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Firm Clears Immigration Hurdles for Afghan Interpreter

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April 9, 2020 — HHR won an immigration victory for a pro bono client who spent several years working as an interpreter for the U.S. military in Afghanistan.

On March 5, Zahir Shah and his family successfully cleared immigration at Washington Dulles International Airport in Virginia after securing special immigrant visas (SIV). Shah's arrival from his native Afghanistan came nearly six years after he first applied for a visa.

The SIV program was created to offer immigration – and eventually citizenship – opportunities to Afghan and Iraqi translators and interpreters who assisted the U.S. military efforts in those countries. However, the program has been plagued with issues, including visa processing bottlenecks, which have resulted in congressional and media scrutiny, as well as more than one class action lawsuits brought by the International Refugee Assistance Project (IRAP).

Shah encountered many obstacles early on in his application process. Among other obstacles, the contractor that hired him disappeared without a trace, leaving Shah unable to obtain critical records required by the U.S. State Department. Through a Freedom of Information Act request, IRAP was able to secure copies of the contracts between the contractor and the military, as well as payroll records, proving that employment with Shah's employer qualified for SIV eligibility.

In March 2016, IRAP referred the case to HHR, who partnered with Cornell Law School over the next few years to work on various stages of the application, collect information and key documents from Afghanistan and U.S. military personnel, and prepare Shah for State Department interviews.

During this period, Shah faced dire uncertainty; he received threats, had friends and relatives killed, and even faced the prospect of a failed application after the SIV program ran out of visas before more were eventually authorized by Congress.

In January this year, Shah finally received word that his family's visas had been processed. HHR assisted throughout this phase, helping with the organization and payment of necessary medical screenings, and liaising with various nonprofit groups to resettle the family in Maryland.

Malik Havalic represented Shah in this matter.

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