

Congress of the United States
Washington, DC 20515

March 14, 2022

Ur Mendoza Jaddou
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20746

RECEIVED

By ESEC at 3:05 pm, Mar 14, 2022

Hon. Alejandro N. Mayorkas
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, DC 20528

Dear Director Jaddou and Secretary Mayorkas,

As the Taliban have held control of Afghanistan for over the past six months, I write to you to express the extreme urgency to initiate and expedite consular services, ease the burdensome evidentiary requirements, and consider a designated program for Afghans applying for Humanitarian Parole.

Since U.S. withdrawal from Afghanistan, Congressional offices have been working with resettlement agencies, nonprofits, and the Administration in assisting Afghans, many of whom were able to make it to U.S. soil; however, tens of thousands of Afghans who served American interests over the past 20 years, and their families and loved ones, were unable to flee the country in the short American-facilitated window. Those individuals, which include women, journalists, U.S. allies, LGBTQ individuals, now face serious threats under the Taliban. Throughout this process, we have seen overwhelming denials or a lack of adjudication of Humanitarian Parole applicants due to “insufficient” threat evidence presented or attributed to the lack of a physical consular presence in Afghanistan.

USCIS guidelines state that Humanitarian Parole applicants must provide “reports or other documentation from a credible third-party source specifically naming the beneficiary and outlining the serious harm he or she faces and the imminence of this harm,”¹ naming credible sources as the U.S. government, a media source, or human rights organizations. This standard is unreasonable to meet given the U.S. government’s withdrawal, Taliban control of media and a very limited nonprofit space. Furthermore, proving such individualized imminence of threats requires information that is not realistic to obtain. Many individuals who cannot meet this standard for humanitarian parole are likely to be eligible to come to the United States refugees. However, currently such individuals have no path to access the U.S. Refugee Admissions Program, as neither

¹ <https://www.uscis.gov/humanitarian/humanitarian-parole/guidance-on-evidence-for-certain-types-of-humanitarian-or-significant-public-benefit-parole-requests>

the U.S. government nor the United Nations High Commissioner for Refugees (UNHCR) have a presence in Afghanistan. Given these realities, we call on USCIS to reconsider the insurmountable evidentiary requirements for Afghans applying through Humanitarian Parole.

Additionally, USCIS has stated that it cannot process applications for humanitarian parole—and other more permanent pathways, such applications for individuals referred to the U.S. Refugee Admissions Program—in Afghanistan as a result of the closure of the U.S. Embassy in Kabul and suspension of all in-person consular services in Afghanistan. This effectively forces individuals and families to make extremely dangerous journeys outside of the country on their own and without any assistance from the U.S.

However, there are several examples, from Cuba to Syria, where the U.S. has proven capable of continuing consular processing in countries where maintaining a physical consular presence is challenging or impossible. Thus, we urge the State Department and USCIS to invest in creative strategies to bolster consular capabilities and remote processing to those specifically within Afghanistan and take immediate action to assist in the safe passage of Afghans to third countries where they can be processing for humanitarian pathways, including Humanitarian Parole. Furthermore, if individuals successfully enter a third country, it should not be considered a negative factor on their application, as many individuals who have escaped do not have capacity to remain in a third country and remain in danger.

Sincerely,



DORIS MATSUI
Member of Congress

JAMES P. McGOVERN
Member of Congress

ADAM SMITH
Member of Congress

JOHN GARAMENDI
Member of Congress

ALEXANDRIA OCASIO-CORTEZ
Member of Congress

JAMIE RASKIN
Member of Congress

BARBARA LEE
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ALAN LOWENTHAL
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ANDY LEVIN
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ELEANOR HOLMES NORTON
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Member of Congress

BRAD SHERMAN
Member of Congress

STEPHEN LYNCH
Member of Congress

CAROLYN BOURDEAUX
Member of Congress

ANDRE CARSON
Member of Congress

SETH MOULTON
Member of Congress



U.S. Citizenship
and Immigration
Services

June 29, 2022

The Honorable Doris Matsui
U.S. House of Representatives
Washington, DC 20515

Dear Representative Matsui:

Thank you for your March 14, 2022 letter regarding the humanitarian parole process for Afghans and their families. 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 to refugee crises in Afghanistan and elsewhere by resuming our role as a global leader in refugee

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

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 States as of March 15, 2022, and meet all other requirements, including undergoing security and

The Honorable Doris Matsui

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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 flourish.

Ur M. Jaddou
Director