

Averting Loss of Life and Injury by Expediting SIVs (ALLIES) Act H.R. 3985

The Afghan Special Immigrant Visa (SIV) Program was created in 2009 to provide safety for Afghan interpreters, contractors, and security personnel who worked with the U.S. government in Afghanistan. The application process has been plagued by delays since the program was established and faces severe backlogs, with wait times routinely stretching for years. The average U.S. Government processing time is 703 calendar days according to State Department statistics published this month.

As the U.S. withdraws from Afghanistan, our Afghan friends and allies are at greater risk than ever before. The Afghan SIV program provides a path to safety for those who wish to relocate to the U.S. We must streamline and bolster the Afghan SIV program in order to save as many of our Afghan partners as possible.

The bipartisan ALLIES Act is still needed even for those Afghans evacuated under Operation Allies Refuge. Once vulnerable applicants are evacuated to a third country, they must stay there until their SIV application is approved. Moreover, there are only approximately 10,000 visas available currently, far less than the 20,000 potentially eligible applicants currently in the pipeline. The ALLIES Act will streamline the process and allocate additional visas, without changing the security and vetting procedures, which will continue to be conducted.

Section 1: Short Title

Section 2: Improving Afghan Special Immigrant Visa Program

This section contains five reforms to streamline and improve the SIV application process:

- 1) Amends the Credible Threat Requirement: Both public and clandestine reporting indicates that Afghan nationals who worked on behalf of the U.S. Government face heightened risk of retribution from the Taliban. The bill removes the necessity for applicants to provide additional paperwork to establish a credible threat we know exists for applicants with verified U.S. government ties.

- 2) Aligns “Sensitive and Trusted” Standard: Under current law, Afghan nationals who were employed by International Security Assistance Force (ISAF) or Resolute Support (RS) must have performed “sensitive and trusted” work to qualify for the Afghan SIV program. The requirement for “sensitive and trusted” employment was removed for U.S. Government employees in the FY2020 NDAA, but it remains for individuals employed under ISAF and RS. By aligning the standard across all types of employment, the bill streamlines application processing by reducing the number of determinations to make.

- 3) Clarifies Eligibility for Certain Afghans: The original Afghan SIV statute has been interpreted to only include Afghan nationals who worked under U.S. government contracts, which excludes Afghan nationals employed under U.S. government cooperative agreements and grants--including those performing critical democracy, human rights, and governance work to benefit the U.S. mission. This bill makes clear that, pursuant to a recommendation from the employing federal agency and a determination by the Secretary of State, Afghan nationals that worked under cooperative agreements or grants to advance the U.S. mission are eligible for the Afghan SIV program.
- 4) Streamlines Duplicative Procedures: Under current law, an applicant must submit an I-360 petition to USCIS after completing the State Department's Chief of Mission process. In addition to duplicative applications, this introduces a gap in the process that allows for fraudulent petitions and Chief of Mission approval letters, which slow processing time. This bill gives the Departments of Homeland Security the flexibility not to require an I-360 petition in cases where the Department of State already determines an applicant's eligibility through the Chief of Mission process and such applicant's admissibility during a consular interview. Removing this petition could, for some cases, reduce the SIV process by one to three months.
- 5) Increasing Protections for Surviving Spouses: Currently, surviving spouses and children of deceased SIV applicants are not allowed to continue through the process if the primary SIV applicant died before visa approval. The bill allows family members of deceased primary applicants to continue through the process if their spouse had applied for Chief of Mission approval.

The bill makes clear that nothing in this section diminishes or overrides screening processes currently required for a Special Immigrant Visa.

Section 3: Additional Afghan Special Immigrant Visa Allotment

This section increases the Afghan SIV allotment by an additional 8,000 visas to cover all potentially eligible applicants currently in the pipeline.

Endorsed By: The American Legion, No One Left Behind, The National Immigration Forum