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IRAQI REFUGEE ASSISTANCE PROJECT AND FRESHFIELDS EXPAND LANDMARK LAWSUIT AGAINST SECRETARY OF STATE KERRY, SECRETARY OF HOMELAND SECURITY JOHNSON

Obama Administration continues to fail to implement bipartisan legislation to protect Iraqis and Afghans whose lives are under serious threat as a consequence of their work in support of U.S. troops

New York, NY, August 3, 2015 – The Iraqi Refugee Assistance Project (IRAP) at the Urban Justice Center and Freshfields Bruckhaus Deringer US LLP on Friday July 31, filed an Amended Complaint in their ongoing lawsuit against U.S. Secretary of State John Kerry and Secretary of Homeland Security Jeh Johnson, as well as the U.S. Departments of State and Homeland Security. The original complaint was filed in February on behalf of nine Iraqis in mortal danger as a consequence of their work on behalf of U.S. forces in Iraq; it has now been amended to add seven new Plaintiffs and expanded to include Afghans who face similar dangers as a result of their work in support of U.S. troops.

Among the new Plaintiffs are four Afghans and three Iraqis, each of whom worked side-by-side with U.S. forces. Afghan Plaintiff “Mr. Hotel” was not only wounded by a grenade blast while serving alongside U.S. Special Forces troops, but also experienced the tragic loss of his direct U.S. supervisor, who was killed in action. Mr. Hotel helped recover his supervisor’s body and brought it to a medical helicopter to be flown to a U.S. base. In the wake of his supervisor’s death, Mr. Hotel has become close with the U.S. servicemember’s father; he and Mr. Hotel now communicate daily and refer to each other as “son” and “pop.” Newly added Iraqi Plaintiff “Ms. Alice” is a single woman who faces unique risks from extremists on account of her gender as well as her service as an interpreter for U.S. combat troops in Iraq. All seven Plaintiffs have demonstrated their loyalty to the U.S. through their service, and in so doing rendered themselves targets for retaliation by extremists.

The lawsuit as amended and filed in Federal Court in Washington D.C., argues that the Obama Administration has ignored controlling legislation and flouted its own procedures and, in so doing, has failed to honor the nation’s promise to protect its allies through the congressionally-mandated Iraqi and Afghan Special Immigrant Visa (SIV) programs.

The new Plaintiffs’ stories demonstrate how the SIV programs are broken at multiple stages in processing. Two of the new Afghan Plaintiffs have been waiting on their initial merits determination from Embassy Kabul’s Chief of Mission for over a year on average. The five other new Plaintiffs have been waiting in “administrative processing” for years longer than the congressionally-mandated nine months; Plaintiff Alice has been waiting over five years at this stage alone.

In 2008, with overwhelming bipartisan support, Congress created the Special Immigrant Visa (SIV) program to protect Iraqis encountering precisely these life-threatening circumstances; in 2009 it created a companion program for Afghans similarly endangered. However, the programs have been undermined by poor

implementation and extraordinary bureaucratic delays. Congress has since passed seven pieces of legislation urging the Departments of State and Homeland Security to improve processing of these cases, and to require that visa processing be completed within nine months. In spite of this legislation, the eight Iraqis and four Afghans now represented in this lawsuit have been waiting many years longer than mandated by law for decisions on their SIV applications. And, shamefully, their stories of inexplicable suspense are not unique.

"The Administration made a promise to provide protection and safety to our Afghan and Iraqi allies who risked their lives while serving alongside U.S. troops," said Katherine Reisner, National Policy Director of the Iraqi Refugee Assistance Project. "That promise has been broken. The Administration has failed to abide by Congress' laws to effectively and expeditiously process these visas. These Plaintiffs, along with thousands of others who worked in direct support of the U.S. military, have been waiting in constant fear for their lives -- unsure if each coming day will be their last. This lawsuit seeks to ensure that the Administration does not fail in its obligations to our allies overseas."

"We continue to be honored to offer our assistance to brave individuals who took enormous risks to support U.S. troops on the battlefields of Iraq and Afghanistan, but whose plight seems to have been ignored by the Administration," said Michael Lacovara, the Freshfields partner supervising the case. "Our clients and their families live in constant fear of retribution for the vital support they provided to soldiers, government workers and other U.S. citizens in harm's way. We are confident that the Court will hold the Defendants accountable and require them finally to follow the sensible instructions of Congress and act on our clients' visa applications."

If the lawsuit succeeds, the Departments of State and Homeland Security will be obliged to make a decision on the twelve unresolved SIV applications within a reasonable amount of time. A ruling in favor of the named Plaintiffs will also reaffirm Congress' instruction that processing applications for Iraqi and Afghan Special Immigrant Visas, reserved for those who face unique danger as a result of their having volunteered to support U.S. troops, take no longer than nine months.

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Further Notes

ABOUT IRAP:

- The Iraqi Refugee Assistance Project (IRAP) at the Urban Justice Center organizes law students and lawyers to develop and enforce a system of legal and human rights for refugees, through a combination of direct legal aid and systemic advocacy.
- IRAP has safely resettled over 3,000 refugees – with an 85% success rate – over the past six years.
- IRAP is the first organization to provide comprehensive legal representation and protection to persecuted refugees in the Middle East and North Africa who seek to begin safe, new lives in the West.
- IRAP was founded as an extracurricular organization in 2008 by five Yale Law School students: one was a veteran of the Iraq and Afghan Wars; another was a *Washington Post* journalist who had reported from Iraq; three others had worked with refugees.
- IRAP provides pro bono legal aid to refugees through a model that pairs more than 1,000 law students from 26 law schools chapters with supervising attorneys from over 60 international law firms and 5 in-house corporate counsels.
- IRAP has worked with Congress to obtain an additional 13,500 visas for Iraqis and Afghans who aided the United States.
- IRAP's additional policy advocacy efforts have made the American refugee admissions process more fair and equitable for over 120,000 refugee applicants to the United States.

ABOUT FRESHFIELDS BRUCKHAUS DERINGER US LLP

Freshfields Bruckhaus Deringer US LLP is a leading global law firm with a long-standing commitment to *pro bono* representations of those in need, alongside a nearly 300-year record of advising the world's leading national and multinational corporations, financial institutions and governments on ground-breaking and business-critical mandates.