



# IMMIGRATION OPTIONS FOR AFGHANS IN THE UNITED STATES

Afghans who are physically present in the United States have several potential immigration options to remain in the country after their parole expires.

## Temporary Protected Status (TPS)

Afghans who have maintained continuous residence in the United States since March 15, 2022, and continuous physical presence in the United States since May 20, 2022, may apply for TPS until November 20, 2023. For more information, visit <https://www.uscis.gov/humanitarian/temporary-protected-status>.

If the Form I-693 is completed before October 1, 2021, and remains valid, the applicant will not be required to have the vaccine.



## Asylum

Afghans who fear persecution because of race, religion, nationality, political opinion, or membership in a particular social group may be eligible for asylum. Typically, an asylum application must be filed within one year of the applicant's last entry. However, USCIS has indicated that it will accept Afghan asylum applications more than one year after arrival in the United States if the applicant has maintained valid parole and files for asylum within a reasonable time after their parole expires.

## Employment-Based Immigration

A prospective employer may sponsor a qualified foreign national for an employment-based green card based on a full-time, permanent job offer. Depending on the requirements of the offered job, the applicant's employment background, and their educational history, this may be a viable path to residency. For more information on employment-based green cards, visit <https://www.uscis.gov/green-card/green-card-eligibility/green-card-for-employment-based-immigrants>.

## Special Immigration Visa (SIV)

Afghans who were employed directly by the U.S. government in Afghanistan or with a company that had a contract or subcontract with the U.S. government may be eligible for an SIV if they worked for the employer for at least one year between October 7, 2001, and December 31, 2023.

Applying for an SIV is a two-step process:

1. Submit application for Chief of Mission Approval; and
2. File for adjustment of status.

## Family-Based Immigration

U.S. citizen relatives may sponsor close family members (i.e. spouse, parents, or children) for legal permanent residence. U.S. Legal Permanent Residents may sponsor their spouse or unmarried children. For more information, visit <https://www.uscis.gov/green-card/green-card-eligibility-categories>.

**If you have any questions, we encourage you to contact your immigration attorney or find a lawyer at <https://www.ailalawyer.org/>.**