

118TH CONGRESS  
1ST SESSION

# S. 2324

To provide support for nationals of Afghanistan who supported the United States mission in Afghanistan and adjustment of status for eligible individuals, to support at-risk Afghan allies and relatives of certain members of the Armed Forces, and to amend section 212(d)(5) of the Immigration and Nationality Act to reform the parole process, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

JULY 13, 2023

Mr. COTTON (for himself, Mr. GRAHAM, Mr. TILLIS, and Mr. GRASSLEY) 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 and adjustment of status for eligible individuals, to support at-risk Afghan allies and relatives of certain members of the Armed Forces, and to amend section 212(d)(5) of the Immigration and Nationality Act to reform the parole process, 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 “Ensuring American  
3 Security and Protecting Afghan Allies 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 6 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. SUPPORT FOR AFGHAN ALLIES OUTSIDE OF THE**  
4 **UNITED STATES.**

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

12 (b) OFFICE IN LIEU OF EMBASSY.—During the pe-  
13 riod in which there is no operational United States em-  
14 bassy in Afghanistan, the Secretary of State shall des-  
15 ignate an appropriate office within the Department of  
16 State—

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

20 (2) to issue visas or other travel documents to  
21 such nationals, in accordance with the immigration  
22 laws;

23 (3) to provide services to such nationals, to the  
24 greatest extent practicable, that would normally be  
25 provided by an embassy; and

1 (4) to carry out any other function that the  
2 Secretary considers necessary.

3 **SEC. 4. CONDITIONAL PERMANENT RESIDENT STATUS FOR**  
4 **ELIGIBLE INDIVIDUALS.**

5 (a) DEFINITIONS.—In this section:

6 (1) CONDITIONAL PERMANENT RESIDENT STA-  
7 TUS.—The term “conditional permanent resident  
8 status” means conditional permanent resident status  
9 under section 216 of the Immigration and Nation-  
10 ality Act (8 U.S.C. 1186a–b), subject to the provi-  
11 sions of this section.

12 (2) ELIGIBLE INDIVIDUAL.—The term “eligible  
13 individual” means an alien who—

14 (A) is present in the United States;

15 (B) is a citizen or national of Afghanistan  
16 or, in the case of an alien having no nationality,  
17 is a person who last habitually resided in Af-  
18 ghanistan;

19 (C) has not been granted permanent resi-  
20 dent status; and

21 (D)(i) was inspected and admitted to the  
22 United States on or before the date of the en-  
23 actment of this Act; or

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

1 and ending on the date of the enactment of this  
2 Act, provided that such parole has not been ter-  
3 minated by the Secretary of Homeland Security  
4 upon written notice.

5 (b) CONDITIONAL PERMANENT RESIDENT STATUS  
6 FOR ELIGIBLE INDIVIDUALS.—

7 (1) ADJUSTMENT OF STATUS TO CONDITIONAL  
8 PERMANENT RESIDENT STATUS.—Immediately on  
9 the date of the enactment of this Act, the Secretary  
10 of Homeland Security shall—

11 (A) adjust the status of each eligible indi-  
12 vidual to that of conditional permanent resident  
13 status; and

14 (B) create for each eligible individual a  
15 record of admission to such status as of the  
16 date on which the eligible individual was ini-  
17 tially inspected and admitted or paroled into  
18 the United States.

19 (2) REMOVAL OF CONDITIONS.—

20 (A) IN GENERAL.—Not later than the date  
21 described in subparagraph (B), the Secretary of  
22 Homeland Security shall remove the conditions  
23 on the permanent resident status of an eligible  
24 individual if the Secretary has determined  
25 that—

1 (i) subject to subparagraph (C), the  
2 eligible individual is not subject to any  
3 ground of inadmissibility under section 212  
4 of the Immigration and Nationality Act (8  
5 U.S.C. 1182); and

6 (ii) the eligible individual is not the  
7 subject of significant derogatory informa-  
8 tion, such as a conviction of a felony or  
9 any other information indicating that the  
10 eligible individual poses a national security  
11 concern.

12 (B) DATE DESCRIBED.—The date de-  
13 scribed in this subparagraph is the earlier of—

14 (i) the date that is 4 years after the  
15 date on which an eligible individual was  
16 admitted or paroled into the United States;  
17 or

18 (ii) July 1, 2027.

19 (C) WAIVER.—

20 (i) IN GENERAL.—Except as provided  
21 in clause (ii), with respect to an eligible in-  
22 dividual, the Secretary of Homeland Secu-  
23 rity may waive the application of the  
24 grounds of inadmissibility under section  
25 212(a) of the Immigration and Nationality

1 Act (8 U.S.C. 1182(a)) for humanitarian  
2 purposes or to ensure family unity.

3 (ii) EXCEPTIONS.—The Secretary of  
4 Homeland Security may not waive under  
5 clause (i) the application of subparagraphs  
6 (C) through (H) of paragraph (2), or para-  
7 graph (3), of section 212(a) of the Immi-  
8 gration and Nationality Act (8 U.S.C.  
9 1182(a)).

10 (3) TREATMENT OF CONDITIONAL RESIDENT  
11 PERIOD FOR PURPOSES OF NATURALIZATION.—An  
12 eligible individual in conditional resident status shall  
13 be considered—

14 (A) to have been admitted to the United  
15 States as an alien lawfully admitted for perma-  
16 nent residence; and

17 (B) to be present in the United States as  
18 an alien lawfully admitted to the United States  
19 for permanent residence.

20 (c) TERMS OF CONDITIONAL PERMANENT RESIDENT  
21 STATUS.—

22 (1) ASSESSMENT.—

23 (A) IN GENERAL.—Before removing the  
24 conditions on the permanent resident status of  
25 an eligible individual under subsection (b)(2),



1 the Secretary of Homeland Security shall con-  
2 duct an assessment with respect to the eligible  
3 individual, which shall be equivalent in rigor to  
4 the assessment conducted with respect to refu-  
5 gees admitted to the United States through the  
6 United States Refugee Admissions Program, for  
7 the purpose of determining whether the eligible  
8 individual is subject to any ground of inadmis-  
9 sibility under section 212 of the Immigration  
10 and Nationality Act (8 U.S.C. 1182) or any  
11 ground of deportability under section 237 of  
12 that Act (8 U.S.C. 1227).

13 (B) CONSULTATION.—In conducting an as-  
14 sessment under subparagraph (A), the Sec-  
15 retary of Homeland Security may consult with  
16 the head of any other relevant agency and re-  
17 view the holdings of any such agency.

18 (2) PERIODIC NONADVERSARIAL MEETINGS.—

19 (A) IN GENERAL.—Not later than 180  
20 days after the date on which the status of an  
21 eligible individual is adjusted to conditional per-  
22 manent resident status, and periodically there-  
23 after, the eligible individual shall participate in  
24 a nonadversarial meeting with an official of the

1 Office of Refugee Resettlement, during which  
2 such official shall—

3 (i) on request by the eligible indi-  
4 vidual, assist the eligible individual in ap-  
5 plying for any applicable immigration ben-  
6 efit and completing any applicable immi-  
7 gration-related paperwork; and

8 (ii) answer any questions regarding  
9 eligibility for other benefits.

10 (B) NOTIFICATION OF REQUIREMENTS.—

11 Not later than 7 days before the date on which  
12 a meeting under subparagraph (A) is scheduled  
13 to occur, the Secretary of Health and Human  
14 Services shall provide notice to the eligible indi-  
15 vidual that includes the date of the scheduled  
16 meeting and a description of the process for re-  
17 scheduling the meeting.

18 (C) CONDUCT OF MEETING.—The Sec-  
19 retary of Health and Human Services shall im-  
20 plement practices to ensure that—

21 (i) meetings under subparagraph (A)  
22 are conducted in a nonadversarial manner;  
23 and

1                   (ii) interpretation and translation  
2                   services are provided to eligible individuals  
3                   with limited English proficiency.

4                   (D) RULE OF CONSTRUCTION.—Nothing in  
5                   this section shall be construed to prevent an eli-  
6                   gible individual from electing to have counsel  
7                   present during a meeting under subparagraph  
8                   (A).

9                   (3) ELIGIBILITY FOR BENEFITS.—Except with  
10                  respect to an application for naturalization, an eligi-  
11                  ble individual in conditional permanent resident sta-  
12                  tus shall be considered to be an alien lawfully admit-  
13                  ted for permanent residence for purposes of the ad-  
14                  judication of an application or petition for a benefit  
15                  or the receipt of a benefit.

16                  (4) NOTIFICATION OF REQUIREMENTS.—Not  
17                  later than 90 days after the date on which the sta-  
18                  tus of an eligible individual is adjusted to that of  
19                  conditional permanent resident status, the Secretary  
20                  of Homeland Security shall provide notice to the eli-  
21                  gible individual with respect to the provisions of—

22                               (A) this section;

23                               (B) paragraph (1) (relating to the conduct  
24                               of assessments); and

1 (C) paragraph (2) (relating to periodic  
2 nonadversarial meetings).

3 (d) APPLICATION FOR NATURALIZATION.—The Sec-  
4 retary of Homeland Security shall establish procedures by  
5 which an eligible individual may be considered for natu-  
6 ralization concurrently with the removal of the conditions  
7 on his or her permanent resident status under subsection  
8 (b)(2).

9 (e) GUIDANCE.—

10 (1) INTERIM GUIDANCE.—

11 (A) IN GENERAL.—Not later than 60 days  
12 after the date of the enactment of this Act, the  
13 Secretary of Homeland Security shall issue  
14 guidance implementing this section.

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

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

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

1 (2) FINAL GUIDANCE.—

2 (A) IN GENERAL.—Not later than 180  
3 days after the date of the enactment of this  
4 Act, the Secretary of Homeland Security shall  
5 finalize the guidance implementing this section.

6 (B) EXEMPTION FROM THE ADMINISTRA-  
7 TIVE PROCEDURES ACT.—Chapter 5 of title 5,  
8 United States Code (commonly known as the  
9 “Administrative Procedures Act”) shall not  
10 apply to the guidance issued under this para-  
11 graph.

12 (f) ASYLUM CLAIMS.—With respect to the adjudica-  
13 tion of an application for asylum submitted by an eligible  
14 individual, section 2502(c) of the Extending Government  
15 Funding and Delivering Emergency Assistance Act (8  
16 U.S.C. 1101 note; Public Law 117–43) shall not apply.

17 (g) PROHIBITION ON FEES.—The Secretary of  
18 Homeland Security may not charge a fee to any eligible  
19 individual in connection with the initial issuance under  
20 this section of—

21 (1) a document evidencing status as an alien  
22 lawfully admitted for permanent residence; or

23 (2) an employment authorization document.

24 (h) ELIGIBILITY FOR BENEFITS.—

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

3           (A) an individual described in subsection  
4 (a) of section 2502 of the Afghanistan Supple-  
5 mental Appropriations Act, 2022 (8 U.S.C.  
6 1101 note, Public Law 117–43) shall retain his  
7 or her eligibility for the benefits and services  
8 described in subsection (b) of such section if the  
9 individual has a pending application, or is  
10 granted adjustment of status, under this sec-  
11 tion; and

12           (B) such benefits and services shall remain  
13 available to the individual to the same extent  
14 and for the same periods of time as such bene-  
15 fits and services are otherwise available to refu-  
16 gees who acquire such status.

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

23           “(F) An alien who status is adjusted to  
24 that of an alien lawfully admitted for perma-  
25 nent residence under section 4 of the Ensuring

1 American Security and Protecting Afghan Allies  
2 Act.”.

3 (i) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
4 tion may be construed to preclude an eligible individual  
5 from applying for or receiving any immigration benefit to  
6 which the eligible individual is otherwise entitled.

7 (j) **AUTHORIZATION FOR APPROPRIATIONS.**—There  
8 is authorized to be appropriated to the Secretary of Home-  
9 land Security \$20,000,000 for each of the fiscal years  
10 2024 through 2028 to carry out this section.

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

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

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

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

23 (b) **MEMBERSHIP.**—

24 (1) **IN GENERAL.**—The Task Force shall in-  
25 clude—

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

5 (B) any other Federal Government official  
6 designated by the President.

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

9 (A) the Department of State;

10 (B) the Department Homeland Security;

11 (C) the Department of Defense;

12 (D) the Department of Health and Human  
13 Services;

14 (E) the Federal Bureau of Investigation;

15 and

16 (F) the Office of the Director of National  
17 Intelligence.

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

20 (d) DUTIES.—

21 (1) REPORT.—

22 (A) IN GENERAL.—Not later than 180  
23 days after the date on which the Task Force is  
24 established, the Task Force, acting through the  
25 chair of the Task Force, shall submit a report



1 to the appropriate committees of Congress that  
2 includes—

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

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

19 (B) ELEMENTS.—The report required  
20 under subparagraph (A) shall include—

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

24 (I) such nationals in Afghanistan  
25 and such nationals in a third country;

1 (II) type of specified application;

2 and

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

7 (ii) an estimate of the number of na-  
8 tionals of Afghanistan who may be eligible  
9 for special immigrant status under section  
10 107 or an amendment made by such sec-  
11 tion;

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

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

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

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

22 (aa) discusses the feasibility  
23 of remote processing for such na-  
24 tionals of Afghanistan residing in  
25 Afghanistan;

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

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

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

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

23 (IV) a description of consider-  
24 ations, including resource constraints,  
25 security concerns, missing or inac-

1 curate information, and diplomatic  
2 considerations, that limit the ability of  
3 the Secretary of State or the Sec-  
4 retary of Homeland Security to in-  
5 crease the number of such nationals  
6 of Afghanistan who can be safely  
7 processed or resettled;

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

13 (VI) an estimate of the cost to  
14 fully implement the strategy; and

15 (VII) any other matter the Task  
16 Force considers relevant to the imple-  
17 mentation of the strategy; and

18 (iv) with respect to the contingency  
19 plan required by subparagraph (A)(ii)—

20 (I) a description of the standard  
21 practices for screening and vetting  
22 foreign nationals considered to be eli-  
23 gible for resettlement in the United  
24 States, including a strategy for vet-  
25 ting, and maintaining the records of,

1 such foreign nationals who are unable  
2 to provide identification documents or  
3 biographic details due to emergency  
4 circumstances;

5 (II) a strategy for facilitating ref-  
6 ugee or consular processing for such  
7 foreign nationals in third countries;

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

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

17 (V) any other matter the Task  
18 Force considers relevant to the imple-  
19 mentation of the contingency plan.

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

23 (2) BRIEFING.—Not later than 60 days after  
24 submitting the report required by paragraph (1), the

1 Task Force shall brief the appropriate committees of  
2 Congress on the contents of the report.

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

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

8 (2) the date that is 3 years after the date of the  
9 enactment of this Act.

10 **SEC. 6. SUPPORTING AT-RISK AFGHAN ALLIES AND REL-**  
11 **ATIVES OF CERTAIN MEMBERS OF THE**  
12 **ARMED FORCES.**

13 (a) DESIGNATION OF AT-RISK AFGHAN ALLIES AS  
14 PRIORITY 2 REFUGEES.—

15 (1) DEFINITION OF AT-RISK AFGHAN ALLY.—

16 (A) IN GENERAL.—In this subsection, the  
17 term “at-risk Afghan ally” means an alien  
18 who—

19 (i) is a citizen or national of Afghani-  
20 stan;

21 (ii) was—

22 (I) a member of—

23 (aa) the special operations  
24 forces of the Afghanistan Na-

- 1                    tional Defense and Security  
2                    Forces;
- 3                    (bb) the Afghanistan Na-  
4                    tional Army Special Operations  
5                    Command;
- 6                    (cc) the Afghan Air Force;
- 7                    or
- 8                    (dd) the Special Mission  
9                    Wing of Afghanistan;
- 10                  (II) a female member of any  
11                  other entity of the Afghanistan Na-  
12                  tional Defense and Security Forces,  
13                  including—
- 14                  (aa) a cadet or instructor at  
15                  the Afghanistan National De-  
16                  fense University; and
- 17                  (bb) a civilian employee of  
18                  the Ministry of Defense or the  
19                  Ministry of Interior Affairs;
- 20                  (III) an individual associated  
21                  with former Afghan military and po-  
22                  lice human intelligence activities, in-  
23                  cluding operators and Department of  
24                  Defense sources;

1 (IV) an individual associated with  
2 former Afghan military counterintel-  
3 ligence;

4 (V) an individual associated with  
5 the former Afghan Ministry of De-  
6 fense who was involved in the prosecu-  
7 tion and detention of combatants; or

8 (VI) a senior military officer,  
9 senior enlisted personnel, or civilian  
10 official who served on the staff of the  
11 former Ministry of Defense or the  
12 former Ministry of Interior Affairs of  
13 Afghanistan; and

14 (iii) provided service to an entity or  
15 organization described in clause (ii) for not  
16 less than 1 year during the period begin-  
17 ning on December 22, 2001, and ending  
18 on September 1, 2021, and did so in sup-  
19 port of the United States mission in Af-  
20 ghanistan.

21 (B) INCLUSIONS.—For purposes of this  
22 paragraph, the Afghanistan National Defense  
23 and Security Forces includes members of the  
24 security forces under the Ministry of Defense  
25 and the Ministry of Interior Affairs of the Is-



1           lamic Republic of Afghanistan, including the  
2           Afghanistan National Army, the Afghan Air  
3           Force, the Afghanistan National Police, and  
4           any other entity designated by the Secretary of  
5           Defense as part of the Afghanistan National  
6           Defense and Security Forces during the rel-  
7           evant period of service of the applicant con-  
8           cerned.

9           (2) DESIGNATION.—The Secretary of State, in  
10          consultation with the Secretary of Homeland Secu-  
11          rity, shall designate, as Priority 2 refugees of special  
12          humanitarian concern, at-risk Afghan allies.

13          (3) AT-RISK AFGHAN ALLIES REFERRAL PRO-  
14          GRAM.—

15                (A) IN GENERAL.—Not later than 90 days  
16                after the date of the enactment of this Act, the  
17                Secretary of Defense shall establish a process  
18                by which an individual may apply to the Sec-  
19                retary for classification as an at-risk Afghan  
20                ally and request a referral to the United States  
21                Refugee Admissions Program as a Priority 2  
22                refugee.

23                (B) APPLICATION SYSTEM.—The process  
24                established under subparagraph (A) shall—

1 (i) include the development and main-  
2 tenance of a secure online portal through  
3 which applicants may provide information  
4 verifying their status as at-risk Afghan al-  
5 lies and upload supporting documentation;  
6 and

7 (ii) allow—

8 (I) an applicant to submit his or  
9 her own application; and

10 (II) a designee of an applicant to  
11 submit an application on behalf of the  
12 applicant.

13 (C) REVIEW PROCESS.—As soon as prac-  
14 ticable after receiving a request for classifica-  
15 tion and referral described in subparagraph  
16 (A), the Secretary of Defense shall—

17 (i) review—

18 (I) the service record of the ap-  
19 plicant, if available;

20 (II) if the applicant provides a  
21 service record or other supporting  
22 documentation, any information that  
23 helps verify the service record con-  
24 cerned, including information or an  
25 attestation provided by any current or

1 former official of the Department of  
2 Defense who has personal knowledge  
3 of the eligibility of the applicant for  
4 such classification and referral; and

5 (III) the data holdings of the De-  
6 partment of Defense and other co-  
7 operating interagency partners, in-  
8 cluding biographic and biometric  
9 records, iris scans, fingerprints, voice  
10 biometric information, hand geometry  
11 biometrics, other identifiable informa-  
12 tion, and any other information re-  
13 lated to the applicant, including rel-  
14 evant derogatory information; and

15 (ii)(I) in a case in which the Secretary  
16 of Defense determines that the applicant is  
17 an at-risk Afghan ally, refer the at-risk Af-  
18 ghan ally to the United States Refugee Ad-  
19 missions Program as a Priority 2 refugee;  
20 and

21 (II) include with such referral any sig-  
22 nificant derogatory information regarding  
23 the at-risk Afghan ally.

24 (D) PERSONNEL TO SUPPORT REC-  
25 OMMENDATIONS.—Any limitation in law with

1           respect to the number of personnel within the  
2           Office of the Secretary of Defense, the military  
3           departments, or the defense agencies shall not  
4           apply to personnel employed for the primary  
5           purpose of carrying out this paragraph.

6                   (E) REVIEW PROCESS FOR DENIAL OF RE-  
7           QUEST FOR REFERRAL.—

8                   (i) IN GENERAL.—In the case of an  
9           applicant with respect to whom the Sec-  
10          retary of Defense denies a request for clas-  
11          sification and referral based on a deter-  
12          mination that the applicant is not an at-  
13          risk Afghan ally or based on derogatory in-  
14          formation—

15                   (I) the Secretary shall provide  
16          the applicant with a written notice of  
17          the denial that provides, to the max-  
18          imum extent practicable, a description  
19          of the basis for the denial, including  
20          the facts and inferences, or evi-  
21          dentiary gaps, underlying the indi-  
22          vidual determination; and

23                   (II) the applicant shall be pro-  
24          vided an opportunity to submit not

1 more than 1 written appeal to the  
2 Secretary for each such denial.

3 (ii) DEADLINE FOR APPEAL.—An ap-  
4 peal under subclause (II) of clause (i) shall  
5 be submitted—

6 (I) not more than 120 days after  
7 the date on which the applicant con-  
8 cerned receives notice under subclause  
9 (I) of that clause; or

10 (II) on any date thereafter, at  
11 the discretion of the Secretary of De-  
12 fense.

13 (iii) REQUEST TO REOPEN.—

14 (I) IN GENERAL.—An applicant  
15 who receives a denial under clause (i)  
16 may submit a request to reopen a re-  
17 quest for classification and referral  
18 under the process established under  
19 subparagraph (A) so that the appli-  
20 cant may provide additional informa-  
21 tion, clarify existing information, or  
22 explain any unfavorable information.

23 (II) LIMITATION.—After consid-  
24 ering 1 such request to reopen from  
25 an applicant, the Secretary of Defense

1                   may deny subsequent requests to re-  
2                   open submitted by the same applicant.

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

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

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

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

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

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

17                           “(ii) a veteran (as defined in section  
18 101 of title 38, United States Code).”.

19           (c) GENERAL PROVISIONS.—

20           (1) PROHIBITION ON FEES.—The Secretary of  
21 Homeland Security, the Secretary of Defense, or the  
22 Secretary of State may not charge any fee in con-  
23 nection with a request for a classification and refer-  
24 ral as a refugee or an application for, or issuance of,

1 a special immigrant visa or special immigrant status  
2 under—

3 (A) this section or an amendment made by  
4 this section;

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

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

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

19 (3) NUMERICAL LIMITATIONS.—

20 (A) IN GENERAL.—Subject to subpara-  
21 graph (C), the total number of principal aliens  
22 who may be provided special immigrant visas  
23 under this section may not exceed 2,500 each  
24 fiscal year.

1 (B) CARRYOVER.—If the numerical limita-  
2 tion specified in subparagraph (A) is not  
3 reached during a given fiscal year, the numer-  
4 ical limitation specified in such subparagraph  
5 for the following fiscal year shall be increased  
6 by a number equal to the difference between—

7 (i) the numerical limitation specified  
8 in subparagraph (A) for the given fiscal  
9 year; and

10 (ii) the number of principal aliens pro-  
11 vided special immigrant visas under this  
12 section during the given fiscal year.

13 (C) MAXIMUM NUMBER OF VISAS.—The  
14 total number of aliens who may be provided  
15 special immigrant visas under this section shall  
16 not exceed 10,000.

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

19 (i) commence on the date of the en-  
20 actment of this Act; and

21 (ii) terminate on the date on which all  
22 such visas are exhausted.

23 (4) PROTECTION OF ALIENS.—The Secretary of  
24 State, in consultation with the head of any other ap-  
25 propriate Federal agency, shall make a reasonable



1 effort to provide an alien who is seeking status as  
2 a special immigrant or requesting classification and  
3 referral as a refugee under this section, or an  
4 amendment made by this section, protection or to  
5 immediately remove such alien from Afghanistan, if  
6 possible.

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

13 (6) RESETTLEMENT SUPPORT.—A citizen or  
14 national of Afghanistan who is admitted to the  
15 United States as a special immigrant under this sec-  
16 tion or an amendment made by this section shall be  
17 eligible for resettlement assistance, entitlement pro-  
18 grams, and other benefits available to refugees ad-  
19 mitted under section 207 of such Act (8 U.S.C.  
20 1157) to the same extent, and for the same periods  
21 of time, as such refugees.

22 (7) ADJUSTMENT OF STATUS FOR SPECIAL IM-  
23 MIGRANTS IN CERTAIN CIRCUMSTANCES.—Notwith-  
24 standing paragraph (2), (7), or (8) of subsection (c)  
25 of section 245 of the Immigration and Nationality

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

9 (A) was—

10 (i) paroled into the United States dur-  
11 ing the period beginning on July 30, 2021,  
12 and ending on the date of enactment of  
13 this Act, provided that such parole has not  
14 been terminated by the Secretary of Home-  
15 land Security upon written notice; or

16 (ii) admitted as a nonimmigrant into  
17 the United States; and

18 (B) is otherwise eligible for status as a  
19 special immigrant under—

20 (i) this section; or

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

23 (8) AUTHORIZATION OF APPROPRIATIONS.—

24 There are authorized to be appropriated to the Sec-  
25 retary of Homeland Security, the Secretary of State,

1 the Secretary of Defense, and the Secretary of  
2 Health and Human Services such sums as are nec-  
3 essary for each of the fiscal years 2024 through  
4 2034 to carry out this section and the amendments  
5 made by this section.

6 **SEC. 7. SUPPORT FOR ALLIES SEEKING RESETTLEMENT IN**  
7 **THE UNITED STATES.**

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

20 **SEC. 8. PAROLE REFORM.**

21 (a) IN GENERAL.—Section 212(d)(5) of the Immi-  
22 gration and Nationality Act (8 U.S.C. 1182(d)(5)) is  
23 amended to read as follows:

24 “(5)(A) Except as provided in subparagraphs (B)  
25 and (C) and section 214(f), the Secretary of Homeland

1 Security, in the discretion of the Secretary, may tempo-  
2 rarily parole into the United States any alien applying for  
3 admission to the United States who is not present in the  
4 United States, under such conditions as the Secretary may  
5 prescribe, on a case-by-case basis, and not according to  
6 eligibility criteria describing an entire class of potential  
7 parole recipients, for urgent humanitarian reasons or sig-  
8 nificant public benefit. Parole granted under this subpara-  
9 graph may not be regarded as an admission of the alien.  
10 When the purposes of such parole have been served in the  
11 opinion of the Secretary, the alien shall immediately re-  
12 turn or be returned to the custody from which the alien  
13 was paroled. After such return, the case of the alien shall  
14 be dealt with in the same manner as the case of any other  
15 applicant for admission to the United States.

16 “(B) The Secretary of Homeland Security may grant  
17 parole to any alien who—

18 “(i) is present in the United States without  
19 lawful immigration status;

20 “(ii) is the beneficiary of an approved petition  
21 under section 203(a);

22 “(iii) is not otherwise inadmissible or remov-  
23 able; and

24 “(iv) is the spouse or child of a member of the  
25 Armed Forces serving on active duty.

1       “(C) The Secretary of Homeland Security may grant  
2 parole to any alien—

3           “(i) who is a national of the Republic of Cuba  
4 and is living in the Republic of Cuba;

5           “(ii) who is the beneficiary of an approved peti-  
6 tion under section 203(a);

7           “(iii) for whom an immigrant visa is not imme-  
8 diately available;

9           “(iv) who meets all eligibility requirements for  
10 an immigrant visa;

11          “(v) who is not otherwise inadmissible; and

12          “(vi) who is receiving a grant of parole in fur-  
13 therance of the commitment of the United States to  
14 the minimum level of annual legal migration of  
15 Cuban nationals to the United States specified in  
16 the U.S.–Cuba Joint Communiqué on Migration,  
17 done at New York September 9, 1994, and re-  
18 affirmed in the Cuba-United States: Joint Statement  
19 on Normalization of Migration, Building on the  
20 Agreement of September 9, 1994, done at New York  
21 May 2, 1995.

22       “(D) For purposes of determining an alien’s eligi-  
23 bility for parole under subparagraph (A), an urgent hu-  
24 manitarian reason shall be limited to circumstances in  
25 which the alien establishes that—

1           “(i)(I) the alien has a medical emergency; and

2           “(II)(aa) the alien cannot obtain necessary  
3 treatment in the foreign state in which the alien is  
4 residing; or

5           “(bb) the medical emergency is life-threatening  
6 and there is insufficient time for the alien to be ad-  
7 mitted through the normal visa process;

8           “(ii) the alien is the parent or legal guardian of  
9 an alien described in clause (i) and the alien de-  
10 scribed in clause (i) is a minor;

11           “(iii) the alien is needed in the United States  
12 in order to donate an organ or other tissue for  
13 transplant and there is insufficient time for the alien  
14 to be admitted through the normal visa process;

15           “(iv) the alien has a close family member in the  
16 United States whose death is imminent and the alien  
17 could not arrive in the United States in time to see  
18 such family member alive if the alien were to be ad-  
19 mitted through the normal visa process;

20           “(v) the alien is seeking to attend the funeral  
21 of a close family member and the alien could not ar-  
22 rive in the United States in time to attend such fu-  
23 neral if the alien were to be admitted through the  
24 normal visa process;

1           “(vi) the alien is an adopted child with an ur-  
2           gent medical condition who is in the legal custody of  
3           the petitioner for a final adoption-related visa and  
4           whose medical treatment is required before the ex-  
5           pected award of a final adoption-related visa; or

6           “(vii) the alien is a lawful applicant for adjust-  
7           ment of status under section 245 and is returning  
8           to the United States after temporary travel abroad.

9           “(E) For purposes of determining an alien’s eligi-  
10          bility for parole under subparagraph (A), a significant  
11          public benefit may be determined to result from the parole  
12          of an alien only if—

13           “(i) the alien has assisted (or will assist, wheth-  
14           er knowingly or not) the United States Government  
15           in a law enforcement matter;

16           “(ii) the alien’s presence is required by the Gov-  
17           ernment in furtherance of such law enforcement  
18           matter; and

19           “(iii) the alien is inadmissible, does not satisfy  
20           the eligibility requirements for admission as a non-  
21           immigrant, or there is insufficient time for the alien  
22           to be admitted through the normal visa process.

23           “(F) For purposes of determining an alien’s eligi-  
24          bility for parole under subparagraph (A), the term ‘case-  
25          by-case basis’ means that the facts in each individual case

1 are considered and parole is not granted based on mem-  
2 bership in a defined class of aliens to be granted parole.  
3 The fact that aliens are considered for or granted parole  
4 one-by-one and not as a group is not sufficient to establish  
5 that the parole decision is made on a ‘case-by-case basis’.

6 “(G) The Secretary of Homeland Security may not  
7 use the parole authority under this paragraph to parole  
8 an alien into the United States for any reason or purpose  
9 other than those described in subparagraphs (B), (C), (D),  
10 and (E).

11 “(H) An alien granted parole may not accept employ-  
12 ment, except that an alien granted parole pursuant to sub-  
13 paragraph (B) or (C) is authorized to accept employment  
14 for the duration of the parole, as evidenced by an employ-  
15 ment authorization document issued by the Secretary of  
16 Homeland Security.

17 “(I) Parole granted after a departure from the  
18 United States shall not be regarded as an admission of  
19 the alien. An alien granted parole, whether as an initial  
20 grant of parole or parole upon reentry into the United  
21 States, is not eligible to adjust status to lawful permanent  
22 residence or for any other immigration benefit if the immi-  
23 gration status the alien had at the time of departure did  
24 not authorize the alien to adjust status or to be eligible  
25 for such benefit.



1       “(J)(i) Except as provided in clauses (ii) and (iii),  
2 parole shall be granted to an alien under this paragraph  
3 for the shorter of—

4               “(I) a period of sufficient length to accomplish  
5 the activity described in subparagraph (D) or (E)  
6 for which the alien was granted parole; or

7               “(II) 1 year.

8       “(ii) Grants of parole pursuant to subparagraph (A)  
9 may be extended once, in the discretion of the Secretary,  
10 for an additional period that is the shorter of—

11               “(I) the period that is necessary to accomplish  
12 the activity described in subparagraph (D) or (E)  
13 for which the alien was granted parole; or

14               “(II) 1 year.

15       “(iii) Aliens who have a pending application to adjust  
16 status to permanent residence under section 245 may re-  
17 quest extensions of parole under this paragraph, in 1-year  
18 increments, until the application for adjustment has been  
19 adjudicated. Such parole shall terminate immediately upon  
20 the denial of such adjustment application.

21       “(K) Not later than 90 days after the last day of  
22 each fiscal year, the Secretary of Homeland Security shall  
23 submit to the Committee on the Judiciary of the Senate  
24 and the Committee on the Judiciary of the House of Rep-  
25 resentatives and make available to the public, a report—

1           “(i) identifying the total number of aliens pa-  
2           roled into the United States under this paragraph  
3           during the previous fiscal year; and

4           “(ii) containing information and data regarding  
5           all aliens paroled during such fiscal year, includ-  
6           ing—

7                   “(I) the duration of parole;

8                   “(II) the type of parole; and

9                   “(III) the current status of the aliens so  
10           paroled.”.

11       (b) IMPLEMENTATION.—

12           (1) IN GENERAL.—Except as provided in para-  
13           graph (2), this section and the amendments made by  
14           this section shall take effect on the date that is 30  
15           days after the date of the enactment of this Act.

16           (2) EXCEPTIONS.—Notwithstanding paragraph  
17           (1)—

18                   (A) any application for parole or advance  
19                   parole filed by an alien before the date of the  
20                   enactment of this Act shall be adjudicated  
21                   under the law that was in effect on the date on  
22                   which the application was properly filed and  
23                   any approved advance parole shall remain valid  
24                   under the law that was in effect on the date on  
25                   which the advance parole was approved;

1 (B) section 212(d)(5)(I) of the Immigra-  
2 tion and Nationality Act, as added by sub-  
3 section (a), shall take effect on the date of the  
4 enactment of this Act; and

5 (C) aliens who were paroled into the  
6 United States pursuant to section 212(d)(5)(A)  
7 of the Immigration and Nationality Act (8  
8 U.S.C. 1182(d)(5)(A)) before January 1, 2023,  
9 shall continue to be subject to the terms of pa-  
10 role that were in effect on the date on which  
11 their respective parole was approved.

12 (c) CAUSE OF ACTION.—Any person, State, or local  
13 government that experiences financial harm in excess of  
14 \$1,000 due to a failure of the Federal Government to law-  
15 fully apply the provisions of this section or the amend-  
16 ments made by this section shall have standing to bring  
17 a civil action against the Federal Government in an appro-  
18 priate district court of the United States.

19 **SEC. 9. SEVERABILITY.**

20 If any provision of this title, or the application of  
21 such provision to any person or circumstance, is held to  
22 be unconstitutional, the remainder of this title, and the  
23 application of the remaining provisions of this title to any  
24 person or circumstance, shall not be affected.

○