Background and Need for an Afghan Adjustment Act

The unexpectedly swift fall of Kabul to the Taliban in August 2021 stranded thousands of US allies across Afghanistan. Left behind were Afghans who had supported the US mission – including some interpreters who saved the lives of US Troops by shooting Taliban fighters during combat – and their families. Also left behind were Afghans who were part of and helped build an open society in their country with US support. Through last-minute airlift from Kabul and humanitarian parole, approximately 76,000 Afghans have entered the US. There are also Afghans who were evacuated but are stranded in third countries.

Those who made it to the US and were paroled in have temporary lawful presence in the US but parole is not - and does not provide a path to - a lawful immigration status. At the end of September 2021, HR 5305 became law providing additional services and support for those Afghans who arrived in the US through Operation Allies Refuge but it is only a partial fix. On March 16, 2022, temporary protected status (TPS) for Afghans already in the US as of March 15, 2022 was made available to qualifying Afghans for 18 months – evacuated Afghan allies may be able to qualify. This is another welcome step but is also insufficient.

To stay in the US, the Afghans who were paroled into the US can apply for re-parole or asylum. Re-parole may not be granted or completed in time. There is a massive backlog in the asylum process and a dearth of legal assistance to navigate that process. Even with TPS, they are almost certain to run out of time. Those who are eligible can apply for a Special Immigrant Visa (SIV), but that process has taken several years - again even with TPS, they are almost certain to run out of time. Worse, many Afghans who are eligible destroyed the required documents on US advice in order to get through Taliban checkpoints and to the airport in Kabul to be evacuated. And many have lost contact with their former employers who must provide supporting documents.

We must not deport our evacuated Afghan allies. We must not return them into the hands of the Taliban. Doing so would betray our moral obligation to them and render hollow any promise we make to future potential allies.

We need a legislative remedy for the immigration status of our Afghan allies who have reached the US.

Previous such legislative remedies include:

- Related to the Vietnam War
  - HR 7769 in 1977 for refugees from Southeast Asia
  - HR 4811 in 2000 for parolees from Vietnam, Cambodia, or Laos

- Related to the Iraq War
  - HR 4328 (Sec 128) in 1999 for Kurds evacuated to Guam by the US military to protect them from Saddam Hussein
  - HR 4986 (Sec 1244) in 2008 for Iraqis to be eligible for Special Immigrant Visas

- Additional discussion at Explainer: What We Can Learn from Prior Adjustment Acts and What They Mean for Afghan Resettlement

Additional measures are also needed to assist our Afghan allies who remain in third countries and who remain in Afghanistan as well as to assist the Afghan people generally.

‘Afghanistan is now facing one of the world’s worst humanitarian crises. The Afghan economy has no cash to pay salaries or buy food. Western aid has been suspended because the Taliban government includes designated terrorists. And millions of Afghans face acute malnutrition and starvation in the coming months. The Taliban lack capacity to manage these monumental challenges, but there is no clear alternative to their rule.’ – US Institute of Peace
Timeline of Withdrawal, Evacuation, and Transition to Resettlement

February 29, 2020 – Special Representative for Afghanistan Reconciliation Zalmay Khalilzad, representing President Trump, and the Taliban agree to a withdrawal deal that heavily favors the Taliban and does not bring peace to Afghanistan yet commits all US and coalition forces to leave Afghanistan

‘The United States is committed to withdraw from Afghanistan all military forces of the United States, its allies, and Coalition partners, including all non-diplomatic civilian personnel, private security contractors, trainers, advisors, and supporting services personnel within fourteen (14) months following announcement of this agreement…’ – Agreement of February 29, Part One

‘But we’re just at the beginning. Furthering the cause of peace will require serious work and sacrifice by all sides – the United States, the coalition, the Taliban, the Afghan Government, other Afghan leaders, and the Afghan people themselves – to maintain the momentum needed to reach a comprehensive, inclusive, and durable peace.’ – Secretary Pompeo, signing ceremony

‘Today, we have taken a decisive step toward peace, real peace in Afghanistan. Just as any worthy journey begins, it is a first step.’ – Secretary Pompeo, remarks after signing ceremony

‘“This is a hopeful moment, but it is only the beginning,” Esper said. “The road ahead will not be easy. Achieving lasting peace in Afghanistan will require patience and compromise among all parties. …’ – Secretary Esper, U.S.-Taliban Peace Deal Sets Stage for Troop Withdrawal

February 29, 2020 – Secretary of Defense Esper, representing President Trump, and Afghan President Ashraf Ghani sign joint declaration related to US and coalition withdrawal

‘To create the conditions for reaching a political settlement and achieving a permanent, sustainable ceasefire, the Islamic Republic of Afghanistan will participate in a U.S.-facilitated discussion with Taliban representatives on confidence building measures, to include determining the feasibility of releasing significant numbers of prisoners on both sides.’ – Joint Declaration, Part Two, Item 4

‘These agreements have been seen as necessary and important first steps to intra-Afghan negotiations—and therefore to achieving peace in Afghanistan—but they do not guarantee that intra-Afghan negotiations will be successful.’ – What to Know About the Afghan Peace Negotiations

September 12, 2020 – Inter-Afghan talks begin

‘I would urge each of you to engage the representatives of all Afghan communities, including women, ethnic and religious minorities, and the victims of your country’s long war. These historic negotiations should produce a political arrangement that accommodates competing views and rejects the use of violence to achieve political aims. …

Of course, I can only urge these actions. You will write the next chapter in Afghan history. We hope this chapter is one of reconciliation and progress, not another chronicle of tears and bloodshed. We urge you to make decisions that move away from the violence and the corruption and towards peace and development and prosperity. …

Our hope – our hope is that you will reach a sustainable peace and our goal is an enduring partnership with Afghanistan.’ – Secretary Pompeo, remarks at Intra-Afghan Negotiations Opening Ceremony
January 13, 2021 – Peace talks have made little progress and are on fragile ground

‘Negotiators spent three months reaching agreement on a mere three-page set of procedures for the talks and were just beginning to discuss what substantive topics to put on their agenda when they took a weeks-long break. With the Trump administration a lame duck, the incoming Biden administration’s approach to the peace process uncertain, Taliban violence on the rise, and the Afghan government struggling to manage multi-dimensional security and political challenges, it is far from clear where negotiations are headed.’ – What Future for Afghan Peace Talks under a Biden Administration?

April 14, 2021 – President Biden announces withdrawal from Afghanistan

‘U.S. troops, as well as forces deployed by our NATO Allies and operational partners, will be out of Afghanistan before we mark the 20th anniversary of that heinous attack on September 11th.’ – President Biden

April 22, 2021 – Truman Center for National Policy, Human Rights First, and Veterans for American Ideals publish policy paper advocating for evacuation of Afghan Special Immigrant Visa (SIV) applicants

‘This new report, by Truman Security Fellow Matt Zeller, co-founder of No One Left Behind, and Kim Staffieri, co-founder of The Association of Wartime Allies, provides recommendations for how the Biden administration can keep the U.S. government’s promise to the SIV community.’ – Special Immigrant Visa: A Call For Cooperative Action

May 2021 – Taliban forces advance

‘In May 2021, the Taliban overran six ANA [Afghan National Army] bases in Baghlan Province, and at least 200 soldiers stationed at these bases surrendered. According to village elders and government officials, another 26 outposts and bases in four other provinces surrendered after private negotiations with the Taliban. Meanwhile, on May 28, 2021, the United States transferred one of its primary bases in Kabul, the New Kabul Compound, to the ANDSF [Afghan National Defense and Security Forces].’ – SIGAR 22-22-IP/Collapse of the ANDSF, page 4

June 16, 2021 – Loss of Afghan Special Forces soldiers in Fayab Province

‘On June 16, 2021, about two dozen Afghan Special Forces soldiers were surrounded and killed in northern Fayab Province, including the renowned field commander, Colonel Sohrab Azimi, leading to mourning across the country and within the ANDSF.’ – SIGAR 22-22-IP/Collapse of the ANDSF, page 4

July 2, 2021 – US completes withdrawal from Bagram Air Base

‘Five days after the final U.S. troops left Bagram Airfield in Afghanistan, the Pentagon is defending itself from criticism by Afghan military officials who have accused the U.S. of secretly slipping out overnight, shutting off the electricity and prompting a security lapse that allowed looters to scavenge the facilities before Afghan troops were able to retake control.’ – Afghan And American Officials Dispute The Details Of The U.S. Pullout From Bagram

July 14, 2021 – White House announces start of Operation Allies Refuge

‘What we announced today also is that we are launching “Operation Allies Refuge” to support relocation flights for interested and eligible Afghan nationals and their
families who have supported the United States and our partners in Afghanistan, and are in the SIV application pipeline.’ – Press Secretary Jen Psaki

July 19, 2021 – Afghanistan Coordination Task Force formed under Operation Allies Refuge

‘On July 19, as districts across Afghanistan were falling to the Taliban’s military advance, we—the original Afghanistan Coordination Task Force—started our race against the clock. ... Our tightly focused mission was to manifest SIV applicants and holders on charter flights and bring them to the United States for resettlement. Reaching back to our home bureaus and agencies, the task force catalyzed innovations that will have lasting impact on how the State Department does business. ... The first SIV flight departed Kabul on July 29, only 10 days after ACTF’s formation; nine more flights followed by Aug. 15. ... By Aug. 15, we had transported 1,962 Special Immigrants to the United States from Afghanistan.’ – Elizabeth Rood, Operation Allies Refuge: The FS View from the Front Lines

July 29, 2021 – First flight out of Afghanistan under Operation Allies Refuge

July 30, 2021 – First Afghans evacuated under Operation Allies Refuge arrive at Fort Lee, Virginia

‘Early this morning more than 200 Afghans landed in the United States, the first flight of the promised evacuation of our wartime allies. ....

“The Afghans arriving today have waited years for this moment, enduring threats from the Taliban while trying to navigate our byzantine immigration system. They deserve to be welcomed with open arms,” said Chris Purdy, Veterans for American Ideals Program Manager at Human Rights First. “While we commend the administration for expediting the arrival of these Afghan allies, flying them directly to the United States, the people on this flight are a tiny fraction of the 18,000 applicants and their families who are waiting on the president to fulfill our promise to those who worked with our armed forces in Afghanistan.”’ – Human Rights First Welcomes Arrival of First Flight of Afghan Evacuees

July 31, 2021 – Taliban attack major airports in Kandahar and Herat Provinces

‘Taliban fighters launched rockets Saturday at airports in Kandahar and Herat, two of the country’s largest cities and busiest economic centers. The attacks disrupted commercial travel, though flights in and out of Herat subsequently resumed. ... The attacks mark a potential turning point in the Afghan conflict. Previously, clashes were largely confined to the country’s rural areas or smaller cities contested by the militants. Large-scale conventional attacks on Kandahar and Herat, the second- and fourth-largest cities in the country, have the potential to endanger millions more civilians.’ – Taliban advances into major Afghan cities for first time in two decades

August 2, 2021 – Department of State announces Priority 2 designation for certain Afghan nationals and their eligible family members

The P2 designation grants access to USRAP for Afghans who work or worked for a U.S. government-funded program and current or former employees of U.S.-based media organizations and non-governmental organizations, who are at risk due to their U.S. affiliation. Unlike other P2 programs, Afghans cannot apply themselves, U.S. government employees and non-governmental employers must refer a qualified individual for the program.’ – Human Rights First Welcomes Announcement of Expansion in Afghan Eligibility for Evacuation
August 6, 2021 – Zaranj, provincial capital of Nimroz, falls to Taliban forces

SIGAR 22-22-IP/Collapse of the ANDSF, page 5

August 6, 2021 – 16 Veteran organizations send letter to President Biden urging urgent evacuation of all Afghans who have applied for a Special Immigrant Visa (SIV)

‘The groups’ letter underlines three key elements to an evacuation. It calls for the evacuation of all 20,000 Afghans in the Special Immigrant Visa pipeline; for the evacuation to be staged in U.S. territory; and, should the use of third countries be necessary, for those countries to have strong records on human rights and be party to the Refugee Convention.’ – Major Veterans Organizations Call on Administration to Evacuate all Afghan Allies Directly to United States

August 7 to 14, 2021 – 23 Afghan Provincial Capitals fall to Taliban forces

SIGAR 22-22-IP/Collapse of the ANDSF, page 5

August 14, 2021 – Non-combatant Evacuation Operation (NEO) begins

‘When the evacuation was formerly directed on August the 14th, we began to carry out our plan, based upon the initial assumption that the Afghan security forces would be a willing and able security partner in Kabul, defending the capital for a matter of weeks, or at least for a few days. Within 24 hours, of course, the Afghan military collapsed completely, opening Kabul up to the Taliban’s advance.’ – General McKenzie

August 15, 2021 – 4 Afghan Provincial Capitals including Kabul fall to Taliban forces


‘The Taliban effectively sealed their control of Afghanistan on Sunday, pouring into the capital, Kabul, and meeting little resistance as President Ashraf Ghani fled the country, the government collapsed, and chaos and fear gripped the city, with tens of thousands of people trying to escape.’ – Kabul falls to the Taliban as the Afghan government collapses and the president flees, New York Times

‘As the Taliban seizes control of the Afghan capital of Kabul, it is clear that immediate action is needed to evacuate Afghan allies who served with U.S. forces and international civil society, as well as human rights defenders. With American diplomats and the remaining U.S. military presence positioned to leave the capital within days, Human Rights First demanded that Afghan allies and human rights defenders not be left behind.’ – As Taliban Takes Control of All of Afghanistan Thousands of U.S. Allies, Remain to Be Evacuated

August 16, 2021 – Of Afghanistan’s 34 provinces, only 6 remain outside of Taliban control

SIGAR 22-22-IP/Collapse of the ANDSF, page 5

August 18, 2021 – General Milley reports Non-combatant Evacuation Operation is in progress

‘So, currently, the United States military is focused on the specific mission of conducting a non-combatant evacuation operation from Afghanistan.

This is likely to be probably the second-largest NEO conducted by the United States. Our key tasks are to establish and maintain security at the Kabul International Airport. Defend the airport
from attack. Evacuate all American citizens from Afghanistan who desire to leave this country. Evacuate any third country national, or allies and partners as designated by the secretary of state. Evacuate personnel with State Department-designated Special Immigrant Visas. And evacuate any other evacuees that the State Department designates.’ – General Milley

August 20, 2021 – Truman Center for National Policy launches Afghanistan Operations Center

‘Through the TCAOC, the Truman Center leverages the extensive efforts of Truman National Security Project members, affiliated non-profit partner organizations, and Truman’s own deep national security expertise to bring vulnerable Afghans to safety during this critical time. ... The TCOAC expands collaboration efforts across the Truman membership, as well as with Truman’s longtime partners in the Evacuate our Allies Coalition.’ – Truman Center for National Policy

August 26, 2021 – Suicide bomb attack at Kabul airport kills 13 US Troops and more than 170 Afghans

‘More than 170 people were killed and at least 200 were wounded in the suicide attack on Thursday, an official with Afghanistan’s Ministry of Public Health told CNN, in addition to the 13 US service members who were also killed.’ – CNN

August 29, 2021 – White House announces start of Operation Allies Welcome

‘Also wanted to note that today we’re announcing that President Biden has directed the Department of Homeland Security to serve as the lead federal agency coordinating across the federal government to relocate evacuated Afghans to the United States.’ – Press Secretary Jen Psaki

‘On August 29, 2021, President Biden directed the Department of Homeland Security (DHS) to lead and coordinate ongoing efforts across the federal government to support vulnerable Afghans, including those who worked alongside us in Afghanistan for the past two decades, as they safely resettle in the United States.’ – Operation Allies Welcome

August 30, 2021 – US completes withdrawal and ends the Non-combatant Evacuation Operation (NEO)

‘I’m here to announce the completion of our withdrawal from Afghanistan and the end of the military mission to evacuate American citizens, third-country nationals and vulnerable Afghans. The last C-17 lifted off from Hamid Karzai International Airport this afternoon at 3:29 p.m. East Coast time and the last manned aircraft is now clearing the airspace above Afghanistan. ... While the military evacuation is complete, the diplomatic mission to ensure additional U.S. citizens and eligible Afghans who want to leave continues. ... Since August the 14th, over an 18-day period, U.S. military aircraft have evacuated more than 79,000 civilians from Hamid Karzai International Airport. That includes 6,000 Americans and more than 73,500 third-country nationals and Afghan civilians. This last category includes special immigrant visas, consular staff, at-risk Afghans and their families. In total, U.S. and coalition aircraft combine to evacuate more than 123,000 civilians, which were all enabled by U.S. military service members who were securing and operating the airfield. On average we have evacuated more than 7,500 civilians per day over the 18 days of the mission, which includes 16 full days of evacuations, and more than 19,000 on a single day. These numbers do not include the roughly 5,000 service members and their equipment that were sent to Afghanistan to secure the airfield and who will withdraw on the conclusion of our mission.’ – General McKenzie
August 31, 2021 – 1,000 Afghan evacuees arrive at Holloman Air Force Base, New Mexico

September 30, 2021 – HR 5305 including the Afghanistan Supplemental Appropriations Act, 2022 becomes law

**Appropriations:**
- FBI: $50 million through 9/30/22 for investigative activities associated with Afghan resettlement
- DoD: $2.2 billion through 9/30/23 for support of Operation Allies Welcome
- CDC: $21.5 million through 9/30/22 for public health activities related to Afghan arrivals and refugees
- DHS: $1.68 billion for “Refugee and Entrant Assistance” through 9/30/23
- DHS: $7.7 million for “Children and Families Services Programs” through 9/30/22
- DoS: $276.9 million until expended for Operation Allies Welcome, including additional relocations of individuals at risk as a result of the situation in Afghanistan
- DoS: $415 million until expended for humanitarian needs in, and to assist refugees from, Afghanistan
- President: $400 million until expended for humanitarian needs in Afghanistan and the region
- USCIS: $193 million until expended to support of Operation Allies Welcome
- None of the funds appropriated and made available for assistance for Afghanistan may be made available for direct assistance to the Taliban.

**Benefits:**
- Provides refugee benefits through March 31, 2023 for Afghans paroled into the US between July 31 and September 30, 2022 and for the spouse, child, parent, or legal guardian of those Afghans
- Sets deadlines for asylum applications of those Afghans: initial interview by 45 days after submission, final adjudication within 150 days of submission

**Reporting:**
- Initial report due within 60 days of passage; quarterly reports thereafter through 9/30/23

November 17, 2021 – Last Afghan evacuees resettled off of Fort Lee, Virginia. This is the first of 8 U.S.-based military installations to complete their support of Operation Allies Welcome.

February 19, 2022 – Last Afghan evacuees resettled off of Joint Base McGuire-Dix-Lakehurst, New Jersey. This is the last of 8 U.S.-based military installations to complete their support of Operation Allies Welcome.

March 16, 2022 – Secretary Mayorkas Designates Afghanistan for Temporary Protected Status

‘The Department of Homeland Security (DHS) today announced the designation of Afghanistan for Temporary Protected Status (TPS) for 18 months. Only individuals who are already residing in the United States as of March 15, 2022, will be eligible for TPS. ...

Through Operation Allies Welcome, most Afghan nationals who arrived as part of the evacuation effort were paroled into the United States on a case-by-case basis, for humanitarian reasons, for a period of two years and received work authorization. These individuals may also be eligible for TPS. ...

TPS will apply only to those individuals who are already residing in the United States as of March 15, 2022, and meet all other requirements, including undergoing security and background checks.’ - Secretary Mayorkas Designates Afghanistan for Temporary Protected Status
Evacuation pathways

Note: This map is intended to show the movement of Afghan evacuees across the globe in the immediate aftermath of the U.S. withdrawal from Afghanistan. Destination Countries refer to countries that accepted any number of Afghan evacuees, and in which evacuees physically arrived in 2021. Data was compiled from numerous sources to generate a map that is illustrative but not necessarily definitive. Every effort has been made to obtain accurate information. For a higher resolution version of the map, please click here. — Source of map and quote below it

Most evacuees were flown from Kabul to Bahrain, Germany, Kuwait, Italy, Qatar, Spain, and the United Arab Emirates

Most evacuees arrived in the US at either Dulles or Philadelphia Airport and from there most went to US military bases — Secretary Mayorkas remarks September 3, 2021

The following U.S.-based military installations supported Operation Allies Welcome. The date reported for the processing of the final evacuee from each installation is listed in parenthesis:

1. Joint Base McGuire-Dix-Lakehurst, New Jersey (February 19, 2022)
2. Fort McCoy, Wisconsin (February 15, 2022)
3. Fort Bliss, Texas (December 31, 2021)
4. Holloman Air Force Base, New Mexico
   a. On August 31, 2021, 1,000 Afghan evacuees arrived
   b. Last evacuees resettled off-base on January 25, 2022
   c. 7,221 Afghan evacuees received, medically processed, and resettled
5. Camp Atterbury, Indiana (January 25, 2022)
6. Fort Pickett, Virginia (February 1, 2022)
7. Marine Corps Base Quantico, Virginia (December 22, 2021)
8. Fort Lee, Virginia
   a. On July 30, 2021, approximately 200 Afghan evacuees arrive
   b. Last evacuees resettled off-base on November 17, 2021

News Related to Afghan Resettlement and an Afghan Adjustment Act

September 2021
How To Address The Legal Status Of Afghan Refugees
Human Rights First Welcomes Support for Afghans in Continuing Resolution

October 2021
Congress should pass an Afghan Adjustment Act | Opinion
RCUSA applauds passage of FY22 CR, calls on Congress to pass the Afghan Adjustment Act
Operation Allies Welcome Completes Vaccination Campaign for Measles and Varicella for Afghan Evacuees
The challenges and opportunities for refugees arriving in Colorado from Afghanistan – CPR radio

November 2021
Explainer: What We Can Learn from Prior Adjustment Acts and What They Mean for Afghan Resettlement
Why Congress Must Pass an Afghan Adjustment Act | Opinion

December 2021
Afghan refugees call for a clearer path to citizenship

January 2022
The Betrayal
Letter: Afghan Adjustment Act would welcome new immigrants

February 2022
Afghan Adjustment Act: Tell Congress to Act Now!
Resettlement group calls for public support of Afghan Adjustment Act
What is next for Afghans who fled to the United States?
Opinion: There’s good news about Afghan refugees. But they still need Congress’s help.
Six Months After the Fall of Kabul, Veterans and Allies Call on Congress to Protect Afghan Refugees
Veterans, advocates ramp up calls to secure permanent status for Afghan evacuees
Press Release: Lt. Governor Molly Gray Calls on Congress to Pass an "Afghan Adjustment Act"
HIAS pushes for bill to make Afghans eligible for permanent residency
Operation Allies Welcome Announces Departure of All Afghan Nationals from U.S. Military Bases

March 2022
Operation Allies Refuge: The FS View from the Front Lines
An Afghan Interpreter’s Journey to the U.S.
Guest commentary: Our new Afghan neighbors deserve the security of permanent safety in the U.S.

April 2022
Operation Allies Welcome – Employee Spotlight: Ricardo Agosto Castro
The Long Tail of Afghan Relocation and Resettlement: Achievements, Obstacles, and Opportunities

May 2022
How humanitarian parole works, and why so many Afghan families are waiting to be reunited
Helping Afghans who got out — and those who didn’t
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This brief was prepared by Joel Davidow, a Security Fellow in the Colorado Chapter of the Truman National Security Project. It does not represent the position of the Truman National Security Project.