



**U.S. Department of Justice**  
Immigration and Naturalization Service

HQADN 70/7

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425 I Street NW  
Washington, DC 20536

Dec 7 1998

MEMORANDUM FOR ALL REGIONAL DIRECTORS  
ATTN ROADN, ROCOU  
ALL SERVICE CENTER DIRECTORS  
ALL DISTRICT DIRECTORS:  
ATTN DIEXM, DICOU  
ALL OFFICERS IN CHARGE

FROM: Thomas Cook /s/ Pearl Chang  
Acting Assistant Commissioner  
Office of Adjudications

SUBJECT: Iraqi asylees moved to Guam in 1996 and 1997 not to count towards asylum adjustment numerical limitation per legislative action

PURPOSE: This memorandum is intended to inform you of recent Congressional action, the Omnibus Appropriations Act of 1999, P.L. 105-277, October 20, 1998, affecting the numerical limitation of asylum adjustments. Further instructions regarding how to implement this new policy will be forthcoming.

Section 209(b) of the Immigration and Nationality Act, which proscribes the number of refugee admissions authorized for adjustment in a given fiscal year, will not apply to certain Iraqi asylees. The aliens affected by this action include United States Government employees, employees of a nongovernmental organization based in the United States, or other Iraqi nationals moved to Guam by the United States Government, who were granted asylum in the United States under section 208(a) of the Immigration and Nationality Act (8 USC 1158(a)).

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All District Directors, All Officers in Charge

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Subject: Iraqi asylees moved to Guam in 1996 and 1997 not to count towards asylum adjustment numerical limitation per legislative action.

Any Iraqi national processed in Guam as an asylee in 1996 or 1997 shall be presumed to be a member of this class. Class members whose adjustment applications have been held in abeyance since October 20, 1998 pending the availability of an asylum adjustment number are also covered by the exemption. Therefore, any alien who falls into this category, and who is given Adjustment of Status, should not be counted against the 10,000 annual asylum adjustment cap. A new class of admission code will be created for adjustment of status approvals in this category.

The text of the legislative provision follows:

"The numerical limitation set forth in section 209(b) of the Immigration and Nationality Act (8 USC 1159(b)) shall not apply to any alien described in subsection (b).

(b) An alien described in subsection (a) is an alien who was a United States Government employee, employee of a nongovernmental organization based in the United States, or other Iraqi national who was moved to Guam by the United States Government, and who was granted asylum in the United States under section 208(a) of the Immigration and Nationality Act." H11064, Sec. 128 (a)

The adjustment of status fees for applicants who fall into this category are not waived by this statute. Thus, each applicant for Adjustment of Status who falls into this category must individually meet the specified standards in order to qualify for a fee waiver. Please refer to the October 9, 1998, Interim Field Guidance on granting fee waivers pursuant to 8 CFR 103.7(c), HQ 70/5.5, Michael A. Pearson, Executive Associate Commissioner for Field Operations for specific information on fee waivers.