

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM
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February 25, 2022

The Honorable Alejandro N. Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Mayorkas:

The Committee on Oversight and Reform Republicans write to reiterate our August 25, 2021, letter,¹ to which you failed to respond. Today, we are requesting new information from the Department of Homeland Security (DHS) related to the tens of thousands of Afghans resettled in the United States – Afghans who may not be eligible for such benefits. We are also interested in the Biden Administration’s reported plans to provide transitional assistance and lawful status to many ineligible Afghans. We therefore write to ask for an accounting of those being resettled in the United States, where they are being resettled, and what the Biden Administration’s plans are for ensuring they are safely integrated into American communities.

The large number of Afghans who were brought to or will arrive in the United States without a possibility of lawful status or eligibility for refugee resettlement benefits reveals that the Biden Administration did not have a coherent plan for safely resettling many of the people who were evacuated from Afghanistan. Recent troubling reports state that Afghans with serious derogatory information – including terrorist ties – were permitted to enter the United States due to lax vetting.

The Taliban’s consolidation of power in Afghanistan in mid-August caused thousands to flee, many relying on their ability to seek refuge in the United States.² President Biden designated DHS to be the lead agency responsible for the resettlement of evacuated Afghans in an effort dubbed “Operation Allies Welcome.”³ Currently, the Biden Administration is responsible for the evacuation of over 76,000 Afghans since August. These Afghans have been brought to the United States and resettled in

¹ Letter from Rep. James Comer, Ranking Member, House Comm. On Oversight and Reform, to Hon. Alejandro Mayorkas, Sec. of Homeland Security, (Aug. 25, 2021).

² Hookway, James & Saeed Shah, *What’s Happening in Afghanistan? Taliban Form New Government After U.S. Withdrawal*, WALL STREET JOURNAL (Sept. 10, 2021).

³ Dep’t. of Homeland Security, *Fact Sheet: Operation Allies Welcome* (Sept. 3, 2021), available at https://www.dhs.gov/sites/default/files/publications/21_0903_oaw-fact-sheet_508.pdf.

communities across the country.⁴ Although many of these Afghans are potentially eligible for lawful status in the United States through Special Immigrant Visas (SIVs), refugee resettlement, or even through family-based immigration benefits, it appears that the vast majority – nearly 3 in 5 – constitute a nebulous category of “vulnerable Afghans” who will simply be paroled into the country in two year increments.⁵ Parole is an important statutory authority to be used “only on a case-by-case basis for urgent humanitarian reasons or significant public benefit,” but does not lead to any permanent immigration status in the United States.⁶ Moreover, humanitarian parolees are generally not eligible for refugee resettlement benefits to assist with their transition into American communities.⁷

Apparently recognizing these legal limitations only after evacuating tens of thousands of people ineligible for permanent legal status, the Biden Administration asked Congress to provide a path to citizenship for those who have been or will be paroled into the country as well as extend refugee resettlement benefits to vulnerable Afghans to the same extent afforded actual refugees.⁸ The fact that this was requested only after the evacuation yields further evidence that the chaotic withdrawal from Afghanistan was not well planned or executed.

It is also likely that those evacuated from Afghanistan were not properly vetted. We are particularly concerned that terrorists or other bad actors may seek to take advantage of our goodwill, exploiting any weakness in border security and vetting of foreign nationals seeking to enter the United States. Unfortunately, these are not theoretical concerns. In fact, the Department of Defense (DOD) Inspector General (IG) has already conducted a preliminary “Evaluation of the Screening of Displaced Persons from Afghanistan,” finding that Afghan evacuees “were not vetted by the National Counter-Terrorism Center using all DOD data prior to arriving in [the continental United States].”⁹ Although Afghan evacuees were presumably checked against DHS data, those

⁴ Dep’t. of Homeland Security, *Press Release: Operation Allies Welcome Announces Departure of Last Afghan Nationals from Fort McCoy, Wisconsin* (Feb. 15, 2022), available at <https://www.dhs.gov/news/2022/02/15/operation-allies-welcome-announces-departure-last-afghan-nationals-fort-mccoy>.

⁵ See Montoya-Galvez, Camilo, *7 states have received half of the 31,611 Afghan evacuees relocated from U.S. military bases*, CBS NEWS (Dec. 16, 2021).

⁶ See 8 U.S.C. § 212(d)(5) (“but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall... have been served the alien shall forthwith return or be returned to the custody from which he was paroled...”).

⁷ U.S. Dep’t. of Health and Human Services, Administration for Children & Families, Office of Refugee Resettlement, *Status and Documentation Requirements for the ORR Refugee Resettlement Program* (Oct. 2, 2015), n. 5, available at <https://www.acf.hhs.gov/orr/policy-guidance/status-and-documentation-requirements-orr-refugee-resettlement-program>. (“These types of parolees [such as ‘humanitarian’ or ‘public interest parole’] under § 212(d)(5) are NOT eligible for ORR benefits.”) (emphasis in original).

⁸ See The White House, *FY 2022 Continuing Resolution (CR) Appropriations Issues (anomalies required for a short-term CR)* (Sept. 7, 2021), available at https://www.whitehouse.gov/wp-content/uploads/2021/09/CR_Package_9-7-21.pdf.

⁹ Dept. of Defense Inspector Gen., *Evaluation of the Screening of Displaced Persons from Afghanistan* (Feb. 15, 2022) (DODIG-2022-065).

systems did not include all biometric data located in DOD databases.¹⁰ The report found that as of November 2, 2021, there were already 50 Afghans relocated to the United States “with information in DOD records that would indicate potentially significant security concerns.”¹¹ Those concerns include “individuals whose latent fingerprints have been found on improvised explosive devices and known or suspected terrorists...”¹²

It is the Committee’s responsibility to conduct oversight of DHS’ ongoing efforts to screen tens of thousands of Afghan nationals who may be resettled in the United States, as well as the Administration’s plans for ensuring their safe integration into American communities. Given your failure to provide a timely briefing or responses to questions posed in our August 25, 2021, letter,¹³ we incorporate by reference those prior questions as well as request the following documents and information no later than March 11, 2022:

1. Documents sufficient to show the total numbers of Afghan evacuees who have entered the United States, including those who have been resettled in the United States, disaggregated by those who are SIV holders, SIV applicants, P1 or P2 refugees, or other “vulnerable Afghans”/parolees;
2. Documents sufficient to show the total numbers of Afghan evacuees who remain at “lily pad” sites around the globe, along with an estimate of how many of those evacuees will be resettled in the United States;
3. Documents sufficient to show the total number of Afghans resettled in the United States disaggregated by state of relocation;
4. Documents sufficient to show the definition for the term “vulnerable Afghans” as used by the Biden Administration;
5. A detailed accounting of the procedures used to screen Afghan evacuees, particularly with respect to whether a foreign national may be inadmissible under the security and related grounds set forth in 8 U.S.C. § 1182(a)(3);
6. All documents and communications indicating whether “vulnerable Afghans” who do not qualify for permanent legal immigration status should be paroled into the United States, as well as DHS intentions on whether it will indefinitely extend parole at the end of any given two-year period;

¹⁰ *Id.*

¹¹ *Id.*

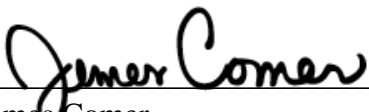
¹² *Id.*

¹³ *Supra* n. 1.

7. All documents and communications indicating whether admission or parole into the United States of Afghan evacuees was granted before or after screening and vetting procedures were complete;
8. All documents and communications regarding the DHS response to any potential security threats presented by Afghan evacuees brought to the United States by the Biden Administration, including those found by the DOD IG to present a national security risk;
9. A detailed explanation of what sources of funds or government programs are being used by the Biden Administration to provide transitional assistance, particularly in the case where refugee resettlement benefits are not available to a particular Afghan evacuee;
10. A detailed explanation of the Biden Administration's plan to resettle Afghan evacuees safely within United States communities, including whether the DHS consulted with government officials or community organizations prior to resettling an individual within a given community.

Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely



James Comer
Ranking Member
Committee on Oversight and Reform



Yvette Herrell
Member of Congress




Jody Hice
Ranking Member
Subcommittee on Government Operations



Glenn Grothman
Ranking Member
Subcommittee on National Security



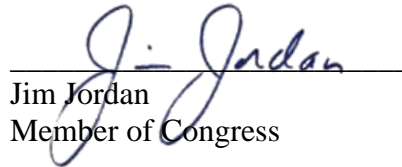
Michael Cloud
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Subcommittee on Economic
and Consumer Policy



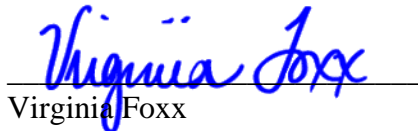
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Subcommittee on Environment



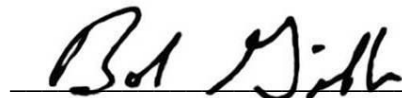
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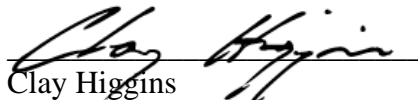
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Virginia Foxx
Member of Congress



Bob Gibbs
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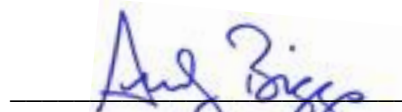
Clay Higgins
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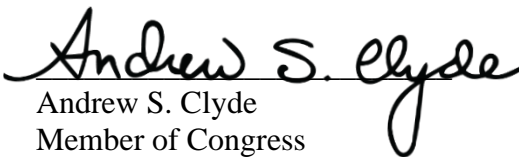
Pete Sessions
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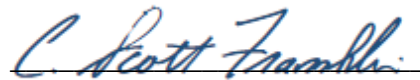
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Andy Biggs
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Andrew S. Clyde
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Secretary Mayorkas

February 25, 2022

Page 6



Pat Fallon
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Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties