

Joint Department of State/Department of Homeland Security
Report:
Status of the Iraqi Special Immigrant Visa Program

Introduction

The Department of State (“State”), the Department of Homeland Security (“DHS”), and 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 significant risks to help 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.

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. As of March 31, 2020, State has issued 2,110¹ out of the available 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 qualified applicants have received visas. There are sufficient visa numbers remaining to meet demand from applicants in the pipeline.

As of December 31, 2019, Embassy Baghdad closed for public consular services due to considerable damage done by Iranian-backed terrorist attacks on the Embassy compound and is thus no longer interviewing any immigrant visa cases, including SIVs. Iraqi visa applicants, including SIV applicants, were scheduled for interviews at Ankara, Amman, Doha, and elsewhere. In response to significant worldwide challenges related to the COVID-19 pandemic, the Department of State temporarily suspended routine visa services at all U.S. Embassies and Consulates in the latter part of the second quarter of FY 2020. Embassies and Consulates continued to provide emergency and mission critical visa services, which includes SIV services, where possible.

Average Processing 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.² 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”)

¹ Figures include adjustment of status data from U.S. Citizenship and Immigration Services.

² 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.

application process; Form I-360 petition adjudication by DHS; 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.	N/A ²
	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.)	N/A ²
Form I-360 adjudication process	6	Applicant self-petitions to DHS U.S. Citizenship and Immigration Services	Applicant-controlled

		("USCIS") using form I-360.	
	7	USCIS adjudicates petition and sends to NVC if approved. ³	46
Visa Interview Process, including pre- and post-interview ⁴	8	NVC sends instruction packet to applicant requesting standard immigrant visa documentation.	3
	9	Applicant submits required documentation to NVC.	Applicant-controlled
	10	NVC reviews documents for completeness.	3
	11	NVC schedules applicant for next available interview at a U.S. Embassy. ⁵	69
	12	Applicant is interviewed by consular officer on the scheduled appointment date. Administrative processing is initiated following the interview.	1
	13	The applicant's case undergoes administrative processing. ⁶	553
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	Applicant-controlled

		requires renewal by the applicant.	
		Total U.S. government processing time in calendar days⁷	677
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 The deadline for Iraqi principal applicants to submit new applications for Chief of Mission approval was September 30, 2014.			
³ For I-360 petitions filed with USCIS between January 1, 2020 and March 31, 2020.			
⁴ 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.			
⁵ As of November 2017, NVC began scheduling SIV applicants on behalf of the U.S. Embassy Baghdad. In this quarter Embassy Baghdad was closed to public services, so most cases were routed to other embassies unless already at post.			
⁶ Line 13 totals include data only for SIV applicants who completed administrative processing between January 1, 2020 and March 31, 2020. Average processing time does not include cases that remain pending. Pending cases cannot be included in the calculation until they are completed.			
⁷ 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). Administrative processing 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 March 31, 2020, the following numbers of Iraqi applicants were pending in one of the application stages:

- Step 1 – There are 4 COM applications submitted by Iraqi principal applicants pending at NVC during this period. The deadline for Iraqis to apply for COM approval was September 30, 2014.
- Step 7 – 13 Iraqi principal applicants had a Form I-360 petition pending with USCIS.
- Step 11 – There is 1 principal applicant and 0 derivative family members at the documentation submission stage of the process.
- Step 13 – Applications for 36 principal applicants and 9 family members were undergoing administrative processing as of March 29, 2020.

Number of SIV Applicants in Second Quarter of FY 2020

The following chart shows the number of Iraqi applicants who applied for SIVs in the second quarter of FY 2020 under section 1244 of the *Refugee Crisis in Iraq Act of 2008*, as amended, subsequent to receiving COM approval:

Month	Principal Applicants	Derivative Family Members	Total
January	1	0	1
February	0	0	0
March	0	0	0
Total	1	0	1

Applications Denied at Each Stage of the SIV Application Process

At the end of the second quarter of FY 2020 on March 31, 2020, the following numbers of applications were denied 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. No principal applicants were deemed unqualified to receive COM approval or had their approval revoked during the second quarter of FY 2020. Applicants whose COM applications are denied or revoked are able to submit one appeal within 120 days of receiving the denial or revocation letter. One principal applicant submitted an appeal during the second quarter of FY 2020.

- Three principal applicants had a Form I-360 petition denied by USCIS during the second quarter of FY 2020.

Reasons for COM Denial

As reflected in denial letters sent by the COM designee at U.S. 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 through 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.