

March 6, 2023

Ur Mendoza Jaddou, Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20588

RE: Prioritizing the Processing of Adjustment of Status Applications filed by Afghans Seeking Lawful Permanent Residency Pursuant to the Special Immigrant Visa Program

Dear Director Jaddou,

We respectfully and urgently write to request USCIS prioritize the processing of approximately 11,000 adjustment of status applications (Forms I-485) filed by Afghans who entered the United States as parolees during Operation Allies Refuge (OAR) and Operation Allies Welcome (OAW) and who are currently eligible for lawful permanent residence through the Special Immigrant Visa (SIV) program.

On November 21, 2022, 156 organizations submitted a comprehensive list of recommendations¹ to the Department of Homeland Security (DHS) and the U.S. Citizenship and Immigration Service (USCIS) on the urgent need to provide extensions of temporary protections and work authorization for Afghans who arrived through OAR/OAW. Advocates received an official, written response on February 7, 2023.² That letter indicated USCIS shares the commitment to ensure Afghan evacuees are able to remain in the U.S. We understand that DHS and USCIS are currently exploring a range of options to serve as a bridge until Afghans can obtain more permanent immigration status. We are grateful for those efforts and look forward to receiving additional information and guidance in the near future.

We encourage USCIS to avoid the need for extensions of temporary protections for Afghans who are already on a path to lawful permanent residency by prioritizing and expediting the processing of adjustment of status applications (Forms I-485) filed by Afghans under the SIV program. A recent news report indicates USCIS has already processed 3,600 of these adjustment applications and that approximately 11,000 cases remain pending adjudication.³ As time runs down on their underlying parole protections, we urge you to direct USCIS field offices, including those in Baltimore, Houston, Oklahoma City, Providence, San Francisco, and Washington to ensure these cases are appropriately tracked and processed *before parole expiration*. **USCIS should immediately ensure any applications that require interviews are scheduled, any cases that**

¹ Lutheran Immigration and Refugee Service (LIRS), “Re-Parole Request for Afghans who arrived under OAR and OAW,” November 21, 2022, www.lirs.org/wp-content/uploads/2022/11/FINAL_DHS-Re-parole-Request-for-Afghans-who-Arrived-via-OAR_OAW_21-NOV-2022.pdf.

² Lutheran Immigration and Refugee Service (LIRS), “Letter Response to Jill Marie Bussey from the Department of Homeland Security,” February 7, 2023, www.lirs.org/wp-content/uploads/2023/02/212023_101618AM_22-7191_Response.pdf.

³ Camilo Montoya-Galvez, “Tens of thousands of Afghans in U.S. could lose deportation protections unless Congress Acts,” CBS News, February 16, 2023, www.cbsnews.com/news/afghan-adjustment-act-evacuees-parole-legal-status-deportation-protections/.

have had interviews canceled are either adjudicated or rescheduled, and exercise its discretion to waive interviews generously. USCIS should conduct regular sweeps of pending cases to ensure applications are expedited and processed well before parole ends.⁴ For adjustment cases that will require more time to complete, USCIS should provide the applicant with information about extending temporary protections and work authorization.

The SIV program for Afghans was created to provide permanent protection to Afghans affiliated with U.S. missions such as translators and interpreters. Many Afghans brought to the United States via OAR/OAW experienced disruptions in their SIV process as they sought safety, were processed at Lily Pads and Safe Havens, and settled into their new communities. While some people may have received legal services to assist them with their SIV adjustment applications at Safe Havens⁵, many had to find legal services in their receiving communities - navigating an evolving process few had experienced before. For the 11,000 applicants waiting for USCIS processing, they are just one step away from lawful permanent residency and the stability we promised them when they put their lives at risk to serve our mission in Afghanistan - **we must finish the job and fulfill our promises by completing their processing before their parole period ends.**

Afghans who arrived on parole are eligible to apply for federal mainstream benefits in their state, such as cash assistance through Supplemental Security Income (SSI) or Temporary Assistance for Needy Families (TANF), health insurance through Medicaid, and food assistance through Supplemental Nutrition Assistance Program (SNAP). Afghans who receive lawful permanent residence via the SIV program may also access these vital benefits. However, these benefits are not typically accessible for people with an adjustment pending. **A failure to adjudicate SIV adjustment applications before parole expiration may cause significant benefits disruptions that would destabilize our Afghan allies and their families.** Further, most Afghans who entered via OAR/OAW are also eligible for ORR benefits such as medical assistance, employment preparation, job placement, English language training, and other services offered through ORR. **Access to these Congressionally mandated and vital ORR-funded services and benefits will be lost when the parole term ends.**

Faced with the uncertainty of timely application processing and the void of information about re-parole, some SIV adjustment applicants are also submitting adjustment-based work authorization applications and asylum applications. As we understand, SIV adjustment applicants are required to pay the associated filing fee for the I-765 application, which can amount to a week's wages. Adjustment-based, or c(9), I-765s cannot be filed online and the processing times are inconsistent, adding to the uncertainty of whether they will be approved in time before their parole-based, or c(11), work authorization ends. While asylum may be a legal option, the application process can take a toll on the mental health of applicants who may be re-traumatized when retelling experiences of persecution. Asylum application processing is also more laborious for legal services providers and adds to USCIS' burgeoning caseloads. Clearing the current SIV adjustment application caseload would be mutually beneficial for applicants, legal services providers, and the agency.

⁴ Per the Afghan Allies Protection Act of 2009, Public Law 111-8, March 11, 2009, § 602(b), codified at 8 United States Code (U.S.C.) § 1101 note, "Afghan Allies Protection," the entire visa process should take no more than 9 months.

⁵ Lutheran Immigration and Refugee Service (LIRS), "Faith Leaders and Organizations Letter to Congress re: the Afghan Adjustment Act," March 1, 2022, www.lirs.org/wp-content/uploads/2022/03/Faith-Leaders-and-Organizations-Letter-Afghan-Adjustment-Act.pdf.

However, it should not come at the cost of other applicants who have awaited adjudication of their citizenship and family-based applications. **As USCIS prepares for a significant caseload of filings for extensions of temporary protections and work authorizations while also processing asylum and other cases for Afghans, streamlining processing and clearing the small but manageable caseload of SIV adjustment applications will lessen the agency's workload.**

We appreciate your consideration of this urgent request. Please contact Jill Marie Bussey, Director for Public Policy at Lutheran Immigration and Refugee Service at jbussey@lirs.org, and Mustafa Babak, Executive Director at Afghan-American Foundation at mustafa@afghanamericans.org for any questions or concerns.

cc: Phyllis A. Coven, Citizenship and Immigration Services Ombudsman, Department of Homeland Security

Sincerely,

#AfghanEvac

Afghan-American Community Organization

Afghan-American Foundation

Afghanistan Advocacy Group

Afghans For A Better Tomorrow

Allied Shepherd

Amicangelo & Theisen, LLC

Association of Wartime Allies (AWA)

CAIR-WA

Catholic Community Services of Lane County, Inc.

Catholic Legal Immigration Network, Inc.

Church World Service

Combined Arms

Congregational UCC

Conklin Immigration Law, LLC

Dorcas International Institute of RI

FAMIL

Fresh Start RAC

Ghafoor Foundation

HIAS

Human Rights First

IAVA

Immigrant ARC
Immigration Legal Advocacy Project
International Refugee Assistance Project (IRAP)
International Rescue Committee
Jewish Family Service of San Diego
Law Office of Spojmie Nasiri, PC
Law Office Of Zahedi PLLC
Lutheran Immigration and Refugee Service
Lutheran Social Services of the National Capital Area (LSSNCA)
Metrowest Legal Services
No One Left Behind
Nooristan Foundation
OKC Afghan Legal Network
Prime Counsel
Project ANAR
The 5ive Pillars Organization
Truman Center for National Policy
U.S. Committee for Refugees and Immigrants
Unitarian Universalists for Social Justice
Veterans for American Ideals
VECINA
Volunteer Lawyers Project of CNY, Inc
With Honor Action
Women For Afghan Women
World Relief