

JOE HOHENSTEIN, MEMBER
177TH LEGISLATIVE DISTRICT

121A EAST WING
P.O. BOX 202177
HARRISBURG, PA 17120-2177
(717) 783-4087
FAX: (717) 705-2098

4725 RICHMOND ST.
PHILADELPHIA, PA 19137
(215) 744-2600
FAX: (215) 398-0002

JHOHENSTEIN@PAHOUSE.NET



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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April 27, 2023

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Hon. Susan Wild-PA-7
Hon. Matt Cartwright-PA-8
Hon. Scott Perry-PA-10
Hon. Lloyd Smucker-PA-11

Senator Robert Casey
Senator John Fetterman

RE: Critical Support Needed for Afghan Allies Resettled and Living in Your District and Pennsylvania

Dear Senators Casey and Fetterman and Members of Pennsylvania's Congressional Delegation:

The undersigned Pennsylvania state legislators who are supporting our Afghan allies in Pennsylvania write to urge you use your congressional oversight authority to ensure that the Department of Homeland Security and U.S. Citizenship and Immigration Services (USCIS) act expeditiously to provide stable legal status and fair and efficient adjudication to vulnerable Afghans in our region.

Over 1,000 Afghans who arrived as part of Operation Allies Welcome (OAW) were resettled in East, Southeast and Central Pennsylvania after the Taliban's takeover of the government in August, 2021. Scores of other Afghans who arrived previously on Special Immigrant Visas recognized the extreme danger their relatives in Afghanistan now faced with the collapse of the former government. We ask each of you to support the Afghan Adjustment Act so our allies have a path to permanent residency. Given the vacuum created by the absence of such an act, many Afghans evacuees now face a legal limbo and loss of employment authorization if ameliorative steps are not taken. Others, both evacuees and more long term Afghan residents, are devastated by the insurmountable barriers placed on their family members stranded in Afghanistan whose applications for Humanitarian Parole were summarily denied or have been languishing for 18 months at USCIS. The following issues need to be addressed immediately:

- 1. An Automatic Extension of Humanitarian Parole and Employment Authorization**
- 2. Adjudication of Asylum Applications Within 150 Days with a Presumption of Harm for OAW Afghans**
- 3. Create a Realistic Parole Program for Family Members Left Behind to Reunite With Those in the U.S.**

- 1. There is a Need for the Automatic extension of two year Humanitarian Parole and Employment Authorization for those who arrived through Operation Allied Welcome.**

Afghan evacuees arrived in our region with little more than the clothes they wore. Approximately 40% of the more than 1,000 who came require the filing of asylum applications and, due to their financial situation, cannot afford private attorneys. Resettlement organizations, the American Immigration Lawyers' Association Pro Bono Committee, and area law firms have provided hundreds of hours of pro bono legal services to these allies but due to capacity issues, and the difficulty in obtaining documents from a hostile regime, a significant number of Afghans have not filed their applications. Even if those who haven't filed for asylum request Temporary Protected Status (TPS), USCIS backlogs and processing delays means they face the prospect they will lose their employment authorization for a period of time. If this happens, our commitment to these allies and their family members will be a sham, and will leave them to face unemployment and abject poverty.

There is a recent precedent in the automatic extension of parole for Ukrainians. It is imperative that DHS do the same for Afghans, along with extending their EADs for two years. Such an automatic extension will relieve USCIS of the burden of processing TPS applications at a time when USCIS has an overwhelming backlog.

Moreover, it is no help if such an extension is announced at the last minute. This simply leads to uncertainty and the rushed filing of TPS or asylum applications in a manner that does not benefit Afghans and places a strain on resettlement agencies and pro bono attorneys.

- 2. DHS Must Adjudicate Affirmative Asylum Applications Within the Congressionally Mandated 150 days Adjudicated with a Presumption of Persecution**

The Extending Government Funding and Emergency Assistance Act, P.L. 117-43, Sec. 2502 (c)(2) requires that affirmative asylum applications on behalf of Afghan nationals be adjudicated within 150 days. Very few cases from our region have met this congressional mandate. If the reason for the delay is lack of personnel and resources, we request that this be provided to local asylum offices. Congress can also play a role by indicating, that there is a presumption of persecution for OAW applicants so cases can be adjudicated quickly. USCIS can implement a policy where asylum is granted based on the application that is filed, without the need for an in-person interview or develop a plan for remote interviews. Currently interviews take from three to 6 hours and not only utilize significant staff resources, but also lead to a backlog increase for considering asylum cases on behalf of other foreign nationals. At times, the

interviews, which require an Afghan family from East, Southeast and Central Pennsylvania to travel to Newark, Jersey, are cancelled when the family arrives, due to the shortage of interpreters. This creates a hardship for the family, but also adds to the Asylum Office's workload in rescheduling.

Those applying for asylum who left spouses and children behind are increasingly anxious and depressed as their loved ones are trapped in dangerous situations. After a grant of asylum, such applicants can petition for their family members, but the delay in adjudicating asylum applications is preventing family unification, and re-traumatizing the evacuees who are constantly worried about the risk of those left behind.

3. Reopen Denied Humanitarian Parole Applications and Create a Realistic Mechanism for Family Members Left Behind to Reunite With Those in the U.S.

Nonprofit and pro bono attorneys in Southeast and Central have filed hundreds of applications on behalf of Afghans at risk who were left behind. The standard for approving humanitarian parole has been constantly shifting. Those left behind, known as beneficiaries, must show they face individualized harm and that their entry would constitute a significant public benefit. Beneficiaries in Afghanistan further require significant third party collaboration, despite the fact that many U.S. citizens or Afghan government officials who are familiar with their situation have fled the country and cannot be located. Even those applications which demonstrated such harm and contained supporting documents from other Afghans, have been summarily denied, while others received requests for additional evidence for unobtainable items. For example, in one case, where an elderly father was knifed by a member of the Taliban, USCIS requested the "police report" from the very people who targeted him. Each application required a fee of \$575 per family member, unless a fee waiver was submitted. There were mixed messages about the responsibility of the sponsor in Afghan humanitarian parole cases and no clear guidelines regarding what constituted sufficient resources from the sponsor.

Many Afghan applications for humanitarian parole are still pending, having been filed in 2021. As of June, 2022, of the Afghans who remained in the country after August 31, 2021, 46,000 have applied for U.S. humanitarian parole. But less than 5,000 of these cases had been fully adjudicated by mid-June 2022, and only 297 were approved.¹ Afghans must go to a third country to complete processing for humanitarian parole through the U.S. consulate in that country. There are no assurances given that processing will occur rapidly, and Afghans are afraid to leave, only to be forced to return to Afghanistan and expose themselves to more peril.

The U.S. government is capable of devising a more effective and humane system as demonstrated by the Uniting for Ukraine process. In this program the application is free, and approvals take from two weeks to 2 months and simply require Ukrainians seeking admission to

¹ *Welcoming Afghans and Ukrainians to the United States: A Case in Similarities and Contrasts*, Migration Information Source (Migration Policy Institute), July 13, 2022, available at <https://www.migrationpolicy.org/article/afghan-ukrainian-us-arrivals-parole#:~:text=Of%20the%20Afghans%20who%20remained.and%20only%20297%20were%20>

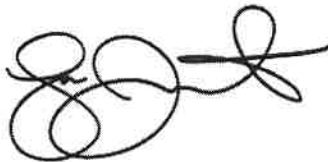
show their nationality and that they were outside Ukraine. As of January, 2023, over 200,000 applications by Ukrainians were filed and over 100,000 arrived since that program began in April, 2022.²

Humanitarian parole cases should be processed expeditiously using a reasonable legal standard that recognizes the dangers of those who cooperated with the U.S. or former government, or who have been targeted by the Taliban. A safe process where conditional approval is granted to those in Afghanistan with advance appointments in third country consulates to minimize wait in the third country before entry into the U.S. The U.S. government owes our allies and their family members a program that rapidly reunites family members at risk.

Sincerely yours,



Joseph C. Hohenstein
Representative
177th Legislative District



Sara Innamorato
Representative
21st Legislative District



Danilo Burgos
Representative
197th Legislative District

² *Ukrainians Arrive in the United States, but With a Time Limit*, The New Jersey Monitor, January 20, 2023 available at <https://newjerseymonitor.com/2023/01/20/ukrainians-by-the-thousands-arrive-in-states-but-with-a-time-limit/>



Jessica Benham
Representative
36th Legislative District



Timothy Brennan
Representative
29th Legislative District



Tim Briggs
Representative
149th Legislative District



Mary Jo Daley
Representative
148th Legislative District



Jose Giral
Representative
180th Legislative District



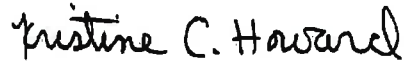
Nancy Guent
Representative
152nd Legislative District




Carol Hill-Evans
Representative
95th Legislative District



Elizabeth Fiedler
Representative
184th Legislative District



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Representative
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Mary Isaacson
Representative
175th Legislative District



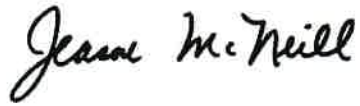
Tarik Khan
Representative
194th Legislative District



Emily Kinkead
Representative
20th Legislative District



LaTasha Mayes
Representative
24th Legislative District



Jeanne McNeill
Representative
133rd Legislative District



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Representative
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156th Legislative District



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34th Legislative District



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Representative
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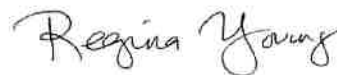
Mandy Steele
Representative
33rd Legislative District



Arvind Venkat
Representative
30th Legislative District



Ben Waxman
Representative
182nd Legislative District



Regina Young
Representative
185th Legislative District