Navigating the Afghan SIV Process

December 2, 2021

Panelists

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Overview

This training will:
- explain the Afghan SIV application process
- highlight common challenges
- share best practices and
- offer an extended question and answer session for legal practitioners and advocates.
**Afghan SIV Processing Overview**

**APPLICANTS OUTSIDE OF U.S.**

1. COM Application
2. Visa & Travel
3. DS-260 Interview
4. Petition

**APPLICANTS IN ALL LOCATIONS**

1. Adjust Status through I-485 Application

**APPLICANTS WITHIN THE U.S.**

- **Note:** For the far less common Section 1059 SIVs Translators and Interpreters, the chart is identical but applicants begin at the I-360 petition step.

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**COM and I-360**

**SIV Eligibility**

1. Employed by or on behalf of the U.S. government in Afghanistan after 2001 or by International Security Assistance Force (ISAF) or successor mission;
2. For at least one year;
3. Applicants must provide a recommendation letter from their supervisor; and
4. Face ongoing serious threat because of qualifying work.
**COM Application**

Emailed to [AfghanSIVApplication@state.gov](mailto:AfghanSIVApplication@state.gov) (NVC)

- **Human Resources Letter**
  - With evidence of employer’s USG contract or contract # if applicable
- **Letter of recommendation**
  - From direct supervisor (U.S. citizen or co-signed)

Employment of DOD contractors may also be verified through “Project Rabbit” - a new DOD-DOS initiative

- **Statement of threats**
  - Received as a consequence of qualifying employment
- **DS-157. Afghan passport or Tazkera, and Badge** (if available)

Appeal within 120 days if denied

**FAQ’s for the COM Process**

- How do I know if an applicant’s work was “on behalf of the U.S. government”?
- What if a company no longer exists?
- What if a supervisor cannot be located?
- What if an applicant was terminated or wrongly terminated or failed a security screening?
- What if an applicant is found to have submitted fraudulent documents?
- What if there is new evidence after an application is submitted or after a final decision is reached?
- How long does the COM approval process take? Can this be expedited?
- Are original signatures required?

**I-360 Process**

Emailed to USCIS Nebraska Service Center

- **Form I-360**
- **Proof of Nationality**
- **Letter of recommendation**
  - 602(b): Use letter submitted for COM approval from supervisor
  - 1059: Letter from flag officer or general in chain of command for military interpreters
- **COM approval letter** (602(b) only)
Employer Perspective:
Employment Documents and Communicating with DOS and DOD

Best Practices for Communicating with Afghan SIV Applicants about Cases and Documentation

Best Practices & Challenges
- Offer interpretation
- Make time to listen
- Be aware of the possibility of trauma and trauma-informed lawyering resources
- Recognize the situation in Afghanistan now and dangers for family members still there
- Understand the applicant’s experience already in the SIV process
- Work together with applicants to locate evidence
- Manage expectations
Common Documentation Issues

- Names
- Dates of Birth (more scrutinized for older children who may "age out")
- Civil Documents
  - Passports
  - Tazkeras and E-Tazkeras
  - Marriage Certificates
  - Birth Certificates

Post I-360 SIV Processing: 
Visa Processing, Adjustment, FTJ / Family reunification

Afghan SIV Processing Overview

APPLICANTS OUTSIDE OF U.S.

COM Application
DS-258 Interview Visa & Travel

APPLICANTS IN ALL LOCATIONS

APPLICANTS WITHIN THE U.S.

Adjust Status through I-485 Application

Note: For the far less common Section 1059 SIVs Translators and Interpreters, the chart is identical but applicants begin at the I-360 petition step.
Adjustment of Status

- SIV applicants paroled into the U.S. with (conditionally) approved I-360's can file for adjustment of status with USCIS form I-485
- I-485 and supporting documentation needed for each eligible family member (spouse, unmarried children under 21) seeking to adjust status
- No filing fees
- USCIS may conduct interview
- Possible to file for asylum at same time, but legal practitioner should assess options

Overseas Visa Processing

- For applicants outside of U.S. with an approved I-360, the National Visa Center will create a case for the selected embassy/consulate
- File form DS-260 and civil documents for each applicant
- No filing fees
- In-person interview at embassy / consulate
- Medical exams, usually after interview and lengthy administrative processing

Follow-to-Join & Family Reunification

- **Follow-to-Join SIVs**: Spouse and unmarried children under 21 who qualify as derivatives but are overseas can apply for follow-to-join SIVs
- **Family Reunification I-130 Petitions**: LPRs can file I-130s for their spouse and unmarried children (USCs can file for additional family members)
- **P-3 Refugee Processing**: Spouse, unmarried children under 21, and parents of SIVs who are outside of Afghanistan and U.S. and are refugees may apply for refugee resettlement
RESOURCES

- IRAP's Legal Information Website - Guides
  Addressing Steps of the SIV Process and FAQ's - All in English, Dari, and Pashto (some translations pending)
- IRAP's Legal Practitioner Materials - Technical
  Guide, some templates and more detail
- Collected Afghan legal assistance resources through
  IAN, AILA, and Penn State Law
- Human Rights First PALA Webpage - Legal Assistance Requests, Tech Security recommendations, Volunteer Requests
- Listservs: PALA (run by Human Rights First) & Afghan Evacuations (run by AILA)
- Trauma-informed lawyering collections at Villanova Law and Project Lifeline

Questions

Questions?
(Use the chat box on the right of your screen to ask questions.)

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