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New Homeland Security Rule Helps Afghan Allies Relocate to U.S.

Modernized Security Screenings Protect National Security and Honor the Service by Afghans Who Worked Alongside U.S. Forces

Washington – In response to [newly established U.S. government regulations](#) announced today allowing eligible Afghans to qualify for protection and immigration benefits, international non-profit #AfghanEvac released the following statement:

“This is a massive help for our Afghan allies, and means many of them will now be eligible for admission to the United States. It recognizes that from the Cold War to the War on Terror, freedom-loving people from Afghanistan have been, and continue to be, friends of the United States,” said Shawn VanDiver, a Navy veteran and president of the #AfghanEvac coalition. **“This change makes sense and recognizes the complicated reality of life in Afghanistan while keeping stringent safeguards in place to protect our national security.”**

“#AfghanEvac and many others have been calling for this change for months, and even though it did not happen as quickly as the crisis in Afghanistan warranted, we recognize that the U.S. government has announced an excellent modernization of its review process. Recent actions by the Biden Administration show that even though the world is turning its attention away from Afghanistan, the U.S. government continues to prioritize support for the Afghans who served alongside us,” he said.

The Terrorism-Related Inadmissibility Grounds (TRIG) outlined in the U.S. Immigration and Nationality Act defines situations during which the secretaries of Homeland Security and State may exempt individuals from the grounds of inadmissibility. Many Afghans would be considered inadmissible and ineligible for most immigration benefits under the previous TRIG, due to a lack of nuance in the policy.

As jointly announced today by the Department of Homeland Security and Department of State, all Afghans, including those considered for one of these exemptions, undergo a multi-layered, rigorous screening and vetting process conducted by intelligence, law enforcement, and

counterterrorism professionals from the Departments of Defense, Homeland Security, and State, as well as the Federal Bureau of Investigation (FBI), National Counterterrorism Center (NCTC), and additional intelligence community partners. Only individuals who clear these comprehensive security checks can be considered for an exemption. Adjudicating officers apply exemptions on a case-by-case and discretionary basis, only after determining the applicant is eligible for the benefit sought, meets the criteria for the exemption, represents no danger to the safety and security of the United States, and merits the exemption in the totality of the circumstances.

As described in the announcement, the new exemptions may apply to the following:

- Afghans who supported U.S. military interests, specifically Afghan allies who fought or otherwise supported those who fought in the resistance movement against the Taliban and Afghans who took part in the conflict against the Soviet occupation of Afghanistan.
 - This could include individuals who fought alongside, or with assistance from, U.S. government entities, the United Nations, or the International Security Assistance Force (ISAF), or successor Force. It also includes individuals who supported U.S. interests and participated in the resistance movement to the Soviet invasion and occupation of Afghanistan between December 24, 1979 and April 28, 1992.
 - This exemption specifically *does not* include individuals who targeted non-combatants or U.S. interests, committed certain types of human rights abuses or violations, or acted on behalf of a designated terrorist organization.
- Individuals employed as civil servants in Afghanistan at any time from September 27, 1996 to December 22, 2001 or after August 15, 2021.
 - This could include teachers, professors, postal workers, doctors, and engineers, among others. Some civil servants held these positions prior to the Taliban announcing their so-called “interim government” and continued in their roles due to pressure, intimidation, or other hardship. In other instances, individuals used their positions to mitigate the repressive actions of the Taliban, often at great personal risk.
 - This exemption *does not* include individuals who held high-level positions, worked for certain ministries, or directly assisted violent Taliban activities or activities in which the individual’s civil service was motivated by an allegiance to the Taliban.
- Individuals who provided insignificant or certain limited material support to a designated terrorist organization.
 - This could apply in limited circumstances where the support is incidental to a routine social or commercial transaction; incidental to certain humanitarian assistance; provided in response to a reasonably perceived threat of physical or economic harm, restraint, or serious harassment; and where the support provided is considered minimal and inconsequential.
 - Examples could include paying a small amount to pass through a Taliban checkpoint to flee Afghanistan; paying the Taliban for utilities such as electricity or the telephone; serving the Taliban at one’s place of business when to refuse would jeopardize one’s livelihood; or paying a fee to obtain a passport or other

identity documents necessary to flee Afghanistan when the Taliban controlled the offices providing those services.

- Due to the Taliban's presence and control of entities, roads, and utilities, many individuals who lived in Afghanistan needed to interact with the Taliban in ways that, absent such an exemption, render them inadmissible to the United States under U.S. law.
- This exemption *does not* include individuals who share the goals or ideology of the Taliban, provided preferential treatment to them, or who intended to support the Taliban through their activities.

The more than 180 organizations that make up the #AfghanEvac coalition have long been advocating for ways to provide new Afghan community members with the stability they need to resettle and thrive in their new lives here.

For twenty years, Afghan allies worked and fought side-by-side with U.S. and allied forces through the longest war in American history. The #AfghanEvac coalition is committed to ensuring that their service, partnership, and commitment to American ideals is honored.

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