



## Bill Summary: The Afghan Adjustment Act

The Afghan Adjustment Act, or [S.4787](#), 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 also includes provisions to ensure that eligible Afghan evacuees have received rigorous vetting and screening, and it would improve and expand pathways to protection for those left behind and at risk in Afghanistan.

On August 9, 2022, Senator Amy Klobuchar (D-Minnesota) joined with Senators Lindsey Graham (R-South Carolina), Chris Coons (D-Delaware), Roy Blunt (R-Missouri), Richard Blumenthal (D-Connecticut), and Lisa Murkowski (R-Alaska) to [announce the introduction](#) of the bill in the Senate.

On the same day, Representative Earl Blumenauer (D-Oregon) introduced an identical bill in the House as [H.R.8685](#). Original House cosponsors of the Afghan Adjustment Act include Representatives Peter Meijer (R-Michigan), Jason Crow (D-Colorado), Mariannette Miller-Meeks (R-Iowa), Jerrold Nadler (D-New York), Adam Kinzinger (R-Illinois), Zoe Lofgren (D-California), Fred Upton (R-Michigan), and Scott Peters (D-California).

### **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.

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 [limited](#) and [backlogged](#) SIV and refugee programs and by a lack of coordination among various agencies involved.

***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 green card status would include Afghan nationals — or individuals without nationality who last resided in Afghanistan — who either:
  - were evacuated and brought to the U.S. under humanitarian parole after July 30, 2021,
  - were lawfully inspected and admitted to the U.S. prior to enactment of the bill or who had their travel otherwise facilitated or coordinated by the U.S. government, including Afghan Fulbright scholars and others who are lawfully present in the U.S.
  - arrived in the U.S. after enactment of the bill and have been determined by the Department of Homeland Security (DHS) to have supported the U.S. mission in Afghanistan, or
  - are the spouses or unmarried children of eligible individuals.
- Eligible applicants would be able to apply immediately but would not be granted permanent status until they have been present in the U.S. for at least two years. An expedited pathway to waive this two-year presence requirement would be available to SIV applicants with Chief of Mission approval, SIV applicants with cases pending since July 2018, and individuals who have previously been referred to the U.S. Refugee Admissions Program.
- To encourage eligible individuals to adjust to permanent status, individuals with humanitarian parole and eligible for adjustment under the bill would be barred from receiving extensions of humanitarian parole. Applicants who have not yet received status when their parole expires would continue to be granted protection from deportation and access to work authorization.

**2. Establish rigorous vetting requirements and criminal inadmissibility grounds for applicants to the pathway to permanence.**

- The bill would require DHS 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.
- DHS would be required to maintain biographic and biometric information and criminal history of all applicants, as well as a detailed record of vetting and security screenings, database checks, and interviews for each applicant.
- Applicants would be subject to existing criminal inadmissibility bars. DHS would have the authority to waive these bars in the public interest, for humanitarian purposes, or to preserve family unity. DHS would *not* be permitted to waive inadmissibility bars arising from crimes related to drug trafficking, terrorism, or crimes committed by individuals after they have arrived in the U.S. and after July 30, 2021.

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

- The bill would expand eligibility for Special Immigrant Visas (SIVs) to include members of the Afghanistan National Army Special Operations Command, the Afghan Air Force, the Special Mission Wing of Afghanistan, the Female Tactical Teams of Afghanistan, and their direct family members.
- The bill would require the establishment of an interagency taskforce to coordinate efforts to support Afghan nationals remaining at risk in Afghanistan or neighboring countries and who would be eligible for SIV or refugee status in the U.S.

### ***Conclusion***

The National Immigration Forum [praised](#) the introduction of the bipartisan Afghan Adjustment Act, which would give Afghan evacuees a path to permanent legal status in the U.S. It would provide stability to tens of thousands who are stuck in legal limbo, and it would follow through on promises to so many allies who put their lives at risk in support of the twenty-year U.S. mission in Afghanistan. It would put to rest any lingering security concerns by ensuring the evacuee population has undergone proper and rigorous biometric and biographic vetting procedures.

This legislation recognizes there is more work to be done to honor and protect our Afghan allies, from evacuees present in the U.S. with temporary protections to those left behind and facing danger in Afghanistan or elsewhere in the region.