

117TH CONGRESS  
1ST SESSION

# H. R. 2838

To provide for special immigrant status for Syrian Kurds and other Syrians who partnered with the United States Government in Syria, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2021

Mr. CROW (for himself and Mr. WALTZ) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for special immigrant status for Syrian Kurds and other Syrians who partnered with the United States Government in Syria, 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 “Syrian Partner Protec-  
5 tion Act”.

1 **SEC. 2. SPECIAL IMMIGRANT STATUS FOR CERTAIN SYRIAN**  
2 **KURDS AND OTHER SYRIANS WHO WORKED**  
3 **FOR THE UNITED STATES GOVERNMENT IN**  
4 **SYRIA.**

5 (a) IN GENERAL.—Subject to subsection (c)(1), and  
6 notwithstanding any other provision of law, for purposes  
7 of the Immigration and Nationality Act (8 U.S.C. 1101  
8 et seq.), the Secretary of Homeland Security may provide  
9 an alien described in subsection (b) with the status of a  
10 special immigrant under section 101(a)(27) of such Act  
11 (8 U.S.C. 1101(a)(27)) if—

12 (1) the alien, or an agent acting on behalf of  
13 the alien, submits a petition to the Secretary under  
14 section 204 of such Act (8 U.S.C. 1154) for classi-  
15 fication under section 203(b)(4) of such Act (8  
16 U.S.C. 1153(b)(4));

17 (2) the alien is otherwise eligible to receive an  
18 immigrant visa; and

19 (3) the alien is otherwise admissible to the  
20 United States for permanent residence (excluding  
21 the grounds for inadmissibility specified in section  
22 212(a)(4) of such Act (8 U.S.C. 1182(a)(4))).

23 (b) ALIENS DESCRIBED.—

24 (1) IN GENERAL.—An alien described in this  
25 subsection—

1 (A)(i) is a citizen or national of Syria or  
2 a stateless person who has habitually resided in  
3 Syria;

4 (ii) has partnered with, was employed by,  
5 or worked for or directly with the United States  
6 Government in Syria as an interpreter, trans-  
7 lator, intelligence analyst, or in another sen-  
8 sitive and trusted capacity, on or after January  
9 1, 2014, for an aggregate period of not less  
10 than 1 year; and

11 (iii) provided service to the United States  
12 efforts against the Islamic State, which has  
13 been documented in a positive recommendation  
14 or evaluation; or

15 (B)(i) is the spouse or child of a principal  
16 alien described in subparagraph (A); and

17 (ii)(I) is following or accompanying to join  
18 the principal alien in the United States; or

19 (II) due to the death of the principal alien,  
20 a petition to follow or accompany to joint the  
21 principal alien in the United States—

22 (aa) was revoked, terminated, or oth-  
23 erwise rendered null; and

24 (bb) would have been approved if the  
25 principal alien had survived.

1           (2) EMPLOYMENT REQUIREMENTS.—An appli-  
2           cation by a surviving spouse or a child of a principal  
3           alien shall be subject to the employment require-  
4           ments set forth in paragraph (1)(A)—

5                   (A) as of the date on which the principal  
6           alien first filed an application for special immi-  
7           grant status; or

8                   (B) if no such application has been filed,  
9           the employment requirements as of the date on  
10          which the principal alien died.

11          (c) MEMBERSHIP IN CERTAIN SYRIAN ORGANIZA-  
12          TIONS.—An applicant for admission to the United States  
13          under this section may not be deemed inadmissible based  
14          on membership in, participation in, or support provided  
15          to, the Syrian Democratic Forces or other partner organi-  
16          zations as determined by the Secretary of Defense.

17          (d) NUMERICAL LIMITATIONS.—

18                   (1) IN GENERAL.—Except as otherwise pro-  
19          vided under this subsection, the total number of  
20          principal aliens who may be provided special immi-  
21          grant status under this section may not exceed  
22          4,000 in any of the 5 fiscal years beginning after the  
23          date of the enactment of this Act.

24                   (2) EXCLUSION FROM NUMERICAL LIMITA-  
25          TIONS.—Aliens provided special immigrant status

1 under this section shall not be counted against any  
2 numerical limitation under section 201(d), 202(a),  
3 or 203(b)(4) of the Immigration and Nationality Act  
4 (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

5 (3) CARRY FORWARD.—If the numerical limita-  
6 tion set forth in paragraph (1) is not reached during  
7 a fiscal year, the numerical limitation under such  
8 paragraph for the following fiscal year shall be in-  
9 creased by a number equal to the difference be-  
10 tween—

11 (A) the number of visas authorized under  
12 paragraph (1) for such fiscal year; and

13 (B) the number of principal aliens provided  
14 special immigrant status under this section dur-  
15 ing such fiscal year.

16 (e) VISA AND PASSPORT ISSUANCE AND FEES.—An  
17 alien described in subsection (b) may not be charged any  
18 fee in connection with an application for, or the issuance  
19 of, a special immigrant visa under this section. The Sec-  
20 retary of State shall ensure that aliens who are issued a  
21 special immigrant visa under this section are provided  
22 with an appropriate passport necessary for admission to  
23 the United States.

24 (f) PROTECTION OF ALIENS.—The Secretary of  
25 State, in consultation with other relevant Federal agen-

1 cies, shall provide an alien described in subsection (b) who  
2 is applying for a special immigrant visa with protection  
3 or the immediate removal from Syria or other nearby  
4 countries if the Secretary determines that such alien is  
5 in imminent danger.

6 (g) APPLICATION PROCESS.—

7 (1) REPRESENTATION.—An alien applying for  
8 admission to the United States as a special immi-  
9 grant under this section may be represented during  
10 the application process, including at relevant inter-  
11 views and examinations, by an attorney or other ac-  
12 credited representative. Such representation shall  
13 not be at the expense of the United States Govern-  
14 ment.

15 (2) COMPLETION.—The Secretary of State and  
16 the Secretary of Homeland Security, in consultation  
17 with the Secretary of Defense, shall ensure that ap-  
18 plications for special immigrant visas under this sec-  
19 tion are processed in such a manner to ensure that  
20 all steps under the control of the respective depart-  
21 ments incidental to the issuance of such visas, in-  
22 cluding required screenings and background checks,  
23 are completed not later than 9 months after the date  
24 on which an eligible alien submits all required mate-  
25 rials to apply for such visa.

1           (3) RULE OF CONSTRUCTION.—Notwithstand-  
2           ing paragraph (2), any Secretary referred to in  
3           paragraph (2) may take longer than 9 months to  
4           complete the steps incidental to issuing a visa under  
5           this section if the Secretary, or the designee of the  
6           Secretary—

7                   (A) determines that the satisfaction of na-  
8                   tional security concerns requires additional  
9                   time; and

10                   (B) notifies the applicant of such deter-  
11                   mination.

12           (4) APPEAL.—An alien whose petition for sta-  
13           tus as a special immigrant is rejected or revoked—

14                   (A) shall receive a written decision that  
15                   provides, to the maximum extent feasible, infor-  
16                   mation describing the basis for the denial, in-  
17                   cluding the facts and inferences underlying the  
18                   individual determination; and

19                   (B) shall be provided not more than 1  
20                   written appeal per rejection or denial, which—

21                           (i) shall be submitted not more than  
22                           120 days after the date on which the appli-  
23                           cant receives a decision pursuant to sub-  
24                           paragraph (A);

1 (ii) may request the reopening of such  
2 decision; and

3 (iii) shall provide additional informa-  
4 tion, clarify existing information, or ex-  
5 plain any unfavorable information.

6 (h) ELIGIBILITY FOR OTHER IMMIGRANT CLASSI-  
7 FICATION.—An alien may not be denied the opportunity  
8 to apply for admission under this section solely because  
9 such alien qualifies as an immediate relative of a national  
10 of the United States or is eligible for admission to the  
11 United States under any other immigrant classification.

12 (i) RESETTLEMENT SUPPORT.—An alien who is  
13 granted special immigrant status under this section shall  
14 be eligible for the same resettlement assistance, entitle-  
15 ment programs, and other benefits as is available to refu-  
16 gees admitted under section 207 of the Immigration and  
17 Naturalization Act (8 U.S.C. 1157).

18 (j) AUTHORITY TO CARRY OUT ADMINISTRATIVE  
19 MEASURES.—The Secretary of Homeland Security and  
20 the Secretary of State shall implement any additional ad-  
21 ministrative measures as they consider necessary and ap-  
22 propriate—

23 (1) to ensure the prompt processing of applica-  
24 tions under this section;



1           (2) to preserve the integrity of the program es-  
2           tablished under this section; and

3           (3) to protect the national security interests of  
4           the United States related to such program.

5           (k) RULEMAKING.—Not later than 90 days after the  
6           date of the enactment of this Act, the Secretary of Home-  
7           land Security shall promulgate regulations to carry out  
8           this section, including establishing requirements for back-  
9           ground checks.

10 **SEC. 3. SPECIAL IMMIGRANT STATUS REPORTING RE-**  
11 **QUIREMENT.**

12           (a) IN GENERAL.—The Inspector General of the De-  
13           partment of State shall submit an annual report described  
14           in subsection (b), no later than January 30 of each year,  
15           with a classified annex if necessary, to—

16           (1) the Committee on Judiciary, the Committee  
17           on Foreign Relations, and the Committee on Armed  
18           Services of the Senate; and

19           (2) the Committee on Judiciary, the Committee  
20           on Foreign Affairs, and the Committee on Armed  
21           Services of the House of Representatives.

22           (b) CONTENTS.—The report submitted under sub-  
23           section (a) shall evaluate the implementation of the Syrian  
24           special immigrant status program under section 2, includ-  
25           ing, for the previous calendar year—

1 (1) the number of petitions filed;

2 (2) the number of petitions—

3 (A) pending adjudication;

4 (B) pending visa interview; and

5 (C) pending security checks;

6 (3) the number of petitions that were denied;

7 (4) the number of cases that have exceeded the  
8 mandated processing time and relevant case num-  
9 bers; and

10 (5) an accounting of any obstacles discovered  
11 that would hinder effective implementation of the  
12 program.

13 (c) CONSULTATION.—In preparing the report under  
14 subsection (a), the Inspector General shall consult with—

15 (1) the Department of State, Bureau of Con-  
16 sular Affairs, Visa Office;

17 (2) the Department of State, Bureau of Near  
18 Eastern Affairs and South and Central Asian Af-  
19 fairs, Executive Office;

20 (3) the United States embassy in Kabul, Af-  
21 ghanistan, Consular Section;

22 (4) the United States embassy in Baghdad,  
23 Iraq, Consular Section;

24 (5) the Department of Homeland Security, U.S.  
25 Citizenship and Immigration Services;

1           (6) the Department of Defense; and

2           (7) nongovernmental organizations providing  
3       legal aid in the special immigrant visa application  
4       process.

5       (d) PUBLICATION.—The non-classified portion of the  
6       report described in this section shall be published on the  
7       website of the Department of State.

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