



International Refugee
Assistance Project

Summary of Afghan Special Immigrant Visa provisions in HR 3237

July 30, 2021

On July 29, 2021, the Senate voted 98-0 and the House voted 416-11 to advance an [emergency supplemental appropriations act](#) (HR 3237), which contains several positive reforms to the Afghan Special Immigrant Visa (SIV) program. The changes included in this bill will expand legal protections for tens of thousands of vulnerable Afghans. Specifically, HR 3237 will:

- **Authorize 8,000 additional Afghan Special Immigrant Visas (SIVs).** The Afghan SIV program is plagued by delays and inefficiencies which have led to a backlog of roughly 20,000 applications. As the security situation in Afghanistan continues to deteriorate, this backlog is expected to grow. This bill increases the total number of authorized visas to 34,500, and it is our estimation that roughly 18,000 of those remain available to be issued. IRAP recently updated our [backgrounder](#) to provide further information on the current state of the various SIV programs.
- **Allow for the postponement of medical exams so that SIVs can be issued ahead of evacuation.** [IRAP continues to call for the immediate evacuation](#) of all vulnerable Afghans to U.S. territory. In order to ensure that evacuees who have otherwise completed SIV processing are still able to enter the United States as lawful permanent residents, this language allows the postponement of medical admissibility exams until after arrival in the United States. We note that the bulk of the small numbers of Afghan SIVs being relocated at this moment are entering via humanitarian parole rather than under immigration visas because of this medical exam requirement.
- **Restore the original one-year requirement for qualifying employment of Afghan SIV Applicants.** The period of time an applicant has to be employed in support of U.S. efforts to qualify for an SIV was arbitrarily doubled from one to two years in 2015. This led to thousands of local allies being denied SIV protection. HR 3237 restores the original one-year service requirement at a time when allies are most vulnerable.
- **Expand protections for certain surviving spouses and children of slain SIV applicants.** This provision ensures that the families of slain SIV applicants can seek protection through the SIV program regardless of the stage of the applicant's SIV application at the time of their death. It also expands protections for families of slain applicants to the Iraqi SIV program and other foreign local U.S. government employees (e.g., embassy guards).



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- **Bolster the SIV appeals process to ensure applicants are appropriately informed of and can appeal reasons for denials of their cases.** Currently, the Department of State only allows one appeal per application, even in situations where an appeal is denied for reasons not initially conveyed to the applicant in the initial denial. This new provision ensures that applicants will be able to appeal each new reason for denial rather than being forced to re-apply to contest the denials of their cases, an approach that will require substantially fewer government resources and will reduce the number of applications pending in the already backlogged process.
- **Allow the conversion of hundreds of unused Iraqi Special Immigrant Visas so they can be issued in the 1059 SIV program.** The Iraqi SIV program stopped accepting applications at the end of Fiscal Year 2014, and the number of visas Congress had already authorized far exceeds the number of applicants still in the pipeline. This reform allows those visas to be “converted” into issuable visas under the small permanent 1059 SIV program for Afghan/Iraqi translators, which is currently only authorized to issue 50 visas a year.
- **Remove the sensitive and trusted requirement from qualifying employment.** The nebulous requirement that SIV applicants perform “sensitive and trusted” activities was partially removed by Congress years ago in response to several arbitrary denials of qualified applicants. This language removes that requirement entirely from the rest of the statute, lowering the risk of wrongful denials based on an undefined standard.
- **Emphasize that the statutory nine-month adjudication requirement for SIV applications includes COM approval.** After years of lengthy delays in SIV processing, Congress instituted a nine-month adjudication requirement for Fiscal Year 2014. Language in HR 3237 emphasizes that the Chief of Mission (COM) approval process, one of over a dozen stages in the SIV process that often takes several years by itself, is included when calculating whether the government is completing SIV processing within nine months.
- **Require new reporting language on the 1059 program and COM approvals/appeals.** An amendment to the bill imposes a new one-year reporting requirement on the program. The report must include the types of jobs that qualify applicants for the SIV program, as well as the rate of COM approvals, the success rate of COM denial appeals, and new reporting on the backlog in the 1059 SIV Program.
- **Allocate additional resources to assist in the evacuation and processing of Afghan SIVs.** The bill provides \$500 million for the President’s Emergency Refugee and Migration Assistance Fund and \$100 million for the Department of State’s Migration and Refugee Assistance account; \$500 million for Department of Defense Overseas Humanitarian, Disaster, and Civic Aid; and \$25 million for the Department of Health and Human Services Office of Refugee Resettlement.