

The Honorable Chuck Schumer
Majority Leader
U.S. Senate
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
1236 Longworth House Office Building
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
2468 Rayburn House Office Building
Washington, D.C. 20510

Re: Concerns Raised in Watchdog Report Increase Urgency for Afghan Adjustment Act

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Pelosi, and Minority Leader McCarthy:

The bipartisan Afghan Adjustment Act ([S.4787/H.R. 8685](#)) honors our nation's commitment to its wartime allies by providing a path to permanent status for Afghan evacuees. It also ensures these evacuees are properly and scrupulously vetted prior to considering them for such status. For the reasons outlined below, the undersigned national security leaders urge you to work together to swiftly pass the legislation.

Following the fall of Kabul to the Taliban in August 2021, the U.S. facilitated the evacuation of more than 79,000 at risk Afghans. All of these evacuees faced an uncertain and dangerous future under Taliban rule and many were in imminent danger due to their direct connection to U.S. military and diplomatic efforts over the past twenty years. [Almost half](#) of the evacuees were children.

The heavily backlogged Special Immigrant Visa (SIV) and refugee admissions programs coupled with the more rapid than anticipated fall of Kabul forced an expedited and chaotic evacuation of at-risk Afghans. As a result, most evacuees were brought to the U.S. under humanitarian parole — a swifter and more flexible process but one that confers only temporary protections and work authorization and no clear path to permanent status.

Two recent government watchdog reports — a February 15 [DOD OIG report](#) and a September 6 [DHS OIG report](#) — have raised concerns that a limited number of evacuees were not adequately vetted prior to arriving in the United States. While those findings have been disputed by the agencies involved, the OIG reports highlight valid concerns that demand action from Congress.

The bipartisan [Afghan Adjustment Act](#), led by Senators Amy Klobuchar (D-MN) and Lindsey Graham (R-SC), addresses outstanding security and vetting concerns while providing a path for qualified and appropriately screened Afghans to pursue permanent status in the United States. The bill includes the following vetting requirements:

- Evacuees currently on humanitarian parole would be denied continued access to parole and required to apply to adjust their status. Parole protections expire after two years, and the bill would prohibit additional grants of parole to encourage evacuees to go through the vetting and adjustment process.

- Applicants for adjustment would be required to complete a vetting process equivalent to that of the U.S. Refugee Admissions Process (USRAP), the “[gold standard](#)” of vetting and the most rigorously vetted immigration category. The process would include an in-person interview.
- The Department of Homeland Security (DHS) would be required to record biometric and biographic information on applicants, including criminal records and documentation of all prior interviews, screenings, and database checks associated with the applicant.
- All applicants for adjustment of status would be subject to existing criminal inadmissibility bars. Unlike most other adjustment processes, DHS *would not* have the authority to waive inadmissibility bars for most terrorism-related issues (TRIG) or any crimes committed by evacuees after they have arrived in the United States. [Limited](#) TRIG waivers exist for those who are determined by DHS to pose no security threat to the U.S., including for those who were forced to interact with or provide material support to the Taliban to ensure their survival and/or escape.
- Under the law, evacuees that complete this process and are found to pose a threat to national security would be denied status and deported. Evacuees who commit deportable crimes would be removed from the United States.

The rationale for the Afghan Adjustment Act is clear. First, it follows through on our nation’s commitment to its wartime allies by providing at risk Afghans and their families — including many that supported U.S. military and diplomatic efforts for the past twenty years — a path to permanent status in the United States. Second, it sends a clear message to current and future allies — those that are necessary for U.S. servicemembers and diplomats to perform their missions in pursuit of national security — that the United States is a reliable and trusted partner and it stands by the democratic ideals it professes.

There is no other legislation or proposal pending before Congress that would address the Afghan refugee challenge and its associated vetting concerns. The status quo leaves tens of thousands of evacuees in legal limbo while failing to put to rest security concerns raised in the OIG reports. No action is not an option — we urge you to act to pass the Afghan Adjustment Act.

Thank you,

Rick “Ozzie” Nelson, Former Director, Office of Combating Terrorism; National Security Council Staff under George W. Bush; U.S. Navy helicopter pilot and Afghanistan veteran

Gus Coldabella, Former Acting General Counsel, Department of Homeland Security

Michael Neifach, Former Principle Legal Advisor, Immigration and Customs Enforcement; Homeland Security Council staff under George W. Bush

Elizabeth Neumann, Former Assistant Secretary for Threat Prevention and Security Policy, Department of Homeland Security; Former Deputy Chief of Staff, Department of Homeland Security

Stewart Verdery, Former Assistant Secretary for Policy and Planning, Department of Homeland Security

Ross Ashley, Former Assistant Administrator, Federal Emergency Management Association;
Former Virginia Air National Guard and U.S. Air Force Reserves

Hans Miller, Former Deputy Assistant Administrator, Transportation Security Administration

Lynden Melmed, Former Chief Counsel, U.S. Citizenship and Immigration Services

cc: Senate Appropriations Chair Patrick Leahy, Senate Appropriations Ranking Member
Richard Shelby, House Appropriations Chair Rosa DeLauro, and House Appropriations Ranking
Member Kay Granger