

**USCIS Has Generally
Met Statutory
Requirements
to Adjudicate Asylum
Applications from
Paroled Afghan
Evacuees**





OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

August 18, 2023

MEMORANDUM FOR: The Honorable Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services

FROM: Joseph V. Cuffari, Ph.D. **JOSEPH V CUFFARI** Digitally signed by
Inspector General **CUFFARI** JOSEPH V CUFFARI
Date: 2023.08.18
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SUBJECT: *USCIS Has Generally Met Statutory Requirements
to Adjudicate Asylum Applications from Paroled Afghan
Evacuees*

Attached for your action is our final report, *USCIS Has Generally Met Statutory Requirements to Adjudicate Asylum Applications from Paroled Afghan Evacuees*. We incorporated the formal comments provided by your office.

The report contains one recommendation aimed at improving asylum application processing for individuals who arrived in the United States under Operation Allies Welcome. Your office concurred with this recommendation. Based on information provided in your response to the draft report, we consider the recommendation open and resolved. Once your office has fully implemented the recommendation, please submit a formal closeout letter to us within 30 days so that we may close the recommendation. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions.

Please send your response or closure request to
OIGInspectionsFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please contact me with any questions, or your staff may contact Thomas Kait, Deputy Inspector General for Inspections and Evaluations, at (202) 981-6000.

Attachment



DHS OIG HIGHLIGHTS

USCIS Has Generally Met Statutory Requirements to Adjudicate Asylum Applications from Paroled Afghan Evacuees

August 18, 2023

Why We Did This Inspection

We conducted this inspection to assess USCIS' ability to meet statutory timelines for adjudicating asylum applications from Afghans arriving in the United States under OAW.

What We Recommend

We recommend that USCIS continue to evaluate its operations and ensure consistent compliance with statutory timelines for interviewing asylum applicants from the OAW population.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

In our review of the Department of Homeland Security's preparations to receive and expedite requests from Afghan evacuees for long-term legal status, we found that members of the Operation Allies Welcome (OAW) population had filed only limited numbers of applications for asylum as of May 31, 2022, although they likely remain eligible to apply into 2024.

U.S. Citizenship and Immigration Services (USCIS) has met OAW-specific processing timelines established by the *Afghanistan Supplemental Appropriations Act of 2022* for the majority of applications that have been filed and has adjusted its operations to expedite adjudications. However, a surge of applications over a short period of time may strain USCIS operations given the required processing timelines and the preexisting non-OAW application backlog.

USCIS Response

USCIS concurred with our recommendation. We consider the recommendation resolved and open.



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Abbreviations

INA	<i>Immigration and Nationality Act</i>
OAW	Operation Allies Welcome
RAIO	Refugee, Asylum, and International Operations Directorate
SCOPS	Service Center Operations Directorate
TPS	temporary protected status
USCIS	U.S. Citizenship and Immigration Services



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Background

In August 2021, the Department of Homeland Security was designated to lead and coordinate the Federal Government's Operation Allies Welcome (OAW), to support Afghans resettling in the United States after the collapse of the Afghan central government. Between August 20, 2021, and February 19, 2022, the U.S. Government flew approximately 85,000 Afghan evacuees into the United States.

An estimated 12,000 Afghan evacuees had U.S. citizenship or long-term legal immigration status. The other approximately 73,000 Afghans who arrived under OAW had no immigration status and were paroled into the United States, allowing them to enter and remain in the country. Their parole will remain valid for up to 2 years, provided they comply with the terms of parole.¹ Subsequently, Afghans who resided in the United States as of March 15, 2022, and who were "continuously physically present" in the United States as of May 20, 2022, including those in the OAW population, became eligible to apply for temporary protected status (TPS) under a designation made by the DHS Secretary.² The designation allows eligible Afghans, including those in the OAW population, to apply for TPS until November 20, 2023.³ As discussed below, under DHS rules, members of the OAW population who also apply for and receive TPS will continue to be eligible to apply for asylum beyond the expiration of their 2021 parole.

The OAW population can apply to U.S. Citizenship and Immigration Services (USCIS) for other immigration benefits as appropriate to remain in the United States long term, including asylum.⁴ In addition, some within the OAW population may be eligible for or have obtained long-term legal status through other channels, such as a family-based petition for lawful permanent resident status.

¹ The DHS Secretary "may parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States." See 8 U.S.C. § 1182(d)(5)(A).

² The TPS designation, which was made by the DHS Secretary and was based on "ongoing armed conflict and the extraordinary and temporary conditions" in Afghanistan, allows successful applicants to lawfully reside with employment authorization in the United States for up to 18 months. *Designation of Afghanistan for Temporary Protected Status*, 87 Fed. Reg. 30976 (May 20, 2022).

³ The DHS Secretary must review the designation not later than 60 days prior to its expiration to determine whether the conditions continue to exist and, if so, extend the period of designation. See 8 U.S.C. § 1254a(b)(3)(A).

⁴ Asylum allows an individual to remain in the United States; obtain employment authorization; and, eventually, apply to adjust to lawful permanent resident status.



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Our objective was to assess DHS' preparations to receive and expedite requests from Afghan evacuees for long-term legal status, specifically asylum. Our scope included the applications submitted to USCIS by Afghans who were paroled into the United States as part of OAW as of May 31, 2022.

Overview of USCIS and the Asylum Application Process

USCIS oversees lawful immigration to the United States. USCIS adjudicates requests for immigration and citizenship benefits, promotes awareness and understanding of citizenship, and ensures the integrity of the immigration system. USCIS' Refugee, Asylum, and International Operations Directorate (RAIO) adjudicates asylum, refugee, and humanitarian applications.

Asylum offers protection to a non-U.S. citizen who is a refugee, which is defined as someone outside of his or her country:

who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.⁵

The asylum process for members of the OAW population is the same as for any other asylum applicant,⁶ except for the required application processing times, which we describe below. To receive asylum, an individual must file a Form I-589, Application for Asylum and for Withholding of Removal. During our fieldwork, the majority of applications were paper based,⁷ with USCIS' Service Center Operations Directorate (SCOPS) receiving these applications, reviewing them for completion, and entering data into a USCIS case management system to initiate automated security checks.⁸ SCOPS then transmitted the application to RAIO's Asylum Division for adjudication.

During the adjudication process, the asylum office schedules an in-person interview with the applicant where the asylum officer will verify information from the application and elicit testimony to determine the applicant's eligibility under asylum criteria. To be eligible for asylum, the applicant has the burden

⁵ 8 U.S.C. § 1101(a)(42).

⁶ This report describes the affirmative asylum process, which is available for individuals who are not in proceedings for removal from the United States.

⁷ As described later, a USCIS official said online filing of the Form I-589 was available for testing purposes during some periods covered by our fieldwork, and it became generally available in November 2022.

⁸ As of May 31, 2023, SCOPS stopped receiving asylum applications. See <https://www.uscis.gov/newsroom/alerts/uscis-changes-filing-location-and-documentation-requirements-for-certain-affirmative-asylum>.



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of proving that he or she is a “refugee”⁹ and that the application was filed within 1 year of arrival in the United States.¹⁰ In the event the application is not filed within 1 year of arrival, the *Immigration and Nationality Act* (INA) requires the applicant to demonstrate “changed circumstances which materially affect the applicant’s eligibility for asylum” or “extraordinary circumstances relating to the delay in filing.”¹¹

After the interview, the asylum officer will complete background and security checks; resolve any pending issues; determine eligibility for asylum, including whether any bars to asylum exist;¹² and write up a case assessment. A supervisory asylum officer will review the assessment for legal sufficiency regarding whether the applicant meets asylum criteria; if the supervisor identifies any insufficiencies in a case that require correction, the supervisor will return the case to the asylum officer. Corrections can include revising the assessment or security checks. In some cases, the supervisor may identify an insufficiency in the interview, and the applicant may need to return to the office for a follow-up interview. The applicant receives their adjudication decision in the mail along with an explanation of the decision’s effect on the applicant’s immigration status and presence in the United States.

Results of Inspection

USCIS Met Processing Timeframes for Most Asylum Applications, but Application Numbers Were Limited and Processing Times Trended Higher through October 2022

Few asylum applications from the OAW population had been filed by May 31, 2022. USCIS met OAW-specific processing timelines for most of these applications from the OAW population, though processing times increased through October 2022. USCIS adjusted its operations to decrease processing times. Although we were unable to determine whether these changes were effective, the introduction of electronic asylum applications for all applicants should improve processing times.

⁹ 8 U.S.C. § 1158(b)(1)(B)(i).

¹⁰ 8 U.S.C. § 1158(a)(2)(B).

¹¹ 8 U.S.C. § 1158(a)(2)(D).

¹² See <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/asylum-bars>.



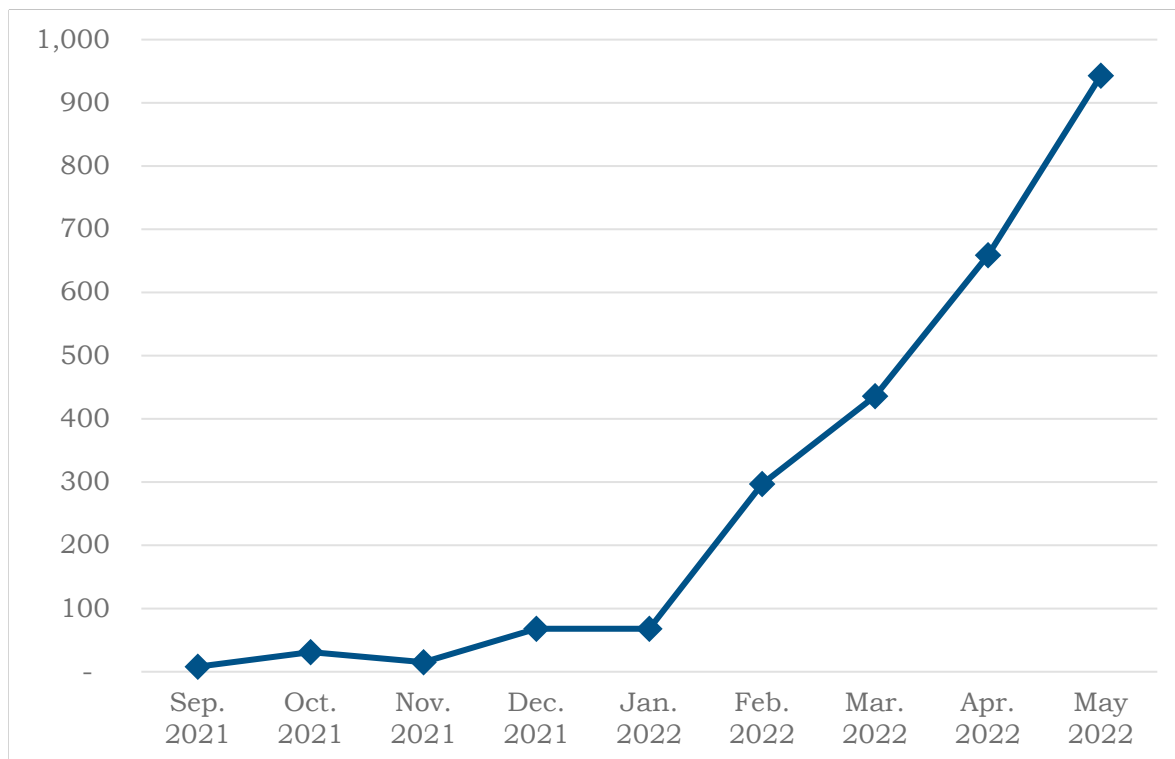
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The OAW Population Filed Limited Numbers of Asylum Applications as of May 2022

As of May 31, 2022, only 2,525 of the approximately 73,000 (or 3.5 percent) people in the OAW population had filed for asylum.¹³ Being a member of the OAW population does not guarantee an application will be granted, though as of June 2023, nearly all OAW applicants had been approved.¹⁴ Figure 1 shows monthly asylum application filing volume through May 2022.

Figure 1. Monthly Asylum Application Filing Volume for the OAW Population (Total 2,525 Applicants)



Source: DHS Office of Inspector General analysis of USCIS data

Under the INA, asylum applicants generally must file within 1 year of arriving in the United States. However, the OAW population's parole and allowances under DHS regulations to apply for asylum within a "reasonable period" after

¹³ As described in our methodology, the number of applicants may be more than the number of applications because family members meeting certain criteria may apply on the same application.

¹⁴ As of June 2023, completed cases had an approval rate greater than 99 percent.

<https://www.uscis.gov/sites/default/files/document/outreach-engagements/AsylumQuarterlyEngagement-FY23Q3Presentation.pdf>



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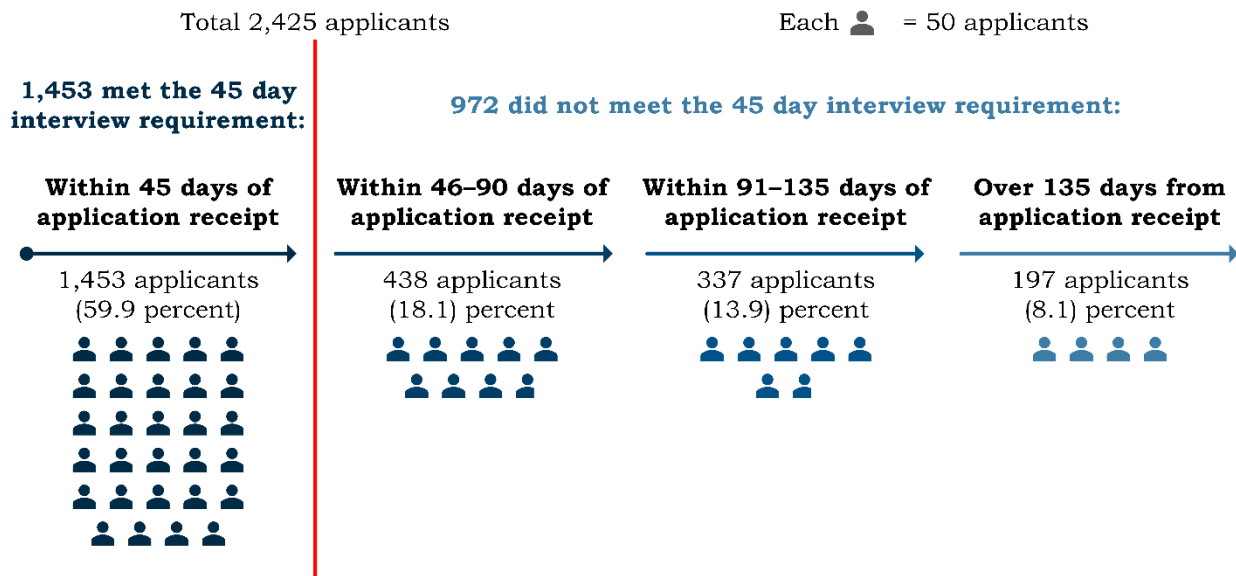
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expiration of parole or TPS¹⁵ make it possible that members of the OAW population who arrived in 2021 will be able to apply for asylum into 2024.

Asylum Application Processing Times Increased through October 2022

The *Afghanistan Supplemental Appropriations Act of 2022*¹⁶ (the Act) requires expedited processing for asylum applications from the OAW population. First, the Act requires USCIS to interview an OAW asylum applicant within 45 days of receipt of the application. For non-OAW asylum applicants, USCIS may schedule interviews beyond 45 days for exceptional circumstances.¹⁷ Out of 2,525 asylum applicants from the OAW population who submitted applications as of May 31, 2022, USCIS completed interviews for 2,425 (or 96 percent), and satisfied the 45-day requirement for 1,453 (or 59.9 percent).

Figure 2. Interview Timeframes for OAW Asylum Applications



Source: DHS Office of Inspector General analysis of USCIS data

Second, the Act requires USCIS to adjudicate asylum applications from the OAW population within 150 days, absent exceptional circumstances. This timeframe is faster than that for non-OAW applicants, which is 180 days, absent exceptional circumstances.¹⁸ Out of the 2,525 asylum applicants from the OAW population who had applied as of May 31, 2022, USCIS completed adjudication for 931 (or 36.9 percent), and satisfied the 150-day requirement for 561 (or 60.3 percent).

¹⁵ See 8 C.F.R. § 208.4(a)(5)(iv).

¹⁶ Pub. L. No. 117-43.

¹⁷ See 8 U.S.C. § 1158(d)(5)(A).

¹⁸ See 8 U.S.C. § 1158(d)(5)(A).

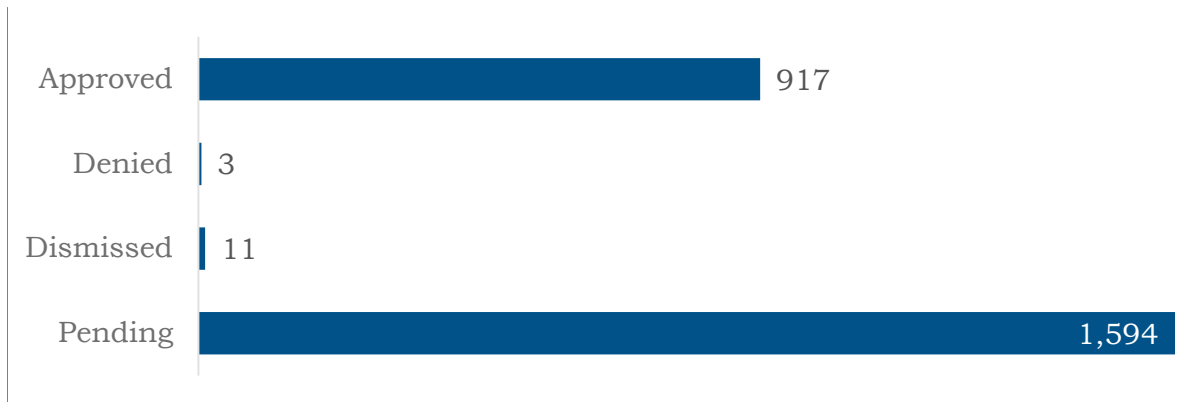


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Given our objective, we did not attempt to assess whether any of the completed adjudications that exceeded the Act's 150-day timeframe presented exceptional circumstances. Figure 3 shows a breakdown of adjudication decisions through October 2022.¹⁹

Figure 3. Adjudication Status for the OAW Population Filed through May 2022
(Total 2,525 Applicants)



Source: DHS OIG analysis of USCIS data

Our analysis showed, however, that processing times are trending higher. As shown in Figure 4, the average time to complete the interview has tripled since June 2022.

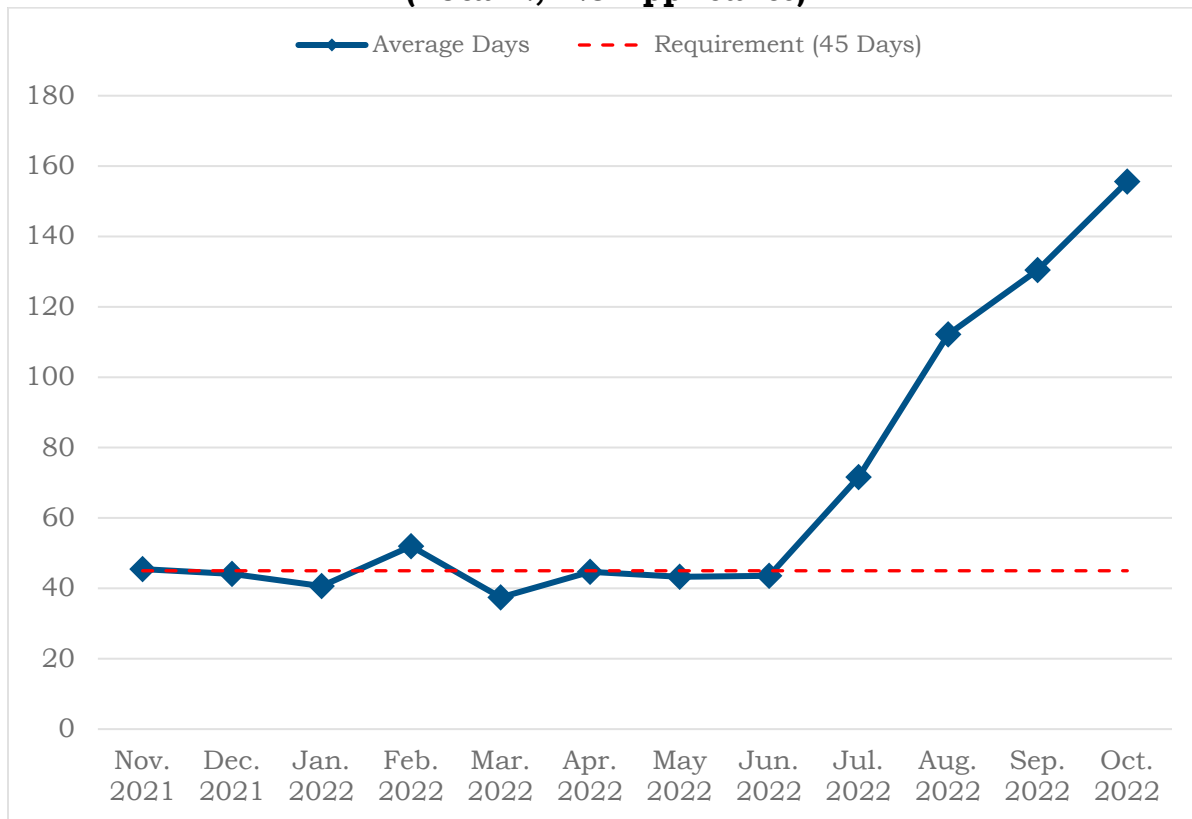
¹⁹ An asylum application may be dismissed if the applicant fails to appear for a scheduled interview without prior authorization or fails to comply with fingerprinting requirements without good cause. See 8 C.F.R. § 208.10. An applicant who is not granted asylum but possesses parole, TPS, or another immigration status is considered as being denied. An applicant who is not granted asylum and does not have immigration status may be referred by USCIS to an immigration judge through the issuance of a charging document. See 8 C.F.R. § 208.14.



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**Figure 4. Average Days from Asylum Application Receipt to Interview
(Total 2,425 Applicants)**



Source: DHS OIG analysis of USCIS data

The delays interviewing applicants followed delays entering application data.²⁰ As shown in Figure 5, average days from receipt by USCIS to file creation in the Asylum Division’s case management system more than tripled between June and October 2022.

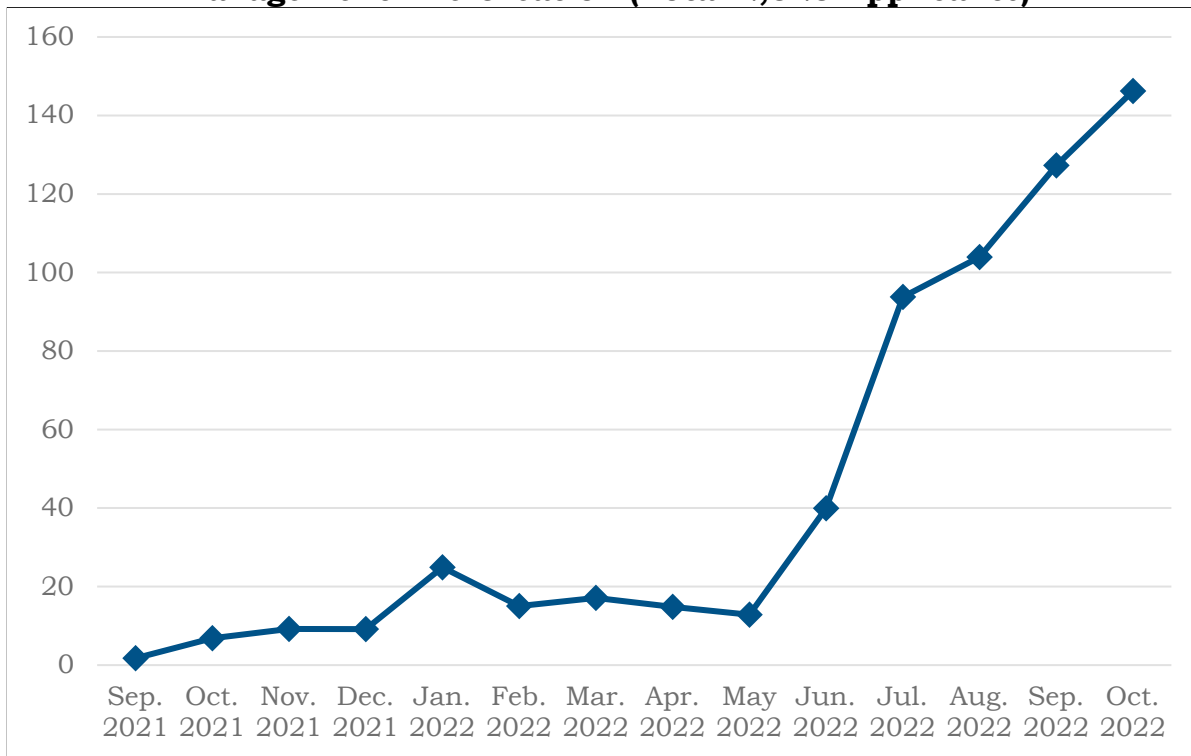
²⁰ As described in our methodology in Appendix A, we continued receiving asylum data through November 2022 for applications submitted as of May 31, 2022.



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Figure 5. Average Days from Asylum Application Receipt to Case Management File Creation (Total 2,525 Applicants)



Source: DHS OIG analysis of USCIS data

USCIS Has Adjusted Its Operations to Process Applications from the OAW Population

USCIS adjusted its operations in an effort to decrease processing times. These adjustments cover the entire asylum application process, and they include outreach prior to an application being submitted, application intake, language interpretation, and efforts to enhance workforce efficiency.

USCIS Tailored Outreach to the OAW Population

USCIS increased its introductory outreach to the OAW population to address confusion and limited understanding regarding applying for immigration benefits. Specifically, USCIS identified potential confusion within the OAW population regarding whether applying for asylum affected eligibility for other immigration benefits.²¹ USCIS officials also said some OAW applicants were unprepared to support their claim during their asylum interview. Although asylum applicants within the OAW population are provided expeditious

²¹ A USCIS official told us there was no impact, and individuals can apply for any immigration benefit for which they are eligible.



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processing, they still must support their asylum claim to the same degree as other asylum applicants. Applicants who are unable to support their claim during the interview cannot schedule a follow-up interview to provide additional support, but they may provide supporting information, including a declaration, prior to the asylum officer deciding on the application. If the asylum officer and the supervisor determine the applicant is ineligible for asylum, the applicant will receive a Notice of Intent to Deny. The Notice of Intent to Deny explains the reasons the applicant was found ineligible for asylum and provides the applicant an opportunity to respond, which is known as a rebuttal.

A USCIS official said that on average, an asylum officer adjudicates about two cases per day, but asylum officers have reported that OAW cases generally take longer to adjudicate. The official said this is a logical result of some applicants not being fully prepared to articulate their asylum claim. Another official said OAW cases take longer because some applicants have backgrounds, including military service, that require further elicitation.

USCIS also started performing more introductory outreach to the OAW population. USCIS held outreach sessions with organizations such as resettlement groups that are not typical asylum stakeholders. These engagements attempt to explain how asylum works, in contrast with the more process-focused discussion that typically occurs with traditional stakeholders. Furthermore, USCIS maintains a dedicated webpage²² with detailed information for the OAW population. USCIS officials noted that outreach diverts officers from adjudicating applications.

USCIS Made Adjustments to Application Intake

USCIS has made some process changes to improve the efficiency of receiving and entering applications from the OAW population into its case management system.

Asylum applications are mailed to SCOPS, which enters them into the case management system used by the Asylum Division for adjudication. Originally, USCIS did not request that OAW asylum applicants mark their envelopes to indicate their parole pursuant to OAW when mailing in their applications. Early asylum application envelopes from the OAW population were therefore indistinguishable from general asylum application envelopes. This resulted in OAW-related applications not being appropriately prioritized for data entry upon receipt, despite USCIS attempts to prioritize these applications due to the Act's timelines for conducting interviews. Consequently, the Asylum Division could not initiate adjudication activities more quickly for the OAW population.

²² See <https://www.uscis.gov/humanitarian/information-for-afghan-nationals>.



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In response to this challenge, USCIS began instructing OAW applicants to mark their envelopes²³ to indicate their parole pursuant to OAW in an effort to facilitate faster identification and data entry by SCOPS. A USCIS official said exterior marking of envelopes is a method used for other applications as well, and it is helpful because applications are manually reviewed and sorted. However, not all OAW applicants followed the guidance to mark the envelope, and applications that were not marked as OAW would have been processed in timeframes associated with general asylum applications.

Delays in the initiation of OAW application processing were also caused by data entry delays in USCIS service centers. As of November 2022, SCOPS mainly used three service centers — in California, Nebraska, and Texas — to process Form I-589 asylum applications.²⁴ SCOPS' data entry contract requires data entry of non-fee forms, including Form I-589s, within 3 business days. In November 2022, the California and Nebraska service centers were operating with no delays and delays of 30–35 days, respectively. The Texas Service Center had a backlog of 30,000 asylum applications, resulting in a 5-month processing delay. A USCIS official said that although there are occasional delays in processing applications associated with events such as H-1B visa filings, which are accepted during a limited period, this was the first year of pervasive delays. This official said these delays resulted from high application volume and contractor staffing issues. The official said a new contract will be in place in February 2023. As of May 31, 2023, SCOPS no longer received asylum applications.

Although most asylum applications were paper-based, a USCIS official told us some asylum applications were submitted via an online filing option that was in testing during periods covered by our fieldwork and available on a limited basis.²⁵ Another official said these filings were processed quickly relative to paper applications, as they avoided any data entry delays associated with some paper-based applications. USCIS analysis also showed some of the online applications often appeared in the Asylum Division's case management system on the day of submission. In November 2022, online filing of the Form I-589 became generally available.²⁶ Based on processing times in data we reviewed, electronic filing should improve compliance with the Act's 45-day interview

²³ USCIS' website instructs OAW applicants to "mark 'Attn: OAW' anywhere on the front of the envelope." See <https://www.uscis.gov/humanitarian/information-for-afghan-nationals>.

²⁴ An official said the Potomac Service Center performed data entry. However, the service centers do not accept applications directly from applicants. Applicants were instructed to send applications to a specific service center based on their state of residence.

²⁵ We attempted to locate the electronic application during fieldwork but were unsuccessful. We did not confirm the option was available at the time we searched for it.

²⁶ See <https://my.uscis.gov/forms/application-for-asylum-withholding-removal/start/overview> or <https://www.uscis.gov/i-589>.



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requirement. For applicants who filed by May 31, 2022, USCIS has been completing interviews within an average of 30 days from the time the application was entered into the Asylum Division's case management system, indicating it may be able to meet statutory timelines if data entry times decrease.

USCIS Changed Its Practices for Interviews and Language Interpretation

USCIS also made changes to ensure availability of language interpretation services. Under DHS regulations, asylum applicants who are unable to interview in English are required to provide, at no expense to USCIS, interpreters who are fluent in both English and a language the applicant speaks.²⁷ As a result of the COVID-19 pandemic, DHS implemented a temporary final rule in September 2020 requiring applicants to use USCIS-provided interpreters if DHS' language contract covers a language an applicant speaks.²⁸ In September 2021, DHS extended the temporary final rule and added a provision allowing USCIS to accept an applicant-provided interpreter in the event a USCIS-provided interpreter is unavailable. Despite these changes, USCIS officials told us USCIS experienced challenges related to interpreter availability for the languages spoken by OAW applicants. One issue was related to dialect, with the contract providing interpretation for a Pashto dialect different from the dialect more commonly spoken by the OAW population. Based on USCIS analysis provided to us, a lack of interpreters was a cause for delay in approximately 2 percent of applications for which the interview was not held within 45 days. A USCIS official told us that to further address interpreter availability, the Asylum Division has signed its own contract for Pashto and Dari interpretation.

USCIS Made Operational Changes for Workforce Efficiency

Finally, USCIS created materials and conducted training to help its officers streamline the adjudication of many OAW applications. This initiative provided country condition information²⁹ and examples of factual and legal

²⁷ 8 C.F.R. § 208.9(g).

²⁸ *Asylum Interview Interpreter Requirement Modification Due to COVID-19*, 85 Fed. Reg. 59655 (Sept. 23, 2020). The September 2020 temporary final rule's period of amendment lasted 180 days. DHS has implemented multiple extensions, with the current period of amendment running through September 12, 2023, per *Asylum Interview Interpreter Requirement Modification Due to COVID-19*, 88 Fed. Reg. 16372 (Mar. 17, 2023).

²⁹ Country conditions are general conditions of the country from which the applicant is seeking asylum and may include "newspaper articles, affidavits of witness or experts, medical and/or psychological records, doctors' statements, periodicals, journals, books, photographs, official documents, or personal statement or live testimony from witnesses or experts." See I-589, Application for Asylum and for Withholding of Removal Instructions at <https://www.uscis.gov/sites/default/files/document/forms/i-589instr.pdf>.



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determinations specific to Afghans, for example those who worked for the U.S. Government, that an asylum officer can consult when considering asylum claims. The streamlining tool facilitates an asylum officer's establishment of country conditions, thereby relieving some effort by asylum officers for each OAW application.

A Surge of Asylum Applications May Challenge USCIS' Asylum Operations

The Asylum Division may be challenged to meet the Act's required timelines for interviewing and adjudicating asylum applications while still addressing other priorities if it receives a high volume of applications in a short period. Because the vast majority of the OAW population had not yet applied for long-term legal status in the period covered by our fieldwork, there could be a surge of asylum applications as the OAW population's initial period of parole potentially starts to expire in mid-2023.³⁰

Although the Act's deadlines likely require USCIS to prioritize OAW applications, a USCIS official said the Asylum Division also has other priorities. For example, during our fieldwork, Migrant Protection Protocols³¹ were another priority, as were cases where USCIS was subject to a mandamus action.³² In addition, USCIS is currently strained by a 7-year backlog³³ for existing, non-OAW asylum applications, and a surge of OAW applications would amplify the strain on Asylum Division resources.

Conclusion

Members of the OAW population had only filed a limited number of applications for asylum as of May 31, 2022, though they likely remain eligible to apply into 2024. USCIS has met timelines required by the Act for the

³⁰ In May 2023, DHS announced it was developing a process for members of the OAW population to request re-parole. See <https://www.uscis.gov/humanitarian/information-for-afghan-nationals/re-parole-process-for-certain-afghans>.

³¹ DHS created the Migrant Protection Protocols initiative in 2019, which required certain migrants to remain in Mexico for the duration of their U.S. immigration proceedings. In June 2021, DHS issued a memorandum rescinding the initiative. As of December 2022, the rescission effort remained the subject of litigation.

³² Mandamus actions are filed to ask a Federal court to compel the U.S. Government to take action that has been unreasonably delayed (per 28 U.S.C. § 1361). In the context of asylum cases, petitioners would ask the court to compel USCIS to adjudicate their asylum applications.

³³ As of September 30, 2022, USCIS had 605,027 pending asylum cases. Prior OIG work related to USCIS processing challenges can be found in [OIG-22-12, Continued Reliance on Manual Processing Slowed USCIS' Benefits Delivery during the COVID-19 Pandemic](#), and [OIG-18-07, DHS Needs a More Unified Approach to Immigration Enforcement and Administration](#)



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majority of applications that have been filed, and it has adjusted its operations to expedite adjudications. A surge of applications in a short period of time may nevertheless strain the Asylum Division's operations, given the OAW-specific processing timelines and its preexisting backlog of non-OAW asylum cases.

Recommendation

We recommend that the Associate Directors of Refugee, Asylum, and International Operations and Service Center Operations:

Recommendation 1: Continue to evaluate their operations and ensure consistent compliance with statutory timelines for interviewing asylum applicants from the OAW population.

Management Comments and OIG Analysis

USCIS concurred with our recommendation and described corrective actions it has taken to address the issues identified in this report. Appendix B contains USCIS' management comments in their entirety. We also received technical comments on the draft report and revised the report as appropriate. We consider this recommendation resolved and open. A summary of USCIS' response to our recommendation and our analysis follows.

Recommendation 1: Continue to evaluate their operations and ensure consistent compliance with statutory timelines for interviewing asylum applicants from the OAW population.

USCIS' Response to Recommendation 1: USCIS concurred with the recommendation. It said it will continue to monitor and assess operations to ensure consistent compliance with statutory timelines for the OAW population, while also addressing demand for protection screening interviews at the Southwest Border. It also said it will continue to provide training and is developing tools to streamline interviewing and assessment writing. Finally, USCIS described initiatives it undertook to increase interviewing efficiency for applicants who reside far from an asylum office, as well as to conduct outreach that prepares potential OAW applicants for their asylum interviews and informs them of other immigration benefits. USCIS requested that we consider the recommendation resolved and closed.

OIG Analysis: We consider these actions, as well as those described in our report, such as offering electronic filing, responsive to the recommendation, which is resolved and open. We will close the recommendation upon our review of application processing data showing improvement of processing time trends.



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Appendix A

Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Pub. L. No. 107-296) by amendment to the *Inspector General Act of 1978*.

Our objective was to assess DHS' preparations to provide long-term legal status to paroled Afghan evacuees.

We defined long-term legal status as applying for asylum or lawful permanent resident status based on criteria that existed at the time the person arrived in the United States. Because obtaining a special immigrant visa likely relates to obtaining lawful permanent resident status, we included special immigrant visas in our scope. In the future, members of the OAW population who are granted asylum status will be able to apply to adjust to lawful permanent resident status by filing a Form I-485. These applications cannot be filed until the applicant has been physically present in the United States for at least 1 year after asylum was granted. Because these applications could not have been filed during our fieldwork, they are not within our scope. Similarly, although members of the OAW population may become eligible for long-term legal status through other means (e.g., employment- or family-based adjustments to status), we considered those avenues outside our scope. Although we considered lawful permanent resident status and special immigrant visa status in our scope, this report only discusses asylum applications.

Our evidence collection consisted of interviews with officials from relevant USCIS offices and a review of policies, data, and other documents. Our data analysis considers applications filed through May 31, 2022. For asylum applications, we received updated data as late as November 2022, which we included in our analysis if it related to an application filed by May 31, 2022. Our last special immigrant visa and lawful permanent resident data was collected in June 2022. USCIS provided data from its information systems in addition to its data collection methodology. We performed limited data assurance, generally to assess whether our analysis was accurate, and removed potentially erroneous data from our analysis. For example, although USCIS provided data on 2,532 asylum applicants, we excluded seven applicants where filing dates ended in years 0022 or 0222, likely in the place of 2022. As a result, we used a base of 2,525 applicants. For some analysis, we also removed events with future dates or conflicting information. For example, some applicants had future interview dates, which we interpreted as representing a scheduled but yet to be completed interview. Other applicants had past interview dates, but statuses indicating the interview had not



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occurred, e.g., pending rescheduling. Based on this assessment, we removed 100 applicants from our analysis of interview timeliness, resulting in a population of 2,425 applicants. Although we performed analysis at the applicant level, a principal applicant may include his or her spouse and unmarried children under 21 who are present in the U.S. on his or her application. As a result, the number of applications from the OAW population is fewer than the number of applicants.

We conducted this review under the authority of the *Inspector General Act of 1978*, 5 U.S.C §§ 401-424, and in accordance with the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.

DHS OIG's Access to DHS Information

During this inspection, DHS provided timely responses to DHS OIG's requests for information and did not delay or deny access to information we requested.



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Appendix B
USCIS Comments to the Draft Report


U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Camp Springs, MD 20588-0009



**U.S. Citizenship
and Immigration
Services**

July 7, 2023

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.
Inspector General

FROM: Ur M. Jaddou UR M JADDOU  Digitally signed by UR M JADDOU
Date: 2023-07-10 17:06:37
Director
U.S. Citizenship and Immigration Services

SUBJECT: Management Response to Draft Report: "USCIS Has
Generally Met Statutory Requirements to Adjudicate Asylum
Applications from Paroled Afghan Evacuees"
(Project No. 22-021-ISP-USCIS)

Thank you for the opportunity to comment on this draft report. U.S. Citizenship and Immigration Services (USCIS) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

USCIS leadership is pleased to note OIG's positive recognition that during the period of review, USCIS met Operation Allies Welcome (OAW) specific processing timelines established by the Afghanistan Supplemental Appropriations Act of 2022 for the majority of applications that were filed, and has adjusted its operations to expedite adjudications. USCIS also continuously explores ideas to identify solutions for efficient processing as areas of immediate need shift with competing priorities. In addition, USCIS recognizes the importance of continuing to process OAW asylum cases given the Congressionally mandated timelines and to ensure these applicants and their families can have their requests for asylum adjudicated in a timely manner. USCIS intends to continue prioritizing this OAW asylum caseload as much as operationally feasible and evaluating resources, as USCIS also navigates a higher volume of protection screenings at the Southwest Border. When USCIS is not able to timely adjudicate OAW asylum filings, USCIS is ensuring continuity of lawful presence and employment authorization through extending, on a case-by-case-basis, the parole periods of OAW parolee applicants for asylum by two years while their asylum applications are adjudicated.



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The OAW Unified Coordination Group, composed of several federal partners, was created to support vulnerable Afghan nationals, including those who worked alongside the United States in Afghanistan for the past two decades, as they safely resettle in the United States. DHS was designated to lead OAW's efforts, and USCIS has played a key role in supporting OAW's critical mission, and has continued its commitment since the transition of OAW into Enduring Welcome. For example, as of June 7, 2023, USCIS received over 17,000 applications for asylum from the OAW population, representing over 33,000 individuals, and completed over 2,900 cases, representing 4,795 individuals. Of the adjudications completed, USCIS granted asylum in over 99 percent of those cases. USCIS also realigned resources to ensure that OAW asylum interviews and decisions are completed in a timely manner, which resulted in increased completion rates at the beginning of Fiscal Year 2023.

The draft report contained one recommendation with which USCIS concurs. Enclosed find our detailed response to the recommendation. USCIS previously submitted technical comments addressing several accuracy, contextual, and other issues under a separate cover for OIG's consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Enclosure



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Enclosure: Management Response to Recommendation Contained in 22-021-ISP-USCIS

OIG recommends that the Associate Director of Refugee, Asylum and International Operations:

Recommendation 1: Continue to monitor and assess operations to ensure consistent compliance with statutory timelines for interviewing asylum applicants from the OAW population.

Response: Concur. USCIS will continue to monitor and assess operations to ensure consistent compliance with statutory timelines for interviewing asylum applicants from the OAW population. USCIS Refugee, Asylum, and International Operations (RAIO), as well as the Office of Performance and Quality, the Chief Financial Officer, and others, regularly monitors and assesses resources by reviewing staffing and receipt levels in order to dedicate staff to interview and adjudicate asylum applications for the OAW population timely, and meet higher demands for protection screening interviews at the Southwest Border. USCIS will also continue to provide training on complex legal and procedural issues and to develop tools to streamline the interview and assessment writing.

USCIS also explored creative ways to conduct interviews for Afghan parolees living far from an asylum office. For example, USCIS established a public-private partnership with Canopy Northwest Arkansas, a resettlement agency located in Fayetteville, Arkansas, to conduct 31 OAW asylum interviews at its location, as federal space was not available in that area. This partnership addressed the lack of federal space, and created efficiencies in interviewing and processing Afghan applicants and their families and saving them the time and cost of traveling 10 hours by car to the New Orleans Asylum Office.

To assist applicants with preparation for their asylum interviews, USCIS RAIO, as well as other USCIS offices, participated in multiple engagement and outreach sessions that communicated important information to potential Afghan applicants, Afghan nationals with pending asylum cases, legal service providers, and other stakeholders. USCIS also created a program with Cherokee Federal¹ to host Afghan Support Centers. This program brings together federal, state, and local organizations that provide assistance and information about the asylum process and other immigration benefits as well as available services to applicants or future applicants.

USCIS requests that the OIG consider this recommendation resolved and closed, as implemented.

¹ Cherokee Federal is a division of Cherokee Nation Businesses, a team of tribally owned federal contracting companies.



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Appendix C

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Appendix D

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