

Testimony of Ambassador Ryan Crocker

Senate Judiciary Committee

Subcommittee on Immigration, Citizenship, and Border Safety

Hearing on Honoring Veterans and Military Families: An Examination of Immigration and
Citizenship Policies for US Military Service Members, Veterans, and their Families

Wednesday June 23, 2021

Mr. Chairman, Ranking Member Cornyn, it is an honor to appear before you today to discuss the critical issue of Special Immigrant Visas (SIVs) for foreign interpreters who served shoulder-to-shoulder with our military, diplomats, and intelligence professionals.

President Biden has made it clear he is withdrawing all deployed forces from Afghanistan. As of today, more than 50% of the military withdrawal has been completed. It is expected the full withdrawal will be completed sometime next month, well ahead of the 20th anniversary of September 11th. The embassy has stopped processing visas because of COVID-19 and restricted staff to their rooms. Meanwhile, the Taliban continue to advance.

Mr. Chairman, I appear before you today as a voice for all Afghan interpreters still waiting for their visas. We have an implicit moral obligation to them. We need to process all 18,000 visas before September 11th.

The Afghan Allies Protection Act of 2009, which created the Afghan SIV program, was modeled on the Iraqi SIV program that I had the privilege of standing up alongside Senator Kennedy and Senator McCain almost 15 years ago. It is important to remember why I took that step. In April 2007, shortly after I arrived in Baghdad as ambassador, a senior Iraqi employee of the Embassy was kidnapped. A ransom was demanded to be delivered by his wife, also an Embassy employee, or he would be killed. In the end, they were both killed. That was when I directed the establishment of an SIV program in Iraq. I mention this here to remind us all that this issue is not about partisan politics. It is not about political score settling. It is about real people, people who have served us and who may pay for that with their lives.

The Afghan SIV program is now in its 12th year. The visas that supply the program are not automatically awarded but rather must be authorized annually in legislation for the program to endure. My point is that, despite the challenges, bipartisan support for the Afghan SIV program has now spanned three administrations, seven Congresses, five Secretaries of State, and seven Secretaries of Defense. Yet even now, we have only made only incremental progress to improving the program to ensure that it is efficient and safe. But time has run out, so we must do everything we can to support this program *right now*.

I would like to take this opportunity to personally thank Senator Jeanne Shaheen for her unwavering support for our allies. Her determination to see that we keep our moral obligation has been a pillar of strength for me, the nonprofit No One Left Behind, and the SIV communities

both here in the United States and those still waiting overseas. She has my highest appreciation.

In a day and age where we can track a UPS package in real time or land a rover on Mars. It is disheartening, and frankly appalling, that the SIV process currently takes on average 3.5 years, especially when the law mandates it only take nine months. With the U.S. withdrawal imminent, our allies most at risk just do not have any more time. The current process is also paper based, which further endangers those applying. If the Taliban catches a SIV applicant with a copy of his letter of recommendation from a DoD supervisor or his old base access ID badge, those are as good as death sentences.

Applicants also have to track down letters of employment from service members or contractors they worked with years—sometimes decades—ago. This makes you realize how much of a miracle it is that any one receives a Special Immigrant Visa at all. The most heartbreaking cases come from interpreters who are trying to do the right thing, and who reach out to the human resource departments at well-known DoD contractors, who by the way made millions off these interpreters' language ability and cultural understanding, only to be told their records of employment no longer exist. Or worse, I have seen a screenshot from a SIV whose DoD employer explained to him that he personally did not believe in the SIV program and would not provide him a letter of employment verification, but offered him good luck. Over the weekend, a U.S. veteran sought my assistance in getting his interpreter to safety. The defense contractor who employed him steadfastly refused to issue him an employment letter, asserting that the

company no longer had its Afghan employment files. The refusal persisted in spite of pay stubs and company supervisor letters presented by the applicant. The Embassy ultimately denied his SIV because of the absence of an employment letter. A few days ago, the veteran received a message from the interpreter noting the American retreat, Taliban advances and begging the vet to save his life: "If they get me, you know they have no mercy." I leave to your imagination the level of guilt this veteran feels. Is that how we repay a veteran who risked his life for our country? I can provide further details if anyone on this committee is interested in helping.

Mr. Chairman, I turn now to the banal subject of bureaucracy. As it stands, the process for an applicant to apply for and receive a Special Immigrant Visa is 14 steps, within the interagency progress. Looking at those 14-steps, a number of them can and should be removed to streamline the process. At each step in the process, the application jumps between Embassy Kabul, the Afghan Special Immigrant Visa Unit in Washington D.C., the National Visa Center in New Hampshire, back to the Applicant, then to USCIS in Nebraska, back to the National Visa Center, back to the Applicant, back to the National Visa Center, back to Embassy Kabul, then to the Bureau of Consular Affairs, Office of Screening , Analysis, and Coordination which coordinates with interagency partners in Washington D.C., then back to the applicant. I am exhausted just reading this. An interagency task force stood up by the National Security Council that brings all of these entities under one roof would immediately streamline the process. At this time, I would like to thank the State Department Office of Inspector General team whose work reviewing the Afghan Special Immigration Program in their report to Congress last year highlighted these bureaucratic hurdles. I fully support the efforts of your colleagues to waive

the medical screening requirement and to lower the time for “faithful and valuable” service back down from two years to one.

The Department of Defense has major equities in the SIV program; yet, it currently has no legal authority or responsibility within any of the 14-steps that comprise the process. As it stands, the most the DoD can do is ask military personnel to provide letters of recommendation and encourage DoD contractors to provide letters of employment – 2 critical components of the application process – to former interpreters. However, last year the State Department OIG reported to Congress that the DoD “Find My Supervisor” link on the SIV application webpage had been broken for a year thereby preventing many Afghan allies from even beginning to apply for SIVs. Once again, this is unacceptable.

There are other issues and considerations DoD must address. First is simply establishing a definition of “foreign interpreter”. In 2008, the State Department OIG audited the Iraq SIV program and noted the lack of a definition greatly hindered the State Department’s efforts to prioritize in the most at-risk SIV cases. 13 years later, there is still no definition nor observable progress toward addressing this shortcoming.

The nonprofit I am proud to be an Advisory Board member of – No One Left Behind – has surveyed the SIV population in the United States. About 60% of all SIV applicants were employed at one time by DoD entities, both by the military directly or by DoD contractors. 14% said they were specifically employed by Special Operations Forces. So, we have a situation here

where the State Department is responsible for processing former DoD employees who make up more than half of the backlog. It would alleviate a significant portion of the burden within the current process if the DoD was able to provide as much data as it could to the National Visa Center to assist those applicants.

I was happy to hear Acting Assistant Secretary of Defense for Indo-Pacific Security Affairs David Helvey testify before the Senate Armed Services Committee recently that the DoD is now sharing biometric data with the State Department to assist the SIV process. This is very good news, and I encourage you to urge the DoD to share as much data as they can. I also encourage you to support the innovative bills in the House that would eliminate some of the clearly superfluous steps to hasten the process of adjudicating SIV applications.

Ambassador Ross Wilson, our Charge d'Affaires in Kabul, recently told NPR that the embassy was able to process 1,600 visas last spring. We are still waiting for the State Department's Quarterly Report on the SIV process to see how many applicants are at which step in the process. Secretary Blinken announced to the House Foreign Affairs Committee that 50 more staff will join the Afghan Special Immigrant Visa Unit at Main State, and that by the end of July, they will be able to process 1,000 visas per month – process, not approve. To be clear, I am not advocating for any weakening of the security screening requirements. All vetting requirements must remain in place. A spokesperson for the State Department just told Reuters that State will be able to process 1,000 – 1,400 visas per month with the surge in staff. While encouraging, these numbers do not mean it will still take a year to process all the visas. To process all visas

before September 11th, the Afghan Special Immigrant Visa Unit would need to process 5,000 – 6,000 per month. They would need to scale their current staff by a factor of five in order to meet that goal. The DoD could make a significant impact by temporarily detailing 100 administrative specialists from the Military District of Washington and surrounding National Guard units to the Afghan Special Immigrant Visa Unit at Main State for a short period. The Embassy has already proven it can process more visas with more hands on deck after additional staff arrived were surged there. My understanding is the Afghan SIV Unit here in D.C. is the bottleneck for many of these cases. A surge in staff could continue to alleviate the backlog.

Mr. Chairman, as a veteran of bureaucratic battles, I can tell you that DoD is in no hurry to become directly involved in SIV matters. Meaningful interagency cooperation will require White House intervention and a mandate to the NSC to drive a process that forces interagency cooperation. Presidents Trump, Obama and Bush did not do so, but it is President Biden who ordered all US forces out of Afghanistan. He now owns this policy, and he will be responsible for its consequences. We have a moral obligation to our Afghan allies. There is a national security imperative. The conflicts of the future will be complicated political/military affairs with a critical need for interpreters by our military and our diplomats. Memories are short, but the internet doesn't forget. Right now, we are on track to leave the largest number of allies behind since the end of the Vietnam War some 46 years ago. Those pictures are still haunting. The videos of murdered interpreters are just as bad, and we fear we will see more of those soon. The world will not forget. Both America's credibility and ability to attract local allies in future conflicts are on the line.

Sadly, any effort to evacuate people that should receive Special Immigrant Visas is dependent on the State Department accurately processing – not approving – all 18,000 applications. No One Left Behind estimates that roughly half of these applications currently meet the legal and security requirements for visas based on emails and Facebook messages received from the applicants themselves. We have no way of knowing which specific individuals deserve a visa without first the State Department processing the whole backlog.

SIVs are the best examples of legal, merit-based immigration. They respect the rule of law and wait years while enduring death threats, attacks, and uncertainty. Once they arrive, the GAO found in their 2018 study that they become self-sufficient at a faster rate than other types of refugees. Furthermore, many enlist to give back to the country they stood with. In them, the DoD has a combat tested, multilingual recruiting pool. A special operations officer made this observation. The current process requires an interpreter to work with the U.S. for 2 years, then wait 3.5 years for a visa, then wait an additional 5 years for U.S. citizenship, so that they can enlist and go back to the same job they were doing over a decade earlier. This is absolutely a national security capability that we need to fix lest we lose out on this awesome opportunity.

I will close with this last remark. The toll this is taking on U.S. veterans is staggering. Many cite the heroic actions of interpreters who were awarded challenge coins, certificates of appreciation, and on occasion, actual medals for valor. One interpreter, who was recognized at two separate Medal of Honor ceremonies at the White House, was given a Purple Heart by his

unit for his actions and the wounds he sustained during those intense battles. But those items do not factor in the 14-step SIV process.

Many of our U.S. veterans are watching this all unfold and feel helpless. Some have offered to personally adopt SIVs. I noted earlier one instance of a veteran willing to do anything to get his battlefield ally to safety. There are literally hundreds of others. CBS has a new, compelling series, "The United States of Al" which features a Marine resettling his Afghan interpreter in Ohio. In Episode 6 the main character, the Afghan interpreter Al, gives the following speech to U.S. veterans from different generations. He says:

"Thank you for this wonderful honor. I read a book on giving speeches and it suggested opening with a joke. But I'm not going to. Because there is nothing funny about the seventeen thousand Afghan interpreters still waiting for Visas which were promised to them. When we decided to join the U.S. Forces, we were not only risking our own lives, we were putting the lives of our families in danger. We were the eyes and the ears of American troops. And that's what the Taliban called us, "the eyes." On missions, I would hear them over the radio say "Shoot the eyes first." And a lot of times they did. But not me. My friend Riley saved my life on three separate occasions. Twice from gunfire. Once from red-tape. He got my Visa application out from whatever pile it was buried under and brought me to America. And I know he doesn't like to be called a hero, but the interpreters who don't have a friend like him are probably not going to make it here. So, if he won't let me call him a hero, I will call him my brother."

I can't say it better than that. Viewers thought so too, writing in to offer shelter and support for our interpreters. It is another example of the American people getting it right, understanding our obligations to those who have supported us in combat. Clearly, our Afghan comrades were not a factor in the President's decision to withdraw all our forces on a very short timeline. Now it is very late in the day, but perhaps not too late for this Administration to follow the lead of the American people, and ensure our national honor is not left behind with those who risked their lives for us and in doing so have risked their own lives.