



Camp AS SAYLIYAH (CAS) Afghan Parole Adjudications



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

Parole Training, February 16, 2022

AGENDA



U.S. Citizenship
and Immigration
Services

- 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



U.S. Citizenship
and Immigration
Services

- 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



U.S. Citizenship
and Immigration
Services

- **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 IS 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 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 eligible for refugee status, USCIS may, in certain circumstances, work with the Resettlement Support Center to split the remaining family members to a separate case for further refugee/parole consideration

ELIGIBILITY / ANALYSIS FOR PAROLE



U.S. Citizenship
and Immigration
Services

- 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** [redacted]

(b)(7)(e)

[redacted]

[redacted] The officer must [redacted]

[redacted] when

determining whether parole is appropriate.

- Officers should consider [redacted]

(b)(7)(e)

[redacted]

[redacted]

- As in any exercise of discretion, any positive factors in the case should be weighed against the negative factors.

FAVORABLE FACTORS TO CONSIDER



U.S. Citizenship
and Immigration
Services

(b)(7)(e)

-
-
-
-
-
-
-

NEGATIVE FACTORS TO CONSIDER

(b)(7)(e)



U.S. Citizenship
and Immigration
Services

-
-
-
-
-

NEGATIVE FACTOR CONSIDERATIONS



- The weight of any negative factors will be impacted by the **nature of the issue**

(b)(7)(e)

-

(b)(7)(e)

CAS CASE NOTICES



U.S. Citizenship
and Immigration
Services

- 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

About This Presentation



U.S. Citizenship
and Immigration
Services

- Author(s): IRAD Policy
- Date of last revision: February 15, 2022
- This presentation is valid only as of the date of the last revision
- This presentation is FOUO. No sensitive Personally Identifiable Information (PII) is contained in this presentation.
- Any references to individuals in documents or text, with the exception of case law, relate to fictitious individuals
- All images in this presentation: [cite source of image, if not already included in presentation notes. If already included, delete this bullet]

2216V-5342

US-2187

Disclaimer



U.S. Citizenship
and Immigration
Services

This training module is intended solely to provide general information about the referenced topics. It is not intended to, does not, and may not be relied upon to create or confer any right(s) or benefit(s), substantive or procedural, enforceable at law by any individual or other party in benefit applications before USCIS, in removal proceedings, in litigation with the United States, or in any other form or manner. This training module does not have the force of law, or of a DHS directive.

22 CV 5312

US 2188

Dissemination



U.S. Citizenship
and Immigration
Services

This presentation may not be reproduced or further disseminated without the express written consent of USCIS/RAIO/IRAD/Policy. Please contact USCIS/RAIO/IRAD/Policy for additional information.