

Hon. Alejandro N. Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, DC 20528

Ur Mendoza Jaddou, Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20588

By email on February 15, 2022

Re: Request for Creation of the Afghan Parole Program, a Designated Parole Program for At-Risk Afghans

Dear Secretary Mayorkas and Director Jaddou:

We write on behalf of the undersigned legal services providers, resettlement agencies, law firms, law school clinics, and non profit organizations serving asylum seekers and refugees to respectfully request the creation of a designated parole program for at-risk Afghans who urgently require protection and seek reunification with family.

The creation of the Afghan Parole Program is necessitated and justified by the urgent needs of Afghans requiring immediate protection, and as a complement to other protection avenues being established for the longer-term future. We call on you, as the Secretary of Homeland Security (DHS) and the Director of the U.S. Citizenship and Immigration Services (USCIS), to use your authority to establish the Afghan Parole Program to protect vulnerable Afghans. As Secretary Mayorkas stated in September 2021, “[w]e have a moral imperative to protect [vulnerable Afghans], to support those who have supported this Nation.”¹ An Afghan Parole Program would be a significant step in acknowledging the urgency of this moment and helping to fulfill that moral imperative.

I. Past Efforts to Protect Wartime Evacuees Through Parole

Humanitarian parole authority has been utilized by both Democratic and Republican administrations since the end of World War II to protect wartime evacuees fleeing violence and persecution. In 1957, President Dwight D. Eisenhower ordered Operation Safe Haven, a 90-day refugee and resettlement operation following the Hungarian Revolution, which resulted in the evacuation of over 27,000 Hungarian refugees and the resettlement of 11,000 Hungarian refugees in the United States a year later.² After the fall of Saigon at the end of the Vietnam War, the U.S.

¹ DHS, Secretary Mayorkas Delivers Remarks on Operation Allies Welcome, Sept. 3, 2021, available at <https://www.dhs.gov/news/2021/09/03/secretary-mayorkas-delivers-remarks-operation-allies-welcome>.

² Markowitz, “Humanitarianism versus Restrictionism: The United States and the Hungarian Refugees,” *The Intl Migration Rev.* (Spring 1973) 7:1: 46–59 (48, 49, 58).

established a parole program to rapidly evacuate over 140,000 Vietnamese refugees under Operation New Life.³ In 1996, the U.S. resettled 6,600 Iraqi Kurds under Operation Pacific Haven, which brought wartime allies and their families to safety between September 1996 to April 1997.⁴ In 1999, following the Serbian attack on Pristina (Kosovo), the Clinton administration conducted Operation Open Arms and airlifted approximately 20,000 Kosovar Albanians to Fort Dix, New Jersey, where their eligibility for refugee status was considered.⁵ In 2007, the Department of Defense used Significant Public Benefit Parole to quickly evacuate Iraqi translators who had worked with U.S. troops during Operation Iraqi Freedom.⁶ As evidenced by these historic events, conditions during and immediately after wartime often present urgent humanitarian reasons for utilizing the tool of parole to meet immediate protection needs that refugee processing cannot.

II. Conditions that Merit the Creation of the Afghan Parole Program

The Biden administration, recognizing the urgency of the moment, acted within the bounds of its enumerated legal authorities in prioritizing the lives and safety of U.S.-affiliated and at-risk Afghans by conducting the non-combatant extraction operation, Operation Allies Refuge. While the military evacuation efforts ended with the withdrawal of U.S. troops in August 2021, at-risk Afghans' dire need for protection has not.

The Afghan Parole Program is urgently needed to address the dire circumstances at-risk Afghans face from the Taliban after the chaotic withdrawal of the U.S. military following its presence in Afghanistan for two decades.

Violence and Fear of Taliban Reprisal

In keeping with its promises, the administration must act with urgency to utilize all tools at its disposal, including parole, to provide protection from persecution and violence in Afghanistan due to the accelerating human rights and humanitarian crisis.⁷ These threats of violence are particularly acute for Afghans who have partnered with the U.S., former members of the Afghan National Security Forces,⁸ women, journalists, religious and ethnic minorities, LGBTQ persons, and more.⁹ The return of the Taliban to power in Afghanistan has devastating implications for the

³ GAO, "Evacuation And Temporary Care Afforded Indochinese Refugees-- Operation New Life," Report to the Congress by the Comptroller General of the US (Jun. 3, 1976), available at <https://www.gao.gov/assets/id-76-63.pdf>.

⁴ Rumbaugh, "Operation Pacific Haven: humanitarian medical support for Kurdish evacuees," *Mil Med.* (May 1998) 163(5):269-71, available at <https://pubmed.ncbi.nlm.nih.gov/9597839/>.

⁵ "At Fort Dix, a New Ellis Island Embraces Kosovo's Refugees," *NYT* (May 9, 1999) available at <https://www.nytimes.com/1999/05/09/nyregion/at-fort-dix-a-new-ellis-island-embraces-kosovo-s-refugees.html>.

⁶ "Programs and Procedures for DOD-sponsored Parole of Foreign Nationals," AILA, available at <https://www.aila.org/File/Related/DOD%20Parole%20Program.pdf>.

⁷ Human Rights Watch, *World Report: Afghanistan* (2022), available at <https://www.hrw.org/world-report/2022/country-chapters/afghanistan>.

⁸ State Department, *Joint Statement on Reports of Summary Killings and Enforced Disappearances in Afghanistan* (Dec. 4, 2021) available at <https://www.state.gov/joint-statement-on-reports-of-summary-killings-and-enforced-disappearances-in-afghanistan/>.

⁹ "Afghanistan: Taliban Kill, 'Disappear' Ex-Officials Raids Target Former Police, Intelligence Officers," *HRW* (Nov. 30, 2021), available at www.hrw.org/news/2021/11/30/afghanistan-taliban-kill-disappear-ex-officials; "Watchdog: 30 recent cases of violence against Afghan journalists," *Al Jaz.* (Oct. 28, 2021), available at

aforementioned groups with serious reports of extrajudicial killings, disappearances, and other significant human rights abuses.¹⁰

Humanitarian Crisis

The UNHCR has reported that “665,000 Afghans ... have been newly displaced inside the country in 2021,” with 80 percent being women and children.¹¹ As winter has set within Afghanistan, 23 million Afghans, approximately 55 percent of the population, are experiencing extreme hunger and are approaching famine conditions.¹² This humanitarian crisis is further exacerbated by the lack of healthcare resources available to Afghans, especially amidst six epidemics the nation is experiencing. Hospitals are facing a deficit in funding due to the loss of international support, thereby causing doctors to go unpaid, medicine to be scarce, and conditions to be unsafe for at-risk Afghans.¹³

Economic Crisis

International donors’ desertion of Afghanistan following the Taliban’s ascent to power immediately pushed the aid-dependent Afghan economy into a tailspin. As it stands, the central bank of Afghanistan’s \$9 billion in reserves, most of which is held in the United States, remains frozen and the International Monetary Fund has blocked roughly \$450 million in funds.¹⁴ The Afghani, Afghanistan’s currency, lost 11 percent of its value compared to the United States dollar within the span of a day in December 2021. Many Afghans are now out of work, the country is experiencing food shortages, and ordinary Afghans are unable to afford the basic necessities for life.¹⁵

www.aljazeera.com/news/2021/10/28/afghanistan-journalists-watchdog-violence-taliban-media: Wescott, “Angry and afraid, Afghanistan’s LGBTQ community say they’re being hunted down after Taliban takeover,” CNN (Sept. 18, 2021), available at www.cnn.com/2021/09/17/middleeast/afghanistan-lgbtq-evacuation-intl-hnk-dst/index.html.

¹⁰ United Nations, Afghanistan: Humanitarian crisis threatens basic human rights (Dec. 14, 2021) available at <https://news.un.org/en/story/2021/12/1107902>; Thomas, Congressional Research Service, “Taliban Government in Afghanistan: Background and Issues for Congress,” (Nov. 2, 2021), available at <https://crsreports.congress.gov/product/pdf/R/R46955>

¹¹ UNHCR, Afghanistan Emergency, available at www.unhcr.org/en-us/afghanistan-emergency.html.

¹² Bloch, “For many Afghans, winter is forcing a cruel choice of whether to eat or stay warm,” NPR (Jan. 6, 2022), available at www.npr.org/sections/goatsandsoda/2022/01/06/1069872384/for-many-afghans-winter-is-forcing-a-cruel-choice-of-whether-to-eat-or-stay-warm; Ferguson, “Afghanistan has become the world’s largest humanitarian crisis,” New Yorker (Jan. 5, 2022), available at www.newyorker.com/news/dispatch/afghanistan-has-become-the-worlds-largest-humanitarian-crisis.

¹³ Brink, Susan, “No pay for staff. No patient supplies. No heat. This is health care in Afghanistan,” NPR (Dec. 21, 2021), available at www.npr.org/sections/goatsandsoda/2021/12/21/1063840640/no-pay-for-staff-no-patient-supplies-no-heat-this-is-health-care-in-afghanistan.

¹⁴ “The United Nations says Afghanistan’s economy is collapsing ‘right before our eyes,’” NPR (Dec. 10, 2021), available at www.npr.org/2021/12/10/1062946434/the-united-nations-says-afghanistans-economy-is-collapsing-before-our-eyes.

¹⁵ “Afghan currency slides and prices surge as already battered economy worsens,” NPR (Dec. 17, 2021), available at www.npr.org/2021/12/17/1065078192/afghan-currency-slides-and-prices-surge-as-already-battered-economy-worsens.

III. How the Afghan Parole Program will Protect Human Life and Complement Refugee Resettlement Efforts

Special or designated parole programs have been utilized by the U.S. government many times in the past and have long been seen as an important complement to refugee resettlement efforts.¹⁶ The dismantling of the U.S. refugee program in recent years has been well-documented.¹⁷ As the refugee program is rebuilt and strengthened for the long term, the Afghan Parole Program would meet the immediate need of vulnerable populations that the United States is compelled to protect and to reunite with loved ones after its withdrawal. Such programs are temporary in nature and can end when it is determined that the program is no longer necessary. While a parole program would not change the requirement that USCIS review each parole request on a case-by-case basis, it would offer a more streamlined and efficient system for case review, allowing USCIS to protect at-risk Afghans while maintaining the integrity of its case review process and allowing it full use of its discretion.

Just as Afghans entered the country through Operation Allies Refuge on humanitarian parole and will likely have to apply for asylum or other immigration status, Afghans who come through this parole program would likewise need to secure permanent status after arriving in the United States. However, given the pattern and practice of persecution in-country, as outlined above, those who qualify for this parole program will likely have strong prima facie claims to refugee protection, as well as others eligible for SIV status, family-based visas, or other immigration pathways.

The Afghan Parole Program should encompass all SIV-eligible Afghans, regardless of the phase or stage of their process, and their family members, particularly newborns to Afghan SIVs who were born after the visa was originally issued, but before the visa was reissued. Refugees referred to the U.S. Refugee Admissions Program (USRAP), including P1, P2, P3 and I-730 petitions, should be included while the USRAP process is rebuilt to process this population. Those seeking family reunification must be a priority given the family separation caused by the hasty evacuation.¹⁸ With all of this and with an eye to preserving familial bonds as they exist within Afghan culture, the government should take a broad view of the family unit. In addition, members of Afghan society whose work, such as human rights defenders, and those whose identity alone, such as LGBTQ persons or ethnic minorities, make them a target for harm should be included in this vital pathway to protection. Finally, there is a particular need to provide parole for women, including activists, business owners, physicians, or those engaged in any work that is considered by the Taliban as non-conforming to its extreme religious views. These are the categories of persons that we most commonly encounter who are in immediate need of protection; the Afghan Parole Program should also allow access for others with compelling protection needs.

¹⁶ Bruno, Andorra, “Immigration Parole,” CRS (Oct. 15, 2020), available at <https://sgp.fas.org/crs/homesecc/R46570.pdf>. Also, an exhaustive review of the history of parole leading up to the passage of the Refugee Act of 1980 by Prof. Deborah Anker confirms that Congress intended the parole and refugee programs to operate side by side.

¹⁷ WH Briefing Room, Remarks by President Biden on America’s Place in the World, (Feb. 4, 2021) available at <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/02/04/remarks-by-president-biden-on-americas-place-in-the-world/>.

¹⁸ Landay, Mackenzie, and Rosenberg, “Exclusive: Baby lost in chaos of Afghanistan airlift found, returned to family,” Reuters (Jan. 9, 2022), available at www.reuters.com/world/asia-pacific/exclusive-baby-lost-chaos-afghanistan-airlift-found-returned-family-after-long-2022-01-08/.

The Bureau of Population, Refugees, and Migration (PRM) under the US Department of State created the Afghan Placement and Assistance (APA) program to provide Afghans on humanitarian parole key benefits and services during the first 90 days after departure from federal facilities via Cooperative Agreements with the nine national refugee resettlement agencies.¹⁹ Eligibility to enroll Afghans who enter the United States with humanitarian parole into the APA program is limited in duration.²⁰ Given the steps taken to provide support to newly arrived Afghans, those who apply for the Afghan Parole Program who would qualify for the APA, and other forms of assistance, should require minimal financial sponsorship to approve their parole application. We understand that in past discussions of similar programs concerns have been raised about the financial and economic implications of such programs; that should not be a concern here. However, the time limitations on eligibility for enrollment makes it urgent for USCIS to establish the Afghan Parole Program so as to ensure the maximum number of Afghans benefit from the APA and resettlement infrastructure.

The purpose of the Afghan Parole Program would be to acknowledge and address the urgent and exigent needs for protection for certain Afghans who would have otherwise been evacuated if the U.S. military had remained in Afghanistan. The Afghan Parole Program would offer immediate, life-saving solutions for at-risk Afghans who cannot wait years for refugee processing to be established in meaningful way, and for families who have endured the trauma of separation in addition to the many other traumas they have experienced surrounding the fall of the elected government to the Taliban and the ensuing displacement.

IV. Conclusion

We urge you to immediately establish the Afghan Parole Program for at-risk Afghans in urgent need of protection in addition to creating protection pathways and expedited access to the refugee program. Given the chaos of the evacuation, country conditions, the Afghan Parole Program is warranted and will complement refugee resettlement in the long run. Please contact Jill Marie Bussey jbussey@lirs.org or Robyn Barnard barnardr@humanrightsfirst.org with any questions or to arrange for stakeholder engagement. Thank you for your consideration.

Sincerely,

#AfghanEvac Coalition
Adams Immigration Law LLC
ADL (Anti-Defamation League)
Afghan Coalition
Afghan Community of Maine (ACM)
Afghan Evacuation and Reconstruction Lawyers (AERL)

¹⁹ Evacuate Our Allies, Factsheet & FAQ: Benefits and Services for Afghan Arrivals (Oct. 29, 2021), available at <https://bit.ly/AfghanResettlement>.

²⁰ [H.R.5305](#), the *Extending Government Funding and Delivering Emergency Assistance Act*, authorizes Afghan parolees to receive refugee benefits and places statutory guardrails around eligibility. Eligible Afghans are those paroled into the United States between July 31, 2021 and September 30, 2022; or those paroled into the United States after September 30, 2022 and, either the spouse or child of such a parolee or the parent or legal guardian of an unaccompanied child paroled during that period. The duration of eligibility for Afghan parolees to receive resettlement benefits lasts until March 31, 2023, or the term of parole granted, whichever is later.

Afghan Girls Financial Assistance Fund
Afghan Legal Empowerment Portal
Afghan Refugee Housing Network - NY
Afghan Refugee Relief and Aid
Afghan Refugee Relief and Aid of Michigan
Afghan Scout Relief Fund
Afghan-American Community Organization (AACO)
Afghan-American Foundation
Afghans For A Better Tomorrow
Al Otro Lado
Aldea - The People's Justice Center
Alianza Sacramento
American Friends Service Committee (AFSC)
American Immigration Council
Amnesty International USA
Amplio Foundation
Arab American Family Services
Asian Americans Advancing Justice - Chicago
Asian Counseling and Referral Service
Asian Law Alliance
Asian Pacific Institute on Gender-Based Violence
Asian Services in Action (ASIA)
Association of Public and Land-grant Universities
Association of Wartime Allies
Austin Region Justice for Our Neighbors
Berrien Immigrant Solidarity Network
Bethany Christian Services
Broward for Progress
Building Peaceful Bridges
Business Council for Peace (Bpeace)
California Collaborative for Immigrant Justice
California Partnership to End Domestic Violence
Capital Area New Mainers Project
Catholic Charities of Santa Clara County
Catholic Charities of Southern New Mexico
Catholic Legal Immigration Network, Inc.
Catholic Multicultural Center
Center for Gender & Refugee Studies
Center for Victims of Torture
Central American Refugee Center (CARECEN-NY)
Central Valley Immigrant Integration Collaborative
Centro Legal de la Raza
ChildFund
Church World Service
Community Legal Aid Society, Inc.
Community Legal Services in East Palo Alto (CLSEPA)

Connecticut Institute for Refugees and Immigrants
Connecticut Shoreline Indivisible
Cornell Law School Afghanistan Assistance Clinic
Curran Berger & Kludt LLP
Direct Aid International
Disciples Immigration Legal Counsel
Doctors for Camp Closure
Dolores Street Community Services
East Bay Refugee and Immigrant Forum
Equal Access Legal Services
Esperanza United (Formerly Casa de Esperanza National Latin@ Network)
Exodus World Service
Faith in Public Life
Faiths for Safe Water
Fill the Needs
First Focus on Children
Florence Immigrant & Refugee Rights Project
Forging Opportunities for Refugees in America
Georgia Asylum and Immigration Network (GAIN)
Global Advocates for Afghanistan
Global Afghan Allies
Global Friends of Afghanistan
Grace Church of Evergreen
Greater Change International
Hope Border Institute
Human Rights Advocates International
Human Rights First
Humanitarian Immigration Law Clinic, Elon University School of Law
Immigrant Allies of Marshalltown
Immigrant and Refugee Services, Catholic Charities Community Services, NY
Immigrant ARC
Immigrant Defense Advocates
Immigrant Legal Advocacy Project
Immigrant Legal Resource Center
Immigration Equality
Immigration Institute of the Bay Area
Immigration Program at New York Law School
Innovation Law Lab
International Civil Society Action Network (ICAN)
International Institute of New England
International Refugee Assistance Project (IRAP)
International Rescue Committee
Jesuit Refugee Service/USA
Jewish Family & Community Services - East Bay
Joint Development Associates International, Inc.
Jubilee Campaign USA Inc

Just Neighbors Ministry
Justice for Migrant Women
Justice for Our Neighbors El Paso
Justice for Our Neighbors Michigan
Khanbabai Immigration Law
Kurdish Alliance of North America
La Raza Community Resource Center
Ladder to the Moon Network
LaFountain Immigration Law, LLC
Leadership Conference of Women Religious
Levin Santalone LLP
Loyola University New Orleans College of Law, Stuart H. Smith Law Clinic and Center for Social Justice
Lutheran Immigration and Refugee Service
Mad River Valley Chamber of Commerce
Maine Business Immigration Coalition
Maine Coalition to End Domestic Violence
Maine Immigrants Rights Coalition
Maine Multicultural Center
MAPS-AMEN (American Muslim Empowerment Network)
Marigold Fund
Maryknoll Office for Global Concerns
Migrant Center for Human Rights
Mississippi Center for Justice
Monsoon Asians & Pacific Islanders in Solidarity
Mothers and Others, Justice and Mercy for Immigrants
Muslim Bar Association
Nasiri Law
National Clearinghouse for the Defense of Battered Women
National Immigration Forum
National Immigration Law Center
National Network for Immigrant and Refugee Rights
Neighbors Link
New England Justice for Our Neighbors
New Mainers Resource Center, Portland Adult Education
New Mexico Asian Family Center
New York Annual Conference Board of Church and Society
Nilsen Immigration Law
NorCal Resist
Northeastern University Immigrant Justice Clinic
Northwest Immigrant Rights Project
NuruZan Foundation
Oasis Legal Services
Open Immigration Legal Services
Oxfam America
Pangea Legal Services

Pars Equality Center
Paws Unite People Inc
Preble Street
Presidents' Alliance on Higher Education and Immigration
Project ANAR
Public Counsel
REACT DC, Inc.
Refugee & Immigrant Transitions
Refugee Action Network
Refugee Congress
Refugee Council USA
Refugee Education & Adventure Challenge (REACH)
Refugee Women's Alliance
RefugeeOne
Refugees International
RefugePoint
Robert McKee, Attorney at Law
Ronco Consulting Corporation
Safe Passage Project
Scholars at Risk Network
Sikh Coalition
Sisters of Mercy of the Americas Justice Team
Smith College
Sound Central
South Asian Americans Leading Together (SAALT)
South Asian Bar Association - Chicago
Southeast Asia Resource Action Center (SEARAC)
Southwest Asylum & Migration Institute ("SAMI")
Student Clinic for Immigrant Justice
Syrian Community Network
Tahirih Justice Center
Tarjoman Relief
Team America Relief
Team13
The 5ive Pillars Org
The Advocates for Human Rights
The Door
The Ethiopian Community Development Council, Inc.
The Fletcher Evac Working Group
The Interfaith Center of New York
The Law Office of Goss & Associates LLC
The Legal Aid Society (New York)
The Legal Project
The Right to Immigration Institute
Truman Center for National Policy
U.S. Committee for Refugees and Immigrants

UCLA Afghan Legal Support Clinic
Unitarian Universalist Refugee and Immigrant Services and Education
UnLocal
USC Gould School of Law International Human Rights Clinic
VECINA
Vermont Network Against Domestic and Sexual Violence
Viets for Afghans
Vista Pointe Partners
Vital Voices
Voice for Refuge Action Fund
Volunteers of Legal Service, Inc.
Westchester Jewish Coalition for Immigration
Wild Iris Family Counseling & Crisis Center
Wind of the Spirit Immigrant Resource Center
Witness at the Border
WK Family Fund
Women's Initiative for Self Empowerment
Women's Refugee Commission
Young Center for Immigrant Children's Rights