

# Afghanistan Designated for Temporary Protected Status

March 29, 2022

On March 15, 2022, the Secretary of the Department of Homeland Security (DHS) [announced](#) the designation of Afghanistan for [Temporary Protected Status](#) (TPS) for a period of 18 months. The [designation](#) of Afghanistan for TPS is based on ongoing armed conflict “as the Taliban seeks to impose control in all areas of the country and Islamic State-Khorasan (IS-K) conducts attacks against civilians.” The [announcement](#) also references the “extraordinary and temporary” conditions that prevent Afghans from being able to return safely to Afghanistan: a “collapsing public sector, a worsening economic crisis, drought, food and water insecurity, lack of access to healthcare, internal displacement, human rights abuses and repression by the Taliban, destruction of infrastructure, and increasing criminality.” According to data provided to the Congressional Research Service (CRS) by DHS on March 7, DHS says the TPS designation will allow some 74,500 Afghans who were residing in the United States as of March 15, 2022, to remain and work legally through September 2023.

Tens of thousands of Afghans were [evacuated](#) from Afghanistan and relocated to the United States in 2021 as a result of the U.S. [military withdrawal](#) from Afghanistan. These Afghan nationals included persons who had [assisted](#) the United States during its two-decade military presence in Afghanistan. Most Afghan evacuees who were allowed to enter the United States were granted [immigration parole](#). Parolees are permitted to remain in the United States for the duration of the grant of parole, and may obtain work authorization. These benefits are temporary; parole does not provide a recipient with a designated pathway to [lawful permanent resident](#) (LPR) status. Most Afghan evacuees were granted parole for [two years](#), though some were reportedly granted [one year](#).

## What is Temporary Protected Status?

Congress [established](#) TPS in 1990 (Title III of P.L. 101-649) to provide safe haven for foreign nationals in the United States—regardless of their immigration status—who are from countries experiencing armed conflict, natural disaster, or other extraordinary circumstances that prevent their safe return. Individuals granted TPS are eligible for employment authorization, cannot be detained on the basis of their immigration status, and are not subject to removal from the United States while they retain TPS.

The DHS Secretary can designate a country for [TPS](#) for periods of 6 to 18 months and can extend these periods if the country continues to meet the [conditions for designation](#). Each designation specifies the date

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IN11903

from which individuals must have continuously resided in the United States in order to qualify. If a designation is extended, this date may be moved forward to allow those who arrived later to qualify, an action referred to as *redesignation*. A foreign state may not be designated for TPS if the DHS Secretary finds that allowing its nationals to temporarily stay in the United States is against national interests.

To obtain TPS, nationals of foreign countries designated for TPS must pay specified fees and submit an [application](#) to DHS's U.S. Citizenship and Immigration Services (USCIS) before the deadline set forth in the *Federal Register* notice announcing the TPS designation. The application must include supporting documentation as evidence of eligibility (e.g., a passport issued by the designated country and records showing continuous physical presence in the United States since the date established in the TPS designation). The [statute](#) specifies [grounds of inadmissibility](#) that cannot be waived, including those relating to criminal convictions, drug offenses, terrorist activity, and the persecution of others. Foreign nationals outside the United States are not eligible to apply for TPS.

As of the date of this Insight, there are [14 countries](#) and approximately 355,000 individuals covered by TPS designations (according to data provided to CRS by DHS on March 14, 2022). Some of these countries—such as El Salvador, Honduras, and Somalia—have had TPS for decades; others—such as Venezuela, Burma, [Ukraine](#), and Afghanistan—were designated for the first time during the Biden Administration.

## What does TPS mean for Afghan nationals in the United States?

In 2019, there were an estimated [132,000](#) foreign-born individuals from Afghanistan living in the United States. The largest [populations](#) were residing in California, Virginia, and Texas. Most [Afghans](#) in the United States have LPR status or U.S. citizenship. Some, however, are in the United States in a temporary lawful status (e.g., [nonimmigrants](#)) or are without lawful status. These two groups could benefit from TPS.

DHS's estimate of 74,500 Afghan nationals who could be eligible for TPS includes about 72,500 who were paroled into the United States following the evacuation. The remaining 2,000 include nonimmigrants such as students, exchange visitors, temporary workers, and tourists, as well as those without lawful status. TPS may be held concurrently with another status, including parole or nonimmigrant status. Eligible Afghans have the option of applying for TPS in order to guarantee protection from removal for at least 18 months. After 18 months, if conditions in Afghanistan have not sufficiently improved, TPS could be extended for an additional period.

As noted above, a grant of TPS does not provide a recipient with a designated pathway to LPR status; however, a TPS recipient is not barred from acquiring nonimmigrant or immigrant status if he or she meets the requirements. Some of the Afghans who were evacuated to the United States were in the [process](#) of becoming LPRs. For example, certain Afghans who worked as translators or interpreters, or who were employed by, or on behalf of, the U.S. government in Afghanistan, were in the process of obtaining special immigrant status through the [Afghan Special Immigrant Visa \(SIV\) program](#). [Others](#) are in the process of obtaining permanent status through other pathways, such as the refugee program or family-based or employment-based sponsorship. [Many](#), however, have no immediate pathway available for obtaining LPR status. [Advocates](#) and some Members of Congress have expressed interest in passing legislation to provide a pathway to LPR status for such individuals.

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