

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

The Department of State (State), the Department of Homeland Security (DHS), and other U.S. government departments and agencies involved in the Afghan Special Immigrant Visa (SIV) program are committed to helping the men and women who have taken significant risks to support our military and civilian personnel. Congress, under section 602(b) of the *Afghan Allies Protection Act of 2009*, as amended, requires this quarterly report to review statistical data on nationals of Afghanistan who have applied for status as special immigrants.

On December 27, 2020, Congress authorized an additional 4,000 SIVs to Afghan principal applicants, resulting in a program total of 26,500 available SIVs.

How many Afghan SIVs have been issued in the First Quarter of FY 2021 (October 1, 2020 to December 31, 2020)?

Afghan Principal Applicants Issued	Afghan Derivative Applicants Issued	Total Afghan SIVs Issued in FY 2021	Total Afghan Numbers Used (Overall)	Remaining SIVs for Afghan applicants
237	1,084	1,321	15,507	10,993

What efficiency improvements have been made to Afghan SIV processing?

Chief of Mission (COM) continues to seek efficiencies that streamline the approval process and reduce case processing times, automate procedures, and augment unit staffing through temporary support personnel.

The Bureau of Consular Affairs (CA) approved a request from the U.S. Embassy in Kabul to waive the legally mandated, in-person oath in the presence of a consular officer in cases where the oath had expired. This allowed the Embassy to process numerous cases without exposing Embassy staff to unnecessary COVID-related risks through additional in-person contact with applicants. This has assisted the U.S. Embassy in Kabul to reduce its backlog of immigrant visa cases and assist in the adjudication of additional SIV cases moving forward.

Despite the potential risks from COVID-19 and a lack of locally employed staff at the U.S. Embassy in Kabul, the Embassy implemented a procedure for taking oaths from applicants who had added newborn derivative children to their existing cases. This allowed those families to immigrate to the United States together, rather than face the possibility of separation from their newborn children until a time when in-person oaths could be taken at a lower risk to Embassy staff.

The National Visa Center (NVC) identified and corrected an issue that was preventing certain SIV applicants from submitting required documentation. NVC is working with COM to reconcile all approvals and confirm that eligible cases are moving forward.

What is the average U.S. government processing time for Afghan SIVs and how many cases are processed in that time?

All steps in the SIV application process are outlined below and include the current average processing time for all involved 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 State’s National Visa Center (“NVC”) and ending with the date of visa issuance at a U.S. embassy or consulate.¹ 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.

Special Immigrant Visa (SIV) Processing Steps¹				
Stage	Step	Description	Average processing time in calendar days for Q1	# of Cases Processed in Q1
Chief of Mission (“COM”) application process	1	Applicant submits COM application package to State's NVC.	Applicant-controlled	N/A
	2	NVC reviews documents for completeness.	10	9,859 ²
	3	NVC sends completed package to the COM Committee at the U.S. Embassy Kabul.	1	969
	4	The COM Committee reviews the application and makes a decision to approve or deny.	833 ³	3,273
	5	The COM Committee advises NVC if the application is approved. If 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	3,088

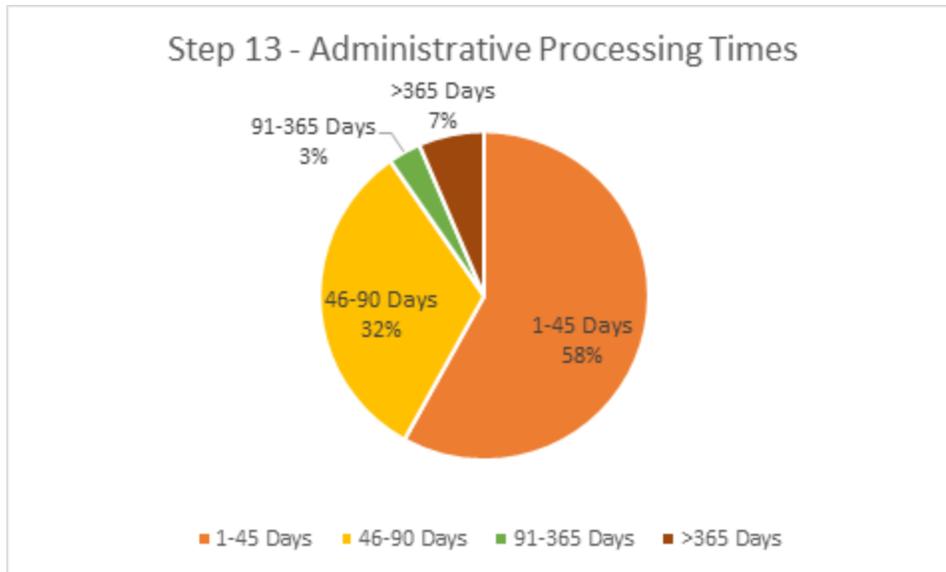
¹ The Department of State’s National Visa Center (“NVC”) should not be confused with the National Vetting Center, also known as NVC, established under the National Security Presidential Memorandum 9.

Form I-360 adjudication process	6	Applicant self-petitions to DHS U.S. Citizenship and Immigration Services (“USCIS”) using form I-360.	Applicant-controlled	N/A
	7	USCIS adjudicates petition and sends to NVC if approved. ⁴	37	889
Visa interview process, including pre- and post-interview ⁵	8	NVC sends instruction packet to applicant requesting standard immigrant visa documentation.	10	291
	9	Applicant submits required documentation to NVC.	Applicant-controlled	N/A
	10	NVC reviews documents for completeness.	10	455
	11	NVC schedules applicant for next available interview at the U.S. embassy’s consular section.	N/A	9
	12	Applicant is interviewed by consular officer on the scheduled appointment date. Administrative processing is initiated following the interview.	N/A	0 ⁶
	13	The applicant’s case undergoes administrative processing. ⁷	93	33
Visa issuance to eligible applicants	14	Upon completion of administrative processing, applicant is instructed to obtain a medical exam. The visa is issued if applicant is eligible. In some cases, the passport will have expired and requires renewal by the applicant.	Applicant-controlled	N/A
		Total U.S. government processing time in calendar days⁸	996	N/A

¹ Processing steps are for SIVs authorized under section 602(b) of the Afghan Allies Protection Act of 2009, as amended. This applies to Afghan nationals in the SQ classification.
² This is the number of cases currently at the National Visa Center in which the applicant has yet to provide all required documents.
³ Totals include data for SIV applicants who completed Chief of Mission Committee review between October 1, 2020 and December 31, 2020.
⁴ For I-360 petitions filed with USCIS between October 1, 2020 and December 31, 2020.
⁵ 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 adjustment of status from USCIS.
⁶ Line 12 reflects the number of cases interviewed at the U.S. Embassy Kabul.
⁷ Line 13 totals include data for SIV applicants who completed administrative processing between October 1, 2020 and December 31, 2020. Average processing time for cases that remain pending cannot be calculated until they are completed. A high number in this field reflects older cases being completed, not older cases languishing.
⁸ 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.

Why are applications pending longer than nine months?

Certain applications may be pending longer than nine months for completion of COM review (Step 4) and administrative processing (Step 13). At these steps, cases are pending more than nine months due to low program staffing and high caseload volume. During the COM review, the Congressionally mandated prioritization plan implemented by the Department focuses attention on the higher tiers. Lower tiers, therefore, wait longer for review and analysis relative to higher tiers. Administrative processing often involves rigorous background checks, which are essential to the integrity of the SIV program. This processing may take anywhere from less than 30 days to over a year, the below chart shows the percentage of cases processed in 45, 90, 365, or over 365 days. Wait times at the COM stage also increase when there is an increase in the volume of cases processed by COM. The increase in wait time is due to a greater number of older cases being processed, thereby making the average wait time longer. The processing numbers achieved during this quarter were due to the 35 temporary staff COM received because of COVID-19 pandemic evacuations.



Limited staffing as well as local safety conditions directly related to the COVID-19 pandemic severely impacted the number of SIV visa application interview appointments and issuances and increased processing times during this quarter. In particular, Embassy Kabul was closed for in-person visa services throughout this quarter due to the prevalence of COVID-19 in Afghanistan.

How many SIV applications are pending as of December 31, 2020?

- Step 1 – 8,795 principal applicants had COM applications pending at NVC. These applicants had submitted some, but not all, of the documents required to apply for COM approval.
- Step 4 – 4,531 principal applicants had applications pending COM approval. These applicants have submitted all of their documents and are being reviewed by the COM committee.
- Step 7 – 803 principal applicants had Form I-360 petitions pending with USCIS.
- Step 11 – 622 principal applicants and 2,438 derivative family members were pending scheduling for visa interviews. Most Afghan applicants will be interviewed at U.S. Embassy Kabul, as they reside in Afghanistan. Applicants who reside outside of Afghanistan will be interviewed at the U.S. embassy or consulate that adjudicates immigrant visa applications for their country of residence.
- Step 13 – Applications for approximately 224 principal applicants and 83 family derivative members were undergoing administrative processing as of December 31, 2020.

How many SIV applicants were interviewed in the First Quarter of FY 2021?

Nine Afghan applicants, who received COM approval, were scheduled for an interview in the first quarter of FY 2021 under section 602(b) of the *Afghan Allies Protection Act of 2009*, as amended. There were relatively few interviews this quarter because U.S. Embassy Kabul was closed for in-person visa services due to the prevalence of COVID-19 in Afghanistan. In all nine cases, the applicants requested to have their interview conducted at an alternate post.

How many denials were there in the First Quarter of FY 2021?

At the end of this quarter, the following numbers of applications were denied at one of the application stages:

- 1,646 Afghan principal applicants were deemed unqualified to receive COM approval or had the approval revoked during the first quarter of FY 2021. Applicants whose COM applications are denied or revoked can appeal the decision. 243 Afghans submitted appeals during the first quarter of FY 2021. Of the appeals adjudicated during this quarter, 191 were approved after the applicant submitted additional information.
- One principal applicant had a Form I-360 petition denied by USCIS during the first quarter of FY 2021. There were 1,384 petitions filed.

What are the reasons for a COM denial?

Denial of a COM application generally occurs for one or more of the following reasons:

- *Failure to establish qualifying employment by or on behalf of the U.S. government, or by the International Security Assistance Force (ISAF) or a successor mission.* For Afghans employed by or on behalf of the U.S. government, State considers the employment requirement satisfied for an alien hired under a direct-hire appointment, or through an agency's personal services agreement (PSA) or personal services contract (PSC) authority. State has also considered Afghan nationals hired by and paid through a U.S. government contractor, subcontractor, or Employee Association to meet the broader criteria for employment "by or on behalf of" the U.S. government. State has not considered the requirement under section 602(b) 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. For Afghans employed by ISAF, or a successor mission, Section 1227 of the FY 2015 National Defense Authorization Act states that qualifying applicants must be employed "by the International Security Assistance Force," interpreted to include direct hires by ISAF or ISAF member nations. The National Defense Authorization Act ("NDAA") for FY 2017 requires Afghans employed by or on behalf of the U.S. government who submit an application for COM approval on or after December 23, 2016, to further establish that their employment required them to serve as an interpreter or translator for personnel of the Department of State or the United States Agency for International Development (USAID); to serve as an interpreter or translator for U.S. military personnel; or to

perform sensitive and trusted activities for the U.S. government. The NDAA for FY 2020, signed on December 20, 2019, removed these additional requirements.

- *Insufficient documentation.* Applications are denied for this reason if the applicant fails to provide a required document, or if there is a deficiency in a document provided by the applicant.
- *Failure to establish the required length of employment by or on behalf of the U.S. government, or by ISAF or a successor mission, during the period specified in section 602(b) of the Afghan Allies Protection Act of 2009, as amended.* Applicants who submitted applications for COM approval on or before September 30, 2015, must demonstrate one year of qualifying service. Applicants who submitted or submit applications for COM approval on or after October 1, 2015, must demonstrate two years of qualifying service.
- *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.

What are the reasons for an I-360 denial?

Denial of an I-360 petition generally occurs for one or more of the following five reasons:³

- Failure to provide a valid Chief of Mission approval letter.
- Failure to establish nationality by providing a proper national identification document; such as an Afghan passport, or taskera.
- Failure to sign the I-360 petition.
- Failure to provide a valid supervisor or flag officer's letter of recommendation.
- Failure to respond to a Request for Evidence issued by USCIS in the course of its adjudication of the I-360 petition.

³ A denial is generally issued after the applicant has been provided notice of any deficiency and the opportunity to rectify any incomplete or missing evidence.