

GIBSON DUNN



Pro Bono | Immigration Task Force Update

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Five Years Since the Fall of Kabul: Changing Pathways and Policies for Afghans Fleeing Taliban Retaliation

Gibson Dunn's Immigration Task Force remains committed to helping Afghan allies and their families pursue every avenue that remains open to them.

I. INTRODUCTION / BACKGROUND

This month marks five years since the Taliban retook control of Afghanistan. Beginning in August 2021, tens of thousands of Afghans, along with United States citizens and permanent residents, tried desperately to flee the country. In the months following the Taliban's seizure of power, the situation in Afghanistan became even more dire, with thousands internally displaced, in hiding, and at risk of Taliban reprisals.

Thousands of Afghans have sought to escape Taliban rule, and they face a perilous future. Individuals targeted by the Taliban—including political dissidents, interpreters, women, government workers, journalists, cultural rights defenders, artists, religious and ethnic minorities, and individuals associated with Western culture—live in fear, and many have witnessed and experienced beatings, arrests, enforced disappearances, and killings. Many of those individuals previously assisted the United States government and military, served in the Afghan government when allied with the United States, or worked with nonprofit organizations and NGOs, and accordingly fear Taliban reprisals.

In the aftermath of the Taliban's rise, the United States government made commitments to Afghan allies regarding subsequent evacuation and relocation efforts. For example, Operation Allies Welcome (OAW) coordinated efforts across the federal government to support Afghans who worked alongside the United States in Afghanistan as they resettled in the United States.^[1] Special Immigrant Visas (SIVs) were also available for Afghans who worked for or on behalf of the United States government during the wars in Afghanistan and Iraq and provided a pathway to lawful permanent resident status in the United States for individuals facing serious threats for their actions.

In tandem, large corporations stepped up to support the Afghan resettlement and refugee community in unprecedented ways. Often working together with government agencies, corporate America quickly mobilized mentorship and employment opportunities, and manifested deep support for Afghan allies through direct action, financial contributions, job opportunities, and safe passage. As one example, Welcome.US—a national nonprofit coordinating support for Afghan and other refugees across the United States—provides financial support for rent, food, and clothing, as well as non-financial assistance including with immigration paperwork, public school enrollment, legal support, and access to housing and mental health services.^[2]

Today, however, options for Afghans to seek immigration relief and status in the United States have narrowed significantly. Over the past five years, Gibson Dunn attorneys have been at the forefront of efforts to help Afghan nationals navigate these pathways, assisting hundreds of individuals and families seeking safety, stability, and a lawful future in the United States. Gibson Dunn has also provided extensive advice and counsel to corporations on best practices for hiring, integrating, and supporting Afghan refugees. Drawing on that experience, this alert maps the pathways that were available in the aftermath of the fall of Kabul, traces how each has narrowed since, and looks to the future.

II. LEGAL PATHWAYS PREVIOUSLY AVAILABLE TO AFGHANS AT RISK

For Afghans fleeing retaliation and violence, the United States has historically—and most prominently over the past decade—offered a variety of pathways to safety and immigration relief in the United States. The below statuses were among the principal legal mechanisms for Afghan refugees to relocate to or to gain safe status in the United States. Recipients of these various forms of immigration status may often apply to bring their families with them to the United States or bring their families to join them if the recipient is already in the United States (such as an asylee).

1. *Special Immigration Visa (SIV) Program:*

The SIV program grants visas to Afghans who worked for or on behalf of the United States in Afghanistan for at least a year, including as linguistic and cultural interpreters to the U.S. military. SIV recipients qualify for permanent resident status and have a pathway to citizenship.^[3] SIV-holders may bring their spouse and unmarried children younger than 21 to the United States with them. The SIV application process is arduous—it requires applicants to, among other things, obtain letters of recommendation from supervisors at their qualifying jobs

and to travel to a country other than the United States or Afghanistan to have an in-person interview at a United States consulate.^[4]

2. Humanitarian Parole:

Humanitarian parole is a mechanism for individuals (from any country, including Afghanistan) with an urgent humanitarian need to temporarily enter the United States.^[5] Parole is not a permanent legal authorization to remain in the country, nor is it a pathway to any other immigration status, but it provides short-term access to the United States and, potentially, the ability to apply for a more durable form of status, such as asylum. In 2021, 76,000 Afghans were granted humanitarian parole into the United States after being evacuated in Operation Allies Welcome.^[6] Those granted humanitarian parole may remain in the United States if they transition to another legal status, such as by applying for asylum, temporary protected status, a visa, or certain special humanitarian statuses.

3. Temporary Protected Status:

Temporary Protected Status (TPS) is a designation given by the Secretary of Homeland Security on a country-by-country basis, in recognition that circumstances such as conflicts, disasters, or other unrest prevents individuals returning safely to a designated country.^[7] Individuals from designated countries may apply for TPS while in the United States, allowing them to remain in the United States so long as their TPS status lasts—subject to periodic renewals. TPS is not a permanent status or path to any other status, but it prevents an individual from being removed from the country for a set period of time, during which they may qualify for other forms of status.

Afghanistan was added to the list of countries eligible for TPS in 2022, less than a year after the Taliban takeover.^[8] TPS status was renewed for Afghans in 2023.^[9] As of May 2025, when the Department of Homeland Security terminated the eligibility of Afghans for TPS (as described below), nearly 12,000 Afghans in the United States relied on TPS for protection from deportation and eligibility to work in the United States.^[10]

4. Refugee Processing via the United States Refugee Admissions Program (USRAP):

The United States Refugee Admissions Program (USRAP) is a generalized refugee admissions program that resettles refugees in the United States and gives them an opportunity to gain permanent residency and citizenship. Individuals must receive a referral to USRAP to be considered for potential refugee status, which often involves lengthy delays. To be considered a refugee under United States law, an individual must be outside the United States *and* generally also outside of their country of nationality, of “special humanitarian concern to the U.S.,” and demonstrate that they were persecuted in their home country due to “race, religion, nationality, membership in a particular social group, or political opinion.”^[11] Refugees may be referred for priority resettlement through USRAP, which allow United States officials or organizations to refer individuals for prioritization—within the set refugee cap.^[12]

5. Asylum:

Individuals may be granted asylum in the United States if they have suffered persecution (or fear they will suffer persecution) in their countries of origin, based on their race, religion, nationality, membership in a particular social group, or political opinion, in addition to meeting a number of other legal requirements.^[13] Individuals granted asylum may seek permanent residency and, eventually, citizenship. An individual must be physically present in the United States to apply for asylum, which presents a significant barrier to application. Many Afghans have applied for asylum in the United States, though many applications remain pending, as processing may take years.

III. RECENT NARROWING / CLOSURES OF PATHWAYS

Since the start of the second Trump Administration, there have been significant constrictions to Afghans' ability to relocate safely and to obtain long-term, stable, lawful status, for those individuals that *are* able to relocate.

Key developments include:

1. Termination of TPS:

In May 2025 the Department of Homeland Security terminated the eligibility of Afghans for TPS.^[14] At the time, nearly 12,000 Afghans in the United States relied on TPS for protection from deportation and eligibility to work in the United States.^[15] Many Afghan TPS recipients were Afghans evacuated in Operation Allies Welcome after the Taliban took control of Kabul.^[16]

Without TPS, even Afghans who qualify for other forms of immigration relief could be barred from receiving immigration benefits and could lose their work authorization.^[17] And Afghans who did not qualify for permanent relief to stay in the United States faced the threat of immediate deportation.

2. Other Executive Orders and Travel Ban-related Restrictions:

On June 10, 2025, President Trump issued a travel ban as to several countries, including Afghanistan, via Presidential Proclamation No. 10949.^[18] This Proclamation identified twelve countries for which travel is fully restricted and seven for which travel is partially restricted.^[19] Because Afghanistan is one of the twelve countries subject to a “full[] suspens[ion],” nationals of Afghanistan who, on or after June 9, 2025, were outside of the United States and did not have a valid visa already processed and in-hand as of that date, have generally been prohibited from entering the United States.^[20]

The Proclamation originally exempted certain limited pathways, including immediate family immigrant visas and Afghan SIVs, although many practical obstacles otherwise associated with those pathways, such as processing delays, host-country cooperation, and medical requirements, remained.^[21] However, these exemptions did not last. In November 2025, an Afghan national who arrived in the United States under Operation Allies Welcome, had an SIV application pending, and had been recently granted asylum was arrested for allegedly shooting two National

Guard members in Washington D.C. [22]

After the shooting, Presidential Proclamation No. 10998 was issued in December 2025, instituting a travel ban that suspended visa issuance for Afghan nationals.[23] This Proclamation, which remains in effect today, eliminated the exception that Proclamation 10949 previously preserved for Afghan SIVs and immediate family immigrant visas.[24] Under Proclamations 10949 and 10998, the State Department restricted the use of “boarding foils”—documents issued by a United States embassy or consulate abroad that act as a temporary replacement for a damaged or misplaced Green Card to allow a Green Card holder to return to the United States. The State Department began denying the use of boarding foils to derivative asylees seeking family reunification, citing the authority of the travel-ban Proclamations. However, on July 29, 2026, in *A.A. v. U.S. Dep’t of State*, the United States District Court for the Eastern District of Virginia vacated as unlawful the State Department’s policy and held that the government must issue boarding foils to five derivative beneficiaries within 15 days and adjudicate two more without regard to the proclamations within 30 days.[25]

3. Agency Action:

In December 2025, United States Citizenship and Immigration Services published two policy memoranda ordering a hold on *all* pending I-589 asylum adjudications regardless of nationality, a hold on all pending USCIS immigration-benefit requests of all kinds involving people from 39 countries, including Afghanistan, and a re-review of approved benefits previously granted to individuals from these countries.[26] These memoranda were vacated by a federal court in June 2026, when the District of Rhode Island held in *Dorcas International Institute of Rhode Island v. United States Citizenship and Immigration Services* that USCIS did not have the authority to shut off adjudications for individuals who were already lawfully in the country.[27] USCIS appealed the order on June 12, 2026, but acknowledged that the memoranda were vacated pending further litigation development.[28] Further developments in this case will have far-reaching implications for the long-term ability of many Afghans in the United States to remain in the country lawfully.

4. Closure or Dismantling of Key Offices / Programs:

As a response to the withdrawal of United States forces from Afghanistan in 2021, the State Department established the Coordinator for Afghan Relocation Efforts (CARE) Office and Operation Enduring Welcome (OEW). CARE and OEW were responsible for relocation, reception and resettlement of Afghans who qualify for SIV, refugees, and those with other immigrant statuses, with OEW focusing more narrowly on Afghan nationals who assisted United States military efforts. The Office was codified by the Coordinator for Afghan Relocation Efforts Authorization Act of 2024 and was allocated funding for three years.[29] Notwithstanding this allocation, funding was terminated in mid-2025. From August 2021 through mid-2025—when the Enduring Welcome program shut down[30]—CARE and OEW managed the resettlement of more than 190,000 Afghan evacuees.[31] The closure of both programs is estimated to have affected 300,000 Afghans in need of assistance, many of whom remain stranded in states of limbo today.[32]

In April 2026, President Trump was reportedly in talks to send approximately 1,100 Afghans who helped the American war effort to the Democratic Republic of Congo (the DRC), rather than

permitting them to resettle in the United States.^[33] In June, more than 80 Congressional Representatives signed a letter urging Secretary Rubio to reconsider the DRC resettlement plan.^[34] When asked whether the administration still planned to send the Afghans to DRC, Secretary Rubio responded that the United States was in talks with “multiple countries” about taking in the Afghan nationals.^[35] It is not presently clear what action the administration will take in connection with the resettlement of these 1,100 Afghans, who include approximately 400 children.

In the 2027 budget proposal, no funding was requested for Afghan relocation or for Migration and Refugee Assistance. The proposal contains a \$768 million cut to refugee resettlement programs generally, and funding previously allocated for humanitarian policy will be reallocated toward migration deterrence and repatriation.^[36] The 2027 budget is scheduled to be finalized by Congress in October 2026. Additionally, the refugee resettlement cap for the year will be set at 17,500 but will only permit white South African refugees.^[37]

5. Processing Delays and Uncertainty for SIV Applicants:

In early 2025, the Trump administration effected a freeze on the United States Refugee Admissions Program and related case processing.^[38] In the year and a half since, thousands of would-be refugees and SIV applicants have been left in limbo, many remaining located in third countries such as Qatar, Albania, and other locations.^[39] With the CARE Office’s closure, Afghan SIV and humanitarian parole applicants no longer have a dedicated coordinating office, which increases the risk of cases falling through, delays, and losing track of applicants.

Recent court decisions have required the continued processing of certain statuses. In addition to the *Dorcas International* case described above, for example, on February 6, 2026, a federal court found that the United States government may not suspend or halt the processing of Afghan SIV applications, because SIV processing is mandated by statute. However, the court also clarified that although SIV cases must continue to be *processed*, visa issuance and actual physical entry into the United States may still be suspended under the travel ban unless an exemption or national interest exception applies.^[40]

Further, there is no government funding available for travel to facilitate the safe relocation for the limited number of Afghans who are not foreclosed from all legal pathways to the United States. On day one of the second Trump Administration, the State Department issued a freeze on all foreign aid for 90 days.^[41] On January 25, 2025, flights were suspended for over 40,000 Afghans who were approved to travel to the United States for SIVs, having completed and received approval on the prerequisite steps.^[42] No government spending has been renewed for Afghan applicants left midway through the lengthy processing period for a form of relief. Currently, there are logistical hurdles—many insurmountable and cost-prohibitive—for anyone coordinating these steps on their own. Afghan resettlement applicants not only have to pay out-of-pocket to travel to a third country with an American consular presence for visa processing, but also they are also required to determine how to stay in that third country by meeting local visa requirements, and self-fund all living expenses while processing occurs. Applicants will also then need to self-fund to travel to the United States when the SIV is finally approved.

IV. RISKS FOR AFGHANS ALREADY IN THE UNITED STATES

1. Risks to Afghan Parolees:

Many Afghans who previously entered the United States through humanitarian parole or another form of temporary status are now seeking some form of immigration relief that would allow them to remain in the United States with a pathway to permanent residency or citizenship. Others do not qualify for permanent forms of immigration relief but cannot return to Afghanistan and do not have anywhere else to go. In either scenario, today Afghans in the United States without permanent status face increased risk of deportation, as they have seen protections from removal limited or terminated.

In addition to TPS, many Afghans who entered the United States after the fall of Kabul and the withdrawal of the United States military were paroled into the country as recipients of humanitarian parole, allowing them to seek other forms of immigration relief. Recipients of humanitarian parole are eligible to receive a work permit, allowing them to work for the duration of their parole status.

In April 2025, many Afghan parolees received an email from the Department of Homeland Security, advising them that their parole would terminate in seven days. Shortly after, DHS sent a follow-up email, explaining the termination emails were sent “in error.”^[43] However, individual parole terminations proceeded, and current parolees face the uncertain threat that their parole status may be terminated. While loss of parole status does not render an individual removable if they are protected by another status—such as TPS, a pending asylum application, or some form of permanent status—loss of parole has spread fear in the Afghan immigrant community and has been described as a tactic to confuse and intimidate Afghans into leaving the United States.

While parole terminations have been litigated in courts, parole approval rates and overall processing rates have sharply dropped off, leaving humanitarian parole as a significantly less viable option to seek safety in the United States.^[44] Moreover, the Trump Administration recently implemented a \$1,000 fee for parolees at the start of their parole and with every subsequent re-parole—a cost many may struggle to afford.^[45]

In addition to loss of TPS or parole status, Afghans in the United States face risks as Immigration and Customs Enforcement has increased arrests and enforcement operations throughout the country. For example, on February 18, 2026, the Department of Justice filed a new Department of Homeland Security memorandum in federal court, entitled, “Detention of Refugees Who Have Failed to Adjust to Lawful Permanent Resident Status.” This memorandum sets out a nationwide policy allowing the arrest and detention of certain refugees who have not adjusted to lawful permanent resident status after one year in the United States—including those who tried but were unable to do so for reasons outside their control and despite their diligence. Pursuant to this memorandum, failure to file for adjustment or appear for inspection may now result in arrest, and a former paperwork compliance issue has expanded into a potential enforcement and custody event.^[46]

2. Afghans in the American Workplace:

From 2021 through early 2026, SIVs carried work authorization.^[47] The State Department issued approximately 160,000 Afghan SIVs through January 2026.^[48] However, Afghans entering the United States by other means—e.g., on humanitarian parole, with TPS, or under a pending asylum application—did not automatically receive work authorization and would instead have to apply separately for work authorization.^[49] Each pathway to work authorization provides for separate expiration cycles and renewal procedures—each of which American companies employing Afghans would be aware of.

The Office of Refugee Resettlement's surveys of resettled Afghans found more than 60% employed in 2022 and more than 80% employed in 2023, with nearly two-thirds reporting that they could cover housing and household costs.^[50] These employment statistics were concentrated in certain states—such as Texas, California, and Virginia—and particularly in metropolitan areas with established Afghan-American communities, such as Dallas-Fort Worth, Houston, Sacramento, the Bay Area, and Northern Virginia.^[51] Large corporate employers with operations in these areas joined the Coalition for Afghan Refugees, which launched in September 2021, and committed to hiring, training, and mentoring Afghan employees, in partnership with Welcome.US.^[52] Accommodations included language interpreters at the workplace and utilizing Afghan-dedicated job application portals.^[53]

However, in the second Trump administration, the formerly clear frameworks for employment of Afghans has largely dissolved, leaving resulting uncertainty for employers of Afghans in the United States. On October 30, 2025, the Department of Homeland Security issued a rule eliminating the automatic extension of employment authorization for most renewal applicants, such that a timely filed Form I-765 would no longer bridge the gap while USCIS adjudicates renewal applications.^[54]

Additionally, the USCIS pause on asylum adjudications extends to Forms I-765 and other employment authorization application and renewal-related forms.^[55] The District of Rhode Island vacated those policies under the Administrative Procedure Act on June 5, 2026 in *Dorcas International Institute of Rhode Island v. USCIS*, denied a stay pending appeal on July 15, 2026, and on August 14, 2026 the First Circuit partially stayed that ruling — permitting USCIS to resume re-reviewing approved benefits for post-January 20, 2021 entrants while leaving the remainder of the vacatur intact.^[56] For employers, the effect is that an Afghan employee's continued work authorization may now turn on the pending federal appeal. With such unpredictable renewal timing and lack of auto-extension safety net, employers face risks when continuing to employ workers whose authorization has lapsed or may lapse before their renewal is adjudicated. Employers may resultingly become reluctant to hire Afghan candidates, despite the INA's prohibition of discrimination on the basis of citizenship status or national origin discrimination for those lawfully present in the United States.^[57]

V. WHAT TO WATCH

1. Proposed Legislation:

In response to public pressure associated with the narrowed pathways to safety and lawful status for Afghan allies, bipartisan legislation has recently been introduced to assist in filling the gap for certain Afghan nationals who may have claims for relief in the United States.

A. Afghanistan TPS Act of 2026:

On July 23, 2026, Representatives Jason Crow (D-Colorado), Sam Liccardo (D-California), Don Bacon (R-Nebraska), and María Elvira Salazar (R-Florida) introduced the Afghanistan TPS Act of 2026, H.R. 9899, which was referred to the House Committee on the Judiciary.^[58] A Senate companion was introduced on August 6, 2026.^[59] The bill would restore by statute the TPS protection DHS terminated, effective July 14, 2025, and place it beyond the reach of a subsequent unilateral executive reversal.^[60]

Key provisions include:

- Treating Afghanistan as designated for Temporary Protected Status under 8 U.S.C. § 1254a, for an initial period running from enactment through July 1, 2029;
- Directing USCIS to receive and process TPS applications and associated applications for employment authorization, and to complete adjudication of each application within 90 days of receipt;
- Waiving filing fees and granting advance consent for emergency travel abroad; and
- Requiring collection of biometric and biographic information and criminal and national-security background checks for all applicants.

B. ARCH Act and FY2027 National Defense Authorization Act:

On August 7, 2026, Senators Mike Rounds (R-SD), Amy Klobuchar (D-MN), Chris Coons (D-DE), and Thom Tillis (R-NC) introduced the ARCH Act, the standalone companion to Section 1080 of the Senate's FY2027 NDAA.^[61] The bill would direct the Department of Defense to build a secure online portal within 180 days of enactment to verify and preserve service records and biometric data for at-risk Afghan allies who served at least one year between December 22, 2001 and September 1, 2021, including Afghan special operations forces, the Afghan National Army Special Operations Command, the Afghan Air Force, the Special Mission Wing, female members of any Afghan security force, human intelligence sources, counterterrorism and counternarcotics personnel, judges and prosecutors, and senior Ministry of Defense and Ministry of Interior officials. Applications would be accepted from outside the United States, including from within Afghanistan; a designee could apply on an individual's behalf; no fees could be charged; denials would carry one right of appeal within 120 days; and the program would run for a minimum of ten years.^[62]

2. Announced Closure of Camp As Sayliyah:

Camp As Sayliyah in Qatar houses approximately 1,100 vetted Afghan allies and their families—including more than 150 immediate family members of United States military personnel—who were transported by the United States government while awaiting admission to the United States. In January 2026, the State Department notified Congress of its intent to relocate all Afghans from the camp by March 31, 2026 and to fully demobilize the site by the end of fiscal year 2026, on September 30, 2026.^[63] The March 31 date passed without relocation, and residents have recently reported that they still have not been told which third countries, if any, are willing to receive them.^[64]

3. Refugee Admissions and FY2027 Presidential Determination:

The FY2026 refugee admissions ceiling was set at 7,500—the lowest in the history of the program—with admissions primarily allocated to Afrikaners from South Africa. On May 21, 2026, an emergency determination raised the FY2026 ceiling to 17,500, again allocating the increase to Afrikaners from South Africa.^[65] The FY2027 Presidential Determination, expected around September 2026, is the next scheduled opportunity for a change in allocation and is worth watching closely.

4. FY2027 National Defense Authorization Act:

The FY2027 NDAA has separate versions in the House and Senate. The Senate bill (S. 4784)^[66] contains two Afghan-specific provisions not included in the House bill: Section 1088, which would bar the Pentagon from using authorized funds to transfer Camp As Sayliyah residents to Afghanistan or to any third country from which they could be returned; and Section 1080, or the ARCH Act described above. The House bill (H.R. 8800)^[67] was passed on July 22, 2026, and only contains a one-year extension of the Afghanistan War Commission's reporting deadline (Section 1213) and a prohibition on the use of Department of Defense funds to support the Taliban (Section 1214).^[68]

VI. CONCLUSION

When the Taliban regained control of Afghanistan five years ago, there were multiple pathways to obtaining refugee or other temporary protected status in the United States for Afghans at risk, as well as viable paths forward to permanent lawful status and citizenship. However, many of those pathways are now closed, paused, or rapidly narrowing. Restrictive travel bans, processing pauses and backlogs, funding cuts, and closure of agency offices focused on resettlement are particularly significant. And long-term processing delays, coupled with the anticipated absence of funding for Afghan resettlement and immigration applications in FY 2027, suggests that these problems are not soon to resolve.

Several new bills have been introduced to protect Afghan nationals, but each of these bills remain in the early stages. The five-year mark of this crisis is not a conclusion. The legal landscape has changed considerably since August 2021, and it continues to change. Gibson Dunn remains committed to helping Afghan allies and their families pursue every avenue that remains open to them.

[View a video](#) on Gibson Dunn's response to the humanitarian crisis in Afghanistan.

[1] *Operation Allies Welcome*, Dep't of Homeland Sec., <https://www.dhs.gov/archive/operation-allies-welcome>.

[2] <https://Welcome.US>; Washington Journal, *Nazanin Ash on Refugee Resettlement Efforts in U.S.*, C-SPAN, Dec. 22, 2021, <https://www.c-span.org/program/washington-journal/nazanin-ash-on-afghan-refugee-resettlement-efforts-in-us/606683>.

[3] *Special Immigrant Visas for Afghans – Who Were Employed by/on Behalf of the U.S. Government*, U.S. Dep't of State, <https://travel.state.gov/content/travel/en/us-visas/immigrate/special-immg-visa-afghans-employed-us-gov.html>.

[4] *Afghan Frequently Asked Questions*, U.S. Dep't of State, <https://travel.state.gov/content/travel/en/us-visas/immigrate/special-immg-visa-afghans-employed-us-gov/afghan-faq.html>.

[5] *Frequently Asked Questions About Parole Requests for Afghans Based on Urgent Humanitarian Reasons and or Significant Public Benefit Parole for Afghans*, U.S.C.I.S., <https://www.uscis.gov/humanitarian/humanitarian-or-significant-public-benefit-parole-for-aliens-outside-the-united-states/information-for-afghan-nationals-on-requests-to-uscis-for-humanitarian-parole/frequently-asked-questions-about-parole-requests-for-afghans-based-on-urgent>.

[6] Jeanne Batalova and Julian Montalvo, *Afghan Immigrants in the United States*, Migration Policy Institute (Feb. 15, 2024), <https://www.migrationpolicy.org/journal/spotlight/afghan-immigrants-united-states>.

[7] *Temporary Protected Status*, U.S.C.I.S., <https://www.uscis.gov/humanitarian/temporary-protected-status>.

[8] 87 Fed. Reg. 30976.

[9] 88 Fed. Reg. 65728.

[10] 90 Fed. Reg. 20311.

[11] 8 U.S.C. § 1101(a)(42); *Refugees*, U.S.C.I.S., <https://www.uscis.gov/humanitarian/refugees-and-asylum/refugees>; *The United States Refugee Admissions Program (USRAP) Consultation and Worldwide Processing Priorities*, U.S.C.I.S., <https://www.uscis.gov/humanitarian/refugees-and-asylum/usrap>.

[12] *Am I eligible for the new Afghan refugee program?*, International Refugee Assistance Project, <https://support.iraplegalinfo.org/hc/en-us/articles/4404608797588-Am-I-eligible-for-the-new-Afghan-refugee-program#:~:text=P%2D1%2C%20or%20Priority%201,for%20a%20P%2D1%20referral>.

[13] *Asylum*, U.S.C.I.S., <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum>.

[14] 90 Fed. Reg. 20309.

[15] *Id.*

[16] *TPS for Afghanistan Expires, Leaving Thousands at Risk of Deportation and Job Loss*, Global Refuge (Jul. 21, 2025), <https://globalrefuge.org/news/tps-for-afghanistan-expires/>.

[17] *Over 2 Million Work Authorizations in Jeopardy Following Immigration Actions*, Nat'l Imm. Forum (Jul. 10, 2025), <https://forumtogether.org/article/over-2-million-work-authorizations-in-jeopardy-following-immigration-enforcement-announcements/>; *see infra* Section IV.2.

[18] *Restricting the Entry of Foreign Nationals To Protect the United States From Foreign Terrorists and Other National Security and Public Safety Threats*, 90 Fed. Reg. 24497 (Jun. 4, 2025), <https://www.federalregister.gov/documents/2025/06/10/2025-10669/restricting-the-entry-of-foreign-nationals-to-protect-the-united-states-from-foreign-terrorists-and>

[19] The Proclamation “fully restrict[s] and limit[s] the entry of nationals of the following 12 countries: Afghanistan, Burma, Chad, Republic of the Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan, and Yemen.” The Proclamation “partially restrict[s] and limit[s] the entry of nationals of the following 7 countries: Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan, and Venezuela.” *Id.*

[20] *Id.*

[21] *Id.*

[22] Brian Mann, *National Guard shooting suspect served in CIA counterterrorism unit, group says*, NPR (Nov. 27, 2025), <https://www.npr.org/2025/11/27/nx-s1-5623041/national-guard-shooting-suspect-cia-unit-afghanistan>.

[23] *Restricting and Limiting the Entry of Foreign Nationals To Protect the Security of the United States*, 90 Fed. Reg. 59717 (Dec. 16, 2025), <https://www.whitehouse.gov/presidential-actions/2025/12/restricting-and-limiting-the-entry-of-foreign-nationals-to-protect-the-security-of-the-united-states/>.

[24] *Id.*

[25] *A.A. v. U.S. Dep’t of State*, No. 25 Civ. 1819 (AJT), ECF No. 128 (E.D. Va. Jul. 29, 2026).

[26] Policy Memo. 602-0192, USCIS (Dec. 2, 2025), <https://www.uscis.gov/sites/default/files/document/policy-alerts/PM-602-0192->

[PendingApplicationsHighRiskCountries-20251202.pdf](#); Policy Memo. 602-0194, USCIS (Jan. 1, 2026), <https://www.uscis.gov/sites/default/files/document/policy-alerts/PM-602-0194-PendingApplicationsAdditionalHighRiskCountries-20260101.pdf>

[27] *Dorcas Int'l Inst. of Rhode Island v. United States Citizenship & Immigr. Servs.*, 2026 WL 1622708 (D.R.I. Jun. 5, 2026), judgment entered, 2026 WL 1695954 (D.R.I. Jun. 11, 2026).

[28] *Court Order on Hold Policies*, U.S.C.I.S., <https://www.uscis.gov/newsroom/alerts/court-order-on-hold-policies>.

[29] H.R. 8368 – Coordinator for Afghan Relocation Efforts Authorization Act of 2024, 118th Cong. (2024).

[30] Paul Guaglianone, *Congressional Notification Transmittal Letter (25-032)*, U.S. Dep't of State, https://drive.google.com/file/d/1diYLDtG8zJVKDjckog3q40YuFLT_0TUR/view.

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