

## USCIS Response to Coronavirus (COVID-19)



U.S. Citizenship  
and Immigration  
Services

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# Afghan Operation Allies Welcome (OAW) Parolee Asylum-Related Frequently Asked Questions

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I am an Afghan Operation Allies Welcome (or OAW) Parolee. Should I apply for asylum?

USCIS cannot provide you legal advice about your immigration status. For information about finding legal services, please see the USCIS website, [uscis.gov/avoid-scams/find-legal-services](https://uscis.gov/avoid-scams/find-legal-services).

If I want to apply for asylum, how do I do it?

To apply for asylum, you must complete Form I-589, Application for Asylum and for Withholding of Removal, and follow the instructions carefully. This is where you can find [Form I-589 online](#). This page includes an “alert” titled: “Expeditious Asylum Adjudication for Certain Afghans” where you can find more specific instructions.

If you fall into one of the two categories below, you should follow the instructions to ensure expeditious processing of your Form I-589 under Section 2502(c) of the [Extending Government Funding and Delivering Emergency Assistance Act \(PDF\)](#):

### Category 1

- You are a citizen or national of Afghanistan, or you have no nationality and last habitually resided in Afghanistan;
- You were paroled into the United States between July 30, 2021, and Sept. 30, 2022; and
- Your parole has not been terminated.

## Category 2

- You are a citizen or national of Afghanistan, or you have no nationality and last habitually resided in Afghanistan;
- You were paroled into the United States after Sept. 30, 2022, and
  - You are the spouse or child of an individual who meets Category 1 above, or
  - You are the parent or legal guardian of an individual who meets Category 1 above and who is determined to be an unaccompanied child as defined under 6 U.S.C. 279(g)(2); and
- Your parole has not been terminated.

To make sure USCIS knows that your asylum application must be expedited, when you complete your Form I-589, please complete the following additional steps:

- If you are submitting a Form I-589, address the envelope according to guidance in the “Where to File” or “Special Instructions” section (whichever applies) on the webpage for Form I-589, Application for Asylum and for Withholding of Removal;
- Mark “Attn: OAW” anywhere on the front of the envelope;
- On page 1 of Form I-589, Part A.I., Question 19c, write your current status followed by “(Parole)” in the Status field. For example, if you entered the United States with an “OAR” status, you would write “OAR (Parole)” in the Status field; and
- Include your most recent date of entry in the Date field on page 1 of Form I-589, Part A.I., Question 19c.

If you properly complete your Form I-589 and we determine that you meet the eligibility criteria for Category 1 or 2 above, we will submit your Form I-589 for expeditious processing under Section 2502(c) of the Act (explained further below).

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## What is the fee to apply for asylum?

There is no fee to apply for asylum.

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## Can I include my spouse and children on my claim?

You may include your spouse and children as dependents of your asylum application, so long as they are in the United States at the time you file or at any time until we make a final decision on your application. Children must be under 21 and unmarried to be included as a dependent on your application. You should bring these dependents with you to your asylum interview.

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## Am I subject to security and background checks if I apply for asylum?

Yes. Every individual who applies for asylum is subject to background and security checks. Depending on the results of these checks you may be found ineligible for a grant of asylum.

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## Can anyone help me with my asylum interview?

You may bring your own attorney or accredited representative to the asylum interview, at no cost to the U.S. government.

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## How will you interview me if I do not speak English?

If you are unable to proceed with your asylum interview in English, we may require you to use a USCIS contract interpreter instead of bringing your own interpreter. If a USCIS contract interpreter is unavailable, we may, at our discretion, allow you to bring an interpreter to your affirmative asylum interview.

To be eligible to serve as an interpreter, the interpreter:

- must be fluent in your language and English;
- must be 18 years or older;
- must not be an applicant for asylum;
- cannot be a witness, your attorney or accredited representative, or a representative or employee of the government of Afghanistan, or, if you are stateless, the government of the country where you habitually resided before arriving to the United States.

If you are not fluent in any of these 47 languages, you must bring an interpreter to your affirmative asylum interview who is fluent in English and your native language or any other language in which you are fluent. If you are unable to provide an interpreter who is fluent in English and meets the requirements above, you may provide an interpreter fluent in your language and one of the 47 languages; USCIS will provide a relay interpreter to interpret between one of the 47 languages and English. If you do speak one of these 47 languages but we know in advance that a USCIS-contracted telephonic interpreter who speaks your language will not be available for your interview, we will notify you that a contract interpreter is unavailable and that we are exercising our discretion to allow you to bring your own interpreter. If you are not notified to bring your interpreter, you are not required to bring an interpreter with you to the interview, but it is advisable to do so. If the Asylum Office is unable to secure a USCIS-contracted telephonic interpreter at the time of the interview, the office may continue your affirmative asylum interview utilizing the interpreter whom you brought with you. If USCIS is unable to secure a USCIS-contracted telephonic interpreter and you did not bring a competent interpreter with you, we will reschedule your interview and attribute the interview delay to USCIS for purposes of employment authorization.

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## What will happen at my asylum interview?

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You will arrive at an asylum office for a non-adversarial interview with an asylum officer who will verify your identity and ask you basic biographic questions and the reason you are applying for asylum. Everything you say at the interview is confidential. It is very important that you tell the asylum officer your experiences with as much detail as possible so they can determine whether you qualify as a refugee. We will not make a decision on your application on the same day as your asylum interview.

## I have heard that I must apply for asylum within 1 year of my arrival in the United States. Is that true?

Yes, there is a provision of law that requires applicants for asylum to apply within 1 year of their last arrival to the United States, unless they can show that they qualify for an exception. One of the exceptions is if the applicant can show that there are extraordinary circumstances directly related to the delay in filing and that the applicant filed within a reasonable period of time given those circumstances.

Generally, maintaining valid status or parole until a reasonable period before the filing of the asylum application will be considered an extraordinary circumstance. If you were granted valid status or parole within one year of the date of your last arrival in the United States and you applied for asylum within a reasonable period of time of the expiration of your valid status or parole, generally this exception would apply to you. The USCIS website "[Obtaining Asylum in the United States](#)" has more specific information. Make sure to look under "Affirmative Asylum Processing with USCIS."

## I am an Afghan parolee. Can I still apply for asylum even if I have been in the United States for more than 1 year?

The requirement that an asylum applicant must file within 1 year of entering the United States applies to all asylum applicants. However, Afghan parolees may qualify for an exception to the 1-year filing deadline if they do not file within 1 year.

To qualify for an exception, you must first show changed circumstances materially affecting your eligibility for asylum or an extraordinary circumstance relating to your delay in filing an application for asylum. Maintaining parole during the 1-year period after you arrived in the United States can qualify as an extraordinary circumstance.

In addition to establishing a changed or extraordinary circumstance, you also must show that you filed your asylum application within a reasonable amount of time given the circumstance. You may be eligible for the extraordinary circumstances exception to the 1-year filing deadline if you file for asylum while your parole is still valid. (Your parole is not valid if you violate its terms.) If you file your asylum application after your parole expires, you may still qualify for an exception to the 1-year filing deadline if you filed for asylum within a reasonable period of time after your parole expired. A USCIS asylum officer will determine whether the delay is reasonable after your asylum interview.

## What will happen if I apply for asylum after my parole expires?

If you apply for asylum after your parole expires, we will accept your application and schedule you for an interview. At the interview, in addition to discussing the reason why you are applying for asylum, the asylum officer will ask you questions about why you did not file the application earlier. Based on your answers, the asylum officer will determine whether you have established a changed or extraordinary circumstance and whether your delay in filing an application for asylum is reasonable given the circumstance.

If the asylum officer determines that you have established a changed or extraordinary circumstance and that your delay in filing was reasonable, you will have established that you qualify for an exception to the 1-year filing deadline. Then, the asylum officer will decide the merits of your claim(s) for asylum.

If the asylum officer determines that you did not establish a changed or extraordinary circumstance or that the delay in filing was not reasonable, then you will not have established that you qualify for an exception to the 1-year filing deadline and you will be found not eligible to apply for asylum. If you have not obtained immigration status or other permission to stay in the United States by that time, we will refer your asylum application to an immigration judge to consider anew.

## When should I apply for asylum?

We cannot provide legal advice regarding whether or when you should apply for asylum. If you believe you should receive protection from the United States in the form of asylum, you should apply as soon as possible after you make that determination. There is no benefit to allowing your parole to expire before applying for immigration status in the United States.

## Should I apply for asylum if I have Temporary Protected Status (TPS)?

You may apply for asylum while on TPS, but we cannot advise you on whether you should because we cannot provide legal advice. Visit [Find Legal Services](#) for information on finding a legal services provider who can assist you. Please note that, like parole, TPS is temporary.

## Should I apply for asylum if I have a Special Immigrant Visa (SIV)?

You may apply for asylum if you have SIV status, but we cannot advise you on whether you should because we cannot provide legal advice. Visit [Find Legal Services](#) for information on finding a legal services provider who can assist you. Unlike parole or TPS, SIV status and asylum provide a path to permanent immigration status. However, the benefits of SIV status and asylum status differ. You

should know the differences before you decide how to proceed with obtaining permanent immigration status.

## How will the asylum officer determine whether I am eligible for asylum?

The asylum officer will evaluate the information you provide on your application and during your interview, as well as other information that may be available to them. The officer will use this information to determine:

- Whether you meet the definition of a refugee, and
- That you are not barred from a grant of asylum, and
- That you merit a grant of asylum as a matter of discretion.

## What happens if USCIS finds me ineligible for asylum?

If you are found ineligible, but you continue to hold valid status or parole so that you qualify to remain in the United States, USCIS will send you a notice of intent to deny your asylum application. This notice will explain the reason or reasons you are found ineligible. You will have the opportunity to rebut these reasons and provide additional evidence to support your asylum application. If you do not hold a valid immigration status or parole, or if you are not qualified to remain in the United States at the time of the asylum office's decision, you will be placed in removal proceedings and USCIS will refer your asylum application to an immigration judge, who will reevaluate your asylum application.

## How do I find out the status of my case?

You can use [Case Status Online](#) to track the status of your asylum application. You will need the receipt number that USCIS mailed you after you filed your asylum application. If you continue to have questions, use our [Asylum Office Locator](#) to find the USCIS asylum office that conducted or will conduct your asylum interview.

## How long does the asylum process take?

We are expediting pending asylum applications filed by certain Afghan applicants. For these applications, we will conduct the initial interview for an asylum application within 45 days of filing and, if there are no exceptional circumstances, we will complete the final adjudication within 150 days of filing. For more information, see the Asylum section of USCIS' Information for [Afghan Nationals webpage](#).

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