

Most Afghans who come through the border are not in the same legal status as Afghan parolees who arrived through the U.S. evacuation, or Operation Allies Welcome (“OAW”).

*This is an informative document, not legal advice. Policies are always changing, you should always consult with an immigration attorney about your specific situation. **IMPORTANT NOTE: Some people arrive through the border without any interaction with CBP or ICE officers. Please consult with a qualified immigration attorney if that is the case for you, this info may not apply.***

Your legal status and what it means:

- People receive different types of documents at the border, depending on many factors, some of them random.
- **Some Afghans may be eligible for resettlement benefits** like OAW parolees. If your documents mention some type of “parole”, you may try to go to a local resettlement agency and see if you qualify for assistance. They will review your documents and see if they can help you. Not everyone with parole is eligible for this assistance, because the law is complicated and there are different types of parole. **Even if you qualify for resettlement benefits, you are NOT in the same legal immigration process as evacuated Afghans.**
- Most people who cross the border are placed in deportation proceedings. They receive a document called a “Notice to Appear” and have to keep up with immigration court, and can apply for asylum as a “defense” to deportation.
- **You must file an asylum application within one year of arriving in the United States.** You could be eligible for other types of immigration applications, a lawyer can assess that for you. **You can file your application even if you do not have a court date yet, but each case is different.**
- **If you arrived before September 21, 2023, you qualify for Temporary Protected Status (TPS).** Afghans who have resided in the U.S. since September 20, 2023 and who have not left the country after November 21, 2023 are eligible to apply for TPS. TPS gives you legal status to remain in the U.S. until May 25, 2025. People with TPS can also get work authorization. **You can apply for TPS as soon as possible.**

Your rights in the U.S.:

- You have the right to an attorney in immigration court, but the government does not provide one. Unfortunately, there are people who present themselves as lawyers but actually are not. [Protect yourself from this type of fraud by asking if they are actual immigration lawyers.](#)
- It is best to apply for asylum with a lawyer’s help. Complete the [Human Rights First PALA Intake form](#), they review cases and find lawyers. Type your zip code into [Immigration Advocates Network](#) to find free and low cost lawyers in your area. [AILA](#) also has a list of low cost attorneys assisting Afghans.
- **You are not automatically eligible for work authorization. If you are eligible for resettlement benefits, you are eligible for work authorization. Otherwise, you may be eligible for work authorization 150 days (about 5 months) after filing your asylum application.**
- Your children have a right to go to school regardless of their immigration status.
- Some healthcare options are available to everyone, regardless of immigration status, and more depending on what state you live in. Certain national social services programs are operated on a state and local level, so there are no straightforward answers as to who may be eligible for what. You should search “social services” and your city/county/state to find more information.

You are obligated to:

- Keep up with your case with Immigration Court (“EOIR”) and Immigration and Customs Enforcement (“ICE”). You will have “check ins” with ICE and “hearings” at court.
- **Update your address within 5 days of moving, by sending form [EOIR-33](#) to the court and to ICE.** If you do not do so, it is possible that you will miss a check in or hearing. If you miss a hearing, an Immigration Judge can order you deported from the United States. If you have a deportation order or miss an ICE appointment, or have criminal issues, you could end up in immigration detention.
- **Call 800-898-7180 regularly to check the status of your Immigration Court case. Call for EACH family member.** If you do not speak English, find someone who does and can help you with this.

