

H.R.4986

**National Defense Authorization Act for Fiscal Year 2008 (Enrolled as
Agreed to or Passed by Both House and Senate)**

SEC. 673. ENSURING ENTRY INTO UNITED STATES AFTER TIME ABROAD FOR PERMANENT RESIDENT ALIEN MILITARY SPOUSES AND CHILDREN.

Section 284 of the Immigration and Nationality Act (8 U.S.C. 1354) is amended--

- (1) by striking 'Nothing' and inserting '(a) Nothing'; and
- (2) by adding at the end the following new subsection:
 - (b) If a person lawfully admitted for permanent residence is the spouse or child of a member of the Armed Forces of the United States, is authorized to accompany the member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member (in marital union if a spouse), then the residence and physical presence of the person abroad shall not be treated as--
 - (1) an abandonment or relinquishment of lawful permanent resident status for purposes of clause (i) of section 101(a)(13)(C); or
 - (2) an absence from the United States for purposes of clause (ii) of such section.'

SEC. 674. OVERSEAS NATURALIZATION FOR MILITARY SPOUSES AND CHILDREN.

(a) Spouses- Section 319 of the Immigration and Nationality Act (8 U.S.C. 1430) is amended by adding at the end the following new subsection:

- (e)(1) In the case of a person lawfully admitted for permanent residence in the United States who is the spouse of a member of the Armed Forces of the United States, is authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member in marital union, such residence and physical presence abroad shall be treated, for purposes of subsection (a) and section 316(a), as residence and physical presence in--
 - (A) the United States; and
 - (B) any State or district of the Department of Homeland Security in the United States.

`(2) Notwithstanding any other provision of law, a spouse described in paragraph (1) shall be eligible for naturalization proceedings overseas pursuant to section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 8 U.S.C. 1443a).'

(b) Children- Section 322 of the Immigration and Nationality Act (8 U.S.C. 1433) is amended by adding at the end the following new subsection:

`(d) In the case of a child of a member of the Armed Forces of the United States who is authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member--

`(1) any period of time during which the member of the Armed Forces is residing abroad pursuant to official orders shall be treated, for purposes of subsection (a)(2)(A), as physical presence in the United States;

`(2) subsection (a)(5) shall not apply; and

`(3) the oath of allegiance described in subsection (b) may be subscribed to abroad pursuant to section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 8 U.S.C. 1443a).'

(c) Overseas Naturalization Authority- Section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 8 U.S.C. 1443a) is amended--

(1) in the subsection heading, by inserting `and Their Spouses and Children' after `Forces'; and

(2) by inserting `, and persons made eligible for naturalization by section 319(e) or 322(d) of such Act,' after `Armed Forces'.

(d) Effective Date- The amendments made by this section shall take effect on the date of enactment of this Act and apply to any application for naturalization or issuance of a certificate of citizenship pending on or after such date.

SEC. 1243. UNITED STATES REFUGEE PROGRAM PROCESSING PRIORITIES.

(a) In General- Refugees of special humanitarian concern eligible for Priority 2 processing under the refugee resettlement priority system who may apply directly to the United States Admission Program shall include--

(1) Iraqis who were or are employed by the United States Government, in Iraq;

(2) Iraqis who establish to the satisfaction of the Secretary of State that they are or were employed in Iraq by--

(A) a media or nongovernmental organization headquartered in the United States; or

(B) an organization or entity closely associated with the United States mission in Iraq that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement; and

(3) spouses, children, and parents whether or not accompanying or following to join, and sons, daughters, and siblings of aliens described in paragraph (1), paragraph (2), or section 1244(b)(1); and

(4) Iraqis who are members of a religious or minority community, have been identified by the Secretary of State, or the designee of the Secretary, as a persecuted group, and have close family members (as described in section 201(b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a))) in the United States.

(b) Identification of Other Persecuted Groups- The Secretary of State, or the designee of the Secretary, is authorized to identify other Priority 2 groups of Iraqis, including vulnerable populations.

(c) Ineligible Organizations and Entities- Organizations and entities described in subsection (a)(2) shall not include any that appear on the Department of the Treasury's list of Specially Designated Nationals or any entity specifically excluded by the Secretary of Homeland Security, after consultation with the Secretary of State and the heads of relevant elements of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

(d) Applicability of Other Requirements- Aliens under this section who qualify for Priority 2 processing under the refugee resettlement priority system shall satisfy the requirements of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) for admission to the United States.

(e) Numerical Limitations- In determining the number of Iraqi refugees who should be resettled in the United States under paragraphs (2), (3), and (4) of subsection (a) and subsection (b) of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the President shall consult with the heads of nongovernmental organizations that have a presence in Iraq or experience in assessing the problems faced by Iraqi refugees.

(f) Eligibility for Admission as Refugee- No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for any other immigrant classification.

SEC. 1244. SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.

(a) In General- Subject to subsection (c), the Secretary of Homeland Security, or, notwithstanding any other provision of law, the Secretary

of State in consultation with the Secretary of Homeland Security, may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien--

- (1) or an agent acting on behalf of the alien, submits a petition for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));
- (2) is otherwise eligible to receive an immigrant visa;
- (3) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4))); and
- (4) cleared a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(b) Aliens Described-

(1) PRINCIPAL ALIENS- An alien is described in this subsection if the alien--

- (A) is a citizen or national of Iraq;
- (B) was or is employed by or on behalf of the United States Government in Iraq, on or after March 20, 2003, for not less than one year;
- (C) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation, subject to paragraph (4), from the employee's senior supervisor or the person currently occupying that position, or a more senior person, if the employee's senior supervisor has left the employer or has left Iraq; and
- (D) has experienced or is experiencing an ongoing serious threat as a consequence of the alien's employment by the United States Government.

(2) SPOUSES AND CHILDREN- An alien is described in this subsection if the alien--

- (A) is the spouse or child of a principal alien described in paragraph (1); and
- (B) is accompanying or following to join the principal alien in the United States.

(3) TREATMENT OF SURVIVING SPOUSE OR CHILD- An alien is described in subsection (b) if the alien--

- (A) was the spouse or child of a principal alien described in paragraph (1) who had a petition for classification approved pursuant to this section or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 8 U.S.C. 1101 note), which included the alien as an accompanying spouse or child; and
- (B) due to the death of the principal alien--
 - (i) such petition was revoked or terminated (or otherwise rendered null); and

(ii) such petition would have been approved if the principal alien had survived.

(4) APPROVAL BY CHIEF OF MISSION REQUIRED- A recommendation or evaluation required under paragraph (1)(C) shall be accompanied by approval from the Chief of Mission, or the designee of the Chief of Mission, who shall conduct a risk assessment of the alien and an independent review of records maintained by the United States Government or hiring organization or entity to confirm employment and faithful and valuable service to the United States Government prior to approval of a petition under this section.

(c) Numerical Limitations-

(1) IN GENERAL- The total number of principal aliens who may be provided special immigrant status under this section may not exceed 5,000 per year for each of the five fiscal years beginning after the date of the enactment of this Act.

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

(3) CARRY FORWARD-

(A) FISCAL YEARS ONE THROUGH FOUR- If the numerical limitation specified in paragraph (1) is not reached during a given fiscal year referred to in such paragraph (with respect to fiscal years one through four), the numerical limitation specified in such paragraph for the following fiscal year shall be increased by a number equal to the difference between--

(i) the numerical limitation specified in paragraph (1) for the given fiscal year; and

(ii) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(B) FISCAL YEARS FIVE AND SIX- If the numerical limitation specified in paragraph (1) is not reached in the fifth fiscal year beginning after the date of the enactment of this Act, the total number of principal aliens who may be provided special immigrant status under this section for the sixth fiscal year beginning after such date shall be equal to the difference between--

(i) the numerical limitation specified in paragraph (1) for the fifth fiscal year; and

(ii) the number of principal aliens provided such status under this section during the fifth fiscal year.

(d) Visa and Passport Issuance and Fees- Neither the Secretary of State nor the Secretary of Homeland Security may charge an alien described in subsection (b) any fee in connection with an application

for, or issuance of, a special immigrant visa. The Secretary of State shall make a reasonable effort to ensure that aliens described in this section who are issued special immigrant visas are provided with the appropriate series Iraqi passport necessary to enter the United States.

(e) Protection of Aliens- The Secretary of State, in consultation with the heads of other relevant Federal agencies, shall make a reasonable effort to provide an alien described in this section who is applying for a special immigrant visa with protection or the immediate removal from Iraq, if possible, of such alien if the Secretary determines after consultation that such alien is in imminent danger.

(f) Eligibility for Admission Under Other Classification- No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(g) Resettlement Support- Iraqi aliens granted special immigrant status described in section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) for a period not to exceed eight months.

(h) Rule of Construction- Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006.

SEC. 1245. SENIOR COORDINATOR FOR IRAQI REFUGEES AND INTERNALLY DISPLACED PERSONS.

(a) Designation in Iraq- The Secretary of State shall designate in the embassy of the United States in Baghdad, Iraq, a Senior Coordinator for Iraqi Refugees and Internally Displaced Persons (referred to in this section as the `Senior Coordinator').

(b) Responsibilities- The Senior Coordinator shall be responsible for the oversight of processing for the resettlement in the United States of refugees of special humanitarian concern, special immigrant visa programs in Iraq, and the development and implementation of other appropriate policies and programs concerning Iraqi refugees and internally displaced persons. The Senior Coordinator shall have the authority to refer persons to the United States refugee resettlement program.

(c) Designation of Additional Senior Coordinators- The Secretary of State shall designate in the embassies of the United States in Cairo, Egypt, Amman, Jordan, Damascus, Syria, and Beirut, Lebanon, a Senior Coordinator to oversee resettlement in the United States of refugees of special humanitarian concern in those countries to ensure their applications to the United States refugee resettlement program are processed in an orderly manner and without delay.

SEC. 1246. COUNTRIES WITH SIGNIFICANT POPULATIONS OF IRAQI REFUGEES.

With respect to each country with a significant population of Iraqi refugees, including Iraq, Jordan, Egypt, Syria, Turkey, and Lebanon, the Secretary of State shall--

(1) as appropriate, consult with the appropriate government officials of such countries and other countries and the United Nations High Commissioner for Refugees regarding resettlement of the most vulnerable members of such refugee populations; and

(2) as appropriate, except where otherwise prohibited by the laws of the United States, develop mechanisms in and provide assistance to countries with a significant population of Iraqi refugees to ensure the well-being and safety of such populations in their host environments.

SEC. 1247. MOTION TO REOPEN DENIAL OR TERMINATION OF ASYLUM.

An alien who applied for asylum or withholding of removal and whose claim was denied on or after March 1, 2003, by an asylum officer or an immigration judge solely, or in part, on the basis of changed country conditions may, notwithstanding any other provision of law, file a motion to reopen such claim in accordance with subparagraphs (A) and (B) of section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)) not later than six months after the date of the enactment of the Refugee Crisis in Iraq Act if the alien--

(1) is a citizen or national of Iraq; and

(2) has remained in the United States since the date of such denial.

SEC. 1248. REPORTS.

(a) Secretary of Homeland Security- Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on Foreign Relations of the Senate a report containing plans to expedite the processing of Iraqi refugees for resettlement, including information relating to--

(1) expediting the processing of Iraqi refugees for resettlement, including through temporary expansion of the Refugee Corps of United States Citizenship and Immigration Services;

- (2) increasing the number of personnel of the Department of Homeland Security devoted to refugee processing in Iraq, Jordan, Egypt, Syria, Turkey, and Lebanon;
- (3) enhancing existing systems for conducting background and security checks of persons applying for special immigrant status and of persons considered Priority 2 refugees of special humanitarian concern under the refugee resettlement priority system, which enhancements shall support immigration security and provide for the orderly processing of such applications without delay; and
- (4) the projections of the Secretary, per country and per month, for the number of refugee interviews that will be conducted in fiscal year 2008 and fiscal year 2009.

(b) President- Not later than 120 days after the date of the enactment of this Act, and annually thereafter through 2013, the President shall submit to Congress an unclassified report, with a classified annex if necessary, which includes--

- (1) an assessment of the financial, security, and personnel considerations and resources necessary to carry out the provisions of this subtitle;
- (2) the number of aliens described in section 1243(a)(1);
- (3) the number of such aliens who have applied for special immigrant visas;
- (4) the date of such applications; and
- (5) in the case of applications pending for longer than six months, the reasons that such visas have not been expeditiously processed.

(c) Report on Iraqi Citizens and Nationals Employed by the United States Government or Federal Contractors in Iraq-

(1) IN GENERAL- Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security shall--

(A) review internal records and databases of their respective agencies for information that can be used to verify employment of Iraqi nationals by the United States Government; and

(B) request from each prime contractor or grantee that has performed work in Iraq since March 20, 2003, under a contract, grant, or cooperative agreement with their respective agencies that is valued in excess of \$25,000 information that can be used to verify the employment of Iraqi nationals by such contractor or grantee.

(2) INFORMATION REQUIRED- To the extent data is available, the information referred to in paragraph (1) shall include the name and dates of employment of, biometric data for, and other data that can be used to verify the employment of each Iraqi

citizen or national who has performed work in Iraq since March 20, 2003, under a contract, grant, or cooperative agreement with an executive agency.

(3) EXECUTIVE AGENCY DEFINED- In this subsection, the term 'executive agency' has the meaning given the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(d) Report on Establishment of Database- Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security, shall submit to Congress a report examining the options for establishing a unified, classified database of information related to contracts, grants, or cooperative agreements entered into by executive agencies for the performance of work in Iraq since March 20, 2003, including the information described and collected under subsection (c), to be used by relevant Federal departments and agencies to adjudicate refugee, asylum, special immigrant visa, and other immigration claims and applications.

(e) Noncompliance Report- Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to Congress that describes--

- (1) the inability or unwillingness of any contractor or grantee to provide the information requested under subsection (c)(1)(B); and
- (2) the reasons for failing to provide such information.

SEC. 1249. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.