



THE CASE FOR AFGHAN CHRISTIANS TO RECEIVE P-2 VISAS

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Introduction

Afghanistan is in the midst of what the UN has called the worst humanitarian crisis in history. Even as over 30 million Afghans face acute or emergency-level food insecurity, the Taliban is going door to door enforcing its fundamentalist interpretation of Sharia law. The UN recently reported that 95% of Afghan households are failing to get enough to eat. Before the Taliban took over, 40% of Afghanistan's GDP came from foreign aid.

An unwelcome minority in the country, Afghan Christians are at particular risk in the context of a crumbling Afghanistan. They have long faced social challenges, such as employment discrimination, and now must deal with a government run by a terrorist organization. And as Afghanistan experiences economic collapse under Taliban rule, Christians are increasingly facing severe financial hardship on top of religious persecution.

Afghanistan is recently back under the control of the Taliban—a radical Sunni Muslim terrorist organization

designated an Entity of Particular Concern (EPC) by the U.S. Department of State "for engaging in systematic, ongoing, and egregious violations of religious freedom." Afghan Christians and other marginalized groups have experienced extreme acts of religious persecution since the U.S. withdrew from the nation at the end of August 2021. There have been numerous reports of Christians fleeing, hiding, and being arrested or killed for their faith.

Even as Afghan Christians face an onslaught of persecution, the U.S. and others in the international community are turning a blind eye to their struggle. Sadly, the world has afforded Afghan Christians very few escape routes and though private organizations have rushed in to help escaping Afghan Christians, their efforts are limited by current U.S. legislation. The policies discussed below are intended to help the Biden Administration and Congress address the Afghan refugee crisis in a way that pays appropriate attention to those experiencing religious persecution.

History of the Taliban

The Taliban was founded in northern Pakistan in the early 1990s after Soviet troops withdrew from Afghanistan.¹ By 1995, the terrorist group organized enough support to seize control of the country, offering peace and security in a region riddled by drought, starvation, and turmoil.² Afghans quickly realized that Taliban rule meant harsh treatment—especially for women and religious minorities.

The Taliban rallied around a commitment to the strict observance of Sharia law. The Taliban adhere to the Sunni school of Islamic thought.

The Taliban was involved in the 2001 attack on the World Trade Center in New York City. In response, the U.S. quickly drove the Taliban out of Afghanistan. However, many members simply fled to Pakistan where they received

financial support and safe harbor.

Afghanistan was a place of violence even before the U.S. pulled out in August 2021. Reports of beatings, rape, forced marriage of minor girls, and terrorist acts against religious minorities were sadly common. Under the Trump Administration, the U.S. committed to leaving Afghanistan. Under President Biden, the decision came to fruition. On August 15, 2021, the Taliban overthrew the Afghan government in Kabul, taking control of the country fifteen days before the U.S. completed its withdrawal.

The Taliban seeks to control every aspect of life and vigorously roots out any behavior contrary to its fundamentalist brand of Islam, including education for girls, employment for women, and secular entertainment. Taliban fighters are also

¹ <https://www.bbc.com/news/world-south-asia-11451718>

² <https://www.pbs.org/newshour/politics/asia-jan-june11-timeline-afghanistan>

known brutalize women and religious minorities.³

Pastors in hiding after Afghanistan's fall testified that Taliban members went door to door promising to hunt down apostates.⁴ In September 2021, a Christian woman attempting to withdraw money from the bank was surrounded by

Taliban fighters shooting guns in the air and threatening to kill women who left home without their husbands.⁵ In the same month, a pregnant woman was brutally murdered in front of her husband and sons in a vicious attack believed to be because she was a policewoman.⁶

Policy Context

Considering the humanitarian crisis, organizations advocating for women's rights in Afghanistan admit to feeling hopeless,⁷ and humanitarian relief workers have said they will vacate the country if conditions remain unstable.⁸

In addition, the Taliban is still under harsh sanctions for its egregious acts, causing it to be unable to provide for the basic needs of Afghanistan. To mitigate the crisis, China has suggested lifting sanctions⁹ and Pakistan has called for recognition of the Taliban.¹⁰ The U.S. Senate Committee on Banking, Housing, and Urban Affairs further warned against these tactics and instead encouraged the international community to begin "exploring ways to help the Afghan people without empowering the Taliban."¹¹

Priority-2 Designation

Examples of the U.S. extending P-2 status to persecuted religious minorities include the 1989 Lautenberg Amendment which extended P-2 status to Soviet Jews and Christians, the 2004 Specter Amendment which extended P-2 status to religious minorities in Iran, and a bill in 2007 that extended P-2 status to persecuted Iraqis. The P-2 status has been extended to vulnerable religious minorities in the past, and it should be extended again.

On August 2, 2021, the U.S. Department of State announced a Priority 2 or "P-2" designation "granting U.S. Refugee Admissions Program access to certain Afghan nationals and their eligible family members." In essence, the P-2 designation gives "certain Afghans, including those who

worked with and for the United States the opportunity for refugee resettlement in the United States." This would include interpreters, translators, and contractors—as well as their spouses and minor children—not otherwise eligible for Special Immigrant Visas. P-2 cases are to be referred and processed in third-party nations once those fleeing are out of harm's way.¹²

The benefits of P-2 status include:¹³

- Lawful permanent residence (green card status) after one year of residency in the U.S.
- U.S. work authorization
- Refugee Support Services, including employment services, English language classes, transportation support, and childcare
- Healthcare via Medicaid or Refugee Medical Assistance (RMA)
- Federal financial aid including Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), or Refugee Cash Assistance if ineligible for SSI or TANF
- Nutritional aid through Supplemental Nutritional Assistance Program (SNAP)

The P-2 designation was instituted to help the most vulnerable. Yet, as of September 1, 2021, the National Immigration Forum noted zero Afghans resettled under the

³ <https://www.npr.org/sections/goatsandsoda/2021/08/26/1030691740/aid-groups-wonder-whether-to-stay-or-go-as-taliban-takes-over-afghanistan>

⁴ <https://www1.cbn.com/cbnnews/us/2021/september/exclusive-as-taliban-terrorizes-women-with-brutal-vice-and-virtue-squad-afghan-christian-prays-for-their-salvation>

⁵ <https://www.cnn.com/2021/09/06/asia/taliban-afghanistan-pregnant-policewoman-murder-intl/index.html>

⁶ <https://www.cnn.com/2021/08/17/asia/afghanistan-women-taliban-intl-hnk-dst/index.html>

⁷ <https://www.npr.org/sections/goatsandsoda/2021/08/26/1030691740/aid-groups-wonder-whether-to-stay-or-go-as-taliban-takes-over-afghanistan>

⁸ <https://timesofindia.indiatimes.com/world/china/china-calls-for-lifting-sanctions-on-taliban-controlled-afghanistan-release-of-its-forex-reserves/articleshow/86454154.cms>

⁹ <https://thehill.com/policy/international/middle-east-north-africa/570600-top-pakistani-security-official-calls-for>

¹⁰ <https://www.banking.senate.gov/newsroom/minority/toomey-lifting-sanctions-on-taliban-would-be-a-grave-mistake>

¹¹ <https://www.state.gov/briefing-with-senior-state-department-officials-on-the-u-s-refugee-admissions-program-priority-2-p-2-designation-for-afghan-nationals/>

¹² <https://immigrationforum.org/article/fact-sheet-pathways-to-protection-for-afghans-at-risk/>

¹³

P-2 program. At the same time, 7,000 Afghans have been resettled through the SIV program and another 50,000 were expected to be processed under Humanitarian Parole—a program that does not directly lead to U.S. citizenship. The SIV program offers refugees lawful permanent residence, though the program has a backlog of 80,000-100,000 cases and admits to a two-to-three-year processing time.

P-2 status would cut processing time by enabling those "of special humanitarian concern" to apply to the United States Refugee Admissions Program without being referred by a U.S. embassy, NGO, or the United Nations High Commissioner for Refugees (UNHCR).

Designations for Violations of Religious Freedom

On an annual basis, the President is required to evaluate the state of religious freedom in each country globally and identify governments which have engaged in or tolerated "particularly severe violations of religious freedom" as Countries of Particular Concern (CPC). Examples of particularly severe violations include torture, prolonged detention without charges, forced disappearance, and other flagrant denial of life, liberty, or security of persons.

In addition, the President is to designate "non-state actors that have engaged in particularly severe violations of religious freedom" as EPCs. In 2021, the U.S. State Department designated the Taliban as an EPC but failed to recommend Afghanistan as a CPC or place the country on its Special Watch List (SWL).¹⁴ Recently, the U.S. Commission on International Religious Freedom recommended Afghanistan be placed on the SWL; however, ICC recommends that President Biden designate Afghanistan as a CPC for ongoing, systematic, egregious violations such as torture, imprisonment, and threat to the life, liberty, and security of Christians, Hindus, Shia Muslims, and other religious minorities.

Private Refugee Sponsorship Programs

Between 1978 and 1980, Canada pulled off the most successful refugee resettlement campaign in its history, resettling nearly 70,000 refugees from Southeast Asia. The Canadian Immigration Act of 1976 and the Oppressed Minority policy created four categories of refugees which prioritized individuals and families fleeing persecution.

The Canadian program was effective because it abandoned the former points systems and country quotas in favor of rescuing the vulnerable and because agreements were made between the Canadian government and religious organizations committed to resettlement efforts. The fruitfulness of Canada's resettlement of the Boat People—as they became known—was due to public engagement through the private refugee sponsorship program.¹⁵

Today, Congress could introduce similar legislation and secure partnerships with religious communities focused on resettling Afghan refugees. This solution should be a top policy consideration for several reasons, including the immediate danger faced by Afghan Christians and other religious minorities. This/ tactic would also help to limit the trauma involved in the resettlement process.

Recently, NGO workers have expressed the need for leadership and coordination in refugee resettlement efforts, especially those stuck in processing in "lily pad" countries. Rightly pitched, a private refugee sponsorship program could spark a patriotic, bipartisan resettlement effort that might create a feeling of ownership and responsibility among Americans.

The Biden Administration increased refugee resettlement to 125,000 for FY22—up from 62,500 in FY21. Fewer than 7,000 refugees were resettled in FY21. Though the cost of resettlement ranges from \$15,000 to \$133,000, studies show that refugees contribute to economic growth within two years of arrival.^{16, 17} Extending P-2 status to marginalized Afghans

Policy Recommendations

Congress should support and pass the Afghanistan Counterterrorism, Oversight, and Accountability Act introduced by Senator Portman (R-OH). It should also support Senators Tillis and Hudson who are leading a delegation

out of North Carolina asking the U.S. State Department to "provide immediate assistance and a clear plan to secure the safety of those left behind."^{18, 19}

ICC suggests the following policy recommendations to

¹⁴ <https://www.state.gov/countries-of-particular-concern-special-watch-list-countries-entities-of-particular-concern/>

¹⁵ <https://heartsoffreedom.org/wp-content/uploads/2020/04/Revised-FINAL-April-3-Before-the-Sun-Comes-Up.pdf>

¹⁶ <https://cis.org/Report/Fiscal-Impact-Refugee-Resettlement>

¹⁷ <https://www.icmc.net/2020/07/14/refugees-good-or-bad-for-economy/>

¹⁸ <https://www.portman.senate.gov/newsroom/press-releases/portman-colleagues-introduce-comprehensive-afghanistan-legislation>

¹⁹ <https://www.tillis.senate.gov/2021/10/tillis-and-hudson-lead-nc-delegation-pressing-for-answers-on-crisis-in-afghanistan-and-americans-left-behind>

advance international religious freedom for persecuted Afghan minorities and to address the growing humanitarian crisis in Afghanistan.

First, the U.S. State Department should extend P-2 status to persecuted Christians and other religious minorities in Afghanistan. Granting them P-2 status would cut processing time by enabling those "of special humanitarian concern" to apply to the United States Refugee Admissions Program without having to be referred by a U.S. embassy, NGO, or the UNHCR. P-2 status should be strengthened and extended to neighboring nations of concern.

Second, the U.S. State Department must designate Afghanistan as a CPC and continue the Taliban's EPC status. The Taliban now run Afghanistan and are using their de facto power to enforce their fundamentalist interpretation

of Sharia law. The CPC designation is supposed to follow "particularly severe violations of religious freedom" in a country—a standard clearly met in today's Afghanistan.

Third, the U.S. should consider a refugee resettlement campaign like Canada's private sponsorship program of Vietnam's Boat People under the Canadian Immigration Act of 1976. Research suggests that refugees often experience better mental health and economic outcomes, depend less on social services, and integrate better into society when privately sponsored.²⁰ Private sponsorship also has the potential to boost public support for refugee resettlement and mitigate discrimination. by including citizens in the country's decisions and allowing them to take part in the mission.

Conclusion

The Taliban is an extremist group whose leadership does not uphold fundamental human rights and freedoms. Under Taliban rule, the country of Afghanistan is not conducive to life for Christians and other religious minorities.

On August 23, 2021, USCIRF called on the U.S. State Department to extend Priority-2 status to religious minorities in danger of extinction from the Taliban.²¹ "As Afghans are forced to flee their homes on account of their beliefs, the U.S. government must ensure that the most vulnerable among them have a pathway to seek refuge in the United States" USCIRF Chairwoman Nadine Maenza said in the statement. "We urge the Biden Administration to take immediate action

to broaden the recent P-2 designation to explicitly include Afghan religious minorities," added USCIRF Commissioner Frederick Davie.

USCIRF's prescient call for the U.S. to explicitly extend P-2 status to endangered religious minorities has, so far, gone unheeded but is even more critical today than it was when USCIRF first urged the action. As the Taliban solidifies its grasp on power, the world must renew its care for the Afghans being persecuted for their faith. Now more than ever, the U.S. should offer a safe haven to Afghan Christians who have nowhere else to freely exercise their religion.



²⁰ Beiser, Morton. "Resettling Refugees and Safeguarding their Mental Health: Lessons Learned from the Canadian Refugee Resettlement Project." *Transcultural Psychiatry* 46, no. 4 (2009): 539-583.

²¹ <https://www.uscirf.gov/news-room/releases-statements/uscirf-calls-state-department-prioritize-refugee-resettlement-afghan>