

118TH CONGRESS
1ST SESSION

S. 1786

To amend the Afghan Allies Protection Act of 2009 to authorize additional special immigrant visas, to require a strategy for efficient processing, and to establish designated senior special immigrant visa coordinating officials, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 1, 2023

Mrs. SHAHEEN (for herself and Mr. WICKER) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Afghan Allies Protection Act of 2009 to authorize additional special immigrant visas, to require a strategy for efficient processing, and to establish designated senior special immigrant visa coordinating officials, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Afghan Allies Protec-
5 tion Act of 2023”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1 (1) section 1248(h) of the Refugee Crisis in
2 Iraq Act of 2007 (Public Law 110–181; 8 U.S.C.
3 1157 note) requires the Secretary of Homeland Se-
4 curity, the Secretary of State, and the Secretary of
5 Defense to designate senior coordinating officials,
6 with sufficient expertise, authority, and resources, to
7 carry out duties relating to the issuance of special
8 immigrant visas under that Act and the Afghan Al-
9 lies Protection Act of 2009 (Public Law 111–8;
10 U.S.C. 1101 note);

11 (2) the Secretary of Homeland Security, the
12 Secretary of State, and the Secretary of Defense
13 should take all necessary steps to designate such
14 senior coordinating officials;

15 (3) all criteria relating to the requirements for
16 special immigrant visa applicants under the Refugee
17 Crisis in Iraq Act of 2007 (Public Law 110–181; 8
18 U.S.C. 1157 note) and the Afghan Allies Protection
19 Act of 2009 (Public Law 111–8; 8 U.S.C. 1101
20 note) should be implemented on the date of the en-
21 actment of this Act;

22 (4) in the case of any individual with respect to
23 whom the Chief of Mission has erroneously denied a
24 request for approval to apply for a special immigrant
25 visa under the Refugee Crisis in Iraq Act of 2007

1 (Public Law 110–181; 8 U.S.C. 1157 note) or the
2 Afghan Allies Protection Act of 2009 (Public Law
3 111–8; 8 U.S.C. 1101 note), the Chief of Mission
4 should reopen such requests sua sponte, including
5 for any individual who has—

6 (A) not appealed;

7 (B) submitted an appeal; or

8 (C) had an appeal denied; and

9 (5) each applicant for a special immigrant visa
10 under the Afghan Allies Protection Act of 2009
11 (Public Law 111–8; 8 U.S.C. 1101 note) should be
12 provided the opportunity to submit not more than
13 one appeal for each written denial, which would
14 allow the applicant the opportunity to understand
15 and respond to the denial.

16 **SEC. 3. AUTHORIZING ADDITIONAL AFGHAN SPECIAL IMMI-**
17 **GRANT VISAS.**

18 Section 602(b)(3)(F) of the Afghan Allies Protection
19 Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is
20 amended—

21 (1) in paragraph (3)(F)—

22 (A) in the subparagraph heading, by strik-
23 ing “**Fiscal years 2015 through 2022**”
24 and inserting “**Fiscal years 2015 through**
25 **2029**”;

1 (B) in the matter preceding clause (i), by
2 striking “38,500” and inserting “58,500”;

3 (C) in clause (i), by striking “December
4 31, 2024” and inserting “December 31, 2029”;
5 and

6 (D) in clause (ii), by striking “December
7 31, 2024” and inserting “December 31, 2029”;
8 and

9 (2) in paragraph (13), in the matter preceding
10 subparagraph (A), by striking “January 31, 2025”
11 and inserting “January 31, 2030”.

12 **SEC. 4. EXEMPTION FOR AFGHANS INJURED OR KILLED IN**
13 **THE COURSE OF EMPLOYMENT.**

14 Section 602(b)(2)(A) of the Afghan Allies Protection
15 Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is
16 amended—

17 (1) in paragraph (2)(A)—

18 (A) by amending clause (ii) to read as fol-
19 lows:

20 “(ii)(I) was or is employed in Afghan-
21 istan on or after October 7, 2001, for not
22 less than 1 year—

23 “(aa) by, or on behalf of, the
24 United States Government; or

1 “(bb) by the International Secu-
2 rity Assistance Force (or any suc-
3 cessor name for such Force) in a ca-
4 pacity that required the alien—

5 “(AA) while traveling off-
6 base with United States military
7 personnel stationed at the Inter-
8 national Security Assistance
9 Force (or any successor name for
10 such Force), to serve as an inter-
11 preter or translator for such
12 United States military personnel;
13 or

14 “(BB) to perform activities
15 for the United States military
16 personnel stationed at Inter-
17 national Security Assistance
18 Force (or any successor name for
19 such Force); or

20 “(II) in the case of an alien who was
21 wounded or seriously injured in connection
22 with employment described in subclause
23 (I), was employed for any period until the
24 date on which such wound or injury oc-
25 curred, if the wound or injury prevented

1 the alien from continuing such employ-
2 ment;” and

3 (B) in clause (iii), by striking “clause (ii)”
4 and inserting “clause (ii)(I)”;

5 (2) in paragraph (13)(A)(i), by striking “sub-
6 clause (I) or (II)(bb) of paragraph (2)(A)(ii)” and
7 inserting “item (aa) or (bb)(BB) of paragraph
8 (2)(A)(ii)(I)”;

9 (3) in paragraph (14)(C), by striking “para-
10 graph (2)(A)(ii)” and inserting “paragraph
11 (2)(A)(ii)(I)” and

12 (4) in paragraph (15), by striking “paragraph
13 (2)(A)(ii)” and inserting “paragraph (2)(A)(ii)(I)”.

14 **SEC. 5. STRATEGY FOR THE EFFICIENT PROCESSING OF**
15 **ALL AFGHAN SPECIAL IMMIGRANT VISA AP-**
16 **PLICATIONS AND APPEALS.**

17 Section 602 of the Afghan Allies Protection Act of
18 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amend-
19 ed—

20 (1) in subsection (a), in the matter preceding
21 paragraph (1), by striking “In this section” and in-
22 serting “Except as otherwise explicitly provided, in
23 this section”; and

24 (2) in subsection (b), by adding at the end the
25 following:

1 “(16) DEPARTMENT OF STATE STRATEGY FOR
2 EFFICIENT PROCESSING OF APPLICATIONS AND AP-
3 PEALS.—

4 “(A) IN GENERAL.—Not later than 180
5 days after the date of the enactment of this
6 paragraph, the Secretary of State, in consulta-
7 tion with the Secretary of Homeland Security,
8 the Secretary of Defense, the head of any other
9 relevant Federal agency, the appropriate com-
10 mittees of Congress, and civil society organiza-
11 tions (including legal advocates), shall develop a
12 strategy to address applications pending at all
13 steps of the special immigrant visa process
14 under this section.

15 “(B) ELEMENTS.—The strategy required
16 by subparagraph (A) shall include the following:

17 “(i) A review of current staffing levels
18 and needs across all interagency offices
19 and officials engaged in the special immi-
20 grant visa process under this section.

21 “(ii) An analysis of the expected Chief
22 of Mission approvals and denials of appli-
23 cations in the pipeline in order to project
24 the expected number of visas necessary to
25 provide special immigrant status to all ap-

1 proved applicants under this Act during
2 the several years after the date of the en-
3 actment of this paragraph.

4 “(iii) A plan for collecting and
5 disaggregating data on—

6 “(I) individuals who have applied
7 for special immigrant visas under this
8 section; and

9 “(II) individuals who have been
10 issued visas under this section.

11 “(iv) An assessment as to whether
12 adequate guidelines exist for reconsidering
13 or reopening applications for special immi-
14 grant visas under this section in appro-
15 priate circumstances and consistent with
16 applicable laws.

17 “(v) An assessment of the procedures
18 throughout the special immigrant visa ap-
19 plication process, including at the Ports-
20 mouth Consular Center, and the effective-
21 ness of communication between the Ports-
22 mouth Consular Center and applicants, in-
23 cluding an identification of any area in
24 which improvements to the efficiency of

1 such procedures and communication may
2 be made.

3 “(C) FORM.—The strategy required by
4 subparagraph (A) shall be submitted in unclas-
5 sified form but may include an classified annex.

6 “(D) APPROPRIATE COMMITTEES OF CON-
7 GRESS DEFINED.—In this paragraph, the term
8 ‘appropriate committees of Congress’ means—

9 “(i) the Committee on Foreign Rela-
10 tions, the Committee on the Judiciary, the
11 Committee on Homeland Security and
12 Government Affairs, and the Committee on
13 Armed Services of the Senate; and

14 “(ii) the Committee on Foreign Af-
15 fairs, the Committee on the Judiciary, the
16 Committee on Homeland Security, and the
17 Committee on Armed Services of the
18 House of Representatives.”.

19 **SEC. 6. SENIOR COORDINATING OFFICIALS.**

20 Section 602(b)(2)(D)(ii) of the Afghan Allies Protec-
21 tion Act of 2009 (Public Law 111–8; 8 U.S.C. 1101) is
22 amended by adding at the end the following:

23 “(III) SENIOR SPECIAL IMMI-
24 GRANT VISA COORDINATING OFFI-
25 CIALS.—

1 “(aa) IN GENERAL.—The
2 head of each Federal agency that
3 employs a national of Afghani-
4 stan who may be eligible for a
5 special immigrant visa under this
6 section, and the head of each
7 Federal agency that is integral to
8 the processing of such visas (in-
9 cluding the Department of State,
10 the Department of Defense, the
11 Department of Homeland Secu-
12 rity, and the Department of
13 Health and Human Services),
14 shall designate a senior coordi-
15 nating official to oversee the effi-
16 ciency and integrity of the proc-
17 essing of visas for such nationals
18 of Afghanistan.

19 “(bb) QUALIFICATIONS.—An
20 official designated under item
21 (aa) shall be of a sufficient se-
22 niority to allow for interagency
23 coordination and responsiveness
24 among the relevant Federal agen-
25 cies.

1 “(cc) RESPONSIBILITIES
2 AND CLEARANCES.—Such an of-
3 ficial shall be given the respon-
4 sibilities and clearances described
5 in items (aa),(bb), and (cc) of
6 subelause (II).”.

7 **SEC. 7. AUTHORITY FOR REIMBURSEMENT OF MEDICAL EX-**
8 **AMINATIONS IN CASES OF ECONOMIC HARD-**
9 **SHIP.**

10 Section 602 of the Afghan Allies Protection Act of
11 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amend-
12 ed—

13 (1) by redesignating subsection (c) as sub-
14 section (d); and

15 (2) by inserting after subsection (b) the fol-
16 lowing:

17 “(c) MEDICAL EXAMINATIONS.—

18 “(1) REIMBURSEMENT.—Subject to the
19 amounts provided in advance in appropriations Acts,
20 the Secretary of State shall, on receipt of a petition
21 for reimbursement, reimburse an alien described in
22 subparagraph (A), (B), or (C) of subsection (b)(2)
23 for the costs incurred by the alien for any medical
24 examination required under the immigration laws

1 (as defined in section 101(a) of the Immigration and
2 Nationality Act (8 U.S.C. 1101(a))).

3 “(2) PETITION.—Not later than the date on
4 which an alien receives Chief of Mission approval
5 pursuant to subsection (b), the alien shall submit to
6 a consular officer of the United States in the foreign
7 country in which the alien is located a petition for
8 reimbursement for any medical examination required
9 under the immigration laws.

10 “(3) CONSULAR OFFICER DETERMINATION.—

11 “(A) IN GENERAL.—Not later than 7 busi-
12 ness days after the date on which a petition
13 under paragraph (2) is submitted, a consular
14 officer of the United States shall provide to the
15 alien who submitted the petition a written no-
16 tice of approval or denial of the petition.

17 “(B) EXPLANATION OF DENIAL.—A writ-
18 ten notice of denial under subparagraph (A)
19 shall be accompanied by an explanation for the
20 denial and instructions for appealing the denial.

21 “(4) APPEALS PROCESS.—The Secretary of
22 State shall establish a process by which an alien may
23 appeal the denial of a petition under this subsection.

24 “(5) CAP ON REIMBURSEMENT.—A reimburse-
25 ment approved under this subsection may not exceed

1 the fair market value of medical examinations, as
2 determined by the Secretary of State, in the applica-
3 ble foreign country.

4 “(6) PAYMENT BEFORE EXAMINATION.—The
5 Secretary of State, on a case-by-case basis, may ap-
6 prove and disburse payment for a medical examina-
7 tion in advance of the medical examination.”.

8 **SEC. 8. AUTHORIZATION OF VIRTUAL INTERVIEWS.**

9 Section 602(b)(4) of the Afghan Allies Protection Act
10 of 2009 (Public Law 111–8; 8 U.S.C. 1101 21 note) is
11 amended by adding at the end the following:

12 “(D) VIRTUAL INTERVIEWS.—Notwith-
13 standing section 222(e) of the Immigration and
14 Nationality Act (8 U.S.C. 1202(e)), an applica-
15 tion for an immigrant visa under this section
16 may be signed by the applicant through a vir-
17 tual video meeting before a consular officer and
18 verified by the oath of the applicant adminis-
19 tered by the consular officer during a virtual
20 video meeting.”.

1 **SEC. 9. ANNUAL REPORT ON EFFICIENCY IMPROVEMENTS**
2 **TO APPLICATION PROCESSING FOR CERTAIN**
3 **IRAQI AND AFGHAN TRANSLATORS AND IN-**
4 **TERPRETERS.**

5 (a) **IN GENERAL.**—Not later than 120 days after the
6 date of the enactment of this Act, and annually thereafter,
7 the Secretary of State and the Secretary of Homeland Se-
8 curity, in consultation with the Secretary of Defense, shall
9 publish on the internet website of the Department of State
10 a report that describes the efficiency improvements made
11 with respect to the processes by which applications for spe-
12 cial immigrant visas under section 1059 of the National
13 Defense Authorization Act for Fiscal Year 2006 (Public
14 Law 109–163; 8 U.S.C. 1101 note) are processed.

15 (b) **ELEMENTS.**—Each report required by subsection
16 (a) shall include the following:

17 (1) For each month of the preceding fiscal year,
18 the number of aliens who have applied for special
19 immigrant visas under section 1059 of the National
20 Defense Authorization Act for Fiscal Year 2006
21 (Public Law 109–163; 8 U.S.C. 1101 note).

22 (2) The number of visas issued to principal and
23 derivative applicants under such section during the
24 preceding fiscal year.

1 (3) The number of visas that remained author-
2 ized and available at the end of the preceding fiscal
3 year.

4 (4) In the case of a failure to process an appli-
5 cation for such a visa that has been pending for
6 more than one year, the reasons for such failure.

7 (5) The total number of applications for such
8 visas that are pending as of the date of the report
9 due to—

10 (A) failure to receive approval through the
11 normal course of the process of adjudicating ap-
12 plications; and

13 (B) an insufficient number of visas avail-
14 able.

15 (6) The number of, and reasons for, denials or
16 rejections of such applications.

17 (c) INITIAL REPORT.—In addition to the elements
18 under subsection (b), the initial report submitted under
19 subsection (a) shall include the number of visas converted
20 under Section 2 of Public Law 110–242 (8 U.S.C. 1101
21 note).

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