



2020 RECOMMENDATIONS TO THE DEPARTMENT OF STATE OFFICE OF INSPECTOR GENERAL

Written to assist the Department of State in answering the Afghan and Iraqi Allies v. Michael Pompeo U.S. District Court Decision and the FY20 National Defense Authorization Act Congressionally Mandated Report on the Afghan SIV Program





January 29, 2020

U.S. Department of State
Office of Inspector General
SA-39
1700 North Moore Street
Arlington, VA 22209

Dear Inspector General Steve Linick,

No One Left Behind offers the following recommendations to you and your team to help streamline the Special Immigrant Visa (SIV) process. Over the last six years, No One Left Behind has worked with thousands of SIV applicants abroad and thousands of SIV recipients newly arrived in the United States. These recommendations are an aggregate of those firsthand experiences.

In accordance with the FY20 National Defense Authorization Act, your office must provide a report later this year to the U.S. Senate Judiciary, Foreign Relations, and Armed Services committees, as well as the U.S. House of Representatives Judiciary, Foreign Affairs, and Armed Services committees. Your report will evaluate the obstacles to effectively protect Afghan and Iraqi allies through the special immigrant visa programs and suggest improvements for future programs.

No One Left Behind has identified two broad issues affecting the SIV program: the length of time it takes to get through the process and the annual uncertainty of available visas. Our recommendations address both. Furthermore, we have worked diligently to build wide bipartisan support for the SIV program. Included in this report are letters from General Austin Miller, Commander of Resolute Support Mission & United States Forces – Afghanistan, former Secretary of Defense Robert Gates, and General David Petraeus. We have posted all statements from Congressional leaders on www.nooneleft.org/advocacy.

We look forward to working with the State Department to keep our nation's moral obligation to our allies.

Very Respectfully,

No One Left Behind



**HEADQUARTERS
RESOLUTE SUPPORT
KABUL, AFGHANISTAN
APO AE 09356**



May 16, 2019

The Honorable Jeanne Shaheen
United States Senate
506 Hart Senate Office Building
Washington, DC 20510

Dear Senator Shaheen,

I would like to express my strong support for the Afghan Special Immigrant Visa (SIV) program. It is my very firm belief this program is critical to success in Afghanistan and for the long-term interests of our Nation. If the program is not fully resourced, our credibility and the sacrifices made by thousands of Afghans in support of Americans and our Coalition partners could be undermined.

During my four years in Afghanistan, I have personally seen many Afghans put themselves and their families at risk to assist our forces in pursuit of stability for their Nation and the continued safety of ours. Several of them have returned to Afghanistan as United States citizens and continue to contribute to this day. The stories of these brave men and women are truly inspiring. In many cases, they served as translators accompanying our troops into combat at great personal risk; many were injured and some were killed.

All of these Afghans placed themselves at great personal risk. They endured threats to themselves and their families to help secure our homeland. I believe they have earned the opportunity to pursue the American dream. Allowing them to do so is a testament to our national values and loyalty to those who risked their lives on our behalf.

Thank you for your support to the Afghan SIV program and for your continued support to American service members in Afghanistan. We are at a critical juncture in this conflict. On behalf of all of our service members, we are deeply grateful for your support.

Very Respectfully,

Austin S. Miller
General, U.S. Army
Commander, Resolute Support Mission &
United States Forces – Afghanistan

Robert M. Gates

I am writing to express my profound appreciation for No One Left Behind's work helping America's allies in Afghanistan and Iraq. I am proud of the post-9/11 veterans and volunteers who realized the deficiency in the U.S. government's approach to helping combat translators and set about fixing the problem.

Without the help of these interpreters and other support personnel, our mission in Iraq and Afghanistan would be nearly impossible. These allies have saved hundreds of American lives while putting their own at risk. Hundreds of them have been targeted and killed because of their affiliation with the United States in an effort to intimidate others from siding with us.

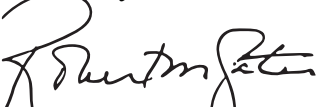
Afghan and Iraqi translators are fully screened by the Department of Defense before they work with our men and women in theaters of conflict. Should their service to our troops put their lives in peril, they are offered the opportunity to apply for a Special Immigrant Visa (SIV). SIV applicants spend years being screened by the Intelligence Community and the Department of Homeland Security prior to receiving their visas.

Those who make it through the screening process arrive in America with just the clothes on their backs. They are faced with the daunting task of starting their lives over from scratch in the United States.

These brave men and women require similar care that US veterans need, but they do not have access to any benefits from the Veterans Administration. That's where No One Left Behind steps in. No One Left Behind advocates on behalf of SIVs to policy makers, the media, and business leaders. They identify macro-level programs to help SIVs achieve the American Dream. English classes, job opportunities, furniture and household item donations, car grants, and transcript accreditation are just some of the programs that No One Left Behind has developed for over 12,000 combat translators and their family members throughout the United States. Due to our continuing mission in Iraq and Afghanistan, we expect more to arrive in the future.

We pray that the US will not become entangled in future conflicts in the region, but if we do, the importance of indigenous support will be critical. America must show a commitment to these loyal allies to show others that supporting US interests will be honored. I'm proud to stand with the men and women of No One Left Behind in their mission to keep our promise to our wartime allies.

Sincerely,



Former United States Secretary of Defense



16 June 2019

Statement on *No One Left Behind* by General David Petraeus (US Army, Ret.)

No One Left Behind helps our country fulfill a moral obligation to Afghan and Iraqi translators who faithfully served alongside our military in the wars in Afghanistan and Iraq. These individuals provided enormous assistance to our forces as they carried out their duties alongside our Soldiers, Sailors, Airmen, and Marines. But, because of the assistance they provided to U.S. forces, many of them and their families are now targeted by the Taliban, the Islamic State, and other extremist and insurgent groups.

No One Left Behind (NOLB) was formed in 2013 to help these battlefield comrades and their families navigate the SIV process, and to then welcome them to the United States by helping them resettle in major cities across the country. NOLB provides for furniture, transportation, employment guidance, English education, help with medical care, emergency financial assistance, and supportive communities of U.S. Veterans and volunteers united in helping our allies become self-sufficient and embark on a path to achieve the American Dream.

SIVs occupy a unique space, being both refugees from and, in a sense, “veterans” of the wars in Afghanistan and Iraq. They often experience many of the same challenges that U.S. Veterans encounter; however, they cannot go the Department of Veterans Affairs for assistance. NOLB helps fill this gap.

Both President George W. Bush and President Barack Obama have recognized No One Left Behind’s efforts. And because of NOLB’s proven track record, the U.S. State Department formally requested NOLB’s help in establishing resettlement operations in an area of the country that had no support structure for SIVs.

NOLB has also helped to inform policy makers and the media on the needs of those seeking and using SIVs. Bipartisan efforts on Capitol Hill have resulted in several pieces of legislation that have appropriated funds for over 20,000 visas since 2013. NOLB will continue to be both a voice and part of the support system for those using SIVs here and abroad, but NOLB’s volunteers need additional help.

It is a privilege for me to stand with No One Left Behind - and to encourage others to do likewise as we seek to discharge a moral obligation to the Afghan and Iraqi heroes to whom we and those who have worn our country’s uniform in Afghanistan and Iraq owe so much.

Sincerely,

David H. Petraeus
General, United States Army (Retired)
Member, No One Left Behind Advisory Board

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INTRODUCTION



Interpreters have helped shape the United States since its beginning. During our Thanksgiving holiday, we remember Squanto, who bridged the language barrier between the Pilgrims and the Pokanoket Indians 400 years ago.

In 1776, German-speaking members of the Continental Army's 8th Maryland Regiment crossed the Delaware with General George Washington and helped defeat 1,500 Hessians at the Battle of Trenton, turning the tide of the Revolutionary War.

In the 19th century, an English-speaking member of the Lemhi Shoshone Tribe named Sacagawea guided Captains Meriwether Lewis and William Clark as they explored the Louisiana Territory. Local interpreters have been integral to every major military campaign over the past two centuries.

Today, interpreters are considered a critical capability within the United States' Special Operations, Diplomatic, and Intelligence communities. The United States has always — and will always — need local nationals to help protect our national security interests. ***Interpreters are a national security issue, not solely an immigration issue.***

Since 2007, approximately 80,000 Afghan and Iraqi interpreters (and family members) have resettled in the United States.¹ However, ***tens of thousands of interpreters in Afghanistan and Iraq remain in administrative limbo.*** By comparison, the United States resettled more than 140,000 refugees from the wars in Vietnam, Laos and Cambodia over 8 months in 1975.² What changed? Improvements in technology over the past 45 years should have had the opposite effect.

The FY20 National Defense Authorization Act signed into law on December 20, 2019³ requires the Department of State to identify solutions to address the delays in the Special Immigrant Visa (SIV) program. The U.S. District Court for the District of

Columbia decision in *Afghan and Iraqi Allies v. Michael R. Pompeo* (September 20, 2019)⁴ will also require the Department of State to issue a similar report once the class certification issued is settled. The Department of State Office of Inspector General previously assessed the Iraq SIV Program in 2008.⁵ Many of the obstacles identified 12 years ago — resourcing, defining who is an interpreter, etc.— remain issues today. There are two broad issues that plague the SIV Program: the length of time it takes to get through the process and the annual uncertainty on visa numbers. Our recommendations address each.

Beginning first with the current application process, it takes approximately 2-to-5 years per applicant to receive a Special Immigrant Visa, which is daunting for applicants facing constant danger. One Special Operations veteran noted the effect this has on U.S. force posture. Right now, if an interpreter wishes to enlist in the U.S. military to keep fighting against our enemies it will take 5 to 8 years for him or her to receive a Special Immigrant Visa (SIV), receive U.S. citizenship, enlist, train, then return to the battlefield. Given the dynamic nature of 21st century conflicts, the current process places the U.S. at a significant disadvantage.

¹ Pew Research. "Afghans who worked for U.S. government make up growing share of special immigrant visa recipients." December 11, 2017 <http://www.pewresearch.org/fact-tank/2017/12/11/afghans-who-worked-for-u-s-government-make-up-growing-share-of-special-immigrant-visa-recipients/>

² GAO. "Evacuation And Temporary Care Afforded Indochinese Refugees-Operation New Life Report to Congress." June 3, 1976 <https://www.gao.gov/assets/120/115626.pdf>

³ FY20 NDAA. "Representative Blumenauer SIV Reporting Amendment." <https://nooneleft.org/wp-content/uploads/2019/10/Representative-Blumenauer-SIV-Reporting-Amendment-in-FY20-NDAA.pdf>

⁴ U.S. District Court of the District of Columbia. *Afghan and Iraqi Allies v. Michael R. Pompeo*. September 20, 2019 <https://nooneleft.org/wp-content/uploads/2019/10/Afghan-Allies-v-Pompeo-Opinion-September-20-2019.pdf>

⁵ Department of State Office of Inspector General. Status of Iraqi Special Immigrant Visa Program Report Number MERO-IQO-08-01. <https://www.stateoig.gov/system/files/109298.pdf>



To summarize what HBO comedian John Oliver wryly observed in 2014: *It takes 14 steps to get a Special Immigrant Visa, but it only takes 12 steps to get off heroin.*⁶

These administrative delays have a human cost. No formal study has quantified the number of interpreters who were targeted and killed because of their service to the United States. Based on anecdotal evidence from Afghanistan and Iraq, that number is informally estimated in high hundreds if not thousands.



Turning next to annual effort to secure enough visas, No One Left Behind has identified over 120 members of the U.S. House of Representatives who have stated their support for SIV applicants, have a significant population of SIV recipients in their districts, or have served in Operations Enduring and/or Iraqi Freedom. Senator Lindsey Graham, Representative Brad Wenstrup, Representative Jason Crow, Representative Tulsi Gabbard, Representative Mike Waltz, and Representative Steve Stivers personally worked with interpreters while they were in uniform or sponsored them through the SIV process. In 2018, No One Left Behind met with 70 Senate offices about keeping the nation's promise to SIV applicants. Not a single office voiced any objection to the SIV program.



No One Left Behind was pleased to see the White House include a \$52M increase to the Afghan SIV program in the FY20 President's Budget, exempt SIV applicants

⁶ Last Week Tonight with John Oliver (HBO). "Translators." October 19, 2014 <https://www.youtube.com/watch?v=QplQL5eAxIY&feature=youtu.be>

from the restriction on immigrants who cannot show proof of health insurance, request 4,000 visas for Iraqi translators within the FY20 refugee admissions ceiling, and acknowledge Afghan translators' bravery at two Medals of Honor ceremonies. All source documents, endorsements, and remarks are captured at <https://nooneleft.org/advocacy>.

Additionally, the former Chairmen of the 9/11 Commission offered this statement of support for the SIV program:

"As former chairman and vice chairman of the 9/11 Commission, we encourage the Congress to do everything in its power to keep the nation's promise to Afghan and Iraqi combat translators and to ensure these intrepid partners can achieve the American Dream. Special Immigrant Visas recipients from Afghanistan and Iraq loyally protected our men and women in uniform. Many directly saved American lives. Their future success will help to prevent the continued growth of Islamist terrorism - the third goal identified by the 9/11 Commission. **A great nation keeps its promises.**"

- Former Governor Thomas H. Kean and former Representative Lee H. Hamilton now serve as the chairs of the congressionally mandated Task Force on Extremism in Fragile States, hosted by the United States Institute of Peace.



With so much bipartisan support in the Legislative, Executive, and Judicial branches, visa uncertainty should never be an issue.

Since its founding in 2013, No One Left Behind has received over 1,600 requests for case support from SIV applicants who are currently in Afghanistan, Iraq, or displaced one of 30 other countries. We received this input through our Google Documents portal (Appendix I). While No One Left Behind lacks the ability to vet each inquiry for security concerns, the compilation of requests offers an unfiltered perspective of what each applicant must endure. Here are some examples of threats reported:

This note was written and addressed to me, stating that they will kill me. "Death to Waad Mohammed Saeed Akrwy, Apostate, traitor, we will kill you, you pig of America and Israel."

Once In April 2008 the insurgence (Tahreek Taliban) dropped a threat letter written by hand with an AK47 bullet inside an envelop, and threatened us with very abused words that we should leave our job and pay them a big amount of money as punishment otherwise they can find us and our family to behead us. You can't imagine what's gone on our family. We lift our house with every thing in it and just tried to find a secure place for us. That is why I and my family are not feeling safe here anymore and trying to find asylum for us through SIV program.

I am known as a U.S.A spy and have been moving my home from one place to another because of the threat that I am facing and put my life and my family at risk and worked faithfully for the U.S.A mission in Afghanistan.

they have warned me to leave my job and tried to kidnapped my Daughter and they have burned the girl school in my area where my daughter use to go I am so worried about this

I GOT CALLS FROM MILITIAS THREATENING THAT THEY WILL KILL ME AND MY CHILDREN

As a result of my job with Americans and supporting the U.S. mission in Afghanistan, I lost my mother when Taliban fired on my car and bullet hit my mom. In addition, we also lost our unborn child due to the incident at the time my wife was pregnant who was also in the car.

They stabbed my father and told him since we cant find your son and he is always with Americans this is our message to your son, and they left a letter with my father, luckily my father survived. The letter was saying we could kill your father but we didn't because you are our target and this was just a message for you; if you don't stop working for Americans, first if we find you we will kill you if not then we will start killing your family members until we get you.

the role of linguist in Afghanistan required me to take on the threats of violence from both the insurgents that targeted the Coalition Forces as well as individuals seeking monetary gain. As a linguist, I gladly perform the same task and accept the same threats that American soldiers face as they serve in Afghanistan in hopes to secure a peaceful future for the people of Afghanistan.⁷

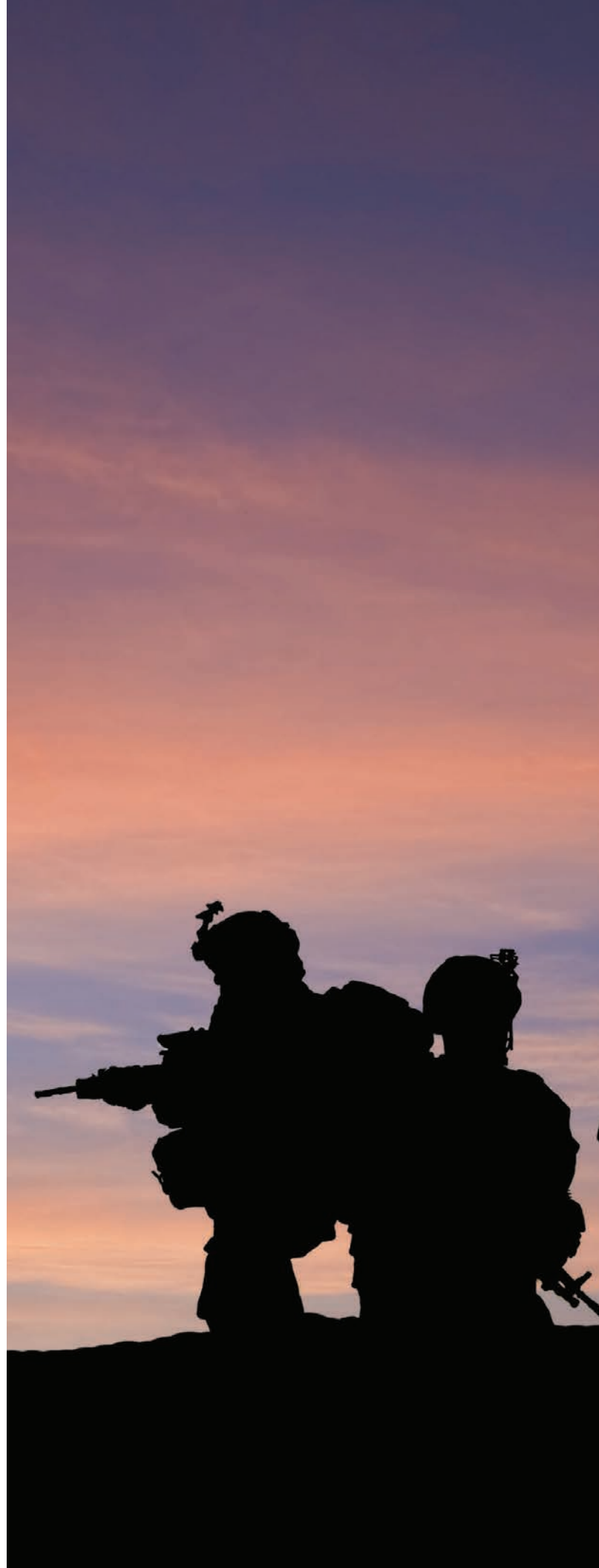
⁷No One Left Behind. Appendix I. 1600 NOLB Immigration Assessment Responses. Attached.

It is important to note that the United States is not alone in the struggle to keep promises made to its allies. The UK, Canada, and Australia have all seen former service members aggressively lobby their governments to improve the refugee process for their wartime allies. The Netherlands recently changed the immigration status of Afghan interpreters from an “at risk group” to a “systematically persecuted group,” resulting in a lower security threshold on each applicant by proving imminent danger due to the interpreters’ service.⁸ The Daily Mail’s Betrayal of the Brave campaign forced the Ministry of Defense to address the lack of Afghan interpreters arriving in Britain.⁹ Taken together, hundreds of U.S., UK, Canadian, Australian, and Dutch service members have independently held their governments accountable for the promises made to interpreters.

⁸ DutchNews.nl. “Afghan army interpreters to get easier refugee status.” December 18, 2019 <https://www.dutchnews.nl/news/2019/12/afghan-army-interpreters-to-get-easier-refugee-status/>

⁹ DailyMail. Betrayal of the Brave campaign. 8 April 2019 <https://www.dailymail.co.uk/news/article-6900649/Afghan-translators-served-battlefield-threatened-branded-infidels-ISIS.html>

**THIS IS THE
EMBODIMENT
OF THE
WARRIOR
ETHOS.**



RECOMMENDATIONS

Based on these data points and personal experiences working with SIV applicants to navigate the U.S. SIV process, No One Left Behind offers the following recommendations to the Department of State Office of Inspector General for consideration.



FY20 NDAA TOPIC 1:

HIRING OF LOCALLY EMPLOYED STAFF AND CONTRACTORS

NOLB Observation:

The July 2008 Department of State Office of Inspector General Report on the Status of Iraqi Special Immigrant Visa Programs (Report Number MERO-IQO-08-01) highlighted the lack of a Department of Defense definition explicitly stating the duties of an interpreter, which the Department of State can assess applications against. It further stated that “the intent of the [SIV] legislation was to provide protection to interpreters/translators and their immediate families who live in danger because of their support of the U.S. missions in Iraq and Afghanistan. [Congress] also stated they purposefully left it to the executive branch to define the meaning of “translator” and “interpreter.” The test of qualification and reasonableness was then left to the Chief of Mission and the U.S. military.”¹⁰

As of 2019, no published Department of Defense definition exists.

NOLB Recommendation 1:

No One Left Behind offers the following definition for inclusion in the Joint Chiefs of Staff 2020 DOD Dictionary of Military and Associated Terms¹¹:

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)

¹⁰ Department of State Office of Inspector General. Status of Iraqi Special Immigrant Visa Program Report Number MERO-IQO-08-01. p. 20

¹¹ Joint Chiefs of Staff. DoD Dictionary of Military and Associated Terms. <https://www.jcs.mil/Portals/36/Documents/Doctrine/pubs/dictionary.pdf>

FY20 NDAA TOPIC 2:

ESTABLISHING A CENTRAL DATABASE OF EMPLOYEES OF USG AND CONTRACTORS

NOLB Observation:

This has been a goal since August 2004 when the Bush administration issued Homeland Security Presidential Directive (HSPD)-12, which called for a common identification standard for federal employees and contractors, including "... establishing a mandatory, Government-wide standard for secure and reliable forms of identification issued by the Federal Government to its employees and contractors."¹²

A centralized system has not been implemented across departments and agencies. ***There is no database that tracks foreign national employment across the USG.*** This is a clear counterintelligence issue that will be — at least partially — addressed with a centralized system/database. A centralized system will improve current national security practices, or lack thereof, with regards to this issue.

Department of Defense and contractor employees' identification and biometric data are stored in facility access databases such as the Defense Biometric Identification System (DBIDS) (Air Force and some Army facilities), Navy Commercial Access Control System (NCACS) (Navy and Marine Corps facilities), and the Federal Identity Credential Access Management (FICAM) system (some Army facilities). These interface with the DoD's central personnel information management system, the Defense Manpower Data Center (DMDC). Additional biometric data is captured in the Automated Biometric Information System (ABIS) which is fed by the Biometric Automated Toolset (BATS) and the Handheld Interagency Identity Detection System (HIIDES) by the Army.

NOLB Recommendation 1:

An executive agent (e.g. Office of Personnel Management, Department of Homeland Security, Department of Defense, or the Department of State) should be authorized and appropriated to establish a central database or expand an existing one (e.g. DMDC and DBIDS) across departments. The Department of Defense's Joint Enterprise Defense Infrastructure (JEDI) initiative offers an

¹² Homeland Security Presidential Directive 12: Policy for a Common Identification Standard for Federal Employees and Contractors. August 27, 2004 <https://www.dhs.gov/homeland-security-presidential-directive-12>

FY20 NDAA TOPIC 2:

opportunity to consolidate all necessary data in a data lake. The Department of Defense Chief Information Officer (CIO) should enter into a memorandum of understanding with the Department of State CIO using SIV applicants' Personally Identifiable Information (PII) as a case study in interagency cooperation. This should rapidly streamline the process given that the Department of Defense has the personnel and capabilities to screen applicants in theater.

SIV applications could be processed with much greater speed and robustness if a centralized database existed, was populated with critical information needed to process an SIV application, the data integrity was regularly updated and accurate in near real-time, and all interagency coordination had access to it. If building a centralized database is cost prohibitive, then a minimum viable solution would be to stand up a joint cell with cross domain access to each system in order to provide the Department of State with the information it requires.

NOLB Recommendation 2:

Employment data should be expanded to include scope of duties, an expanded list of sponsors, and all sponsor information needed to complete a SIV application, including viable long-term contact information (i.e. not a deployed email address and telephone number that becomes obsolete upon return to home station). These requirements should be defined in the respective contracting Statements of Work to ensure compliance by each USG contractor. telephone number that becomes obsolete upon return to home station). These requirements should be defined in the respective contracting Statements of Work to ensure compliance by each USG contractor.

NOLB Recommendation 3:

Requirements for field offices to provide real-time updates to employment status for military direct hires and contractor / subcontractor hires must be rigorously enforced to ensure data integrity.

FY20 NDAA TOPIC 3:

PROTECTION AND SAFETY OF LOCALLY EMPLOYED STAFF AND CONTRACTORS

NOLB Observation:

Locally employed staff and contractors are easily identified as U.S. supporters by virtue of their commute to and presence at U.S. facilities, yet are typically forced to live in the local economy where they are known and easily targeted.

NOLB Recommendation 1:

Residential compounds that host local national employees and their families can be built adjacent to U.S. facilities in conflict zones. Even as separate compounds without direct or open access to U.S. facilities, the security halo provided by the U.S. government around its facilities would dramatically limit local national employees' exposure to hostile action and make it more difficult and riskier for adversaries to attack them. In the event a facility closes, safe housing for interpreters and their families at another facility should be considered a priority.

FY20 NDAA TOPIC 4:

MEANS OF EXPEDITING PROCESSING AT ALL STAGES

NOLB Observation:

The records check and interagency verification and validation process of the current SIV process is time and resource intensive, inefficient, and so diffuse as to minimize accountability. Rather than use Department of Defense personnel and previous base access screenings, the Department of State often uses limited resources to complete redundant work. NOLB recognizes the Department of State's assertion in the 2008 OIG report that there is a high rate of fraud and abuse. Streamlining the security process will mitigate that risk.

The 2008 OIG report asserted:

According to current and former consular officers who were actively engaged in the effort to resettle Vietnamese citizens who worked on behalf of the U.S. Government during the Vietnam conflict, the Kennedy SIV program is at high risk for fraud and abuse. These officials believe the difficult security and economic environment in Iraq, coupled with the enlarged applicant pool and enhanced benefits, will attract numerous individuals who will try to dishonestly insert themselves into the SIV queue. These conditions will require continued due diligence on the part of U.S.CIS, consular management, and line officers and sufficient resources to monitor and manage the program.¹³

NOLB Recommendation 1:

Creation or modification of a centralized database with required data fields for all SIV-relevant information would make application for and management of SIV applications faster, easier, cost-efficient, and better suited to inputs and responsibilities of multiple departments and agencies. With all relevant information readily available to those who need it, SIV applications would far less frequently be adjudicated incomplete or in need of additional information that would delay processing.

¹³ Department of State Office of Inspector General. Status of Iraqi Special Immigrant Visa Program Report Number MERO-IQO-08-01. p. 16

FY20 NDAA TOPIC 4:

NOLB Recommendation 2:

The Department of State should prioritize SIV applicants who have a specific (non *pro forma*) General Officer, Chief of Mission, or U.S.G equivalent Letter of Recommendation or Certificate of Appreciation that clearly describes the “faithful and valuable service” provided to the USG. In one example, a SIV applicant passed 6 counterintelligence (CI) base access polygraphs and submitted a certificate of appreciation from U.S. Ambassador James Cunningham stating his specific faithful and valuable service. It still took 3 years for him to receive a Chief of Mission approval letter.

NOLB Recommendation 3:

Co-locate staff from all relevant department and agency stakeholders in the SIV program to ensure control and accountability over specific SIV applications. Under the leadership and management of a dedicated interagency task force (led by the Department of State), applications could be expedited and processed with savings in time and labor resulting in lower overall cost to the taxpayer.

NOLB Recommendation 4:

Work with regional partners like Bahrain or Qatar to house SIV applicants and families in secure locations. This will allow the Department of State to conduct vetting in a centralized, safe, and controlled location. There is precedence for this. After the Gulf War, the U.S. evacuated nearly 7,000 Kurds to Guam through Operation Pacific Haven.¹⁴ The Associated Press quoted administration officials:

State Department spokesman Nicholas Burns said the United States felt an obligation to the refugees, since Iraqi President Saddam Hussein might “inflict punishment” because of their work for U.S. aid agencies.

Francis Ricciardone, the U.S. Embassy’s chief of mission in Turkey, told reporters in Diyarbakir that the Iraqi Kurds would stay on Guam, a U.S. possession in the western Pacific, for two or three months before going to the United States.

The evacuations follow the turmoil in northern Iraq, where a Kurdish group made an alliance with Saddam and took control of the area after routing a rival group. The U.S staged missile strikes to retaliate against Saddam’s incursion.

¹⁴ Special Operations Command Office of the Command Historian. “Operation PACIFIC HAVEN.” 2008 https://www.soc.mil/ARSOFF_History/articles/v4n3_op_pacific_haven_page_1.html

FY20 NDAA TOPIC 4:

Most of the refugees want sanctuary in the United States, and the vast majority are expected to be resettled there, Burns said. He said the U.S. government will try to find American sponsors for each family.¹⁵

NOLB Recommendation 5:

SIV program information must be projected by the Department of State and supporting agencies in the simplest of terms, in native language(s). Translated SIV program information and processes will further reduce inherent bureaucratic obstacles for all parties involved.

NOLB Recommendation 6:

NOLB concurs with the 2008 OIG report Recommendation which stated: “The Bureau of Consular Affairs, in coordination with the Departments of Defense and Homeland Security, should develop and disseminate a clear definition of what constitutes “experienced or is experiencing an ongoing serious threat” as a result of applicant’s employment with the U.S. Government. (Action: Consular Affairs).”¹⁶ At the end of this report, we have included examples of Taliban night letters threatening death for working with the U.S. The letters by themselves should not be used solely to constitute a “serious threat,” but they should be incorporated with in the overall assessment of danger.

¹⁵ Associated Press. “792 Kurds, Fearing Reprisals, Depart For Guam.” September 16, 1996. <https://apnews.com/8ca636fe5393af93d3dd2d24fe910907>

¹⁶ Department of State Office of Inspector General. Status of Iraqi Special Immigrant Visa Program Report Number MERO-IQO-08-01. p. 15

FY20 NDAA TOPIC 5:

APPROPRIATE STAFF LEVELS FOR EXPEDITED PROCESSING DOMESTICALLY AND ABROAD

NOLB Observation:

With the exception of the Department of State, other departments and agencies with responsibilities in the SIV process are understaffed and under-resourced to perform those duties for an increasing volume of SIV applications. Additionally, the Department of State has not consolidated responsibility and accountability for the SIV program internally.

NOLB Recommendation 1:

Create a Deputy Assistant Secretary-level officer at the Department of State responsible for the program and who can be held accountable for program failures. Empower and resource this position for success within the Department of State bureaucracy. Implement reporting requirements and metrics for SIV processing performance that can be used by the Congress for oversight and accountability. This position will enable the Department of State and Department of Defense CIOs to work together. Establishing this position will require the NSC to take hold of the issue and to empower the incumbent on the critical issues of manpower and resources.

NOLB Recommendation 2:

Provide additional funding and manpower — matched with performance requirements to ensure accountability — to agencies tasked with SIV-related responsibilities. Such manpower could include action officers and/or liaison officers collated at an SIV-specific interagency task force.

NOLB Recommendation 3:

The 2008 OIG report notes “the consular section in Amman, Jordan vetted as many as 20 cases per officer per day when the typical immigrant visa caseload there called for eight to ten cases per officer per day.”¹⁷ Rather than rely only on local consular sections, Department of State should consider following the Department of Veteran Affairs model in dealing with its claims backlog from

¹⁷ Department of State Office of Inspector General. Status of Iraqi Special Immigrant Visa Program Report Number MERO-IQO-08-01. p. 34

FY20 NDAA TOPIC 5:

2013-2015. The VA created a workflow across its 56 regional offices so that any office could handle any claim regardless of geography. This would work for the Department of State if the administrative processing of visas is outsourced to other consular sections so that the Afghan or Iraq consular section would only be responsible for applicant interviews.



FY20 NDAA TOPIC 6:

EFFECT OF UNCERTAIN VISA ABILITY ON VISA PROCESSING

NOLB Observation:

Appropriating visas has been an annual political battle for the last 10 years. This is odd due to overwhelming bipartisan support from all branches of the federal government. Senator John McCain's passing resulted in visas not being included in the FY19 NDAA. Recently, Sen. Warner proposed creating a 250-visa program for Syrian allies. This would be the third SIV program Congress has created in 12 years. *This ad hoc approach is not cost effective or efficient.*

NOLB Recommendation 1:

Consider a comprehensive SIV program for U.S. government activities that carry potentially high risk worldwide. Cap the annual limit to no more than 4,000 visas. Please note that the number of visas relates only to primary applicants, and that **by law, SIVs are not counted in the overall refugee admissions ceiling.**¹⁸ 4,000 visas would equate to 4,000 interpreters and approximately 12,000 family members (spouse and two children) for a total of 16,000 refugees admitted annually through this program.

NOLB Recommendation 2:

OMB should re-evaluate the cost of the SIV program. GAO found in 2018 that SIV recipients actually do not accept as much welfare as expected.¹⁹ Most SIV recipients have post-secondary education and strive to find full time employment immediately. The amount of support provided by private charities (Department of State funded Voluntary Agencies like Catholic Charities, Lutheran Charities, etc. and non-funded entities like No One Left Behind) to assist SIV recipients additionally offsets the initial OMB calculation. A re-evaluation of the SIV program should show that the program is less expensive than estimated, which means less of an offset is needed in the appropriation process to pay for additional visas. This will help identify permanent funding requirements.

¹⁸ Afghan Allies Protection Act of 2009.

(B) Exclusion from numerical limitations.--Aliens provided special immigrant status under this subsection shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

<https://www.congress.gov/bill/111th-congress/house-bill/1105/text>

¹⁹ GAO. AFGHAN AND IRAQI SPECIAL IMMIGRANTS: More Information on Their Resettlement Outcomes Would Be Beneficial. March 2018. <https://www.gao.gov/products/GAO-18-107>

FY20 NDAA TOPIC 7:

COST AND AVAILABILITY OF MEDICAL EXAMINATIONS

NOLB Observation:

A number of requests received from SIV applicants (Appendix I) note the prohibitive cost of paying for their medical examinations, which they must re-pay for if the visa administrative processing time stretches past the examination's expiration date.

NOLB Recommendation 1:

The Department of State should waive medical examination costs and instead rely on Department of Defense medical examinations at the site(s) of employment with USG. *This is an efficient, cost effective, and turn-key solution.*

NOLB Recommendation 2:

Those Department of Defense medical examinations can then be shared with the Department of State via the CIO memorandum of understanding mentioned in Recommendation provided under FY20 NDAA Topic 2.

FY20 NDAA TOPIC 8:

HOW TO REDUCE DELAYS IN INTERAGENCY PROCESSING AND SECURITY CHECKS

NOLB Observation:

The records check and interagency verification and validation process of the current SIV process is time and resource intensive, inefficient, and so diffuse that it minimizes accountability.

NOLB Recommendation 1:

Creation or modification of a centralized database with required data fields for all SIV-relevant information would make application for and management of SIVs faster, easier, cost-efficient, and better suited to inputs and responsibilities of multiple departments and agencies. With all relevant information readily available to those who need it, SIV applications would far less frequently be adjudicated incomplete or in need of additional information that would delay processing.

NOLB Recommendation 2:

Collocate staff from all relevant department and agency stakeholders in the SIV program to ensure control and accountability over specific SIV applications. Under the leadership and management of a dedicated interagency task force (led by the Department of State), applications could be expedited and processed with savings in time and labor resulting in lower overall cost to the taxpayer.

NOLB Recommendation 3:

Provide formal training to U.S.G personnel about how to help their interpreters through the process. This will foster even more trust between SOLIC operators and the local nationals they must rely on. Below is a SOP developed by a recently re-deployed U.S. Marine Special Operations Command Gunnery Sergeant who was able to help his Iraqi interpreter receive a SIV in just over one year.

FY20 NDAA TOPIC 8:

“Easy and fast steps to apply and get an approved SIV”

These are documents that you need to have before applying:

1. Letter of Recommendation from a U.S. General Officer or Chief of Mission (Ambassador)
2. Employee verification letter from the company that you worked for or had a contract with
3. CI (Counterintelligence) evidence. CI evidence is basically a Letter of Recommendation from your company indicating that you have had a successful background check with no derogatory marks. (Note: This step can be very tricky.) Your company cannot provide you proof of CI screening, nor the CI department. ***This is where you get smart.*** If you don't pass a CI screening, you will not be able to work as an interpreter, but the company won't tell you that you've pass or failed. They will just tell you that you're good to start working which means you've successfully passed the CI screening. You have to talk to your POC at the unit that you work for. Your POC will email your company site lead and ask: “Has (name of interpreter) passed the last CI screening they did?”

Your company response will be:

“Yes, they successfully have passed the CI screening that was conducted on ___ (date).”

Once your POC gets that answer, he or she can write you a letter

The subject Line of the letter will be: “Proof of CI Screening in case of (Full Name).”

The content of the letter will be:

Paragraph 1. (Name of interpreter) has successfully passed CI screening on ___(date).

Paragraph 2. Point of contact information

4. Gather each letter completed and visit the U.S.CIS website at <https://www.uscis.gov/>. Use the search bar and type in “Form I-360.” Download and fill out Form I-360.

FY20 NDAA TOPIC 8:

5. REMEMBER! You need to have a U.S. Citizen sponsor (preferably a military member) to sponsor you. You will need his or her full name, home address, and last 4 digits of the sponsor's social security number. To complete Form I-360, you and your sponsor will NEED to fill out completely. Depending on the page, you either fill in you or your sponsor's information.

Page 1

Page 2

Page 3

Page 4

Page 14

Page 15

Page 16

Page 17

Page 18

Page 19: Remember, page 19 is where you explain which letter represents what in your package.

6. Include a photocopy of your passport, go to the nearest DHL office, and send your package to this address:

USCIS

Nebraska Service Center

P.O. Box 87485

Lincoln, NE 68501-7485

7. Be patient and follow up with any requests for information IMMEDIATELY.

CONCLUSION

No One Left Behind recognizes that the SIV vetting process must be thorough. The recommendations above are meant to add greater security scrutiny through a comprehensive interagency approach, while at the same time, providing greater transparency to applicants and stakeholders. 2-5 years is egregious timeline for allies who are currently receiving death threats. Ideally, the process should be refined so that a decision is made on an applicant within 6 months. Any longer risks the applicant losing contact with his or her U.S.G sponsor, which begins a cycle of waiting and confusion, which further aggregates bottlenecks in the application pipeline.

No One Left Behind is dedicated to helping the Department of State fulfill this mission to the best of its ability. As General David Petraeus has said many times, America has a moral obligation to its allies. We stand Shona ba Shona, Kataf Lakataf, Shoulder-to-Shoulder with the Department of State, the Department of Defense, and the United States Congress in keeping that promise.



**EXAMPLES
OF TALIBAN
DEATH
THREAT
LETTERS**

The Islamic Emirate of Afghanistan
Taliban's Military Unit in Kunar Province

For the last time, we are warning you, Asadullah son of Amir Gul, to take your son away from Americans, we have warned you several times in the past as well, but you have never taken our warnings and our words seriously. Your son works for Americans and spies for them, and either sends innocent Muslim Taliban to jails or martyr them out. Your son is not Muslim. He is hangover with dollars and enjoys it. He is helping Americans and their Afghan puppets to martyr pure Muslims and Mujahid Taliban. Your son is responsible for all of these, as well as for spying on Taliban and providing intelligence to infidels. For this reasons, chopping off your son's head by Taliban is admissible in Islam. For the last time; beheading of your whole family is allowed (admissible) for us.

The Signature of the Head of the Military Unit

I (Shugofa Dastgeer) certify that I am fluent in the English, Persian, and Pashtu languages, and that the above document is a complete and accurate translation of the Pashtu document attached to it.

Please feel free to contact me if you have any questions

Sincerely

Shugofa 01/25/2016

Shugofa Dastgeer PHD Student and Teaching Assistant at the University of Oklahoma

395 W. Lindsey Norman, OK 73019-4201

Email: Marwaahamdi@yahoo.com

Phone: (405) 503 3628



I certify this is presented
As an exact copy of the
Presented original.
Ramona Taylor
Notary Public
Jan. 25, 2016



جمهوری اسلامی افغانستان
وزارت عدلیه

د افغانستان اسلامي امارت

د کونړ ولايت د طالبانو نظامي محاذ

افغان او ولسي غړي ته د اسلامي امارت د کونړ ولايت د جري خيبر زوی د امریکا مالو مخي وخت باسي، خو خدايي هم ته خرد کړي کوي دي. ولي تاجک زبون خبرو او اړخه ته موجود نه ده. تا دواړو امریکا مالو د پاره کار او جاسوسي کوي او پات

حسبان طالبان يا ذماني ته په امریکا مالو رسوي او پاتې په سپارت رسوي.

د تا دوی حسبان نه دي و د الله و عدت او خودتري اخلي او پات مسلمان حجاب طالبان په امریکا مالو او د افغان په لور و ليا لوبه سپارت رسوي د دوی لول شورا د تا دواړو په غايره دي د طالبانو په خدا جاسوسي او معلوما ور لول لفرسته د دهغه د پاره په اسلامي دهغه سردتن مخي د لول، د طالبانو د پاره روا دي د افغان بار د پاره د تا نه لول خا لول زبون د پاره روا دي.



د نظامي

In the name of Allah
The Islamic Emirate of Afghanistan
The Jihadi Unit of the Southern Zone

Although you (Pardis son of Asadullah and your puppet family) have been warned several times by Mujahid and Muslim brothers to stop serving the Jews and the infidel crusaders who want to occupy our country and destroy our religion, but you have not taken our warnings seriously. You all Translators are the like walking stick for Americans (you are like their ears and their tongues) and you sin is even a lot greater sinners than them. Soon, you will be punished for what you have been doing. You and your dirty and sinful family have close connections with these infidel crusaders and taking your lives is the duty of every single Muslim. Our Mujahed and self-sacrificing brothers will do their best to severely punish you for all what you have done. We are after you and your family, and soon, you all will be punished for your wrong doings.

We are aware of all your activities and the Islamic laws and justice of the Islamic Emirate will be implemented on all of you very soon.

From the Jihadi Unit of the Southern Zone

I (Shugofa Dastgeer) certify that I am fluent in the English, Persian, and Pashtu languages, and that the above document is a complete and accurate translation of the Pashtu document attached to it.

Please feel free to contact me if you have any questions

Sincerely

Shugofa 01/25/2016

Shugofa Dastgeer PHD Student and Teaching Assistant at the University of Oklahoma

395 W. Lindsey Norman, OK 73019-4201

Email: Marwaahamdi@yahoo.com

Phone: (405) 503 3628



I certify this is presented
as an exact copy of
the presented original
Ramona Taylor
Notary Public
Jan 25, 2016



که څه هم د مجاهدو او مسلمانو د وینو لخوا تاسو (پر دین و له پلار او ستاسو زور د وری کورنۍ)
 ته خوځې خبره در کړل شوې ده چې هغو بهو دینانو اوبې دینه صلېبانو له لور کړه څه
 چې غواړي زموږ هغوی د شغال کړي او زموږ دین نابود کړي لاس په سر شئ
 خو تاسو تر اوسه دې ټپې ته قوجه ونه کړه ، تاسو تر جهانان د امریکایانو لاس او
 لکښه یا ستی اوله دوی څه ستاسو ته خوځې زیاته ده ، تر دده چې تاسو به د خپلو
 احمالو په سزا ور سېږئ . ته اوس تاوله لوستا څاره کورنۍ له همدې صلېبانو سره
 شردې اړیکې لري او تاسو ورنه به هر مسلمان فرض دی . زموږ مجاهدین
 او فدایي ځوانان به کوشنې وکړي چې ستاد همدې کړنې په بدل کې سخته
 سزا ور کړي . ته اوس تاسو کورنۍ زموږ له تعقیب څخه لاندې ده ، او
 د پرتلر به د خپلو احمالو جزا و وینئ ،
 موږ ستا له ټولو فعالیتونو څخه خبریو او هر څومره چې تر وړي درېدلی
 رات حدود او عدالت به در باندې تطبیق شئ .



NO ONE LEFT BEHIND

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