

## Factsheet: Afghan Adjustment Act

### December 2021

Following the U.S. military withdrawal from Afghanistan, tens of thousands of U.S.-affiliated and at-risk Afghans were evacuated to the U.S. and granted entry via humanitarian parole. Those individuals must now pursue a more permanent status: either asylum or SIV status, though both visas are currently backlogged into the tens — if not hundreds — of thousands of cases. And the rules around who is eligible to apply for SIVs are [narrowly defined](#).

Though many Afghans that remain in Afghanistan may also qualify as refugees, the processing is untenable. Refugees can only be processed abroad, and processing usually takes between 18 and 24 months, putting these Afghans at significant risk due to their U.S. affiliation in the interim months. Also, many Afghans cannot leave the country, which does not offer opportunities for refugee processing, and UNHCR cannot safely enter the country.

Thus, for many current and nearly all future Afghan evacuees, [temporary status](#) under humanitarian parole is the only viable option to initially enter the U.S. But ultimately, parole leaves our Afghan partners without any real way of securing permanent status in the U.S.

#### **Why is the Afghan Adjustment Act necessary?**

The Afghan Adjustment Act allows certain Afghan evacuees to apply for permanent status after one year of being paroled into the country. It relieves the immediate burden on the SIV process — which currently has over 18,000 cases in the backlog — and asylum process — which currently has over 1 million cases in the backlog — and prevents Afghans paroled in the U.S. from losing their jobs or being deported while their applications for these statuses are pending.

#### **Is Afghan adjustment safe?**

Intelligence, law enforcement, and counterterrorism professionals are [conducting](#) a robust, multi-layered screening and security vetting process for all Afghans before they arrive in the United States and again once they arrive in America. Under the Afghan Adjustment Act, a third additional screening is conducted before an individual receives permanent status to reside in the U.S. If at any time an individual does not pass a screening, they are deemed inadmissible or deportable, depending on where they are in the process. As a result, that individual and their family cannot enter the United States or are subject to deportation from the U.S.

This comprehensive investigation includes reviews of both biographic and biometric data checked against U.S. and Interpol intelligence databases. The U.S. analyzes names, dates of birth, fingerprints, and other comprehensive biographic identifiers against multiple domestic and international agencies' holdings, including the [terrorist watchlist](#). Afghans arriving with humanitarian parole also receive [pre-and post-arrival medical screenings and vaccinations](#). Additionally, the Department of Homeland Security (DHS), the Department of Defense, the Federal Bureau of Investigation, the National Counterterrorism Center (NCTC), and additional Intelligence Community (IC) partners conduct multiple security screenings and security vetting procedures.

When Afghans apply to adjust status either as an SIV, asylee, or under the Afghan Adjustment Act, DHS runs additional security and medical checks, completes a comprehensive biometrics analysis again, and conducts interviews before approving an applicant to make sure individuals are not national security or public safety threats to the United States. This additional layer of screenings is critical to ensure those who apply to adjust status remain in good standing in the United States.

#### **Has Congress previously enacted adjustment act legislation?**

Yes. Congress [has passed similar legislation](#) after several U.S.-involved conflicts or humanitarian crises in the past. Three noteworthy examples occurred following Fidel Castro's rise to power in Cuba, after America's withdrawal from Vietnam, and following U.S. military actions in Iraq – Operation Desert Storm and Operation Iraqi Freedom. After these conflicts, Congress passed adjustment acts that granted [Cubans](#), [people from Southeast Asia](#), and [Iraqis](#) who had entered the U.S. as non-immigrants or parolees the opportunity to adjust to permanent status.

## Who supports the Afghan Adjustment Act?

[National security experts](#), [refugee resettlement agencies](#), [Afghan Americans](#), [faith leaders](#), [veterans groups](#), [attorneys](#), and [local communities](#) representing a broad spectrum of political and social views have called for an Afghan Adjustment Act.

## Story Collection

[Mohammed Stoman Hotak](#) previously assisted the U.S. military and worked at the embassy in Kabul, Afghanistan's capital — making him a prime target for extremist fighters looking for retaliation after taking control of the country's major cities this summer. When Hotak, 29, saw his name on a threat letter being circulated around his community by Taliban members, he knew it was time to leave the only home he had ever known. And so he and his pregnant wife, Feroza, made their escape from Kabul in August, leaving on a flight with their three young children and just two suitcases among them. After escaping Afghanistan amid the country's takeover by the Taliban, this family of five refugees is now living in Texas where they've begun a new life with an American couple as they await the move-in date for their own apartment. Though the transition hasn't always been easy, the two families have formed a bond that they say will last a lifetime. "No matter what our differences — religious, political — at the end of the day, we're all just people that want to be safe and raise our families in a safe and peaceful place," she says. "These are people who left behind everything. If that's not a reason to help, I don't know what is."

When [Zaib Jamili](#), 21, walked out of the security checkpoint at John Glenn Columbus International Airport on Thursday evening with his wife and 1-year-old baby, resettlement staff spotted them right away. Jamili was one of the first Afghan nationals to arrive in Columbus following the U.S. military withdrawal in August. The first person came on Sep. 24, according to Angie Plummer, executive director at a local resettlement agency called Community Refugee and Immigration Services (CRIS). Jamili said he evacuated from Kabul with the U.S. military in August and spent more than a month at the Fort Lee Army base in Virginia prior to his Thursday flight. Jamshid Jalili, Jamili's uncle who lives in Dublin, came to the airport with his wife and four kids to pick up the newcomers. They greeted each other with big smiles and hugged each other's children as soon as they met. Jalili came from Afghanistan to the United States as a refugee six years ago after the Taliban threatened to kill him due to his interpretation work for the U.S. government. His father, who is now waiting at Fort Lee, is expected to join him in the near future, he said. "I was very worried about my family when everything happened in August," said Jalili, 34. "I'm just happy that Zaib's here and they're safe."

[Naseer Durrani and Sajida Saafi](#) are an Afghan couple who fled Kabul earlier this year. A journalist and government employee vocal against the Taliban, Durrani wanted to stay in his home country and help create a democratic Afghanistan. Saafi, with a master's degree in political science, was a teacher and women's rights activist. But everything changed a few months ago when gunfire consumed the life that they had built for themselves. "I had many plans for my future, becoming a journalist to be the voice of the people and going into politics to help my countrymen," Durrani said. "And then having to leave my country and all my ambitions behind, that was the most difficult part." This was not the first time that Durrani was forced to leave his home country. When he was 5, before the U.S. war in Afghanistan began, Taliban fighters entered his hometown in Bagram, about 40 miles north of the capital. His father was a member of the Afghan Air Force, which made the family a target. Durrani's mother took the six children to Pakistan, where they hid from the Taliban and slept on people's floors to get by. After that, Durrani moved back and forth between Afghanistan and Pakistan for school and work. Fourteen years and two master's degrees later, Durrani once again found himself on the run. Durrani had spent years doing administrative work for the U.S. government and had been outspoken against the Taliban in his journalism work. Staying in Afghanistan and exposing his family to more danger was not an option. Following a harrowing journey to get to and inside the Kabul airport, the couple was sent to a military base in Kuwait, where they stayed for two weeks. They then boarded a flight to the U.S. and spent the next two months at the Fort Dix Army base in New Jersey while they awaited resettlement. Durrani and his wife were resettled in Columbus, Ohio and now live in a one-bedroom apartment. On his second day in Columbus, Durrani woke up in the hotel bed and, for the first time in months, felt like he could breathe again.

**Short Link:** <https://bit.ly/AfghanAdjustmentActFAQ>