



## **THE AFGHAN ADJUSTMENT ACT**

### **SECTION-BY-SECTION**

#### **SECTION 1. SHORT TITLE.**

#### **SECTION 2. DEFINITIONS.**

#### **SECTION 3. SENSE OF CONGRESS**

Expresses sense of Congress that Afghan nationals who meet the requirements for Special Immigrant Visas (SIVs) or referral to the United States Refugee Assistance Program (USRAP) supported the U.S. mission in Afghanistan and the United States should increase support for them.

#### **SECTION 4. SUPPORT FOR AFGHAN ALLIES OUTSIDE OF THE UNITED STATES.**

- (a) Response to Congressional Inquiries. Requires the Department of State (DOS) to respond to Congressional inquiries about SIV applications or USRAP referrals.
- (b) Office in Lieu of Embassy. Requires the DOS to implement an office capable of reviewing visa applications and providing other consular services for Afghans as long as there is no operational embassy in Afghanistan.

#### **SECTION 5. INTERAGENCY TASK FORCE ON AFGHAN ALLY STRATEGY.**

- (a) Establishment. Requires the President to establish an Interagency Task Force on Afghan Ally Strategy (“Task Force”) to develop and oversee the implementation of the strategy and report required by paragraph (d).
- (b) Membership. Establishes that the Task Force will be comprised of the Secretary of State, the Secretary of Homeland Security, the Secretary of Defense, the Director of the Federal Bureau of Investigation, the Director of National Intelligence, or their designees, and any other officials designated by the President.
- (c) Chair. Designates the Secretary of State as the chair of the Task Force.
- (d) Duties. Establishes the duties of the task force, including to develop and oversee the implementation of a strategy for supporting Afghan nationals outside of the United States who meet the requirements for an SIV or USRAP referral. Requires the Task Force to publish a report documenting the number of Afghans with pending SIV applications or USRAP referrals; the steps the DOS has taken to facilitate relocation and resettlement; the considerations that limit the DOS’s ability to facilitate relocations and resettlements. Requires the Task Force to brief the Senate and House committees on Appropriations and Foreign Affairs.
- (e) Termination. Specifies that the Task Force will remain in effect for ten years or until the strategy has been implemented, whichever comes first.



**SECTION 6. ADJUSTMENT OF STATUS FOR ELIGIBLE AFGHAN NATIONALS**

(a) Definition of Eligible Afghan National. Applicants must be citizens or nationals of Afghanistan or have last habitually resided in Afghanistan. Eligible applicants must either (1) have been inspected or admitted to the U.S. before 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) arrived in the U.S. after enactment and supported the U.S. mission in Afghanistan. Certain family members of principle applicants are also eligible for adjustment.

(b) Streamlined Adjustment Process for Eligible Afghan Nationals Who Supported the United States Mission in Afghanistan. Establishes streamlined application process for eligible Afghan nationals with Chief of Mission approval as part of their SIV application, those with a P-1 or P-2 referral to the U.S. Refugee Admissions Program, and SIV applicants with a pending application that was submitted on or before July 31, 2018. Requires that applicants meet vetting and admissibility requirements equivalent to the U.S. Refugee Admissions Program.

(c) Adjustment Process for Other Eligible Afghan Nationals. Establishes application process for other eligible Afghan nationals. Requires that applicants be physically present in the United States for two years before adjusting and meet additional vetting requirements. Makes all terrorism offenses and crimes committed in the United States non-waivable.

(d) Interview and Vetting Requirements. Requires the Department of Homeland Security (DHS) to establish vetting requirements for all applicants equivalent to those used in the USRAP, including an interview. Requires DHS, in consultation with the Department of Defense, to maintain a vetting database with information on non-priority applicants.

(e) Protection for Battered Spouses. Allows battered spouses, who would otherwise be eligible, to apply even if their marriages were terminated in the last two years.

(f) Date of Approval. Requires DHS to create a record of admission as a lawful permanent resident.

(g) Prohibition on Further Authorization of Parole. Establishes a deadline for application and, subject to limited exceptions, makes it so an eligible applicant who does not apply is not eligible for the renewal of parole.

(h) Implementation. Requires DHS to publish guidance implementing this section within 6 months of enactment, and publish final guidance within one year after enactment.

(i) Administrative Review. Requires DHS to establish administrative review procedures.

(j) Prohibition on Fees. Prohibits DHS from charging certain fees to Afghan applicants.

(k) Pending Applications. Prevents DHS from removing applicants who comply with application requirements during the pendency of their application.

(l) VAWA Self Petitioner: Adds applications under this bill to the list of statutes eligible for VAWA self-petitioning.



(m) Exemption From Numerical Limitations. Exempts those who adjust status under the Act from visa limitations.

(n) Rule of Construction. Prohibits section from being construed to prevent an eligible Afghan national from receiving any other immigration benefit.

**SECTION 7. SPECIAL IMMIGRATION STATUS FOR AT-RISK AFGHAN ALLIES AND RELATIVES OF CERTAIN MEMBERS OF THE ARMED FORCES.**

(a) At-risk Afghan Allies. Allows DOS to issue special immigrant visas to previously omitted groups and their family members: members of the Afghanistan National Army Special Operations Command, the Afghan Air Force, the Special Mission Wing of Afghanistan, and the Female Tactical Teams of Afghanistan. Establishes requirements for background checks and security vetting for SIV applicants.

(b) Special Immigrant Status for Certain Relatives of Certain Members of the Armed Forces. Allows spouses, children, and unmarried sons or daughters of applicants to apply for SIVs.

(c) General Provisions. Prohibits fees from being charged, excludes SIVs from numerical limitations on visas. Requires the DOS to assist SIVs with approved applications to enter the United States.

**SECTION 8. SEVERABILITY.**

Makes the Act severable if a portion is deemed unconstitutional.