



PRESS-REGISTER

Iraqi refugees stuck in limbo in Mobile

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For seven years, Nechervan Barwary and his mother have been stuck in a bureaucratic tangle, waiting for the United States to permanently welcome them.

Barwary and Shukrya Ahmed Barwary, Kurds who fled Saddam Hussein's regime in Iraq in 1998, applied for permanent residency the following year and have been waiting for the federal government to act on their applications ever since. Until it does, the son and mother cannot apply for citizenship, and Nechervan Barwary cannot bring his wife to America.

"I've been here almost eight years, and I don't have a green card," said Nechervan Barwary, whose English is better than he professes. "That's a long time."

The Barwarys last month filed a lawsuit in the federal court in Mobile seeking to force the Justice Department, FBI and Department of Homeland Security to expedite their applications.

The government has provided no official explanation for the delay, said the Barwarys' attorney, Karen Weinstock, who added that the wait is the longest that any of her clients has experienced.

"My sense of it is it's held up because of security checks," she said. "But it's really ridiculous."

What makes the Barwarys' situation so unusual and maddening, Weinstock said, is that authorities cleared other members of their family years ago. Saeed Barwary, the father of Nechervan Barwary and husband of Shukrya Barwary, already has completed the five-year process of becoming an American citizen.

9/11 security measures

Under federal law, all foreigners must live in the United States for at least a year before they can seek permanent residency.

The process includes background checks conducted by the FBI. Most of the time, according to the Department of Homeland Security, the process runs smoothly.

"We aim for a six-month wait," said Sharon Rummery, a spokeswoman for U.S. Citizenship and Immigration Services at the Department of Homeland Security. "Ninety-nine percent of name checks go very quickly, within six months. There's only 1 percent of those who are held up, but it can be considerable."

The agency's Web site states that the Atlanta office, which covers Alabama, now is processing applications filed Jan. 4.

Weinstock said she can only speculate that her clients' names are similar to those in the databases the FBI searches. Making people wait years before determining whether they pose a security threat does a disservice to the applicants and the country, she said.

"If they were terrorists, and it took six years for the government to find that out, wouldn't that concern you?" she said. "It serves no security purpose. It's crazy."

FBI officials did not respond to inquiries about why the Barwarys' applications have been held up so long or when the name checks would be completed. But in an affidavit submitted in a separate federal court case from New Hampshire in March, an FBI official explained that the system has been strained by increased security measures adopted as a result of the Sept. 11, 2001, terrorist attacks.

William Cannon, chief of the FBI's National Name Check Program Section, said the bureau processed about 2.5 million name check requests a year before those attacks. For fiscal year 2005, that figure was more than 3.7 million, he stated in the affidavit.

The document states that more than 70 federal state and local agencies regularly request FBI name searches.

The process involves electronic searches of more than 105 million records that contain the names of people who have been the subject of FBI investigations as well as associates, co-conspirators and witnesses.

Most of the time -- Cannon's affidavit says about 68 percent -- the electronic checks reveal within 48 hours that the FBI has "no record" of the name.

For an additional 22 percent, secondary, manual searches are completed within 30 to 60 days. In most cases, these come back as having "no record," as well.

The remaining 10 percent are identified as being the subject of a possible FBI record. In those cases, FBI personnel must physically retrieve and review the file. If it is not available electronically, FBI agents must retrieve the relevant information from an existing paper record.

Weinstock said she does not believe the FBI has enough personnel to compete those physical records checks in a timely fashion.

"There are just so many cases. They just don't get to it on time," she said.

Fleeing tyranny

Nechervan Barwary said his father and brother fled Iraq in 1997. Saeed Barwary worked for an organization opposed to Saddam, drawing the former dictator's attention, he said.

"Saddam, they tried to kill them," he said.

The two went to Guam and then onto the United States. The U.S. government granted them asylum and placed them in Mobile, Nechervan Barwary said. He said he, his mother and his sister joined them a year later.

Saeed Barwary works as an engineer for Mobile Aerospace Engineering. Nechervan Barwary, 17 when he arrived in the United States, now works for the same company as a welder and his sister attends college.

Nechervan Barwary said the family received permission from the U.S. government in 2004 to visit a sick uncle. By the time they arrived in their native Dahuk, he said, his uncle already had died. But the family stayed three months, and he said he married his wife.

"That was the first time and the last time (I've seen her since the marriage)" he said.

Nechervan Barwary said he longs for his wife to join him in America, a country he one day hopes to live in as a full-fledged citizen.

"It's going to be hard for somebody to do this. When I tell people, they are surprised," he said. "I do what I got to do."

Still, Barwary said, he and his mother have no second thoughts. "But we like the United States. We haven't thought about moving back to Iraq," he said.

The lawsuit, which names Cannon, Homeland Security Secretary Michael Chertoff, Attorney General Alberto Gonzales, FBI Director Robert Mueller and other top officials, asks a judge to "compel Defendants and those acting under them to perform their duty owed to Plaintiffs."

Weinstock said the law offers no other remedy.

"They pretty much have an unlimited amount of time, which is the problem, unless the court compels them to complete the review," she said.

Meanwhile, Shukrya and Nechervan Barwary have no choice but to wait.