

Joint Department of State/Department of Homeland Security Report: Status of the Afghan Special Immigrant Visa (SIV) 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. In Fiscal Year (FY) 2014, State issued more than 9,000 SIVs to Afghans who were employed by or on behalf of the U.S. government in Afghanistan and their family members, a more than 600 percent increase from the previous year. As of December 14, 2014, State had issued all 4,000 Afghan principal applicant SIVs allocated by the Consolidated Appropriations Act for FY 2014 (3,000 SIVs, available through September 30, 2015) and the Emergency Afghan Allies Extension Act of 2014 (1,000 SIVs, available through December 31, 2014). SIV issuance numbers through the fourth quarter of FY 2014 are available on travel.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 interviews because of the unavailability of visa numbers, we have begun scheduling again, and 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 will be forthcoming on travel.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 spent by all 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.

Special Immigrant Visa (SIV) Processing Steps****			
Stage	Step	Description	Current average processing times for Afghan cases applying in Kabul (business days)
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 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.	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.	154
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
		Total U.S. government processing time***	345
*Based on NVC data			
**Line 13 totals include data for principal applicant cases issued during FY 2014. Processing time for cases that remain pending cannot be calculated without a completion date.			
***U.S. government processing times do not factor in applicant-controlled steps. Overall processing times are greater than USG processing times.			
****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 adjustment of status 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 efficiencies.

Applications Pending at Each Stage of the SIV Application Process

As of December 19, 2014, the following numbers of Afghan applicants are pending in one of the application stages:

- 7,243 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.
- 73 principal applicants have Form I-360 petitions pending with USCIS (Step 7).
- 2,105 principal applicants and 5,881 family members are waiting to be scheduled for visa interviews (Step 11). The NVC did not schedule any first-time interviews for Afghan principal applicants and their accompanying family members after June 30, 2014, as the number of applicants who had already completed their initial interviews and whose applications were in process exceeded the number of visas available to principal applicants. After the NDAA for FY 2015 allocated 4,000 SIVs, we resumed interviews for Afghan SIV applicants in January 2015.
- Applications for 1,290 principal applicants and 74 family members are undergoing administrative processing (Step 13).

Number of SIV Applicants in Fourth Quarter of FY 2014

The following chart shows the number of Afghan applicants who applied for SIVs in the fourth quarter 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
July	33	147	180
August	7	84	91
September	8	117	125
Total	48	348	396

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 FY 2014, the following numbers of applications were denied or pending at one of the application stages:

- 82 principal applicants either did not qualify to receive COM approval or had their approval revoked in the third quarter of FY 2014 by the COM designee in Embassy Kabul. These applicants were able to appeal their denials and of those applicants that appealed, 50 percent were subsequently approved.
- 32 principal applicants had their Form I-360 petitions denied by USCIS during the fourth quarter of FY 2014.
- As of September 30, 1,529 principal applicants and 4,117 family members were waiting to be scheduled by the NVC for visa interviews. Interviews resumed for Afghan SIV applicants in January 2015.
- As of September 30, applications for 1,876 principal applicants and 100 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 working 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 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 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 will be forthcoming on travel.state.gov on the documentary requirements for qualifying ISAF employees to apply for COM approval.