To amend the Afghan Allies Protection Act of 2009 to make 4,000 visas available for the Afghan Special Immigrant Visa program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 15, 2019

Mrs. SHAHEEN (for herself, Mr. TILLIS, Mr. WICKER, Mr. GARDNER, Mr. REED, Mr. Kaine, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Afghan Allies Protection Act of 2009 to make 4,000 visas available for the Afghan Special Immigrant Visa program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Afghan Allies Protection Act of 2019”.

SEC. 2. SPECIAL IMMIGRANT VISAS FOR AFGHAN ALLIES.

(a) In General.—Section 602(b)(2)(A)(ii) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended, in the matter preceding subclause (I),
by inserting “for the first time” after “submitting a peti-
tion”.

(b) NUMERICAL LIMITATIONS.—Section 602(b)(3) of
the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101
note) is amended—

(1) by striking subparagraph (A) and inserting
the following:

“(A) FISCAL YEAR 2019.—

“(i) IN GENERAL.—In addition to any
unused balance under subparagraph (F),
for fiscal year 2019, not more than 4,000
principal aliens may be granted special im-
migrant status under this subsection.

“(ii) PERIOD OF EMPLOYMENT.—For
purposes of this subparagraph, the period
of employment referred to in paragraph
(2)(A)(ii) shall end not later than Decem-
ber 31, 2021.

“(iii) APPLICATION.—For purposes of
this subparagraph, not later than Decem-
ber 31, 2021, a principal alien seeking spe-
cial immigrant status under this subsection
shall submit an application to the Chief of
Mission.”;
(2) by striking subparagraph (C) and inserting the following:

“(C) CARRY FORWARD.—If the numerical limitation described in subparagraph (A)(i) is not reached for fiscal year 2019, the numerical limitation for each subsequent fiscal year shall be established at a number equal to the difference between—

“(i) the numerical limitation described in subparagraph (A)(i); and

“(ii) the number of principal aliens granted special immigrant status under this subsection during each fiscal year beginning in fiscal year 2019.”;

(3) in subparagraph (D), by striking “notwithstanding the provisions of paragraph (C),”; and

(4) in subparagraph (F)—

(A) in the subparagraph heading, by striking “2015, 2016, AND 2017” and inserting “2015 THROUGH 2020”;  

(B) in clause (i), by striking “December 31, 2020” and inserting “December 31, 2021;”;  

(C) in clause (ii), by striking “December 31, 2020” and inserting “December 31, 2021;”;
(D) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately;

(E) in the matter preceding subclause (I), as so redesignated, in the second sentence, by striking “For purposes” and inserting the following:

“(ii) REQUIREMENTS.—For purposes”;

(F) in the matter preceding clause (ii), as so designated—

(i) by striking “exhausted,” and inserting “exhausted,”;

(ii) by striking “18,500” and inserting “22,500”; and

(iii) by striking “In addition” and inserting the following:

“(i) IN GENERAL.—In addition”; and

(G) by adding at the end the following:

“(iii) UNUSED VISAS.—Any unused balance under this subparagraph shall be added to the number under subparagraph (A)(i) for use in fiscal year 2019.”.
(c) Conversion of Petitions.—Section 2 of Public Law 110–242 (8 U.S.C. 1101 note) is amended by striking subsection (b) and inserting the following:

“(b) Duration.—The authority under subsection (a) shall expire on the date on which the numerical limitation specified under section 1244 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 8 U.S.C. 1157 note) is reached.”.

SEC. 3. SPECIAL IMMIGRANT VISA PROGRAM REPORTING REQUIREMENT.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of State shall submit to the appropriate committees of Congress a report that evaluates the obstacles to effective protection of Afghan and Iraqi allies through the special immigrant visa programs and makes recommendations for improvements in future programs.

(b) Matters To Be Included.—The report under subsection (a) shall include information relating to—

(1) the hiring of locally employed staff and contractors;

(2) documenting the identity and employment of locally employed staff and contractors of the United States Government, including the possibility
of establishing a central database of employees of the United States Government and its contractors;

(3) the protection and safety of employees of locally employed staff and contractors;

(4) means of expediting processing at all stages of the process for applicants, including consideration of reducing required forms;

(5) appropriate staffing levels for expedited processing domestically and abroad;

(6) the effect of uncertainty of visa availability on visa processing;

(7) the cost and availability of medical examinations; and

(8) means to reduce delays in interagency processing and security checks.

(e) Consultation.—

(1) In general.—In preparing the report under subsection (a), the Inspector General shall consult with—

(A) the Department of State, Bureau of Consular Affairs, Visa Office;

(B) the Department of State, Bureau of Near Eastern Affairs and South and Central Asian Affairs, Executive Office;
(C) the United States embassy in Kabul, Afghanistan, Consular Section;

(D) the United States embassy in Baghdad, Iraq, Consular Section;

(E) the Department of Homeland Security, U.S. Citizenship and Immigration Services;

(F) the Department of Defense;

(G) the Federal Bureau of Investigation;

and

(H) nongovernmental organizations providing legal aid in the special immigrant visa application process.

(2) Consultation with current and former employees.—To the maximum extent practicable, the Inspector General shall consult with current and former employees of the offices described in paragraph (1).

(d) Form.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) Appropriate Committees of Congress Defined.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on the Judiciary, the Committee on Foreign Relations, the Committee on
Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on the Judiciary, the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.