

United States Senate

WASHINGTON, DC 20510-0803

November 30, 2021

The Honorable Ur M. Jaddou
Director, United States Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Spring, MD 20588

Dear Director Jaddou,

Thank you for taking the time to speak with me yesterday, November 29. I appreciated our conversation on the pressing challenges facing United States Citizenship and Immigration Services (USCIS). I imagine your job to be incredibly difficult following the U.S. withdrawal from Afghanistan in August and the thousands of humanitarian parole applications you are currently overseeing.

I was pleased to hear from you that Congressional appropriations authorized in September, including the \$193 million to support USCIS activities related to Operation Allies Welcome, has been helpful to the agency in processing applications and training staff.

I am writing you today to follow up on our conversation, and in particular, to follow up on a humanitarian parole applicant that I have been following for a few months now.

[REDACTED] is an Afghan national that applied for humanitarian parole at the beginning of September. His family, Special Immigrant Visa recipients that were resettled in Delaware a few years ago, applied for humanitarian parole to be granted to their brother, [REDACTED], and his family members following the collapse of the Afghan government. Since his application was filed at the beginning of September, his family requested his case be expedited given the health and safety concerns he faces in Pakistan. However, neither his family, my staff, nor I have received substantive updates in regards to his case. The status of [REDACTED] USCIS application remains unclear, which does not instill confidence that the applications submitted by folks like him, and others that are similarly situated, are able to be processed and reviewed in a timely and efficient manner that respects the grave dangers they face.

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Like many Afghans seeking protection from the Taliban, [REDACTED] crossed illegally into Pakistan in September and, therefore, fears that the Taliban and Pakistani Security Forces are targeting him because of his ties to the former Afghan Government. Since his departure from Afghanistan, [REDACTED] has been informed that the Taliban continue to torment his wife and other family members that stayed behind in Afghanistan as they search for [REDACTED].

As you know well, there are countless Afghans seeking humanitarian parole to the U.S. given, they too, face the same peril as [REDACTED] and his family. To that end, I am writing to you today to inquire about these applicants and current USCIS practices for processing them.

As such, below you will find questions that I expect, and humbly request, an answer to by Monday, December 6, 2021.

1. To date, how many humanitarian parole applicants has USCIS received from Afghan nationals following our withdrawal from Afghanistan in August? I would like your response to be a simple numeric.
 - a. How many of these have been entered into a USCIS database for processing? How many have not been entered into a USCIS database? I would like your response to be a simple numeric.
 - b. How many of these humanitarian parole applicants have requested expedited humanitarian parole? I would like your response to be a simple numeric.
 - c. To your knowledge, how many of these humanitarian parole applicants are currently outside of Afghanistan and in a country with an operating U.S. Embassy to process these applicants? I would like your response to be a simple numeric.
2. When we spoke on 11/29, you mentioned that there is currently a review at the Department of Homeland Security on whether Afghan humanitarian parole applicants will be considered refugees or parolees under U.S. law for processing. Can you elaborate on this please, or clarify what you meant?
 - a. My concern about the process and timeline for this review is whether folks, like [REDACTED], who applied for humanitarian parole to the United States following our withdrawal per Department of Homeland Security guidance, will face delayed processing times. Has this been the case for Afghans that have applied for humanitarian parole? Are their applications being processed, or has USCIS delayed *any* until the agency works to categorize these folks as they see fit? If so, how many humanitarian parole applicants has USCIS delayed processing for?
3. As a follow up to our conversation, I also ask that you please provide me with a status update of [REDACTED] application. Mainly, I would like to know where it is

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currently at in the process. Has his humanitarian parole application been entered in the USCIS database? If so, when?

- a. Has [REDACTED] application been considered for expedited or regular processing? If neither, when do you expect USCIS to begin processing humanitarian parole applications submitted by Afghans in early September?
 - b. Can you provide me with a timeline of when USCIS received [REDACTED] application, and what the agency has done since his submission?
 - c. When can he expect outreach or follow-up from USCIS? If requested by an applicant, does USCIS substantively respond to humanitarian parole applicants to inform them of their application status?
 - d. Based on the safety risks he faces in Pakistan and his ties to the Afghan Government since its collapse, would an individual like him qualify for expedited review and processing for humanitarian parole to the U.S. or a lily pad location?
4. How can Congress be helpful to USCIS in processing these humanitarian parole applications more efficiently?

I am grateful for your service to our country, and look forward to receiving your responses. I know your job cannot be easy, so I thank you for the tireless work you and your staff have been doing this past year. Should you or your staff have any questions or require further information, please contact my National Security Counsel, Saadia Khan at (202) 224-2441 or via email at Saadia_Khan@carper.senate.gov.

Sincerely,



Thomas R. Carper
United States Senator

CC: The Honorable Alejandro Mayorkas
Secretary
United States Department of Homeland Security
Washington, D.C. 20528



U.S. Citizenship
and Immigration
Services

January 10, 2022

The Honorable Thomas R. Carper
United States Senate
Washington, DC 20515

Dear Senator Carper:

Thank you for your November 30, 2021 letter to U.S. Citizenship and Immigration Services (USCIS).

USCIS is deeply committed to supporting the Department of Homeland Security's coordination efforts across the federal government to support vulnerable Afghan nationals, including those who worked alongside us in Afghanistan for the past two decades. USCIS is proud to be a part of Operation Allies Welcome (OAW) which has welcomed more than 74,000 Afghans to the United States, providing them with support and assistance as they resettle across the country. USCIS has processed over 69,000 Employment Authorization Documents, detailed over 250 individuals to assist OAW over the last several months, and is now doing all we can to dedicate resources to process the large number of humanitarian parole, asylum, special immigrant visa, family-based petitions, and adjustment of status requests from Afghan allies and their families. We very much appreciate the assistance of Congress in ensuring we have the financial resources to ramp up our resources and prioritize this new and unexpected group of applicants as we strive to meet many other existing priorities at USCIS, including naturalization, refugee processing, employment-based requests, and many other humanitarian programs we administer. The assistance from Congress is critical to the success of our work and mission.

We appreciate your interest in the humanitarian parole workload and have provided responses to your questions below:

1. To date, how many humanitarian parole applicants has USCIS received from Afghan nationals following our withdrawal from Afghanistan in August? I would like your response to be a simple numeric.

Response: USCIS has received nearly 39,000 parole applications from Afghan nationals, following our withdrawal from Afghanistan, as of December 22, 2021.

- a. How many of these have been entered into a USCIS database for processing?
How many have not been entered into a USCIS database? I would like your

response to be a simple numeric.

Response: All of the petitions have been entered into a USCIS database for processing.

- b. How many of these humanitarian parole applicants have requested expedited humanitarian parole? I would like your response to be a simple numeric.

Response: USCIS does not track expedite requests for humanitarian parole in our case management system. We only track those humanitarian parole requests that have been reviewed by an officer who determines a case meets the expedite criteria. Based on our review of pending cases, we estimate that at least 90% of Afghan parole applications have requested expedited processing on the Form I-131.

- c. To your knowledge, how many of these humanitarian parole applicants are currently outside of Afghanistan and in a country with an operating U.S. Embassy to process these applicants? I would like your response to be a simple numeric.

Response: At this time, USCIS is unable to provide the number of beneficiaries of parole applications who are currently outside of Afghanistan. We are actively working on developing this reporting capability.

2. When we spoke on 11/29, you mentioned that there is currently a review at the Department of Homeland Security on whether Afghan humanitarian parole applicants will be considered refugees or parolees under U.S. law for processing. Can you elaborate on this please, or clarify what you meant?

Response: As noted on the USCIS website, it is U.S. government policy to process protection needs, including for most Afghan nationals in need of protection, through the U.S. Refugee Admissions Program (USRAP). However, there are interagency discussions related to categories of individuals with specific ties to the U.S. for whom the U.S. government will continue to facilitate arrival to the U.S. where appropriate, such as Special Immigrant Visa (SIV) applicants who received Chief of Mission approval, immediate relatives of U.S. citizens and lawful permanent residents, and certain family members of Afghan nationals paroled into the United States. Additionally, in some limited circumstances, individuals outside of those categories with significant U.S. ties who have well-documented protection needs so urgent that obtaining protection through the host government or via the USRAP is not a realistic option may be found eligible for a discretionary approval of parole on a case-by-case basis. For parole requests based on protection needs, please see the [Guidance on Evidence for Certain Types of Humanitarian and Significant Public Benefit Parole Requests](#) webpage and click on the section related to *coming to the United States for protection*. It provides examples of

relevant evidence, including types of corroborating evidence, needed to support a parole request.¹

- a. My concern about the process and timeline for this review is whether folks, like [REDACTED], who applied for humanitarian parole to the United States following our withdrawal per Department of Homeland Security guidance, will face delayed processing times. Has this been the case for Afghans that have applied for humanitarian parole? Are their applications being processed, or has USCIS delayed any until the agency works to categorize these folks as they see fit? If so, how many humanitarian parole applicants has USCIS delayed processing for?

Response: USCIS has not delayed processing of humanitarian parole applications. USCIS has, however, had to identify and train additional staff to help with processing applications as well as establish new procedures and guidance for adjudicators to align the vetting and medical requirements for Afghan nationals seeking parole with USCIS from the lily pad processing locations.

USCIS normally receives 1,500 to 2,000 parole applications per year for all nationalities. However, since July 1, we have received nearly 39,000 parole applications from Afghan nationals alone.

Due to the surge in parole applications, USCIS is currently unable to meet our processing time targets to complete at least 90% of all requests for parole within 90 days of receipt. We have diverted staff from other adjudications and trained them to help process parole applications. We have also expeditiously developed the capability to process these cases in a more efficient USCIS case management system (ELIS), which we anticipate will help adjudicators process parole requests more efficiently in the coming weeks. In addition, USCIS has worked with the interagency to implement new vetting and medical requirements in line with Operation Allies Welcome.

Since new adjudications staff have been trained, and more adjudications can be processed in ELIS, we anticipate an increase in the number of parole adjudications completed for Afghan nationals.

3. As a follow up to our conversation, I also ask that you please provide me with a status update of [REDACTED] application. Mainly, I would like to know where it is currently at in the process. Has his humanitarian parole application been entered in the USCIS database? If so, when?

Response: USCIS received [REDACTED] application. His application was denied. USCIS sent the decision notice on January 7, 2022.

¹ See <https://www.uscis.gov/humanitarian/humanitarian-parole/guidance-on-evidence-for-certain-types-of-humanitarian-or-significant-public-benefit-parole-requests>.

- a. Has [REDACTED] application been considered for expedited or regular processing? If neither, when do you expect USCIS to begin processing humanitarian parole applications submitted by Afghans in early September?

Response: Cases are processed in the order in which they were filed at the USCIS Lockbox unless an officer determines that the case meets expedite criteria. Generally, all requests for parole are based on urgent needs. An officer must determine that the petitioner provided sufficient evidence to support an expedite request—such as evidence of a life-threatening or other extremely urgent situation—before the case will be expedited in the system. USCIS reviewed this case and determined that it did not qualify for expedited processing.

- b. Can you provide me with a timeline of when USCIS received [REDACTED] application, and what the agency has done since his submission?

Response: The USCIS Lockbox received the parole request and issued a receipt notice on September 8, 2021. Scanned copies of the Form I-131 and supporting documentation were uploaded into the Enterprise Document Management System (EDMS). The case was ingested into ELIS in early November. USCIS reviewed the case and issued a decision notice on January 7, 2022.

- c. When can he expect outreach or follow-up from USCIS? If requested by an applicant, does USCIS substantively respond to humanitarian parole applicants to inform them of their application status?

Response: USCIS will issue a receipt notice when the Lockbox receives the filing. Once USCIS enters the case into ELIS, the new case management system, and an initial review has been conducted to confirm jurisdiction and urgency, USCIS will issue a second receipt notice to the petitioner and representative of record. This second receipt notice will contain a new ELIS receipt number for the case. A USCIS adjudications officer will then review the case, complete required security checks, and determine eligibility for parole.

The petitioner and representative of record will receive a notice of USCIS' determination, which could include a conditional approval notice referring the case to Consular processing, a request for additional evidence, a denial notice, or, for Afghan nationals still in Afghanistan who may be eligible for parole, a notice about our inability to complete processing while the beneficiary is still in Afghanistan because the U.S. Embassy in Afghanistan has suspended operations, including all consular services.

If USCIS determines that the beneficiary in Afghanistan may be eligible for parole after an initial review of the case, we will issue a notice to the petitioner informing them that USCIS cannot complete processing of the case until the beneficiary is able to arrange their own travel to a location with a U.S. embassy or

consulate. The petitioner must inform USCIS once the beneficiary is outside of Afghanistan and able to complete processing of their case.

USCIS is not able to respond to all case status inquiries at this time. USCIS is currently exploring additional system development to enable parole petitioners to check their case status through myUSCIS.

- d. Based on the safety risks he faces in Pakistan and his ties to the Afghan Government since its collapse, would an individual like him qualify for expedited review and processing for humanitarian parole to the U.S. or a lily pad location?

Response: Generally, all requests for parole are based on urgent needs. Therefore, the petitioner must demonstrate significant reasons for expediting the parole request, such as a life-threatening or other extremely urgent situation. USCIS reviews the totality of the circumstances, including evidence submitted, and makes a determination on a case-by-case basis.

Individuals who are conditionally approved for parole by USCIS must report to a U.S. embassy or consulate to continue processing their cases and are not processed through lily pad locations. Consular processing for USCIS cases includes identity verification, biometrics collection, and confirmation that medical requirements have been completed through a panel physician. The U.S. government continues to facilitate departure from Afghanistan to a lily pad for certain identified groups, such as immediate family members of U.S. citizens.

4. How can Congress be helpful to USCIS in processing these humanitarian parole applications more efficiently?

Response: We greatly appreciate your interest in this topic. We continue to ask that individuals interested in requesting humanitarian parole through USCIS review our public website for more information regarding who may be eligible for parole, the factors USCIS considers when reviewing a request, and filing instructions including guidance on evidence needed to support parole requests. Additional links are included below.

Information for Afghan Nationals on Requests to USCIS for Humanitarian Parole:
<https://www.uscis.gov/humanitarian/humanitarian-parole/information-for-afghan-nationals-on-requests-to-uscis-for-humanitarian-parole>

General Information on Requests to USCIS for Humanitarian or Significant Public Benefit Parole for Individuals Outside the United States:
<https://www.uscis.gov/humanitarian/humanitarian-or-significant-public-benefit-parole-for-individuals-outside-the-united-states>

Guidance on Evidence for Certain Types of Humanitarian or Significant Public Benefit Parole Requests: <https://www.uscis.gov/humanitarian/humanitarian-parole/guidance-on-evidence-for-certain-types-of-humanitarian-or-significant-public-benefit-parole-requests>

The Honorable Thomas R. Carper
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Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a horizontal line extending to the right.

Ur M. Jaddou
Director