



Homeland Security

July 5, 2022

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Ranking Member Grassley:

Thank you for your August 10, and August 31, 2021 letters regarding efforts to evacuate our Afghans allies, including those who are eligible for Special Immigrant Visas (SIVs) and those who were transferred to Fort Lee, Virginia. As an initial matter, I want to apologize for the delay in responding to your letters. We have implemented new procedures to better ensure our responses to correspondence such as yours are timely.

As you know, Afghan evacuees complete a rigorous and multi-layered screening and vetting process that includes national security and criminal records checks before they can enter the United States. This process includes intelligence, law enforcement, and counterterrorism professionals from the Departments of Defense (DOD), State (DOS), Homeland Security (DHS), Federal Bureau of Investigation (FBI), National Counterterrorism Center (NCTC), and other Intelligence Community partners that review fingerprints, photos, and other biometric and biographic data for every Afghan evacuee. Further, Afghan evacuees are subject to recurrent vetting, as are other foreign nationals visiting the United States, to further enable the federal government to identify and appropriately act upon any potential information of concern.

Upon evacuation from Afghanistan and before being cleared to travel to the United States, Afghan evacuees were brought to international transit points where the U.S. government collected and reviewed biometric (e.g., facial images and fingerprints) and biographic (e.g., name, date of birth, and ID number) information. Biometric data was compared against DOD, DHS, and FBI repositories. Biographic information was vetted by NCTC, FBI, and other Intelligence Community partners. Afghans under the age of 14 and over the age of 79 were not biometrically enrolled; however, their biographic information was collected for processing, consistent with vetting procedures for all other foreign populations. Only those evacuees who cleared these comprehensive checks were approved for onward travel to the United States. We defer to DOS on details regarding the separate processes available to those who are not eligible to travel to the United States.

In July 2021, through Operation Allies Refuge (OAR), DHS worked with DOS relocation flights for Afghan nationals and their families eligible for SIVs. Through OAR, many SIV-eligible Afghans finalized their processing, including required medical evaluations, at Fort Lee, Virginia. Through OAR, SIV-eligible Afghans were paroled on a case-by-case basis into the

United States for two years under 8 U.S.C. § 1182(d)(5)(A), then transferred to Fort Lee to undergo required medical examinations and finalize processing to receive special immigrant status. Afghan nationals and their families who were processed at Fort Lee completed the majority of their SIV application requirements, including extensive security and vetting processes in Afghanistan, apart from required medical examinations. On July 26, 2021, U.S. Citizenship and Immigration Services (USCIS) extended the blanket civil surgeon designation to allow military physicians to complete the immigration medical examination, including for both principal applicants and eligible family members. We defer to DOD to provide detailed information regarding Fort Lee operations, including payment for these services and receipt of medical treatment.

Pursuant to the Secretary's authority under section 602(b)(1) of the Afghan Allies Protection Act (AAPA) and Section 1059(a) of the National Defense Authorization Act of 2006, I determined, after due consideration that these individuals were to be provided special immigrant status once they successfully passed the medical requirement, provided no other grounds of inadmissibility had been identified upon entry into the United States. The conferral of such status entitled these individuals to the same resettlement benefits that they would have been provided had they completed their medical exam and been granted a special immigrant visa while still in Afghanistan. Such benefits are provided and administered by the Department of State and the Department of Health and Human Services Office of Refugee Resettlement.

As you are aware, since your letters were received, the U.S. government undertook an evacuation effort which brought tens of thousands of Afghan nationals to safety, including SIV recipients and others who worked alongside us in Afghanistan. On August 29, 2021, President Biden directed DHS to lead, alongside our interagency partners, the implementation of the whole-of-government and whole-of-society effort to resettle our Afghan allies in communities across the United States, which was known as Operation Allies Welcome (OAW).

As of June 27, 2022, the U.S. government has welcomed approximately 88,000 Afghan nationals, U.S. citizens, and lawful permanent residents through OAW. More than 74,000 Afghan nationals have joined their new communities across the United States. Congress has appropriated funds that enable the United States to provide resettlement assistance, such as cash assistance, medical assistance, employment preparation, job placement, and English language instruction for 95,000 parolees in OAW through the end of Fiscal Year 2022. Afghan nationals continue to be considered for humanitarian parole into the United States on a case-by-case basis.

Afghan nationals paroled by U.S. Customs and Border Protection as part of the U.S. government's evacuation efforts have conditions placed on their parole, including medical screening and vaccination requirements, and other reporting requirements. Though parolees and SIV holders are authorized to travel anywhere in the United States, they are also required as a condition of their parole to provide an updated address to USCIS. Individuals who have been welcomed into our country through OAW are required to abide by the laws of the United States and are informed about expectations for compliance with U.S. laws, as well as related consequences for violations, at multiple points throughout the resettlement process. Failure to

comply with conditions of parole could result in the termination of parole status and removal from the United States.

All parolees are subject to recurrent vetting, as are other foreign nationals visiting the United States, to further enable the federal government to identify and appropriately act upon any information of concern. If an Afghan evacuee engages in criminal activity after arriving in the United States, the evacuee may be subject to prosecution, revocation of parole, and placement in removal proceedings. These cases are rare. Any incidents of suspected criminal behavior at safe havens are referred to law enforcement for appropriate action.

Thank you again for your letters. Should you require any additional assistance, please contact me, or have a member of your staff contact the Office of Legislative Affairs at (202) 447-5890.

Sincerely,



Alejandro N. Mayorkas
Secretary