

## **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, while still ensuring thorough screening for national security concerns, and we continue to strive for improvements to the process.

The Department of State's authority to issue SIVs to Iraqi nationals under this program was extended through the National Defense Authorization Act for Fiscal Year (FY) 2014 (Pub. L. No. 113-66), which allocated 2,500 visas for Iraqi principal applicants as of January 1, 2014. Overall, as of June 5, 2016, State issued 1,074 out of the 2,500 SIVs to Iraqi principal applicants who were employed by, or on behalf of, the U.S. government in Iraq. This program will continue until all visas have been issued or all qualified applicants, if less than the number of visas allocated, have received visas.

As of March 31, 2016, we issued 249 SIVs to Iraqi principal applicants and 602 SIVs to their family members in FY 2016. SIV issuance numbers through the second quarter of FY 2016 are available on [travel.state.gov](http://travel.state.gov).

### **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 in days, 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. (This statistic was reported in business days in prior reports.) The statistic does not capture those steps in the SIV process that depend solely 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.

| <b>Special Immigrant Visa (SIV) Processing Steps<sup>1</sup></b> |             |  |   |
|--|-------------|--|---|
| <b>Stage</b>   | <b>Step</b> | <b>Description</b>   | <b>Current average processing times in days for Iraqi cases applying in Baghdad</b> |
| Chief of Mission (COM) application process                       | 1           | Applicant submits COM application package to State's NVC. (The deadline for this step was September 30, 2014. See page 5 for additional details.)  | Applicant-controlled  |
|  | 2           | NVC reviews documents for completeness.  | 1   |
|  | 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.  | 40 (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 the 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>  | 19  |

|   |    |   |                      |
|---|----|---|----------------------|
| Visa Interview Process, including prior to and after interview <sup>3</sup>   | 8  | NVC sends instruction packet to applicant requesting standard immigrant visa documentation.   | 12                   |
|   | 9  | Applicant submits required documentation to NVC.  | Applicant-controlled |
|   | 10 | NVC reviews documents for completeness.   | 23                   |
|   | 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.   | 2                    |
|   | 13 | The applicant's case undergoes administrative processing. <sup>4</sup>  | 284                  |
| Visa issuance to eligible applicants  | 14 | Upon completion of administrative processing, the applicant is instructed to obtain a medical exam. The visa is issued if the applicant is eligible. In some cases, the passport will have expired and requires renewal by the applicant. | Applicant-controlled |
|   |    | <b>Total U.S. government processing time<sup>5</sup></b>  | <b>407</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 April 1, 2015 through March 31, 2016. Processing time for cases that remain pending cannot be calculated without a completion date.            |    |   |                      |
| <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 May 29, 2016, the following numbers of Iraqi applicants are pending in one of the application stages:

- There are no COM applications submitted by Iraqi principal applicants pending at NVC (Step 1). The deadline for Iraqis to apply for COM approval was September 30, 2014.
- 223 principal applicants have Form I-360 petitions pending with USCIS (Step 7).
- 32 principal SIV applicants and 93 family members are scheduled for visa interviews (Step 11). Interviews are scheduled approximately 10 days in advance. Applicants use this time to gather any remaining documents required for their interviews and prepare for travel to the U.S. embassy or consulate. Applicants are encouraged to attend their scheduled interviews, even if any of their civil documents are missing, as they can submit these via courier service to the Embassy at a later time. 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 adjudicates immigrant visa applications for their countries of residence.
- Applications for 570 principal applicants and 317 family members are undergoing administrative processing (Step 13).

## Number of SIV Applicants in Second Quarter of FY 2016

The following chart shows the number of Iraqi applicants who applied for SIVs in the second quarter of FY 2016 under section 1244 of the Refugee Crisis in Iraq Act of 2008, as amended, subsequent to receiving COM approval:

| Month    | Principal Applicants | Family Members | Total      |
|----------|----------------------|----------------|------------|
| January  | 71                   | 172            | <b>243</b> |
| February | 63                   | 178            | <b>241</b> |
| March    | 64                   | 185            | <b>249</b> |

|              |            |            |            |
|--------------|------------|------------|------------|
| <b>Total</b> | <b>198</b> | <b>535</b> | <b>733</b> |
|--------------|------------|------------|------------|

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

At the end of the second quarter of FY 2016 on March 31, 2016, the following numbers of applications had been denied or were pending at one of the application stages:

- The deadline to submit an application for COM approval was September 30, 2014. An applicant was deemed to have sought COM approval if he or she sent an email to NVC indicating that he or she was seeking COM approval and the written materials contained, at a minimum, name, nationality, and email address. 386 Iraqi principal applicants were deemed unqualified to receive COM approval or had their approval revoked during the second quarter of FY 2016. All of these applicants submitted timely applications. Applicants whose COM applications are denied or revoked are able to submit one appeal within 120 days of receiving the denial or revocation letter.
- One principal applicant had his or her Form I-360 petition denied by USCIS during the second quarter of FY 2016.
- As of March 31, 2016, 214 principal applicants and 585 family members had scheduled visa interviews.
- As of March 31, 2016, applications for 591 principal applicants and 319 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 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 employed by 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 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.