



Use of Special Immigrant Status: Citizens and Nationals of Afghanistan and Iraq

Fiscal Year 2022 Report to Congress
August 3, 2023



Homeland
Security

*U.S. Citizenship
and Immigration
Services (USCIS)*



**Homeland
Security**

Message from the Assistant Secretary

August 3, 2023

I am pleased to submit the “Use of Special Immigrant Status: Citizens or Nationals of Afghanistan or Iraq, Fiscal Year (FY) 2022” report, prepared by U.S. Citizenship and Immigration Services (USCIS).

Pursuant to congressional requirements, this report is provided to the following Members of Congress:

The Honorable Mike Rogers
Chairman, House Committee on Armed Services

The Honorable Adam Smith
Ranking Member, House Committee on Armed Services

The Honorable Michael McCaul
Chairman, House Committee on Foreign Affairs

The Honorable Gregory Meeks
Ranking Member, House Committee on Foreign Affairs

The Honorable Jim Jordan
Chairman, House Committee on the Judiciary

The Honorable Jerrold Nadler
Ranking Member, House Committee on the Judiciary

The Honorable Jack Reed
Chairman, Senate Committee on Armed Services

The Honorable Roger Wicker
Ranking Member, Senate Committee on Armed Services

The Honorable Robert Menendez
Chairman, Senate Committee on Foreign Relations

The Honorable Jim E. Risch
Ranking Member, Senate Committee on Foreign Relations

The Honorable Richard Durbin
Chairman, Senate Committee on the Judiciary

The Honorable Lindsey Graham
Ranking Member, Senate Committee on the Judiciary

Please direct inquiries related to this report to me at (202) 447-5890.

Respectfully,

A handwritten signature in black ink, appearing to read 'Z. Buetow', with a stylized flourish at the end.

Zephranie Buetow
Assistant Secretary for Legislative Affairs

Executive Summary

This report fulfills requirements set forth in Section 602(b)(11) of the Afghan Allies Protection Act of 2009, title VI of division F of the Omnibus Appropriations Act, 2009, Pub. L. 111-8. The Secretary of Homeland Security is required by statute to report annually on the number of citizens or nationals of Afghanistan and Iraq who applied for status as special immigrants under the Afghan Allies Protection Act of 2009 or under the Refugee Crisis in Iraq Act of 2007, subtitle C of title XII of division A, of the National Defense Authorization Act for Fiscal Year 2008, Pub. L. 110-181.

This report covers activity during fiscal year (FY) 2022 (October 1, 2021, through September 30, 2022). It provides data from USCIS showing the number of Special Immigrant Visas (SIV) petitions filed by Iraqis and Afghans pursuant to the statutes in FY 2022 and the numbers of such petitions approved and denied.



Use of Special Immigrant Status: Citizens or Nationals of Afghanistan or Iraq Fiscal Year 2022

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I. Legislative Requirement

This report fulfills the requirement set forth in Section 602(b)(11) of title VI of division F of the Omnibus Appropriations Act, 2009, Pub. L. No. 111-8, also known as the Afghan Allies Protection Act of 2009. The statutory reporting requirement is as follows:

SEC. 602(b)(11). ANNUAL REPORT ON USE OF SPECIAL IMMIGRANT STATUS.—

(A) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit to the appropriate committees of Congress a report on the number of citizens or nationals of Afghanistan or Iraq who have applied for status as special immigrants under this subsection or section 1244 of the Refugee Crisis in Iraq Act of 2007 (Public Law 110-181; 122 Stat. 396).

(B) CONTENT.—Each report required by subparagraph (A) submitted in a fiscal year shall include the following information for the previous fiscal year:

(i) The number of citizens or nationals of Afghanistan or Iraq who submitted an application for status as a special immigrant pursuant to this section or section 1244 of the Refugee Crisis in Iraq Act of 2007 (Public Law 110-181; 122 Stat. 396), disaggregated—

(I) by the number of principal aliens applying for such status; and

(II) by the number of spouses and children of principal aliens applying for such status.

(ii) The number of applications referred to in clause (i) that—

(I) were approved; or

(II) were denied, including a description of the basis for each denial.

II. Data Report

Cases Pursuant to Section 1244 of the Refugee Crisis in Iraq Act of 2007, and Section 602 of the Afghan Allies Protection Act of 2009.

The table below shows the number of individuals who applied for status as special immigrants and outcomes in FY 2022, under the programs authorized by Section 1244 of the Refugee Crisis in Iraq Act of 2007, and Section 602(b) of the Afghan Allies Protection Act of 2009.

Table 1. Applicants for Status as Special Immigrants and Outcomes, FY 2022

	Iraqis	Iraqis	Afghans	Afghans	
	Principals	Dependents ¹	Principals	Dependents ¹	Total
Visas Issued/ Adjustment of Status Granted ²	64	177	2,641	8,611	11,493
Conditional Visas Issued/Conditional Adjustment of Status ³	0	0	53	197	250
Form I-360 Petitions Filed ⁴	109	N/A	11,765	N/A	11,874
Form I-360 Petition Approved ⁵	40	N/A	12,318	N/A	12,358
Form I-360 Petition Denied ⁶	77	N/A	1,934	N/A	2,011
Form I-360 Petition Admin. Closed ⁷	0	N/A	251	N/A	251
Form I-360 Revoked ⁸	3	N/A	66	N/A	69

¹ USCIS adjudicates Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, for Iraqi and Afghan principal applicants only. USCIS does not adjudicate Form I-360 petitions for dependents. Qualifying family members are considered at the time of the principal applicant's interview process overseas by the appropriate U.S. embassy or consulate or when the dependent adjusts status through the filing and approval of Form I-485.

² This data represents visas issued by the Department of State (DOS) and USCIS adjustments of status in FY 2022, which may include visas for principal applicants whose Form I-360 petitions were approved prior to FY 2022.

³ Conditional SQ Visa Category (CQ) – Certain Afghan SIV applicants who were physically present in Afghanistan and had completed all steps of the Afghan SIV application process except for the panel physician exam, and were deemed eligible, were issued CQ visas pursuant to a medical exam waiver authorized by the Secretary of State and the Secretary of Homeland Security in August 2022.

⁴ Some petitions approved, denied, admin closed, or revoked may have been received in the previous reporting period.

⁵ This data includes 8 Iraqi and 2,152 Afghan petitions that were approved following the July 2022 transition to U.S. Department of State.

⁶ This data refers to the petitions denied due to the following reasons: lack of valid Chief of Mission (COM) approval letter; lack of proper identification; failure to sign the I-360; lack of valid supervisor or flag officer's letter of recommendation; and failure to respond to a Request for Evidence issued by USCIS in the course of its adjudication of the Form I-360 petition. This data includes 15 Iraqi and 414 Afghan petitions that were denied following the July 2022 transition to U.S. Department of State. It does not include the number of visa requests denied by DOS.

⁷ Admin. Closed refers to petitions that have been closed for reasons not related to the petitioner's eligibility (petitioner withdrew petition, government discovered multiple petitions from same petitioner, interview cancelled at petitioner's request without prejudice to refiling, etc.). This data includes 21 Afghan petitions that were administratively closed following the July 2022 transition to U.S. Department of State.

⁸ All Form I-360 petition revocations were based on recommendations from a U.S. embassy or consulate following revocation of the COM approval, a requirement for approval of the Form I-360 petition. This data includes 6 Afghan petitions that were revoked following the July 2022 transition to U.S. Department of State.

NOTE: The preceding table captures only cases filed and those with a final adjudicative action—approved, denied, administratively closed, or revoked—during the given fiscal year per statutory reporting requirements. The table in this report does not capture additional special immigrant processing steps managed by the Department of State (DOS). Starting July 20, 2022, DOS and USCIS combined two steps in the Afghan SIV application process: (1) the COM approval, and (2) the SIV petition,¹ in response to requests from Congress and the Biden Administration to explore ways the SIV process could be more efficient in light of the U.S. government departure from Afghanistan.² For more information pertaining to the DOS SIV process and related statistics, please refer to the following information on the DOS website:

- <https://travel.state.gov/content/travel/en/us-visas/immigrate/special-immg-visa-afghans-employed-us-gov.html>
- <https://travel.state.gov/content/travel/en/us-visas/immigrate/special-immg-visas-iraqis-employed-us-gov.html>
- <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/immigrant-visa-statistics.html>

¹ Until July 20, 2022, Afghan SIV applicants had to apply for COM approval with the DOS using the DS-157 form. Then after receiving COM approval, applicants had to file a Form I-360 petition for special immigrants with USCIS as a separate step. Beginning July 20, 2022, generally, new Afghan SIV applicants need to submit only a DS-157 form along with their COM approval application to DOS. New Afghan SIV applicants will generally no longer need to file a Form I-360 petition. <https://travel.state.gov/content/travel/en/us-visas/immigrate/special-immg-visa-afghans-employed-us-gov.html>.

² See: <https://www.state.gov/ongoing-efforts-to-support-afghan-special-immigrant-visa-applicants/>, accessed June 12, 2023.