

## **Joint Department of State/Department of Homeland Security Report: Status of the Afghan Special Immigrant Visa Program**

The Department of State (State), the Department of Homeland Security (DHS), and other U.S. government departments and agencies involved in the Afghan Special Immigrant Visa (SIV) program are committed to helping Afghans who have taken significant risks to support our military and civilian personnel. Congress, under section 602(b) of the *Afghan Allies Protection Act of 2009*, as amended, requires this quarterly report to review statistical data on nationals of Afghanistan who have applied for status as special immigrants.

### **How many Afghan SIVs have been issued in the Fourth Quarter of Fiscal Year (FY) 2021 (July 1, 2021, to September 30, 2021)?**

| Afghan Principal Applicants Issued | Afghan Derivative Applicants Issued | Total Afghan SIVs Issued in FY 2021 (through September 30, 2021) | Total Afghan Numbers Used <sup>1</sup> | Remaining SIVs for Afghan Principal Applicants |
|------------------------------------|-------------------------------------|------------------------------------------------------------------|----------------------------------------|------------------------------------------------|
| 1,292                              | 4,423                               | 10,081                                                           | 17,732                                 | 16,768                                         |

### **What efficiency improvements have been made to Afghan SIV processing?**

Chief of Mission (COM) staff acquired one additional civil service staff member and received 12 personnel with short-term assignments to the COM Unit this reporting period. While continuing to train and onboard new staff, due to the increased staffing levels reported in Q3 FY 2021, COM staff completed processing for 182 percent more COM approval applications this reporting period than in Q3 FY 2021.

COM staff collaborated with the Bureau of Consular Affairs Office of Consular Systems and Technology to develop technological tools to improve the efficiency and workflow of the COM-approval process.

Additionally, on August 19, 2021, the COM dissolved the COM Committee, effectively streamlining the decision-making process and reducing the amount of time applicants spent at Step 4.

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<sup>1</sup> Number of visas issued since permanent numbers became available on November 25, 2015.

COM staff collaborated with the Department of Defense on “Project Rabbit” to more expeditiously verify the employment details of SIV applicants.

The Department of State’s National Visa Center (NVC)<sup>2</sup> cross-trained an additional 57 personnel in SIV processing in order to manage an anticipated increase in demand. The NVC received an extraordinary influx of inquiries about the SIV program in July and August. Mission Brazil contributed 19 officers and 64 locally engaged staff to assist with SIV correspondence, assisting on over 120,000 inquiries.

During Q4 of FY 2021, the Bureau of Consular Affairs removed one of the required steps in administrative processing in order to expedite cases at Step 13.

On July 14, 2021, the White House announced Operation Allies Refuge to support relocation of interested and qualified Afghans in the SIV pipeline. From July 30 to August 15, ten flights arrived in the U.S. carrying 1,962 SIV applicants and their families.

On August 8, 2021, U.S. Embassy Kabul, in close coordination with DHS, began issuing foil-less, or electronic, SIVs to approved applicants to speed up visa delivery for recipients slated to travel on U.S. government-chartered flights out of Afghanistan. Additionally, cases that qualified for the medical waiver, but that Embassy Kabul did not have time to issue before suspending operations on August 15, were transferred to U.S. Consulate General Guangzhou where they were issued as foil-less CQ SIVs (conditional based on completing the medical exam in the United States). Although SIV recipients are only able to travel with a foil-less SIV on a U.S. government sponsored flight, they may travel to any immigrant visa processing embassy or consulate and request to have their foil-less SIV printed at no cost and then travel commercially.

On August 12, 2021, the Secretaries of State and Homeland Security exercised their authority to waive the required panel physician exam for SIV applicants in Afghanistan who had completed all other steps of the application process and receive conditional visas for admission into the United States. This made it possible for certain SIV applicants to more quickly be relocated to the United States under Operation Allies Refuge.

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<sup>2</sup> The Department of State’s National Visa Center (NVC) should not be confused with the National Vetting Center, also known as NVC, established under the National Security Presidential Memorandum 9.

## What is the average U.S. government processing time for Afghan SIVs and how many cases are processed in that time?

All steps in the Afghan 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 in calendar days, beginning when the applicant first expresses interest in the program to State's NVC and ending with the date of visa issuance at a U.S. embassy or consulate. It 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.

| Special Immigrant Visa (SIV) Processing Steps <sup>3</sup> |      |                                                                           |                                          |                           |
|------------------------------------------------------------|------|---------------------------------------------------------------------------|------------------------------------------|---------------------------|
| Stage                                                      | Step | Description                                                               | Average processing time in calendar days | Number of Cases Processed |
| Chief of Mission (COM) application process                 | 1    | Applicant submits COM application package to State's NVC. <sup>4</sup>    | Applicant-controlled                     | N/A                       |
|                                                            | 2    | NVC reviews documents for completeness.                                   | 36                                       | 44,403 <sup>5</sup>       |
|                                                            | 3    | NVC sends completed application package to the ACOM <sup>6</sup> .        | 1                                        | 1,430                     |
|                                                            | 4    | The ACOM reviews the application and makes a decision to approve or deny. | 277                                      | 5,349                     |

<sup>3</sup> Processing steps are for SIVs authorized under section 602(b) of the Afghan Allies Protection Act of 2009, as amended. Afghan nationals processed under 602(b) are given the SQ SIV classification.

<sup>4</sup> At this stage, the applicant has reached out to NVC in order to express interest in the program and provide the documents necessary to begin processing.

<sup>5</sup> This number reflects the number of case reviews conducted by the NVC within the quarter. The NVC counts a review each time an SIV applicant submits additional documents to complete their case. This number may be larger than the total number of cases pending at the NVC because an individual case might be reviewed multiple times in a single quarter.

<sup>6</sup> COM approval may be provided by the "appropriate Chief of Mission, or the designee of the appropriate Chief of Mission" (See Afghan Allies Protection Act of 2009 (Public Law 111-8), Section 602(b)(2)(D)). The Assistant Chief of Mission ("ACOM") is the COM's designee. Since the COM dissolved the COM Committee on August 19, NVC sends complete application packages directly to the ACOM for review.

|                                                                        |    |                                                                                                                                                                                                                                 |                      |                     |
|------------------------------------------------------------------------|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------|
|                                                                        | 5  | The ACOM advises NVC if the 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                    | 2,394               |
| Form I-360 adjudication process                                        | 6  | Applicant self-petitions to DHS U.S. Citizenship and Immigration Services (USCIS) using Form I-360.                                                                                                                             | Applicant-controlled | N/A                 |
|                                                                        | 7  | USCIS adjudicates petition and sends to NVC if approved. <sup>7</sup>                                                                                                                                                           | 24                   | 996                 |
| Visa interview process, including pre- and post-interview <sup>8</sup> | 8  | NVC sends instruction packet to applicant requesting standard immigrant visa documentation, including DS-260 immigrant visa application.                                                                                        | 2                    | 1,066               |
|                                                                        | 9  | Applicant submits required documentation to NVC.                                                                                                                                                                                | Applicant-controlled | N/A                 |
|                                                                        | 10 | NVC reviews documents for completeness, corresponding with applicant when additional documentation is needed.                                                                                                                   | 14                   | 517 <sup>9</sup>    |
|                                                                        | 11 | When the immigrant visa application is complete, NVC schedules applicant for next available interview at the U.S. embassy's consular section. <sup>10</sup>                                                                     | 33                   | 1,035               |
|                                                                        | 12 | Applicant is interviewed and biometrics are collected by consular officer on the scheduled appointment date.                                                                                                                    | N/A                  | 1,940 <sup>12</sup> |

<sup>7</sup> Form I-360 petitions filed with USCIS between July 1, 2021, and September 30, 2021.

<sup>8</sup> The majority of applicants receive special immigrant status by going through the process explained in this chart. Applicants who obtain special immigrant status in the United States apply for [adjustment of status](#) from USCIS.

<sup>9</sup> As in Step 2, this number reflects the number of case reviews conducted by the NVC. The NVC counts a review each time an SIV applicant submits additional documents to complete their case. This number may be larger than the total number of cases pending at the NVC because an individual case might be reviewed multiple times in a single quarter.

<sup>10</sup> Since the U.S. Embassy in Kabul suspended operations on August 14, 2021, NVC has been scheduling SIV applicants for visa interviews at any immigrant visa-processing U.S. embassy or consulate anywhere in the world where the applicant is able to appear.

<sup>12</sup> Line 12 reflects the number of cases SQ SIV principal applicants interviews conducted worldwide

|                                      |    |                                                                                                                                                                                                                                                                       |                      |            |
|--------------------------------------|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------|
|                                      |    | Administrative processing is initiated following the interview. <sup>11</sup>                                                                                                                                                                                         |                      |            |
|                                      | 13 | The applicant's case undergoes administrative processing. <sup>13</sup>                                                                                                                                                                                               | 43                   | 1,829      |
| Visa issuance to eligible applicants | 14 | Upon completion of administrative processing, applicant is instructed to obtain a medical exam. Once the medical exam is completed, the visa is issued if applicant is eligible. In some cases, the passport will have expired and requires renewal by the applicant. | Applicant-controlled | 1,292      |
|                                      |    | <b>Total U.S. government processing time in calendar days<sup>14</sup></b>                                                                                                                                                                                            | <b>435</b>           | <b>N/A</b> |

### **Why are applications pending longer than nine months in U.S. government-controlled stages of the SIV application?**

Certain applications may be pending longer than nine months for completion of COM review (Step 4), although delays at Step 4 have been significantly reduced this quarter. At this step, cases may be pending more than nine months due to high caseload volume. Additionally, the employment verification and risk assessment conducted during the COM approval process can add significant delays depending on how easy or difficult it is to locate the applicant's employer to confirm the applicant's eligibility for an SIV. Timing of employment verification for applicants who worked for the Department of Defense has improved since the Department of Defense launched Project Rabbit. A Congressionally mandated prioritization plan obligates State to focus special attention on the higher tiers

<sup>11</sup> Administrative processing may include a variety of security, fraud, or criminal background checks that are required before the visa may be issued.

<sup>13</sup> Line 13 totals include data for SIV applicants who completed administrative processing between July 1, 2021, and September 30, 2021. Average processing time for cases that remain pending cannot be calculated until they are completed. A high number in this field reflects older cases being completed, not older cases languishing.

<sup>14</sup> The statistics in this chart were formerly reported in business days in reports published April 2014 – April 2016. U.S. government processing times do not factor in applicant-controlled steps. Overall processing times are greater than U.S. government processing times.

during the COM approval process.<sup>15</sup> Lower tiers, therefore, wait longer for review and analysis relative to higher tiers.

Certain applications may be pending longer than nine months due to administrative processing (Step 13). Administrative processing often involves rigorous background checks, which are essential to the integrity of the SIV program and U.S. national security. This quarter, the average time spent at Step 13 is higher than last quarter reflecting fewer incoming cases and successful completion of outstanding cases, including 45 that were created prior to 2020. When there is a high volume of incoming administrative processing cases, the majority of those cases resolve quickly, which leads to shorter average processing times. Once those quickly cleared cases are resolved, the only cases that remain are more complex and take much longer to complete. Therefore, when there are fewer incoming cases, the majority of cases that *are* completing administrative processing are older, which leads to longer average processing times.

The U.S. Embassy in Kabul suspended all operations on August 31, 2021. Nevertheless, the U.S. government continues to process SIV applications at all stages. Applicants may complete Steps 12-14 at other immigrant visa processing posts outside of Afghanistan and instructions for transferring interview-ready Afghan SIV cases from Embassy Kabul are near the top of the main State Department webpage on Afghan SIVs. Posts have been instructed to prioritize Afghan SIVs for processing, though many posts face scheduling challenges related to the COVID-19 pandemic.

### **How many SIV applications are pending as of September 30, 2021?**

- Step 1 – 9,252 principal applicants had submitted some, but not all, of the documents required to apply for COM approval.
- Step 4 – 6,217 principal applicants were pending COM approval. These applicants submitted all their documents and were being reviewed for COM approval.

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<sup>15</sup> Consistent with Section 7076 of the Consolidated Appropriations Act, 2019 (Public Law 116-6), enacted on February 15, 2019, applicants seeking Afghan SQ1 visas will be prioritized in the following order:

- 1) Interpreters and Translators
- 2) U.S. Government Direct Hire Employees
- 3) Contractors with U.S. Government Installation Badges
- 4) Implementing Partners
- 5) All Other Applicants

- Step 7 – 3,626 principal applicants had Form I-360 petitions pending with USCIS.
- Step 11 – 558 principal applicants and 2,395 derivative family members were pending scheduling for visa interviews. Applicants outside of Afghanistan may be interviewed at any U.S. embassy or consulate that adjudicates immigrant visa applications.
- Step 13 – Applications for approximately 134 principal applicants and 53 derivative family members were undergoing administrative processing as of September 30, 2021.

### **How many SIV applicants were interviewed in the Fourth Quarter of FY 2021?**

In the fourth quarter of FY 2021, 1,940 Afghan SIV applicants who received COM approval were interviewed at a U.S. embassy or consulate. Following the suspension of operations at Embassy Kabul on August 31, 2021, 451 interviews scheduled at U.S. Embassy Kabul for September 2021 had to be cancelled. These are not counted among the 1,940 total interviewed.

### **How many denials were there in the Fourth Quarter of FY 2021?**

At the end of this quarter, the following numbers of applications were denied at one of the application stages:

- 1,462 Afghan principal applicants were deemed unqualified to receive COM approval or had the approval revoked during the fourth quarter of FY 2021. Applicants whose COM applications are denied or revoked can appeal the decision once within 120 days of notification, or thereafter at the discretion of the Secretary of State. In the Fourth Quarter of FY 2021, 923 Afghans submitted appeals. Of the appeals adjudicated during this quarter, 564 were approved after the applicant submitted additional information.
- Thirty-seven principal applicants had a Form I-360 petition denied by USCIS during the fourth quarter of FY 2021.

### **What are the reasons for a COM denial?**

Denial of a COM application generally occurs for one or more of the following reasons:

- *Failure to establish qualifying employment by or on behalf of the U.S. government, or by the International Security Assistance Force (ISAF) or a successor mission.* Applications are denied for this reason if the applicant fails to establish qualifying employment. For information on qualifying employment, see the Department of State website at: <https://travel.state.gov/content/travel/en/us-visas/immigrate/special-immig-visa-afghans-employed-us-gov.html>.
- *Insufficient documentation.* Applications are denied for this reason if the applicant fails to provide a required document, or if there is a deficiency in a document provided by the applicant.
- *Failure to establish at least one year of employment by or on behalf of the U.S. government, or by ISAF or a successor mission, during the period specified in section 602(b) of the Afghan Allies Protection Act of 2009, as amended.*
- *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.