

# The Afghan Adjustment Act

## Frequently Asked Questions

### What is the Afghan Adjustment Act?

The Afghan Adjustment Act (H.R. 4627/S.2327) 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.

### What does the legislation do?

- Allow Afghans on temporary humanitarian status in the U.S. who submit to additional security vetting to apply for permanent legal status after one or two years.
- Establish an Interagency Task Force, led by the U.S. Department of State (DOS), responsible for creating and implementing a strategy to continue the relocation and resettlement of eligible Afghan partners from Afghanistan over the next ten years.
- Require DOS to respond to congressional inquiries related to Special Immigrant Visa (SIV) applications or U.S. Refugee Admissions Program (USRAP) referrals.
- Require DOS to implement an office capable of reviewing visa applications and providing other consular services for Afghans if there is no operational embassy in Afghanistan.
- Expand SIV eligibility for Afghans who worked and served alongside U.S. forces, including members of the Afghan National Army Special Operations Command, the Afghan Air Force, the Female Tactical Teams of Afghanistan, and the Special Mission Wing of Afghanistan.
- Covers at-risk Afghans in hiding or in third countries who were (1) inspected and admitted before the bill's enactment, (2) were paroled into the U.S. between July 30, 2021 and enactment, (3) have had their travel to the U.S. facilitated or coordinated by the U.S. government, or (4) arrive in the U.S. after the bill's enactment and supported the U.S. mission in Afghanistan.

### Why is the Afghan Adjustment Act needed?

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

### Who are the people who were evacuated?

Approximately 76,000 Afghans were evacuated by the American military and were brought to the U.S. A recent Department of Homeland Security (DHS) [report](#) notes:

- 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 prior to 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 because they are “extended family” to the primary eligible recipient. (The U.S. immigration system deems mothers, fathers, sisters, brothers, grandparents, nieces, and nephews of adult applications as ineligible “extended family”.)

### **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.

### **What does the vetting entail?**

The vetting includes reviews of both biographic and biometric data checked against U.S. and Interpol intelligence databases. The U.S. government 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, DHS, the Department of Defense, the FBI, the National Counterterrorism Center, and additional Intelligence Community partners conduct multiple security screenings and 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 U.S.

### **Has Congress previously enacted adjustment act legislation?**

Yes. Congress [has passed similar legislation](#) after U.S.-involved conflicts in the past. Congress passed adjustment acts that granted [Cubans, people from Southeast Asia,](#) and [Iraqis](#) who had entered the U.S. as non-immigrants the opportunity to adjust to permanent status.

### **What happens to Afghan evacuees if the Afghan 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 to

remain in lawful status once their parole expires. That will likely mean tens of thousands of new asylum claims. Many Afghan evacuees do not have the documentation that they need to make these claims as they were forced to destroy important documentation during the evacuation to avoid Taliban violence across checkpoints around the country. The lack of documentation will undoubtedly make it more difficult to pursue relief in an already challenging system.