THE SPECIAL IMMIGRATION VISA PROGRAM AND THE ROLE OF IRAQI TRANSLATORS AND INTERPRETERS

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ABSTRACT

During the United States-led invasion in Iraq in 2003, it became increasingly important to find local translators and interpreters who could assist the U.S. military in its efforts to win the war and then stabilize and rebuild Iraq. The Iraqi interpreters and translators assisted the Americans through their language skills and their knowledge of politics, traditions, history, religion, and tribal rituals. As time wore on and the environment became increasingly more volatile, Iraqi translators and interpreters became targets of Iraqi insurgents, who accused them of being traitors to their country. Iraqi interpreters and translators suffered from death threats, kidnappings, and murder. Since 2006, the United States enacted a number of laws pertaining to the assistance of Iraqi translators and interpreters who worked for the U.S. government and military; however, it took nearly five years for the Special Immigration Visa Program to be completely implemented.

The Special Immigration Visa (SIV) was designated for eligible Iraqi and Afghan translators and interpreters who worked directly with the U.S. Armed Forces, at the U.S.
Embassy Baghdad, or at the U.S. Embassy Kabul. As a result, many of those who risked their lives supporting the American war effort faced years of living dangerously before their SIV status could be finalized. This thesis provides an institutional and historical approach to the problem that has led up to the unique situation for Iraqi interpreters and translators within the last decade. It further examines the moral obligations of the United States to those that served the U.S. while attempting to balance the political upheaval regarding Iraqi refugees entering the United States as potential national security risks.

Most of the research that was gathered for this thesis was from printed publications written by journalists or from U.S. military and government officials who expanded on their own experiences working with Iraqi translators or interpreters. Information and publications based on the work by the NGOs, “The List Project,” IRAP, and No One Left Behind were instrumental in gathering data on the narratives that surround the plight of Iraqi translators and interpreters. There is a substantial dearth of scholarly work that analyzes the SIV programs. Three experts in immigration law provided bureaucratic and inter-agency problems with the SIV programs. Their work was thorough and useful for this thesis in order to provide an overview of the SIV program.
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This thesis is dedicated to all the brave Iraqi men and women who risked their lives as interpreters and translators for the United States.

I would like to also express my deepest gratitude to my Advisor, Dr. Ralph Nurnberger for his unwavering support, guidance, and patience. My sincerest thanks to Dean John Dolan and Assistant Dean Anne Ridder, for their understanding and efforts to help me finalize this thesis.

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CONTENTS

Abstract ii
Acknowledgements iv
Chapter 1: The Problem 1
Chapter 2: Left Behind 18
Chapter 3: The Role of Congress 37
Chapter 4: The Travel Ban: President Trump’s First Executive Order 59
Chapter 5: Findings 74
Bibliography 88

LIST OF FIGURES

Figure 1-1: Map of Iraq Governates 13
Figure 2-1: An Iraqi Interpreter Working with his U.S. Colleagues 26
Figure 4-1: Muslims By World Region 61

LIST OF TABLES

Table 3-1: Special Immigrant Visas for Iraqi Translators and Interpreters 50
Table 3-2: Special Immigrant Visas for Iraqis Employed by or on Behalf of the U.S. Government 51

APPENDICES

Appendix A: December 1, 2015 Letter by National Security Advisors 88
Appendix B: February 16, 2017 Letter from Senator Lindsey Graham 89
Appendix C: The U.S. Refugee Admissions Program v. Special Immigration Visa Program since 2011 90
CHAPTER 1
THE PROBLEM

“These are people who have put their lives on the line not just for their country, but for ours….The very least we can offer them is a chance to stay alive.”
– Representative Seth Moulton (D-MA), April 2016

Invested Interest

The plight of Iraqis who had worked as translators and interpreters was first brought to my attention in 2008. I had recently started working with the U.S. Embassy Stockholm’s educational outreach program. Sweden, a country known for its open border policies, had already accepted tens of thousands of Iraqi refugees. Anders Logo, then Mayor of Södertälje, had just visited Washington, D.C. on April 16, 2008. He addressed the U.S. Congress regarding the city’s efforts to embrace those who fled persecution from anti-American groups, including the Islamic State in Iraq (ISI). Mayor Logo’s opening remarks captured headlines around the world. He bluntly stated that, “this small city, north of Stockholm, has a population of 83,000 and has accepted more Iraqi refugees than the United States and Canada combined.”

In the autumn of 2008, as a result of Mr. Logo’s visit to Washington, DC, my colleagues and I were assigned to embark on an educational outreach campaign to Södertälje. During our visit, we met Iraqis who had worked for the United States and were still waiting for their Special

1 The Islamic State of Iraq (ISI) aimed to establish an Islamic State in the Sunni Arab-majority of Iraq. It was founded by Abu Musab al-Zarqawi, a Jordanian jihadist, who had previously pledged his loyalty to Al Qaeda. His organization was initially called, “Al Qaeda in Iraq.” See: https://www.brookings.edu/testimonies/comparing-al-qaeda-and-isis-different-goals-different-targets/. Accessed March 28, 2018.

Immigration Visas (SIV) so that they could resettle there. The Special Immigration Visa was designated for eligible Iraqi and Afghan translators and interpreters who worked directly with the U.S. Armed Forces, at the U.S. Embassy Baghdad, or at the U.S. Embassy Kabul. The Iraqis asked us how we could assist them in expediting their SIV applications. Others asked how they could acquire documentation to prove their previous U.S. employment. Some expressed their frustration over their lack of having even their basic documentation, such as academic degrees and medical records. They explained that they had been unable to take these documents with them during their urgent flights from Iraq. Several Iraqis pleaded for help to resettle their families who were still in Iraq.

Hassan, a former interpreter whom I met that day, asked questions about visas for Swedish students to study in the U.S. I was pleased to have the opportunity to speak with him about education in the U.S. I soon learned that Hassan previously had served as translator for the U.S. Army in Iraq. He had still not received the SIV he applied for in 2005 and needed to move to a safer place. By 2007, he joined other family members who had already emigrated from Iraq to Sweden. Our naïve efforts to discuss U.S. educational opportunities that day seemed misplaced given the harrowing experiences these U.S. affiliated Iraqis had undergone to reach safety in Sweden. I left that day shocked and disappointed after hearing from those former allies who felt betrayed by the United States. I was perplexed as to why the United States had not allowed those previously vetted Iraqi translators and interpreters into the United States, as it had done in past conflicts. During that same period as our visit to Södertälje, global news organizations began to report more on how the U.S. virtually abandoned Iraqi translators and

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interpreters who had risked their lives for the sake of the United States’ efforts to stabilize and rebuild Iraq.

As a result of these meetings, I began to focus on the problems that Iraqi translators experienced with the SIV process. Specifically, I began to look into how their work with the U.S. affected their daily lives during and after the Iraq War, and what hurdles they encountered with their SIV applications. I also became interested in finding out what the United States government had done to protect our Iraqi allies, while still safeguarding our national security.

The Roles of Iraqi Interpreters and Translators

During the United States-led invasion in Iraq in 2003, it became increasingly important to find local translators and interpreters who could assist the U.S. military in its efforts to win the war and then stabilize and rebuild Iraq. The interpreters and translators assisted the Americans in Iraq through their language skills and their knowledge of politics, traditions, history, religion, and tribal rituals. Translation and interpretation involve different skills. Translators convert the written word from one language to another, while interpreters must convert spoken text back and forth between two languages. In high-conflict situations, interpretation usually happens on the spot and in front of people watching them. Many local tribal leaders were regional power-holders and tribal sheiks who were often respected members of Iraqi communities. Building relationships with tribal leaders through interpreters helped lessen the ongoing resistance to U.S. forces.  

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Thus, it became increasingly important for American troops to find homegrown Arabic interpreters who knew tribal dialects, their customs, and Iraqi culture.

Although the U.S. military produces talented Arabic translators at the Defense Language Institute Foreign Language Center (DLILC), real-time interpreting requires an extremely high-level of skill, which requires several years of study. The military simply could not provide these people on a large scale especially in the first few years of the U.S.-led war in Iraq. In a journal written for the *U.S. Army’s Combat Studies Institute*, Lieutenant Colonel William Wunderle recognized the U.S. Army’s need for more Arab cultural awareness since the Department of Defense (DOD) had recognized that its cultural and language preparation was inadequate when U.S. forces first occupied Iraq. Col. Wunderle wrote that the “lessons from recent and ongoing operations in Iraq have demonstrated the need for improved cultural knowledge and foreign language capability among U.S. forces” 5 Additionally, the Arabic most commonly taught at DLILC is Modern Standard Arabic, which did not encompass the local dialects around Iraq nor the cultural components that surround the various dialects. Cultural components encompass beliefs, traditions, and behaviors shaped by history, religion, ethnic identity, and language. Col. Wunderle defines cultural awareness in a military context as the “cognizance of cultural terrain for military operations and the connections between culture and warfighting.” 6 The lack of cultural awareness among U.S. military troops produced a negative image of the American presence in Iraq. 7 Thus, Iraqi interpreters and translators were imperative for American forces in

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6 Ibid., 9.

7 Ibid., 16.
Iraq to gain knowledge of Iraq’s cultural components from the translators and interpreters.

As time wore on and the environment became increasingly more volatile, Iraqi translators and interpreters became targets of Iraqi militias, who accused them of being traitors to their country. They suffered from death threats, kidnappings, and murder. As a result, media sources and humanitarian aid groups criticized the American government for neglecting Iraqi interpreters and translators who worked for Americans during the conflict that ended in 2011. Through the efforts of non-governmental organizations (NGOs) and multi-media reports, the U.S. eventually adopted new laws and policies to address the situation of Iraqi interpreters living in Iraq under threat of persecution. Chapter two of this thesis will further discuss the efforts of NGOs and the media that surrounded the Iraqi translator and interpreter narrative.

The SIV Numbers

The United States enacted a number of laws beginning in 2008 that pertained to the Iraqis who worked for the U.S. government and military. It took several years, however, for the SIV program to be completely implemented. Even then, it fell short of its intended goals. When the U.S. completely withdrew from Iraqi bases by 2011, thousands of U.S. affiliated Iraqis not only lost their jobs, they were confronted with a complex U.S. bureaucracy to wait approval of their SIVs. As a result, many of those who risked their lives supporting the American war effort faced years of living dangerously before their status could be finalized. Chapter three of this thesis will focus on the history of the SIV and its cumbersome application process.

The SIV Program was established through the bi-partisan 2008 Refugee Crisis in Iraq Act. By passage of this Act, Congress instructed the U.S. Government to resettle 5,000 U.S.-affiliated Iraqis per year for the next five years. According to the U.S. Government
Accountability Office (GAO), this effectively opened up 25,000 slots for SIVs. Despite Congressional intent, the program only reached about thirty-percent of its goals.\(^8\) In addition, Iraqis currently waited an average of eighteen months before making it through the bureaucratic visa system. It is estimated that between 2003-2011, about 50,000 Iraqi nationals worked directly with the United States. Out of an allocated 25,000 visas, only 6,618 visas had been given to U.S.-allied Iraqis by the time the SIV Program ended for them in September 2014. Only 856 of these 6,618 visas were provided to translators and interpreters.\(^9\)

**Their Stories**

George Packer, an American journalist and author, published a significant investigative article in the March 25, 2007 edition of the *New Yorker*, in which he discussed the lives of a number of Iraqi translators and interpreters. The article summarized in-depth personal interviews he had conducted with some of these former translators and interpreters. Many of his sources had changed their names to protect their identities from threats to themselves and their families. Packer’s article provided a unique perspective of the 2003 Iraq War from the viewpoint of the Iraqis who had worked for the Americans. The interpreters and translators reported on the repercussions they suffered because of their decision to work with the Americans.\(^10\) Prior to Packer’s article, very little had been published about America’s Iraqi allies. In part, this reflected

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a decision by the Bush Administration, which had sought to keep a positive narrative regarding the progress of the U.S. occupation. Thus, the Administration did not want negative reports to be published.\footnote{Ibid.}

Packer reported on his conversations with a Sunni Arab interpreter named Ali and a Shia interpreter named Firas. They told Packer in detail how they became interpreters for the U.S. government and how, over time, their once admired positions became the targets for ISI and other militant groups. Ali told Packer that during the early American occupation in Iraq, the Baathists in his neighborhood began a whispering campaign that spread false information about interpreters. The Baathists in Iraq were the predominant party during Saddam Hussein’s rule as President of Iraq from 1979-2003.\footnote{Charles Tripp. \textit{A History of Iraq}. (Cambridge, Cambridge University Press, 2007), 217.} The Baathists told their neighbors that Iraqi interpreters who went along on raids were feeding the Americans false information. They claimed that the interpreters urged the abuse of Iraqis, including stealing houses and raping women. Ali also disclosed to Packer that the Baathists “made the reputation of the interpreter very, very low—worse than the Americans.”\footnote{Packer. “Betrayed,” 16.} According to Ali, the U.S. typically provided interpreters with inferior or no body armor, thus allowing the Baathists to make a persuasive case that Americans treated all Iraqis badly, even those who worked for them. Ali felt that he and other Iraqi interpreters and translators had become a “person in between” since neither the Iraqis nor Americans trusted the interpreters.\footnote{Ibid.}
Firas, the Shia interpreter whom Packer interviewed, provided the perspective that American officials seemed oblivious to the significance of the interpreters’ first-hand knowledge of the situation in Iraq. He also told Packer that he had met the personal interpreter of L. Paul Bremer III. Bremer had been appointed as head of The Coalition Provisional Authority by then-President George W. Bush. The Coalition Provisional Authority governed Iraq for fourteen months after the U.S. invasion in the fall of 2003. Firas had secured a privileged position by translating documents for top U.S. officials in the Republican Palace where the Americans diplomats worked inside the International Zone (IZ.) The IZ, also known as the “Green Zone,” was the heavily guarded U.S. diplomatic and government area in central Baghdad where Americans lived and worked.15

Firas told Packer that he admired his new colleagues and believed that they were helping to create institutions that would lead to a better future. Firas, however, had less authority than any of the Americans, although he knew more about Iraq. In the early months of the U.S. occupation, Firas felt that the less Americans knew about Iraq, the less they wanted to hear from him, especially if they held high positions.16 He candidly observed that the initial political appointees from the Coalition Provisional Authority knew neither Arabic nor the Iraqi culture.

A turning point for interpreters and translators took place when the Coalition Provisional Authority headquarters in the IZ became the U.S. Embassy. Political appointees were replaced by career diplomats, who had more background and knowledge of Arabic and had more experience working in the country. The diplomats whom Firas worked for gave him and other


foreign-service nationals more authority and encouraged them to help write reports on Iraqi politics.\(^{17}\)

The lives for the Iraqi interpreters and translators working inside the IZ changed dramatically on the morning of January 18, 2004. A suicide truck bomber detonated a massive bomb amid a line of vehicles waiting to enter the IZ. Shortly after the bombing attack in Baghdad, insurgents in Mosul decapitated two military interpreters. Throughout 2004, the murder of interpreters and other Iraqi employees became increasingly commonplace. According to Packer, American soldiers stationed in Mosul expressed sympathy for their Iraqi employees. On the other hand, the U.S. did not offer the interpreters and translators protection, either in the form of a weapons permits or a place to live in the IZ.\(^ {18}\) When Iraqi employees of the U.S. military began to be kidnapped and killed in large numbers, there was essentially no American response.

Significantly, Packer’s article highlighted a response to the violence against translators and interpreters. His article referenced the “List Project,” which is an NGO started by Kirk Johnson who had begun to advocate for the safety of U.S.-allied Iraqis beginning in 2006. Johnson had been recruited through the U.S. Agency for International Development (USAID) to work with the Embassy in Baghdad. During his year in Bagdad, he befriended an Iraqi translator at the U.S. Embassy, named Yaghdan (his original name), who had worked with the Americans since 2003. Yaghdan and other Locally Employed Staff (LES) at the Embassy began to receive threats because of their affiliation with Americans. One morning in 2006, Yaghdan saw a

\(^{17}\) Ibid., 16.

\(^{18}\) Ibid.
message laying by his garage door that said, “We will cut off heads and throw them in the 
garbage. Next time it will be your head.” There was a severed dog’s head next to the message.¹⁹
This threat prompted Yaghdan and his wife to flee to Syria and to look for a way to seek asylum 
in the United States. At the time, there were no U.S. laws in place specifically for Iraqi 
translators or interpreters to receive visas. Yaghdan’s frustration and perseverance led him to 
contact his former American employees for support, which eventually led him to contact Kirk 
Johnson. Johnson had already returned to the United States after his year-long post. Yaghdan’s 
dilemma prompted Kirk Johnson to create the “List Project,” which was significant because it 
was the first time Iraqis were able to find a sympathetic American who would listen to their fears 
of persecution and who would advocate on their behalf.²⁰ Johnson received dozens of personal e-
mails from Iraqi translators and interpreters who feared for their lives in Iraq and were looking to 
resettle in the Unites States. He also received numerous emails from former U.S. employers of 
Iraqis who wanted to assist their former translators and interpreters by adding their names to “the 
list.”

Over the next few years, other American officials wrote articles in support of Iraqi 
translators and interpreters who had served or worked with them in Iraq. An article, by CBS 
reporter Jim Axelrod examined the extraordinary efforts by a military police officer in Iraq, 
named Sergeant Paul Braun, to help his Iraqi translator get his SIV processed. Braun’s 
interpreter’s name was Khalid, though, the soldiers called him “Phillip Morris” after his heavy 
smoking habit. Sergeant Braun met “Phillip” in Basra, Iraq in 2009. Braun recalled that one of 
the first things he said to Philip, was: “You know that the militias are going to come after you.”

¹⁹ Ibid.
²⁰ Ibid.
“Phillip” replied, that he was already marked for death for his affiliation with the U.S. military. Sergeant Braun promised to look out for “Phillip” after his tour ended. Despite Braun’s efforts, it still took “Philip” four years to arrive in America under the SIV Program. It took another two years for “Phillip’s” family to join him in the United States. Through the support of Sergeant Braun, “Phillip” and his family have adjusted fairly well in the United States. “Phillip’s” daughters learned English and both he and his eldest son found employment in a senior living facility.

As my efforts expanded to seek out other successful SIV holders, I was able to connect with a former Iraqi translator who was now resettled in the United States. I first met Sameh Majeed Kamil Shakir Al Dulaimi (his real name) while I was living in Charleston, South Carolina. He told me about his harrowing journey that spanned over a decade. Sameh worked for the United States in Iraq as an engineer, an English language instructor, and a part-time translator from 2004 until 2012. In 2004, he returned to his hometown, Baqubah, where he first worked for the Research Triangle Institute (RTI) in the IZ. Sameh reported that by June 2005, the security situation started disintegrating “by the hour.” All the international staff at RTI, therefore, were pulled back to the main headquarters in Baghdad, and all the local employees were laid off. He was then recruited to work as a task order manager and site engineer for an American construction company called FluorAMEC, LLC. He worked for this company until 2006. It was


at this time that he reported that his life dramatically changed; his parents’ house was bombed twice, once in January 2005 and again in February 2006. He repeatedly received threatening phone calls and to this day he is still banned from communicating with his extended family who remain in Iraq. According to Sameh, his attackers were members of ISI. ISI had military units or strongholds in Mosul and in the governorates of Baghdad, Al Anbar and Diyala. At the time, ISI claimed Sameh’s hometown, Baqubah as their capital (Figure 1-1). 23 Although Sameh worked as a translator for American companies, ISI affiliates alleged he worked for the U.S. Army, which they regarded as a “death sentence” for him as well as other Iraqis who also worked for the U.S. military. He was forced to quit his job, he lost friends and colleagues due to kidnappings and murders carried out by ISI. Sameh fled Iraq and moved around for several years. He first went to Jordan, then Turkey, then to Syria, Uganda, and to Northern Iraq’s Kurdistan region. Sameh eventually returned to Baghdad in 2008, where he later married and had three children. Although his work had concluded with the U.S., he continued to receive death threats. As a result, he feared for his family, especially for his children’s lives. In 2010, Sameh applied for the SIV. despite letters of support and persistence from his U.S. employers, it took him four years to receive his visa to the United States.24


“Phillip,” Sameh, and Yaghdan are only three stories of those who were able to resettle in the U.S. through the SIV program. Although these are successful examples, the efforts to aid and

25 See: http://iraqpictures.org/map-of-iraq/
process U.S. affiliated Iraqis, reflected that the SIV applicants were caught up in unnecessary and lengthy processing obstacles. Furthermore, the debate on whether to allow these U.S.-affiliated Iraqis into the United States is still being strongly debated in Congress today. Chapter four of this thesis will discuss recent bi-partisan perspectives on immigration and the Executive Order issued by the Trump Administration, which had a direct effect on Iraqi translators and interpreters and the SIV program.

U.S. Representative Seth Moulton (D-MA) has been vocal about his support for translators and interpreters who worked for the U.S. in Iraq and Afghanistan and their ability to obtain an SIV. He had already been successful in helping his first interpreter, Mohammed, settle in the United States. In fact, Mohammed lived with Rep. Moulton’s parents for the first few months after he arrived in the United States.

Rep. Moulton is also concerned about translators and interpreters. During a 2017 podcast with This American Life, Rep. Moulton discussed the plight of other interpreters with whom he served in Iraq who have not been as successful as Mohammed. He expressed that he was actively trying to assist an Iraqi interpreter with whom he served from 2007 and 2008. As of 2017, the interpreter was still unable to obtain an SIV for himself and his family. During the podcast, Rep. Moulton also discussed the unfortunate situation for interpreters who sacrificed their lives but were denied SIVs.26

One such interpreter, “Sarah,” did not succeed in receiving an SIV despite being highly recommended by top military officials.27 “Sarah” was her nickname, since many Iraqi


interpreters chose nicknames to protect their identity. “Sarah” was an interpreter for the U.S. Army. Her role was not just as an interpreter, but she also gathered key information that became important intelligence for the unit.\(^2\) During “Sarah’s” early years as an interpreter, ISI was trying to gain control of the area around Baghdad. The Americans needed to obtain tips from informants, who were often ordinary Iraqi citizens afraid of both insurgents and of the Americans. “Sarah's” job was to try to convince these potential informants to provide information to the Americans. According to her U.S. Army supervisor, “Sarah” was indispensable and was often the interpreter whom top military officials wanted at their meetings with local sheikhs and other leaders. They sought her opinion as well as her interpreting skills.\(^3\) Her work with informants was crucial because some of the people whom they sought out would not have spoken with a male interpreter. When “Sarah” worked for the United States, she did not cover her face with a mask the way some interpreters did because she knew that people were more willing to talk if they could see her face. This made “Sarah’s” work even more dangerous because her face was known to the militia leaders she helped the U.S. question and put in prison.

“Sarah” received letters of praise from military officers, whose letters included statements, such as: “Her work has directly led to identifying many criminal actors and capturing them….We've learned that “Sarah” is feared by local criminals…. “Sarah” unhesitatingly faced the same dangers as our soldiers….She's earned the trust and confidence of everyone in the unit.”\(^4\) Despite earning this praise and risking her life, Sarah did not pass her interview for an SIV. According to her story related in the podcast, an anonymous Iraqi informant had accused

\(^{28}\) Ibid.

\(^{29}\) Ibid.

\(^{30}\) Ibid.
her of betraying the Americans she worked with and taken money from militia members.

“Sarah” was not convicted on the basis of insufficient evidence, however, the anonymous report would eventually become a problem for her.

After “Sarah’s” husband was killed in retaliation for her work with the Americans, she started to look for a way to get herself and her sons out of Iraq and to resettle in the United States. With the help of top military officials and from Representative Moulton’s unit, she applied for the SIV. By 2016, “Sarah” and her sons moved to Jordan for safety. As well as the fact that U.S. immigration officials told her that the visa process would go faster if she was outside Iraq. Although Jordan was expensive and “Sarah” was unable to legally work, she remained in Jordan to wait for the outcome of her SIV application to the United States.

When “Sarah” was denied the SIV, she had to remain in Jordan with her children for her safety. Rep. Moulton openly criticized the SIV program and stated: “we failed “Sarah” and her kids by letting this process drag on for so many years….Americans want to be safe. I want to be safe. But in my opinion, we aren't safer for keeping “Sarah” out, and we are abandoning a friend and an ally.”

It can be inferred that one of the reasons “Sarah” was denied an SIV was because doubt was cast upon her credibility as an interpreter. While this fact has not been confirmed by the State Department; the anonymous tip perhaps weighed more on her eligibility to obtain an SIV than the generous praise by her U.S. Army supervisors, and the risks she took to provide crucial intelligence.

According to Rep. Moulton, other members of Congress have been ardently opposed to allowing Iraqi and Afghan allies into the United States. He referred to the anti-immigrant sentiment that still resonates within the Republican Party. He argued that while some members

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31 Ibid.
of Congress do not trust Iraqis or Afghans, they also do not understand that these translators and interpreters were targeted by insurgents for their affiliation with the United States. Rep. Moulton stated, “They've taken far greater risks for our country than these folks in Congress who are opposed to their immigration and have never served in our military.”

The SIV was created to protect interpreters and translators who put themselves in harm’s way. The question remains as to why some interpreters, translators and other U.S.-allied Iraqis such as “Phillip,” Yagdan, and Sameh were able to resettle safely in the U.S. through the SIV Program, while others such as “Sarah,” Firas, and Ali were not approved. It is also important to look at the issues that caused the backlog of SIV applicants and why the United States did not do everything it could to protect all SIV applicants, especially those who had documents of support issued by the U.S. employers.

This thesis will explore: 1) the issues that brought the plight of the U.S. translators and interpreters to the attention of the public; 2) the moral obligation the United States has to protect the Iraqi translators and interpreters; 3) the role of the U.S. Congress and the SIV process; and 4) examining the Trump Administration’s Executive Order: “Protecting the Nation from Foreign Terrorist Entry into the United States,” which prohibited the safety of U.S.-allied Iraqi translators and interpreters.

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32 Ira Glass, “Didn’t We Solve This One?” This American Life, podcast.
CHAPTER 2

LEFT BEHIND

“To be an enemy of the United States is dangerous, but to be a friend is sometimes fatal.”

-Henry Kissinger, 1968

Chapter one introduced the issues that impact Iraqi translators, interpreters and other United States-allied Iraqis. They were threatened, kidnapped, beaten, and murdered for their affiliation with the United States (U.S.). Today, information regarding the persecution of Iraqi translators and interpreters who worked for the U.S. is well-known around the world. During the first two years of the 2003 U.S.-led War in Iraq; however, there was very little public information about their plight. Eventually the fact that the Iraqi translators and interpreters were being targeted for their affiliation with the United States and they needed protection was publicized more widely.

Translators and interpreters are largely invisible in existing accounts of war; however, their contributions are invaluable. Remarkably, they are often perceived as either “trustworthy allies” or as “security risks.” Concerns that interpreters could be working with insurgents prompted the U.S. military to restrict some interpreters’ freedoms. On the other hand, U.S. military officers acknowledged that they were dependent on their translators on a daily basis, although not without reservations. A U. S. Army Staff Sergeant stated during an interview for the Christian Science Monitor in 2006, "These guys [have guts] to do what they do. And we'd be nowhere without them. We'd be lost…. You always have this fear that they might be leaking
operational security stuff. You want to trust them, but you're still reserved." These diverse perceptions had a significant impact on the level of trust between foreign-born Iraqi allies and the United States citizens serving in Iraq. This chapter will analyze manner in which the media and non-governmental agencies (NGOs) had on shaping the narrative of the Iraqi translators and interpreters’ role in the war. Furthermore, this chapter will discuss the impact that NGOs had on devising public policy, especially the United States’ obligation to protect and maintain safety for these U.S. affiliated Iraqis, despite suspicions of these translators and interpreters by some U.S. officials.

**Brief Background**

According to William Denn, a career Army Officer at the Department of Defense, at the start of the 2003 U.S.-led invasion of Iraq, American officials did not anticipate that the military would need many interpreters. When Iraq shifted into post-invasion stability operations in 2004, however, the majority of combat units increasingly found themselves in contact with the local civilians. As a result, the need for interpreters grew exponentially.

Iraq is comprised of various ethnic and religious groups. According to Michael Lipka of the Pew Research Center, Shiite Arabs comprise sixty percent of the population in Iraq, while Sunni Arabs make up about fifteen to twenty percent of Iraq's population. Sunni-Shiite relations in Iraq, were complicated, but they became even more difficult after the elimination of Saddam

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Hussein’s Sunni-dominated regime.\textsuperscript{35} On May 16, 2003, just after President George W. Bush named L. Paul Bremer III to be the head of the Coalition Provisional Authority, the Bush Administration sought to remove all senior Baathists from the government and its security forces.\textsuperscript{36} Saddam Hussein had been the head of the Baathist Party, which was comprised of mainly Sunni Arabs. Some of the Sunnis who lost their jobs and their positions as a result of the U.S. instituted programs called “de-Baathification” began attacks on the U.S.-led coalition, including Iraqi government forces and Iraqi civilians who had worked for the United States. Subsequently, many of these Arab Sunnis, who generally had benefited from the former Baathist regime, joined the insurgency.

The political shift served to enhance local disputes into broader sectarian confrontations. At the same time, Bremer attempted to create an interim constitution while negotiating the transfer of power back to Iraqis. His efforts to successfully implement a transfer of power were hampered by U.S. officials who did not speak Arabic.\textsuperscript{37} Brenner and his officials had to look for local translators and interpreters who could provide language skills as well as background in Iraqi language and culture.

Many Iraqis applied to assist the U.S. government and military efforts during the initial stages of occupation. Their motivations for such risky jobs differed widely. Some wanted progress and change in their country after the fall of Saddam Hussein’s regime. Many despised

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\textsuperscript{36} Ibid.

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extreme militias and wanted to end the ethnic conflict between Sunnis and Shiites, especially after deadly sectarian violence had begun to spread across the country. The majority, however, seemed to have been motivated by compensation. As the need for interpreters increased, the U.S. military recruited interpreters and translators by offering a salary of $1050 per month. This was a phenomenal salary in 2003 for any citizen of Iraq at a time when unemployment was estimated between 25 and 30 percent.\(^{38}\) Interpreters assumed that their perspective would be invaluable to foreigners who knew little about Iraq. Iraqis who agreed to assist Americans were hired as interpreters; “terps” as they were called by American soldiers. Their skills and abilities went well beyond language. They soon became cultural advisers, intelligence officers, and policy analysts.

Originally, “terps” did not worry about their safety and did little to disguise themselves. At the time, associating with Americans was considered an honor and matter of prestige. They accompanied combat units on missions, participated in intelligence operations, facilitated diplomatic talks, and provided cultural advice to troops to ensure that they avoided offending anyone.\(^ {39}\) They wore the same body armor as the U.S. soldiers and fought alongside them as if they were part of the combat units. They forged friendships and built relationships based on mutual trust. Unfortunately, the mutual trust began to disintegrate when Iraqi paramilitary forces-initiated intimidation tactics on Iraqi civilians by “publicly and brutally murdering those who welcomed the United States occupation in Iraq.”\(^ {40}\)

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In the early weeks of the insurgency, attacks on American coalition forces occurred through direct assaults using small arms and rocket-propelled grenades. Later these attackers used improvised explosive devices (IEDs), which were homemade bombs that were buried in holes along the road, hidden in trash cans or inside piles of wreckage. IEDs were detonated by wire or remotely with a device, such as a mobile phone. This form of warfare caught the U.S. military by surprise. According to research by author George Packer, there had been no effective plans to anticipate these warfare tactics. Consequently, there was no planned response by the United States government regarding these aggressive tactics by insurgents. Therefore, the American military was not initially prepared for these attacks.

The Media’s Role in the Narrative

By 2005, articles appeared in USA Today, The Washington Post, The Christian Science Monitor, The New Yorker, and The L.A. Times, describing the dangers that Iraqi translators faced and how the U.S. betrayed them. American officials were accused of apathy towards the Iraqis who were targeted for working with Americans. USA Today reported that the translators and interpreters who had previously not concealed their identities, were worried that they would be recognized by groups opposed to American military presence in Iraq. Many went into hiding and began to cover their faces with masks, so as not to be recognized and hunted by insurgents who considered them “pro-American collaborators.” Concurrently, as the insurgency became

41 Ibid., 299.
42 Ibid. 300.
stronger, safety for the “terps” in Iraq became increasingly difficult. In addition, Iraqi allies who had previously been trusted by their American employers were seen as potential threats.

The American military officials’ perspective shifted from seeing the translators and interpreters as Iraqi “friends” to considering them as potential “foes.” By 2005, every Iraqi was seen as a potential enemy despite the relationships that had been forged during years of working together. A personal account given by a U.S. Marine Corps veteran, who conducted three tours to Iraq, was adamant that trust had become an issue. He stated:

I worked with at least seven “terps.” We couldn’t trust them as we never knew if they would walk off in the night with our AK-47’s or turn on us and shoot us in the back. Often some never showed up because their own countrymen and militias killed them. They just wanted money, but we couldn’t trust them. We worked with them in Fallujah and it was difficult for the “terps” but because we didn’t speak the local dialect, it was always worrisome that we weren’t getting the correct information. I know that it was also difficult for them.\(^{44}\)

Essentially this veteran faced concerns felt by any combatant in a conflict on foreign territory. Namely the worry and suspicion that his close allies might also be foes. This is a valid concern especially in a struggle against an insurgency in which every Iraqi is a potential enemy. The concern that interpreters could be working with insurgents prompted the U.S. military and the U.S. Embassy in Iraq to impose stricter security measures. The Christian Science Monitor reported in 2006 that despite the fact that Iraqis who worked at the U.S. Embassy were vetted through background checks, they were still required to take mandatory lie detector tests. They were regarded as “suspicious” because many lived outside of the International Zone (IZ) where the Americans were stationed around the Iraq capital, Baghdad.

The Iraqis who worked for the military, unlike other U.S. soldiers, were forbidden to use

\(^{44}\) Author’s interview with a U.S. Marine Corps Veteran, October 31, 2016.
cellular phones, email, satellite TV, computers, video game consoles, CD players, cameras, the weight room, and even the swimming pool. Interpreters alone were singled out and searched during every meal. Eventually, the U.S. banned the use of masks that interpreters used to disguise themselves. This in turn, prompted many of them to resign for fear that they would be recognized and killed. The new, more stringent rules made it more difficult to recruit an adequate number of English-speaking Iraqis who were willing to work with American forces.

In 2005, the *Washington Post* published part of a leaked cable from the U.S. Embassy in Baghdad, which suggested that the situation was getting perilous for interpreters in Iraq and for any Iraqi affiliated with the United States who worked as Locally Employed Staff (LES):

> [Insurgents’ intimidation campaign has touched our LES corps personally: two of our LES employees have been gunned down in execution-style murders, and two others barely escaped a similar fate in August. Our LES employees live in fear of being identified with the Embassy of the U.S. For the first half of 2005 ten of fourteen [resignations] were due to security concerns. Of fifty-eight job offers, thirteen employees did not show up for work or resigned within thirty days. The reality is that the Embassy can offer them little protection outside the International Zone (IZ) and is not in a position to grant their repeated requests to house them and their families within the IZ.

As the situation in Iraq continued to deteriorate, another cable leaked from the U.S. Embassy in Iraq to the *Washington Post* a year later, discussed the mismanagement of an Iraqi officer who was employed by the U.S. Embassy. It also highlighted that the identity of the Iraqi

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officer was revealed as she checked into work at the guard booth positioned in front of the entrance to the U.S. Embassy. An excerpt from the 2006 cable stated:

> [e]mployees began reporting a change in demeanor of guards at the International Zone checkpoints. They seemed to be more militia-like, in some cases seemingly taunting. One employee asked us to explore getting her press credentials because guards had held her embassy badge up and proclaimed loudly… “Embassy” as she entered. Such information is a death sentence if overheard by the wrong people…a few staff members approached us to ask what provisions would we make for them if we evacuate.  

Many insurgents waited outside of the IZ in an attempt to identify local Iraqi employees as they left their work each day. The Iraqi employees took great precautions to conceal their identities, even going so far as to hide their employment from their family members, friends and neighbors (Figure 2-1). They would take alternative routes to and from work each day. Unfortunately, no safety provisions were made for interpreters and translators who worked at the Embassy as suspicions increased by some U.S. servicemen in charge of security. The lack of safety provisions prompted further scrutiny of the complex problem regarding the safety of foreign-service nationals, while they demonstrated their allegiance to perform their work obligations. Information regarding the lack of safety precautions raised the issue as to how far the U.S. obligation extends to protect those who risk their lives for the United States’ interests. Presented with violence and danger in their home country, the only available option for many Iraqi interpreters and translators was to flee to other countries, including seeking asylum from the U.S. government.  

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49 Ibid., 221
Two articles on the persecution of Iraqi translators and interpreters were significant in raising public awareness about these issues. The first article, by Kirk Johnson, was published in the *L.A. Times* on December 15, 2006. Johnson had been recruited in 2005 to work in Iraq because of his fluency in Arabic and his background in Islamic studies. Johnson wrote that an organization called ISI planned to assassinate hundreds of interpreters and other Iraqis. Mr. Johnson gave specific detailed accounts of violence against Iraqi citizens. Moreover, he focused on how these militant groups had mounted numerous large-scale attacks against those who worked for the United States. Mr. Johnson’s *L.A. Times* article stated:

> As our military footprint shrinks and hundreds of bases are dismantled in the coming months, our ability to provide even the most basic level of protection for our Iraqi staff will diminish accordingly. Once U.S.-affiliated Iraqis are “cut loose,” they will be at the mercy of insurgent groups and militias that have already assassinated hundreds, if not

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thousands of our employees.\textsuperscript{51}

The second impactful article was a 2007 investigative piece written by George Packer for the \textit{New Yorker}. Packer also brought the plight of Iraqi translators and interpreters to the public’s attention. As discussed in Chapter one, the premise of the article gave a scathing account on how the United States had turned its back on Iraqi translators and interpreters.\textsuperscript{52} What made this particular piece impactful was that it contradicted the Bush Administration’s narrative that the War in Iraq was progressively moving forward.\textsuperscript{53} Packer’s article did the opposite by highlighting other unintended issues that suggested U.S. efforts in Iraq were a losing cause.

Furthermore, Packer’s article pointed out that there was very little legislation that protected these formerly trusted allies. Packer highlighted the efforts of Senator Edward Kennedy’s (D-MA) presentation before the Judiciary Committee dealing with the “The Plight of Iraqi Refugees.” Senator Kennedy sought to revise the National Defense Authorization Act (NDAA) to create a Special Immigration Visa Program (SIV), specifically to aid U.S. military Iraqi translators and interpreters, which would help them navigate faster through the U.S. bureaucratic visa process.\textsuperscript{54} Sen. Kennedy argued that, “it was imperative that the U.S. protect those that put their lives on the line for the U.S. mission in Iraq, thus a certain number of visas needed to be allocated towards achieving this goal.”\textsuperscript{55} The next chapter will discuss in further detail the history and issues of the SIV Program.

\textsuperscript{51} Ibid.


\textsuperscript{53} Ibid.


\textsuperscript{55} Ibid.
Packer’s 2007 in-depth article on the Iraqi translators and interpreters’ plight brought the conversation regarding their safety to the forefront. During an interview of Packer by Joshua Ferris for the *New Yorker*, Mr. Packer stated, “Across the board, American institutions have failed. A war on this scale puts a whole country to the test, like a human body that’s been slack for a while and then is suddenly exerted to the limits of its strength. In Iraq, we’ve failed as a country.”

Packer’s 2007 “Betrayed” article raised an emotional plea for the United States’ politicians and its citizens to urgently react to find a way to safeguard these Iraqi allies.

**NGO Action**

There were three main NGOs that were instrumental in raising public awareness to the plight of Iraqi interpreters and translators: 1) The List Project to Resettle Iraqi Allies, (now called The List Project); 2) The International Refugee Assistance Project (IRAP); and 3) No One Left Behind. All three NGO’s advocated for legislation to assist those U.S. Iraqi allies who were in peril. Much of the efforts stemmed from the founders of the NGOs who had their own experiences working with wartime allies in Iraq and Afghanistan. Kirk Johnson’s 2007, “The List Project,” initiated dialogue on the urgent moral obligation to safely resettle U.S. affiliated Iraqis. The “List Project” enlisted hundreds of attorneys to assist in the process and eventually expanded their mission to include Afghan allies of the United States. Johnson’s “List” has helped over 2000 Iraqi translators and interpreters resettle into the United States, although thousands more are still waiting for their applications to be processed.

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Contingency Plans

Johnson’s “List Project” was one of the first NGOs to challenge then-newly elected President Obama on implementing a concrete contingency plan for Iraqi translators and interpreters. In 2009, Mr. Johnson participated in Congressional hearings in an attempt to persuade U.S. Congressional members to follow the efforts of other countries who had been members of the U.S. coalition in Iraq. Denmark and the United Kingdom (U.K.), for example, airlifted their Iraqi translators and interpreters out of Iraq once it became publicly known that their Iraqi translators and interpreters’ lives were threatened. Denmark secretly airlifted 200 translators out of Iraq.58 Furthermore, Britain and Australia also airlifted 2000 of their Iraqi allies out of Iraq.59 Significantly, this put pressure on the United States to acknowledge its previous obligation towards U.S. foreign allies.

Mr. Johnson furthered his argument that in previous conflicts, the U.S. had assisted its foreign allies. Specifically, he pointed out that former Presidents Gerald Ford and Jimmy Carter took in over 500,000 refugees from Vietnam and Cambodia in 1974 and 1980.60 President Clinton had airlifted seven thousand Iraqis to Guam in 1996, and 20,000 Kosovar Albanians to Fort Dix in 1999. Moreover, Johnson’s fundamental point to the new Obama Administration was that it was up to the President of the United States to take ownership of the issue. Johnson wrote,


60 Ibid.
“the U.S. bureaucracies would never take it upon themselves to act boldly.” 61 Furthermore, the U.S. airlifted over 100,000 Vietnamese after the fall of Saigon in 1975. 62 Kirk Johnson was adamant that the United States needed to have a contingency plan similar to what had been done in previous White House Administrations. In 2008, Mr. Johnson was a lead legislative advisor during the start of the Obama Administration’s campaign to manage the ongoing wars in Iraq and Afghanistan. Mr. Johnson led the discussion regarding Iraqi translators and interpreters by advocating for another “Guam option,” which referred to President Clinton’s actions in 1996 and 1999, whereby President Clinton removed U.S.-foreign allies to the American territory. This option would potentially do the same for Iraqi interpreters and translators, whose persecution had become known internationally.

While the Guam option was not considered further, Representatives Alcee Hastings (D-FL) and John D. Dingell (D-MI) co-sponsored legislation that reintroduced the *Iraqi Refugee and Internally Displaced Persons Humanitarian Assistance, Resettlement, and Security Act of 2009*. The comprehensive legislation addressed the potential security break-down resulting from the mass influx of Iraqi refugees into neighboring countries and it also facilitated the resettlement of Iraqis at risk. 63 This legislation introduced a broader international contingency plan. The legislation required that the executive branch agencies produce a contingency plan and determine the numbers of Iraqi allies at risk. 64 Johnson continued to emphasize that the stigma borne by

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62 Ibid.


64 Johnson. *To Be A Friend Is Fatal*, 272
those who worked for the U.S. would last generations and he warned the Obama Administration, “not to repeat the mistakes of the Bush Administration by ignoring their dire situation of those that assisted the U.S.” 65

Kirk Johnson pleaded to use some of the twenty thousand unused Special Immigration Visas that had been slotted from Kennedy’s 2007 legislative bill for those who had pending applications. Other Congressional members who co-sponsored the Hastings legislation were Representatives James P. McGovern (D-MA), William Delahunt (D-MA), Earl Blumenauer (D-OR), Joseph Crowley (D-NY), Rush Holt (D-NJ), Janice D. Schakowsky (D-IL), Maxine Waters (D-CA), Diane Watson (D-CA), Lynn Woolsey (D-CA), Joseph Courtney (D-CT), and Gwen Moore (D-WI). 66

The House and Senate both passed the Hastings bill and Obama signed the bill in January 2011. 67 The Hastings Bill specifically stated:

The Secretary of State, in cooperation with the Secretary of Homeland Security, shall work with the international community, including the United Nations, the Organization for Security and Cooperation, the European Union, the Gulf Cooperation Council, the Arab League, the Organization of American States, the Association of Southeast Asian Nations, and others to establish mechanisms to provide: 1) financial assistance to vulnerable populations in Iraq and to Iraqi refugees in neighboring countries through bilateral assistance to hosts governments or through international organizations that are working directly with such populations and such refugees; 2) technical and financial assistance to hosts governments in order to process refugees; 3) increased attention to and advocacy on behalf of vulnerable populations in Iraq and Iraqi refugees in neighboring countries by continuing to strongly support the work of United Nations agencies and international organizations providing protection and assistance. 68

65 Ibid, 273.
67 Johnson. To Be A Friend Is Fatal, 274.
Unfortunately, two Iraqis were arrested in Kentucky in 2011. Both had entered the U.S. through the traditional Refugee Admissions Program, not the SIV Program. This sparked a new debate about the safety of America. Public pressure for national security was fiercely debated in Congress. For example, the Hastings bill was challenged by Senator Rand Paul (R-KY), who called for enhanced screening measures for Iraqis. The SIV Program ground to a standstill and only twenty percent of the 5,000 SIV slots were filled in 2011. Eventually, the Obama Administration ignored the measures to create an effective contingency plan. Mr. Johnson worked tirelessly but ultimately was unable to achieve a successful contingency plan for U.S.-affiliated Iraqis, including his “Guam option” to airlift Iraqi translators and interpreters to Guam or another U.S. territory.

Johnson’s initial efforts, however, encouraged other organizations to assist those SIV Iraqis who continued to face persecution. One such program was the International Refugee Assistance Program (IRAP), which was founded in 2008 by five law school students from Yale Law School. IRAP lawyers lobbied for bipartisan reform for special immigration visa programs by enlisting hundreds of law students. These law students volunteered to work pro-bono and assist with SIV processing and to overcome the bureaucratic hurdles that were administered by the U.S. Department of State (DOS). Since its inception, IRAP has provided legal assistance for thousands of Iraqis and Afghans who were persecuted for their assistance to the United States. It has successfully assisted 3,100 U.S.-allied Iraqis to resettle in the United States. Today, there are twenty-six IRAP chapters at law schools in the United States and Canada, supported by


sixty international law firms and six multinational corporations who provide pro-bono assistance to SIV holders.\textsuperscript{71}

IRAP has advocated for SIV cases and program reforms. Initially, IRAP’s role in the SIV process was to assign those applicants with pro-bono attorneys and law students who could assist candidates in navigating the various cumbersome administrative processes. One of their important functions was to help SIV holders to obtain employment references from their U.S. employers. This process became difficult because some of the interpreters and translators occasionally destroyed documents. If such documents were found by insurgents, these could be a death sentence. Today, IRAP also keeps medical records, police reports, and birth certificates for the SIV applicants, especially if they are moving or under threat. This is significant because it is still not safe for Iraqis to carry these documents since it implies their association with the United States and may implicate their relatives as well. IRAP has worked to ensure that the Iraqis who no longer have access to the SIV program are able to access a safe and legal pathway through the U.S. Refugee Admissions Program.\textsuperscript{72}

Currently, IRAP has been working for SIV holders who were affected by President Donald Trump’s 2017 Travel Ban. Chapter four discusses IRAP’s efforts regarding the Travel Ban, including litigation against the Trump Administration for halting the passage of several Iraq and Afghan SIV holders. While IRAP continues its legal advocacy for SIV holders, No One Left Behind continues its efforts to ensure a safe resettlement in the U.S. for those who have been approved for an SIV. In 2013, Matt Zeller co-founded No One Left Behind. Captain Zeller is a U.S. Army Corps Veteran who served in Afghanistan and has stated that he owes his life to his

\textsuperscript{71} Ibid.

\textsuperscript{72} The SIV Program for Iraqis ended on September 30, 2014.
translator, Janis Shinwari. Mr. Shinwari also saved five other U.S. soldiers during his nine years of combat interpretation support in Afghanistan. No One Left Behind provides housing, employment, transportation, language and cultural adaptation during resettlement. They also help newly arrived interpreters and translators with funding and assistance on ways to locate and maintain temporary apartments in their new cities of residence. Their aim is to “honor the men and women who served honorably alongside U.S. forces in combat in Iraq or Afghanistan and who went through extensive national security screening by the Department of State before arriving in the United States.”

In October 2017, Lyft launched a pilot program in Washington, D.C., which provides Iraqi and Afghan translators and interpreters with jobs driving their vehicles. Lyft began this program to acknowledge the former commitment of the translators and interpreters to the United States, as well as their value to the American workforce. The Lyft company supplies cars and ride credits to help Iraqi and Afghan allies to make important appointments such as U.S. Consular and doctor visits. This employment pilot project is a joint effort Lyft made with No One Left Behind. So far, No One Left Behind has assisted 5,210 SIV holders and has raised over three million dollars to help resettle these wartime allies.

Sponsored projects by private companies such as the one that Lyft has implemented are a step in the right direction for United States citizens to actively engage and assist U.S. affiliated Iraqis. These types of programs are helpful to translators and interpreters who wrestle with

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74 Ibid.

numerous obstacles during resettlement. A 2010 Government Accountability Office (GAO) report found that many of the Iraqi SIV holders who successfully resettled in the United States arrived with high levels of trauma, injury, and illness. In addition, entry-level jobs that were normally available to refugees were scarce and more competitive, especially during the American economic decline in 2008.\textsuperscript{76} Despite having been previously vetted for their work with the U.S. military and in Iraq, Iraqi translators and interpreters have limited opportunities for federal employment, since most federal positions require U.S. citizenship.\textsuperscript{77}

While the government cannot guarantee employment, the translators and interpreters are eligible for some resettlement assistance from DOS. Since 2008, Iraqi SIV holders were eligible for public benefits upon their arrival in the United States. Iraqi SIV holders, however, must elect to receive these benefits within 10 days of receiving their visas. DOS provides $1,800 per person to cover basic housing, food, and assistance for accessing services during their first 30 days in the United States. Iraqi SIV holders must elect to receive them within 10 days of receiving their visas.\textsuperscript{78} While the options to obtain these benefits are an advantage, this is another cumbersome bureaucratic hurdle that Iraqi SIV holders must overcome. Many Iraqis have already navigated a lengthy SIV application process, and these extra steps only exacerbate an already difficult situation for them. Iraqis fleeing a dangerous environment are overburdened with the logistics of relocating to a new country. The four-page letter that the SIV applicant receives about

\begin{itemize}
\item \textsuperscript{77} Ibid.
\item \textsuperscript{78} “Resettlement Benefits Election Form.” Department of State, Bureau of Consular Affairs. Accessed April 1, 2018. https://travel.state.gov/content/dam/visas/SIVs/SIV_Resettlement_Benefits_Election_Form_2013.pdf
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resettlement benefits is convoluted. Specifically, the first paragraph in the Benefits Election
Form letter reads:

You must indicate your decision to receive or decline Department of State resettlement
benefits by returning the attached Refugee Benefits Election Form and the DS-0234
Special Immigrant Visa Biodata Form to the National Visa Center (NVC), the Refugee
Processing Center (RPC), or the appropriate Resettlement Support Center (RSC) as soon
as possible but no later than 10 calendar days after your visa issuance date, as printed on
your visa. These forms will allow us to initiate processing of your case. In addition, you
must submit a scanned copy of your visa foil as soon as possible but not later than 30
calendar days prior to your visa’s expiration. We cannot book your travel until we receive
a copy of your visa. You should not wait to submit the Refugee Benefits Election Form
and the DS-0234 Biodata Form until your visa is issued. All three items must be received
by the NVC, RPC, or RSC prior to the deadlines indicated above. Failure to do so will
result in the denial of any future request for Department of State-funded resettlement
benefits.  

Iraqi translators and interpreters face the real possibility of unemployment and poverty as
they struggle to resettle in America. Through the concerted efforts of various NGOs, such as the
List Project, the International Refugee Assistance Program (IRAP), and No One Left Behind,
policies were eventually adopted by the United States to address the situation of Iraqi
interpreters, translators and eventually all Iraqi allies who lived under threat of persecution. The
United States still has an obligation to these men and women who sacrificed their safety and
lives by supporting U.S. missions in Iraq. These organizations continue to criticize the United
States Government for failing to create a long-term contingency plan that would ensure the
safety of foreign-born allies of the U.S. in future conflicts. This criticism has encouraged the
U.S. Congress to seriously address the problem and review the bureaucratic roadblocks that
continue to plague the SIV applicants today.

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79 Ibid.
CHAPTER 3

THE ROLE OF CONGRESS

“Translators have been the eyes and ears of our military, and they have saved American lives. They now have a target on their back because of their service to our country, and we need to protect them by granting them safe refuge in the United States.”

-Senator Edward Kennedy (D-MA), April 2007

The United States Congress has acknowledged its obligatory role to protect those who have served the United States in Iraq by initiating legislation that recognized these heroes. This discussion focuses particularly on efforts to deal with Iraqi translators and interpreters within the Special Immigration Visa Program (SIV). In addition, this chapter will also provide a review of the development of both Iraqi and Afghan special immigration visas that were specifically written for this classification of “special immigrants.” This legislation initially covered only translators and interpreters but was expanded to include all U.S.-allied Iraqis and Afghans. The Iraqi SIV program ended in 2014, though applications are still pending due to the cumbersome application process. The pending applications continue to put these U.S. allies at risk despite the fact that the program for Iraq ended officially in 2014. The SIV Program for Afghanistan initially ended in 2016; however, nearly 14,000 applications are still pending. President Donald Trump signed the National Defense Authorization Act (NDAA) for 2018 allocating only 3,500 visas for Afghan principal applicants with pending applications.80

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Interpreters have been indispensable to American efforts in Iraq and are still considered to be valuable assets to the U.S. mission. Thousands of Iraqi translators and interpreters were frequently targeted by hostile militias, even after they left their positions. Many of those interpreters and translators concluded that their only option was to seek safety by attempting to resettle in the United States. In an effort to prioritize applications by translators serving in Iraq, the U.S. Congress and the U.S. Department of State (DOS) initially established the SIV program for Iraqi interpreters.

This chapter will focus on the development of the legislation from its inception in 2006 until the Iraqi SIV program ended in 2014. It will discuss the program’s procedural requirements and how the program moved from a very narrow scope for translators to a broader scope that covered those who have worked in all capacities to the American mission in Iraq. The legislation was intended to provide a fast channel for processing visas for those who have already been vetted to work with the United States war effort. Those who sought asylum encountered an already slow and overwhelmed U.S. immigration system, which delayed processing or lost visa numbers all together.

The term “special immigrants,” is based on the 1952 Immigration and Nationality Act (INA), which contains a category of permanent employment-based admissions. The 1952 Act specifically covers these non-quota immigrants including returning U.S. lawful permanent residents (LPRs). This category includes natives of Western Hemisphere countries, ministers of

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religion, and long-serving employees of the U.S. government abroad, among other groups. The special immigrant category was added to the INA by a 1965 immigration law, known as the 1965 amendments, which re-designated the non-quota immigrants as special immigrants and made some changes to the various classifications.\(^8^3\) This classification not only points out the importance of how these immigrants allied themselves with the United States in engaged conflicts in their own nations, but it also provides the very definition of what “special” entails.

The evolution of the SIV legislation continues to be brought to the forefront of today’s political discussions, especially whether there should be a distinction between special immigrants and refugees. According to the United Nations High Commission for Refugees (UNHCR), a refugee is “someone who is forced to flee his or her country because of persecution, war, or violence and a refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group.”\(^8^4\) Special immigrants, particularly translators and interpreters who served the U.S. missions abroad, are categorized as refugees. What sets them apart; however, is that they were already vetted when they were hired to work with the United States. In addition, they have been particularly persecuted for their work for the United States.

The SIV underwent significant changes through a shift of perspectives by bipartisan Congressional members on the best ways to assist and protect these allies. As the previous chapter discussed, the media and special interest groups’ attention publicly highlighted the plight of the Iraqi translators and interpreters. If it were not for their efforts, the likelihood to expand

\(^{83}\) Andorra Bruno. "Iraqi and Afghan Special Immigrant Visa Programs." Congressional Research Service, (September 12, 2014).

\(^{84}\) The UN Refugee Agency. Accessed February 6, 2017: http://www.unrefugees.org/what-is-a-refugee/
and amend the legislation would have been overshadowed by the quagmire of the Iraq War. This chapter will analyze the evolution of the SIV program and it will evaluate ways the U.S. can balance protection for these allies while also protecting national security interests.

There is a substantial dearth of academic and legal research that analyzes the SIV programs. Several authors; however, have been at the forefront of discussing the SIV programs, the bureaucratic and inter-agency problems, and the solutions that need to be carried forward by all three branches of the government. Marianne Twu, a University of North Carolina law student, first explored the legislative and narrow scope of the SIV program a few years after its inception. She recognized that the plight of Iraqi interpreters and translators was “significant because they raised the question of whether countries with a military presence in Iraq owe a special duty to protect, and even aid in resettling those Iraqi nationals who risked their lives to offer their services as interpreters and translators.”85 Additionally, Twu researched the various policies that had been adopted by a number of nations, including the United States, to address the unfortunate situation of Iraqi interpreters who were still living in Iraq under threat of persecution. She analyzed the NDAA for Fiscal Year 2006, which initially provided the SIV for Iraqi interpreters and translators. Furthermore, she discussed the revised the NDAA for Fiscal Year 2008, which expanded the class of beneficiaries to include Iraqi nationals who were employed in any capacity by the U.S. government in Iraq. Twu wrote: “Together, these two initiatives marked a significant step in U.S. responsiveness to the Iraqi refugee crisis. Nevertheless, the SIV program faced significant obstacles with policy specificity, efficiency, and resource allotment that threatened the true realization of these program goals.”86


86 Ibid.
Andorra Bruno, an expert on immigration policy at the Congressional Research Center, produced reports on the SIV from 2014-2017. The reports summarized the Iraqi SIV and Afghan programs and specifically discussed the legislative changes made to the Iraqi SIV program since the program ended in September 2014. This chapter will also discuss Mr. Bruno’s statistical data and recent changes made to the SIV program since President Trump signed the Executive Order (EO) "Protecting the Nation from Foreign Terrorist Entry into the United States," issued on January 27, 2017. The provisions raised questions about the Iraqi and Afghan SIV programs since Iraq was among the seven countries listed in the initial EO.

Nadia Abramson, a clerk with the Department of Justice, provided deeper insight from her personal perspectives and challenges regarding the current laws that have made the application and execution of the SIV a daunting bureaucratic process. She also discussed in detail the procedural aspects of the SIV Programs, particularly assessing how the Congressional amendments changed some procedural aspects of the SIV programs. Ms. Abramson further offers practical legislative solutions to improve the SIV without compromising national security. This chapter will review her legislative recommendations.

Creation of the Special Immigrant Visa Program (SIV)

Congress began to address the urgency of the situation once news of insurgent retaliation

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and threats against Iraqi translators and interpreters made its way into the mainstream media between 2004 and 2005. As a result, members of Congress initiated legislation that sought to protect the Iraqis who faced daily threats of murder and kidnapping. This legislation was important because it addressed the immediate issues facing safety for translators and interpreters. It is significant to stress that their role was to ensure the success of the mission in Iraq and safety of U.S. troops. The United States did not want to have another “Vietnam debacle,” which occurred during the final moments of the Vietnam War in April 1975. Hundreds of translators and interpreters who had worked for the United States were left behind when the Americans hastily left Saigon.\(^{90}\) Congress felt an obligation that the U.S. should protect those who had served this country, thus, a number of efforts were made by Congress to enact legislation that addressed the issues that affected the safety of Iraqi translators and interpreters.

Congress first enacted Section 1059 of the NDAA for Fiscal Year 2006, which provided a special immigration visa for Iraqi interpreters and translators who had worked for the U.S. armed forces in Iraq, as well as for their spouses and children.\(^{91}\) This Act initially addressed Iraqis who served as translators and interpreters as “special immigrants.” In order to solidify this Act, Congress subsequently amended the special immigrant classification for translators to broaden it for certain Iraqis and to also include Afghan nationals who had worked for, or on behalf of, the U.S. government in Iraq or Afghanistan. This amended legislation was influenced by a House Judiciary Committee report related to the NDAA bill in the 109\(^{th}\) Congress, which suggested that immigrant status for Iraqi and Afghan translators should include family


members. It was important because it was the first of its kind to emphasize the valuable services that the translators and interpreters provided. It also emphasized the U.S. military’s heavy reliance on these aliens and acknowledged the danger they faced working with the United States.

Furthermore, the report attempted to protect their future role as allies of the U.S., including the terminology “when” the United States would reduce its forces. There was concern for the safety of translators and interpreters, at the time when this initial report was given to the House Judiciary Committee. This was a bold move by Representative Sensenbrenner to address this issue during a time when news of rising insurgency attacks was only just beginning to change the narrative of the War in Iraq. In fact, the mainstream media and the public were just becoming aware of the dangers that America’s Iraqi allies faced. Furthermore, the Bush Administration wanted to keep news of rising insurgencies out of public discussion especially when it was becoming apparent that the U.S. would be in Iraq longer than initially anticipated. Unfortunately, this legislation was a realistic foresight into the escalating danger these allies would encounter in the following years.

Representative Sensenbrenner’s report specifically detailed the need for legislation. Among other recommendations, he proposed that no more than fifty principals will count towards the 10,000 principals quota that was initially proposed in the NDAA 1059. The report stated:

A number of alien translators currently working in Iraq and Afghanistan embedded with

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units of the U.S. Armed Forces are providing extremely valuable services. Their cooperation and close identification with the U.S. military have put these individuals and their families in danger. This danger will only escalate after U.S. forces leave or reduce their strength in Iraq and Afghanistan. H.R. 2293 would provide immigration relief for this small group of brave individuals. Under H.R. 2293, permanent resident visas would be available to nationals of Iraq or Afghanistan (and their spouses and minor children) who have worked directly with the U.S. Armed Forces as translators for at least twelve months, who have obtained favorable written recommendations from the officer in charge of the unit they worked with, and who have cleared a background check.94

On May 18, 2005, the Committee met in open session to discuss these matters. During this meeting, Representative John Conyers (D-MI) offered an amendment to remove the numerical restriction on the special immigrant visas, which was defeated 10 ayes to 19 nays. Those who opposed this amendment to bill 2293 wanted to keep the limited numbers of visas for translators and interpreters who would be listed as special immigrants.95 This legislation passed and was included in NDAA 1059 for Fiscal Year 2006.

Eventually, when NDAA 1059 was amended in 2007, it expanded eligibility to certain Iraqi nationals who had worked for at least one year as translators or interpreters directly with U.S. Armed Forces or at the U.S. Embassy. To be eligible for this special immigrant classification, the applicant also had to obtain a favorable written recommendation from the Chief of Mission at the Embassy, or a general, or a flag officer in the relevant Armed Forces unit.96 These initial provisions became a bureaucratic hurdle for the Iraqis who had applied for the visas. It turned out that receiving a letter from a top official was not a simple task. Many of


95. Provide Special Immigrant Status for Aliens Serving as Translators with The United States Armed Forces with Amendment. 109th Cong., 2nd sess., Congressional Record. Vol. 151 (May 26, 2005) HR: 2293. pt. 8:1199

96. Hearing before the Select Committee on the Judiciary. “To Increase the Number of Iraqi and Afghan Translators and Interpreters Who May Be Admitted to The United States as Special Immigrants, and for Other Purposes” S. 1104, 110th Congress, 1st sess., Congressional Record, May 21, 2007, 110-158.
these Iraqis attempted to keep working for the U.S.; however, as their lives became more threatened by insurgents, they sought to resettle themselves and their families away from the growing threats they faced on a daily basis. Many found that going to and from the Green Zone was becoming too treacherous. In 2006, a report from the U.S. Embassy in Iraq was published in the *Washington Post* detailing daily attacks against Iraqi staff and translators employed at the U.S. Embassy in Baghdad. The report stressed that it was becoming increasingly dangerous for these people to go to and from work.  

The growing threats and visa application hurdles these Iraqis faced did not go unnoticed. Eventually Congress sought to once again put forth legislation for these special immigrants.

On January 16, 2007, a report entitled “Plight of Iraqi Refugees” was presented at a hearing of the Judiciary Committee by Senator Edward Kennedy (D-MA). Senator Kennedy emphasized the need to assist those Iraqis who had worked for the U.S. government. He urged the Committee to consider revising the NDAA 1059 to create a Special Immigrant Visa Program specifically for U.S. military Iraq and Afghan translators. He stressed the morality of the issue by stating, “[W]e have a special obligation to keep faith with the Iraqis who have bravely worked for us . . . by providing them with safe refuge in the [United States].” At the time, Kennedy was also cautious to note that the U.S. was not under obligation to bring in every Iraqi refugee to the United States, but specifically to assist those Iraqis who worked for the U.S., especially those under threat by insurgents. Both Republican and Democrat Judiciary Committee Members were in favor of revising NDAA 1059 and gave statements in support of this effort, including:

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Senators Patrick Leahy (D-VT), Benjamin Cardin (D-MD), Arlen Specter (R-PA), and John Cornyn (R-TX). On April 11, 2007, the Senate unanimously approved a measure by Senators Richard Lugar (R-IN) that would increase the number of visas allotted to Iraqi and Afghan translators. The amendment authorized 500 visas a year for Fiscal Year 2007 until Fiscal Year 2009. Senator Lugar had become interested in the issue when he received emails from two U.S. veterans who had served in Iraq. He stated: “Foreign nationals who are willing to risk their lives and those of their family members by supporting our efforts in Iraq and Afghanistan deserve recognition…..The life-threatening conditions our Foreign Service Nationals face prompted me to write to the Secretary of State last July about the issue.”

Further support was echoed by Ryan Crocker, then U.S. Ambassador to Iraq, who sent a cable to the Department of State in July 2007. He echoed Senator Kennedy’s sentiments to broadly define translator/interpreter to have a Special Immigrant Visa Program that would include all Iraqi employees under the Chief of Mission, since the Embassy in Baghdad could not provide sufficient housing for the locally employed staff (LES). In his cable, he wrote:

As you know, our LES work under extremely difficult conditions, and are the targets for violence including murder and kidnapping. Since Coalition Provisional Authority days, we have had at least nine LES killed because of their employment with the Mission, or due to random violence. Just last week we recovered and identified the bodies of two LES (husband and wife) who were kidnapped in May.

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As a result of the Senate Hearing and the urging of top officials at Department of State, the NDAA for Fiscal-Year 2008 expanded the class of beneficiaries to include Iraqi nationals who were employed in any capacity by the U.S. government in Iraq. On February 14, 2007, the U.S. Department of State declared a new policy that would create the Special Immigration Visa Program for Iraqis in order to admit 5,000 Iraqis to the country each year as part of a more comprehensive Iraqi refugee plan. It would also provide 18 million dollars to the United Nations High Commission for Refugees (UNHCR) and plan to expedite seven thousand Iraqi refugee referrals, although the number for Iraqi translators and interpreters was to remain at maximum of 50 per year. The 2007 legislation; however, temporarily increased the numerical limit on this special immigrant program to 500 for each of . Another 2007 amendment provided that if the numerical limits were not reached in a year, any remaining numbers would be carried forward to the next year. There was only a two-year period when the translator and interpreter numbers increased (See Table 3-1). This report highlighted the fact that backlogs in processing the visas created more pressure to amend the legislation, and that the threats were increasing not just for the translators and interpreters, but for others who served the U.S. mission. Furthermore, Congress finally acknowledged there were procedural issues with the legislation, particularly


105 Hearing before the Select Committee on the Judiciary. “To Increase the Number of Iraqi and Afghan Translators and Interpreters Who May Be Admitted to The United States as Special Immigrants, and for Other Purposes” S. 1104, 110th Congress, 1st sess., Congressional Record, (May 21, 2007), 110-158.
mentioning that background checks through the Department of Homeland Security (DHS) were taking longer than anticipated:

In approving this bill for expedited consideration, the Committee acknowledges the issues that are left unaddressed. There appears to be little reason to limit this relief to those serving with our Missions in Iraq and Afghanistan as a translator or interpreter. Iraqis and Afghans are serving in many different functions in aid of our Missions there, and as their lives come under threat as a result, they would seem similarly deserving of our help in delivering them from harm's way. Finally, in light of the growing backlog of approved visa petitioners—roughly 500—and the slow process of completing background checks in DHS, the Committee may wish to consider enacting a carryover provision that would permit visas left unused in one to be added to the authorized totals in subsequent years when there is a pending backlog. In this regard, the Committee wishes to reaffirm that nothing in this legislation changes the authority or the duties of the Department of Homeland Security regarding the completion of the background check and the decision whether to issue a visa.106

By 2009, Congress expected a higher number of Iraqis to immigrate through the SIV Program. Although the number of visas increased to 5,000, those that were not used in a given year were carried forward to the next.107 In 2011, there was a dramatic drop in the numbers of visas processed due to the heightened security threat in the United States. This followed the arrest of two Iraqi nationals in Kentucky who had entered the U.S. through the U.S. Refugee Program. The Obama Administration sought new security and background checks. It then halted all visa processing from the U.S. Embassy Baghdad for Iraqis, including those who had worked for the U.S. government.108 Due to the significant drop, any unused visas would carry over to

106 Ibid.


Fiscal Year 2012 and Fiscal Year 2013. In September 2013, the Iraqi program ended. It was anticipated that thousands of unused visas would be lost, at a time when many Iraqi allies continued to wait for their pending applications to be approved. During this period, many feared for their lives.

According to the Iraqi Refugee Assistance Project (IRAP), thousands of Iraqis have applied and waited for years for DOS to complete their applications. The applicants ran into a complicated series of background checks that involved several U.S. agencies. What was supposed to be a relatively faster process stretched for several years for many of the SIV applicants. The SIV program faced challenges with respect to application processing times and security screening. The structure of the SIV program that includes statutory time frames and numerical limitations, introduced additional complications and became even more of a cumbersome process after the U.S. withdrawal from Iraq in 2011. While there was an increase in visas under the SIV for all Iraqis who had specific affiliations with the United States, in 2009, the translators and interpreter cap remained below fifty visas processed a year, although the number of dependents continued to increase (Table 3-1).

IRAP reported that at the height of hiring during the Iraq War, the United States

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110 The International Refugee Assistance Program (IRAP) for was started in 2008 by graduate students at Yale Law School to provide legal representation and policy advocacy for refugees seeking resettlement. They specifically work with Iraqi and Afghan translators that worked for the United States. Accessed October 16, 2016. https://refugeerights.org/


employed 9,268 Iraqi interpreters and estimated that since 2003, a total of about 50,000 Iraqi nationals worked directly with the United States.\footnote{113} Out of an allocated 25,000 visas, only 6,618 visas had been given out by the end of the program, and only 856 visas were specifically provided to translators and interpreters. This left thousands of Iraqis who were forced into hiding when their bases closed (Table 3-2).\footnote{114}

Table 3-1: Special Immigrant Visas for Iraqi Translators and Interpreters

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Principals</th>
<th>Dependents</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>437</td>
<td>387</td>
<td>824</td>
</tr>
<tr>
<td>2008</td>
<td>353</td>
<td>327</td>
<td>680</td>
</tr>
<tr>
<td>2009</td>
<td>30</td>
<td>38</td>
<td>68</td>
</tr>
<tr>
<td>2010</td>
<td>13</td>
<td>40</td>
<td>53</td>
</tr>
<tr>
<td>2011</td>
<td>8</td>
<td>32</td>
<td>40</td>
</tr>
<tr>
<td>2012</td>
<td>7</td>
<td>29</td>
<td>36</td>
</tr>
<tr>
<td>2013</td>
<td>5</td>
<td>11</td>
<td>16</td>
</tr>
<tr>
<td>2014</td>
<td>2</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>2015</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Totals</td>
<td>856</td>
<td>868</td>
<td>1,724</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Principals</th>
<th>Dependents</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>172</td>
<td>125</td>
<td>297</td>
</tr>
<tr>
<td>2009</td>
<td>1,418</td>
<td>1,347</td>
<td>2,765</td>
</tr>
<tr>
<td>2010</td>
<td>940</td>
<td>1,051</td>
<td>1,991</td>
</tr>
<tr>
<td>2011</td>
<td>317</td>
<td>352</td>
<td>669</td>
</tr>
<tr>
<td>2012</td>
<td>1,661</td>
<td>2,209</td>
<td>3,870</td>
</tr>
<tr>
<td>2013</td>
<td>1,340</td>
<td>2,215</td>
<td>3,555</td>
</tr>
<tr>
<td>2014</td>
<td>435</td>
<td>1,075</td>
<td>1,5180</td>
</tr>
<tr>
<td>2015</td>
<td>335</td>
<td>845</td>
<td>1,180</td>
</tr>
<tr>
<td>Totals</td>
<td>6,618</td>
<td>9,219</td>
<td>15,837</td>
</tr>
</tbody>
</table>

On October 1, 2013, Senator Patrick Leahy (D-VT) introduced an extension to the SIV to give those who have pending applications a chance to complete their paperwork. He was determined to not only continue the conversation regarding Iraqi allies, but he also conveyed his belief that the legislature still needed to ensure the safety of the men and women who had sacrificed their lives in Iraq. He stated:

Madam President, I am proud that the Senate unanimously passed legislation late last night to extend the Iraqi Special Immigrant Visa--SIV--Program. This program offers nothing short of a lifeline for the Iraqi men and women who risked everything supporting the U.S.' mission in Iraq. Despite the fact that there are thousands of Iraqis still waiting for their paperwork to be processed, the program expired last night, and we must take immediate action to renew it….The only option that remains is for the House to take up and pass the bipartisan stand-alone bill immediately….Passage should be quick and straightforward. Lives are on the line. Our word is on the line, and it is time to act.  

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115 Senator Patrick Leahy speaking at the first Congressional Hearing on Iraqi Special Immigrant Visa Program, S7100. 113th Congress, 1st Sess., Congressional Record, vol. 159, No. 133, daily ed.: (October 1, 2013).
On October 2, 2013, the *Washington Post* reported that the House passed a unanimous bipartisan consent resolution in favor of extending the SIV program for Iraqis who worked as interpreters and translators for the United States and for those that have applications pending. An official from DOS went on record to acknowledge that the U.S. Government was working very seriously and was committed to providing the interpreters and the translators with benefits for which they are legally eligible.\textsuperscript{116} Up until 2013, thousands of visas went unused because of slow processing, which was partly in due to the security reasons and heavy bureaucracy. According to the U.S. Embassy in Kabul, the average waiting time had been cut considerably, but much of the eight-month existing delay was spent waiting for the Department of Homeland Security to perform background checks.

Finally, two years after the U.S. had officially withdrawn from Iraq, the U.S. Congress passed a new NDAA (H.R. 3304), which sought to reform both the Iraqi and Afghan SIV programs and extend the deadlines, especially for the applications that were already pending. According to the U.S. Department of State’s website:

[t]he authority to issue Special Immigrant Visas (SIVs) to Iraqi nationals under another program, the National Defense Authorization Act of 2008, was extended. As of January 1, 2014, 2,500 visas may be issued to principal applicants under that program, and the program will end when all visas have been issued. The deadline to apply for Chief of Mission approval was September 30, 2014. As of January 1, 2014, 2,500 visas may be issued to principal applicants under that program, and the program will end when all visas have been issued.\textsuperscript{117}


The 2014 amendment created new measures to include: 1) extending the visa application deadline to September 30, 2014; 2) mandating that the Department of State (DOS) take no more than nine months to process a visa application; 3) requiring that DOS provide written feedback to interpreters who are denied visas; 4) instructing DOS to provide quarterly progress reports of the visa application process; and 5) coordination to provide a new position at the U.S. embassy in Iraq to oversee the visa process.\textsuperscript{118}

\textbf{SIV Application Procedures}

Criticism of the SIV program was launched in the mainstream media by former dignitaries and humanitarian organizations because of the lengthy and costly application process that required multiple steps. Moreover, the inter-governmental agencies that collaborated on background and security checks were backlogged, which radically hindered the efficiency of the process. The first step to apply for the SIV Program was to file a petition with the United States Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS). The applicant had to provide a birth certificate, with certified English translation, proof of employment with the U.S., evidence of a background check from the employer, and a letter of recommendation. Once the first step was approved, the translator or interpreter was able to move on to step two, namely to apply for the visa. This required submitting many of the same documents, plus additional information for every family member. This documentation included providing: copies of passport biographical pages, birth certificates, and civil documents. The third step was to get a medical clearance. Often getting medical approval was expensive and

\textsuperscript{118} Ibid.
sometimes difficult to obtain. The final step was the interview with the U.S. Embassy.\textsuperscript{119} The translator or interpreter had to appear at a U.S. Embassy or Consulate for a security-screening interview with a consular officer. Due to safety concerns the U.S. Embassy in Baghdad; however, did not issue visas or conduct interviews between 2011-2012. Iraqi translators and interpreters during that time were required to travel to Jordan or Egypt for their interview and pay costly processing fees and travel fees. Fingerprints were also taken at the time of the interview.\textsuperscript{120} Understandably, there was a genuine concern for American security, which added significantly to the delay in processing applications once DHS and other federal agencies became involved to implement background checks on all applicants, including those applying through the SIV program.

\textbf{U.S. Legislation- A Shift in Perspectives 2015-2017}

Over the last decade, members of Congress across the ideological spectrum have supported the SIV program. Members such as Senators Edward Kennedy (D-MA), Richard Lugar (R-IN), Lindsey Graham (R-SC), as well as, Representatives Sensenbrenner (R-WI), and John Conyers (D-MI), have spoken publicly about the need to honor the United States’ commitment to those who risked their lives for our country. They stressed that the U.S. has an obligation to stand with our Iraqi partners (Appendix B). In 2013, the U.S. House of Representatives passed a unanimous bipartisan resolution in favor of extending the SIV program.


for Iraqis who worked as interpreters and translators for the United States and for those who have applications pending. This sought to reform both the Iraqi and Afghan SIV programs and extend the deadline.

On November 13, 2015, militant forces from the Islamic State of Iraq and Syria (ISIS) attacked Paris. As a consequence, six days later, the U.S. House of Representatives abruptly changed their position and approved legislation for tougher refugee screenings. As a result, Iraqi translators and other staff who worked with the U.S. military in Iraq could be permanently shut out of the United States. The House bill, “The American Security Against Foreign Enemies Act of 2015” (or American SAFE Act of 2015), required that the director of the F.B.I., the secretary of the Department of Homeland Security and the director of national intelligence confirm that each applicant from Syria and Iraq poses no threat. President Obama spoke against the House bill stating: “Slamming the door in the face of refugees would betray our deepest values....That’s not who we are and it’s not what we’re going to do.” The United States already sought to put a rigorous security system in place for vetting SIV refugees, yet the vetting system is continuously called into question for fear of future terrorist attacks. Twenty former national security advisors also agreed that the United States already had stringent measures in place for vetting Iraqi refugees, particularly those who have worked as interpreters.

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123 Ibid.

and translators or in any capacity for the United States during the occupation in Iraq.

On December 1, 2015, a letter was sent to members of Congress asking them to back off of the refugee legislation (Appendix A). Madeleine Albright, Henry Kissinger, David Petraeus, and Zbigniew Brzezinski joined other national security experts and military leaders to call on Congress to stop proposals that could deter the flow of Syrian and Iraqi refugees into the United States.125 Congress has since backed off the refugee legislation. The American SAFE Act of 2015 was eventually rejected by the Senate in January 2016 and has not been updated since then.126

President Trump echoed his support for legislation that banned refugees, and on January 27, 2017 he issued an Executive Order banning citizens of seven countries (Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen) from entering the United States. Chapter 4 will further examine the Trump Administration’s Executive Order and its effect on the SIV program. The Iraqi refugees, especially those who have worked alongside the United States should be considered victims of terrorism and not the other way around.

Solutions to enhance the SIV Program

The National Defense Authorization Acts that included the Special Immigration Programs and their extensions over eight years should be definitive, especially because the laws had bipartisan support. In addition, congressional members responsible for drafting the laws

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were sincere in their efforts to assist our Iraqi and Afghan allies. The bureaucratic hurdles that encompass the SIV program could be minimized, while at the same time safeguard national security interests. The SIV Programs and the NDAA acts were vaguely written, which became an obstacle for a proper and cohesive process to expedite visas for those seeking refuge in the United States. The average waiting times for SIV applicants have been more than one year. Unfortunately, since the SIV program for Iraqis has ended, these applicants are now being swallowed into a quagmire of inter-governmental agency screenings and vetting processes.

Although the SIV Program in Iraq is now closed, there is still a backlog of applications that should be processed. Given the tight timeframe and impending changes in the legislative laws that supported the SIV, new solutions to the well-intended legislation need to be amended to allow swifter processing for pending applications. This necessary legislation should not only cover the U.S. allies from Iraq and Afghanistan, but other future foreign-born allies who will undoubtedly be relied on again in the future. Currently, any Iraqi seeking asylum must now go through the USRAP channels for a visa. Comparisons of the two programs are outlined in Appendix C listed in Chapter 4.

The status of translators and interpreters and U.S. Iraqi allies continue to be contentiously debated as the new Trump Administration creates its own executive interpretation of their roles. In addition, there are other SIV holders, who have received or are still waiting their decisions. According to the U.S. Embassy in Iraq’s website: “The deadline to apply for the Iraqi SIV program has passed. You may be eligible for resettlement in the United States with your family under the U.S. Refugee Admissions Program (USRAP) as the eligibility criteria are very

similar to those of the SIV program.” Those who are still awaiting decisions on SIVs submitted prior to September 30, 2014 will now have to go through the channels of all USRAP applicants. Current statutory authority provides for the issuance of no more than 2,500 visas to principal Iraqi SIV applicants after January 1, 2014. According to preliminary data from the State Department, there were 941 visas available to Iraqi principal applicants under this SIV program as of January 29, 2017. Despite Congressional efforts made to create the SIV for these Iraqi (and eventually Afghan) allies, the laws have largely failed to fulfill their intended purpose. The U.S. policies and practices across both Democratic and Republican Administrations has betrayed the very people who welcomed us as liberators and stepped up to help make a successful transition to democracy. It will be difficult, if not nearly impossible for the United States to earn back international trust and respect that has been lost as a result of how this country treated those who assisted our efforts only to find their personal safety in peril.

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Chapter 4

The Travel Ban: President Trump’s First Executive Order

“Such a hasty process risks harmful results. We should not stop those who have served as interpreters for our military and diplomats from seeking refuge in a country they risked their lives to help.”

--Senators John McCain (R-AZ) and Lindsey Graham (R-SC)

Challenging the Executive Order

On January 27, 2017, President Donald Trump issued a travel ban through Executive Order (EO) 13769, which prevented anyone coming from seven Muslim countries (Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen) from entering the United States (U.S.). The primary reason cited for the EO was to “Protect the Nation from Foreign Terrorist Entry into the United States.” The Executive Order has been revised three times since it was issued last year due to lawsuits, court orders, and federal investigations. This chapter will examine the timeline of President Trump’s Executive Order banning Muslims from entering the United States and how the travel ban affected U.S.-allied Iraqi translators and interpreters. It will also discuss the role of inter-agency cooperation with regards to proper vetting procedures for Special Immigrant Visas (SIV) holders and refugees listed in the EO. The SIV Program had been created specifically for interpreters, translators, and U.S.-allied Iraqis and Afghans who worked for the United States during the U.S.-led wars in Iraq and Afghanistan.

The hastily prepared first EO prompted hundreds of attorneys to work pro bono cases to assist those who had been detained or rejected from entering the United States. Likewise, within the following few months, four Federal Judges from New York, Massachusetts, Virginia, and Washington State signed orders halting parts of President Trump’s EO. Not only did the original EO temporarily halt the distribution of visas from citizens of the seven countries listed above, it also provisionally revoked most visas granted to individuals from the affected countries for ninety days, including the Iraqi translators and interpreters who have been waiting years for their SIVs. Moreover, it specifically banned the entry of any Syrian refugees indefinitely, including those who had already been approved for asylum. The Trump Administration cited concerns that Muslims and Syrian refugees are primary suspects for terrorism; however, the Administration largely ignored the fact that the majority of Muslims live outside of those seven Middle-Eastern countries targeted by the EO.

The EO specifically targeted those seeking visas from countries that have an overwhelmingly Muslim population ranging from 90.7% to 99.8%.131 The EO altered the best practices of screening in favor of broad categorization based on little more than nationality, ethnicity, or religious belief. Furthermore, the EO targeted the Middle East where only about 12% of the world’s Muslims live. The North African region has the highest concentration of Muslims of any region of the world. In North Africa, 93% of its approximately 341 million inhabitants are Muslims, compared with 30% Muslims in sub-Saharan Africa, and 24% in the Asian-Pacific region (Figure 4-1).132


132 Ibid.
President Trump stated that the travel limitations were necessary to protect the United States from attacks by Islamist militants from these Muslim countries. Most refugees are, in fact, victims of the same terrorism and violence that President Trump’s original EO touts. U.S. allies were upset at the racist implications in the EO. In addition, there were national protests as well as condemnation by some members of Congress.\textsuperscript{133} The majority of Democrats in Congress openly opposed the EO, while only twenty Republican members of Congress spoke out publicly against the original EO travel ban.\textsuperscript{134} Basically, the Executive Order created polarized discussions, not just among bipartisan Congressional members and political groups, but among citizens who differed on whether it promoted the safety of the United States.

\textsuperscript{133} See Appendix C. Letter from Senator Lindsay Graham (R-SC). February 2017.

Supporters of President Trump’s EO are in favored his hardline positions because these demonstrated that the President had kept his campaign promise to pursue an anti-immigration agenda. The anti-immigrant and anti-Muslim legislation also taps into his supporters’ own fears and anxiety of terrorism in the U.S. which stems from the September 11, 2001 attacks in New York City and Washington, D.C. The more recent terrorist attacks in the U.S. carried out by Muslim immigrants during the 2013 Boston, Massachusetts marathon, the 2015 San Bernardino, California mass shooting at the Inland Regional Center, and the 2016 mass shooting at the nightclub in Orlando, Florida, have bolstered the fears of Muslim-based terrorism among Trump’s voter base.\textsuperscript{135} Statistics have shown, however, that there have been zero terrorist attacks on U.S. soil from the citizens of the countries listed in the EO travel ban. The conservative think-tank, CATO Institute, also posted statistics that disagreed with President Trump’s claim that the immigrants from Muslim countries included in the EO are responsible for terrorism in the United States. The CATO Institute stated: “not one person from the seven countries included in the initial ban has killed anyone in a terror attack on U.S. soil in the last forty years. This includes refugees, as well.”\textsuperscript{136}

The EO also repeatedly referred to the September 11, 2001 terrorist attacks on the U.S., which was carried out by hijackers who held U.S. visas. Yet, the September 11, 2001 hijackers were not from the countries listed in the EO. Other countries, such as Pakistan and Afghanistan,


where terrorist activity has been prevalent were missing. The EO insinuates that all refugees are suspected terrorists. It states:

Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States.

The EO’s discriminatory views were also challenged by Iraq and Afghanistan war veterans in Congress who lobbied on behalf of Iraqis who hold SIVs. Two Republican members of Congress, Representatives Duncan Hunter (R-CA) and Adam Kinzinger (R-IL), submitted a bipartisan letter to President Trump to request exceptions for Iraqi military interpreters, translators, and allies from the EO. The letter was also signed by Representatives Steve Stivers (R-OH), Earl Blumenauer (D-OR), Seth Moulton, (D-MA), and Peter Welch (D-VT). Representatives Stivers and Moulton are also veterans. Part of their objectives were concerns about what would happen to U.S. troops abroad in the future if the EO was enforced.

Senators Charles E. Schumer (D-NY) and Richard Durbin (D-IL) also expressed their contempt and disappointment of the new EO. They responded to President Trump’s assertion that the EO, which banned Muslims from seven countries, would make America safer. Senator

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Schumer pointed out, “Not one terrorist attack has been perpetrated on U.S. soil by a refugee from one of these countries—not one. Furthermore, it could alienate and inflame the communities we need most in the fight against terrorism.”

Senator Durbin also stated:

A man who came to the United States from Iraq, from one of the seven countries designated by President Trump, came from Iraq after having risked his life for American soldiers. He was rewarded with an opportunity to come to the United States, was detained at the airport, questioned at length, threatened to be returned to Iraq, and finally—after 19 hours—allowed to stay.

Representative Seth Moulton (D-MA), a Marine Corps. veteran who had served in Iraq, also sharply criticized the original EO because he believed that it represents a danger to those who are still serving in Afghanistan from terrorist organizations who wish to harm Americans. Representative Moulton worked with several Iraqi interpreters during his four tours in Iraq and had developed close friendships with them. His first interpreter sought asylum in the United States and moved into Moulton’s parents’ home after waiting for eighteen months to receive his SIV. Following the initial release of the EO, Representative Moulton said:

President Trump is leading our country out of fear instead of facts. His Executive Order banning refugees and immigrants from some Muslim majority countries to the United States play right into the hands of our enemies. ISIS has already used his statements to help recruit new suicide bombers, and you can bet Trump’s policies will help inspire attacks against Americans both at home and abroad.

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142 The Islamic State in Iraq and Syria (ISIS), also known as the Islamic State in Iraq and the Levant (ISIL), was a group that branched off from Al-Qaeda. It was originally created in 2004. In April 2013, Islamic State in Iraq absorbed the Al Qaeda-backed militant group in Syria, Jabhat al-Nusra, also known as the al-Nusra Front. Its leader Abu Bakr al-Baghdadi said his group will now be known as Islamic State in Iraq and the Levant. Accessed March 1, 2018. https://edition.cnn.com/2014/09/09/world/meast/isis-isil-islamic-state/index.html


144 Ibid.
Since the first EO was not specific about Iraqis who received SIVs, those who were currently in transit at the time that the Executive Order was implemented were taken into custody. Many of these SIV holders had waited years for their visas due to the heavy vetting procedures. One of the SIV immigrants detained was Hameed Khalid Darweesh, who had reportedly worked for the U.S. government in Iraq for more than a decade and had been granted an SIV on January 20, 2017 for his work with the U.S. military. Darweesh was released a day later and allowed to remain in the United States. He has filed a lawsuit against President Trump. The other U.S.-allied Iraqi was Haider Sameer Abdulkhaleq Alshawi who had worked as a U.S. government contractor in Iraq. His visa had been approved by the U.S. Embassy in Stockholm. When he arrived at JFK, he was also detained. He later joined in the Darweesh lawsuit against President Trump.

**Inter-Governmental Agency Cooperation**

The Trump Administration had not consulted with the legislative branch or the Justice Department regarding the constitutionality of the EO. In fact, the EO was poorly researched as it did not mention any existing vetting procedures and policies for SIV holders or refugees by federal agencies. Those agencies included: The Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI), the intelligence agencies, and the U.S. Department of State (DOS). Specifically, the EO stated:

> The United States must be vigilant during the visa-issuance process to ensure that those

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approved for admission do not intend to harm Americans and that they have no ties to terrorism….This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.146

Efforts to coordinate between U.S. governmental agencies increased over the past decade as the Iraqi refugee and SIV program applicants increased. The Department of Homeland Security (DHS) not only worked in close partnership with other components within DHS and with Department of State’s Bureau of Population, Refugees, and Migration (PRM), but it worked to meet the U.S. Refugee Admissions Program (USRAP) with a dual mission to offer resettlement opportunities to eligible refugees. Furthermore, the coordinated efforts sought to safeguard the integrity of the SIV program and to protect U.S. national security interests.

The U.S. House Committee on Homeland Security’s Subcommittee on Counterterrorism and Intelligence held a hearing in 2012. Several agency directors testified about their coordinated efforts to screen asylum seekers. One notable speaker, Barbara Strack, the Chief of the Refugee Affairs Division of the Refugee, Asylum, and International Operations Directorate within U.S. Citizenship and Immigration Services (USCIS), affirmed that the refugee program and the Department of Homeland Security’s efforts have deterred potential terrorist groups from infiltrating the Department of State’s U.S. Refugee Admissions Program (USRAP). She also confirmed that USCIS was not only working with the Department of Homeland Security to deter

exploitation by terrorist groups, but they were also working with the Department of Defense and
with the Office of Intelligence and Analysis (I&A). This inter-agency coordination worked to
identify potential screening capabilities and obtain critical intelligence information, as well as to
enlist its services to conduct security checks (Appendix C). 147

The 2012 hearing discussed further security measures that enhanced a biometric
screening by checking against the DOD Automated Biometric Identification System, which
contains fingerprint records captured during interviews. Strack also testified that this data ranged
from individuals who had been detained by U.S. forces to those who had been employed by U.S.
forces. Furthermore, with I&A’s assistance, USCIS enhanced refugee vetting protocols for Iraqi
applicants. For example, in the fall of 2008, USCIS had launched a new biographic check with
the National Counterterrorism Center (NCTC) for Iraqi applicants and added Intelligence
Community support in July 2010 for what they now refer to as Interagency Checks (IAC). 148

Finally, in addition to the checks that have been described, the USCIS’s vetting regime included
added pre-departure checks that are conducted before a refugee applicant is scheduled to travel to
the United States. These checks are especially important to identify any new critical information
that may not have been available when the initial security checks were conducted. A refugee
applicant would not be approved for travel until all required security checks had been completed
and cleared. 149 Despite these detailed formalities and thorough security checks in place, fears of
terrorism and national security issues regarding Iraqi and other refugees continue to be fervently

147 Barbara Strack, Testimony of Chief of the Refugee Affairs Division of the Refugee, Asylum, and

148 Ibid.

149 Ibid.
addressed in mainstream media, governmental and non-governmental agencies, and legal advocacy groups.

Federal and Judicial Branch Investigations

When news of the travel ban hit mainstream media circuits immediately after the EO was released on January 27, 2017, questions were raised regarding how the federal agencies allowed the Trump Administration to circumvent normal procedures and disregard pre-existing vetting policies that were already in place. According to a report released by the Office of the Inspector General (OIG) on January 18, 2018, DHS was specifically caught off guard and was not notified of the EO before it was signed by President Trump. OIG received a congressional request to investigate DHS’s implementation of the EO following media reports that U.S. Customs and Border Protection (CBP) personnel had potentially violated the civil rights of individual travelers.\(^{150}\) The report examines how DHS, and CBP in particular, responded in real time to a number of quickly-emerging challenges that the EO posed. These challenges included: 1) the legal scope of the EO; 2) how holders of immigrant and non-immigrant visas were affected, with a specific focus on holders of special immigrant visas from Iraq; and 3) how DHS and CBP follow the initial EO.\(^{151}\) The OIG report found that the bulk of travelers affected by the EO who arrived in the United States, particularly SIV holders, received national interest waivers. National interest waivers are usually granted to those who have exceptional ability and whose


\(^{151}\) Ibid., 9.
employment in the U.S. would greatly benefit the nation.\textsuperscript{152} In addition, the OIG observed that the lack of a public or congressional relations strategy significantly hampered Customs and Boarder Protection (CBP) and harmed its public image. While the media reported instances of misconduct, OIG did not verify any claims of misconduct on the part of CBP Officers (CBPOs) at the ports of entry. The OIG report also concluded that at the ports of entry, DBP largely complied with the multiple federal court orders that were issued between the January 27, 2017 and February 3, 2017. The report, however, did state that there was some delay and confusion as to the scope of some orders during the initial release of the EO.\textsuperscript{153} The report further investigated the detention of the two U.S.-allied Iraqis, Darweesh and Alshawi. It stated: “In the face of unfolding litigation, CBP and DHS worked diligently to grant both Darweesh and Alshawi exemptions from the EO. But they ran into some practical impediments caused by the drafting of the EO and its weekend release.”\textsuperscript{154}

Across the U.S. organizations such as the International Refugee Assistance Project (IRAP) and The American Civil Liberties Union (ACLU) scrambled to mobilize and challenge the EO on the grounds that it ultimately threatened America’s fundamental values and ideals. They submitted legal advice for those caught in the chaos during entry into the United States over the weekend when the original EO was issued in January 2017. The White House then asked the Pentagon to draw up a list of Iraqis who helped U.S. forces.

Navy Captain Jeff Davis, a Pentagon spokesman, stated, “there are a number of people in


\textsuperscript{153} Ibid. p.34

\textsuperscript{154} Ibid.
Iraqi interpreters and translators were vital for successful operations in conflict situations. As a result, both lobbied Trump and his team to remove Iraq from the EO. Reports also emerged that Secretary of State Rex Tillerson, Secretary of Defense James Mattis and National Security Adviser H.R. McMaster also advocated for Iraq’s removal from the EO. Their efforts to remove Iraqi from the EO were successful.

The Revised Executive Order and Legal Challenges

On March 6, 2017, President Trump signed a revised EO 13780, which removed Iraq from the original list after federal courts had halted enforcement of the January 2017 EO. Nevertheless, the revised EO placed a temporary travel ban on nationals from six Muslim-majority countries (Iran, Libya, Somalia, Sudan, and Yemen) for ninety-days, 120-days for all refugees, and indefinitely for Syrian refugees. The revised ban was supposed to go into effect on March 16, 2017; however, U.S. District Court Judge Derrick Watson of Hawaii blocked the core provisions of the revised EO, concluding that the order likely violates the Establishment

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Clause of the U.S. Constitution by being biased towards Muslims. Judge Watson's earlier decision initially imposed a limited freeze of the EO through a temporary restraining order. As a result, the State of Hawaii asked the judge to convert that decision into a longer-term preliminary injunction. Judge Watson ultimately agreed. U.S. District Judge Theodore Chuang in Maryland also agreed with Judge Watson’s order and also temporarily blocked Trump’s revised EO, citing concern that the EO’s real purpose was “to discriminate against Muslims, in violation of the Constitution's ban on officially favoring or disfavoring any religion.” The Justice Department, formally appealed the ruling.

On March 16, 2017, the day that the second revised EO was to become effective, IRAP and the ACLU filed a lawsuit with the U.S. 4th Circuit Court of Appeals, The International Refugee Assistance Project v. Trump, on citing violations of human rights. Their lawsuit specifically stated that:

On March 6, 2017, President Donald J. Trump issued an Executive Order which bars, with certain exceptions, the entry to the United States of nationals of six predominantly Muslim countries, suspends the entry of refugees for 120 days, and cuts by more than half the number of refugees to be admitted to the United States in the current year. This Executive Order follows a substantially similar Executive Order that is currently the subject of multiple injunctions premised on the conclusion that it likely violates various provisions of the United States Constitution. Pending before the Court is Plaintiffs’ Motion for a Temporary Restraining Order or a Preliminary Injunction, filed on March 10,2017. At issue is whether the President's revised Executive Order, set to take effect on

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159 Ibid.


March 16, 2017, should likewise be halted because it violates the Constitution and federal law.\textsuperscript{162}

**Recent Updates with the EO**

Despite ongoing legal action and federal courts blocking sections of the EO, the Trump Administration amended EO 13780 for the third time on September 24, 2017. Currently, the EO bans citizens from eight countries from entering the United States, instead of the six Muslim countries previously mentioned in the second revised EO. The countries now include: Chad, Iran, Libya, North Korea, Syria, Venezuela and Yemen. The new EO travel ban has removed Sudan, but the Trump Administration has yet to discuss the reasons for Sudan’s removal. The ACLU, ACLU of Maryland, the National Immigration Law Center, IRAP, the Middle East Studies Association, along with individuals affected by the ban continue to challenge the new revisions to EO 13780. IRAP and ACLU have amended their existing lawsuit, which was filed in March 2017. The Yemeni American Merchants Association and the Arab American Association of New York have joined the ACLU’s lawsuit as plaintiffs. In addition, IRAP, the ACLU, and several district courts continue to fight the President’s revised travel ban.

On October 18, 2017, a federal district court in Maryland blocked President Trump’s newest Muslim ban from taking effect. A federal court in Hawaii issued a similar ruling a day earlier in a separate challenge. On November 17, 2017, the Supreme Court dismissed the challenge to President Trump’s EO 13780 as moot, concluding that it is still open to debate regarding its constitutionality against a certain religion or nationality.\textsuperscript{163} Unfortunately, for those

\textsuperscript{162} Ibid., 2.

that have fought to repeal the EO revisions and extended legal repeal, the Supreme Court ruled to uphold President Trump’s third EO revision on December 4, 2017. Although there may be no significant changes in the ruling, the federal appeals court for the Fourth Circuit ruled against President Trump’s third revised travel ban on February 15, 2018, despite the Supreme Court’s ruling to uphold the EO.164

While the travel ban does not include those who worked with the U.S. government as translators or interpreters any longer, it nonetheless continues to promote a negative view of Muslim refugees in the United States. Trump’s travel bans are counter-productive to long-standing policy, precedent and practice of the United State in its support of refugees, especially those who have worked on its behalf. It is the obligation of the United States to protect the men and women who served alongside Americans on the battlefield; therefore, the U.S. must uphold that promise to leave no man behind.

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Chapter 5

Findings

“The struggle that pits individuals with charisma and vision against bureaucrats is what complexity theory is all about. In the same light, the French have coined the word “de responsibilisation” meaning that no one will take responsibility for anything.”

-- U.S. Diplomat in Iraq, 2005

Overview of Chapters

This thesis aimed to provide an institutional and historical approach to the plight of the U.S.-affiliated Iraqi translators and interpreters over the last decade. The objectives of this thesis identified issues that surrounded the plight of the U.S. translators and interpreters including: 1) a discussion of whether the United States has an obligation to protect the Iraqi translators and interpreters; 2) the issues that surrounded the Special Immigration Visa (SIV) application process; and 3) an examination of the Trump Administration’s Executive Order: “Protecting the Nation from Foreign Terrorist Entry into the United States.”

Interpreters and translators assisted Americans in Iraq through their language skills, their knowledge of politics, traditions, and tribal rituals. Chapters one and two provided the background and personal stories related to the persecution of Iraqi translators and interpreters who were threatened, kidnapped, beaten, and murdered for their affiliation with the United States. Chapter two emphasized how the U.S. media and non-governmental organizations (NGOs) brought public awareness to the dangers that Iraqi translators faced. Furthermore, it discussed how the perspectives of American military officials shifted from seeing the translators and interpreters as Iraqi “friends” to considering them as potential “foes.”

Interpreters accompanied U.S. combat units on missions where their skills were used for important roles. They participated in intelligence operations, facilitated diplomatic talks, and
provided cultural advice to troops.¹⁶⁵ They wore the same body armor as the U.S. soldiers and fought alongside them as if they were part of the combat units. Furthermore, they forged friendships and built relationships based on mutual trust. The mutual trust disintegrated quickly as Iraqi insurgents started to brutally murder those who worked for the United States.¹⁶⁶ The U.S. military and government officials suspected that some Iraqi translators and interpreters were working with the Iraqi insurgents. Security measures around the International Zone (IZ) were increased, however, there were few measures put in place to protect the Iraqi translators and interpreters who traveled in and out of the IZ who were then violently targeted by insurgents.

Chapter two discussed specific articles that were featured in prominent news publications, which openly criticized the U.S. government’s apathetic response to protect Iraqi translators and interpreters. The first article, by Kirk Johnson, was published in the L.A. Times on December 15, 2006. Mr. Johnson gave detailed accounts of violence against Iraqi citizens. He also focused on how these militant groups had mounted numerous large-scale attacks against those who worked for the United States.¹⁶⁷ The second impactful article was a 2007 investigative piece written by George Packer for the New Yorker, which gave a scathing account on how the United States had turned its back on Iraqi translators and interpreters.¹⁶⁸ Packer’s article summarized in-depth personal interviews that he conducted with some of these former translators.


and interpreters who reported on the repercussions they suffered because of their decision to work with the Americans.

Other articles appeared in mainstream news publications that described the dangers Iraqi translators and interpreters faced and how they were targeted by insurgents for their work with the United States. Moreover, significant criticism by these news articles emphasized how the U.S. had betrayed them. It was reported that translators and interpreters who had previously not concealed their identities, were worried that they would be recognized by groups opposed to the American military presence in Iraq. As the insurgency became stronger, safety for the interpreters and translators in Iraq became increasingly more difficult. In addition, Iraqi allies who had previously been trusted by their American employers were then seen as potential threats. Non-governmental organizations (NGOs) also criticized America’s neglect for the safety of its Iraqi interpreters and translators.

There were three main NGOs discussed in chapter two that were instrumental in raising public awareness of the plight of Iraqi interpreters and translators: 1) The List Project to Resettle Iraqi Allies, (now called “The List Project”); 2) The International Refugee Assistance Project (IRAP); and 3) No One Left Behind. All three NGO’s advocated for legislation that would assist those U.S. Iraqi allies who were in peril. Much of the efforts stemmed from the founders of the NGOs who had their own experiences working with wartime allies in Iraq and Afghanistan. Eventually, the U.S. Congress established the SIV Program, which was designed to prioritize visa applications by Iraqi translators and interpreters who sought to safely resettle in the United States.

Chapter three focused on the development of the SIV legislation from its inception in 2006 until the Iraqi SIV program ended in 2014. Details of the SIV program’s procedural...
requirements discussed how the SIV legislation moved from a very narrow scope for translators and interpreters to a broader scope that covered those who have worked in all capacities for the American mission in Iraq. The legislation was intended to provide a fast channel for processing visas for those who have already been vetted to work with the United States war effort. The application process, however, did not provide a faster channel for Iraqi translators and interpreters who needed to flee to safety. The SIV application process was lengthy, costly, and required multiple steps. Additionally, the inter-government agencies that collaborated on background and security checks were backlogged, which radically hindered the efficiency of the process.

Thousands of Iraqis have applied and waited for years for the Department of State to complete their SIV applications. The applicants ran into a complicated series of background checks that involved several U.S. agencies.\(^{169}\) What was supposed to be a relatively faster process stretched for several years for many of the SIV applicants.\(^{170}\) The SIV program faced challenges with respect to application processing times and security screening. Moreover, the structure of the SIV program that includes statutory time frames and numerical limitations, introduced additional complications that became even more of a cumbersome process after the U.S. withdrawal from Iraq in 2011. While there was an increase in visas under the SIV for all Iraqis who had specific affiliations with the United States, in 2009, the translators and interpreter

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\(^{169}\) The International Refugee Assistance Program (IRAP) for was started in 2008 by graduate students at Yale Law School to provide legal representation and policy advocacy for refugees seeking resettlement. They specifically work with Iraqi and Afghan translators that worked for the United States. Accessed October 16, 2016. https://refugeerights.org/

cap remained below fifty visas processed each year prior to 2009.171

The United States employed 9,268 Iraqi interpreters and it has been estimated that since 2003, a total of about 50,000 Iraqi nationals worked directly with the United States. 172 Out of an allocated 25,000 visas that were permitted from 2008-2014, only 6,618 visas had been given out by the end of the program. Only 856 visas were specifically provided to translators and interpreters. The number of SIVs that were distributed between 2008-2014 is small considering 25,000 visas were available.

Over the last decade, members of Congress across the ideological spectrum have supported the SIV program. Members such as Senators Edward Kennedy (D-MA), Richard Lugar (R-IN), Lindsey Graham (R-SC), as well as Representatives James Sensenbrenner (R-WI), and John Conyers (D-MI), have spoken publicly about the need to honor the United States’ commitment to those who risked their lives for our country. They stressed that the U.S. has an obligation to stand with our Iraqi partners, however, the fear of terrorists linked to immigration has become rampant in today’s political environment. As a result of the November 13, 2015 terrorist attack in Paris, the U.S. House of Representatives abruptly changed their previous stance, which supported the SIV. Members of the House of Representatives approved legislation for tougher refugee screenings. 173 Furthermore, the more recent terrorist attacks in the U.S. carried out by Muslim immigrants during the 2013 Boston, Massachusetts marathon, the 2015

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San Bernardino, California mass shooting at the Inland Regional Center, and the 2016 mass shooting at the nightclub in Orlando, Florida, incited further anxiety towards Muslim-based terrorism.

Chapter 4 analyzed the recent bi-partisan perspectives on immigration and the Executive Order issued by the Trump Administration, which had a direct effect on Iraqi translators and interpreters and the SIV Program. President’s Trump’s Executive Order (EO), issued on January 27, 2017 was entitled: “Protecting the Nation from Foreign Terrorist Entry into the United States.” It prevented anyone coming from seven Muslim countries (Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen) from entering the United States. The EO divided bipartisan Congressional members, political groups, and ordinary citizens who differed on whether it promoted the safety of the United States. President Trump argued that the travel limitations were necessary to protect the United States from attacks by Islamist militants from these Muslim countries.

Opponents of the EO claimed that it was poorly researched and hastily implemented. The EO did not mention any existing vetting procedures and policies for SIV holders by federal agencies, which included: The Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI), the intelligence agencies, and the U.S. Department of State (DOS). The EO prompted hundreds of attorneys to work pro bono cases to assist those who had been detained or rejected from entering the United States. Furthermore, within the following few months, four Federal Judges from New York, Massachusetts, Virginia, and Washington State signed orders halting parts of President Trump’s EO.

Not only did the original EO temporarily halt the distribution of visas from citizens of the seven countries listed above, it also provisionally revoked most visas granted to individuals from
the affected countries for ninety days, including the Iraqi translators and interpreters who have been waiting years for their SIVs. The Department of Defense and the State Department later acknowledged that the Iraqi interpreters and translators were vital for successful operations in conflict situations. As a result, both federal agencies successfully lobbied the Trump Administration to remove Iraq from the EO.

Efforts to coordinate between U.S. governmental agencies increased over the past decade as the Iraqi refugee and SIV program applicants increased. The Department of Homeland Security (DHS) not only worked in close partnership with other components within DHS and with Department of State’s Bureau of Population, Refugees, and Migration (PRM), but it worked to provide the U.S. Refugee Admissions Program (USRAP) with a dual mission to offer resettlement opportunities to eligible refugees. Furthermore, the coordinated efforts sought to safeguard the integrity of the SIV program and to protect U.S. national security interests.

On December 1, 2015, a number of prominent national security experts sent an open letter to members of Congress asking them to back more appropriate refugee legislation, including for SIV applicants (Appendix A). Specifically, the letter stated:

We must remain vigilant to keep our nation safe from terrorists, whether foreign or homegrown, and from violence in all its forms. At the same time, we must remain true to our values. These are not mutually exclusive goals. In fact, resettlement initiatives help advance U.S. national security interests by supporting the stability of our allies and partners that are struggling to host large numbers of refugees. 174

This is one of the themes expressed by former diplomat and author Richard C. Holbrook in a 2007 article in Foreign Affairs.

America’s Moral Dilemma

It is America’s moral obligation to protect foreign-born allies whose lives are at risk, especially because they have been affiliated with the United States. Holbrooke’s discussed some of the U.S. government officials are often faced with in the course of their duties. He deftly compared visa issues for Jewish refugees in the 1940’s to the issues that face Iraqi refugees applying for a Special Immigration Visa (SIV). Mr. Holbrook wrote:

Imagine that you are a consular officer in the middle of a diplomatic career that you hope will lead to an ambassadorship. There are two rubber stamps on your desk. Using the one that says “APPROVED” would allow the desperate person sitting in front of you to travel to your country legally. Using the other stamp, which says “REJECTED,” could mean consigning that person to prison or even death. It sounds like a simple choice, but there is a catch—a very big one. The person in front of you is Jewish, and your boss has told you to devise ways not to use the “APPROVED” stamp. Your government does not want these people—these people waiting outside your office, milling around in the street, hiding in their houses—in your country. Approve too many visas and your career will be in danger. Follow your instructions and people will probably die. What would you have done if you had been faced with this situation in 1940? Or if you faced a version of the same situation today featuring, say, refugees from Iraq?175

Mr. Holbrook wrote that hundreds of consular officials played it safe by following orders to restrict Jewish immigration. As a result, hundreds of thousands of Jews whose lives could have been saved were left to fend for themselves and many later died in concentration camps.176

Mr. Holbrook’s article was written in 2007, however, it draws a parallel to today’s anti-immigration sentiment that is deeply embedded in the Trump Administration and has been echoed by some Republican Congressional members. Senator Ted Cruz (R-TX), for example,


176 Ibid.
has been vocal about restricting Muslims who seek asylum in the United States from Iraq and Syria. “We need to immediately halt the flow of refugees from countries with a significant Al Qaeda or ISIS presence….We need to empower law enforcement to patrol and secure Muslim neighborhoods before they become radicalized.”\textsuperscript{177} Representative Seth Moulton (D-MA), on the other hand, stressed that Congress can do something about assisting America’s Iraqi allies. He stated, “There's a lot of fear out there among my colleagues right now that Trump has been so successful with his crusade against immigration. People are afraid that if they stand up for a program like this it will be used against them in some future election.”\textsuperscript{178} The United States must move past these fears and continue its efforts to protect Iraqi translators and interpreters who put their lives in jeopardy for the American mission in Iraq.

\textbf{Research Limitations}

Most of the research that was gathered for this thesis was from printed publications written by journalists or from U.S. military and government officials who expanded on their own experiences working with Iraqi translators or interpreters. Information and publications based on the work by the NGOs, “The List Project,” IRAP, and No One Left Behind were instrumental in gathering data on the narratives that surround the plight of Iraqi translators and interpreters.


There is a substantial shortage of scholarly work, however, that analyzes the SIV programs. Three experts in immigration law, however, Marianne Twu, Bruno Andorra, and Nadia Abramson’s research discussed bureaucratic and inter-agency problems with the SIV programs. Their work was thorough and useful for the overview of the SIV program in this thesis. Marianne Twu, a University of North Carolina law student, explored the legislative and narrow scope of the SIV program in 2010. She recognized that the plight of Iraqi interpreters and translators was “significant because they raised the question of whether countries with a military presence in Iraq owe a special duty to protect, and even aid in resettling those Iraqi nationals who risked their lives to offer their services as interpreters and translators.”

Moreover, Twu researched the various policies that had been adopted by a number of nations, including the United States, to address the unfortunate situation of Iraqi interpreters who were still living in Iraq under threat of persecution. Her analysis covered the National Defense Authorization Act (NDAA) for Fiscal Year 2006, and the revised the NDAA for Fiscal Year 2008, which expanded the class of beneficiaries to include Iraqi nationals who were employed in any capacity by the U.S. government in Iraq. Twu specifically mentioned in her work that the, “United States should take steps to facilitate the successful immigration of Iraqi interpreters and translators who wish to Resettle in the United States.”

Andorra Bruno, an expert on immigration policy at the Congressional Research Center produced reports on the SIV from 2014-2017. The reports summarized the Iraqi SIV and Afghan programs and specifically discussed the legislative changes made to the Iraqi SIV program since


180 Ibid., 754.
the program ended in September 2014.181 His reports produced specific data for this thesis that related to Iraqi translators and interpreters, their relatives, and other Iraqis who worked for the United States in other capacities.

In 2015, Nadia Abramson, a clerk with the Department of Justice, provided insight on the challenges that have made the application and execution of the SIV a daunting bureaucratic process.182 She also discussed in detail the procedural aspects of the SIV Program, particularly assessing how the Congressional amendments changed some procedural aspects of the SIV programs, which addressed the application processing-related concerns. Her work also analyzed the NDAA for Fiscal Year 2014. The revised NDAA directed the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, to make changes to the processing of SIV applications under each program. Some of the changes required the screenings and background checks should take no longer than nine months to complete an application for the SIV. At the same time, the revised NDAA included an exception to the nine-month limit in “high-risk cases for which satisfaction of national security concerns requires additional time.” Ms. Abramson reiterated that the United States must uphold its moral obligation to make the application process for the SIV easier to manage. Furthermore, she also acknowledged that there was a dearth of academic work which made her own analysis of the SIV Program problematic.183

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183 Ibid., 1.
Recommendations

The National Defense Authorization Acts, which include the Special Immigration Programs and their extensions over eight years should be more definitive. The bureaucratic hurdles that encompass the SIV program could be minimized. Additionally, the SIV Programs and the NDAA acts were vaguely written, thus the average waiting times for SIV applicants have been more than one year or longer.\textsuperscript{184} Unfortunately, since the SIV program for Iraqis has ended, these applicants are overburdened by inter-governmental agency screenings and heavy vetting processes.

Congress should reauthorize the SIV program for Iraqi translator and interpreters as long as the U.S. military remains in Iraq. The Pentagon reported in December 2017 that there were around 5,200 American forces remaining in Iraq.\textsuperscript{185} Although the SIV Program in Iraq is now closed, there is still a backlog of applications that should be processed. The SIV application and processing system should be reformed to allow for a more expedient nomination process and faster vetting. This necessary legislation should not only cover the U.S. allies from Iraq and Afghanistan, but other future foreign-born allies who will undoubtedly be relied on again in the future. Additionally, safe locations should be made available for those awaiting final approval of their SIVs from the U.S. Department of State. It is extremely dangerous and burdensome for SIV applicants to move to neighboring countries only to must wait for their SIV approval.


The U.S. should not backtrack on its support of our foreign-born allies. Currently, there are no long-term policies in place that support a unified contingency plan to support foreign-born allies assisting the United States during armed conflicts. In the past, U.S. Administrations have made executive decisions to expedite these allies out of their countries when the U.S. withdrew from those conflicts. In 1975 and 1980, for example, Presidents Gerald Ford and Jimmy Carter allowed over 500,000 refugees from Vietnam and Cambodia to resettle in the United States. Furthermore, President Clinton had airlifted 7,000 Iraqis to Guam in 1996, and 20,000 Kosovar Albanians to Fort Dix, New Jersey in 1999. In contrast, the U.S. has been involved in conflicts both in Iraq and Afghanistan for over a decade and employed an estimated 50,000 translators and interpreters.

The U.S. needs to adopt a permanent SIV program for foreign-born allies who worked for the U.S. military or for U.S. Embassies, especially those whose lives are at immanent risk. The U.S. should adopt measures similar to other U.S. allies who were in Iraq. Demark and the United Kingdom (U.K.), for example, airlifted their Iraqi translators and interpreters out of Iraq once it became publicly known that their Iraqi translators and interpreters’ lives were threatened. Denmark airlifted 200 translators out of Iraq. Furthermore, Britain and Australia also airlifted 2000 of their Iraqi allies out of Iraq.

186 Ibid.


The SIV Program for Iraqi translators and interpreters have largely failed to fulfill its intended purpose. Failures of the SIV program can largely be attributed to bureaucratic hurdles that conformed to American foreign policy interests. Furthermore, with the current xenophobic immigration policies of the Trump Administration, the U.S. has damaged the goodwill of our allies and betrayed our historic practice of welcoming immigrants.
Bibliography


Bruno, Andorra. "Iraqi and Afghan Special Immigrant Visa Programs." Congressional Research Service, September 12, 2014, 3


U.S. Congress. Senate. *To Increase the Number of Iraqi and Afghan Translators and Interpreters Who May Be Admitted to The United States as Special Immigrants, and for Other Purposes: Hearing before the Select Committee on the Judiciary.* 110th Cong, 1st sess., May 21, 2007, 110-158.


December 1, 2015

Dear Senator/Representative,

We write to express our opposition to proposals that would effectively halt the resettlement of Syrian and Iraqi refugees in the United States following the terrorist attacks in Paris. We believe that America can and should continue to provide refuge to those fleeing violence and persecution without compromising the security and safety of our nation. To do otherwise would be contrary to our nation’s traditions of openness and inclusivity, and would undermine our core objective of combating terrorism.

The process that refugees undergo in order to be deemed eligible for resettlement in the United States is robust and thorough. They are vetted more intensively than any other category of traveler, and this vetting is conducted while they are still overseas. Those seeking resettlement are screened by national and international intelligence agencies; their fingerprints and other biometric data are checked against terrorist and criminal databases; and they are interviewed several times over the course of the vetting process, which takes 18-24 months and often longer.

Given the stringent measures in place, we are especially concerned by proposals that would derail or further delay the resettlement of Iraqis who risked their lives to work with the U.S. military and other U.S. organizations. These refugees were given priority access to U.S. resettlement under the Refugee Crisis in Iraq Act. The United States has a moral obligation to protect them.

We must remain vigilant to keep our nation safe from terrorists, whether foreign or homegrown, and from violence in all its forms. At the same time, we must remain true to our values. These are not mutually exclusive goals. In fact, resettlement initiatives help advance U.S. national security interests by supporting the stability of our allies and partners that are struggling to host large numbers of refugees.

Refugees are victims, not perpetrators, of terrorism. Categorically refusing to take them only feeds the narrative of ISIS that there is a war between Islam and the West, that Muslims are not welcome in the United States and Europe, and that the ISIS caliphate is their true home. We must make clear that the United States rejects this worldview by continuing to offer refuge to the world’s most vulnerable people, regardless of their religion or nationality.

Sincerely,

(Names in alphabetical order)

Madeleine K. Albright
Former Secretary of State

Henry A. Kissinger
Former Secretary of State
Former National Security Advisor

Samuel R. Berger
Former National Security Advisor

General Richard B. Myers, U.S. Air Force (Ret.)
Former Chairman, Joint Chiefs of Staff

Zbigniew Brzezinski
Former National Security Advisor

Janet A. Napolitano
Former Secretary of Homeland Security

General George W. Casey, Jr., U.S. Army (Ret.)
Former Chief of Staff, U.S. Army

Leon E. Panetta
Former Secretary of Defense
Former Director, Central Intelligence Agency
February 16, 2017

Dear Ms. Briggs:
Thank you for contacting me regarding President Trump’s Executive Order titled Protecting the Nation from Foreign Terrorist Entry Into the United States. I appreciate the opportunity to hear from you.

Our government has a responsibility to defend our borders, but we must do so in a way that makes us safer and upholds all that is decent and exceptional about our nation. The haste in which this order was implemented is disappointing. I support a time-out in terms of accepting future refugees and developing a better vetting system. However, we should not stop green-card and lawful visa holders, like Nazanin Zinouri, from returning to the country they call home. We should not stop those who have served as interpreters for our military and diplomats from seeking refuge in the country they risked their lives to help. And we should not turn our backs on those refugees who have been shown through extensive vetting to pose no demonstrable threat to our nation, and who have suffered unspeakable horrors, most of them women and children.

I fear this executive order will only serve to hurt us in the fight against terrorism. American troops are fighting side-by-side with our Iraqi partners to defeat ISIL. A vast majority of our allies in the fight against ISIL are Muslims. This executive order sends a message that America does not want Muslims coming into our country and I fear such a message may do more to help terrorist recruitment than it does to improve our security. The Trump Administration should immediately revise this order.

As your United States Senator, my primary job is to understand and represent the interests of all South Carolinians. The opportunity to hear from you about the issues confronting our nation is not only essential to representative democracy, but allows me to better serve the people of South Carolina. We will not see eye-to-eye on every issue; however, I promise to always give your concerns the consideration they deserve.

I encourage you to visit my website — http://lgraham.senate.gov — as it will have information on the most recent activities before the U.S. Senate. You can also sign up for our e-mail newsletter, Facebook, Twitter, and YouTube pages which will provide the latest information and updates on the major issues facing our state and our nation.

Thank you again for contacting me. I truly appreciate the opportunity to hear from you and am honored to have the opportunity to represent your interests in the U.S. Senate.

Sincerely,

Lindsey O. Graham
United States Senator
APPENDIX C

The U.S. Refugee Admissions Program v. Special Immigration Visa Program Since 2011

<table>
<thead>
<tr>
<th>Implementing Agency:</th>
<th>US Refugee Admissions Program (USRAP)</th>
<th>Special Immigrant Visa Program (SIV)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Bureau of Population, Refugees and Migration (PRM) of the U.S. Department of State</td>
<td>The Bureau of Consular Affairs of the U.S. Department of State</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agency Accepting Applications:</th>
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<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>The International Organization for Migration (IOM), an overseas contractor of the U.S. Department of State (<a href="mailto:IC@iom.int">IC@iom.int</a>)</td>
<td>The National Visa Center, a contractor of the Bureau of Consular Affairs (<a href="mailto:IraqSIVapplication@state.gov">IraqSIVapplication@state.gov</a>)</td>
</tr>
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<tr>
<th>Adjudicating Agency:</th>
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<tr>
<th>Who Can File:</th>
<th></th>
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<tbody>
<tr>
<td></td>
<td>USG/MNF-I translators; USG direct hires and contractors (including those employed by grants or cooperative agreements); employees of US-based media/non-gov’t organizations employed after March 20, 2003, regardless of length of employment; relatives of American citizens and certain legal permanent residents</td>
<td>Any Iraqi national who provides/provided &quot;faithful and valuable&quot; service to the USG while employed by or on behalf of the USG for at least one year after March 20, 2003 (excluding those employed by grants and cooperative agreements)</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>Access to the Program for Qualifying Family Members:</th>
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<tbody>
<tr>
<td></td>
<td>Spouse; children (any age, any marital status) and their immediate family; parents; siblings and their immediate family</td>
<td>Spouse and minor unmarried children</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Persecution Claim</th>
<th></th>
<th></th>
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<tbody>
<tr>
<td></td>
<td>Must demonstrate persecution or fear of persecution as a result of U.S. Government affiliation or other protected characteristics</td>
<td>Must show risk or have experienced serious threat as a result of U.S. Government affiliation</td>
</tr>
<tr>
<td>Required Forms to Initiate Application:</td>
<td>No required forms - only verifiable proof of employment</td>
<td>Employment verification letter, letter of recommendation from American supervisor, statement of threat, DS-157</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>--------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Document Required for US Travel:</td>
<td>Valid Iraqi Passport</td>
<td>Valid Iraqi Passport</td>
</tr>
<tr>
<td>Quota:</td>
<td>There is no annual &quot;cap&quot; for Iraqi refugees</td>
<td>5,000 principal applicant visas per year for Fiscal Year 2008 through 2012 (cap does not apply to immediate family members)</td>
</tr>
<tr>
<td>Legal Status Granted:</td>
<td>After 12 months of residency, refugees are required to apply for adjustment of status to that of Permanent Resident Alien. After five years in the United States, refugees may apply for citizenship.</td>
<td>Beneficiaries are Legal Permanent Residents (LPRs) upon entry to U.S. After five years in the United States, may apply for citizenship.</td>
</tr>
<tr>
<td>Travel Docs Issued:</td>
<td>Refugees are issued special refugee travel documents; DHS permission required for international travel during the first year</td>
<td>Beneficiaries are issued an immigrant visa valid for 3 months in passport. &quot;Green Cards&quot; are issued once residency is established in the U.S.</td>
</tr>
<tr>
<td>Benefits:</td>
<td>Refugees automatically receive State Department benefits and may qualify for other benefits through the Department of Health and Human Services (HHS) upon arrival in the U.S.</td>
<td>Beneficiaries may elect to receive State Department benefits but <strong>must do so while still overseas</strong>; beneficiaries may be eligible for other benefits through the Department of Health and Human Services (HHS) upon arrival in the U.S. regardless of whether or not they chose to receive State Department benefits</td>
</tr>
<tr>
<td>Travel Date:</td>
<td>Travel is booked by IOM</td>
<td>Beneficiaries can travel any time before the expiration of their visa if not electing to receive benefits; otherwise booked by IOM</td>
</tr>
</tbody>
</table>