Task Force Melmastya

The Humanitarian Parole Process and Financial Sponsorship Requirement for Afghan Evacuees

7PM CST Wednesday September 22, 2021

(Webinar is recorded and begins at the 2:20 mark here.)

THANK YOU

Sponsors:
- Chicago Bar Association
- South Asian Bar Association (CH)
- Asian American Bar Association (CH)
- Arab American Bar Association (IL)
- Schiff Hardin LLP

Speakers:
- Mir Ali
- Vivian Khalaf
- Mahsa Khanbabai
The following information has been prepared for general information. It is not intended to provide legal advice with respect to any specific matter. Under rules applicable to the professional conduct of attorneys in various jurisdictions, it may be considered attorney advertising material. Prior results do not guarantee a similar outcome. Please consult an attorney for specific information and advice.
4 Phases for an Afghan Evacuee

1. Ensure safety for Afghan evacuee in Afghanistan.

2. Create a legal pathway for Afghan evacuee to exit Afghanistan.

3. Physically move the Afghan evacuee from Afghanistan to the U.S.

4. Support the Afghan evacuee in the U.S.
4 Phases for an Afghan Evacuee

1. Ensure safety for Afghan evacuee in Afghanistan.

2. Create a legal pathway for Afghan evacuee to exit Afghanistan.

3. Physically move the Afghan evacuee from Afghanistan to the U.S.

4. Support the Afghan evacuee in the U.S.

(1 and 3 are operational phases.)
Evacuation Options

Air Transit

Evacuees

Commercial, selected contract and foreign government air may resume with access restrictions dependent on evacuee visa status

Initial Destination*

Ground Transit

Evacuees assisted by consular services at embassies, inter-governemental agencies, and humanitarian organizations

*Country of first arrival outside of Afghanistan

#AFGHANEVAC

(This graphic is as of 9/22/21. Check AfghanEvac.org for updates.)
Landing Rights

A large volume of charter flights have been arranged with landing secured to evacuate Afghan allies. However, logistics to utilize these flights continue to be a challenge. Charter flights need coordination and approval of end-to-end journey prior to beginning. “Third-party countries” will not grant clearance for a flight to land unless they have assurances that evacuees have legal onward destinations.

NGO Contracted Airplane
- Airport landing rights coordinated with US government; Evacuees list for plane manifest established by NGO

Transit Stops
- Insufficient rights to land evacuees in third-party countries

Resettlement
- Final destination country; without clear US government guidance on future visa processing, resettlement is uncertain

(U.S. military transport ceased as of 8/31/21.)
Resettlement Journeys

American Citizens / Lawful Permanent Residents (LPRs)
Approved Special Immigrant Visa (SIV)

American Citizens, Lawful Permanent Residents (LPRs)

Initial Destination

United States Airports

Final Destination

Approved Special Immigrant Visa (SIV)

Initial Destination

United States Airports

Final Destination

Government / NGO Facility
Resettlement Support Center (RSC) or Emergency Processing Area (EPA)

SIV holders are legally permitted to enter the U.S. and thus may exit the airport freely

SIV holders are connected with resettlement agencies

Assigned resettlement agency is responsible for providing initial services, including housing, furnishings, food, clothing, orientation, and assistance with access to social, medical and employment services

(This graphic is as of 9/22/21. Check AfghanEvac.org for updates.)
4 Phases for an Afghan Evacuee

1. Ensure safety for Afghan evacuee in Afghanistan.

2. Create a legal pathway for Afghan evacuee to exit Afghanistan.

3. Physically move the Afghan evacuee from Afghanistan to the U.S.

4. Support the Afghan evacuee in the U.S.
4 Phases for an Afghan Evacuee

2. Create a legal pathway for Afghan evacuee to exit Afghanistan.

- **Humanitarian Parole** (HP)
- **SIV, P1, P2, P3** (separate from HP)

- Task Force Melmastya is partnered w/ Pars Equality Center 501(c)(3)
- American Immigration Lawyers Association Afghan Task Force
- Contact Task Force Melmastya if your law firm is looking to support.
- 501(c)(3) tax-deductible donations can be made via Pars Equality Center’s Facebook page [here](#) or through their .org website [here](#) (use the “Afghan Support Project” section if donating through the .org website).
- Pars is using the funds to cover the HP application fees ($575/Afghan evacuee) and to higher staff from the Afghan-American community to become DOJ accredited to represent applicants.
4 Phases for an Afghan Evacuee

1. Ensure safety for Afghan evacuee in Afghanistan.

2. Create a legal pathway for Afghan evacuee to exit Afghanistan.

3. Physically move the Afghan evacuee from Afghanistan to the U.S.

4. Support the Afghan evacuee in the U.S.
4 Phases for an Afghan Evacuee

4. Support the Afghan evacuee in the U.S.

- Illinois Department of Human Services
- Muslim Women’s Resource Center
- HRF, NIJC, IRAP for asylum cases or post-HP visas
Financial Sponsor FAQ

Q: What does it mean to have sufficient income or resources? There are no clear rules on what “sufficient” income or resources are under immigration law for the I-134 form. With that said, because USCIS has familiarity with the Federal Poverty Guidelines, these guidelines can be a guide to showing sufficient income. As an example, 100% of the poverty guidelines for a family of 4 is: $26,500.

Q: Do I have to be a U.S. Citizen or Permanent Resident? Though there is no requirement regarding the sponsor’s immigration status in the United States, a sponsor who has a more permanent status in the United States, such as lawful permanent residence or is a U.S. citizen, may more readily be able to establish the ability to support the parolee in the United States. Evidence of the sponsor’s immigration status or citizenship in the United States may be relevant to the sponsor’s ability to support the beneficiary. Therefore, the petitioner should generally include evidence of the sponsor’s immigration status or citizenship in the United States, such as the sponsor’s permanent residence card, naturalization certificate, birth certificate or passport with the parole request.
(Source: “The Need for a Sponsor”)

Note: According to the Department of State Foreign Affairs Manual, the I-134 sponsorship is not legally enforceable (See Section 9 FAM 302.8-2(B)(3)(g)(3)(a)), Form I-134 “is not legally binding on the sponsor and should not be accorded the same weight as Form I-864,” which is used for immigrant visas).

More FAQ about being a financial sponsor are answered here.
I’m ready to be a financial sponsor, what do I do now?

1. If you have already identified an Afghan evacuee(s) to sponsor, work directly with their U.S. contact or attorney to complete Form I-134.

2. If you have not identified an Afghan evacuee to sponsor, complete our sponsor intake form to be matched.
Don’t want to be a financial sponsor, but still want to support?

• 501(c)(3) tax-deductible donations can be made via Pars Equality Center’s Facebook page [here](https://www.facebook.com/parsequality) or through their .org website [here](https://pars.org). (Use the “Afghan Support Project” section if donating through the .org website.)

• Pars is using the funds to cover the HP application fees ($575/Afghan evacuee) and to hire staff from the Afghan-American community to become DOJ accredited to represent applicants.
Q&A

(skip to the 59:00 mark of the webinar recording here)