

117TH CONGRESS
1ST SESSION

S. _____

To extend and modify the Afghan Special Immigrant Visa Program, to postpone the medical exam for aliens who are otherwise eligible for such program, to provide special immigrant status for certain surviving spouses and children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. SHAHEEN (for herself, Ms. ERNST, Mr. WICKER, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To extend and modify the Afghan Special Immigrant Visa Program, to postpone the medical exam for aliens who are otherwise eligible for such program, to provide special immigrant status for certain surviving spouses and children, 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 2021”.

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 designate such senior co-
14 ordinating 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) appropriate steps should be taken to ensure
10 that applications for such special immigrant visas
11 continue to be processed fairly and expeditiously in
12 the event of a reduction of in-country personnel.

13 **SEC. 3. EXTENSION AND MODIFICATION OF THE AFGHAN**
14 **SPECIAL IMMIGRANT VISA PROGRAM.**

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

17 (1) in paragraph (2)—

18 (A) in subparagraph (A)—

19 (i) by amending clause (ii) to read as
20 follows:

21 “(ii) was or is employed in Afghani-
22 stan on or after October 7, 2001, for not
23 less than 1 year—

24 “(I) by, or on behalf of, the
25 United States Government; or

1 “(II) 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, while
5 traveling off-base with United States
6 military personnel stationed at the
7 International Security Assistance
8 Force (or any successor name for
9 such Force), to serve as an interpreter
10 or translator for such United States
11 military personnel; and”;

12 (ii) in clause (iii), by striking “; and”
13 and inserting a period; and

14 (iii) by striking clause (iv);

15 (B) in subparagraph (D)(ii)(I)(bb)—

16 (i) in the matter preceding subitem
17 (AA), by inserting “per denial or revoca-
18 tion” after “written appeal”; and

19 (ii) in subitem (AA), by inserting “or
20 thereafter at the discretion of the Sec-
21 retary of State” after “in writing”;

22 (C) by striking subparagraph (E); and

23 (D) by redesignating subparagraph (F) as
24 subparagraph (E);

25 (2) in paragraph (3)(F)—

1 (A) in the subparagraph heading, by strik-
2 ing “2021” and inserting “2022”;

3 (B) in the matter preceding clause (i)—

4 (i) by striking “exhausted,,” and in-
5 serting “exhausted,”; and

6 (ii) by striking “26,500” and insert-
7 ing “46,500”;

8 (C) in clause (i), by striking “December
9 31, 2022” and inserting “December 31, 2023;”;
10 and

11 (D) in clause (ii), by striking “December
12 31, 2022” and inserting “December 31, 2023;”;

13 (3) in paragraph (4)(A), by inserting “, includ-
14 ing Chief of Mission approval,” after “so that all
15 steps”; and

16 (4) in paragraph (13), in the matter preceding
17 subparagraph (A), by striking “January 31, 2023”
18 and inserting “January 31, 2024”.

19 **SEC. 4. POSTPONEMENT OF MEDICAL EXAM FOR AFGHAN**
20 **ALLIES WHO ARE ELIGIBLE FOR SPECIAL IM-**
21 **MIGRANT VISAS.**

22 (a) **AUTHORIZATION.**—The Secretary of State or the
23 Secretary of Homeland Security may waive any require-
24 ment to undergo a medical exam under section 232 of the
25 Immigration and Nationality (8 U.S.C. 1222), or any

1 other applicable requirement to undergo a medical exam
2 prior to admission to the United States, for aliens de-
3 scribed in section 602(b)(2) of the Afghan Allies Protec-
4 tion Act of 2009 (8 U.S.C. 1101 note).

5 (b) DURATION.—A waiver under subsection (a) shall
6 be for a period of 1 year, which may be extended for addi-
7 tional 1-year periods.

8 (c) REQUIREMENT FOR MEDICAL EXAM AFTER AD-
9 MISSION.—

10 (1) IN GENERAL.—The Secretary of Homeland
11 Security, in consultation with the Secretary of
12 Health and Human Services, shall ensure that an
13 alien who does not undergo a medical exam prior to
14 admission to the United States pursuant to this sec-
15 tion receives such an exam not later than 90 days
16 after the date on which the alien is admitted to the
17 United States.

18 (2) REPORT.—With respect to each such alien,
19 not later than 1 year after the date on which the
20 waiver authority under subsection (a) is exercised,
21 and not later than the date that is 1 year after the
22 date on which any extension under subsection (b) is
23 granted, the Secretary of Homeland Security, in
24 consultation with the Secretary of Health and
25 Human Services, shall submit to the appropriate

1 committees of Congress a report on the medical
2 exams undertaken by the alien under paragraph (1).

3 (d) NOTIFICATION.—With respect to each alien for
4 whom the Secretary of State or the Secretary of Homeland
5 Security exercises the waiver authority under subsection
6 (a) or extends such a waiver under subsection (b), the Sec-
7 retary of State or the Secretary of Homeland Security,
8 as applicable, shall notify the appropriate committees of
9 Congress as soon as practicable thereafter.

10 (e) APPROPRIATE COMMITTEES OF CONGRESS.—In
11 this section, the term “appropriate committees of Con-
12 gress” means—

13 (1) the Committee on Armed Services, the
14 Committee on the Judiciary, the Committee on For-
15 eign Relations, and the Committee on Homeland Se-
16 curity and Governmental Affairs of the Senate; and

17 (2) the Committee on Armed Services, the
18 Committee on the Judiciary, the Committee on For-
19 eign Affairs, and the Committee on Homeland Secu-
20 rity of the House of Representatives.

21 **SEC. 5. SPECIAL IMMIGRANT STATUS FOR CERTAIN SUR-**
22 **VIVING SPOUSES AND CHILDREN.**

23 (a) IMMIGRATION AND NATIONALITY ACT.—Section
24 101(a)(27)(D) of the Immigration and Nationality Act (8
25 U.S.C. 1101(a)(27)(D)) is amended—

1 (1) by striking “an immigrant who is an em-
2 ployee” and inserting “an immigrant who—

3 “(i) is an employee”; and

4 (2) by striking “grant such status;” and insert-
5 ing “grant such status; or

6 “(ii) is the surviving spouse or child
7 of an employee of the United States Gov-
8 ernment abroad: *Provided*, That the em-
9 ployee performed faithful service for a total
10 of not less than 15 years or was killed in
11 the line of duty;”.

12 (b) AFGHAN ALLIES PROTECTION ACT OF 2009.—
13 Section 602(b)(2)(C) of the Afghan Allies Protection Act
14 of 2009 (8 U.S.C. 1101 note) is amended—

15 (1) in clause (ii), by redesignating subclauses
16 (I) and (II) as items (aa) and (bb), respectively, and
17 moving such items 2 ems to the right;

18 (2) by redesignating clauses (i) and (ii) as sub-
19 clauses (I) and (II), respectively, and moving such
20 subclauses 2 ems to the right;

21 (3) in the matter preceding subclause (I), as re-
22 designated, by striking “An alien is described” and
23 inserting the following:

24 “(I) IN GENERAL.—An alien is
25 described”;

1 (4) in clause (i)(I), as redesignated, by striking
2 “who had a petition for classification approved” and
3 inserting “who had submitted an application to the
4 Chief of Mission”; and

5 (5) by adding at the end the following:

6 “(II) EMPLOYMENT REQUIRE-
7 MENTS.—An application by a sur-
8 viving spouse or child of a principal
9 alien shall be subject to employment
10 requirements set forth in subpara-
11 graph (A) as of the date of the prin-
12 cipal alien’s filing of an application
13 for the first time, or if no application
14 has been filed, the employment re-
15 quirements as of the date of the prin-
16 cipal alien’s death.”.

17 (c) REFUGEE CRISIS IN IRAQ ACT OF 2007.—Section
18 1244(b)(3) of the Refugee Crisis in Iraq Act of 2007 (8
19 U.S.C. 1157 note) is amended—

20 (1) by striking “described in subsection (b)”
21 and inserting “in this subsection”;

22 (2) in subparagraph (B), by redesignating
23 clauses (i) and (ii) as subclauses (I) and (II), respec-
24 tively, and moving such subclauses 2 ems to the
25 right;

1 (3) by redesignating subparagraphs (A) and
2 (B) as clauses (i) and (ii), respectively, and moving
3 such clauses 2 ems to the right;

4 (4) in the matter preceding clause (i), as redesi-
5 gnated, by striking “An alien is described” and in-
6 serting the following:

7 “(A) IN GENERAL.—An alien is de-
8 scribed”;

9 (5) in subparagraph (A)(i), as redesignated, by
10 striking “who had a petition for classification ap-
11 proved” and inserting “who submitted an applica-
12 tion to the Chief of Mission”; and

13 (6) by adding at the end the following:

14 “(B) EMPLOYMENT REQUIREMENTS.—An
15 application by a surviving spouse or child of a
16 principal alien shall be subject to employment
17 requirements set forth in paragraph (1) as of
18 the date of the principal alien’s filing of an ap-
19 plication for the first time, or if the principal
20 alien did not file an application, the employ-
21 ment requirements as of the date of the prin-
22 cipal alien’s death.”.

23 (d) EFFECTIVE DATE.—The amendments made by
24 this section shall be effective on June 30, 2021, and shall
25 have retroactive effect.

1 **SEC. 6. CONVERSION OF PETITIONS FOR SPECIAL IMMI-**
2 **GRANT STATUS FOR CERTAIN IRAQIS.**

3 Section 2 of Public Law 110–242 (8 U.S.C. 1101
4 note) is amended by striking subsection (b) and inserting
5 the following:

6 “(b) DURATION.—The authority under subsection (a)
7 shall expire on the date on which the numerical limitation
8 specified under section 1244 of the National Defense Au-
9 thorization Act for Fiscal Year 2008 (Public Law 110–
10 181; 8 U.S.C. 1157 note) is reached.”.