

118TH CONGRESS  
1ST SESSION

# H. R. 3808

To amend the Afghan Allies Protection Act of 2009 to authorize additional special immigrant visas, to require a strategy for efficient processing, and to establish designated senior special immigrant visa coordinating officials, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2023

Mr. CROW (for himself, Mr. WENSTRUP, and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Afghan Allies Protection Act of 2009 to authorize additional special immigrant visas, to require a strategy for efficient processing, and to establish designated senior special immigrant visa coordinating officials, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Afghan Allies Protec-  
5 tion Act of 2023”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1           (1) section 1248(h) of the Refugee Crisis in  
2           Iraq Act of 2007 (Public Law 110–181; 8 U.S.C.  
3           1157 note) requires the Secretary of Homeland Se-  
4           curity, the Secretary of State, and the Secretary of  
5           Defense to designate senior coordinating officials,  
6           with sufficient expertise, authority, and resources, to  
7           carry out duties relating to the issuance of special  
8           immigrant visas under that Act and the Afghan Al-  
9           lies Protection Act of 2009 (Public Law 111–8;  
10          U.S.C. 1101 note);

11          (2) the Secretary of Homeland Security, the  
12          Secretary of State, and the Secretary of Defense  
13          should take all necessary steps to designate such  
14          senior coordinating officials;

15          (3) all criteria relating to the requirements for  
16          special immigrant visa applicants under the Refugee  
17          Crisis in Iraq Act of 2007 (Public Law 110–181; 8  
18          U.S.C. 1157 note) and the Afghan Allies Protection  
19          Act of 2009 (Public Law 111–8; 8 U.S.C. 1101  
20          note) should be implemented on the date of the en-  
21          actment of this Act;

22          (4) in the case of any individual with respect to  
23          whom the Chief of Mission has erroneously denied a  
24          request for approval to apply for a special immigrant  
25          visa under the Refugee Crisis in Iraq Act of 2007

1 (Public Law 110–181; 8 U.S.C. 1157 note) or the  
2 Afghan Allies Protection Act of 2009 (Public Law  
3 111–8; 8 U.S.C. 1101 note), the Chief of Mission  
4 should reopen such requests sua sponte, including  
5 for any individual who has—

6 (A) not appealed;

7 (B) submitted an appeal; or

8 (C) had an appeal denied; and

9 (5) each applicant for a special immigrant visa  
10 under the Afghan Allies Protection Act of 2009  
11 (Public Law 111–8; 8 U.S.C. 1101 note) should be  
12 provided the opportunity to submit not more than  
13 one appeal for each written denial, which would  
14 allow the applicant the opportunity to understand  
15 and respond to the denial.

16 **SEC. 3. AUTHORIZING ADDITIONAL AFGHAN SPECIAL IMMI-**  
17 **GRANT VISAS.**

18 Section 602(b)(3)(F) of the Afghan Allies Protection  
19 Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is  
20 amended—

21 (1) in paragraph (3)(F)—

22 (A) in the subparagraph heading, by strik-  
23 ing “**Fiscal years 2015 through 2022**”  
24 and inserting “**Fiscal years 2015 through**  
25 **2029**”;

1 (B) in the matter preceding clause (i), by  
2 striking “38,500” and inserting “58,500”;

3 (C) in clause (i), by striking “December  
4 31, 2024” and inserting “December 31, 2029”;  
5 and

6 (D) in clause (ii), by striking “December  
7 31, 2024” and inserting “December 31, 2029”;  
8 and

9 (2) in paragraph (13), in the matter preceding  
10 subparagraph (A), by striking “January 31, 2025”  
11 and inserting “January 31, 2030”.

12 **SEC. 4. EXEMPTION FOR AFGHANS INJURED OR KILLED IN**  
13 **THE COURSE OF EMPLOYMENT.**

14 Section 602(b)(2)(A) of the Afghan Allies Protection  
15 Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is  
16 amended—

17 (1) in paragraph (2)(A)—

18 (A) by amending clause (ii) to read as fol-  
19 lows:

20 “(ii)(I) was or is employed in Afghan-  
21 istan on or after October 7, 2001, for not  
22 less than 1 year—

23 “(aa) by, or on behalf of, the  
24 United States Government; or

1 “(bb) by the International Secu-  
2 rity Assistance Force (or any suc-  
3 cessor name for such Force) in a ca-  
4 pacity that required the alien—

5 “(AA) while traveling off-  
6 base with United States military  
7 personnel stationed at the Inter-  
8 national Security Assistance  
9 Force (or any successor name for  
10 such Force), to serve as an inter-  
11 preter or translator for such  
12 United States military personnel;  
13 or

14 “(BB) to perform activities  
15 for the United States military  
16 personnel stationed at Inter-  
17 national Security Assistance  
18 Force (or any successor name for  
19 such Force); or

20 “(II) in the case of an alien who was  
21 wounded or seriously injured in connection  
22 with employment described in subclause  
23 (I), was employed for any period until the  
24 date on which such wound or injury oc-  
25 curred, if the wound or injury prevented

1 the alien from continuing such employ-  
2 ment;” and

3 (B) in clause (iii), by striking “clause (ii)”  
4 and inserting “clause (ii)(I)”;

5 (2) in paragraph (13)(A)(i), by striking “sub-  
6 clause (I) or (II)(bb) of paragraph (2)(A)(ii)” and  
7 inserting “item (aa) or (bb)(BB) of paragraph  
8 (2)(A)(ii)(I)”;

9 (3) in paragraph (14)(C), by striking “para-  
10 graph (2)(A)(ii)” and inserting “paragraph  
11 (2)(A)(ii)(I)” and

12 (4) in paragraph (15), by striking “paragraph  
13 (2)(A)(ii)” and inserting “paragraph (2)(A)(ii)(I)”.

14 **SEC. 5. STRATEGY FOR THE EFFICIENT PROCESSING OF**  
15 **ALL AFGHAN SPECIAL IMMIGRANT VISA AP-**  
16 **PLICATIONS AND APPEALS.**

17 Section 602 of the Afghan Allies Protection Act of  
18 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amend-  
19 ed—

20 (1) in subsection (a), in the matter preceding  
21 paragraph (1), by striking “In this section” and in-  
22 serting “Except as otherwise explicitly provided, in  
23 this section”; and

24 (2) in subsection (b), by adding at the end the  
25 following:

1           “(16) DEPARTMENT OF STATE STRATEGY FOR  
2 EFFICIENT PROCESSING OF APPLICATIONS AND AP-  
3 PEALS.—

4           “(A) IN GENERAL.—Not later than 180  
5 days after the date of the enactment of this  
6 paragraph, the Secretary of State, in consulta-  
7 tion with the Secretary of Homeland Security,  
8 the Secretary of Defense, the head of any other  
9 relevant Federal agency, the appropriate com-  
10 mittees of Congress, and civil society organiza-  
11 tions (including legal advocates), shall develop a  
12 strategy to address applications pending at all  
13 steps of the special immigrant visa process  
14 under this section.

15           “(B) ELEMENTS.—The strategy required  
16 by subparagraph (A) shall include the following:

17           “(i) A review of current staffing levels  
18 and needs across all interagency offices  
19 and officials engaged in the special immi-  
20 grant visa process under this section.

21           “(ii) An analysis of the expected Chief  
22 of Mission approvals and denials of appli-  
23 cations in the pipeline in order to project  
24 the expected number of visas necessary to  
25 provide special immigrant status to all ap-

1 proved applicants under this Act during  
2 the several years after the date of the en-  
3 actment of this paragraph.

4 “(iii) A plan for collecting and  
5 disaggregating data on—

6 “(I) individuals who have applied  
7 for special immigrant visas under this  
8 section; and

9 “(II) individuals who have been  
10 issued visas under this section.

11 “(iv) An assessment as to whether  
12 adequate guidelines exist for reconsidering  
13 or reopening applications for special immi-  
14 grant visas under this section in appro-  
15 priate circumstances and consistent with  
16 applicable laws.

17 “(v) An assessment of the procedures  
18 throughout the special immigrant visa ap-  
19 plication process, including at the Ports-  
20 mouth Consular Center, and the effective-  
21 ness of communication between the Ports-  
22 mouth Consular Center and applicants, in-  
23 cluding an identification of any area in  
24 which improvements to the efficiency of



1           such procedures and communication may  
2           be made.

3           “(C) FORM.—The strategy required by  
4           subparagraph (A) shall be submitted in unclas-  
5           sified form but may include an classified annex.

6           “(D) APPROPRIATE COMMITTEES OF CON-  
7           GRESS DEFINED.—In this paragraph, the term  
8           ‘appropriate committees of Congress’ means—

9                   “(i) the Committee on Foreign Rela-  
10                  tions, the Committee on the Judiciary, the  
11                  Committee on Homeland Security and  
12                  Government Affairs, and the Committee on  
13                  Armed Services of the Senate; and

14                   “(ii) the Committee on Foreign Af-  
15                  fairs, the Committee on the Judiciary, the  
16                  Committee on Homeland Security, and the  
17                  Committee on Armed Services of the  
18                  House of Representatives.”.

19 **SEC. 6. SENIOR COORDINATING OFFICIALS.**

20           Section 602(b)(2)(D)(ii) of the Afghan Allies Protec-  
21           tion Act of 2009 (Public Law 111–8; 8 U.S.C. 1101) is  
22           amended by adding at the end the following:

23                   “(III) SENIOR SPECIAL IMMI-  
24                  GRANT VISA COORDINATING OFFI-  
25                  CIALS.—

1           “(aa) IN GENERAL.—The  
2 head of each Federal agency that  
3 employs a national of Afghani-  
4 stan who may be eligible for a  
5 special immigrant visa under this  
6 section, and the head of each  
7 Federal agency that is integral to  
8 the processing of such visas (in-  
9 cluding the Department of State,  
10 the Department of Defense, the  
11 Department of Homeland Secu-  
12 rity, and the Department of  
13 Health and Human Services),  
14 shall designate a senior coordi-  
15 nating official to oversee the effi-  
16 ciency and integrity of the proc-  
17 essing of visas for such nationals  
18 of Afghanistan.

19           “(bb) QUALIFICATIONS.—An  
20 official designated under item  
21 (aa) shall be of a sufficient se-  
22 niority to allow for interagency  
23 coordination and responsiveness  
24 among the relevant Federal agen-  
25 cies.

1                   “(cc)       RESPONSIBILITIES  
2                   AND CLEARANCES.—Such an of-  
3                   ficial shall be given the respon-  
4                   sibilities and clearances described  
5                   in items (aa),(bb), and (cc) of  
6                   subelause (II).”.

7   **SEC. 7. AUTHORITY FOR REIMBURSEMENT OF MEDICAL EX-**  
8                   **AMINATIONS IN CASES OF ECONOMIC HARD-**  
9                   **SHIP.**

10       Section 602 of the Afghan Allies Protection Act of  
11   2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amend-  
12   ed—

13               (1) by redesignating subsection (c) as sub-  
14       section (d); and

15               (2) by inserting after subsection (b) the fol-  
16       lowing:

17       “(c) MEDICAL EXAMINATIONS.—

18               “(1) REIMBURSEMENT.—Subject to the  
19       amounts provided in advance in appropriations Acts,  
20       the Secretary of State shall, on receipt of a petition  
21       for reimbursement, reimburse an alien described in  
22       subparagraph (A), (B), or (C) of subsection (b)(2)  
23       for the costs incurred by the alien for any medical  
24       examination required under the immigration laws

1 (as defined in section 101(a) of the Immigration and  
2 Nationality Act (8 U.S.C. 1101(a)))

3 “(2) PETITION.—Not later than the date on  
4 which an alien receives Chief of Mission approval  
5 pursuant to subsection (b), the alien shall submit to  
6 a consular officer of the United States in the foreign  
7 country in which the alien is located a petition for  
8 reimbursement for any medical examination required  
9 under the immigration laws.

10 “(3) CONSULAR OFFICER DETERMINATION.—

11 “(A) IN GENERAL.—Not later than 7 busi-  
12 ness days after the date on which a petition  
13 under paragraph (2) is submitted, a consular  
14 officer of the United States shall provide to the  
15 alien who submitted the petition a written no-  
16 tice of approval or denial of the petition.

17 “(B) EXPLANATION OF DENIAL.—A writ-  
18 ten notice of denial under subparagraph (A)  
19 shall be accompanied by an explanation for the  
20 denial and instructions for appealing the denial.

21 “(4) APPEALS PROCESS.—The Secretary of  
22 State shall establish a process by which an alien may  
23 appeal the denial of a petition under this subsection.

24 “(5) CAP ON REIMBURSEMENT.—A reimburse-  
25 ment approved under this subsection may not exceed

1 the fair market value of medical examinations, as  
2 determined by the Secretary of State, in the applica-  
3 ble foreign country.

4 “(6) PAYMENT BEFORE EXAMINATION.—The  
5 Secretary of State, on a case-by-case basis, may ap-  
6 prove and disburse payment for a medical examina-  
7 tion in advance of the medical examination.”.

8 **SEC. 8. AUTHORIZATION OF VIRTUAL INTERVIEWS.**

9 Section 602(b)(4) of the Afghan Allies Protection Act  
10 of 2009 (Public Law 111–8; 8 U.S.C. 1101 21 note) is  
11 amended by adding at the end the following:

12 “(D) VIRTUAL INTERVIEWS.—Notwith-  
13 standing section 222(e) of the Immigration and  
14 Nationality Act (8 U.S.C. 1202(e)), an applica-  
15 tion for an immigrant visa under this section  
16 may be signed by the applicant through a vir-  
17 tual video meeting before a consular officer and  
18 verified by the oath of the applicant adminis-  
19 tered by the consular officer during a virtual  
20 video meeting.”.

1 **SEC. 9. ANNUAL REPORT ON EFFICIENCY IMPROVEMENTS**  
2 **TO APPLICATION PROCESSING FOR CERTAIN**  
3 **IRAQI AND AFGHAN TRANSLATORS AND IN-**  
4 **TERPRETERS.**

5 (a) **IN GENERAL.**—Not later than 120 days after the  
6 date of the enactment of this Act, and annually thereafter,  
7 the Secretary of State and the Secretary of Homeland Se-  
8 curity, in consultation with the Secretary of Defense, shall  
9 publish on the internet website of the Department of State  
10 a report that describes the efficiency improvements made  
11 with respect to the processes by which applications for spe-  
12 cial immigrant visas under section 1059 of the National  
13 Defense Authorization Act for Fiscal Year 2006 (Public  
14 Law 109–163; 8 U.S.C. 1101 note) are processed.

15 (b) **ELEMENTS.**—Each report required by subsection  
16 (a) shall include the following:

17 (1) For each month of the preceding fiscal year,  
18 the number of aliens who have applied for special  
19 immigrant visas under section 1059 of the National  
20 Defense Authorization Act for Fiscal Year 2006  
21 (Public Law 109–163; 8 U.S.C. 1101 note).

22 (2) The number of visas issued to principal and  
23 derivative applicants under such section during the  
24 preceding fiscal year.

1           (3) The number of visas that remained author-  
2           ized and available at the end of the preceding fiscal  
3           year.

4           (4) In the case of a failure to process an appli-  
5           cation for such a visa that has been pending for  
6           more than one year, the reasons for such failure.

7           (5) The total number of applications for such  
8           visas that are pending as of the date of the report  
9           due to—

10                   (A) failure to receive approval through the  
11                   normal course of the process of adjudicating ap-  
12                   plications; and

13                   (B) an insufficient number of visas avail-  
14                   able.

15           (6) The number of, and reasons for, denials or  
16           rejections of such applications.

17           (c) INITIAL REPORT.—In addition to the elements  
18           under subsection (b), the initial report submitted under  
19           subsection (a) shall include the number of visas converted  
20           under Section 2 of Public Law 110–242 (8 U.S.C. 1101  
21           note).

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