

Iraqi and Afghan Special Immigrant Visas (SIVs)

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The executive order "[Protecting the Nation from Foreign Terrorist Entry into the United States](#)," issued on January 27, 2017, includes provisions to generally suspend the entry into the United States of immigrant and nonimmigrant visa holders from seven countries. These provisions have raised questions about the [Iraqi and Afghan special immigrant visa \(SIV\) programs](#), which enable certain individuals who have worked for the U.S. government in Iraq or Afghanistan to become lawful permanent residents (LPRs) of the United States. Iraq is among the [seven countries](#) referenced in the executive order; Afghanistan is not.

The SIV programs, in their current forms, are the product of a series of legislative provisions enacted since 2006. These provisions make certain Iraqis and Afghans who have worked as translators or interpreters, or who were employed by, or on behalf of, the U.S. government in Iraq or Afghanistan, eligible for special immigrant visas (SIVs). Special immigrants comprise a category of [permanent employment-based admissions](#) under the Immigration and Nationality Act. Upon admission to the United States, special immigrant visa holders become LPRs. (The SIV programs are separate from the [U.S. refugee admissions program](#).)

There are three SIV programs for Iraqi and Afghan nationals. One is a permanent program for certain Iraqis and Afghans who have worked directly with U.S. Armed Forces, or under [Chief of Mission](#) authority, for at least one year as translators or interpreters. This program is currently capped at 50 principal aliens (excluding spouses and children) per year.

The other two SIV programs for Iraqis and Afghans are temporary. One program is for certain Iraqis who were employed in Iraq by, or on behalf of, the U.S. government for at least one year between March 20, 2003, and September 30, 2013. Current statutory authority provides for the issuance of no more than 2,500 visas to principal applicants after January 1, 2014. The application deadline expired on September 30, 2014; applications filed by that date continue to be processed. According to preliminary data from the State Department, there were 941 visas available to Iraqi principal applicants under this SIV program as of January 29, 2017.

There is a similar temporary SIV program for certain Afghans who were employed in Afghanistan by, or on behalf of, the U.S. government or by the International Security Assistance Force on or after October 7, 2001. The required employment period for Afghans is one year or two years, depending on the application filing date. Prior to the enactment of the FY2017 National Defense Authorization Act (NDAA; [P.L. 114-328](#)) on December 23, 2016, statutory

authority provided for the issuance of no more than 7,000 visas to principal applicants after December 19, 2014. The application deadline was December 31, 2016.

The FY2017 NDAA amended the Afghan SIV program. It increased the number of available visas from 7,000 to 8,500, and extended the application deadline to December 31, 2020. It also modified the employment requirements for those filing applications after December 23, 2016, based on their employment for, or on behalf of, the U.S. government. It required these applicants to have served the U.S. government in specified capacities. According to preliminary data from the State Department, there were 1,908 visas available to Afghan principal applicants under this SIV program as of January 29, 2017.