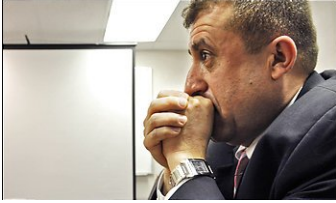


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## **Immigration Debate**

### **U.S. to Stop Green Card Denials for Dissidents**



Saman Kareem Ahmad, who helped U.S. forces in Iraq, was denied residency. (By Bill O'leary -- The Washington Post)

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The U.S. immigration service said yesterday that it will temporarily stop denying green cards to refugees and other legal immigrants tied to groups that sought to topple foreign dictatorships, placing their cases on hold while it determines more "logical, common-sense" rules for judging them.

The decision will potentially affect thousands of pending applications for permanent U.S. residence. The cases of hundreds of others who have been denied green cards since December will also be reexamined, said Jonathan "Jock" Scharfen, deputy director of U.S. Citizenship and Immigration Services. All the applicants are living in this country under refugee or other visa provisions or political asylum.

Most of the applications involve people linked to groups that U.S. immigration and counterterrorism laws have defined as "undesigned terrorist organizations" because they took armed action against a foreign government. The groups include U.S. allies that fought against former Iraqi leader Saddam Hussein and the Taliban government in Afghanistan, as well as Burma's military junta and Sudan's Islamic leaders.

Scharfen said that USCIS recognized the illogic of admitting immigrants under one provision of the law and then labeling them terrorists for green card purposes, calling it a "very good question." At the same time, he said, the restrictions are "written so that the definition of a terrorist organization and activity is very, very broad." Even groups that have been "closely associated with the United States," such as Montagnard tribesmen who fought with U.S. forces in Vietnam, "fall under the definitions."

In addition to the Immigration and Nationality Act, restrictions are contained in the 2001 USA Patriot Act and the 2005 Real ID Act. The laws, Scharfen said, "cover groups that are opposed to the government. Any government."

Although there are waiver provisions, they are cumbersome and rarely used. Denials and delays in processing applications -- with determinations made by the Department of Homeland Security and the State Department -- have been sharply criticized by many in Congress and by nongovernmental immigration groups.

"USCIS is right to review such cases, especially for people in Iraq and Afghanistan who have helped the U.S. and suffered persecution for doing so," said Sen. Edward M. Kennedy (D-Mass.), who chairs the Judiciary Committee's subcommittee on immigration. "It would be tragic to prevent such people from receiving the full protection of our immigration laws because of a harsh interpretation of laws that should be used to go after true terrorists."

The catalyst for yesterday's decision, Scharfen and other officials said, was a Washington Post article last weekend about a translator for U.S. forces in Iraq. Saman Kareem Ahmad, 38, arrived in the United States under a special visa program for those assisting the nation's war effort, after his life was threatened in Iraq. He had received commendations from the secretary of the Navy and then-Maj. Gen. David H. Petraeus, now the top U.S. commander in Iraq, as well as strong support from Marine and Army officers with whom he had worked. Ahmad was later granted political asylum, but his application for permanent residence was denied last month on grounds he had once served with Kurdish military forces that fought against Hussein.

The USCIS letter denying Ahmad's petition said that the Kurdistan Democratic Party forces fit the definition of terrorist, based on information it had gleaned from public Web sites, because KDP forces "conducted full-scale armed attacks and helped incite rebellions against Hussein's regime, most notably during the Iran-Iraq war, Operation Desert Storm and Operation Iraqi Freedom."

The KDP, a U.S. ally, is now part of the elected Iraqi government, and Ahmad teaches Arabic language and culture at the Marine Corps base in Quantico and other military facilities, working with Marines who are about to deploy to Iraq. Although the letter said the denial could not be appealed, Scharfen said yesterday that Ahmad's case is now "under review" and should be resolved "in a matter of days."

Until recently, waivers were narrowly allowed for those who had involuntarily aided "Tier III," or "undesignated," terrorist groups -- such as kidnapping victims or those forced under threat to provide assistance. Legislation passed in December broadened the waiver provisions to include people who, under certain circumstances, had received military training or participated in violent actions.

DHS and the State Department, Scharfen said, will now identify groups that may be eligible for exemption. "We've recognized there are issues that need to be addressed in a logical, common-sense fashion so that we can apply the exemptions that the law provides." He said they will "start making a list" of groups from Iraq, Afghanistan, Sudan, Ethiopia and other countries.

"There are lots of groups around the world," Scharfen said, adding that "it could be a cumbersome process." But "all of us have this as a priority," he said. "We want to do this in a way that is careful and deliberate, but also with efficiency and dispatch." He said that USCIS planned to announce the hold placed on pending applications on its Web site and that the agency would notify those whose denials are being reviewed.