

Camp AS SAYLIYAH (CAS) Afghan Parole Adjudications



International and Refugee Affairs Division Refugee, Asylum & International Operations Directorate

Parole Training, February 16, 2022

AGENDA



- Background
- Parole Definition and Jurisdiction
- USCIS Parole Categories
- CAS Parole Process Overview
- Eligibility / Analysis for Parole
- The Exercise of Discretion
- Favorable versus Negative Factors to Consider
- CAS Parole Assessment
- CAS Case Notices

BACKGROUND



- The U.S. Refugee Admissions Program (USRAP) is undertaking an initiative to expeditiously process for refugee resettlement certain Afghan individuals relocated under Operation Allies Welcome (OAW) from Afghanistan to Camp As Sayliyah (CAS). These evacuees can only remain in Qatar for 30 days.
- Individuals who are relocated to CAS have been identified by the Administration for
 priority relocation based on close ties to and/or support of US efforts in Afghanistan. If
 such individuals are found ineligible for refugee status, they may be
 considered for a discretionary approval of parole based on significant public
 benefit and/or urgent humanitarian reasons.

BACKGROUND – USRAP EVACUATION CATEGORIES



- Immediate family members of US Citizens and LPRs who do not qualify for immigrant visa processing
- Locally Employed Staff (LES) of U.S. Embassy Kabul and their immediate relatives (spouse and unmarried children under 21)
- Immediate relatives of Afghans previously relocated to the United States through OAW (spouse, unmarried children under 21, and, in the case of unaccompanied minors relocated as part of OAW, their primary caregiver, including but not limited to a parent or legal guardian, and the spouse and children under 21 of the primary caregiver.)
- Exceptions—must be approved by the White House

WHAT IS PAROLE?



- Parole <u>IS</u> a discretionary authority (INA § 212(d)(5))— exercised on a case-by-case basis that allows an individual to be present in the U.S. for a temporary period of time for:
 - Urgent humanitarian reasons, and/or
 - Significant public benefit
- Parole IS NOT:
 - A formal admission to the U.S.
 - A parolee remains an "applicant for admission" while inside the U.S.
 - A path to other immigration benefits, unless otherwise eligible
- Intended to be used solely to avoid normal visa processing procedures and timelines, to bypass inadmissibility waiver processing, or to replace established US 2179 refugee processing channels.

CAS PAROLE PROCESS OVERVIEW



- If the adjudicating officer determines after completing the refugee eligibility interview

 that the applicant does not meet the refugee definition or that the I-590 will be
 denied for other reasons, the officer will determine whether to exercise discretion to
 approve parole.
- Requirements prior to parole determination:
 - If the refugee applicant is found inadmissible and a waiver or exemption is available, a decision must be made on the waiver or exemption before a case is considered for parole.
 - All security checks and any required FDNS review of the refugee case must be complete prior to a final determination on parole.
- Mixed Cases:
- If the principal applicant is found ineligible for refugee status but the remaining family members may be
 22 CV 53 pigible for refugee status, USCIS may, in certain circumstances, work with the Resettlement Support consideration

ELIGIBILITY / ANALYSIS FOR PAROLE



- USCIS officer considers each request for parole and the evidence provided on a case-by-case basis, taking into account all of the circumstances to determine whether:
 - There are urgent humanitarian or significant public benefit reasons for the beneficiary to be in the United States; and
 - The beneficiary merits a favorable exercise of discretion.
- The standard of proof for considering evidence submitted to support a parole request is the
 "preponderance of evidence" standard. A fact is established by a preponderance of the
 evidence if the adjudicator finds, upon consideration of all the evidence, that it is more likely than
 not that the fact is true.
- Parole determinations must be made for each individual. There is no derivative status for parole, although officers should consider the positive factor of family unity when determining whether parole is appropriate.

THE EXERCISE OF DISCRETION



• Similar to refugee status or a waiver of inadmissibility, parole is a discretionary benefit that requires officers to consider the entire record and all relevant information available to balance the positive factors in the case against any negative factors.

| • | The weight of any negative factors will be impacted by the nature of the issue | |
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| (b)(7)(e) | The officer must | |
| | | when |
| | determining whether parole is appropriate. | |
| | Officers should consider | |
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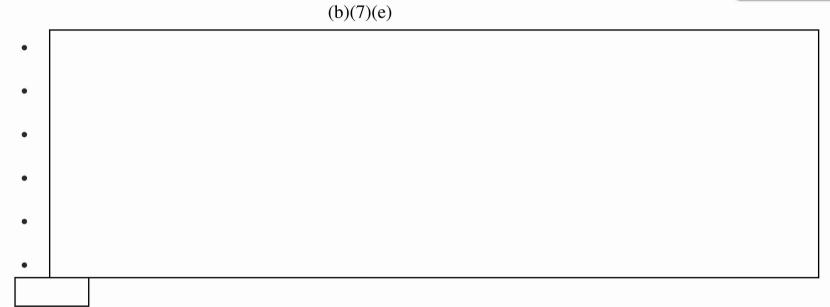
• As in any exercise of discretion, any positive factors in the case should be weighed against the negative factors.

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FAVORABLE FACTORS TO CONSIDER





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NEGATIVE FACTORS TO CONSIDER

U.S. Citizenship and Immigration Services

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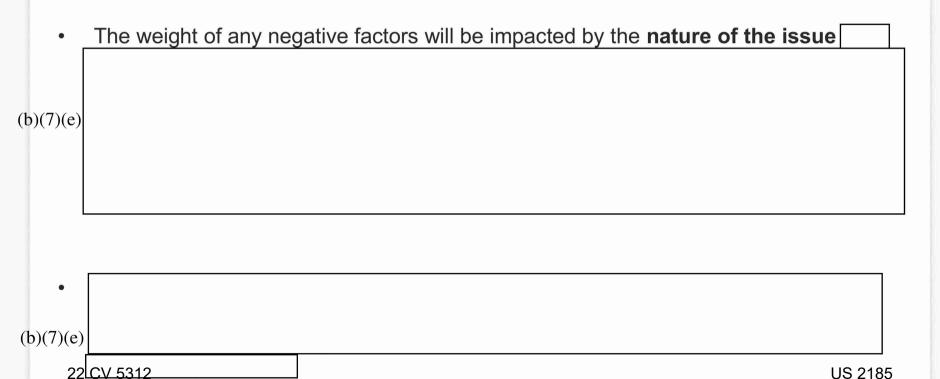
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NEGATIVE FACTOR CONSIDERATIONS





CAS CASE NOTICES



- CAS notice of ineligibility for refugee/eligibility for parole for PA
- CAS notice of ineligibility for refugee/eligibility for parole for PA for derivatives
- CAS notice of ineligibility for refugee/ineligibility for parole for PA
- CAS notice of ineligibility for refugee/ineligibility for parole for derivatives

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