

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 September 30, 2016, State issued 1,302 out of the 2,500 SIVs allocated 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 have received visas. There are sufficient visa numbers remaining to meet demand from applicants in the pipeline.

The Department of State issued 657 SIVs to Iraqi principal applicants and 1,593 SIVs to their family members in FY 2016. SIV issuance numbers through the fourth quarter of FY 2016 are available on travel.state.gov.

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 statistic captures total U.S. government processing time in calendar 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 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. SIV applications move through 14 steps, in the following four stages: the Chief of

Mission (COM) application process; Form I-360 petition adjudication by the Department of Homeland Security; visa interview and security screening; and final visa adjudication (issuance or denial).

Special Immigrant Visa (SIV) Processing Steps¹			
Stage	Step	Description	Average processing times in calendar days
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.	30 (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. ²	92

Visa Interview Process, including prior to and after interview ³	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. ⁴	207
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
Total U.S. government processing time in calendar days⁵			393
¹ Processing steps are for SIVs authorized under section 1244 of the Refugee Crisis in Iraq Act of 2008, as amended. This applies to Iraqi nationals in the SQ classification.			
² For I-360 petitions filed with USCIS between July 1 and September 30, 2016.			
³ 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 adjustment of status from USCIS.			
⁴ Line 13 totals include data for SIV applicants who completed administrative processing from October 1, 2015 through September 30, 2016. Processing time for cases that remain pending cannot be calculated without a completion date.			
⁵ 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.			

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, it is essential to the integrity of the SIV program and process enhancements have resulted in improved efficiency.

Applications Pending at Each Stage of the SIV Application Process

As of September 30, 2016, the following numbers of Iraqi applicants were pending in one of the application stages:

- There were two 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.
- One Iraqi principal applicant had a Form I-360 petition pending with USCIS (Step 7).
- 113 principal applicants and 17 family members were scheduled for visa interviews (Step 11). Interviews were 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 country of residence.
- Applications for 334 principal applicants and 125 family members were undergoing administrative processing (Step 13).

Number of SIV Applicants in Fourth Quarter of FY 2016

The following chart shows the number of Iraqi applicants who applied for SIVs in the fourth 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
July	38	97	135
August	29	77	106
September	49	122	171
Total	116	296	412

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

At the end of the fourth quarter of FY 2016 on September 30, 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. Seven Iraqi principal applicants were deemed unqualified to receive COM approval or had their approval revoked during the third 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. 20 Iraqis submitted appeals during the fourth quarter of FY 2016. Of those appeals adjudicated as of December 14, 2016, 38 percent were approved after the applicant submitted additional information.
- No principal applicant had his or her Form I-360 petition denied by USCIS during the third quarter of FY 2016.
- As of September 30, 2016, 113 principal applicants and 17 family members had scheduled visa interviews.
- As of September 30, 2016, applications for 334 principal applicants and 125 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.