

Why the Afghan Adjustment Act (AAA) is the Right Path

While many Afghan arrivals *may* be eligible for asylum, forcing everyone through the asylum process is not the right response. Creating a straightforward green card application process avoids unnecessary harm—for Afghans, communities, volunteers, the US Government, and other asylum applicants. As we've done with every other group of wartime allies, the US can and should pass a path to green card for Afghans.

- 1. Forcing Afghans to apply for asylum causes unnecessary mental health harms.** Mr. D worked for the Afghan forces alongside the US military. Evacuated to the United States after the fall of Kabul, Mr. D worked with a pro bono attorney to prepare his asylum application. The application required Mr. D to detail numerous, serious traumatic events. Shortly before Mr. D's asylum interview, the past trauma and the stress of the impending multi-hour asylum interview triggered a serious panic attack. **Mr. D was hospitalized and forced to reschedule his interview.** Mr. D remains in an unstable mental health condition, unable to prepare for his interview and facing the continuing possibility that he and his family will be forcibly returned to Afghanistan. Had Mr. D been able to apply for a green card through the AAA, the straightforward application would have focused on Mr. D's admissibility to the United States rather than forcing him to recount the torture, persecution, and harms he suffered. **The AAA will protect people like Mr. D from unnecessary trauma and save USCIS the time of long asylum interviews and the cost of having to reschedule them where victims face such trauma.**
- 2. Forcing Afghans to apply for asylum creates unnecessary resource inefficiencies for limited pro bono legal services.** Ms. G is an experienced pro bono asylum attorney, volunteering to help Afghans in her community. Because Ms. G has worked on asylum cases before, she does not have to spend much time learning asylum law and can complete asylum cases more efficiently. She still must spend about 30 hours working with the client to prepare their application, about 50 more hours compiling research, evidence, and complex legal arguments, and 15 hours preparing the client for his interview. Then, she must attend the interview, which usually lasts about 3 or more hours. Ms. G's pro bono colleagues estimate they also spend about 100 hours on each case, and much more if there are complex issues such as potential bars to asylum, an improper denial, or a client who has language or learning difficulties. If there were an AAA, Ms. G could prepare an AAA application, evidence, and the client in less than 5 hours, and spend about 1-2 hour per client at an interview because the scope of the application is limited to the person's admissibility to the U.S., not their history of persecution. At that rate, **Ms. G could help 10 Afghans in her community apply for AAA for everyone one asylum applicant.** Ms. G adds: "Each of these clients are about my age. Like them, our countries were at war with the Taliban for almost our entire lives. But while I remained far removed from the war, the war was fought in their backyards. I went to law school to help people fleeing violence, but they were on the front lines. They risked their lives every day - not just for their own people, but for ours too. We have a moral obligation to provide a permanent pathway to remain in the US through the AAA."
- 3. Forcing Afghans to apply for asylum creates unnecessary burdens on our government systems.** Ms. R is a Hazara from Afghanistan. Growing up, her father worked for US NGOs and encouraged her to go to school. She has been attending college in the US for several years and was in the US on a student visa when the Taliban took Afghanistan. She immediately applied for asylum for fear that the work she's done as an advocate for women's rights, as well as her Hazara background, will put her in danger of persecution and torture. Despite applying, Ms. R has not received an interview. While other Afghans have had interviews, Ms. R is not eligible for expedited processing for evacuees because she was already in the United States at the time of the Taliban takeover. Ms. R has anxiety, which has worsened after she learned that another Hazara woman who had applied for asylum had received a Notice of Intent to Deny from USCIS. **If the AAA were passed, Ms. R's green card application would be decided quickly, and she would not have to wait at the back of the asylum backlog for an interview. Ms. R could stop living in fear, continue her studies, obtain reliable employment authorization, and return to working as a nurse—her background in Afghanistan.**
- 4. Forcing Afghans to apply for asylum unnecessarily invades the intimate details of peoples' lives.** Mr. Q is an LGBTQI+ individual from Afghanistan. At his recent asylum interview, the officer grilled Mr. Q on his sexual identity.

During a nearly three-hour interview, Mr. Q was forced to go into detail—with an officer he never knew and in front of his attorney— about his coming out and disclose things he has not told even his closest friends. If the AAA were passed, Mr. Q would be required to show that he is an Afghan national who is in the US during the relevant period and is admissible to the US. **A green card interview would not examine the intimate details of Mr. Q's sexual identity.** He would then have long-term protections against deportation, reliable employment status and a path to contribute to his community.

5. **Forcing Afghans to apply for asylum multiplies harms on others in the community.** Mr. H came to the US many years ago on an SIV after working with the US military in Afghanistan as an interpreter. Wanting to give back to his newly arrived countrymen, Mr. H volunteers to interpret for asylum cases. Mr. H recently attended a lengthy asylum interview for an Afghan individual. Over a 4-hour interview, the officer probed the applicant about how he would be individually targeted, not just harmed by general violence in Afghanistan. The applicant broke down several times while recounting his experiences and fears. After the interview, he asked Mr. H why the officer did not believe him and told Mr. H that talking about his fears for so long with a stranger was extremely traumatic. As a result, Mr. H reports that he may not continue volunteering because seeing the trauma and having to translate it is too difficult for him. **If the AAA passed, Mr. H could translate basic information about a person's background and answers to any security, criminal or inadmissibility concerns in short, straightforward green card interviews.**
6. **Forcing Afghans to apply for asylum unnecessarily harms people already struggling with the asylum backlog.** Ms. A is a mother of three from Ethiopia. She came to the US five years ago after she was arrested, raped, and tortured by Ethiopian police who believed she had information about her brother, a member of the resistance party. Ms. A has been waiting for an asylum interview for five years. Her case is now postponed as the Asylum Office prioritizes Afghan cases. Ms. A lives in the same women's shelter as some Afghan women, and she is happy to hear that they have interviews coming up. But she expresses to her doctor and attorney how the uncertainty is taking a toll on her. This is exacerbated by the fact that her children are facing ongoing harms as the situation in Ethiopia deteriorates, and she will not be able to even file to reunite with them until her case is decided. **If the AAA passed, the asylum office could process Ms. A's case on the normal timeline while Afghan cases would be processed by officers outside the overburdened asylum system.**
7. **Forcing Afghans to apply for asylum creates unnecessary ongoing uncertainty because not everyone will be eligible or be able to prove their asylum claim.** Mr. N served in the Afghan forces alongside US, was shot multiple times, and was almost killed in a suicide bombing targeting a US military compound that killed many of his friends and coworkers. Since the Taliban took over Afghanistan, they have gone to his home searching for him and kidnapped family members. His wife and young children remain in hiding. After spending more than 50 hours preparing with his attorney, Mr. N attended his asylum interview about six months after he applied. The interview involved more than five hours of grueling, emotionally exhausting interrogation. Mr. N felt he could not answer some of the questions because it would require divulging US national security information he had promised to keep secret. After the interview, Mr. N's attorney worried that his asylum case may be denied based on an overly broad rule that sometimes equates people who fought against the Taliban and other terrorists as terrorists themselves. Other people who served alongside the US military in Mr. N's unit have already been denied asylum. If he is denied asylum, he will need to return to Afghanistan after his parole expires in 2023, where he will surely be killed. **If the AAA passed, Mr. N would not have had to undergo this interrogation and would be eligible to remain in the US.**

For questions or additional information, please contact:

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