December 20, 2022

Dear County Directors of Social Services

Attention: Work First Managers and Supervisors

Subject: Certain Afghan and Ukrainian Parolees are Employment Authorized Incident to Parole

Priority: Information Only

I. GENERAL INFORMATION

Congress has recently passed laws relating to certain Afghan and Ukrainian parolees that have included language providing that parolee covered by the legislation “shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157)” Under Department of Health and Human Services (DHS) regulations, refugees are authorized employment incident to status, and under current U.S. Citizenship and Immigration Service (USCIS) policy and practice, refugees are not charged a fee by USCIS for their initial Form I-765, Employment Authorization Document (EAD). Parolees, however, are not employment authorized incident to status, and must pay a fee (currently $410) for their EAD, unless the fee is waived or exempted.

II. IMPLEMENTATION PROCEDURES

Effective Nov. 21, 2022, Ukrainian and Afghan parolees, and their qualifying family members, with certain classes of admission are considered employment authorized incident to parole, which means that they do not need to wait for USCIS to approve their Form I-765, Application for Employment Authorization, before they can work in the United States. This updated policy guidance applies to the following individuals if their parole has not been terminated:

- Afghan parolees whose unexpired Form I-94, Arrival/Departure Record, contains a class of admission of “OAR.” Afghan parolees covered under section 2502(b), P.L. No. 117-43 who did not receive an “OAR” class of admission on their Form I-94, may email U.S. Customs and Border Protection at oawi94adjustments@cbp.dhs.gov to update their class of admission, if appropriate;
- Ukrainian parolees whose unexpired Form I-94 contains a class of admission of “UHP”; and
- Ukrainian parolees whose unexpired Form I-94 contains a class of admission of “DT” issued between Feb. 24, 2022, and Sept. 30, 2023, and indicates Ukraine as the country of citizenship on the document.
For these parolees, their unexpired Form I-94 is an acceptable receipt they may present to their employer to show their identity and employment authorization for the purposes of Form I-9, Employment Eligibility Verification.


III. EFFECTIVE DATE
Effective upon receipt.

If you have any questions, please submit them to the Continuous Quality Improvement Team (CQI) at dss.policy.questions@dhhs.nc.gov.

Sincerely,

Allison W. Smith, Deputy Director
Division of Social Services, Economic and Family Services

AWS/rjs

EFS-WF-11-2022