

119TH CONGRESS
2D SESSION

S. 5308

To designate Afghanistan under section 244 of the Immigration and Nationality Act to permit nationals of Afghanistan to be eligible for temporary protected status under such section, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2026

Mr. COONS (for himself, Ms. MURKOWSKI, Ms. KLOBUCHAR, and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To designate Afghanistan under section 244 of the Immigration and Nationality Act to permit nationals of Afghanistan to be eligible for temporary protected status under such section, 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 “Afghanistan TPS Act
5 of 2026”.

1 **SEC. 2. DESIGNATION FOR PURPOSES OF GRANTING TEM-**
2 **PORARY PROTECTED STATUS.**

3 (a) DESIGNATION.—For purposes of section 244 of
4 the Immigration and Nationality Act (8 U.S.C. 1254a),
5 Afghanistan shall be treated as if it has been designated
6 under subsection (b)(1) of that section.

7 (b) PERIOD OF DESIGNATION.—The initial period of
8 the designation referred to in subsection (a) shall be for
9 the period beginning on the date of the enactment of this
10 Act and ending on July 1, 2029.

11 (c) RECEIPT, PROCESSING, AND ADJUDICATION.—

12 (1) IN GENERAL.—The Secretary of Homeland
13 Security shall—

14 (A) receive and process applications for
15 temporary protected status, and applications for
16 employment authorization in connection with
17 such status, submitted by nationals of Afghani-
18 stan; and

19 (B) not later than 90 days after the date
20 on which such application is received, complete
21 the adjudication of such application.

22 (2) EXTENSION.—The Secretary of Homeland
23 Security may extend, by not more than 150 days,
24 the timeline for adjudication under paragraph (1)(B)
25 with respect to an applicant, if the Secretary cer-
26 tifies to the Committee on the Judiciary of the

1 House of Representatives and the Committee on the
2 Judiciary of the Senate that, based on derogatory
3 information specific to the applicant and in the in-
4 terest of national security, additional time is nec-
5 essary to evaluate the application.

6 (d) ALIENS ELIGIBLE.—As a result of the designa-
7 tion made under subsection (a), an alien who is a national
8 of Afghanistan is deemed to satisfy the requirements
9 under paragraph (1) of section 244(c) of the Immigration
10 and Nationality Act (8 U.S.C. 1254a(c)), subject to para-
11 graph (3) of such section, if the alien—

12 (1) has been continuously physically present in
13 the United States since the date of enactment of this
14 Act;

15 (2) is admissible as an immigrant, except as
16 otherwise provided in paragraph (2)(A) of such sec-
17 tion, and is not ineligible for temporary protected
18 status under paragraph (2)(B) of such section; and

19 (3) registers for temporary protected status
20 consistent with established procedures, including—

21 (A) submission of biometric and biographic
22 data; and

23 (B) completion of applicable criminal and
24 national security background checks.

25 (e) CONSENT TO TRAVEL ABROAD.—

1 (1) IN GENERAL.—The Secretary of Homeland
2 Security shall give prior consent to travel abroad, in
3 accordance with section 244(f)(3) of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1254a(f)(3)), to
5 an alien who is granted temporary protected status
6 pursuant to the designation made under subsection
7 (a) if the alien establishes to the satisfaction of the
8 Secretary of Homeland Security that emergency and
9 extenuating circumstances beyond the control of the
10 alien require the alien to depart for a brief, tem-
11 porary trip abroad.

12 (2) TREATMENT UPON RETURN.—An alien re-
13 turning to the United States in accordance with an
14 authorization described in paragraph (1) shall be
15 treated as any other returning alien provided tem-
16 porary protected status under section 244 of the Im-
17 migration and Nationality Act (8 U.S.C. 1254a).

18 (f) WAIVER.—The Secretary of Homeland Security
19 shall permit aliens to apply for a waiver of any fees associ-
20 ated with filing an application for temporary protected
21 status under section 244 of the Immigration and Nation-
22 ality Act (8 U.S.C. 1254a) by a person who is only eligible
23 for such a status by reason of subsection (a).

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