

## Bill Summary: The Afghan Adjustment Act of 2023

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The Afghan Adjustment Act (AAA) of 2023, [S.2327/H.R.4627](#), is a bipartisan bill that would provide a path to permanent status to tens of thousands of Afghans who were evacuated to the U.S. following the fall of Kabul in August 2021. The legislation expands on reporting and vetting provisions in [earlier iterations](#) of the Afghan Adjustment Act and establishes an authorization for appropriations, to ensure that eligible Afghan evacuees have received rigorous vetting and screening, while providing pathways to protection for those left behind and at risk outside of the United States.

On July 13, 2023, Senator Amy Klobuchar (D-Minnesota) joined with Senators Lindsey Graham (R-South Carolina), Chris Coons (D-Delaware), Jerry Moran (R-Kansas), Richard Blumenthal (D-Connecticut), Lisa Murkowski (R-Alaska), Jeanne Shaheen (D-New Hampshire), Roger Wicker (R-Mississippi), Thom Tillis (R-North Carolina), and Dick Durbin (D-Illinois) to [introduce](#) the bill in the Senate.

On the same day, Representative Mariannette Miller-Meeks (R-Iowa) [introduced](#) an identical bill in the House. The original House cosponsors of the Afghan Adjustment Act include Representatives Earl Blumenauer (D-Oregon), Juan Ciscomani (R-Arizona), Jason Crow (D-Colorado), Brian K. Fitzpatrick (R-Pennsylvania), Jerrold Nadler (D-New York), Maria Salazar (R-Florida), Zoe Lofgren (D-California), David Schweikert (R-Arizona), Greg Stanton (D-Arizona), Michael Lawler (R-New York), Scott Peters (D-California), Jay Obernolte (R-California), Seth Moulton (D-Massachusetts), John Curtis (R-Utah), Abigail Spanberger (D-Virginia), Zachary Nunn (R-Iowa), Mikie Sherrill (D-New Jersey), Blake Moore (R-Utah), Ami Bera (D-California), Jenniffer Gonzalez-Colon (R-Puerto Rico), Pramila Jayapal (D-Washington), Nancy Mace (R-South Carolina) and Jeff Jackson (D-North Carolina).

### ***Background***

In the aftermath of the U.S. troop withdrawal and the fall of Afghanistan to the Taliban in August 2021, over 85,000 vulnerable Afghans were evacuated under Operation Allies Welcome. The evacuees were first flown to third countries for extensive vetting and screening. Then, in the fall of 2021, more than **76,000 of the evacuees** were transferred into the U.S., initially brought to military bases for additional medical screening and processing and then resettled into communities across the country.

Most of these evacuees generally would have been eligible for either refugee or Special Immigrant Visa (SIV) status, but those processes were too slow and backlogged to work effectively in the context of an emergency evacuation. Instead, **more than 70,000** (over **94%**) of those resettled in the U.S. thus far have been processed under [humanitarian parole](#). Parole offers only limited, temporary benefits and — unlike refugees and SIVs — includes [no clear path to permanent status](#). Instead, parolees are forced to live in legal limbo, uncertain about their options or their future in the United States.

Humanitarian parole has been [used repeatedly](#) in the context of previous U.S. troop withdrawals and emergency evacuations, including after the Vietnam War. In each of these preceding

cases, [Congress has passed adjustment acts](#) to provide evacuees a path to lawful permanent residence.

While thousands were evacuated by Operation Allies Welcome, many other vulnerable Afghans have been [left behind](#) in Afghanistan or neighboring countries, including many who are [at particular risk](#) due to their work with and for the U.S. mission. Ongoing evacuation and protection efforts continue, but they have been hindered by [backlogged](#) SIV and refugee programs and by a lack of coordination among various agencies involved.

With the two year parole term slated to expire for many Afghan evacuees in 2023, the Biden administration recently authorized [re-parole](#) for Afghan evacuees on a case-by-case basis. This re-parole process, however, only grants temporary protection and does not provide a pathway to permanent status. The Afghan Adjustment Act is needed to finally end this prolonged uncertainty for the vast majority of Afghan evacuees.

***To address these issues, the Afghan Adjustment Act would:***

**1. Provide a path to permanent status for Afghan evacuees.**

- Afghans eligible for the pathway to lawful permanent resident (LPR) status would include Afghan nationals — or for individuals who last resided in Afghanistan and are present in the U.S. — who either:
  - were inspected or admitted to U.S. before enactment
  - were paroled into the U.S. between July 30, 2021 and enactment, or
  - arrived in the U.S. after enactment and have been determined by the Department of Homeland Security (DHS) and DOD to have directly and personally supported the U.S. mission in Afghanistan to an extent comparable to the support provided by SIVs.
- Prioritizes SIV applicants with Chief of Mission approval to have their record of admission backdated to the date that they were inspected and admitted or paroled in the U.S. Makes other applicants' admission date the date on which their application for adjustment of status is approved.
- Establishes a deadline for application that is the later of:
  - two years after final guidance implementing the bill is published or
  - two years after an applicant becomes eligible to apply.
- Permits exceptions to the deadline under extraordinary circumstances.
- Bars eligible applicants who do not apply for adjustment from renewing parole.

**2. Establish rigorous vetting requirements and criminal inadmissibility grounds for applicants seeking permanent status.**

- The bill would require DHS in consultation with the Department of Defense (DOD) and as appropriate with the Department of Justice (DOJ) to establish additional vetting procedures for applicants that would be equivalent to the existing requirements placed upon refugees entering through the U.S. Refugee Admissions process.

- In-person interviews will be part of the vetting requirements, with the clarification that in-person interviews at the port of entry do not satisfy this requirement.
- DHS in consultation with DOD will maintain a vetting database with information on non-priority applicants.
- DHS would be required to provide guidance for implementation within three months of enactment and final guidance in one year after enactment.
- Establishes reporting requirements for DHS and DOD to consult Congress on plans to vet applicants 90 days after enactment and again before accepting applications; DHS is required to brief Congress on vetting and security threats within one year of the application deadline; allows members of Congress or congressional committees to request information on the reasons for application denials.
- The bill would appropriate \$20,000,000 to DHS each year from 2023 to 2027 to carry out this adjustment of status section.

### **3. Expand and improve upon ongoing efforts to protect Afghans left behind.**

- AAA would expand eligibility for Special Immigrant Visas (SIVs) to include members of the special operations forces of the Afghanistan National Defense and Security Forces, the Afghanistan National Army Special Operations Command, the Afghan Air Force, or the Special Mission Wing of Afghanistan; a female member of any other entity of the Afghanistan National Defense and Security Forces; an individual associated with former Afghan military and police human intelligence activities, former Afghan military counterintelligence or with the former Afghan Ministry of Defense; and certain senior officials of the former Ministries of Defense and Interior of Afghanistan.
- The bill would require the establishment of an interagency taskforce to coordinate efforts to support Afghan nationals outside of the United States who would be eligible for SIV or refugee status in the U.S.
- The bill would also require the interagency taskforce to develop a contingency plan for future emergency evacuations.

### ***Conclusion***

The National Immigration Forum supports the bipartisan Afghan Adjustment Act of 2023. AAA would give Afghan evacuees a much-needed path to permanent legal status in the U.S., providing stability to those who are stuck in legal limbo. In addition, the bill would follow through on promises to allies who put their lives at risk in support of the two-decade U.S. mission in Afghanistan, including those left behind and facing danger in Afghanistan and elsewhere. Finally, AAA would put to rest any lingering security concerns by ensuring the evacuee population has undergone proper and rigorous biometric and biographic vetting procedures.

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