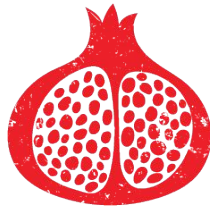


Assisting Afghans Arriving via the Southern Border

For Community Organizations



Partnership for the
Advancement of
New Americans



PROJECT
ANAR
AFGHAN NETWORK FOR ADVOCACY & RESOURCES



Agenda

- ❑ Overview of southern border realities for Afghans
- ❑ Putting you all in a better position to support the Afghans you are assisting who are asylum-seekers rather than evacuees/parolees
- ❑ Navigating the resources that already exist and that could be leveraged to support these Afghans

This session will be translated to Dari and Pashto after the webinar and posted to the Project ANAR website.

ما این را به زبان دری و پشتو در وب سایت خود به اشتراک خواهیم گذاشت.

مور به دا په دري او پښتو ژبو په خپل ويب پاڼه کې شریک کرو.



What Project ANAR is offering

- We are a community immigration justice organization that works nationally, but offers legal services primarily in Northern California, and specifically in the San Francisco Bay Area
- You can reach out to Project ANAR for legal assistance if you are in contact with Afghans who are in immigrant detention. We are able to take on some of these cases directly, and can offer technical support or referrals for others
- We can also take referrals in some cases where individuals or families are in the Bay Area

Panelists

- Briana Perez, Supervising Attorney, RAICES pre-removal unit
- Alexandra Cohen, Advocacy Legal Assistant, RAICES pre-removal unit
- Hodayra Yusufi, Deputy Director, PANA San Diego
- Khatima Jafar, NorCal Resist
- Laila Ayub, Immigration Attorney and Co-Founder of Project ANAR

The current realities at the southern border

- U.S. border agents apprehended 2,132 Afghans last year – a close to 30-fold increase over the prior year – with nearly half arriving in November and December, U.S. government data show ([Reuters article](#), 02/01/2023)
- Afghans have very few pathways available to them and have been forced to make the journey to the southern border
 - Less than 1% of 66,000 HP applications approved
 - More than \$20 million collected in filing fees
 - Afghans are forced to use any means possible to seek refuge
- Title 42 coming to an end
- Currently: very limited assistance exists for people at the border. Most organizations are directing anyone attempting to seek asylum in the U.S. to the CBP One App, as that is primarily how asylum-seekers are being processed

Folks in the U.S. after arriving via the Southern Border

- Generally spend time in CBP custody
- May be transferred to ICE detention
 - Could go through expedited removal and an interview process in detention
 - No guarantee if/when they will be released
- May be separated from family members with whom they have crossed
- Depending on where they have crossed, they may be taken to 24-72 hour shelter for temporary respite

Legal Challenges

- Some Afghans arriving via the border might have parole status, BUT parole for someone arriving from the southern border is generally not the same as the parole status that OAW evacuees have, and does not come with access to resettlement benefits
 - However, these Afghans are still given NTAs and put into deportation/removal proceedings
- Work authorization
 - Some afghans may be eligible to apply as parolees
 - Generally, others may need to wait until they are eligible 5 months after filing their asylum application
- TPS
 - Temporary Protected Status can also offer work authorization eligibility. It is currently designated for Afghans who were present in the U.S. by March 15, 2022. It is possible that this will be re-designated and that some Afghans could qualify. [Translated TPS resources here.](#)

What does it mean to be in removal proceedings?

- You need to keep up with your case with Immigration Court (“EOIR”) **and** Immigration and Customs Enforcement (“ICE”).
- Some people may not get an immigration court hearing for months or years, while others will quickly get scheduled. Immigration attorneys can offer guidance on individual situations.
- If you move - Update your address with EOIR **and** ICE. If you don’t, it is possible that you will miss an ICE Check In or hearing. If you miss a hearing, an Immigration Judge can order your deportation in your absence.
- Check the EOIR system regularly for case updates and to see whether you have a court hearing scheduled. Call 1-800-898-7180 for the hotline.
- You will need to apply for asylum unless you are eligible for another pathway to immigration status in the U.S.
 - Afghans who cross the border have to file their asylum applications within one year of the date that they entered the U.S.

Finding Legal Representation: Where to Start

- When trying to refer someone to a lawyer, best to wait until they are living where they plan to stay for at least short term
- Gather documents (NTA, ORR docs, copies of passport, etc.)
- Figure out if individual is in active removal proceedings and what the next court date is
- Be sure to keep address updated with ICE/EOIR
- Look out for local workshops and clinics
 - These are in the works, and registration should be available in the coming weeks in different regions!

Legal Assistance Resources

- Human Rights First [Request for Legal Assistance](#) - A form to request legal assistance through HRF
- [Immigration Advocates Network Pro Bono Legal Services Directory](#) - Enter your zip code to find local legal service providers to contact directly, either free or low cost
- [AILA Low Bono Directory](#) - A directory of low cost immigration lawyers taking Afghan asylum cases
- [AILA Immigration Lawyer Directory](#) - Not necessarily lawyers who offer free or low cost services
- Project ANAR [Afghan Asylum Legal Resources Page](#). For referrals and inquiries, please reach out through us via our website or at hello@projectanar.org (for detained Afghans anywhere, and for non-detained Afghans physically in the Bay Area/Northern California)
- Immigration courts offer lists of NGOs servicing the area
- San Diego's Immigration Legal Defense Fund
- ONE California Program for Removal Defense

Legal Assistance Resources

- CAIR CA [Know Your Rights](#) (KYR) resources in Pashto and Dari
- [Additional KYR for undocumented immigrants](#), some in Dari (from NILC)
- KYR: [Avoiding immigration fraud](#) - Sometimes people present themselves to be attorneys but are not, and instead take advantage of the immigrants they are supposed to be helping
- [KYR immigrant children and youth](#) (NIJC)
- [Guidance on change of address](#) with EOIR/ICE translated
- [NIJC Guidance on change of address](#)
- [National Immigrant Justice Center](#) - Form I-589 asylum application translated to [Pashto](#) and [Dari](#), with instructions

Interacting with Law Enforcement

- You have a right to remain silent, which means you are not required to answer questions from law enforcement. It is best to clearly say “I want to remain silent.”
 - Even if you are not under arrest, you have the right to an attorney. It is always better to remain silent and wait for an attorney regardless of what officers say.
- If law enforcement (including ICE) comes to your home, you do not have to let them in unless they have a warrant signed by a judge.
 - You should ask to see the warrant, it can be slid at the door or held in front of a closed window. The warrant must have the correct address and it should state exactly what law enforcement has permission to search.
 - Call your attorney immediately and let them advise you through the process if possible.
- Do not lie about your citizenship status

Access to Benefits + Social Services

- Know your rights!
 - Health
 - Housing
 - Food
 - Education
 - Children are entitled to access to education, regardless of their immigration status

Generally, asylum seekers are **not** eligible for federal benefit programs like TANF, Medicaid, HUD rental housing programs until they receive asylum

Many states have passed legislation to provide limited benefits regardless of immigration status.

- **Resources**
 - Healthcare:
 - [IMMIGRANT RIGHTS TO HEALTH CARE: TREATMENT AND COVERAGE](#)
 - [Public Charge Rule](#)
 - [Women Infants and Children \(WIC\)](#)

Access to Benefits + Social Services

At a state level

California

- California Department of Social Services - [Refugee Services](#)
 - [Additional Info](#)
- [Voice of Refugees](#)
- [California Immigrant Policy Center](#)
- [CalFresh Eligibility](#)
- [CHIRLA Eligibility of Benefits in California](#)
- There are many city + county aid programs specifically for refugees

Virginia

- [Refugee Benefits & Services](#) - Virginia Department of Social Services
- There are many city + county aid programs specifically for refugees
- May qualify for free or low cost [health coverage](#)

Texas

- [Refugee Services of Texas](#)
- City of Austin - [Health Equity Unit](#)

Resettlement organizations

- Some affiliates have discretion to assist in non-refugee cases on a case-by-case basis
- Other organizations, like community resettlement organizations and religious organizations (i.e., ICNA Relief)

Mutual Aid Collectives

- Mutual aid collectives across the country have deep rooted projects that offer support to undocumented immigrants, including Afghans who arrived via the southern border
- PANA has a mutual aid that supports asylum seekers
- NorCal Resist is a mutual aid network in Sacramento, that also works in rural Northern California
- Mutual aid strategies?

Language Resources

[Tarjimly](#) - A mobile application to access on-demand interpretation and translation



[Respond](#) - A collective of language activists providing compassionate, effective, and trauma-informed interpretation and translation services for migrants, refugees, and anyone experiencing language barriers

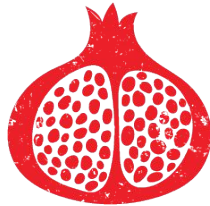


Thank you!

Questions?



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