



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

Relief for Afghan Nationals: Special Immigrant Visa (SIV)

Overview

Congress initially established the SIV program with the Afghan Allies Protection Act of 2009. The program is intended to protect Afghans who worked for the U.S. government in Afghanistan and are at risk because of their service. The July 2021 Emergency Security Supplemental Appropriations Act extended the program and reduced the required length of employment from **two** years to **one** year. The Act also allowed **certain surviving spouses and children** of U.S. government employees to abroad to obtain special immigrant status.

Eligibility

Afghan nationals are eligible for the SIV program when they:

- Were previously employed directly by the U.S. government in Afghanistan *or* employed with company that had a contract or subcontract with the U.S. government in Afghanistan
- Worked for the qualifying employer for at least one year between October 7, 2001 and December 31, 2023
- Face threats to safety because of their employment with the U.S. government
- *Or* is the surviving spouse or child of a former U.S. government employee who had submitted an application for Chief of Mission approval (see [Afghan Allies Protection Act § 601\(1\)\(C\)](#))

Application Requirements

The steps to apply for a Special Immigrant Visa are as follows:

1. Submit an application for Chief of Mission (COM) approval by emailing the following documents to AfghanSIVApplication@state.gov:
 - a. A completed [Form DS-157, Supplemental Nonimmigrant Visa Application](#)
 - b. A copy of passport or *taskera* (with English translation)
 - c. Biographic data, and a copy of employee badge (if available)
 - d. Letter from employer's Human Resources (HR) department
 - e. Letter of recommendation or evaluation from the direct, senior supervisor or the person currently occupying that position, or a more senior person, if the direct supervisor has left the employer or has left Afghanistan
 - f. Statement of threat(s) received due to employment with the U.S. government
2. File I-360 petition with USCIS
3. Complete DS-260 Visa Application
4. Attend interview and complete security checks

5. Visa issuance and travel to U.S. *Note:* Many SIV applicants have been evacuated to third countries prior to the issuance of the visa. For more information on evacuation, see [AILA's Practice Pointer: Assistance for Afghan IV Holders and Certain Pending IV Applicants](#), and this [compilation of research](#) on countries that do not require visas for Afghans.

Benefits

SIV recipients are eligible for the same resettlement assistance and other benefits as refugees admitted under USRAP, as well as the Department of State's Reception and Placement (R&P) Program. To participate in the R&P Program, submit the [Refugee Benefits Election Form](#) and the [SIV Biodata Form \(DS-0234\)](#) along with the DS-260.

For more information on SIV, see:

[IRAP Afghan SIV Training, Practice Guide, and Other Materials](#)

[State Department SIV Program Website](#)

[State Department Guide on Applying for COM Approval](#)

[AILA Practice Pointer: Assistance for Afghan IV Holders and Certain Pending IV Applicants](#)

[IRAP Webinar on SIV](#)

[Full text of Afghan Allies Protection Act of 2009, as amended July 2021](#)