



TO: U.S. Customs & Border Protection,
Department of Homeland Security
FROM: International Refugee Assistance Project
DATE: April 16, 2019
RE: Rights of Special Immigrant Visa Holders

If you are inspecting an Afghan or Iraqi national with a Special Immigrant Visa ("SIV"), the U.S. State Department issued the visa to this person because they provided a crucial service to the U.S. by working on behalf of the U.S. government and/or NATO, experienced ongoing serious threats in their home country as a consequence of their service, and do not pose a security threat to the United States.¹ By applying for and receiving the SIV, this person has expressed fear of persecution in their home country. Therefore, **you cannot deport this person or their family from the United States without referring them to a credible fear interview.**²

By presenting this document, the SIV holder requests the following:

- **Referral to a credible fear interview.** This person fears persecution in their home country as documented in their SIV application and intends to apply for asylum if you do not admit them to the United States under the SIV. They will not withdraw their SIV application without first consulting a lawyer.
- **Release on parole under INA 212(d)(5).** The approval of their SIV application by the State Department demonstrates that the individual does not pose a security or flight risk, that it would be of significant public benefit to allow parole, and that there are urgent humanitarian reasons for parole.
- **Access to an attorney.** The individual seeks to speak with U.S. persons who are waiting their arrival so that they can contact a lawyer.

¹ Afghan and Iraqi SIV holders may have received their SIVs under the Afghan Allies Protection Act of 2009 or the Refugee Crisis in Iraq Act of 2007 ("SQ" category visa) or under the National Defense Authorization Act for Fiscal Year 2006 ("SI" category visa).

² INA, §235(b)(1)(A)(ii) (prohibiting the officer from removing individuals who "indicate[] either an intention to apply for asylum under section 208 or a fear of persecution") (emphasis added).