



HOUSE COMMITTEE ON THE JUDICIARY

CHAIRMAN JERROLD NADLER

Support H.R. 3985, the “ALLIES Act of 2021”

H.R. 3985, the “Averting Loss of Life and Injury by Expediting SIVs (ALLIES) Act of 2021,” makes important changes to the Afghan Special Immigrant Visa (SIV) program to improve visa processing and ensure that the lives of those who served side by side with American troops in Afghanistan are protected. Among other things, H.R. 3985 adds an additional 8,000 visas to the SIV program, strengthens protections for surviving spouses and children of deceased SIV applicants, and streamlines SIV processing without compromising the strict background check and national security vetting procedures, or other processes to confirm visa eligibility.

WHAT THE BILL DOES

The Afghan SIV program allows Afghan nationals who worked for, or on behalf of the U.S. government, or for the NATO International Security Assistance Force (ISAF) or Resolute Support (RS) in support of the American mission in Afghanistan, to seek lawful permanent residence in the United States.

Increases the number of Afghan SIVs by 8,000. H.R. 3985 increases the number of available visas for the Afghan SIV program by 8,000. This increase is necessary to ensure that there are enough visas to accommodate all eligible applicants who are currently in the pipeline.

Eliminates Redundant Paperwork. H.R. 3985 removes the requirement that applicants file a petition with USCIS after they receive Chief of Mission (COM) approval, thus removing duplicative processing steps and giving the Secretary of Homeland Security and the Secretary of State the ability to streamline paperwork requirements as a matter of discretion. Regardless of any changes in form requirements, all applicants must still pass strict background checks and national security vetting, receive COM approval, and prove that they are not inadmissible to the United States prior to receiving a visa.

Strengthens Protections for Surviving Spouses and Children. Currently, the spouses and children of deceased SIV applicants retain their SIV eligibility if the principal applicant died while there was a pending SIV petition with U.S. Citizenship and Immigration Services (USCIS). H.R. 3985 changes this to allow surviving spouses and children to retain eligibility if a request for COM approval is pending and the principal applicant would have been approved for an SIV had they survived. As the average COM approval takes nearly two years, this change is necessary to ensure that surviving spouses and children are better protected.

Clarifies Eligibility for Certain Afghans. H.R. 3985 makes it clear that individuals who perform work that is funded by a U.S. government cooperative agreement or grant, and that is critical to the U.S. mission in Afghanistan, are deemed to be employed “on behalf of” the U.S. government for purposes of SIV eligibility.

Creates a Presumption of Serious Threat. In recognition that the threat to the lives of our Afghan allies is a direct result of their work with the U.S. mission, H.R. 3985 removes the requirement that SIV applicants prove the existence of an ongoing serious threat because of their service, and instead creates a presumption that applicants with qualifying employment face such a threat.

Sensitive and Trusted. Currently, applicants employed by the NATO ISAF or RS must have performed “sensitive and trusted” work to qualify for the Afghan SIV program. This requirement was removed for U.S. Government employees in the FY2020 National Defense Authorization Act (NDAA). H.R. 3985 removes the “sensitive and trusted” requirement for applicants employed by the ISAF and RS to create a uniform standard.

SUPPORT FROM NATIONAL SECURITY, DEFENSE AND FOREIGN POLICY OFFICIALS

Former Secretary of State Madeleine K. Albright: “I strongly support the ALLIES Act because it helps ensure that the United States can meet its responsibility to assist Afghans whose lives are in danger because of their work to support our mission. The act contains critical provisions to streamline and strengthen the Special Immigrant Visa program while clarifying the eligibility of Afghans who worked to implement U.S.-funded democracy programs under cooperative agreements and grants. This legislation advances our national security interests and helps fulfill our critical obligations to Afghan friends and partners. I urge Congress to pass it expeditiously.”

Admiral Michael Mullen, 17th Chairman of the Joint Chiefs of Staff: “I strongly encourage Congress to urgently pass the ALLIES Act introduced by the bi-partisan veteran members of the For Country Caucus. This Act will help us protect the loyal Afghans who worked for years with the U.S. military and U.S.-funded non-governmental organizations operating under cooperative agreements and grants. Many of their lives -- and some cases the lives of their spouses and children -- are now in imminent danger.”

Lieutenant General H.R. McMaster U.S. Army, Retired, 26th U.S. National Security Advisor: “Our Afghan allies who served courageously for years in harm's way including those who guided U.S. military forces or worked with U.S.-funded non-governmental organizations have earned the right to be Americans. The ALLIES Act, which is co-sponsored by bi-partisan veterans of the For Country Caucus who served in Afghanistan, is essential to streamline the flawed visa process and get them to safety immediately. It is our duty to do so, and time is of the essence. I strongly encourage Congress to pass it before it is too late.”

Former Secretary of Defense Chuck Hagel: “The United States must stand by the Afghans who stood with us and supported our mission in Afghanistan for the past twenty years. The ALLIES Act will help ensure that we can fulfill our responsibility to assist those brave individuals who worked for the U.S. government and for organizations operating under U.S. cooperative grants and agreements. Passing this legislation is both a strategic and moral imperative.”

Former Secretary of Defense Dr. Robert Gates: “Thousands of our brave Afghan allies who served alongside U.S. military forces and in cooperative agreements and grants with U.S.-funded non-governmental organizations are at grave risk after putting their lives in danger for years. Co-sponsored by the bi-partisan veterans of the For Country Caucus, the ALLIES Act will help get these brave Afghans and their children to safety and streamline the whole process. It is our responsibility to stand by those who have stood by us. I urge Congress to pass it immediately.”

Former National Security Advisor Stephen J. Hadley: “Assisting Afghans who put their lives on the line to support the U.S. mission is a matter of national security. The world needs to know that we will stand with those who stand with us. The bipartisan ALLIES Act advances America’s strategic interests by expanding and strengthening the Special Immigrant Visa program. I am proud to support this critical legislation.”

ORGANIZATIONAL SUPPORT

Organizations supporting the **ALLIES Act of 2021** include The American Legion, No One Left Behind, The National Immigration Forum, Union Veterans Council, VoteVets, Human Rights First, Vets for American Ideals, Enlisted Association of the National Guard of the United States (EANGUS), Military Chaplains Association of the United States of America (MCA), Military Order of the Purple Heart (MOPH), Reserve Officers of America (ROA), Korean War Veterans Association, American Ex-Prisoners of War, Association of Wartime Allies, Lutheran Immigration and Refugee Service (LIRS), and Association of the U.S. Army (AUSA).