

March 20, 2023

Ur Jaddou  
Director, U.S. Citizenship and Immigration Services

Nathan Stiefel  
Acting Ombudsman , U.S. Citizenship and Immigration Services

Dear Director Jaddou and Acting Ombudsman Stiefel,

The International Refugee Assistance Project (IRAP) writes to raise an urgent issue plaguing the [Iraqi and Syrian I-130 Priority 2 Direct Access Program](#) (I-130 P2 DAP). Specifically, the intended beneficiaries of this important program can no longer access it or its protections.

The I-130 P2 DAP was created to allow Iraqi and Syrian refugees who have family members in the United States to “arrive in the United States more quickly” than if they were to wait for an immigrant visa to be processed.<sup>1</sup> To do this, the United States allows Iraqi and Syrian beneficiaries of an approved Form I-130 Petition for Alien Relative (I-130) to apply to the U.S. Refugee Admissions Program (USRAP). The program has been in place since 2008 for Iraqis, as required in the Refugee Crisis in Iraq Act, and was expanded by the Department of State to Syrians in 2016. The President's annual Reports to Congress have outlined the program as part of yearly refugee admissions since then, most recently in President Biden's report for Fiscal Year 2023.<sup>2</sup> The continuation of the program reflects the ongoing urgent protection needs for these populations, concerns that have only been exacerbated by the recent earthquake in Türkiye.<sup>3</sup>

The I-130 P2 DAP was created<sup>4</sup> and intended<sup>5</sup> to expedite family reunification for Iraqi and Syrian refugees who have close family members in the United States but who face wait

---

<sup>1</sup> <https://www.wrapsnet.org/documents/U.S.+Refugee+Resettlement+Processing+For+Iraqi+and+Syrian+Beneficiaries+of+Approved+I-130+Petitions+-+Frequently+Asked+Questions.pdf>.

<sup>2</sup> <https://www.state.gov/report-to-congress-on-proposed-refugee-admissions-for-fiscal-year-2023/>

<sup>3</sup> <https://www.rescue.org/article/earthquakes-near-turkish-syrian-border-deepen-crisis>

<sup>4</sup> [https://www.congress.gov/bill/110th-congress/senate-bill/1651?s=1&r=8#:~:text=Introduced%20in%20Senate%20\(06%2F19,refugees%20or%20as%20special%20immigrants.](https://www.congress.gov/bill/110th-congress/senate-bill/1651?s=1&r=8#:~:text=Introduced%20in%20Senate%20(06%2F19,refugees%20or%20as%20special%20immigrants.)

<sup>5</sup> [https://drive.google.com/file/d/1R7IPM7yQ9FcM\\_dukIHQtBnYgwriy6Wl6/view?usp=sharing](https://drive.google.com/file/d/1R7IPM7yQ9FcM_dukIHQtBnYgwriy6Wl6/view?usp=sharing)

times of a decade or more due to numerical limits on family-based visas. Generally, USCIS defers adjudication of I-130s until a visa is available or close to being available, which often can be over a decade after submission. By design, the only requirement a refugee needs to access USRAP through the I-130 P2 DAP is an approved I-130, as the wait time for a visa to become available is irrelevant. Therefore, for the I-130 P2 DAP to function as intended and to provide timely and expanded access to USRAP for these Iraqi and Syrian refugees, the program necessitates that USCIS expedite these I-130 adjudications.

Since 2012, IRAP has represented clients attempting to reunite with family through the I-130 P2 DAP. Historically, USCIS required the applicant to request expedited I-130 approval. IRAP would file these expedite requests, but they would often be denied. We would then request an appeal from the USCIS Ombudsman to grant the expedite request, which would be routinely approved following the Ombudsman's intervention. However, in recent months the Ombudsman's office stopped reviewing expedite denials. Unless the adjudication of I-130s for refugees who seek USRAP processing through the I-130 P2 DAP is expedited, the program is rendered nonfunctional for many refugees. This keeps families apart and traps refugees in precarious and dangerous situations.

In an attempt to raise these systemic issues to USCIS, IRAP submitted a question to USCIS via the December 7, 2022 Refugee Processing Quarterly Stakeholder Engagement. USCIS provided the following response.<sup>6</sup>

Question: Regarding the Iraqi and Syrian I-130 P2 Direct Access Program, at the initial I-130 approval stage, USCIS appears to make no effort to expedite Iraqi or Syrian I-130s unless there is an expedite request which is often denied. However, to access this program and USRAP processing, the I-130 must first be approved. Can USCIS commit to improving training and establishing an I-130 expedite process for Iraqis and Syrians entering this program?

Response: Getting access to the USRAP is not grounds to expedite adjudication of an application. However, if there are individual circumstances to expedite adjudication, and a request to expedite the I-130 has been submitted, USCIS will consider the specific grounds to expedite in deciding whether to prioritize that petitioner above other pending I-130 petitioners. There's no specific, defined expedite process for I-130s in general. The petitioner would follow the expedite process on the USCIS

---

<sup>6</sup> [https://www.uscis.gov/sites/default/files/document/questions-and-answers/Refugee\\_Processing\\_Quarterly\\_Engagement-Pre-submitted\\_Questions.pdf](https://www.uscis.gov/sites/default/files/document/questions-and-answers/Refugee_Processing_Quarterly_Engagement-Pre-submitted_Questions.pdf).

website. This applies to Iraqi and Syrian I-130 P2 Direct Access Program. In the past, if a beneficiary registered with the U.S. refugee resettlement program as a P2 refugee, USCIS may consider the beneficiary's potential refugee status as a favorable factor and expedite the petition.

While we appreciate the response from USCIS, we believe the explanation above runs counter to the intention of the program. According to the State Department, "the program promotes family reunification and may allow Iraqi and Syrian beneficiaries whose immigrant visas are not current and who have a refugee claim an opportunity to arrive in the United States more quickly."<sup>7</sup> Further, USCIS' stance that it may simply consider a beneficiary's "P2 refugee" status as a factor when making a decision whether to expedite, confuses the issue at hand. The goal of the I-130 P2 DAP is to *grant* access to USRAP *after* the I-130 petition is adjudicated. Without expedited adjudication of their I-130, the beneficiary has no way of getting the "P2 refugee" status that USCIS says it will consider as a favorable factor for expediting.

USCIS' above policy blocks entry to the program to the exact population it was intended for. It leaves only individuals who will have their I-130 adjudicated eligible to actually access the I-130 P2 DAP program. But the program was not actually intended for this population as the purpose was to help refugees reunite with family in the United States "more quickly."

To ensure the program is living up to its stated purpose, IRAP recommends that USCIS approve all expedite requests for Iraqi and Syrian I-130 petitions or inform pending petitioners of this program with a notice that can be returned to opt in for an automatic expedite. The Ombudsman should review pending I-130 P2 DAP cases, including expedite denials, and should issue recommendations on the I-130 P2 DAP program to reform systemic issues. We request a meeting with relevant USCIS senior staff and subject matter experts to discuss this issue and recommendation in full. Thank you for your attention to this matter.

Sincerely,



Sunil Varghese  
Policy Director

---

<sup>7</sup><https://www.wrapsnet.org/documents/U.S.+Refugee+Resettlement+Processing+For+Iraqi+and+Syrian+Beneficiaries+of+Approved+I-130+Petitions+-+Frequently+Asked+Questions.pdf>.



**U.S. Citizenship  
and Immigration  
Services**

May 26, 2023

Sunil Varghese  
Policy Director  
International Refugee Assistance Project (IRAP)  
[svarghese@refugeerights.org](mailto:svarghese@refugeerights.org)

Dear Mr. Varghese:

Thank you for your March 20, 2023 letter regarding the Iraqi and Syrian Priority 2 (P-2) Direct Access Program (DAP).

U.S. Citizenship and Immigration Services (USCIS) considers all expedite requests on a case-by-case basis, including requests to expedite Form I-130, Petition for Alien Relative, processing (Form I-130). Petitioners may ask USCIS to expedite adjudication of a benefit request (such as an application or petition) for an immigration benefit by following the expedite request process for applications and petitions on the USCIS website.<sup>1</sup> This applies to all Form I-130 petitions, including those filed on behalf of Iraqi and Syrian beneficiaries who are seeking access to the U.S. Refugee Admissions Program (USRAP) P-2 DAP. Because a grant to expedite would place requestors ahead of others who have filed earlier, USCIS must consider each request carefully based on the urgency and merit of each expedite request.

USCIS notes Department of State (DOS) temporarily suspended the Iraqi P-2 DAP in January 2021 and on March 1, 2022, announced the resumption of DAP for Iraqis.<sup>2</sup> While the P-2 DAP has resumed, the temporary suspension may have impacted refugee processing times for Iraqis or Syrians who are beneficiaries of approved Forms I-130 and who are already in the P-2 DAP pipeline.

USCIS continues to consider expedite requests for Form I-130 processing on a case-by-case basis and understands the humanitarian concerns in the region, particularly in the aftermath of the February 6, 2022, earthquake in Turkey and Syria. We appreciate you bringing this to our attention and will assess our policy as it relates to expediting adjudication of Form I-130 petitions filed on behalf of Iraqi and Syrian beneficiaries seeking access to the USRAP P-2 DAP.

---

<sup>1</sup> <https://www.uscis.gov/forms/filing-guidance/how-to-make-an-expedite-request>

<sup>2</sup> Restarting the Direct Access Program for U.S-Affiliated Iraqis (March 1, 2022) <https://www.state.gov/restarting-the-direct-access-program-for-u-s-affiliated-iraqis-iraqi-p-2-program/>

**Sunil Varghese**

Page 2

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ur M. Jaddou', followed by a long horizontal flourish.

Ur M. Jaddou  
Director