**Legal Authorities**

**Special Immigrant Visa Biodata Form**

National Defense Authorization Act for Fiscal Year 2008

<https://www.gpo.gov/fdsys/pkg/CRPT-110hrpt477/pdf/CRPT-110hrpt477.pdf>

National Defense Authorization Act for Fiscal Year 2006

<https://www.gpo.gov/fdsys/pkg/CRPT-109hrpt360/pdf/CRPT-109hrpt360.pdf>

To increase the number of Iraqi and Afghani translators and interpreters who

may be admitted to the United States as special immigrants, and for other purposes.
<https://www.gpo.gov/fdsys/pkg/PLAW-110publ36/pdf/PLAW-110publ36.pdf>

To make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.
<https://www.gpo.gov/fdsys/pkg/PLAW-110publ242/pdf/PLAW-110publ242.pdf>

To provide for the enactment of the National Defense Authorization Act

for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgments against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members

of the uniformed services, and for other purposes.
<https://www.gpo.gov/fdsys/pkg/PLAW-110publ181/html/PLAW-110publ181.htm>

**Subtitle C—Iraq Refugee Crisis**

**SEC. 1241. SHORT TITLE.**

This subtitle may be cited as the ‘‘Refugee Crisis in Iraq Act

of 2007’’.

**SEC. 1242. PROCESSING MECHANISMS.**

(a) IN GENERAL.—The Secretary of State, in consultation with

the Secretary of Homeland Security, shall establish or use existing

refugee processing mechanisms in Iraq and in countries, where

appropriate, in the region in which—

(1) aliens described in section 1243 may apply and interview

for admission to the United States as refugees; and

(2) aliens described in section 1244(b) may apply and interview

for admission to United States as special immigrants.

(b) SUSPENSION.—If such is determined necessary, the Secretary

of State, in consultation with the Secretary of Homeland Security,

may suspend in-country processing under subsection (a) for a period

not to exceed 90 days. Such suspension may be extended by the

Secretary of State upon notification to the Committee on the

Judiciary of the House of Representatives, the Committee on Foreign

Affairs of the House of Representatives, the Committee on

the Judiciary of the Senate, and the Committee on Foreign Relations

of the Senate. The Secretary of State shall submit to such committees

a report outlining the basis of any such suspension and any

extensions thereof.

(c) REPORT.—Not later than 90 days after the date of the

enactment of this Act, the Secretary of State, in consultation with

the Secretary of Homeland Security, shall submit to the committees

specified in subsection (b) a report that—

(1) describes the Secretary of State’s plans to establish

the processing mechanisms required under subsection (a);

(2) contains an assessment of in-country processing that

makes use of videoconferencing; and

(3) describes the Secretary of State’s diplomatic efforts

to improve issuance of exit permits to Iraqis who have been

provided special immigrant status under section 1244 and Iraqi

refugees under section 1243.

H. R. 1585—391

**SEC. 1243. UNITED STATES REFUGEE PROGRAM PROCESSING PRIORITIES.**

(a) IN GENERAL.—Refugees of special humanitarian concern

eligible for Priority 2 processing under the refugee resettlement

priority system who may apply directly to the United States Admission

Program shall include—

(1) Iraqis who were or are employed by the United States

Government, in Iraq;

(2) Iraqis who establish to the satisfaction of the Secretary

of State that they are or were employed in Iraq by—

(A) a media or nongovernmental organization

headquartered in the United States; or

(B) an organization or entity closely associated with

the United States mission in Iraq that has received United

States Government funding through an official and documented

contract, award, grant, or cooperative agreement;

and

(3) spouses, children, and parents whether or not accompanying

or following to join, and sons, daughters, and siblings

of aliens described in paragraph (1), paragraph (2), or section

1244(b)(1); and

(4) Iraqis who are members of a religious or minority

community, have been identified by the Secretary of State,

or the designee of the Secretary, as a persecuted group, and

have close family members (as described in section

201(b)(2)(A)(i) or 203(a) of the Immigration and Nationality

Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a))) in the United States.

(b) IDENTIFICATION OF OTHER PERSECUTED GROUPS.—The Secretary

of State, or the designee of the Secretary, is authorized

to identify other Priority 2 groups of Iraqis, including vulnerable

populations.

(c) INELIGIBLE ORGANIZATIONS AND ENTITIES.—Organizations

and entities described in subsection (a)(2) shall not include any

that appear on the Department of the Treasury’s list of Specially

Designated Nationals or any entity specifically excluded by the

Secretary of Homeland Security, after consultation with the Secretary

of State and the heads of relevant elements of the intelligence

community (as defined in section 3(4) of the National Security

Act of 1947 (50 U.S.C. 401a(4)).

(d) APPLICABILITY OF OTHER REQUIREMENTS.—Aliens under this

section who qualify for Priority 2 processing under the refugee

resettlement priority system shall satisfy the requirements of section

207 of the Immigration and Nationality Act (8 U.S.C. 1157)

for admission to the United States.

(e) NUMERICAL LIMITATIONS.—In determining the number of

Iraqi refugees who should be resettled in the United States under

paragraphs (2), (3), and (4) of subsection (a) and subsection (b)

of section 207 of the Immigration and Nationality Act (8 U.S.C.

1157), the President shall consult with the heads of nongovernmental

organizations that have a presence in Iraq or experience

in assessing the problems faced by Iraqi refugees.

(f) ELIGIBILITY FOR ADMISSION AS REFUGEE.—No alien shall

be denied the opportunity to apply for admission under this section

solely because such alien qualifies as an immediate relative or

is eligible for any other immigrant classification.

H. R. 1585—392

**SEC. 1244. SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.**

(a) IN GENERAL.—Subject to subsection (c), the Secretary of

Homeland Security, or, notwithstanding any other provision of law,

the Secretary of State in consultation with the Secretary of Homeland

Security, may provide an alien described in subsection (b)

with the status of a special immigrant under section 101(a)(27)

of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if

the alien—

(1) or an agent acting on behalf of the alien, submits

a petition for classification under section 203(b)(4) of such Act

(8 U.S.C. 1153(b)(4));

(2) is otherwise eligible to receive an immigrant visa;

(3) is otherwise admissible to the United States for permanent

residence (excluding the grounds for inadmissibility specified

in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)); and

(4) cleared a background check and appropriate screening,

as determined by the Secretary of Homeland Security.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection

if the alien—

(A) is a citizen or national of Iraq;

(B) was or is employed by or on behalf of the United

States Government in Iraq, on or after March 20, 2003,

for not less than one year;

(C) provided faithful and valuable service to the United

States Government, which is documented in a positive recommendation

or evaluation, subject to paragraph (4), from

the employee’s senior supervisor or the person currently

occupying that position, or a more senior person, if the

employee’s senior supervisor has left the employer or has

left Iraq; and

(D) has experienced or is experiencing an ongoing

serious threat as a consequence of the alien’s employment

by the United States Government.

(2) SPOUSES AND CHILDREN.—An alien is described in this

subsection if the alien—

(A) is the spouse or child of a principal alien described

in paragraph (1); and

(B) is accompanying or following to join the principal

alien in the United States.

(3) TREATMENT OF SURVIVING SPOUSE OR CHILD.—An alien

is described in subsection (b) if the alien—

(A) was the spouse or child of a principal alien

described in paragraph (1) who had a petition for classification

approved pursuant to this section or section 1059

of the National Defense Authorization Act for Fiscal Year

2006 (Public Law 109–163; 8 U.S.C. 1101 note), which

included the alien as an accompanying spouse or child;

and

(B) due to the death of the principal alien—

(i) such petition was revoked or terminated (or

otherwise rendered null); and

(ii) such petition would have been approved if the

principal alien had survived.

(4) APPROVAL BY CHIEF OF MISSION REQUIRED.—A recommendation

or evaluation required under paragraph (1)(C)

shall be accompanied by approval from the Chief of Mission,

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or the designee of the Chief of Mission, who shall conduct

a risk assessment of the alien and an independent review

of records maintained by the United States Government or

hiring organization or entity to confirm employment and faithful

and valuable service to the United States Government prior

to approval of a petition under this section.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—The total number of principal aliens who

may be provided special immigrant status under this section

may not exceed 5,000 per year for each of the five fiscal years

beginning after the date of the enactment of this Act.

(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided

special immigrant status under this section shall not

be counted against any numerical limitation under sections

201(d), 202(a), or 203(b)(4) of the Immigration and Nationality

Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(3) CARRY FORWARD.—

(A) FISCAL YEARS ONE THROUGH FOUR.—If the numerical

limitation specified in paragraph (1) is not reached

during a given fiscal year referred to in such paragraph

(with respect to fiscal years one through four), the numerical

limitation specified in such paragraph for the following

fiscal year shall be increased by a number equal to the

difference between—

(i) the numerical limitation specified in paragraph

(1) for the given fiscal year; and

(ii) the number of principal aliens provided special

immigrant status under this section during the given

fiscal year.

(B) FISCAL YEARS FIVE AND SIX.—If the numerical

limitation specified in paragraph (1) is not reached in the

fifth fiscal year beginning after the date of the enactment

of this Act, the total number of principal aliens who may

be provided special immigrant status under this section

for the sixth fiscal year beginning after such date shall

be equal to the difference between—

(i) the numerical limitation specified in paragraph

(1) for the fifth fiscal year; and

(ii) the number of principal aliens provided such

status under this section during the fifth fiscal year.

(d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary

of State nor the Secretary of Homeland Security may charge

an alien described in subsection (b) any fee in connection with

an application for, or issuance of, a special immigrant visa. The

Secretary of State shall make a reasonable effort to ensure that

aliens described in this section who are issued special immigrant

visas are provided with the appropriate series Iraqi passport necessary

to enter the United States.

(e) PROTECTION OF ALIENS.—The Secretary of State, in consultation

with the heads of other relevant Federal agencies, shall make

a reasonable effort to provide an alien described in this section

who is applying for a special immigrant visa with protection or

the immediate removal from Iraq, if possible, of such alien if the

Secretary determines after consultation that such alien is in

imminent danger.

(f) ELIGIBILITY FOR ADMISSION UNDER OTHER CLASSIFICATION.—

No alien shall be denied the opportunity to apply for admission

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under this section solely because such alien qualifies as an immediate

relative or is eligible for any other immigrant classification.

(g) RESETTLEMENT SUPPORT.—Iraqi aliens granted special

immigrant status described in section 101(a)(27) of the Immigration

and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for

resettlement assistance, entitlement programs, and other benefits

available to refugees admitted under section 207 of such Act (8

U.S.C. 1157) for a period not to exceed eight months.

(h) RULE OF CONSTRUCTION.—Nothing in this section may be

construed to affect the authority of the Secretary of Homeland

Security under section 1059 of the National Defense Authorization

Act for Fiscal Year 2006.

**SEC. 1245. SENIOR COORDINATOR FOR IRAQI REFUGEES AND**

**INTERNALLY DISPLACED PERSONS.**

(a) DESIGNATION IN IRAQ.—The Secretary of State shall designate

in the embassy of the United States in Baghdad, Iraq,

a Senior Coordinator for Iraqi Refugees and Internally Displaced

Persons (referred to in this section as the ‘‘Senior Coordinator’’).

(b) RESPONSIBILITIES.—The Senior Coordinator shall be responsible

for the oversight of processing for the resettlement in the

United States of refugees of special humanitarian concern, special

immigrant visa programs in Iraq, and the development and

implementation of other appropriate policies and programs concerning

Iraqi refugees and internally displaced persons. The Senior

Coordinator shall have the authority to refer persons to the United

States refugee resettlement program.

(c) DESIGNATION OF ADDITIONAL SENIOR COORDINATORS.—The

Secretary of State shall designate in the embassies of the United

States in Cairo, Egypt, Amman, Jordan, Damascus, Syria, and

Beirut, Lebanon, a Senior Coordinator to oversee resettlement in

the United States of refugees of special humanitarian concern in

those countries to ensure their applications to the United States

refugee resettlement program are processed in an orderly manner

and without delay.

**SEC. 1246. COUNTRIES WITH SIGNIFICANT POPULATIONS OF IRAQI**

**REFUGEES.**

With respect to each country with a significant population

of Iraqi refugees, including Iraq, Jordan, Egypt, Syria, Turkey,

and Lebanon, the Secretary of State shall—

(1) as appropriate, consult with the appropriate government

officials of such countries and other countries and the United

Nations High Commissioner for Refugees regarding resettlement

of the most vulnerable members of such refugee populations;

and

(2) as appropriate, except where otherwise prohibited by

the laws of the United States, develop mechanisms in and

provide assistance to countries with a significant population

of Iraqi refugees to ensure the well-being and safety of such

populations in their host environments.

**SEC. 1247. MOTION TO REOPEN DENIAL OR TERMINATION OF ASYLUM.**

An alien who applied for asylum or withholding of removal

and whose claim was denied on or after March 1, 2003, by an

asylum officer or an immigration judge solely, or in part, on the

basis of changed country conditions may, notwithstanding any other

provision of law, file a motion to reopen such claim in accordance

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with subparagraphs (A) and (B) of section 240(c)(7) of the Immigration

and Nationality Act (8 U.S.C. 1229a(c)(7)) not later than six

months after the date of the enactment of the Refugee Crisis in

Iraq Act if the alien—

(1) is a citizen or national of Iraq; and

(2) has remained in the United States since the date of

such denial.

**SEC. 1248. REPORTS.**

(a) SECRETARY OF HOMELAND SECURITY.—Not later than 120

days after the date of the enactment of this Act, the Secretary

of Homeland Security shall submit to the Committee on the

Judiciary of the House of Representatives, the Committee on Foreign

Affairs of the House of Representatives, the Committee on

the Judiciary of the Senate, and the Committee on Foreign Relations

of the Senate a report containing plans to expedite the processing

of Iraqi refugees for resettlement, including information relating

to—

(1) expediting the processing of Iraqi refugees for resettlement,

including through temporary expansion of the Refugee

Corps of United States Citizenship and Immigration Services;

(2) increasing the number of personnel of the Department

of Homeland Security devoted to refugee processing in Iraq,

Jordan, Egypt, Syria, Turkey, and Lebanon;

(3) enhancing existing systems for conducting background

and security checks of persons applying for special immigrant

status and of persons considered Priority 2 refugees of special

humanitarian concern under the refugee resettlement priority

system, which enhancements shall support immigration security

and provide for the orderly processing of such applications

without delay; and

(4) the projections of the Secretary, per country and per

month, for the number of refugee interviews that will be conducted

in fiscal year 2008 and fiscal year 2009.

(b) PRESIDENT.—Not later than 120 days after the date of

the enactment of this Act, and annually thereafter through 2013,

the President shall submit to Congress an unclassified report, with

a classified annex if necessary, which includes—

(1) an assessment of the financial, security, and personnel

considerations and resources necessary to carry out the provisions

of this subtitle;

(2) the number of aliens described in section 1243(a)(1);

(3) the number of such aliens who have applied for special

immigrant visas;

(4) the date of such applications; and

(5) in the case of applications pending for longer than

six months, the reasons that such visas have not been expeditiously

processed.

(c) REPORT ON IRAQI CITIZENS AND NATIONALS EMPLOYED BY

THE UNITED STATES GOVERNMENT OR FEDERAL CONTRACTORS IN

IRAQ.—

(1) IN GENERAL.—Not later than 120 days after the date

of the enactment of this Act, the Secretary of Defense, the

Secretary of State, the Administrator of the United States

Agency for International Development, the Secretary of the

Treasury, and the Secretary of Homeland Security shall—

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(A) review internal records and databases of their

respective agencies for information that can be used to

verify employment of Iraqi nationals by the United States

Government; and

(B) request from each prime contractor or grantee that

has performed work in Iraq since March 20, 2003, under

a contract, grant, or cooperative agreement with their

respective agencies that is valued in excess of $25,000

information that can be used to verify the employment

of Iraqi nationals by such contractor or grantee.

(2) INFORMATION REQUIRED.—To the extent data is available,

the information referred to in paragraph (1) shall include

the name and dates of employment of, biometric data for,

and other data that can be used to verify the employment

of each Iraqi citizen or national who has performed work in

Iraq since March 20, 2003, under a contract, grant, or cooperative

agreement with an executive agency.

(3) EXECUTIVE AGENCY DEFINED.—In this subsection, the

term ‘‘executive agency’’ has the meaning given the term in

section 4(1) of the Office of Federal Procurement Policy Act

(41 U.S.C. 403(1)).

(d) REPORT ON ESTABLISHMENT OF DATABASE.—Not later than

120 days after the date of the enactment of this Act, the Secretary

of Defense, in consultation with the Secretary of State, the Administrator

of the United States Agency for International Development,

the Secretary of the Treasury, and the Secretary of Homeland

Security, shall submit to Congress a report examining the options

for establishing a unified, classified database of information related

to contracts, grants, or cooperative agreements entered into by

executive agencies for the performance of work in Iraq since March

20, 2003, including the information described and collected under

subsection (c), to be used by relevant Federal departments and

agencies to adjudicate refugee, asylum, special immigrant visa,

and other immigration claims and applications.

(e) NONCOMPLIANCE REPORT.—Not later than 180 days after

the date of the enactment of this Act, the President shall submit

a report to Congress that describes—

(1) the inability or unwillingness of any contractor or

grantee to provide the information requested under subsection

(c)(1)(B); and

(2) the reasons for failing to provide such information.

**SEC. 1249. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may

be necessary to carry out this subtitle.

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**Special immigrant status for persons serving as translators with United States Armed Forces.** Act Jan. 6, 2006, P.L. 109-163, Div A, Title X, Subtitle F, § 1059, 119 Stat. 3443; May 25, 2007, P.L. 110-28, Title III, Ch. 8, § 3812, 121 Stat. 151; June 15, 2007, P.L. 110-36, § 1, 121 Stat. 227, provides:

 "(a) In general. For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), subject to subsection (c)(1), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien--

 "(1) files with the Secretary of Homeland Security a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

 "(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

 "(b) Aliens described.

 (1) Principal aliens. An alien is described in this subsection if the alien--

 "(A) is a national of Iraq or Afghanistan;

 "(B) worked directly with United States Armed Forces, or under Chief of Mission authority, as a translator or interpreter for a period of at least 12 months;

 "(C) obtained a favorable written recommendation from the Chief of Mission or a general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien; and

 "(D) before filing the petition described in subsection (a)(1), cleared a background check and screening, as determined by the Chief of Mission or a general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien.

 "(2) Spouses and children. An alien is described in this subsection if the alien is the spouse or child of a principal alien described in paragraph (1), and is following or accompanying to join the principal alien.

 "(c) Numerical limitations.

 (1) In general. The total number of principal aliens who may be provided special immigrant status under this section--

 "(A) during each of the fiscal years 2007 and 2008, shall not exceed 500; and

 "(B) during any other fiscal year shall not exceed 50.

 "(2) Aliens exempt from employment-based numerical limitations. For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151-1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section and shall not be counted against the numerical limitations under sections 201(d), 202(a), and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

 (d) Adjustment of status. Notwithstanding paragraphs (2), (7) and (8) of section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), the Secretary of Homeland Security may adjust the status of an alien to that of a lawful permanent resident under section 245(a) of such Act if the alien--

 "(1) was paroled or admitted as a nonimmigrant into the United States; and

 "(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act [8 USCS §§ 1101 et seq. generally; for full classification, consult USCS Tables volumes].

 "(e) Naturalization.

 (1) In general. An absence from the United States described in paragraph (2) shall not be considered to break any period for which continuous residence in the United States is required for naturalization under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.).

 "(2) Absence described. An absence described in this paragraph is an absence from the United States due to a person's employment by the Chief of Mission or United States Armed Forces, under contract with the Chief of Mission or United States Armed Forces, or by a firm or corporation under contract with the Chief of Mission or United States Armed Forces, if--

 "(A) such employment involved working with the Chief of Mission or United States Armed Forces as a translator or interpreter; and

 "(B) the person spent at least a portion of the time outside of the United States working directly with the Chief of Mission or United States Armed Forces as a translator or interpreter in Iraq or Afghanistan.

 "(f) Application of Immigration and Nationality Act provisions. The definitions in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) shall apply in the administration of this section.".

Here also is the language from the Cardin Amendment (section 525 of Division G of the Consolidated Appropriations Act, 2008, Public Law 110-161)

SEC. 525. Iraqi and Afghan aliens granted special immigrant status

under section 101(a)(27) of the Immigration and Nationality

Act shall be eligible for resettlement assistance, entitlement programs,

and other benefits available to refugees admitted under section

207 of such Act for a period not to exceed 6 months.