



Navigating the Afghan SIV Process

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IRAP
International Refugee Assistance Project

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.



COM Application

Emailed to 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

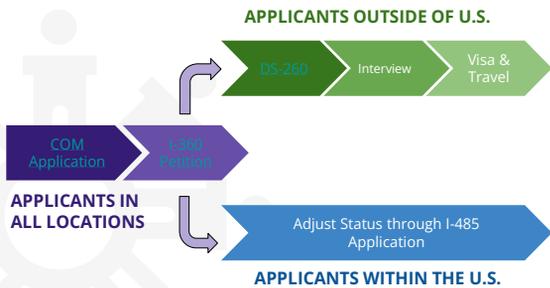
- Names
- Dates of Birth (more scrutinized for older children who may "age out")
- Civil Documents
 - Passports
 - Tazkeras and E-Tazkeras
 - Marriage Certificates
 - Birth Certificates



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



Afghan SIV Processing Overview



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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