

Can an eligible J1 visa holder apply for Priority 1/2 Immigrant Visa? If someone applies, how does it affect his/her J1 visa status or his prospect Priority Visa application?

Yes, it is possible to try more than one immigration option. And often with Afghan clients we do more than one. The J-1 is separate. P-2 and P-1 are really just lists for consideration for future refugee processing. We do not know when/if those lists will lead to something. Those programs are very new. So good to try the J-1 as a more immediate option to come to the US.

Can you talk about the difference between private humanitarian parole which many of us are trying to do vs. what I've been told is the SPBP route where there is no filing fee and no financial support commitment. I'm trying to learn more about the SPBP route. Thanks.

Yes, that's right. Parole is discretionary. Any US govt official can request parole, and then there is no fee, no form. The people arriving in the US as evacuees are being paroled in. If there is not a US govt official to request parole, then anyone else in the US can request parole by filing a form with fee and evidence.

What about students on campus who are about to graduate (e.g. doctoral students who've recently or are about to defend their dissertations)? What sort of options are available to them, to secure a more permanent status in the US?

If they are on student visas they have two options - 1. they can do what other international students do and use OPT then look for permanent options through family (maybe marriage) or through an employer. Or 2. Many from afghanistan will qualify for asylum. Asylum can be an emotional process but it is something the students can do now for more permanence and to qualify for refugee benefits later. Here is a link for free legal services to consider asylum.

<https://www.immigrationadvocates.org/legaldirectory/>. For the most part, people in the US probably are stable in their immigration status for now, and can usually take a little time now to process what has happened this summer.

Can someone switch from humanitarian parole to another visa type instead of Asylum (e.g. F-1, J-1, H-1B)?

No - humanitarian parole is not a status, so cannot switch to another temporary visa in the US. Most people with hum parole will leave and reenter with another status, or with Afghans most will apply for asylum.

I'm curious what pathways might exist for Afghans on G-1 visas already in the US? They are "abandon" in many ways. Especially of concern are dependents of the G-1 holder who may be in our institutions.

Diplomatic visas like A and G have special rules - it is probably possible to change status to something else, such as F, J or H depending on what they are doing on your campus. Or to consider asylum. Or perhaps if they have been in the US for a while, there may be a special diplomatic path.

What visa do you recommend universities try sponsoring for Afghan professors trying to come to U.S. campuses as visiting professors? Do you think it is worth trying for a J1 or would H1Bs be a better option because of the J return home requirement

Yes, the H-1B is the best option for the scholar because there are no strings attached, and no temporary intent requirement. The H-1B involves more effort and fees for the university, but if possible, it's a great visa.

What can be done, or is being done, about the financial requirement for a student visa for Afghan students in 3rd countries who may want to attend university in the U.S.? A university could accept students, even offer a full scholarship, possibly even housing, but that still wouldn't meet the requirement of money in the bank or sufficient sponsorship to qualify for an F-1.

Hello - it is possible that a full scholarship and offer of room and board would work for an F-1. We also hope that USCIS will add special student relief for Afghan students to loosen the requirements.

<https://studyinthestates.dhs.gov/students/special-student-relief>

If Afghan scholars have already begun J1 applications, do you have any suggestions for their application/interview process?

If they are in Afghanistan, the obvious challenge is that they will have to find a way to get out to process the J1 at a US consulate.

Can one begin the J-1 process while a scholar is still located in Afghanistan, or must this be completed from a 3rd country?

Yes, we do encourage universities to start any process that keeps a door open for those in Afghanistan. We do not know when/if there will be a window to leave by land or air, but if that window is short, it is good to have something in place.

A resettlement question. If we know an Afghan already at a military base in the U.S., can a local organization or individual apply to sponsor that person/family and bring them to our state? Or are they resettled wherever by ORR and not given any choice in where they start out?

Local organizations or individuals can definitely offer to help. I suggest contacting a local arm of one of the refugee resettlement agencies like LIRS. If the person is eligible for refugee benefits, the agency will usually be very happy to have extra help. See <https://www.acf.hhs.gov/orr/grant-funding/resettlement-agencies> to find one office near you.

Also, I am in contact with an AUAF staff member who is still in Afghanistan. What avenues are there for them? I gather that students and faculty have priority, but what can be done for the staff who are at risk? Apply for a J-1?

Yes, the J-1 adviser at your school can evaluate if there is a match. The other option would be humanitarian parole - that is discretionary, and an individual application. You will need someone in the US to request and also a financial sponsor.

I was told that if we apply for humanitarian parole for a P2 applicant, that will void the P2. What is the consequence of that?

There is nothing in the P2 guidance that says that.

<https://www.wrapsnet.org/documents/Instructions%20for%20U.S.-Based%20Media%20&%20U.S.-Based%20NGOs%20Afghan%20P2%20Referrals.pdf>. But the P-2 list is for those in third countries seeking refugee status in the US. If they get parole and come here, they will forfeit the P-2 option. As a practical matter, I don't know how much political will there is to start screening P-2s in third countries for refugee status. That is usually a multiyear vetting process, and the US govt is busy now with the nearly 100,000 evacuees. Glad to talk more, but I would not hesitate to file humanitarian parole for someone in a precarious situation now.

Can a Fulbright guarantee who is in the U.S. apply for the P1/2 Immigration visa if he/she is eligible? This would be an avenue for immigration in the U.S. and staying beyond his/her J1 visa. This is an important question as J1 visa and Fulbright requires its guarantees "2 year home residency" which is almost impossible considering current situation in Afghanistan. And if he/she applies, would it be a violation of J1 visa rule?"

Dan, are there important differences between P1 and P2 referrals that individuals should be aware of?

How do we access the shared folder?