

## Living in Limbo: Iraqi Refugees and U.S. Resettlement

*"[Iraqi refugees are a] living consequence of this war . . . America has a strategic interest—and a moral responsibility—to act."  
- President Barack Obama, February 2009*

### AMID REGIONAL UNREST, IRAQIS REMAIN AT RISK

As protests, violence, and instability continue throughout the Middle East, Iraqi refugees still struggle to survive and support their families with limited access to assistance. Since the U.S. invasion of Iraq in 2003, millions of Iraqis have been forced to flee their homes. Today individuals and their families inside Iraq—including Iraqi religious and sexual minorities as well as U.S.-affiliated Iraqis—continue to face persecution causing them to search for safe refuge. The majority of Iraqi refugees are in Syria and Jordan, and thousands of others live in Turkey, Lebanon, Egypt, and other countries in the region. Iraqis who flee today—just months after President Obama declared the end to the U.S. combat mission—join other Iraqi refugees in neighboring countries with limited ability to exercise their basic rights.

Most Iraqi refugees in the region have no access to legal status or employment authorization. Without these basic forms of protection, many of them are unable to support their families and live at constant risk of arrest, detention, and deportation.

With neither return to Iraq nor local integration as realistic possibilities, resettlement to third countries including the United States is essential to provide Iraqi refugees with sustainable and long-term solutions to their displacement.

### PRIMARY FINDINGS

- **Delays in background security checks and slow processing delay resettlement.** As a result, Iraqi refugees and U.S.-affiliated Iraqis face difficult and dangerous conditions for prolonged periods of time.
  - **Persistent delays and slow processing cause a substantial backlog.** Three years ago, former U.S. Ambassador to Iraq Ryan Crocker complained about the “bottlenecks” in Iraqi refugee processing and asked that the lengthy wait times for security checks be reduced substantially. Yet, according to Human Rights First interviews with *pro bono* attorneys representing U.S.-affiliated Iraqis, security clearance checks remain the longest step in the resettlement process for this group, taking up to six months after an application has otherwise been approved. As of September 2010, the cases of more than 26,000 U.S.-affiliated Iraqis who applied for U.S. resettlement through a priority access program that enables direct applications for U.S. resettlement— known as Priority 2 (P2) access—are “in various stages of processing,” with 25,000 of those individuals still inside Iraq. This backlog is likely due to limited resources to process cases in a timely manner and extended delays in the security clearance process.
- **Iraqis—including U.S.- affiliated Iraqis and religious minorities—face violence as they await decisions on their resettlement applications inside Iraq.** In one case, the son of an Iraqi translator who worked for the U.S. military waited 21 months in Baghdad for his resettlement approval, suffering a shooting and other threats due to his father’s U.S. affiliation while waiting for his security check to be completed; he finally arrived in the United States in November 2010.
- **Delays drive Iraqi refugees and their families into further destitution.** In the region, refugees waiting for decisions on their cases face destitution as their savings disappear and they fend for housing, medical care and education for their children without the legal right to work. If they do work, they put themselves at risk of arrest, detention, and deportation. Delays in security checks also leave children and families in dangerous situations. In one case, a family was threatened by a militia group that had targeted the family in Iraq while waiting for their security clearance to complete in a third country. In another case in Turkey a child fell ill and died while awaiting security check processing, and his young siblings and mother were jailed by Turkish authorities because they had overstayed their visas.
- **Government bodies raise concern about extended delays in security check processing.** The U.S. Government Accountability Office (GAO) and others have expressed concern about extended delays in the security clearance process for Iraqi refugees. In April 2009, GAO found that “about 53 percent of the Iraqi

## FACT SHEET

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refugees who were approved for resettlement but have not left for the United States have not done so because State is awaiting completion of security clearances, known as security advisory opinions, from the Central Intelligence Agency.”

- **The United States lacks a formal and transparent procedure to enable resettlement to be conducted within a set time period for refugees who face emergency circumstances.** As a result, refugees who require urgent or emergency resettlement are left with limited options. Through its research, Human Rights First identified a number of examples of refugees in need of expedited resettlement including refugees with life-threatening medical conditions, Iraqi refugee women at risk of honor killings in Jordan and Syria, and refugees who face imminent risks due to their sexual orientation. Several U.S. government studies and the UN refugee agency—UNHCR—recommend that the United States develop an expedited resettlement procedure to enable urgent cases to be processed within a specified timeframe. The Department of State is meeting with civil society groups to address challenges in relation to expedited resettlement.
- **Review process lacks basic and essential information.** A lack of information in resettlement denial letters undermines refugees’ ability to request reconsideration of initial decisions, and critical information on the submission of Requests for Reconsideration is written only in English. The United States also does not permit refugees applying for resettlement to be represented by legal counsel during resettlement adjudication interviews.

### PRIMARY RECOMMENDATIONS

- **Enable security checks without delay.** The **National Security Council** should, together with the **Departments of State, Justice, and Homeland Security, and intelligence agencies**, improve the inter-agency security clearance procedure to enable security checks for refugees and U.S.-affiliated Iraqis to be completed accurately and without unnecessary delays within a set time period. These improvements will enhance the effectiveness of the security clearance process more broadly;
- **Develop and implement an emergency resettlement procedure.** The **Department of State** should continue to work with other relevant federal agencies to develop and implement a formal and transparent resettlement

procedure for refugees who face emergency or urgent circumstances which—most importantly—includes a set timeframe for processing emergency and urgent cases;

- **Provide information necessary for refugees to submit meaningful Requests for Reconsideration.** The **Department of Homeland Security’s U.S. Citizenship and Immigration Services** should implement reforms to improve the fairness and effectiveness of the resettlement process, including by revising the current Notice of Ineligibility for Resettlement to provide case-specific factual and legal reasons for denial, and providing additional information on the process for requesting review. All information should be produced in languages refugees can understand.

### U.S. PROGRESS SINCE 2007

Since 2007 the Departments of State and Homeland Security have taken a number of steps to improve the pace of resettlement processing for Iraqi refugees, accomplishing the following:

- After resettling only 202 and 1,608 Iraqi refugees in 2006 and 2007 respectively, the U.S. Refugee Admissions Program (USRAP) is now resettling significantly more Iraqis, with over 18,000 Iraqi refugees resettled to the United States in fiscal year 2010.
- In early 2008, the U.S. government began to set up the priority resettlement and special visa programs that were mandated by Congress in the Refugee Crisis in Iraq Act in order to bring U.S.-affiliated Iraqis to safety without delay—and has established a system for processing the resettlement requests of U.S.-affiliated Iraqis “in-country,” i.e. from within Iraq.

### THE NUMBERS

- ✓ Iraqi refugees registered with UNHCR in the region as of December 2010: 194,239.
- ✓ Iraqi refugees registered with UNHCR in 2010 alone: 39,587, including over 20,000 in Syria alone.
- ✓ Iraqi refugees registered with UNHCR who have critical medical conditions: 18.3% or 35,589.
- ✓ Average wait time for refugee applicants to the U.S.: 12 to 24 months.
- ✓ Average wait time for U.S. Security Advisory Opinion’s (SAOs) for Iraqi refugees in fiscal year 2010: 5 months.