

United States Senate

WASHINGTON, DC 20510-0803

April 7, 2022

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

RECEIVED

By ESEC at 1:10 pm, Apr 08, 2022

Dear Secretary ~~Mayorkas~~:

Mr. Secretary

Thank you for taking the time to meet with Members of the Homeland Security and Governmental Affairs Committee (HSGAC) yesterday, it was great to see you. I appreciate you coming in ahead of our annual Department of Homeland Security (DHS) budget hearing to discuss the important work the agency is doing, as our conversation yesterday highlighted the pressing issues and priorities that we must tackle in the year ahead. The dedicated individuals at DHS—guided by your steadfast leadership—are charged with the critical mission of protecting our homeland day in and day out. And as my colleagues and I heard from you yesterday, there is no shortage of work to be done.

Every recovering governor can tell you that budgets reveal priorities. While I look forward to hearing more about DHS's budget when you testify before HSGAC in the weeks ahead, I wanted to draw your attention to one of the topics I brought up during our conversation—which is the extensive backlog of cases that the United States Citizenship and Immigration Services (USCIS) is facing. I have been troubled by what I am hearing from constituents in Delaware, our casework team, and my legislative staff in D.C. as it pertains to the backlog at USCIS. Of particular concern to me are the many Afghan nationals that have applied for humanitarian parole to the United States and are facing dire, life-threatening circumstances in Afghanistan or other neighboring countries like Pakistan and are seeking protection. Currently, there are over 40,000 Afghan humanitarian parole applications in USCIS's backlog, with reports of high level of denial rates for Afghans that have applied for parole.

I understand how challenging the past eight months have been for DHS, as the agency was spearheading President Biden's Afghan resettlement initiative, known as Operation Allies Welcome (OAW). This was no easy task, as approximately 84,600 Afghan nationals, American citizens, and Lawful Permanent Residents have arrived in the U.S. as part of OAW, including more than 76,000 Afghan nationals who have now joined communities across the country. This was an incredible mission to witness, and your agency did an amazing job getting these folks to bases around our country and resettled into communities on the ground – including in Delaware. Back in December, I had the opportunity to visit Joint Base McGuire-Dix-Lakehurst with Governor Jack Markell and take a tour of the base. I was impressed by the work that the Department was leading along with its interagency partners to welcome our allies and friends from Afghanistan. The work that DHS has done to embrace and assist those fleeing instability and violence has not gone unnoticed. That said, as you and I both know, too many Afghans

remain in vulnerable situations in Afghanistan or other third countries while they await word from our government about the potential for resettlement in the United States. While I certainly appreciate the tremendous undertaking that the Department led through its work on Operation Allies Welcome, I believe there is more that can be done to help the individuals stuck in limbo in the USCIS backlog.

As a former Director of USCIS, I appreciate that you understand the ins and outs of USCIS and know well that when this agency operates at its best, it epitomizes one of America's core values—providing refuge for those seeking protection. As you may know, one of my favorite Bible verses is Matthew 25: 'when I was a stranger in your land, did you take me in?' Our country has thrived and prospered from our rich history of taking in immigrants and those seeking refuge. Now, we must continue this proud tradition by welcoming these Afghan families with open arms and hearts — and in doing so, our nation will grow even stronger with their contributions to our communities.

I hope that we can work together to improve USCIS so that it can address the long delays we are hearing about as they process thousands of Afghan humanitarian parole applications. I hope to be a resource to you and assist the dedicated individuals at USCIS working to get resolution for the families and individuals seeking resettlement in the United States. I would like our teams to work together to tackle this pressing issue, and I look forward to having a follow-up conversation with you on this matter soon.

I am grateful for your continued service and dedication to our country. Please give my best to Tanya and the girls, and thank them for sharing you with our country.

P.S. *Thank you* Sincerely,

for joining us on
April 6 in HSCAG! *Tom*
Thomas R. Carper

We look forward to being with you again in
early May! My best to you and your
family!



U.S. Citizenship
and Immigration
Services

June 28, 2022

The Honorable Tom Carper
United States Senate
Washington, DC 20510

Dear Senator Carper:

Thank you for your April 7, 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

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. 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