



## Employment Information Regarding Afghan Special Immigrant Visa Holders and Parolees

Afghan Special Immigrant Lawful Permanent Residents (LPRs), Afghan Special Immigrant Conditional Permanent Residents (CPRs), and Afghans granted parole under the Operation Allies Refuge (OAR) and Operation Allies Welcome (OAW) programs are allowed to work in the United States. This fact sheet, issued by the [Immigrant and Employee Rights Section \(IER\)](#) of the Department of Justice's Civil Rights Division, provides general information about some of their employment rights. Afghan evacuees may have other immigration statuses, such as [Temporary Protected Status](#) or [refugee status](#). Afghan evacuees also may be U.S. citizens. Employers should not make assumptions about citizenship or immigration status, or the right to work based on where someone is from. Call the Civil Rights Division's [Immigrant and Employee Rights Section](#) at 1-800-255-7688 with questions about this fact sheet.

### Background on Special Immigrant Visa Status and Parole Granted to Afghans under OAR and OAW

- Special Immigrant Visa holders have permanent residence in the United States and are often referred to as "Special Immigrant LPRs" or "Special Immigrant CPRs." Like other permanent residents, they can live and work in the United States based on their status as permanent residents.
- Afghans granted parole under the OAR and OAW programs also can work in the United States for the period they've been granted parole, based on their specific parole status.

### Protections When Applying for Work and Reminders for Employers When Hiring Workers

- Refusing to hire Special Immigrant LPRs or Special Immigrant CPRs based on their citizenship or immigration status may violate the Immigration and Nationality Act (INA). Learn about [citizenship and immigration status](#) discrimination on IER's website.
- Refusing to hire workers based on their Afghan national origin, such as Special Immigrant LPRs, Special Immigrant CPRs, or Afghans granted parole under OAR and OAW, may violate the INA or other laws. Learn about [national origin discrimination](#) on the Equal Employment Opportunity Commission's website.
- Laws such as the INA, Title VII of the Civil Rights Act of 1964, and 42 U.S.C. § 1981 protect workers from employment discrimination based on several factors, including citizenship, immigration status, national origin, race, and religion.

### Reminders on Verifying Workers' Permission to Work

- Upon hiring a worker, employers must use the Form I-9 to verify the worker's identity and permission to work within three days after the individual begins working for the employer. Learn more about this process on [I-9 Central](#) and in USCIS's [Handbook for Employers \(M-274\)](#).
- Federal law allows workers to choose which unexpired, acceptable documentation to present to their employer to prove their identity and permission to work in the United States, regardless of their citizenship, immigration status, or national origin. Workers may [contact IER](#) about unfair treatment in this process.
- Employers that discriminate in this process against individuals with permission to work might be violating the INA. IER's website has information on how to [avoid discrimination in the Form I-9 process](#).
- Some workers may not have their Social Security number (SSN) when they begin work. The [Internal Revenue Service](#), [Social Security Administration](#) and [DHS](#) have provided information on how to hire and pay workers waiting for their SSN.

### Form I-9 Information for Special Immigrant LPRs and Special Immigrant CPRs

- When filling out the Form I-9, Special Immigrant LPRs and Special Immigrant CPRs should select "Lawful Permanent Resident" in Section 1.
- USCIS's [I-9 Central](#) website and [Handbook for Employers](#) have examples of acceptable documents that most lawful permanent residents, like Special Immigrant LPRs and Special Immigrant CPRs, are eligible for, including: a State ID/driver's license with an unrestricted Social Security card; a foreign passport with an I-551 stamp or [Machine Readable Immigrant Visa](#) (MRIV); an I-94 with a photo and I-551 stamp; or a Permanent Resident Card.

- After an employer completes the Form I-9, it cannot ask a Special Immigrant LPR or Special Immigrant CPR to show documentation proving the worker's permission to work again unless the worker's documentation requires reverification, such as a foreign passport containing either an I-551 stamp or an MRIV. During reverification, workers can [show their choice of acceptable documentation](#) and do not have to show the same type of document they showed when they were hired.
- Employers are [not allowed to reverify Permanent Resident Cards](#).

#### **Form I-9 Information for Afghans Granted Parole under the OAR and OAW Programs**

- When filling out the Form I-9, Afghans granted parole under the OAR and OAW programs should select "Alien Authorized to Work" in Section 1.
- Some documentation that Afghans granted parole under the OAR and OAW programs may show for the Form I-9 include:
  - An EAD, which proves their identity and permission to work. Workers who decide to show an EAD for the Form I-9 have to present acceptable documentation showing their continued permission to work by the time their EAD expires. In this situation, workers can show their choice of acceptable documentation and do not have to show the same type of document they showed when they were hired.
  - A Form I-94, if it contains "OAR" as the class of admission. This type of I-94 is a "receipt" that shows both identity and permission to work. This I-94 is valid for 90 days from the day the worker begins work, or in the case of reverification, from the date the old document expired. By the end of the 90 days, the worker must show the employer either an EAD or a combination of a List B document and an unrestricted Social Security card for the Form I-9.

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#### **U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section (IER)**

IER Employer Hotline 1-800-255-8155

IER Worker Hotline 1-800-255-7688

Mon-Fri 9am-5pm ET

Calls can be anonymous and language services are available.

[www.justice.gov/ier](http://www.justice.gov/ier) | [www.justice.gov/crt-espanol/ier](http://www.justice.gov/crt-espanol/ier)

TTY 1-800-237-2515