

Joint Department of State/Department of Homeland Security Report: Status of the Afghan Special Immigrant Visa (SIV) Program

Introduction

The Department of State (State), Department of Homeland Security (DHS), and all other U.S. government departments and agencies involved in the U.S. 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 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, and we continue to strive for even greater improvements to the process. These efforts have resulted in a record number of visa issuances. As of September 16, 2014, State has issued more than 8,700 SIVs to Afghans who were employed by or on behalf of the U.S. government in Afghanistan and to their family members in this fiscal year – more than all previous years combined. SIV issuance numbers through the third quarter of FY 2014 are available on travel.state.gov.

On August 8, 2014, President Obama signed the Emergency Afghan Allies Extension Act of 2014 (H.R. 5195), which provides 1,000 additional SIVs for Afghan principal applicants in addition to the 3,000 visas originally allocated for FY 2014. These 1,000 additional SIVs must be issued by December 31, 2014. At the current issuance rate, State expects that these visas will be exhausted well before that date.

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 U.S. government entities. This captures total U.S. government processing time, beginning with the applicant's initial submission of documents to the Department of State's National Visa Center (NVC) and ending with the date of visa issuance at Embassy Kabul. The figure does not capture those steps in the SIV process that are solely dependent on the applicant's initiative and outside the control of U.S. government entities. SIV applications move through 14 steps in these four stages: Chief of Mission Application Process; 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 Chief of Mission (COM) application package to the Department of State's National Visa Center (NVC).	applicant-controlled
	2*****	NVC reviews documents for completeness.	83
	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.	10 (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
I-360 adjudication process	6	Applicant self-petitions to the Department of Homeland Security's 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.	10
	11*****	NVC schedules applicant for next available interview at U.S. Embassy Kabul.	66
	12	Applicant is interviewed by consular officer on the scheduled appointment date. Administrative processing is initiated following the interview.	3

	13**	The applicant's case undergoes administrative processing.	143
Visa Issuance to eligible applicants	14	Upon completion of administrative processing, visa is issued if applicant is eligible. In some cases, the passport or medical exam will have expired and require renewal by the applicant.	applicant-controlled
		Total USG processing time***	346
*Based on NVC data			
**Line 13 total includes data for all cases issued as of September 10, 2014. Processing time for cases that remain pending cannot be calculated without a completion date.			
***USG processing times do not factor in applicant-controlled steps. Overall processing times are greater than USG processing times.			
****Processing steps are for SQ SIVs authorized under section 602(b) of the Afghan Allies Protection Act of 2009, as amended.			
*****At this time, visa interviews are not being scheduled for Afghan SIV applicants as the number of applicants who have already completed their initial interviews and whose applications are in process (steps 12 and 13) exceeds the number of visas available to principal applicants.			
*****Although the processing time for Step 2 is currently 83 business days, documents will be reviewed in time for applicants to be considered to have applied for COM approval by December 31, 2014.			

Applications Pending Longer Than Nine Months

Provided an applicant has acted promptly in each of the applicant-controlled steps that precede step 13 of the SIV application process, the reason for any applications to be pending longer than nine months would be for completion of administrative processing in step 13. Process improvements have resulted in improved efficiencies at step 13.

Applications Pending at Each Stage of the SIV Application Process

As of September 12, 2014, the following numbers of Afghan applicants are pending in one of the application stages:

- 5,000 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, 2014, in order to proceed with SIV processing.

- 99 principal applicants have Form I-360 petitions pending with U.S. Citizenship and Immigration Services (USCIS) (Step 7).
- 1,337 principal applicants and 3,547 family members are waiting to be scheduled for visa interviews (Step 11). At this time, visa interviews are not being scheduled for Afghan SIV applicants as the number of applicants who have already completed their initial interviews and whose applications are in process exceeds the number of visas available to principal applicants.
- Applications for 2,030 principal applicants and 122 family members are undergoing administrative processing (Step 13).

Number of SIV Applicants in Third Quarter of FY 2014

The following chart shows the number of Afghan applicants who applied for SIVs in the third quarter of FY 2014 under section 602(b) of the Afghan Allies Protection Act of 2009, subsequent to receiving COM approval:

Month	Principal Applicants	Family Members	Total
April	565	1,015	1,580
May	468	864	1,332
June	420	833	1,253
Total	1,453	2,712	4,165

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

At the end of the third quarter of FY 2014 on June 30, 2014, the following numbers of applicants were denied or pending at one of the application stages:

- 126 principal applicants did not qualify to receive COM approval or had their approval revoked in the third quarter of FY 2014 by the COM designee

in Embassy Kabul. Although initially denied, or subsequently revoked following COM approval, these applicants were able to appeal their denials, and of those applicants that appealed, 50 percent were subsequently approved. The majority of applicants who successfully appealed denials or revocations of their COM applications had been denied or revoked for failure to establish they had experienced or were experiencing an ongoing serious threat as a consequence of employment by or on behalf of the U.S. government. The National Defense Authorization Act (NDAA) for FY 2014, enacted on December 26, 2013, remedies this issue by authorizing consideration of a credible sworn statement depicting dangerous country conditions, together with official evidence of such country conditions from the U.S. government.

- 6 principal applicants had their Form I-360 petitions denied by USCIS during the third quarter of FY 2014.
- As of June 30, no applicants were scheduled for visa interviews as the number of applicants who had already completed their initial interviews and whose applications were in process exceeded the number of visas available to principal applicants. 572 principal applicants and 1,430 family members were waiting to be scheduled for visa interviews.
- As of June 30, applications for 2,320 principal applicants and 269 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. The Department of State has considered the employment requirement satisfied in the case of an alien hired under a direct-hire appointment or the employing agency's personal services agreement (PSA) or personal services contract (PSC) authority. State has also 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 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 October 7, 2001, and December 31, 2014.
- 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 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.