

United States Senate
WASHINGTON, DC 20510

January 20, 2022

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
245 Murray Lane, S.W.
Washington, D.C. 20528

Dear Secretary Blinken and Secretary Mayorkas:

We are writing to express our deep concern over reports of high denial rates for Afghans seeking humanitarian parole. We are alarmed that despite this Administration's clear stated commitment to protect Afghans at risk, the Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS) is reportedly applying an untenably high standard of proof for the more than 35,000 Afghans who have applied for humanitarian parole to the United States.

While we have always maintained that proper vetting is an essential part of the humanitarian parole process, we are greatly concerned that the Administration is holding Afghan nationals seeking humanitarian parole to an unreasonably high standard, creating barriers to safe haven in the United States. The Secretary of DHS holds broad discretionary authority to grant parole to certain fully-vetted individuals for admission on a case-by-case basis for urgent humanitarian reasons or significant public benefit. Yet we have received troubling reports that USCIS will not grant humanitarian parole to Afghans who might also be eligible for refugee status, and that the agency is applying unrealistic requirements, such as that applicants provide documentation from a third-party source specifically naming the applicant and outlining the harms they face. These standards mean that the majority of potentially eligible Afghan applicants will likely be denied parole, as given the chaos surrounding the U.S. exit from Afghanistan in August, many have fled to third countries or do not have written documentation of threats from the Taliban. Given the dangerous situation in Afghanistan, the history of the conflict, and the risk that many of these Afghans face due to their support for the United States over the past two decades, mechanistically applying these restrictive standards is inhumane, cruel, and contradictory to U.S. commitments and interests.

Furthermore, we are concerned that the Administration is not fulfilling its pledge to protect qualified at-risk Afghans. When DHS announced its decision to extend humanitarian parole, it

was made clear that certain Afghans deemed at-risk under the new Taliban government may be granted humanitarian parole. Following this announcement, Secretary Mayorkas spoke of the United States' "moral imperative" to protect vulnerable Afghans and to "support those who have supported this Nation." After the U.S. withdrawal, Secretary Blinken pledged that the United States would not stop working to help Americans and at-risk Afghans in Afghanistan and that we would "do everything we can moving forward to continue this mission."

We recognize the Administration's important efforts to bring more than 74,000 Afghans to the United States since August, the majority under humanitarian parole. Following the fall of Kabul on August 15, the United States advised many of these individuals to flee to third countries where they were urged to apply for humanitarian parole into the United States. More than 35,000 Afghans did so. With mounting reports of denials, however, we fear that the Administration is failing to protect the most vulnerable Afghans—including women leaders, activists, human rights defenders, and journalists—and that thousands of individuals are at risk of falling through the cracks, despite their urgent and real fear of harm.

In light of these concerns, we ask that you answer the following questions:

1. What is the number of humanitarian parole applications that you have received since August 15th, and what is the current denial rate of applications? How many applications have been accepted?
2. Why is USCIS applying a narrow and restrictive standard for Afghan nationals seeking humanitarian parole instead of using the expansive authority granted to the Secretary to meet the unprecedented needs precipitated by this crisis? How does this narrow legal and evidentiary standard compare to the standard applied to other groups under humanitarian parole?
3. Under current standards, how are Afghan nationals applying for humanitarian parole expected to be able to produce documentation demonstrating their specific, individualized threat of serious or imminent harm, given that many are in hiding inside of Afghanistan or are already outside of the country?
4. What factors and components would lead to a favorable adjudication for an Afghan national seeking humanitarian parole?
5. Following Secretary Mayorkas' announcement in late August that the Administration would extend humanitarian parole to Afghan nationals, how did DHS scale up the capacity and resources of USCIS to meet the expected influx of humanitarian parole applications? In the months and weeks preceding the U.S. withdrawal, how did the Administration prepare for the likely scenario that humanitarian parole would be extended to Afghans at risk?

We strongly believe that the United States must remain true to its commitments to protect vulnerable Afghans through advancing a fair, transparent, and expeditious humanitarian parole process, through which Afghans both in and outside of Afghanistan will have the opportunity to seek safe haven in the United States. This is not only a moral imperative, but critical for our interests in being seen as a credible, honest, and loyal international partner, and essential for our national security. We urge your prompt attention to this critical issue.

Sincerely,



Robert Menendez
United States Senator



Charles E. Schumer
United States Senator



Tim Kaine
United States Senator



Chris Van Hollen
United States Senator



Jeffrey A. Merkley
United States Senator



Cory A. Booker
United States Senator



Elizabeth Warren
United States Senator



Bernard Sanders
United States Senator

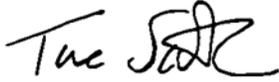


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