

TESTIMONY OF  
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HEARING ENTITLED: “OPERATION ALLIES WELCOME:  
EXAMINING DHS’S EFFORTS TO RESETTLE VULNERABLE AFGHANS”

BEFORE THE  
HOUSE OF REPRESENTATIVES  
COMMITTEE ON HOMELAND SECURITY  
SUBCOMMITTEE ON BORDER SECURITY, FACILITATION, AND OPERATIONS  
SUBCOMMITTEE ON OVERSIGHT, MANAGEMENT, AND ACCOUNTABILITY

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Chairwoman Barragán, Ranking Member Higgins, Chairman Correa, Ranking Member Meijer, and distinguished members of the Subcommittees: thank you for this opportunity to testify on Operation Allies Welcome and resettling vulnerable Afghans to our communities.

Human Rights First is an independent, non-profit advocacy organization that challenges America to live up to its ideals. For more than four decades Human Rights First has pressed the United States to take a leading role in promoting and defending human rights. Founded in 1978, Human Rights First was instrumental in working with Congress to pass the landmark 1980 Refugee Act, which established the framework for the United States asylum and refugee resettlement programs. Working with veterans, former U.S. officials and other partners, Human Rights First advocated for enactment of the Refugee Crisis in Iraq Act of 2007 to provide visas and resettlement for Iraqi refugees and Iraqis at risk due to their U.S. ties and for issuance of Special Immigrant Visas for Afghans in danger due to their work with the United States. Now, we add to this legacy by working to resettle into our communities the more than 70,000 Afghans that have arrived in the United States in the past two months and help bring to safety thousands more at-risk Afghans still in Afghanistan or in third countries.

After President Biden announced he would order the complete withdrawal of American forces from Afghanistan by September of this year, Human Rights First and our partners established the Evacuate Our Allies (EOA) coalition, comprised of trusted human rights, religious, and refugee organizations who work alongside veterans and frontline civilians to advocate for the evacuation of at-risk Afghan allies to safety. We saw a clear need for the Administration to create a plan to save the allies who fought alongside us through the past two decades of war. In the spring and summer of 2021, the Coalition called for the immediate evacuation to United States territory of all persons who qualified for the Special Immigrant Visa program, estimated at around 80,000 individuals.

In the intervening months, we engaged with the administration on ways to facilitate this evacuation. Our plan pointed to historical examples of evacuation efforts for Vietnamese, Iraqi, and Kosovar populations following conflicts in their countries as precedent for what could be done for at-risk Afghans. We were encouraged when the Biden Administration announced Operation Allies Refugee. The arrival of late-stage applicants of the Special Immigrant Visa program brought to Ft. Lee in Virginia at the end of July brought hope that the pace of arrivals would continue, and the number of Afghans evacuated increase, through the remainder of the year.

When the Afghan government rapidly fell to the Taliban in mid-August, our coalition's mission took on a new sense of urgency to ensure the rapid evacuation and rescue of Afghans who are at risk of Taliban persecution, and their prompt resettlement in the United States. The Evacuate Our Allies Coalition redoubled efforts to support those who were left behind, and it continues efforts to ensure those brought to safety are welcomed into our communities.

While August 31st saw the withdrawal of the U.S. military from Afghanistan, the coalition continues to advocate for the evacuation, welcome, and support for the resettlement of vulnerable Afghans.

### **Veteran Engagement**

As a veteran of the war in Afghanistan, I can tell you that veterans understand the moral obligation to not only evacuate our allies to the United States, but also to welcome them into our country and our communities.

Since the end of the war was announced in April of this year, veterans have worked tirelessly on both objectives, working alongside us over long hours to support evacuation efforts and assisting those Afghans who made it to our soil. Many of these Afghans saved the lives of American soldiers, and veterans recognize their duty to protect those who fought alongside them by creating pathways to resettlement and integration into American communities.

### **Evacuation and the Immigration Process**

To date, more than 70,000 Afghans have been evacuated to the United States, with thousands more expected to arrive in the coming weeks and months. Most Afghan arrivals are sent to one of eight U.S. military bases across the country to begin their immigration process, obtain work authorization, and receive required medical examinations and vaccinations.

The overwhelming majority of Afghans are admitted to the United States on parole. When that parole expires, they will have to apply for lasting immigration status in the United States, or risk return to Afghanistan. Thousands remain in Afghanistan or are stranded in third countries, seeking access to the safety and protection of United States.

Afghan evacuees are currently required to navigate our country's complex immigration system to find the appropriate immigration relief without guarantee of legal counsel. Approximately 40% of these arrivals are eligible for Special Immigrant Visas, while others come from mixed-family immigration backgrounds and may qualify for adjustment of status through U.S. citizen or Lawful Permanent Resident family members.

Thousands of vulnerable evacuated Afghans admitted on parole—including human rights defenders, women and children, LGBTQ individuals, and others—may have no option but to seek asylum through the same legally complex, paper-intensive, and backlogged system that has prevented thousands of others from securing safety in the United States.

These circumstances present a number of legal challenges that Human Rights First endeavors to address.

### **Project: Afghan Legal Assistance (PALA)**

With the arrival of tens of thousands of Afghans to the United States and many more still abroad, we quickly established Project: Afghan Legal Assistance (PALA) to support their access to legal counsel. Through PALA and our leadership of the EOA coalition, Human Rights First is spearheading a collaboration between U.S. legal organizations, law firms, resettlement agencies, and other stakeholders to provide legal representation to Afghan refugees.

Through PALA, we organize coalition and liaison meetings with the several federal agencies that support Afghans through Operation Allies Welcome to identify representation needs, rapidly communicate legal challenges, and identify referral networks for Afghans in need of legal assistance. We have recruited hundreds of pro bono attorneys and interpreters to provide volunteer assistance to Afghan refugees and have created legal resources to help volunteer lawyers to represent Afghans in immigration matters. We will continue to mobilize the pro bono community to help us meet our goal of securing legal representation for all Afghans arriving in the United States who seek protection.

### **Action from Congress and the Administration**

With the processing of Special Immigrant Visas and refugee admissions slowed to a near stop in recent times, many vulnerable Afghans have spent years languishing in danger despite clear eligibility for resettlement to the United States.

As a result, many of the Afghans evacuees being admitted on temporary status under normal circumstances would have qualified for Special Immigrant Visas or refugee admission and would have entered the country with permanent status. Instead, they are faced with uncertainty and forced to navigate the complicated immigration system to obtain stability in the United States. To that end, Human Rights First and our partners are working with veteran's organizations, faith leaders, and the Afghan American community to ask Congressional leaders to pass an Afghan Adjustment Act to ensure that our Afghan allies and other vulnerable Afghans receive lasting immigration status without the need to pursue more legally-complex and overburdened avenues, such as asylum.

Other vulnerable Afghans who were not fortunate enough to be evacuated during the summer remain stranded at risk of persecution by the Taliban in Afghanistan or in third countries and are desperately searching for options to bring themselves and their families to safety. The administration must also identify pathways for such at-risk individuals to be brought to the United States through humanitarian parole or other non-immigrant or immigrant visas.

Since August 31, thousands of humanitarian parole applications have been filed with United States Citizenship and Immigration Service (USCIS), yet we have heard of less than a handful that have been adjudicated. Families have paid sizeable filing fees only to have their applications sit at USCIS with no information on when or if they will be reunited with their loved ones. The Department of Homeland Security (DHS) should waive all filing fees for humanitarian parole and other visas filed by at-risk Afghans, as our Coalition has recommended. The mission for DHS and the Biden administration is to identify immediate and viable solutions for Afghans who

remain in danger in Afghanistan, as well as those who are in precarious situations in third countries.

The need for a categorical parole program is clear. The thousands of humanitarian parole requests filed by vulnerable Afghans residing abroad must be prioritized and expedited so that these Afghan nationals are brought to the safety of the United States quickly.

## CONCLUSION

The United States has been a historic global leader in shielding refugees fleeing persecution. The nation led efforts to draft the Refugee Convention in the wake of World War II and, with bipartisan support, enshrined its commitments into law when it enacted the Refugee Act. For decades, Republican and Democratic administrations recognized the moral and strategic importance of a strong commitment to providing refuge to the persecuted. President Biden has made clear his commitment to protecting refugees by setting the goal of welcoming 125,000 refugees in the coming year. Now the United States must complete the mission of Operation Allies Welcome in a manner that honors our long tradition of bringing at-risk people to safety.

On September 30, 2021, Congress passed a Continuing Resolution that includes welcome provisions to aid Afghans overseas and provides authorization and funds for the welcome and integration of Afghans arriving in the United States through humanitarian parole. However, more must be done to address the needs of arriving Afghans; an Afghan Adjustment Act is a good start.

Until this pathway is secured, however, USCIS must work to quickly process their asylum applications and ensure that they are not subject to lengthy delays, a difficult task given the backlogs in the asylum system that have been exacerbated by the COVID-19 pandemic.

DHS must also work diligently to expedite applications for humanitarian parole for at-risk Afghans abroad, waive the fees associated with such applications and ensure that no effort is spared to bring Afghans swiftly to safety in the United States.

Finally, reports of Afghan refugees being blocked, turned away, and mistreated when they attempt to cross international borders to seek refuge is yet another reminder that the Biden administration must encourage other nations to uphold international law so that Afghans can escape to safety and seek refuge. The administration can set a strong example by upholding U.S. asylum laws and refugee treaties and restoring access to asylum at our own borders in accordance with those laws.

## Recommendations

Human Rights First's recommendations for Congress include:

- **Pass an Afghan Adjustment Act**, which would allow Afghan parolees who are being evacuated from Afghanistan, even those who were advised to destroy their documents, to

have an opportunity to seek legal permanent residence. These parolees are fleeing violence and persecution; they deserve an opportunity to rebuild their lives in safety – and without the fear and limitations associated with uncertain immigration status.

- **Urge the Biden administration release a plan to evacuate allies and at-risk Afghans** seeking to leave Afghanistan and bring those located in host countries swiftly to safety in the United States. Create a categorical parole program for Afghan nationals that prioritizes and expedites the thousands of humanitarian parole requests filed by vulnerable Afghans abroad and waive all application fees associated with applications filed by at-risk Afghans.
- **Enhance access to legal counsel for Afghans being brought to safety.** Ensure, including through oversight of DHS, that Afghans at the eight Safe Havens across the United States have full access to legal orientations, the ability to consult and meet with legal counsel to better prepare themselves for what is required of them in the U.S. immigration system, and unlimited access to attorneys for case preparation. In addition, support funding should be offered for legal orientations and counsel to Afghans who must navigate our complex immigration systems.