



## How the Trump Administration's Refugee Policies Harm Our Iraqi Wartime Allies

### U.S.-Affiliated Iraqis and the Iraqi Special Immigrant Visa (SIV) Program

The Iraqi Special Immigrant Visa (SIV) program was created for Iraqis who were employed in Iraq by or on behalf of the United States government or military for over one year between March 20, 2003 and September 30, 2013 and who experienced threats due to that employment. The program allows for resettlement and legal permanent residence ("green card") in the United States.

The Iraqi SIV program stopped accepting applications as of September 30, 2014. Though the Afghan SIV program continues to offer protection to Afghan wartime allies today, the Iraqis who face security threats because of their service can apply to the U.S. Refugee Admissions Program (USRAP) through the Direct Access Program.

### Direct Access to the U.S. Refugee Admissions Resettlement Program

The Refugee Crisis in Iraq Act, passed by Congress in December 2007 and signed into law by President George W. Bush in January 2008, directed the administration to create a direct access program (also known as a priority 2 or P2 category) of the U.S. Refugee Admissions Program (USRAP) to allow qualified U.S.-affiliated Iraqis to directly apply to the United States for resettlement (not requiring a referral from UNHCR). As of September 2019, over 110,000 Iraqis were waiting to be processed for resettlement through this program.

Both SIV and USRAP processing involve extensive vetting—comprehensive interviews and multiple rounds of security checks with U.S. and international intelligence and law enforcement agencies. This vetting is widely recognized as the most stringent in the world by former U.S. military leaders and national security officials.

### The Trump Administration's Executive Orders on Refugees

On January 27, 2017, President Trump issued an executive order halting refugee resettlement and temporarily suspended immigration from several predominantly Muslim countries. After several legal challenges, the Supreme Court ruled on June 19, 2017 that the restrictions could be enforced for immigrants and refugees who didn't have ties to family members or institutions in the United States, thus allowing the refugee ban to go into effect.

In October 2017, on the last day of the refugee ban, after scaling back the refugee admissions goal (known as the Presidential Determination) to a historically low 45,000 for FY2018, President Trump signed Executive Order 13815, allowing some refugee resettlement to resume, utilizing "enhanced vetting capabilities." The executive order also placed a new 90-day ban on refugees from eleven countries (including Iraq) as well as an indefinite ban on family members seeking to join them. The additional suspension amounted to a seven-month ban for U.S.-affiliated Iraqis.

### How Does "Enhanced Vetting" Impact U.S.-Affiliated Iraqis

Executive Order 13815 gravely impacted the backlog of over one hundred thousand U.S.-affiliated Iraqis seeking to come to the United States. Several new procedures went into effect immediately, with additional screening measures added after the 90-day ban expired in January 2018.

The ban and its accompanying "enhanced vetting" procedures harmed U.S.-affiliated Iraqis in multiple ways:

- For many, this seven-month delay ensured that security and medical clearances expired and had to be recompleted, causing a domino effect of additional delays.
- Indefinitely barred spouses and children of already resettled refugees who are in the United States (what is known as “following to join” family reunification or I-730 petitions).
- Requires additional enhanced vetting procedures and data collection from individuals originating from those 11 countries, including information going back ten years (up from five) for all places where they have lived for more than 30 days, and current contact information for all family members. These are onerous requirements for families that have been separated and displaced, often for decades.
- Added additional intangible subjective evaluation procedures by USCIS officers.

### **Judge Lifts Refugee Ban for Certain Individuals with Close U.S. Ties**

Judge James Robart of the U.S. District Court for the Western District of Washington ruled on December 23, 2017 that refugees from the 11 countries identified in the latest ban who have a bona fide relationship with an individual or entity in the United States cannot be banned. This includes U.S.-affiliated Iraqis and their family members. The Trump Administration was unsuccessful in their Ninth Circuit Appeal, and the lawsuit settled in early 2020. This impacts only those with family already in the United States and already approved for travel—a small portion of all U.S.-affiliated Iraqis.

### **Cuts to Overall Refugee Admission Impact U.S.-Affiliated Iraqis**

The Trump Administration has continued to slash U.S. refugee admissions goals to their lowest levels in the program’s history each year and significantly reduced resettlement below the yearly goal. In FY2018, the administration admitted less than half of their goal of 45,000. The FY2019 goal was set at a then-historic low of 30,000. In September 2019, the administration again slashed the refugee admissions goal to a new low of 18,000. As of September 25, 2020, only 10,892 refugees were admitted to the United States, which is 60 percent of the 18,000 refugee admissions goal for FY2020. Proposed refugee admissions for FY2021 is reported to be set at 15,000 – another historic low for the admissions program.

Despite proposing slashing overall refugee admissions to a historic low of 15,000 for FY2021, for the second consecutive year, the Administration will allocate 4,000 admissions for U.S.-affiliated Iraqis who had assisted U.S. missions abroad. President Trump further limited resettlement in FY2020 by requiring written confirmation from jurisdictions choosing to resettle refugees, which has been halted by a court. The COVID-19 pandemic has further exacerbated delays in refugee resettlement through country-specific travel restrictions and consulate closures. Additionally, the International Organization for Migration, which manages travel arrangements for resettlement, temporarily suspended most resettlement-related travel in March, except for those with the most urgent protection needs. The United States restarted refugee admissions on July 30.

In spite of the FY2020 Presidential Determination specific allocation for U.S.-affiliated Iraqis, only 123 Iraqis were resettled in the United States as of September 25, 2020 with only one week remaining in the fiscal year, less than 4 percent of the maximum admissions authorized for U.S.-affiliated Iraqis by the Presidential Determination.

Taken together, the Trump Administration’s policies have severely disrupted the path to safety for over one hundred thousand U.S.-affiliated Iraqis and their families. Those remaining in Iraq have a slim chance of finding

safety in the United States. In FY2018, only 140 Iraqis were resettled in the United States. In FY19, only 465 Iraqis were resettled. Despite the FY2020 Presidential Determination allocating 4,000 visas to Iraqis who had assisted US missions abroad, only 123 Iraqis have been admitted in FY20.

### **Why is Protecting our Iraqi Allies Important?**

The Direct Access Program for U.S.-affiliated Iraqis represents a promise we made to our wartime allies. Keeping that promise is not only vital to maintaining support of the Iraqi people, but it is also vital to completing our mission there and to future wars in which we may be engaged.

With thousands of U.S. forces deployed again to Iraq, the U.S. government once again is relying heavily on Iraqi partners. Likewise, as the United States continues to protect its interests elsewhere around the world, it will need the continued assistance of those willing to stand with us. We must ensure that the United States is known as a country that keeps its promises and never forgets its allies.