

COUNTRY-CONDITIONS & PROGRAM-CONTEXT EVIDENCE

PROTECTION PROMISED



America's Afghan allies, from welcome
to removal.

Prepared for use in U.S. Immigration Court and related proceedings.

By Shawn VanDiver, President & Founder
An AfghanEvac Special Report · July 15, 2026

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An AfghanEvac Country-Conditions and Program-Context Report for Use in U.S. Immigration and Asylum Adjudications

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Prepared for use in U.S. immigration and asylum proceedings, including before Immigration Courts and USCIS asylum officers.

For the advocate. Everything on this page, through the end of "About This Report and How to Use It," is orientation for counsel and is not intended for filing. The country-conditions report designed for submission as an exhibit begins at the Executive Summary on the following page, which repeats the title and citation so that it stands on its own.

Report date July 15, 2026.

Primary purpose to document (1) the explicit and repeatedly reiterated promise the United States made to its Afghan allies, and the relocation and resettlement architecture the U.S. government built between 2021 and early 2025 to honor that promise; (2) the dismantling of that architecture and the removal of protections from Afghans lawfully present in the United States since January 2025, including the termination of Temporary Protected Status (TPS) and humanitarian parole, restrictions on work authorization, and the fee and benefits provisions of the One Big Beautiful Bill Act; (3) the harms the United States has inflicted on Afghans both at home and abroad through these policy choices; and (4) the current, well-documented dangers faced by many Afghans if returned to Taliban-controlled Afghanistan.

This report synthesizes U.S. government materials, federal court records, United Nations reporting, major human rights documentation, investigative journalism, and AfghanEvac's institutional records and primary field research. It is designed as country-conditions and program-context evidence for use by Immigration Judges, USCIS asylum officers, counsel, and parties. It is not a substitute for individualized evidence regarding a particular respondent or applicant. In setting out the protection the United States promised, it is also meant to help the courts now asked to apply existing law to the people who relied on that promise.

About This Report and How to Use It

This report is a public country-conditions and program-context resource, published by AfghanEvac and free to use. Immigration attorneys and accredited representatives may cite it, quote it, and submit it as an exhibit before an Immigration Judge or a USCIS asylum officer, in asylum, withholding of removal, Convention Against Torture, bond, and related proceedings, without seeking permission from or contacting AfghanEvac. Every factual assertion is sourced in the Table of Authorities and Sources at Appendix C, and the underlying government records, court filings, United Nations reporting, and other primary documents are hyperlinked so that counsel can retrieve and submit that evidence directly. The report is offered as general country-conditions and program-context evidence; it is not legal advice, and it does not replace individualized evidence about a particular respondent.

Suggested citation. AfghanEvac, *Protection Promised: America's Afghan Allies, from Welcome to Removal* (July 15, 2026), available at <https://reports.afghanevac.org>.

Currency. U.S. policy and conditions in Afghanistan are changing rapidly, and immigration courts weigh the recency of country-conditions evidence. This edition reflects information available as of July 15, 2026; counsel should confirm they are using the current edition, which AfghanEvac maintains at <https://reports.afghanevac.org>.

Related resources for counsel. For the current state of the relocation pipeline, AfghanEvac maintains a live Enduring Welcome status page at <https://ew.afghanevac.org>. To help identify the immigration pathways available to a client, V-PRIC, the Visa Pathways and Relocation Information Center, is a free, continuously verified guide at <https://pathways.afghanevac.org>; it is a research starting point, not legal advice, and does not replace counsel's own judgment. For press and media resources, see <https://press.afghanevac.org>.

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Shawn VanDiver, AfghanEvac | July 15, 2026 | reports.afghanevac.org

Executive Summary

Afghan nationals now in U.S. immigration and asylum proceedings, whether before an Immigration Judge or a USCIS asylum officer, are not simply migrants who arrived by chance. Most are here because they served alongside the United States during a twenty-year war, or were evacuated through U.S. government operations after the fall of Afghanistan. To fulfill its commitments, the United States established Operation Allies Welcome, the Coordinator for Afghan Relocation Efforts (CARE), and Enduring Welcome. Successive administrations of both parties, and the Congress, publicly committed to protecting these allies from 2021 through January 2025. [24] [25] [26] [27] [28] [37]

Since January 20, 2025, that protection framework has been substantially dismantled through executive, regulatory, and administrative action. Refugee admissions were suspended on the administration's first day; relocation flights stopped and have not resumed; the CARE office was eliminated in July 2025, though Congress had codified it into law seven months earlier; and TPS for Afghanistan was terminated. [6] [40] [41] [43] Humanitarian parole was revoked on a broad scale, in some cases through notices that erroneously told Afghan allies "It is time for you to leave the United States." [47] The One Big Beautiful Bill Act imposed substantial new fees on the protections Afghans were told to pursue, including a first-ever \$100 fee to apply for asylum, and limited their access to public benefits. [51] [52] Further regulatory changes have restricted work authorization, expanded detention authority, and created new barriers to permanent residence. [49] [50] [58] [59] [60] [61]

A presidential proclamation effective January 1, 2026 suspended visa issuance to Afghan nationals without exempting Special Immigrant Visa (SIV) applicants, the wartime allies whose pathway Congress created because their service placed them in danger. State Department reporting confirms that no SIVs have been issued to Afghans traveling on Afghan passports since that date, even as roughly 178,000 Chief of Mission-approved applicants remain stranded in the pipeline. [55] [56] [57] [91]

Abroad, the consequences are concrete. More than 1,000 fully vetted Afghans remain stranded at Camp As Sayliyah in Qatar, where regional conflict has exposed them to direct security risks, and the State Department has proposed transferring some of them to the Democratic Republic of the Congo despite an active Ebola outbreak there. [79] [80] [81] [82] [83] Afghans awaiting

U.S. processing have been deported from Pakistan, the United Arab Emirates, and Tajikistan back to Taliban-controlled Afghanistan. [84] [85] [86] [88] ICE removal records indicate that the United States removed roughly 1,156 Afghans between October 2022 and March 2026, at least 104 to Afghanistan itself, and that about 97 percent of those removed had no criminal convictions or pending charges. [64]

The risks extend to the United States itself. In March 2026, Mohammad Nazeer Paktiawal, an Afghan special-forces soldier who fought alongside U.S. Army Special Forces and was evacuated by the United States in 2021, died within twenty-four hours of being taken into ICE custody. Federal courts have, meanwhile, repeatedly ordered detained Afghans released after finding their detention unconstitutional. [94] [96] [98] [99] [100]

Conditions inside Afghanistan remain dire and are directly relevant to asylum, withholding of removal, and Convention Against Torture claims. United Nations reporting concludes that former government officials, security personnel, women, journalists, and civil society actors continue to face arbitrary detention, torture, and persecution upon return, raising serious non-refoulement concerns. [67] [68] [72] In July 2025, the International Criminal Court issued arrest warrants for the Taliban's supreme leader and chief justice for the crime against humanity of gender persecution. [74] Afghanistan also faces one of the world's largest humanitarian crises, deepened by U.S. reductions in humanitarian assistance. [77] [78]

The persecution continues. In June 2026, Taliban forces opened fire on a peaceful protest in Herat against the detention of women, killing an eleven-year-old boy and wounding others, an episode documented by the United Nations and Human Rights Watch. [102] [103]

Key takeaways for court use

- The United States made an explicit promise to Afghans who stood with it, repeated at the highest levels of government from 2021 through January 2025, and built dedicated federal programs, Operation Allies Welcome, CARE, and Enduring Welcome, that relocated more than 200,000 Afghans to the United States across all pathways between August 2021 and the end of 2025, in reliance on that promise. [24] [26] [27] [35] [36]
- Protection mechanisms inside the United States have been removed, not merely allowed to lapse: TPS terminated, parole revoked en masse, work authorization restricted, green card adjudications reframed against parolees, and unwaivable fees imposed on every remaining pathway. [6] [47] [49] [51] [58] [61]
- Afghans who relied on U.S. pathways have been harmed abroad: stranded on closed platforms, exposed to falling debris from intercepted missiles, deported by third countries while awaiting U.S. processing, threatened with transfer to a country experiencing an Ebola emergency, and in some cases removed by the United States to Afghanistan itself. [64] [79] [81] [84] [85]

- Detention in the United States has itself become a documented danger for Afghan allies. An Afghan special-forces veteran died in ICE custody in March 2026, and federal courts have repeatedly ordered detained Afghans released after finding their detention violated the Constitution. [94] [98] [99] [100]
- Authoritative sources document continued Taliban abuses notwithstanding the declared amnesty, including extrajudicial killings, enforced disappearances, torture, and the targeted killing of deportees with former-government profiles within days of their return. [67] [71] [72] [73]
- Taliban persecution of women and girls is severe, codified, and nationally enforced; the ICC has issued arrest warrants for the Taliban's top leadership for persecution on gender grounds, and in June 2026 Taliban forces killed a child while firing on a protest over the detention of women. Under U.S. asylum law this persecution is on account of protected grounds, most directly religion, and also imputed political opinion or membership in a particular social group, even though gender standing alone is rarely an accepted ground. [71] [74] [75] [76] [102]
- The fact that some Afghans have returned, overwhelmingly through coerced mass expulsions from Iran and Pakistan, is not evidence that return is safe. UN human rights officials have stated expressly that involuntary returns to Afghanistan run contrary to the principle of non-refoulement. [69] [70]

1. Scope, Audience, and Methodology

Audience. This report is written for use across U.S. immigration and asylum adjudications. It is intended not only for proceedings before the Immigration Courts but also for affirmative asylum adjudications before USCIS asylum officers, before whom many Afghans, especially Operation Allies Welcome parolees, have applications pending and who decide those claims on the same country-conditions evidence a court would weigh. It is relevant to asylum, withholding of removal, and CAT claims, as well as bond, parole, and prosecutorial discretion determinations, and it may also be used in federal court proceedings concerning Afghan nationals.

Scope. The report addresses five recurring questions: (1) Did the United States induce, encourage, and enable Afghans to seek refuge in the United States, including through explicit promises and direct evacuation? (2) What did the U.S. government build between 2021 and early 2025 to deliver on those promises, and what did it tell Afghans about the durability of that commitment? (3) How have U.S. policy changes since January 2025, including the termination of TPS and parole, work authorization restrictions, and the One Big Beautiful Bill Act, affected Afghans lawfully present in the United States? (4) What harms have U.S. policy choices inflicted on Afghans abroad who relied on U.S. pathways? (5) What do Afghans face if returned to Taliban-controlled Afghanistan today?

Methodology. The report draws on: (a) U.S. government publications, Federal Register documents, presidential proclamations, agency policy memoranda, and program guidance; (b) federal court orders and filings; (c) United Nations reporting, including UNAMA, OHCHR, UNESCO, UNICEF, OCHA, and WFP documentation; (d) reporting and analysis by major human rights organizations; (e) investigative journalism; (f) AfghanEvac institutional records, including its 2021–2025 Impact Report, policy explainers, and contemporaneous notes of its weekly coordination meetings with the Department of State; and (g) AfghanEvac's primary field research, including findings from approximately seventeen community town halls held since March 2025 across numerous U.S. states and internationally, in the United Kingdom, Germany, Brazil, Pakistan, and elsewhere, and from its direct casework with Afghans in the U.S. pipeline and across the diaspora. [1] [2] [89] Where figures differ across sources, the report identifies the source and definitional basis for each figure.

1.1 About AfghanEvac and Its Basis of Knowledge

AfghanEvac is a leading civil-society coordinating organization in the Afghan relocation and resettlement effort. Formed within days of the fall of Kabul in August 2021, it convenes a coalition of more than 250 organizations at peak activity, including veterans' groups, resettlement agencies, legal service providers, and advocacy organizations. [89] From September 2021 forward, AfghanEvac met weekly with the U.S. interagency and ran a weekly coordination call with more than 300 congressional caseworkers. In a memorandum of understanding signed for the Department by the Secretary of State and effective through December 31, 2027, the Department of State describes a "broad-based core partnership" with AfghanEvac and states that the organization "provides infrastructure, systemization, and deconfliction, and convenes the coordination mechanism between U.S. partners and the organizations seeking to provide help." [110] That timeline aligns with the CARE authorization contained in the Fiscal Year 2025 National Defense Authorization Act. [40] [89]

AfghanEvac's basis of knowledge is direct and continuous. Between March 2025 and mid-2026 it convened approximately seventeen community town halls, drawing more than one thousand participants, across numerous U.S. states and internationally, in the United Kingdom, Germany, Brazil, Pakistan, and elsewhere, gathering firsthand accounts from Afghans in the U.S. pipeline and across the diaspora, and it maintains active casework with affected families. [1] AfghanEvac's institutional accounting finds that more than 200,000 Afghans reached safety through the combined work of the U.S. government, the resettlement agencies, AfghanEvac, and its partner organizations between August 2021 and the end of 2025, while hundreds of thousands of individuals and family members remain at risk in Afghanistan and in third countries. [89] This report draws on those institutional records, that primary field research, and the patterns AfghanEvac's practitioners have observed to describe program operations and the practical effects of U.S. policy changes on at-risk Afghans. [1] [2] [89]

About the author. This report is authored by Shawn VanDiver, President and Founder of AfghanEvac and a U.S. Navy veteran, who has led the organization since its founding in August

2021. In that role he has overseen AfghanEvac's coordination with the U.S. Departments of State, Defense, and Homeland Security, its weekly interagency and congressional engagement, and the casework and field research on which this report draws. He is not a party to, and has no financial interest in, any individual immigration proceeding; this report is offered as country-conditions and program-context evidence based on that institutional vantage point and on the public record.

Limits and neutrality. Afghanistan is not homogenous, and risk depends on profile, geography, family networks, prior roles, visibility, gender, minority identity, and other factors. This report does not claim that every Afghan faces identical risk. It documents widely reported patterns that frequently align with asylum, withholding, and CAT frameworks, and it contextualizes why return is unsafe for many Afghans, especially those with U.S.-linked or former-government-linked profiles.

1.2 The primary research: methodology and limitations

Because this report draws in part on AfghanEvac's own field research, its methods and limits are stated here so the court and the parties can weigh that material appropriately. Between March 2025 and mid-2026, AfghanEvac convened approximately seventeen community town halls that together drew more than one thousand participants, held across numerous U.S. states and in several other countries, including the United Kingdom, Germany, Brazil, and Pakistan, at which Afghans in the U.S. immigration pipeline and across the diaspora described their circumstances and the effects of U.S. policy changes. AfghanEvac also maintains continuous casework with affected families and contemporaneous notes of its weekly coordination meetings with the Department of State. Observations from that work were recorded at the time and are retained in AfghanEvac's institutional records.

The limits should be stated plainly. This primary research is qualitative, and it is offered to illustrate and corroborate patterns, not as a statistical sample. Participants were self-selected rather than randomly drawn; accounts were gathered in the course of community engagement rather than under oath; and interpretation across Dari, Pashto, and English was handled as circumstances allowed. Where this report relies on that research it says so, it pairs it with independent government, United Nations, and human rights sources, and it does not rest any material conclusion on AfghanEvac's field research alone. Facts specific to a particular respondent should be established through that respondent's own evidence.

1.3 The nature of this evidence, and a note on weight

This report is offered as documentary country-conditions and program-context evidence. Like the country-conditions reports that adjudicators routinely receive and rely upon, from the U.S. State Department, the United Nations, and major human rights organizations, its reliability rests on the sources it cites rather than on the availability of any witness. Every factual assertion is drawn from public, verifiable materials that are cited and, where available, hyperlinked in the

Table of Authorities and Sources, so that the adjudicator and the parties can confirm each point independently.

AfghanEvac publishes this report as a free public resource for use across a large and growing number of individual proceedings. It is not feasible for the author to appear and testify in each matter in which the report is submitted, and requiring live testimony as a condition of consideration would, as a practical matter, place this evidence out of reach for the many pro se applicants and under-resourced representatives who most need it. The report is therefore submitted, as other authoritative country-conditions compilations are, for the adjudicator's consideration and appropriate weight as documentary evidence; the author's unavailability to be cross-examined in a particular matter is not a sound basis for discounting sourced, independently verifiable facts. Counsel who require live testimony or an opinion tailored to a specific respondent should obtain an individualized expert assessment, for which this report is not a substitute.

2. Background: Twenty Years of U.S. Reliance on Afghan Partners

From 2001 through 2021, the United States and coalition partners conducted a prolonged military and stabilization mission in Afghanistan that was not feasible at scale without Afghan personnel and Afghan institutions. Afghans served as interpreters, cultural advisors, drivers, base and embassy staff, security partners, civil servants in U.S.-mentored ministries, implementing-partner employees, aid workers, prosecutors, judges, and journalists. Many served publicly, across years, and with documentation, badges, contracts, letters of recommendation, ministry identification, media profiles, all of which now function as evidence of "collaboration" in the hands of the Taliban.

Congress recognized as early as 2009 that this service created predictable retaliatory risk, creating the Afghan Special Immigrant Visa program for Afghans employed by or on behalf of the U.S. government who face a serious threat as a consequence of that employment. [22] The Taliban's operational practice since August 2021 has confirmed the premise. As AfghanEvac has put it bluntly: "The Taliban doesn't do performance reviews. They don't check résumés. They kill people for being associated with us." [1]

Retaliation risk is not limited to persons of high rank, and it extends to family members. The Taliban governs nationwide, cities, rural districts, checkpoints, and internal routes, and identifies targets through informant networks, document checks, biometric records left behind by the former government, and family associations. [1] [11] [67]

For adjudicators, this pattern maps onto the protected grounds that asylum and withholding law require. The Taliban's targeting of those who worked for the United States and the former Republic reflects an imputed political opinion, and it frequently overlaps with membership in a particular social group defined by that service and association. The danger a person faces

precisely because of that affiliation is not incidental to a protected ground; it is on account of one.

2.1 The arc of Afghan protection: SIV, asylum, and refugee pathways

The protections at issue in these proceedings did not arise overnight, and they were not partisan in origin. They are the product of a seventeen-year, bipartisan arc that this report traces in detail in Sections 3 through 5. Understanding that arc matters, because the same pathways the United States built and repeatedly expanded are the pathways it has now closed.

Congress created the Afghan Special Immigrant Visa program in the Afghan Allies Protection Act of 2009, modeled on the Iraqi program, to give a path to safety to Afghans whose service for the United States placed them in danger. After a slow start, the program grew under every administration before the present one, and Congress raised the principal-applicant authorization in steps from 1,500 to a cumulative 50,500 visa numbers, adding the last 12,000 in March 2024. Alongside the SIV track, the government built two further layers of protection: a refugee pathway, including the Priority 1 and Priority 2 referral categories created in 2021 specifically for U.S.-affiliated Afghans, and humanitarian parole, the mechanism through which most Operation Allies Welcome evacuees were brought to the United States. Temporary Protected Status, designated in 2022 and extended in 2023, shielded Afghans already here from removal while they pursued durable status, and asylum was the relief most parolees were instructed to seek to convert their temporary status into permanence. [22] [37] [40]

Every one of these protections was a promise kept, repeatedly and on a bipartisan basis, until January 2025. What changed after that date was not the danger to Afghans and not the law Congress wrote. What changed was the executive branch's willingness to honor the arc it had built. Since January 2025 the government has suspended refugee admissions, terminated TPS, allowed or forced humanitarian parole to expire and revoked it en masse, driven SIV issuance to Afghan-passport holders to zero, sharply raised the cost of seeking asylum, and begun detaining the very Afghans it once evacuated. The sections that follow document each step of that reversal, and the human consequences that flow from it. [6] [41] [47] [55] [58]

These sections are not only a record of what was taken away. They also show why the Afghans now in proceedings remain eligible for the protections U.S. law still provides, asylum, withholding of removal, and protection under the Convention Against Torture, on the strength of the same service and the same country conditions this report documents.

3. The Promise: What the United States Told Its Afghan Allies

The evidence in this report shows that the United States did not merely permit Afghans to come here. It promised them protection, publicly and repeatedly, at the highest levels of government, and it reiterated that promise over and over in the years that followed. Afghans made

life-altering decisions, to serve, to remain visible, to board U.S. aircraft, to enter U.S. pathways rather than flee elsewhere, in reliance on America's word. The following statements are part of the official record:

- The President, July 8, 2021, announcing the drawdown: "Our message to those women and men is clear: There is a home for you in the United States if you so choose, and we will stand with you just as you stood with us." [24]
- The President, ABC News interview, August 18, 2021, asked whether the commitment to get Americans out applied equally to Afghan allies: "The commitment holds to get everyone out that, in fact, we can get out and everyone that should come out." And: "We're gonna get those people out." [25]
- The President, August 20, 2021, asked whether he would make the same commitment to Afghans who assisted the war effort as to American citizens: "Yes. Yes. We're making the same commitment." In the same remarks, addressing an Afghan interpreter hunted by the Taliban: "We've got to get you out. We are committed to deal with you, your wife, and your child, to get all three of you out of Afghanistan. That's the commitment." [26]
- Secretary of State Antony Blinken, August 30, 2021, the day the military mission ended: "We've worked intensely to evacuate and relocate Afghans who worked alongside us and are at particular risk of reprisal. We've gotten many out, but many are still there. We will keep working to help them. Our commitment to them has no deadline." [27]
- Department of State, December 13, 2021: "As Secretary Blinken has said, there is no deadline for this work, which at the State Department is led by the Coordinator for Afghan Relocation Efforts." [28]
- Secretary of Homeland Security Alejandro Mayorkas, March 16, 2022, designating Afghanistan for TPS, framing the designation as a measure to "provide additional protections and assurances to trusted partners and vulnerable Afghans who supported the U.S. military, diplomatic, and humanitarian missions." [37]
- The Department of Defense's standing description of Enduring Welcome: "The Enduring Welcome program implements the U.S. government's long-term commitment to resettling in the United States tens of thousands of brave Afghan allies at risk." [33]

This promise language was not rhetorical excess; it was program design. The National Security Council described Enduring Welcome internally as "a multi-year blueprint with redundancy measures to keep our national promise to wartime allies." [89] Congress embraced the same premise on a bipartisan basis: it expanded the SIV program four times after 2021, extended relocation authorities, and in December 2024 codified the CARE office into law in the FY2025 National Defense Authorization Act, authorizing the relocation enterprise through 2027. [22] [40] The promise was reiterated by two administrations of different parties before 2025, by Congress in statute, and by every agency that touched the mission. For courts evaluating credibility, nexus, and reliance, this record matters: Afghans who present themselves in U.S.

immigration proceedings today overwhelmingly did exactly what the United States asked them to do, through channels the United States created, on the strength of commitments the United States made.

For the court, these statements are legally significant, and not merely as history. Congress did not leave the commitment at the level of rhetoric: it translated it into statute, repeatedly expanding the Special Immigrant Visa program and, in December 2024, codifying the Coordinator for Afghan Relocation Efforts into law, so that in substantial part the commitment carries statutory force. [22] [40] The executive statements, in turn, were the inducement on which Afghans acted, leaving their homes, remaining visible, boarding U.S. aircraft, and entering U.S. pathways rather than fleeing elsewhere, and that reliance is itself legally relevant. It bears on the credibility and nexus of an applicant who did precisely what the United States asked; on the equities and the favorable exercise of discretion; and on the reliance interests that equity recognizes when a government induces action and then reverses course. This report does not contend that a public statement, standing alone, is self-executing law. It contends that these promises, taken together with the statutes and programs that followed, carry real legal weight in the matters now before the adjudicator.

3.1 The commitment was bipartisan and widely demanded

The commitment described above was not the project of one party or one administration. For the people the United States brought to this country, the government created an ongoing relationship and an expectation of durable resettlement, not temporary shelter, and that expectation was demanded across party lines, in Congress and in the press.

In August 2021, then-Senator Marco Rubio (R-FL), now Secretary of State, led colleagues in urging the President to make the safety of Afghan allies a "foremost priority," writing that "the United States has a responsibility to those who are now at risk" and calling for the evacuation of "not only the 22,000 Special Immigrant Visa applicants in Afghanistan, but also those eligible for Priority 1 and Priority 2 refugee statuses." [111] That breadth, SIV applicants together with the far larger population eligible for refugee referral, describes the same people now before the adjudicators. Other Republicans pressed the same case. Representative Peter Meijer (R-MI), an Iraq veteran who traveled to Kabul during the evacuation, said the United States had "made a promise" it had to "follow through with, for the sake of our nation's honor." Representative Zach Nunn (R-IA), an Air Force veteran, said the country would "honor their legacy by keeping our word, to our troops, our allies, and the values that define us." Senator Tim Sheehy (R-MT), a former Navy SEAL, has said his run for the Senate was prompted by the withdrawal and the abandonment of "thousands of our allies." Representative Michael Waltz (R-FL), a Green Beret and Afghanistan veteran now serving as U.S. Ambassador to the United Nations, pressed repeatedly on the SIV backlog, and Markwayne Mullin (R-OK), then a member of Congress and now Secretary of Homeland Security, worked personally on evacuation efforts in 2021 and cosponsored legislation to grant Afghan allies special immigrant status. [111]

The demand was as strong from Democrats. Representative Jason Crow (D-CO), an Army Ranger and Afghanistan veteran, said, "Our Afghan partners helped America in our time of need, and we cannot turn our backs on them now." Representative Seth Moulton (D-MA), a Marine veteran, traveled to Kabul during the evacuation alongside Representative Meijer. The bipartisan character of the commitment was clearest in legislation aimed squarely at permanence: the Afghan Adjustment Act and, in 2025, the Fulfilling Promises to Afghan Allies Act, cross-party bills to give evacuated wartime allies a durable path to lawful permanent status. The late Senator Lindsey Graham (R-SC), who died on July 11, 2026, was a lead cosponsor of that effort; AfghanEvac's founder, the author of this report, spoke with Senator Graham directly in 2022, when he was emphatic that the United States had to protect Afghans connected to the mission, both SIV holders and the many others central to the effort, a great number of whom were eligible for Priority 1 and Priority 2 refugee referral. [89] [111]

The press pressed the same point, with editorial boards and major outlets describing the failure to bring Afghan allies to safety as a betrayal of American honor and insisting that the country owed resettlement to those who had risked their lives for its mission. [112] For the court, the significance is narrow but real: the promise to Afghan allies, and the expectation that they were being brought to the United States to stay, was not a partisan talking point. It was a national, bipartisan commitment, demanded by leaders of both parties, some of whom now hold senior positions in the federal government, and embodied in the programs and the legislation that followed.

4. What the United States Built: The Relocation and Resettlement Architecture, 2021–2025

The promise described in Section 3 was implemented through a purpose-built federal architecture. Understanding that architecture is essential context for Immigration Courts, because nearly every Afghan respondent's manner of entry, status history, and pending applications trace back to it.

4.1 Operation Allies Refuge and Operation Allies Welcome (2021–2022)

In July 2021, the White House announced Operation Allies Refuge, the airlift of SIV-pipeline Afghans and their families that began in the last week of July 2021. After Kabul fell on August 15, 2021, the United States conducted one of the largest air evacuations in history: by August 30, 2021, more than 123,000 people had been flown out of Afghanistan. [27] On August 29, 2021, the President directed the Department of Homeland Security to lead Operation Allies Welcome (OAW), the interagency effort to receive, screen, and resettle vulnerable Afghans, "including those who worked alongside us in Afghanistan for the past two decades." [29]

OAW was a massive, deliberate federal undertaking, not an open door. Approximately 300 DHS personnel deployed to processing sites in Bahrain, Germany, Kuwait, Italy, Qatar, Spain, and the

UAE; evacuees underwent multi-layered biometric and biographic screening by intelligence, law enforcement, and counterterrorism professionals before arrival; and eight U.S. military installations served as temporary "safe havens." [30] [32] By December 2021, more than 74,000 Afghans had arrived through OAW; by February 2022, total arrivals reached approximately 84,600; by the program's two-year anniversary in August 2023, the United States had welcomed more than 115,000 Afghans (a cumulative arrivals figure that counts Afghans who reached the United States through all channels, not only the August 2021 military airlift). [28] [30] [31] Most OAW arrivals were paroled into the United States, a lawful but temporary mechanism that is not an admission and that the government expected parolees to convert to durable status through asylum, SIV adjustment, or other relief. [4] [23]

4.2 CARE and Enduring Welcome (2022–2025)

After the emergency phase, the government institutionalized the mission. The Department of State stood up the Office of the Coordinator for Afghan Relocation Efforts (CARE) in late 2021 and made it a permanent office in October 2022. [28] [89] The interagency then launched Enduring Welcome, the comprehensive multi-year program to relocate and resettle eligible Afghans through durable immigration pathways, SIV, refugee referrals (including the Priority 2 designation created in August 2021 specifically for U.S.-affiliated Afghans), and family reunification. [7] [33] [34]

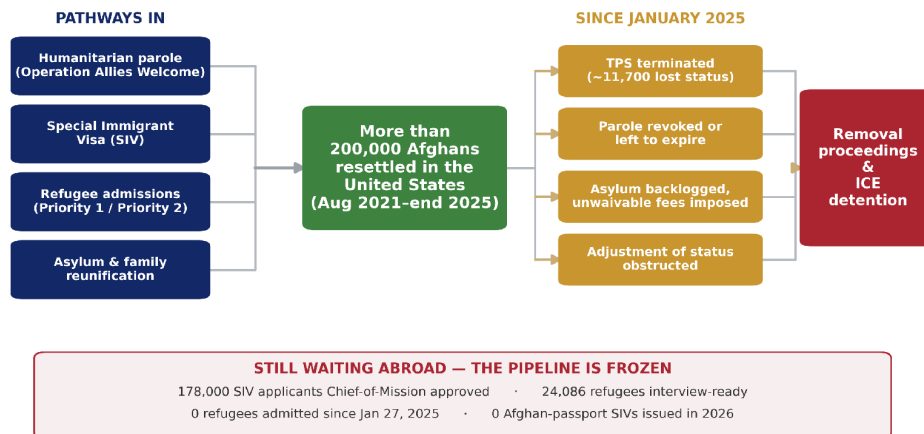
Enduring Welcome was built deliberately, with redundancy and security at its core. The government operated third-country processing platforms at Camp As Sayliyah in Doha, Qatar (transferred from DoD to State stewardship in fall 2023), in Albania (April 2023), in Germany (December 2023), and briefly in the Philippines (late 2024), alongside scaled refugee processing in Pakistan. [34] [89] The State Department replaced the I-360 petition with the DS-157 for SIV applicants, centralizing processing and saving months to years per case; DHS eliminated all fees for Afghan-related immigration forms; the DS-4317 family reunification channel opened in 2023; and DHS created a streamlined, fee-exempt re-parole process in June 2023 so OAW parolees could maintain status while pursuing durable relief. [18] [89] Vetting was strengthened, not relaxed: Enduring Welcome incorporated the corrective actions from the DHS and DoD Inspector General reviews of evacuation-era screening, added vetting personnel in Doha, and was described by career officials as among the most secure legal immigration programs the United States has ever administered. [32] [89]

4.3 The numbers and the congressional commitment

The cumulative output of this architecture is documented in the government's own materials. The Congressional Research Service reported nearly 150,000 Afghans resettled between August 2021 and August 2024. [34] The State Department's FY2026 budget request states that "since August 2021, over 190,000 Afghans have settled in the United States through the [Enduring Welcome] program and its predecessor, Operation Allies Welcome"; contemporaneous reporting placed the figure at nearly 200,000 by January 2025. [35] [36] AfghanEvac's

institutional accounting, consistent with these figures, records more than 200,000 Afghans relocated through U.S. pathways between August 2021 and the end of 2025. [89]

How Afghans Reached Safety, and What Happened After



Source: AfghanEvac analysis of U.S. government program reporting and case-management data, 2021-2026. Resettlement total counts all pathways; abroad figures label distinct populations.

Analysis: AfghanEvac

Figure 1. How Afghans reached safety and what followed. The United States admitted them through parole, SIV, refugee, and asylum pathways; since January 2025 it has stripped the protections that let them remain, while tens of thousands more sit in a frozen pipeline abroad. Figures label distinct populations.

Congress repeatedly ratified the commitment in statute: 8,000 additional SIVs in July 2021; 4,000 more in the FY2023 appropriations act; 12,000 more in March 2024, bringing the statutory total to 50,500; TPS designation in 2022 and extension in 2023; and, in December 2024, the CARE authorization in the FY2025 NDAA requiring the State Department to maintain a Coordinator for Afghan Relocation Efforts, a bipartisan codification, weeks before the change of administrations, of the premise that this work was a national obligation to be completed, not a discretionary program to be discarded. [22] [37] [38] [40]

Operations peaked in Fiscal Year 2024. When the prior administration left office in January 2025, the pipeline was full: roughly 200,000 Afghans already resettled, approximately a quarter-million eligible Afghans still overseas awaiting processing, approximately 178,000 Afghans holding Chief of Mission approval, and functioning platforms in three countries. [34] [35] [89] [91] Everything that follows in this report must be read against that baseline: the United States possessed a working, congressionally authorized, fully vetted system for honoring its promise. What changed was not the danger to Afghans, and not the law Congress wrote. What changed was the executive branch's administration of the programs that Congress had authorized.

4.4 Afghans who reached the United States by other means

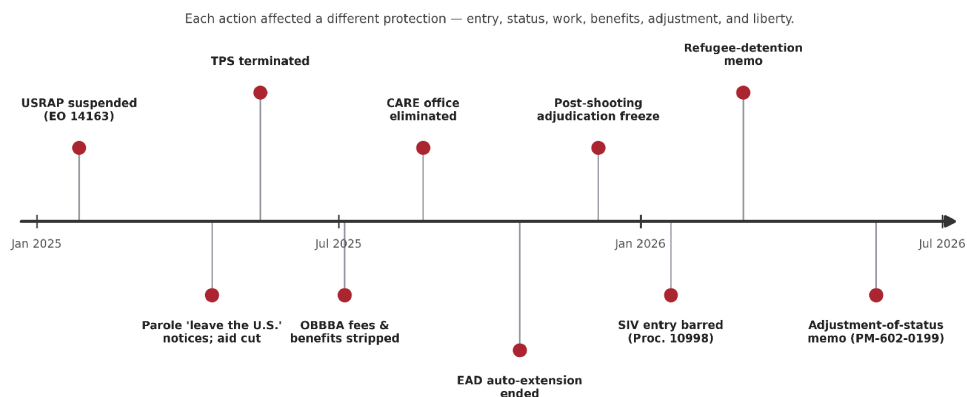
The great majority of the Afghans now in proceedings entered through the U.S. government operations described above. A smaller number reached the United States by other means, including by crossing the southern border. Many did so in desperation, as the danger to them mounted and the legal pathways narrowed or closed, and some acted on inaccurate assurances from third parties, unaffiliated with AfghanEvac, about their prospects or their pathways to safety, assurances the government did not correct. [89]

For the court, the relevance is twofold. First, an Afghan who entered irregularly, in flight from grave danger, and in some cases in reliance on third-party assurances the government did not disavow, has not thereby forfeited protection; manner of entry is not a measure of the risk on return. Second, the danger these respondents face if returned is, if anything, heightened rather than lessened by their U.S. affiliation and their presence in the United States, the very association the Taliban targets, as Section 7 documents.

5. Harm to Afghans Inside the United States: The Dismantling of Protections, 2025–2026

Since January 20, 2025, the federal government has taken a succession of executive, regulatory, and administrative actions that removed nearly every protection on which lawfully present Afghans relied. These actions are documented below individually, but their cumulative effect matters for adjudication: each affects a different protection, entry, status, work, benefits, adjustment, and physical liberty, and together they have placed populations the United States itself transported here at risk of removal to the very country they were evacuated from. To be clear for the courts, the majority of Afghans now in removal proceedings entered the United States lawfully and were placed on a path to remain in lawful status. Many are in proceedings today because government policy changes altered or eliminated the protections on which they had relied.

Federal Actions Affecting Afghan Protections, 2025-2026



Source: AfghanEvac compilation of executive orders, agency actions, Federal Register notices, and court filings, 2025–2026

Analysis: AfghanEvac

Figure 2. Timeline of federal actions affecting Afghan protections, 2025–2026. A succession of executive, regulatory, and enforcement actions, each affecting a different protection, entry, status, work, benefits, adjustment, and liberty.

5.1 Suspension of refugee admissions and the shutdown of CARE and Enduring Welcome

Executive Order 14163, "Realigning the United States Refugee Admissions Program," signed January 20, 2025, suspended the U.S. Refugee Admissions Program. Although the order set the suspension to take effect January 27, 2025, it was implemented immediately: relocation flights and refugee travel, including for Afghans conditionally approved and booked on flights, halted at once on January 20. [41] At the time of the suspension, the Enduring Welcome pipeline that the order froze included roughly 24,000 interview-ready, conditionally approved refugee cases that the program was actively tracking, along with an estimated 59,000 additional U.S.-affiliated Afghans identified inside Afghanistan and awaiting relocation. [89] [91] In *Pacito v. Trump*, the Ninth Circuit on March 5, 2026 largely upheld the suspension as within presidential authority, while affirming that the government must fund domestic resettlement services for refugees already here; litigation continues. [42] No Enduring Welcome relocation flight has departed for any third-country platform since January 20, 2025. [89]

In late May 2025, the State Department notified Congress that it would eliminate the CARE office effective July 1, 2025, notwithstanding the December 2024 statute codifying the office, and fired its leadership in mid-July 2025. [40] [43] [44] The administration simultaneously planned the wind-down of Enduring Welcome itself. [17] [35] The practical consequence, documented in AfghanEvac's institutional records and contemporaneous reporting, is that the federal government dismantled the only organized mechanism for relocating at-risk Afghan allies, stranding an estimated quarter-million eligible Afghans overseas. [89]

5.2 Termination of Temporary Protected Status

On May 12, 2025, DHS announced the termination of Afghanistan's TPS designation, asserting that "Afghanistan has had an improved security situation, and its stabilizing economy no longer prevent[s] [Afghans] from returning to their home country." [6] After a one-week administrative stay, the Fourth Circuit declined on July 21, 2025 to stay the termination pending appeal, and it took effect that day; roughly 11,700 Afghans lost protection. [45] [46] In *CASA v. Noem*, the district court in December 2025 allowed equal protection claims to proceed, finding plaintiffs plausibly alleged that racial or ethnic discrimination was a motivating factor; the case remains pending, but the termination remains in effect as of this writing. [45]

The factual premise of the termination, that Afghanistan is safe, is contradicted by the United Nations' own returnee documentation (Section 7), by the State Department's continued warnings to U.S. citizens against travel to Afghanistan, and by the U.S. government's simultaneous position, in proclamation litigation and visa policy, that Afghanistan cannot reliably document or screen its own nationals. The termination removed the single protection

that most directly prevented removal of Afghans to Taliban control while they pursued durable relief.

5.3 Revocation and obstruction of humanitarian parole

In April 2025, DHS sent mass form notices to parolees stating, "It is time for you to leave the United States," purporting to terminate parole within seven days. Afghan parolees, including Operation Allies Welcome arrivals, received these notices; DHS later acknowledged that some Afghan recipients received them in error. [47] In *Sileiri Doe v. DHS*, a federal court on March 31, 2026 vacated the en-masse terminations for a class of CBP One parolees, holding that blanket revocation without case-by-case review is "not in accordance with law," but that ruling does not itself restore the broader Afghan parole infrastructure. [48] Meanwhile, the fee exemption for Afghan re-parole ended in January 2025, and the One Big Beautiful Bill Act imposed a \$1,000 minimum parole fee. [51] [52] Parole, the mechanism through which the United States itself brought most OAW Afghans here, was expressly designed as a bridge toward durable status. It has instead become a source of exposure: expiring, expensive to renew, targeted for revocation, and, as described in Section 5.6, now treated as a negative factor when the parolee applies for a green card.

5.4 Restriction of work authorization

A series of regulatory actions in 2025 and 2026 has restricted the ability of lawfully present Afghans to work:

- October 30, 2025: DHS issued an interim final rule, effective immediately, ending the automatic extension of expiring work permits for renewal applicants, meaning Afghans whose renewals sit in government backlogs now lose employment authorization through no fault of their own. [49]
- December 5, 2025: USCIS cut the maximum validity of work permits from five years to 18 months for refugees, asylees, and applicants for asylum and adjustment, citing the need for "more frequent vetting." The One Big Beautiful Bill Act had already capped parolee and TPS-based permits at one year. [50] [51]
- February 23, 2026: DHS proposed the "Employment Authorization Reform for Asylum Applicants" rule, which would double the waiting period for asylum-seeker work permits from 180 to 365 days, extend processing from 30 to 180 days, and, most significantly, suspend acceptance of all new asylum-based work permit applications whenever asylum backlogs exceed 180 days. DHS's own Federal Register analysis estimates the resulting pause could last between 14 and 173 years. Because most Afghan parolees were required to apply for asylum to seek durable status, this rule directly targets the population the United States evacuated. [60]
- June 5, 2026: DHS proposed a rule (Docket No. USCIS-2026-0067) restricting discretionary work authorization in the (c)(11) parole category, the category covering

nearly every OAW Afghan. It would require parolees to prove economic necessity and that they "warrant a favorable exercise of discretion," condition renewals on E-Verify-participating employers, cap permits at one year, treat any arrest (not conviction) as a presumptive disqualification, and automatically terminate work authorization if parole renewal is delayed or denied. DHS estimates up to \$2.9 billion in annual lost wages. DHS's own analysis excludes OAW cases from its historical approval data because OAW approvals were so numerous they skewed the averages, the agency designed the rule knowing whom it would hit. [61]

For adjudicators, these actions bear on the practical circumstances of Afghan respondents: individuals who appear without current work authorization, or with employment gaps, are frequently in that position because the government restructured the rules, not because they failed to comply.

5.5 The One Big Beautiful Bill Act: fees and benefits stripping

The One Big Beautiful Bill Act (H.R. 1, Public Law 119-21), signed July 4, 2025, imposed a new system of fees on humanitarian protection itself. As implemented by USCIS on July 22, 2025, the law requires: \$100 to file an asylum application, previously free, by design, plus a \$100 annual fee for every year the application remains pending in the government's own backlog; \$500 for TPS registration (formerly \$50); a \$1,000 minimum for humanitarian parole; and \$550 for an initial work permit with \$275 renewals. It reached the courtroom as well, imposing a new \$900 fee to appeal an immigration judge's decision to the Board of Immigration Appeals, roughly \$1,010 once combined with the pre-existing fee, along with comparable new fees for motions to reopen or reconsider. The law permits no fee waivers. [51] [52] [109] For an Afghan family of five living paycheck to paycheck, these fees can total thousands of dollars charged for the privilege of following the legal process the United States told them to trust, and they function as a substantial barrier to maintaining lawful status. [90]

The same statute stripped lawfully present humanitarian populations, parolees, TPS holders, asylum applicants, and asylees and refugees without green cards, of federal benefits eligibility they had held, in some cases, for nearly half a century: SNAP food assistance (Section 10108, effective immediately), Medicaid and CHIP (Section 71109, effective October 1, 2026), Medicare (Section 71201), and Affordable Care Act subsidies (Section 71301). [52] It also appropriated \$45 billion for immigration detention capacity, more than thirteen times the prior annual detention budget, funding the enforcement apparatus described in Section 5.7. [53] Implementation confusion has compounded the harm: federal guidance on SNAP eligibility is internally inconsistent, and eligible Afghans, including SIV holders who remain exempt by statute, face wrongful denials. [90]

5.6 Closing the path to permanence: travel ban, SIV shutdown, adjustment obstruction, and refugee detention

Presidential Proclamation 10949 (June 4, 2025) suspended entry of Afghan nationals but preserved a categorical exception for Afghan SIVs. Presidential Proclamation 10998 (December 16, 2025, effective January 1, 2026) eliminated that exception. [54] [55] The State Department's May 13, 2026 report to Congress confirms the result: it had issued no Afghan SIVs to applicants traveling on Afghan passports, the population the proclamation bars, since January 1, 2026. Of the 50,500 visas Congress authorized, 5,970 remain. The statutory deadline for new Chief of Mission applications passed on December 31, 2025, and no new applications will be created; approximately 178,000 Afghans hold Chief of Mission approval, the last reliable count, from mid-2025, and are stranded in the pipeline. The government's own June 23, 2026 Progress Report to the court confirms how little processing is occurring: for the litigation class, average Chief of Mission review rose to 698 days against a 120-day standard, and the State Department issued a single visa to a class member during the entire March 5 to June 3, 2026 reporting period. [56] [57] [91] In *Afghan and Iraqi Allies v. Rubio*, the district court ruled on February 6, 2026 that the government has "no authority, statutory or otherwise, allowing them to unilaterally suspend processes that Congress has required them to expedite," and ordered processing to resume. [57] The government has complied with the letter of that order while the proclamation ensures the adjudications produce nothing: applicants are summoned to interviews, often across borders at significant cost, for visas that under current policy will not be issued.

Inside the United States, USCIS Policy Memorandum PM-602-0199 (May 21, 2026) directs officers to treat adjustment of status as an "extraordinary" act of "administrative grace," to weigh parole entry as a negative factor, and to require "unusual or even outstanding equities" for approval, while the agency publicly states that applicants should "return to their home country to apply." For Afghans, that instruction is impossible: there has been no U.S. embassy in Kabul since August 2021 and no consular process in Afghanistan exists. The memo restructures green card adjudication against the precise entry category, humanitarian parole, through which the United States brought Afghan allies here. [58]

On February 18, 2026, the Department of Justice filed in federal court a DHS memorandum, "Detention of Refugees Who Have Failed to Adjust to Lawful Permanent Resident Status," rescinding 2010 guidance and authorizing the arrest and detention of refugees who have not adjusted status after one year, converting a statutory paperwork requirement into a custodial enforcement checkpoint, with detention not limited to forty-eight hours. [59] Afghan refugees and the several thousand Afghan parolees who have been unable to adjust status, often because of the government's own backlogs and policy reversals, are directly exposed. [89]

Experienced former U.S. consular and refugee officials have observed that this predicament is, in part, structural. The Special Immigrant Visa is an immigrant-visa process, designed for orderly, document-intensive peacetime adjudication in which the government already holds the applicant's employment records. Applied to wartime allies, contractors, and those who fled in an emergency, who must reconstruct years of service from documents that conflict has scattered, the same design becomes a years-long obstacle, a dynamic the government's own progress

reports to the court illustrate in case after case stalled on lost records and fraud review. For the Immigration Courts, the relevance is narrow but real: many Afghan respondents remain without durable status not for any failure of their own, but because the legal pathway they were directed into was structurally slow and has since been suspended outright. [56] [89]

5.7 Enforcement: courthouse arrests, detention, removals, and the post-shooting suspension

Beginning in May 2025, ICE adopted a nationwide practice of moving to dismiss pending immigration cases as "improvidently issued" so that agents could arrest respondents, including Afghans attending their own hearings in compliance with the law, at the courthouse door and place them in expedited removal. ICE filed more than 6,200 such motions between May 20 and July 28, 2025. [62] The case of Sayed Naser is illustrative: an Afghan interpreter for U.S. forces and SIV applicant who entered lawfully, followed every rule, and was arrested by masked agents at his San Diego immigration hearing on June 12, 2025. A federal judge later found his detention violated due process and ordered his release. [63] Veterans organized the Battle Buddies program, volunteer veterans accompanying Afghans to immigration appointments, because, in AfghanEvac's words, no one who stood with America in war should stand alone in court. [89]

An analysis of ICE removal records published by the Deportation Data Project indicates that the United States removed on the order of 1,156 Afghans between October 2022 and March 2026, with the annual total rising from roughly 240 in 2023 to 478 in 2024 and 402 in 2025. Most were removed to third countries, chiefly Canada by land transfer; a smaller number, at least 104 over the full period, were returned to Afghanistan itself, a practice documented since February 2022 and generally routed through Qatar rather than by direct flight to Kabul. Ninety-seven percent had no criminal convictions or pending charges, and among those returned to Afghanistan twelve had no final orders of removal. The Deportation Data Project cautions that its removals series is among its less reliable data, so these figures are best read as strong indicators of scale and pattern rather than precise counts. [64] These removals return people directly to the control of a regime that the U.S. government no longer recognizes and that its own courts have recognized as a persecutor.

After an Afghan national who had entered during the 2021 evacuation shot two National Guard members near the White House on November 26, 2025, killing one, the government suspended all immigration adjudications for Afghan nationals the same day, halted asylum decisions nationwide, froze adjudications for nationals of 39 countries, and ordered re-review and re-interview of already-granted statuses for nationals of 19 countries, directing officers to treat country of origin as a "significant negative factor." [65] On June 5, 2026, a federal court vacated all four policies as unlawful under the Administrative Procedure Act and ordered processing resumed. [66] The whiplash itself is the point for adjudicators: for more than six months, an entire nationality, overwhelmingly people the United States vetted, transported, and welcomed,

was subjected to categorical adverse treatment based on the act of one individual, while ICE arrests of Afghans rose. [65]

5.8 Federal courts are ordering Afghans released as unconstitutionally detained

Afghans, and immigrants generally, are being detained in numbers that the federal courts are repeatedly finding unlawful. Across the country, district judges have ordered detained Afghan allies released after concluding that their detention violated the Constitution. In December 2025, U.S. District Judge M. Douglas Harpool, in the Western District of Missouri, ruled that the detention of Mohammad Ali Dadfar, an Afghan who had served fourteen years in the Afghan Army and provided security for U.S. soldiers, violated his constitutional right to due process, and ordered his immediate release; Dadfar had been seized without a warrant at an Indiana weigh station while working as a long-haul trucker and held for roughly two months. [98] In the Sayed Naser case described above, a federal court likewise found a due-process violation and ordered release. [63] In *M-Z-H- v. Hermosillo*, a court granted habeas relief to an Afghan who supported the U.S. mission, ordered his immediate release, and barred ICE from re-detaining him without first providing a meaningful hearing before a neutral judge. [99]

These are not isolated outcomes. Since January 2025, more than 45,000 habeas corpus petitions challenging immigration detention have been filed in federal courts as the administration expanded mandatory detention, including under the Laken Riley Act, which requires the detention of certain noncitizens on the basis of an arrest or charge alone, without any conviction. An analysis by The Marshall Project and the Midwest Newsroom found that habeas filings in Iowa, Kansas, Missouri, and Nebraska have been overwhelmingly successful, with most resolved cases resulting in bond hearings or release; federal judges in Michigan ruled that hundreds of immigrants held at a single ICE facility were unlawfully detained; and courts have found that the government's expansive interpretation of mandatory detention contradicts the statute's plain language and decades of practice. [99] [100] [101] For Afghan respondents, the pattern is significant in two ways: it confirms that many Afghans are being detained without lawful basis, and it underscores that detention is being imposed on this population at scale and then repeatedly undone by the courts. [98] [99] [100]

5.9 Death in ICE custody: Mohammad Nazeer Paktiawal

Against that documented pattern of unlawful detention, the case of one Afghan ally illustrates what detention can cost. Mohammad Nazeer Paktiawal, age 41, served as an Afghan special-forces soldier beginning in 2005 and fought alongside U.S. Army Special Forces in Paktia Province for more than a decade. He was evacuated by the United States on August 30, 2021 and resettled with his family in Texas through Catholic Charities. [94] [95] [96] In the months before his death, the same policy changes documented in Section 5 had stripped Paktiawal of the work authorization he relied on to support his family, closing off his options while his legal status remained unresolved. [96]

On March 13, 2026, ICE agents seized Paktiawal outside his home in the Dallas area as he prepared to take his children to school. According to the detainee death report later released by ICE, he was taken to a Dallas hospital that evening after complaining of shortness of breath and chest pains while in an ICE processing hold room; the next morning his tongue began to swell, hospital staff administered epinephrine and then lifesaving measures, and he was pronounced dead at 9:10 a.m. on March 14, 2026, less than twenty-four hours after his arrest. He left a widow and six children, now in the care of his brother. [94] [96] [97]

Two features of the case bear directly on adjudication. First, ICE characterized Paktiawal as a "criminal illegal alien," citing two arrests in the months before his death, one for SNAP fraud and one for theft. Neither arrest resulted in a conviction, and independent background checks found none. For adjudicators the point is a legal one: an arrest is not a conviction, innocent people are arrested, and an agency's characterization is not evidence. An ICE label of "criminal" cannot substitute for the proof that removability, eligibility for relief, and the favorable exercise of discretion actually require, and adjudicators should test such characterizations against the record rather than accept them at face value. [96]

Second, the government has labeled his death an accident. The Dallas County Medical Examiner's public record (Case No. IFS-26-04437) lists the manner of death as "Accident," following an autopsy, with the report completed on June 17, 2026; the place of death is recorded as Parkland Memorial Hospital in Dallas. [104] AfghanEvac has disputed that characterization, and the ranking member of the Senate Homeland Security Committee's investigations subcommittee, describing Paktiawal as having "died on a concrete floor in the custody of a government agency," has said he is prepared to subpoena both the ICE investigation and the autopsy findings. [96] For adjudicators weighing the consequences of detention, the dispute over the manner of death is in one sense beside the point. The Paktiawal case illustrates that detention can carry consequences extending beyond liberty itself: an Afghan ally evacuated for his service died within a day of being taken into custody. The accident finding has itself been formally contested and remains the subject of congressional demands for the full investigative record. [94] [95] [96] [104]

5.10 The government's stated rationales

In fairness to the record, the government has offered rationales for these actions, and the adjudicator will weigh them. The administration has defended the refugee suspension, the entry proclamations, and the program closures as exercises of executive authority over admissions; the termination of Temporary Protected Status on the stated ground that Afghanistan's security and economy had improved enough for return [6]; the post-November 2025 adjudication freeze and status reviews as national-security measures following the shooting of two National Guard members [65]; the work-authorization and validity-period rules as measures to permit "more frequent vetting" [50]; and the fee and benefits provisions as ordinary legislative choices [52].

The record set out above bears on each. The premise that Afghanistan is safe is contradicted by the State Department's own country reporting and the United Nations' returnee findings (Section 7), and by the government's simultaneous position, in visa policy, that Afghanistan cannot reliably document or screen its own nationals (Section 5.2). The national-security rationale sits against the facts that this population was screened before arrival by intelligence, law-enforcement, and counterterrorism agencies (Section 4.1), that 97 percent of the Afghans removed had no criminal record (Section 5.7), and that a federal court vacated the post-shooting measures as unlawful (Section 5.7). And the executive-authority rationale meets a federal court's holding that the government has "no authority ... to unilaterally suspend processes that Congress has required them to expedite" (Section 5.6). The point is not that the government offered no reasons, but that the reasons are, on this record, in tension with the government's own contemporaneous findings and with the orders of federal courts.

6. Harm to Afghans Abroad Caused by U.S. Policy Choices

The harms documented above have an overseas mirror. Afghans who did what the United States asked, who left their homes for U.S. processing platforms, who fled to neighboring countries to complete U.S.-required consular steps, who waited in the pipeline the United States built, have been stranded, endangered, and in some cases delivered back to the Taliban by the collapse of U.S. programs.

6.1 Camp As Sayliyah, Qatar: stranded, endangered, and threatened with transfer to a country with an Ebola emergency

As of July 2026, approximately 1,066 Afghans, including roughly 150 family members of U.S. service members, some 800 women and children (about 42 percent of the camp's population are children), and 17 pregnant women, nearly all fully vetted and approved for U.S. resettlement, remain stranded at the U.S.-run Camp As Sayliyah in Qatar, where they have been held since the January 2025 refugee suspension. [79] [89] Residents report pressure to "voluntarily" return to Afghanistan, including cash offers. On June 23, 2025, when Iran launched ballistic missiles at U.S. bases and Qatari infrastructure, the projectiles were intercepted in the skies directly above Camp As Sayliyah, and burning wreckage rained down onto the camp; residents sheltered in shipping containers as fragments fell, with debris recovered across the site and some pieces penetrating the roofs of housing units. No missile struck the camp itself, but the interceptions overhead left residents exposed to falling wreckage. [79] [80] The State Department has said the camp will fully demobilize by the end of FY2026. In April 2026, reporting revealed a State Department proposal to transfer the camp's Afghans to the Democratic Republic of the Congo; weeks later, on May 17, 2026, the World Health Organization declared the Ebola epidemic in the Democratic Republic of the Congo and Uganda a public health emergency of international concern. Senators of both parties called the plan "one of the most cruel and imprudent betrayals in our nation's history." As of June 2026, the Secretary of State has confirmed that the United

States will not admit these Afghans and is "still talking with countries" about where to send them. [81] [82] [83]

6.2 Forced returns from U.S. partner countries holding U.S.-pipeline Afghans

United Arab Emirates. Afghans evacuated by the United States to the Emirates Humanitarian City in 2021 were held there for years; a UN working group found the UAE and the United States responsible for their arbitrary detention, as they were held in guarded facilities without freedom to leave and in prolonged immigration custody without administrative or judicial remedy. [93] In 2025, leaked diplomatic reporting and a statement by the Ranking Member of the Senate Foreign Relations Committee confirmed that the UAE had begun returning Afghan evacuee families to Taliban-controlled Afghanistan, with families reportedly forced to choose between signing "voluntary" return letters or arrest. [84] During the same period, DHS and State Department political leadership advocated internally for the forced repatriation of more than 1,500 Afghans in limbo in the UAE and at Camp As Sayliyah. [89]

Pakistan. Roughly 20,000 USRAP applicants and thousands of SIV applicants followed U.S. instructions to travel to Pakistan for processing. When U.S. programs froze, they were left exposed to Pakistan's mass deportation campaign. The United States provided Pakistan a no-deport list of approximately 24,000 names, but documented deportations of Afghans approved for U.S. resettlement, including former U.S. contractors, have occurred, and UN experts have repeatedly sounded the alarm. [85] [86]

Europe and the region. Germany deported Afghans to Kabul in August 2024 and July 2025, opened direct deportation talks with the Taliban, and in December 2025 terminated its at-risk admissions program, stranding approximately 640 approved Afghans, judges, women's rights activists, journalists, in Pakistan under threat of deportation, with a ministry spokesperson stating there was "no longer any political interest in their admission." [87] Tajikistan summarily expelled more than 1,200 Afghans in summer 2025, including over 1,100 registered refugees and asylum seekers. [88] The collapse of the U.S. program removed both the destination and the diplomatic pressure that had restrained such returns.

6.3 The termination of U.S. humanitarian aid

In April 2025, the administration terminated approximately \$560 million in U.S. humanitarian funding for Afghanistan, including emergency food assistance, and excluded Afghanistan (with Yemen) when other countries' aid was restored. The United States had provided roughly 43 percent of all international humanitarian funding to Afghanistan in 2024; the World Food Programme called the cuts "a death sentence for millions." [78] The same population of returnees and potential deportees described in Section 7 therefore faces a country whose humanitarian safety net the United States itself has substantially defunded.

7. Current Country Conditions: What Afghans Face If Returned

Immigration adjudicators typically turn first to the U.S. State Department's Country Reports on Human Rights Practices, and the Department's own reporting supports the conclusion that Afghanistan is not safe for the profiles at issue here. The most recent Country Report for Afghanistan states that "there were numerous reports [that] Taliban and ISIS-K members committed arbitrary and unlawful killings, many as retaliation against officials associated with the pre-August 2021 government," citing the UN Assistance Mission in Afghanistan, and it further documents torture and cruel treatment, arbitrary arrest and detention, enforced disappearances, and severe, systematic restrictions on women and girls. The United Nations reporting and independent human rights documentation set out below corroborate and deepen that official U.S. finding. [105]

7.1 The UN's returnee findings: torture, detention, and threats against returnees with at-risk profiles

The central document on this question is the July 2025 UNAMA/OHCHR report, *No Safe Haven: Human Rights Risks Faced by Persons Involuntarily Returned to Afghanistan*. Based on interviews with involuntarily returned Afghans, the United Nations documented torture and ill-treatment, arbitrary arrest and detention, and threats to personal security by the Taliban against returnees with specific profiles: women and girls, media and civil society workers, former government officials, and former security force members. One former government official returned in 2023 was detained and severely tortured, beaten with sticks, cables, and wood, waterboarded, and subjected to mock execution. The report frames involuntary returns to Afghanistan as implicating the international prohibition on refoulement. [67] [68]

Subsequent UN monitoring confirms the pattern is ongoing, not historical. UNAMA documented 21 instances of arbitrary arrest, torture, and ill-treatment plus the killing of 14 former security and defense personnel in the third quarter of 2025 alone, and at least five killings, 23 arbitrary detentions, and nine torture cases involving former security personnel in the first quarter of 2026, including a former commander, deported from Iran, shot dead at his home in Jawzjan province on January 7, 2026. [69] [71] UNAMA has separately reported that impunity prevails for abuses against former government officials and security force members. [67] In May 2026, UN High Commissioner for Human Rights Volker Türk stated: "Returning individuals at serious risk of human rights violations involuntarily to Afghanistan runs contrary to the core international law principle of non-refoulement." [70]

7.2 Targeted killings of U.S.-affiliated and former-government Afghans, including returnees

Independent documentation corroborates the UN findings. Lighthouse Reports' multi-year investigation verified the Taliban's systematic hunting of former Afghan security force members, at least 110 former ANDSF members killed since 2023, with documented cases of men tortured for the contact details of former colleagues, and one man deported from Pakistan who was shot dead in Kabul after surviving a month of torture. [11] An investigation published in December 2025 documented at least six extrajudicial killings and eleven detentions of Afghans expelled from Iran, including Abdul Wali Naeemi, a former Afghan special forces officer returned from Iran on August 15, 2025 and found dead at the Kabul forensic medicine department on September 1, 2025 with gunshot wounds to the head and neck, a broken arm, and torture marks. [72] Rawadari, the Afghan human rights organization, documented at least 80 former government employees killed or wounded in targeted attacks in 2025, at least 66 enforced disappearances, and at least 2,559 arbitrary detentions, nearly triple the prior year, while warning that Taliban information controls likely obscure the true scale. [73] Human Rights Watch's World Report 2026 confirms that deported former security officers faced arbitrary arrest, torture, and ill-treatment, and that activists and journalists forced back from Iran and Pakistan are at risk of reprisal. [71]

Risk extends to family members. AfghanEvac's casework documents patterns in which immediate family members of U.S.-affiliated Afghans face threats, arbitrary detention, displacement, or targeted harm, both as retribution and as deterrence. [2] UN and NGO reporting includes cases of relatives arrested, disappeared, or harmed while seeking information about missing family members. [67] [73]

7.3 Women and girls: codified, nationally enforced persecution

Afghanistan remains the only country on earth that bars girls from secondary and higher education. As of the 2025 school year, 2.2 million girls are excluded, a figure UNESCO projects will reach four million by 2030. [75] The Taliban's August 2024 "vice and virtue" law codified full-face veiling and treats women's audible voices in public as a violation. In December 2024, the Taliban banned women from medical education, in a country where male doctors may not treat women, and ordered the closure of all NGOs employing women. [71] [76] On July 8, 2025, the International Criminal Court issued arrest warrants for Taliban Supreme Leader Haibatullah Akhundzada and Chief Justice Abdul Hakim Haqqani for the crime against humanity of persecution on gender grounds, and on political grounds against persons perceived as "allies of girls and women." [74] For adjudicators, the ICC warrants are significant: the international community's highest criminal tribunal has found reasonable grounds to believe that the de facto government of Afghanistan is, at its apex, criminally responsible for persecuting women and girls and their perceived allies as a matter of state policy.

Enforcement of these restrictions remains violent and current. In early June 2026, the Taliban's Ministry for the Promotion of Virtue and Prevention of Vice detained at least thirty women in Herat over alleged religious dress-code violations. When residents protested the detentions on June 9, 2026, Taliban forces opened fire on the crowd, killing an eleven-year-old boy and

wounding more than twenty people, according to United Nations monitors and Human Rights Watch; a teenager wounded in the protest, Morteza Karimi, later died, and the Taliban detained shopkeepers whose cameras had captured the shooting. The UN Special Rapporteur on Afghanistan said he was "alarmed by the excessive use of force against seemingly peaceful protesters." The episode illustrates that the prohibitions on Afghan women are not merely codified on paper but enforced with lethal violence, and that those who object are themselves targeted. [102] [103]

For adjudicators, the legal characterization of this persecution matters. Gender standing alone is rarely an accepted ground, and Board of Immigration Appeals precedent on particular social groups is unsettled and shifting, so the surest footing is religion. The harm Afghan women and girls suffer is, most directly, persecution on account of religion. In *Matter of S-A-*, 22 I&N Dec. 1328 (BIA 2000), the Board held that a young woman persecuted for refusing to conform to strict religious rules governing the conduct and dress of women established eligibility on the basis of religion, and it recognized that such harm may also be on account of imputed political opinion or membership in a particular social group. The Taliban's enforced veiling, its bans on education and employment for women, and its violent punishment of dissent are imposed to enforce a religious code; the same conduct is readily understood as imputed political opposition by those who resist, and, where the individual facts support it, as persecution of a particular social group. The religious character of the persecution is corroborated at the highest levels of U.S. religious-freedom policy: the State Department has designated the Taliban an "Entity of Particular Concern" under the International Religious Freedom Act, and the U.S. Commission on International Religious Freedom has repeatedly recommended that Afghanistan be designated a "Country of Particular Concern." An adjudicator therefore need not reach the unsettled question of gender as an independent ground, or rely on shifting social-group precedent, to conclude that this persecution is on account of a protected ground. [74] [106] [107] [108]

7.4 Mass coerced returns and a deepening humanitarian emergency

Iran and Pakistan expelled more than 2.6 million Afghans in 2025, roughly 60 percent women and children, per Amnesty International's accounting of forced and pressured returns; UN officials separately counted more than 1.2 million deported from Iran and 150,000 from Pakistan in 2025, with almost 270,000 more deported in the first five months of 2026. [69] [70] Iran's expulsions peaked at roughly 51,000 people per day following the June 2025 war, amid official rhetoric accusing Afghans of espionage. [70] These returnees arrive in a country where approximately 21.9 million people, about 45 percent of the population, are projected to need humanitarian assistance in 2026; 17.4 million face acute food insecurity, including 4.7 million at emergency levels; and back-to-back earthquakes in August and November 2025 killed more than 2,200 people and destroyed thousands of homes. [77] [92] The U.S. termination of humanitarian funding (Section 6.3) has deepened every one of these indicators. [78]

7.5 Internal relocation is not a reasonable alternative

Relocation within Afghanistan is neither safe nor reasonable under the circumstances. The Taliban exercises nationwide control. Identification occurs through checkpoints, informant networks, biometric and employment records inherited from the former government, and family associations. AfghanEvac's field research finds that former government employees are routinely identified through these means, and that relocation attempts by similar profiles have resulted in detention, torture, or death. [1] Restrictions on women are national in scope, not local, and the economic collapse forecloses anonymous relocation for families without networks. [71] [75] [77]

8. Returns Are Not Evidence of Safety, and Conditions Have Not Improved

8.1 Returns are not evidence of safety

Adjudicators will encounter the argument that, because many Afghans have returned to Afghanistan since 2023, return must be safe. The record does not support that inference. The great majority of returns are deportations and coerced departures from Iran and Pakistan, enforcement actions in host countries, not judgments that Afghanistan is safe. [16] [69] [70] The United Nations' returnee-specific documentation shows that persons with at-risk profiles face torture, detention, and death upon return, and the UN High Commissioner for Human Rights has expressly stated that involuntary returns contravene non-refoulement. [67] [70] The relevant question in any individual case is not whether some Afghans have returned, but what awaits this respondent, with this profile, in this Afghanistan. For Afghans with U.S. affiliation, former-government service, civil society or media profiles, or who are women and girls, the documented answer is persecution and, in repeated verified cases, death. [67] [71] [72] [73]

8.2 Nothing has improved since these Afghans were evacuated

For those who faced danger when the United States evacuated them, the record shows no improvement that would make return safe today. The Taliban remains in complete control; the amnesty it declared has not held; the targeting of former officials, security personnel, and U.S.-affiliated Afghans has continued into 2026, as Section 7 documents; the restrictions on women and girls have widened rather than eased; and the humanitarian situation has deteriorated. Whatever made Afghanistan unsafe for these profiles in 2021 remains true, and in most respects has worsened. If anything has changed since the evacuation, it is that the danger is now more thoroughly documented, by the United Nations, by the U.S. State Department's own reporting, and by the International Criminal Court. [67] [70] [71] [74] [105]

9. Considerations Relevant to the Exercise of Discretion

Much of the relief available to Afghan respondents, adjustment of status, cancellation of removal, bond, parole, and prosecutorial discretion among them, turns not only on eligibility but on the favorable exercise of discretion. For this population, the equities are unusually strong, and they are a matter of record rather than argument.

First, the respondents before the adjudicator are, in the main, people who served the United States or its mission during a twenty-year war, frequently at grave and continuing risk to themselves and their families. Second, they entered through channels the United States built and on the strength of promises the United States made at the highest levels of government, as Sections 3 and 4 document. Third, to the extent they now lack durable status, that is in most cases the product of the government's own actions, suspended programs, revoked parole, terminated TPS, and adjudications driven to a halt, and not of any failure of their own. Fourth, this is among the most thoroughly vetted populations ever admitted to the United States, screened before arrival by intelligence, law enforcement, and counterterrorism agencies. Fifth, many have deep ties here, including United States citizen and lawful permanent resident spouses, children, and parents, so that removal would divide American families.

A word on adverse characterizations. Where the government labels a respondent a "criminal" based on arrests that produced no conviction, that label is not evidence of guilt and should carry no weight in the merits or discretionary balance. An arrest is not a finding of guilt, innocent people are arrested, and an agency's characterization cannot substitute for the proof the law requires. Counsel should be aware, however, that some recent measures deliberately decouple consequences from conviction: the Laken Riley Act mandates the detention of certain noncitizens on the basis of an arrest or charge alone. That a respondent has been subjected to mandatory detention under such a provision therefore says nothing about guilt and should not be imported into the merits or the exercise of discretion. Adjudicators weighing discretion should test the government's characterizations against the actual record.

Finally, many who serve on the immigration bench or adjudicate asylum claims, and many who serve the United States in uniform, understand a principle that predates any statute: a nation does not leave behind those who stood with it in war. The discretion these cases call for is, in a real sense, the legal expression of that commitment, applied not as sentiment but case by case, on the individualized record before the adjudicator.

10. Concluding Observations

- The United States made an explicit, repeatedly reiterated promise of protection to its Afghan allies, by the President, the Secretary of State, the Secretary of Homeland Security, and the Congress, and built a dedicated federal architecture that relocated roughly 200,000 Afghans in reliance on it. Afghan respondents are in U.S. courtrooms today because the United States invited, transported, and welcomed them. [24] [26] [27] [29] [35] [40]

- Since January 2025, the U.S. government has removed, restricted, or made prohibitively expensive nearly every protection it told Afghans to rely on: refugee admissions suspended, CARE eliminated, TPS terminated, parole revoked en masse, SIV issuance to Afghan-passport holders reduced to zero, work authorization curtailed, adjustment of status reframed against parolees, benefits stripped, and unwaivable fees imposed. Afghans who lack status today frequently lack it because the government changed the rules, not because they failed to follow them. [6] [41] [47] [49] [51] [55] [56] [58]
- The United States has inflicted harm on Afghans abroad who relied on its pathways: stranding vetted families on closing platforms beneath intercepted missile fire, proposing their transfer to a country in an Ebola emergency, defunding the humanitarian system in Afghanistan, and returning at least 104 people to Afghanistan itself, with 97 percent of all removed Afghans having no criminal record. [64] [78] [79] [81] [82]
- Detention in the United States has itself become dangerous for Afghan allies. An Afghan special-forces veteran, Mohammad Nazeer Paktiawal, died in ICE custody in March 2026 within a day of his arrest, the government has characterized his death as an accident, and the full autopsy and investigative record remain the subject of congressional demands; meanwhile federal courts are repeatedly ordering detained Afghans released after finding their detention unconstitutional. [94] [96] [98] [99] [100]
- Authoritative and current sources, UNAMA, OHCHR, the ICC, Human Rights Watch, Amnesty International, Rawadari, and verified investigative reporting, document that return to Afghanistan presents a serious risk of persecution, torture, or death for Afghans with U.S.-linked, former-government, civil society, or media profiles, and for women and girls categorically. The Taliban's declared amnesty has not prevented these abuses, impunity prevails, internal relocation is not a reliable alternative, and as recently as June 2026 Taliban forces killed a child while firing on a protest over the detention of women. [67] [70] [71] [72] [73] [74] [102]
- Mass returns from Iran and Pakistan are coerced and are not evidence of safety; the UN has stated that involuntary returns to Afghanistan contravene the principle of non-refoulement. [69] [70]

These conclusions support why many Afghan nationals have a well-founded fear of persecution, or face a likelihood of torture or other serious harm, if removed. They also explain why Afghan respondents are disproportionately likely to appear in proceedings without permanent status despite years of diligent compliance: the pathways they were instructed to pursue have been suspended, terminated, defunded, or rendered unaffordable by the government that created them.

Appendix A. Selected Chronology

- July 8, 2021: The President: "There is a home for you in the United States if you so choose, and we will stand with you just as you stood with us." [24]

- July–August 2021: Operation Allies Refuge airlift; fall of Kabul (August 15); more than 123,000 people evacuated by August 30. [27]
- August 2, 2021: Afghan Priority 2 (P-2) refugee designation announced. [7]
- August 29, 2021: Operation Allies Welcome established under DHS leadership. [29]
- August 30, 2021: Secretary Blinken: "Our commitment to them has no deadline." [27]
- Late 2021–October 2022: CARE office stood up at the State Department and made permanent. [28] [89]
- March 16, 2022: Afghanistan designated for TPS; extended and redesignated September 21, 2023. [37] [38]
- 2022–2024: Enduring Welcome launched; processing platforms in Qatar, Albania, Germany, and the Philippines; DS-4317 family reunification; re-parole process (June 2023); SIV cap raised to 50,500 (March 2024). [18] [22] [33] [34] [89]
- December 23, 2024: FY2025 NDAA codifies the CARE office in statute, authorizing the mission through 2027. [40]
- January 20, 2025: Executive Order 14163 suspends refugee admissions; Enduring Welcome flights halt permanently. [41] [89]
- April 2025: Mass parole-termination notices ("It is time for you to leave the United States"), later vacated as unlawful in *Sileiri Doe v. DHS* (March 31, 2026); U.S. terminates ~\$560 million in humanitarian aid to Afghanistan. [47] [48] [78]
- May 12, 2025: DHS announces termination of TPS for Afghanistan; termination takes effect in July 2025 after the Fourth Circuit declines a stay. [6] [45] [46]
- May–July 2025: ICE begins courthouse-arrest campaign via "improvidently issued" dismissals; Sayed Naser arrested June 12, 2025; CARE office eliminated effective July 2025. [43] [44] [62] [63]
- June 4, 2025: Proclamation 10949 suspends Afghan entry, with an SIV exception; June 23, 2025: Iranian missiles aimed at Al Udeid and Qatari infrastructure are intercepted over Camp As Sayliyah, raining burning debris onto Afghans stranded there. [54] [80]
- July 4, 2025: One Big Beautiful Bill Act signed: asylum, TPS, parole, and EAD fees; SNAP, Medicaid, Medicare, and ACA stripped; \$45 billion for detention. [51] [52] [53]
- July 8, 2025: ICC issues arrest warrants for the Taliban supreme leader and chief justice for gender persecution. [74]
- July 24, 2025: UNAMA/OHCHR publish No Safe Haven, documenting torture and threats against involuntary returnees. [67]
- October 30, 2025: DHS ends automatic extension of expiring work permits. [49]

- November 26, 2025: National Guard shooting; same-day suspension of all Afghan immigration adjudications and sweeping nationality-based restrictions (vacated June 5, 2026, in *Dorcas v. USCIS*). [65] [66]
- December 1, 2025: A federal court orders the immediate release of Mohammad Ali Dadfar, an Afghan Army veteran detained by ICE, finding his detention violated due process. [98]
- December 16, 2025: Proclamation 10998 (effective January 1, 2026) eliminates the SIV exemption; December 31, 2025: statutory deadline for new SIV Chief of Mission applications passes. [55] [56]
- February 6, 2026: Court orders SIV processing to resume in *Afghan and Iraqi Allies v. Rubio*; visa issuance remains blocked by proclamation. [57]
- February 18, 2026: DHS refugee-detention memo filed in *U.H.A. v. Bondi*; February 23, 2026: asylum work-permit restriction rule proposed. [59] [60]
- March 13–14, 2026: Mohammad Nazeer Paktiawal, an Afghan special-forces ally evacuated by the United States in 2021, is seized by ICE in the Dallas area and dies in custody within twenty-four hours at Parkland Memorial Hospital; the Dallas County Medical Examiner later classifies the manner of death as an accident. [94] [96] [104]
- April–May 2026: Proposal to transfer Camp As Sayliyah Afghans to the Democratic Republic of the Congo revealed; WHO declares the DRC and Uganda Ebola epidemic a public health emergency of international concern (May 17, 2026). [81] [82]
- May 13, 2026: State Department reports zero Afghan-passport SIVs issued in 2026; ~178,000 Chief of Mission-approved applicants stranded. [56] [91]
- May 21, 2026: USCIS memo PM-602-0199 directs officers to treat adjustment of status by parolees as "extraordinary." [58]
- May 22, 2026: UN High Commissioner Türk: involuntary returns to Afghanistan contravene non-refoulement. [70]
- June 5, 2026: DHS proposes rule restricting (c)(11) parole work authorization, the category covering nearly all OAW Afghans; *Dorcas v. USCIS* vacates the post-shooting adjudication freezes. [61] [66]
- June 9, 2026: Taliban forces open fire on a protest in Herat against the detention of women for dress-code violations, killing an eleven-year-old boy; the United Nations confirms the death and Human Rights Watch documents the use of excessive force. [102] [103]
- June 17, 2026: The Dallas County Medical Examiner completes its report (Case No. IFS-26-04437) classifying the manner of Paktiawal's death as an accident; AfghanEvac disputes the finding, and members of Congress demand the full ICE investigation and autopsy. [96] [104]

Appendix B. Methodological Notes

This report combines public documentary sources with AfghanEvac's institutional records and primary field research. These notes describe that primary research and its limits.

- **Primary research.** Between March 2025 and mid-2026, AfghanEvac convened approximately seventeen community town halls, drawing more than one thousand participants in total.
- **Locations.** The town halls were held across numerous U.S. states and in several other countries, including the United Kingdom, Germany, Brazil, and Pakistan.
- **Languages.** Accounts were gathered in Dari, Pashto, and English, with interpretation handled as circumstances allowed.
- **Nature of the research.** The research is qualitative. It is offered to illustrate and corroborate patterns and is not a statistically representative sample; participants were self-selected, and accounts were gathered in the course of community engagement rather than under oath.
- **Corroboration.** Where this report relies on that research, it says so and pairs it with independent U.S. government, United Nations, and human rights sources; no material conclusion rests on AfghanEvac's field research alone.
- **Records.** Observations were recorded contemporaneously and are retained in AfghanEvac's institutional records, together with its 2021–2025 Impact Report and the notes of its weekly coordination meetings with the Department of State.
- **Individualized evidence.** This report is general country-conditions and program-context evidence; facts specific to a particular respondent should be established through that respondent's own evidence.

Appendix C. Table of Authorities and Sources

Sources are numbered as first cited in the text and grouped below by type; the numbering runs continuously with the citations in the text and is therefore not sequential within each group.

Legal Authorities

- [6] Termination of the Designation of Afghanistan for Temporary Protected Status, 90 Fed. Reg. (May 13, 2025), <https://www.federalregister.gov/documents/2025/05/13/2025-08201/termination-of-the-designation-of-afghanistan-for-temporary-protected-status>; see also U.S. Dep't of Homeland Sec., DHS Terminating Temporary Protected Status for Afghanistan (May 12, 2025), <https://www.dhs.gov/news/2025/05/12/dhs-terminating-temporary-protected-status-afghanistan>.
- [40] Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025, Pub. L. No. 118-159, § 7810 (Dec. 23, 2024) (authorizing the Office of the Coordinator for Afghan Relocation Efforts); see Global Refugee, Congress Backs Afghan Relocation Office, <https://www.globalrefugee.org/news/advocacy-in-action-congress-backs-afghan-relocation-office-as-part-of-end-of-year-vote-on-defense-bill/>.

- [41] Exec. Order No. 14163, Realigning the United States Refugee Admissions Program (Jan. 20, 2025).
- [42] *Pacito v. Trump*, No. 25-1313 (9th Cir. Mar. 5, 2026), <https://cdn.ca9.uscourts.gov/datastore/opinions/2026/03/05/25-1313.pdf>; see Int'l Refugee Assistance Project (IRAP), case page, <https://refugeerights.org/news-resources/pacito-v-trump-challenging-trumps-suspension-of-usrap>.
- [45] *CASA, Inc. v. Noem*, No. 8:25-cv-01484 (D. Md.), appeal docketed, No. 25-1792 (4th Cir.); see Civil Rights Litigation Clearinghouse, <https://clearinghouse.net/case/46586/>.
- [48] *Sileiri Doe v. U.S. Dep't of Homeland Sec.*, No. 1:25-cv-12245 (D. Mass. Mar. 31, 2026) (order vacating en masse parole terminations), <https://holdcbpaccountable.org/2025/08/27/sileiri-doe-et-al-v-dhs/>.
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- [50] U.S. Citizenship & Immigr. Servs., Policy Alert, Employment Authorization Validity Periods (Dec. 2025), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20251204-EmploymentAuthorizationValidity.pdf>.
- [51] USCIS Immigration Fees Required by H.R. 1 Reconciliation Bill, 90 Fed. Reg. (July 22, 2025), <https://www.federalregister.gov/documents/2025/07/22/2025-13738/uscis-immigration-fees-required-by-hr-1-reconciliation-bill>.
- [52] One Big Beautiful Bill Act, Pub. L. No. 119-21, §§ 10108, 71109, 71201, 71301 (July 4, 2025); see Cath. Legal Immigr. Network, Inc. (CLINIC), <https://www.cliniclegal.org/resources/religious-immigration-law/one-big-beautiful-bill-and-fee-increases-immigration-process>; Global Refuge, <https://www.globalrefuge.org/news/how-will-the-one-big-beautiful-bill-act-affect-healthcare/>.
- [53] One Big Beautiful Bill Act, Pub. L. No. 119-21, § 90003 (July 4, 2025); see Nat'l Immigr. Law Ctr., <https://www.nilc.org/resources/new-funding-increases-immigration-enforcement/>.
- [54] Proclamation No. 10949, Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats (June 4, 2025).
- [55] Proclamation No. 10998 (Dec. 16, 2025) (eff. Jan. 1, 2026); see Cong. Rsch. Serv., IN12631, <https://www.congress.gov/crs-product/IN12631>; CLINIC, Travel Ban Updates, <https://www.cliniclegal.org/resources/religious-immigration-law/updates-travel-ban>.
- [57] *Afghan & Iraqi Allies v. Rubio*, No. 1:18-cv-01388-TSC (D.D.C. Feb. 6, 2026) (order); Defs.' Notice of Lodging Progress Report, ECF No. 323 (D.D.C. June 23, 2026) (Progress Report covering Mar. 5–June 3, 2026, filed pursuant to the court's June 5, 2025 Order, ECF No. 272) (reporting average Chief-of-Mission review of 698 days for class members and one visa issued to a class member during the period); see IRAP, <https://refugeerights.org/news-resources/federal-court-rules-government-must-process-visa-applications-of-afghan-allies>.
- [58] U.S. Citizenship & Immigr. Servs., Policy Memorandum PM-602-0199, Adjustment of Status (May 21, 2026); AfghanEvac, Explainer: USCIS Policy Memo on Adjustment of Status (PM-602-0199) (May 2026), <https://afghanevac.org/explainers>.
- [59] U.S. Dep't of Homeland Sec., Detention of Refugees Who Have Failed to Adjust to Lawful Permanent Resident Status (mem. filed in *U.H.A. v. Bondi*, D. Minn. Feb. 18, 2026); AfghanEvac, Explainer: DHS Memo on Detention of Refugees Who Have Not Adjusted Status (Feb. 2026), <https://afghanevac.org/explainers>.
- [60] U.S. Dep't of Homeland Sec., Notice of Proposed Rulemaking, Employment Authorization Reform for Asylum Applicants (Feb. 23, 2026), Docket No. DHS-2025-0370, <https://www.regulations.gov/docket/DHS-2025-0370>; AfghanEvac, Explainer: DHS Proposed Rule Would Severely Restrict Work Authorization for Asylum Seekers (Feb. 2026), <https://afghanevac.org/explainers>.
- [61] U.S. Dep't of Homeland Sec., Notice of Proposed Rulemaking on Discretionary Employment Authorization (June 5, 2026), Docket No. USCIS-2026-0067; AfghanEvac, Explainer: USCIS Proposed Rule on Discretionary Work Authorization (June 2026), <https://afghanevac.org/explainers>.
- [66] *Dorcas v. USCIS* (D.R.I. June 5, 2026); see Democracy Forward, <https://democracyforward.org/news/press-releases/federal-court-vacates-trump-vance-administration-policies-targeting-immigrants-based-on-country-of-origin/>; The Boston Globe (June 5, 2026), <https://www.bostonglobe.com/2026/06/05/metro/federal-judge-in-ri-strikes-down-trump-immigration-policies/>.
- [99] *M-Z-H- v. Hermosillo* (habeas petition granted; ordering release of an Afghan who supported the U.S. mission and barring re-detention without a neutral hearing); see Innovation Law Lab, <https://innovationlawlab.org/case/m-z-h-v-hermosillo>.
- [106] *Matter of S-A-*, 22 I. & N. Dec. 1328 (BIA 2000) (persecution of a young woman for refusing to conform to strict religious rules governing the conduct and dress of women is cognizable on the basis of religion, and may also implicate imputed political opinion or membership in a particular social group), <https://www.justice.gov/eoir/page/file/1131841/download>.
- [109] One Big Beautiful Bill Act, Pub. L. No. 119-21, § 100013 (July 4, 2025) (establishing fees for immigration proceedings, including a \$900 fee to appeal an immigration judge's decision to the Board of Immigration Appeals and fees for motions to

reopen or reconsider); Exec. Off. for Immigr. Review, Policy Memorandum 25-36 (July 17, 2025); Inflation Adjustment for EOIR OBBBA Fees, Fiscal Year 2026, 91 Fed. Reg. 2561 (Jan. 21, 2026), <https://www.federalregister.gov/documents/2026/01/21/2026-01012/inflation-adjustment-for-eoir-obbba-fees-fiscal-year-2026>.

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- [2] AfghanEvac. Casework findings concerning the disproportionate risks and harms faced by family members of Afghans who worked with or on behalf of the U.S. government in Afghanistan (2021–2026). <https://afghanevac.org>
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- [7] U.S. Department of State. "Afghan Priority 2 (P-2) Designation" (August 2, 2021). <https://www.state.gov/afghan-p2-designation/>
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- [112] Editorial and press demand that the United States protect and resettle its Afghan allies: Chicago Tribune Editorial Board, "America's exit from Kabul had a tragic postscript" (2023), https://www.eagletribune.com/opinion/editorials/their-view-america-s-exit-from-kabul-had-a-tragic-postscript-too-many-afghan-allies/article_09f6561e-b11e-5d57-b161-3b496d3b13ad.html; TIME, "Afghan Interpreters Risked Their Lives to Help the U.S. We Must Not Abandon Them" (2021), <https://time.com/5955477/afghan-interpreters-u-s-we-must-not-abandon-them/>.

ABOUT THIS REPORT

This report sets out the protection the United States promised Afghan allies, the dismantling of that protection since 2025, and the dangers of return — prepared for use in U.S. Immigration Court.



AFGHANEVAC

AfghanEvac is an organization working to fulfill America's promise to our Afghan wartime allies. For questions about this report or the underlying data, contact AfghanEvac at contact@afghanevac.org, or find this and other reports online at reports.afghanevac.org.



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