

118TH CONGRESS  
1ST SESSION

# H. R. 4627

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 eligible individuals, and special immigrant status for at-risk Afghan allies and relatives of certain members of the Armed Forces, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2023

Mrs. MILLER-MEEKS (for herself, Mr. BLUMENAUER, Mr. CISCOMANI, Mr. CROW, Mr. FITZPATRICK, Mr. NADLER, Ms. SALAZAR, Ms. LOFGREN, Mr. SCHWEIKERT, Mr. STANTON, Mr. LAWLER, Mr. PETERS, Mr. OBERNOLTE, Mr. MOULTON, Mr. CURTIS, Ms. SPANBERGER, Mr. NUNN of Iowa, Ms. SHERRILL, Mr. MOORE of Utah, Mr. BERA, Mrs. GONZÁLEZ-COLÓN, Ms. JAYAPAL, Ms. MACE, and Mr. JACKSON of North Carolina) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 eligible individuals, 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 In this Act:

6 (1) **APPROPRIATE COMMITTEES OF CON-**  
7 **GRESS.**—The term “appropriate committees of Con-  
8 gress” means—

9 (A) the Committee on the Judiciary of the  
10 Senate;

11 (B) the Committee on Foreign Relations of  
12 the Senate;

13 (C) the Committee on Armed Services of  
14 the Senate;

15 (D) the Committee on Appropriations of  
16 the Senate;

17 (E) the Committee on the Judiciary of the  
18 House of Representatives;

19 (F) the Committee on Foreign Affairs of  
20 the House of Representatives;

21 (G) the Committee on Armed Services of  
22 the House of Representatives; and

23 (H) the Committee on Appropriations of  
24 the House of Representatives.

25 (2) **IMMIGRATION LAWS.**—The term “immigra-  
26 tion laws” has the meaning given such term in sec-

1 tion 101(a)(17) of the Immigration and Nationality  
2 Act (8 U.S.C. 1101(a)(17)).

3 (3) SPECIAL IMMIGRANT STATUS.—The term  
4 “special immigrant status” means special immigrant  
5 status provided under—

6 (A) the Afghan Allies Protection Act of  
7 2009 (8 U.S.C. 1101 note; Public Law 111–8);

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

11 (C) section 7 or an amendment made by  
12 such section.

13 (4) SPECIFIED APPLICATION.—The term “spec-  
14 ified application” means—

15 (A) a pending, documentarily complete ap-  
16 plication for special immigrant status; and

17 (B) a case in processing in the United  
18 States Refugee Admissions Program for an in-  
19 dividual who has received a Priority 1 or Pri-  
20 ority 2 referral to such program.

21 (5) UNITED STATES REFUGEE ADMISSIONS  
22 PROGRAM.—The term “United States Refugee Ad-  
23 missions Program” means the program to resettle  
24 refugees in the United States pursuant to the au-  
25 thorities provided in sections 101(a)(42), 207, and

1 412 of the Immigration and Nationality Act (8  
2 U.S.C. 1101(a)(42), 1157, and 1522).

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

4 It is the sense of Congress that—

5 (1) nationals of Afghanistan residing outside  
6 the United States who meet the requirements for ad-  
7 mission to the United States through a specified  
8 special immigrant visa application have demon-  
9 strably aided the United States mission in Afghani-  
10 stan during the past 20 years; and

11 (2) the United States should increase support  
12 for such nationals of Afghanistan.

13 **SEC. 4. SUPPORT FOR AFGHAN ALLIES OUTSIDE OF THE**  
14 **UNITED STATES.**

15 (a) **RESPONSE TO CONGRESSIONAL INQUIRIES.**—The  
16 Secretary of State shall respond to inquiries by Members  
17 of Congress regarding the status of a specified application  
18 submitted by, or on behalf of, a national of Afghanistan,  
19 including any information that has been provided to the  
20 applicant, in accordance with section 222(f) of the Immi-  
21 gration and Nationality Act (8 U.S.C. 1202(f)).

22 (b) **OFFICE IN LIEU OF EMBASSY.**—During the pe-  
23 riod in which there is no operational United States em-  
24 bassy in Afghanistan, the Secretary of State shall des-

1 ignate an appropriate office within the Department of  
2 State—

3           (1) to review specified applications submitted by  
4           nationals of Afghanistan residing in Afghanistan, in-  
5           cluding by conducting any required interviews;

6           (2) to issue visas or other travel documents to  
7           such nationals, in accordance with the immigration  
8           laws;

9           (3) to provide services to such nationals, to the  
10          greatest extent practicable, that would normally be  
11          provided by an embassy; and

12          (4) to carry out any other function that the  
13          Secretary considers necessary.

14 **SEC. 5. INTERAGENCY TASK FORCE ON AFGHAN ALLY**  
15 **STRATEGY.**

16          (a) **ESTABLISHMENT.**—Not later than 180 days after  
17 the date of the enactment of this Act, the President shall  
18 establish an Interagency Task Force on Afghan Ally  
19 Strategy (referred to in this section as the “Task  
20 Force”)—

21           (1) to develop and oversee the implementation  
22           of the strategy and contingency plan described in  
23           subsection (d)(1)(A); and

24           (2) to submit the report, and provide a briefing  
25           on the report, as described in subsection (d).

1 (b) MEMBERSHIP.—

2 (1) IN GENERAL.—The Task Force shall in-  
3 clude—

4 (A) 1 or more representatives from each  
5 relevant Federal agency, as designated by the  
6 head of the applicable relevant Federal agency;  
7 and

8 (B) any other Federal Government official  
9 designated by the President.

10 (2) DEFINED TERM.—In this subsection, the  
11 term “relevant Federal agency” means—

12 (A) the Department of State;

13 (B) the Department Homeland Security;

14 (C) the Department of Defense;

15 (D) the Department of Health and Human  
16 Services;

17 (E) the Federal Bureau of Investigation;

18 and

19 (F) the Office of the Director of National  
20 Intelligence.

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

23 (d) DUTIES.—

24 (1) REPORT.—

1 (A) IN GENERAL.—Not later than 180  
2 days after the date on which the Task Force is  
3 established, the Task Force, acting through the  
4 chair of the Task Force, shall submit a report  
5 to the appropriate committees of Congress that  
6 includes—

7 (i) a strategy for facilitating the reset-  
8 tlement of nationals of Afghanistan outside  
9 the United States who, during the period  
10 beginning on October 1, 2001, and ending  
11 on September 1, 2021, directly and person-  
12 ally supported the United States mission in  
13 Afghanistan, as determined by the Sec-  
14 retary of State in consultation with the  
15 Secretary of Defense; and

16 (ii) a contingency plan for future  
17 emergency operations in foreign countries  
18 involving foreign nationals who have  
19 worked directly with the United States  
20 Government, including the Armed Forces  
21 of the United States and United States in-  
22 telligence agencies.

23 (B) ELEMENTS.—The report required  
24 under subparagraph (A) shall include—

1 (i) the total number of nationals of  
2 Afghanistan who have pending specified  
3 applications, disaggregated by—

4 (I) such nationals in Afghanistan  
5 and such nationals in a third country;

6 (II) type of specified application;  
7 and

8 (III) applications that are  
9 documentarily complete and applica-  
10 tions that are not documentarily com-  
11 plete;

12 (ii) an estimate of the number of na-  
13 tionals of Afghanistan who may be eligible  
14 for special immigrant status under section  
15 7 or an amendment made by such section;

16 (iii) with respect to the strategy re-  
17 quired under subparagraph (A)(i)—

18 (I) the estimated number of na-  
19 tionals of Afghanistan described in  
20 such subparagraph;

21 (II) a description of the process  
22 for safely resettling such nationals;

23 (III) a plan for processing such  
24 nationals of Afghanistan for admis-  
25 sion to the United States, that—



1 (aa) discusses the feasibility  
2 of remote processing for such na-  
3 tionals of Afghanistan residing in  
4 Afghanistan;

5 (bb) includes any strategy  
6 for facilitating refugee and con-  
7 sular processing for such nation-  
8 als of Afghanistan in third coun-  
9 tries, and the timelines for such  
10 processing;

11 (cc) includes a plan for con-  
12 ducting rigorous and efficient  
13 vetting of all such nationals of  
14 Afghanistan for processing;

15 (dd) discusses the avail-  
16 ability and capacity of sites in  
17 third countries to process appli-  
18 cations and conduct any required  
19 vetting for such nationals of Af-  
20 ghanistan, including the potential  
21 to establish additional sites; and

22 (ee) includes a plan for pro-  
23 viding updates and necessary in-  
24 formation to affected individuals

1 and relevant nongovernmental or-  
2 ganizations;

3 (IV) a description of consider-  
4 ations, including resource constraints,  
5 security concerns, missing or inae-  
6 curate information, and diplomatic  
7 considerations, that limit the ability of  
8 the Secretary of State or the Sec-  
9 retary of Homeland Security to in-  
10 crease the number of such nationals  
11 of Afghanistan who can be safely  
12 processed or resettled;

13 (V) an identification of any re-  
14 source or additional authority nec-  
15 essary to increase the number of such  
16 nationals of Afghanistan who can be  
17 processed or resettled;

18 (VI) an estimate of the cost to  
19 fully implement the strategy; and

20 (VII) any other matter the Task  
21 Force considers relevant to the imple-  
22 mentation of the strategy; and

23 (iv) with respect to the contingency  
24 plan required by subparagraph (A)(ii)—

1 (I) a description of the standard  
2 practices for screening and vetting  
3 foreign nationals considered to be eli-  
4 gible for resettlement in the United  
5 States, including a strategy for vet-  
6 ting, and maintaining the records of,  
7 such foreign nationals who are unable  
8 to provide identification documents or  
9 biographic details due to emergency  
10 circumstances;

11 (II) a strategy for facilitating ref-  
12 ugee or consular processing for such  
13 foreign nationals in third countries;

14 (III) clear guidance with respect  
15 to which Federal agency has the au-  
16 thority and responsibility to coordi-  
17 nate Federal resettlement efforts;

18 (IV) a description of any re-  
19 source or additional authority nec-  
20 essary to coordinate Federal resettle-  
21 ment efforts, including the need for a  
22 contingency fund; and

23 (V) any other matter the Task  
24 Force considers relevant to the imple-  
25 mentation of the contingency plan.

1 (C) FORM.—The report required under  
2 subparagraph (A) shall be submitted in unclas-  
3 sified form, but may include a classified annex.

4 (2) BRIEFING.—Not later than 60 days after  
5 submitting the report required by paragraph (1), the  
6 Task Force shall brief the appropriate committees of  
7 Congress on the contents of the report.

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

10 (1) the date on which the strategy required  
11 under subsection (d)(1)(A)(i) has been fully imple-  
12 mented; or

13 (2) the date that is 10 years after the date of  
14 the enactment of this Act.

15 **SEC. 6. ADJUSTMENT OF STATUS FOR ELIGIBLE INDIVID-**  
16 **UALS.**

17 (a) DEFINED TERM.—In this section, the term “eligi-  
18 ble individual” means an alien who—

19 (1) is present in the United States—

20 (2) is a citizen or national of Afghanistan or,  
21 in the case of an alien having no nationality, is a  
22 person who last habitually resided in Afghanistan;  
23 and

1           (3)(A) was inspected and admitted to the  
2 United States on or before the date of the enact-  
3 ment of this Act;

4           (B) was paroled into the United States during  
5 the period beginning on July 30, 2021, and ending  
6 on the date of the enactment of this Act, provided  
7 that such parole has not been terminated by the Sec-  
8 retary of Homeland Security upon written notice; or

9           (C)(i) was admitted or paroled into the United  
10 States after the date of the enactment of this Act;  
11 and

12           (ii) has been determined by the Secretary of  
13 Homeland Security, in cooperation with the Sec-  
14 retary of Defense and other Federal agency part-  
15 ners, to have directly and personally supported the  
16 United States mission in Afghanistan, to an extent  
17 considered comparable to the support provided by in-  
18 dividuals who have received Chief of Mission ap-  
19 proval as part of their application for special immi-  
20 grant status.

21           (b) ADJUSTMENT OF STATUS.—Notwithstanding any  
22 other provision of law, the Secretary of Homeland Security  
23 shall adjust the status of an eligible individual to the sta-  
24 tus of an alien lawfully admitted for permanent residence  
25 if—

1 (1) the eligible individual—

2 (A) submits an application for adjustment  
3 of status in accordance with procedures estab-  
4 lished by the Secretary; and

5 (B) meets the requirements of this section;  
6 and

7 (2) the Secretary determines, in the  
8 unreviewable discretion of the Secretary, that the  
9 adjustment of status of the eligible individual is not  
10 contrary to the national interest, public safety, or  
11 national security of the United States.

12 (c) ADMISSIBILITY.—

13 (1) IN GENERAL.—Subject to paragraph (2),  
14 the provisions of section 209(c) of the Immigration  
15 and Nationality Act (8 U.S.C. 1159(c)) (relating to  
16 the admissibility of refugees seeking adjustment of  
17 status) shall apply to applicants for adjustment of  
18 status under this section.

19 (2) ADDITIONAL LIMITATIONS ON ADMISSI-  
20 BILITY.—The Secretary of Homeland Security may  
21 not waive under section 209(c) of the Immigration  
22 and Nationality Act (8 U.S.C. 1159(c))—

23 (A) any ground of inadmissibility under  
24 paragraph (3) of section 212(a) of the Immi-

1           gration and Nationality Act (8 U.S.C. 1182(a));  
2           or

3                   (B) any applicable ground of inadmis-  
4                   sibility under paragraph (2) of that section that  
5                   arises due to criminal conduct that was com-  
6                   mitted in the United States on or after July 30,  
7                   2021.

8           (3) RULE OF CONSTRUCTION.—Nothing in this  
9           subsection may be construed to limit any other waiv-  
10          er authority applicable under the immigration laws  
11          to an applicant for adjustment of status.

12          (d) INTERVIEW AND VETTING REQUIREMENTS.—

13                   (1) REQUIREMENTS FOR IN-PERSON INTERVIEW  
14                   AND VETTING.—

15                           (A) IN GENERAL.—The Secretary of  
16                           Homeland Security, in consultation with the  
17                           Secretary of Defense and, as appropriate, the  
18                           Attorney General, shall establish vetting re-  
19                           quirements for applicants seeking adjustment of  
20                           status under this section that are equivalent in  
21                           rigor to the vetting requirements for refugees  
22                           admitted to the United States through the  
23                           United States Refugee Admissions Program by  
24                           conducting—

1 (i) an in-person interview (except in  
2 the case of a child who was younger than  
3 10 years of age at the time of admission  
4 or parole);

5 (ii) biometric and biographic screening  
6 to identify any derogatory information as-  
7 sociated with applicants;

8 (iii) a review and analysis of the data  
9 holdings of the Department of Defense, the  
10 Department of Homeland Security, and  
11 other cooperating interagency partners, in-  
12 cluding biographic and biometric records,  
13 iris scans, fingerprints, voice biometric in-  
14 formation, hand geometry biometrics, and  
15 other identifiable information; and

16 (iv) a review of the information re-  
17 quired to be collected under paragraph (2).

18 (B) CLEARANCE OF VETTING REQUIRE-  
19 MENTS.—

20 (i) IN GENERAL.—The Secretary of  
21 Homeland Security may not adjust the sta-  
22 tus of an eligible individual to that of an  
23 alien lawfully admitted for permanent resi-  
24 dence under this section until—



1 (I) the vetting requirements de-  
2 scribed in subparagraph (A) have  
3 been implemented; and

4 (II) the eligible individual clears  
5 the vetting requirements established  
6 under subparagraph (A).

7 (ii) PRIORITIZATION.—The Secretary  
8 of Homeland Security shall prioritize the  
9 vetting of applicants under this paragraph  
10 in a manner that best ensures national se-  
11 curity.

12 (iii) PREVIOUS VETTING.—The Sec-  
13 retary of Homeland Security shall conduct  
14 the vetting requirements established under  
15 subparagraph (A) with respect to each ap-  
16 plicant for adjustment of status under this  
17 section regardless of whether the applicant  
18 has undergone previous vetting.

19 (C) INTERVIEW AT PORT OF ENTRY.—An  
20 interview of an individual by a U.S. Customs  
21 and Border Protection official at a port of entry  
22 shall not be considered to satisfy the in-person  
23 interview requirement under subparagraph  
24 (A)(i).

1 (D) RULE OF CONSTRUCTION.—Nothing in  
2 this paragraph may be construed to require, as  
3 part of the vetting requirements under this sub-  
4 section, that the Secretary of Homeland Secu-  
5 rity collect from an applicant any biometric in-  
6 formation that the Department of Homeland  
7 Security already has on file.

8 (2) VETTING DATABASE REQUIREMENT.—

9 (A) IN GENERAL.—The Secretary of  
10 Homeland Security, in consultation with the  
11 Secretary of Defense and, as appropriate, part-  
12 ners in the intelligence community (including  
13 officials of the Department of State, the Fed-  
14 eral Bureau of Investigation, and the National  
15 Counterterrorism Center), shall maintain  
16 records that contain, for each applicant under  
17 this section for the duration of the pendency of  
18 their application for adjustment of status—

19 (i) personal biographic information,  
20 including name and date of birth;

21 (ii) biometric information, including,  
22 where available, iris scans, photographs,  
23 and fingerprints; and

24 (iii) the results of all vetting by the  
25 United States Government to which the

1 applicant has submitted, including whether  
2 the individual has undergone an in-person  
3 vetting interview, and any recurrent vet-  
4 ting.

5 (B) INFORMATION SHARING.—In response  
6 to a request from the Secretary of Homeland  
7 Security, in accordance with subparagraph (A),  
8 Federal agencies shall share information to the  
9 extent authorized by law.

10 (3) RULE OF CONSTRUCTION.—Nothing in this  
11 subsection may be construed to limit the authority  
12 of the Secretary of Homeland Security to maintain  
13 records under any other law.

14 (e) RECORD OF ADMISSION.—

15 (1) PRIORITY FOR THOSE WHO SUPPORTED  
16 THE UNITED STATES MISSION IN AFGHANISTAN.—  
17 Upon the approval of an application for adjustment  
18 of status under this section submitted by an appli-  
19 cant (and the spouse and child of an applicant, if  
20 otherwise eligible for adjustment of status under this  
21 section) who submits documentation establishing  
22 that the applicant has received Chief of Mission ap-  
23 proval as part of their application for special immi-  
24 grant status, the Secretary of Homeland Security  
25 shall create a record of the alien's admission as a

1 lawful permanent resident as of the date on which  
2 the alien was inspected and admitted or paroled into  
3 the United States.

4 (2) OTHER APPLICANTS.—Upon the approval of  
5 an application for adjustment of status under this  
6 section submitted by an applicant other than an ap-  
7 plicant described in paragraph (1), the Secretary of  
8 Homeland Security shall create a record of the  
9 alien’s admission as a lawful permanent resident as  
10 of the date on which the alien’s application for ad-  
11 justment of status under this section was approved.

12 (f) DEADLINE FOR APPLICATION.—

13 (1) IN GENERAL.—Except as provided in para-  
14 graph (2), an individual described in subsection (a)  
15 may only adjust status under this section if the indi-  
16 vidual submits an application for adjustment of sta-  
17 tus not later than the later of—

18 (A) the date that is 2 years after the date  
19 on which final guidance described in subsection  
20 (i)(2) is published; or

21 (B) the date that is 2 years after the date  
22 on which such individual becomes eligible to  
23 apply for adjustment of status under this sec-  
24 tion.

1           (2) EXCEPTION.—An application under this  
2 section may be considered after the applicable date  
3 described in paragraph (1), if the applicant dem-  
4 onstrates to the satisfaction of the Secretary of  
5 Homeland Security the existence of extraordinary  
6 circumstances relating to the delay in submission of  
7 the application.

8           (g) PROHIBITION ON FURTHER AUTHORIZATION OF  
9 PAROLE.—An individual described in subsection (a) who  
10 was paroled into the United States shall not be authorized  
11 for an additional period of parole if such individual fails  
12 to submit an application for adjustment of status by the  
13 deadline described in subsection (f).

14           (h) EMPLOYMENT AUTHORIZATION.—Notwith-  
15 standing any other provision of law, the Secretary of  
16 Homeland Security may extend the period of employment  
17 authorization provided to an individual described in sub-  
18 paragraph (A) or (B) of subsection (a)(2) to the extent  
19 that the individual has been granted any additional period  
20 of parole.

21           (i) IMPLEMENTATION.—

22                 (1) INTERIM GUIDANCE.—

23                         (A) IN GENERAL.—Not later than 90 days  
24 after the date of the enactment of this Act, the

1 Secretary of Homeland Security shall issue  
2 guidance implementing this section.

3 (B) PUBLICATION.—Notwithstanding sec-  
4 tion 553 of title 5, United States Code, guid-  
5 ance issued pursuant to subparagraph (A)—

6 (i) may be published on the internet  
7 website of the Department of Homeland  
8 Security; and

9 (ii) shall be effective on an interim  
10 basis immediately upon such publication,  
11 but may be subject to change and revision  
12 after notice and an opportunity for public  
13 comment.

14 (2) FINAL GUIDANCE.—

15 (A) IN GENERAL.—Not later than 1 year  
16 after the date of the enactment of this Act, the  
17 Secretary of Homeland Security shall finalize  
18 the guidance implementing this section.

19 (B) EXEMPTION FROM THE ADMINISTRA-  
20 TIVE PROCEDURES ACT.—Chapter 5 of title 5,  
21 United States Code (commonly known as the  
22 “Administrative Procedures Act”) shall not  
23 apply to the guidance issued under this para-  
24 graph.

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

7 (k) PROHIBITION ON FEES.—The Secretary of  
8 Homeland Security may not charge a fee to any eligible  
9 individual in connection with—

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

12 (2) the initial issuance of a permanent resident  
13 card or an employment authorization document  
14 under this section.

15 (l) PENDING APPLICATIONS.—

16 (1) IN GENERAL.—During the period beginning  
17 on the date on which an alien files a bona fide appli-  
18 cation for adjustment of status under this section  
19 and ending on the date on which the Secretary of  
20 Homeland Security makes a final administrative de-  
21 cision regarding such application, an applicant in-  
22 cluded in such application who remains in compli-  
23 ance with all application requirements may not be—

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

1           prima facie determination that the alien is, or  
2           has become, ineligible for adjustment of status  
3           under this section;

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

7                   (C) considered an unauthorized alien (as  
8           defined in section 274A(h)(3) of the Immigra-  
9           tion and Nationality Act (8 U.S.C.  
10          1324a(h)(3))) if the alien has applied for and  
11          has been issued an employment authorization  
12          document.

13           (2) EFFECT ON OTHER APPLICATIONS.—Not-  
14          withstanding any other provision of law, in the inter-  
15          est of efficiency, the Secretary of Homeland Security  
16          may pause consideration of any other application for  
17          immigration benefits pending adjudication so as to  
18          prioritize an application for adjustment of status  
19          pursuant to this Act.

20          (m) ELIGIBILITY FOR BENEFITS.—

21                   (1) IN GENERAL.—Notwithstanding any other  
22          provision of law—

23                           (A) an individual described in subsection  
24                   (a) of section 2502 of the Afghanistan Supple-  
25                   mental Appropriations Act, 2022 (8 U.S.C.



1           1101 note, Public Law 117–43) shall retain his  
2           or her eligibility for the benefits and services  
3           described in subsection (b) of such section if the  
4           individual has a pending application under this  
5           section or is granted adjustment of status  
6           under this section; and

7                   (B) such benefits and services shall remain  
8           available to the individual to the same extent  
9           and for the same periods of time as such bene-  
10          fits and services are otherwise available to refu-  
11          gees who acquire such status.

12           (2) EXCEPTION FROM FIVE-YEAR LIMITED ELI-  
13          GIBILITY FOR MEANS-TESTED PUBLIC BENEFITS.—  
14          Section 403(b)(1) of the Personal Responsibility and  
15          Work Opportunity Reconciliation Act of 1996 (8  
16          U.S.C. 1613(b)(1)) is amended by adding at the end  
17          the following:

18                   “(F) An alien who status is adjusted to  
19           that of an alien lawfully admitted for perma-  
20           nent residence under section 6 of the Afghan  
21           Adjustment Act.”.

22           (n) PARENTS AND LEGAL GUARDIANS OF UNACCOM-  
23          PANIED CHILDREN.—A parent or legal guardian of an eli-  
24          gible individual shall be eligible for adjustment of status  
25          under this section if—

1           (1) the eligible individual was under 18 years of  
2 age on the date on which the eligible individual was  
3 admitted or paroled into the United States; and

4           (2) such parent or legal guardian was paroled  
5 into or admitted to the United States after the date  
6 referred to in paragraph (1).

7 (o) EXEMPTION FROM NUMERICAL LIMITATIONS.—

8           (1) IN GENERAL.—Aliens granted adjustment  
9 of status under this section shall not be subject to  
10 the numerical limitations under sections 201, 202,  
11 and 203 of the Immigration and Nationality Act (8  
12 U.S.C. 1151, 1152, and 1153).

13           (2) SPOUSE AND CHILDREN BENEFICIARIES.—

14 A spouse or child who is the beneficiary of an immi-  
15 grant petition under section 204 of the Immigration  
16 and Nationality Act (8 U.S.C. 1154) filed by an  
17 alien who has been granted adjustment of status  
18 under this section, seeking classification of the  
19 spouse or child under section 203(a)(2)(A) of that  
20 Act (8 U.S.C. 1153(a)(2)(A)) shall not be subject to  
21 the numerical limitations under sections 201, 202,  
22 and 203 of the Immigration and Nationality Act (8  
23 U.S.C. 1151, 1152, and 1153).

24 (p) NOTIFICATION OF ELIGIBLE INDIVIDUALS.—The  
25 Secretary of Homeland Security shall make reasonable ef-

1 forts to notify eligible individuals, including eligible indi-  
2 viduals who independently departed United States Govern-  
3 ment facilities, with respect to—

4           (1) the requirements for applying to adjust sta-  
5 tus under this section;

6           (2) the deadline for submitting an application;  
7 and

8           (3) the consequences under subsection (g) for  
9 failing to apply for adjustment of status.

10 (q) REPORTING REQUIREMENTS.—

11           (1) REPORT AND CONSULTATION ON VETTING  
12 REQUIREMENTS.—

13           (A) INITIAL CONGRESSIONAL CONSULTA-  
14 TION ON VETTING.—Not later than 90 days  
15 after the date of the enactment of this Act, the  
16 Secretary of Homeland Security and the Sec-  
17 retary of Defense shall jointly inform and con-  
18 sult with the appropriate committees of Con-  
19 gress, in a classified or unclassified setting,  
20 with respect to the vetting requirements for ap-  
21 plicants seeking adjustment of status under this  
22 section, including the nature of the interview  
23 and biometric and biographical screening proc-  
24 esses required for such applicants and the  
25 amount of time needed by the agencies to set

1 up the procedures and database required by  
2 this section.

3 (B) SECOND CONGRESSIONAL CONSULTA-  
4 TION ON VETTING.—Not later than the earlier  
5 of the date that is 180 days after the date of  
6 the enactment of this Act or the date on which  
7 the Secretary of Homeland Security begins ac-  
8 cepting applications for adjustment of status  
9 under this Act, the Secretary shall provide to  
10 the appropriate committees of Congress with a  
11 second consultation on—

12 (i) the status of the vetting under this  
13 section, including the steps the Secretary  
14 has taken to respond to feedback provided  
15 during the initial consultation under sub-  
16 paragraph (A); and

17 (ii) the progress of the Secretary to-  
18 ward fully setting up the procedures and  
19 database required by this section.

20 (2) BRIEFING.—

21 (A) IN GENERAL.—Not later than 1 year  
22 after the application deadline under subsection  
23 (f)(1)(A), the Secretary of Homeland Security  
24 shall provide the appropriate committees of  
25 Congress with a briefing on the status of the

1           vetting under this section of eligible individuals,  
2           including a plan for addressing any identified  
3           security concerns.

4           (B) ELEMENT.—The briefing required by  
5           subparagraph (A) shall include information on  
6           individuals who are eligible for adjustment of  
7           status under this section but did not—

8                   (i) submit an application for adjust-  
9                   ment of status under this section; or

10                   (ii) meet the requirements of sub-  
11                   section (f)(2).

12           (3) INFORMATION REQUEST BY MEMBER OF  
13           CONGRESS.—Upon request by a Member of Congress  
14           on behalf of an applicant or by any of the appro-  
15           priate committees of Congress, the Secretary of  
16           Homeland Security shall provide, in a classified or  
17           an unclassified setting, as appropriate, the basis for  
18           an exercise of discretion under subsection (b)(2) that  
19           resulted in the denial of an application for adjust-  
20           ment of status.

21           (F) RULE OF CONSTRUCTION.—Nothing in this sec-  
22           tion may be construed to preclude an eligible individual  
23           from applying for or receiving any immigration benefit to  
24           which the eligible individual is otherwise entitled.

1 (s) AUTHORIZATION FOR APPROPRIATIONS.—There  
2 is authorized to be appropriated to the Secretary of Home-  
3 land Security \$20,000,000 for each of the fiscal years  
4 2023 through 2027 to carry out this section.

5 **SEC. 7. NEW CATEGORY OF SPECIAL IMMIGRANT VISAS**  
6 **FOR AT-RISK AFGHAN ALLIES AND REL-**  
7 **ATIVES OF CERTAIN MEMBERS OF THE**  
8 **ARMED FORCES.**

9 (a) AT-RISK AFGHAN ALLIES.—

10 (1) IN GENERAL.—The Secretary of Homeland  
11 Security, or, notwithstanding any other provision of  
12 law, the Secretary of State may provide an alien de-  
13 scribed in paragraph (2) (and the spouse and chil-  
14 dren of the alien if accompanying or following to  
15 join the alien) with the status of a special immigrant  
16 under section 101(a)(27) of the Immigration and  
17 Nationality Act (8 U.S.C. 1101(a)(27)) if—

18 (A) the alien or an agent acting on behalf  
19 of the alien submits a request for a rec-  
20 ommendation under paragraph (3);

21 (B) the alien is otherwise admissible to the  
22 United States and eligible for lawful permanent  
23 residence (excluding the grounds of inadmis-  
24 sibility under section 212(a)(4) of such Act (8  
25 U.S.C. 1182(a)(4))); and

1 (C) with respect to the alien, the Secretary  
2 of Defense has made a positive recommendation  
3 under paragraph (3).

4 (2) ALIEN DESCRIBED.—

5 (A) IN GENERAL.—An alien described in  
6 this paragraph is an alien who—

7 (i) is a citizen or national of Afghani-  
8 stan;

9 (ii) was—

10 (I) a member of—

11 (aa) the special operations  
12 forces of the Afghanistan Na-  
13 tional Defense and Security  
14 Forces;

15 (bb) the Afghanistan Na-  
16 tional Army Special Operations  
17 Command;

18 (cc) the Afghan Air Force;  
19 or

20 (dd) the Special Mission  
21 Wing of Afghanistan;

22 (II) a female member of any  
23 other entity of the Afghanistan Na-  
24 tional Defense and Security Forces,  
25 including—

1 (aa) a cadet or instructor at  
2 the Afghanistan National De-  
3 fense University; and

4 (bb) a civilian employee of  
5 the Ministry of Defense or the  
6 Ministry of Interior Affairs;

7 (III) an individual associated  
8 with former Afghan military and po-  
9 lice human intelligence activities, in-  
10 cluding operators and Department of  
11 Defense sources;

12 (IV) an individual associated with  
13 former Afghan military counterintel-  
14 ligence;

15 (V) an individual associated with  
16 the former Afghan Ministry of De-  
17 fense who was involved in the prosecu-  
18 tion and detention of combatants; or

19 (VI) a senior military officer,  
20 senior enlisted personnel, or civilian  
21 official who served on the staff of the  
22 former Ministry of Defense or the  
23 former Ministry of Interior Affairs of  
24 Afghanistan;



1 (iii) provided service to an entity or  
2 organization described in clause (ii) for not  
3 less than 1 year during the period begin-  
4 ning on December 22, 2001, and ending  
5 on September 1, 2021, and did so in sup-  
6 port of the United States mission in Af-  
7 ghanistan; and

8 (iv) is recommended positively by the  
9 Secretary of Defense to the Secretary of  
10 State or the Secretary of Homeland Secu-  
11 rity, based on a consideration of the infor-  
12 mation described in paragraph (3)(A)(ii).

13 (B) INCLUSIONS.—For purposes of eligi-  
14 bility under this paragraph, the Afghanistan  
15 National Defense and Security Forces includes  
16 members of the security forces under the Min-  
17 istry of Defense and the Ministry of Interior  
18 Affairs of the Islamic Republic of Afghanistan,  
19 including the Afghanistan National Army, the  
20 Afghan Air Force, the Afghanistan National  
21 Police, and any other entity designated by the  
22 Secretary of Defense as part of the Afghanistan  
23 National Defense and Security Forces during  
24 the relevant period of service of the applicant  
25 concerned.

1           (3) DEPARTMENT OF DEFENSE RECOMMENDA-  
2           TION.—

3           (A) IN GENERAL.—With respect to each  
4           principal applicant under this section, as soon  
5           as practicable after receiving a request for a  
6           recommendation, the Secretary of Defense  
7           shall—

8                   (i) review—

9                           (I)(aa) the service record of the  
10                           principal applicant, if available; or

11                           (bb) if the principal applicant  
12                           provides a service record, any infor-  
13                           mation that helps verify the service  
14                           record concerned; and

15                           (II) the data holdings of the De-  
16                           partment of Defense and other co-  
17                           operating interagency partners, in-  
18                           cluding biographic and biometric  
19                           records, iris scans, fingerprints, voice  
20                           biometric information, hand geometry  
21                           biometrics, other identifiable informa-  
22                           tion, and any other information re-  
23                           lated to the applicant, including rel-  
24                           evant derogatory information;

1           (ii) submit a positive or negative rec-  
2           ommendation to the Secretary of State or  
3           the Secretary of Homeland Security as to  
4           whether the principal applicant meets the  
5           requirements under paragraph (2) without  
6           significant derogatory information; and

7           (iii) submit with such recommenda-  
8           tion—

9                   (I)(aa) any service record con-  
10                  cerned, if available; or

11                  (bb) if the principal applicant  
12                  provides a service record, any infor-  
13                  mation that helps verify the service  
14                  record concerned; and

15                  (II) any biometrics for the prin-  
16                  cipal applicant that have been col-  
17                  lected by the Department of Defense.

18           (B) EFFECT OF NO AVAILABLE SERVICE  
19           RECORDS.—If no service records are available  
20           for a principal applicant, the Secretary of De-  
21           fense may review any referral from a former or  
22           current official of the Department of Defense  
23           who has knowledge of the principal applicant’s  
24           service as described in paragraph (2)(A)(ii).

1 (C) PERSONNEL TO SUPPORT REC-  
2 OMMENDATIONS.—Any limitation in law on the  
3 number of personnel within the Office of the  
4 Secretary of Defense, the military departments,  
5 or the defense agencies shall not apply to per-  
6 sonnel employed for the primary purpose of car-  
7 rying out this paragraph.

8 (D) REVIEW PROCESS FOR NEGATIVE DE-  
9 PARTMENT OF DEFENSE RECOMMENDATION.—

10 (i) IN GENERAL.—An applicant who  
11 has a negative recommendation from the  
12 Department of Defense, as described in  
13 subparagraph (A)(ii), or with derogatory  
14 information shall—

15 (I) receive a written notice of  
16 negative recommendation from the  
17 Secretary of Defense that provides, to  
18 the maximum extent practicable, in-  
19 formation describing the basis for the  
20 negative recommendation, including  
21 the facts and inferences, or evi-  
22 dentiary gaps, underlying the indi-  
23 vidual determination; and

24 (II) be provided not more than 1  
25 written appeal to the Secretary of De-

1           fense for each such negative rec-  
2           ommendation.

3           (ii) DEADLINE FOR APPEAL.—An ap-  
4           peal under subclause (II) of clause (i) shall  
5           be submitted not more than 120 days after  
6           the date on which the applicant concerned  
7           receives a decision under subclause (I) of  
8           that clause, or thereafter at the discretion  
9           of the Secretary of Defense or the Sec-  
10          retary of Homeland Security.

11          (iii) REQUEST TO REOPEN.—

12           (I) IN GENERAL.—An applicant  
13           who receives a negative recommenda-  
14           tion under clause (i) may submit a re-  
15           quest for a Department of Defense  
16           recommendation so that the applicant  
17           may provide additional information,  
18           clarify existing information, or explain  
19           any unfavorable information.

20           (II) LIMITATION.—After consid-  
21           ering 1 such request to reopen from  
22           an applicant, the Secretary of Defense  
23           may deny subsequent requests to re-  
24           open submitted by the same applicant.

1 (b) SPECIAL IMMIGRANT VISAS FOR CERTAIN REL-  
2 ATIVES OF CERTAIN MEMBERS OF THE ARMED  
3 FORCES.—Section 101(a)(27) of the Immigration and Na-  
4 tionality Act (8 U.S.C. 1101(a)(27)) is amended—

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

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

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

10 “(N) a citizen or national of Afghanistan  
11 who is the parent or brother or sister of—

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

15 “(ii) a veteran (as defined in section  
16 101 of title 38, United States Code).”.

17 (c) GENERAL PROVISIONS.—

18 (1) PROHIBITION ON FEES.—The Secretary of  
19 Homeland Security, the Secretary of Defense, or the  
20 Secretary of State may not charge any fee in con-  
21 nection with an application for, or issuance of, a  
22 special immigrant visa or special immigrant status  
23 under—

24 (A) this section or an amendment made by  
25 this section;

1 (B) section 602 of the Afghan Allies Pro-  
2 tection Act of 2009 ( 8 U.S.C. 1101 note; Pub-  
3 lic Law 111–8); or

4 (C) section 1059 of the National Defense  
5 Authorization Act for Fiscal Year 2006 (8  
6 U.S.C. 1101 note; Public Law 109–163).

7 (2) REPRESENTATION.—An alien applying for  
8 admission to the United States under this section, or  
9 an amendment made by this section, may be rep-  
10 resented during the application process, including at  
11 relevant interviews and examinations, by an attorney  
12 or other accredited representative. Such representa-  
13 tion shall not be at the expense of the United States  
14 Government.

15 (3) NUMERICAL LIMITATIONS.—

16 (A) IN GENERAL.—Subject to subpara-  
17 graph (C), the total number of principal aliens  
18 who may be provided special immigrant visas  
19 under this section may not exceed 11,500 each  
20 fiscal year.

21 (B) CARRYOVER.—If the numerical limita-  
22 tion specified in subparagraph (A) is not  
23 reached during a given fiscal year, the numer-  
24 ical limitation specified in such subparagraph

1 for the following fiscal year shall be increased  
2 by a number equal to the difference between—

3 (i) the numerical limitation specified  
4 in subparagraph (A) for the given fiscal  
5 year; and

6 (ii) the number of principal aliens pro-  
7 vided special immigrant visas under this  
8 section during the given fiscal year.

9 (C) MAXIMUM NUMBER OF VISAS.—The  
10 total number of principal aliens who may be  
11 provided special immigrant visas under this sec-  
12 tion shall not exceed 34,500.

13 (D) DURATION OF AUTHORITY.—The au-  
14 thority to issue visas under this section shall—

15 (i) commence on the date of the en-  
16 actment of this Act; and

17 (ii) terminate on the date on which all  
18 such visas are exhausted.

19 (4) EXCLUSION FROM NUMERICAL LIMITA-  
20 TIONS.—Aliens provided special immigrant visas  
21 under this section, or an amendment made by this  
22 section, shall not be counted against any numerical  
23 limitation under sections 201(d), 202(a), or  
24 203(b)(4) of the Immigration and Nationality Act (8  
25 U.S.C. 1151(d), 1152(a), and 1153(b)(4)) or section



1       602 of the Afghan Allies Protection Act of 2009 (8  
2       U.S.C. 1101 note; Public Law 111–8).

3           (5) ORDER OF CONSIDERATION.—Immigrant  
4       visas shall be made available under this section to el-  
5       igible immigrants in the order in which the Sec-  
6       retary of Defense has issued a recommendation  
7       under subsection (a)(3), subject to the requirements  
8       of the adjudication process.

9           (6) PROTECTION OF ALIENS.—The Secretary of  
10       State, in consultation with the heads of other appro-  
11       priate Federal agencies, shall make a reasonable ef-  
12       fort to provide an alien who is seeking status as a  
13       special immigrant under this section, or an amend-  
14       ment made by this section, protection or to imme-  
15       diately remove such alien from Afghanistan, if pos-  
16       sible.

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

23           (8) RESETTLEMENT SUPPORT.—A citizen or  
24       national of Afghanistan who is admitted to the  
25       United States as a special immigrant under this sec-

1       tion or an amendment made by this section shall be  
2       eligible for resettlement assistance, entitlement pro-  
3       grams, and other benefits available to refugees ad-  
4       mitted under section 207 of such Act (8 U.S.C.  
5       1157) to the same extent, and for the same periods  
6       of time, as such refugees.

7           (9)   ADJUSTMENT   OF   STATUS.—Notwith-  
8       standing paragraph (2), (7), or (8) of subsection (c)  
9       of section 245 of the Immigration and Nationality  
10      Act (8 U.S.C. 1255), the Secretary of Homeland Se-  
11      curity may adjust the status of an alien described in  
12      subparagraph (N) of section 101(a)(27) of the Im-  
13      migration and Nationality Act (8 U.S.C.  
14      1101(a)(27)) or subsection (a)(2) of this section to  
15      that of an alien lawfully admitted for permanent res-  
16      idence under subsection (a) of such section 245 if  
17      the alien—

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

20           (B) is otherwise eligible for status as a  
21           special immigrant under—

22                   (i) this section; or

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

1           (10) AUTHORIZATION OF APPROPRIATIONS.—  
2           There are authorized to be appropriated to the Sec-  
3           retary of Homeland Security, the Secretary of State,  
4           the Secretary of Defense, and the Secretary of  
5           Health and Human Services such sums as are nec-  
6           essary for each of the fiscal years 2023 through  
7           2033 to carry out this section and the amendments  
8           made by this section.

9   **SEC. 8. SUPPORT FOR ALLIES SEEKING RESETTLEMENT IN**  
10                                   **THE UNITED STATES.**

11           Notwithstanding any other provision of law, during  
12           Operation Allies Welcome, Enduring Welcome, and any  
13           successor operation, the Secretary of Homeland Security  
14           and the Secretary of State may waive any fee or surcharge  
15           or exempt individuals from the payment of any fee or sur-  
16           charge collected by the Department of Homeland Security  
17           and the Department of State, respectively, in connection  
18           with a petition or application for, or issuance of, an immi-  
19           grant visa to a national of Afghanistan under section  
20           201(b)(2)(A)(i) or 203(a) of the Immigration and Nation-  
21           ality Act, 8 U.S.C. 1101(b)(2)(A)(i) and 1153(a), respec-  
22           tively.

23   **SEC. 9. SEVERABILITY.**

24           If any provision of this Act, or the application of such  
25           provision to any person or circumstance, is held to be un-

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

4 **SEC. 10. DATE LIMITATION.**

5       The Secretary of Homeland Security may not grant  
6 an application for adjustment of status under section 6  
7 or an application for special immigrant status under sec-  
8 tion 7, or an amendment made by section 7, before the  
9 Secretary has implemented the vetting procedures re-  
10 quired by this Act, and in no event before January 1,  
11 2024.

○