

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

### **Introduction**

The Department of State (State), the Department of Homeland Security (DHS), and all 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 in helping 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 602(b) of the Afghan Allies Protection Act of 2009, as amended, and we continue to strive for even greater improvements to the process. These efforts have resulted in a record number of visa issuances. As of December 14, 2014, State had issued all 4,000 Afghan principal applicant SIVs allocated by the Consolidated Appropriations Act for Fiscal Year (FY) 2014 (3,000 SIV numbers, available through September 30, 2015) and the Emergency Afghan Allies Extension Act of 2014 (1,000 SIV numbers, available through December 31, 2014). SIV issuance numbers through the first quarter of FY 2015 are available on [usvisas.state.gov](http://usvisas.state.gov).

On December 19, 2014, President Obama signed the National Defense Authorization Act (NDAA) for FY 2015, which provides 4,000 additional SIVs for Afghan principal applicants. These 4,000 additional SIVs are available through March 31, 2017. Following a six-month hiatus in scheduling of first-time SIV applicant interviews because of the unavailability of visa numbers, SIV interviews resumed in January 2015.

The NDAA for FY 2015 expands the Afghan SIV program to include certain Afghans who were employed by the International Security Assistance Force (ISAF) in a capacity requiring that they either traveled off-base with U.S. military personnel stationed at ISAF to serve as their translators or interpreters, or that they performed sensitive and trusted activities for U.S. military personnel stationed at ISAF. Information is available on [usvisas.state.gov](http://usvisas.state.gov) on the documentary requirements for qualifying ISAF employees to apply for Chief of Mission (COM) approval, the first step in the application process.

## 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 for all involved U.S. government entities. This statistic captures total U.S. government processing time, 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 Embassy Kabul. It does not capture those steps in the SIV process that are solely dependent 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: COM Application Process; Form I-360 Adjudication; Visa Interview; and Visa Issuance.

<b>Special Immigrant Visa (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>
Chief of Mission application process	1	Applicant submits COM application package to State's NVC.	Applicant-controlled
	2	NVC reviews documents for completeness.	50
	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
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.	15
Visa Interview Process, including pre-	8	NVC sends instruction packet to applicant requesting standard immigrant visa documentation.	10

and post-interview *****	9	Applicant submits required documentation to NVC.	Applicant-controlled
	10	NVC reviews documents for completeness.	37
	11	NVC schedules applicant for next available interview at U.S. Embassy Kabul.	60
	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.	138
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 require renewal by the applicant.	Applicant-controlled
		<b>Total U.S. government processing time***</b>	<b>329</b>
*Based on NVC data			
**Line 13 totals include data for principal applicant cases issued during Calendar Year (CY) 2014. Average processing time for cases that remain pending cannot be calculated until they are completed.			
***U.S. government processing times do not factor in applicant-controlled steps. Overall processing times are greater than U.S. government processing times.  Total U.S. government processing time is expected to decrease in coming quarterly reports due to improved efficiencies throughout the application process.			
****Processing steps are for SQ SIVs.			
*****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.			

## 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 of the SIV application process). Although step 13 is lengthy, process enhancements have resulted in improved efficiency.

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

As of February 13, 2015, the following numbers of Afghan applicants are pending in one of the application stages:

- 8,174 principal applicants have COM applications pending at the 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 submitted by December 31, 2015.
- 56 principal applicants have Form I-360 petitions pending with USCIS (Step 7).
- 1,268 principal applicants and 2,381 family members are currently scheduled for visa interviews (Step 11). Interviews are scheduled approximately 60 days in advance. Applicants utilize this time to gather any remaining documents required for their interviews and prepare for travel to the U.S. embassy or consulate. Most Afghan applicants will be interviewed at Embassy Kabul, as they reside in Afghanistan. Applicants who reside outside of Afghanistan will be interviewed at the U.S. embassy or consulate that processes immigrant visa applications for their countries of residence. The NVC did not schedule any first-time interviews for Afghan principal applicants and their accompanying family members from July 2014 through December 2014, as the number of applicants who had already completed their initial interviews and whose applications were in process exceeded the number of visas then available to principal applicants. As the NDAA for FY 2015 allocates 4,000 visas, interviews for Afghan SIV applicants resumed in January 2015. However, because of the six-month break in interviews, there are a large number of applicants waiting to be scheduled. 986 principal applicants and 2,974 family members are waiting to be scheduled for visa interviews as of February 13, 2015.
- Applications for 1,163 principal applicants and 91 family members are undergoing administrative processing (Step 13).

### **Number of SIV Applicants in First Quarter of FY 2015**

The following chart shows the number of Afghan applicants who applied for SIVs in the first quarter of FY 2015 under section 602(b) of the Afghan Allies Protection Act of 2009, subsequent to receiving COM approval:

Month	Principal Applicants	Family Members	<b>Total</b>
October	6	111	<b>117</b>
November	0	63	<b>63</b>
December	5	67	<b>72</b>
<b>Total</b>	<b>11</b>	<b>241</b>	<b>252</b>

Embassy Kabul plans to interview, on average, approximately 500 principal applicants and their accompanying family members per month.

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

At the end of the first quarter of FY 2015 on December 31, 2014, the following numbers of applicants were denied or pending at one of the application stages:

- Of those Afghan principal applicants who submitted applications for COM approval during the first quarter of FY 2015, 120 did not qualify to receive COM approval. These applicants are able to appeal their denials, and of those applicants that submit appeals, 50 percent are generally approved.
- 16 principal applicants had their Form I-360 petitions denied by USCIS during the first quarter of FY 2015.
- As of December 31, 2014, 237 principal applicants and 350 family members had scheduled visa interviews. The NVC did not schedule any first-time interviews for Afghan principal applicants and their accompanying family members from July 2014 through December 2014 as the number of applicants who had already completed their initial interviews and whose applications were in process exceeded the number of visas then available to

principal applicants. As the NDAA for FY 2015 allocates 4,000 visas, interviews for Afghan SIV applicants resumed in January 2015. However, because of the six-month break in interviews, a large number of applicants are waiting to be scheduled. 2,180 principal applicants and 6,149 family members were waiting to be scheduled for visa interviews as of December 31, 2014.

- As of December 31, 2014, applications for 1,254 principal applicants and 76 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.* 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 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 602(b) to be "employed by or on behalf of the United States government" satisfied in other situations, such as individuals for 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 during the period specified in section 602(b) of the Afghan Allies Protection Act of 2009, as amended.*
- *Failure to establish providing of 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.

Prior to enactment of the 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.

Prior to enactment of the NDAA for FY 2015 on December 19, 2014, ISAF employees did not qualify for the Afghan SIV Program and, as such, their COM applications were denied. ISAF employees who serve as interpreters or translators for U.S. military personnel stationed at ISAF while traveling off-base with U.S. military personnel or perform sensitive and trusted duties for U.S. military personnel stationed at ISAF will now be able to qualify if they meet all other program requirements. Information is available on [usvisas.state.gov](http://usvisas.state.gov) on the documentary requirements for qualifying ISAF employees to apply for COM approval.