

117TH CONGRESS  
1ST SESSION

# H. R. 4273

To defer removal of certain nationals of Iraq for a 24-month period, and  
for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2021

Mr. LEVIN of Michigan (for himself, Mr. MOOLENAAR, Mr. KILDEE, Mr. HUIZENGA, Mrs. LAWRENCE, Mrs. MCCLAIN, Ms. STEVENS, Mr. WALBERG, Ms. SLOTKIN, Ms. TLAIB, Mrs. DINGELL, Mr. UPTON, Mr. MELJER, and Mr. BERGMAN) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To defer removal of certain nationals of Iraq for a 24-month period, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Deferred Removal for  
5 Iraqi Nationals Including Minorities Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) There are over 1,000 Iraqi nationals living  
9 in the United States who have been ordered re-

1 moved. In recent times, Iraq has generally declined  
2 permission for repatriation of its nationals, so that  
3 many Iraqis who were ordered removed could not be  
4 repatriated. As a result, the removal orders for  
5 many Iraqis are years or decades old, and are not  
6 based on current country conditions.

7 (2) Conditions in Iraq have worsened dramati-  
8 cally since these removal orders were entered. Re-  
9 moval orders entered years or decades ago do not re-  
10 liably indicate whether an Iraqi is currently remov-  
11 able based on current country conditions and cur-  
12 rent law. Iraq's humanitarian, security, and refugee  
13 crisis has resulted in extraordinary conditions that  
14 today prevent many Iraqi nationals from safely re-  
15 turning to Iraq. Many Iraqis with removal orders  
16 will face persecution, torture, or death if removed.  
17 They are therefore now eligible for immigration re-  
18 lief that was unavailable when they were originally  
19 ordered removed.

20 (3) The U.S. State Department currently warns  
21 against any travel to Iraq due to "terrorism, kidnap-  
22 ping, and armed conflict".

23 (4) The most recent State Department report  
24 on human rights practices in Iraq warns of "unlaw-  
25 ful or arbitrary killings by some members of the

1 Iraq Security Forces (in this Act referred to as  
2 ‘ISF’), particularly Iran-aligned elements of the  
3 Popular Mobilization Forces (in this Act referred to  
4 as ‘PMF’); forced disappearances; torture; arbitrary  
5 detention; harsh and life-threatening prison and de-  
6 tention center conditions; arbitrary or unlawful in-  
7 terference with privacy; restrictions on free expres-  
8 sion, the press, and the internet, including censor-  
9 ship, site blocking, and criminal libel; legal restric-  
10 tions on freedom of movement of women; widespread  
11 official corruption; unlawful recruitment or use of  
12 child soldiers by Iran-aligned elements of the PMF  
13 that operate outside government control; trafficking  
14 in persons; criminalization of lesbian, gay, bisexual,  
15 transgender, and intersex (in this Act referred to as  
16 ‘LGBTI’) status or conduct; violence targeting  
17 LGBTI persons; threats of violence against inter-  
18 nally displaced persons (in this Act referred to as  
19 ‘IDPs’) and returnee populations perceived to have  
20 been affiliated with ISIS; and restrictions on worker  
21 rights, including restrictions on formation of inde-  
22 pendent unions and reports of child labor”.

23 (5) Iraqis who are removed to Iraq are also at  
24 particular risk if they are perceived as American or  
25 affiliated with the United States, which is the case

1 for the vast majority of Iraqis facing removal, since  
2 most have lived in the United States for many years.  
3 Iraqis who have family or employment ties in the  
4 United States face heightened risks within Iraq on  
5 the basis of their perceived loyalty to the United  
6 States. For more than a decade, groups hostile to  
7 the United States have persecuted and tortured ex-  
8 tended family on account of a single family mem-  
9 ber's affiliation with the United States through em-  
10 ployment or family ties. In 2007, Congress specifi-  
11 cally created a refugee program for Iraqis affiliated  
12 with the United States because of the dangers facing  
13 Iraqis who have allied themselves with the United  
14 States.

15 (6) Noncitizens previously ordered removed  
16 have a right to seek immigration protection or relief  
17 based on current country conditions.

18 (7) In the summer of 2017, U.S. Immigration  
19 and Customs Enforcement sought to remove many  
20 Iraqi nationals, eventually detaining over 300. As a  
21 result of litigation, most of those detained Iraqis  
22 were able to seek immigration relief based on cur-  
23 rent country conditions. Once they were able to ac-  
24 cess the immigration court system, a large majority  
25 won motions to reopen their cases so that their eligi-

1 bility for relief can be determined based on current  
2 country conditions. While many of the cases remain  
3 in process, many of these Iraqis have won merits re-  
4 lief, including withholding or deferral of removal  
5 under the Immigration and Nationality Act or Con-  
6 vention Against Torture, asylum, reinstatement of  
7 their status as lawful permanent residents, and nat-  
8 uralization.

9 (8) There are an estimated 1,000 Iraqis who  
10 have not yet been able to seek immigration relief  
11 based on current country conditions. Due to the  
12 complexity of the required legal filings and the back-  
13 logs in the immigration courts it can take several  
14 years for an individual to seek to reopen their immi-  
15 gration case and have their eligibility for immigra-  
16 tion relief decided on the merits.

17 (9) Without sufficient time to seek immigration  
18 relief based on current country conditions, Iraqis  
19 could be removed to persecution, torture, or death  
20 before they receive an individualized adjudication of  
21 their eligibility for relief in light of current law and  
22 current facts.

23 (10) Deferring removals 24 months would allow  
24 Iraqis who have not yet done so time to seek immi-  
25 gration relief based on changed country conditions.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of the Congress that—

3 (1) Iraqis should not be deported if they face  
4 likely persecution, torture, or death;

5 (2) because of changing country conditions in  
6 Iraq and the age of the Iraqis' removal orders, it  
7 would be both unfair and dangerous to deport Iraqis  
8 without ensuring that their cases will be individually  
9 considered based on current country conditions; and

10 (3) the removal of Iraq nationals described in  
11 section 4 should be deferred for a period of 24  
12 months, at the end of which Congress should have  
13 the opportunity to reevaluate country conditions in  
14 Iraq.

15 **SEC. 4. DEFERRAL OF REMOVAL FOR NATIONALS OF IRAQ**  
16 **WITH REMOVAL ORDERS.**

17 (a) DEFERRAL OF REMOVAL.—Except as provided in  
18 subsection (b), an alien may not be removed for the 24-  
19 month period beginning on the date of enactment of this  
20 Act if the alien—

21 (1) is a national of Iraq;

22 (2) has been ordered removed to Iraq at any  
23 time before the date of enactment of this Act; and

24 (3) resided in the United States on or before  
25 January 1, 2016.

1 (b) DEFERRAL NOT APPLICABLE TO CERTAIN  
2 ALIENS.—Subsection (a) shall not apply to an alien if—

3 (1) the Secretary of Homeland Security deter-  
4 mines that the alien’s removal is necessary based  
5 upon credible facts that the alien is directly respon-  
6 sible for specific and significant harm to the security  
7 of the United States;

8 (2) the alien voluntarily returns to Iraq; or

9 (3) the alien is subject to extradition.

10 (c) EMPLOYMENT AUTHORIZATION.—Upon applica-  
11 tion to the Secretary of Homeland Security, an alien  
12 whose removal is deferred pursuant to this Act—

13 (1) shall be authorized to engage in employ-  
14 ment during the 24-month period described in sub-  
15 section (a); and

16 (2) shall be issued an employment authorization  
17 document that remains valid during such period.

18 (d) IMPLEMENTATION.—The Secretary of Homeland  
19 Security shall take the necessary steps to implement—

20 (1) the deferral of removal authorized under  
21 this section; and

22 (2) the authorization of employment described  
23 in subsection (c).

1 **SEC. 5. NOTICE FOR CERTAIN ALIENS WITH REMOVAL OR-**  
2 **DERS TO IRAQ.**

3 (a) IN GENERAL.—Not later than 60 days after the  
4 date of enactment of this Act, the Secretary of Homeland  
5 Security shall provide notice of the provisions of this Act  
6 to each alien who—

7 (1) is a national of Iraq; and

8 (2) has a final order of removal.

9 (b) CONTENTS OF NOTICE.—The notice required  
10 under subsection (a) shall include clear instructions ex-  
11 plaining the requirements for an alien to file a motion to  
12 reopen a proceeding under section 240 of the Immigration  
13 and Nationality Act (8 U.S.C. 1229a) based on changed  
14 country conditions.

15 **SEC. 6. PROHIBITION ON DETENTION.**

16 The Secretary of Homeland Security may not detain  
17 an alien whose removal is deferred pursuant to this Act  
18 on the basis of the alien's immigration status in the  
19 United States or as a result of the filing, grant, or denial  
20 of a motion filed by the alien to reopen a proceeding.

21 **SEC. 7. JUDICIAL REVIEW.**

22 (a) REVIEW.—Notwithstanding any other provision  
23 of law, an individual or entity who has been harmed by  
24 a violation of this Act may file an action in an appropriate  
25 district court of the United States to seek declaratory or  
26 injunctive relief.



1       (b) RULE OF CONSTRUCTION.—Nothing in this Act  
2 may be construed to preclude a lawsuit of any kind, in-  
3 cluding an action filed pursuant to subsection (a) from  
4 proceeding as a class action (as such term is defined in  
5 section 1711 of title 28, United States Code).

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