

Joint Department of State/Department of Homeland Security Report: Status of the Iraqi 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 1244 of the Refugee Crisis in Iraq Act of 2008, as amended, and we continue to strive for even greater improvements to the process.

The Department of State's authority to issue SIVs to Iraqi nationals under this SIV program was extended through the National Defense Authorization Act for Fiscal Year (FY) 2014 which allocated 2,500 visas for Iraqi principal applicants as of January 1, 2014. As of December 31, 2014, State has issued 407 of these 2,500 SIVs to Iraqi principal applicants who were employed by or on behalf of the U.S. government in Iraq. This program will end when all of those visas have been issued.

SIV issuance numbers through the first quarter of FY 2015 are available on usvisas.state.gov. As of December 31, 2014, 95 SIVs have been issued to Iraqi principal applicants and 272 SIVs have been issued to their family members in FY 2015.

Average Wait Times for Each Step of the SIV Application Process for Visas that Have Been Issued

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 Baghdad. 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 Iraqi cases applying in Baghdad (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.	10
	3	NVC sends completed COM package to U.S. Embassy Baghdad.	1
	4	U.S. Embassy Baghdad reviews COM application and makes a decision to approve or deny.	60 (if all required documents are present)
	5	U.S. Embassy Baghdad 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	U.S. Embassy Baghdad schedules applicant for next available interview at U.S. Embassy Baghdad.	30
	12	Applicant is interviewed by consular officer on the scheduled appointment date. Administrative processing is initiated following the interview.	1

	13**	The applicant's case undergoes administrative processing.	127
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***	296
*based on NVC data			
**Line 13 totals includes data for principal applicant cases issued during Calendar Year (CY) 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). Process improvements have resulted in efficiencies at step 13.

Applications Pending at Each Stage of the SIV Application Process

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

- 916 principal applicants have Chief of Mission (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 Baghdad 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. The deadline for Iraqis to apply for COM approval was September 30, 2014.

- 19 principal applicants have Form I-360 petitions pending with USCIS (Step 7).
- 100 principal applicants and 248 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. Seven principal applicants and 24 family members are waiting to be scheduled for visa interviews (Step 11). Most Iraqi applicants will be interviewed at Embassy Baghdad, as they reside in Iraq. Applicants who reside outside of Iraq will be interviewed at the U.S. embassy or consulate that processes immigrant visa applications for their countries of residence.
- Applications for 414 principal applicants and 38 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 Iraqi applicants who applied for SIVs in the first quarter of FY 2015 under section 1244 of the National Defense Authorization Act for FY 2008, subsequent to receiving COM approval:

Month	Principal Applicants	Family Members	Total
October	26	60	86
November	20	51	71
December	24	56	80
Total	70	167	237

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 applications had been denied or were pending at one of the application stages:

- Of those Iraqi principal applicants who submitted applications for COM approval during the first quarter of FY 2015, one did not qualify to receive COM approval. Applicants are able to appeal their denials, and of those applicants who submit appeals, approximately 70 percent are subsequently approved.
- Four principal applicants had their Form I-360 petitions denied by USCIS during the first quarter of FY 2015.
- As of December 31, 2014, 81 principal applicants and 217 family members had scheduled visa interviews. Six principal applicants and 19 family members were waiting to be scheduled for visa interviews.
- As of December 31, 2014, applications for 429 principal applicants and 41 family members were undergoing administrative processing.

Reasons for COM Denial

As reflected in denial letters sent by the COM designee at Embassy Baghdad, 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.* State has considered the employment requirement satisfied for an alien hired under a direct-hire appointment or an agency's personal services agreement or personal services contract (PSC) authority. State has also considered Iraqi 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 1244 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 between March 20, 2003 and September 30, 2013.*
- *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 National Defense Authorization Act (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.