

United States Senate

May 26, 2022

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

The Honorable Ur Jaddou
Director
U.S. Citizenship and Immigration Services
111 Massachusetts Avenue, NW
Washington, DC 20001

Dear President Biden, Secretary Mayorkas, and Director Jaddou:

We write concerning the inconsistency between the treatment of Afghans seeking humanitarian parole into the United States and the treatment of Ukrainians requesting that relief. We applaud the Administration's efforts to welcome to our shores *all* those displaced by war and its aftermath. But the disparate policies and requirements for those seeking refuge in the United States depending on their country of origin causes us concern. We urge the Administration to find a consistent and equitable approach to the processing of humanitarian parole applications in response to humanitarian crises, wherever they occur.

On December 20, 2021, many of us wrote to you expressing our alarm over the restrictive approach that U.S. Citizenship and Immigration Services (USCIS) was taking toward the more than 40,000 Afghans who had applied for humanitarian parole into the United States in the aftermath of the U.S. military withdrawal from Afghanistan.¹ In that letter, to which we have not yet received a response, we asked why the Administration had changed longstanding parameters for humanitarian parole, why numerous parole applications were being denied without a Request for Evidence, and sought a better understanding of the staffing issues preventing USCIS from adjudicating applications in a timely manner.²

¹ Letter from Members of Congress to President Biden, Secretary Mayorkas, and Director Jaddou (Dec. 20, 2021, [https://www.markey.senate.gov/imo/media/doc/\(12.20.21\)%20FINAL%20Afghan%20Humanitarian%20Parole%20letter%202021.12.20%20\(002\).pdf](https://www.markey.senate.gov/imo/media/doc/(12.20.21)%20FINAL%20Afghan%20Humanitarian%20Parole%20letter%202021.12.20%20(002).pdf)).

² *See id.*

On April 21, 2022, the Administration announced *Uniting for Ukraine* (U4U), a new humanitarian parole program to expedite the arrival of Ukrainians seeking refuge in the wake of Russia's unprovoked invasion of their country.³ U4U is an innovative approach to processing a high volume of humanitarian parole applications, relying heavily on the remote processing and expedited screening of applicants in Ukraine and host countries, despite limited U.S. government operations in Ukraine. While we welcome this new and flexible approach for handling the large influx of Ukrainian parole applications, it stands in stark contrast to the manner in which the high volume of Afghan applications — 43,000 since July 2021, most still unadjudicated⁴ — are being handled, subjecting Afghans to a longer and more costly process, with a higher burden of proof. The United States has approved only 270 Afghans for humanitarian parole, denying more than 2,000 applications.⁵ On the other hand, as of May 2022, nearly 6,000 Ukrainians who had applied through U4U had been granted humanitarian parole.⁶

The disparate treatment of Afghan and Ukrainian humanitarian parole applicants is stark. First, we understand that, unlike Ukrainians, Afghans must have an in-person consular interview with a U.S. consular officer. Without an operating U.S. Embassy in Afghanistan or the option to apply for parole remotely, Afghans seeking to safely exit their country face significant financial, logistical, and safety challenges.⁷ Second, unlike U4U petitioners who, according to the USCIS announcement pay no fee to apply for parole (or will have any fee they paid refunded), Afghan parole petitioners are charged a \$575 fee⁸ — an immense sum of money for nationals of a country with a median per-capita income of \$378.⁹ Third, under U4U, beneficiaries must prove they resided in Ukraine as of February 11, 2022 and were displaced as a result of the Russian invasion, but there is no requirement that they prove they were specifically targeted with violence.¹⁰ Yet, Afghan citizens applying for humanitarian parole must provide proof of individualized, targeted violence by the Taliban — a requirement that seems especially

³ Press Release, U.S. Dep't of Homeland Security, *President Biden to Announce Uniting for Ukraine, a New Streamlined Process to Welcome Ukrainians Fleeing Russia's Invasion of Ukraine* (Apr. 21, 2022), <https://www.dhs.gov/news/2022/04/21/president-biden-announce-uniting-ukraine-new-streamlined-process-welcome-ukrainians>

⁴ Miriam Jordan, *Afghans Who Bet on Fast Path to the U.S. Are Facing a Closed Door*, N.Y. Times (Feb. 16, 2022), <https://www.nytimes.com/2022/02/16/us/afghan-refugees-humanitarian-parole.html>.

⁵ Julia Ainsley, *Nearly 6,000 Ukrainians approved to enter the U.S. through Biden admin's website*, NBC News (May 9, 2022), <https://www.nbcnews.com/politics/immigration/nearly-6000-ukrainians-approved-enter-us-biden-admins-uniting-ukraine-rcna28002>.

⁶ *See id.*

⁷ Information for Afghan nationals on requests to USCIS for humanitarian parole, USCIS, <https://www.uscis.gov/humanitarian/humanitarian-parole/information-for-afghan-nationals-on-requests-to-uscis-for-humanitarian-parole>.

⁸ I-131, Application for Travel Document. USCIS, <https://www.uscis.gov/i-131>.

⁹ *Afghanistan's Median Household Income Exceeds Pakistan's*, Wadsam, Afghan Business News Portal (Feb. 17, 2020), <https://wadsam.com/afghan-business-news/afghanistans-median-income-exceeds-pakistan-38-other-countries-income/>.

¹⁰ *Uniting for Ukraine*, USCIS (Apr. 21, 2022), <https://www.uscis.gov/humanitarian/uniting-for-ukraine>.

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unnecessary given the well-documented and widespread life-threatening conditions in Afghanistan since the Taliban takeover.¹¹

The inconsistent treatment of Afghan and Ukrainian humanitarian parole applications is troubling. Afghans and Ukrainians have turned to humanitarian parole because other pathways out of their respective countries and to the United States, such as family reunification, are inaccessible or backlogged, and therefore inadequate in the face of immediate danger. We urge USCIS to adopt an approach to Afghan parole applications that mirrors the new treatment of Ukrainian applications, including accelerating the processing of Afghan parole applications, waiving (or refunding) application fees, and not requiring a showing of targeted violence. A pragmatic, efficient, and equitable approach strongly favors standing up an Afghan parole program similar to U4U.

While the U.S response to the Ukrainian refugee crisis has been admirable, it is unfortunate that this welcoming and accommodating model is not the standard for all humanitarian crises, wherever they occur, whether in Haiti, throughout Central America, in Africa, the Pacific, and elsewhere. And while the Administration has moved to restore our capacity to provide humanitarian relief, including raising the refugee admissions ceiling to 125,000, only 3,268 refugees were resettled in the first quarter of fiscal year 2022.¹² We urge you to break this cycle and implement a compassionate, human-rights-centered approach that reaffirms our commitment to inclusivity.

Sincerely,



Edward J. Markey
United States Senator



Jeanne Shaheen
United States Senator

_____/s/_____

Patrick Leahy
United States Senator



Cory A. Booker
United States Senator

¹¹ Guidance on Evidence for Certain Types of Humanitarian or Significant Public Benefit Parole Requests, USCIS, <https://www.uscis.gov/humanitarian/humanitarian-parole/guidance-on-evidence-for-certain-types-of-humanitarian-or-significant-public-benefit-parole-requests>.

¹² US Refugee Admissions, Q1 Fiscal Year 2022, Refugee Council USA (last accessed May 17, 2022), <https://rcusa.org/wp-content/uploads/2022/02/RCUSA-Quarterly-Arrivals-Q1-FY22.pdf>.

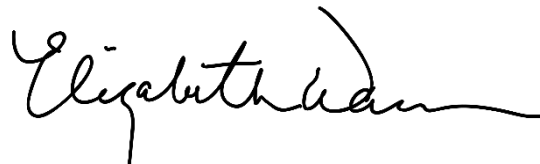
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_____/s/_____
Ron Wyden
United States Senator

_____/s/_____
Patty Murray
United States Senator



Tina Smith
United States Senator



Elizabeth Warren
United States Senator