



Special Immigrant Visa

CALL FOR COOPERATIVE ACTION

The Special Immigrant Visa (SIV) program was created in 2006 to make certain that Iraqis and Afghans who worked as translators or interpreters, or who were employed by, or on behalf of, the U.S. government in Iraq or Afghanistan are offered protection and put on a path to lawful permanent residency and, if they choose, U.S. Citizenship. This program has been a critical tool to ensure the safety and protection of individuals who put their own lives at risk to help the United States in those two conflicts.

The Special Immigrant Visa programs represent a promise that we made to our allies. Following through on that promise is not only vital to maintaining support of the Afghan and Iraqi people, but also to completing our mission there and to U.S. national security. However, at this time, backlogs and processing delays are leaving lives the U.S. Government promised to protect at risk in their home countries. As the U.S. plans to withdraw troops from Afghanistan, and as attacks against Afghan nationals who cooperated with the U.S. military rise exponentially, action must be taken now to ensure all who have been waiting years to relocate to the United States are finally able to do so.

Since 2009, funding for the Afghan SIV program has been authorized in the National Defense Authorization Act (NDAA). There has been no additional funding for the Iraqi program since 2014. In addition, the COVID pandemic has exacerbated an already strained and understaffed program. Congress and the Biden Administration must act now, or they will not only risk losing the lives of individuals who bravely supported U.S. military operations, but they will also jeopardize the U.S.' ability to recruit similar in-country support for future military actions abroad.

There are currently three SIV programs:

- 1 50 visas permanently available each year** for certain Iraqis and Afghans who worked directly with the U.S. military.
- 2 An unused backlog of 350 visas are available to Iraqis** who were employed by the U.S. Government in Iraq between 2008 and 2014; yet only ~60 applicants remain in the program. The unused visas must be reallocated to other Iraqi SIVs.
- 3 An unused backlog of 11,000 visas available to Afghans** employed by the U.S. Government in Afghanistan between 2009 and 2022, while there are currently over 18,000 applications.

RECOMMENDATIONS

- **It is imperative that the Biden administration immediately reconsider the direction in the EO for another study of the ineptitude of the SIV program.** The overview given by the OIG in June 2020 is a relevant and sufficient starting point in the revitalization of this program. Given the extremely unstable situation in Afghanistan at this time, any further delays will cause otherwise preventable deaths to Afghan nationals that qualify for the SIV program
- **Remove the cap on Afghan SIV visas**, issue as many as are needed to cover all who qualify, and extend the program until U.S. forces have left Afghanistan and the program is no longer needed.
- **Create a working system of dedicated priority for Afghan SIV processing** to enable processing of these visas in the nine month window mandated by Congress in the AAPA. This would call for immediate staff increases across the board for the SIV program. As noted in the OIG June 2020 report, there has been no significant or lasting increase in staffing since 2016 as the program itself has seen an increase of approximately 50% in new applicants.
- **Ensure a Senior Coordinating Official is given the resources and authority necessary to efficiently administer the program.** Note that there was no such position staffed from January 2017 to March 2020.
- **Reopen and process cases** that were denied between December 23, 2016 and December 20, 2019, when applications were unjustly limited solely to Interpreters/ Translators for DOS, USAID, U.S. Military or those who had performed “sensitive and trusted activities” for the U.S. Government.
- **Issue guidance to adjudicators** at all posts worldwide to wait until the time of final visa interview to request the medical examination so as to not risk costly and risky medical exams expiring due to processing delays. To assist with this (and to add to the acceleration of the SIV system in its entirety), we must see a prioritized and concerted effort to coordinate the Administrative Processing which includes Security and Background checks from multiple Intelligence and Security departments in the U.S.
- **Ensure adequate funding for resettlement agencies** working with SIV recipients so as to not force them to rely solely on charitable aid once they arrive in the United States until they are able to stabilize their lives and obtain employment.
- Using the lessons learned from these two programs, **create a forward-thinking turnkey model** that includes a funded, staffed “Special Immigration Resettlement Program” for any potential future overseas missions.
- **In the event of a withdrawal of American forces, execute a mass evacuation plan** similar to historical events in Vietnam, Iraq, and Kosovo. This option will allow applicants to travel to a safe space while they await processing.
- **Open and maintain regular lines of communication** between relevant administration officials and civil society organizations, including organizations that provide direct legal services to SIV applicants.