

United States Senate

WASHINGTON, DC 20510

10/1/2021

RECEIVED

By ESEC at 2:22 pm, Oct 01, 2021

The Honorable Alejandro N. Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue N.W.
Washington, D.C. 20016

The Honorable Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Spring, MD 20588

Dear Secretary Mayorkas and Director Jaddou:

Given the extreme financial hardship and immediate danger facing Afghans fleeing to the United States, we urge you to implement a blanket waiver on fees for Afghans and their families when they apply for humanitarian parole into the United States, and we ask that you issue guidance for applicants and attorneys who are applying for this status.

It is important to note that individuals processed as refugees are not subject to any fees, and we believe the same standard should apply to parolees from Afghanistan. However, the current fee facing Afghans who apply for humanitarian parole is \$575 per applicant. Under federal regulations, the Director of USCIS holds the authority to waive fees under 8 CFR 103.7(d) which states:

“the Director of USCIS may approve and suspend exemptions from any fee required by paragraph (b)(1)(i) of this section or provide that the fee may be waived for a case or specific class of cases that is not otherwise provided in this section, if the Director determines that such action would be in the public interest and the action is consistent with other applicable law.”

While we understand that an application for a waiver can be filed on an individual basis through an I-912 form, many applicants are justifiably concerned the additional filing and adjudication time will slow down the processing time and require paperwork they do not have in order to show financial hardship. In addition, if parole is authorized, a second fee for the DS-160 form of \$160 must also be paid to the Department of State for a nonimmigrant visa. This means each individual attempting to be considered for humanitarian parole must pay \$735 in fees to reach safety.

The burden of application fees is weighing heavily on communities here in the United States. Families and friends of Afghans who are trying to apply for humanitarian parole are shouldering payments and are being forced to make difficult financial decisions. Some have even appealed to local governments to help them cover the costs of these fees.

For these reasons, we urge you to implement a blanket waiver on fees for humanitarian parolees from Afghanistan and to expedite their applications. We also urge you to issue clear

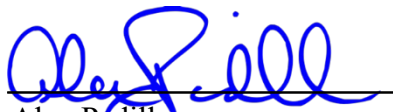
guidance so that applicants and attorneys can understand what options are available to them and if they qualify for humanitarian parole and a waiver.


In addition, we ask that you provide answers to the following questions no later than October 11, 2021:

1. How many Afghan nationals have applied for humanitarian parole since August 1, 2021?
2. How many humanitarian parole applications have been approved since August 1, 2021?
3. How many requests for fee waivers were made by Afghan nationals applying for humanitarian parole since August 1, 2021?
4. Please provide the status of those fee waiver requests including whether they have been granted, denied, or are pending review.
5. Does USCIS plan to issue guidance on the fees associated with humanitarian parole?
6. Has USCIS considered implementing a blanket fee waiver for Afghan humanitarian parole requests? If so, what, if any barriers, are preventing USCIS from engaging in immediate implementation?

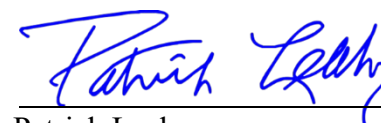
Thank you for your attention to this matter.

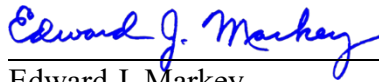
Sincerely,


Alex Padilla
United States Senator

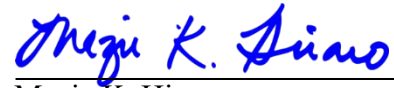

Richard Blumenthal
United States Senator


Thomas R. Carper
United States Senator


Patrick Leahy
United States Senator



Edward J. Markey
United States Senator



Mazie K. Hirono
United States Senator



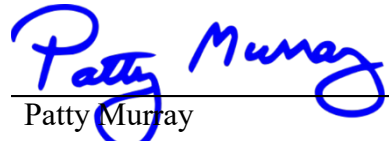
Cory A. Booker
United States Senator



Dianne Feinstein
United States Senator



Jeffrey A. Merkley
United States Senator



Patty Murray
United States Senator



Tina Smith
United States Senator



Sheldon Whitehouse
United States Senator



Bernard Sanders
United States Senator



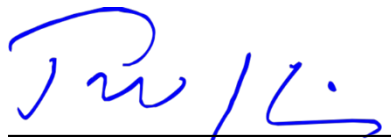
Amy Klobuchar
United States Senator



Christopher A. Coons
United States Senator



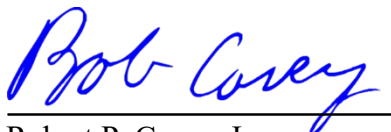
Sherrod Brown
United States Senator



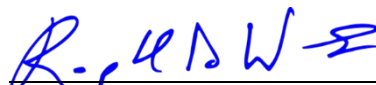
Tim Kaine
United States Senator



Benjamin L. Cardin
United States Senator



Robert P. Casey, Jr.
United States Senator



Raphael G. Warnock
United States Senator



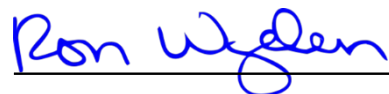
Elizabeth Warren
United States Senator



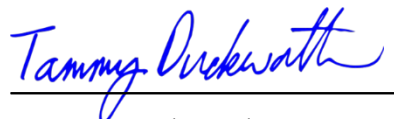
Martin Heinrich
United States Senator



Chris Van Hollen
United States Senator



Ron Wyden
United States Senator



Tammy Duckworth
United States Senator



Michael F. Bennet
United States Senator



Jeanne Shaheen
United States Senator

CC: Antony Blinken, Secretary, U.S. State Department



U.S. Citizenship
and Immigration
Services

June 28, 2022

The Honorable Alex Padilla
United States Senate
Washington, DC 20510

Dear Senator Padilla:

Thank you for your October 1, 2021 letter regarding the humanitarian parole process for Afghans and their families. Secretary Mayorkas asked that I respond on his behalf. I apologize for the delay in responding.

As of April 15, 2022, the U.S. government has welcomed approximately 86,000 Afghan nationals, U.S. citizens, and lawful permanent residents through Operation Allies Welcome (OAW). More than 73,000 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 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), and 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.

Afghan nationals who have been granted humanitarian parole may be eligible for employment authorization and to apply for immigration status through U.S. Citizenship and Immigration Services (USCIS). USCIS personnel are adjudicating applications for employment authorization, conducting other immigration processing, including the provision of “special immigrant” status to those who qualify, and providing administrative support, including translation and interpretation services, to expedite the processing of applications for immigrant status and work authorization. DOS and the Department of Health and Human Services (HHS) also provide resettlement services to Afghans granted parole. Afghan parolees may be eligible

for cash assistance, medical assistance, job placement support, English language training, and other services offered through the HHS Office of Refugee Resettlement (ORR). They may also be eligible for other federal benefits, such as cash assistance through Supplemental Security Income or Temporary Assistance for Needy Families, health insurance through Medicaid, and food assistance through the Supplemental Nutrition Assistance Program.

USCIS is continuously exploring ways to improve the parole process and has provided updated guidance on our webpage created specifically for Afghan nationals requesting parole.¹ USCIS will continue to update the webpage as needed to provide guidance on requests for parole and associated requests for fee waivers.

Please note, however, that parole is not intended to avoid normal visa processing procedures and timelines, such as for the Special Immigrant Visa (SIV) program, or replace established refugee protection mechanisms, such as local protection and, where applicable, referral to the U.S. Refugee Admission Program (USRAP) for resettlement.

In some limited circumstances, the reasons for parole are so urgent that obtaining a visa or processing via the USRAP is not a realistic option. These reasons, along with all other factors that are relevant to the case, are taken into consideration when USCIS assesses whether there are urgent humanitarian or significant public benefit reasons for the parole and whether the individual warrants a favorable exercise of discretion. Because the U.S. Embassy in Afghanistan has suspended operations, USCIS is unable to complete processing of parole requests for beneficiaries who are in Afghanistan at this time. We are also unable to help beneficiaries leave Afghanistan and travel to a location with a U.S. embassy or consulate to complete processing of a parole request. However, if USCIS determines that a beneficiary in Afghanistan may be eligible for parole, USCIS notifies the petitioner that the beneficiary should contact USCIS if they are able to get to a third country where there is a U.S. embassy or consulate, and USCIS will continue processing the parole request.

In addition to parole processing for urgent humanitarian and significant public benefit reasons, USCIS is working closely with DOS to more expeditiously process cases accepted to the USRAP and has deployed refugee officers to adjudicate Afghan refugee cases referred by DOS for USCIS interview. Individuals who believe they are in need of protection due to persecution or fear of persecution on account of their race, religion, nationality, membership in a particular social group, or political opinion are encouraged to seek local protection mechanisms, such as contacting the United Nations High Commissioner for Refugees (UNHCR) to assist with providing immediate protection support, where available, and to assess the protection issue to determine whether resettlement is the best solution for an individual or family. UNHCR also notes that individuals in Afghanistan who believe they need protection may contact the toll-free Awaaz humanitarian helpline. We are in the process of rebuilding the refugee resettlement infrastructure to fulfill President Biden's commitment to ensuring the United States is responsive to refugee crises in Afghanistan and elsewhere by resuming our role as a global leader in refugee resettlement. USCIS continues to hire additional refugee officers and is also implementing

¹ <https://www.uscis.gov/humanitarian/humanitarian-parole/information-for-afghan-nationals-on-requests-to-uscis-for-humanitarian-parole>

solutions such as a videoconferencing technology to enhance our capacity to interview refugee applicants when our ability to physically travel to circuit ride locations is limited.

Additionally, Afghan nationals may be eligible for referral to the USRAP through the Afghan Priority 2 (P-2) Program, which includes Afghan nationals who do not meet the minimum time-in-service for a SIV but who work or worked as employees of contractors, locally-employed staff, interpreters/translators for the U.S. Government, United States Forces Afghanistan, International Security Assistance Force, or Resolute Support; Afghan nationals who work or worked for a U.S. Government-funded program or project in Afghanistan supported through a U.S. Government grant or cooperative agreement; and Afghan nationals who are or were employed in Afghanistan by a U.S.-based media organization or non-governmental organization. U.S.-based media organizations may also refer Afghan nationals who worked for them under stringer, freelance, and comparable arrangements. If an individual does not meet any of the criteria for a P-2 referral but is well known to a U.S. embassy or U.S. Government agency, and has imminent and compelling protection concerns, he or she may be eligible for referral to the Priority 1 (P-1) program directly through the U.S. embassy or U.S. Government agency that knows the individual. Individuals lawfully admitted to the United States as refugees or asylees may also file family reunification cases for their spouses, unmarried children under 21, and parents who are outside their country of origin under the Priority 3 (P-3) program.

The U.S. Government also remains committed to processing SIV applications efficiently:

- In response to the White House's July 14 announcement of Operation Allies Refuge (now OAW), experts from DOS, DOD, DHS and HHS coordinated the government's efforts to support the relocation of eligible Afghan nationals and their families who supported the United States in Afghanistan, and who are currently in the SIV application process.
- USCIS surged resources to train additional adjudicators to meet the increase in Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant filings and reduce the average processing time.
- Afghan SIV applicants do not pay a filing fee for Form I-360 if their filing eligibility is due to their service as a former U.S. Government employee or translator.
- USCIS continues to receive Form I-360 filings via email from Afghanistan and from Afghan nationals at third-country processing sites and U.S. military bases, all of which are being expedited.

Please be assured that the U.S. Government continues to explore options to serve at-risk Afghan nationals through a number of mechanisms, including increasing refugee processing, efficiently processing applications for Afghan nationals who may be eligible for a SIV, and expediting processing of family-based petitions and immigrant visa petitions filed on behalf of Afghan nationals. Further, on March 16, 2022, Secretary Mayorkas announced a new designation of Afghanistan for Temporary Protected Status (TPS) for 18 months. The designation of TPS for Afghanistan affords protection for Afghans living in the United States from returning to Afghanistan. TPS applies to individuals who are already residing in the United States as of March 15, 2022, and meet all other requirements, including undergoing security and background checks. The 18-month designation of TPS for Afghanistan went into effect on May 20, 2022, on the date of its Federal Register notice.

Thank you again for your letter. Enclosed are responses to your questions. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal line extending to the right.

Ur M. Jaddou
Director

Enclosure

**The Department of Homeland Security's Response to
Senator Alex Padilla's October 1, 2021 Letter**

1. How many Afghan nationals have applied for humanitarian parole since August 1, 2021?

In addition to Afghan nationals who were paroled through Operation Allies Welcome (OAW), U.S. Citizenship and Immigration Services (USCIS) is adjudicating parole requests based on urgent humanitarian reasons or significant public benefit that are filed directly with USCIS using a Form I-131, Application for Travel Document. Afghan nationals who have been granted humanitarian parole may be eligible for employment authorization and to apply for immigration status through USCIS.

Between August 1, 2021, and May 12, 2022, USCIS received 67,491 Form I-131 humanitarian parole requests on behalf of Afghan nationals. Of that total, 51 percent of the requestors (34,404) paid the fee along with the application, and 35.6 percent (24,039) applied for a fee waiver. However, 7.2 percent (4,885) of the requestors either did not pay the fee or request a waiver, and were thus rejected. In addition, 6.2 percent (4,170) of the applications were rejected for reasons other than fee issues, such as a missing signature.

Of the 67,491 Form I-131 humanitarian parole requests on behalf of Afghan nationals processed, 70.7 percent (47,712) were accepted, and the overall filing rejection rate was 29.3 percent (19,779). This overall filing rejection rate includes certain applications where the requestors paid the fee or applied for a fee waiver, in addition to those who did not pay a fee or request a waiver or whose applications were rejected for other reasons. In comparison, during this same time period, the overall filing rejection rate for non-Afghan Form I-131 humanitarian parole requests was 22.0 percent. Of the rejected population of Afghan Form I-131 humanitarian parole requests, 38 percent (7,479 of the 19,779) of the applications were subsequently refiled and were accepted, inclusive of the fee waiver rejection population.

2. How many humanitarian parole applications have been approved since August 1, 2021?

Of the approximately 3,160 Form I-131 humanitarian parole requests filed on behalf of Afghan nationals that were adjudicated by USCIS between August 1, 2021 and May 12, 2022, USCIS approved approximately 95 cases and administratively closed approximately 260 cases. Administrative closures include beneficiaries who are initially found eligible for parole by USCIS but are unable to complete processing of their case because they are in a location without a U.S. embassy or consulate, such as Afghanistan or Iran.

USCIS continues to review policy guidance, processing efficiencies, and resources to more effectively process parole requests. USCIS is using the same guidance that has been in place for many years to adjudicate requests for parole based solely on protection needs, and this guidance has been posted on our website since early 2017. Our standards regarding evidence have remained consistent and apply to all parole requests for urgent humanitarian or significant public benefit reasons, regardless of the beneficiary's nationality. However, we continue to review this process and our long-established guidance. There is no set formula for eligibility and each request is reviewed on a case-by-case basis. For parole requests filed on behalf of Afghan nationals, USCIS has provided updated, more comprehensive guidance on our website that identifies additional characteristics that are generally viewed as strong, positive factors when considering whether parole is appropriate for an Afghan national, including SIV applicants who

have received Chief of Mission approval and immediate family members of a U.S. citizen (parent, unmarried child under 21, and spouse) or LPR (unmarried child under 21 and spouse).

3. How many requests for fee waivers were made by Afghan nationals applying for humanitarian parole since August 1, 2021?

USCIS adjudicated 24,037 fee waiver requests for Afghan nationals applying for humanitarian parole between August 1, 2021 and May 12, 2022.

4. Please provide the status of those fee waiver requests including whether they have been granted, denied, or are pending review.

The specific rejection rate for fee waivers processed between August 1, 2021 and May 12, 2022, was 54.2 percent (10,729). The most common reasons for fee waiver rejections concern the evidence supplied by the petitioner relating to household income; no information was provided, or the information provided did not demonstrate a financial hardship. Data shows that 30.4 percent (3,262 of the 10,729) of the rejected fee waiver applications were subsequently refiled and accepted.

5. Does USCIS plan to issue guidance on the fees associated with humanitarian parole?

As of April 15, 2022, the U.S. government has welcomed approximately 86,000 Afghan nationals, U.S. citizens, and lawful permanent residents through Operation Allies Welcome (OAW). More than 73,000 Afghan nationals have joined their new communities across the United States. DHS has acted to exempt certain fees for Afghan nationals who have been relocated to the United States and are applying for specific benefits. Fee exemptions and streamlined processes announced by DHS include the initial Form I-765, Application for Employment Authorization, for those applying for employment authorization on the basis of parole, Form I-485, Application to Register Permanent Residence or Adjust Status, and any associated Form I-601, Application for Waiver of Grounds of Inadmissibility. DHS launched a website to provide detailed information regarding OAW and will continue to update the website as additional information becomes available.¹ USCIS' webpage includes information on fees and how to request a waiver of the fee for Form I-131 Application for Travel Document, in particular.²

6. Has USCIS considered implementing a blanket fee waiver for Afghan humanitarian parole requests? If so, what, if any barriers, are preventing USCIS from engaging in immediate implementation?

USCIS is reviewing and improving the fee waiver process to ensure it is as accessible as possible and that the adjudication of fee waiver requests does not unnecessarily slow down the adjudication of the parole request itself. Adjudicating individual fee waiver requests adds a relatively minimal amount of time to the overall adjudication processing time for parole requests filed directly with USCIS; the vast majority of fee waiver requests are adjudicated within days.

¹ See <https://www.dhs.gov/allieswelcome>

² <https://www.uscis.gov/i-131>