

118TH CONGRESS
1ST SESSION

S. 2327

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.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2023

Ms. KLOBUCHAR (for herself, Mr. GRAHAM, Mr. COONS, Mr. MORAN, Mr. BLUMENTHAL, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. WICKER, Mr. TILLIS, and Mr. DURBIN) 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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Afghan Adjustment
5 Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE COMMITTEES OF CON-
4 GRESS.—The term “appropriate committees of Con-
5 gress” means—

6 (A) the Committee on the Judiciary of the
7 Senate;

8 (B) the Committee on Foreign Relations of
9 the Senate;

10 (C) the Committee on Armed Services of
11 the Senate;

12 (D) the Committee on Appropriations of
13 the Senate;

14 (E) the Committee on the Judiciary of the
15 House of Representatives;

16 (F) the Committee on Foreign Affairs of
17 the House of Representatives;

18 (G) the Committee on Armed Services of
19 the House of Representatives; and

20 (H) the Committee on Appropriations of
21 the House of Representatives.

22 (2) IMMIGRATION LAWS.—The term “immigra-
23 tion laws” has the meaning given such term in sec-
24 tion 101(a)(17) of the Immigration and Nationality
25 Act (8 U.S.C. 1101(a)(17)).

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

4 (A) the Afghan Allies Protection Act of
5 2009 (8 U.S.C. 1101 note; Public Law 111–8);

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

9 (C) section 7 or an amendment made by
10 such section.

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

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

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

19 (5) UNITED STATES REFUGEE ADMISSIONS
20 PROGRAM.—The term “United States Refugee Ad-
21 missions Program” means the program to resettle
22 refugees in the United States pursuant to the au-
23 thorities provided in sections 101(a)(42), 207, and
24 412 of the Immigration and Nationality Act (8
25 U.S.C. 1101(a)(42), 1157, and 1522).

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

2 It is the sense of Congress that—

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

9 (2) the United States should increase support
10 for such nationals of Afghanistan.

11 **SEC. 4. SUPPORT FOR AFGHAN ALLIES OUTSIDE OF THE**
12 **UNITED STATES.**

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

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

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

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

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

10 (4) to carry out any other function that the
11 Secretary considers necessary.

12 **SEC. 5. INTERAGENCY TASK FORCE ON AFGHAN ALLY**
13 **STRATEGY.**

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

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

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

24 (b) **MEMBERSHIP.**—

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

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

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

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

11 (A) the Department of State;

12 (B) the Department Homeland Security;

13 (C) the Department of Defense;

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

16 (E) the Federal Bureau of Investigation;

17 and

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

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

22 (d) DUTIES.—

23 (1) REPORT.—

24 (A) IN GENERAL.—Not later than 180
25 days after the date on which the Task Force is

1 established, the Task Force, acting through the
2 chair of the Task Force, shall submit a report
3 to the appropriate committees of Congress that
4 includes—

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

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

21 (B) ELEMENTS.—The report required
22 under subparagraph (A) shall include—

23 (i) the total number of nationals of
24 Afghanistan who have pending specified
25 applications, disaggregated by—

1 (I) such nationals in Afghanistan
2 and such nationals in a third country;

3 (II) type of specified application;
4 and

5 (III) applications that are
6 documentarily complete and applica-
7 tions that are not documentarily com-
8 plete;

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

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

15 (I) the estimated number of na-
16 tionals of Afghanistan described in
17 such subparagraph;

18 (II) a description of the process
19 for safely resettling such nationals;

20 (III) a plan for processing such
21 nationals of Afghanistan for admis-
22 sion to the United States, that—

23 (aa) discusses the feasibility
24 of remote processing for such na-

1 tionals of Afghanistan residing in
2 Afghanistan;

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

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

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

20 (ee) includes a plan for pro-
21 viding updates and necessary in-
22 formation to affected individuals
23 and relevant nongovernmental or-
24 ganizations;

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

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

16 (VI) an estimate of the cost to
17 fully implement the strategy; and

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

21 (iv) with respect to the contingency
22 plan required by subparagraph (A)(ii)—

23 (I) a description of the standard
24 practices for screening and vetting
25 foreign nationals considered to be eli-

1 gible for resettlement in the United
2 States, including a strategy for vet-
3 ting, and maintaining the records of,
4 such foreign nationals who are unable
5 to provide identification documents or
6 biographic details due to emergency
7 circumstances;

8 (II) a strategy for facilitating ref-
9 ugee or consular processing for such
10 foreign nationals in third countries;

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

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

20 (V) any other matter the Task
21 Force considers relevant to the imple-
22 mentation of the contingency plan.

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

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

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

7 (1) the date on which the strategy required
8 under subsection (d)(1)(A)(i) has been fully imple-
9 mented; or

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

12 **SEC. 6. ADJUSTMENT OF STATUS FOR ELIGIBLE INDIVID-**
13 **UALS.**

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

16 (1) is present in the United States—

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

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

24 (B) was paroled into the United States during
25 the period beginning on July 30, 2021, and ending

1 on the date of the enactment of this Act, provided
2 that such parole has not been terminated by the Sec-
3 retary of Homeland Security upon written notice; or

4 (C)(i) was admitted or paroled into the United
5 States after the date of the enactment of this Act;
6 and

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

16 (b) ADJUSTMENT OF STATUS.—Notwithstanding any
17 other provision of law, the Secretary of Homeland Security
18 shall adjust the status of an eligible individual to the sta-
19 tus of an alien lawfully admitted for permanent residence
20 if—

21 (1) the eligible individual—

22 (A) submits an application for adjustment
23 of status in accordance with procedures estab-
24 lished by the Secretary; and

1 (B) meets the requirements of this section;

2 and

3 (2) the Secretary determines, in the
4 unreviewable discretion of the Secretary, that the
5 adjustment of status of the eligible individual is not
6 contrary to the national interest, public safety, or
7 national security of the United States.

8 (c) ADMISSIBILITY.—

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

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

19 (A) any ground of inadmissibility under
20 paragraph (3) of section 212(a) of the Immi-
21 gration and Nationality Act (8 U.S.C. 1182(a));

22 or

23 (B) any applicable ground of inadmis-
24 sibility under paragraph (2) of that section that
25 arises due to criminal conduct that was com-

1 mitted in the United States on or after July 30,
2 2021.

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

7 (d) INTERVIEW AND VETTING REQUIREMENTS.—

8 (1) REQUIREMENTS FOR IN-PERSON INTERVIEW
9 AND VETTING.—

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

20 (i) an in-person interview (except in
21 the case of a child who was younger than
22 10 years of age at the time of admission
23 or parole);

1 (ii) biometric and biographic screening
2 to identify any derogatory information as-
3 sociated with applicants;

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

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

14 (B) CLEARANCE OF VETTING REQUIRE-
15 MENTS.—

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

21 (I) the vetting requirements de-
22 scribed in subparagraph (A) have
23 been implemented; and

1 (II) the eligible individual clears
2 the vetting requirements established
3 under subparagraph (A).

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

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

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

22 (D) RULE OF CONSTRUCTION.—Nothing in
23 this paragraph may be construed to require, as
24 part of the vetting requirements under this sub-
25 section, that the Secretary of Homeland Secu-

1 rity collect from an applicant any biometric in-
2 formation that the Department of Homeland
3 Security already has on file.

4 (2) VETTING DATABASE REQUIREMENT.—

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

15 (i) personal biographic information,
16 including name and date of birth;

17 (ii) biometric information, including,
18 where available, iris scans, photographs,
19 and fingerprints; and

20 (iii) the results of all vetting by the
21 United States Government to which the
22 applicant has submitted, including whether
23 the individual has undergone an in-person
24 vetting interview, and any recurrent vet-
25 ting.

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

6 (3) RULE OF CONSTRUCTION.—Nothing in this
7 subsection may be construed to limit the authority
8 of the Secretary of Homeland Security to maintain
9 records under any other law.

10 (e) RECORD OF ADMISSION.—

11 (1) PRIORITY FOR THOSE WHO SUPPORTED
12 THE UNITED STATES MISSION IN AFGHANISTAN.—
13 Upon the approval of an application for adjustment
14 of status under this section submitted by an appli-
15 cant (and the spouse and child of an applicant, if
16 otherwise eligible for adjustment of status under this
17 section) who submits documentation establishing
18 that the applicant has received Chief of Mission ap-
19 proval as part of their application for special immi-
20 grant status, the Secretary of Homeland Security
21 shall create a record of the alien’s admission as a
22 lawful permanent resident as of the date on which
23 the alien was inspected and admitted or paroled into
24 the United States.

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

9 (f) DEADLINE FOR APPLICATION.—

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

15 (A) the date that is 2 years after the date
16 on which final guidance described in subsection
17 (i)(2) is published; or

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

22 (2) EXCEPTION.—An application under this
23 section may be considered after the applicable date
24 described in paragraph (1), if the applicant dem-
25 onstrates to the satisfaction of the Secretary of

1 Homeland Security the existence of extraordinary
2 circumstances relating to the delay in submission of
3 the application.

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

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

17 (i) IMPLEMENTATION.—

18 (1) INTERIM GUIDANCE.—

19 (A) IN GENERAL.—Not later than 90 days
20 after the date of the enactment of this Act, the
21 Secretary of Homeland Security shall issue
22 guidance implementing this section.

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

1 (i) may be published on the internet
2 website of the Department of Homeland
3 Security; and

4 (ii) shall be effective on an interim
5 basis immediately upon such publication,
6 but may be subject to change and revision
7 after notice and an opportunity for public
8 comment.

9 (2) FINAL GUIDANCE.—

10 (A) IN GENERAL.—Not later than 1 year
11 after the date of the enactment of this Act, the
12 Secretary of Homeland Security shall finalize
13 the guidance implementing this section.

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

20 (j) ADMINISTRATIVE REVIEW.—The Secretary of
21 Homeland Security shall provide applicants for adjust-
22 ment of status under this section with the same right to,
23 and procedures for, administrative review as are provided
24 to applicants for adjustment of status under section 245
25 of the Immigration and Nationality Act (8 U.S.C. 1255).

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

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

6 (2) the initial issuance of a permanent resident
7 card or an employment authorization document
8 under this section.

9 (l) PENDING APPLICATIONS.—

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

18 (A) removed from the United States unless
19 the Secretary of Homeland Security makes a
20 prima facie determination that the alien is, or
21 has become, ineligible for adjustment of status
22 under this section;

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

1 (C) considered an unauthorized alien (as
2 defined in section 274A(h)(3) of the Immigra-
3 tion and Nationality Act (8 U.S.C.
4 1324a(h)(3))) if the alien has applied for and
5 has been issued an employment authorization
6 document.

7 (2) EFFECT ON OTHER APPLICATIONS.—Not-
8 withstanding any other provision of law, in the inter-
9 est of efficiency, the Secretary of Homeland Security
10 may pause consideration of any other application for
11 immigration benefits pending adjudication so as to
12 prioritize an application for adjustment of status
13 pursuant to this Act.

14 (m) ELIGIBILITY FOR BENEFITS.—

15 (1) IN GENERAL.—Notwithstanding any other
16 provision of law—

17 (A) an individual described in subsection
18 (a) of section 2502 of the Afghanistan Supple-
19 mental Appropriations Act, 2022 (8 U.S.C.
20 1101 note, Public Law 117–43) shall retain his
21 or her eligibility for the benefits and services
22 described in subsection (b) of such section if the
23 individual has a pending application under this
24 section or is granted adjustment of status
25 under this section; and

1 (B) such benefits and services shall remain
2 available to the individual to the same extent
3 and for the same periods of time as such bene-
4 fits and services are otherwise available to refu-
5 gees who acquire such status.

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

12 “(F) An alien who status is adjusted to
13 that of an alien lawfully admitted for perma-
14 nent residence under section 6 of the Afghan
15 Adjustment Act.”.

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

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

23 (2) such parent or legal guardian was paroled
24 into or admitted to the United States after the date
25 referred to in paragraph (1).

1 (o) EXEMPTION FROM NUMERICAL LIMITATIONS.—

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

7 (2) SPOUSE AND CHILDREN BENEFICIARIES.—

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

18 (p) NOTIFICATION OF ELIGIBLE INDIVIDUALS.—The
19 Secretary of Homeland Security shall make reasonable ef-
20 forts to notify eligible individuals, including eligible indi-
21 viduals who independently departed United States Govern-
22 ment facilities, with respect to—

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

1 (2) the deadline for submitting an application;
2 and

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

5 (q) REPORTING REQUIREMENTS.—

6 (1) REPORT AND CONSULTATION ON VETTING
7 REQUIREMENTS.—

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

23 (B) SECOND CONGRESSIONAL CONSULTA-
24 TION ON VETTING.—Not later than the earlier
25 of the date that is 180 days after the date of

1 the enactment of this Act or the date on which
2 the Secretary of Homeland Security begins ac-
3 cepting applications for adjustment of status
4 under this Act, the Secretary shall provide to
5 the appropriate committees of Congress with a
6 second consultation on—

7 (i) the status of the vetting under this
8 section, including the steps the Secretary
9 has taken to respond to feedback provided
10 during the initial consultation under sub-
11 paragraph (A); and

12 (ii) the progress of the Secretary to-
13 ward fully setting up the procedures and
14 database required by this section.

15 (2) BRIEFING.—

16 (A) IN GENERAL.—Not later than 1 year
17 after the application deadline under subsection
18 (f)(1)(A), the Secretary of Homeland Security
19 shall provide the appropriate committees of
20 Congress with a briefing on the status of the
21 vetting under this section of eligible individuals,
22 including a plan for addressing any identified
23 security concerns.

24 (B) ELEMENT.—The briefing required by
25 subparagraph (A) shall include information on

1 individuals who are eligible for adjustment of
2 status under this section but did not—

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

5 (ii) meet the requirements of sub-
6 section (f)(2).

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

16 (r) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion may be construed to preclude an eligible individual
18 from applying for or receiving any immigration benefit to
19 which the eligible individual is otherwise entitled.

20 (s) AUTHORIZATION FOR APPROPRIATIONS.—There
21 is authorized to be appropriated to the Secretary of Home-
22 land Security \$20,000,000 for each of the fiscal years
23 2023 through 2027 to carry out this section.

1 **SEC. 7. NEW CATEGORY OF SPECIAL IMMIGRANT VISAS**
2 **FOR AT-RISK AFGHAN ALLIES AND REL-**
3 **ATIVES OF CERTAIN MEMBERS OF THE**
4 **ARMED FORCES.**

5 (a) AT-RISK AFGHAN ALLIES.—

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

14 (A) the alien or an agent acting on behalf
15 of the alien submits a request for a rec-
16 ommendation under paragraph (3);

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

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

25 (2) ALIEN DESCRIBED.—

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

3 (i) is a citizen or national of Afghani-
4 stan;

5 (ii) was—

6 (I) a member of—

7 (aa) the special operations
8 forces of the Afghanistan Na-
9 tional Defense and Security
10 Forces;

11 (bb) the Afghanistan Na-
12 tional Army Special Operations
13 Command;

14 (cc) the Afghan Air Force;
15 or

16 (dd) the Special Mission
17 Wing of Afghanistan;

18 (II) a female member of any
19 other entity of the Afghanistan Na-
20 tional Defense and Security Forces,
21 including—

22 (aa) a cadet or instructor at
23 the Afghanistan National De-
24 fense University; and

1 (bb) a civilian employee of
2 the Ministry of Defense or the
3 Ministry of Interior Affairs;

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

9 (IV) an individual associated with
10 former Afghan military counterintel-
11 ligence;

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

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

22 (iii) provided service to an entity or
23 organization described in clause (ii) for not
24 less than 1 year during the period begin-
25 ning on December 22, 2001, and ending

1 on September 1, 2021, and did so in sup-
2 port of the United States mission in Af-
3 ghanistan; and

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

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

22 (3) DEPARTMENT OF DEFENSE RECOMMENDA-
23 TION.—

24 (A) IN GENERAL.—With respect to each
25 principal applicant under this section, as soon

1 as practicable after receiving a request for a
2 recommendation, the Secretary of Defense
3 shall—

4 (i) review—

5 (I)(aa) the service record of the
6 principal applicant, if available; or

7 (bb) if the principal applicant
8 provides a service record, any infor-
9 mation that helps verify the service
10 record concerned; and

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

21 (ii) submit a positive or negative rec-
22 ommendation to the Secretary of State or
23 the Secretary of Homeland Security as to
24 whether the principal applicant meets the

1 requirements under paragraph (2) without
2 significant derogatory information; and

3 (iii) submit with such recommenda-
4 tion—

5 (I)(aa) any service record con-
6 cerned, if available; or

7 (bb) if the principal applicant
8 provides a service record, any infor-
9 mation that helps verify the service
10 record concerned; and

11 (II) any biometrics for the prin-
12 cipal applicant that have been col-
13 lected by the Department of Defense.

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

21 (C) PERSONNEL TO SUPPORT REC-
22 OMMENDATIONS.—Any limitation in law on the
23 number of personnel within the Office of the
24 Secretary of Defense, the military departments,
25 or the defense agencies shall not apply to per-

1 sonnel employed for the primary purpose of car-
2 rying out this paragraph.

3 (D) REVIEW PROCESS FOR NEGATIVE DE-
4 PARTMENT OF DEFENSE RECOMMENDATION.—

5 (i) IN GENERAL.—An applicant who
6 has a negative recommendation from the
7 Department of Defense, as described in
8 subparagraph (A)(ii), or with derogatory
9 information shall—

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

19 (II) be provided not more than 1
20 written appeal to the Secretary of De-
21 fense for each such negative rec-
22 ommendation.

23 (ii) DEADLINE FOR APPEAL.—An ap-
24 peal under subclause (II) of clause (i) shall
25 be submitted not more than 120 days after

1 the date on which the applicant concerned
2 receives a decision under subclause (I) of
3 that clause, or thereafter at the discretion
4 of the Secretary of Defense or the Sec-
5 retary of Homeland Security.

6 (iii) REQUEST TO REOPEN.—

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

15 (II) LIMITATION.—After consid-
16 ering 1 such request to reopen from
17 an applicant, the Secretary of Defense
18 may deny subsequent requests to re-
19 open submitted by the same applicant.

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

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

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

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

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

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

9 “(ii) a veteran (as defined in section
10 101 of title 38, United States Code).”.

11 (c) GENERAL PROVISIONS.—

12 (1) PROHIBITION ON FEES.—The Secretary of
13 Homeland Security, the Secretary of Defense, or the
14 Secretary of State may not charge any fee in con-
15 nection with an application for, or issuance of, a
16 special immigrant visa or special immigrant status
17 under—

18 (A) this section or an amendment made by
19 this section;

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

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

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

9 (3) NUMERICAL LIMITATIONS.—

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

15 (B) CARRYOVER.—If the numerical limita-
16 tion specified in subparagraph (A) is not
17 reached during a given fiscal year, the numer-
18 ical limitation specified in such subparagraph
19 for the following fiscal year shall be increased
20 by a number equal to the difference between—

21 (i) the numerical limitation specified
22 in subparagraph (A) for the given fiscal
23 year; and

1 (ii) the number of principal aliens pro-
2 vided special immigrant visas under this
3 section during the given fiscal year.

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

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

10 (i) commence on the date of the en-
11 actment of this Act; and

12 (ii) terminate on the date on which all
13 such visas are exhausted.

14 (4) EXCLUSION FROM NUMERICAL LIMITA-
15 TIONS.—Aliens provided special immigrant visas
16 under this section, or an amendment made by this
17 section, shall not be counted against any numerical
18 limitation under sections 201(d), 202(a), or
19 203(b)(4) of the Immigration and Nationality Act (8
20 U.S.C. 1151(d), 1152(a), and 1153(b)(4)) or section
21 602 of the Afghan Allies Protection Act of 2009 (8
22 U.S.C. 1101 note; Public Law 111–8).

23 (5) ORDER OF CONSIDERATION.—Immigrant
24 visas shall be made available under this section to el-
25 igible immigrants in the order in which the Sec-

1 retary of Defense has issued a recommendation
2 under subsection (a)(3), subject to the requirements
3 of the adjudication process.

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

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

18 (8) RESETTLEMENT SUPPORT.—A citizen or
19 national of Afghanistan who is admitted to the
20 United States as a special immigrant under this sec-
21 tion or an amendment made by this section shall be
22 eligible for resettlement assistance, entitlement pro-
23 grams, and other benefits available to refugees ad-
24 mitted under section 207 of such Act (8 U.S.C.

1 1157) to the same extent, and for the same periods
2 of time, as such refugees.

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

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

16 (B) is otherwise eligible for status as a
17 special immigrant under—

18 (i) this section; or

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

21 (10) AUTHORIZATION OF APPROPRIATIONS.—

22 There are authorized to be appropriated to the Sec-
23 retary of Homeland Security, the Secretary of State,
24 the Secretary of Defense, and the Secretary of
25 Health and Human Services such sums as are nec-

1 essary for each of the fiscal years 2023 through
2 2033 to carry out this section and the amendments
3 made by this section.

4 **SEC. 8. SUPPORT FOR ALLIES SEEKING RESETTLEMENT IN**
5 **THE UNITED STATES.**

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

18 **SEC. 9. SEVERABILITY.**

19 If any provision of this Act, or the application of such
20 provision to any person or circumstance, is held to be un-
21 constitutional, the remainder of this Act, and the applica-
22 tion of the remaining provisions of this Act to any person
23 or circumstance, shall not be affected.

1 **SEC. 10. DATE LIMITATION.**

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

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