



Congress of the United States
House of Representatives
Washington, DC 20515

October 20, 2021

President Joseph R. Biden
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Biden,

We write to bring to your attention several critical issues impacting Afghan evacuees arriving on our shores, and to urge you to take concrete, common sense steps to ease their transition into life in the United States. Specifically, we urge you to: (1) waive fees associated with humanitarian parole applications for Afghans; (2) provide funds for legal assistance for Afghan Evacuees; (3) designate Afghans for Temporary Protected Status (TPS) to ensure that all Afghans living in the U.S. are protected against deportation; and (4) create an alternative mechanism to allow vulnerable Afghans to apply for humanitarian parole without visiting a U.S. embassy while we lack diplomatic representation in Kabul.

Section 212(d)(5) of the Immigration and Nationality Act provides that the government may parole people into the United States “for urgent humanitarian reasons or significant public benefit.” While the Department of Homeland Security (DHS) can temporarily admit almost anyone into the country, the humanitarian parole option – which is a last resort plea for assistance for some refugees – is extremely cost restrictive. Each humanitarian parole application costs \$575 per person (not family). This cost adds up as entire families are seeking parolee status, including some families of over 50 people, costing Afghans and their U.S.-based sponsors tens of thousands of dollars to just submit the application without any assurance or indication that it will be approved. This is an unnecessary additional burden on the refugee population and U.S. citizen sponsors during this humanitarian crisis. Individuals are relying on donations from groups of Afghan-Americans and their supporters to help pay for these applications. The current fee waiver option can create significant application processing delays and is not always granted.

Congress recently authorized significant funding for the resettlement of Afghan parolees, including \$193,000,000 for U.S. Citizenship and Immigration Services (USCIS), the component of DHS that processes applications for humanitarian parole. Should DHS conclude that it cannot do a mass fee waiver for this category of applicants without legislative action, we ask that the process be streamlined as much as possible. For example, DHS could simply ask people to write

in the upper righthand corner of the I-131 “Afghan parolee, fee waiver requested for financial hardship” and not require additional documentation. In addition, we understand that most Afghan Evacuees will have only "parole" rather than refugee status and need significant immigration legal services to pursue permanent and secure legal immigration status. As such, it important to provide funds for legal assistance for Afghan Evacuees – through mechanisms such as those utilized by USCIS for its Citizenship Grant program or through added financial support for state refugee offices (which can subgrant to nonprofit legal service providers) – as many of the evacuees will lack the resources to pay for these critical services themselves (and that existing nonprofit legal services providers will be flooded with requests for assistance and no means to hire additional staff to address this urgent need).

Section 244(b)(1) of the Immigration and Nationality Act (INA) provides executive authority to grant TPS to individuals who are nationals of a country that has been designated as unsafe for return due to “ongoing armed conflict,” “environmental disaster,” or “extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety,” unless it would be contrary to the national interest.¹ As the current crises in Afghanistan clearly meets these criteria, immediate action to protect Afghan nationals is warranted.

Historically, humanitarian parole applications are sent to U.S. embassies in the country of the parolee. Given that the U.S. embassy in Kabul is closed, Afghan parolees will be forced to take dangerous routes to third countries to reach a U.S. embassy to process their parole applications. This creates additional obstacles and bureaucratic barriers to the humanitarian parole process, and unnecessarily exposes vulnerable Afghans to additional risk. Thus, the U.S. should establish an alternative mechanism for processing humanitarian parole applications for vulnerable Afghans that does not require an applicant to visit a U.S. embassy as long as we lack a diplomatic presence in the country.

The United States has long offered shelter to those seeking refuge from catastrophe. Now is the time to continue this tradition and stand beside the Afghan people in their time of need. We appreciate your consideration of this request and look forward to your response.

Sincerely,



RASHIDA TLAIB
Member of Congress

¹ 8 U.S.C. 1254a(b)(1).

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Member of Congress

JAMAAL BOWMAN, ED.D.
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**U.S. Citizenship
and Immigration
Services**

June 28, 2022

The Honorable Rashida Tlaib
U.S. House of Representatives
Washington, DC 20515

Dear Representative Tlaib:

Thank you for your October 20, 2021 letter to the President of the United States. Your important requests on behalf of Afghan evacuees concern matters under the purview of the Department of Homeland Security (DHS). Secretary of Homeland Security Alejandro Mayorkas asked that I respond on his behalf. I apologize for the delay in responding.

As of April 15, 2022, the U.S. government has welcomed approximately 86,000 Afghan nationals, U.S. citizens, and lawful permanent residents through Operation Allies Welcome (OAW). More than 73,000 Afghan nationals have joined their new communities across the United States. Congress has appropriated funds that enable the United States to provide resettlement assistance, such as cash assistance, medical assistance, employment preparation, job placement, and English language instruction for 95,000 parolees in OAW through the end of Fiscal Year 2022. Afghan nationals continue to be considered for humanitarian parole into the United States on a case-by-case basis.

Afghan evacuees complete a rigorous and multi-layered screening and vetting process that includes national security and criminal records checks before they can enter the United States. This process includes intelligence, law enforcement, and counterterrorism professionals from the Departments of Defense (DOD), State (DOS), and Homeland Security (DHS), Federal Bureau of Investigation (FBI), National Counterterrorism Center (NCTC), and other Intelligence Community partners that review fingerprints, photos, and other biometric and biographic data for every Afghan evacuee. Further, Afghan evacuees are subject to recurrent vetting, as are other foreign nationals visiting the United States, to further enable the federal government to identify and appropriately act upon any potential information of concern.

Afghan nationals who have been granted humanitarian parole may be eligible for employment authorization and to apply for immigration status through U.S. Citizenship and Immigration Services (USCIS). USCIS personnel are adjudicating applications for employment authorization, conducting other immigration processing, including the provision of “special immigrant” status to those who qualify, and providing administrative support, including translation and interpretation services, to expedite the processing of applications for immigrant

status and work authorization. DOS and the Department of Health and Human Services (HHS) also provide resettlement services to Afghans granted parole. Afghan parolees may be eligible for cash assistance, medical assistance, job placement support, English language training, and other services offered through the HHS Office of Refugee Resettlement (ORR). They may also be eligible for other federal benefits, such as cash assistance through Supplemental Security Income or Temporary Assistance for Needy Families, health insurance through Medicaid, and food assistance through the Supplemental Nutrition Assistance Program.

USCIS is continuously exploring ways to improve the parole process and has provided updated guidance on our webpage created specifically for Afghan nationals requesting parole.¹ USCIS will continue to update the webpage as needed to provide guidance on requests for parole and associated requests for fee waivers.

Please note, however, that parole is not intended to avoid normal visa processing procedures and timelines, such as for the Special Immigrant Visa (SIV) program, or replace established refugee protection mechanisms, such as local protection and, where applicable, referral to the U.S. Refugee Admission Program (USRAP) for resettlement.

In some limited circumstances, the reasons for parole are so urgent that obtaining a visa or processing via the USRAP is not a realistic option. These reasons, along with all other factors that are relevant to the case, are taken into consideration when USCIS assesses whether there are urgent humanitarian or significant public benefit reasons for the parole and whether the individual warrants a favorable exercise of discretion. Because the U.S. Embassy in Afghanistan has suspended operations, USCIS is unable to complete processing of parole requests for beneficiaries who are in Afghanistan at this time. We are also unable to help beneficiaries leave Afghanistan and travel to a location with a U.S. embassy or consulate to complete processing of a parole request. However, if USCIS determines that a beneficiary in Afghanistan may be eligible for parole, USCIS notifies the petitioner that the beneficiary should contact USCIS if they are able to get to a third country where there is a U.S. embassy or consulate, and USCIS will continue processing the parole request.

In addition to parole processing for urgent humanitarian and significant public benefit reasons, USCIS is working closely with DOS to more expeditiously process cases accepted to the USRAP and has deployed refugee officers to adjudicate Afghan refugee cases referred by DOS for USCIS interview. Individuals who believe they are in need of protection due to persecution or fear of persecution on account of their race, religion, nationality, membership in a particular social group, or political opinion are encouraged to seek local protection mechanisms, such as contacting the United Nations High Commissioner for Refugees (UNHCR) to assist with providing immediate protection support, where available, and to assess the protection issue to determine whether resettlement is the best solution for an individual or family. UNHCR also notes that individuals in Afghanistan who believe they need protection may contact the toll-free Awaaz humanitarian helpline. We are in the process of rebuilding the refugee resettlement infrastructure to fulfill President Biden's commitment to ensuring the United States is responsive

¹ <https://www.uscis.gov/humanitarian/humanitarian-parole/information-for-afghan-nationals-on-requests-to-uscis-for-humanitarian-parole>

to refugee crises in Afghanistan and elsewhere by resuming our role as a global leader in refugee resettlement. USCIS continues to hire additional refugee officers and is also implementing solutions such as a videoconferencing technology to enhance our capacity to interview refugee applicants when our ability to physically travel to circuit ride locations is limited.

Additionally, Afghan nationals may be eligible for referral to the USRAP through the Afghan Priority 2 (P-2) Program, which includes Afghan nationals who do not meet the minimum time-in-service for a Special Immigrant Visa but who work or worked as employees of contractors, locally-employed staff, interpreters/translators for the U.S. Government, United States Forces Afghanistan, International Security Assistance Force, or Resolute Support; Afghan nationals who work or worked for a U.S. Government-funded program or project in Afghanistan supported through a U.S. Government grant or cooperative agreement; and Afghan nationals who are or were employed in Afghanistan by a U.S.-based media organization or non-governmental organization. U.S.-based media organizations may also refer Afghan nationals who worked for them under stringer, freelance, and comparable arrangements. If an individual does not meet any of the criteria for a P-2 referral but is well known to a U.S. embassy or U.S. Government agency, and has imminent and compelling protection concerns, he or she may be eligible for referral to the Priority 1 (P-1) program directly through the U.S. embassy or U.S. Government agency that knows the individual. Individuals lawfully admitted to the United States as refugees or asylees may also file family reunification cases for their spouses, unmarried children under 21, and parents who are outside their country of origin under the Priority 3 (P-3) program.

The U.S. Government also remains committed to processing SIV applications efficiently:

- In response to the White House's July 14 announcement of Operation Allies Refuge (now OAW), experts from DOS, DOD, DHS, and HHS coordinated the government's efforts to support the relocation of eligible Afghan nationals and their families who supported the United States in Afghanistan, and who are currently in the SIV application process.
- USCIS surged resources to train additional adjudicators to meet the increase in Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant filings and reduce the average processing time.
- Afghan SIV applicants do not pay a filing fee for Form I-360 if their filing eligibility is due to their service as a former U.S. Government employee or translator.
- USCIS continues to receive Form I-360 filings via email from Afghanistan and from Afghan nationals at third-country processing sites and U.S. military bases, all of which are being expedited.

Please be assured that the U.S. Government continues to explore options to serve at-risk Afghan nationals through a number of mechanisms, including increasing refugee processing, efficiently processing applications for Afghan nationals who may be eligible for a SIV, and expediting processing of family-based petitions and immigrant visa petitions filed on behalf of Afghan nationals. Further, on March 16, 2022, Secretary Mayorkas announced a new designation of Afghanistan for Temporary Protected Status (TPS) for 18 months. The designation of TPS for Afghanistan affords protection for Afghans living in the United States from returning to Afghanistan. TPS applies to individuals who are already residing in the United

The Honorable Rashida Tlaib

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States as of March 15, 2022, and meet all other requirements, including undergoing security and background checks. The 18-month designation of TPS for Afghanistan went into effect on May 20, 2022, on the date of its Federal Register notice.

Thank you again for your letter. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal line extending to the right.

Ur M. Jaddou
Director