

## Information Report: Afghan Special Immigrant Visa Program Metrics (AUD-MERO-22-38, September 2022)

### SUMMARY OF REVIEW

In 2009, Congress established a visa program to resettle Afghans who had worked on behalf of the United States in Afghanistan and experienced an ongoing and serious threat as a result. The Afghan Allies Protection Act of 2009 authorized special immigrant visas (SIV) for Afghans who were “employed by, or on behalf of, the [U.S.] Government in Afghanistan;” “provided faithful and valuable service to the [U.S.] Government;” and “experienced or [are] experiencing an ongoing serious threat as a consequence of [their] employment by the [U.S.] Government.”<sup>1</sup>

In the wake of the evacuation and suspension of operations at U.S. Embassy Kabul, Afghanistan, on August 31, 2021, multiple congressional committees requested that the Department of State (Department) Office of Inspector General (OIG) review a range of topics regarding the Afghan SIV program.<sup>2</sup> OIG is issuing a series of reports in response to the requests. This information report responds to specific congressional questions involving the Afghan SIV process and related data, including the following: (1) a description of the Afghan SIV process and number of days allotted to complete each step; (2) the number of SIV applications<sup>3</sup> received, approved, and denied annually since enactment of the Afghan Allies Protection Act of 2009 through calendar year 2021; (3) the number of SIV applications approved from April 2021 through August 2021; (4) the number and status of SIV applicants in each phase of the SIV process as of May 31, 2022; and (5) the average time taken to process an SIV application from submission to issuance or denial. All data presented in this information report represent principal applicants only and do not include derivative applicants (i.e., family members) unless otherwise specified.

OIG completed fieldwork for this report in June 2022. In July 2022, the Department and the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) revised the SIV petition process; because that revision occurred after OIG’s fieldwork ended it is not reflected in the historical process summary and data included in this report.

**The Afghan SIV process and number of days allotted to complete each step.** As of June 2022, an Afghan national applicant was required to complete a three-phased process to receive an SIV: Chief of Mission (COM) approval, I-360 petition,<sup>4</sup> and visa application. First, the applicant submitted a COM approval application to the National Visa Center (NVC). Once the applicant provided NVC with all required information, the information was forwarded to the Afghan SIV (ASIV) Unit, where it was reviewed and, if the applicant was qualified, submitted for COM approval. After receiving COM approval, the applicant submitted an I-360

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<sup>1</sup> Afghan Allies Protection Act of 2009, Public Law 111-8, March 11, 2009, § 602(b), codified at 8 United States Code (U.S.C.) § 1101 note, “Afghan Allies Protection.”

<sup>2</sup> The congressional request letters are reprinted in Appendix B.

<sup>3</sup> The individual who fulfills the qualifications for the SIV program is the “principal applicant.” A principal applicant may be accompanied by a spouse and children, referred to as “derivative applicants.” All data presented in this information report represent principal applicants only and do not include derivative applicants.

<sup>4</sup> The I-360 petition, provided by USCIS, is for foreign nationals to petition USCIS for special immigrant status.

petition to USCIS. Upon approval of the I-360 petition, the applicant submitted a visa application to NVC. A consular officer reviewed the visa application, interviewed the applicant, and determined whether to issue a visa based on the information provided. Starting on July 20, 2022, new applicants no longer need to file Form I-360 with USCIS. Instead, applicants submit a revised Department nonimmigrant visa application during the COM approval phase. The Afghan Allies Protection Act states that the Department and the Department of Homeland Security should complete the entire SIV process within 9 months of receiving a complete application. However, it does not allocate a specific number of days to complete each step or phase of the Afghan SIV process.

**The number of SIV applications received, approved, and denied annually since enactment of the Afghan Allies Protection Act of 2009 through calendar year 2021.** From 2009<sup>5</sup> through 2021, the Department received 59,977 documentarily complete Afghan SIV applications, from which it subsequently approved and issued 22,085 SIVs (37 percent) and denied<sup>6</sup> 28,821 (48 percent). During this same period, 9,071 (15 percent) applications remained pending.

**The number of SIV applications approved from April 2021 through August 2021.** Within the period beginning with President Biden's April 2021 announcement of the U.S. troop withdrawal through the eventual evacuation and suspension of operations at Embassy Kabul in August 2021, the Department approved and issued 1,754 (eight percent) of the 22,085 SIVs issued since 2009.

**The number and status of SIV applicants in each phase of the SIV process as of May 31, 2022.** As of May 31, 2022, 15,678 Afghan SIV applications were in process: 4,975 in the COM approval phase, 1,095 in the I-360 petition phase, and 9,608 in the visa application phase. It is important to note that the Department does not determine an applicant's physical location until the visa application phase occurs and when arrangements must be made for an interview with the applicant. Therefore, according to Department officials, unless otherwise known, all applications in process are considered to be from applicants within Afghanistan. However, the Department has confirmed that 1,903 (12 percent) of 15,678 Afghan SIV applicants are in the United States or in third countries.<sup>7</sup>

**The average time taken to process an SIV application from submission to issuance or denial.** OIG could not independently calculate the overall average SIV processing time because a key Department data element necessary to calculate processing time for the COM approval phase was not sufficiently reliable and Department application processing systems

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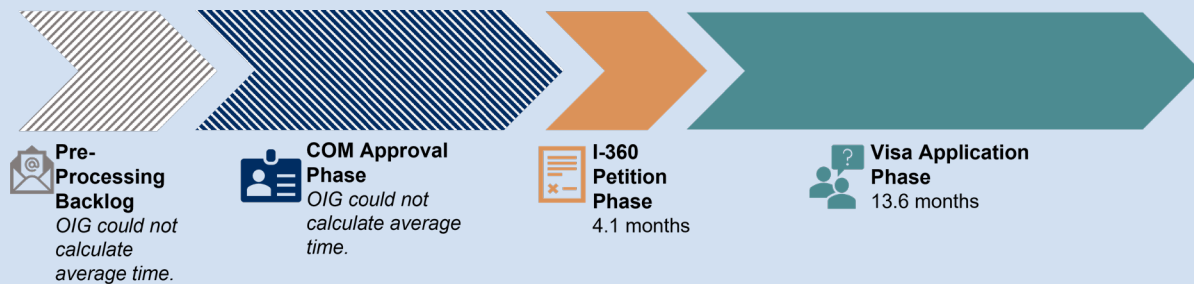
<sup>5</sup> The Department did not track SIV application data prior to December 2010.

<sup>6</sup> SIV applicants may appeal or reapply if denied. Denial statistics include applications later approved on appeal.

<sup>7</sup> According to Department officials, Afghan SIV applicants confirmed to have arrived in the United States or departed from Afghanistan are verified by matching the information listed on SIV application forms with U.S. Customs and Border Patrol arrivals data or noncombatant evacuation operations tracking system data in instances that the Department provided transportation out of Afghanistan.

and the USCIS I-360 petition processing system lacked interoperability.<sup>8</sup> Despite these limitations, OIG was able to reliably calculate the annual average processing time for the I-360 petition phase at 4.1 months (processing times ranged from 0.5 months to 13.7 months) and for the visa application phase at 13.6 months (processing times ranged from 5.5 months to 24.6 months). However, OIG could not reliably calculate the “average time taken to process an [SIV] application from the date of submission to final disposition,” as illustrated in Figure 1.

**Figure 1: Overall Average Processing Time in Months for Afghan SIV Applications From 2009 Through 2021**



**Source:** Generated by OIG based on analysis of principal applicant data provided by the Bureau of Consular Affairs and USCIS.

The Department provided general comments in response to a draft of this report. Those comments are reprinted in Appendix E, and OIG’s replies to each are presented in Appendix F.

<sup>8</sup> The Department’s quarterly SIV reports include purported COM approval phase processing times, but OIG has previously identified deficiencies in the Department’s method for collecting, verifying, and reporting on applicant wait times. (OIG, *Management Assistance Report: Quarterly Reporting on the Afghan Special Immigrant Visa Program Needs Improvement* [AUD-MERO-20-34, June 2020].) Additionally, as part of the ongoing series of reports on the Afghan SIV program, OIG conducted a follow-up review of the quarterly reports that identified continuing issues with wait time methodologies (OIG, *Compliance Follow-Up Review of the Afghan Special Immigrant Visa Program* [AUD-MERO-23-01, October 2022].) The Department’s SIV program quarterly reports are available at <https://travel.state.gov/content/travel/en/us-visas/immigrate/special-immg-visa-afghans-employed-us-gov.html>.