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Bill Explainer: Afghan Adjustment Act - 2022

The Afghan Adjustment Act (H.R. 8685/S.4787) is bipartisan legislation in the House and Senate that ensures Afghans who were brought to safety by the U.S. military may apply for lasting protection to stay in the U.S. long-term.

The legislation was introduced in the Senate by both Democrats and Republicans, including Sen. Amy Klobuchar (D-MN), Sen. Lindsey Graham (R-SC), Sen. Chris Coons (D-DE), Sen. Roy Blunt (R-MO), Sen. Richard Blumenthal (D-CT), and Sen. Lisa Murkowski (R-AK). The bill was also introduced in the House of Representatives by Rep. Earl Blumenauer (D-OR-3), Rep. Peter Meijer (R-MI-3), Rep. Jason Crow (D-CO-6), Rep. Adam Kinzinger (R-IL-16), Rep. Jerry Nadler (D-NY-10), Rep. Mariannette Miller-Meeks (R-IA-2), Rep. Zoe Lofgren (D-CA-19), Rep. Fred Upton (R-MI-6), and Rep. Scott Peters (D-CA-52).

Why is the Afghan Adjustment Act needed?

Following the U.S. military withdrawal from Afghanistan, tens of thousands of U.S.-affiliated and at-risk Afghans were evacuated to the United States via humanitarian parole, a temporary allowance to enter and remain in the United States for one or two years. Despite receiving this life-saving evacuation, **Afghans under this status will imminently find themselves under [a cloud of legal uncertainty](#)**, and in a worse position in terms of immigration status than had they entered as Special Immigrant Visa holders (SIVs) or refugees through the U.S. Refugee Admissions Program (USRAP).

To resolve this, Congress must pass the Afghan Adjustment Act, patterned after [similar adjustment acts](#) passed following previous U.S. wartime evacuations, including for Cubans after the rise of Castro, Southeast Asians after the Fall of Saigon, and Iraqi Kurds during the rule of Saddam Hussein.

What does the legislation do?

The Afghan Adjustment Act allows certain Afghan evacuees to apply for permanent status after one year or two years, respectively, of being paroled into the country. It relieves the immediate burden on the SIV process — which has over 70,000 applications in the backlog — and asylum process — which currently has over 1.4 million cases in the backlog — and prevents Afghans paroled in the U.S. from losing their jobs or being deported to a third-country while their applications for these statuses are pending. As thousands of vulnerable Afghans currently remain in hiding in Afghanistan or at-risk in third countries, our recommended adjustment legislation would cover at-risk Afghans who were evacuated by the U.S. military and received temporary humanitarian parole protection.

Who are the people who were evacuated?

Approximately 76,000 Afghans who were evacuated by the American military were brought to the U.S., after first processing at U.S. military bases abroad. A 2022 [report](#) from the Department of Homeland Security detailed those who were brought to the U.S.:

- Over 40,000 of those evacuated were SIVs, SIV applicants, SIV-eligible individuals, or their immediate eligible family members.
- Over 4,000 were those who were fortunate enough to be referred to the P-1 and P-2 refugee program in time for the dramatic fall of their elected-government and the U.S. evacuation.
- Another 703 were US government employees.
- Many of the remaining Afghans were family members of the individuals above, but who had no immigration designations within those eligible categories because they are considered “extended family” to the primary eligible recipient. The U.S. immigration system deems mothers, fathers, sisters, brothers, grandparents, nieces, and nephews to adult applications/recipients as ineligible “extended family” .

An example: A young Afghan who graduated from West Point was in Afghanistan when the Taliban took power. His fellow American West Point classmates worked to evacuate him, along with his extended family – most of whom would not have been able (or eligible) to escape. During the evacuation, his West Point classmates (and the military service members inside the Kabul airport) recognized that – even when you grow up – “family” still means mother and father, sister and brother, and more. <https://twitter.com/mikejason73/status/1485630344321769479>

How did the U.S. government vet and screen evacuees?

Intelligence, law enforcement, and counterterrorism professionals [conducted](#) a robust, multi-layered screening and security vetting process for all Afghans on U.S. military bases abroad (referred to as “lily pads”) before they arrived in the United States, at Customs and Border Protection, and again once when they were admitted in America, where most were housed over months on eight military bases across the U.S. If at any time an individual does not pass a screening, they are deemed inadmissible or deportable, depending on where they are in the process. As a result, that individual and their family cannot enter the United States or are subject to deportation from the U.S.

This comprehensive investigation includes reviews of both biographic and biometric data checked against U.S. and Interpol intelligence databases. The U.S. analyzes names, dates of birth, fingerprints, and other comprehensive biographic identifiers against multiple domestic and international agencies' holdings, including the [watchlists](#). Afghans arriving with humanitarian parole also receive [pre-and post-arrival medical screenings and vaccinations](#). Additionally, the Department of Homeland Security (DHS), the Department of Defense, the Federal Bureau of Investigation, the National Counterterrorism Center (NCTC), and additional Intelligence Community (IC) partners conduct multiple security screenings and security vetting procedures.

When Afghans apply to adjust status, under the proposed Afghan Adjustment Act, DHS would run additional background checks, complete a comprehensive biometrics analysis again, and conduct an additional in-person screening interview for each applicant before approving an applicant to make sure individuals are not national security or public safety threats to the United States. This additional layer of screenings is critical to ensure those who apply to adjust status remain in good standing in the United States.

Has Congress previously enacted adjustment act legislation?

Yes. Congress [has passed similar legislation](#) after several U.S.-involved conflicts or humanitarian crises in the past. Three noteworthy examples occurred following Fidel Castro's rise to power in Cuba, after America's withdrawal from Vietnam, and following U.S. military actions in Iraq – Operation Desert Storm and Operation Iraqi Freedom. After these conflicts, Congress passed adjustment acts that granted [Cubans](#), [people from Southeast Asia](#), and [Iraqis](#) who had entered the U.S. as non-immigrants or parolees the opportunity to adjust to permanent status.

Who supports the Afghan Adjustment Act?

[National security experts](#), [refugee resettlement agencies](#), [Afghan-Americans](#), [faith leaders](#), [veterans groups](#), [attorneys](#), and [local communities](#) representing a [broad spectrum](#) of political and social views have called for an Afghan Adjustment Act.

What happens to Afghan evacuees if the Adjustment Act isn't passed?

Without an Afghan Adjustment Act, tens of thousands of Afghans who were evacuated to safety by the U.S. military will have to find an immigration pathway in order to remain in lawful status once their parole expires (most in August 2023). In all likelihood, that will mean tens of thousands of new asylum claims, at a wide-ranging estimated cost of \$300,000,000 to 700,000,000 in legal fees to support Afghans through the arduous asylum application process. **The current affirmative asylum backlog is more than 600,000 cases with a broader immigration backlog of 1.4 million cases.**

Many Afghan evacuees were forced to destroy important documentation during the evacuation in order to avoid Taliban violence across a patchwork of checkpoints around the country. Other Afghan visa applicants (and others) had important documentation destroyed by the U.S. Embassy in Kabul as the city fell. Such complications could make asylum claims more difficult and increase the likelihood that Afghan parolees will end up in already-overwhelmed immigration courts and eligible for deportation.

The Afghan Adjustment Act meets well-established precedent, but it does something else which is fundamentally important: it meets the moral obligations to Afghans who were brought to safety through our evacuation, and who served alongside the U.S. mission and championed democratic values during the America's longest military engagement in the country's history.

Congress must act now to pass an Afghan Adjustment Act.

Organizational Endorsements of the Bill

This includes our two coalitions: Evacuate Our Allies Coalition and #AfghanEvac Coalition and 36 member organizations.

#AfghanEvac Coalition

Afghan-American Community Organization

Afghan-American Foundation

Afghans For A Better Tomorrow

American Bar Association

American Immigration Council

American Immigration Lawyers Association

Amnesty International USA

Association of Prosecuting Attorneys

Association of Wartime Allies

Catholic Charities USA

Church World Service

CommonDefense.us

Evacuate Our Allies Coalition

Fletcher Afghan Evac & Resettlement Working Group

HIAS

Human First Coalition

Human Rights First

IAVA

Immigrant ARC

Immigrant Legal Advocacy Project
International Refugee Assistance Project (IRAP)
International Rescue Committee
Jews and Muslims and Allies Acting Together (JAMAAT)
Lutheran Immigration and Refugee Services (LIRS)
Mormon Women for Ethical Government
National Immigration Forum
Pars Equality Center
Partnership for the Advancement of New Americans (PANA)
Student Veterans of America
The Advocates for Human Rights
The American Legion
Truman Center for National Policy
U.S. Conference of Catholic Bishops
Veterans for American Ideals
Voice for Refuge Action Fund
With Honor Action
World Relief