

Afghan Family Reunification Pathways

April 13, 2023



**Migration and
Refugee Services**

Renewing Hope. Seeking Justice.

UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

AGENDA



- **Presenter Introduction**
- **CLINIC Initial Remarks**
- **Immigration Terms**
- **Family Reunification Pathways based on Petitioner/Anchor Status**
 - US Citizen**
 - LPR or Green Card holder**
 - Refugee or Asylee**
 - Parolee, and Parolee Subsequently Granted TP**
- **Q&A**

PRESENTERS



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CLINIC RESOURCES



Ask the Expert

<https://www.cliniclegal.org/find-legal-help/ask-experts>

Assistance for Afghans

<https://www.cliniclegal.org/issues/assistance-for-afghans>

FAQ for Afghan Family Reunification

<https://www.cliniclegal.org/resources/humanitarian-relief/frequently-asked-questions-family-reunification-options-afghans>

IMMIGRATION TERMS



USCIS TERMS

- **USCIS** – U.S. Citizenship and Immigration Services
- **NVC** – National Visa Center
- **LPR** – Lawful Permanent Resident
- **Petitioner** – The individual submitting a petition on behalf of another
- **Beneficiary** – The individual for whom a petition is submitted
- **SIV** – Special Immigrant Visa

RESETTLEMENT TERMS

- **USRAP** – United States Refugee Admissions Program
- **AOR** – Affidavit of Relationship
- **Anchor (or US Tie)** – The individual initiating the application process in the United States on behalf of a family member
- **Qualifying Family Member (QFM)** – The individual listed as the principal applicant, with a qualifying relationship to the anchor
- **POR** – Proof of Registration

IF PETITIONER IS A U.S. CITIZEN

Form I-130, Petition for Alien Relative

P3/AOR, Affidavit of Relationship (Addressed on Slide 17)

I-130, PETITION FOR ALIEN RELATIVE



Petitioner: U.S Citizen

Beneficiary:

- **Immediate Relatives:** Lawful spouse, children under 21, and parents
- **Preference Relatives:** Siblings, married and unmarried adult children

Process: Differs for Immediate Relatives vs. Preference Relatives

Application sent to: USCIS

Timeframe: Differs for Immediate Relatives vs. Preference Relatives

Fee: \$535, **Fee Exemption Available***

USG Relocation Flight: The U.S. Government may be able to offer departure assistance in these cases to **spouses, unmarried children under the age of 21, and parents (Immediate Relatives)**

I-130, IMMEDIATE RELATIVES



Immediate relatives of U.S. Citizens are eligible to immigrate to the United States quickly

- The first step is to file Form I-130 Petition for Alien Relative with USCIS.
- Upon I-130 approval, USCIS forwards the case to the NVC for the second step in the process – the application for immigrant visa.
- Once the NVC reviews all documentation and qualifies a case for interview, the last step is to await scheduling of the interview by a U.S. Embassy and then the family members' attendance at the interview.

I-130, PREFERENCE RELATIVES



Preference relatives are only eligible to immigrate once a visa is available

- Petitions for preference relatives may include derivative beneficiaries
- USCIS deliberately slows processing of these petitions and generally does not adjudicate them until shortly before a visa will become available to the beneficiaries

Visa Bulletin April 2023

April 2023

Dates for Filing for Family-Sponsored Adjustment of Status Applications

Family-Sponsored	All Chargeability Areas Except Those Listed	China - mainland born	India	Mexico	Philippines
F1	08AUG16	08AUG16	08AUG16	01DEC02	22APR15
F2A	C	C	C	C	C
F2B	01JAN17	01JAN17	01JAN17	01JAN02	01OCT13
F3	08NOV09	08NOV09	08NOV09	15JUN01	08NOV03
F4	15DEC07	15DEC07	22FEB06	01APR01	22APR04

IF PETITIONER IS AN LPR (GREEN CARD HOLDER)

If Petitioner Obtained LPR Through SIV:

- **SIV Follow-to-Join**
- **Form I-130, Petition for Alien Relative**

If Petitioner Did Not Obtain LPR Through SIV:

- **Form I-130, Petition for Alien Relative**
- **P3 AOR, Affidavit of Relationship (Addressed on Slide 17)**

LPR OBTAINED THROUGH SIV



SIV Follow-to-Join

Petitioner: Lawful Permanent Resident or Green Card Holder

Beneficiary: Lawful Spouse, unmarried children under 21

Process: Differs based on when the relationship established between Petitioner and Beneficiary

Application sent to: USCIS

Timeframe: Depends on visa availability and U.S. Embassy or Consulate's interview capacity

Fee: No Fee

USG Relocation Flight: The U.S. Government may be able to offer departure assistance in these cases to **spouses and unmarried children under the age of 21**

LPR OBTAINED THROUGH SIV



Requirements and Important Considerations

- If derivative beneficiaries were included on the original SIV application for Chief of Mission approval, contact the NVC and request a case transfer to the nearest U.S. Embassy/Consulate the family members can reach
- If an LPR entered the United States as an SIV holder, and if the SIV holder married or had a child **before** entering the United States, contact the NVC so that the SIV holder's spouse or child can apply for an immigrant visa
- If an LPR did **not** enter the United States as an SIV holder but instead adjusted to Special Immigrant status, and if the marriage occurred before or the child was born **before** adjusting to Special Immigrant status, file an I-824 or communicate with the NVC

LPR OBTAINED/NOT OBTAINED THROUGH SIV



I-130, Petition for Alien Relative

Petitioner: Lawful Permanent Resident or Green Card Holder

Beneficiary: Lawful Spouse, unmarried children under 21, unmarried adult sons and daughters

Process: USCIS will review petitions as quickly as possible. If USCIS approves the petition, NVC will contact the family members to apply for their immigrant visas that depends on their visa category

Application sent to: USCIS

Timeframe: Depends on visa availability and U.S. Embassy or Consulate's interview capacity

Fee: \$535, No Fee Waiver Available

USG Relocation Flight: The U.S. Government may be able to offer departure assistance in these cases to **spouses and unmarried children under the age of 21**

IF PETITIONER IS A REFUGEE OR ASYLEE

Form I-730, Refugee/Asylee Relative Petition

P3/AOR, Affidavit of Relationship (Addressed on Slide 17)

I-730, REFUGEE/ASYLEE RELATIVE PETITION



Petitioner: Refugee or Asylee

Beneficiary: Lawful spouse and unmarried children under the age of 21

Process: USCIS will review petitions as quickly as possible. If USCIS approves the petition, NVC will forward cases overseas

Application sent to: USCIS

Timeframe: Texas Service Center: 22.5 months

Fee: No Fee

USG Relocation Flight: The U.S. Government may be able to offer departure assistance in these cases to **spouses, unmarried children under the age of 21**

I-730, REFUGEE/ASYLEE RELATIVE PETITION



Requirements and Important Considerations

- USCIS should receive the I-730 within two years of arriving in the United States as a refugee or the date of asylum approval
- Only principal refugees and asylees may file an I-730
- The relationship must have existed at the time the petitioner was admitted to the United States as a refugee or at the time the petitioner was granted asylum and must continue to exist at the time of I-730 filing and until the family member arrives in the United States as a result of the petition

**IF PETITIONER IS A REFUGEE, ASYLEE, SIV HOLDER, OR
ADJUSTED STATUS TO LPR, U.S. CITIZENSHIP**

P3/AOR, Affidavit of Relationship

P3/AOR, AFFIDAVIT OF RELATIONSHIP



Anchor: Refugee, Asylee, SIV holder; or LPR, U.S. Citizen

- 18y/o or older at the time the application is submitted
- Must apply within 5 years of arrival in the United States, or since status was granted

Qualifying Family Member: Lawful spouse, unmarried children under the age of 21, parents

Generally, Qualifying Family Members must be located outside of their country of origin

Process:USRAP procedure for case processing

Application sent to: USCCB/Resettlement Agency Headquarters

Timeframe: Varies depending on case/location, processing improvement from USG is in progress

Fee: No Fee

USG Relocation Flight: No information/normal procedure through USRAP and IOM

P3/AOR - ELIGIBILITY



Type B Derivatives

- Type B relative – QFM’s spouse, or QFM’s child under 21
- Example: anchor applies for his mother (the QFM). The mother’s other children can be listed under her as type B derivatives

Type C Add-ons

- Type C relatives– Anyone who meets the qualifications of type C
- lived in the same household as the QFM in the country of nationality or, if stateless, last habitual residence; AND
- was part of the same economic unit as the QFM in the country of nationality or, if stateless, last habitual residence; AND
- demonstrates exceptional and compelling humanitarian circumstances that justify his/her inclusion on the QFM’s case

P3/AOR - EXCEPTIONS AND RESTRICTIONS



QFMs in the following countries DO NOT have to provide a Proof of Registration (POR):

- Pakistan
- Malawi
- Mauritius
- Mozambique
- Benin
- Ghana
- Liberia
- Mali
- Senegal
- Sierra Leone

USRAP is currently not processing P3 AORs for those refugees residing the following countries:

- Syria
- Iran
- Turkey
- Yemen
- Afghanistan
- Bangladesh
- Libya
- Canada
- Norway
- Any EU member country

IF PETITIONER IS A PAROLEE, AND PAROLEE SUBSEQUENTLY GRANTED TPS

DS-4317, Family Reunification Assistance for Afghan Parolees'
Immediate Family Members Outside the United States

NEO Family Reunification for Unaccompanied Afghan Minor

DS-4317



Petitioner: Parolee, and Parolee Subsequently Granted TPS

Beneficiary: Lawful spouse and unmarried children (including children who were unmarried and were under the age of 21 on August 14, 2021)

Process: CARE/DOS (Department of State)

Application filed: DoS Website: <https://seirmprod.servicenowservices.com/reunification>

Timeframe: No Information

Fee: No Fee

USG Relocation Flight: The U.S. Government may be able to offer departure assistance in these cases to **spouses, unmarried children under the age of 21**

NEO FAMILY REUNIFICATION FOR UAM



Petitioner: Unaccompanied Afghan Minor

Beneficiaries: Parents and minor siblings under 21

Process: CARE/DOS (Department of State)

Application Sent to: Email: apa_processing@usccb.org

Timeframe: No Information

Fee: No Fee

USG Relocation Flight: The U.S. Government may be able to offer departure assistance in these cases to **parents and siblings under the age of 21**

Q&A

THANK YOU!