



International Refugee
Assistance Project

Upholding Commitments to Iraqi Allies: Recommendations to Restart the Iraqi Priority 2 Direct Access Program

January 2022

Background

Created by Congress in 2008, the Iraqi Priority 2 Direct Access Program (Iraqi P2 DAP) was intended to provide a legal pathway to safety for Iraqis whose lives are at risk due to their affiliation with the U.S. government. However, the promise of this program has gone unfulfilled since its inception due to extremely lengthy backlogs. The near total cessation of refugee processing at the U.S. Embassy in Baghdad in 2014 and 2020 and the xenophobic tenets of the Muslim Ban further exacerbated the delays, leaving more than 100,000 Iraqi allies in limbo. In January 2021, the Department of State announced a 90-day “suspension” of the program while it conducted a review relevant to allegations of fraud by U.S. government employees.¹ In April 2021, the suspension was extended *indefinitely* without further information regarding the status of applications or the review itself.

On the one-year anniversary of suspension of the Iraqi P2 DAP program, the **International Refugee Assistance Project (IRAP) calls on the Biden administration to take concrete steps to restore the Iraqi P2 DAP** so that the program can meet its noble intent to uphold our moral obligation to Iraqi allies, as originally authorized by Congress. The administration should immediately: appoint senior high-level personnel at the White House to lead the review of Iraqi P2 DAP cases for potential implication in the fraud scheme by U.S. government employees that triggered the program suspension, begin processing applications unaffected or cleared by the fraud review, restart the program, and provide transparency and accountability to applicants, veterans, Congress, and the public about the status of the program. Iraqi allies who have already waited years, if not over a decade, should not have their hopes for a pathway to safety put on indefinite hold. There are no other viable options.

¹ <https://www.state.gov/ensuring-our-safety-and-security-through-a-90-day-suspension-of-the-direct-access-program-for-u-s-affiliated-iraqis/>

Recommendations to the Administration

The Department of State (DOS) and the Department of Homeland Security (DHS) via the Fraud Detection and National Security Directorate (FDNS) of U.S. Citizenship and Immigration Services (USCIS) have had one year to conduct this fraud review with little to nothing to show for it. It is unclear what has been done so far, what is left, and how long it will take. One year after the public announcement of an ongoing fraud investigation, it is unknown if a single case of the over 100,000 pending cases has “cleared” the fraud review. Completion of the review as soon as possible must be a high priority for the administration, in light of increasingly dangerous threats facing U.S.-affiliated Iraqi applicants and their families. Below are specific recommendations regarding the suspension and review.

LEADERSHIP

The administration must prioritize completing the review by putting in place **senior White House leadership to lead the interagency effort**. Through high-level interagency leadership coordinated by the White House, the administration must immediately communicate clearly the current status of the review and provide regular monthly updates thereafter, mentioned below in further detail. Such leadership will fill a gaping void and is needed to provide oversight, management, coordination, and transparency over an effort that has meandered for too long with little results.

PUBLIC ACCOUNTABILITY

The administration must immediately define, for the public and Congress, what the fraud review entails and limit the review appropriately.

- **The fraud review must be limited to the investigation that prompted the Iraqi P2 DAP suspension and clearly set forth what the standards are for when a case is or is not determined to be implicated in the scheme.** Reviewers should not be conducting an open-ended ambiguous manual review of each case with no specific plan, or using criteria unrelated to the fraud investigation that triggered the suspension.

- **The administration must develop and utilize well-defined and material standards of fraud in the review process** and make clear the specific threshold for findings of fraud, no fraud, or an inconclusive finding and the standards for determining when a case is or is not implicated in the fraud scheme. They must also make clear what actions will be taken after such a finding and share this entire plan in sufficient detail with Congress and the public.
- **The administration must establish a reasonable time period when the public and Congress can expect the review to be completed** and ensure that an appropriate number of immigration officers and other resources are dedicated to the review to meet that deadline.

TRANSPARENCY

The administration must commit to transparency and fairness around the review and suspension.

- **The administration must provide Congress and the public with monthly updates on the status of the review.** Such reports should specify how many cases have been reviewed, how many cases have cleared the review, how many cases have been implicated in the fraud scheme, how many immigration officers are actively reviewing cases, how many cases remain in the review, any other discovery in the review, and the updated time estimated to complete the review of all cases.
- Upon completion of the review, **the DHS Office of the Inspector General should conduct an investigation of the fraud review** with a specific focus on the causes of its delay and share the findings and any related recommendations with Congress and the public.

REVIEW

The administration must ensure the integrity of the review and proceed with cases accordingly.

- At this stage, the administration should be aware of what cases were and were not implicated in the fraud scheme - specifically, what cases did the fraudsters touch and not touch. **Cases not implicated, likely the vast majority of the 100,000+ case backlog, should be unfrozen and proceed through the adjudication pipeline.**
- **The fraud review should exempt from the suspension the applications of Iraqis whose applications are not reliant on the outcome of the fraud review** (i.e., based on a relative with a Special Immigrant Visa (SIV) or an approved I-130 family reunification petition, or those outside the clearly defined parameters of the review). If these individuals are exempt from the suspension, USCIS should also make this transparent so that applicants are not left guessing at the status of their application. The administration should also prioritize the cases for review of people who have previously completed Iraqi P2 DAP interviews.
- The administration must provide applicants whose files will be closed or denied due to the fraud review with sufficient detail to ensure applicants understand the grounds of the closure or denial, and ensure that applicants have a **clear pathway to appeal** or reopen the decision.

ADJUDICATE

The administration must implement a plan for the expedited processing of cleared cases.

- There must be well-defined standards for when a case “clears” or does not clear the fraud review. **As soon as a case clears the review, it should immediately proceed through the adjudication pipeline.**



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- Expediting processing requires **providing sufficient State Department and USCIS staffing** to process pending Iraqi P2 DAP applications, as soon as the case has cleared the fraud review, including consular support personnel, immigration adjudicators, fraud reviewers, Resettlement Support Center staff, and interpreters. The administration must also dedicate enough resources and oversight so that any remaining vetting of the applications occurs quickly and fairly.
- The administration should immediately **implement video conferencing technology** supported by the aforementioned staff in Iraq for interviews to allow adjudications to move forward when robust circuit rides to Iraq cannot move forward.