

## **Joint Department of State/Department of Homeland Security Report: Status of the Iraqi Special Immigrant Visa Program**

### **Introduction**

The Department of State, the Department of Homeland Security (DHS), and other U.S. government departments and agencies involved in the U.S. Special Immigrant Visa (SIV) program have the highest respect for the men and women who take enormous risks to help our military and civilian personnel. We are committed to helping those who have helped us. The U.S. government has devoted substantial resources to reducing the amount of time required to complete the SIV process, authorized under section 1244 of the *Refugee Crisis in Iraq Act of 2008* as amended, while still ensuring thorough screening for national security concerns, and we continue to strive for improvements to the process.

The Department of State's authority to issue SIVs to Iraqi nationals under this program was extended through the *National Defense Authorization Act for Fiscal Year (FY) 2014* (Pub. L. No. 113-66), which allocated 2,500 visas for Iraqi principal applicants as of January 1, 2014. As of June 30, 2018, the Department has issued 1,988 out of the 2,500 SIVs allocated to Iraqi principal applicants who were employed by, or on behalf of, the U.S. government in Iraq. This program will continue until all qualified applicants have received visas. There are sufficient visa numbers remaining to meet demand from applicants in the pipeline.

### **Average Wait Times for Each Step of the SIV Application Process**

All steps in the SIV application process are outlined below and include the current average processing time spent by all U.S. government entities. This statistic captures total U.S. government processing time in calendar days, beginning with the applicant's initial submission of documents to the Department of State's National Visa Center (NVC) and ending with the date of visa issuance at a U.S. embassy or consulate.<sup>1</sup> It does not capture those steps in the SIV process that depend solely on the applicant's initiative and are outside the control of the U.S. government. SIV applications move through 14 steps, in the following four stages: The Chief of Mission (COM) application process; Form I-360 petition adjudication by DHS; visa interview and security screening; and final visa adjudication (issuance or denial).

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<sup>1</sup> The Department of State's National Visa Center (NVC) should not be confused with the National Vetting Center, also known as NVC, established under the National Security Presidential Memorandum 9.

<b>Special Immigrant Visa (SIV) Processing Steps<sup>1</sup></b>			
<b>Stage</b>	<b>Step</b>	<b>Description</b>	<b>Average processing times in calendar days</b>
Chief of Mission (COM) application process	1	Applicant submits COM application package to State's NVC. (The deadline for this step was September 30, 2014. See page 5 for additional details.)	Applicant-controlled
	2	NVC reviews documents for completeness.	N/A <sup>2</sup>
	3	NVC sends completed COM package to U.S. Embassy Baghdad.	N/A <sup>2</sup>
	4	U.S. Embassy Baghdad reviews COM application and makes a decision to approve or deny.	N/A <sup>2</sup>
	5	U.S. Embassy Baghdad advises NVC if COM application is approved. NVC immediately sends approval letter to applicant. (If any documents reveal that the applicant does not qualify for the program, the COM application is denied.)	N/A <sup>2</sup>
Form I-360 adjudication process	6	Applicant self-petitions to DHS U.S. Citizenship and Immigration Services (USCIS) using form I-360.	Applicant-controlled
	7	USCIS adjudicates petition and sends to NVC if approved. <sup>3</sup>	15

Visa Interview Process, including prior to and after interview <sup>4</sup>	8	NVC sends instruction packet to applicant requesting standard immigrant visa documentation.	12
	9	Applicant submits required documentation to NVC.	Applicant-controlled
	10	NVC reviews documents for completeness.	3
	11	NVC schedules applicant for next available interview at U.S. Embassy Baghdad. <sup>5</sup>	32
	12	Applicant is interviewed by consular officer on the scheduled appointment date. Administrative processing is initiated following the interview.	2
	13	The applicant's case undergoes administrative processing. <sup>5</sup>	188
Visa issuance to eligible applicants	14	Upon completion of administrative processing, the applicant is instructed to obtain a medical exam. The visa is issued if the applicant is eligible. In some cases, the passport will have expired and requires renewal by the applicant.	Applicant-controlled
		<b>Total U.S. government processing time in calendar days<sup>6</sup></b>	<b>252</b>
<sup>1</sup> Processing steps are for SIVs authorized under section 1244 of the			

Refugee Crisis in Iraq Act of 2008, as amended. This applies to Iraqi nationals in the SQ classification.
<sup>2</sup> There were no new applications for Chief of Mission approval filed by Iraqi principal applicants between April 1 and June 30, 2018.
<sup>3</sup> For I-360 petitions filed with USCIS between April 1 and June 30, 2018.
<sup>4</sup> The majority of applicants receive SIV status by going through the process explained in this chart. Applicants who obtain SIV status in the United States apply for <a href="#">adjustment of status</a> from USCIS.
<sup>5</sup> As of November 2017, NVC began scheduling SIV applicants on behalf of the U.S. Embassy Baghdad.
<sup>6</sup> Line 13 totals include data for SIV applicants who completed administrative processing between April 1 and June 30, 2018. Processing time for cases that remain pending cannot be calculated until they are completed.
<sup>7</sup> The statistics in this chart were formerly reported in business days in reports published April 2014 – April 2016. U.S. government processing times do not factor in applicant-controlled steps. Overall processing times are greater than U.S. government processing times.

### **Applications Pending Longer Than Nine Months**

Even if an applicant has acted promptly in each of the applicant-controlled steps that precede Step 13 of the SIV application process, applications may be pending longer than nine months for completion of administrative processing (Step 13). Although Step 13 is lengthy, it is essential to the integrity of the SIV program and process enhancements have resulted in improved efficiency.

### **Applications Pending at Each Stage of the SIV Application Process**

As of June 30, 2018, the following numbers of Iraqi applicants were pending in one of the application stages:

- There were no COM applications submitted by Iraqi principal applicants pending at NVC (Step 1) during this period. The deadline for Iraqis to apply for COM approval was September 30, 2014.
- 21 Iraqi principal applicants had a Form I-360 petition pending with USCIS (Step 7).
- There are three principal applicants and 11 derivative family members at the documentation submission stage of the process (Step 11).
- Applications for 156 principal applicants and 56 family members were undergoing administrative processing (Step 13).

### Number of SIV Applicants in Third Quarter of FY 2018

The following chart shows the number of Iraqi applicants who applied for SIVs in the third quarter of FY 2018 under section 1244 of the *Refugee Crisis in Iraq Act of 2008*, as amended, subsequent to receiving COM approval:

Month	Principal Applicants	Family Members	Total
April	3	9	12
May	10	33	43
June	7	27	34
<b>Total</b>	<b>20</b>	<b>69</b>	<b>89</b>

### Applications Denied or Pending at Each Stage of the SIV Application Process

At the end of the third quarter of FY 2018 on June 30, 2018, the following numbers of applications had been denied or were pending at one of the application stages:

- The deadline to submit an application for COM approval was September 30, 2014. An applicant was deemed to have sought COM approval if he or she sent an email to NVC indicating that he or she was seeking COM approval and the written materials contained, at a minimum, name, nationality, and email address. No Iraqi principal applicants were deemed unqualified to receive COM approval and one had the approval revoked during the third quarter of FY 2018. Applicants whose COM applications are denied or revoked are able to submit one appeal within 120 days of receiving the denial or revocation letter. Two principal applicants submitted appeals during the third quarter of FY 2018.
- One principal applicant had a Form I-360 petition denied by USCIS during the third quarter of FY 2018.
- As of June 30, 2018, three principal applicants and 11 derivative family members were pending scheduling for visa interviews.
- As of June 30, 2018, applications for 156 principal applicants and 56 derivative family members were undergoing administrative processing.

### Reasons for COM Denial

As reflected in denial letters sent by the COM designee at Embassy Baghdad, denial of a COM application generally occurs for one or more of the following four reasons:

- *Failure to establish employment by or on behalf of the U.S. government.* State has considered the employment requirement satisfied for an alien hired under a direct-hire appointment, or an agency's personal services agreement or personal services contract authority. State has also considered Iraqi nationals hired by and paid through a U.S. government contractor or subcontractor to meet the broader criteria for employment "by or on behalf of" the U.S. government. State has not considered the requirement under 1244 to be "employed by or on behalf of the United States government" satisfied in other situations, such as individuals employed by an entity funded by a grant or cooperative agreement with the U.S. government, or self-employed businesspersons who operate under a license with the U.S. government.
- *Failure to establish at least one year of employment by or on behalf of the U.S. government between March 20, 2003 and September 30, 2013.*
- *Failure to establish providing faithful and valuable service to the U.S. government.* Applications denied for this reason generally have involved cases lacking the requisite positive recommendation or evaluation. In some instances where faithful and valuable service was not confirmed, employment by or on behalf of the U.S. government had been terminated for cause.
- *Derogatory information associated with the applicant that is incompatible with the requirements of the SIV program.* This reason for denial generally relates to information that the applicant engaged in an unlawful, unethical, criminal, or terrorism-related activity.