110TH CONGRESS
1ST SESSION

H. R. 2265

To provide special immigrant status for certain Iraqis, to assist Iraqi refugees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2007

Mr. B LUMENAUER (for himself, Ms. S CHAKOWSKY, and Mr. S HAYS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To provide special immigrant status for certain Iraqis, to assist Iraqi refugees, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Responsibility to Iraqi Refugees Act of 2007”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Expansion of special immigrant status for certain Iraqis.
Sec. 3. Special Coordinator for Iraqi refugees.
Sec. 2. Expansion of special immigrant status for certain Iraqis.

(a) In General.—Notwithstanding any other provision of law, 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—

(1) the alien, or an agent acting on behalf of the alien, 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) the alien 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;
(B) worked directly with the United States Government, the United Nations, certified government or United Nations contractor or subcontractor, or United States-based nongovernmental organization for a period of at least one year; and

(C) has a not manifestly unfounded fear of persecution, violence, or harm to the alien or the alien’s family on account of the work of the alien under subparagraph (B).

(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.

(3) Presumption.—An alien who is described in subparagraphs (A) and (B) of paragraph (1) shall be presumed to satisfy the requirement described in subparagraph (C) of such paragraph.

(e) Numerical Limitations and Benefits.—

(1) In General.—The total number of principal aliens who may be provided special immigrant status under this section shall not exceed 15,000 for each of fiscal years 2008 through 2011.
(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) Benefits.—Aliens provided special immigrant status under this section shall be eligible for the same resettlement assistance, entitlement programs, and other benefits as refugees admitted under section 207 of the Immigration and Nationalization Act (8 U.S.C. 1157).

(d) Protection of Aliens.—

(1) In General.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall provide an alien described in this section who is applying for a special immigrant visa with protection if such Secretaries determine that such alien is in imminent danger.

(2) Forms of Protection.—Protection required under paragraph (1) may include temporary housing on United States military bases or at provincial reconstruction team offices or the immediate removal from Iraq of such alien.

(e) Processing Facilities.—
IN GENERAL.—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 establish not fewer than five processing facilities where aliens described in subsection (b) may apply and interview for admission to the United States as special immigrants and where aliens described in section 6(b) may apply and interview for admission to the United States as refugees.

LOCATIONS.—The processing facilities required under paragraph (1) shall be established in at least—

(A) two locations in Baghdad;
(B) one location in southern Iraq; and
(C) two locations in Iraqi Kurdistan.

MINIMIZATION OF SECURITY RISKS.—The processing facilities shall be established so as to minimize to the greatest extent practicable security risks for aliens described in subsection (b) who are applying and interviewing for admission to the United States as special immigrants.

COOPERATION WITH IRAQI GOVERNMENT OFFICIALS.—
(1) IN GENERAL.—The Secretary of State and the Secretary of Homeland Security shall seek to co-operate with appropriate officials from the Government of Iraq to—

(A) increase the capacity of the Government of Iraq to issue passports to aliens described in subsection (b); and

(B) 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.

(2) PAYMENT OF PASSPORT FEES.—The Secretaries shall pay the costs associated with the issuance of such Iraqi passports.

(g) WAIVER OF VISA FEES.—Neither the Secretary of State nor the Secretary of Homeland may charge an alien described in this section any fee in connection with an application for or issuance of a special immigrant visa.

(h) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report on aliens described in this section who worked directly with the United States Government, the United Nations or other international organizations, certified government or
international organization contractors or subcontractors, or international nongovernmental organization as a translator for a period of at least one year.

(2) **CLASSIFIED ANNEX.**—The report required under paragraph (1) may include a classified annex, containing information relating to personally identifiable information, as necessary, to be used by appropriate United States Government officials for the purpose of processing applications for special immigrant visas under this section.

(i) **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.

(j) **REGULATIONS.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the provisions of this section, including regulations relating to requirements for background checks.

(k) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.
SEC. 3. SPECIAL COORDINATOR FOR IRAQI REFUGEES.

(a) IN GENERAL.—There is established in the Department of State a Special Coordinator for Iraqi Refugees and Internally Displaced Persons.

(b) LOCATION.—The Special Coordinator shall be based at the embassy of the United States in Baghdad, Iraq.

(c) DUTIES.—The Special Coordinator shall be responsible for the development and implementation of appropriate policies and programs concerning Iraqi refugees and internally displaced persons, and shall establish an inter-agency task force to coordinate such policies and programs.

SEC. 4. COUNTRIES OF SIGNIFICANCE.

With respect to each country containing a significant population of displaced Iraqis, including Iraq, Jordan, Syria, Turkey, and Lebanon, the Secretary of State shall—

(1) as appropriate, seek to negotiate a bilateral refugee resettlement agreement for such populations;

(2) develop mechanisms to ensure the well-being, safety, and right to work of such populations in their host environments, including the necessary financial, material, and political assistance to support such mechanisms;
(3) submit to Congress, not later than 90 days after the date of the enactment of this Act and every 90 days thereafter, a report on the actions taken and progress made under this subsection.

SEC. 5. STUDY AND REPORT BY GAO.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Comptroller General of the United States shall submit to Congress a report on the adequacy and effectiveness of United States and United Nations programs to protect and assist Iraqi refugees and internally displaced persons.

SEC. 6. INCREASE IN NUMERICAL LIMITATIONS.

(a) In General.—In addition to the numerical limitations provided for under subsections (a) and (b) of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the number of refugees who may be admitted during the remainder of fiscal year 2007 and during fiscal year 2008 under subsection (c) of such section shall be increased by not fewer than 20,000 for the purpose of admitting refugees from Iraq.

(b) Prioritization.—The following groups shall be considered Priority 2 refugees of special humanitarian concern under the refugee resettlement priority system:

(1) Female-headed households and unaccompanied children.
(2) Religious communities of antiquity, including Chaldo-Assyrian Christians, Jews, Sabean Mandeans, Yazidis, Bahais, and others.

(3) Other religious, ethnic, social, or minority groups, including gay and lesbian Iraqis, subject to violence, intimidation, or discrimination by state or non-state actors.

(4) Iraqis with family members in the United States.

SEC. 7. SECURITY AND RELATED GROUNDS FOR INADMISSIBILITY.

(a) In General.—Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows:

“(B)(i) The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine in such Secretary’s sole unreviewable discretion that subsection (a)(3)(B) shall not apply with respect to an alien within the scope of that subsection, or that subsection (a)(3)(B)(vi)(III) shall not apply to a group. Such a determination shall neither prejudice the ability of the United States Government to commence criminal or civil proceedings involving a beneficiary
of such a determination or any other person, nor create
any substantive or procedural right or benefit for a bene-
ficiary of such a determination or any other person. Not-
withstanding any other provision of law (statutory or non-
statutory), including section 2241 of title 28, United
States Code, or any other habeas corpus provision, and
sections 1361 and 1651 of such title, no court shall have
jurisdiction to review such a determination except in a pro-
ceeding for review of a final order of removal pursuant
to section 242 and only to the extent provided in sub-
section (a)(2)(D) of such section. The Secretary of State
may not exercise the discretion provided in this clause with
respect to an alien at any time during which the alien is
the subject of pending removal proceedings under section
240.”.

(b) D uress Exception.—Section
212(a)(3)(B)(iv)(VI) of the Immigration and Nationality
Act (8 U.S.C. 1182(a)(3)(B)(iv)(VI)) is amended, in the
matter preceding item (aa), by striking “to commit an act
that the actor knows” and inserting “to commit an act,
other than an act carried out under duress, that the actor
knows”.

(e) Technical Correction.—Section
212(a)(3)(B)(ii) of the Immigration and Nationality Act
(8 U.S.C. 1182(a)(3)(B)(ii)) is amended, in the matter
preceding subclause (I), by striking “Subclause (VII)” and
inserting “Subclause (IX)”.

(d) Regulations.—Not later than 180 days after
the date of the enactment of this section, the Secretary
of Homeland Security and the Secretary of State shall
each publish in the Federal Register regulations estab-
lishing the process by which the eligibility of a refugee,
asylum seeker, or individual seeking to adjust the immi-
gration status of such individual is considered eligible for
any of the exceptions authorized by clause (i) of section
212(d)(3)(B) of the Immigration and Nationality Act (8
U.S.C. 1182(d)(3)(B)), including a timeline for issuing a
determination relating thereto.

(e) Effective Date.—The amendments made by
this section shall take effect on the date of the enactment
of this section. Such amendments and sections
212(a)(3)(B) and 212(d)(3)(B) of the Immigration and
Nationality Act (8 U.S.C. 1182(a)(3)(B) and
1182(d)(3)(B)) shall apply to—

(1) removal proceedings instituted before, on, or
after the date of the enactment of this section; and

(2) acts and conditions constituting a ground
for inadmissibility, excludability, deportation, or re-
moval occurring or existing before, on, or after such
date.
(f) Waiver of Limitation on United States Emergency Refugee and Migration Assistance Fund.—Funds appropriated or otherwise made available for each of fiscal years 2008 and 2009 for the United States Emergency Refugee and Migration Assistance Fund established under section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)(2)) shall not be subject to the limitation contained in the second sentence of such section.

SEC. 8. AUTHORIZATIONS OF APPROPRIATIONS.

(a) United States Emergency Refugee and Migration Assistance Fund.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of section 2(e) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(e)) for assistance to Iraqi refugees.

(b) Migration and Refugee Assistance.—There is authorized to be appropriated such sums as may be necessary to the Migration and Refugee Assistance account of the Department of State, of which—

(1) for assistance to Iraqi refugees in countries of first asylum through international nongovernmental organizations;

(2) for a contribution to the United Nations High Commissioner for Refugees;
(3) for a contribution to the International Committee of the Red Cross; and

(4) for the resettlement in the United States of Iraqis admitted to the United States as special immigrants or refugees under this Act.

(c) OFFICE OF REFUGEE RESETTLEMENT.—There is authorized to be appropriated such sums as may be necessary to the Office of Refugee Resettlement of the Department of Health and Human Services for the resettlement in the United States of Iraqi refugees.

(d) DEPARTMENT OF HOMELAND SECURITY.—There is authorized to be appropriated such sums as may be necessary to the Secretary of Homeland Security for expedited refugee processing and the temporary expansion of the Refugee Corps of United States Citizenship and Immigration Services of the Department of Homeland Security.

(e) INTERNATIONAL DISASTER AND FAMINE ASSISTANCE ACCOUNT.—There is authorized to be appropriated such sums as may be necessary to the International Disaster and Famine Assistance account of the Department of State for assistance to internally displaced Iraqis.

(f) FBI.—There is authorized to be appropriated such sums as may be necessary to the Federal Bureau of Investigation to expedite background checks and proc-
essing for Iraqis admitted to the United States as special
immigrants or refugees under this Act.

(g) DIPLOMATIC AND CONSULAR PROGRAMS.—There
is authorized to be appropriated to such sums as may be
necessary to the Diplomatic and Consular Programs ac-
count of the Department of State to increase capacity to
process special immigrant visas for Iraqis.

(h) AMOUNTS AND AVAILABILITY.—Amounts author-
ized to be appropriated under this section shall be in addi-
tion to amounts for such purposes that are otherwise au-
thorized to be appropriated. Amounts appropriated under
this section are authorized to remain available until ex-

pended.