



International Refugee
Assistance Project

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COURT FINDS VISA DELAYS FACED BY THOUSANDS OF AFGHANS AND IRAQIS WHO ASSISTED THE UNITED STATES ARE UNLAWFUL

(Washington, D.C.) – On Friday, a federal judge ruled in favor of thousands of Afghans and Iraqis who supported the U.S. missions in their home countries, but have been waiting for longer than nine months in dangerous conditions while waiting for their Special Immigrant Visas applications to be processed. The judge held that the delays experienced by the plaintiffs and class members similarly situated to them were unreasonable and unlawful.

The Special Immigrant Visa program was passed by Congress to allow local allies in Iraq and Afghanistan, who are threatened by anti-U.S. forces due to their work with the U.S. government, to safely and expeditiously resettle to the United States. In 2013, Congress mandated that SIV applicants should receive a decision within nine months of submitting their application. But most of the class members in the lawsuit have already waited many months or years longer than the congressionally mandated timeline for a decision in their case, even though their work has put them in immediate danger of retaliation.

Previously, the [lawsuit revealed](#) that, according to government data, virtually all of the SIV applicants waiting for the government to make a final decision on their applications have already waited more than nine months for the government to do so. These applicants can reasonably expect to spend more than four years waiting in the SIV application process before they are ever issued a visa.

In ruling in favor of the plaintiffs, the Court ordered the government to submit a plan for adjudicating the long-delayed applications in an expeditious manner. The plan is due within thirty days after a final ruling on class certification.



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Plaintiffs were represented by the International Refugee Assistance Project (IRAP) and Freshfields Bruckhaus Deringer US LLP.

Deepa Alagesan, Supervising Attorney in IRAP’s Litigation Department, said: “This ruling could finally bring relief to these men and women and their families who have been waiting in fear for far too long. They served bravely in support of our missions abroad, and we promised them a pathway to safety in return. This ruling ensures that we keep our promise.”

Shannon Leitner, Associate at Freshfields Bruckhaus Deringer US LLP, said: “The delays that people applying for SIVs have experienced are unacceptable. We hope that this ruling will force Defendants to comply with their Congressional mandate.”

To view the order, [click here](#).

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