

## **Joint Department of State/Department of Homeland Security Report: Status of the Afghan 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 assisting our military and civilian personnel. We are committed to helping those who 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 602(b) of the Afghan Allies Protection Act of 2009, as amended, and we continue to strive for even greater improvements. These efforts have resulted in a record number of visa issuances. As of July 29, 2014, State has issued in this fiscal year more than 7,200 SIVs to Afghans who were employed by or on behalf of the U.S. government in Afghanistan and to their family members, more than all previous years combined. SIV issuance numbers through the third quarter of FY 2014 are available on [travel.state.gov](http://travel.state.gov).

On August 8, 2014, President Obama signed the Emergency Afghan Allies Extension Act of 2014 (H.R. 5195), which provides 1,000 additional SIVs for Afghan principal applicants in addition to the 3,000 visas originally allocated for FY 2014. These 1,000 additional SIVs must be issued by December 31, 2014. At the current issuance rate, State expects that these visas will be exhausted well before that date.

### **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 Kabul. 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 (COM) Application Process, I-360 Adjudication, Visa Interview, and Visa Issuance.

<b>SIV Processing Steps****</b>			
<b>Stage</b>	<b>Step</b>	<b>Description</b>	<b>Current average processing times for Afghan cases applying in Kabul (business days)</b>
COM application process	1	Applicant submits COM application package to the Department of State's NVC.	applicant-controlled
	2	NVC reviews documents for completeness.	10
	3	NVC sends completed COM package to U.S. Embassy Kabul.	1
	4	U.S. Embassy Kabul reviews COM application and makes a decision to approve or deny.	10 (if all required documents are present)
	5	Embassy Kabul 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	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 Kabul.	66
	12	Applicant is interviewed by consular officer on the scheduled appointment date. Administrative processing is initiated following the interview.	3

	13**	The applicant's case undergoes administrative processing.	145
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
		<b>Total USG processing time***</b>	<b>275</b>
*Based on NVC data			
**Line 13 totals include data for all cases issued as of July 15, 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**

Where applicants have acted promptly on each of the applicant-controlled items leading up to step 13, delays in processing that exceed nine months are the result of administrative processing. Procedural improvements have resulted in a more efficient administrative processing phase.

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

As of July 18, 2014, the following numbers of Afghan applicants are pending in one of the application stages:

- 1,536 principal applicants have COM applications pending at State's NVC (Step 1). 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 Kabul 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.
- 145 principal applicants have Form I-360 petitions pending with USCIS (Step 7).

- 696 principal applicants and 1,741 family members are waiting to be scheduled for visa interviews (Step 11).
- Applications for 2,290 principal applicants and 273 family members are undergoing administrative processing (Step 13).

### **Number of SIV Applicants in First Half of FY 2014**

The following chart shows the number of Afghan applicants who applied for SIVs in the first half of FY 2014 under section 602(b) of the Afghan Allies Protection Act of 2009, subsequent to receiving COM approval:

Month	Principal Applicants	Family Members	Total
October	395	464	<b>859</b>
November	413	588	<b>1001</b>
December	351	579	<b>930</b>
January	327	412	<b>739</b>
February	361	670	<b>1031</b>
March	562	1036	<b>1598</b>
<b>Total</b>	<b>2409</b>	<b>3749</b>	<b>6158</b>

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

At the end of the first half of FY 2014 on March 31, 2014, the following numbers of applications were denied or pending at one of the application stages:

- 567 principal applicants did not qualify to receive COM approval or had their approval revoked in FY 2013 by the COM designee at Embassy Kabul. Although initially denied, or subsequently revoked following COM approval, these individuals were able to appeal the denials. Of those applicants that appealed, 50 percent were subsequently approved.
- 23 principal applicants had their Form I-360 petitions denied by USCIS.

- 647 principal applicants and 1,598 family members had scheduled visa interviews. 204 principal applicants and 581 family members were waiting to be scheduled for visa interviews.
- Applications for 2,301 principal applicants and 464 family members were undergoing administrative processing.

### **Reasons for COM Denial**

As reflected in denial letters sent by the COM at Embassy Kabul, 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. 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 also has considered Afghan 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 602(b) requirement 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 October 7, 2001, and December 31, 2014.
- Failure to establish that the applicant provided faithful and valuable service to the U.S. government. Individuals whose applications are 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 an 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.