

## **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 these efforts have resulted in a record number of visa issuances. As we continue to strive for process improvements, we also continue to ensure thorough screening for national security concerns. State issued more than 9,000 SIVs to Afghans in Fiscal Year (FY) 2014 – an increase of more than 600 percent from the previous year. As of June 30, 2015, 1,451 SIVs have been issued to Afghan principal applicants and 2,711 SIVs have been issued to their family members in FY 2015. SIV issuance numbers through the third quarter of FY 2015 are available on [travel.state.gov](http://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. Overall, as of June 30, 2015, State has issued 879 of these 4,000 SIVs to Afghan principal applicants who were employed by or on behalf of the U.S. government in Afghanistan, or by the International Security Assistance Force (ISAF).

### **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: Chief of Mission (COM) Application Process; Form I-360 Adjudication; Visa Interview; and Visa Issuance.

## Special Immigrant Visa (SIV) Processing Steps<sup>1</sup>

| Stage  | Step | Description  | Current average processing times for Afghan cases applying in Kabul (business days) |
|--|------|--|---|
| Chief of Mission (COM) application process                             | 1    | Applicant submits COM application package to State's NVC.  | Applicant-controlled  |
|  | 2    | NVC reviews documents for completeness.  | 15  |
|  | 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.  | 127 (if all required documents are present)   |
|  | 5    | Embassy Kabul advises NVC if COM 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   |
| 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. <sup>2</sup>  | 15  |
| Visa interview process, including pre- and post-interview <sup>3</sup> | 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.  | 26  |
|  | 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.  | 5   |
|  | 13   | The applicant's case undergoes administrative processing. <sup>4</sup>   | 153   |

|   |    |   |                      |
|---|----|---|----------------------|
| 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 the applicant is required to renew the passport. | Applicant-controlled |
|   |    | <b>Total U.S. government processing time<sup>5</sup></b>  | <b>417</b>           |
| <sup>1</sup> Processing steps are for SQ SIVs.  |    |   |                      |
| <sup>2</sup> Based on NVC data.   |    |   |                      |
| <sup>3</sup> 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. |    |   |                      |
| <sup>4</sup> Line 13 totals include data for principal applicant cases issued from July 1, 2014, through June 30, 2015. Average processing time for cases that remain pending cannot be calculated until they are completed.      |    |   |                      |
| <sup>5</sup> U.S. government processing times do not factor in applicant-controlled steps. Overall processing times are greater than U.S. government processing times.  |    |   |                      |

## 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 August 28, 2015, approximately 11,500 Afghan principal applicants are at some step in the SIV application process. The following provides details on the numbers of Afghan applicants pending at specific steps in the process:

- Step 1 – 2,372 principal applicants have COM applications pending at the NVC where the applicant has taken action within the past 120 days. 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. COM applications must be submitted by December 31, 2015.

- Step 7 – 297 principal applicants have Form I-360 petitions pending with USCIS.
- Step 11 – 422 principal applicants and 988 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 and prepare for travel to the U.S. embassy or consulate. 248 principal applicants and 809 family members are waiting to be scheduled for visa interviews. 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.
- Step 13 – applications for 2,873 principal applicants and 877 family members are undergoing administrative processing.

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

The following chart shows the number of Afghan applicants who applied for SIVs in the third 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> |
|--------------|----------------------|----------------|--------------|
| April        | 444                  | 935            | <b>1,379</b> |
| May          | 389                  | 887            | <b>1,276</b> |
| June         | 407                  | 893            | <b>1,300</b> |
| <b>Total</b> | <b>1,240</b>         | <b>2,715</b>   | <b>3,955</b> |

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

At the end of the third quarter of FY 2015 on June 30, 2015, approximately 13,000 Afghan principal applicants were denied or pending at some point in the

SIV application process. The following provides details on the number of Afghan applicants in some part of the application process:

- 564 Afghan principal applicants did not qualify to receive COM approval or had their approval revoked during the third quarter of FY 2015. Applicants whose COM applications are denied are able to appeal their denials; approximately 50 percent of these appeal cases are subsequently approved.
- Eight principal applicants had their Form I-360 petitions denied by USCIS during the third quarter of FY 2015.
- As of June 30, 2015, 585 principal applicants and 1,699 family members had scheduled visa interviews. 546 principal applicants and 1,876 family members were waiting to be scheduled for visa interviews.
- As of June 30, 2015, applications for 2,523 principal applicants and 951 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, or failure to establish qualifying employment by ISAF.* 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 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 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. Afghans employed by ISAF must have served in a capacity that required service as an interpreter or translator for U.S. military personnel while traveling off-base with U.S. military personnel stationed at ISAF or the

performance of sensitive and trusted activities for U.S. military personnel stationed at ISAF.

- *Failure to establish at least one year of employment by or on behalf of the U.S. government, or by ISAF, 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.