



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street SE – PO Box 40100 – Olympia, WA 98504-0100

August 30, 2021

The Honorable Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

RECEIVED

By ESEC at 2:33 pm, Aug 31, 2021

The Honorable Antony J. Blinken
U.S. Department of State
2201 C Street NW
Washington, DC 20520

The Honorable Alejandro Mayorkas
Department of Homeland Security
Washington, DC 20528-0525

Dear Mr. President, Secretary Blinken, and Secretary Mayorkas:

As Attorney General of the state of Washington, I write to express my deep concern, and the concern of Washingtonians, for Afghans who are seeking to leave their country due to the risk of life-threatening reprisals from the Taliban. I echo and renew the urgent requests to ensure the continued commitment of the United States to protect those most at risk under Taliban control. Since 2014, nearly 5,000 Afghans have come to Washington through a visa program for those who worked with the U.S. government.¹ In recent days, my office has heard from Washingtonians waiting for word from loved ones in Afghanistan who are in danger and are seeking safe refuge. I humbly request that you utilize every tool available to you to ensure the safety, security, and evacuation of our Afghan allies and partners, as well as all those whose lives are at risk under Taliban control.

On July 30, 2021, President Biden signed into law the bipartisan Afghan Allies Protection Act, which enhanced the government's authority to clear bureaucratic hurdles and improve the Special Immigrant Visa (SIV) program's efficiency ahead of full troop withdrawal from Afghanistan. We must not allow bureaucracy and administrative bottlenecks to prevent the evacuation of those at risk due to our withdrawal. I support the letter sent to President Biden by 55 U.S. Senators, including Senators Patty Murray and Maria Cantwell, on August 18, and join their call for immediate and full implementation of the Act to ensure SIV applicants and their families can seek refuge.²

¹ "The Emergency Security Supplemental Appropriations Act, 2021, as enacted on July 30, 2021, authorized 8,000 additional Special Immigrant Visas (SIVs) for Afghan principal applicants, for a total of 34,500 visas allocated since December 19, 2014. The Department of State's authority to issue SIVs to Afghan nationals under section 602(b) of the Afghan Allies Protection Act of 2009, as amended, will continue until all visa numbers allocated under the Act are issued."

<https://travel.state.gov/content/travel/en/us-visas/immigrate/special-immg-visa-afghans-employed-us-gov.html>. (last accessed on Aug. 24, 2021).

² Letter from 55 U.S. Senators to Pres. Biden re: SIV program and supporting urgent evacuation of SIV applicants, Aug. 18, 2021, <https://www.shaheen.senate.gov/imo/media/doc/2021-08-19%20-%20Letter%20-%20SIV%20Evacuation%20and%20Implementation%20-%20Biden%20-%20FINAL.pdf> (last accessed on Aug. 24, 2021).

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I trust you are devoting all possible resources to facilitating and accelerating the ongoing effort to evacuate vulnerable Afghans and their families. In addition, I have the following specific requests:

1. Expedite the processing of SIVs and refugee applications to accelerate the evacuation of Afghan allies, at-risk populations, and their families. Members of Washington's congressional delegation are handling hundreds of requests for assistance with evacuation, working in collaboration with your respective departments.
2. Designate Afghanistan for Temporary Protected Status (TPS) to provide employment and travel authorization to Afghans already in the United States, as well as protection from removal.
3. Use the parole authority of the Department of Homeland Security under the Immigration and Nationality Act to facilitate the advance, humanitarian parole of Afghans into the United States at ports-of-entry.
4. Expand the Priority 2 (P-2) designation for Afghan Nationals announced on August 2 to include LGBTQ+ Afghans. As the U.S. Department of State recognized in announcing the P-2 designation for certain Afghan nationals and their family members, there is a need to provide an opportunity for refugee resettlement to the United States, through the U.S. Refugee Admissions Program (USRAP), for those who are not eligible for a SIV, but whose lives are threatened by life under Taliban control. LGBTQ+ Afghans face particularly harrowing circumstances under a Taliban regime, and the United States must protect the LGBTQ+ Afghan community.
5. Set the FY 2022 refugee admissions goal of 125,000. The current goal of 62,500 refugees this fiscal year is not sufficient to meet the resettlement need. We also support additional funding critically needed by the State Department and resettlement-agency partners to make sure that Afghans in the United States have critical resources, including housing, access to medical care, transportation, and education.

The state of Washington has a long history of welcoming refugees, and our state stands ready to continue that tradition by welcoming and supporting Afghan refugees.

I am grateful for your efforts that have already brought thousands of Afghans to safety, and appreciate your continued commitment to the protection and security of our Afghan allies and those threatened by the Taliban.

Sincerely,



BOB FERGUSON
Washington State Attorney General

RWF/jlg



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

July 29, 2022

Bob Ferguson
Attorney General of Washington
1125 Washington Street SE
P.O. Box 40100
Olympia, WA 98504

Dear Mr. Ferguson:

Thank you for your August 30, 2021, letter regarding protection and assistance for Afghan nationals. Secretary Mayorkas asked that I respond on his behalf. As an initial matter, I want to apologize for the delay in responding to your letter. We have implemented new procedures to better ensure our responses to correspondence such as yours are timely.

As you are aware, since your letter was received, the U.S. government undertook an evacuation effort which brought tens of thousands of Afghan nationals to safety, including Special Immigrant Visa (SIV) recipients and others who worked alongside us in Afghanistan. On August 29, 2021, President Biden directed the U.S. Department of Homeland Security (DHS) to lead, alongside our interagency partners, the implementation of the whole-of-government and whole-of-society effort to resettle our Afghan allies in communities across the United States, which was known as Operation Allies Welcome (OAW). We appreciate the State of Washington's concern for Afghan nationals and commend you for your demonstrated commitment to ensuring a safe haven for thousands of at-risk Afghans.

As of July 9, 2022, the U.S. government has welcomed approximately 88,000 Afghan nationals, U.S. citizens, and lawful permanent residents through OAW. More than 74,000 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.

As you know, 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 U.S. Departments of Defense (DOD), State (DOS), and 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.

Upon evacuation from Afghanistan and before being cleared to travel to the United States, Afghan evacuees were brought to international transit points where the U.S. government collected and reviewed biometric (e.g., facial images and fingerprints) and biographic (e.g., name, date of birth, and ID number) information. Biometric data was compared against DOD, DHS, and FBI repositories. Biographic information was vetted by NCTC, FBI, and other Intelligence Community partners. Afghans under the age of 14 and over the age of 79 were not biometrically enrolled; however, their biographic information was collected for processing, consistent with vetting procedures for all other foreign populations. Only those evacuees who cleared these comprehensive checks were approved for onward travel to the United States. For specific questions regarding evacuations, we defer to the Department of State.

Once paroled by DHS, Afghan nationals are eligible for employment authorization and may be eligible 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 to expedite the processing of applications for immigrant status and work authorization. DOS and the U.S. Department of Health and Human Services are working to provide initial relocation support to Afghans granted parole, including short-term emergency health insurance.

On October 8, 2021, President Biden affirmed the United States’ deeply held commitment to welcoming refugees by issuing the Presidential Determination on Refugee Admissions, which raises the refugee admissions target to 125,000 for Fiscal Year 2022.¹ The United States is, and will continue to be, a global leader in international humanitarian response, including in refugee resettlement. We will continue to consider all options regarding the protection of Afghan nationals. USCIS is currently prioritizing the adjudication of petitions and applications for Afghan nationals in order to provide opportunities for Afghans abroad to seek visas or refugee processing in a third country. USCIS will be ready to conduct refugee interviews for Afghan nationals accepted to the U.S. Refugee Admissions Program by DOS and referred for interview.

USCIS is working quickly to increase processing of humanitarian parole requests, having significantly increased the number of officers working on parole cases to assist with the surge in requests for humanitarian parole. For any individuals who are outside of the United States, USCIS considers each request for parole and evidence provided on a case-by-case basis. USCIS reviews the specific facts of each case to determine if there is a distinct, well-documented reason to approve humanitarian parole for an individual. Multiple factors are taken into consideration including whether other protection and/or refugee resettlement processing is available. For the Afghan population, USCIS considers favorable factors listed in the eligibility section of the Afghan parole information on the USCIS website, at Information for Afghan Nationals on

¹ See <https://www.state.gov/the-presidential-determination-on-refugee-admissions-for-fiscal-year-2022/>

Requests to USCIS for Humanitarian Parole.² We recommend that individuals seeking parole based on protection needs review that website, as well as the long-established Guidance on Evidence for Certain Types of Humanitarian or Significant Public Benefit Parole Requests³ for examples of relevant evidence.

Afghan nationals paroled by U.S. Customs and Border Protection as part of the U.S. government's evacuation efforts have conditions placed on their parole, including medical screening and vaccination requirements, and other reporting requirements. Though parolees and SIV holders are authorized to travel anywhere in the United States, they are also required as a condition of their parole to provide an updated address to USCIS. Individuals who have been welcomed into our country through OAW are required to abide by the laws of the United States and are informed about expectations for compliance with U.S. laws, as well as related consequences for violations, at multiple points throughout the resettlement process. Failure to comply with conditions of parole could result in the termination of parole status and removal from the United States. All parolees 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 information of concern. If an Afghan evacuee engages in criminal activity after arriving in the United States, the evacuee may be subject to prosecution, revocation of parole, and placement in removal proceedings. These cases are rare. Any incidents of suspected criminal behavior at safe havens are referred to law enforcement for appropriate action.

The Secretary of Homeland Security may designate a country for Temporary Protected Status (TPS) and extend or terminate a country's existing TPS designation based upon specific statutory criteria. In order to designate a country for TPS or extend a country's TPS designation, the Secretary must find one or more of the following: (1) there is an ongoing armed conflict within the country that would pose a serious threat to the personal safety of the country's nationals if they were returned; (2) there has been an environmental disaster resulting in a substantial, but temporary, disruption of the living conditions in the area affected, the country is temporarily unable to handle adequately the return of its nationals, and the country has officially requested TPS designation; or (3) there exist extraordinary and temporary conditions in the country that prevent nationals from returning in safety, and that permitting the country's nationals to remain temporarily in the United States would not be contrary to the national interest of the United States. *See* Immigration and Nationality Act § 244(b)(1).

You may be pleased to know that, on March 16, 2022, Secretary Mayorkas announced a new designation of Afghanistan for 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.

² <https://www.uscis.gov/humanitarian/humanitarian-parole/information-for-afghan-nationals-on-requests-to-uscis-for-humanitarian-parole>.

³ <https://www.uscis.gov/humanitarian/humanitarian-parole/guidance-on-evidence-for-certain-types-of-humanitarian-or-significant-public-benefit-parole-requests>.

We are working closely with our colleagues across the interagency as we continue to support the whole-of-government and whole-of-society effort to resettle our Afghan allies in communities across the United States. The Department also offers additional support that may be available upon request⁴ to assist eligible noncitizens, including:

- Change or extension of nonimmigrant status for eligible noncitizens currently in the United States, even if the request is filed after the authorized period of admission has expired;
- Expedited processing of requests for advance parole documents;
- Expedited adjudication of requests for off-campus employment authorization for F-1 students experiencing severe economic hardship;
- Expedited adjudication of employment authorization applications, where appropriate;
- Assistance if applicants received a Request for Evidence or a Notice of Intent to Deny and were unable to appear for an interview, submit evidence, or respond in a timely manner because of a natural disaster or other extreme situation; and
- Replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card).

Thank you again for your letter and interest in this important issue.

Sincerely,

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

⁴ Additional information is available at the U.S. Citizenship and Immigration Services website at: <https://www.uscis.gov/humanitarian/special-situations>.