

Joint Department of State/Department of Homeland Security Report: Extension and Improvement of the Iraqi Special Immigrant Visa (SIV) Program

Introduction

The Department of State (State), Department of Homeland Security (DHS), and all other U.S. government departments and agencies involved in the U.S. SIV program have the highest respect for the men and women who take enormous risks in helping our military and civilian personnel. We are committed to helping those who – at great personal risk – have helped us. The U.S. government has devoted resources to reducing the amount of time required to complete the SIV process, authorized under section 1244 of the National Defense Authorization Act for FY 2008, as amended, and we are striving for even greater improvements to the process.

A multi-agency effort in the second half of FY 2013 ensured that all approvable Iraqi principal applicants were issued visas before the program temporarily ended on September 30, 2013. A total of 3,550 Iraqis (1,336 principal applicants and 2,214 family members) were issued SIVs in FY 2013. Issuance numbers through the second quarter of FY 2014 are available on travel.state.gov.

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 captures total U.S. government processing time, beginning with the applicant's initial submission of documents to the National Visa Center (NVC) and ending with the date of visa issuance at Embassy Baghdad. The figure does not capture those steps in the SIV process that are solely dependent on the applicant's initiative and outside the control of U.S. government entities. SIV applications move through 14 steps in these four stages: Chief of Mission Application Process; I-360 Adjudication; Visa Interview; and Visa Issuance.

Special Immigrant Visa (SIV) Processing Steps****			
Stage	Step		Current average processing times for Iraqi cases applying in Baghdad (business days)
Chief of Mission application process	1	Applicant submits Chief of Mission (COM) application package to the Department of State's National Visa Center (NVC).	applicant-controlled
	2	NVC reviews documents for completeness.	10
	3	NVC sends completed COM package to U.S. Embassy Baghdad.	1
	4	U.S. Embassy Baghdad reviews COM application and makes a decision to approve or deny.	10 (If all required documents are present)
	5	U.S. Embassy Baghdad advises NVC if COM application is approved. NVC immediately sends approval letter to applicant. (If any documents reveal that applicant does not qualify for the program, the COM application is denied.)	5
I-360 adjudication process	6	Applicant self-petitions to the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) using form I-360.	applicant-controlled
	7*	USCIS adjudicates petition and sends to NVC if approved.	15
Visa Interview Process, including prior to and after interview	8	NVC sends instruction packet to applicant requesting standard immigrant visa documentation.	10
	9	Applicant submits required documentation to NVC.	applicant-controlled
	10	NVC reviews documents for completeness.	10

	11	NVC schedules applicant for next available interview at U.S. Embassy Baghdad.	20
	12	Applicant is interviewed by consular officer on the scheduled appointment date. Administrative processing is initiated following the interview.	1
	13**	The applicant's case undergoes administrative processing.	157
Visa Issuance to eligible applicants	14	Upon completion of administrative processing, visa is issued if applicant is eligible. In some cases, the passport or medical exam will have expired and require renewal by the applicant.	applicant-controlled
		Total USG processing time***	239
*based on NVC data			
**Line 13 totals includes data for all cases issued as of January 31, 2014; processing time for cases that remain pending cannot be calculated without a completion date.			
***USG processing times do not factor in applicant-controlled steps. Overall processing times are greater than USG processing times.			
****Processing steps are for SQ SIVs.			

Applications Pending Longer Than Nine Months

Applications pending longer than nine months are in step 13 of the SIV application process. Process improvements have resulted in improved efficiencies at this step.

Applications Pending at Each Stage of the SIV Application Process

As of April 18 , the following numbers of Iraqi applicants are pending in one of the application stages:

- 1,019 principal applicants have Chief of Mission (COM) applications pending at the Department of State’s National Visa Center. These applicants have submitted some, but not all, of the documents required to apply for

COM approval. COM applications with all required documents are sent to Embassy Baghdad within one business day. This figure reflects the number of applicants who have taken action on their applications for COM approval within the past 120 days. COM applications must be complete by September 30, 2014, in order to proceed with SIV processing.

- 31 principal applicants have Form I-360 petitions pending with U.S. Citizenship and Immigration Services (USCIS).
- 102 principal applicants and 229 family members are currently scheduled for visa interviews. Interviews are scheduled approximately 60 days in advance. Applicants utilize this time to gather any remaining documents required for their interviews, undergo medical examinations, and prepare for travel to Baghdad. 39 principal applicants and 102 family members are waiting to be scheduled for visa interviews. Most Iraqi applicants will be interviewed at Embassy Baghdad as they reside in Iraq. Applicants residing outside of Iraq will be interviewed at the U.S. Embassy or Consulate that processes immigrant visas for their countries of residence.
- Applications for 526 principal applicants and 109 family members are undergoing administrative processing.

Number of SIV Applicants in FY 2013

The following numbers of Iraqi applicants applied for SIVs in FY 2013 under section 1244 of the National Defense Authorization Act for FY 2008, subsequent to receiving COM approval:

	Principal Applicants	Family Members	Total
October	57	138	195
November	81	167	248
December	78	162	240
January	48	94	142
February	58	119	177
March	61	127	188
April	55	94	149

May	46	72	118
June	42	53	95
July	52	95	147
August	75	124	199
September	137	232	369
Total	790	1477	2267

Applicants Denied or Pending at Each Stage of the SIV Application Process

At the end of FY 2013 on September 30, 2013, the following numbers of applicants were denied or pending at one of the application stages:

- 552 principal applicants did not qualify to receive COM approval or had their approval revoked in FY 2013 by the COM designee in Embassy Baghdad. Although initially denied, or subsequently revoked following COM approval, these applicants were able to appeal their denials, and of those applicants that appealed, approximately 25 percent were subsequently approved.
- 15 principal applicants had their Form I-360 petitions denied by USCIS.
- 57 principal applicants and 157 family members were waiting to be scheduled for visa interviews. No new applicants were scheduled for visa interviews as of September 30, 2013 because the Iraqi SIV program was scheduled to sunset on that date. It was subsequently extended through legislation until December 31, 2013 on October 4, 2013 and again extended on December 26, 2013. In addition to first-time interviews, Embassy Baghdad has conducted interviews for cases where initial interviews were delayed at applicants' requests or because applicants failed to appear on their original interview dates.
- Applications for 348 principal applicants and 25 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 four reasons:

- Failure to establish employment by or on behalf of the U.S. government. The Department of State has considered the employment requirement satisfied in the case of an alien hired under a direct-hire appointment or the employing agency's personal services agreement (PSA) or personal services contract (PSC) 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 working as an employee of 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 of faithful and valuable service to the U.S. government. Applicants denied for this reason generally have not obtained the requisite positive recommendation or evaluation. In some instances, employment by or on behalf of the U.S. government was 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.

Prior to enactment of the National Defense Authorization Act (NDAA) for FY 2014 on December 26, 2013, the burden of establishing that the applicant had experienced or was experiencing an ongoing serious threat as a consequence of employment by or on behalf of the U.S. government rested solely with the applicant. The NDAA authorized consideration of a credible sworn statement depicting dangerous country conditions, together with official evidence of such country conditions from the U.S. government.