

Special Immigrant Visa Reform

Issue: Afghan and Iraqi translators and their families are being targeted and killed due to the inefficiency of the Special Immigrant Visa (SIV) program.

Background: Throughout our wars in Afghanistan and Iraq, in which Special Operations Forces (SOF) played a significant role, our Afghan and Iraqi translators and interpreters have proven instrumental in helping us achieve battlefield success and safeguard the interests of the United States. Our Afghan and Iraq translators and interpreters have served alongside Special Forces for decades, often sacrificing their safety and their very lives. As noted in Section 1212 of the FY21 NDAA, they are a critical national security capability.¹

Currently, there is a backlog of about 19,000 Afghan translators and others who helped U.S. forces or diplomats seeking SIV to resettle in the United States. The number from Iraq is estimated at about 100,000 in need. As of now, the average wait time for a visa is over 3 years², with over 300 recorded instances of Afghan interpreters and their family members killed since American forces have withdrawn in the transition effort.³ The retaliation efforts against these families are still growing. Further, undefined policy hinders the efficacy of the State Department to process SIV applicants. The Department of Defense has yet to define who is recognized as a "foreign interpreter." In 2008 the State Department Office of Inspector General noted that the lack of a definition created ambiguity about who was eligible for the program.⁴ In 2020, the State Department audited the Afghan SIV program and came to the same conclusions.⁵

Recommendation: The Special Operations Association of America (SOAA) recommends the Committee pursue the following:

1. Direct the National Security Council to create an interagency fusion cell led by the Department of Defense to handle all SIV applications from those that worked with DoD entities. This interagency fusion cell is modeled by the FBI's Hostage Recovery Fusion Cell.
2. Introduce a comprehensive and perpetual Special Immigrant Visa program for 2,000 annual visas for foreign interpreters who serve alongside SOF and traditional units throughout the SOF area of operations.
3. Recognize the sacrifices of our allies in the Global War on Terror by awarding SIV recipients with the Congressional Gold Medal
4. Direct the Department of Defense to define "foreign interpreter" as such:

Foreign Interpreter — A local national (non-U.S. citizen) employed by the U.S. Government (USG) or USG contractor / sub-contractor to provide direct foreign cultural and language support in the form of spoken translation and/or written translation to USG personnel. An interpreter is eligible for the Department of State Special Immigrant Visa program upon at least (1) year of faithful and valuable service as recorded by a Letter of Employment containing dates of service and receipt of either a non pro forma General Officer Letter of Recommendation (LOR) / Certificate of Appreciation (CoA) or USG equivalent recognition. Also called a translator, combat translator, cultural advisor, or simply 'terp.' (JP 3-16, JP 6-0, JP 4-02, JP 3-33, JP 4-10, JP 3-24, JP 3-07.3, JP 1-0, JP 3-06)

¹ <https://docs.house.gov/billsthisweek/20201207/CRPT-116hrpt617.pdf>

² This three year backlog violates U.S. Code: The Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) states that all Government controlled processing of applications for special immigrant visas under that Act should be completed not later than 9 months after the date on which an eligible alien submits all required materials to complete an application for such visa.

³ https://www.realcleardefense.com/articles/2020/09/19/over_300_afghan_translators_and_family_killed_while_serving_the_us_577997.html

⁴ <https://www.stateoig.gov/system/files/109298.pdf>

⁵ <https://www.stateoig.gov/system/files/aud-mero-20-35.pdf>