



Any Evacuation of Afghan Partners Must Ensure Broad Protection July 1, 2021

Recent signals that the Administration is planning to evacuate U.S.-affiliated Afghans whose lives are increasingly at risk are welcome. However, we are concerned about the lack of clarity on the details of the evacuation given the rapidly proceeding withdrawal. Reports of a possible evacuation have been sparse in detail and leave the urgent questions below unanswered.

When Will the Evacuation Begin?

The reports of evacuation planning suggest a troubling lack of urgency. An evacuation must commence immediately - before all military assets are removed from Afghanistan.

Who is Coordinating the Evacuation?

The Administration should follow the examples of previous evacuations and immediately create an Interagency Task Force (IATF) to organize resources. This IATF should bring together the elements of the Executive Branch, Congress, and civil society that will be needed to stand up a successful evacuation. DOD should be given a significant role in this evacuation given their experience and training for large-scale rapid response events like this. The evacuation should use military resources, from an airlift out of Afghanistan, to DOD assets in Guam, to processing evacuees further on military installations on the mainland United States, as needed.

Where are Evacuees Headed?

We urge the Administration to relocate evacuees to a location on U.S. soil where evacuees have access to U.S. courts, including immigration courts, and not a third country. If a third country or non-U.S. territory is considered, it must respect international humanitarian protection obligations, including the Refugee Convention and the Convention Against Torture.

We note that Guam was used in 1975 and 1996 as a landing point for the Vietnamese and Iraqi evacuations, and both were stood up on short notice. For example, the 1996 Iraqi mission was organized on only 48-hours' notice. More recently, in April 2020, Guam demonstrated the ability to quickly house thousands of sailors from the USS Theodore Roosevelt during the ship's COVID-19 outbreak. Within a few weeks, over 4,000 service members were evacuated from the carrier and put into quarantine in hotels on the island as well as barracks in Naval Base Guam. The USS Theodore Roosevelt incident shows that the military, political, and business leadership on the island is more than capable of rapidly handling complicated, large-scale evacuations.

Who Will Be Evacuated?

We are concerned to hear reports that "some" U.S.-affiliated Afghans will be evacuated - suggesting that others will be left behind. The Administration must ensure the broadest possible inclusion for evacuation because U.S.-affiliated Afghans left in Afghanistan are in imminent danger. Any evacuation must include:

- **All Afghan SIV applicants.** The evacuation must include all applicants at any step of the SIV application process, such as those whose applications are pending with the National Visa Center (NVC) or awaiting Chief of Mission (COM) approval, applicants stuck in administrative processing, and those within the window to appeal an erroneous denial.
 - A significant portion of the almost 9,000 applicants waiting for the NVC to deem their application “complete” has done more than simply express an interest in the program. Many of these are reapplications of cases denied in error or are being held by the NVC for a minor technical issue. These applicants should not be excluded due to the slow and error-prone administration of the SIV process.

- **All Afghan 1059 (SI) SIV applicants.** Congress also established the smaller, separate 1059 (SI) SIV program with 50 visas per year for Afghan and Iraqi linguists with exceptional recommendations. Based on the most recent available data, there are more than 700 applicants to this program with approved applications still waiting for interviews and visas. The evacuation must include all Afghan 1059 (SI) SIV applicants.

- **All family members.** The evacuation must include spouses and children of SIV applicants, whether they are applying with the SIV applicant or are seeking to reunify with an Afghan in the United States through a family-based immigration petition. Parents are eligible for legal permanent resident status once their SIV recipient children naturalize, and should be included as well. If these family members are not evacuated and reunited, SIV families will likely be indefinitely separated.

- **Afghans whose employment may not establish SIV eligibility.** This includes those who worked under grants or cooperative agreements (as opposed to contracts), such as most individuals who worked for USAID in Afghanistan. It also includes individuals whose employers failed to provide them with documentation that COM deems sufficient to verify employment and those with less than two years of qualifying work.

What Happens After the Evacuation?

Evacuated Afghans must not languish interminably in evacuation locations and should be expedited through all stages of immigration processing. Individuals prevented from completing one process must be allowed to access other pathways. For example, someone whose SIV application cannot be approved should be considered for asylum/refugee protection.

Afghans can also be paroled into the United States to finish their applications from within the country. In this case, Congress must extend reception and placement benefits to paroled Afghans and ensure appropriate funds are available.

Finally, the United States must develop a viable plan for Afghan refugees who have fled or may flee the country that includes processing refugees out of neighboring countries, such as Pakistan, and addresses processing backlogs and delays within the refugee program.