is credible third-party evidence of the threat,” other “strong evidence” may exist. The training [indicates](#) that the other strong evidence includes:

reliable country conditions reporting widespread or pervasive, systematic targeting of a group facing serious harm and that individuals who are identified as members of the targeted group are likely at imminent risk of serious harm; reliable evidence of the beneficiary's membership in the targeted group; and reliable evidence that the individual or group imposing serious harm is or likely will become aware of the beneficiary's membership.

USCIS Develops the Standard for Targeted Harm Based on Group Membership

In the 2022 training, USCIS has added language further developing standards related to applications based on targeted harm due to group membership, which is only briefly discussed in the [2017 training](#). Referring to applications based on group-based targeting, USCIS added language relating to each of the two components:

- First, it added language noting that groups must face “[widespread targeting \[\] for serious harm, such as a systematic or pervasive effort.](#)”
- Second, it changed a [2017 requirement](#) that the entity targeting the group “knows, or likely imminently will know that the beneficiary is a member” to a requirement to show that the beneficiary “[is likely to be identified](#)” as a group member. The latter may be a more feasible standard to meet in practice.¹⁰

USCIS Instructs Officers to Consider Particular Vulnerabilities, Family Unity, and Threats in Third Countries When Analyzing Targeted Harm

USCIS added a section on “[Particular Vulnerability](#)” noting that where there is “credible evidence” of a beneficiary's particular vulnerability including “a medical issue, disability, age

⁹ See e.g. Letter from Sen. Edward Markey, et al., to President Biden, et al. (May 26, 2022), regarding disparate treatment of Afghan and Ukrainian parole applicants, pages 2-3, available at https://www.markey.senate.gov/imo/media/doc/oversight_letter_redisparate_treatment_of_afghan_and_ukrainian_refugees.pdf (noting the requirement of proof of individual targeting).

¹⁰ USCIS also added [similar language](#) later in the section on Evidence section for Targeted Harm claims. USCIS's [HP evidence website](#) was amended in 2022 to include a new example of evidence to show that the beneficiary is a member of a targeted group.

and/or gender” that makes the beneficiary more vulnerable to other types of harm, officers “may not need the same degree of evidence regarding the targeted harm” as would otherwise be required. USCIS directs officers to consider all factors cumulatively and in the totality of circumstances. Where vulnerabilities are present, practitioners can document the vulnerability and may wish to highlight USCIS’s instructions.

Further in the training, USCIS reiterated the standard regarding particular vulnerabilities but added two references to “[family unity](#)” as another example of a “strong positive factor” that, “where the petitioner is unable to provide the type of evidence usually required” nonetheless could receive a positive exercise of discretion in the totality. USCIS [instructs](#) that the “presence of U.S. citizen or lawful permanent resident family members in the United States is a very strong positive discretionary factor for protection-related cases” with more weight given the closer the relationship.

In sections on living conditions and the availability and accessibility of protection, USCIS added language relevant to applicants who have already fled to a third country, directing officers to consider the ability of a beneficiary to meet basic needs [in that third country](#) and the likelihood of a third country [forcibly returning a beneficiary](#) to their home country. In a separate section on Additional Country Conditions Information for targeted harm claims, USCIS [added an instruction](#) for officers to research, if a beneficiary is out of their home country, if the third country is likely to send the beneficiary back to face harm. Practitioners could submit evidence related to these factors or direct USCIS to the relevant standards.

USCIS Clarifies When Targeted Harm Guidance Applies and the Standard of Proof

The 2022 training includes a bolded clarification that a general requirement that an officer find that an individual is at imminent risk of serious harm only applies when a parole request is “[primarily](#)” (bolded in original) based on targeted harm rather than any case “involving” targeted harm. This may be relevant for practitioners to cite if USCIS mistakenly considers a request on another basis to be one related to targeted harm. USCIS added a reference to “[preponderance of the evidence](#)” as the standard of proof for officers when determining if the beneficiary is at an imminent risk of serious harm. Practitioners may cite this standard if USCIS appears to be applying a higher standard of proof. Additionally, USCIS added a sentence explicitly noting that the factors that USCIS lists are [particularly relevant but not exclusive](#) and officers can consider other factors.

USCIS Adds New Examples of Acceptable Sources of Evidence to Demonstrate a Risk of Targeted Harm

In the 2022 Training, USCIS added a [new example of a credible third-party source](#): in addition to a U.S. government agency, a reputable human rights organization, and a media source, the 2022 training includes an “other reputable institution with reason to have information about a situation.”

In the evidence section, USCIS also added language that may be helpful to practitioners representing Afghans applying for parole whose family members in the United States have been targeted or who received asylum, refugee, or SIV status, as USCIS’s [new instructions note](#) that “established threats or harm to a beneficiary’s family members” can be “strong evidence” of a threat. The training notes that approval of asylum, refugee status or an SIV can establish such threats or harm, and officers are instructed to [consider cultural context and the family relationship](#), with USCIS providing the example that a group persecuting an asylee might also threaten the asylee’s sibling. Practitioners could consider highlighting this guidance where such evidence exists.

USCIS Adds Section on Persecutors, Human Rights Abusers, and National Security Issues

USCIS added a [new section](#) instructing officers to consider any evidence indicating that the beneficiary’s case could raise issues involving “Persecutors, Human Rights Abusers, National Security Issues.” USCIS instructs officers to look for both direct evidence and whether a beneficiary was “involved in [activities or types of employment](#) that are often associated with persecution of others, human rights abuses, a foreign intelligence agency, or close engagement with members of a terrorist organization.” USCIS notes that the indicators could be a negative factor if an [in-depth interview](#) is required, but that officers could explore interviews with Department of State support or in-person USCIS presence or determine if RFE’s could address the issue. Practitioners should be aware of potential inadmissibility issues even though the inadmissibility grounds do not directly apply to parole cases.

Other Noted Changes in the 2022 HP Training

The 2022 version makes a few other updates and changes from the 2017 version:

- In the 2022 training, USCIS now instructs officers to [interpret the term urgent](#) “as broadly as possible.” It may be helpful to direct USCIS officers to this instruction.
- The 2022 training provides officers with additional [definitions for each term](#) in “significant public benefit.” To be “significant,” a benefit must be “of some consequence;” to be “public” it should generally “pertain to a population or community” and a “benefit” is “something advantageous or good, something that would help society.” The training notes that generally “a need to participate in a legal proceeding constitutes a significant public benefit,” which may be helpful to cite in HP applications on this basis.
- In a section noting that the [period of parole](#) can be longer than a year, the 2022 training adds a specific example of “juveniles where parole is being requested until the beneficiary has a path to permanent residence,” which may be helpful to cite as a basis for requesting a two-year period of parole when applicable.
- Where minor children are traveling through parole and one parent is remaining in their home country, the [2022 guidance lists](#) “proof of legal custody” for all cases whereas the 2017 guidance had proof of custody as evidence when the parents were divorced or separated. Practitioners representing a client in this situation could try to provide this evidence or secondary evidence affirmatively to avoid an RFE.

[USCIS, IRAD, Parole Requests for Afghan Nationals Interim Policies and Procedures \(October 11, 2022\)](#)

This 2022 twelve-page memo, which replaces an [earlier version from November 5, 2021](#), documents USCIS guidance specific to Afghan HP applications and largely covers content that is publicly available on USCIS’s website “[Information for Afghan Nationals on Requests to USCIS for Parole](#).” There are a few instances in the memo where USCIS provides instruction or guidance that goes beyond what is on the public website and may be helpful for practitioners or applicants to cite.

The memo lists groups prioritized by the “interagency” for relocation from Afghanistan who are considered to have “strong positive factors” for parole, and the six listed bullets are nearly identical to those on USCIS’s website. However, the memo [goes on to note](#) that while the groups list specific family members, it is “appropriate to consider factors of family unity” for “more extended family members” and it provides the example of the elderly mother of the spouse of an OAW parolee.

The memo includes language similar to that in the 2022 training module noting that applications based in part on targeted harm can overlap with non-protection issues such as family unity, medical treatment needs, or significant public benefit. It notes that in cases with [non-protection related issues](#) that are strong positive discretionary factors, when the applicant is unable to provide evidence “usually required as a matter of discretion for parole based on targeted harm” officers can take into account the totality of the circumstances and could grant parole.

On [significant public benefit](#), USCIS states that: “Given the U.S. Government's unique role and involvement in Afghanistan over a 20-year period, there is a significant public benefit in sending a message that the United States will not leave behind our Afghan allies, including individuals or family members of individuals who worked in furtherance of the U.S. objectives in Afghanistan and who face serious risks of harm due to that work.” Practitioners assisting beneficiaries who directly worked for the U.S. or who have family members at risk due to work can cite this conclusion to support significant public benefit analysis.

In the memo’s section on significant public benefit, USCIS lists [two additional groups](#) who have a “very strong positive factor” in favor of parole—extended family of SIV holders and Afghans who were denied SIVs for reasons unrelated to fraud or derogatory information. The USCIS website on Afghan HP lists the groups, although the website deletes the phrase “and for family unity” from the group of extended family of SIV holders that is included in the memo. The memo and website also both refer to a third group of Afghans at risk who employed or volunteered in positions supporting “broader U.S. objectives” whose applications should be “weighed and considered on a case-by-case basis.”

The memo also contains some statements relevant to parole applications on behalf of family members who are beneficiaries of I-130 or I-730 petitions. The memorandum [states](#) that a “vulnerable Afghan national” who is the beneficiary of an approved I-130 petition may be eligible if negative factors outweigh factors of risk and family reunification, and the memo provides a list of example vulnerabilities including age, status as a single female, religious minority, or LGBTQI+ individual, medical condition, or association with the United States. It also notes that [applicants with immediately available visas](#) should be referred to immigrant visa processing “*unless there are circumstances that indicate the visa process would be significantly delayed beyond the time the beneficiary could safely remain in the third*

country.” (emphasis in original) Significantly, USCIS specifically [directs officers](#) to consider “extended consular wait times to schedule Form I-730 interviews” when assessing parole for I-730 beneficiaries. Practitioners should be aware of and submit evidence (including evidence of backlogs in specific embassies, such as the [NVC backlog report](#)) and risks of return in third countries for these cases to avoid RFEs or denials.

The memo instructs officers to generally grant a [period of two years of parole](#) for Afghan nationals unless there are particular reasons for a different period.

The memo addresses [Afghan civil documents](#) and [passports](#), directing officers to the [September 22, 2021 Afghans Documents Guide](#) (released through FOIA but with substantial redactions) and the [DOS reciprocity guide for Afghanistan](#). Practitioners may cite to both of these along with USCIS’s recognition that documents may be lacking and the statement that where a passport is unavailable but the applicant provided sufficient evidence to establish identity, an officer may notify a consular section and the consular office can issue a boarding foil on a Form DS-232.

For U.S.-affiliated Afghans, the memo confirms that USCIS officers have access to information about [Afghans who have received COM approval and P-1/P-2 referrals](#). For applicants with letters regarding their U.S.-affiliated employment, USCIS’s memo states that adjudicating officers “should attempt to [confirm the attestor’s affiliation](#) with the U.S. government through an official email address or other indicia of authenticity, including evidence of the letter-writer’s current or prior employment.” Practitioners assisting U.S.-affiliated Afghans who do not yet have COM approval or a P-1/P-2 referral should therefore make sure that letter-writers include an official email address or other evidence that would support USCIS review.

For sponsorship assessment, the memo notes that officers should consider the [availability of resettlement benefits](#) for Afghan applicants paroled into the U.S. between July 31, 2021 and December 16, 2022, as well as their spouses, minor children, or the parents of unaccompanied minors paroled during that period, but notes the general requirement to assess whether there is “sufficient financial support for the period of parole” for applicants arriving after December 16, 2022.

The memo also contains detailed information about [medical examination and vaccination requirements](#) and potential exceptions in urgent cases.

[USCIS, HAB Procedures Manual \(“Parole SOP”\) \(October 7, 2022\)](#)

This 110-page manual covers the procedures USCIS HAB uses to adjudicate HP applications and may be helpful to locate details on topics such as [expedite standards](#), understanding required [background and security checks](#), clarifying [how HAB works with myUSCIS](#), and many other topics.

[USCIS, Parole Adjudication Worksheet \(November 16, 2017\)](#)

This document can provide applicants with a helpful checklist to reference to ensure that their client’s application includes all of the required aspects of a parole adjudication.

[USCIS, IO, HAB, Requests for Evidence: Guidance & Templates \(September 12, 2017\)](#)

Practitioners are encouraged to review this document when preparing an application in order to anticipate potential issues that could lead to an RFE and submit evidence and arguments to pre-empt those RFE’s.

[USCIS, Office of Intake Document Production, Intake Operations Division, Standard Operating Procedure, Form I-912, Request for Fee Waiver \(July 16, 2021\)](#)

This 46-page SOP may be helpful for practitioners to review to ensure sufficient evidence is included or to highlight to USCIS reviewers the option to submit a [requestor-generated fee waiver request as a signed statement](#) and the [section on Leniency](#) where situations in certain countries impact both the ability to pay and provide documentation of financial hardship.

[USCIS, Humanitarian Division Vermont Service Center, Fee Waiver Training \(December 2, 2019\)](#)

Similarly, the linked training covers both fee waiver form requirements and “special situations” where [extreme situations](#) affect both ability to pay and obtain documentation.