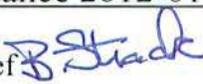




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Iraqi Refugee Processing Guidance 2012-01

From: Barbara L. Strack, Chief 
Refugee Affairs Division

To: Refugee Affairs Division Staff and USCIS staff conducting refugee adjudications

Subject: Clarification on Guidance for Access to Iraq Priority 2 (P-2) Program

This guidance clarifies the date by which a derivative applicant on a family (FAM) case or an I-130 case ages out of the Iraqi Priority 2 (P-2) program and addresses the inclusion of add-ons in the Iraqi P-2 context.

I. In the case of a derivative beneficiary that has aged out before the USCIS interview

As defined in the Iraqi P-2 designation, a FAM case includes: spouses, sons, daughters, parents and siblings of Iraqis that fall under one of the other four categories listed in the designation. Derivative applicants on FAM cases are granted access to the U.S. Refugee Admissions Program (USRAP) through the principal applicant's (PA) relationship to an Iraqi who has undergone the Employment Verification (EV) process. Derivative applicants on an I-130 P-2 case are granted access because the principal applicant is the beneficiary of an approved I-130 petition. In both cases, a derivative who turns 21 prior to the USCIS refugee interview would age out of the program and would not have derivative access under these categories unless he or she could establish individual access. This memo clarifies that an individual in these categories would still be granted access to the P-2 program; however, he or she must establish eligibility as a PA on his or her own case. If approved for refugee classification, he or she would be designated as an RE-1.

For FAM P-2 cases, the age of a derivative beneficiary on the date the applicant submitted all required documents to the Resettlement Support Center (RSC) to start the Employment Verification (EV) process will determine whether the derivative beneficiary has access to the Iraqi P-2 program. Thus, any derivative child of the PA who is listed on the application and is under the age of 21 on the date the applicant files the required documents with the RSC can be

granted access to the P-2 program. RSC staff will annotate the P-2 Cover Sheet of the derivative beneficiary noting the date all documents were submitted to the RSC. The RE-1 must have a separate case file which will be cross-referenced to the PA's case file.

For I-130 P-2 cases, any derivative child of the PA who is listed on the I-130 application and is under the age of 21 on the date the I-130 is approved can be granted access to the P-2 program. The approved I-130 will appear in the file. The RE-1 must have a separate case file which will be cross-referenced to the PA's case file.

In both of these scenarios, no separate P-1 referral from the Refugee Coordinator is required.

II. In the case of a derivative beneficiary who has married before the USCIS interview

A derivative beneficiary who gets married during any point of the application process is no longer considered a child and loses his or her derivative status. Thus, any derivative child of the PA would lose his or her access to the P-2 program if he or she married. In this circumstance, the derivative may seek access through alternate means such as a United Nations High Commissioner for Refugees (UNHCR) referral.

III. In the case of a denial of the PA's case

As the aged-out derivative has access solely through the PA, if the PA on the case is denied the aged-out derivative will lose access to the USRAP. If there is no evidence of fraud in the case, the aged-out derivative's case should be closed and the applicant issued a Not Qualified (NQ) letter. The administrative case closure does not preclude the possibility of further consideration for resettlement at a future time if the applicant gains access to the USRAP through alternate means (i.e. a UNHCR referral).

If there is evidence of fraud in the PA's case and the aged-out derivative is complicit in the fraud, both the PA's and the aged-out derivative's cases should be denied. The PA and the aged-out derivative would both be issued denial letters.

IV. Clarification for add-on access to the Iraqi P-2 program

If an applicant is *not* a derivative beneficiary but meets all the requirements of the add-on definition – i.e., (i) that is he/she has resided in the same household as the PA in the country of origin and (ii) the same economic unit as the PA in the country of origin (or in in-country processing, prior to submitting an application for refugee admission) and (iii) exceptional and compelling circumstances exist for inclusion on the case – he/she may be given access to the USRAP as an add-on. Since this applicant's access is based solely on the PA, if the PA is denied for any reason, the add-on will lose access to the USRAP in the same manner as described in Section III.

Questions related to this guidance may be direct to the Policy and Regional Operations Branch mailbox at Refugeeaffairs-PAS@uscis.dhs.gov.