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Welcoming Afghans and Ukrainians to the United States: A Case in Similarities and Contrasts

JULY 13, 2022 POLICY BEAT | By Muzaffar Chishti and Jessica Bolter



Young Afghan girls on the outskirts of Farah City, Afghanistan. (Photo: HMC Josh Ives/U.S. Navy)

Almost a year ago, in one of the largest foreign evacuations by the U.S. government in history, at least 82,000 Afghans were flown out of Afghanistan amid the chaotic withdrawal of the U.S. military and government takeover by the Taliban. The arrival since then of about 79,000 Afghans prompted rapid government and volunteer mobilizations in communities across the United States to help the newcomers settle. This humanitarian challenge was soon compounded as the Biden administration agreed to admit up to 100,000 of the more than 6 million Ukrainians who had fled Russia's invasion of Ukraine in February. The sluggishness of an overwhelmed U.S. immigration system has pushed government officials to adapt or create ad hoc pathways for Afghans and Ukrainians to enter the United States, where both groups have been met with broad public support.

While both Afghans and Ukrainians have used various channels to enter the United States—including temporary visas, the refugee resettlement program, and Special Immigrant Visas (SIVs) reserved for Afghans (and Iraqis) who worked in support of the U.S. government—the majority entered on parole. Parolees are permitted to remain in the country temporarily, for two years in the case of Afghans and Ukrainians, and to apply for work authorization. Parole status, however, does not convey any permanence or provide a pathway to legal permanent residence, making it a tenuous status for its recipients—and adding Afghans and Ukrainians to the swelling lists of immigrants on liminal statuses in the United States.

Of the close to 79,000 Afghans who had entered the United States as of mid-June, at least 72,500 had been paroled; for Ukrainians, 39,000 of the 73,000 arrivals were parolees. These represent two of the largest nationality-specific parole programs administered since the modern refugee resettlement system was established in 1980.

Foreign nationals can be paroled into the United States for “significant public benefit or urgent humanitarian reasons,” including flight from targeted harm. After World War II and prior to the enactment of the Refugee Act of 1980, parole was the most frequently used legal option to admit refugees in numbers above the levels permitted by the narrow refugee programs of the time, including for 690,000 Cuban and 360,000 Indochinese refugees. Once the refugee admissions system became more formalized and robust, with increased refugee numbers authorized,

parole lost its salience. However, the parole authority first created in 1952 was still used in individual emergency situations and, in some cases, to provide humanitarian protection to broader groups who may not have qualified for refugee status. For example, between 1989 and 1998, the United States paroled some 86,000 citizens of Vietnam, Cambodia, Laos, and those born in the former Soviet Union as an alternative to refugee resettlement when they did not meet the precise criteria for refugee status and when such criteria began to be more strictly enforced.

The current use of parole for Afghans and Ukrainians, to some degree, follows in this tradition. It is being used to quickly offer protection in emergency situations given the limitations of the refugee system—not a lack of slots, but rather years-long waiting periods—and the lack of alternative pathways to legally enter the United States. Historically, most broad parole programs were followed by Congress passing legislation allowing parolees to become lawful permanent residents (LPRs, or green-card holders). No such legislation has thus far been enacted for Afghans or Ukrainians, leaving them to rely on short-term protection. If parole is not renewed after the initial two-year period, parolees who have not secured their lawful stay through an alternative path—such as asylum or a green card through family or employer sponsorship—would be left without lawful status.

This article examines the seemingly similar, yet different, U.S. government treatment for Afghan and Ukrainian arrivals; the creation of the Uniting for Ukraine sponsorship program; and how the use of ad hoc statuses could evolve for future crises.

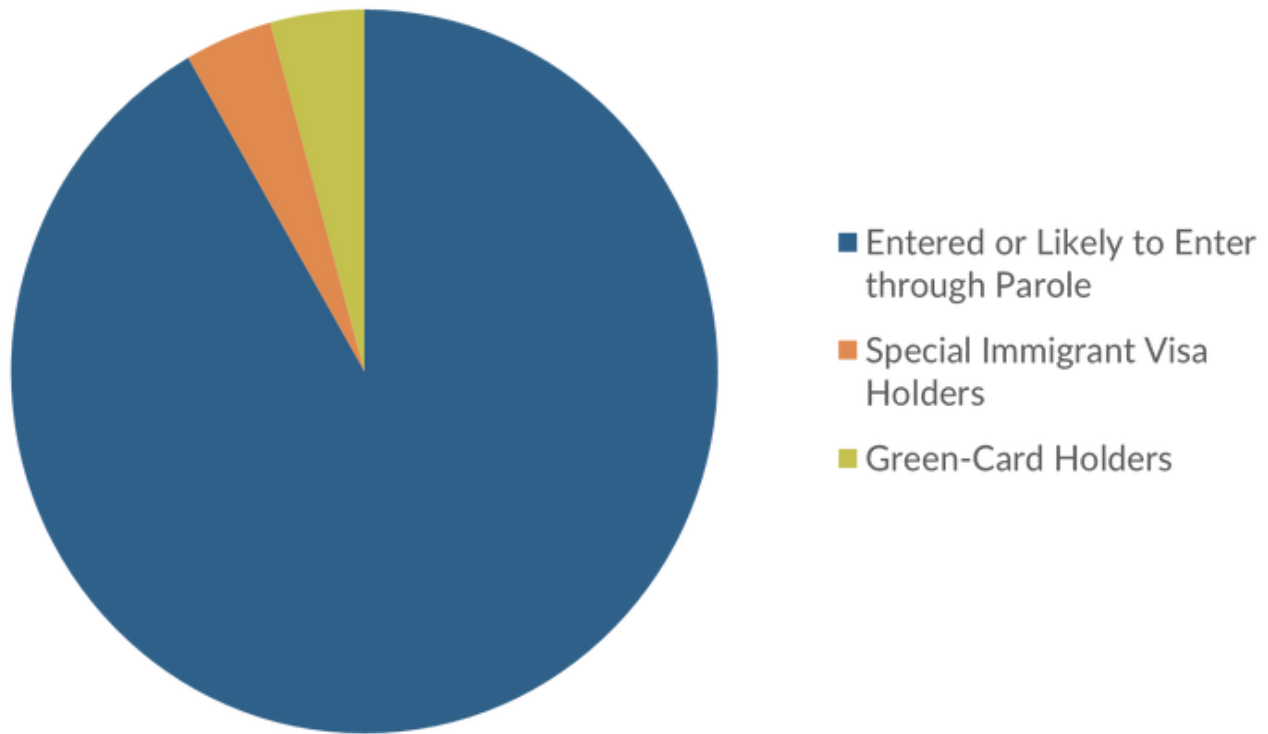
Different Realities for Afghan Evacuees and Those Left Behind

While Afghans who managed to get evacuated on U.S. flights in July and August 2021 have had access mainly to short-term immigration protections, tens of thousands of others who did not make it out but whose U.S. ties have left them in danger in their homeland have had even fewer options for admission to the United States.

Evacuees

As of November 2021, the most recent period for which breakdowns are available, of the 82,000 Afghans registered as having entered the United States or waiting to enter, 3,500 had green cards and 3,000 others had valid SIVs (see Figure 1). The rest had no pathway to enter the country quickly aside from parole. This group included 37,000 individuals whose applications for SIV status were pending or who were identified as eligible to apply, and 4,000 who had been referred for possible refugee resettlement.

Figure 1. U.S. Legal Status of Evacuated Afghans, November 2021



Source: U.S. Department of Homeland Security (DHS), *Operation Allies Welcome Afghan Evacuee Report* (Washington, DC: DHS, 2021), available online.

The administration has encouraged Afghan parolees to apply for asylum unless they have other long-term protection available. Congress appropriated \$193 million to expedite these asylum adjudications and to try to avoid diverting resources from other priorities. Even if U.S. Citizenship and Immigration Services (USCIS) can successfully expedite these cases, as directed, these adjudications will take time. Asylum applications are complex and typically require significant evidence of likely persecution—proof that may have been impossible to gather and carry for Afghans trying to avoid rousing suspicion at Taliban checkpoints. A fraction of parolees has thus far filed for asylum. Historically, affirmative asylum approval rates for Afghans have been relatively high, though the number filed annually has tended to be in the hundreds, rather than the thousands. Approval rates for this new population of Afghan asylum applicants have yet to be released publicly.

The Department of Homeland Security (DHS) has eliminated one obstacle to asylum for Afghans. Under current law, foreign nationals who have assisted terrorist groups are generally barred from asylum in the United States. However, this broad provision can be applied to individuals who provided minor support in goods or services to a member of a U.S.-designated terrorist group, such as the Taliban. On June 23, DHS exempted from this asylum bar individuals who provided insignificant or limited material support, including Afghans who worked with U.S. forces or who held Afghan civil service jobs during periods when the Taliban controlled the government.

The process of obtaining permanent legal protection will also be difficult for the 37,000 Afghans who have applied for, or were deemed eligible to apply for, SIV status. The application process requires evidence from U.S. supervisors and layers of adjudications by multiple government agencies, a process that drags out wait times. From 2008 through March 2021, 74,000 Afghans had been granted SIVs for working with the U.S. government. While the administration has hired additional staff to process SIVs, processing remains slow. Between March 2021 and March 2022, 9,600 applicants have been granted SIVs. At that rate, it would take three to four more years to process the rest. A proposed bipartisan amendment to the House version of the 2023 National Defense Authorization Act could potentially ameliorate some delays. It would direct the State Department to surge capacity to process SIV applications and Afghan refugee applications, though it is not yet clear whether this amendment will make it into law and how it would be implemented.

Despite the obstacles Afghan parolees face, Congress has not passed an Afghan Adjustment Act, which would create a path to permanent residence for them. In the meantime, as Afghans await their asylum or SIV adjudications, or decide whether to apply in the first place, the administration designated Afghanistan for Temporary Protected Status (TPS). TPS makes Afghans residing in the United States since March 15, 2022, eligible for an 18-month grant of authorized stay and work authorization. While TPS, like parole, requires frequent renewals—DHS must decide at least every 18 months whether to extend or terminate it—its statutory basis is stronger than that of parole.

Although the question of permanent residence for Afghan parolees remains up in the air, Congress and the administration have taken some actions to promote their integration. A provision enacted in September 2021 makes Afghan parolees eligible for refugee resettlement services, including medical and food assistance, job training, and English classes. In addition, the administration launched the Sponsor Circle program, through which small groups of U.S. residents collectively commit to facilitate the integration efforts of an Afghan individual or family, by assisting them in applying for public benefits, finding jobs and housing, and enrolling children in school. This program has the potential to root new Afghan arrivals more deeply in receiving communities and to increase U.S. residents' investment in resettlement. The initiative marked the first time the United States has implemented a private refugee sponsorship program since the creation of the modern refugee resettlement program. While promising, the program remains small: by the end of April 2022, 415 Afghans were being supported by sponsor circles.

Afghans Left Behind

The chaos of the final weeks of the U.S. withdrawal from Afghanistan meant that not all Afghans who wanted to leave and were eligible for evacuation were able to do so. Of the Afghans who remained in the country after August 31, 2021, 46,000 have applied for U.S. humanitarian parole. But less than 5,000 of these cases had been fully adjudicated by mid-June 2022, and only 297 were approved. The low number of adjudications is mainly because applicants must appear at a U.S. consulate to provide biometric information and to be interviewed. In the absence of a U.S. consular presence in Afghanistan, applicants must travel to a third country and sometimes remain there for months awaiting a decision.

The low number of approvals stems from USCIS standards for humanitarian parole, which until recently required an applicant to demonstrate that they were fleeing targeted, individualized harm. This is already a difficult bar to meet, but a lawsuit filed in Massachusetts by the American Civil Liberties Union (ACLU) alleges that in November 2021, overwhelmed by application receipts, USCIS went further, raising its standards for Afghans even more. The ACLU lawsuit contends that adjudicators were instructed to approve applications of Afghans in third countries only when applicants faced imminent harm there or were at imminent risk of being returned to Afghanistan. In June 2022, USCIS responded to widespread public outcry about low approval rates and expanded eligibility for humanitarian parole to those who, in the absence of evidence of being individually targeted for harm, can show they are simply part of a targeted group.

Ukrainians: Initial Chaos Evolves into Specialized Parole Program

The administration has ended up taking a seemingly opposite approach to displaced Ukrainians: no humanitarian program existed for them in the first two months of the war, in contrast to Afghans who were evacuated *en masse* after the U.S. withdrawal. But by April 25, a special parole program for Ukrainians had been established.

Initial Response

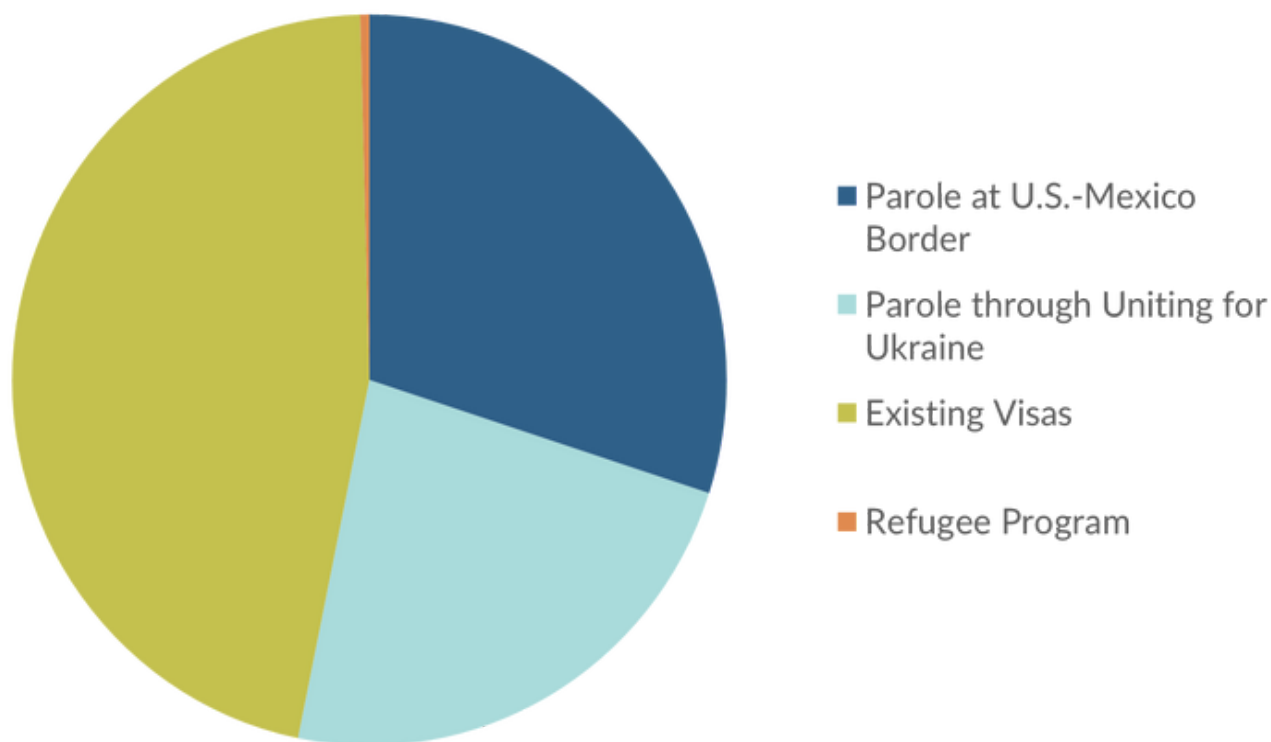
When Ukrainians first started fleeing Russia's invasion on February 24, there was no clear pathway through which large numbers of them could easily and quickly come to the United States. It takes years to go through the U.S. refugee resettlement program, and the humanitarian parole program was severely backlogged due to the flood of Afghan applications just a few months prior. Most Ukrainians preferred to stay in European countries, where they might have family or friends, could travel visa-free, receive temporary protection, and easily return to Ukraine when feasible. However, a comparatively small number—generally those with pre-existing family, friend, or other connections in the United States—looked further afield, and found creative ways to reach U.S. territory.

About 34,000 Ukrainians traveled on existing U.S. visas they likely obtained for other purposes—for example, a still-valid multiple-entry tourist visa (see Figure 2). Those who traveled on tourist visas face their own set of hurdles: these visas permit only a six-month stay in the United States with no pathway to permanent residence. However, the April 19 DHS designation of Ukraine for TPS allowed Ukrainians residing in the United States as of April 11 to access temporary protections, key for anyone who entered on a visa with a limited period of authorized stay.

Between the beginning of the invasion and the end of June, about 400 Ukrainians entered the United States through the U.S. refugee program. It is highly unlikely that these individuals applied after the start of the war, given the slow pace of refugee resettlement, or that they applied through the traditional refugee resettlement program. Instead, Ukrainians have typically applied for resettlement under a provision of U.S. law popularly called the Lautenberg Amendment, which provides a pipeline through which most Ukrainians resettled in the past three decades have arrived. First authorized in 1990, the provision directs the U.S. government to set lower standards for refugee eligibility for certain categories of former Soviet or Indochinese nationals. It has mainly been used to resettle religious minorities from these countries, including from Ukraine.

More than 20,000 other Ukrainians, many of whom likely lacked U.S. visas, traveled visa-free to Mexico and then requested asylum upon reaching the U.S.-Mexico border, mainly at the port of entry connecting Tijuana and San Diego. Thus was formed the first group of Ukrainian parolees: U.S. Customs and Border Protection (CBP) set a policy of paroling into the country Ukrainian asylum seekers at the border, despite turning away the vast majority of asylum seekers of other nationalities under COVID-19 pandemic restrictions.

Figure 2. Pathways through which Ukrainians Entered United States, February 24 through June 2022



Sources: Julia Ainsley, “More than 71,000 Ukrainians Have Arrived in the U.S. Since March,” NBC News, June 24, 2022, available online; Niskanen Center Twitter post, June 29, 2022, available online.

Uniting for Ukraine

DHS stopped this policy of paroling all Ukrainian border arrivals into the country when the administration launched the Uniting for Ukraine parole program on April 25. Under Uniting for Ukraine, a sponsor who resides in the United States lawfully can file a petition for a Ukrainian

beneficiary to be paroled into the United States. Sponsors must demonstrate their ability to support the parolee financially, and commit to ensuring that beneficiaries have housing and health care. They also must assist the newcomers in applications for employment authorization and in enrolling children in school. Beneficiaries must have resided in Ukraine through February 11, 2022, and pass security vetting. As it did for Afghans, Congress extended eligibility for refugee resettlement services to Ukrainian parolees. By the end of June, more than 17,000 Ukrainians had been paroled into the United States through Uniting for Ukraine, and 24,000 more had been approved but had not yet arrived—presenting a stark contrast to the 297 Afghans who had been granted humanitarian parole over a much longer timeframe. Unlike Afghans, Ukrainians applying for parole through Uniting for Ukraine have their \$575 application fee waived and do not have to be interviewed in person at a consulate.

Uniting for Ukraine represents the United States' most significant step to date toward private sponsorship as a complement to the refugee resettlement program. However, Ukrainians are arriving not as refugees but as parolees. This condition made the program's speed possible, but it does not allow for long-term settlement. While many Ukrainians may still be planning to return to Ukraine as soon as possible, for those who do not, parole comes with limitations.

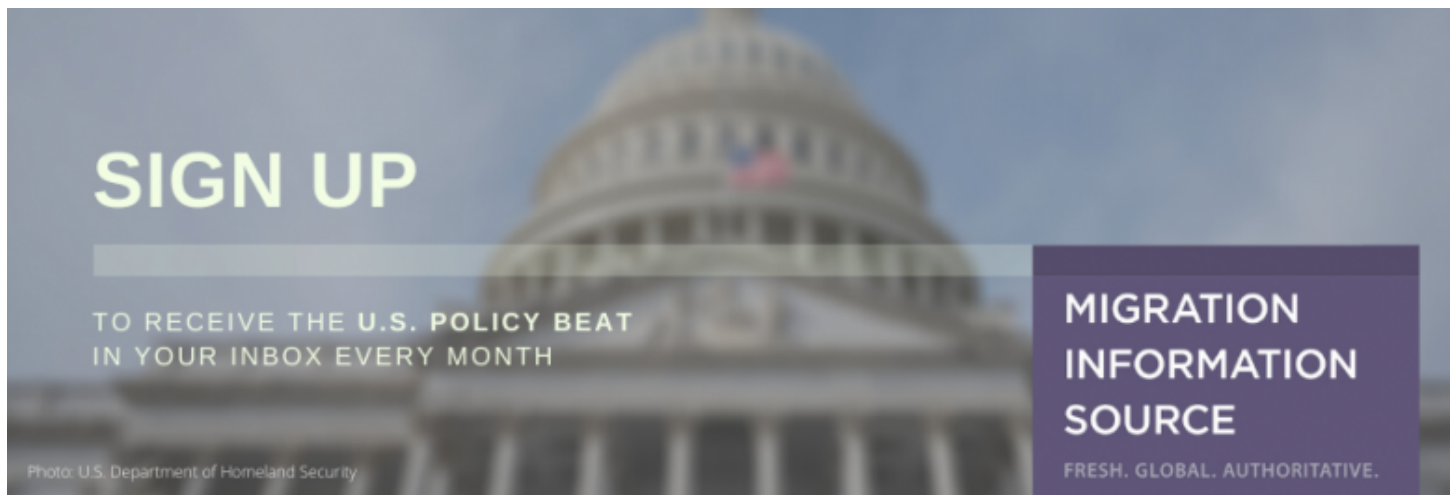
Are Ad Hoc Protections the Way of the Future?

The administration's use of parole for Afghans and Ukrainians has been key to quickly providing needed protections. But the fact remains that parolees cannot count on these protections to endure. Even if parole gets renewed continually—which is not guaranteed—recipients cannot be sure about their prospects of staying in the United States. And should another displacement crisis emerge, any future administration may have to once again devise another program tailored to a specific population. Just in the past several months, the Biden administration announced it would restart two nationality-specific parole programs: the Cuban Family Reunification Parole Program and the Haitian Family Reunification Parole Program.

The more than 111,000 Afghan and Ukrainian parolees are just the latest populations to receive, through executive action, some type of temporary protection from deportation and work authorization but no clear path to stay permanently in the United States. Today, nearly 2.2 million immigrants in the United States are in a similar liminal status, encompassing Afghan and Ukrainian parolees, asylum seekers with pending applications who have received work authorization, active Deferred Action for Childhood Arrival (DACA) beneficiaries, and active TPS holders. With Congress paralyzed for more than two decades now in finding ways to update the immigration system, use of the executive branch's limited power over immigration has expanded.

If it chooses finally to act on immigration, Congress may find no better time than now to pass legislation to protect Afghans and Ukrainians. Public support for both groups is significant, tracing back to a sense of indebtedness to the Afghans who advanced U.S. interests and sympathy for Ukrainians widely perceived as victims of an over-aggressive Russia. Through Welcome.US, a national nonprofit rapidly created after the Afghan evacuation and expanded after the arrival of Ukrainians, as well as other efforts, Americans have donated hundreds of millions of airline miles and credit card points to cover the flights of thousands of Afghans from military bases to their new U.S. communities, and raised millions of dollars. Through Uniting for Ukraine, 66,000 U.S. residents have applied to sponsor parolees. An April 2022 survey from the Empathy Research Lab found that 54 percent of Americans supported resettling Afghans and 67 percent supported resettling Ukrainians.

Even so, Congress has not included a proposed Afghan Adjustment Act in any must-pass legislation; most recently, such a measure was excluded from an appropriations bill in May that provided \$40 billion in aid to Ukraine despite requests from the administration to include it. Discussions about a Ukrainian Adjustment Act may not yet be widespread, but are beginning to emerge. Once they attract lawmakers' attention, combining both groups into one piece of legislation may provide the momentum that they individually have failed to garner.



Sources

- Aleaziz, Hamed. 2022. Some Afghan Refugees Now Have Chance to Avoid Terrorism Designation that Blocked Path to U.S. *Los Angeles Times*, June 14, 2022. **Available online.**
- Betancourt, Sarah. 2022. Sponsor Circle Participants Prepare to Welcome Afghan Evacuees to Massachusetts. WGBH News. **Available online.**
- Bruno, Andorra. 2018. *Refugee Admissions and Resettlement Policy*. Washington, DC: Congressional Research Service (CRS). **Available online.**
- . 2020. *Immigration Parole*. Washington, DC: CRS. **Available online.**
- . 2021. *Iraqi and Afghan Special Immigrant Visa Programs*. Washington, DC: Congressional Research Service (CRS). **Available online.**
- Chishti, Muzaffar and Julia Gelatt. 2021. U.S. Government Rush to Evacuate Afghan Allies and Allocate Sufficient Special Visas Comes at Eleventh Hour. *Migration Information Source*, July 27, 2021. **Available online.**
- Daniel Benitez v. John Mata*. 2004. No. 03-7434. Supreme Court of the United States, Brief of Amici Curiae, February 25, 2004. **Available online.**
- Davies, Matthew S. 2022. Memorandum from the Executive Director of Admissibility and Passenger Programs, U.S. Customs and Border Protection (CBP), to Directors of Field Operations, Office of Field Operations, CBP. *Title 42 Exceptions for Ukrainian Nationals*. March 11, 2022. **Available online.**
- Empathy Research Lab. 2022. Attitudes toward Ukrainian and Afghan Refugees: Results from an Online Survey. April 2022. **Available online.**
- Gelatt, Julia and Doris Meissner. 2022. Straight Path to Legal Permanent Residence for Afghan Evacuees Would Build on Strong U.S. Precedent. Migration Policy Institute (MPI) commentary, March 2022. **Available online.**
- House Rules Committee. 2022. Amendment to Rules Committee Print 117-54 Offered by Ms. Slotkin of Michigan. 2022. HR 7900, 117th Cong., 2nd sess. July 1, 2022. **Available online.**
- International Rescue Committee (IRC). 2022. IRC's Amanda Catanzano Testifies to the US House Oversight Committee Subcommittee on National Security. Press release, June 8, 2022. **Available online.**
- Koenig, David. 2021. Miles Donations Are Providing Flights for Afghan Refugees. Associated Press, October 26, 2021. **Available online.**

Montoya-Galvez, Camilo. 2022. U.S. Is Rejecting Over 90% Of Afghans Seeking to Enter the Country on Humanitarian Grounds. CBS News, June 20, 2022. **Available online.**

Moore, Charlotte J. 1980. *Review of U.S. Refugee Resettlement Programs and Policies. A Report. Revised.* Washington, DC: CRS. **Available online.**

Niskanen Center. 2022. Twitter post, June 29, 2022. **Available online.**

Rasul Roe et al. vs. Alejandro Mayorkas et al. 2022. No. 1:22-cv-10808. U.S. District Court for the District of Massachusetts, May 25, 2022. **Available online.**

Rosenberg, Victor. 2003. Refugee Status for Soviet Jewish Immigrants to the United States. *Touro Law Review* 19 (2): 419-50. **Available online.**

Special Inspector General for Afghan Reconstruction (SIGAR). 2017. U.S.-Based Training for Afghanistan Security Personnel: Trainees Who Go Absent Without Leave Hurt Readiness and Morale, and May Create Security Risks. Arlington, VA: SIGAR. **Available online.**

U.S. Citizenship and Immigration Services. 2022. Designation of Ukraine for Temporary Protected Status. *Federal Register* 87, no. 75. April 19, 2022. **Available online.**

———. 2022. Designation of Afghanistan for Temporary Protected Status. *Federal Register* 87, no. 98. May 20, 2022. **Available online.**

———. 2022. Guidance on Evidence for Certain Types of Humanitarian or Significant Public Benefit Parole Requests. Updated June 23, 2022. **Available online.**

U.S. Department of Homeland Security (DHS). 2021. *Operation Allies Welcome Afghan Evacuee Report* Washington, DC: DHS. **Available online.**

U.S. Department of Justice, Immigration and Naturalization Service (INS). N.d. *Report to Congress: Use of the Attorney General's Parole Authority Under the Immigration and Nationality Act Fiscal Years 1997-1998.* Washington, DC: INS. **Available online.**

U.S. Department of State. 2022. Iraqis and Afghans Employed by or on Behalf of the U.S. Government, or by the International Security Assistance Force or Its Successor, and Iraqi and Afghan SI Cases Converted under Section 1244. Accessed July 7, 2022. **Available online.**

U.S. Department of State and DHS. 2022. Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act. *Federal Register* 87, no. 120. June 23, 2022. **Available online.**

———. 2022a. Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act. *Federal Register* 87, no. 120. June 23, 2022. **Available online.**

———. 2022b. Exercise of Authority Under Section 212(d)(3)(B)(i) of the Immigration and Nationality Act. *Federal Register* 87, no. 120. June 23, 2022. **Available online.**

Welcome.US. N.d. Pledge a Ticket to a New Beginning. Accessed July 11, 2022. **Available online.**

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