

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. BLUMENAUER (for himself, Ms. SCHAKOWSKY, and Mr. SHAYS) 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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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. 4. Security and related grounds for inadmissibility.

Sec. 5. Authorizations of appropriations.

1 **SEC. 2. EXPANSION OF SPECIAL IMMIGRANT STATUS FOR**
2 **CERTAIN IRAQIS.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, for purposes of the Immigration and Nation-
5 ality Act (8 U.S.C. 1101 et seq.), subject to subsection
6 (c)(1), the Secretary of Homeland Security may provide
7 an alien described in subsection (b) with the status of a
8 special immigrant under section 101(a)(27) of such Act
9 (8 U.S.C. 1101(a)(27)), if—

10 (1) the alien, or an agent acting on behalf of
11 the alien, files with the Secretary of Homeland Secu-
12 rity a petition under section 204 of such Act (8
13 U.S.C. 1154) for classification under section
14 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

15 (2) the alien is otherwise eligible to receive an
16 immigrant visa and is otherwise admissible to the
17 United States for permanent residence, except in de-
18 termining such admissibility, the grounds for inad-
19 missibility specified in section 212(a)(4) of such Act
20 (8 U.S.C. 1182(a)(4)) shall not apply.

21 (b) ALIENS DESCRIBED.—

22 (1) PRINCIPAL ALIENS.—An alien is described
23 in this subsection if the alien—

24 (A) is a national of Iraq;

1 (B) worked directly with the United States
2 Government, the United Nations, certified gov-
3 ernment or United Nations contractor or sub-
4 contractor, or United States-based nongovern-
5 mental organization for a period of at least one
6 year; and

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

11 (2) SPOUSES AND CHILDREN.—An alien is de-
12 scribed in this subsection if the alien is the spouse
13 or child of a principal alien described in paragraph
14 (1), and is following or accompanying to join the
15 principal alien.

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

20 (c) NUMERICAL LIMITATIONS AND BENEFITS.—

21 (1) IN GENERAL.—The total number of prin-
22 cipal aliens who may be provided special immigrant
23 status under this section shall not exceed 15,000 for
24 each of fiscal years 2008 through 2011.

1 (2) EXCLUSION FROM NUMERICAL LIMITA-
2 TIONS.—Aliens provided special immigrant status
3 under this section shall not be counted against any
4 numerical limitation under sections 201(d), 202(a),
5 or 203(b)(4) of the Immigration and Nationality Act
6 (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

7 (3) BENEFITS.—Aliens provided special immi-
8 grant status under this section shall be eligible for
9 the same resettlement assistance, entitlement pro-
10 grams, and other benefits as refugees admitted
11 under section 207 of the Immigration and Natu-
12 ralization Act (8 U.S.C. 1157).

13 (d) PROTECTION OF ALIENS.—

14 (1) IN GENERAL.—The Secretary of State, in
15 consultation with the Secretary of Homeland Secu-
16 rity, shall provide an alien described in this section
17 who is applying for a special immigrant visa with
18 protection if such Secretaries determine that such
19 alien is in imminent danger.

20 (2) FORMS OF PROTECTION.—Protection re-
21 quired under paragraph (1) may include temporary
22 housing on United States military bases or at pro-
23 vincial reconstruction team offices or the immediate
24 removal from Iraq of such alien.

25 (e) PROCESSING FACILITIES.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, the Secretary
3 of State, in consultation with the Secretary of
4 Homeland Security, shall establish not fewer than
5 five processing facilities where aliens described in
6 subsection (b) may apply and interview for admis-
7 sion to the United States as special immigrants and
8 where aliens described in section 6(b) may apply and
9 interview for admission to the United States as refu-
10 gees.

11 (2) LOCATIONS.—The processing facilities re-
12 quired under paragraph (1) shall be established in at
13 least—

14 (A) two locations in Baghdad;

15 (B) one location in southern Iraq; and

16 (C) two locations in Iraqi Kurdistan.

17 (3) MINIMIZATION OF SECURITY RISKS.—The
18 processing facilities shall be established so as to min-
19 imize to the greatest extent practicable security risks
20 for aliens described in subsection (b) who are apply-
21 ing and interviewing for admission to the United
22 States as special immigrants.

23 (f) COOPERATION WITH IRAQI GOVERNMENT OFFI-
24 CIALS.—

1 (1) IN GENERAL.—The Secretary of State and
2 the Secretary of Homeland Security shall seek to co-
3 operate with appropriate officials from the Govern-
4 ment of Iraq to—

5 (A) increase the capacity of the Govern-
6 ment of Iraq to issue passports to aliens de-
7 scribed in subsection (b); and

8 (B) ensure that aliens described in this
9 section who are issued special immigrant visas
10 are provided with the appropriate series Iraqi
11 passport necessary to enter the United States.

12 (2) PAYMENT OF PASSPORT FEES.—The Secre-
13 taries shall pay the costs associated with the
14 issuance of such Iraqi passports.

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

19 (h) REPORT.—

20 (1) IN GENERAL.—Not later than 90 days after
21 the date of the enactment of this Act, the President
22 shall submit to Congress a report on aliens described
23 in this section who worked directly with the United
24 States Government, the United Nations or other
25 international organizations, certified government or

1 international organization contractors or subcontractors,
2 tors, or international nongovernmental organization
3 as a translator for a period of at least one year.

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

11 (i) APPLICATION OF IMMIGRATION AND NATIONALITY
12 ACT PROVISIONS.—The definitions in subsections
13 (a) and (b) of section 101 of the Immigration and Nationality
14 Act (8 U.S.C. 1101) shall apply in the administration
15 of this section.

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

21 (k) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated such sums as may be
23 necessary to carry out this section.

1 **SEC. 3. SPECIAL COORDINATOR FOR IRAQI REFUGEES.**

2 (a) IN GENERAL.—There is established in the De-
3 partment of State a Special Coordinator for Iraqi Refu-
4 gees and Internally Displaced Persons.

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

8 (c) DUTIES.—The Special Coordinator shall be re-
9 sponsible for the development and implementation of ap-
10 propriate policies and programs concerning Iraqi refugees
11 and internally displaced persons, and shall establish an
12 inter-agency task force to coordinate such policies and pro-
13 grams.

14 **SEC. 4. COUNTRIES OF SIGNIFICANCE.**

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

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

21 (2) develop mechanisms to ensure the well-
22 being, safety, and right to work of such populations
23 in their host environments, including the necessary
24 financial, material, and political assistance to sup-
25 port such mechanisms;

1 (3) submit to Congress, not later than 90 days
2 after the date of the enactment of this Act and every
3 90 days thereafter, a report on the actions taken
4 and progress made under this subsection.

5 **SEC. 5. STUDY AND REPORT BY GAO.**

6 Not later than one year after the date of the enact-
7 ment of this Act and annually thereafter, the Comptroller
8 General of the United States shall submit to Congress a
9 report on the adequacy and effectiveness of United States
10 and United Nations programs to protect and assist Iraqi
11 refugees and internally displaced persons.

12 **SEC. 6. INCREASE IN NUMERICAL LIMITATIONS.**

13 (a) **IN GENERAL.**—In addition to the numerical limi-
14 tations provided for under subsections (a) and (b) of sec-
15 tion 207 of the Immigration and Nationality Act (8 U.S.C.
16 1157), the number of refugees who may be admitted dur-
17 ing the remainder of fiscal year 2007 and during fiscal
18 year 2008 under subsection (c) of such section shall be
19 increased by not fewer than 20,000 for the purpose of ad-
20 mitting refugees from Iraq.

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

24 (1) Female-headed households and unaccom-
25 panied children.

1 (2) Religious communities of antiquity, includ-
2 ing Chaldo-Assyrian Christians, Jews, Sabeian
3 Mandeans, Yazidis, Bahais, and others.

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

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

10 **SEC. 7. SECURITY AND RELATED GROUNDS FOR INADMIS-**
11 **SIBILITY.**

12 (a) IN GENERAL.—Section 212(d)(3)(B)(i) of the
13 Immigration and Nationality Act (8 U.S.C.
14 1182(d)(3)(B)(i)) is amended to read as follows:

15 “(B)(i) The Secretary of State, after consultation
16 with the Attorney General and the Secretary of Homeland
17 Security, or the Secretary of Homeland Security, after
18 consultation with the Secretary of State and the Attorney
19 General, may determine in such Secretary’s sole
20 unreviewable discretion that subsection (a)(3)(B) shall not
21 apply with respect to an alien within the scope of that
22 subsection, or that subsection (a)(3)(B)(vi)(III) shall not
23 apply to a group. Such a determination shall neither prej-
24 udice the ability of the United States Government to com-
25 mence criminal or civil proceedings involving a beneficiary

1 of such a determination or any other person, nor create
2 any substantive or procedural right or benefit for a bene-
3 ficiary of such a determination or any other person. Not-
4 withstanding any other provision of law (statutory or non-
5 statutory), including section 2241 of title 28, United
6 States Code, or any other habeas corpus provision, and
7 sections 1361 and 1651 of such title, no court shall have
8 jurisdiction to review such a determination except in a pro-
9 ceeding for review of a final order of removal pursuant
10 to section 242 and only to the extent provided in sub-
11 section (a)(2)(D) of such section. The Secretary of State
12 may not exercise the discretion provided in this clause with
13 respect to an alien at any time during which the alien is
14 the subject of pending removal proceedings under section
15 240.”.

16 (b) DURESS EXCEPTION.—Section
17 212(a)(3)(B)(iv)(VI) of the Immigration and Nationality
18 Act (8 U.S.C. 1182(a)(3)(B)(iv)(VI)) is amended, in the
19 matter preceding item (aa), by striking “to commit an act
20 that the actor knows” and inserting “to commit an act,
21 other than an act carried out under duress, that the actor
22 knows”.

23 (c) TECHNICAL CORRECTION.—Section
24 212(a)(3)(B)(ii) of the Immigration and Nationality Act
25 (8 U.S.C. 1182(a)(3)(B)(ii)) is amended, in the matter

1 preceding subclause (I), by striking “Subclause (VII)” and
2 inserting “Subclause (IX)”.

3 (d) REGULATIONS.—Not later than 180 days after
4 the date of the enactment of this section, the Secretary
5 of Homeland Security and the Secretary of State shall
6 each publish in the Federal Register regulations estab-
7 lishing the process by which the eligibility of a refugee,
8 asylum seeker, or individual seeking to adjust the immi-
9 gration status of such individual is considered eligible for
10 any of the exceptions authorized by clause (i) of section
11 212(d)(3)(B) of the Immigration and Nationality Act (8
12 U.S.C. 1182(d)(3)(B)), including a timeline for issuing a
13 determination relating thereto.

14 (e) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on the date of the enactment
16 of this section. Such amendments and sections
17 212(a)(3)(B) and 212(d)(3)(B) of the Immigration and
18 Nationality Act (8 U.S.C. 1182(a)(3)(B) and
19 1182(d)(3)(B)) shall apply to—

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

22 (2) acts and conditions constituting a ground
23 for inadmissibility, excludability, deportation, or re-
24 moval occurring or existing before, on, or after such
25 date.

1 (f) WAIVER OF LIMITATION ON UNITED STATES
2 EMERGENCY REFUGEE AND MIGRATION ASSISTANCE
3 FUND.—Funds appropriated or otherwise made available
4 for each of fiscal years 2008 and 2009 for the United
5 States Emergency Refugee and Migration Assistance
6 Fund established under section 2(c)(2) of the Migration
7 and Refugee Assistance Act of 1962 (22 U.S.C.
8 2601(c)(2)) shall not be subject to the limitation contained
9 in the second sentence of such section.

10 **SEC. 8. AUTHORIZATIONS OF APPROPRIATIONS.**

11 (a) UNITED STATES EMERGENCY REFUGEE AND MI-
12 GRATION ASSISTANCE FUND.—There is authorized to be
13 appropriated such sums as may be necessary to carry out
14 the provisions of section 2(c) of the Migration and Refugee
15 Assistance Act of 1962 (22 U.S.C. 2601(c)) for assistance
16 to Iraqi refugees.

17 (b) MIGRATION AND REFUGEE ASSISTANCE.—There
18 is authorized to be appropriated such sums as may be nec-
19 essary to the Migration and Refugee Assistance account
20 of the Department of State, of which—

21 (1) for assistance to Iraqi refugees in countries
22 of first asylum through international nongovern-
23 mental organizations;

24 (2) for a contribution to the United Nations
25 High Commissioner for Refugees;

1 (3) for a contribution to the International Com-
2 mittee of the Red Cross; and

3 (4) for the resettlement in the United States of
4 Iraqis admitted to the United States as special im-
5 migrants or refugees under this Act.

6 (c) OFFICE OF REFUGEE RESETTLEMENT.—There is
7 authorized to be appropriated such sums as may be nec-
8 essary to the Office of Refugee Resettlement of the De-
9 partment of Health and Human Services for the resettle-
10 ment in the United States of Iraqi refugees.

11 (d) DEPARTMENT OF HOMELAND SECURITY.—There
12 is authorized to be appropriated such sums as may be nec-
13 essary to the Secretary of Homeland Security for expe-
14 dited refugee processing and the temporary expansion of
15 the Refugee Corps of United States Citizenship and Immi-
16 gration Services of the Department of Homeland Security.

17 (e) INTERNATIONAL DISASTER AND FAMINE ASSIST-
18 ANCE ACCOUNT.—There is authorized to be appropriated
19 such sums as may be necessary to the International Dis-
20 aster and Famine Assistance account of the Department
21 of State for assistance to internally displaced Iraqis.

22 (f) FBI.—There is authorized to be appropriated
23 such sums as may be necessary to the Federal Bureau
24 of Investigation to expedite background checks and proc-

1 essing for Iraqis admitted to the United States as special
2 immigrants or refugees under this Act.

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

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

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