

Direct Access Program for Iraqi Beneficiaries of I-130 Petition (FAQ, 2012)

Q1. What is the Priority 2 (P2) Direct Access Program for beneficiaries of Form I-130 Petition for Alien Relative?

A1. The P2 Direct Access Program for beneficiaries of Form I-130 Petition for Alien Relative is an additional avenue for Iraqis with approved I-130 petitions to apply for refugee resettlement in the U.S. For I-130 beneficiaries with priority dates that will likely result in immigrant visas only becoming available many years from now, the refugee admission option could lead to their arrival in the U.S. much earlier. In order to qualify for resettlement as a refugee, your relative, the beneficiary, will need to be interviewed by DHS and demonstrate that he/she meets the U.S. refugee definition, namely that he/she is unable or unwilling to return to Iraq because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion; is not firmly resettled in a foreign country; and is otherwise admissible to the United States. It is important to emphasize that, should your relative(s) choose to apply, there is no guarantee that your relative(s) will be approved for admission to the United States as refugees under this program. Finally, those who are approved for refugee resettlement would benefit from public assistance related to their travel, reception and initial stay in the United States, which is not available to individuals who resettle to the United States pursuant to an I-130 visa.

The I-130 petition must be filed by an American citizen or Lawful Permanent Resident and must then be approved by DHS.

Q2: If my relatives pursue refugee processing under this program, will they compromise their immigrant visa petition?

A2: No. Iraqi beneficiaries of approved I-130 petitions may pursue both refugee resettlement under this program and immigrant visa processing simultaneously. If they prefer to wait for immigrant visa processing or fail to qualify for refugee status, their I-130 petition and their priority date for visa processing will be preserved until an immigrant visa number is available for their case.

Q3: Which route is faster, immigrant visa processing or refugee resettlement? How long will processing take?

A3: As the State Department letter explains, we are unable to predict whether it would be faster to process the I-130 petition for an immigrant visa or an application for refugee status, as that depends upon the particularities of each individual case and the individual's priority date for immigrant visa processing.

Q4. I received a letter from the State Department. What is the next step?

A4. If interested in the P2 Iraqi Refugee Program, the beneficiary should complete the forms that were sent with the letter, including the section indicating interest in the program as well as any updates to your or the beneficiary's contact information. These forms should be returned to the Refugee Processing Center (RPC) at the address provided on the forms. RPC will forward the information to the Resettlement Support Center

(RSC) in Egypt, Iraq, Jordan, Lebanon or the United Arab Emirates which will then contact the beneficiary regarding further case processing.

Q5: My relatives are currently residing in X country [including any European country, Canada, or other country in the Middle East other than Egypt, Iraq, Jordan, Lebanon and the United Arab Emirates]. Are they eligible for refugee resettlement under this program?

A5: As the State Department letter explains, as we begin implementation of this program, refugee processing will be available in Egypt, Iraq, Jordan, Lebanon and the United Arab Emirates only. However, if prospective applicants cannot apply in these countries and reside elsewhere in the Middle East, they have the option of indicating another country in that region where they could be processed if the program is able to expand in the future.

Q6. How do people apply for refugee status under this program?

A6: Letters are being sent to petitioners of approved I-130 petitions with Iraqi beneficiaries. We ask that the petitioners inform their relatives of this new program and contact us if they are interested in being considered for resettlement in the United States as refugees. The program is also open to I-130 petitions filed and approved in the future. U.S. citizens or Lawful Permanent Residents (LPRs) with Iraqi relatives outside of the United States who have not yet petitioned for an I-130 immigrant visa may continue to do so and, if those petitions are approved, their relatives will then become eligible to apply for refugee processing under this new program.

Q7. How many people are currently eligible for processing under this program? How many do you expect to be resettled to the United States as refugees?

A7: The U.S. admitted more than 18,000 Iraqi refugees in Fiscal Year (FY) 2010, including Iraqi nationals who arrive to the U.S. through the P2 I-130 Program. We cannot predict how many I-130 petitions will be filed in the future, how many Iraqi I-130 beneficiaries will be willing to travel to the designated processing sites to pursue applications for refugee resettlement, or how many of those individuals will be determined by the Department of Homeland Security to qualify for admission to the United States as refugees.

Q8. What about my other family members on the same application?

A8. All family members included on the I-130 application may be included on the case.

Q9. At what point in the process is my I-130 application?

A9. People who have questions about their I-130 petition should contact the National Visa Center directly at NVCinquiry@state.gov or 1-603-334-0700. Customer Service Representatives at the National Visa Center are available from 7:30 a.m. to midnight (EST)

Q10. If I've already been scheduled for interview or have been interviewed for an immigrant visa, what should I do?

A10. We recommend that you **not** pursue the refugee program if you have already been interviewed by a consular officer for an immigrant visa or an immigrant visa interview date has been scheduled, as in this case the immigrant visa route would likely be faster than awaiting completion of refugee processing.

Q11. Can I send in additional supporting documentation to the RPC for my relative's immigrant visa application?

A11. No, please do **not** send us any additional documentation as it will be returned to you.

Q12. What benefits do I receive under the refugee program?

A12. Refugees are entitled to resettlement assistance through voluntary agencies under contract with the State Department. PRM maintains cooperative agreements with ten organizations, including nine private agencies and one state government agency, to provide initial resettlement services to arriving refugees. Services are provided according to standards of care developed jointly by the agencies and the U.S. Government and implemented in FY 2002. The agencies' agreements with the State Department obligate them to provide the following services:

- Sponsorship;
- Pre-arrival resettlement planning;
- Reception on arrival;
- Basic needs support - including housing, furnishings, food, and clothing - for at least 30 days;
- Community orientation;
 - Referrals to health, employment, and other services as needed; and
- Case management and tracking for up to 90 days.

Q13. If admitted to the U.S. under the P2 Iraqi Refugee Program, can I take trips outside the U.S.?

A13. Once admitted to the U.S. as a refugee, you may apply to DHS for a refugee travel document. Once you receive that document, you may travel outside the U.S. and be re-admitted, although travel to the country of origin may affect your status as a refugee.

Q14. On the "Beneficiary Contact Information Form", the instructions state that it is to be completed by each beneficiary. Does that mean each member of my family needs to complete a form or is one form sufficient for all the family members included on the I-130?

A14. If the family members are all listed on the I-130 petition and they live with the primary beneficiary, one form for the entire family will be accepted.

Q15. If admitted, do I get U.S. citizenship? If so, how long does it take?

A15. Once admitted, refugees are eligible to adjust their status and apply for Lawful Permanent Residency (the green card) after one year in the U.S. After five (5) years in the United States, they may apply for citizenship.

Q16. What if someone already has a file with UNHCR or a UN number? What should they do?

A16. I-130 beneficiaries may be considered under the P2 I-130 Program regardless of status with UNHCR. We encourage all Iraqi refugees to register with UNHCR for protection and assistance.

Q17. I received a letter for one petition I filed, but what about the other petitions I filed?

A17. We are currently in the process of mailing out letters to all petitioners. If you filed other I-130 petitions that were approved, you should be receiving additional letters soon.

Q18. Can you advise which route my relative should take?

A18. We are unable to advise anyone on which path to select. This decision should be made entirely by the petitioner and beneficiary.

Q19. If the situation in Iraq calms down, will I be deported?

A19. Unless a refugee or immigrant commits a serious crime, his or her status in the U.S. is permanent.

Q20. I filed an I-130 petition for my parent. My siblings live with them – can they also be included on the same application?

A20. Only the beneficiary named on the I-130 petition and his/her spouse and children who are otherwise eligible for immigrant visas based on this petition may be considered for refugee admission under this program.

Q21. Although my beneficiary was born in Iraq, he has lived his entire life in Iran and is an Iranian citizen. Would he still be eligible to request and receive refugee admission consideration similar to an Iraqi citizen? What about dual nationals?

A21. No, the program is open to Iraqi citizens only.

Q22. If my relatives choose to travel to a country for refugee processing and are denied refugee resettlement, will it negatively affect their immigrant visa?

A22. No. If they are denied refugee status, they will still be eligible for Immigrant Visa processing when the visa becomes available.

Q23. My family member is already in the U.S. Can s/he apply for the Iraqi I-130 P2 program?

A23. By nature, the Refugee Admissions Program provides an opportunity for refugees to resettle in the United States from overseas and is not available to those individuals who are currently present in the U.S. and seeking to change or adjust their immigrant status. This program is only available to Iraqi nationals who are located in or are able to travel to Egypt, Iraq, Jordan, Lebanon or the United Arab Emirates, and who are the beneficiaries of approved immigrant visa petitions.

Q24. Can the petitioner serve as the point of contact in order to protect the identities of family members/beneficiaries of the I-130 application?

A24. The Department of State – through its RSCs the International Organization for Migration (IOM) and the International Catholic Migration Commission (ICMC) – will not contact any potential applicant to this program who expresses a desire not to be contacted directly, even via e-mail. While this may create delays in communication, the U.S.-based relative may communicate with us on behalf of the beneficiary by providing requisite biographic and other information to the Refugee Processing Center (RPC). It is extremely important to keep RPC staff updated with regard to location and contact information of the beneficiary.

Q25. Where do I get the form to apply for Iraqi I-130 P2 program?

A25. If you have filed an I-130 Visa Petition (Information regarding filing an I-130 petition is available on the USCIS website), the RPC will receive your case file information from the NVC. The RPC will send the petitioner a packet with instructions on how to express interest in applying for the Iraqi I-130 P2 Program. These forms are not found on the internet and will only be sent to you once RPC has received your case file information from NVC.

Q26. I filed an approved I-130 petition for my relative in Iraq but haven't received a letter about the P2 I-130 program? What should I do?

A26. If you have not received a letter, check with the National Visa Center (NVC) regarding the status of your petition by contacting them at: NVCinquiry@state.gov or (1) (603) 334-0700. If there has been a change of address and you have not heard from us (i.e., received a letter), please notify RPC and NVC of the change of address by emailing RPC at ContactInfo@wrapsnet.org and NVC at NVCinquiry@state.gov. The RPC will document all changes of address.

Q27. I was denied by UNHCR; Can I still apply for the P2 I-130 Program?

A27. Yes; as long as the applicant has an approved I-130 petition and USCIS recognizes and approves the applicant's refugee claim, the application can move forward.

Q28. What documents does my relative need to present in order to be processed under the P2 I-130 Program?

A28. If the relative is listed on the I-130 application as a beneficiary, s/he will need to provide identity documents (i.e. passport, birth certificate, marriage certificate, etc.)

Q29. Where will the interview take place?

A29. All interviews will take place at the Resettlement Support Center (RSC) in Egypt, Iraq, Jordan, Lebanon or the United Arab Emirates

Q30. If the beneficiary gets married, can the beneficiary add the new spouse to the original I-130 application?

A30. Yes, if the I-130 allows derivative beneficiaries (not petitions for parents, spouses, or unmarried children under 21 of a U.S. citizen). The new spouse can be added by notifying the NVC.

Q31. If the main beneficiary of an approved I-130 passes away, are the listed family members still eligible for the program or do they need to re-file?

A31. No. If a primary beneficiary passes away, the approved petition is automatically revoked and no longer valid for any derivative beneficiaries. The petitioner would need to file a new I-130, if applicable.

Q32. I have a case-specific inquiry. I applied for my family and their under 21 year-old child. The child has since turned 21 years old and has been removed from the petition by NVC. Will the child be eligible for the I-130 program?

A32. RPC cannot answer case-specific inquiries. However, you can contact NVC (National Visa Center) via email at NVCinquiry@state.gov or by phone at 603-334-0700.

Q33. I already sent my forms back to the RPC, how do I notify them if I move?

A33. Please send an e-mail with all updated contact information and case number to ContactInfo@wrapsnet.org. Also, be sure to notify NVC of any updates to your address and/or contact information.

Q34. I have two daughters that are over 21 years of age; will they be listed on the petition with me? One of them is married and has children, will they need to have a separate I-130 petition approved, or will they be processed as well?

A34. All children over 21 years of age will need their own petition and cannot claim derivative status from their parents. Complete information about the I-130 program can be found on the USCIS website: <http://www.uscis.gov>.

Q35. What is the general contact information for the Resettlement Support Centers (IOM) – the International Organization for Migration and International Catholic Migration Commission (ICMC)?

A35. RSC North Africa and Middle East (MENA):

For Egypt, Iraq or Jordan inquiries

IC@iom.int

RSC Turkey and Middle East (TuME):

For Lebanon or United Arab Emirates inquiries

LE_INFO@icmcturkey.org

info@icmcturkey.org