

Legal Updates

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Immigration

USCIS Says Certain Afghan and Ukrainian Parolees Are Immediately Work Authorized

Legal Update

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This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

Effective November 21, 2022, certain Afghan and Ukrainian parolees are considered work authorized incident to their parole status based on recently passed laws, U.S. Citizenship and Immigration Services (USCIS) announced. To implement the statutory language, "other benefits available to refugees," USCIS is providing employment authorization incident to status normally accorded to refugees and a no-fee initial (and replacement of an initial) employment authorization document (EAD) to Afghan and Ukrainian parolees so they "receive the same treatment as refugees," the agency said.

This policy applies to the following individuals if their parole has not been terminated:

- Afghan parolees whose unexpired Form I-94, Arrival/Departure Record, contains a class of admission of "OAR." Those who are Afghan parolees covered under section 2502(b), P.L. No. 117-43, who did not receive an "OAR" class of admission on their Form I-94 should email U.S. Customs and Border Protection at oawi94adjustments@cbp.dhs.gov to update their class of admission, if appropriate;
- Ukrainian parolees whose unexpired Form I-94 contains a class of admission of "UHP"; and
- Ukrainian parolees whose unexpired Form I-94 contains a class of admission of "DT" issued between February 24, 2022, and September 30, 2023, and indicates Ukraine as the country of citizenship on the document.

For these parolees, their unexpired Form I-94 is an acceptable receipt they may present to employers to show their identity and employment authorization for the purposes of Form I-9, Employment Eligibility Verification. The receipt satisfies the Form I-9 requirement for 90 days from the date of hire (or in the case of reverification, the date employment authorization expires). After the 90-day period, parolees must present an EAD or unrestricted Social Security card and acceptable List B identity document from the Form I-9 Lists of Acceptable Documents (such as a state-issued driver's license or identification card). Ukrainian and Afghan parolees

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must still file a Form I-765 to receive a physical EAD.

Effective November 21, 2022, USCIS is also exempting the fee to file Form I-765 for Ukrainian parolees filing for an EAD by mail. Afghan parolees under OAW are already exempt from the fee for an initial paper-filed Form I-765 (and a replacement EAD) through September 30, 2023.

Effective December 5, 2022, USCIS will be able to process fee exemptions for online filings of Form I-765 for eligible Ukrainian and Afghan parolees.