

By email on June 2, 2022

Hon. Alejandro N. Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, D.C. 20528

RECEIVED

By ESEC at 8:14 am, Jun 03, 2022

Ur Mendoza Jaddou, Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20588

RE: Request to Resume Legal Services and Processing for Afghan Allies at the National Conference Center

Dear Secretaries Mayorkas and Blinken,

The undersigned organizations write to raise your awareness of a deeply concerning disruption in services for Afghan Special Immigrant Visa applicants who are being processed through Operation Allies Welcome (OAW) at the National Conference Center (NCC) in Leesburg, Virginia, and to request your urgent action to resume these vital legal services immediately.

The mandate of OAW is to “support vulnerable Afghans, including those who worked alongside us in Afghanistan for the past two decades, as they safely resettle in the United States.” Since the beginning of OAW in July 2021, legal services providers have worked alongside government partners to honor our promise to protect Afghans who served our mission in Afghanistan by providing pro bono legal services to Special Immigrant Visa (SIV) applicants who were brought to the United States. These vital services helped newly arrived Afghan allies and their families quickly move forward in their path to stability and lawful permanent residency in the United States yet they have been discontinued during the second phase of OAW. This is despite the growing demand for legal services among newly arrived Afghans, well-established precedents of efficient and large-scale on-site application services at the Virginia Safe Havens, and an ample supply of SIV-experienced attorney volunteers in the Northern Virginia area. **We write to request that these valuable services be restored immediately.**

During the first phase of OAW, hundreds of adjustment of status (Form I-485) applications were prepared by attorneys while evacuated allies were at military bases or “Safe Havens.” These services were provided by contracted staff and dozens of volunteer attorneys as a suite of legal services offered at each of the bases. During the earliest stages of the operation, **immigration**

attorneys established an ad hoc legal clinic at Fort Lee and prepared 296 adjustment applications. At Fort Pickett, over 400 applications were prepared and directly submitted to the U.S. Citizenship and Immigration Services (USCIS). The provision of such services could be achieved in Virginia because there is a cadre of dozens of immigration attorneys in the region who have experience and specialized training in assisting Afghan SIV applicants. The legal services team and volunteers at NCC believed this would continue into the second phase of OAW as they prepared applications for the first cohort of Afghans brought through relocation flights there. **Unfortunately, USCIS refuses to accept the 47 adjustment applications which remain at NCC today, unfiled and unprocessed for Afghan allies eager to finalize their legal status, and these services have been suspended.**

As tens of thousands of Afghans brought through the Noncombatant Evacuation Operations (NEO) are now experiencing, access to no- or low-cost, high-quality immigration legal expertise simply cannot be found in many onward destinations - this is particularly acute in more rural and remote areas of the country. Many newly arrived Afghans have reported being placed on lengthy waiting lists for pro bono legal services and some referral organizations have had to completely suspend new case intakes to responsibly manage burgeoning case dockets. Other new Afghan neighbors have reported being quoted legal fees in the thousands of dollars and having to travel over 50 miles to find a qualified attorney to assist with this very last phase of their SIV process. This situation has caused some to attempt to navigate the immigration system on their own, leading to confusion, frustration, and issues with case processing.

The Office of Refugee Resettlement (ORR) has made available millions of dollars in funding to provide pro bono, competent legal services to the OAW population. However, the allocated funding remains inadequate to meet the entire population's needs. Accepting SIV adjustment of status applications at NCC would enable ORR funding to be distributed to Afghans whose cases require much more acute legal assistance, like those navigating the complex asylum system.

Fort Lee's and Fort Pickett's on-site legal clinics set a precedent for successfully meeting the challenge of providing efficient application services to scale. Such legal clinics successfully worked in close coordination with on-site USCIS staff and offered our allies an invaluable opportunity to receive free and high-quality application legal services from experts in the field and make expedited, substantive strides in their SIV cases, in turn alleviating the burden on the receiving end of both local resettlement agencies and legal service providers in a system already overwhelmed. The precedent for legal services at Fort Lee and Fort Pickett provides a compelling case for continued capacity to provide efficient and scalable application services at the NCC. **To build upon this precedent of providing substantive and streamlined immigration legal support is not only feasible, but it is above all incumbent upon us, and upon the mission of OAW, in fulfilling our promises to our nation's brave allies.**

We urge you to immediately accept the 47 applications that were already prepared at the NCC before the disruption in services and to quickly resume the provision of legal services for Afghan allies at the NCC. Our allies and their families are just one step away from lawful permanent residency and the stability we promised them when they put their lives at risk to serve our mission in Afghanistan - we must finish the job and fulfill our promises by offering them the legal services that will help them clear this last hurdle.

We appreciate your consideration of this urgent request. Please contact Jill Marie Bussey, Lutheran Immigration and Refugee Service's Director for Public Policy, at jbussey@lirs.org for any questions or concerns.

Sincerely,

Afghan Evacuation and Relocation Lawyers
Afghan Medical Professionals Association of America
Afghan-American Community Organization (AACO)
Afghan-American Foundation
Afghans For a Better Tomorrow
Akin Gump Pro Bono Practice
American Humanist Association
American Immigration Lawyers Association
Asian Americans Advancing Justice | AAJC
Asian Counseling and Referral Service
Asian Pacific American Labor Alliance, AFL-CIO
Asian Pacific Institute on Gender-Based Violence
Association of Wartime Allies
Asylum Seeker Advocacy Project (ASAP)
AsylumWorks
Bellevue Program for Survivors of Torture
Cameroon American Council
Catholic Charities Indianapolis
Catholic Legal Immigration Network, Inc. (CLINIC)
Catholic Migration Services
Center for Disability Rights
Center for Victims of Torture
Central American Refugee Center (CARECEN - NY)
Central Washington Justice For Our Neighbors
Christian Reformed Church Office of Social Justice

Church of the Brethren, Office of Peacebuilding and Policy
Church of the Savior
Church World Service
Coalición de Derechos Humanos
Coalition of Community Organizations
Columbia Law School Immigrants' Rights Clinic
Combined Arms
Congregational UCC
Conklin Immigration Law LLC
Connecticut Shoreline Indivisible
CRIS Community Refugee and Immigration Services
Disciples Immigration Legal Counsel
Disciples Refugee & Immigration Ministries
Dorothy Day Catholic Worker, Washington DC
Empowering Pacific Islander Communities (EPIC)
Ethiopian Community Development Council
Faiths for Safe Water
First Christian Church Tucson
First Congregational Church of San Jose
Franciscan Action Network
Haitian Bridge Alliance
HIAS
HIAS Pennsylvania
Hispanic Federation
Human Rights First
IAVA
Immigrant Allies of Marshalltown
Immigrant Legal Advocacy Project
Immigration Center at Western Oaks
Interfaith Welcome Coalition - San Antonio
International Refugee Assistance Project (IRAP)
International Rescue Committee
Jewish Family & Community Services - East Bay
Just Neighbors Ministry
JustCause
Justice for Our Neighbors El Paso
Lutheran Immigration and Refugee Service

Lutheran Social Services of the National Capital Area (LSSNCA)
Maryknoll Office for Global Concerns
Miami Valley Immigration Coalition (MVIC)
Missionary Oblates JPIC Office
MPower Change
National Immigration Forum
National Immigration Law Center
National Network for Arab American Communities (NNAAC)
National Religious Campaign Against Torture
New England Justice for Our Neighbors
New York Annual Conference Board of Church and Society
New York Legal Assistance Group (NYLAG)
No One Left Behind
Oasis Legal Services
OKC Afghan Legal Network
Opening Doors, Inc.
Partnership for the Advancement of New Americans (PANA)
Pilgrim United Church of Christ
Presbytery of San Francisco
Project ANAR
Project Lifeline
Race Matters, First Congregational UCC
RAICES
REACT DC
Refugee Congress
Refugee Services of Texas
Rocky Mountain Immigrant Advocacy Network
Safe Harbor Clinic, Brooklyn Law School
SEE (Social Eco Education)
Sisters of Mercy
Sisters of Mercy of the Americas Justice Team
Strategically Protecting Soft Networks
T'ruah
Tennessee Immigrant & Refugee Rights Coalition
The Advocates for Human Rights
The Legal Aid Society (New York)
The Legal Project

The National Immigration Project of NLG
U.S. Committee for Refugees and Immigrants
Unitarian Universalist Refugee & Immigrant Services & Education
UNITED SIKHS
USC Law International Human Rights Clinic
USCRI
VECINA
Veterans for American Ideals
Voice for Refuge Action Fund
Welcoming America
Wind of the Spirit Immigrant Resource Center
Wisconsin Faith Voices for Justice
With Honor Action
Women's Campaign International
World Relief

cc: Curtis Ried, Special Assistant to the President and Senior Director for Multilateral
Affairs
Phyllis A. Coven, Citizenship and Immigration Services Ombudsman
John Lafferty, Senior Response Official, Operation Allies Welcome
Holly Herrera, Program Officer, Population, Refugees, and Migration, U.S. Department
of State



**U.S. Citizenship
and Immigration
Services**

July 25, 2022

Jill Marie Bussey
Director for Public Policy
Lutheran Immigration and Refugee Service
jbussey@lirs.org

Dear Ms. Bussey:

Thank you for your June 2, 2022 letter requesting that certain legal services and document processing for Afghan Allies at the National Conference Center (NCC) be restored. Your letter requests the resumption of legal services from contract staff and volunteer attorneys to Special Immigrant Visa (SIV) applicants at the NCC and the submission to U.S. Citizenship and Immigration Services (USCIS) of previously prepared Forms I-485, Application to Register Permanent Residence or Adjust Status. Secretary Mayorkas asked that I respond on his behalf.

During Phase 1 of Operation Allies Welcome (OAW), Afghans often stayed at the military bases for several months before resettlement was arranged. USCIS also agreed during Phase 1 to accept direct submission of Form I-485 applications from those Afghan evacuees who had already received Chief of Mission approval and had also filed the required Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant, with USCIS. As noted in your letter, hundreds of such applications were prepared and filed with the assistance of contract personnel or volunteer legal service providers working at the military bases.

At the end of February 2022, OAW transitioned to Phase 2, moving from eight (8) safe havens at military facilities to one single facility at the National Conference Center in Leesburg, Virginia. Unlike the months-long stay that our Afghan allies experienced in Phase 1, the Phase 2 goal is to prepare the guests for resettlement within 25 to 30 days of arrival. Because of the relatively short stay, the U.S. Department of Defense, U.S. Department of State, USCIS, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, and contracted nongovernmental organizations (NGOs) must work collaboratively to meet guests' basic needs and to support guests' preparedness for resettlement in the United States. Consistent with Phase 1 operations, contracted NGOs at safe havens continue to assist guests with completing and submitting a Form I-765, Application for Employment Authorization, to USCIS. USCIS receives and adjudicates these forms and receives biometric (photo and fingerprint) submissions that meet agency vetting and employment authorization document production standards.

During Phase 2, Afghan guests receive legal assistance in the form of legal orientation sessions provided by a contracted NGO to help them understand 1) their present parole status in the U.S., 2) their path to obtaining permanent status, and 3) how to find legal services once they

have been resettled. During these orientations, the NGO is also identifying those who appear to be eligible to seek permanent status as a SIV and giving them more detailed advice so that they can begin the process as soon as possible upon resettlement. During the initial weeks of Phase 2, it was determined that the NGO contracted to provide the legal orientations would not be tasked with providing legal services, such as providing assistance in completing a Form I-485 application for submission to USCIS, unless the NGO presented a plan that ensured that the services would not delay resettlement processing, require significant additional resources from USCIS and other relevant departments/agencies at the NCC, or create unnecessary tension between those Afghans who are receiving services and those who are not. Prior to fully absorbing this change from Phase 1, 47 Form I-485s had been prepared by the NGO and volunteer attorneys, but permission had not yet been given for their submission to and acceptance by the USCIS team working at the NCC.

Upon review of your letter and present operations at the NCC, steps have been taken to allow the already prepared Forms I-485 to be delivered to the USCIS lead at the NCC, so that the applications may proceed to formal receipting by USCIS and further processing. Additionally, a plan has been established for SIV applicants who possess Chief of Mission approval of their special immigrant status to be identified after arrival at the NCC, with a running list of such individuals maintained by the OAW Unified Command Group/NCC External Affairs team. The External Affairs team will be responsible for regularly reaching out to the point of contact for the volunteers wishing to assist our Afghan guests with preparing their Form I-485s, and the point of contact will notify volunteers of the need for application assistance. If there are available volunteers seeking to help, the External Affairs team will work out arrangements for the volunteers to come to the NCC to assist in completing the Form I-485s. We hope that these steps are fully responsive to the concerns that you have raised.

Thank you for your continued support and commitment to our Afghan Allies and to the OAW effort. We look forward to continuing to work closely with you to ensure that their resettlement in the United States is a success.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director