



PRESS-REGISTER

Suit snips red tape for Iraqi immigrant

Thursday, August 31, 2006

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Immigration officials have granted permanent U.S. residency to an Iraqi man and hope to untangle within 60 days red tape that has left his mother in a holding pattern for seven years.

Nechervan Barwary and his mother, Shukrya Ahmed Barwary, sued in Mobile's federal court in May to force the federal government to act on their 7-year-old applications. They came to America in 1998 from Iraq's Kurdish region a year after the family patriarch, Saeed Barwary, won asylum and settled in a modest home on Maury Drive in Mobile.

On Monday, the U.S. Citizenship and Immigration Services mailed a notice to Nechervan Barwary stating that his application had been approved. As a result, U.S. District Judge William Steele dismissed the lawsuit.

In addition to dismissing Nechervan Barwary's complaint, Steele also agreed to freeze proceedings in Shukrya Barwary's case until Oct. 30. By then, according to attorneys for both sides, immigration officials likely will have approved her application.

Nechervan Barwary, a welder at Mobile Aerospace Engineering, expressed elation Wednesday and said he will turn his focus toward bringing his wife of more than two years to America. He married her in 2004 while visiting a sick uncle, but she has been barred from the United States while Barwary's status was pending.

"I'm so happy," he said. "As soon as I get green card, I will be able to apply for my wife."

Barwary's lawyer, Karen Weinstock, expressed satisfaction, as well.

"What a miracle, after we filed a lawsuit," she said. "It pretty much got the agency's attention."

According to a joint motion filed in court, the FBI has completed a background check on Shukrya Barwary but needs more information to process her application. Originally, she was listed on her husband's application. But since then, Saeed Barwary has become an American citizen and she needs to complete a separate application, according to court documents.

"It's more than a little ironic that she doesn't qualify anymore (under the original application) because it took them so long to process her application that her husband has qualified for citizenship," Weinstock said.

At least government officials have agreed to expedite the new application, Weinstock said.

Attorneys for the Barwaris and the government have pledged to file a status report on the case the last Monday of each month.

Nechervan Barwary and his mother applied for permanent residency in 1999. Normally such applications take about six months to process, according to the U.S. Citizenship and Immigration Services, an agency of the Department of Homeland Security.

But as other members of the family got their green cards and then citizenship, Nechervan and Shukrya Barwary waited. Weinstock said she believes the problem was that their names are similar to those on terrorist watch lists monitored by the FBI. A computerized database recorded a "hit" on their names, requiring FBI agents to research the matter, Weinstock said. But she said a lack of manpower has delayed such follow-up research.

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