Fast Facts about Special Immigrant Visas (SIVs)

March 2016 Lauren Klein

Special Immigrant Visas (SIVs) for Iraqi and Afghan Translators/Interpreters

- Section 1059 of the National Defense Authorization Act for Fiscal Year 2006
 - o authorized up to 50 SIVs annually
- amendment to Section 1059
 - o expanded the total number of visas to 500 per year for FY 2007 and FY 2008 only
 - o FY 2009, the number of visas available for this category reverted to 50 annually
- Principal applicant requirements
 - o national of Iraq or Afghanistan
 - worked directly with the U.S. Armed Forces or under Chief of Mission authority as a translator or interpreter for a period of at least 12 months
 - favorable written recommendation from a General or Flag Officer in the chain of command of the U.S. Armed Forces unit that was supported by applicant, as a translator or interpreter, or from the Chief of Mission from the embassy (Embassy Baghdad or Embassy Kabul) where employed
- Family members
 - spouse, unmarried children younger than 21, may be granted SIVs, and may travel with principal applicant or may follow to join after admittance to the U.S.
- Current number of SIVs available
 - o 50 principal applicants per fiscal year
 - o FY 2015: 44 SIVs issued to principal applicants (only 1 to to Iraqi national)
 - o FY 2016 (1st Quarter): 8 SIVs issued to principal applicants
 - Grand Total: 1,425 Principal SIVs and 1,735
 Dependent SIVs

Special Immigrant Visas (SIVs) to Iraqi Nationals

• Section 1244 of the **National Defense**Authorization Act for Fiscal Year 2008: authorized SIVs for Iraqi nationals who were employed by or on behalf of the U.S. government in Iraq and who meet certain requirements

- o 5,000 per year for fiscal years 2008-2012
 - unused amount from fiscal year 2012 was allocated toward fiscal year 2013
- Subsequent legislation originally extended the deadline from October 1 until December 31, 2013
 - O Authorized issuance of total number of visas pending as of September 30, 2013 and additional 2,000 SIVs to principal applicants
- Further legislation extended deadline to September 30, 2014
 - o authorized 2,500 SIVs to principal applicants
- Deadline was September 30, 2014
- Principal applicant requirements
 - o national of Iraq
 - employed by, or on behalf of, the U.S. government in Iraq on or after March 20, 2003 and prior to September 30, 2013, for a period of one year or more
 - provided faithful and valuable service to the U.S. Government, documented in a letter of recommendation
 - experienced or be experiencing an ongoing serious threat as a consequence of employment by the U.S. government
- Family members:
 - o spouse, unmarried children younger than 21, may be granted SIVs, and may travel with principal applicant or may follow to join after admittance to the U.S.
- Current Status:
 - o As of November 17, 2015: State has issued 752 of the 2,500 principal applicant SIVs allocated
 - Program will continue until all visas have been issued or all qualified applicants have received visas
 - FY 2015: 335 SIVS to principal applicants and 845 SIVs to family members
 - o FY 2016 (1st quarter): 172 principal SIVs and 403 dependent SIVs
 - o Grand Total: 6,790 principal SIVs
 - Current U.S. government processing time: 311 days (additional time is needed for applicant controlled steps 4 of 14 steps are applicant controlled)

Chief of Mission Authority: Iraqi and Afghan translators and interpreters who have worked directly (not as contractors) for U.S. Embassy Baghdad or U.S. Embassy Kabul are considered to have been under COM authority.

Who issues SIVs? Department of State

Criteria to demonstrate **ongoing serious threat** changed in 2013 – credible sworn statement depicting dangerous country conditions, together with official evidence of such country conditions from US

- o Pending applicants:
 - 42 applications pending at the State's National Visa Center
 - 138 self-petitions pending with the Department of Homeland Security U.S. Citizenship and Immigration Services
 - 57 principal applicants scheduled for visa interviews
 - 497 applications undergoing administrative processing

Denials

- 1,332 Iraqi principal applicants did not qualify to receive COM approval or had their approval revoked during the fourth quarter of FY 2015
- o most common denial reasons
 - failure to establish employment by or on behalf of the U.S. government
 - employment that does not satisfy requirements
 - individuals employed by entity funded by a grant or cooperative agreement with the US government or self-employed businesspersons who operate under a license with the U.S. government
 - failure to establish at least one year of employment by or on behalf of the U.S. government between March 20, 2003 and September 30, 2013
 - failure to establish providing of faithful and valuable services to the U.S. government
 - usually applications that are lacking positive recommendation or evaluation
 - derogatory information associated with the applicant that is incompatible with the requirements of the SIV program

Special Immigrant Visas (SIVs) to Afghan Nationals

- The Afghan Allies Protection Act of 2009, Section 602(b) of Division F, Title VI, of the Omnibus Appropriations Act authorized SIVs for Afghan nationals meeting certain requirements
- National Defense Authorization Act (NDAA) for FY 2015
 - o authorized 4,000 SIVs to principal applicants
 - o expanded SIV program to employees of ISAF
- NDAA for FY 2016
 - o Authorized additional 3,000 SIVs to principal applicants, for a total of 7,000 since 12/19/2014

- o program will end when all 7,000 visas have been issued
- expanded SIV program to employees of successor missions

• Deadline: December 31, 2016

- Current Principal Applicant Requirements
 - National of Afghanistan
 - Employed in Afghanistan for at least two years between October 7, 2001 and December 31, 2016:
 - By, or on behalf of, the U.S. government; or
 - By the International Security Assistance (ISAF), or a successor mission, in a position that required service as interpreter or translator for U.S. military personnel or performance of sensitive and trusted activities for U.S. military personnel
 - O Provided faithful and valuable service to the U.S. government, ISAF, or a successor mission, which is documented in a letter of recommendation
 - Experienced or experiencing an ongoing serious threat secondary to the employment

• Family members:

 spouse, unmarried children younger than 21, may be granted SIVs, and may travel with principal applicant or may follow to join after admittance to the U.S.

• Current Status

- o "It is the sense of Congress that the necessity of providing special immigrant status under this subsection should be assessed at regular intervals by the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, taking into account the scope of the current and planned presence of United States troops in Afghanistan, the current and prospective numbers of citizens and nationals of Afghanistan employed ..., and the security climate in Afghanistan." (114-270 National Defense Authorization Act for Fiscal Year 2016)
- As of December, 7, 2015: issued 3,029 of the 7,000 principal applicant SIVs available since December 19, 2014
- o FY 2015: 2,301 principal applicant SIVs and 4,411 dependent SIVs
- o FY 2016 (1st quarter): 1,367 principal applicant and 2,942 dependent SIVs
- o Grand Total: 8,295 principal SIVs

Successor mission: NATO-led Resolute Support Mission (RSM) began January 1, 2015 following the conclusion of the International Security Assistance Force (ISAF) mission; may be future successor missions as well

- Current US government processing time: 293 days (additional time is needed for applicant controlled steps 4 of 14 steps are applicant controlled)
- o Pending applicants:
 - Approximately 10,300 principal SIVs as of November 20, 2015
 - 3,366 applications pending at the State's National Visa Center
 - 922 self-petitions pending with the Department of Homeland Security US Citizenship and Immigration Services
 - 196 principal applicants scheduled for visa interviews and 88 waiting to be scheduled
 - 1,444 applications undergoing administrative processing
- Denials
 - Around 1,000 principal applicants did not qualify to receive COM approval or had their approval revoked during the fourth quarter of FY 2015
 - o most common denial reasons:

- failure to establish employment by or on behalf of the U.S. government or failure to establish qualifying employment by ISAF
 - employment that does not satisfy requirements
 - funded by a grant or cooperative agreement with the US government or self-employed businesspersons who operate under a license with the US government
- failure to establish at least one year (or for those submitting in or after 2016, 2 years of employment) of employment by or on behalf of the U.S. government, or by ISAF
- failure to establish providing of faithful and valuable services to the U.S. government
 - usually applications that are lacking positive recommendation or evaluation
- derogatory information associated with the applicant that is incompatible with the requirements of the SIV program

Table I. Comparison of Iraqi and Afghan Special Immigrant Visa Programs

	Iraqis and Afghans Who Have Worked as Translators or Interpreters	Iraqis Who Have Worked for or on Behalf of the U.S. Government	Afghans Who Have Worked for or on Behalf of the U.S. Government or for the International Security Assistance Force
Nature/duration of Program	Permanent	Temporary (until all visas issued)	Temporary (until all visas issued)
Required work period for eligibility	At least I year	At least 1 year between 3/20/2003 and 9/30/2013	At least 1 year (or at least 2 years if petition filed after 9/30/15) between 10/7/2001 and 12/31/2016
Ability of spouse/children to accompany	Yes	Yes	Yes
Application deadline	None	9/30/2014	12/31/2016
Current numerical cap	50 per year	2,500 after 1/1/2014	7,000 after 12/19/2014
Eligibility for refugee benefits	Yes	Yes	Yes

Source: P.L. 109-163, §1059, as amended, 8 U.S.C. 1101 note; P.L. 110-181, §1244, as amended, 8 U.S.C. 1157 note: P.L. 111-8, §602, as amended, 8 U.S.C. 1101 note.

Important Laws Relating to Special Immigrant Visas (SIVs) adapted from travel.state.gov.

Law	Information about the Law	Date Approved
Section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163)	This law allowed up to 50 Iraqi and Afghan translators/interpreters who worked for the U.S. Armed Forces to receive special immigrant visas (SIVs) each fiscal year (FY). This law was later amended and now provides SIV status for eligible Iraqi and Afghan translators/interpreters who have worked either directly with the U.S. Armed Forces or under Chief of Mission (COM) authority at U.S. Embassy Baghdad or U.S. Embassy Kabul.	1/6/06
Public Law 110-36	This law, which then-President Bush signed on June 15, 2007, amended the law above by expanding the total number of SIVs issued to Iraqi and Afghan translators/interpreters working for the U.S. military to 500 a year for FY 2007 and FY 2008 only.	6/15/07
The Consolidated Appropriations Act, 2008 (Public Law 110-161 of December 26, 2007)	This law initially made Afghan and Iraqi SIV holders eligible for the same resettlement assistance, entitlement programs, and other benefits as refugees admitted under the U.S. Refugee Admissions Program for up to six (6) months from their date of admission or date of adjustment if applying domestically. The period of eligibility was later extended under subsequent legislation.	12/26/07
Section 1244(g) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110- 181)	This law established the Iraqi SIV program, and made holders of such visas eligible for the same resettlement assistance, entitlement programs, and other benefits as refugees admitted to the United States under the U.S. Refugee Admissions Program. Iraqi SIV holders can receive these benefits for up to eight (8) months from their date of admission to the United States.	1/28/08
Public Law 110-242	A provision of this law applies only to cases in which petitions for SIV status as Iraqi or Afghan translators/interpreters who worked directly with the U. S. Armed Forces or under Chief of Mission authority for at least 12 months were filed before October 1, 2008. It authorized the continued processing and adjudication of these applications even though the annual limit of 500 visas had already been reached.	6/3/08
Section 1244(g) of the National Defense Authorization Act for Fiscal Year 2008, as amended by Section 1 of Public Law 110- 242	This law allowed up to 5,000 Iraqi employees or contractors who have provided faithful and valuable service to the U.S. government, while employed by or on behalf of the U.S. government in Iraq, for a period of one year or more after March 20, 2003, and who have experienced or are experiencing an ongoing serious threat as a consequence of that employment, to receive special immigrant visas (SIVs) annually through fiscal year (FY) 2013.	6/3/08
The Afghan Allies Protection Act of 2009, Section 602(b) of Division F, Title VI, of the Omnibus Appropriations Act, 2009, (Public Law 111-8)	This law allowed up to 1,500 Afghan nationals who provided faithful and valuable service to the U.S. government, while employed by or on behalf of the U.S. government in Afghanistan after October 7, 2001, for not less than one year, and who have experienced or are experiencing an ongoing serious threat as a consequence of that employment, to receive special immigrant visas (SIVs) annually through FY 2013, with the allocation of any unused visas from FY 2013 to FY 2014. The period of qualifying employment was later extended under subsequent legislation. See law above.	3/11/09
The Omnibus Appropriations Act, 2009 (Public Law 111-8 of March 10, 2009)	This law extended the period of eligibility of Afghan SIV holders for resettlement assistance, entitlement programs, and other benefits to up to eight (8) months from their date of admission or date of adjustment if applying domestically. For Afghan SIV holders already in the U.S. to be eligible for uninterrupted benefits for an additional two (2) months beyond the original six months (6) allowed under previous law, you must have been admitted to the U.S. on or after September 10, 2008, or if applying domestically, have a date of adjustment of September 10, 2008 or later.	3/11/09

Section 1244 of the Defense Authorization Act for Fiscal Year 2008, as amended by section 1 of Public Law 113- 42 (H.R. 3233)	This law extended the Iraqi SIV Program until December 31, 2013. During this period of extension, there was authorization for the issuance of visas in the amount of the total number of applications for SIV status by principal applicants pending as of September 30, 2013 and for up to 2,000 additional visas for person who apply for status as principal applicants subsequent to that date. It also established that the one-year employment period must have commenced on or after March 20, 2003 and been completed on or before September 30, 2013.	10/4/13
Section 1244 of the National Defense Authorization Act for Fiscal Year 2008, as amended by section 1218 of Public Law 113-66	This law extends the Iraqi SIV Program on January 1, 2014. During this period of extension, the issuance of 2,500 visas to principal applicants is authorized. It also establishes that the one-year employment period must have commenced on or after March 20, 2003 and been completed on or before September 30, 2013 and that applicants must apply for Chief of Mission approval no later than September 30, 2014. This law also included provisions for: consideration of a credible sworn statement depicting dangerous country conditions, together with official evidence of such country conditions from the U.S government, as a factor in a determination of whether an applicant has experienced or is experiencing an ongoing serious threat as a consequence of employment by the U.S. government; not more than one written appeal of a COM denial, within 120 days of receiving the denial letter; and representation during the application process, including at relevant interviews and examinations, by an attorney or other accredited representative.	12/26/13
The National Defense Authorization Act for Fiscal Year 2014, Section 1219 of Division A, Title XII, Subtitle B of Public Law 113-66	This law included provisions for: consideration of a credible sworn statement depicting dangerous country conditions, together with official evidence of such country conditions from the U.S government, as a factor in a determination of whether an applicant has experienced or is experiencing an ongoing serious threat as a consequence of employment by the U.S. government; not more than one written appeal of a COM denial, within 120 days of receiving the denial letter; and representation during the application process, including at relevant interviews and examinations, by an attorney or other accredited representative.	12/26/13
The Consolidated Appropriations Act, 2014, Section 7034(o) of Division K, Title VII of Public Law 113-76	This law, signed on January 17, 2014, extended the Afghan SIV Program. It authorized the issuance of 3,000 visas to principal applicants in fiscal year (FY) 2014 and allowed that any unissued visas from FY 2014 be allocated to FY 2015. It also established that the employment period must have commenced on or after October 7, 2001 and been completed on or before December 31, 2014 and that applicants must apply for Chief of Mission approval no later than September 30, 2014.	1/17/14
Emergency Afghan Allies Extension Act of 2014, Section 1 of Public Law 113- 160	This law, signed on August 8, 2014, extended the Afghan SIV Program. It authorized the issuance of 1,000 visas to principal applicants by December 31, 2014. It also extended the date by which applicants must apply for Chief of Mission approval from September 30, 2014 to December 31, 2014.	8/8/14
National Defense Authorization Act for FY 2015, Section 1227 of Public Law 113-291	This law, signed on December 19, 2014, extended the Afghan SIV Program. It authorized the issuance of 4,000 visas to principal applicants by September 30, 2016. It also extended the date by which applicants must apply for Chief of Mission approval from December 31, 2014 to December 31, 2015 and expanded SIV program eligibility to certain Afghans who were employed by the International Security Assistance Force (ISAF).	12/19/14
National Defense Authorization Act for FY 2016, Section 1216 of Public Law 114-92	This law, signed on November 25, 2015, extends and amends the Afghan SIV Program. It authorizes the issuance of 3,000 additional visas to principal applicants with no end date by which they must be issued. It also extends the date by which applicants must apply for Chief of Mission approval from December 31, 2015 to December 31, 2016 and increases the required length of service from one year to two years between October 7, 2001 and December 31, 2016. It expands SIV program eligibility to certain Afghans who were employed by a successor mission to the International Security Assistance Force (ISAF).	11/25/15

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Insights: Recent News on Muslim Immigration

Presidential Campaign and Muslim Relations ^{2,5,8,9}

- Anti-Muslim rhetoric
 - o Ted Cruz
 - "We need to empower law enforcement to patrol and secure Muslim neighborhoods before they become radicalized."
 - Donald Trump
 - "total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what is going on."
 - "Who are these Muslim sports heroes that Obama is talking about?"
- Muslim voter preference
 - Super Tuesday poll of 2,000 Muslim voters on American-Islamic Relations
 - Trump in third place (11%) behind Hillary Clinton and Bernie Sanders
 - Reasons for voting for Trump
 - View Trump as a problem solver
 - Trump does not actually mean the inflammatory things that he says
 - prioritizes making peace between the Israelis and Palestinians
 - Republicans prioritize business owners

Muslim Americans from the Beginning to Now 4,7,8

- 20% of enslaved Africans were Muslim
- Thomas Jefferson
 - Virginia Statute for Religious Freedom was designed to protect all faiths — "the Jew and the gentile, the Christian and the Mahometan."
 - The Virginia law became the foundation of the religious freedom protections later delineated in the Constitution.
- 3.3 million Muslim Americans (1% of American population) in 2015
- In the US, Muslims are more integrated into the larger society than in European countries
 - Segregation and alienation in Europe has played into the hands of terrorist recruiters
 - Messages that Muslims are strangers in America (i.e. indiscriminate bans and patrols of Muslim neighborhoods) could also segregate/alienate
 - Some people suggest that new refugees in Europe and America alike are often grateful for sanctuary but if governments fail to provide them with resources to flourish then there is a danger that they will fall prey to radicals ⁷

- "If they cannot be integrated into local communities," Byman writes, "then they risk perpetuating, or even exacerbating, the tensions between Muslim and non-Muslim communities in Europe."
- Can be used as both pro or anti-immigration
 - Pro: Muslims can flourish in Europe/America
 - Anti: limit migration to those with language skills, education, and experiences that will allow them to flourish because Western democracies are not equipped and/or generous enough to be discrimination-free utopias

Notable Muslim Americans 1, 3, 6

- Creating America:
 - Served General George Washington in Revolutionary War
 - Bampett Muhammad: Virginia Line (1775-1783)
 - Yusuf Ben Ali
 - Peter Buckminster (maybe a Muslim American): shot and killed British Major General John Pitcairn at the battle of Bunker Hill
- Building America:
 - Fazlur Rahman Khan (Dhaka-born Bangladeshi-American)
 - Created a new structural system of frame tubes that revolutionized the building of skyscrapers (including Trump International Hotel and Tower in Chicago)
- American Dream
 - Shahid Khan
 - Born in Pakistan
 - Immigrated to US at age 16
 - 1st job within 24 hrs of immigration as dish washer for \$1.20
 - o "Within 24 hours, I had already experienced the American dream,"
 - head of the \$4.9bn (in sales terms) autoparts company Flex-N-Gate, the 360th richest person on the planet and face of the American dream by Forbes
- Curing America
 - o Ayub Ommaya
 - Pakistani-born Muslim neurosurgeon
 - invented an intraventricular catheter system for the aspiration of cerebrospinal fluid or the delivery of drugs

- Ommaya Reservoir placed under scalp and connected to a catheter to deliver drugs (ie chemotherapy) directly to specific areas of brain
- Developed first coma score US's National Center for Injury Prevention and Control
- Entertaining America
 - o William Michael Griffin, Jr. aka Rakim
 - American rapper
 - regarded as one of the most influential and most skilled MCs of all time
 - o Aziz Ansari:
 - leading American standup comedian
 - Sports heroes:
 - Muhammad Ali and Mike Tyson
 - Basketball icons: Shaquille O'Neal, Kareem Abdul-Jabbar, and Hakeem Olajuwon
- Advancing America
 - Ernest Hamwi, a Syrian Muslim immigrant, turned zalabia into ice cream cones at the 1994
 St. Louis World Fair
 - Ahmed Zewail won the Nobel prize for Chemistry in 1999
 - Egyptian-born
 - "father of femtochemistry"
 - pioneering work in the observation of rapid molecular transformations
 - Caltech professor
 - Member of President Barack Obama's presidential council of advisers on science and technology (PCAST)

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International Neighbors

Mission:

To serve our refugee and Special Immigrant neighbors by offering a network of support services, people, and opportunities that will foster a path to selfsufficiency and productive citizenship.

Services:

Good Neighbor Gatherings:

Events include a theme and activities that encourage cross cultural interaction. A clothing/item swap is also a part of Good Neighbor Gatherings — neighbors are encouraged to bring anything that they no longer want/need, and are welcome to take any donated items.

Family Friend:

Family Friends help build relationships in a family-to-family or individual-to-individual setting, celebrating the global neighborhood in which we live.

High-Five Friend:

A visit to the home of a resettled refugee can be an eye-opening experience for a native as well as for a new neighbor.

Sponsor a Student:

Many refugee children miss out on extracurricular activities for a variety of reasons--financial constraints on the family, lack of transportation and parent work schedules. Most American students are busy with afternoon commitments such as music, art and sports lessons. This lack of common ground does not encourage global acceptance and friendship. If you would like to sponsor an individual or group of children in an organized after school activity, we welcome big or small donations!

And more...

Information from Tim Leroux about Refugees and Special Immigrant (SIV) families:

There are about 400 former refugees and Special Immigrant (SIV) families living in Charlottesville. These recent immigrants come from some of the most horrific conditions on Earth.

Refugees were forced to flee their homes and, on average, have spent over 13 years in a UN refugee camp. Most refugees have only a limited grasp of the English language and many are completely uneducated.

The SIVs come from Iraq and Afghanistan and are comprised of men and women who provided direct and critical support to US forces during the recent wars – at great risk to themselves and their families. They face danger and persecution in their home countries for having helped us and have faced a very difficult vetting process in gaining their approval to come to the US. Most of the men in these families are educated and speak English relatively well. The women and children typically do not speak English. Some (but not many) of the women are educated.

Both refugees and SIVs face low-level and subtle ignorance/racism in their efforts to assimilate into American culture.

The vast majority of these families do not make enough money to pay for the essentials of life – food, shelter, clothing and utilities – and the added cost associated with working: childcare, transportation, skills training, education, etc.

In order for a family of four to live independently in Charlottesville, the family needs to earn about \$40,000 per year.

The average refugee/Special Immigrant family earns less than \$20,000 per year.

Insights from Phone Interview with Tim Leroux of International neighbors:

- started because Charlottesville teachers saw refugee children's needs not being met
- fill in the gaps left by other organizations
- organizational issues in Charlottesville because a lot of people care but there are so many different agencies and they are not all communicating
- HIPAA makes it more difficult to help out with medical needs such as appointments
 - i.e. If a refugee may be out of minutes on his/her phone so UVA cannot contact but would be able to pass on information through another refugee in the community
- important to remember that whoever is present will be the one asked for help
- Mr. Leroux is really focusing on helping the men get good jobs
- Is there a role for foreign trained doctors in the healthcare of other refugees?

Jefferson Area Children's Health Improvement Program

http://www.jachip.org/

• **Mission:** Jefferson Area CHIP partners with families to create a nurturing home environment and to promote the health and well-being of children in our community.

Home Visits!!

Work with whole family and child in their own environment

Health and Wellness

 CHIP RNs work with the family on everything from finding a doctor, management of acute/chronic illness, to smoking cessation

• Family Self-Sufficiency:

• CHIP staff work with family to reduce stressors that create a barrier to health and wellness

Child Development and Parenting:

• CHIP Family Support Workers are trained in the Parents as Teachers curriculum and partner with the family on Parent-Child Interaction and Developmental Centered Parenting

• Clients:

- o Pregnant teens and pregnant women.
- Children from 0 to 6 years old and their parent(s) or caregiver(s).
- Those who are eligible for Medicaid, FAMIS or FAMIS Plus or who are unable to get private health insurance
- o Residents of Charlottesville, Albemarle, Fluvanna or Louisa.