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THE GENERAL COURT OF MASSACHUSETTS
STATE HOUSE, BOSTON 02133-1053

October 13, 2021

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, DC 20528

Dear Secretary Mayorkas,

As state legislators representing communities across the Commonwealth of Massachusetts, we write to you in regards to the current state of U.S. acceptance of Afghan refugees following United States military withdrawal from Afghanistan.

We first would like to commend the Biden Administration for the work it has done to end the war in Afghanistan and bring refugees from the country to safety in the United States through continued evacuations. It is so critical that the United States leverage its resources to support the people who face persecution, oppression, and endangerment at the hands of the Taliban in Afghanistan.

Our request expands on the United States' refugee acceptance efforts. We respectfully request that the United States Department of Homeland Security (DHS) sets quotas for the number of people it accepts as refugees from the following categories: Special Immigrant Visa (SIV) holders, SIV applicants, and Priority 3 Family Reunification Afghans who have family members in the United States. In its evacuation efforts, the United States prioritized Americans. The setting of minimum goals for numbers of accepted refugees in these categories will allow us to widen our conception of 'American' as a way to be more inclusive of certain classes of refugees who have significant ties to the United States. Our goal is to collaborate with US allies to accommodate the growing number of refugees due to political conflict and show leadership by setting ambitious goals for the number of refugees we accept.

Many of those who were able to access the limited number of spaces in evacuation did so through leveraging connections and elite status, or through sheer luck. Many Afghans in the groups we are writing about have thus far been unable to leave in spite of the great danger they face because they lack the connections or financial means to get on a flight out. To us, a family member of an American is an American. An SIV recipient or applicant with a fire burning inside them to flee danger and settle in our country halfway across the world is an American. We must accept these people with open arms as new fellow compatriots without hesitation.

We respectfully request that DHS sets resettlement quotas for SIV holders and applicants, and for Priority 3 Family Reunification Afghans who have family members in the United States as a means to increase the number of Afghan refugees facing grave danger whom we accept into our country. It would be immoral to leave these people with American ties stranded in hostile terrain.

Thank you for your consideration of this important matter.

Sincerely,

Danillo A. Sena
State Representative
37th Middlesex District

Lindsay N. Sabadosa
State Representative
1st Hampshire District

Peter Capano
State Representative
11th Essex District

Tram T. Nguyen
State Representative
18th Essex District

Barry R. Finegold
State Senator
2nd Essex and Middlesex District

Michelle L. Ciccolo
State Representative
15th Middlesex District

John J. Cronin
State Senator
Worcester and Middlesex District

Kay Khan
State Representative
11th Middlesex District

Steven C. Owens
State Representative
29th Middlesex District

Adam G. Hinds
State Senator
*Berkshire, Hampshire, Franklin
and Hampden District*

Erika Uyterhoeven
State Representative
27th Middlesex District

Tami L. Gouveia
State Representative
14th Middlesex District

Vanna Howard
State Representative
17th Middlesex District

John F. Keenan
State Senator
Norfolk and Plymouth District

Linda Dean Campbell
State Representative
15th Essex District

James B. Eldridge
State Senator
Middlesex and Worcester District

Rebecca L. Rausch
State Senator
*Norfolk, Bristol and Middlesex
District*



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

June 28, 2022

The Honorable Danillo A. Sena
Massachusetts House of Representatives
State House
Boston, MA 02133-1053

Dear Mr. Sena:

Thank you for your October 13, 2021 letter regarding the current state of acceptance of Afghan refugees following the United States military withdrawal from Afghanistan. Secretary 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, 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 Danillo A. Sena

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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. Please share this response with the other officials that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Respectfully,

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

Ur M. Jaddou
Director