

**UNCLASSIFIED**

United States Department of State  
and the Broadcasting Board of Governors  
Office of Inspector General

# Middle East Regional Office

## Status of Iraqi Special Immigrant Visa Programs

Report Number MERO-IQO-08-01, July 2008

### **~~IMPORTANT NOTICE~~**

~~This report is intended solely for the official use of the Department of State or the Broadcasting Board of Governors, or any agency or organization receiving a copy directly from the Office of Inspector General. No secondary distribution may be made, in whole or in part, outside the Department of State or the Broadcasting Board of Governors, by them or by other agencies or organizations, without prior authorization by the Inspector General. Public availability of the document will be determined by the Inspector General under the U.S. Code, 5 U.S.C. 552. Improper disclosure of this report may result in criminal, civil, or administrative penalties.~~

**UNCLASSIFIED**





**United States Department of State  
and the Broadcasting Board of Governors**

*Office of Inspector General*

PREFACE

This report was prepared by the Office of Inspector General (OIG) pursuant to the Inspector General Act of 1978, as amended, Section 209 of the Foreign Service Act of 1980, the Arms Control and Disarmament Amendments Act of 1987, and the Department of State and Related Agencies Appropriations Act, FY 1996. It is one of a series of audit, inspection, investigative, and special reports prepared by OIG periodically as part of its oversight responsibility with respect to the Department of State and the Broadcasting Board of Governors to identify and prevent fraud, waste, abuse, and mismanagement.

This report is the result of an assessment of the strengths and weaknesses of the office, post, or function under review. It is based on interviews with employees and officials of relevant agencies and institutions, direct observation, and a review of applicable documents.

The recommendations therein have been developed on the basis of the best knowledge available to the OIG, and have been discussed in draft with those responsible for implementation. It is my hope that these recommendations will result in more effective, efficient, and/or economical operations.

I express my appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in black ink, appearing to read "H. W. Geisel", written in a cursive style.

Harold W. Geisel  
Acting Inspector General



TABLE OF CONTENTS

EXECUTIVE SUMMARY . . . . . 1

BACKGROUND . . . . . 3

    Section 1059 - Interpreter/Translator Program . . . . . 3

    Section 1059 - Visa Processing Steps . . . . . 4

    Section 1244 - Locally Employed Staff Program . . . . . 4

PROCESSING INTERPRETER/TRANSLATOR SIV CASES . . . . . 7

    Quantitative Goals Met . . . . . 7

    Screening Cases . . . . . 8

    Cases of Concern . . . . . 10

    Security and Background Screening . . . . . 11

ISSUES CONCERNING THE LOCALLY EMPLOYED STAFF SPECIAL  
IMMIGRANT VISA PROGRAM . . . . . 13

    Resources . . . . . 13

    Screening . . . . . 15

    Potential Fraud . . . . . 16

MEDICAL SCREENING BAGHDAD . . . . . 17

MANAGEMENT COMMENTS AND OUR RESPONSE . . . . . 19

ABBREVIATIONS . . . . . 21

APPENDIX I - PURPOSE, SCOPE, AND METHODOLOGY . . . . . 23

APPENDIX II – BUREAU OF CONSULAR AFFAIRS COMMENTS . . . . . 25

    Quantitative Goals Met . . . . . 33

    Cases of Concern . . . . . 37

APPENDIX III – EMBASSY BAGHDAD COMMENTS . . . . . 41



## EXECUTIVE SUMMARY

The United States has a continuing special interest in the protection and welfare of many Iraqis and Afghans, including interpreters/translators, and other former employees (and their families) working for, or on behalf of, the U.S. Accordingly, Congress, recognizing the debt owed these individuals who work at great personal risk, responded by creating two Special Immigrant Visa (SIV) programs; an SIV program for Iraqi and Afghani translators/interpreters,<sup>1</sup> and a second SIV program (known as the Kennedy Bill) for Iraqi employees and contractors and their families along with refugee resettlement benefits.<sup>2</sup>

The Department effectively met congressional allocations for issuing SIVs to former Iraqi and Afghan interpreters and translators for FY 2006 and FY 2007, and by mid-February 2008 had exceeded the FY 2008 target of 500 applications. Despite meeting numerical allocations, the pressure to quickly process cases resulted in some not receiving the level of scrutiny they should, which in turn resulted in some applicants receiving SIVs who (1) did not meet the program's criteria of working primarily as an interpreter or translator or (2) in the OIG team's ("the team") opinion appeared to be outside the legislative intent of the program. Thus, a number of SIVs could have been allocated to other qualified applicants. The Department should work with the Departments of Defense and Homeland Security to define the qualifications of translators and interpreters. The team notes, however, that consular officers at the time of fieldwork were taking a closer look at applicants' petitions and had returned cases to USCIS for possible revocation.

The Department was still in the process of formulating procedures for administering the Kennedy SIV program for Iraqi staff employed by the U.S. Government. Because no petitions have been filed and because of the expected processing time involved, it is doubtful that embassies will meet the 5,000 case potential in FY 2008. As the Department works to carry out the Kennedy SIV program in the coming years, it will need to identify funding requirements, especially to cover the cost of refugee resettlement benefits to SIV recipients and their families; develop clear guidance on eligibility for adjudicators; and maintain a high level of vigilance due to the high risk of fraud and abuse.

---

<sup>1</sup> P.L. 109-163 § 1059, as amended by P.L. 110-36.

<sup>2</sup> P. L. 110-181 § 1244.

**UNCLASSIFIED**

**UNCLASSIFIED**



## BACKGROUND

The Immigration and Nationality Act authorizes an SIV classification.<sup>3</sup> Qualification under this section enables alien current and former U.S. Government employees (principal applicants) who satisfy a number of conditions to immigrate to the United States. These individuals and their families are admitted to the United States for lawful permanent residence and may eventually acquire U.S. citizenship.

### SECTION 1059 - INTERPRETER/TRANSLATOR PROGRAM

Rather than amend existing provisions of the Immigration and Nationality Act, Congress, through the FY 2006 National Defense Authorization Act, instituted new criteria and made up to 50 Iraqis or Afghans who served as U.S. military translators and interpreters eligible for SIVs annually. In FY 2007, Congress again amended the SIV program enlarging the total number of beneficiaries to 500 a year for FY 2007 and FY 2008, and expanding the category of eligible candidates to cover Iraqi and Afghan translators and interpreters who are under COM authority. Under section 1059 as amended, Iraqi or Afghan nationals could self-petition for a SIV classification if they meet all of the following requirements:

- Worked directly as an interpreter or translator with the U.S. Armed Forces or the COM, for a period of at least 12 months, or in case of death of an interpreter or translator, be an immediate family member;
- Obtained a favorable written recommendation from a general or flag officer in the chain of command or from the COM;
- Clear a background check and screening as determined by a general or flag officer in the chain of command or from the COM; and
- Are otherwise eligible to receive an immigrant visa and admission to the United States for permanent residence, except that the grounds for inadmissibility relating to “public charge” shall not apply.

---

<sup>3</sup> 8 U.S.C. § 101(a) (27) (D).

## SECTION 1059 VISA PROCESSING STEPS

Principal applicants and their families who meet the above conditions may file a petition (Form I-360) with DHS/USCIS Nebraska Service Center. The petition includes personal information about the petitioners and their immediate family members, proof of nationality, a favorable recommendation documenting their service, and other supporting documents. The petitions are evaluated by USCIS examiners and, if approved, sent to the Department's National Visa Center (NVC) in Portsmouth, New Hampshire. The NVC contacts the applicants and determines with them a location for visa interview, provides information to the applicant on what materials and documents to assemble, verifies by e-mail that the applicants have collected all required documents, and may request a security advisory opinion. When applicants report, they have assembled their materials, and upon receipt of the security advisory opinion when so required, NVC then sets an appointment at the chosen U.S. embassy or consulate. The applicants and family members travel to the selected venue and formally make their application before a consular officer. Consular officers question applicants to verify their applications are truthful and accurate and use their knowledge of law and regulation to evaluate SIV qualifications. They review security and medical clearances. Consular officers then issue an immigrant visa if candidates satisfy all criteria. Finally, DHS officers verify the entire SIV package upon the applicants' arrival in the United States before granting individuals admission as lawful permanent resident aliens.

## SECTION 1244 - LOCALLY EMPLOYED STAFF PROGRAM

Congress added a second SIV program (known as the Kennedy Bill after the bill's sponsor Senator Edward Kennedy) in section 1244 of the FY 2008 National Defense Authorization Act. This program creates a new category of SIVs for Iraqi nationals who have provided faithful and valuable service to the U.S. Government, and have experienced ongoing serious threat as a consequence of that employment. Under the program, five thousand principal applicants may receive SIVs per year for each of the five FYs 2009-2013.<sup>4</sup> Numbers not used may be carried over; if numbers remain after the fifth fiscal year, they may be used in FY 2014. During OIG's evaluation, procedures governing qualifications and administration of the Kennedy Bill had not been formulated or disseminated by the Department and DHS. Principal applicants must be Iraqi nationals and meet the following eligibility standards:

---

<sup>4</sup> At the time of this report's publication, Congress was expected to pass a technical amendment making SIVs available starting in FY 2008.

## **UNCLASSIFIED**

- Worked with or on behalf of the U.S. Government for a period of at least 12 months on or after March 20, 2003;
- Provided faithful and valuable service to the U.S. Government documented by a positive recommendation from the employee's senior supervisor;
- Clear a background check and screening as determined by the Secretary of Homeland Security;
- Has experienced or is experiencing an ongoing serious threat as a result of the applicant's U.S. Government employment;
- Obtain COM approval; and
- Are otherwise eligible to receive an immigrant visa and admission to the United States for permanent residence, except that the grounds for inadmissibility relating to "public charge" shall not apply.

**UNCLASSIFIED**

**UNCLASSIFIED**

## PROCESSING INTERPRETER/TRANSLATOR SIV CASES

The Department and DHS issued all SIVs authorized by Congress for former Iraqi and Afghan interpreters and translators for FYs 2006 and 2007, and are on pace to meet the FY 2008 goal. However, an analysis of completed and active case files indicated more than 25 percent of USCIS petition-approved applicants from the OIG team's sample did not meet the program's criteria of working as an interpreter or translator. These files included job descriptions and titles, performance evaluations, identity documents, recommendation letters and award certificates, supervisor endorsements, and other documentation. Furthermore, the team identified a number of cases that, in the team's opinion, appear to be outside the legislative intent of the program, and resulted in SIV number allocations that should have gone to other qualified applicants. The due diligence of officials involved in the security and background screening of applicants resulted in several SIV candidates being ruled ineligible due to their personal activities or conditions.

### QUANTITATIVE GOALS MET

Overall, the consular sections of U.S. embassies in the region (primarily in Amman)<sup>5</sup> working closely with DHS are successfully achieving the SIV goal set by Congress. The FY 2006 allocation of 50 Iraqi and Afghan SIVs presented few challenges to consular sections and DHS petition examiners due to the relatively small number of cases, the program's straight-forward criteria, and strong nature of the applicants' cases. (Although enacted in January 2006, filing of petitions was not authorized until August 2006, and the first SIVs were issued in early FY 2007.)

The FY 2007 program's tenfold increase to 500 visas, however, presented a significant challenge because (1) the authorizing legislation was not passed until mid fiscal year and (2) the time necessary to devise the program's rules pushed the processing into the fiscal year's last quarter. It is noteworthy that the Department and DHS quickly allocated and managed additional funding and staff resources. The consular section in Amman vetted as many as 20 cases per officer per day when the typical immigrant visa caseload there called for eight to ten cases per officer per day.<sup>6</sup> This

<sup>5</sup> In FY 2007, Embassy Amman processed 337 of the 432 Iraqi SIV applications, or 78 percent.

<sup>6</sup> The consular officer case work averages were based upon our analysis of data from Embassy Amman's FY 2007 Consular Package Report.

hard-gained experience enabled SIV program management and consular officers to efficiently cope with the FY 2008 caseload of 500 visa applications; by mid-February 2008, applicants had filed and DHS had approved more than 500 petitions, and the NVC and consular posts were in the process of scheduling interview appointments for an orderly SIV process.<sup>7</sup>

## SCREENING CASES

The OIG team also learned, however, from the case file analysis and from discussions with consular officers in the embassies the team visited, that a significant number of approved applicant petitions – more than 25 percent – did not meet the program’s criteria of working as an interpreter or translator. The team reviewed 177 completed and active SIV case files in Amman and determined by examining employment records, pay stubs, efficiency reports, identification badges, testimonial letters, photographs, and other materials, that 131 applicants served as interpreters and translators. The examination revealed that the remaining 46 cases involved applicants who did not work as interpreters/translators, but rather in a wide variety of positions such as medical doctors, computer programmers, engineers, pharmacists, warehouse workers, and caterers. A few of the applicants’ job descriptions included ancillary interpreter/translator duties; most did not. The team learned of several instances (and observed one interview) where the applicant proceeded through the entire SIV process, up to the consular officer interview point, before it became clear the person could not speak English and would need the assistance of an Arabic language interpreter to complete the interview.

The vast majority of the files examined included a favorable written recommendation by a U.S. general or flag officer stating the applicant served as an interpreter or translator. COM recommendations for interpreters or translators comprised less than five percent of the total. The U.S. military employed the overwhelming number of interpreters and translators in Iraq which accounts for the candidate distribution. Many of the recommendation letters from the military contained exactly the same language and format, and thus it appears the letters were nonspecific *pro forma* documents endorsing petition submissions from military subordinates in the general or flag officer’s chain of command. Nonetheless, these general or flag officer recommendation letters are central to establishing petition and SIV entitlement.

---

<sup>7</sup> Those Iraqi interpreters or translators who are unable to obtain one of the 500 visas authorized for principal applicants for FY 2008 under section 1059 may reapply for SIV status under section 1244 (Kennedy Bill). However, the law does not allow Afghan interpreters or translators this reapplication option; those individuals with cases still pending when the 500 Section 1059 visas allocated have been exhausted will have to wait for one of the 50 SIVs authorized for FY 2009.

## UNCLASSIFIED

Authority for determining SIV eligibility resides at several points. These include the necessary military general or flag rank officer recommendation, initial USCIS petition review and approval, NVC document verification and communication with applicants, and ultimately the consular officer's interview with the applicant. As noted above, the general or flag officer letter served as the sole USCIS qualifier. The OIG team's file examination indicated that USCIS adjudicators generally did not look beyond the written recommendation to determine the applicant's official duties and if they qualified under the program. (USCIS adjudicators routinely placed a red ink tick or other mark near language stating an individual worked as an interpreter/translator on the general or flag officer recommendation letter.)

Foreign Affairs Manual immigrant visa guidance directs that if individuals qualify for petition approval, they qualify for SIV classification. Consular officers are required to accept USCIS-approved petitions as prima facie evidence of entitlement to SIV status unless they believed that USCIS adjudicators did not have the benefit of facts that surfaced during the interview.<sup>8</sup> Further complicating the SIV petition adjudication process was the lack of definition for what constitutes interpreter/translator work in the Foreign Affairs Manual. The Department provided some clarification in a July 2007 cable (2007STATE094644) confirming that if a major or predominant portion of the actual job responsibilities while employed by the Department involved work as an interpreter or translator, employees would qualify for an SIV even if their job title was not interpreter or translator. No similar guidance regarding DOD-nominated candidates exists.

**Recommendation 1:** The Bureau for Consular Affairs, in coordination with the Departments of Defense and Homeland Security, should develop and disseminate a clear definition of what constitutes work qualifying an Iraqi as an interpreter/translator.

Embassy Amman officials told the team that during the last quarter of FY 2007, consular officers were under significant pressures to accelerate the processing of cases to meet fiscal year visa deadlines. As noted above, consular officers were handling nearly double the number of usual immigrant visa cases. According to officials at Embassy Amman, the pressure to process cases quickly resulted in some cases not

<sup>8</sup> *"The approval of a petition under INA 204 is considered to establish prima facie entitlement to status, and the qualifications of the alien beneficiary are presumed to exist. Unless the consular officer has specific, substantial evidence of either misrepresentation in the petition process or had facts unknown to the Department of Homeland Security (DHS) at the time of approval, the consular officer generally would have no reason to return the petition to DHS..."* 9 FAM 42.32(d)(10) N6.

receiving the level of scrutiny they should. The team's analysis of the case files revealed the bulk of petitions received extremely expeditious adjudication by DHS and review by the Department. For example, the average number of workdays required to examine Iraqi SIVs were eight days for USCIS review, 40 days at the NVC, and 20 days at consular offices for an overall average time of nine weeks. (By comparison, processing immigrant visa applications for immediate relatives of American citizens – the easiest and quickest visa to process – takes on average four to six months.) While the team conducted case file examinations and fieldwork in February and March 2008, consular officers in Amman were closely vetting applicants' petitions. Consular officers stated that once petitions are approved and forwarded to post, *prima facie* evidence of visa qualification exists. Consular officers "look behind" petitions only when facts unknown to petition adjudicators surface during visa interviews. Nonetheless, in mid March, Embassy Amman returned four cases to USCIS for possible revocation.

## CASES OF CONCERN

According to Members of Congress, the SIV program was intended to reward and protect those men and women who put themselves and their families at great personal risk by assisting the U.S. Government in Iraq and Afghanistan as interpreters and translators. However, based upon the review of case files and numerous discussions with consular officers, the OIG team has identified a number of cases that in the team's opinion, appear to be outside the legislative intent of the program and resulted in allocation of SIV slots that could have gone to other qualified applicants. In addition to the Amman SIV cases discussed above (applicants that worked as doctors, engineers, and caterers and did not serve as interpreters/translators and thus not exposed to the same degree of danger as those who accompanied military troops in the field), the team identified the following cases of concern:

- Former Saddam-era military personnel, including Republican Guard officers, a chemical warfare specialist, a former fighter pilot who flew against U.S. military forces, and a commander of the national air defense center. (During the course of our file review, consular officers sought advisory opinions regarding these applications from the Department.)
- Persons with dual nationalities (Canada), legal residence in another country (Australia), or other individuals who could benefit from another category of immigrant visa (parent of an American citizen or a spouse of a refugee settled in the United States). A number of SIV cases also involved spouse and unmarried children of SIV interpreter/translator visa recipients who were eligible as dependents, but instead took a separate SIV slot.



- SIV interpreter/translator visa recipients who indicated they plan to leave their families in Iraq or plan to return to their former jobs in Iraq as soon as they establish legal permanent resident status in the United States.

The team is aware that many of the Iraqi interpreters and translators who receive SIVs and seek to return to Iraq would provide a valuable service to the U.S. Government. The team attended a short ceremony at Embassy Baghdad in February when the first SIVs were issued in-country and heard Ambassador Crocker encourage the recipient Iraqi visa-holders who had expressed an interest to return to work at the Embassy to do so. Nonetheless, there are a number of issues and equities to be carefully considered, including the payment of resettlement benefits and the targeting of limited visas slots to those most in need of protection and resettlement. (The OIG team also questions whether an applicant under the Section 1244 program can claim to face a serious threat when they are planning to return to Iraq immediately after establishing legal permanent resident status.)

## SECURITY AND BACKGROUND SCREENING

The FY 2006-2008 Defense Authorization Acts require that SIV applicants satisfy Immigration and Nationality Act eligibility conditions that prohibit issuance of a visa for certain actions, such as felony conviction, drug trafficking, terrorism, and polygamy, among other factors.<sup>9</sup> The overwhelming majority of applicants encountered no problem with these requirements; however a few had criminal or other disqualifying histories. While the team did not systematically review the efficacy of this screening process, they noted these efforts resulted in several SIV candidates correctly being ruled ineligible due to their personal activities or conditions.

The NVC requested security checks for many applicants in the course of assessing their eligibility, and consular officers verified backgrounds before, during, and after SIV interviews. These double and triple verifications, often using data gathered by other agencies or available only on site, revealed that otherwise approvable applicants had criminal or other adverse histories. It is noteworthy that in two instances, consular staff issued SIVs after critical information became available even after the visa was issued.

---

<sup>9</sup> 8 U.S.C. § 1182(a).

**UNCLASSIFIED**

**UNCLASSIFIED**

## ISSUES CONCERNING THE LOCALLY EMPLOYED STAFF SPECIAL IMMIGRANT VISA PROGRAM

Section 1244 of the FY 2008 Defense Authorization Act (Kennedy Bill), signed into law on January 28, 2008, authorized 5,000 SIVs for U.S. Government Iraqi employees and contractors each year for the next five years. In addition, in a unique development for U.S. visa programs, the legislation also authorized refugee resettlement benefits to Iraqis and their families who are granted SIV status. At the time of the team's evaluation, the Department and DHS were still in the process of formulating guidance to bureaus and embassies in the region for how the program will be administered. However, according to consular officials in the region, it is doubtful that embassies will meet the 5,000 case potential in the time remaining in FY 2008, given that no petitions have been filed yet and the expected processing time involved. Embassy Baghdad officials said they expect processing cases for Iraqis employed under COM authority to proceed quickly, but anticipate verifying employment status for Iraqis who served with U.S. military units or contractors to be a difficult and time-consuming exercise.

Based upon the team's analysis of the legislative requirements and discussion with officials from the Bureau of Consular Affairs, PRM, and U.S. embassy officials in the region responsible for carrying out the legislation, they have identified (1) allocating resources, (2) screening for eligibility, and (3) fraud prevention as significant challenges for executing the program.

## RESOURCES

The Department's Bureau of Consular Affairs supports its operations through fees it collects for services rendered. Under the Kennedy Bill, SIV applicants are not required to pay processing fees, including a \$400 SIV issuance fee and a \$190 USCIS petition filing fee.<sup>10</sup> In addition, the team learned that consular offices in Amman, Baghdad, and Damascus will have to add additional staff and make physical changes to their workspace to accommodate the increased workload. Depending on how

---

<sup>10</sup>The Bureau of Consular Affairs retains approximately \$45 per individual filing fee and the remaining \$355 is deposited in the U.S. Treasury's general fund. We calculate processing 5,000 SIV cases (with three individuals per case) will cost the Bureau of Consular Affairs approximately \$675,000 in lost revenue per year and the U.S. Treasury more than \$5 million per year.

## UNCLASSIFIED

the Department decides to divide the SIV processing workload, Embassy Amman estimated it will require as many as five staff and an expanded work space to meet the increased workload. In Baghdad, with the move to the new embassy compound in May 2008, the consular section has sufficient workspace to process cases, but officials estimated they will require two additional staff members to handle the expected 800-1,200 applications a year there. However, due to the fee waiver provision in the legislation, these additional staff resources and costs will not be offset by the corresponding increase of user fees.

**Recommendation 2:** The Bureau for Consular Affairs should verify staffing and resource needs to meet the expected increase of SIV applications and should request additional funds to sustain staffing and resource needs to efficiently and effectively manage the SIV programs in Iraq. (Action: CA)

Furthermore, the provision of refugee resettlement benefits to SIV recipients and their families – transportation, processing, reception, and placement – will be funded from PRM’s current refugee account. At the time of OIG team’s evaluation, the bureau was estimating the budget impact of meeting the projected cost of this new caseload based upon an anticipated case size of two individuals per case. In March 2008 at a congressional hearing on Iraqi refugees and SIVs, the senior coordinator on Iraqi refugee issues estimated the annual cost of refugee benefits payable to holders of SIVs from PRM monies at up to \$48 million. However, the team believes the bureau may be underestimating the case size and thus the overall cost of the resettlement program. According to Department refugee and consular officers in the region and previous experience with similar programs, the team believes the average case size will be close to three individuals resulting in an annual resettlement cost of nearly \$75 million.

**Recommendation 3:** The Bureau of Population, Refugees, and Migration should verify resource needs to meet the expected increase of SIV applications and should request additional funds to sustain staffing and resource needs to efficiently and effectively manage the SIV programs in Iraq. (Action: PRM)

## SCREENING

Iraqis and their families who worked with or on behalf of the U.S. Government for a period of at least 12 months on or after March 20, 2003, are eligible for SIVs if they can document that (1) they provided faithful and valuable service to the U.S. Government and (2) they have experienced or are experiencing an ongoing serious threat as a result of their U.S. Government employment. According to Embassy Baghdad officials, there is no central repository or database that contains the names of the thousands of Iraqis that have been employed on behalf of the U.S. Government since March 2003. Embassy officials said they possess documentation for Iraqis that served with U.S. Government agencies that work at the Embassy, regional embassy offices, and the 25 provincial reconstruction team sites. However, verifying employment for those Iraqis who worked for military units that rotated out or contractors that no longer operate in Iraq will be difficult.

Furthermore, consular and other embassy officials told the team that determining whether an applicant experienced or is experiencing an ongoing serious threat based upon their employment will be a challenge. Officials questioned how they would conduct such a threat assessment and stated they will need clear criteria and guidance on how to certify this requirement. Similarly, officials stated certifying whether the applicant provided faithful and valuable service will require careful consideration. Upon examining letters of recommendations from general and flag officers under the interpreter/translator SIVs program (section 1059) – where more than 25 percent of the applicants did not qualify under the program – the team believes that clear guidance and rigorous screening mechanisms will also be required.

**Recommendation 4:** The Bureau for Consular Affairs, in coordination with the Departments of Defense and Homeland Security, should develop and disseminate a clear definition of what constitutes “experienced or is experiencing an ongoing serious threat” as a result of applicant’s employment with the U.S. Government. (Action: CA)

**Recommendation 5:** The Bureau for Consular Affairs, in coordination with the Departments of Defense and Homeland Security, should develop and disseminate a clear definition of what constitutes “faithful and valuable service” for supervisors documenting applicant’s performance. (Action: CA)

## POTENTIAL FRAUD

Consular officers reported a number of deceptive practices by SIV applicants to illegally secure a visa under the comparatively limited interpreter/translator SIV program, including the use of counterfeit documents, false claims, and misleading interview statements that cut off lines of inquiry into material facts that could lead to a finding of ineligibility on independent grounds. According to current and former consular officers who were actively engaged in the effort to resettle Vietnamese citizens who worked on behalf of the U.S. Government during the Vietnam conflict, the Kennedy SIV program is at high risk for fraud and abuse. These officials believe the difficult security and economic environment in Iraq, coupled with the enlarged applicant pool and enhanced benefits, will attract numerous individuals who will try to dishonestly insert themselves into the SIV queue. These conditions will require continued due diligence on the part of USCIS, consular management, and line officers and sufficient resources to monitor and manage the program.

## MEDICAL SCREENING IN BAGHDAD

SIV applicants and family members are required to successfully complete a physical examination as part of their application process. Due to the insecure environment and the breakdown in the country's health infrastructure, physical examinations for SIV applicants and individuals seeking refugee status in Baghdad were to be conducted at the U.S. Army Combat Surgical Hospital, located near the U.S. Embassy in the International Zone. The physical examinations were to be conducted by the Embassy's health attaché (certified by the U.S. Centers for Disease Control) using embassy-procured medical supplies.

In January 2008, the U.S. Army suspended the Embassy's use of the Combat Surgical Hospital pending high-level DOD approval of the arrangement. According to embassy officials, DOD lawyers halted the examinations believing the program violated rules of engagement regarding civilian access to the hospital. As a result, the Embassy had to delay processing approximately 58 SIV and 92 refugee cases until the impasse could be resolved. In late March, the Secretary of Defense signed a memorandum of understanding allowing the physical examinations to continue until April 30, 2008. However, the examining physician had departed post for R&R, and as of March 31, 2008, it was unclear if or how many examinations would be performed. According to embassy officials, some of these applicants may be seeking alternative means for completing the physical examination elsewhere in the region.

In the meantime, Embassy Baghdad is working to establish a Centers for Disease Control-certified clinic across from the new embassy compound in the International Zone to conduct SIV and refugee physical examinations. At the time of the OIG team's fieldwork, four Iraqi doctors were identified and undergoing certification processing. In late March, the Iraqi Ministry of Health granted approval for the physicians to conduct the immigration medical exams on a part-time basis, and the Embassy hopes to have the clinic and physicians fully vetted by mid April. The Embassy's goal is to have the clinic in operation by late spring 2008.

**UNCLASSIFIED**

**UNCLASSIFIED**



## MANAGEMENT COMMENTS AND OUR RESPONSE

The OIG team received written comments from the Department's Bureau of Consular Affairs and Embassy Baghdad on a draft of this report. See appendices II and III, respectively. Both the Bureau of Consular Affairs and Embassy Baghdad provided technical comments and updates that were incorporated throughout the report, as appropriate. The team also met with cognizant officials from the Bureaus of Consular Affairs and Population, Refugees and Migration to discuss their comments and observations. DOD did not provide comments. USCIS also provided technical comments, which were incorporated in the report as appropriate.

The Bureau of Consular Affairs concurred with the recommendations to develop and disseminate clear definitions of what constitutes "experienced or is experiencing an ongoing serious threat" as a result of applicant's employment with the U.S. government and "faithful and valuable service" for supervisors documenting performance (Section 1244). The Bureau also concurred with the recommendation to verify staffing and resource needs to meet the upcoming surge of SIV applications and provide these funding needs to Congress in the Department's next funding request. The Bureau did not concur with the recommendation that in coordination with the Departments of Defense and Homeland Security develop and disseminate clear definition of what constitutes work qualifying an Iraqi as an interpreter/translator (Section 1059). (Embassy Baghdad's comments did not address the report's recommendations.)

Consular Affairs indicated in its comments that the Department does not have the authority to decide who meets the qualification of working as a Department of Defense (Defense) translator and the law does not authorize the Department to request review of Defense or DHS decisions. Consular Affairs went on to note that the law gives military flag officers the right to determine which men and women to reward and protect with a SIV. Consular Affairs concluded in its comments that it carried out its responsibility with great care and to suggest that it is equipped to legally remedy alleged defects in the Defense or USCIS phases is inappropriate.

The report credits the Department and its consular officers in Amman (where the bulk of SIV applications were processed) for working very hard to process a large number of SIV applications in a short period of time. However, the team's extensive case file analysis revealed that a number of SIV allocations went to individuals who did not work as interpreter/translators as the law requires. The report's

## **UNCLASSIFIED**

recommendation to develop and disseminate clear definitions of what constitutes work qualifying an Iraqi as an interpreter/translator is targeted to correct this problem. The report clearly indicates a military flag officer as the starting point for recommending the applicant for a SIV and the subsequent roles played by USCIS and the Department in allocating and issuing the visa. However, to suggest that the Department cannot work with the Defense and DHS to remedy problems is incorrect. The team can find no legal prohibition that prevents the Department from working through the inter-agency process to develop and issue guidance with Defense or DHS. The team also notes that there is precedent for the Department to work collaboratively with other departments on visa matters based upon its September 2003 Memorandum of Understanding with DHS which created a cooperative and consultative process for visa adjudication and issuance.

The Department also commented on the team's reference to "congressional intent" and questioned how it was determined, noting that congressional intent clearly suggests affording Defense, in particular, strong discretionary power to identify candidates for SIV. The team agrees that congressional intent can be subject to interpretation. However, the team discussed this issue with senior congressional staff involved in the drafting, conferencing, and finalizing of this legislation and its 2007 amendment. They stated that the intent of the legislation was to provide protection to interpreters/translators and their immediate families who live in danger because of their support of the U.S. missions in Iraq and Afghanistan. They also stated they purposefully left it to the executive branch to define the meaning of "translator" and "interpreter." The test of qualification and reasonableness then was left to the Chief of Mission and the U.S. military.

Therefore, the team stands by its concern that granting SIVs under this program to Saddam-era military personnel, persons with dual nationalities, or other individuals not in need of protection resulted in SIVs that could have been allocated to other qualified individuals.

ABBREVIATIONS

COM	Chief of Mission
Department	U.S. Department of State
DHS	U.S. Department of Homeland Security
DOD	U.S. Department of Defense
OIG	Office of Inspector General
LE	locally employed
NVC	National Visa Center
PRM	Bureau of Population, Refugees, and Migration
MERO	Middle East Regional Office
SIV	special immigrant visa
USAID	U.S. Agency for International Development
USCIS	DHS's U.S. Citizenship and Immigration Services

**UNCLASSIFIED**

**UNCLASSIFIED**

## APPENDIX I - PURPOSE, SCOPE, AND METHODOLOGY

OIG's Middle East Regional Office (MERO), initiated this evaluation on January 10, 2008, (Project No. 08/3001) to determine whether the Department is effectively managing the Iraqi SIV programs due to concerns over the timely processing of applications, whether screening of applicants was fair and in accordance with U.S. Government regulations and criteria, and whether sufficient staff and resources exist to perform the work.

To examine the progress made and challenges faced by the Department, OIG analyzed the legislative requirements for the two SIV programs found in Section 1059 of the FY 2006 National Defense Authorization Act and Section 1244 of the FY 2008 National Defense Authorization Act. OIG reviewed relevant documents from the Bureau of Consular Affairs concerning Iraqi interpreter/translator SIV program planning, resources, and implementation.<sup>11</sup> In addition, OIG obtained and reviewed documents from PRM concerning refugee resettlement benefits and associated costs. OIG also met with the following officials to discuss the progress in implementing the SIV programs:

- In Washington, DC, OIG met with officials from the Bureau of Consular Affairs' Office of the Executive Director; Office of Policy Coordination and Public Affairs; and Office of Fraud Prevention, who provided information on general consular management and oversight, public outreach and information activities, as well as anti-fraud measures. Within the Bureau of Consular Affairs' Visa Office, OIG also met with officials from the Office of the Managing Director; Office of Legislation and Regulations; Office of Advisory Opinions; the Office of Public and Diplomatic Liaison; and the Post Liaison Division who provided information on visa processing and procedures, staffing and resource needs, and guidance to field officers on individual applications and issues. OIG also discussed SIV processing issues with officials at the National Visa Center in Portsmouth, New Hampshire. Finally, OIG met with PRM officials to discuss refugee resettlement benefits and costs.

---

<sup>11</sup>At the time of our evaluation, the Bureau of Consular Affairs was finalizing the rules and regulations concerning the implementation of the Section 1244 SIV program for current and former Iraqi U.S. Government employees.

## **UNCLASSIFIED**

- In Jordan, Iraq, and Turkey, OIG held extensive discussions with consular officers and senior embassy officials and observed SIV applicant interviews with consular officials. In Jordan and Iraq, OIG conducted an extensive file review of 177 and 10 SIV applications, respectively, to appraise the applicants' qualifications under the SIV's program criteria, standards of evidence, processing time, and administrative constraints.

OIG conducted this evaluation from January to April 2008. OIG did not use computer-processed data to perform this evaluation. The evaluation was conducted according to *Quality Standards for Inspections* issued by the President's Council on Integrity and Efficiency.

This report was prepared under the direction of Richard "Nick" Arntson, assistant inspector general for MERO. The following staff members conducted the evaluation and/or contributed to the report: Patrick A. Dickriede, Ernest J. Fischer, Brooke C. Holmes, and Karen J. Ouzts.

APPENDIX II - BUREAU OF CONSULAR AFFAIRS  
COMMENTS

**General Comments:** This report criticizes the SIV translator program in areas reserved exclusively by law to the Departments of Defense and Homeland Security and places the responsibility on the Department of State (“the Department”) to remedy these faults. It asks the Department to make determinations as to who constitutes a translator and to define translator for the Department of Defense (DoD). This determination is reserved to the Departments of Defense and Homeland Security (DHS). Under the law as written by Congress, assuming an applicant otherwise meets the criteria for visa issuance, consular officers do not have the authority to exclude or deny applicants based on job title or duties if a flag officer has asserted that the applicant meets the criteria and USCIS has approved the petition. Consular officers may then only review an application as to whether an applicant “otherwise meets the criteria for visa issuance.” The Department has carried out this responsibility with great care, and to suggest that it is equipped to legally remedy alleged defects in the DoD phases or USCIS phases is inappropriate.

This report asserts that a number of cases were identified that appeared outside the legislative intent of the program and resulted in allocation of SIV slots that should have gone to more deserving applicants. The report lacks any guidance or insight into how “congressional intent” was determined or why the responsibility of defining translator for DoD and USCIS phases is placed on the Department. The law, within the framework as Congress drafted it, does not appear to authorize the Department to request review of DoD or USCIS decisions. Congressional intent clearly suggests affording DoD, in particular, strong discretionary power to identify candidates for Special Immigrant Visas. The assumption that Congressional intent also encompassed delegating other agencies review or veto authority over that power is something the report assumes, and in our view assumes incorrectly.

The response below first addresses the Recommendations set out in this report. After that, OIG addresses specific points in the report.

**Recommendations:**

*To preserve and make the best use of special immigrant visa numbers, we recommend that the Assistant Secretary for Consular Affairs, in coordination with DHS, develop and disseminate clear definitions of what constitutes:*

## UNCLASSIFIED

- *Work qualifying an Iraqi as an interpreter/translator*
- *An “ongoing serious threat” as a result of applicant’s employment with the U.S. Government*
- *“faithful and valuable service” for supervisors documenting applicant’s performance.*

*To ensure the timely and efficient processing of SIV applications, we recommend that the Assistant Secretaries for the Bureaus of Consular Affairs and Population, Refugees, and Migration verify staffing and resource needs to meet the upcoming surge of SIV applications. These funding needs should be provided to the Congress in the Department’s next funding request.*

**VO Comments:** These definitions conflate both the currently operative requirements of Section 1059 SIV translators/interpreter and yet to be implemented provisions of the Section 1244 SIV (Kennedy 5000).

### **Define *Work qualifying an Iraqi as an interpreter/translator:***

**VO Comment:** Section 1059(a)(1) describes the principal alien:

- (A) is a national of Iraq or Afghanistan;
- (B) worked directly with United States Armed Forces as a translator for a period of at least 12 months;
- (C) obtained a favorable written recommendation from a general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien;
- (D) before filing the petition described in subsection (a)(1), cleared a background check and screening, as determined by a general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien.

This provision gives the Department of Defense (DoD) the authority to decide who meets the qualifications as having “worked directly with the United States Armed Forces as a translator for a period of at least 12 months.” If the recommendation asserts that the applicant is a translator and the applicant confirms this during the interview, there is no statutory basis pursuant to the Section 1059 translator provision under which a consular officer may return the case to DHS with a recommendation to review the approved petition.



The report does note on page 12, however, that “the Department provided some clarification in a July 2007 cable confirming that if a major or predominant portion of the actual job responsibilities involved work as an interpreter or translator, employees would qualify for an SIV even if their job title was not interpreter or translator.” This refers to those Chief of Mission (COM) cases in which the Ambassador must make the determination as to who qualifies as a translator or interpreter. [Public Law 110-36, which President Bush signed into law on June 15, 2007, amended section 1059 to extend the total to 500 visas per fiscal years 2007 and 2008 and also expanded the category of eligible candidates to cover Iraqi and Afghan translators and interpreters who are under Chief of Mission authority] In these cases, it is within the Department’s purview to define which COM employees qualify as translators. The Department does not, however, have this authority with respect to DoD translators.

**Define “*ongoing serious threat*” as a result of applicant’s employment with the U.S. Government**

**VO Comment:** This definition is part of Section 1244 of the FY 2008 National Defense Authorization Act which authorizes 5,000 numbers for certain USG employees.

VO agrees that this needs to be defined. This is within the Department’s authority as Section 1244(a) gives authority to the “Secretary of State in consultation with the Secretary of Homeland Security...that status of a special immigrant.”

Section 1244(b)(4) requires that “a recommendation or evaluation required under paragraph (1)(C) shall be accompanied by approval from the Chief of Mission, or the designee of the Chief of Mission, who shall conduct a risk assessment of the alien and an independent review of records maintained by the United States Government or hiring organization or entity to confirm employment and faithful and valuable service to the United States Government prior to approval of a petition under this section.” With this in mind, the Visa Office has met with the senior refugee coordinator who will go to Baghdad in May 2008 and with USCIS to begin discussions on how to determine whether an individual meets the “ongoing serious threat” requirement in Section 1244(b)(D). The conclusion was for the employee’s senior U.S. citizen supervisor to include a statement of the threat experienced by the employee as well as a statement from the SIV applicant outlining the experienced or ongoing threat. The U.S. citizen supervisor will also need to provide contact information so that the approving committee can follow up with any questions that arise.

To clarify this role, however, the consular officer will not be involved in determining whether the SIV applicant is experiencing or has experienced “ongoing serious

threat.” This will be the responsibility of the Chief of Mission or his designee, possibly an SIV committee, which will determine this before the petition is sent to USCIS for approval. Once this determination is met, the consular officer will not re-adjudicate this determination at the time of the interview.

***Define “faithful and valuable service” for supervisors documenting applicant’s performance***

**VO Comment:** This definition is part of Section 1244 of the FY 2008 National Defense Authorization Act which authorizes 5,000 numbers for certain USG employees.

VO agrees that this needs to be defined. This is within the Department of State’s authority as Section 1244(a) gives authority to the “Secretary of State in consultation with the Secretary of Homeland Security...that status of a special immigrant.” But to clarify this role, as above, the consular officer will not be involved in determining whether the SIV applicant has provided faithful and valuable service. This determination will be the responsibility of the Department, specifically the Chief of Mission or his designee, possibly an SIV committee, which will determine this before the petition is sent to USCIS for approval. Once this determination is made, the consular officer will not re-adjudicate this determination at the time of the interview.

The CA-USCIS Working Group is working on procedural issues and has proposed the following FAM guidance.

**9 FAM 42.32(D)(11) N3 WHAT DOES “FAITHFUL AND VALUABLE SERVICE” MEAN?**

- a. The COM, or his designee, must conduct an independent review of records maintained by the U.S. Government or hiring organization or entity to confirm both employment for a period of not less than one year and “faithful and valuable” service.
- b. The COM, or his designee, has primary responsibility for determining whether the alien’s service has been “faithful and valuable”, based on documentation outlined in N2. This is separate from the supervisor’s recommendation discussed in N4, although the supervisor’s recommendation is an important document to assist in making this determination.
- c. 9 FAM 42.32(d)(2) N6.2, which discusses “faithful service” in the context of special immigrant classification under INA 101(a)(27)(D), notes that a record of disciplinary actions that have been taken against an employee does not automatically disqualify the employee. The COM, or his designee, must assess the gravity of

## UNCLASSIFIED

the reasons for the disciplinary action and whether the record as a whole, notwithstanding the disciplinary actions, is one of faithful service. Remember, though, that aliens who qualify under INA 101(a)(27)(D) must have at least 15 years of service; aliens may qualify under Section 1244 with only one year of service. It will generally therefore be more difficult for an employee to demonstrate faithful service over such a short period if the record reflects that disciplinary action has been taken against the employee.

*To ensure the timely and efficient processing of SIV applications, we recommend that the Assistant Secretaries for the Bureaus of Consular Affairs and Population, Refugees, and Migration verify staffing and resource needs to meet the upcoming surge of SIV applications. These funding needs should be provided to the Congress in the Department's next funding request.*

**VO Comment:** VO agrees that these funding requirements should be requested from Congress in the Department's next funding request. The Visa Office and the Bureau of Population, Refugees, and Migration (PRM) have analyzed the resources that will be required to process these visas during the first fiscal year. Section 1244 prohibits the Departments of State and Homeland Security from charging any fee with the application or issuance of the special immigrant visa. Consular Affairs estimates that additional staff and resources needed to process these cases during the first fiscal year will cost approximately \$767,620 in excess of normal expected costs. PRM estimates that the resettlement costs (administration, transportation, and initial reception and placement services) will total approximately \$48 million.

### Responses and Corrections to Specific Comments in OIG Report:

#### Page 4

*According to Embassy Amman officials, the pressure to process cases quickly resulted in some cases not receiving the level of scrutiny they should.*

**VO Comment:** This inappropriately assumes as a norm a level of scrutiny not within the Department's authority. The adjudicating officer is not in a position to perform any useful scrutiny of the job title as a basis for petition approval, unless the interview with the applicant reveals material information unavailable to USCIS at the time the petition was approved indicating an applicant's ineligibility for the visa classification for which he or she was approved. If no such evidence comes to light during the interview, the adjudicating officer focuses exclusively on criteria for visa eligibility, to include statutory and other grounds forming the basis for issuance or denial of the visa. Officers take great care to confirm the identity applicants and ensure that the person at the interview is the person described in the flag officer's recommendation and the approved petition.

*Our analysis of case files revealed the bulk of petitions received extremely expeditious adjudication both by the Department of Homeland Security (DHS) and the Department. For example, the overall average time required to examine Iraqi SIVs was nine weeks, compared to the five to six months it takes to process an immigrant visa application for the immediate relative of an American citizen – the easiest and quickest visa to process. Consular officers told us that once petitions are approved and forwarded to post, it is difficult for a consular officer to stop the case. Nonetheless, Embassy Amman in mid-March returned four cases to the DHS Citizenship and Immigrant Service (CIS) for possible revocation.*

**End of Page 4/Page 5**

*Furthermore, we identified a number of cases that appear outside the legislative intent of the program and resulted in SIV number allocations. For example,*

- Former Saddam-era generals and other important military personalities, including Republican Guard officers, a chemical warfare specialist, a former fighter pilot who flew against U.S. military forces, and a commander of the national air defense center. (During the course of our file review, consular officers sought advisory opinions regarding these applications from the Department.)*
- Persons with dual nationalities (Canada), legal permanent residence in another country (Australia), or those who could benefit from another category of immigrant visas (parent of an American citizen or a spouse of a refugee settled in the United States). A number of SIV cases also involved spouse and unmarried children of SIV interpreter/ translator visa recipients who were eligible as dependents but instead took a separate SIV slot.*
- SIV interpreter/ translator visa recipients who have indicated they plan to leave their families in Iraq or plan to return to their former jobs in Iraq as soon as they establish Legal Permanent Resident status in the United States.*

**VO Comment:** The authority to determine qualification for an immigrant visa classification rests with USCIS, and the law requires, as grounds for classification under section 1059, only the following: Iraqi or Afghan nationality; work directly with the United States Armed Forces, or under Chief of Mission authority, as a translator or interpreter for a period of at least 12 months; a favorable written recommendation from the Chief of Mission or a general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the petitioner; and clearance of a background check and screening as determined by the official providing the recommendation. With relatively few qualification criteria, which generally would have been addressed in the letter of recommendation, petition adjudication should tend to take a relatively short time. Petition processing in these cases was shorter, in part, because fees were not collected domestically and there was no I-864 to process. If the visa was not issued, a number was not used. If the visa was issued, it was because the applicant qualified for the visa.

## **UNCLASSIFIED**

The consular officer has a responsibility to review, but no authority to re-adjudicate, an approved petition. However, in the course of that review, if the officer obtains sufficient facts to provide knowledge or reason to believe that the beneficiary is not entitled to the status approved in the petition, the officer should return the petition to USCIS for possible revocation. To justify returning a petition, the officer would need evidence providing knowledge or reason to believe either that approval of the petition was obtained by fraud, misrepresentation, or other unlawful means, or that, despite the absence of fraud, the applicant is not entitled to the approved status due to changed circumstances or clear error in the approval of the petition. The recommendation for revocation must state grounds that would, if adopted by USCIS, stand up under scrutiny of law in an administrative review or a court proceeding. In the returned cases cited in the report, the consular officer discovered information unavailable to USCIS at the time it approved the petition.

The decisions to approve the former Saddam-era military officials whose cases were cited might have been questionable; however, those questions are properly addressed to the agency charged with making the recommendation and initial background check of the applicant, not to other agencies that give appropriate deference and credit to those processes. If a consular officer is satisfied the special immigrant classification criteria are met and no visa ineligibilities are found (and there is no visa ineligibility related to Saddam-era military service per se), there would have been no basis for the consular officer to return any of their petitions unless the officer had sufficient evidence as discussed above. If a visa was not issued, a number was not used. If a visa was issued, it was because the officer found that the applicant satisfied the qualification and admissibility requirements, including a Security Advisory Opinion. This point is important enough that it bears repeating. Consular officers adjudicate cases using the law as passed by Congress in these SIV programs and in the Immigration and Nationality Act. Personal opinions such as those suggested by the drafters of this report do not form a basis for denial of a visa under U.S. law.

The authorizing legislation did not preclude special immigrant visas for Iraqis or Afghans who are dual nationals or those who could qualify for a visa under another immigrant classification.

There does not appear to be a basis for requiring an intent to permanently cease performing work in Iraq in these section 1059 cases; however, because section 1244 cases include as a qualification requirement that the employee must have experienced or be experiencing “an ongoing serious threat as a consequence of the alien’s employment by the United States Government,” we will be requiring an intent that employees seeking special immigrant visas under section 1244 must establish an intent to resign the position being held and to emigrate to the United States within three months of visa issuance.

## UNCLASSIFIED

*The Department was still in the process of formulating regulations and guidance to bureaus and embassies in the region regarding administering the new SIV program (known as the Kennedy Bill) for Iraqis employed by U.S. Government during our evaluation. However, according to embassy officials in the region, it is doubtful that the Department will meet the 5,000 case targets.*

**VO Comment:** The 5,000 figure is not a target, it is a ceiling. The unused numbers will carry over to the following year and any unused numbers after the fifth year will carry over to the following year. It should also be noted that the Kennedy provision as passed in January 2008 does not allow processing to begin until FY 2009. A proposed fix to the legislation would authorize processing in FY 2008 but it may take until June or July for it to pass. An additional provision in the pending bill, S. 2829, would authorize the conversion of approved section 1059 petitions filed before October 1, 2008 to section 1244 petitions if a visa is not immediately available for section 1059 cases. As section 1059 numbers are no longer available for the remainder of Fiscal Year 2008, we anticipate that hundreds of numbers from the section 1244 allocation will be used for converted cases.

- 1. Allocating resources – SIV applicants are not required to pay processing fees. Consular offices in Amman and Baghdad*

**VO Comment: add Damascus**

*will require additional staff and physical changes to their workspace to accommodate the increased workload. However, due to the fee waiver provision in the legislation, these additional staff resources and costs will not be offset by the corresponding increase of user fees. In addition, the requirement to provide refugee resettlement benefits to SIV recipients and their families – transportation, processing, reception, and placement – will be funded from PRM's current refugee account. PRM has estimated the cost of refugee benefits at \$48 million; however, we believe PRM may have underestimated the average case size of the petitions and thus the overall cost of the resettlement program, which we estimate at nearly \$75 million annually.*

### Page 9

**Principle** [spelling correction] Principal applicants (and their families) who meet the above stated conditions may file a petition (Form I-360) with DHS/CIS Nebraska Service Center. The petition includes personal information about the petitioner and their immediate family members, proof of nationality, a favorable recommendation documenting their service, and other supporting documents. The applicant's petition is evaluated by CIS examiners and, if approved, sent to the Department of State's National Visa Center (NVC) in Portsmouth, New Hampshire. The NVC contacts the applicant and determines (in concert with the applicant) a location for visa interview, provides information to the applicant on what materials and documents to

## UNCLASSIFIED

assemble, verifies by e-mail that the applicant has collected all required documents, and requests a security advisory opinion. Upon receipt of the security advisory opinion, NVC then sets an appointment at the chosen U.S. Embassy or Consulate. The applicant (and family members) travel to the selected venue and formally make their application before a consular officer. Consuls question applicants to verify that their applications are truthful and accurate ~~and use their knowledge of law and regulation to evaluate SIV qualifications.~~

**VO Comment:** Please delete the crossed out portion. An approved petition from USCIS is prima facie proof of SIV qualification (9 FAM 42.32) unless the interview reveals information unavailable to DHS at the time the petition was approved.

### Page 10 Processing Interpreter/Translator cases

*The Departments of State and Homeland Security issued all SIVs authorized by Congress for former Iraqi and Afghan interpreters and translators for FYs 2006*

**VO Comment:** Please remove the reference to FY 2006. If any SIV numbers were utilized during FY 2006, they would have been adjustment of status cases adjudicated by USCIS. No translator visas were issued at Embassy Amman in FY 2006. Although Public Law 109-163 was enacted on January 6, 2006, the filing of petitions was not authorized until August 3, 2006, when USCIS published the filing instructions in a Fact Sheet. Embassy Amman received the first batch of cases with approved petitions in September 2006 and issued the first SIV in FY 2007.

*....and 2007, and are on pace to meet the FY 2008 ceiling. However, an analysis of completed and active case files indicated more than 25 percent of CIS petition approved applicants did not meet the program's criteria of working as an interpreter or translator. Furthermore, we identified a number of cases that appear outside the legislative intent of the program and resulted in SIV number allocations should have gone to more deserving applicants. The due diligence of officials involved in the security and background screening of applicants resulted in several SIV candidates being ruled ineligible due to their personal activities or conditions.*

**VO Comment:** Visas were issued to all applicants who met the qualifications under the law. The adjudicating officer did not re-adjudicate DoD's recommendation or DHS' approval of the petition.

## QUANTITATIVE GOALS MET

*Overall, the consular sections of U.S. Embassies in the region (primarily in Amman), working closely with DHS, are successfully achieving the SIV goal set by Congress. The FY 2006 alloca-*

## UNCLASSIFIED

*tion of 50 Iraqi and Afghan SIVs presented few challenges to consular sections and DHS petition examiners due to the relatively small number of cases, the program's straight-forward criteria, and strong nature of the applicants' cases. Final criteria were set in summer 2006, so that the 50 individual applications translated to 17 cases per month processed in the final three months of the fiscal year.*

*The FY 2007 program's tenfold increase to 500 visas, however, presented a significant challenge because (1) the authorizing legislation was not passed till mid-fiscal year and (2) the time necessary to devise the program's rules pushed the processing into the fiscal year's last quarter. It is noteworthy that the Department and DHS quickly allocated and managed additional funding and staff resources. The consular section in Amman vetted as many as 20 cases per officer per day when the typical caseload called for seven to eight cases per officer per day.*

**VO Comment:** The Department did everything necessary to meet the cap of 500 for FY 2007 in a very short time. It is unclear how the reports' authors determined that 7-8 cases per day is typical, given that FY 2007 is the first time this visa has been available.

### Page 11 Screening cases

*We also learned, however, from our case file analysis and from discussions with consular officers in the embassies we visited that a significant number of approved applicant petitions – more than 25 percent – did not meet the program's criteria of working as an interpreter or translator.*

**VO Comment:** It would be helpful to clarify that the above sentence is referring strictly to job title. It is possible that 25 percent of the approved petitions were for applicants whose job title was not “translator/interpreter.” However, as stated above, if the recommendation letter from the flag officer said that the applicant was a translator and DHS approved the petition, the adjudicating officer is required to accept this as prima facie evidence of entitlement to the visa. For example, if a flag officer says that someone with the job title “engineer” worked as a translator, and the translator tells the consular officer in interview that his job primarily consisted of translating between his Army Corps of Engineers American supervisor and Iraqi subcontractors, then the consular officer is required to accept the applicant's assertions.

*A few of the applicants' job descriptions included ancillary interpreter/ translator duties; most did not. During the course of our fieldwork we learned of instances (and observed one interview) where the applicant proceeded through the entire SIV process, up to the consular officer interview point, before it became clear they could not speak English and would need the assistance of an Arabic language interpreter to complete the interview.*



## UNCLASSIFIED

**VO Comment:** Since DHS does not conduct interviews before approving petitions, whether an applicant can speak English would be information unavailable to DHS at the time the petition was approved. Again, DHS must rely on the assertions of the DoD flag officer. Amman did have a case in which the applicant did not speak English. It returned the petition to DHS with a recommendation to review the approval. It then referred the applicant to consider applying for refugee processing under the new P2 rules and the Kennedy Bill. No SIV number was lost because of this applicant and the legislative intent – that as many USG associated Iraqis have an opportunity to resettle in the United States as possible – was advanced.

*Authority for determining SIV eligibility resides at several points: These include initial*

**VO Comment:** Please add “DoD flag officer recommendation and” as the DoD recommendation is required before USCIS may accept the petition.

*CIS petition review and approval, NVC verification and communication with applicants, and ultimately the consular officer’s interview with the applicant.*

**VO Comment:** Please strike the crossed out portion above.

*As noted above, the general or flag officer letter served as the sole CIS qualifier. Our file examination indicated that CIS adjudicators generally did not look beyond the written recommendation to determine the applicant’s official duties and whether they qualified under the program. (CIS adjudicators routinely placed a red ink tick or other mark near language stating that an individual worked as an interpreter/ translator on the general or flag officer recommendation letter.)*

*Consular officers told us that Foreign Affairs Manual guidance supports a finding that if individuals qualified for petition approval, they qualified for SIV classification. In effect, Consular officers believed they were enjoined to accept CIS approved petitions as prima facie evidence of entitlement to SIV status. unless they believed that CIS*

**VO Comment:** Please strike the crossed out items above.

### Page 12

*adjudicators did not have the benefit of facts that surfaced during the interview. Further complicating the SIV petition adjudication process was the lack of definition for what constitutes interpreter/ translator work in the Foreign Affairs Manual. The Department provided some clarification in a July 2007 cable confirming that if a major or predominant portion of the actual job responsibilities involved work as an interpreter or translator, employees would qualify for an SIV even if their job title was not interpreter or translator.*

## UNCLASSIFIED

**VO Comment:** The Department did provide clarification in a July 2007 cable confirming that “if a major or predominant portion of the actual job responsibilities involved work as an interpreter or translator, employees would qualify for an SIV even if their job title was not interpreter or translator.” This refers to those Chief of Mission (COM) cases in which the Ambassador must make the determination as to who qualifies as a translator or interpreter. [Public Law 110-36, which President Bush signed into law on June 15, 2007, amended section 1059 to extend the total to 500 visas per fiscal years 2007 and 2008 and also expanded the category of eligible candidates to cover Iraqi and Afghan translators and interpreters who are under Chief of Mission authority] In these cases, it is within the Department’s purview to define which COM employees qualify as translators.

However, the Department does not have this authority with respect to DoD translators who are determined to have met the definition of a translator. Nowhere in the law does it ask the consular officer to look beyond these assertions to determine who is more deserving.

*We were told by Embassy Amman officials that during the last quarter of FY 2007, consular officers were under significant pressures to accelerate the processing of cases to meet fiscal year visa quotas. As noted above, consular officers were handling more than double the number of usual cases. According to officials at Embassy Amman, the pressure to process cases quickly resulted in some cases not receiving the level of scrutiny they should.*

**VO Comment:** Please remove the part lined out above. As stated previously, this program only began in FY 2007 and the additional numbers were only made available for processing by Congress in June of that year. There is no way to say that any particular number of cases per day was “usual” for FY 2007. Also, the adjudicating officer should not look at job title. S/he accepts DoD assertions that the applicant is a translator and based on the information from the letter and from the information gathered at the time of the interview, if the applicant is qualified, the visa is issued.

*Our analysis of the case files revealed the bulk of petitions received extremely expeditious adjudication by DHS and review by the Department. For example, the average number of work-days required to examine Iraqi SIVs were eight days for CIS review, 40 days at the NVC, and 20 days at consular offices for an overall average time of nine weeks. (By comparison, processing immigrant visa applications for immediate relatives of American citizens – the easiest and quickest visa to process – takes on average five to six months.) While we were conducting our case file examinations and fieldwork in February and March 2008, consular officers in Amman were beginning to take a closer look at applicants’ petitions. Consular officers told us that once petitions are approved and forwarded to post, it is difficult for a consular officer to stop the case. Nonetheless, in mid-March Embassy Amman returned four cases to CIS for possible revocation.*

**VO Comment:** Please remove the lined part above. There must be information sufficient to uphold a recommendation to revoke. In those cases where information arose from the interview unavailable to the DHS at the time the petition was approved, the consular officer sent the petition back to USCIS with a recommendation for reconsideration.

## CASES OF CONCERN

*The SIV program passed by Congress was intended to reward and protect those men and women who put themselves and their families at great personal risk by assisting the U.S. Government in Iraq and Afghanistan. However, based upon our review of case files and numerous discussions with consular officers, we have identified a number of cases that appear outside the legislative intent of the program and resulted in allocation of SIV slots that should have gone to more deserving applicants. In addition to the Amman SIV cases discussed above (applicants that worked as doctors, engineers, and caterers and did not serve as interpreters/translators and thus not exposed to the same degree of danger as those who accompanied military troops in the field) we identified the following cases of concern:*

**VO Comment:** DoD is given the authority to define who is a translator. Consular officers are not permitted to look beyond these determinations to decide who qualifies, nor is there any provision in law to determine who is deserving of an SIV. Consular officers adjudicate visas under the law, which as established by Congress did not establish any sort of sliding scale of relative merit for immigration. The inspector's suggestion is inappropriate.

### **Page 13 under security and background screening**

*The FY 2006-2008 Defense Authorization Acts require that SIV applicants satisfy Immigration and Nationality Act requirements for a background check for any actions that prohibit issuance of a visa, such as felony conviction, drug trafficking, terrorism, and polygamy, among other factors. The overwhelming majority of applicants encountered no problem with background screening requirements. While we did not systematically review the efficacy of the background screening process, we noted that these efforts resulted in several SIV candidates being ruled ineligible due to their personal activities or conditions.*

**VO Comment:** The law requires that the applicant be eligible for an Immigrant Visa. The clearance process used by the adjudicating officer is the same screening used to process any visa, including facial recognition, fingerprinting, and CLASS check as well as information gathered from the application and interview. Embassy Amman did more carefully screen each of the applicants than regular IV applicants. Embassy Amman added the DoD database checks for each and every SIV applicant.

## UNCLASSIFIED

The background check referred to in the paragraph above probably refers to the Titan check, which is required in the flag officer's recommendation.

### Page 19 Conclusion

*The Department was effective in meeting the congressional ceiling for issuing SIVs to former Iraqi and Afghan interpreters and translators for FY 2006 and FY 2007, and by mid-February 2008 had exceeded the FY 2008 ceiling of 500 applications.*

**VO Comment:** Please delete FY 2006.

*Despite meeting the numerical ceilings, the pressure to process cases quickly resulted in some cases not receiving the level of scrutiny they should which in turn resulted in some applicants receiving SIVs who (1) did not meet the program's criteria of working primarily as an interpreter or translator or (2) appeared outside the legislative intent of the program. Thus, a number of SIVs could have been allocated to more deserving applicants. We note, however, that consular officers at the time of our fieldwork were taking a closer look at applicants' petitions and had returned cases to CIS for possible revocation.*

**VO Comment:** These cases were processed expeditiously. Despite numerous comments in the report on congressional intent, there is no acknowledgement that Congress also clearly intended these cases be given priority consideration and processed without delay. However, as previously stated, this OIG report confuses the responsibility of DoD, DHS, and the Department. DoD was given the authority to make a recommendation for any "national of Iraq or Afghanistan who had worked directly with the United States Armed Forces as a translator for a period of at least 12 months". Responsibility for running a background check and screening was the responsibility of the general or flag officer or DoD. Responsibility for approving the petition fell to USCIS. As stated in the OIG report on page 12 "the SIV program passed by Congress was intended to reward and protect those men and women who put themselves and their families at great personal risk by assisting the U.S. Government in Iraq and Afghanistan" yet the report takes issue with some of the SIVs put forth as being outside of the legislative intent. The adjudicating officers were not given the authority to question the flag officer or general's recommendation of the applicant unless there appeared to be fraud. The law gives the DoD flag officer the right to determine which men and women to reward and to protect. The allegation in the report that State exercised its authority in implementing this program in a way that resulted in "less deserving" individuals receiving SIVs is unfounded. The authority and responsibility to determine who was a deserving and appropriate candidate had already been exercised prior to the point at which visa eligibility decisions were made. A fundamental correction in the report on this essential point would go a long way toward answering the Department's concerns with the conclusions outlined in this report as written.

**UNCLASSIFIED**

**DRAFT**  


*S:\VO Special Assist\2008\OIG - GAO - QFR Documents\T0258 - Response to OIG  
Draft Report on SIVs.doc*

Drafted:

CA/VO/F/P: Sharon Umber (3-1251) 4/14/08

Cleared:

CA/VO/F/P: PHill ok

CA/VO/F: JBrennan ok

CA/VO: JKunsman info

CA/VO: VBeirne ok

CA/VO/L/R: JPritchett ok

Amman: RBitter ok

Baghdad: CRowan ok

NVC: LSkeirik ok

NEA: FAli ok

PRM: TRusch ok

CA: TEdson ok

CA:JRuterbories ok

**UNCLASSIFIED**

**UNCLASSIFIED**

## APPENDIX III – EMBASSY BAGHDAD COMMENTS

**General Comment:** The following is Embassy Baghdad’s comment on the Office of the Inspector General Middle East Regional Office (OIG/MERO) report on the Status of Iraqi Special Immigrant Visa Programs, dated April 4, 2008, and indexed as MERO-IQO-01-46, May 2008.

Embassy Baghdad will first address one recommendation made in the report. After that, the Embassy will address the specific points on which Embassy Baghdad may have a particular perspective.

**Recommendation:**

*To preserve and make the best use of special immigrant visa numbers, we recommend that the Assistant Secretary for Consular Affairs, in coordination with DHS, develop and disseminate clear definitions of what constitutes*

- *Work qualifying an Iraqi as an interpreter/ translator* (Embassy Baghdad note: Note: this would apply for Section 1059 cases)
- *An “ongoing serious threat” as a result of applicant’s employment with the U.S. Government* (Embassy note: **Section 1244 cases**)
- *“faithful and valuable service” for supervisors documenting applicant’s performance.* (Embassy note: Section 1244 cases)

*To ensure the timely and efficient processing of SIV applications, we recommend that the Assistant Secretaries for the Bureaus of Consular Affairs and Population, Refugees, and Migration verify staffing and resource needs to meet the upcoming surge of SIV applications. These funding needs should be provided to the Congress in the Department’s next funding request.*

**Embassy Baghdad Comment:** We understand that Consular Affairs has drafted, or is in the process of drafting, FAM notes to clarify these terms in the context of the appropriate statute.

**Responses and Corrections to Specific Comments in OIG Report:**

**Page 3: Executive Summary, Introduction**

*3rd paragraph: ... As with most human endeavors such as this, actual immigrant status decisions involved considerable judgment on the part of interviewing and reviewing officials in determining the merits and credibility of the applicants’ claims, particularly when applicants lacked evidence*

**UNCLASSIFIED**

**DRAFT**

*and documentation to substantiate their claims. We do not believe the information in the consular affairs' files was sufficient to make conclusive determinations regarding the accurateness of written recommendations submitted by U.S. military officers supporting the translators' or interpreters' applications, however, we believe it was sufficient to assess whether decisions made by consular affairs' officers appeared reasonable based on the legislative intent and requirements. . . .*

**Embassy comment: 9 FAM 42.32(d)(10) N6 Approval of Petition under INA 204, states that “The approval of a petition under INA 204 is considered to establish prima facie entitlement to status, and the qualifications of the alien beneficiary are presumed to exist. Unless the consular officer has specific, substantial evidence of either misrepresentation in the petition process or had facts unknown to the Department of Homeland Security (DHS) at the time of approval, the consular officer generally would have no reason to return the petition to DHS. . . . “**

**Page 4: Executive Summary, Results**

*1st paragraph: The Departments of State and Homeland Security met congressional targets for issuing SIVs to former Iraqi and Afghan interpreters and translators for FYs 2006 and 2007, and are on pace to meet the FY 2008 goal. However, our analysis of 177 completed and active case files in February and March 2008, indicated more than 25 percent of approved applicants did not meet the program's criteria of working primarily as an interpreter or translator, but rather in a wide variety of positions, such as medical doctors, computer programmers, engineers, pharmacists, warehouse workers, and caterers. The vast majority of the files we examined included a favorable written recommendation by a U.S. general or flag officer stating the applicant served as an interpreter or translator. (The U.S. military employed the overwhelming number of interpreters and translators in Iraq which accounts for the candidate distribution.) Many of the recommendation letters contained exactly the same language and format, and thus it appears the letters were nonspecific pro forma documents endorsing petition.*

**Embassy Comment:** It appears to us that, for cases of SIV applicants recommended by a U.S. General Officer/Flag Officer (GO/FO), that recommendation, and the subsequent approval by the Nebraska Service Center of U.S. Citizenship and Immigration Services (USCIS), would establish the entitlement to special immigrant status as it concerns translator/interpreter duties.

**Page 11: Screening Cases**

*4th paragraph: . . . Further complicating the SIV petition adjudication process was the lack of definition for what constitutes interpreter/ translator work in the Foreign Affairs Manual. The Department provided some clarification in a July 2007 cable confirming that if a major or predomi-*



**UNCLASSIFIED**  
**DRAFT**

*nant portion of the actual job responsibilities involved work as an interpreter or translator, employees would qualify for an SIV even if their job title was not interpreter or translator.*

**Embassy Comment:** As the OIG Team notes, the overwhelming majority of SIV cases they encountered were applicants who had been recommended through DoD channels, since they had been working for DoD. Baghdad may have a unique perspective, since the Embassy's SIV Panel was charged with determining a candidate's eligibility prior to advising the Ambassador whether to recommend the case. Thus Baghdad's SIV Panel had to deliberate on whether an applicant for the Ambassador's recommendation (but not applicants for a GO/FO recommendation) met the statutory requirement of having "worked directly with United States Armed Forces, or under Chief of Mission authority, as a translator or interpreter for a period of at least 12 months." P.L. 109-162, sec. 1059(b)(1)(B) (Jan. 5, 2006), as amended by P.L. 110-36 (June 15, 2007).

The Embassy SIV Panel consulted with both L/EMP and HR/OE in 2007 to develop guidelines for the Ambassador's recommendations. The guidelines included the following. We believe that they are a reasonable interpretation of the statutory text, taking into account the legislative history. Note that 1) the statute leaves room for interpretation, and ours is not the only interpretation possible, and 2) the following guidance is the State Department's statutory interpretation only, and does not apply to the Department of Defense's process for SIV recommendations (i.e., to those SIVs recommended by a GO/FO, not by the Ambassador).

- For someone to qualify by having "worked . . . as a translator or interpreter" an applicant does not necessarily need to have had the job title of Translator or Interpreter, but such work must have comprised a major or predominant portion of the applicant's actual job responsibilities.
- Whether translation is in the position description (PD) and work requirements is helpful evidence. Translation would have to be more than an irregular or occasional responsibility to be a major or predominant portion of one's job.
- For position descriptions that specify percentages for each job element, the Panel determined that a job with 51% or more translation / interpretation would qualify. There is no need to examine the position description further in that case.
- Specific references to whom or what the interpretation is for makes the statement seem more credible and the translating more important.
- The Panel determined that the PD, evaluations, and other material supporting a finding that translation / interpretation is a "major or predominant portion of the actual job responsibilities" should be contemporaneous with the period

that the employee worked in the position. The Panel did not give weight to documentation that was prepared specifically for a former employee's SIV application, for example.

**Page 18: Medical Screening in Baghdad**

*2nd paragraph: In January 2008, the U.S. Army suspended the embassy's use of the Combat Support Surgical Hospital pending high-level Department of Defense approval of the arrangement. According to embassy officials, Department of Defense lawyers halted the examinations believing the program violated rules of engagement regarding civilian access to the hospital. As a result, the embassy had to delay processing approximately 58 SIV and 92 refugee cases until the impasse could be resolved. In late-March, the Secretary of Defense signed a memorandum of understanding allowing the physical examinations to continue up to a cut-off date of April 30, 2008.*

**Embassy Comment:** Other than a test run of the Combat Support Hospital (CSH) facility, Multi-national Force-Iraq (MNF-I) has not yet allowed physical exams for Iraqi SIV applicants, or refugee applicants to go forward. MNF-I submitted a request for Secretary of Defense Designee Status on the Embassy's behalf. The Assistant Secretary of Defense (Health Affairs) determined, instead, that Secretary Designee Status was not necessary. Rather, the ASD proposed that MNF-I and the Embassy conclude a Memorandum of Understanding (MOU) allowing the use of the CSH for this purpose, as long as all services rendered would (1) be on a fully reimbursable basis, and (2) meet other criteria of the MOU. DoD drafted the MOU as an Economy Act agreement, which required that the State Department certify its ability to contract and pay for the applicants' medical exams. The State Department separated the MOUs into an agreement dealing with refugee applicants and another dealing with SIV applicants, each with a different funding source. The refugee MOU has already been concluded, and the SIV MOU could be concluded within days.

As the OIG report notes, we are working to establish a long-term solution through the use of an Iraqi clinic located in the International Zone.

**Page 19: Observation**

*Due primarily to the security situation in Iraq, efforts to fill Embassy Baghdad's LE staff positions with Iraqis and third-country foreign nationals has proven a difficult challenge since 2005. As of March 24, 2008, approximately 34 Iraqi national staff worked at the embassy – many in senior political, economic, and management positions. (Under a separate employment arrangement approximately 50 Iraqis work at USAID). Iraqi nationals serving in LE staff positions are considered extremely valuable due to their local knowledge, contacts (in a culture that puts a premium on interpersonal relationships), Arabic language and local dialect skills, and cultural expertise.*

**UNCLASSIFIED**

**DRAFT**

*Based upon conversations with their Iraqi staff, Embassy Baghdad and USAID officials said they anticipate the Kennedy Iraqi SIV program will result in the departure of the majority, if not all, their LE staff. These officials also said they expect the new program will serve as a magnet for new LE staff hires; fulfilling a one-year work requirement to qualify for a special immigrant visa. The officials voiced concern over a ‘revolving door’ staffing situation and the deleterious effect it will have on productivity, including the time required for recruiting and training new staff.*

*Embassy Baghdad is actively trying to recruit third-country nationals to fill positions within the embassy. Officials estimate that more than half of the 220 LE staff allocated positions at the embassy are currently vacant. Officials also report it has been only 40 percent successful in its recruitment efforts for third-country nationals. We believe to attract foreign third country nationals to leave the security and comfort of their own countries for service and unknown risks in Iraq will require a significantly stronger benefits package than what the U.S. Government is currently offering.*

**Embassy Comment:** The term “LE staff” includes locally employed staff from three sources: Iraqi national LE staff; LE staff hired by U.S. embassies in Amman and Cairo for specific duty in Iraq and are sent from those posts TDY to Iraq; and LE staff on temporary duty (TDY) from other Foreign Service posts. Many of the Iraqi LE staff has already initiated applications for refugee status, SIVs, or both, well before the Refugee Crisis in Iraq Act (RCIA) has been implemented. Because of the dire danger facing Iraqi LE staff, there is strong support for the Kennedy SIV program within the Embassy leadership and management, despite any concerns over staff turnover.

Embassy Baghdad is currently pursuing the creation of a traditional Third Country National program as a medium-term interim measure until the security situation is such that Iraqis can again work for the USG without fear for their lives. Until such a program is established, we are filling existing positions with qualified LE staff from other posts (i.e. TDY LE staff).



**FRAUD, WASTE, ABUSE OR MISMANAGEMENT**  
of Federal programs  
and resources hurts everyone.

Call the Office of Inspector General  
**HOTLINE**  
**202/647-3320**  
**or 1-800-409-9926**  
**or e-mail [oighotline@state.gov](mailto:oighotline@state.gov)**  
to report illegal or wasteful activities.

You may also write to  
Office of Inspector General  
U.S. Department of State  
Post Office Box 9778  
Arlington, VA 22219  
Please visit our website at [oig.state.gov](http://oig.state.gov)

Cables to the Inspector General  
should be slugged "OIG Channel"  
to ensure confidentiality.

**UNCLASSIFIED**

**UNCLASSIFIED**