

117TH CONGRESS
2D SESSION

S. 4787

To provide support for nationals of Afghanistan who supported the United States mission in Afghanistan, adequate vetting for parolees from Afghanistan, adjustment of status for certain nationals of Afghanistan, and special immigrant status for at-risk Afghan allies and relatives of certain members of the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 7 (legislative day, AUGUST 6), 2022

Ms. KLOBUCHAR (for herself, Mr. GRAHAM, Mr. COONS, Mr. BLUNT, Mr. BLUMENTHAL, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide support for nationals of Afghanistan who supported the United States mission in Afghanistan, adequate vetting for parolees from Afghanistan, adjustment of status for certain nationals of Afghanistan, and special immigrant status for at-risk Afghan allies and relatives of certain members of the Armed Forces, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Afghan Adjustment
3 Act”.

4 **SEC. 2. DEFINITIONS.**

5 (a) IN GENERAL.—Except as otherwise specifically
6 provided, any term used in this Act that is used in the
7 immigration laws shall have the meaning given the term
8 in the immigration laws.

9 (b) DEFINITIONS.—In this Act:

10 (1) IMMIGRATION LAWS.—The term “immigra-
11 tion laws” has the meaning given the term in section
12 101(a)(17) of the Immigration and Nationality Act
13 (8 U.S.C. 1101(a)(17)).

14 (2) SPECIAL IMMIGRANT STATUS.—The term
15 “special immigrant status” means special immigrant
16 status provided under—

17 (A) the Afghan Allies Protection Act of
18 2009 (8 U.S.C. 1101 note; Public Law 111–8);
19 or

20 (B) section 1059 of the National Defense
21 Authorization Act for Fiscal Year 2006 (8
22 U.S.C. 1101 note; Public Law 109–163).

23 (3) SPECIFIED APPLICATION.—The term “spec-
24 ified application” means—

25 (A) an application for special immigrant
26 status;

1 (B) an application to seek admission to the
2 United States through the United States Ref-
3 ugee Admission Program for an individual who
4 has received a Priority 1 or Priority 2 referral
5 to such program; and

6 (C) an application for a special immigrant
7 visa under section 7 or an amendment made by
8 that section.

9 (4) UNITED STATES REFUGEE ADMISSIONS
10 PROGRAM.—The term “United States Refugee Ad-
11 missions Program” means the program to resettle
12 refugees in the United States pursuant to the au-
13 thorities provided in sections 101(a)(42), 207, and
14 412 of the Immigration and Nationality Act (8
15 U.S.C. 1101(a)(42), 1157, and 1522).

16 **SEC. 3. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

18 (1) nationals of Afghanistan residing outside
19 the United States who meet the requirements for ad-
20 mission to the United States through a specified ap-
21 plication have aided the United States mission in Af-
22 ghanistan during the past 20 years; and

23 (2) the United States should increase support
24 for such nationals.

1 **SEC. 4. SUPPORT FOR AFGHAN ALLIES OUTSIDE OF THE**
2 **UNITED STATES.**

3 (a) RESPONSE TO CONGRESSIONAL INQUIRIES.—The
4 Secretary of State shall respond to inquiries by Members
5 of Congress regarding a specified application submitted
6 by, or on behalf of, a national of Afghanistan who has
7 provided a confidentiality release.

8 (b) OFFICE IN LIEU OF EMBASSY.—During the pe-
9 riod in which there is no operational United States em-
10 bassy in Afghanistan, the Secretary of State shall estab-
11 lish and maintain an office capable of—

12 (1) reviewing specified applications submitted
13 by nationals of Afghanistan residing in Afghanistan;

14 (2) issuing visas to such nationals;

15 (3) to the greatest extent practicable, providing
16 services to such nationals that would normally be
17 provided by an embassy; and

18 (4) carrying out any other function the Sec-
19 retary considers necessary.

20 **SEC. 5. INTERAGENCY TASK FORCE ON AFGHAN ALLY**
21 **STRATEGY.**

22 (a) ESTABLISHMENT.—Not later than 180 days after
23 the date of the enactment of this Act, the President shall
24 establish an Interagency Task Force on Afghan Ally
25 Strategy (referred to in this section as the “Task
26 Force”)—

1 (1) to develop and oversee the implementation
2 of the strategy described in subsection (d)(1)(B)(iv);
3 and

4 (2) to submit the report, and provide a briefing
5 on the report, described in subsection (d).

6 (b) MEMBERSHIP.—

7 (1) IN GENERAL.—The Task Force shall be
8 comprised of—

9 (A) the Secretary of State;

10 (B) the Secretary of Homeland Security;

11 (C) the Secretary of Defense;

12 (D) the Director of the Federal Bureau of
13 Investigation;

14 (E) the Director of National Intelligence;

15 and

16 (F) any other Government official, as des-
17 ignated by the President.

18 (2) DELEGATION.—A member of the Task
19 Force may designate a representative to carry out
20 the duties under this section.

21 (c) CHAIR.—The Task Force shall be chaired by the
22 Secretary of State.

23 (d) DUTIES.—

24 (1) REPORT AND STRATEGY.—

1 (A) IN GENERAL.—Not later than 180
2 days after the date of the enactment of this
3 Act, the Task Force shall submit to the Com-
4 mittee on Appropriations and the Committee on
5 Foreign Relations of the Senate and the Com-
6 mittee on Appropriations and the Committee on
7 Foreign Affairs of the House of Representatives
8 a report that includes a strategy for supporting
9 nationals of Afghanistan residing outside the
10 United States who meet the requirements for
11 admission to the United States through a speci-
12 fied application.

13 (B) ELEMENTS.—The report required by
14 subparagraph (A) shall include the following:

15 (i) Estimates of—

16 (I)(aa) the total number of na-
17 tionals of Afghanistan residing in Af-
18 ghanistan who have submitted speci-
19 fied applications that are pending
20 and, as of the date on which the re-
21 port is submitted, have not been adju-
22 dicated; and

23 (bb) the number of such nation-
24 als, disaggregated by type of specified
25 application described in subpara-

1 graphs (A), (B), and (C) of section
2 2(b)(3); and

3 (II)(aa) the total number of na-
4 tionals of Afghanistan residing in Af-
5 ghanistan who meet the requirements
6 for admission to the United States
7 through specified applications; and

8 (bb) the number of such nation-
9 als, disaggregated by type of specified
10 application described in subpara-
11 graphs (A), (B), and (C) of section
12 2(b)(3).

13 (ii) A description of the steps the Sec-
14 retary of State has taken and is taking to
15 facilitate the relocation and resettlement of
16 nationals of Afghanistan who—

17 (I) supported the United States
18 mission in Afghanistan; and

19 (II) remain in Afghanistan or in
20 third countries.

21 (iii) An identification of all consider-
22 ations, including resource constraints, that
23 limit the ability of the Secretary of State
24 to facilitate such relocations and resettle-
25 ments.

(iv) A strategy and detailed plan
that—

(I) sets forth the manner in
which members of the Task Force will
address such considerations in order
to facilitate such relocations and re-
settlements over different periods of
time (including 1-year, 5-year, and
10-year periods) and an analysis of
the expected number of nationals of
Afghanistan who would be relocated
or resettled through such strategy;
and

(II) addresses the constraints
and opportunities for expanding sup-
port for such relocations and resettle-
ments, including—

(aa) the availability of re-
mote processing for individuals
residing in Afghanistan;

(bb) the availability and ca-
pacity of mechanisms for individ-
uals to be relocated from Afghan-
istan, including air charter or
land passage;

1 (cc) the availability and ca-
2 pacity of sites in third countries
3 to process applications and con-
4 duct any required vetting, includ-
5 ing identifying and establishing
6 additional sites;

7 (dd) resource, personnel,
8 and equipment requirements to
9 increase the capacity to better
10 support such nationals of Af-
11 ghanistan and reduce application
12 processing times;

13 (ee) the provision of updates
14 and necessary information to af-
15 fected individuals and relevant
16 nongovernmental organizations;
17 and

18 (ff) any other matter the
19 Task Force considers relevant to
20 the implementation of the strat-
21 egy.

22 (v) Recommendations for how Con-
23 gress can expand the number of nationals
24 of Afghanistan who can be relocated or re-

1 settled over such periods of time by pro-
 2 viding additional authorities or resources.

3 (C) FORM.—The report required by sub-
 4 paragraph (A) shall be submitted in unclassi-
 5 fied form, but may include a classified annex.

6 (2) BRIEFING.—Not later than 60 days after
 7 submitting the report required by paragraph (1), the
 8 Task Force shall brief the Committee on Appropria-
 9 tions and the Committee on Foreign Relations of the
 10 Senate and the Committee on Appropriations and
 11 the Committee on Foreign Affairs of the House of
 12 Representatives on the contents of such report.

13 (e) TERMINATION.—The Task Force shall remain in
 14 effect until the earlier of—

15 (1) the date on which the strategy required by
 16 subsection (d)(1) has been fully implemented; or

17 (2) the date that is 10 years after the date of
 18 the enactment of this Act.

19 **SEC. 6. ADJUSTMENT OF STATUS FOR ELIGIBLE AFGHAN**
 20 **NATIONALS.**

21 (a) DEFINITION OF ELIGIBLE AFGHAN NATIONAL.—
 22 In this section, the term “eligible Afghan national”
 23 means—

24 (1) an alien—

1 (A)(i) who is a citizen or national of Af-
2 ghanistan; or

3 (ii) in the case of an alien having no na-
4 tionality, whose former or last habitual resi-
5 dence was in Afghanistan; and

6 (B)(i) who was inspected and admitted to
7 the United States on or before the date of the
8 enactment of this Act;

9 (ii) who was paroled into the United States
10 during the period beginning on July 30, 2021,
11 and ending on the date of the enactment of this
12 Act, provided that such parole has not been ter-
13 minated by the Secretary of Homeland Secu-
14 rity;

15 (iii) whose travel to the United States was
16 facilitated by, or coordinated with, the United
17 States Government; or

18 (iv) who arrived in the United States after
19 the date of the enactment of this Act, provided
20 that the Secretary of Homeland Security, in co-
21 operation with other Federal agency partners,
22 determines that the alien supported the United
23 States mission in Afghanistan;

24 (2) an alien who is the spouse or child (as de-
25 fined in section 101(b)(1) of the Immigration and

1 Nationality Act (8 U.S.C. 1101(b)(1))) of an alien
2 described in paragraph (1); and

3 (3) an alien who is the spouse or child (as de-
4 fined in section 101(b)(1) of the Immigration and
5 Nationality Act (8 U.S.C. 1101(b)(1))) of an alien
6 described in paragraph (1) who is deceased.

7 (b) STREAMLINED ADJUSTMENT PROCESS FOR ELI-
8 GIBLE AFGHAN NATIONALS WHO SUPPORTED THE
9 UNITED STATES MISSION IN AFGHANISTAN.—

10 (1) IN GENERAL.—Notwithstanding any other
11 provision of law, the Secretary of Homeland Security
12 shall adjust the status of an eligible Afghan national
13 to the status of an alien lawfully admitted for per-
14 manent residence if—

15 (A) the eligible Afghan national—

16 (i) has—

17 (I) received Chief of Mission ap-
18 proval as part of their application for
19 special immigrant status;

20 (II) received a Priority 1 or Pri-
21 ority 2 referral to the United States
22 Refugee Admissions Program; or

23 (III) a pending application for
24 special immigrant status that was
25 submitted on or before July 31, 2018;

1 (ii) submits an application for adjust-
2 ment of status in accordance with proce-
3 dures established by the Secretary of
4 Homeland Security;

5 (iii) subject to paragraph (2), is other-
6 wise admissible to the United States as an
7 immigrant, except that the grounds of in-
8 admissibility under paragraphs (4), (5),
9 and (7)(A) of section 212(a) the Immigra-
10 tion and Nationality Act (8 U.S.C.
11 1182(a)) shall not apply; and

12 (iv) has complied with the vetting re-
13 quirements under subsection (d)(1) to the
14 satisfaction of the Secretary of Homeland
15 Security; and

16 (B) the Secretary of Homeland Security
17 determines that the adjustment of status of the
18 eligible Afghan national is not contrary to the
19 national welfare, safety, or security of the
20 United States.

21 (2) APPLICABILITY OF REFUGEE ADMISSIBILITY
22 REQUIREMENTS.—The provisions relating to admis-
23 sibility for a refugee seeking adjustment of status
24 under section 209(c) of the Immigration and Na-
25 tionality Act (8 U.S.C. 1159(c)) shall apply to an

1 applicant for adjustment of status under this sub-
2 section.

3 (c) ADJUSTMENT PROCESS FOR OTHER ELIGIBLE
4 AFGHAN NATIONALS.—

5 (1) IN GENERAL.—Notwithstanding any other
6 provision of law, the Secretary of Homeland Security
7 shall adjust the status of an eligible Afghan national
8 who does not meet the requirements set forth in sub-
9 section (b)(1)(A)(i) to the status of an alien lawfully
10 admitted for permanent residence if—

11 (A) the eligible Afghan national—

12 (i) has been physically present in the
13 United States for a period not less than 2
14 years;

15 (ii) submits an application for adjust-
16 ment of status in accordance with proce-
17 dures established by the Secretary of
18 Homeland Security;

19 (iii) subject to paragraph (2), is other-
20 wise admissible to the United States as an
21 immigrant, except that the grounds of in-
22 admissibility under paragraphs (4), (5),
23 and (7)(A) of section 212(a) the Immigra-
24 tion and Nationality Act (8 U.S.C.
25 1182(a)) shall not apply; and

1 (iv) has complied with the vetting re-
2 quirements under paragraphs (1) and (2)
3 of subsection (d) to the satisfaction of the
4 Secretary of Homeland Security; and

5 (B) the Secretary of Homeland Security
6 determines that the adjustment of status of the
7 eligible Afghan national is not contrary to the
8 national welfare, safety, or security of the
9 United States.

10 (2) WAIVER.—

11 (A) IN GENERAL.—With respect to an ap-
12 plicant for adjustment of status under this sub-
13 section, subject to subparagraph (B), the Sec-
14 retary of Homeland Security may waive any ap-
15 plicable ground of inadmissibility under section
16 212(a) of the Immigration and Nationality Act
17 (8 U.S.C. 1182(a)) (other than paragraphs
18 2(C) or (3) of such section) for humanitarian
19 purposes, to ensure family unity, or if a waiver
20 is otherwise in the public interest.

21 (B) LIMITATIONS.—The Secretary of
22 Homeland Security may not waive under this
23 paragraph any applicable ground of inadmis-
24 sibility under section 212(a)(2) of the Immigra-
25 tion and Nationality Act (8 U.S.C. 1182(a)(2))

1 that arises due to criminal conduct that was
2 committed—

3 (i) on or after July 30, 2021;

4 (ii) within the United States; and

5 (iii) by an applicant for adjustment of
6 status under this subsection.

7 (C) RULE OF CONSTRUCTION.—Nothing in
8 this paragraph may be construed to limit any
9 other waiver authority.

10 (3) RULE OF CONSTRUCTION.—Nothing in this
11 subsection may be construed to require the Sec-
12 retary of Homeland Security to complete the vetting
13 process with respect to an applicant for adjustment
14 of status under this subsection within the 2-year pe-
15 riod described in paragraph (1)(A)(i).

16 (d) INTERVIEW AND VETTING REQUIREMENTS.—

17 (1) VETTING REQUIREMENTS FOR ALL APPLI-
18 CANTS.—The Secretary of Homeland Security shall
19 establish vetting requirements for applicants seeking
20 adjustment of status under this section that are
21 equivalent to the vetting requirements for refugees
22 admitted to the United States through the United
23 States Refugee Admissions Program, including an
24 interview.

1 (2) ADDITIONAL VETTING REQUIREMENTS FOR
2 OTHER ELIGIBLE AFGHAN NATIONALS.—The Sec-
3 retary of Homeland Security, in consultation with
4 the Secretary of Defense, shall maintain records that
5 contain, for each applicant under subsection (c) for
6 the duration of the pendency of their application for
7 adjustment of status—

8 (A) personal biographic information, in-
9 cluding name and date of birth;

10 (B) biometric information;

11 (C) any criminal conviction occurring after
12 the date on which the applicant entered the
13 United States; and

14 (D) the history of the United States Gov-
15 ernment vetting to which the applicant has sub-
16 mitted, including whether the individual has un-
17 dergone in-person vetting.

18 (3) RULE OF CONSTRUCTION.—Nothing in this
19 subsection may be construed to limit the authority
20 of the Secretary of Homeland Security to maintain
21 records under any other law.

22 (e) PROTECTION FOR BATTERED SPOUSES.—

23 (1) IN GENERAL.—An alien whose marriage to
24 an eligible Afghan national described in paragraph
25 (1) of subsection (a) has been terminated shall be el-

1 igible for adjustment of status under this section as
2 an alien described in paragraph (2) of that sub-
3 section for not more than 2 years after the date on
4 which such marriage is terminated if there is a dem-
5 onstrated connection between the termination of the
6 marriage and battering or extreme cruelty per-
7 petrated by the principal applicant.

8 (2) APPLICABILITY OF OTHER LAW.—In review-
9 ing an application for adjustment of status under
10 this section with respect to spouses and children who
11 have been battered or subjected to extreme cruelty,
12 the Secretary of Homeland Security shall apply sec-
13 tion 204(a)(1)(J) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1154(a)(1)(J)) and section 384
15 of the Illegal Immigration Reform and Immigrant
16 Responsibility Act of 1996 (8 U.S.C. 1367).

17 (f) DATE OF APPROVAL.—Upon the approval of an
18 application for adjustment of status under this section, the
19 Secretary of Homeland Security shall create a record of
20 the alien’s admission as a lawful permanent resident as
21 of the date on which the alien was inspected and admitted
22 or paroled into the United States.

23 (g) PROHIBITION ON FURTHER AUTHORIZATION OF
24 PAROLE.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), an individual who is a national of Af-
3 ghanistan shall not be authorized for an additional
4 period of parole if such individual—

5 (A) is eligible to apply for adjustment of
6 status under this section; and

7 (B) fails to submit an application for ad-
8 justment of status by the later of—

9 (i) the date that is 1 year after the
10 date on which final guidance described in
11 subsection (h)(2) is published; or

12 (ii) the date that is 1 year after the
13 date on which such individual becomes eli-
14 gible to apply for adjustment of status
15 under this section.

16 (2) EXCEPTION.—An individual described in
17 paragraph (1)(A) may be authorized for an addi-
18 tional period of parole if such individual—

19 (A) within the period described in para-
20 graph (1)(B), seeks an extension to file an ap-
21 plication for adjustment of status under this
22 section; or

23 (B) has previously submitted to a vetting
24 equivalent of the vetting required under sub-
25 section (d).

1 (3) DEADLINE FOR APPLICATION.—Except as
2 provided in paragraph (2), a national of Afghanistan
3 who does not submit an application for adjustment
4 of status within the timeline provided in paragraph
5 (1)(B) may not later adjust status under this sec-
6 tion.

7 (h) IMPLEMENTATION.—

8 (1) INTERIM GUIDANCE.—

9 (A) IN GENERAL.—Not later than 180
10 days after the date of the enactment of this
11 Act, the Secretary of Homeland Security shall
12 issue guidance implementing this section.

13 (B) PUBLICATION.—Notwithstanding sec-
14 tion 553 of title 5, United States Code, such
15 guidance—

16 (i) may be published on the internet
17 website of the Department of Homeland
18 Security; and

19 (ii) shall be effective on an interim
20 basis immediately upon such publication
21 but may be subject to change and revision
22 after notice and an opportunity for public
23 comment.

24 (2) FINAL GUIDANCE.—Not later than 1 year
25 after the date of the enactment of this Act, the Sec-

1 retary of Homeland Security shall finalize guidance
2 implementing this section.

3 (i) ADMINISTRATIVE REVIEW.—The Secretary of
4 Homeland Security shall provide applicants for adjust-
5 ment of status under this section with the same right to,
6 and procedures for, administrative review as are provided
7 to applicants for adjustment of status under section 245
8 of the Immigration and Nationality Act (8 U.S.C. 1255).

9 (j) PROHIBITION ON FEES.—The Secretary of Home-
10 land Security may not charge a fee to any eligible Afghan
11 national in connection with—

12 (1) an application for adjustment of status or
13 employment authorization under this section; or

14 (2) the issuance of a permanent resident card
15 or an employment authorization document.

16 (k) PENDING APPLICATIONS.—During the period be-
17 ginning on the date on which an alien files a bona fide
18 application for adjustment of status under this section and
19 ending on the date on which the Secretary of Homeland
20 Security makes a final administrative decision regarding
21 such application, any alien and any dependent included
22 in such application who remains in compliance with all ap-
23 plication requirements may not be—

24 (1) removed from the United States unless the
25 Secretary of Homeland Security makes a prima facie

1 determination that the alien is, or has become, ineli-
 2 gible for adjustment of status under this section;

3 (2) considered unlawfully present under section
 4 212(a)(9)(B) of the Immigration and Nationality
 5 Act (8 U.S.C. 1182(a)(9)(B)); or

6 (3) considered an unauthorized alien (as de-
 7 fined in section 274A(h)(3) of the Immigration and
 8 Nationality Act (8 U.S.C. 1324a(h)(3))).

9 (l) VAWA SELF PETITIONERS.—Section 101(a)(51)
 10 of the Immigration and Nationality Act (8 U.S.C.
 11 1101(a)(51)) is amended—

12 (1) in subparagraph (F), by striking “or”;

13 (2) in subparagraph (G), by striking the period
 14 at the end and inserting “; or”; and

15 (3) by adding at the end the following:

16 “(H) subsections (b) and (c) of section 6
 17 of the Afghan Adjustment Act.”.

18 (m) EXEMPTION FROM NUMERICAL LIMITATIONS.—
 19 Aliens granted adjustment of status under this section
 20 shall not be subject to the numerical limitations under sec-
 21 tions 201, 202, and 203 of the Immigration and Nation-
 22 ality Act (8 U.S.C. 1151, 1152, and 1153).

23 (n) RULE OF CONSTRUCTION.—Nothing in this sec-
 24 tion may be construed to preclude an eligible Afghan na-
 25 tional from applying for or receiving any immigration ben-

1 efit to which the eligible Afghan national is otherwise enti-
 2 tled.

3 **SEC. 7. SPECIAL IMMIGRANT STATUS FOR AT-RISK AFGHAN**
 4 **ALLIES AND RELATIVES OF CERTAIN MEM-**
 5 **BERS OF THE ARMED FORCES.**

6 (a) AT-RISK AFGHAN ALLIES.—

7 (1) IN GENERAL.—Subject to paragraph (4)(C),
 8 the Secretary of Homeland Security may provide an
 9 alien described in paragraph (2) (and the spouse,
 10 children of the alien if accompanying or following to
 11 join the alien) with the status of special immigrant
 12 under section 101(a)(27) of the Immigration and
 13 Nationality Act (8 U.S.C. 1101(a)(27)) if the
 14 alien—

15 (A) or an agent acting on behalf of the
 16 alien, submits a petition for classification under
 17 section 203(b)(4) of such Act (8 U.S.C.
 18 1153(b)(4));

19 (B) is otherwise admissible to the United
 20 States and eligible for lawful permanent resi-
 21 dence (excluding the grounds of inadmissibility
 22 under section 212(a)(4) of such Act (8 U.S.C.
 23 1182(a)(4)));

1 (C) clears a background check and appro-
2 priate screening, as determined by the Sec-
3 retary of Homeland Security; and

4 (D) the Secretary of Homeland Security
5 determines that the adjustment of status of the
6 alien is not contrary to the national welfare,
7 safety, or security of the United States.

8 (2) ALIEN DESCRIBED.—An alien described in
9 this paragraph is an alien who—

10 (A) is a citizen or national of Afghanistan;

11 (B) was a member of—

12 (i) the Afghanistan National Army
13 Special Operations Command;

14 (ii) the Afghan Air Force;

15 (iii) the Special Mission Wing of Af-
16 ghanistan; or

17 (iv) the Female Tactical Teams of Af-
18 ghanistan; and

19 (C) provided faithful and valuable service
20 to an entity or organization described in sub-
21 paragraph (B) for not less than 1 year.

22 (3) DEPARTMENT OF DEFENSE ASSESSMENT.—

23 (A) IN GENERAL.—Not later than 30 days
24 after receiving a request for an assessment

1 from the Secretary of Homeland Security, the
2 Secretary of Defense shall—

3 (i) review the service record of the
4 principal applicant;

5 (ii) submit an assessment to the Sec-
6 retary of Homeland Security as to wheth-
7 er—

8 (I) the principal applicant meets
9 the requirements under paragraph
10 (2); and

11 (II) the adjustment of status of
12 such alien, and the spouse, children,
13 and parents of such alien, if accom-
14 panying or following to join the alien,
15 is not contrary to the national wel-
16 fare, safety, or security of the United
17 States; and

18 (iii) submit with such assessment—

19 (I) any service record concerned;
20 and

21 (II) any biometrics for the prin-
22 cipal applicant that have been col-
23 lected by the Department of Defense.

1 (B) EFFECT OF ASSESSMENT.—A favor-
2 able assessment under subparagraph (A)(ii)
3 shall create a presumption that—

4 (i) the principal applicant meets the
5 requirements under paragraph (2); and

6 (ii) the admission of such alien, and
7 the spouse, children, and parents of the
8 alien, if accompanying or following to join
9 the alien, is not contrary to the national
10 welfare, safety, or security of the United
11 States.

12 (C) EFFICIENT PROCESSING.—For pur-
13 poses of a background check and appropriate
14 screening required to be granted special immi-
15 grant status under this subsection, the Sec-
16 retary of Homeland Security, as appropriate,
17 shall use biometric data collected by the Sec-
18 retary of Defense or the Secretary of State not
19 more than 5 years before the date on which an
20 application for such status is filed.

21 (b) SPECIAL IMMIGRANT STATUS FOR CERTAIN REL-
22 ATIVES OF CERTAIN MEMBERS OF THE ARMED
23 FORCES.—Section 101(a)(27) of the Immigration and Na-
24 tionality Act (8 U.S.C. 1101(a)(27)) is amended—

1 (1) in subparagraph (L)(iii), by adding a semi-
2 colon at the end;

3 (2) in subparagraph (M), by striking the period
4 at the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(N) a citizen or national of Afghanistan
7 who is the spouse, child, or unmarried son or
8 daughter of—

9 “(i) a member of the armed forces (as
10 defined in section 101(a) of title 10,
11 United States Code); or

12 “(ii) a veteran (as defined in section
13 101 of title 38, United States Code).”.

14 (c) GENERAL PROVISIONS.—

15 (1) PROHIBITION ON FEES.—The Secretary of
16 Homeland Security, the Secretary of Defense, or the
17 Secretary of State may not charge any fee in con-
18 nection with an application for, or issuance of, a
19 special immigrant visa under this section or an
20 amendment made by this section.

21 (2) REPRESENTATION.—An alien applying for
22 admission to the United States under this section, or
23 an amendment made by this section, may be rep-
24 resented during the application process, including at
25 relevant interviews and examinations, by an attorney

1 or other accredited representative. Such representa-
2 tion shall not be at the expense of the United States
3 Government.

4 (3) EXCLUSION FROM NUMERICAL LIMITA-
5 TIONS.—Aliens provided special immigrant visas
6 under this section, or an amendment made by this
7 section, shall not be counted against any numerical
8 limitation under section 201(d), 202(a), or
9 203(b)(4) of the Immigration and Nationality Act (8
10 U.S.C. 1151(d), 1152(a), and 1153(b)(4)) or section
11 602 of the Afghan Allies Protection Act of 2009
12 (Public Law 111–8; 8 U.S.C. 1101 note).

13 (4) ASSISTANCE WITH PASSPORT ISSUANCE.—
14 The Secretary of State shall make a reasonable ef-
15 fort to ensure that an alien who is issued a special
16 immigrant visa under this section, or an amendment
17 made by this section, is provided with the appro-
18 priate series Afghan passport necessary to enter the
19 United States.

20 (5) PROTECTION OF ALIENS.—The Secretary of
21 State, in consultation with the heads of other appro-
22 priate Federal agencies, shall make a reasonable ef-
23 fort to provide an alien who is seeking special immi-
24 grant status under this section, or an amendment

1 made by this section, protection or to immediately
2 remove such alien from Afghanistan, if possible.

3 (6) OTHER ELIGIBILITY FOR IMMIGRANT STA-
4 TUS.—No alien shall be denied the opportunity to
5 apply for admission under this section, or an amend-
6 ment made by this section, solely because the alien
7 qualifies as an immediate relative or is eligible for
8 any other immigrant classification.

9 (7) RESETTLEMENT SUPPORT.—A citizen or
10 national of Afghanistan who is granted special immi-
11 grant status described in section 101(a)(27) of the
12 Immigration and Nationality Act (8 U.S.C.
13 1101(a)(27)) shall be eligible for resettlement assist-
14 ance, entitlement programs, and other benefits avail-
15 able to refugees admitted under section 207 of such
16 Act (8 U.S.C. 1157) to the same extent, and for the
17 same periods of time, as such refugees.

18 (8) ADJUSTMENT OF STATUS.—Notwith-
19 standing paragraph (2), (7), or (8) of subsection (c)
20 of section 245 of the Immigration and Nationality
21 Act (8 U.S.C. 1255), the Secretary of Homeland Se-
22 curity may adjust the status of an alien described in
23 subparagraph (N) of section 101(a)(27) of the Im-
24 migration and Nationality Act (8 U.S.C.
25 1101(a)(27)) or subsection (a)(2) of this section to

1 that of an alien lawfully admitted for permanent res-
2 idence under subsection (a) of such section 245 if
3 the alien—

4 (A) was paroled or admitted as a non-
5 immigrant into the United States; and

6 (B) is otherwise eligible for special immi-
7 grant status under—

8 (i) this section; or

9 (ii) the Immigration and Nationality
10 Act (8 U.S.C. 1101 et seq.).

11 (9) APPEALS.—

12 (A) ADMINISTRATIVE REVIEW.—Not later
13 than 30 days after the date of the enactment of
14 this Act, the Secretary of Homeland Security
15 shall provide to aliens who have applied for spe-
16 cial immigrant status under this section a proc-
17 ess by which an applicant may seek administra-
18 tive appellate review of a denial of an applicant
19 for special immigrant status or a revocation of
20 such status.

21 (B) JUDICIAL REVIEW.—Except as pro-
22 vided in subparagraph (C), and notwithstanding
23 any other provision of law, an alien may seek
24 judicial review of a denial of an application for
25 special immigrant status or a revocation of such

1 status under this Act, in an appropriate United
2 States district court.

3 (C) STAY OF REMOVAL.—

4 (i) IN GENERAL.—Except as provided
5 in clause (ii), an alien seeking administra-
6 tive or judicial review under this Act may
7 not be removed from the United States
8 until a final decision is rendered estab-
9 lishing that the alien is ineligible for spe-
10 cial immigrant status under this section.

11 (ii) EXCEPTION.—The Secretary may
12 remove an alien described in clause (i)
13 pending judicial review if such removal is
14 based on national security concerns. Such
15 removal shall not affect the alien's right to
16 judicial review under this Act. The Sec-
17 retary shall promptly return a removed
18 alien if a decision to deny an application
19 for special immigrant status under this
20 Act, or to revoke such status, is reversed.

21 **SEC. 8. SEVERABILITY.**

22 If any provision of this Act, or the application of such
23 provision to any person or circumstance, is held to be un-
24 constitutional, the remainder of this Act, and the applica-

- 1 tion of the remaining provisions of this Act, to any person
- 2 or circumstance, shall not be affected.

