

How the Trump Administration's Executive Orders on Refugees 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 now must apply to the U.S. Refugee Admissions Program (USRAP) through the Direct Access Program.¹

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 August 2018, nearly 100,000 Iraqis are waiting to be processed for resettlement through this program.²
- ❑ 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.³

The Trump Administration's Executive Orders on Refugees

- ❑ On January 27, 2017, President Trump issued an executive order that halted refugee resettlement from around the world 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 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.

¹ <https://www.state.gov/j/prm/releases/factsheets/2016/254650.htm>

² <https://www.reuters.com/article/us-usa-immigration-refugees-iraq-exclusi/exclusive-pentagon-raises-alarm-about-sharp-drop-in-iraqi-refugees-coming-to-u-s-idUSKCN1L51N9>

³ <https://assets.documentcloud.org/documents/3454270/Declaration-of-National-Security-Officials.pdf>

How Does “Enhanced Vetting” Affect U.S.-Affiliated Iraqis?

Executive Order 13815 gravely impacted the backlog of nearly 100,000 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” subsequently 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, including information going back ten years (previously the requirement was five years) 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.

U.S.-affiliated Iraqis and their families still in Iraq have a slim chance of finding safety in the United States. The disruption to the program has prevented thousands of Iraqis who risked their lives for America’s mission in Iraq from finding safety in the United States.

From January 1, 2018 through August 15, 2018, only 49 U.S.-affiliated Iraqis were resettled.⁴

How Do Court Rulings impact U.S.-Affiliated Iraqis?

- U.S. District Court for the Western District of Washington Judge James Robart ruled on December 23, 2017 that “following-to-join” refugee family members and refugees from the 11 countries identified in the latest refugee ban who have a bona fide relationship with an individual or entity in the United States cannot be banned, including U.S.-affiliated Iraqis and their family members. The Trump Administration was unsuccessful in appealing at the Ninth Circuit. The case was remanded to Judge Robart, who will determine whether the government is complying with his order.
- This impacts only a small portion of the nearly 100,000 U.S.-affiliated Iraqis, only those with family already in the United States and those already approved for travel (who have completed all the required screenings).

Why is Protecting our Iraqi Allies Important?

- The Direct Access Program for U.S.-affiliated Iraqis represents a promise that we made to our wartime allies. Following through on 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.

⁴ <http://www.wrapsnet.org/admissions-and-arrivals/>