

# United States Senate

WASHINGTON, DC 20510

August 19, 2021

President Joseph R. Biden  
President of the United States  
1600 Pennsylvania Avenue, NW  
Washington D.C., 20500

Dear Mr. President,

We write to urge the immediate and full implementation of recently-passed legislation amending the process and eligibility for the Afghan Special Immigrant Visa (SIV) program and for the urgent evacuation of SIV applicants whose service to the U.S. mission has put their lives in jeopardy. As you know, this critical program provides safety for the brave Afghans who served alongside United States troops in support of the U.S. missions in Afghanistan. As the situation in Afghanistan deteriorates, these individuals face increased danger at the hands of the Taliban that has sworn retribution. For this reason, Congress provided additional authorities to improve and expedite the application process while maintaining the program's security and integrity. We implore your Administration to expeditiously implement these changes and immediately evacuate our Afghan allies to safety.

The United States led coalition forces in Afghanistan for nearly twenty years following the September 11, 2001 attacks on the United States. Our mission safeguarded the American homeland from terrorist attacks, eliminated Osama bin Laden, and delivered freedom and education to a generation of Afghan women and children. At every step of the way, our mission was supported by Afghans who fought alongside us for a better future for their country. They risked their safety and the well-being of their families to work with the United States. With the departure of U.S. forces and Taliban rule in place, the safety and security of our Afghan allies who put their lives on the line to help our service members and diplomats must be a top priority.

For this reason, we urge you to continue the expeditious evacuation of SIV applicants and their families. At your direction, on July 17 the United States launched Operation Allies Refuge in order to evacuate SIV applicants in danger from the Taliban's advances. We appreciate that this effort has already brought 2,000 Afghans, including primary SIV applicants and their families, to the United States. However many more remain. The Taliban's rapid ascendancy across Afghanistan and takeover of Kabul should not cause us to break our promise to the Afghans who helped us operate over the past twenty years and are counting on us for assistance. American inaction would ensure they become refugees or prime targets for Taliban retribution.

Specifically, we urge continued coordination between the Departments of State and Defense to secure and hold Hamid Karzai International Airport, including to allow for the continuation of military flights and the resumption of commercial and charter flights. We also urge your Administration to assist with the passage of individuals to the airport to safety – both those within Kabul and those outside of the capital – as well as to consider cases where Afghans fleeing quickly may not have been able to collect or gather appropriate documents.

Additionally, the support and protection of our Afghan allies is why Congress recently passed, with broad bipartisan support, legislation to make extensive changes to the SIV program. We did so with the goal of improving the process for applicants while maintaining our national security. We were pleased that you immediately signed this legislation to make extensive improvements to the SIV program into law three weeks ago, and now ask that you move just as quickly to ensure it is properly and fully implemented ensuring applicants and their families can get out of harm's way.

To this end, we respectfully request that your Administration immediately implement all aspects of the statute as Congress intended, including:

1. **Updating internal and external guidance to reflect the change in the employment requirement for eligibility from two years of service to one.** This adjustment of eligibility must be applied to all pending applications, including those on appeal which have been denied on the basis of insufficient duration of service but whose appeal is still eligible to be re-adjudicated. To ensure that this change is fully implemented, we ask that all staff who are charged with processing applications receive training to apply the 12 month standard to all pending applications and appeals.
2. **The issuance of special immigrant visas to all applicants and their qualified family members that have passed all steps of the visa process and only await a medical exam.** The adjustment of status conferred by a SIV is preferable both to the processing of visas and to the applicants than paroling evacuated individuals into the country, thus requiring additional filings to confer the statuses included in a SIV.
3. **Full and immediate repeal of the "sensitive and trusted" requirement for individuals employed by or on behalf of the NATO-led military mission in Afghanistan,** as required by the Emergency Security Supplemental Appropriations Act, 2021, as well as those employed by or on behalf of the United States government. Congress repealed the "sensitive and trusted" requirement from U.S. government employment in December 2019, but as of this date we are not satisfied that it has been fully implemented. We expect the Department of State to implement the removal of "sensitive and trusted" activities from NATO-led forces support immediately, re-open the cases of any U.S. government employees who have been denied Chief of Mission approval for lack of "sensitive and trusted employment" since December 2019, and expeditiously update internal and external guidance to reflect this change.
4. **The process for appeals of denials.** As newly amended, the law now allows that, if an appeal is denied for a reason not listed in the initial denial, the applicant must be allowed an opportunity to address the new denial ground. This allowance is due to the high success rate for appeals when the cause of denial is known to the applicant. As with other changes to the law, we request that your Administration ensure that this change applies to all applications within the appeal period. This spares applicants the time and effort of re-applying and conserves the precious processing resources of the U.S. government.
5. **Prioritization of applications based on date of the initial application.** We once again clarify that the "prioritization" scheme that was introduced in the Consolidated Appropriations Act of 2019 is no longer law. In addition, all application processing must comply with the Congressionally-mandated nine month processing requirement.

6. **Full transparency and adequate guidance for applicants.** This includes, but is not limited to, updating all public websites maintained by the relevant U.S. government authorities to provide applicants with complete information about eligibility and process for applying. Most applicants do not have access to legal counsel for the sake of understanding the current process. All changes in program eligibility must be readily accessible and all changes that impact current applicants must be communicated directly to applicants.

We appreciate the efforts that you and your Administration have made on behalf of Afghans who worked in support of the U.S. in Afghanistan. We must now concentrate all U.S. efforts on supporting and protecting our Afghan allies. Anything short of full implementation results in grave security implications. You have the strong support of both chambers of Congress to ensure that no additional Afghan lives are needlessly lost.

Sincerely,



Jeanne Shaheen  
United States Senator



Joni K. Ernst  
United States Senator



Richard J. Durbin  
United States Senator



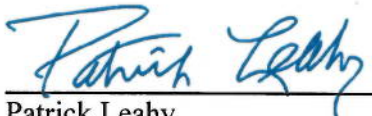
Mitt Romney  
United States Senator



Jack Reed  
United States Senator



Susan M. Collins  
United States Senator



Patrick Leahy  
United States Senator



Lindsey Graham  
United States Senator



Gary C. Peters  
United States Senator



Mike Rounds  
United States Senator



Robert Menendez  
United States Senator



Cynthia M. Lummis  
United States Senator



Christopher A. Coons  
United States Senator



Ben Sasse  
United States Senator



Raphael G. Warnock  
United States Senator



John Cornyn  
United States Senator



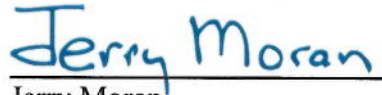
Chris Van Hollen  
United States Senator



Steve Daines  
United States Senator



Tammy Duckworth  
United States Senator



Jerry Moran  
United States Senator



Kirsten Gillibrand  
United States Senator



Roger W. Marshall  
United States Senator



Edward J. Markey  
United States Senator



Benjamin L. Cardin  
United States Senator



Christopher S. Murphy  
United States Senator



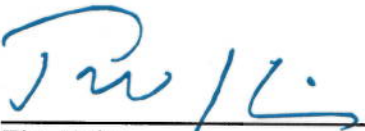
Catherine Cortez Masto  
United States Senator



Debbie Stabenow  
United States Senator



Elizabeth Warren  
United States Senator



Tim Kaine  
United States Senator

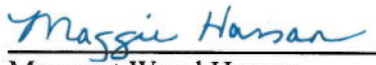



Joe Manchin III  
United States Senator





  
John Hickenlooper  
United States Senator


  
Michael F. Bennet  
United States Senator

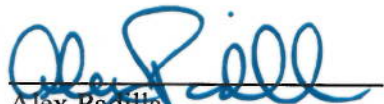
  
Margaret Wood Hassan  
United States Senator

  
Jacky Rosen  
United States Senator

  
Ron Wyden  
United States Senator


  
Richard Blumenthal  
United States Senator

  
Amy Klobuchar  
United States Senator


  
Alex Padilla  
United States Senator

  
Patty Murray  
United States Senator


  
Angus S. King, Jr.  
United States Senator

  
Cory A. Booker  
United States Senator

  
Martin Heinrich  
United States Senator

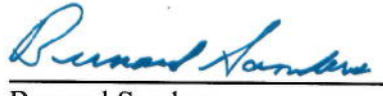
  
Jeffrey A. Merkley  
United States Senator

  
Sheldon Whitehouse  
United States Senator


  
Dianne Feinstein  
United States Senator

  
Brian Schatz  
United States Senator


  
Robert P. Casey, Jr.  
United States Senator

  
Bernard Sanders  
United States Senator

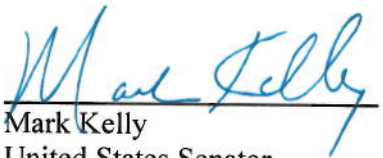
  
Ben Ray Lujan  
United States Senator

  
Tina Smith  
United States Senator

  
Jon Ossoff  
United States Senator

  
Jon Tester  
United States Senator

  
Sherrod Brown  
United States Senator

  
Mark Kelly  
United States Senator

*Mark R Warner*

Mark R. Warner  
United States Senator