

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 National Defense Authorization Act for FY 2008, as amended, and we continue to strive for even greater improvements to the process.

State issued more than 1,500 SIVs to Iraqis who were employed by or on behalf of the U.S. government in Iraq and their family members in Fiscal Year (FY) 2014. This figure represents a decrease in issuances compared to FY 2013, because of a multi-agency effort in the second half of FY 2013 that ensured all approvable Iraqi principal applicants were issued visas before the program temporarily ended on September 30, 2013. State issued SIVs to a total of 3,550 Iraqi principal applicants and their family members in FY 2013. State's authority to issue SIVs to Iraqi nationals under this program was subsequently extended through the National Defense Authorization Act for FY 2014, which allocated 2,500 visas for Iraqi principal applicants as of January 1, 2014. This program will end when all of those visas have been issued.

SIV issuance numbers through the fourth quarter of FY 2014 are available on travel.state.gov.

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 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 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 | | Current average processing times for Iraqi cases applying in Baghdad (business days) |
| Chief of Mission application process | 1 | Applicant submits Chief of Mission (COM) application package to State's National Visa Center (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 |
| 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. | 20 |

| | | | |
|---|------|--|----------------------|
| | 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. | 116 |
| 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*** | 275 |
| *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. | | | |
| ****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 improved efficiencies at step 13.

Applications Pending at Each Stage of the SIV Application Process

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

- 1,325 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.

- 25 principal applicants have Form I-360 petitions pending with USCIS (Step 7).
- Two principal applicants and four 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. Three principal applicants and eight 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 415 principal applicants and 35 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 Iraqi applicants who applied for SIVs in the fourth quarter of FY 2014 under section 1244 of the National Defense Authorization Act for FY 2008, subsequent to receiving COM approval:

| Month | Principal Applicants | Family Members | Total |
|--------------|----------------------|----------------|--------------|
| July | 23 | 49 | 72 |
| August | 19 | 37 | 56 |
| September | 60 | 126 | 186 |
| Total | 102 | 212 | 314 |

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

At the end of the fourth quarter of FY 2014, on September 30, 2014, the following numbers of applications had been denied or pending at one of the application stages:

- Six principal applicants did not qualify to receive COM approval or had their approval revoked in the fourth quarter of FY 2014 by the COM designee in Embassy Baghdad. These applicants were able to appeal their denials, and of those applicants who appealed, approximately 70 percent were subsequently approved.
- Seven principal applicants had their Form I-360 petitions denied by USCIS during the fourth quarter of FY 2014.
- As of September 30, 68 principal applicants and 159 family members had scheduled visa interviews. Three principal applicants and eight family members were waiting to be scheduled for visa interviews.
- As of September 30, applications for 459 principal applicants and 61 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 considers the employment requirement satisfied if an alien was hired under a direct-hire appointment or under an agency's personal services agreement or personal services contract authority. State also considers 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 does not consider the requirement under 1244 to be "employed by or on behalf of the United States government" satisfied in other situations, such as individuals working as an employee of 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.* Applicants 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 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 FY 2014 NDAA also authorized consideration of a credible sworn statement depicting dangerous country conditions, together with official evidence of such country conditions from the U.S.