



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

The Department of 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 Second Quarter of Fiscal FY 2022 (January 1, 2022, to March 31, 2022)?**

| Afghan Principal Applicants Issued | Afghan Derivative Applicants Issued | Total Afghan SIVs Issued in FY 2022 (October 1, 2021, through March 31, 2022) | Total Afghan Numbers Used <sup>1</sup> | Remaining SIVs for Afghan Principal Applicants <sup>2</sup> |
|------------------------------------|-------------------------------------|-------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------------------------|
| 272                                | 779                                 | 1,478                                                                         | 18,121                                 | 16,379                                                      |

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

Chief of Mission (COM) staff continued collaborating with the Department of Defense (DoD) on “Project Rabbit” to verify more expeditiously the employment details of SIV applicants employed by or on behalf of DoD. COM staff also

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<sup>1</sup> Total number of visas issued to SIV principal applicants overseas combined with SIV numbers used through domestic adjustments of status since permanent numbers became available on November 25, 2015.

<sup>2</sup> Numbers remaining are preliminary and subject to change. They are accurate as of the date of publication and account for recaptured numbers.

continued collaborating with other government agencies on similar efforts to verify quickly the employment details of SIV applicants who were employed by or on behalf of those agencies.

During this reporting period, the Department of State's National Visa Center (NVC) increased staffing levels in SIV processing to manage the significant increase in demand leading up to and following the U.S. withdrawal from Afghanistan. NVC also continued to work with Microsoft and the State's Information and Resource Management Bureau to implement the use of new technology to help manage SIV cases in the pre-COM process, resulting in a 26 percent increase in output compared to last quarter (reflected in Step 2 below). This change increased the number of cases NVC could determine were documentarily complete by 427 percent compared to last quarter (reflected in Step 3 below) and increased the accuracy and efficacy of reporting and work distribution among NVC staff.

State also continued to augment its temporary duty (TDY) support efforts for Afghan SIV processing during this reporting period. As the number of interview-ready SIV cases at Camp As Sayliyah in Qatar began to grow, the Department increased the number of consular officers and locally employed staff assigned to the Afghan Affairs Unit in Doha to match. At the same time, State began sending TDY consular officer support to Embassy Islamabad to assist with SIV processing and other consular services for Afghans.

**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. However, within each government-controlled step included below, there may be time – often significant time – spent waiting on applicant or third-party action not attributable to the U.S. government entities involved.

| Special Immigrant Visa (SIV) Processing Steps <sup>3,4</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>5</sup>                                                    | Applicant-controlled                     | N/A                       |
|                                                              | 2    | NVC reviews documents for completeness.                                                                                   | 168                                      | 117,886 <sup>6</sup>      |
|                                                              | 3    | NVC sends completed application package to the ACOM <sup>7</sup> .                                                        | 1                                        | 7,398                     |
|                                                              | 4    | COM staff reviews the application and the ACOM makes a decision. The applicant is automatically informed of the decision. | 173                                      | 4,896                     |
| Form I-360 adjudication process                              | 5    | Applicant self-petitions to DHS U.S. Citizenship and Immigration Services (USCIS) using Form I-360.                       | Applicant-controlled                     | N/A                       |

<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> Previous versions of this report listed 14 steps. During the first quarter of FY 2022, Step 5 “The ACOM advises NVC if the application is approved. If approved, NVC immediately sends approval letter to applicant” was fully automated and no longer requires manual processing. For this reason, as noted in the report covering the first quarter of FY 2022, the Department will no longer include this step in reporting.

<sup>5</sup> At this stage, the applicant has contacted NVC to express interest in the program and provide the documents necessary to begin processing.

<sup>6</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>7</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”) was the COM’s designee throughout this reporting period. Since the COM dissolved the COM Committee on August 19, 2021, COM staff sends COM approval agendas directly to the ACOM for a decision.

|                                                                        |    |                                                                                                                                      |                      |                      |
|------------------------------------------------------------------------|----|--------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------|
|                                                                        | 6  | USCIS adjudicates petition and sends to NVC if approved. <sup>8</sup>                                                                | 19                   | 2,407                |
| Visa interview process, including pre- and post-interview <sup>9</sup> | 7  | NVC sends instruction packet to applicant requesting standard immigrant visa documentation, including DS-260 application.            | 5                    | 2,658                |
|                                                                        | 8  | Applicant submits required documentation to NVC.                                                                                     | Applicant-controlled | N/A                  |
|                                                                        | 9  | NVC reviews documents for completeness, corresponding with applicant when additional documentation is needed.                        | 120                  | 47,141 <sup>10</sup> |
|                                                                        | 10 | When the immigrant visa application is complete, NVC schedules applicant for interview at a U.S. embassy or consulate. <sup>11</sup> | 52 <sup>12</sup>     | 60                   |

<sup>8</sup> Form I-360 petitions filed with USCIS between January 1, 2022, and March 31, 2022.

<sup>9</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. In the second quarter of FY 2022, USCIS approved 110 applications for adjustment of status under section 602(b) of the *Afghan Allies Protection Act of 2009*. Five applications were denied.

<sup>10</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>11</sup> This number only includes interviews scheduled by the NVC immediately following the case being documentarily completed. It does not include the interviews scheduled locally by an embassy or consulate following a case transfer from Embassy Kabul. Since the U.S. Embassy in Kabul suspended visa operations on August 31, 2021, NVC has been scheduling SIV applicants for visa interviews at any immigrant visa processing U.S. embassy or consulate in the world where the applicant is able to appear.

<sup>12</sup> NVC schedules interviews for documentarily complete applicants who are able to appear at a designated immigrant visa processing post for an interview. In some cases, a lengthy period of time may elapse before an applicant notifies NVC that they are able to travel to such a post. Although the applicant's ability to travel to a third country post is outside the Department of State's control, this figure nonetheless includes the time periods during which applicants are documentarily complete, but are unable to travel to a designated immigrant visa processing post for an interview. Therefore, the average processing time for Step 10 is overinclusive and reflects time during which the applicant is not waiting for government-controlled action.

|                                      |    |                                                                                                                                                                                                        |                      |                   |
|--------------------------------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------|
|                                      | 11 | Applicant is interviewed and biometrics are collected by consular officer on the scheduled appointment date. Administrative processing, if needed, is initiated following the interview. <sup>13</sup> | N/A                  | 483 <sup>14</sup> |
|                                      | 12 | The applicant's case undergoes administrative processing, if required. <sup>15</sup>                                                                                                                   | 49                   | 256               |
| Visa issuance to eligible applicants | 13 | Upon completion of administrative processing, the visa is issued if applicant is eligible.                                                                                                             | Applicant-controlled | 272               |
|                                      |    | <b>Total U.S. government processing time in calendar days<sup>16</sup></b>                                                                                                                             | <b>587</b>           | <b>N/A</b>        |

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

Employment verification and risk assessment conducted during the COM approval process in Step 4 can add significant delays depending on how difficult it is to locate the applicant's employer to confirm the applicant's eligibility for an SIV, and how long the applicant's employer takes to respond. Timing of employment verification for applicants who worked for DoD has improved since Project Rabbit launched, and overall processing time for Step 4 shows a 45 percent shorter time period than in the first quarter of FY 2022. Consistent with the Congressionally mandated prioritization plan, State prioritizes applicants at the COM approval

<sup>13</sup> Administrative processing may include a variety of security, fraud, or criminal background checks that are required before the visa may be issued.

<sup>14</sup> Line 10 reflects the number of SQ SIV principal applicant interviews conducted at embassies or consulate worldwide.

<sup>15</sup> Line 11 totals include data for SIV applicants who completed administrative processing between January 1, 2022, and March 31, 2022. 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>16</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.

stage based on the intrinsic threats applicants face due to the nature of their qualifying employment.<sup>17</sup> Lower priority applicants, therefore, wait longer for review and analysis relative to higher tiers.

Certain applications may be pending longer than nine months after the visa interview due to administrative processing (Step 12). Administrative processing involves rigorous background checks, which are essential to U.S. national security and the integrity of the SIV program. This quarter, the average processing time for cases at Step 12 was lower than last quarter because there were fewer older, more complicated cases to resolve and inbound cases were resolved more quickly. When there is a high volume of incoming administrative processing cases, the majority of those cases resolve quickly leading to shorter average processing times overall.

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 11-13 at any other immigrant visa processing posts outside of Afghanistan at which they can appear, and they are prioritized for interview scheduling.

### **How many SIV applications are pending as of March 31, 2022?**

Step 1 – 34,371 principal applicants had submitted some, but not all, of the documents required to apply for COM approval.

Step 4 – 6,480 principal applicants were pending COM approval. These applicants submitted all their documents and were being reviewed for COM approval.

Step 6 – 2,117 principal applicants had Form I-360 petitions pending with USCIS.

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<sup>17</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 10 – 1,011 principal applicants and 4,620 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 12 – Applications for approximately 99 principal applicants and 65 derivative family members were undergoing administrative processing as of March 31, 2022.

### **How many SIV applicants were interviewed in the Second Quarter of FY 2022?**

In the second quarter of FY 2022, 483 Afghan SIV principal applicants who received COM approval were interviewed at a U.S. embassy or consulate.

The following chart shows the number of Afghan nationals who underwent a visa interview in the second quarter of FY 2022 as part of their application for an SIV under section 602(b) of the *Afghan Allies Protection Act of 2009*.

| Month        | Principal Applicants | Derivative Family Members | Total        |
|--------------|----------------------|---------------------------|--------------|
| January      | 89                   | 269                       | <b>358</b>   |
| February     | 104                  | 305                       | <b>409</b>   |
| March        | 290                  | 817                       | <b>1,107</b> |
| <b>Total</b> | <b>483</b>           | <b>1,391</b>              | <b>1,874</b> |

### **How many denials were there in the Second Quarter of FY 2022?**

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

2,295 Afghan principal applicants were deemed unqualified to receive COM approval or had the approval revoked during the second quarter of FY 2022. 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 second quarter of FY 2022, 683 appeals were adjudicated. Of the appeals adjudicated during this quarter, 317 were approved after the applicant submitted additional information.

382 principal applicants had a Form I-360 petition denied by USCIS during the second quarter of FY 2022.

### **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-immg-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.