



Homeland Security

SEP 06 2011

The Honorable Patrick J. Leahy
United States Senate
Washington, DC 20510

Dear Senator Leahy:

On behalf of Secretary Napolitano, thank you for your July 20, 2011 letter expressing concerns and questions about the application process for the special immigrant visa (SIV) program for certain Iraqis. The Department of Homeland Security (DHS) shares your concern about timely and efficient processing of SIV petitions submitted by Iraqis who have put their lives at risk in assisting the United States, and who now seek the protection of the United States. As requested in your letter, U.S. Citizenship and Immigration Services (USCIS), together with the U.S. Department of State (DOS), provided information to staff from the Senate Committees on the Judiciary, Armed Services, and Foreign Relations at a combined briefing on August 2, 2011. In addition to the briefing, we are pleased to provide the following specific answers to the questions posed in your letter.

What is the size of the current backlog of SIV applications at the Department? What is the average processing time for SIV applications? What is the Department doing to clear the current backlog of SIV applications?

At this time, USCIS is completing SIV petitions (Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant) on average between three and ten days after filing. Therefore, there is no current backlog of SIV I-360 petitions pending with USCIS. A case could take longer to process if a request for evidence (RFE) is necessary. This could occur, for example, if an applicant has failed to provide proof of Iraqi citizenship with his or her initial application. The next step in the process, the application for the immigrant visa, is under the purview of DOS.

What is the Department doing to create a more transparent and accountable process which informs applicants of application requirements, the status of their application, and upcoming decisions?

USCIS is considering recommendations to allow for electronic filing of the Form I-360, which would reduce processing times insofar as it eliminates the time it takes for the I-360 petition to physically reach the United States by mail. USCIS is in the process of determining whether accommodations can be made, consistent with agency

regulations, to allow for the submission of the I-360 petition by fax or email to allow SIV applicants to file more expeditiously their petitions electronically. In the meantime, USCIS has made the adjudication process more efficient by emailing or faxing RFEs, if additional evidence is required to determine eligibility, and by accepting faxed or emailed responses to such requests.

Section 1236 of the National Defense Authorization Act for Fiscal Year 2011 requires you to develop a plan with the Secretaries of State and Defense to expedite resettlement of U.S.-affiliated Iraqis at risk as the United States withdraws from Iraq. What is the status of that plan?

Interagency discussions on the development of the plan are currently underway.

What is the current security screening process applied to each SIV application, including the types and number of security checks?

USCIS conducts a search of the petitioner's name and date of birth, and any known aliases or name or date-of-birth variations, in the Interagency Border Inspection System. We cannot speak to security check procedures in the Chief of Mission (COM) approval process, which precedes the filing of an I-360 petition, or to security checks in the immigrant visa process. Inquiries about those stages of the SIV process should be directed to DOS, which oversees both the COM approval and immigrant visa processes.

Thank you again for your letter. Those Senators who co-signed your letter will receive separate, identical responses. Should you wish to discuss this further, please do not hesitate to contact me at (202) 447-5890.

Respectfully,



Nelson Peacock
Assistant Secretary for Legislative Affairs