Office of Inspector General
United States Department of State

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Review of the Afghan Special Immigrant Visa Program

MIDDLE EAST REGION OPERATIONS

HIGHLIGHTS

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What OIG Reviewed

In 2009, Congress passed the Afghan Allies Protection Act, which established a special immigrant visa (SIV) program to resettle Afghans who were or are employed in Afghanistan by the U.S. Government or by the International Security Assistance Force and experienced an ongoing and serious threat as a result of their employment. Congress amended the Act in 2013 to improve the efficiency of the visa issuance process. From FY 2009 to FY 2019, 18,471 special immigrant visas were issued, and as of September 2019, 18,864 applicants remained in the process. The FY 2020 National Defense Authorization Act directed the Department of State (Department), Office of Inspector General (OIG), to evaluate and offer improvements to eight identified obstacles that could affect the effective protection of Afghan allies through the SIV program and provide suggestions for improvements in future programs.

What OIG Recommends

OIG made six recommendations in this report intended to improve the SIV program. On the basis of the Under Secretary for Management's response to a draft of this report, OIG considers one recommendation closed and five recommendations resolved, pending further action. A synopsis of management's comments and OIG's reply follow each recommendation in the Results section of this report. The Under Secretary for Management's response to a draft of this report is reprinted in its entirety in Appendix B. OIG previously issued a Management Assistance Report related to this topic that offered three recommendations to improve the process by which the Department reports the Afghan SIV applicant wait times.

What OIG Found

OIG evaluated the eight obstacles identified by Congress. Two obstacles did not significantly affect the Department's implementation of the Afghan SIV program. One obstacle, the uncertainty of visa availability, affects implementation but depends on congressional SIV allocation. However, five obstacles, if unaddressed, will remain impediments to implementing the Afghan SIV program and achieving the goals defined by statute, which is to issue an SIV within a 9-month timeframe. Specifically, OIG found that the Department's staffing levels across its various offices that process Afghan SIVs have generally remained constant since 2016 and are insufficient to reduce the SIV applicant backlog. Similarly, staffing levels during the interagency and security check process contribute to delays in processing the Afghan SIVs. Additionally, the Department lacks a centralized database to effectively document the identity of locally employed staff and contractors. Instead, the Department relies on multiple information technology systems that are not interoperable. Finally, OIG found that the U.S. Government offers protection and safety to SIV applicants within the confines of the workplace; however, protection outside of work hours is impracticable.

These obstacles exist, in part, because the Senior Coordinating Official position, which is intended to oversee and direct the Afghan SIV program, has been vacant since January 2017. As a result, the Department's management of resources and strategic planning for the Afghan SIV program is decentralized and lacks the focus needed to continuously evaluate the program and seek improvements. In addition, the Senior Coordinating Official position is needed to plan for changes in applicant volume throughout the SIV process and to promote continuity of operations. Until a designated leader has the authority to direct the management of the Afghan SIV program, these obstacles will continue to hinder the U.S. Government's ability to timely process Afghan SIV applicants who are experiencing threats as a result of their employment with the U.S. Government.

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On December 20, 2019, Congress passed the FY 2020 National Defense Authorization Act (NDAA) directing the Department of State (Department), Office of Inspector General (OIG), to issue a report that evaluates and offers improvements to eight obstacles, which were identified by Congress, to effective protection of Afghan and Iraqi allies[1] through the special immigrant visa (SIV) program and provides suggestions for improvements in future programs.

OBJECTIVE

The objective of this review was to determine the extent to which the eight identified obstacles[2] affected the implementation of the Afghan SIV program and to offer suggested improvements in future programs. OIG evaluated the Afghan SIV program by addressing eight researchable questions, which align with the eight identified obstacles:

1. The extent to which the Afghan SIV program has affected the United States' ability to hire locally employed staff and contractors in Afghanistan.
2. The extent to which the cost and availability of medical examinations impacted Afghan SIV processing.
3. The extent to which uncertainty of visa availability has affected visa processing.
4. The extent to which the Department considered appropriate staffing levels, both domestically and abroad, for expedited processing.
5. The extent to which delays could be reduced in interagency processing and security checks.
6. The extent to which obstacles existed in documenting the identity and employment of locally employed staff and contractors, including the possibility of establishing a central database of employees and contractors.
7. The extent to which the Department assessed expediting processing at all stages of the process for applicants, including consideration of reducing the number of required forms.
8. The extent to which the Department employed measures for the protection and safety of locally employed staff and contractors.

[1] At the start of this review, OIG learned that the Iraqi SIV program concluded in September 2014 and only had 84 applicants in the pipeline to be processed as of December 15, 2019, whereas the Afghan SIV program had 18,768. As a result, OIG did not evaluate the Iraqi SIV program and informed Congress of this decision on January 24, 2020.

[2] FY 2020 NDAA, Section 1215, Special Immigrant Visa Program Reporting Requirements, (b) Contents, 435.

BACKGROUND

The Afghan Special Immigrant Visa Program

> *"Our fundamental aim here is to take care of those who took care of us. In my experience, the only way [to] provide meaningful security is to get them and their immediate families to the [United States] as expeditiously as possible."*
>
> Ambassador Ryan Crocker, Iraq (2007–2009), Afghanistan (2011–2012)

In 2009, Congress established a visa program to resettle Afghans who worked on behalf of the United States in Afghanistan and experienced an ongoing and serious threat as a result of their employment with the U.S. Government. The Afghan Allies Protection Act of 2009 authorized visas,[3] also known as SIVs, to Afghans who were or are "employed by or on behalf of, the [U.S.] Government in Afghanistan . . . ; provided faithful and valuable service to the [U.S.] Government . . . ; and [have] experienced or [are] experiencing an ongoing serious threat as a consequence of [their] employment by the [U.S.] Government." In 2013, Congress amended the Afghan Allies Protection Act of 2009 to include a series of provisions to "improve the efficiency by which applications for special immigrant visas . . . are processed."[4] This amendment also stated that "all steps under the control of the respective departments incidental to the issuance of [SIVs,] including required screenings and background checks, should be completed not later than 9-months after the date on which an eligible [Afghan] submits all required materials to complete an application for such a visa."[5] The amendment also allowed for additional processing for "visas in high-risk cases for which satisfaction of national security concerns requires additional time."[6]

In addition, the amendment stated that the Secretary of State, the Secretary of Homeland Security, and the Secretary of Defense "shall each designate a senior coordinating official, with sufficient expertise, authority, and resources, to carry out the duties . . . with regard to the issuance of [SIVs]."[7] The senior coordinating official shall, among other things, develop proposals to improve the efficiency and effectiveness of the process, coordinate and monitor the implementation of such proposals, and implement appropriate actions as authorized by the law. In 2014, Congress expanded the Afghan SIV program eligibility to certain Afghans who were employed by the International Security Assistance Force.[8]

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[3] The Afghan Allies Protection Act of 2009, Section 602(b), Pub. L. 111 8, March 11, 2009.

[4] FY 2014 NDAA, Section 1219, "Improvement of the Afghan Special Immigrant Visa Program," 243.

[5] FY 2014 NDAA, Section 1219, "Improvement of the Afghan Special Immigrant Visa Program," (A) In General, 244.

[6] Ibid.

[7] FY 2014 NDAA, Section 1218, (h) Senior Coordinating Officials, 242.

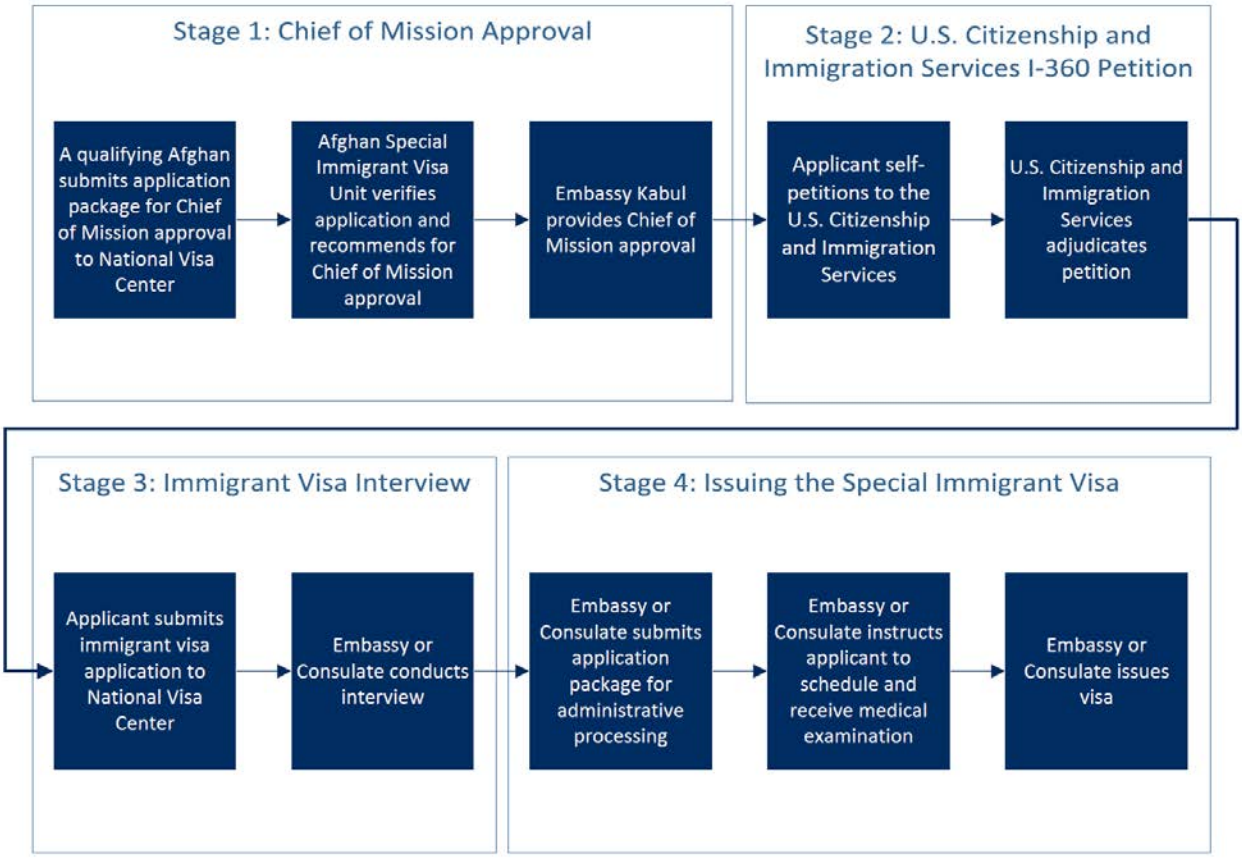
[8] FY 2015 NDAA, Section 1227, "extension of Afghan Special Immigrant Visa Program," 262. The FY 2016 NDAA, Section 1216, further expanded the Afghan SIV program eligibility to certain Afghans who were employed by a successor mission to the International Security Assistance Force, 322.

Since the introduction of the program, Congress has continued to extend or amend the Afghan Allies Protection Act of 2009 to authorize additional visas. From FY 2009 to FY 2019, 18,471 special immigrant visas were issued, and as of September 2019, 18,864 applicants remained in the process.

Stages and Entities Involved in the Afghan SIV Program

In the amended legislation, Congress identified four stages to the Afghan SIV program: (1) receiving approval from the Chief of Mission,[9] (2) completing the adjudication of form I-360,[10] (3) conducting a visa interview, and (4) issuing the visa to an eligible applicant.[11] To process an SIV applicant, several entities play significant roles in these four stages, which are depicted in Figure 1 and described in the paragraphs that follow.

Figure 1: Stages and Entities Involved in the Afghan SIV Process



Source: OIG generated from information obtained from congressional legislation and the Department.

[9] The Chief of Mission is the principal officer in charge of a diplomatic mission and is designated by the Secretary of State.

[10] The I-360 petition, provided by the U.S. Citizenship and Immigration Services, is for foreign nationals wishing to begin the Green Card (lawful permanent residence) application process within one of the SIV categories.

[11] FY 2014 NDAA, Section 1219, Improvement on the Afghan Special Immigrant Visa Program, (12) Report on Improvements, (B) Contents, (13) Public Quarterly Reports, 245.

Chief of Mission Approval

The first step in the Chief of Mission approval process is for an Afghan to submit an application package to the Department's National Visa Center.[12] Once the National Visa Center reviews the SIV application package and determines it to be documentarily complete, the National Visa Center notifies the Afghan Special Immigrant Visa Unit (ASIV Unit).[13] This unit is responsible for determining an applicant's eligibility for the program by verifying, among other items, history and length of employment and a letter of recommendation from the applicant's immediate supervisor. On the basis of this determination, the ASIV Unit may recommend that the Chief of Mission Committee at Embassy Kabul, Afghanistan, approve the applicant for an SIV.[14]

U.S. Citizenship and Immigration Services I-360 Petition

After the applicant receives Chief of Mission approval, the ASIV Unit informs the National Visa Center, which then notifies the applicant to file Form I-360, "Petition for Amerasian, Widow(er), or Special Immigrant," with U.S. Citizenship and Immigration Services.[15] This petition is required for the applicant to receive a Green Card to become a Lawful Permanent Resident. At this stage, the applicant also submits documentation for a "derivative" spouse or child (if any) who are also applying under the applicant's SIV.[16] U.S. Citizenship and Immigration Services adjudicates the petition and notifies the National Visa Center of the applicant's approval.

Immigrant Visa Interview

Once the National Visa Center receives approval from U.S. Citizenship and Immigration Services, it notifies the applicant to begin collecting the necessary documents to support the immigrant visa application. The National Visa Center then reviews the immigrant visa application package for documentation completeness before scheduling a visa interview at the embassy or consulate where the applicant is residing. After a visa interview is scheduled, the embassy or consulate conducts the interview with the applicant, as well as any derivative family members applying under the SIV applicant.

[12] The National Visa Center, located in Portsmouth, NH, is within the Bureau of Consular Affairs, Visa Office, Domestic Operations. The National Visa Center acts at the primary public-facing organization within the Department during the SIV process.

[13] The ASIV Unit is an office within the combined Executive Office for the Bureaus of Near Eastern Affairs and South and Central Asian Affairs and was created in 2016 to offshore the Chief of Mission verification process to Washington, DC.

[14] The Chief of Mission Committee makes a recommendation to approve or deny the applicant. The recommendation is provided to the Assistant Chief of Mission, who is delegated by the Chief of Mission to make the final decision.

[15] U.S. Citizenship and Immigration Services is an agency within the Department of Homeland Security.

[16] 9 Foreign Affairs Manual 502.1-1(C)(2), "Derivative Applicant/Beneficiaries," states that a derivative is, among others, a spouse or child acquired prior to the principal alien's admission to the United States or the alien's adjustment of status to that of a Lawful Permanent Resident.

Issuing the Special Immigrant Visa

Once the visa interview is conducted, the applicant and derivative spouse or child, if any, undergo administrative processing, which may include requesting additional documentation, conducting additional interviews, and interagency security checks. Once this is completed, the Consular Officer instructs the applicant to schedule and receive a medical examination. Once the applicant receives a medical clearance, the Consular Officer issues the SIV, and the Afghan SIV recipient will immigrate to the United States.

These four stages should be completed within the 9-month timeframe established by Congress unless the Department identifies high-risk applicants who require additional scrutiny to satisfy national security requirements. According to 9 Foreign Affairs Manual (FAM) 502.5-12(B), and consistent with the FY 2019 Consolidated Appropriations Act, applicants seeking SIVs are prioritized in the following order:

1. Interpreters and Translators: Afghans working with the U.S. military and U.S. Government personnel as interpreters and translators.
2. U.S. Government Direct Hire Employees: Afghan locally employed staff under personal services agreement or personal services contract for the Department, the Department of Defense, or other U.S. Government agencies.
3. Contractors with U.S. Government Installation Badges: Afghan third-party contractors or subcontractors employed on behalf of the U.S. Government working at a U.S. Government installation in Afghanistan.
4. Implementing Partners: Afghan third-party contractors or subcontractors employed on behalf of U.S. Government entities, such as the U.S. Agency for International Development and the Department's Bureau of International Narcotics and Law Enforcement, implementing instructions in the field in Afghanistan.
5. All Other Applicants: Afghan U.S. Government contractors, logistics or transportation service providers, and companies contracted by the U.S. Government to provide services to Afghan National Army or Afghan National Police installations.

RESULTS

OIG evaluated the eight obstacles identified by Congress and found that two did not significantly affect the implementation of the Afghan SIV program. Specifically, OIG found that the Afghan SIV program did not have a significant impact on the United States' ability to hire locally employed staff or contractors in Afghanistan primarily because the United States does not advertise the Afghan SIV program as an employment benefit or treat it as a recruitment tool for prospective applicants and because the U.S. Government typically offers higher salaries than most other employers. OIG also found that, although medical examinations are costly, they are readily available to SIV applicants and the Department has taken steps to reduce the cost burden on SIV applicants. A third obstacle, the uncertainty of visa availability, affects SIV program implementation but is dependent on congressional SIV allocation and outside the Department's control.

However, OIG confirmed that five obstacles identified by Congress, if unaddressed, will remain impediments to implementing the Afghan SIV program and achieving the goals established by Congress, which include issuing an SIV within a 9-month timeframe. OIG found that the Department's staffing levels across its various offices that process Afghan SIVs have generally remained constant since 2016, notwithstanding increased backlog, and are insufficient to reduce the SIV applicant backlog. This includes staffing levels during the interagency processing and security check, which contribute to delays in processing Afghan SIVs. Additionally, the Department lacks a centralized database to effectively document the identity of locally employed staff and contractors. Instead, the Department relies on multiple information technology systems that are not interoperable, which impedes the ability to expedite processing at all stages of the Afghan SIV process. Finally, OIG found that the U.S. Government offers protection and safety to SIV applicants within the confines of the workplace and protected their sensitive Personally identifiable information; however, protection outside of work hours is impracticable.

These obstacles exist, in part, because the Department's Senior Coordinating Official position, which is intended to oversee and direct the Afghan SIV program, has been vacant since January 2017. As a result, the Department's management of resources and strategic planning for the Afghan SIV program is decentralized and lacks the focus needed to continuously evaluate the program and seek improvements. For example, notwithstanding the changes in volume of applicants over time, the Department has not conducted an assessment to determine the appropriate staffing levels for the Afghan SIV program. The Senior Coordinating Official position is needed to plan for such volume changes throughout the SIV process and to promote continuity of operations. Until there is a designated leader who has the authority to direct the management of the Afghan SIV program, these obstacles will continue to hinder the U.S. Government's ability to timely process Afghan SIV applicants.

The Extent to Which the Afghan SIV Program Has Affected the United States' Ability to Hire Locally Employed Staff and Contractors in Afghanistan

OIG found that the Afghan SIV program did not have a significant impact on the United States' ability to hire locally employed staff or contractors in Afghanistan. This is primarily because the United States does not advertise the Afghan SIV program as an employment benefit or treat it as a recruitment tool for prospective applicants and because the U.S. Government typically offers higher salaries than most other employers. However, OIG did find that Embassy Kabul experiences considerably higher rates of locally employed staff attrition compared to other U.S. embassies because Afghan SIV applicants are only required to have 2 years of eligible service before they can apply for an SIV.[17] As a result, Embassy Kabul struggles to maintain operational continuity, in part, because of the eligibility criteria.

The Afghan SIV Program Is Not Used To Recruit Locally Employed Staff

Department officials stated that the Afghan SIV program is not used as a recruitment tool for the Department's locally employed staff.[18] However, both the Department and contractors are able to attract local Afghans to fill positions. Embassy Kabul personnel stated that embassy positions are regarded as high paying and stable and generate interest among Afghans, regardless of the Afghan SIV program. In 2014, the Department increased the locally employed staff employment salary by 45 percent to make it comparable to salaries paid by international organizations and other foreign embassies in country with which Embassy Kabul competes for top candidates.[19] As a result of the high salary and additional benefits, such as medical plans and a 25-percent pay incentive for the difficult working conditions in Kabul,[20] Embassy Kabul personnel stated that it is a highly sought-after employer.

SIV Program Contributes to Embassy Kabul Locally Employed Staff Attrition

Although Embassy Kabul does not experience recruitment challenges with locally employed staff, OIG found that it experiences high levels of employee turnover primarily because of the Afghan SIV program.[21] In 2015, the Government Accountability Office reported that locally employed staff who resigned as a result of receiving their SIVs reached its highest level in

[17] According to Embassy Kabul personnel, the hiring process for locally employed staff is lengthy—6 months to 1 year—because of the rigorous pre-employment checks and security vetting.

[18] Department of Defense personnel were unsure of the extent its contractors use the Afghan SIV program as a recruitment tool. A Department of Defense official reported that, in the past, when the Department of Defense employed large numbers of translators and interpreters, the Afghan SIV program served as a significant recruiting tool. However, the official stated that he could not speak to current recruiting practices used by contractors.

[19] In 2014, the Department implemented a wage adjustment for locally employed staff at 70 U.S. missions to compete with the local labor market. Foreign National pay is based on a 13-grade pay scale dependent on the locally employed staff's education and work experience, ranging from Foreign Service National 1 ($12,464) to Foreign Service National 13 ($130,470).

[20] This 25 percent is in addition to the locally employed staff's base pay.

[21] OIG was not able to evaluate whether contractors experienced high turnover related to the Afghan SIV program.

2014.[22] At that time, the Afghan SIV program only required 1 year of eligible service.[23] Subsequently, the FY 2016 NDAA increased the required years of service from 1 year to 2 years for the Afghan SIV program. However, Embassy Kabul's Human Resources Office told OIG that locally employed staff turnover is considerably higher than other U.S. embassies because of the 2-year service requirement.

As a result, Embassy Kabul faces challenges with maintaining operational continuity because of locally employed staff attrition. Onboarding locally employed staff is a lengthy process because of pre-employment checks and security vetting. Embassy Kabul's Human Resources Office told OIG that hiring an Afghan local—from the initial offer of employment to the start date—can take 6 months to 1 year. This makes the relatively short tenure of many personnel eligible for SIVs particularly difficult to manage. Embassy Kabul has taken steps to mitigate the effects of SIV-related attrition by double-encumbering positions and seeking replacements immediately upon receiving notice that a locally employed staff will be issued an SIV.[24] However, Embassy Kabul will continue to face continuity challenges as locally employed staff will likely continue to apply for SIVs after meeting the 2-year service requirement. Because attrition was not a focus of the congressional request, OIG is not offering any recommendations to address this issue.

The Extent to Which the Cost and Availability of Medical Examinations Impacted Afghan SIV Processing

OIG found that the required medical examinations are costly when compared to the average Afghan household income, though they did not significantly affect the implementation of the Afghan SIV program. However, OIG found that there is a private medical facility in Afghanistan capable of meeting United States immigration requirements and that the medical facility, which is located in Kabul, was readily available to schedule examinations. OIG also found that, to reduce the cost burden on Afghan SIV applicants, the Department reversed the immigrant visa process by allowing applicants to receive their medical examinations after administrative processing, instead of before. This change removes the possibility that the SIV applicant's medical examination results will expire before receiving the visa and that the applicant will have to pay for a second examination.

Medical Examinations Are Costly but Available to Applicants

The Immigration and Nationality Act and the FAM both state that all applicants applying for immigrant visas are required to undergo a physical and mental examination as part of the process to determine the applicant's eligibility for a visa.[25] The FAM also includes criteria

[22] The Government Accountability Office's report, "State and [U.S. Agency for International Development] Should Evaluate Actions Taken to Mitigate the Effects of Attrition among Local Staff," GAO-16-100, December 2015, states that in 2014, 243 out of 615 locally employed staff (nearly 40 percent) resigned.

[23] FY 2016 NDAA, Section 1216, Title XII, 129 Stat. 1045.

[24] Double encumbering, or dual incumbency, is when two individuals are employed in the same position.

[25] Aliens and Nationality, 8 U.S.C. § 1201, (d) Physical Examination; 9 FAM 504.4-7, "Medical Examinations."

recommended by the Centers for Disease Control and Prevention[26] for appointing panel physicians who conduct the medical examinations.[27] In addition, the FAM states that the physician's examining facility should be located near the visa-issuing post and that the number of examining physicians should be kept to a minimum.[28] In June 2019, Embassy Kabul entered a Medical Services Agreement with one medical facility that has a staff of six panel physicians who conduct all immigrant visa medical examinations for Embassy Kabul.

Although the U.S. Government does not charge the SIV applicant any fees,[29] the medical facility charges for each adult and child medical examination. The Medical Services Agreement sets the base examination fee at $415 for adults (16 years or older) and at $338 for children (15 years or younger) with supplemental charges for vaccinations. According to the Embassy Kabul Consular Section, it is common for an SIV applicant to have approximately five derivative family members (one spouse and four children) who qualify to receive SIVs. Therefore, the overall cost for the SIV applicant in this situation to receive medical examinations is roughly $2,182.[30] This cost is substantial when compared to the household income in Afghanistan.[31]

OIG found that applicants have not experienced issues with scheduling medical examinations. The agreement states that appointments for medical examinations should "generally be available within two weeks upon request absent security issues, holidays, or other extenuating circumstances." According to medical facility representatives, they can, in fact, typically schedule medical examinations within 2 weeks and have adjusted physician schedules to accommodate SIV applicants during surge periods. Department officials also stated that neither scheduling nor administering medical examinations hindered processing of SIVs.

The Department Has Taken Action To Reduce the Cost Burden of the Applicant

The FAM states that medical examinations should occur prior to the visa interview and that "in no instance is the medical [examination] valid for more than six months."[32] This means that

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[26] The Centers for Disease Control and Prevention is a Federal agency under the Department of Health and Human Services.

[27] 9 FAM 302.2-3(E)(2)(b), "Criteria for Appointment of Panel Physicians."

[28] 9 FAM 302.2-3(E)(2) Selection of Panel Physicians, (c) Small Number of Panel Physicians with Convenient Offices; and 9 FAM 504.4-7 (b) Medical Examination states, "medical examination must be conducted by a panel physician who has been designated by a visa-issuing post to conduct medical examinations of [aliens] in the consular district in which the [applicant] applies for a visa."

[29] The Afghan Allies Protection Act of 2009, Section 602, (4) Prohibition on fees, states that the "U.S. Government may not charge any fee in connection with an application for, or issuance of a special immigrant visa," 287.

[30] OIG estimated the total medical cost assuming two adults and four children without additional vaccination fees: (2 x $415) + (4 x $338) = $2,182.

[31] The Asia Foundation, "Afghanistan in 2019: A Survey of the Afghan People," reported that, in 2019, 23.9 percent of respondents reported an income of less than 5,000 Afghani ($65.48) per month, 65.8 percent have an income of 5,001–20,000 Afghani ($65.49 to $261.82) per month, and 9.0 percent have an income greater than 20,000 Afghani ($261.68) per month, https://asiafoundation.org/publication/afghanistan-in-2019-a-survey-of-the-afghan-people/, 98. The exchange rate in April 2020 was 1 Afghani to $0.01.

[32] 9 FAM 504.4-(A) Basic Document Requirements, (c) Validity of Application and Supporting Documents: (2) Medical Examinations.

from the time medical clearance is received, applicants have a maximum of 6 months to obtain their visas and immigrate to the United States. However, Afghan SIV applicants typically remain in the application process for more than 6 months following their visa interviews to clear administrative processing, resulting in an expired medical examination and additional costs to the applicant for another examination. For example, through a nonprofit organization, No One Left Behind,[33] OIG met an SIV recipient who applied in April 2012 and experienced this situation. The recipient told OIG that he received the medical examination prior to his visa interview but the time following that visa interview and administrative processing took 3 years. As a result, his previously approved medical examination results expired and he had to pay additional costs to receive a new medical examination.

To reduce the cost burden on applicants who face similar situations, Embassy Kabul reversed the process in 2014. Applicants now receive a medical examination only after the Department completes administrative processing of the case. OIG requested the official documentation on this process change; however, the Department was unable to locate it. On the basis of actions taken by the Department, OIG is not offering any recommendations to reduce medical examination costs and improve availability.

The Extent to Which the Uncertainty of Visa Availability Has Affected Visa Processing

OIG found that uncertainty of visa availability has affected the Department's ability to process visas. Specifically, visa processing was halted because of a lack of available visas in 2014 and 2017. In addition, OIG determined that the Department is unable to conduct long-term planning because of the uncertainty of visa availability and the temporary nature of the Afghan SIV program, which is tied to the United States force presence in Afghanistan. Although 8,079 visas were available to be issued as of January 2020, the Department is at risk of future Afghan SIV processing stoppages should applicant volumes significantly increase and more visas not be authorized by Congress.

Visa Allocation by Legislation

The Afghan Allies Protection Act of 2009 authorized 1,500 SIVs per year from FY 2009 through FY 2013.[34] During this time, OIG found that, on average, at least 2,300 Afghans per year applied for SIVs; however, fewer than 200 Afghan SIVs per year were issued, and, by July 2013, the number of SIV applicants in the backlog awaiting processing was at least 6,900. OIG concluded that, during this time period, the Department's processing, or lack thereof, was unrelated to visa availability because the Department did not approach annual limits authorized by Congress. Furthermore, from FY 2009 to FY 2013, when little uncertainty surrounding visa

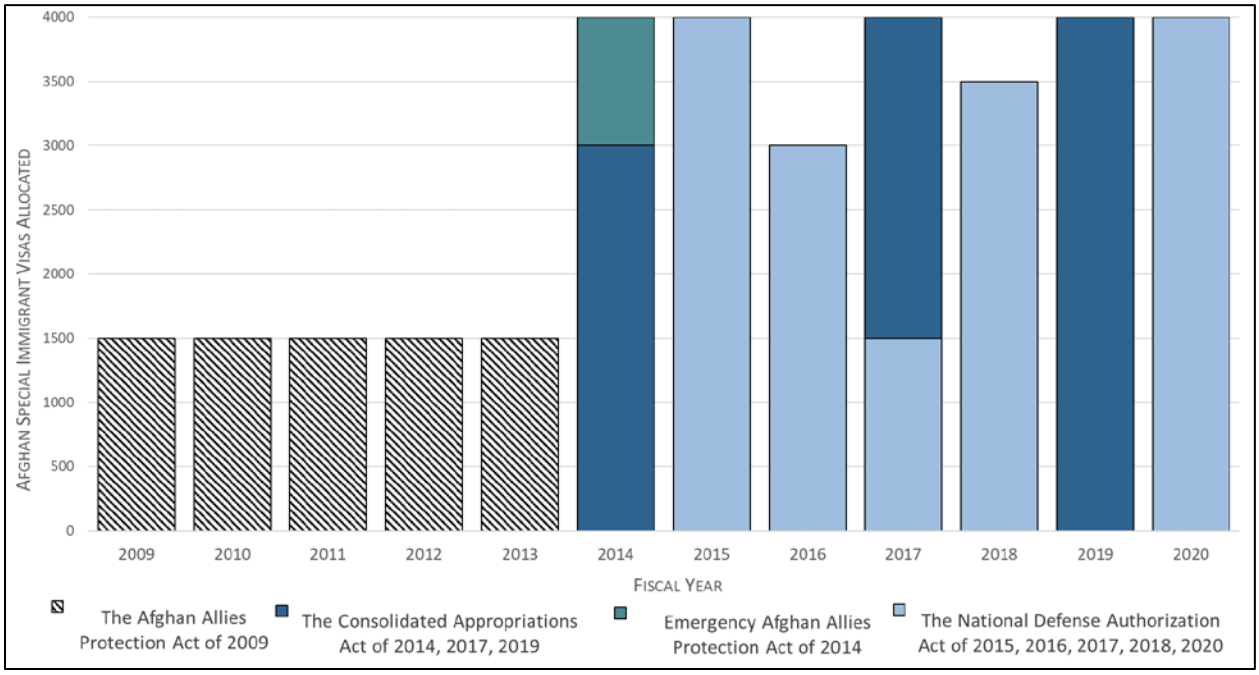
[33] No One Left Behind is a 501(c)(3) nonprofit organization that supports wartime allies who have been displaced from their homes because of their association with and support of Americans.

[34] Afghan Allies Protection Act of 2009, Section 602(b).

availability existed, the Department did not develop its capability to effectively process and issue Afghan SIV applications in a timely manner.

Uncertainty regarding visa availability started in FY 2014, when Congress began authorizing SIVs in various annual legislations and the Department increased visa issuance. During FYs 2014 and 2017, annual allocations were exhausted quickly and additional legislation was passed to authorize more visas. Specifically, the 2014 shortage was temporally resolved with passage of the Emergency Afghan Allies Extension Act of 2014, which authorized 1,000 additional visas.[35] Likewise, the 2017 shortage was resolved through passage of the FY 2017 Consolidated Appropriations Act, which authorized an additional 2,500 visas.[36] Figure 2 depicts the total number of visas allocated from FY 2009 to FY 2020 by legislation.[37]

Figure 2: Number of Visas Allocated by Fiscal Year and Authorizing Legislation



Source: OIG generated from a review of congressional legislation.

Visa Uncertainty Stopped Afghan SIV Processing in 2014 and 2017

Even though Congress eventually passed additional legislation to address visa shortages in 2014 and 2017, the lack of initial visa availability during those 2 years halted Afghan SIV processing. Specifically, at the beginning of 2014, the Department issued record high volumes

[35] Emergency Afghan Allies Extension Act of 2014, Section 1, "Extension of Afghan Special Immigrant Program," (E) Special Rule for End of Calendar Year 2014, 1. The Department exhausted the additional visas authorized within months, which prompted passage of the FY 2015 NDAA, Section 1227, "Extension of Afghan Special Immigrant Visa Program," (F) Fiscal Years 2015 and 2016, 263.

[36] FY 2017 Consolidated Appropriations Act, Section 7083, (a) Afghan Allies, 584.

[37] Visas authorized between FY 2009 and FY 2014 have since expired. From FY 2015 to FY 2020, 22,500 visas have been authorized without expiration.

of Afghan SIVs at the beginning of the year, which quickly consumed all the available SIVs.[38] As a result, the National Visa Center stopped scheduling immigrant visa interviews at Embassy Kabul from approximately July through December 2014.[39] The Department also significantly slowed the initiation of new cases when the SIV limit approached. For example, initiation of new SIV applications in July and August 2014 decreased by 65 percent when compared to July and August 2013. The Department did not have weekly visa statistics during the 2014 stoppage, and, as a result, OIG was unable to obtain further explanation.

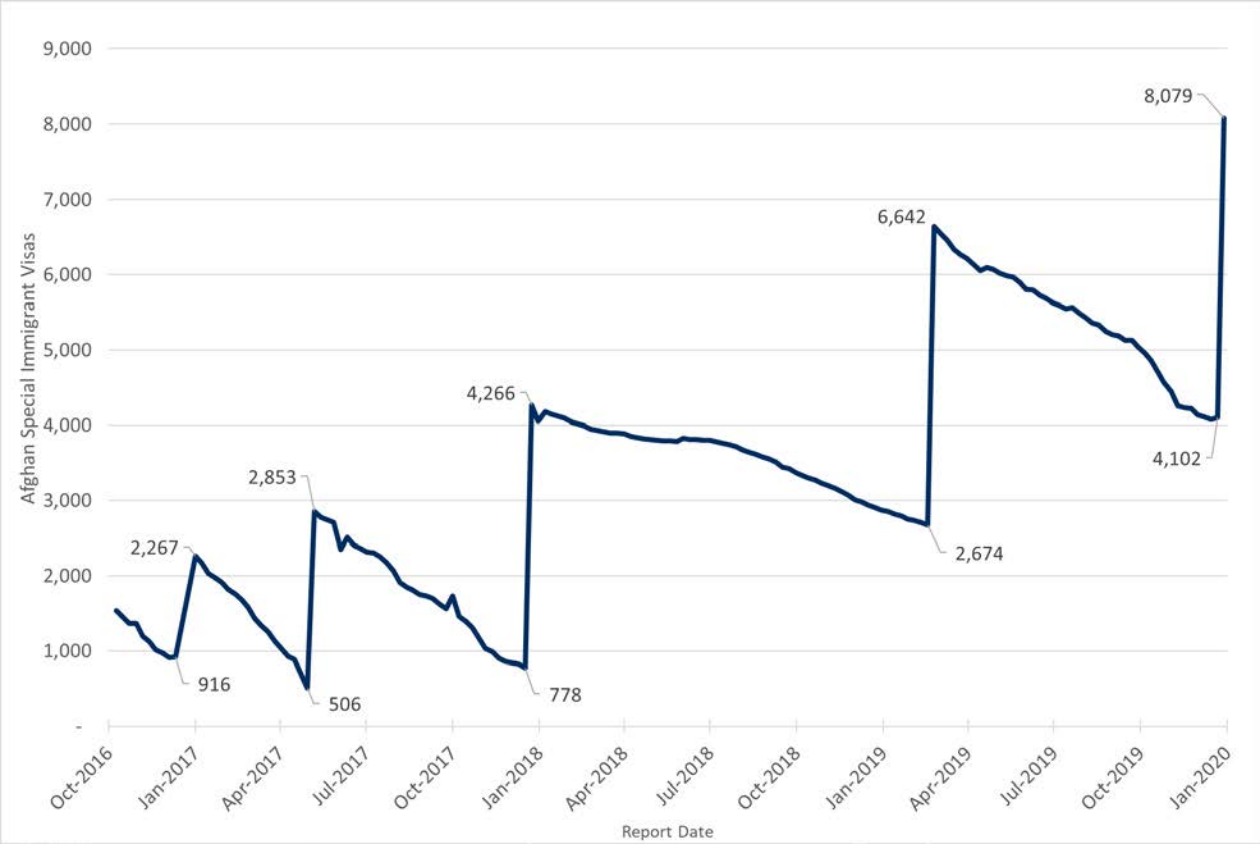
By early 2017, visa uncertainty again halted Afghan SIV processing (specifically, the scheduling of interviews and the processing of new cases). OIG's analysis revealed that, following the passage of the FY 2017 NDAA on December 23, 2016, which authorized 1,500 visas, the Department slowed Afghan SIV processing and halted interviews. By January 2017, 2,167 SIVs authorized by Congress remained available; however, visa interviews were halted, although visas continued to be issued to applicants who had already completed their visa interviews. The number of available visas dwindled to 506 by April 2017. Also, during this time, processing of new Afghan SIV applicants was near zero for February, March, and April 2017. Processing promptly resumed in May 2017, when 2,500 additional visas were authorized in the FY 2017 Consolidated Appropriations Act. According to Department officials, the dwindling visa availability was the result of a "surge" in cases that finally cleared administrative processing, which precedes the issuance of the visa. The ripple effect led to higher volumes of visa issuance, which, in turn, reduced the supply of remaining visas to be issued. During the stoppage, approximately 13,000 applicants remained in the application process, including those ready for a visa interview, a number that nearly doubled from 1,589 to 2,998. However, both the surge and stoppages had significant impacts on the overall process as well as on the applicant's processing time. Figure 3 depicts the number of Afghan SIVs authorized by Congress and available for issuance at different stages from October 2016 through January 2020.[40]

[38] In FY 2014, the Department issued more than 3,000 SIVs, which is more than a 400-percent increase from the previous years.

[39] Department of State, "Joint Department of State/Department of Homeland Security Report: Status of the Afghan Special Immigrant Visa Program," January 2015. https://travel.state.gov/content/dam/visas/SIVs/Report%20of%20the%20Afghan%20SIV%20Program%20-%20January%202015.pdf.

[40] In October 2016, the Department began tracking visa availability on a weekly basis. Department officials told OIG that weekly data points are unofficial; however, they are reconciled with official counts on a monthly basis. Anomalies in the figure exist because of visa revocations.

Figure 3: Number of Visas Available but Not Yet Issued Between October 2016 and January 2020



Source: OIG generated from information obtained from legislation and the Department.

Unless Uncertainty Is Minimized, Visa Processing Could Be Affected by Visa Availability

The former Ambassador to Afghanistan from 2011 to 2012 attributed a root cause of current SIV processing issues to visa uncertainty.[41] In addition to uncertainty regarding the number of available visas, the temporary nature of the Afghan SIV program affects the Department's ability to conduct long-term planning to support the program. Determining whether to make investments in information technology and dedicate staffing resources (issues discussed in more detail below) are difficult decisions for Department officials, and the overall uncertainty with the program's future has likely contributed to the Department's inability to meet the 9-month processing timeframe. With the authorization of 4,000 additional visas in the FY 2020 NDAA, 8,079 of the 22,500 allocated visas are still available for issuance (see Figure 3 above). However, more than 18,000 applicants remain in the pipeline, and it is reasonable to expect that Afghans will continue to show interest in the program and apply for SIVs once they become eligible to do so. Therefore, Congress will have to continue to authorize additional visas to clear the backlog of applicants and meet future program needs.

[41] Ambassador Ryan Crocker corresponded with OIG in January 2020.

Congress has made efforts to better predict potential Afghan SIV applicant volume. Specifically, the FY 2016 NDAA requires the Secretary of Defense, in conjunction with the Secretary of State, to submit a report every 6 months that describes the United States force presence in Afghanistan and future projections to assess the "necessity of providing special immigrant status."[42] In addition, the report must include "the number of citizens or nationals of Afghanistan who were employed by or on behalf of the entities . . . and the projected number of such citizens or nationals who will be employed by or on behalf of such entities."[43] Such figures can be tied to the need for visa authorizations to ensure that the Department has the appropriate capacity to effectively process the SIVs.

Because this is a matter for Congress, OIG is not making any recommendations to address the question of visa uncertainty; however, OIG notes that likely future applicant volume should be considered when authorizing visas to effectively reduce visa uncertainty, thereby improving the efficiency of Afghan SIV processing.

The Extent to Which the Department Considered Appropriate Staffing Levels for Expedited Processing Domestically and Abroad

OIG found that staffing levels to process Afghan SIVs have generally remained constant since FY 2016.[44] However, the backlog for Afghan SIV applicants has increased. For example, in FY 2016, the number of applicants in the process was about 12,300. As of FY 2020, the number of applicants increased to 18,864. Notwithstanding the changes in the volume of applicants over time, staffing levels have remained constant because the Department has not conducted an assessment to determine appropriate staffing levels for the Afghan SIV program. Various offices from different bureaus contribute to processing Afghan SIVs, but since 2017, these offices have lacked an overarching Senior Coordinating Official (also known as the SIV Coordinator) who can provide authoritative direction across multiple offices and liaise with other U.S. Government agencies.[45] Without an SIV Coordinator, the Department's management of resources and strategic planning for the Afghan SIV program is decentralized and lacks focus to continuously evaluate the program and seek improvements. As a result, no single person is designated to advocate for staffing levels across bureaus to promote efficiency and effectiveness within the SIV program. Therefore, the Afghan SIV program has been generally understaffed and unable to meet legislative demands of processing SIV applicants within the 9-month timeframe established by Congress.

[42] FY 2016 NDAA, Section 1216, Modifications of Protection for Afghanistan, (15) Reports Informing the Conclusion of the Afghan Special Immigrant Visa Program, 322.

[43] Ibid.

[44] The Department did not track or reliably maintain SIV-specific staffing data prior to 2016.

[45] In commenting on a draft of this report, the Undersecretary for Management stated that the Senior Coordinating Official and the SIV Coordinator are two distinct roles (see Appendix B); however, during fieldwork, no Department officials informed OIG of this distinction.

Staffing Levels Remained Constant While Backlogs Grew

OIG found that current staffing levels are a significant limitation to expediting Afghan SIV applications. Staff levels have remained constant while the backlog for Afghan SIV applicants has increased. For example, in FY 2016, the number of applicants in the process was about 12,300. As of FY 2020, the number of applicants was 18,864. To process applications, the Department, both domestically and overseas, employs a mix of short- and long-term staff that include direct hires, contractors, and American and Foreign Nationals. Domestically, the National Visa Center relies almost entirely on contractors to communicate with the applicants about their status and compile their required documents for processing. As of February 2020, the National Visa Center was experiencing a backlog of processing SIV applications. For example, SIV applicant emails had not been opened in the approximately 30 days after they were received. These included the applicants' initial emails to begin an application as well as emails including existing applicants' supporting documentation. According to the National Visa Center's operational supervisor, approximately 8 to 10 full-time staff members are dedicated specifically to processing Afghan SIV applications and the level of staffing has remained constant since 2016.

In another example, the ASIV Unit relies on a group of approximately eight direct hires and contractors, as well as temporary employees.[46] According to ASIV Unit officials, staffing levels have remained steady since the office was established in 2016. As of September 2019, 8,536 out of 18,864 total applicants (45 percent) were pending Chief of Mission approval, which is processed by the ASIV Unit, making it a prime contributor to the Department's inability to meet the 9-month timeframe to process Afghan SIVs. ASIV Unit officials told OIG that it would need at least 50 additional staff members to address its current backlog and meet the 9-month timeframe established by Congress.

At Embassy Kabul, the Consular personnel responsible for conducting the immigrant visa interviews stated that the embassy was "operating at capacity" and could not accommodate any more immigrant visa interviews than those being scheduled. Specifically, as of October 2019, 12 of 37 positions (approximately 30 percent) of Embassy Kabul's Consular Section were vacant and, during the 2019 staff reduction,[47] the number of Consular Officers was reduced from 5 to 3. In order for a Consular Officer to conduct a visa interview and adjudicate a visa, Consular support staff (typically third country nationals or locally employed staff)[48] are needed to prepare case files, translate a variety of local languages to English, and perform miscellaneous administrative duties. Furthermore, Embassy Kabul officials said that instances of fraud, such as misrepresenting the age of a derivative child and falsifying documentations, are relatively high in Afghanistan compared to other countries and programs, and fraud detection

[46] These staff members include those on temporary duty from other offices or "overcomplements," which are Foreign Service Officers who have not received permanent assignments for various reasons.

[47] A separate OIG audit addressing staffing reductions at Mission Iraq and Mission Afghanistan is pending.

[48] According to 3 FAM 7270, "Third Country National," a third country national is an individual who is neither a citizen of the United States nor of the country to which assigned for duty and is on a limited appointment for a specific period of time.

requires a team of dedicated staff well versed in the Afghan culture. The Consular Section told OIG that, with its current staffing, it is interviewing as many applicants as possible. However, if a surge were to occur, this section would struggle to keep the backlog manageable.

SIV Coordinator Is Needed To Manage Across Multiple Bureaus and Agencies

The FY 2014 NDAA calls for the Department to appoint a Senior Coordinating Official (also known as an SIV Coordinator) to develop, implement, and monitor improvements to the SIV process across the Department. Additionally, the SIV Coordinator should possess "sufficient expertise, authority, and resources" to respond to congressional mandates regarding the SIV program and to coordinate with Senior Coordinating Officials for the Departments of Homeland Security and Defense. OIG found that the Deputy Secretary of State for Management and Resources was designated the role of SIV Coordinator at the Department in 2014, but the position was vacated in January 2017 and has remained vacant ever since. OIG asked Department officials why the SIV Coordinator position has remained vacant, but those officials could not provide an explanation.

Day-to-day processing of Afghan SIVs involves coordination among several Department bureaus and other Federal Government entities that span geographic and functional expertise. Such entities within the Department include the Bureau of Consular Affairs, the combined Executive Office for the Bureaus of Near Eastern Affairs and South and Central Asian Affairs, and Embassy Kabul. In addition, Afghan SIV policy is developed by the Bureau of Consular Affairs Visa Office, in consultation with the ASIV Unit. Accordingly, the Department's management of the Afghan SIV program is decentralized, and no formal staffing assessment across the Afghan SIV program has been conducted. OIG found ad hoc instances in which temporary increases to staffing had been effective in resolving backlogs within single offices. For example, Department officials described temporarily clearing a backlog of Afghan SIV applications awaiting administrative processing in 2016 by "adding additional hands" and "increasing pressure" on responsible offices. However, because the effort was uncoordinated, the surge of cases that subsequently flowed to Embassy Kabul quickly consumed available visas, resulting in increasing wait times near the end of the process.

Without a staffing assessment coordinated by a single overseer, the Department cannot be fully informed of (1) the staff required at each stage of the application process to reduce the backlog of SIV applicants and (2) the staff required to maintain an efficient and effective process to comply with the 9-month timeframe established by Congress. To improve coordination across multiple Department and Government offices, OIG is offering the following recommendations.

> **Recommendation 1:** OIG recommends that the Secretary of State or his designee, in accordance with the FY 2014 National Defense Authorization Act, appoint a Senior Coordinating Official (Special Immigrant Visa Coordinator) to oversee all aspects of the special immigrant visa program, including operations within the Bureau of Consular Affairs, the Bureau of Near Eastern Affairs, and the Bureau of South and Central Asian Affairs, and in coordination with the Department of Defense and the Department of Homeland Security.

Management Response: The Under Secretary for Management did not explicitly concur or non-concur but stated that he is the Secretary's designee and accordingly responded to the recommendations outlined in a draft of this report. He stated that, "the Secretary of State designated the Under Secretary for Management as the Senior Coordinating Official on March 15, 2020." He also stated, that "the Senior Coordinating Official and the Special Immigrant Visa Coordinator are two distinct roles" and explained that the Afghan Special Immigrant Visa Coordinator position is "filled by the Assistant Chief of Mission at Embassy Kabul." The Under Secretary for Management provided OIG a copy of his designation memorandum as State's Senior Coordinating Official for the Afghan and Iraqi SIV programs.

OIG Reply: On the basis of the Under Secretary for Management's response to a draft of this report and evidence of actions taken, OIG considers this recommendation closed. The action of appointing a Senior Coordinating Official on March 15, 2020, to oversee the efficiency and integrity of the processing of Afghan SIVs fulfills the intent of this recommendation and no further action is required. The Undersecretary for Management's response to a draft of this report is reprinted in its entirety in Appendix B.

Recommendation 2: OIG recommends that the Senior Coordinating Official assess staffing levels at each stage of the Afghan Special Immigrant Visa program and report to OIG how the Department of State plans to (a) reduce the backlog of Afghan Special Immigrant Visa applicants to comply with the 9-month timeframe established by Congress, (b) maintain special immigrant visa staffing at an appropriate level to comply with the 9-month timeframe established by Congress, and (c) incorporate this information into congressional reporting.

Management Response: The Under Secretary for Management, who is the Secretary's designee and the Senior Coordinating Official, concurred with the recommendation. Specifically, the Under Secretary stated that "each Department of State office involved in the Afghan Special Immigrant Visa program will conduct a general review of its staffing levels pertaining to the Afghan Special Immigrant Visa program, in particular the Afghan Special Immigrant Visa Unit; the relevant office at Embassy Kabul; and the relevant offices within the [Bureau of Consular Affairs]" and "[e]ach office will provide an assessment to the Under Secretary for Management, noting gaps." The Under Secretary for Management also stated, however, that "if staffing levels are inadequate to complete the activities listed in this recommendation, the Department's ability to obtain additional resources will be subject to the availability of funds and competing priorities."

OIG Reply: On the basis of the Under Secretary for Management's concurrence with the recommendation and actions planned, OIG considers this recommendation resolved, pending further action. In addition, in light of the Under Secretary's response to recommendation 1 regarding the titles "Senior Coordinating Official" and "Special

Immigrant Visa Coordinator," OIG revised the recommendation made in a draft of this report by substituting "Senior Coordinating Official" for "Special Immigrant Visa Coordinator" in order to avoid any confusion about the person assigned with responsibility for implementing the recommendation. This recommendation will be closed when OIG receives and accepts documentation demonstrating that the Senior Coordinating Official assessed the staffing levels at each stage of the Afghan SIV program and reported to OIG how the Department plans to (a) reduce the backlog of Afghan SIV applicants to comply with the 9-month timeframe established by Congress, (b) maintain SIV staffing at an appropriate level to comply with the 9-month timeframe established by Congress, and (c) incorporated this information into congressional reporting.

The Extent to Which Delays Could Be Reduced in Interagency Processing and Security Checks

OIG found that interagency processing time is dependent upon the security risks identified during SIV applicant processing. The Department's Office of Screening, Analysis, and Coordination[49] administers in-house security checks for some applicants and facilitates and coordinates other SIV applicants for interagency processing. Prior to 2017, the Department required every Afghan SIV applicant to receive additional vetting; however, the Department issued new guidance for referring an Afghan SIV applicant for interagency processing to allow lower risk applicants to experience expedited processing conducted by the Office of Screening, Analysis, and Coordination. Although the Department has modified its procedure as a result of this change, the Office of Screening, Analysis, and Coordination is understaffed. As a result, the Department could improve in-house security checks and interagency processing by dedicating more staff members to this office.

Interagency Processing and Security Checks Are Not Within the Department's Control

In accordance with the Immigration and National Act,[50] immigrants are required to undergo appropriate vetting to reduce risks to national security. Accordingly, the Department requires Afghan SIV applicants to proceed through administrative processing,[51] which includes additional security checks.[52] The Consular Officer assesses the applicant's risk to determine whether an applicant requires additional interagency processing before submitting an application for administrative processing. During administrative processing, the Office of Screening, Analysis, and Coordination administers the in-house security check or coordinates the applicant package for interagency processing. When SIV applicants are referred to

[49] The Office of Screening, Analysis, and Coordination is within the Department's Bureau of Consular Affairs, Visa Office.

[50] Aliens and Nationality, 8 U.S.C. § 1182, Inadmissible aliens.

[51] Administrative processing is a general term used by the Department for any additional processing that may be required following an immigrant interview, which may include additional security checks.

[52] For example, Afghan SIV applicants who were employed in the civil service between 1996 and 2001 must receive a Civil Service Exemption to confirm that they did not support the Taliban.

interagency processing, the duration of that processing is controlled by the Department's interagency partners, and predicting the time required to undergo interagency processing is difficult. For example, an Afghan SIV recipient told OIG that, although he had already gone through multiple vetting processes by Embassy Kabul's Regional Security Office before he was employed by the Embassy, his application for an SIV underwent administrative processing for more than 3 years. Figure 4 shows two SIV recipients sharing their SIV application experience with OIG.

Figure 4: Iraqi SIV recipient (left) and an Afghan SIV recipient (right) participate in a meeting with OIG in Washington, DC. (Source: OIG, February 2020)

Although the Department Has Made Efforts To Expedite Administrative Processing, Additional Staffing Could Yield Greater Efficiencies

Prior to 2017, nearly all Afghan SIV applicants were referred for interagency processing. However, as noted previously, in 2017, the Department issued new guidance for referring an Afghan SIV applicant for interagency processing. Although most applicants still undergo interagency processing, lower risk applicants may experience expedited processing, which is conducted by the Office of Screening, Analysis, and Coordination. As a result, this reduces the overall time that those applicants may be in administrative processing.

As of March 2020, the Office of Screening, Analysis, and Coordination had one analyst to coordinate interagency processing and conduct internal security checks but told OIG that it was operating at full capacity. The office, in its current state with one analyst, would experience a major bottleneck if high volumes of applications progress through the SIV process. Increasing

the staffing level for this office would allow applicants to be processed more quickly and avoid potential backlogs. Therefore, OIG is offering the following recommendation.

Recommendation 3: OIG recommends that the Senior Coordinating Official evaluate the staffing level at the Office of Screening, Analysis, and Coordination and determine the appropriate staffing needed to review applications.

Management Response: The Under Secretary for Management, who is the Secretary's designee, concurred with the recommendation to "[conduct] an evaluation of the staffing level at the [Office of Screening, Analysis, and Coordination] to determine if there are appropriate staff to handle the caseload and complexity of applications." He stated that, "[t]he Bureau of Consular Affairs will lead the staffing evaluation and report the results for [the Undersecretary for Management] to review." In addition, he stated that "the Department would like to clarify that the [Office of Screening, Analysis, and Coordination] staff do not make determinations on whether or not an applicant should be referred to the interagency or processed internally by the Department."

OIG Reply: On the basis of the Under Secretary for Management's concurrence with the recommendation and actions planned, OIG considers the recommendation resolved, pending further action. In addition, in light of the Under Secretary's response to recommendation 1 regarding the titles "Senior Coordinating Official" and "Special Immigrant Visa Coordinator," OIG revised the recommendation made in a draft of this report by substituting "Senior Coordinating Official" for "Special Immigrant Visa Coordinator" in order to avoid any confusion about the person assigned with responsibility for implementing the recommendation. Furthermore, OIG acknowledges that the Office of Screening, Analysis, and Coordination staff does not make determinations on whether or not an applicant should be referred to the interagency or processed internally by the Department. Therefore, OIG revised the recommendation by removing involvement of the Office of Screening, Analysis, and Coordination from the recommendation. This recommendation will be closed when OIG receives and accepts documentation demonstrating that the Senior Coordinating Official has evaluated the staffing levels at the Office of Screening, Analysis, and Coordination and determined the appropriate staffing level needed to review applications.

The Extent to Which Obstacles Existed in Documenting the Identity and Employment of Locally Employed Staff and Contractors, Including the Possibility of Establishing a Central Database of Employees and Contractors

OIG found the Department is generally able to document the identity and employment of locally employed staff and contractors, but the length and ease with which it occurs depends on the employment status of the applicant. The Department more quickly and easily validates SIV applicants employed at Embassy Kabul using internal sources; for all other applicants, the Department relies on external sources to confirm the applicant's letters of employment and recommendation, which can be more difficult and time consuming. OIG also found that the Department does not use a centralized database to document or verify an applicant's identity

and employment status. The lack of a centralized database contributes to delays in processing SIV applicants, and current practices for verifying Afghan SIV applicants increase the Department's risk for fraud and threats to national security. Improvements and expedited processes could occur if the Department used the Department of Defense's Synchronized Predeployment Operational Tracker (SPOT) system.

Efficiency in Verifying Locally Employed Staff and Contractors Depends on Employment

OIG found that documenting the identity and employment of Embassy Kabul's locally employed staff is manageable because the embassy can use internal sources. Specifically, an ASIV Unit processor told OIG that the official badges from locally employed staff eases the verification process. Once the SIV applicant has submitted all required documentation for Chief of Mission approval, the ASIV Unit processor emails the author of the letter of recommendation to verify authenticity; however, instead of obtaining a letter of employment from the embassy's Human Resources Office, the processor obtains the applicant's badging information from the initial application package and provides it to Embassy Kabul's Regional Security Office for vetting. Embassy Kabul's Regional Security Office, on average, takes 2 weeks to review the applicant's employment to determine whether derogatory information exists or if the applicant is in good standing. Once vetting is completed, the ASIV Unit records the results and determines that the applicant's employment verification is complete.

However, Department officials stated that the majority of Afghan SIV applicants are contractors and sub-contractors and verifying their letters of employment and recommendation is more time intensive. This contributes to an increase in processing time. To verify the letter of employment, the ASIV Unit emails the employer's human resources office based on information provided by the applicant. The ASIV Unit must wait for the employer to respond to the email. To confirm that the contract on which the applicant worked for is legitimate, the ASIV Unit searches for the contract on a public Government website, USAspending.gov, even though it does not include all Government contract information. This means that the ASIV Unit must research other sources to attempt to obtain information about the contract. To verify that the letter of recommendation is legitimate, the ASIV Unit emails the author for authentication, which includes requesting the author's U.S. passport number. Also, if it was not included in the original letter, an attestation is required that states that the applicant poses no threat to the national security of the United States.

Department officials told OIG that qualifying applicants who worked for the Department of Defense pose additional challenges because of recordkeeping weaknesses. Supervisors of Department of Defense contractors applying for SIVs can be difficult to locate depending on their military status (active or retired). To assist applicants with locating their supervisors, the Department of Defense previously offered the "Supervisor Locator Program," a form the applicant completes. However, Department officials told OIG that this program ended in 2018, even though the form is still available on the Department's website.

More generally, the International Refugee Assistance Project, a non-governmental organization, told OIG that it witnessed instances in which Afghans were unable to move forward with having their applications processed because their former employers did not provide documentation

for various reasons.[53] However, this verification process is necessary for the ASIV Unit to recommend an applicant for Chief of Mission approval. As a result, the stage to determine Chief of Mission approval is a bottleneck in the Afghan SIV program. As of December 29, 2019, 8,444 of 18,695 applicants (45 percent) were waiting for a Chief of Mission decision.

Opportunity Exists To Leverage SPOT To Increase the Efficiency of Verifying Applicants

Current practices used for verifying applicant eligibility prevent the Department from expediting Afghan SIV processing. Opportunities for improvements could be found, though, by leveraging an existing database to verify employment. The Afghan Allies Protection Act of 2009 required the U.S. Government to submit a report regarding the feasibility of establishing a centralized database for adjudicating SIV applications.[54] The Department of Defense submitted a coordinated response in 2013, which stated that no single U.S. Government-automated database contained historical information with relevant contracts. The response identified the Department of Defense's SPOT database as a potential method for verifying employment but noted that SPOT did not contain certain elements required to verify an applicant. Ultimately, the report concluded that it was not cost effective to establish a new system of record or extend the functionality of SPOT to meet the legislative requirement, likely because the Afghan SIV program was expected to expire in FY 2014. However, the program has continued and the number of SIVs allocated has increased, as shown in Table 1.[55]

Table 1: SIVs Allocated from FY 2009 to FY 2020

Fiscal Year	Visas Allotted
2009	1,500
2010	1,500
2011	1,500
2012	1,500
2013	1,500
2014	4,000
2015	4,000
2016	3,000
2017	4,000
2018	3,500
2019	4,000
2020	4,000

Source: OIG generated from congressional legislation and information provided by the Department.

[53] The International Refugee Assistance Project is a non-governmental organization providing legal services to refugees and displaced persons seeking legal pathways from conflict zones to safe countries. Reasons for not providing documentation included outright refusal, incomplete or inaccurate records, or defunct companies.

[54] The Afghan Allies Protection Act of 2009, Section 602, (11) Annual Report on Use of Special Immigrant Status, (2) Report on Establishment of Database, required. . . "a report examining the options for establishing a unified and classified database of information related to contracts, grants, or cooperative agreements entered into . . . for the performance of work in Afghanistan since October 7, 2001," 289.

[55] Some fiscal years include more than one annual legislation (see Figure 2).

SPOT is a web-based system "providing a repository for military, Government civilian and contractor personnel, and contract information for the Department of Defense, [the Department], [the] U.S. Agency for International Development, other [F]ederal agencies, and Combatant Commanders to centrally manage their . . . deploying assets via a single authoritative source for up-to-date visibility of personnel assets and contract capabilities."[56] OIG found that, since the 2013 report, the Department of Defense has improved the capabilities of SPOT to allow Federal agencies to plan, manage, track, account for, monitor, and report on contracts, companies, and contractor employees. Currently, every contractor who is working in Afghanistan is required to be entered into SPOT. Relevant information includes biometric information as well as the contractor personnel's contract number, job title, duty location, employment length, company, and U.S. Government point of contact.

SPOT already includes many of the details that the ASIV unit needs to verify employment within a single database, and Department of Defense personnel stated that the ASIV Unit could request access to SPOT from the program manager. OIG recognizes that the ASIV Unit would still need to verify letters of recommendation; however, OIG determined that the functionality of an existing centralized database such as SPOT could expedite SIV processing and help reduce the current backlog of applications. Furthermore, using an authoritative database such as SPOT would reduce the risk of fraudulent documents verified through manual effort, which pose national security risks if an ineligible applicant or adverse actor used those same fraudulent documents to receive an SIV and immigrate to the United States. Moreover, this database could be used for future SIV programs. OIG is therefore offering the following recommendation.

Recommendation 4: OIG recommends that the Secretary of State or his designee, in consultation with the Secretary of Defense, the Administrator of U.S. Agency for International Development, and the Secretary of Homeland Security, re-examine options for establishing a unified database of information related to personnel conducting work on executive agency contracts, grants, or cooperative agreements that can be used to adjudicate special immigrant visas or, alternatively, use an existing database such as the Synchronized Predeployment and Operational Tracker.

Management Response: The Undersecretary for Management concurred with the recommendation, stating that "[the Afghan Special Immigrant Visa Unit] will work with key stakeholders to re-examine options for establishing a unified database or utilizing an existing database of information related to personnel conducting work on executive agency contracts, grants, or cooperative agreements." In addition, he stated that, "[the Afghan Special Immigrant Visa Unit], in consultation and coordination with other Department bureaus, will work to identify the appropriate [Department of Defense], [U.S. Agency for International Development], and [Department of Homeland Security] contacts to consult on this recommendation." The Under Secretary for Management also stated, however, that "creating or modifying a database would be subject to the availability of resources, and that utilizing an existing database such as the Synchronized Predeployment and Operational

[56] Department of Defense, Defense Manpower Data Center, "Synchronized Predeployment and Operational Tracker Enterprise Suite Records," DMDC 18 DoD, August 21, 2018.

Tracker, which is owned and operated by the Department of Defense, would be subject to final determinations of the system owner."

OIG Reply: On the basis of the Under Secretary for Management's concurrence with the recommendation and actions planned, OIG considers the recommendation resolved, pending further action. This recommendation will be closed when OIG receives and accepts documentation demonstrating that the Under Secretary for Management, who is the Secretary's designee, in consultation with the Secretary of Defense, the Administrator of the U.S. Agency for International Development, and the Secretary of Homeland Security, re-examined options for establishing a unified database of information related to personnel conducting work on executive agency contracts, grants, or cooperative agreements that can be used to adjudicate special immigrant visas or, alternatively, using an existing database such as SPOT.

The Extent to Which the Department Assessed Expediting Processing at All Stages of the Process for Applicants, Including Consideration of Reducing the Number of Required Forms

OIG found that the lack of interoperability between information technology systems used by the Department impedes efficient Afghan SIV processing. Specifically, OIG identified four compartmentalized computer systems used across multiple stages of the application process, none of which are interconnected for the purposes of the Afghan SIV program. This leads to manually intensive and duplicative data processing. The three systems within the Bureau of Consular Affairs are not interoperable because they are legacy systems, and the Department does not plan to update or enhance such systems. The fourth system is operated and maintained by the combined Executive Office for the Bureaus of Near Eastern Affairs and South and Central Affairs, and it lacks interoperability with consular systems. Therefore, Afghan SIV processors must manually transfer data from one system to another to process SIVs, which extends applicant wait time.

In addition, OIG reviewed the required forms to apply for the SIV program and found that the Department had previously reduced the number of forms to process SIV applications from five to three. Currently, one form is specific to the Afghan SIV program and two forms are standard for immigrant visas. Accordingly, OIG did not identify specific opportunities that would further reduce the number of required forms for the Afghan SIV program.

Multiple Systems Used for Processing Afghan SIV Applications Lack Interoperability

OIG found that the information technology systems used to process Afghan SIVs are maintained by different bureaus within the Department and lack interoperability and impede efficient Afghan SIV processing. Specifically, OIG identified four systems that are being used to process SIV applicants: the SQ-SIV application (SQ-SIV), SIV Manager (SIVM), the Immigrant Visa Information System (IVIS), and the Immigrant Visa Overseas (IVO). SQ-SIV, IVIS, and IVO are consular systems operated and maintained by the Office of Consular Systems and Technology

and are connected to the Consular Consolidated Database.[57] SIVM, a completely separate system, is maintained by the combined Executive Office for the Bureaus of Near Eastern Affairs and South and Central Asian Affairs. An SIV processor at any single stage of the Afghan SIV program must manually export data from one system and import it into the next to continue processing and gain a full picture of one application.

The National Visa Center manually inputs initial applications into SQ-SIV. It also uses the information tracked by SQ-SIV to correspond with applicants and track documentation for each SIV application package. Once the National Visa Center reviews the application package as documentarily complete, the ASIV Unit requests data from SQ-SIV and manually transfers the data into SIVM. The ASIV Unit uses SIVM to verify and determine the applicant's eligibility for Chief of Mission approval. Once the applicant receives a successful I-360 adjudication from U.S. Citizenship and Immigration Services, the National Visa Center instructs the applicant to email required documentation and complete the online Form DS-260 in order to schedule a visa interview, which it will review and enter into IVIS. At Embassy Kabul, Consular Section staff re-enter Form DS-260 information and manually transfer SQ-SIV data into IVO to be used by the Consular Officer to adjudicate the visa. Because existing immigrant visa information cannot be transferred from SQ-SIV to IVO, Consular Section staff must copy and paste information from one system to the next, which prolongs applicant wait times.

In addition, OIG learned that the ASIV Unit requests data on a quarterly basis, so data are obtained in batches rather than through a consistent flow. As a result, applicants who may have been documentarily complete many months earlier must wait for the data to be manually transferred to the ASIV Unit to continue to be processed. For example, OIG spoke to the ASIV Unit in February 2020 and found that it was processing Afghan SIV applicants for a Chief of Mission decision on the basis of exported data from July 2019. When asked why SIVM could not be connected to SQ-SIV, ASIV Unit officials stated that the ASIV Unit is not a part of the Bureau of Consular Affairs and that such an enhancement request would be too difficult to complete.

Systems Are Outdated With No Plans for Improvements

The Consular systems are not interoperable because they are considered legacy systems, and the Department does not plan to update or enhance such systems. In fact, in 2019, the Assistant Secretary for Consular Affairs issued a moratorium on information technology-related requests to enhance capabilities of legacy systems, except those required by statute or executive mandate. The efficiency of Afghan SIV processing, and future SIV programs, would be improved if these legacy systems could become interoperable to serve a common purpose. OIG is therefore offering the following recommendation.

> **Recommendation 5:** OIG recommends that the Secretary of State or his designee direct an evaluation to determine if legacy systems should be updated or made interoperable or if a new system should instead be developed to minimize redundancy in data entry. The evaluation results should include (a) deployment dates for the updated, modified, or new

[57] The Consolidated Consular Database is a data warehouse that stores current and archived data from all Consular Affairs databases around the world.

system or an explanation as to why these improvements would not be prudent to execute and (b) other improvements that can be made to promote the efficacy of the Afghan Special Immigrant Visa program. The results of this evaluation should be provided to OIG and, as appropriate, incorporated into congressional reporting.

Management Response: The Undersecretary for Management concurred with the recommendation stating that "[The Bureau of Consular Affairs] determined that its ongoing system development effort, Consular One, when fully implemented, will greatly minimize data entry redundancy. As it relates to visa systems, modernization will begin in 2021 and end in 2025."

OIG Reply: On the basis of the Under Secretary for Management's concurrence with the recommendation and actions planned, OIG considers this recommendation resolved, pending further action. This recommendation will be closed when OIG receives and accepts documentation demonstrating that an evaluation was conducted to determine that Consular One, when fully implemented, will minimize redundancy in data entry. The evaluation results should include (a) deployment dates for the updated, modified, or new system or an explanation as to why these improvements would not be prudent to execute; and (b) other improvements that can be made to promote the efficacy of the Afghan SIV program. The results of this evaluation should be provided to OIG and, as appropriate, incorporated into congressional reporting.

The Department Has Taken Steps To Reduce the Number of Required Forms

OIG found that the Department has taken steps to reduce the number of required forms for SIVs from five to three. All immigrant visa applicants were originally required to submit two additional forms; however, Form DS-237, "Statement of Marriageable Age Applicant," was discontinued in October 2019, and Form DS-1810, "Notice of Duty to Register with U.S. Selective Service System," was discontinued in November 2019.

Specific to the Afghan SIV program, OIG identified three forms that the applicant is now required to submit along with other supporting documentation:[58]

- **Form DS-157, "Supplemental SIV Chief of Mission Application**," is required when the Afghan first applies for an SIV. The document requests that applicants provide their biographic data and their physical signature.[59]
- **Form I-360, "Petition for Amerasian, Widow(er), or Special Immigrant**," is required when the applicant petitions to the U.S. Citizenship and Immigration Services for

[58] If the applicant wishes to participate in the Department's resettlement program, the applicant is required to submit Form DS-0234, "Special Immigrant Visa Biodata Form," along with additional documentation.

[59] To apply for Chief of Mission approval, the applicant must provide a total of six supporting documents, including Form DS-157. While the Chief of Mission applicant guidelines does not explicitly state so, one of the most common reasons why an application is initially rejected is because of the absence of a physical signature. See https://travel.state.gov/content/dam/visas/SIVs/Afghan_SIV_Guidelines_and_DS157_Instructions_Dec%202018.pdf, 6.

eligibility for a Green Card to become a Lawful Permanent Resident. The document requires applicants to provide their biographic data as well as that of any derivative family members who will join them once an SIV is issued.[60]

- **Form DS-260, "Immigrant Visa Electronic Application**," is an electronic document required when the applicant is applying for a visa interview. The document requires, in addition to other information, biographic data for applicants as well as their derivative family members, all of whom will also attend the immigrant visa interview. It also requires security, medical, and criminal information, including the full name, date of birth, country of birth, passport information, present and previous addresses, mailing and permanent address information, and, if applicable, social media accounts.[61]

Both Form I-360 and Form DS-260 are standardized requirements for all applicants who are petitioning to become permanent residents of the United States. Form DS-157 is unique to the Afghan SIV program because only Afghan SIV applicants requires Chief of Mission approval. On the basis of the Department's reduction in the number of required forms, OIG did not identify an opportunity to further reduce the forms required.

The Extent to Which the Department Employed Measures for the Protection and Safety of Locally Employed Staff and Contractors

OIG found that the U.S. Government protected SIV applicants within the confines of the workplace; however, outside the workplace, protection did not extend beyond the specific terms of their employment.[62] In addition, OIG found that the Department protected the identity of applicants when in possession of sensitive Personally identifiable information throughout the application process.[63] The Afghan SIV program is the U.S. Government's effort to protect eligible Afghans who are in imminent danger; however, applicants who are located outside of Afghanistan and who are seeking protection through the SIV program face extraordinary delays beyond the 9-month timeframe established by Congress. As a result, SIV applicant protection could be enhanced by improving the efficiency of SIV applicant processing, as previously discussed. Furthermore, the U.S. Government could examine the type of protection available for SIV applicants and their derivative family members affected by processing delays whose lives are in "imminent danger."[64]

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[60] At the I-360 petition stage, the applicant is required to submit three or more supporting documents, including Form I-360.

[61] At the immigrant visa stage, the applicant is required to submit four or more supporting documents, including Form DS-260. One of the supporting documents is a Refugee Benefits Election Form, of which applicants must state whether they wish to participate in the Department's resettlement program to receive resettlement benefits.

[62] Terms of employment refers to locally employed staff working at a U.S. Government facility and translators or interpreters working in the field with U.S. Government personnel.

[63] 5 FAM 462.2, "Office of Management and Budget Guidance," defines Personally identifiable information as "information that can be used to distinguish or trace an individual's identity, such as their name, Social Security number, biometric records, etc., alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc."

[64] Afghan Allies Protection Act of 2009, Section 602(b), 286.

U.S. Government Provides Protection Within Department Facilities and During Work Hours, but Protection Outside of Work Hours Is Impracticable

Personnel from Embassy Kabul's Regional Security Office and the Department of Defense stated that they provide physical protection to all individuals within U.S. Government facilities in Afghanistan, including direct hires, locally employed staff, and contractors. For locally employed staff and contractors living outside of U.S. Government facilities, however, physical protection generally occurs only during normal work hours when locally employed staff are on Department property. This protection extends outside of U.S Government facilities during work hours when employment terms require contractors who serve as interpreters to accompany and assist U.S. Government personnel, as is the case of an Afghan interpreter working on behalf of the U.S. Government pictured in Figure 5.

Figure 5: Afghan interpreter working on behalf of the U.S. Government. (Photograph courtesy of No One Left Behind)

Although the FAM requires Embassy Kabul's Regional Security Office to protect U.S. personnel and facilities in Afghanistan,[65] the embassy's Regional Security Officers stated that providing protection to locally employed staff or contractors outside of the embassy would be impracticable, as it would require an unachievable level of cooperation with local and regional authorities. Moreover, Regional Security Officers reported that security in Afghanistan is difficult, especially outside of Kabul and its office is not appropriately equipped to ensure the physical safety of local staff away from Department property. Therefore, the Department does not have the capacity to provide physical protection to all SIV applicants outside of Department facilities, such as their personal residences, outside of work hours.

> *". . . as the Taliban and others returned to Afghanistan, the threat began to grow very considerably."*
>
> General David Petraeus, Former Commander of the International Security Assistance Force (2010–2011)

The Afghan SIV Program Is Itself a Form of Protection

The Afghan Allies Protection Act of 2009 is itself the means by which the U.S. Government provides protection to eligible locally employed staff and contractors who "provided faithful and valuable service to the [U.S. Government]."[66] The Act also requires the Department, in consultation with other Federal agencies, to make a "reasonable effort" to provide Afghans eligible for SIVs "protection or to immediately remove such alien from Afghanistan" if the Department determines the [Afghan] is in "imminent danger."[67] Providing U.S. Government protection to applicants throughout Afghanistan, not just in Kabul, is not feasible and the program allows SIV applicants to seek protection by immigrating to the United States. However, those seeking protection through the SIV program face long processing times that exceed the 9-month timeframe for processing SIV applications established by Congress. Translators and interpreters who apply for SIVs are given the highest priority to have their applications processed because of the intrinsic threat level of their service. OIG is offering one recommendation for Department consideration to enhance the protection of SIV applicants should it be determined that an applicant is in imminent danger.

Recommendation 6: OIG recommends that the Secretary of State or his designee, in consultation with the Secretary of Defense, the Administrator of U.S. Agency for International Development, and the Secretary of Homeland Security, examine whether and how protection could be provided for special immigrant visa applicants experiencing "imminent danger" as they await processing of their applications for immigration to the United States.

Management Response: The Under Secretary for Management concurred with the recommendation to "examine whether and how protection could be provided for applicants experiencing 'imminent danger' as they await processing." He stated that "[t]he

[65] 12 FAM 422.5, "Other Responsibilities and Duties."

[66] Afghan Allies Protection Act of 2009, Section 602(b), (2) Aliens Described, 285.

[67] Afghan Allies Protection Act of 2009, Section 602(b), (6) Protection of Aliens, 287.

Department will work to identify the appropriate [Department of Defense], [U.S. Agency for International Development], and [Department of Homeland Security] contacts to consult on this recommendation. Finally, the Under Secretary for Management described preliminary steps to be examined by the Bureau of Diplomatic Security and the Regional Security Officer.

OIG Reply: On the basis of the Under Secretary for Management's concurrence with the recommendation and actions planned, OIG considers this recommendation resolved, pending further action. This recommendation will be closed when OIG receives and accepts documentation demonstrating that the Under Secretary for Management, who is the Secretary's designee, in consultation with the Secretary of Defense, the Administrator of the U.S. Agency for International Development, and the Secretary of Homeland Security, has examined whether and how protection could be provided for SIV applicants experiencing "imminent danger" as they await processing of their applications for immigration to the United States.

The Department Protects Afghan SIV Applicant's Personally Identifiable Information

OIG found that the Department effectively protects Afghan SIV applicants' Personally identifiable information at each phase of the application process. For example, the National Visa Center told OIG that its processors protect the applicant's Personally identifiable information when responding to inquiries about specific cases. To ensure the National Visa Center does not inappropriately disclose Personally identifiable information, its SIV processors only respond to inquiries from applicants or their legal representatives. In addition, when SIV processors respond to applicants, they request the applicant's name, date of birth, and the National Visa Center-assigned case number to verify the applicant's identity. In addition, OIG verified that SIV processors at the National Visa Center completed training to protect Personally identifiable information. Accordingly, OIG concluded that the Department is taking appropriate measures to prevent opportunities for inappropriate and dangerous disclosure of applicants' Personally identifiable information.

RECOMMENDATIONS

Recommendation 1: OIG recommends that the Secretary of State or his designee, in accordance with the FY 2014 National Defense Authorization Act, appoint a Senior Coordinating Official (Special Immigrant Visa Coordinator) to oversee all aspects of the special immigrant visa program, including operations within the Bureau of Consular Affairs, the Bureau of Near Eastern Affairs, and the Bureau of South and Central Asian Affairs, and in coordination with the Department of Defense and the Department of Homeland Security.

Recommendation 2: OIG recommends that the Senior Coordinating Official assess staffing levels at each stage of the Afghan Special Immigrant Visa program and report to OIG how the Department of State plans to (a) reduce the backlog of Afghan Special Immigrant Visa applicants to comply with the 9-month timeframe established by Congress, (b) maintain special immigrant visa staffing at an appropriate level to comply with the 9-month timeframe established by Congress, and (c) incorporate this information into congressional reporting.

Recommendation 3: OIG recommends that the Senior Coordinating Official evaluate the staffing level at the Office of Screening, Analysis, and Coordination and determine the appropriate staffing needed to review applications.

Recommendation 4: Recommendation 4: OIG recommends that the Secretary of State or his designee, in consultation with the Secretary of Defense, the Administrator of U.S. Agency for International Development, and the Secretary of Homeland Security, re-examine options for esablishing a unified database of information related to personnel conducting work on executive agency contracts, grants, or cooperative agreements that can be used to adjudicate special immigrant visas or, alternatively, use an existing database such as the Synchronized Predeployment and Operational Tracker.

Recommendation 5: OIG recommends that the Secretary of State or his designee direct an evaluation to determine if legacy systems should be updated or made interoperable or if a new system should instead be developed to minimize redundancy in data entry. The evaluation results should include (a) deployment dates for the updated, modified, or new system or an explanation as to why these improvements would not be prudent to execute and (b) other improvements that can be made to promote the efficacy of the Afghan Special Immigrant Visa program. The results of this evaluation should be provided to OIG and, as appropriate, incorporated into congressional reporting.

Recommendation 6: OIG recommends that the Secretary of State or his designee, in consultation with the Secretary of Defense, the Administrator of U.S. Agency for International Development, and the Secretary of Homeland Security, examine whether and how protection could be provided for special immigrant visa applicants experiencing “imminent danger” as they await processing of their applications for immigration to the United States.

APPENDIX A: PURPOSE, SCOPE, AND METHODOLOGY

On December 20, 2019, Congress passed the FY 2020 National Defense Authorization Act (NDAA) directing the Department of State (Department), Office of Inspector General (OIG) to issue a report that evaluates and offers improvements to eight obstacles to effective protection of Afghan and Iraqi allies[1] through the special immigrant visa (SIV) program and provides suggestions for improvements in future programs. The objective of this review was to determine the extent to which the eight identified obstacles affected the implementation of the Afghan SIV program and to offer suggested improvements in future programs. OIG evaluated the Afghan SIV program by addressing eight researchable questions, which align with the eight identified obstacles.

OIG conducted this review in accordance with the Quality Standards for Inspection and Evaluation as set forth by the Council of the Inspectors General on Integrity and Efficiency in 2012. This report relates to the overseas contingency Operation Freedom's Sentinel and was completed in accordance with OIG's oversight responsibilities as described in Section 8L of the Inspector General Act of 1978, as amended. OIG believes that the evidence obtained provides a reasonable basis for its findings and conclusions in this report.

This review focuses on SIVs authorized under the Afghan Allies Protection Act of 2009, which established a visa program to resettle Afghans who worked for, or on behalf of, the United States and experienced an ongoing and serious threat as a result of their employment with the U.S. Government.[2] In 2013, Congress amended the Afghan Allies Protection Act of 2009 to "improve the efficiency by which applications for special immigrant visas . . . are processed." This amendment required all Government-controlled steps incidental to issuing the SIVs, "including required screenings and background checks," to be completed within 9-months after submission of a complete application.[3, 4] The amendment also allowed for additional processing for "visas in high risk cases for which satisfaction of national security concerns requires

[1] During OIG's analysis, OIG found that as of December 15, 2019, only 84 applicants were in the Iraqi SIV program, although 18,768 applicants were in the Afghan SIV program. In addition, the deadline for applicants to apply for the Iraqi SIV program was September 30, 2014. As a result, OIG did not evaluate the Iraqi SIV program and informed Congress of this decision on January 24, 2020.

[2] Afghan Allies Protection Act of 2009, Section 602(b), 284.

[3] FY 2014 NDAA, Section 1219, "Improvements of the Afghan Special Immigrant Visa Program, (A) In General, 244.

[4] In addition to responding to the specific recommendations, the Under Secretary for Management included a "general comment" stating that this report overall and Appendix A in particular "fundamentally misreads the Afghan Allies Protection Act of 2009 as requiring the Department to complete the SIV process, including screenings and background checks, in [9-months]." The Under Secretary referred to the "U.S. Government position," as set forth in various court filings, contending that the "statute does not mandate a [9]-month deadline for the processing of each individual application" and that it instead only sets a "[9]-month benchmark for the steps within the control" of the relevant Departments. The Under Secretary also stated that the law permits more than 9-months to complete steps "incidental to the issuance of such visas in high-risk cases for which satisfaction of national security concerns requires additional time" and that "[t]he law contains no consequences for the processing of an application not being completed in [9-months]." OIG takes no position regarding the Department's interpretation of the relevant statute and instead reiterates that this report addressed the specific issues required by the FY 2020 NDAA, Section 1215(b). OIG made no changes to the report based on this comment.

additional time."[5] Congress has continued to extend or amend this Act to authorize additional visas. According to the FY 2020 NDAA, Congress has allocated a total of 22,500 visas to primary applicants for qualifying Afghans.[6]

To perform this review, OIG's Office of Audits reviewed applicable laws and Department requirements established in the Foreign Affairs Manual and the Foreign Affairs Handbook. OIG interviewed Department personnel and contractors from the Bureau of Consular Affairs and the combined Executive Office for the Bureaus of Near Eastern Affairs and South and Central Asian Affairs, Afghan Special Immigrant Visa Unit. OIG also interviewed officials from the Department of Defense and the Department of Homeland Security's U.S. Citizenship and Immigration Services, personnel from non-governmental organizations, and SIV applicants. OIG traveled to the National Visa Center in Portsmouth, NH, and to Embassy Kabul, Afghanistan, to conduct a site visit and to interview personnel. OIG also obtained and analyzed documents and reports created and maintained by the Department related to the Afghan SIV program that were dated prior to January 1, 2020. Furthermore, in June 2020, OIG issued *Management Assistance Report: Quarterly Reporting Involving the Afghan Special Immigrant Visa Program Needs Improvement To Fully Comply With Congressional Requirements* (AUD-MERO-20-34), which reported that the Department's method for collecting, verifying, and reporting on applicant "wait times" is inconsistent and potentially flawed. Until the deficiencies are corrected, the quarterly reports may not be providing information responsive to Congress's requirements. OIG offered three recommendations to the Department to prompt actions to address the identified deficiencies.

[5] FY 2014 NDAA, Section 1219, "Improvements of the Afghan Special Immigrant Visa Program," (B) Construction, 244.

[6] FY 2020 NDAA, P.L. 116-92, December 20, 2019, Section 1219(b), 439.

APPENDIX B: UNDER SECRETARY FOR MANAGEMENT'S RESPONSE

United States Department of State
Under Secretary of State for Management
Washington, D.C. 20520

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June 8, 2020

MEMORANDUM

TO: OIG – Norman P. Brown

FROM: M – Brian J. Bulatao BJ for

SUBJECT: Response to the Draft Report – Review of the Afghan Special Immigrant Visa Program

Thank you for the opportunity to review the draft report of the Review of the Afghan Special Immigrant Visa (SIV) Program.

I provide one comment and responses to the six recommendations outlined in the draft report. As the Secretary's designee for the Senior Coordinating Official for the Afghan Special Immigrant Visa program and given that these recommendations relate to work under my purview, I provide a consolidated response for all recommendations.

General comment:

1. The draft report, particularly Appendix A, fundamentally misreads the Afghan Allies Protection Act as requiring the Department to complete the SIV process, including screenings and background checks, in nine months. The U.S. Government position, which is set out in Department of Justice filings in *Afghan and Iraq Allies v. Pompeo*, No. 1:18-cv-01388-TSC (D.D.C.), is that the statute does not mandate a nine-month deadline for the processing of each individual application. To the contrary, the law requires the Department to monitor the efficiency of processing, and it sets a nine-month benchmark for the steps within the control of the Department of State and the Department of Homeland Security after the date on which an eligible alien submits all required materials to complete an application for a SIV. However, the law clearly states that the Department may "take longer than 9 months to complete those steps incidental to the issuance of such visas in high-risk cases for which satisfaction of national security concerns requires additional time." See, e.g., AAPA § 602(b)(4)(A). The law contains no consequence for the processing of an application not being completed in nine months.

Please find responses to the recommendations below.

Recommendation 1: OIG recommends that the Secretary of State or his designee, in accordance with the FY 2014 National Defense Authorization Act (NDAA), appoint a Senior Coordinating Official (Special Immigrant Visa Coordinator) to oversee all aspects of the special immigrant visa program, including operations within the Bureau of Consular Affairs, the Bureau of Near

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Eastern Affairs, and the Bureau of South and Central Asian Affairs, and in coordination with the Department of Defense and the Department of Homeland Security.

Management Response: Per the attached memorandum (see Tab 1), the Secretary of State designated the Under Secretary for Management as the Senior Coordinating Official on March 15, 2020. However, the Department notes that the Senior Coordinating Official and the Special Immigrant Visa Coordinator are two distinct roles. While the Senior Coordinating Official position was created by the FY 2014 NDAA, the Afghan Special Immigrant Visa Coordinator is required under AAPA 602(b)(2)(D)(ii) and is filled by the Assistant Chief of Mission at Embassy Kabul.

Recommendation 2: OIG recommends that the Special Immigrant Visa Coordinator assess staffing levels at each stage of the Afghan Special Immigrant Visa program and report to OIG how the Department of State plans to (a) reduce the backlog of Afghan Special Immigrant Visa applicants to comply with the 9-month timeframe established by Congress, (b) maintain special immigrant visa staffing at an appropriate level to comply with the 9-month timeframe established by Congress, and (c) incorporate this information into congressional reporting.

Management Response: M concurs that, as the Senior Coordinating Official, each Department of State office involved in the Afghan Special Immigrant Visa program will conduct a general review of its staffing levels pertaining to the Afghan Special Immigrant Visa program, in particular the Afghan Special Immigrant Visa Unit; the relevant office at Embassy Kabul; and the relevant offices within the Bureau of Consular Affairs (CA). Each office will provide an assessment to the Under Secretary for Management, noting gaps. Although M concurs with leading an assessment of staffing levels pertaining to the Afghan Special Immigrant Visa program, if staffing levels are inadequate to complete the activities listed in this recommendation, the Department's ability to obtain additional resources will be subject to the availability of funds and competing priorities.

Recommendation 3: OIG recommends that the Special Immigrant Visa Coordinator evaluate the staffing level at the Office of Screening, Analysis, and Coordination and determine the appropriate staffing needed to review applications and make determinations as to whether an SIV application should be referred or whether the application can be internally processed.

Management Response: As the Senior Coordinating Official, M concurs with conducting an evaluation of the staffing level at the Office of Screening, Analysis, and Coordination (CA/VO/SAC) to determine if there are appropriate staff to handle the caseload and complexity of applications. The Bureau of Consular Affairs will lead the staffing evaluation and report the results for M to review. However, the Department would like to clarify that the CA/VO/SAC staff do not make determinations on whether or not an applicant should be referred to the interagency or processed internally by the Department.

Recommendation 4: OIG recommends that the Secretary of State or his designee, in consultation with the Secretary of Defense, the Administrator of U.S. Agency for International Development, and the Secretary of Homeland Security, re-examine options for establishing a unified database of information related to personnel conducting work on executive agency contracts, grants, or

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cooperative agreements that can be used to adjudicate special immigrant visas or, alternatively, use an existing database such as the Synchronized Predeployment and Operational Tracker.

Management Response: M, in collaboration with NEA-SCA/EX/ASIV (ASIV Unit), concurs with the recommendation. ASIV Unit will work with key stakeholders to re-examine options for establishing a unified database or utilizing an existing database of information related to personnel conducting work on executive agency contracts, grants, or cooperative agreements. ASIV Unit, in consultation and coordination with other Department bureaus, will work to identify the appropriate DoD, USAID, and DHS contacts to consult on this recommendation. M caveats, however, that creating or modifying a database would be subject to the availability of resources, and that utilizing an existing database such as the Synchronized Predeployment and Operational Tracker, which is owned and operated by the Department of Defense, would be subject to final determinations of the system owner.

Recommendation 5: OIG recommends that the Secretary of State or his designee direct an evaluation to determine if legacy systems should be updated or made interoperable or if a new system should instead be developed to minimize redundancy in data entry. The evaluation results should include (a) deployment dates for the updated, modified, or new system or an explanation as to why these improvements would not be prudent to execute and (b) other improvements that can be made to promote the efficacy of the Afghan Special Immigrant Visa program. The results of this evaluation should be provided to OIG and, as appropriate, incorporated into congressional reporting.

Management Response: M, in collaboration with the Bureau of Consular Affairs (CA), concurs with the recommendation. CA determined that its ongoing system development effort, Consular One, when fully implemented, will greatly minimize data entry redundancy. As it relates to visa systems, modernization will begin in 2021 and end in 2025.

Recommendation 6: OIG recommends that the Secretary of State or his designee, in consultation with the Secretary of Defense, the Administrator of U.S. Agency for International Development, and the Secretary of Homeland Security, examine whether and how protection could be provided for special immigrant visa applicants experiencing "imminent danger" as they await processing of their applications for immigration to the United States.

Management Response: Currently, the U.S. Government provides general protection to SIV applicants within U.S. facilities in Kabul and through the SIV program. M, in collaboration with the Regional Security Officer (RSO) at Embassy Kabul and the Bureau of Diplomatic Security, concurs with the recommendation to examine whether and how protection could be provided for applicants experiencing "imminent danger" as they await processing. The Department will work to identify the appropriate DoD, USAID, and DHS contacts to consult on this recommendation. As a preliminary step, the Bureau of Diplomatic Security and the RSO will examine:

- The scope of these applicants in relation to Chief of Mission authority and security responsibility and/or Secretary of State security;
- The appropriate scope of these protections (e.g., if all applicants or only those qualified applications would be provided protection) and how to verify imminent danger claims;
- The authorities and security implications for conducting investigations on threat levels;

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- The practicability of coordination with local law enforcement;
- The feasibility of offering protection based on authorities, resource constraints and staffing levels; and
- The National Defense Authorization Act provisions.

Attachment:
Tab 1 – Designation Letter

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Approved: M

Drafted: M/SS – Camille Pellegrino, 203-687-7576

Cleared:

M/SS	M Longstreth	(OK)
M:	L Ockerman	(OK)
D:	K Daucher	(OK)
CA/VO:	DAS Ramotowski	(OK)
	Brianne Marwaha	(OK)
	Elizabeth Evashwick	(OK)
	Laura Stein	(OK)
VO/L:	Julia Follick	(OK)
	Ari Attar	(OK)
VO/SAC:	Time Smith	(OK)
	Dean Kaplan	(OK)
	Katy May	(OK)
VO/F:	Sara Craig	(OK)
SCA/FO:	Ervin Massinga (ok)	
SCA/FO:	Nancy Jackson (ok)	
NEA-SCA/EX:	Elizabeth Aubin (ok)	
NEA-SCA/EX:	Anne Marie Moore (ok)	
NEA-SCA/EX:	Jonathan Korach (ok)	
NEA-SCA/EX/ASIV:	Arleen Grace Genuino (ok)	
SCA/A:	Melissa Lan (ok)	
Embassy Kabul:	Donna Welton (ok)	
Embassy Kabul:	Lawrence Richter (ok)	
Embassy Kabul:	Maureen McGeough (ok)	
Embassy Kabul:	Michael Katula (ok)	
L:	E Kimball	(OK)
L/M/DS:	M Lovejoy	(OK)
DS/DSS	PDAS T Brown (OK)	
DS/HTP	DAS G Sherman (OK)	
BP:	E Schwan	(OK)

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ABBREVIATIONS

ASIV Unit	Afghan Special Immigrant Visa Unit
Department	Department of State
FAM	Foreign Affairs Manual
IVIS	Immigrant Visa Information System
IVO	Immigrant Visa Overseas
NDAA	National Defense Authorization Act
OIG	Office of Inspector General
SIV	special immigrant visa
SIVM	SIV Manager
SPOT	Synchronized Predeployment and Operational Tracker

OIG TEAM MEMBERS

Melinda Perez, Division Director
Middle East Region Operations
Office of Audits

Mike Vennemann, Review Manager
Middle East Region Operations
Office of Audits

Jasmine Liu, Management Analyst
Middle East Region Operations
Office of Audits

Paul LaMancusa, Management Analyst
Middle East Region Operations
Office of Audits

Gabriella Scipione, Management Analyst
Middle East Region Operations
Office of Audits

Alexandra Jackson, Management Analyst
Middle East Region Operations
Office of Audits

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