FEATURE

by Nesanel Stein

RUNNING FROM IRAN

An estimated 700 Jewish people are waiting to immigrate from Iran under a U.S. program set up specifically for people fleeing hostile countries — the Lautenberg Amendment.

However, prospective immigrants need to first move to a third-party country, as the U.S. does not have an Embassy in the Islamic Republic, nor does it maintain diplomatic ties with Tehran.

Most people applying for asylum, or to be reunited with their family who are already overseas, head first to Austria, which has absorbed a large community of Iranians as a humanitarian initiative. However, Austrians have expressed dismay over the country's handling of the migrant situation, as many newcomers become involved in organized crime or become wardens of the state.

Austria's new government is decidedly right-wing and has taken steps to curtail its involvement in the program.

Hamodia explored the issue with MICHAEL WILDES, Mayor of Englewood, NJ, and prominent immigration attorney; an anonymous askan, familiar with the situation facing Iranian Jewry and the U.S. legal system; and Iranian-American Activist SHARON NAZARIAN.

MICHAEL WILDES

MAYOR OF ENGLEWOOD, NJ

What can you tell us about the current situation?

We don't have an embassy there. People have to process their visas through a third country, and vetting these individuals is critical. We saw how important intelligence was in the recent war, where Israel was embedded within the Iranian populace; we have to make sure that nobody would want to cause us harm [by entering the country under false pretenses]. The vetting of anybody from Iran is a significant task, and the State Department and Homeland Security have many protocols they have to go through. That said, you can still immigrate properly from Iran to the United States if you have the right credentials and lawyer.

Can you tell us a bit about the protocols from the perspective of U.S. law and restrictions?

You need to get police clearances from every place you have ever lived for more than six months after the age of 14. You have to be beyond reproach, and there are biometric captures that are taken of your fingerprints and your credentials in order to see if you qualify.

Is that the Austrian police, or do you have to get the Iranians to sign off on it?

No, you don't. The forms and the process are the same, but the delays are exceptionally long for people from that part of the world.

Do they go to other places besides Austria?

Yes, there are other countries that will take in nationals from Iran, but only if they have a long-term visa or residence in that state. You have to make sure that you qualify where you are in order to use the American Embassy in that jurisdiction.

Austria restricted new asylum seekers because they're seeing that migrants are involved in crime and are very dependent on state benefits.

It's a problem we saw in Germany a generation ago, when gypsies were traveling throughout Europe. They didn't give them work authorization fast enough, and they became wards of the state. This is the collateral damage of a backed-up system where people are trying to [enter] Western countries, and their host countries end up getting overwhelmed with economic and criminal factors.

Can you tell us about your law firm and some of the people you've helped immigrate?

My law practice was started by my father in 1960.

First, you have to warn your clients to put on a seatbelt because this is going to take a while. Second, you have to develop the narrative with your client that if they have the right professional qualification for the visa at hand, they ought to be patient and push forward to get it. They are ripe to be invested in, not only by America, but for them to want to serve the economic interests of the United States. I handled a Sudanese brain surgeon whose parents were coming to visit, and he was so concerned that he hired me to go to the airport to make sure they came in safely. We cannot let the politics and the winds of war stop talent from coming to the United States. Despite the aggressiveness of any administration, you need to persevere.

I represented Osama bin Laden's brother-in-law. I was flown out to France many years ago by him to help with his immigration matters.

In France, I have a significant Arab following. The first question they want to know is whether or not I am a Jewish lawyer. The firm is Wildes and Weinberg. Weinberg sounds Jewish, but they're not sure about Wildes. When they find out that I'm a Sabbath-observant Jew, they smile because they feel most comfortable with Jewish lawyers. They wear that proudly, which is a cultural anomaly and a nuance in this community that, despite the politics with Israel, they take comfort in our biblical connection.

So you get to make a *kiddush Hashem*.

Yes. My father would show me, years ago when I was growing up, two glass conference rooms. In one, men were *davening Minchah*, and in the other, men were on a carpet. They were partners in work, and they were saying their prayers. This only happens in America. It may not happen anywhere else, which is

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really a privilege to see and help facilitate.

Do you think that the current administration is making things harder for people trying to come to the country for those reasons?

Yes, because of the politics and the concern. [However,] the current administration understands that this is bigger than them and that it's more important that the right people still get through. It's economically driven, with successful business people at the helm of the different agencies who sometimes seek the advice of professionals and don't care where they come from, so long as they can produce what's needed.

You mentioned that a person who's applying has to be beyond reproach. For example, what if a person has a lot of parking tickets?

You're not going to find out about people's parking tickets in Iran. But people will present themselves [in court] where there are custody issues, familial matters, marriages, divorces, and the usual noise that goes with families in a way that the government will be able to authenticate. If you come from a family or a background that has a challenge, you can expect even further delays.

Is the administration going to do anything directly to restart Iranian immigration through the Lautenberg Amendment?

I think they're going to let a little air out of the tire as the years go on, particularly when they understand that there is talent internationally in the medical sciences and that it is foolhardy for us not to invest in this talent when it can help America's national or economic interests. I lecture frequently to schools that have robust foreign student programs, and it's foolhardy for us not to create a way for them to onboard into our workforce so that we truly make America great again in the sciences, arts, entertainment, and so forth.

I represented President Trump's immigration interests for years. I was the immigration lawyer for [many of his clients], and Mrs. Trump personally. I did her parents' citizenship and her sister's green card. They are vested in not only having talented professionals but making America significant in all arenas. I say that as a proud Democrat who has an inside snapshot of what drives this family and is the beneficiary of their trust. I know that in their DNA is the drive to get the best talent forward.

What legal tools do you use in your practice to help these people come to the U.S.?

We use all kinds of non-immigrant and immigrant visas — those that surround their academic background, experience, investments being made, or recognized talents. There are pillars of non-immigrant work visas, and many of these allow for a dual intent to

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apply for a green card. Sometimes, we will apply directly for a green card because the wait time to get a non-immigrant visa could be as substantial as [the wait time for] getting a green card. Other times, we will deploy a multiplicity of efforts so that we're not wasting time. Many of these individuals have multiple bites at the apple, not just based on their skills but also on relationships, if they have children who are citizens and so forth. We deploy whatever resource they're eligible for.

ANONYMOUS *ASKAN*, FAMILIAR WITH THE SITUATION FACING IRANIAN JEWRY AND THE U.S. LEGAL SYSTEM:

Let's go back to the beginning. What were the initial pathways for people to immigrate, assuming it was for asylum? How did that work under American law?

They go through a legal process. They get the necessary documents, including a passport, and apply. Once they receive permission, they can travel to a third country, such as Austria.

The process started getting long because the United States wasn't processing them quickly. As a result, the Austrian government didn't want people waiting there for six months to a year. So, people would not leave Iran until they knew they would be processed within a reasonable time in Austria or other transit points. This created a backlog of many thousands of people from Iran, including hundreds of Jews.

And are the people who are leaving officially asylum seekers?

They are often leaving to be reunited with their families who are already here. When they arrive in the United States, they can apply for asylum.

Why is this third-country system necessary, where they have to go somewhere else in the meantime?

First of all, there are no direct flights from Iran to the United States, so they must go through another country. They need to be processed somewhere after they leave Iran. Once they have begun the process, the paperwork is finished in that third country. The Americans process them there so they can come to the United States. Also, there is no American embassy in Iran.

You're saying that while it's for humanitarian reasons, they still worry about an influx of people if there's a backup?

Yes. If people are waiting for a long time, they can get into trouble. Not necessarily the Jews, but other immigrants

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‘THE JEWS HAVE ALWAYS BEEN VERY CAREFUL NOT TO ENGAGE IN ANTI-GOVERNMENT ACTIVITIES.’

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might get involved in crime or other issues, become a burden, or run out of money.

Why did Iran agree to this in the first place? As a totalitarian government, they could have just said, “No, you’re not leaving,” especially to dissidents.

It doesn’t mean everyone who wants to leave can. They don’t make leaving easy. People essentially have to leave everything behind and can’t sell their properties. The Iranian economy is in ruins, and there’s a huge brain drain; thousands of educated people have left because the economy is so poor and there are no jobs. The currency is at a million to the dollar. In fact, Tehran is now experiencing bread shortages. So people have left, especially the educated and those who can easily find jobs.

People who want to leave can do so legally, and I’m sure some use whatever means they can — some leaving permanently, others only temporarily. Many Jews were reluctant to leave because of their businesses and homes, which they can hardly sell, and because they have elderly family members. Iranian Jews have always been very attached to their culture and identity, sustaining it even when they live abroad. A primary concern for those with elderly relatives is that they don’t speak English.

Why would Iran allow it at all? What do they gain? Do they gain the property? Is there anything else in it for them?

They don’t necessarily take the property. I didn’t say it’s an absolutely open policy, but they do let people go, especially when families abroad are involved. Also, some Jews who came to live in the United States used to travel back and forth regularly for business or family, but that has basically stopped.

Today, communication is very difficult, even between families. Nobody discusses political issues. Jews are not involved in anti-government activity: that should be known and repeated. So people can leave, but not everyone. And they can place restrictions on people. As I said, they have arrested many people since the war, claiming they were spies for Israel and the United States. They use this to explain away events, blaming them on subterfuge and spy plots rather than their own incompetence.

At what point did the U.S. stop this program?

It didn’t stop. The program is still on the books; it’s been so for years.

What else can you tell me about the situation?

The Jews have always been very careful not to engage in anti-government activities. Sometimes, they have even been enlisted in government events and rallies against Israel. They are extremely cautious and careful in all their contact and behavior. I don’t want to say more about them.

Did most Iranian Americans come to America through the procedure outlined in the Lautenberg Amendment?

No. This program was created by legislation passed to bypass the general restriction on immigration from Iran. Many others came as refugees after the revolution and in the periods that followed. They faced persecution and difficult circumstances, so they were able to leave.

What can you tell me about other minorities in Iran who are facing persecution?

The Baha’is and the Zoroastrians are all facing persecution. Also, the majority of the population is not Persian. It’s about an even split. You have 30 million Azeris, as well as Baluchis, Ahwazi Arabs, and Kurds. Out of a population of over 90 million, about half are from these different ethnic groups. This is a constant source of tension and suspicion for the government.

So the ruling class is mostly Persian?

The government is all Persian, yes. Though there are sometimes individuals from other groups. For instance, there is one Jewish Member of Parliament by law.

SHARON NAZARIAN

IRANIAN-AMERICAN ACTIVIST

Could you tell us about the efforts being made in America to help Iranian Jews?

A piece of legislation called the Lautenberg Amendment was passed in 1990. It made special provisions for Iranian religious minorities to be relocated and settled in America due to religious persecution. They were given religious refugee status and brought in under the Lautenberg Amendment. This was a provision that was renewed annually, and it worked well for a long time. Minority groups; Jews, Christians, Baha'is, and other minorities from Iran, would have one set of vetting in Iran. Then, they would be brought to Vienna for a second series of security vetting. Once everything was cleared, the process usually took between six months to a year, and then they would be resettled in multiple American cities, depending on where communities of that faith group or close family were located who could welcome them.

That was the normal course [of action] for resettling Jewish Iranians who wanted to leave for America. There was another route if they chose to go to Israel, and that process was also ongoing, though it stopped and started intermittently.

In order to get the designation to leave Iran, they have to show evidence of religious persecution. All of that documentation had already been completed, but with the Trump administration putting a hold on the program, they all had to remain in Iran. My main concern, and what I've been advocating for, is for the Trump administration to make an exemption for at least these 700 vetted individuals who have shown interest. I think that's something that should be highlighted. I have tried to advocate for this in whatever way I can with the administration.

In your advocacy work, what tools do you use?

I have advocated directly with lawmakers and with the heads of major Jewish organizations like the ADL, AJC, and the Conference of Presidents, all of whom are concerned about this issue. I have also advocated outside the Jewish community with other refugee resettlement organizations to put this on their radar. The diaspora Iranian Jewish community cares deeply about this.

The 12-day war complicated matters. Before potential U.S. or Israeli attacks on Iran, there were questions about whether this issue should be elevated, given the complexities of Israel-Iran and U.S.-Iran relations. Still, in the aftermath of the 12-day war, I believe this is a very important issue that should not be ignored. There are under 10,000 Jews left in Iran. The bulk of them have chosen to stay for various reasons — economic, familial, etc. — and that is their choice. But the 700 who have raised their hands and said they want to leave should be given that chance. The regime is in a very vulnerable position right now and is seeking revenge.

Could you tell us your own story? How did you end up leaving?

Yes. I was born in Iran. My family emigrated in '78 because my father saw the writing on the wall. We were very close with the Israeli ambassador to Iran at the time and were warned about what was coming. We left Iran in '78 and went to Israel, where my grandparents lived and where we have always had a home. Six months later, because Iran cut off all relations with Israel, we could not communicate with our staff or access our assets back in Iran. My father decided to come to Los Angeles to see if we could somehow continue staying in touch. Then the hostage crisis took place. Like so many Iranian families, we thought we were going back, but we never did. We have remained in Los Angeles ever since.

You said a lot of families thought they would go back. Why was that?

This was not the first time the Shah of Iran had left due to political pressure. In the 1950s, a similar situation occurred when the Shah abdicated. At that time, Iran had a socialist prime minister who wanted to nationalize the country's oil and expel British and American oil companies. The Shah abdicated but was then brought back and reinstated because Iran was too important a geopolitical player in the bipolar world of U.S.-Soviet relations. Iran was a critical ally.

Many Iranians thought that if the Shah left again, the Americans would not allow such an important ally to be lost and that President Carter would bring the Shah back. However, President Carter was a different kind of president; human rights topped his foreign policy priorities. He saw the Shah as a poor reflection on America's alliances and mistakenly believed the revolution could lead to a democratic government in Iran. ■