

EXHIBIT D

DECLARATION OF GENERAL JOHN R. ALLEN

I, John R. Allen, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a retired U.S. Marine Corps four-star general and former commander of the International Security Assistance Force (ISAF) in Afghanistan. I am currently a senior fellow and co-director of the Center for 21st Century Security and Intelligence at the Brookings Institute.
2. Prior to joining the Brookings Institute, I served as the Special Presidential Envoy for the Global Coalition to Counter ISIL. I served in the military for nearly 38 years in a variety of positions in the Marine Corps and the Joint Force. I commanded at every level in the Marine Corps through the Marine Expeditionary Brigade. I served as the G-3 operations officer of the 2nd Marine Division. I was the aide de camp and military secretary to the 31st commandant of the Marine Corps.
3. As the commander of the NATO ISAF and United States Forces in Afghanistan from July 2011 to February 2013, I commanded the 150,000 U.S. and NATO forces in Afghanistan. During this time, we recovered the 33,000 U.S. surge forces, moved the Afghan National Security Forces into the lead for combat operations, and pivoted NATO forces from being a conventional combat force into an advisory command.
4. Prior to my time in Afghanistan I served in Iraq from 2006–2008. I served as Deputy Commanding General, II Marine Expeditionary Force and Commanding General, 2nd Marine Expeditionary Brigade, deploying to Iraq for Operation Iraqi Freedom and serving as the Deputy Commanding General of Multi-National Forces West and II MEF (Forward) in Al Anbar Province, Iraq. As Deputy Commanding General, I worked closely with and relied heavily on our Iraqi allies.
5. The U.S. military's Iraqi employees, contractors, and sub-contractors have close relationships with U.S. entities and were essential to U.S. military operations in Iraq. All military operations depend on robust and trustworthy relationships with local partners. In Iraq, the U.S. military worked with Iraqis, either through direct employment or through contract or subcontract relationships, to provide essential services, such as translation and interpretation, base support, security, logistics and maintenance, construction, transportation, or communication support.
6. Local national Iraqis worked closely with U.S. military officials, U.S. contractors, or U.S. subcontractors to complete projects that were vital to the success of the U.S. mission. For example, I personally worked closely with Iraqi interpreters to communicate with local Iraqi leaders in Al Anbar Province in Iraq. The accurate interpretation and cultural understanding that my interpreter provided was essential to our work of providing security to the province.
7. The U.S. military required documentation from and vetted all local Iraqi employees, contractors, sub-contractors, and vendors. Our Iraqi allies were vetted and screened

throughout their employment. The U.S. military's local national employees and vendors were all required to be vetted through security background checks, which were implemented to prevent anyone who was a threat to the U.S. mission from being employed or given access to a U.S. base.

8. The U.S. military used intelligence databases, including information from Iraqi government records and biometric data such as fingerprints, to both screen and periodically rescreen all local nationals who would have had access to a U.S. base or have worked closely with the U.S. mission. Iraqis who had access to bases or sensitive locations were issued badges required for entry and had to follow strict security protocols. Iraqis who failed to follow protocols or who were deemed to be a threat to security were fired and tracked in such databases.
9. Because of their close relationship with the U.S. mission, U.S.-affiliated Iraqis and their families were and continue to be under an ongoing, serious threat of being killed by our enemies. Our Iraqi allies risk their lives to support the U.S. mission. The enemies of the U.S. mission in Iraq have targeted and killed, and will continue to target and kill, Iraqis who are affiliated with the U.S. through employment as an interpreter or a contractor.
10. There are significant numbers of enemy actors who target U.S.-affiliated Iraqis. This most notably includes ISIS, but there are many other militias and groups, of multiple religious sects, political affiliations, and locations within Iraq, that seek to harm U.S.-affiliated Iraqis. Because of the large number of threats, a targeted U.S.-affiliated Iraqi may not find safety in any part of Iraq.
11. Mere evidence of an U.S. affiliation, such as a badge to enter a U.S. base, can put an Iraqi at risk. When the enemies are unable to target individuals directly, they will target family members of U.S.-affiliated Iraqis.
12. U.S. affiliated Iraqis face extreme danger while they wait to be processed. Local national interpreters and contractors have been killed while working alongside U.S. forces, and they have also been killed at their homes or while traveling to U.S. bases.
13. As a result of these threats, every extra day our allies must wait for refugee applications to be processed can literally mean life or death.
14. For the U.S. military, the Priority 2 Direct Access Program for U.S.-Affiliated Iraqi refugees (P2-DAP) is a promise to help our Iraqi allies that ensures their safety and their continued support for the U.S. mission. When the Refugee Crisis in Iraq Act, also known as the Kennedy Act, was signed into law, it was a promise by the United States to provide protection to our Iraqi allies who were vital to our missions' safety and success.

15. Specifically, the Refugee Crisis in Iraq Act was signed into law on January 28, 2008. It committed the United States to a more ambitious set of programs to provide U.S.-affiliated Iraqis facing danger inside Iraq routes of escape to the United States. One program that the Act established allowed Iraqis with demonstrated work for the U.S. government (USG), contractors, or U.S.-based NGOs or media organizations, to directly access the U.S. refugee admissions program. This is known as the Priority 2 Direct Access Program for U.S.-Affiliated Iraqis (P-2 DAP). Today, this is the path by which wartime allies who served alongside us in Iraq can find safe passage to the United States.
16. As this program is crucial for the success of our military operations in Iraq and our future military operations abroad (including Afghanistan), ensuring its vitality is key. The program is strictly reserved for Iraqis and their family members who have documented ties with U.S. entities and U.S. citizens from their work supporting the U.S. mission in Iraq. A detailed background on the specific aspects of this program will explain the redundancy in having refugees in this program prove they have a de facto bona fide relationship with a person or entity in the United States and show the need to exempt refugees in this program from the refugee freeze.
17. The U.S. government agencies administering P2-DAP verify the documentation and relationship with the U.S. military or U.S. entity that employed the Iraqi applicant or family member, as well as the threat in Iraq due to that relationship. The Iraqi P2-DAP applicants at issue¹ must have been employed by an entity affiliated with the U.S. mission in Iraq, or be a family member of an employee; that relationship must be documented, and that documentation must be submitted to the U.S. government, reviewed by the Department of State, and verified for an application to proceed.
18. The Refugee Crisis in Iraq Act established “Direct Access” for a designated class of Iraqi refugees, those who have experienced severe harm, or who believe they are at risk of serious harm, as result of their association with the USG. In order to qualify, an applicant must have to have been an employee of the USG, an interpreter/translator for the USG or Multi-National Forces, an employee of U.S.-affiliated organization or entity closely associated with the U.S. mission in Iraq that has received USG funding, an employee of an U.S. NGO or media organization, or a spouse, children, parent, sibling of someone with the qualifying work.
19. In order to apply to the program, applicants must email the International Organization for Migration (IOM), which operates aspects of the program for the Department of State, with their basic biographic data and copies of documents related to their U.S.-

¹ The Iraqi P2-DAP program also includes Iraqis with a U.S. affiliation based on a family member in the United States who has filed and received approval of an I-130 immigration petition on their behalf. The administration has indicated that all of those applicants will be considered to have close family relationships and therefore will not be subject to the refugee ban. The discussion of “Iraqi P2-DAP applicants” in this declaration is therefore limited to Iraqis who were employed by U.S.-affiliated entities and their family.

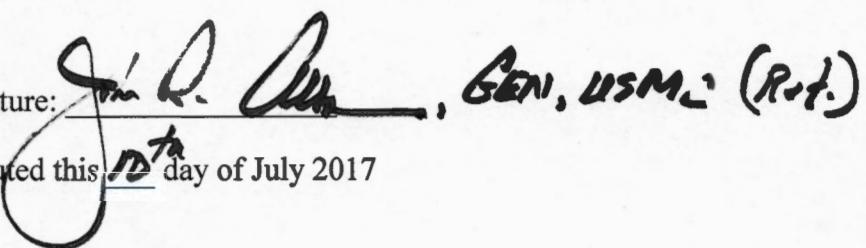
affiliated work, including but not limited to their badges, letters of recommendation, and contracts that prove USG funding. In addition, applicants are required to have a point of contact at their qualifying employer verify the applicant's employment with the company.

20. IOM collects and reviews the information. The Department of State reviews and determines whether the U.S. affiliation has been independently verified. After verifying that applicants have qualifying ties to the USG and its mission in Iraq, IOM schedules applicants for a pre-screening interview to further assess the applicants' eligibility for the program.
21. Once IOM decides that the basic requirements appear to be met, applicants interview with the Department of Homeland security personnel, to further demonstrate that they meet the U.S refugee definition in addition to providing additional evidence that they are a member of the designated P-2 population.
22. This means that, by definition, any Iraqi refugee with a pending application in the Iraqi DAP program has already been adjudicated by the United States to have a concrete, bona fide and documented relationship with a U.S. entity.
23. Requiring Iraqi P-2 DAP applicants to again prove their previously verified bona fide relationship needlessly and senselessly delays the process, risks the deaths of our allies and their families, and harms the U.S. military's reputation and operations overseas. I am deeply concerned by the U.S. government's interpretation of the Supreme Court decision, as it will unnecessarily delay processing and may shut down the entire program. These delays and shutdowns have life threatening impacts on our allies who already risked their lives to advance our mission.
24. Iraqi P2-DAP applicants must have a bona fide relationship with a U.S. entity based on their or a family member's employment. That relationship was independently verified in order to allow them access to apply for P2-DAP and again, in-person, during the refugee application process. To put these applications on hold pending further verification of a bona fide relationship is to put our allies and their families needlessly and senselessly in harm's way.
25. Military operations depend on robust and trustworthy relationships with local partners. If the United States wishes to continue achieving success in current and future operations overseas, it must protect those who help enable that success. U.S. partners in other conflict zones, including Afghanistan (where thousands of U.S. troops are currently deployed), are watching to see how the United States treats its networks in Iraq. Maintaining the promises made to those Iraqis who served with us is not only principled but will improve our military's effectiveness in other regions; it will instill confidence and loyalties where local supporters are needed. The effectiveness of future missions depends on the United States' willingness and ability to safeguard those individuals, and their families, who risk their lives in support of U.S. missions.

26. Military service instills in a person certain values: Loyalty. Duty. Honor. Integrity. These values apply universally; to each other, to our nation, and also to all those who stood by our sides when we needed their assistance. Many of us can point to a moment when one of our foreign allies saved our lives – often by taking up arms against our common enemies. They acted because they believed in America, in our mission, and in the promise that was given. We should keep that promise, and among the ways we do this is to continue the P-2 DAP program for those Iraqi allies.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Signature:


John R. Allen, Gen, USMC (Ret.)

Executed this 10th day of July 2017