

The Costs of Working with the Americans in Afghanistan: The United States' Broken Special Immigrant Visa Process

Noah Coburn¹

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Summary

The United States' Special Immigrant Visa (SIV) Program was designed to help Afghans and Iraqis who are in danger of being killed as a result of their service to the U.S. government as translators or in other civilian jobs. As of 2020, over 18,000 Afghan applicants have received U.S. visas, along with over 45,000 of their immediate family members, and immigrated to the U.S.² The program has been plagued by bureaucratic inefficiencies and significant problems with the application process, resulting in a backlog of an additional 18,800 applications according to a 2019 review of the program.³ The lives of thousands of these applicants are currently at risk.

This report on the Afghan SIV program, based on interviews with over 150 SIV applicants and recipients, as well as a review of other studies of the program, suggests that while the program is well-intentioned and beneficial to certain successful applicants, its current structure puts the lives of applicants at risk and leaves them vulnerable to exploitation before, during and after the process. The lack of a coherent, effective strategy to support these workers, and the failure to implement the program as originally envisioned, leaves applicants stranded in Afghanistan or elsewhere and vulnerable to attacks by the Taliban and criminal groups, as well as other forms of exploitation. This has

¹ Noah Coburn is a Socio-Cultural Anthropologist and Associate Dean for Curriculum and Pedagogy at Bennington College. Email: ncoburn@bennington.edu. Support for various phases of this research came from the Hollings Center for International Dialogue, No One Left Behind (NOLB) and Bennington College. Research assistance was provided by Elbunit Kqiku, Timor Sharan, and Sediq Seddiqi. The author is particularly grateful to the numerous SIV recipients who agreed to be interviewed about the process and, particularly, the NOLB SIV Ambassadors.

² Beginning in 2009. Congressional Research Service. (April, 2020), Iraqi and Afghan Special Immigrant Visa Programs. <https://fas.org/sgp/crs/homsec/R43725.pdf>

³ Office of Inspector General (June, 2020). Review of the Afghan Special Immigrant Visa Program, United States Department of State. <https://www.oversight.gov/sites/default/files/oig-reports/AUD-MERO-20-35.pdf>.

further undermined the reputation of the United States government in Afghanistan while serving a relatively small percentage of those Afghans who worked closely with the U.S.

The program also does little to support those who do receive visas and move to the U.S. They are ultimately disappointed in, and unprepared for, the lack of support they receive upon settling in the United States. The program could do much more to prepare and support these recipients for the challenges they are likely to face during resettlement.

The Biden administration's current review of the SIV program is a good step forward, but unless that review takes a closer look at the true human costs of its flawed processes, it is likely to result in little more than bureaucratic tinkering. The program must be seriously overhauled, based on a reconceptualization of how to best support those who put their lives at risk to assist the United States government. As it is currently structured, the SIV program may in fact be doing more harm than good.

Introduction

Many of the Afghans who have worked for and supported the American presence in their country over the past two decades face a life or death dilemma. Many of these military interpreters and other civilian workers are no longer safe in their own homes, threatened by anti-government fighters and criminal groups. Yet the U.S. visa system designed to save them is slow and inefficient, with a current processing time of over two years. In 2019, there was a backlog of almost 19,000 applications -- a number greater than the total number of Afghans who have received visas in almost 20 years of war. At least hundreds of these Afghans have been killed already as a result of their alliance with the United States government and the lives of thousands of others are at risk.

In anticipation of the threat these workers might face, the United States government launched the Special Immigrant Visa (SIV) Program in 2008 to provide U.S. visas to Iraqi translators who worked for the U.S. military in Iraq. A parallel program was then set up for Afghan translators and was later expanded to include other Afghan civilians who worked for or on behalf of the United States government for at least two years. The U.S. Congress has renewed and modified both programs in subsequent years, most recently on December 27, 2020, when they authorized an additional 4,000 SIVs for Afghan applicants - a number not adequate enough to cover even those who had already submitted applications.⁴ Since its inception, the program has struggled to keep pace with the number of applications

⁴ U.S. Department of State, Bureau of Consular Affairs. (n.d.). *Special Immigrant Visas for Afghans - Who Were Employed by/on Behalf of the U.S. Government*. Travel.State.Gov. Accessed March 2, 2021. <https://travel.state.gov/content/travel/en/us-visas/immigrate/special-immg-visa-afghans-employed-us-gov.html>.

received.⁵ The State Department has been slow to process these applications and applicants waiting in Afghanistan have complained that this has made them vulnerable to revenge targeting by anti-American groups and criminals.

While the United States government has carried out several assessments of the SIV program, these and other studies tend to focus on its bureaucratic hurdles.⁶ Many of the studies have focused on the State Department's inability to keep up with demand and in 2020 with a backlog of almost 19,000 applications, the process had so overwhelmed the staff that one review found that "SIV applicant emails had not been opened in the approximately 30 days after they were received."⁷

Few if any of these studies actually consider the experiences of those individuals who are counting on the program to potentially save their lives and the lives of their family members. None have tracked what happens to applicants who do not receive visas, and few consider what happens to those that do receive them.⁸ In fact, even for those lucky enough to receive visas, the resettlement process in the U.S. is often plagued with uncertainty, leaving recipients struggling to find employment and open to exploitation by resettlement agencies. In Afghanistan, people view the program as largely ineffective. Many of those interviewed for this paper interpreted this as evidence of, at best, America's lack of commitment to those who had supported American presence, and at worst, as outright corruption, as often paying agents for assistance is the only way for people to secure a visa.

This problem is particularly urgent this year, with the Afghan peace process at a crossroads and the potential complete withdrawal of American troops. In the context of the negotiations, there is increased danger to those who have worked for the United States government or supported American efforts in the country, making the coming year particularly dangerous for stalled applicants. Currently, the application processing time is

⁵ Office of Inspector General. (June, 2020). *Review of the Afghan Special Immigrant Visa Program*. U.S. Department of State. <https://www.oversight.gov/sites/default/files/oig-reports/AUD-MERO-20-35.pdf>.

⁶ See for example, Congressional Research Service. *Iraqi and Afghan Special Immigrant Visa Programs*; Twu, M. (2009). A sanctuary for those who serve: United States Iraqi special immigrant visa programs. *NCJ Int'l L. & Com. Reg.*, 35, 723.; US Government Accountability Office. (February, 2018). *Afghan and Iraqi Special Immigrants: More Information on Their Resettlement Outcomes Would Be Beneficial*. <https://www.gao.gov/products/gao-18-107>; Office of Inspector General. *Review of the Afghan Special Immigrant Visa Program*; United States Department of State and the Broadcasting Board of Governors Office of Inspector General. (July, 2008). *Status of Iraqi Special Immigrant Visa Programs*. Middle East Regional Office., <https://www.stateoig.gov/system/files/109298.pdf>.

⁷ Office of Inspector General. *Review of the Afghan Special Immigrant Visa Program*. 13, 18.

⁸ Journalists have been more reliable in tracking cases where applicants have been killed or injured, for instance, Packer. G. (March, 2021). A Debt of Honor. *The Atlantic*. <https://www.theatlantic.com/ideas/archive/2021/03/we-cant-abandon-afghans-who-helped-us/618416/>; One report has looked at some data on the resettlement process, Government Accountability Office. (February 2010) *Afghan and Iraqi Special Immigrants: More Information on Their Resettlement Outcomes Would Be Beneficial*.

658 days, not including the time it takes the applicants to compile the many necessary documents for the application.⁹ This means that the average applicant can spend several years, with little information on the status of their application, waiting for a visa. All the while, they are in physical danger, and it is difficult for them to make simple decisions about their and their families' lives.

In acknowledgement of some of these challenges, on February 4, 2021, the Biden Administration released an "Executive Order on Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration," which called for "a review of the Iraqi and Afghan SIV programs," including "a report to the President with recommendations to address any concerns identified."¹⁰ Any review, however, that does not take into account some of the challenges for applicants before, during and after the application process is bound to miss some of the real costs for those Afghans who supported the U.S. government presence.

The SIV program has a number of high level proponents, ranging from Robert Gates and David Petraeus to Jeanne Shaheen,¹¹ in addition to many American military veterans who have advocated publicly and privately on behalf of Afghans and Iraqis who served alongside them. Despite broad political consensus on the imperative to support these individuals, to date, attempts to reform the program have largely failed to decrease the time it takes to issue visas or to identify and address some of the challenges faced by applicants. This report recommends a critical reimagining of the program. Better support to applicants before, during and after the SIV application process could save numerous lives, lessen the threat to some of America's most committed allies and decrease the continuing costs of America's post-9/11 wars.

Assessing the SIV Program

This report focuses on the consequences of the SIV program for Afghans who worked for or in support of the United States government through in-depth interviews with Afghans as well as a review of various assessments of the program. It incorporates data about both the Iraqi and Afghan programs, with a focus on the latter, as well as approximately 150 interviews conducted with Afghans in both the United States and Afghanistan between 2016 and 2021. In order to understand the full range of program

⁹ Joint Department of State/Department of Homeland Security. (October, 2020): *Status of the Afghan Special Immigrant Visa Program*; The process time from the 2016 version of the same report was 293 days.

¹⁰ The White House. (February, 2021). *Executive Order on Rebuilding and Enhancing Programs to Resettle and Refugees and Planning for the Impact of Climate Change on Migration*. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/04/executive-order-on-rebuilding-and-enhancing-programs-to-resettle-refugees-and-planning-for-the-impact-of-climate-change-on-migration/>

¹¹ No One Left Behind Organization. (January, 2020). *2020 Recommendations to the Department of State Office of Inspector General*.

impacts, the author conducted interviews primarily with SIV recipients, as well as with those who applied and were denied SIVs, those who were in the process of applying and those who had considered applying, but had not done so.¹² In addition, this paper draws on data from a series of surveys, including one conducted in 2020 by the U.S.-based advocacy group No One Left Behind.

There are several challenges in studying the SIV program, particularly the fact that there have been no systematic efforts to track contractors who have worked for the United States government or contracting companies and organizations.¹³ After 20 years of war, there is no central database of translators or other contractors hired by the United States government. This makes bureaucratic aspects of the SIV program, such as verifying employment, challenging and also makes it difficult to assess the current effects of the SIV program since there is no simple or precise count of the number of Afghans who have worked for the United States government or the number of these Afghans who have been killed during or after their service. This paper now turns to the U.S. government's practice of hiring local workers in the warzones, the experience of those applying for SIVs, and the experience of those who received visas and were resettled in the U.S.

"For many years, I could not leave my house unless it was with a scarf wrapped around my face to hide my identity."

- SIV recipient (March 2021)

U.S. Hiring of Local Workers in the Warzones

While the United States military's use of local interpreters and other contractors has a long history, this practice has been taken to new extremes during the U.S. post-9/11 wars in Afghanistan and Iraq. During the first Gulf War in 1991, for instance, the U.S. military employed approximately one contractor for every hundred service members.¹⁴ In contrast with this, at the height of the U.S. troop surge in Afghanistan, there was one contractor for

¹² While some of those failing to receive visas were interviewed, there were no interviews with some of those who were most injured by the process, particularly those who were killed or forced to migrate elsewhere before their visas were approved. For one example of a case where the applicant was killed waiting for the visa process, see Packer. *A Debt of Honor*.

¹³ Some improved efforts have been made, in particular by USAID in recent years, and the Department of Defense tends to release the most systematic data, but this data is still massively incomplete, missing virtually all subcontractors and plagued by reporting issues. For more on this, see Noah Coburn. *Under Contract: The Invisible Workers of America's Global War* (Stanford, California: Stanford University Press, 2018).

¹⁴ Vine, D. (2015). *Base nation: How US military bases abroad harm America and the world*. Metropolitan Books.

every member of the U.S. military.¹⁵ Later in the conflict, as the U.S. rapidly drew down troop levels, contractor numbers declined more gradually and there have been as many as four contractors for every service member.¹⁶ While contractors originate from a range of countries, the vast majority of these contractors were, and still are, Afghan, due to their proximity, low wages and attempts by the United States to “Afghanize” the war.¹⁷ This has allowed the United States to vastly expand its footprint, while lowering the political and economic costs of relying on American troops.

The role of Afghan translators is a key example of how the United States military came to rely on Afghan civilian labor. While the U.S. government made some effort to expand language programs for Americans working in so-called critical languages, such as Arabic and Farsi,¹⁸ the United States decided to primarily rely on native speakers during the wars, pulling first from the Afghan-American population, but later relying more and more on local Afghans who had learned English to provide these skills. Eventually, these local Afghan translators far outnumbered Afghan-Americans working for the U.S. military. At the same time, Afghan contractors were increasingly relied upon to fulfill other duties (both menial, like construction and private security, and skilled, like legal services, information technology and human resources) in support of American efforts.¹⁹ The SIV program in its initial years was only open to translators and interpreters, but was then expanded to include all Afghan civilians who worked for or on behalf of the U.S. government, particularly as it became increasingly clear that U.S. operators did little to prepare them for the long term risks that they were being asked to assume.²⁰

¹⁵ U.S. military statistics often do not differentiate between American, local and other international contractors, however, in each of these wars, international and American contractors have been far outnumbered by local contractors, whether they are Iraqi or Afghan.

¹⁶ This does not include 2016-2020 since the Trump administration did not release troop levels during this period. Peters, H. M. (n.d.). *Department of Defense Contractor and Troop Levels in Afghanistan and Iraq: 2007-2020*, 24.

¹⁷ Coburn, N. *Under Contract*; McFate, S. (2017) *The Modern Mercenary: Private Armies and What They Mean for World Order*. First issued as an Oxford University Press paperback (Oxford New York Auckland: Oxford University Press).

¹⁸ See for example, Janofsky, M. (January, 2006) Bush Proposes Broader Language Training. *The New York Times*, sec. U.S., <https://www.nytimes.com/2006/01/06/politics/bush-proposes-broader-language-training.html>.

¹⁹ For more on this shift, Coburn. *Under Contract*; McFate, *The Modern Mercenary*; Singer, P. W. (2008) *Corporate Warriors: The Rise of the Privatized Military Industry*, Cornell Studies in Security Affairs (Ithaca, N.Y: Cornell University Press).

²⁰ For more on some of the wider consequences of outsourcing during the war in Afghanistan, particularly in the private security sector, see, for example, Leander, A. (2005). The power to construct international security: On the significance of private military companies. *Millennium*, 33(3).; Coburn, N. (2016) *Losing Afghanistan: An Obituary for the Intervention* (Stanford, California: Stanford University Press); Isenberg, D. (2009). *Shadow Force: Private Security Contractors in Iraq* (Westport, Conn: Praeger Security International); McFate. *The Modern Mercenary: Private Armies and What They Mean for World Order.*; Stillman, S. (May, 2011)., “The Invisible Army of Third-Country Nationals.” *The New Yorker*. <https://www.newyorker.com/magazine/2011/06/06/the-invisible-army>.

For instance, for the most part, Afghans working for the United States government and working at American installations are not allowed to live at those facilities, even while contractors from other countries often reside there. The official reasoning for this is often either financial or to prevent so-called “green on blue”, insider attacks. While this may have reduced costs to the U.S., it made these Afghans vulnerable to the daily risk of commuting to U.S. military bases or other installations, some of the most intensive targets of violence in Afghanistan. Additionally, anti-government groups and criminal networks increasingly threatened workers’ families, particularly in the early 2010s, as security in key Afghan urban centers deteriorated. In several interviews, translators and other contractors noted that they were forced to rent second homes in order to protect their families while they worked for the United States government. Once their contracts ended, however, they often did not have funds to continue doing this and would go to great pains to hide their previous employment from neighbors.

Furthermore, temporary workers like translators are not given the same benefits as more established military or government personnel. Some contractors injured in the line of duty may receive medical care while they are still under contract, though in several instances recorded during research, contractors were given substandard care. The U.S. government also offers very limited compensation for injuries and death. Those working for private contractors often have to take legal action (which is almost impossible to do from Afghanistan) in order to receive the compensation they are owed by law as U.S. contract workers.²¹

These approaches have allowed the United States to cut short term costs during its wars in Iraq and Afghanistan. Contract labor is time bound and, in most instances, the employer assumes little responsibility for any long term consequences, either in terms of health or physical risk. This is, of course, in stark contrast with the government’s approach to veterans of military service who are seen to have an enduring relationship with the country, and there is ongoing medical care and other benefits.²² Few similar supports exist for these temporary workers (Afghans, internationals and others), resulting in serious long term human costs.

²¹ For case studies that reflect some of the challenges of these legal processes, see Gill. P. (August, 2020) Cheap’ Nepali Deaths in US War Zones.” *Kathmandu Post*. <https://kathmandupost.com/national/2020/08/31/cheap-nepali-deaths-in-us-war-zones>; Simpson C. (2018). *The Girl from Kathmandu: Twelve Dead Men and a Woman’s Quest for Justice*, First edition (New York, NY: Harper, An Imprint of Harper Collins Publishers).

²² This relationship, of course, is also not as straightforward as it seems. For instance, among others, see Wool. Z. H. (2015), *After War: The Weight of Life at Walter Reed*, Critical Global Health (Durham: Duke University Press).

Thousands of Translators and Other Afghan Workers Threatened

In recent years the war in Afghanistan has become even more dangerous to civilians. Anti-government groups have reclaimed territory and threatened civilians, and pro-government forces have ramped up airstrikes; in 2019, more “Afghan civilians were killed in airstrikes than at any time since early 2002.”²³ In addition, in urban areas, criminal networks, oftentimes with ties to anti-government groups, have increased kidnapping for ransom and other activities. These groups are particularly likely to target those who have worked for the United States government, both for ideological reasons and because they are perceived as likely wealthier than other Afghans, and thus able to pay ransoms. As a result, many Afghan interpreters and other contractors have been killed or forced to flee their homes.²⁴

The lack of systematic accounting of Afghan contractors makes it almost impossible to determine the precise number of those who have been killed or injured as a result of their service to the U.S. government. Red T, a U.S.-based “nonprofit organization advocating for the protection of translators and interpreters in high-risk settings” claimed in a letter to Pope Francis that over 1,000 interpreters had been killed in Iraq and Afghanistan by 2015, though they stated that this is “an aggregated conservative estimate.”²⁵ No One Left Behind (NOLB) has cataloged over 300 cases of translators or their family members being killed, though these were primarily cases noted in the international media.²⁶ In most cases, it is particularly difficult to track those who have been killed and injured for their work after the end of their contracts. Since most databases rely on international media accounts, the decrease in foreign correspondents in Afghanistan since troop levels decreased in 2013 has meant less focus on some of these attacks. In the case of some kidnappings or other criminal threats, families may be reluctant to contact journalists or authorities in fear of further reprisals.

The U.S. Department of Labor does track overall numbers of contractors killed and injured in Afghanistan based on the number of Defense Base Act claims filed, and by mid-2019, the Costs of War project at Brown University had recorded 3,814 contractors (as

²³ Crawford, N. (December, 2020) Afghanistan’s Rising Civilian Death Toll Due to Airstrikes, 2017-2020. *Costs of War*.

https://watson.brown.edu/costsofwar/files/cow/imce/papers/2020/Rising%20Civilian%20Death%20Toll%20in%20Afghanistan_Costs%20of%20War_Dec%207%202020.pdf.

²⁴ These workers account for a small percentage of the over 37 million refugees caused by the United States’ Post-9/11 wars. For more, see Vine D. et al. (September, 2020) Creating Refugees: Displacement Caused by the United States’ Post-9/11 Wars. *Costs of War*.

https://watson.brown.edu/costsofwar/files/cow/imce/papers/2020/Displacement_Vine%20et%20al_Costs%20of%20War%202020%2009%2008.pdf.

²⁵ Red T. (June, 2015) “Open Letter to Pope Francis.”

²⁶ No One Left Behind Organization. 2020 Recommendations to the Department of State Office of Inspector General.

opposed to 2,298 U.S. service members) killed in Afghanistan since the start of the post-9/11 war in 2001.²⁷ This number includes non-Afghan contractors (the ratio has fluctuated over time, but Afghan contractors generally have outnumbered American contractors by a ratio of at least 2 to 1).²⁸ But the estimate misses the translators and contractors who were killed after their contracts expired, as well as their family members.²⁹ All this means, conservatively, that at least thousands of Afghans have been killed for their work for the United States government, and many times more continue to face daily threats to themselves, their families and friends, for their work.

“My immediate family did not have a problem with me working for the Americans, but no one outside my family liked it. Because I was working with the U.S. army, I could no longer return to my village. I moved instead to the city and was living there from 2009 to 2016, not returning to my village during this time.”

- SIV recipient (March 2021)

Bureaucratic Inefficiencies and a Flawed Application Process

While the SIV program aims to provide some level of protection to the Afghans who have worked closely with the United States government, the current time from starting the application to receiving a visa, which is routinely three to six years, puts these workers in a state of limbo. The interview process further pressures applicants to remain in Kabul, while a decision is made on their visas. Interviews with successful applicants, unsuccessful applicants and even those considering applying all pointed to how the slow, complicated and opaque application process is, and how it opened applicants up to further danger and exploitation. This is in sharp contrast with the end of the Vietnam War, for instance, when over 100,000 Vietnamese who had allied themselves or worked with the United States government were flown to Guam, largely before being granted immigration to the United States.

²⁷ Crawford N., Lutz. C. (November, 2019). Human Cost of Post-9/11 Wars: Direct War Deaths in Major War Zones, Afghanistan and Pakistan (October 2001 – October 2019). *Costs of War Project*.

²⁸ Peters. Department of Defense Contractor and Troop Levels in Afghanistan and Iraq: 2007-2020.

²⁹ The Department of Labor notes that “These reports do not constitute the complete or official casualty statistics of civilian contractor injuries and deaths.” And, in fact, they should be considered low estimates considering the incentives that companies have to underreport contractor deaths. For more, see Isenberg. D. (2009) *Shadow Force: Private Security Contractors in Iraq* (Westport, Conn: Praeger Security International, 2009); McFate. *The Modern Mercenary*. Coburn. *Under Contract*.

³⁰ Interview conducted with SIV recipient, March 2021.

During the post-9/11 wars, the U.S. government has made no serious efforts to provide similar protections to Afghans while they wait for their visa applications to be processed. In fact, several applicants from more rural and secure areas pointed to how the process actually forced them to move to Kabul to wait for their interviews and medical examinations, which put them at increased risk and cost them significant amounts of money. All of this has become increasingly problematic as both the number of applicants and the time required to process applications has dramatically risen.

Much of the U.S. government's own internal criticism of the SIV program has focused on the 658 days it is currently taking for the Department of State to complete its review of applications.³¹ An Office of the Inspector General report found that the program was incapable of fulfilling the Congressional requirement that visa processing time take less than nine months, finding that "staffing levels across its various offices that process Afghan SIVs have generally remained constant since 2016 [despite an increase in the number of applications] and are insufficient to reduce the SIV applicant backlog. Similarly, staffing levels during the interagency and security check process contribute to delays in processing the Afghan SIVs...the Department relies on multiple information technology systems that are not interoperable, which impedes the ability to expedite processing at all stages of the Afghan SIV process."³²

As of 2019, the State Department only had one analyst conducting security checks for the backlog of over 18,000 applications and the position of senior coordinator, overseeing the entire process was unfilled for three years between 2017 and 2020.³³ According to one assessment, it would require 50 additional staff members to process the current applications.³⁴ The slow process time has led to multiple class action lawsuits filed by groups of Afghan and Iraqi applicants against the State Department, the U.S. Department of Homeland Security and U.S. Citizenship and Immigration Services. One of these, filed in 2015 was settled, but a more recent case claiming that the U.S. government is forcing the defendants to "wait, in mortal danger, for Defendants to fulfill the promise Congress made to them" is still pending.³⁵

³¹ Joint Department of State/Department of Homeland Security. (October, 2020) *Status of the Afghan Special Immigrant Visa Program*. The process time from the 2016 version of the same report was 293 days.

³² Office of Inspector General. (June, 2020). Review of the Afghan Special Immigrant Visa Program. *United States Department of State*. <https://www.oversight.gov/sites/default/files/oig-reports/AUD-MERO-20-35.pdf>, 9.

³³ Lawrence. J. P. (June, 2020). Understaffed, Uncoordinated: IG Outlines Flaws in Visa Program for War Zone Interpreters. *Stars and Stripes*. <https://www.stripes.com/news/understaffed-uncoordinated-ig-outlines-flaws-in-visa-program-for-war-zone-interpreters-1.634409>.

³⁴ Office of Inspector General. Review of the Afghan Special Immigrant Visa Program.

³⁵ Greene. K. (June, 2018). Afghan, Iraqi Allies Sue Over Visa Holdup. *Law360*. 36. <https://www.law360.com/articles/1053545/afghan-iraqi-allies-sue-over-visa-holdup>.

But the problems go far beyond the wait time. For the applicants, SIV program staffing inadequacies and unclear bureaucratic procedures have serious consequences. In interviews, both successful and unsuccessful applicants pointed to several areas where the paperwork is confusing or difficult to procure. The difficulty in securing documentation from their employers is one of the key challenges, particularly the requirement for a “letter of recommendation or evaluation from your direct, U.S. citizen supervisor or the person currently occupying that position, or a more senior person.”³⁶ Due to rapid turnover and short deployments for international supervisors, in most instances, supervisors are no longer in Afghanistan or have moved on to other positions or simply do not respond to emails. In other instances, if letters of recommendation are not precisely worded, they are sent back to their recommenders, causing further delays for applicants.

Similarly, interviewees questioned the Statement of Threat that is required in each application. The guidelines for documenting the threat to the applicant are: “Section 1219 of the National Defense Authorization Act (NDAA) for FY 2015 (Public Law 113-66) provides that a credible sworn statement depicting dangerous country conditions, together with official evidence of such country conditions from the U.S. government, should be considered as a factor in a determination of whether an applicant has experienced or is experiencing an ongoing serious threat as a consequence of employment by the U.S. government.”³⁷ This rather confusing definition leaves many wondering how they should precisely document the threats to them and their families.

Interviewees suggested that those who had been targeted by Taliban “Night Letters,” threatening letters dropped at families’ homes in the middle of the night, were most likely to be successful in meeting the Statement of Threat requirement. Indeed, the application process seems to assume that such documents are available in most instances. But in more cases, interviewees describe how the threats they face are more ambiguous, oftentimes made verbally to family members by community members who have connections with the Taliban. In many instances, the requirement also leads applicants to rely on unscrupulous brokers to either advise them on their Statements of Threat or to directly forge one for them (see more on this below). The Statement of Threat process also does nothing to differentiate the variety of threats that applicants face. Some face long term, low levels of harassment, whereas others fear they might be killed immediately. For those in the latter category, in particular, the SIV application is simply not viable, since the threat is too great to wait in Afghanistan for the time the process would take.

³⁶ U.S. Department of State, Bureau of Consular Affairs. *Special Immigrant Visas for Afghans - Who Were Employed by/on Behalf of the U.S. Government*

³⁷ “U.S. Department of State, Bureau of Consular Affairs. *Special Immigrant Visas for Afghans - Who Were Employed by/on Behalf of the U.S. Government*

Some of the other bureaucratic requirements might not put applicants directly at risk, but seem unnecessary and costly to interviewees, thereby favoring wealthy, well connected applicants. For instance, several SIV recipients complained about the required medical examinations, which are run by a private clinic in Kabul and can cost a family over \$800. These examinations can only be done at a specific clinic and have an expiration date, so that if the visa administrative processing time goes beyond the exam's expiration date, the applicant and their family would be required to go to the clinic again. This happened to multiple interviewees.

This confusing, slow, and expensive process also makes family decision making about the future almost impossible. Several interviewees described how they knew that they would need to sell their land if they moved to the United States, but since the process could take many years, selling a home could mean needing to rent a new house indefinitely. Conversely not selling could mean that they would lose money in their rush to leave the country before the visa expired.

Ultimately, the current process strongly favors those who are able to wait for the years the process can take, while those Afghans who are actually in the most danger are less likely to apply. The current structures encourage those in the most danger to take more dangerous routes, such as paying brokers to illegally traffic them to Europe. In fact, NOLB, which offers assistance to applicants, including those who have already fled Afghanistan, has been contacted by Afghans who are currently in 30 different countries, suggesting just how far many of these workers have traveled to escape the threats they were experiencing at home.

“While my application was being considered, my mother, who lived in Ghazni, died. I wondered if I should go to the funeral, since I knew there were many Taliban operating around my home district. In the end, it was good that I did not, because the Taliban stopped the taxis that were driving to the funeral and asked, “Where is her son, the one who worked for the Americans?”

- SIV recipient (2016)

Further Costs and Threats to Applicants During the Process

Exploitation by brokers and others: The SIV process can open these applicants up to further risks as they wait. In Kabul there are “travel agents” and other brokers who

³⁸ The quote above is from Coburn, N., Sharan. T. (July, 2016). *Out of Harm's Way? Perspectives of the Special Immigrant Visa Program for Afghanistan*, 4.

promise assistance with SIV applications. These individuals will sell applicants Night Letters purportedly written by the Taliban, help them with their Threat Statements and prep them for their interviews. The author's research in 2016 found several travel agencies charging from \$50 USD for assistance completing forms, to several hundred dollars (up to \$800 USD per family) for help preparing for the polygraph test and assistance preparing the Statement of Threat. A field visit in May 2016 found 200 such cases pending with just one agency.³⁹

In other instances, once it becomes known that individuals are applying for the SIV, applicants are said to be more likely to be targeted by criminal groups. Someone applying for a visa to the U.S. is thought to be wealthier. Ideologically, criminal and political groups target them both because of their collaboration with the Americans and because their willingness to live in America is sometimes interpreted as evidence of their lack of commitment to Islam.

Under the Trump administration the number of applicants relying on brokers seems to have declined, with some of those who were better educated applying instead for student visas in Canada or Europe, or going through illicit channels, such as paying traffickers to take them through Iran and Turkey.⁴⁰ The transition to the Biden administration, along with the COVID-19 pandemic and rising insecurity in urban areas, has increased the demand for SIV visas and is likely to make these brokers more prominent again. In some instances, interviewees described how brokers, for a fee, suggest that they can "buy" the applicant a visa from the embassy. While there is no evidence of corruption on the part of the United States government, the fact that applicants are so concerned about the success of their applications, in some instances, makes them willing to pay.⁴¹ Many applicants pointed to ways in which the process was "rigged" and the program has a reputation within Afghanistan for being very corrupt.

"Most Afghans don't even know what a polygraph is. And thousands failed the interview process or background checks because of this.

- SIV recipient (March 2021)

³⁹ Coburn, N., Sharan. T. (July, 2016). *Out of Harm's Way? Perspectives of the Special Immigrant Visa Program for Afghanistan*. 6.

⁴⁰ These different routes are still deeply linked in the minds of many applicants and the 'travel agents' that help with SIV applications will also prepare student visa applications for other destinations at the same time for applicants desperate enough.

⁴¹ One purported technique is for a broker to accept contingent payment to get a visa, returning the fees and claiming that their contact was "no longer working at the embassy" or using a similar excuse if the application was denied, and keeping the fee if the application was approved with no real assistance from the broker.

A Seemingly Rigged Process: Various steps, designed by U.S. officials to make the visa application process more rigorous, have resulted in both greatly slowing the process and making it appear more capricious to applicants. For instance, several of those interviewed complained that in regards to securing a letter of recommendation from their direct supervisor, workers in higher positions often had a much easier time finding Americans who could write these letters for them. Several could only secure letters after tracking down individuals they had worked with on Facebook, making it seem like it is only those with personal connections that secure these visas. The fact that there have been stories reported in the international press about individual American veterans and members of Congress campaigning for visas for translators they knew personally has, unfortunately, contributed to the widespread sense among Afghans that it is only through personal connections that one can secure a visa.

The fact that many applications are rejected during the interview process, which involves a polygraph exam, has also led to rumors that the process is potentially being manipulated. Stories circulate of interviewees who were too nervous and ended up failing the test. One applicant is said to have drunk two Red Bulls, an energy drink, before the interview and this led to an irregular heart rate and thus failure of the test. Perhaps more likely, several denied applicants pointed out that asking whether they knew anyone associated with that Taliban was an unfair question, since in a country so divided, almost everyone knows someone with links to anti-government groups. Regardless of the validity of these concerns, the fact that so many applicants fixate on this mysterious interview step in the application process, suggests that the lack of transparency during the process is undermining faith in the process and making applicants more likely to rely on brokers and illicit migration routes.

A Lack of Coordination and Support in the United States

While most SIV recipients focus on the difficulties of securing a visa and leaving Afghanistan, SIV recipients who have settled in the United States are often shocked by the lack of social safety net and the difficulty of their positions economically and socially upon arrival despite the fact that many are already well educated with extensive work histories. In the most extreme cases, this has resulted in some recipients actually moving back to Afghanistan.

Most recipients are heavily reliant on the U.S. government for small cash payments upon their arrival. A study by the Government Accountability Office found that 89% of all surveyed SIV recipients relied on government cash assistance programs during their first months in the United States.⁴² Resettlement agencies provide some support and The Supplemental Nutrition Assistance Program (SNAP benefits or food stamps) may ensure

⁴² GAO, 14.

that most do not starve. In interview after interview, SIV recipients in the U.S. recounted the many overwhelming challenges they faced in navigating their new homeland and providing for their families on meager funds. This study found that many recipients initially relied on personal funds to support themselves and some interviewees said they incurred serious debt during this period.

A survey conducted by No One Left Behind similarly found serious economic challenges for recent arrivals. While many SIV recipients who participated in their survey were fairly well-educated (97% had graduated high school; 32% had a bachelors degree, and another 9% had an advanced degree) and of prime working age (91% of respondents to the same survey were between 25 and 44), they still struggled to find employment: 28% were unemployed and another 22% were underemployed at the time of the survey.⁴³ Similarly, the Government Accountability Office found that 60% of surveyed SIV recipients were unemployed after being in the U.S. for 90 days and that those with a post-secondary education were even less likely to be employed than others (65% unemployment).⁴⁴ Both the author's interviews and these surveys suggest that those SIV recipients that do find employment tend to work in menial jobs for which they are overqualified and that provide few benefits.

For instance, one interviewee, a former Ministry of Justice official, considered himself lucky to have found work as an aide in a junior high school, even though he has a doctorate from an Iranian university. Another interviewee described how he and a friend put all their savings into a kiosk in a mall. More typically, many SIV recipients end up working as "gig workers"; 35% of those surveyed by NOLB reported having worked for either Uber or Lyft. These jobs rarely provide benefits and only 25% reported working in jobs that provide health care.⁴⁵ More widely, health care was a major concern for recent SIV arrivals. Those injured during the performance of their duties in Afghanistan are technically eligible for compensation through the Defense Base Act, but in reality, many contractors both in the United States and in Afghanistan are not aware of these benefits. Other benefits, such as health coverage through the VA system, are not available to Afghan recipients even when they were injured alongside soldiers who are eligible for such coverage.

Still, for most recipients, employment is their primary concern. Interviewees pointed out that those working in IT or with engineering experience have a far easier time finding employment than those with skills that did not easily translate, such as lawyers. In

⁴³ No One Left Behind Organization. (January, 2021). No One Left Behind 2020 Annual SIV Research Survey (2021-01-29).

⁴⁴ US Government Accountability Office. Afghan and Iraqi Special Immigrants: More Information on Their Resettlement Outcomes Would Be Beneficial.

⁴⁵ No One Left Behind Organization. No One Left Behind 2020 Annual SIV Research Survey (2021-01-29).

some instances, recipients have been able to pay companies to translate and certify their Afghan degrees (or degrees from Iran, India or Pakistan), but this is a costly process and not all employers accept these credentials even once they are translated. As a result, it is widely believed among interviewees that new arrivals should attempt to enroll in local community colleges so that they can work towards American credentials, even if they already have equivalent levels of education. Still, for many, the prospect of working for several years to get a degree they had already years before is unappealing and costly.

In some extreme cases there are even accounts of Afghans who returned to Afghanistan after several years, foregoing their potential U.S. citizenship for lives they found potentially more viable in Afghanistan. For these recipients, the threat of the Taliban was more bearable than the lack of opportunity in the United States.

Some of the challenges SIV recipients face once in the U.S. could be averted through more support during the application process. Recipients say that they were given little information about where they should consider relocating to or how to prepare for their arrivals. Several interviewees arrived in one city only to be forced to relocate to places where they had more social connections.

The resettlement process in the United States also divides families in ways that recipients are often not prepared for. The Iraqi SIV program allows extended family members to apply for visas, but the Afghan program allows only a spouse and immediate dependents under 18 to join the primary applicant.⁴⁶ As a result, several interviewees with older children described how their families had been split up, with their children over 18 forced to remain in Afghanistan, while the younger children could immigrate with the SIV recipient. One father described how this had made things even more dangerous for his family since he feared local criminal gangs that assumed he was now wealthy in America would be even more likely to target his eighteen-year-old son in Afghanistan.

Interviews suggest that not enough consideration of specific family circumstances is going into resettlement programs. One interviewee pointed to a friend of his who was resettled with his eight children and no vehicle in suburban San Diego, far from any public transportation. Situations like this leave recipients primarily reliant upon each other. As one interviewee joked, he had a car, but no license, and his friend had a license, but no car, and as a result, they became highly reliant on each other. There have been a few organizations like NOLB that have been set up to provide these recent arrivals with aid, but these organizations lack significant resources and generally work primarily to advocate on behalf of SIV applicants. For those recently arrived who know Afghans who migrated before them, they are able to rely on social networks and things are a bit easier than for

⁴⁶ Congressional Research Service. Iraqi and Afghan Special Immigrant Visa Programs.

those who had few contacts in the United States. Those with fewer supports also found themselves open to other forms of exploitation in the United States.

“When I arrived in the U.S., the resettlement agency gave me \$500, but \$500 does not last long here.”

- SIV recipient (March 2021)

Vulnerability and Adaptation in the United States

As with the application process, the most vulnerable SIV recipients are exposed to the most challenges during the resettlement process. Richer, well-connected Afghans fare far better during the resettlement process than poorer, less-connected recipients. In some interviews, SIV recipients and their families reported that the younger people in their family, including women, adapted better than the older generation, but in general women are often said to struggle most. The Government Accountability Office found that women had particular difficulties finding employment because they tended to have less fluency in English (42% of SIV spouses stated that they spoke no English - a much higher number than among Iraqi SIV recipients and their families) and work histories that are even more difficult to translate to the American context.⁴⁷

Much of the support that recipients receive has been outsourced by the government to a series of resettlement agencies, which administer some financial aid and are tasked with running support programs for recent arrivals. While some interviewees spoke of helpful resettlement programs, the efficacy of these organizations varies widely and the majority of those interviewed were critical of resettlement agencies. Often, the help these resettlement programs provide is designed for refugees with very little education and work experience. In no interview did any SIV recipient describe receiving job assistance for anything other than securing temporary menial labor, such as landscaping. One complained that all the resettlement agency did was drop him off at a job fair. Another was offended when one of the resettlement agencies workshops he was asked to attend included basic hygiene.

Other criticisms of resettlement agencies suggest more intentional mistreatment. Several interviewees mentioned that agents for these organizations withheld initial benefits that the SIV recipients were entitled to for no reason. In one notable case several SIV recipients had to hire a lawyer who threatened legal action to get the government funds they were due. Recipients were particularly critical of those who worked for resettlement agencies who were originally from countries neighboring Afghanistan, particularly Iran and

⁴⁷ US Government Accountability Office. Afghan and Iraqi Special Immigrants: More Information on Their Resettlement Outcomes Would Be Beneficial, 35.

Pakistan, and claimed these workers were likely to look for ways to cheat the new arrivals out of funds. Unscrupulous landlords rumored to be working in conjunction with these employees also sometimes lock recipients into long term leases. In several instances, recipients reported agencies helped them pay the first month's rent, only to find that they owed the landlord above market rates for the remainder of the year.⁴⁸ All of this made the resettlement process for certain recipients very challenging and disheartening.

One SIV recipient described how he had initially been settled in southern California, but that his family struggled there to find jobs and to fit in culturally. They were settled in a largely immigrant neighborhood with poor schools and subsidized housing, and received little meaningful support from the resettlement agency. There was no Afghan population and the socially liberal values of their neighbors made his family uncomfortable. As a result, three Afghan families working together began looking at other places to move in the US, visiting Texas, Colorado, Nebraska, northern California and Utah. Ultimately they chose Utah primarily because the cost of living was lower and they felt they could find jobs that suited them there. Within two years, this interviewee had purchased a house, finished community college, and four members of his family were employed. This case, and others from the collected interviews, suggest that when SIV recipients do succeed, they tend to become productive members of their local communities, working toward additional degrees and helping other recent arrivals. Even for them, however, the road from working for the United States in Afghanistan to successfully escaping from harm and integrating into American life is far longer and more arduous than it needs to be.

The Future of the SIV program: Recommendations

While several United States government studies of the SIV program have been highly critical of its implementation,⁴⁹ none of these reports have considered the wider consequences of the current program. When viewed in isolation, the SIV program can be evaluated as plagued by inefficiencies and still moderately successful at providing visas to a certain number of Afghans. Yet a broader examination of the experiences of both successful and unsuccessful applicants in the United States and Afghanistan raises much larger questions and highlights more significant problems with this program.

In a positive step forward, the Biden administration has shown itself to be open to a more holistic review, but this needs to look beyond the current bureaucratic inefficiencies, to the impacts that the current process is having on those who are potentially unsuccessful

⁴⁸ For more instances of this type of exploitation see Coburn, N., Sharan, T., (July, 2016) Out of Harm's Way? Perspectives of the Special Immigrant Visa Program for Afghanistan, 13.

⁴⁹ Office of Inspector General. Review of the Afghan Special Immigrant Visa Program.

in their applications, as well as the aftereffects for those who do receive visas and settle in the United States.

Such a review should reconceptualize definitions of terms like “threat” and “service” and how applicants can prove those, thus allowing the program to better support those in the most need of protection. The threats that individual translators and other contractors face are far from equal. Likewise, in Afghanistan these individuals performed a range of services for the United States government, from rather secure office jobs to more extreme military service where their lives were put at risk on a daily basis. While all of these individuals may deserve support, the current SIV process offers no means for identifying or prioritizing those who are in the greatest danger or who have performed the greatest service.

Differentiating the levels of threat that applicants face would allow the program to provide additional support, perhaps even moving applicants to a more secure country temporarily (as was done after the Vietnam war).

The creation of a database of contractors for the United States government in conflict zones like Afghanistan would do much to help this process in the future. This would allow applicants to quickly prove they had worked for the U.S. government, and allow them to more easily contact their former employers. It would also allow the U.S. to better prepare in the future to protect those that support it by monitoring just how many contractors have been employed.

For those who are granted SIVs, simply supplying them with visas and small amounts of cash assistance once in the U.S., while failing to support their transition to the U.S., makes life immensely challenging for them. Ultimately, it is also a disservice to the U.S., since the skills that these individuals have are wasted. Better tailored job and education assistance would be one way to provide such support, as would providing more specialized support through resettlement agencies that focus on SIV recipients, instead of clumping them together with all refugees arriving in the U.S. A more extensive option would be to require contracting companies working for the U.S. in places like Afghanistan and hiring Afghan civilians, to be required to later hire a certain number of them in the U.S. if necessary. These companies profit significantly from the ability to pay these workers substantially less than they would pay international contractors, and this would be one manner for having them assume some of the longer-term costs for these workers.

The Biden administration’s executive order mandated that the SIV “review should also evaluate whether it would be appropriate to seek legislation that would create a SIV program for individuals, regardless of nationality, who faithfully assisted the United States Government in conflict areas for at least one year or made exceptional contributions in a shorter period and have experienced or are experiencing an ongoing serious threat as a

result of their service.”⁵⁰ It is not clear what the implications of such an expansion would be on the current program, but without an almost complete overhaul of the current program, Afghans will continue to die as they wait for their visas to be processed.

Such an expansion of the SIV program beyond Afghanistan and Iraq to any “conflict area” where the U.S. is involved would be a welcome extension of the United States government’s legal and moral obligation to those who put their lives at risk by working with them in conflict zones. At the same time, however, a simple replication of the policies and laws that created the SIV program for Afghans and Iraqis is likely to face similar challenges. A series of significant reforms are needed, based on a reconceptualization of the costs and benefits of the program to applicants, both successful and unsuccessful, before, during, and after the visa application process.

The idea of the SIV program, to protect those who have sacrificed so much for the United States and provide them with an opportunity to successfully become U.S. citizens, is a noble one. Right now, unfortunately, the reality of the program falls far short of that goal.

⁵⁰ The White House. (2021, February 4). “Executive Order on Rebuilding and Enhancing Programs to Resettle and Refugees and Planning for the Impact of Climate Change on Migration.”