Thanks and am re-sending the one-pager that contains the appropriate FARA disclaimer.

These materials are being distributed by Akin Gump Strauss Hauer & Feld LLP on behalf of Adela Raz, Abdul Hadi Nejrabi, and Safiullah Delwar. Additional information is available at the Department of Justice, Washington, DC.

Jamie Tucker
AKIN GUMP STRAUSS HAUER & FELD LLP
Direct: +1 202.887.4279 | Internal: 24279

Craig/Kat – I wanted to follow up on the conversations last fall including the discussion with Sen. Graham and Ambassador Raz about lifting the current 50-person cap for Section 13 that would provide a process to help the diplomats from the Embassy and their family secure green cards. Since Sen. Graham thought the appropriations process would be the most appropriate vehicle, we wanted to see if Sen. Graham would be willing to make an ask of Sen. Shelby and/or Sen. McConnell to include a provision in the forthcoming omnibus?

In addition to an article that ran this week in the NY Times, I’ve enclosed a document discussing the need for lifting the cap as well as proposed legislative language for your review.

Thanks.
Jamie

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.
WASHINGTON — Already reeling from a Taliban takeover of their government and a humanitarian disaster in their homeland, Afghan diplomats in the United States are grappling with another bleak reality: the loss of pay and the possibility of being deported.

Several dozen diplomats assigned to Afghanistan’s embassy in Washington and consulates in New York and Los Angeles have not been paid since October, officials said, when American banks froze accounts to prevent the Taliban from gaining access to the embassy’s funds.

But the envoys, who were part of the American-backed government that was overthrown in August, are keeping the embassy open — continuing diplomatic work but also preserving the diplomatic status that allows them to remain in the United States.

Should the embassy close before they are granted asylum or other legal residency, the diplomats could find themselves stateless and without the permits needed to get a job.
“This is not something that we wanted. But it is something that came,” Abdul Hadi Nejrabi, the Afghan Embassy’s deputy chief of mission, said in an interview.

“We may not be able to continue for a long time — it will come to an end,” he said. “There is still a lot of work to do. But we are here until we reach a path we can’t continue.”

Did you know you can share 10 gift articles a month, even with nonsubscribers?

Around the world, Afghan diplomats continue to carry out their duties independent of the leadership in Kabul. Many have criticized the new government as “illegitimate” and still fly the internationally accepted flag of Afghanistan over their embassies instead of the Taliban’s banner. Others have lobbied their host nations against unconditionally recognizing the Taliban’s authority.

**Reporting From Afghanistan**

- **Inside the Fall of Kabul:** The Taliban took the Afghan capital with a speed that shocked the world. Our reporter and photographer witnessed it.
- **On Patrol:** A group of Times journalists spent 12 days with a Taliban police unit in Kabul. Here is what they saw.
- **Face to Face:** A Times reporter who served as a Marine in Afghanistan returned to interview a Taliban commander he once fought.
- **A Photographer’s Journal:** A look at 20 years of war in Afghanistan, chronicled through one Times photographer’s lens.

Yet the situation is taking a toll on diplomats who are also still coming to grips with representing an elected government that has ceased to exist. Mr. Nejrabi said they were living largely on savings, or on loans from relatives. Some have no health insurance and are racking up thousands of dollars in medical bills. In France, diplomats have moved into the embassy compound to avoid paying rent on private apartments, according to two former Afghan diplomats.

For now, the mission continues at the Afghan Embassy in Washington, a stately brick Colonial Revival building in the capital’s diplomatic quarter. Mr. Nejrabi said the Afghan staff was processing documents and other consular requests, and otherwise helping settle Afghans who have fled to the United States to escape the Taliban.
The services bring in $2,000 to $3,000 in fees each month, Mr. Nejrabi said — enough to keep the lights and other utilities on, but too little to pay salaries. That has left the diplomats and their families — about 65 people in all — scrambling to make ends meet.

They are not alone: Public workers across Afghanistan have also not been paid as Washington issues conflicting guidance over whether American sanctions should be enforced against Afghan government bank accounts that are now, in theory, controlled by the Taliban. The freezing of assets of the Afghan Central Bank has precipitated a liquidity crisis that has exposed eight million people to possible starvation in a country torn by war, drought and acute poverty.

The sanctions were imposed against the Taliban years ago, when it was designated as a global terrorist organization. In October, after the group seized power, Citibank froze the Washington embassy’s accounts and withheld what Mr. Nejrabi said was hundreds of thousands of dollars designated for salaries that the former Afghan government had deposited months before it was ousted.

U.S. officials have tried, unsuccessfully, to assure Citibank that it would not be penalized if the Afghan funds were unlocked. The bank’s spokesman, Rob Runyan, declined to comment.

Sign Up for On Politics A guide to the political news cycle, cutting through the spin and delivering clarity from the chaos.

“Our priority all along has been to figure out a way to facilitate a soft landing for the Afghan diplomats who are in the United States,” said Mark Evans, the State Department’s director for Afghanistan affairs. “Obviously, they’re in very difficult circumstances through no fault of their own, and we wanted to be as supportive as possible.”

Still, the Biden administration has refused to recognize the Taliban as a legitimate government. Until that happens — if it ever does — officials said the State Department would not accredit any diplomats the group sends to Washington.

While the Afghan government owns the embassy building in Washington, the State Department is responsible for maintaining the property if its envoys are unable to do so. Control of Afghanistan’s diplomatic missions remains at the forefront of the struggle for power between the Taliban and their opponents over international recognition and support.

Continue reading the main story
One Afghan diplomat, who spoke on the condition of anonymity to avoid repercussions, said he detected slow-motion efforts by the Taliban’s government to gain recognition from other countries and control of Afghanistan’s diplomatic missions. Most nations will be guided by what the U.S. government does, he said.
Last month, the State Department noted the embassy’s dire financial situation in a memo to Afghan diplomats that advised what would happen to the staff if the building had to shut down. Several officials, who described the document on the condition of anonymity, said it extended diplomatic immunity and residency to the Afghans for 30 days, to give them time to pursue asylum or other legal status that would allow them to remain in the United States.

Mr. Nejrabi said around 55 Afghan diplomats and their family members in the United States were seeking asylum, joining more than 100,000 Afghan applicants in a process that has overwhelmed the Biden administration since Kabul fell in August. The rest are expected to apply to have their diplomatic status converted to permanent residency through a different process that, officials said, can accept only 50 cases each year.

Matthew Bourke, a spokesman for U.S. Citizenship and Immigration Services, said 31 Afghans had so far applied to change their status to permanent residency. That number includes diplomats and their family members, Mr. Bourke said, in a process that can take several months to complete. In the meantime, the immigration agency has waived application fees for the financially strained Afghan diplomats and offered to allow temporary work permits while their cases are pending.
But without asylum or other legal permits, remaining in the United States is far from assured for the diplomats, although it is not expected that they would be sent back to Afghanistan, where they could be in danger for working for the previous government.

Afghan diplomats around the world, led by a group of senior ambassadors in Western capitals, refused to join a conference call scheduled by the new foreign minister, Amir Khan Muttaqi, late last year. Most still have not spoken with him.

Advertisement

Continue reading the main story

“Everyone refused and said: ‘I do not want to talk to a government that came by force. We do not represent you,’” Mr. Nejrabi said.

He added, “Even if the U.S. had a new relationship with the Taliban, and they asked me to stay, I would not, because I cannot betray my people.”

Mr. Nejrabi, 38, was appointed to the prestigious post of the Afghan Embassy’s second in command in Washington in 2019, after diplomatic stints in Dubai and as the vice chairman of the International Chamber of Commerce in Kabul. Now he is hoping for a job in the United States — if he receives legal residency — that will make use of his skills.

“Our diplomats were educated and grew up with freedoms,” he said. “So how can we go back?”

Lara Jakes reported from Washington, and Carlotta Gall from Istanbul.