

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, while still ensuring thorough screening for national security concerns, and we continue to strive for even greater improvements to the process. These efforts have resulted in a record number of visa issuances. 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. SIV issuance numbers through the second quarter of FY 2015 are available on travel.state.gov. As of March 31, 2015, 993 SIVs have been issued to Afghan principal applicants and 1,835 SIVs have been issued to their family members in FY 2015. Looking at this same time frame last year, 1,213 SIVs had been issued to Afghan principal applicants and 2,181 SIVs had been issued to their family members in FY 2014 as of March 31, 2014.

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.

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****			
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.	24
	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.	75 (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- and post-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.	19
	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.	143
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***	357
*Based on NVC data			
**Line 13 totals include data for principal applicant cases issued from April 1, 2014, through March 31, 2015. 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 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 efficiency.

Applications Pending at Each Stage of the SIV Application Process

As of May 5, 2015, the following numbers of Afghan applicants are pending in one of the application stages:

- 6,094 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.
- 119 principal applicants have Form I-360 petitions pending with USCIS (Step 7).
- 688 principal applicants and 1,379 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. 779 principal applicants and 2,454 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.
- Applications for 1,649 principal applicants and 493 family members are undergoing administrative processing (Step 13).

Number of SIV Applicants in Second Quarter of FY 2015

The following chart shows the number of Afghan applicants who applied for SIVs in the second 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	Total
January	81	186	267
February	432	785	1,217
March	593	1,085	1,678
Total	1,106	2,056	3,162

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

At the end of the second quarter of FY 2015 on March 31, 2015, the following numbers of applications were denied or pending at one of the application stages:

- Of those Afghan principal applicants who submitted applications for COM approval during the second quarter of FY 2015, no applicants had been found unqualified to receive COM approval. Applicants whose COM applications are denied are able to appeal their denials, and of those applicants that submit appeals, 50 percent are generally approved.
- Eight principal applicants had their Form I-360 petitions denied by USCIS during the first quarter of FY 2015.
- As of March 31, 2015, 815 principal applicants and 1,705 family members had scheduled visa interviews. 928 principal applicants and 2,794 family members were waiting to be scheduled for visa interviews.
- As of March 31, 2015, applications for 1,573 principal applicants and 366 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 the International Security Assistance Force (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 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.