Afghan Family Reunification Pathways

April 13, 2023
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
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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)
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)
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.
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.

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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.
I-130, Petition for Alien Relative

**Petitioner:** Lawful Permanant 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)
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
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
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
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 QFMs case
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
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
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
THANK YOU!