

PASS AN ADJUSTMENT ACT FOR AFGHANS

Congress must pass an Afghan Adjustment Act to establish a roadmap to citizenship for Afghans evacuated to the United States.

Tens of thousands of Afghans who fled Afghanistan and were evacuated via Operation Allies Welcome in search of safety for themselves and their families are now facing a cloud of legal challenges and an uncertain fate. The U.S. government must welcome, protect, and support our new Afghan neighbors and ensure they have a roadmap to stay permanently and develop real roots in their new communities.

The majority of Afghans who have entered the U.S. were admitted via humanitarian parole which is typically granted for one to two years. Although virtually all Afghans arriving via humanitarian parole meet the legal definition of refugees, they do not have a clear way of regularizing their status to become a legal permanent resident, as they otherwise would have after one-year had they been admitted through the refugee program. After escaping a deadly situation, entering the U.S. on humanitarian parole, suffering from uncertainty and an unknown fate, once Afghans' parole expires, they will face a new set of hurdles as they attempt to find alternative pathways to remain legally in the U.S. This can go both ways, either they will find themselves stuck in asylum processing for years on end, or they will be forced to go back to a dangerous situation where their lives are at grave risk.

What's more, many Afghans had to destroy important documentation to escape Taliban reprisal, even U.S. embassy officials in Kabul destroyed documents which included visa application materials providing evidence of humanitarian work or ties to the U.S. mission, and

passports of Afghan applicants to protect their identities. For Afghan evacuees seeking asylum, this means they now face the additional hurdle of appearing before an immigration judge without significant documentation of the risks and violence that they fled.

It is up to Congress to urgently pass legislation to fix this legal uncertainty.

AN AFGHAN ADJUSTMENT ACT

An Afghan Adjustment Act would allow certain Afghan parolees, and other Afghans within the United States, to apply for permanent status after one year of being paroled into the country. It relieves the immediate burden on the Special Immigrant Visa process — which currently has over 18,000 cases in the backlog — and asylum process — which currently has over 1 million cases in the backlog.

AMNESTY INTERNATIONAL RECOMMENDS:

Congress should provide a roadmap to citizenship for Afghans already in the United States by passing an Afghan Adjustment Act.

For questions, please contact AIUSA's Americas Advocacy Director Amy Fischer at afischer@aiusa.org.

May 2022