

August 18, 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



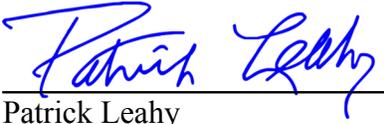
Mitt Romney
United States Senator



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



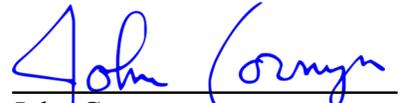
Christopher A. Coons
United States Senator



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



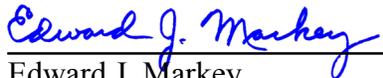
Jerry Moran
United States Senator



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



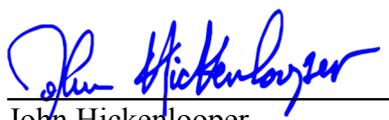
Elizabeth Warren
United States Senator



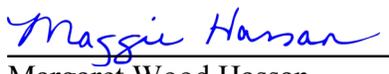
Tim Kaine
United States Senator



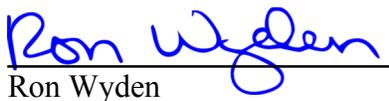
Joe Manchin III
United States Senator


John Hickenlooper
United States Senator

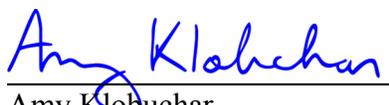

Michael F. Bennet
United States Senator

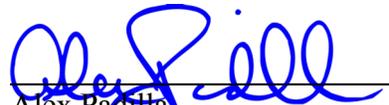

Margaret Wood Hassan
United States Senator

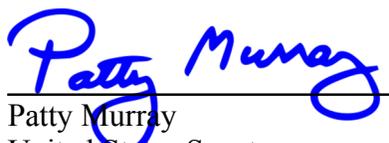

Jacky Rosen
United States Senator

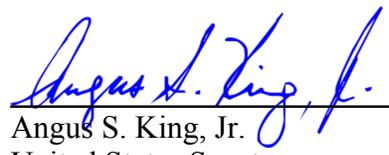

Ron Wyden
United States Senator

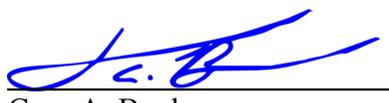

Richard Blumenthal
United States Senator


Amy Klobuchar
United States Senator

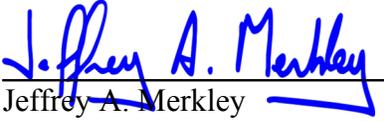

Alex Padilla
United States Senator


Patty Murray
United States Senator


Angus S. King, Jr.
United States Senator

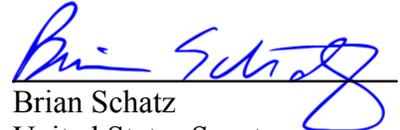

Cory A. Booker
United States Senator


Martin Heinrich
United States Senator


Jeffrey A. Merkley
United States Senator

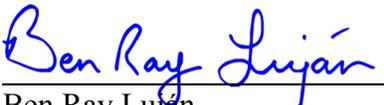

Sheldon Whitehouse
United States Senator


Dianne Feinstein
United States Senator


Brian Schatz
United States Senator


Robert P. Casey, Jr.
United States Senator


Bernard Sanders
United States Senator

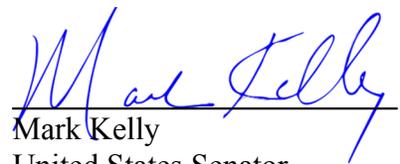

Ben Ray Lujan
United States Senator


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