



Bill Summary:
Deferred Removal for Iraqi Nationals Including Minorities Act of 2019

The Deferred Removal for Iraqi Nationals Including Minorities Act of 2019, [H.R. 2537](#), would defer the detention and deportation of Iraqi nationals with orders of removal, including many Chaldean Christians and other minorities, by 24 months. The 24-month period will permit Iraqi nationals to seek immigration relief based on Iraq's precarious country conditions, and allow for continued work authorization during the entirety of the 24-month period. Representatives Andy Levin (D-Michigan) and John Moolenaar (R-Michigan) [introduced](#) the bill on May 7, 2019.

- **The Deferred Removal for Iraqi Nationals Including Minorities Act of 2019 would:**

- Prevent deportations of Iraqi nationals if they face persecution, torture, or death.
- Defer removal of Iraqi nationals for a period of 24 months. The 24-month period would allow time for individualized review of their cases while affording Congress time to reevaluate country conditions in Iraq and potentially pass additional legislation.
- Provide new and individualized immigration court proceedings to reconsider orders of removal for Iraqi nationals. In evaluating their cases, courts would consider current country conditions in Iraq and the issue date of removal orders. This requirement prevents unfair and dangerous removals of Iraqi nationals, especially cases in which federal authorities issued removal orders decades ago.

- **Background:**

- In 2017, the Department of Homeland Security (DHS) identified many Iraqi nationals for removal, detaining approximately 300. Most of these [individuals](#) were longtime U.S. residents and have criminal convictions in the distant past, preventing them from obtaining citizenship, and making them a target for deportation.

For decades, the U.S. and Iraq did not have diplomatic relations. The strained relations between the two countries prevented the U.S. from deporting Iraqi nationals to Iraq. Even after the Iraq War and the normalization of relations between the U.S. and Iraq, the Iraqi government generally declined to accept its deported nationals. This policy changed in March 2017, when the Trump administration persuaded Iraq to repatriate deported Iraqi nationals in exchange for removing Iraq from the list of countries in the travel ban, [Executive Order 13780](#).

In June 2017, the American Civil Liberties Union (ACLU) [challenged](#) DHS's detention of Iraqi nationals in the [Hamama v. Adducci](#) case, obtaining a court order that protected individuals from immediate deportation and allowed them to reopen their deportation cases to show that they might now qualify for relief from deportation due to country conditions in Iraq. Many Iraqi nationals facing deportation were successful

in deferring removal by reopening their cases through Sec. 240 of the Immigration and Nationality Act or the Convention Against Torture.

- The U.S. Department of State has continued to maintain a “[Level 4: Do Not Travel](#)” advisory for Iraq, citing threats related to terrorism, kidnapping, and armed conflict. In addition, terrorist and insurgent groups and other bad actors often presume that returned Iraqi nationals from the U.S. retain allegiance to the U.S. government. Accordingly, returned Iraqi nationals face elevated risks, including persecution, torture or death.
- In December 2018, the U.S. Court of Appeals for the Sixth Circuit [overturned](#) the district court ruling in *Hamama v. Adducci*, placing hundreds of Iraqis with final orders of removal at risk of imminent deportation. Without the ability to contest removal and reopen their cases, Iraqi nationals face deportation into dangerous situations.
- **Eligibility and Conditions:**
 - Eligible individuals may receive a 24-month deferral if they:
 - Are Iraqi nationals,
 - Have resided in the U.S. on or before January 1, 2014, and
 - Have been ordered removed from the U.S. to Iraq prior to the enactment of the Act.
 - Individuals who have been deemed a threat by DHS, agreed to voluntary repatriation, or are subject to extradition are ineligible for deferred removal.
 - DHS obligations:
 - DHS must provide employment authorization and documentation to approved applicants for a full 24-month period.
 - DHS is prohibited from detaining or arresting any individual applying for deferred removal based on immigration status under this Act.
 - The DHS Secretary must provide notice within 60 days of enactment to each individual who is eligible for deferred removal. The notification must include clear instructions explaining the requirements to file a motion to reopen a proceeding under Sec. 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) based on changed country conditions.