

JEANNE SHAHEEN
NEW HAMPSHIRE



United States Senate

WASHINGTON, DC 20510
October 17, 2022

The Honorable Ur M. Jaddou
Director, U.S. Citizen and Immigration Services
U.S. Citizen and Immigration Services
20 Massachusetts Avenue NW
Washington, D.C. 20529

Dear Director Jaddou,

Over the twenty years of the United States' involvement in Afghanistan, Afghans from all walks of life supported the U.S. mission and stood side-by-side with U.S. troops and diplomats. Since the Taliban takeover, those same brave Afghans have been targets of Taliban retribution. This is why Congress established the Afghan Special Immigrant Visa program. Now more than ever, we must closely evaluate the program that so many of our Afghan allies have relied on and work together to create an efficient and secure process.

The Biden administration has taken important steps to improve the program and support Afghan allies, but more must be done. I hope you take a few minutes to look over my recommendations for the Afghan Special Immigrant Visa program. I look forward to continuing to work with you to ensure that we fulfill our promises to our Afghan allies.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Shaheen".

Jeanne Shaheen
United States Senator

Standing Up for Our Afghan Allies

The History, Challenges and Future of the
Afghan Special Immigrant Visa Program



JEANNE
SHAHEEN
U.S. SENATOR FOR NEW HAMPSHIRE

SPECIAL REPORT | September 2022



**U.S. Citizenship
and Immigration
Services**

December 16, 2022

The Honorable Jeanne Shaheen
United States Senate
Washington, DC 20510

Dear Senator Shaheen:

Thank you for your October 17, 2022, letter regarding the Afghans Special Immigrant Visa (SIV) Program, and for providing recommendations for the program as laid out in your September 2022 Special Report, *Standing Up for Our Afghan Allies*. We very much appreciate this report which provides a helpful historical summary of the extent of the United States' relationship with its Afghan allies, challenges faced by those seeking protection through the Special Immigrant Visa program, and recommendations for improvements.

Along with you, U.S. Citizenship and Immigration Services (USCIS) has remained committed to providing ongoing support to Afghan nationals in the United States and abroad who have aided the U.S. mission. Over the past year, approximately 95,000 Afghan nationals, U.S. citizens, and lawful permanent residents have arrived in the United States as part of Operation Allies Welcome (OAW), a historic whole-of-government effort. USCIS continues to help our Afghan allies resettle in the United States as the Administration has transitioned from OAW to Enduring Welcome. Some of the efforts USCIS has specifically undertaken include issuing Employment Authorization Documents to over 77,000 OAW parolees; working with other government partners to complete processing for more than 1,700 Afghan Special Immigrants; granting asylum to more than 1,300 Afghan nationals; and approving over 2,300 adjustment of status applications, of which over 2,200 were based on Afghan SIV classification.

In coordination with state and local partners, the DHS-led OAW Unified Coordination Group initially launched Welcome Centers in temporary locations throughout the country where interagency, state and local partners identified the greatest need among resettled Afghan nationals. At these Welcome Centers, Afghan nationals could access a wide variety of information and resources regarding public health, housing and educational opportunities, legal assistance, employment and professional development services, social services, and the U.S. immigration system. With the transition to Enduring Welcome, USCIS continues to plan additional Welcome Centers to support ongoing needs of resettled Afghans, including SIVs, and those potentially eligible for SIV status.

In recognizing that the SIV program has faced hurdles, and as referenced in your report, effective July 20, 2022, the U.S. Department of State (DOS) and the U.S. Department of

Homeland Security (DHS) simplified and streamlined the SIV application process for Afghan applicants. As a result of this program efficiency, new Afghan SIV program applicants filing on or after July 20, 2022, only need to file one form with DOS, a revised Form DS-157, as their SIV classification petition, instead of having to file the Form I-360, Petition for Special Immigrant Status, with USCIS. Afghan nationals who are in the United States with Chief of Mission requests either approved or pending as of July 20, 2022, will generally still be required to file a Form I-360 petition with USCIS. As a result of this processing efficiency, Form I-360 receipts decreased by more than 60 percent while the average processing time decreased by more than 50 percent. Meanwhile, for those who must still file the Form I-360 with USCIS, we are adjudicating such SIV petitions within an average of 33 days. USCIS also continues to regularly engage with DOS Consular Affairs to promote improved coordination and efficient processing of current and future SIVs.

To ensure individuals issued SIVs abroad can be issued their lawful permanent resident cards—or “green cards”—in the mail more quickly upon arrival to the United States, USCIS is working in coordination with DOS to transition from a paper-based to an electronic-based process to more efficiently and swiftly share content between USCIS and DOS for those issued SIV visas abroad.

In addition, USCIS continues to regularly update and streamline resources for SIV applicants and Afghan nationals. Additional information is available at <https://www.uscis.gov/humanitarian/information-for-afghan-nationals>. This dedicated web page offers information to parolees about employment authorization, asylum, legal services, resources for victims of abuse, and a variety of benefits that might be available to them.

USCIS continues to engage with Afghan nationals, state and local governments, and other stakeholders on permanent immigration pathways for Afghans, including SIVs. USCIS has hosted six regional engagements with state refugee coordinators, the Office of Refugee Resettlement, and DHS staff to share resources, answer questions, and make connections. On September 1, we hosted a national engagement event at which time USCIS subject matter experts responded to questions on asylum, parole, temporary protected status, SIVs, and Welcome Centers. A Q&A document from this engagement will be posted to the USCIS Electronic Reading Room in the near future. In addition, USCIS hosted an engagement on asylum for Afghan nationals with 21 key organizations working with this population. Representatives from the DHS Office for Civil Rights and Civil Liberties and the DOS Office of Refugee Resettlement also joined the call.

Regardless of the type of immigration benefit our Afghan allies apply for, DHS and DOS have also taken actions to ensure that vulnerable Afghans who have supported and worked with the United States in Afghanistan, who have undergone rigorous screening and vetting, can qualify for protection and other immigration benefits in the United States. The Secretary of Homeland Security and the Secretary of State, in consultation with the Attorney General, exercised their congressionally provided discretionary authority to create three new exemptions to the terrorism-related inadmissibility ground (TRIG), defined in section 212(a)(3)(B) of the Immigration and Nationality Actⁱ. These exemptions allow eligible Afghans who have undergone rigorous screening and vetting to qualify for protection and immigration benefits, on a case-by-case basis, where they pose no risk to national security or public safety. These

exemptions enable the U.S. Government to approve qualified and meritorious immigration cases, including those of Afghan allies who faithfully and courageously supported the U.S. mission in Afghanistan, and to fulfill the United States' humanitarian obligations while ensuring the security and integrity of the U.S. immigration system. Implementation of these exemptions also ensures that individuals who have lived under Taliban rule, such as former civil servants, those required to pay service fees to the Taliban to do things like pass through a checkpoint or obtain a passport, and those who fought against the Taliban, are not automatically denied if they are otherwise eligible for the benefit.

With respect to your recommendations for expansion of SIV eligibility, flexible consular processing, facilitating relocations of those in "Imminent Danger," and the complexity of the documentation required to demonstrate employment requirements, DHS defers to its partners at DOS for further additional information and clarification.

DHS continues to explore all options to best support at-risk Afghan nationals through established immigration pathways, including increasing refugee processing, efficiently processing SIV petitions for eligible Afghan nationals, exempting fees, and expediting processing of family-based petitions and other immigrant visa petitions filed on behalf of Afghan nationals. Thank you for your interest in this important issue and your detailed report as we continue to review strategies that provide effective short-term and long-term protection to our Afghan allies while upholding our commitment to national security.

Thank you again for your letter and interest in this important issue. 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", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director

ⁱ <https://www.dhs.gov/news/2022/06/14/dhs-and-dos-announce-exemptions-allowing-eligible-afghans-qualify-protection-and>