

SUMMARY AND KEY FINDINGS

Living in Limbo

Iraqi Refugees and U.S. Resettlement

December 2010



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About Human Rights First

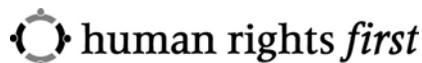
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Acknowledgements

This report is primarily based on research in Egypt, Jordan, Lebanon, Geneva, New York and Washington, D.C. conducted between April and November 2010, including approximately fifty interviews with Iraqi refugees in Lebanon, Jordan, Egypt and New York. This report was researched and written by Jesse Bernstein, Ruthie Epstein, Sara Faust and Parastou Hassouri, a consultant to Human Rights First. Additional research, writing, editing and/or comments were provided by Eleanor Acer, Reena Arya, Anwen Hughes, Robyn Lieberman, Annie Sovcik and Tad Stahnke.

The authors are grateful to the many individuals, organizations and agencies who provided time, information and insights during the course of our research. In particular, the authors wish to thank the many refugees and pro bono attorneys interviewed, as well as the various U.S. and other government officials and UNHCR staff who met with us during our research and/or provided comments on this report. We also wish to thank CARE Jordan, the International Catholic Migration Commission (ICMC) in Jordan, the Danish Refugee Council in Lebanon, International Relief and Development in Jordan and Africa and Middle East Assistance (AMERA) Egypt for their hospitality and facilitating of visits.

Human Rights First wishes to express its appreciation to Robert Pennoyer and the donors to the Pennoyer Fellowship for creating the program that supports Mr. Bernstein's position at Human Rights First. We also wish to thank Human Rights First's general support donors—both foundations and individuals—who make our research and advocacy possible.

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Summary and Key Findings

Just a few months after President Obama declared the end to the United States combat mission in Iraq, security remains erratic in many parts of the country. In October of this year, approximately 50 individuals were killed after armed militants stormed Our Lady of Salvation Church in central Baghdad during Sunday mass.¹ Following this attack, in early November, 63 civilians were killed in a series of explosions throughout Baghdad.² These and other brutal attacks, along with the prolonged difficulties in forming a government, are recent reminders that, despite improvements in security in Iraq, long-term stability in the country remains elusive and many Iraqis remain at risk.

Iraqis who flee today join other Iraqi refugees in neighboring countries who are struggling to survive with limited ability to exercise their basic rights. Since the beginning of the war, the majority of Iraqis have fled to Syria and Jordan. Thousands of others now live in Turkey, Lebanon, Egypt and other countries in the region. Over 30,000 Iraqi refugees registered with the U.N. refugee agency (UNHCR) in these countries during 2010 alone, including some 3,000 new registrations in Syria and Jordan in the month of October.³ A total of 195,428 Iraqi refugees are currently registered with UNHCR in the region,⁴ while an unknown number of additional refugees have not registered or let their registrations lapse. Though Iraq's neighbors have generously hosted hundreds of thousands of Iraqi refugees, the majority of Iraqi refugees have no access to formal legal status or employment authorization. Without these basic forms of protection, many of these refugees are unable to support their families and live at constant risk of arrest, detention and possible deportation. For these and other reasons, most Iraqi refugees have no hope of integrating in these countries.

While a small portion of Iraqis have returned—or attempted to return—to Iraq, Iraqis are still fleeing their country due to the continuing violence, persecution, insecurity and lack of access to basic services. A recent UNHCR survey found that Iraqis who had returned to Baghdad from neighboring countries experienced high levels of violence after their return—including explosions, kidnappings and other violent incidents.⁵ Most of these Iraqis regretted their decisions to return, and some were considering whether to flee the country yet again. With neither return to Iraq, nor local integration, as realistic possibilities, resettlement to third countries is essential in providing many Iraqi refugees with sustainable and long-term solutions to their displacement.

In this report, Human Rights First documents a number of persistent problems that are undermining the effectiveness of the resettlement and special immigrant visa (SIV) programs through which some Iraqis are able to legally come to and permanently stay in the United States. While there have been some real improvements in the processing of Iraqi resettlement applications to the United States over the last three years, significant delays and inefficiencies remain. Many of these processing delays—including those caused by inadequate staffing to process security checks—are not new. In fact, over three years ago, former U.S. Ambassador to Iraq Ryan Crocker complained about the “bottlenecks” in Iraqi refugee processing and asked that the lengthy waiting times for security checks be reduced substantially.⁶ Human Rights First's interviews and research demonstrate that while some Iraqi refugees wait for extended periods—sometimes as long as two years—they are left stranded in difficult or dangerous circumstances. These delays and inefficiencies also undermine the effectiveness of the U.S. refugee resettlement program, as well as two programs that Congress—in bi-partisan legislation—created to ensure that U.S.-affiliated Iraqis are brought to safety quickly. As

detailed below, fixing these problems is both a moral obligation and a strategic imperative for the United States.

The Threat of Persecution in Iraq

While many Iraqis remain at risk of violence within Iraq, different groups of Iraqis continue to face targeted persecution. The persecution of religious minorities has been extensively documented, including by the bi-partisan United States Commission on International Religious Freedom.⁷ The horrific attacks on the Christian communities in October and November confirm that religious minorities continue to face grave risks in Iraq.⁸ Other minorities, including sexual minorities, also face targeted violence in Iraq.

Iraqis employed by U.S. entities also continue to face threats and violence due to their affiliation with the United States. Those Iraqis who chose to work for the U.S. government, military or contractors, or for U.S.-based media groups or non-governmental organizations—who were crucially important to provide local expertise and language skills to the Americans—were quickly labeled as traitors by different militia groups inside Iraq.

The threats these Iraqis have faced—from insurgent groups, militias and terrorist organizations—have been well documented in the media. While the levels of violence are not as high as they were during the peak of the sectarian violence, as detailed in Section III of this report, these individuals remain at risk.

The Bi-partisan Effort to Assist Iraqi Refugees and U.S.-Affiliated Iraqis

The initial U.S. response to the plight of Iraqi refugees fell far short of the kind of leadership role the United States is capable of playing to address refugee crises—and distressingly short given the United States' central role in the Iraq war itself and its deep debt to the Iraqis who had placed their lives at risk by working with Americans. Many observers argued that addressing the plight of Iraq's refugees was not only a moral obligation of the United

States, but also a strategic imperative. For example, the bi-partisan Iraq Study Group, co-chaired by James Baker (former Secretary of State under President George H.W. Bush) and Lee Hamilton (former Democratic congressman from Indiana), pointed out in its December 2006 report that “[if the Iraqi refugee crisis] is not addressed, Iraq and the region could be further destabilized, and the humanitarian suffering could be severe.”⁹

In June 2007, Senator Edward Kennedy (D-MA) and Senator Gordon Smith (R-OR) introduced the bi-partisan Refugee Crisis in Iraq Act. The bill was aimed at improving the response of the United States to the plight of Iraq's refugees and ensuring that Iraqis who had worked with the U.S. government, military and contractors, as well as with the U.S. media or other groups, were provided with effective routes of escape to ensure their protection. The legislation proposed by Senators Kennedy and Smith received broad bi-partisan support, passed the Senate unanimously that fall, and was signed into law on January 28, 2008, as part of the Department of Defense Authorization Act for Fiscal Year 2008. Senator Smith spoke of “a national moral commitment” to resolving the Iraqi refugee issue.¹⁰ Senator Carl Levin (D-MI), Chairman of the Senate Armed Services Committee, similarly stressed that “the United States has a moral obligation to help those Iraqis who have assisted or are assisting our military and civilian forces.”¹¹ President Bush affirmed this commitment when he signed the Refugee Crisis in Iraq Act into law in February 2008.

The Refugee Crisis in Iraq Act—which is described in detail in Section III of this report—committed the United States to take more decisive action to address the needs of Iraq's refugees and to create a set of programs to provide routes of escape to the United States for U.S.-affiliated Iraqis facing danger inside Iraq.

One year later, the newly elected President Obama recognized all Iraqi refugee and internally displaced families as “living consequence[s] of this war” and affirmed that “America has a strategic interest—and a moral responsibility—to act.”¹²

U.S. Leadership and Progress

Over the last three years, the U.S. government has significantly improved its efforts to address the needs of Iraq's refugees and displaced persons. The United States has played a leadership role in providing humanitarian assistance for Iraq's refugees and displaced persons, as well as contributed significantly to UNHCR's Iraqi refugee operations. The United States has also encouraged other countries to increase their support for Iraqi refugees and displaced persons.

The U.S. Departments of State and Homeland Security have taken a number of steps to improve the pace of resettlement processing for Iraqi refugees. 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 2009, as well as in 2010. In early 2008, the U.S. government began to set up the priority resettlement and special immigrant 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.

In January 2010, the State Department doubled the grant for newly arrived refugees, which is essential to support their integration into their new homes and communities in the United States, a long-overdue increase that has provided additional assistance for many resettled Iraqi refugees who are struggling in the face of the U.S. economic downturn.¹³ The State Department has also expressed commitment to review its practices and the potential for developing more formalized policy relating to emergency and urgent resettlement. The National Security Council and the State Department also began examining some of the impediments that are undermining the effectiveness of the special immigrant visa program that was designed to bring some U.S.-affiliated Iraqis to safety. In addition, the U.S. Citizenship and Immigration Service

(USCIS), part of the Department of Homeland Security, has committed to undertaking a series of reforms to increase transparency as it adjudicates resettlement applications.¹⁴

Persistent Problems: Human Rights First's Primary Findings and Recommendations

Despite the progress made over the last three years, however, Human Rights First's research has documented a number of persistent delays, inefficiencies and other flaws in the processing of U.S. resettlement and special immigrant visa applications. These problems continue to impede the ability of the United States to operate its resettlement efforts in a timely and transparent manner—and undermine efforts of the United States to bring U.S.-affiliated Iraqis to safety without delay.

Human Rights First's findings include:

1. Delays in the processing of U.S. background checks leave Iraqi refugees and U.S.-affiliated Iraqis—including families and children—in difficult and dangerous situations for prolonged periods of time, undermining the commitment of the United States to protect refugees;

- *Slow processing and a substantial backlog undermines effectiveness of priority resettlement and immigrant visa programs for U.S.-affiliated Iraqis.* The cases of more than 26,000 U.S.-affiliated Iraqis who have applied for U.S. resettlement through a priority access program which 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.¹⁵ The current processing time for U.S.-affiliated Iraqis applying for U.S. resettlement through this program ranges from 12 to 21 months.¹⁶ For those applying to a separate special immigrant visa program the processing time ranges from 9 to 17 months, including a six-month delay for security checks, according to

Human Rights First interviews with *pro bono* attorneys.

- *Security clearance processing takes an average of five months for Iraqi refugees, often longer.* The conduct of effective security checks is an essential step in the screening of any individual who enters the United States. The security check process necessarily requires time and attention, including to analyze applicants who may have common names. However, the average time for conducting a security advisory opinion is five months for Iraqi refugees¹⁷—meaning that many Iraqis wait longer than five months for their checks to clear. Human Rights First researchers interviewed a number of refugee families in Jordan, Lebanon and Egypt who had been waiting for nine or ten months—or even longer—after other processing had been completed, for their security processing to be concluded.

- *Delays in background checks slow pace of resettlement and visa processing for Iraqis facing danger.* Both the Government Accountability Office (GAO) and the Ombudsman of U.S. Citizenship and Immigration Services have confirmed that the waiting time for security clearances has led to extended delays in resettlement processing for some Iraqi refugees. The State Department reported to the GAO in 2009 that about 53 percent of the Iraqi refugees who had been approved for resettlement but had not yet left for the United States had not done so because the State Department was awaiting completion of security check processing from the Central Intelligence Agency (CIA), and that insufficient personnel to process clearances at the CIA had become a significant issue for many immigrant and refugee applicants, including Iraqis.¹⁸ For U.S.-affiliated Iraqis, Human Rights First interviews confirmed that security clearance checks remain the longest step in the process, for both special immigrant visa and P2 resettlement applicants. These

checks—which are initiated by the United States government early in the application process—can take up to an additional five months *after* an application has otherwise been approved, according to Human Rights First interviews with *pro bono* lawyers representing U.S.-affiliated Iraqis.

- *Delays leave Iraqi refugees and U.S.-affiliated Iraqis and their families stranded in difficult and dangerous situations; the lack of information provided to refugees on processing times makes it difficult for them to plan their futures.* Iraqi refugee and immigrant visa applicants and their families often wait for decisions on their cases while still living in Iraq or elsewhere in the region, facing the daily threat of violence and/or serious financial challenges because they are not legally authorized to work. For example, 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 due to his father's U.S. affiliation as well as additional threats while waiting for the security check process to be completed; he finally arrived in the United States in November 2010.¹⁹ In Jordan, Human Rights First was informed of an Iraqi refugee who had worked for the U.S. military and contractors for three years, and after waiting over a year for his security clearance to be completed, was now destitute and unable to support his family.²⁰ Delays in security checks also left 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 while they waited for their security clearance to be completed in a third country. In another case, a child fell ill and died while awaiting security processing, and his young siblings and mother were jailed by Turkish authorities because they had overstayed their visas.²¹ The lack of accurate information and misunderstandings relating to the timeframe for a resettlement decision led some refugees interviewed by Human Rights First to withdraw or withhold their children from schools,

sell their belongings and quit their jobs as they mistakenly believed that their departure to the United States was imminent.

2. The special resettlement and immigrant visa programs for U.S.-affiliated Iraqis—created by Congress with broad bi-partisan support to bring to safety Iraqis who worked for the U.S. military, government, or contractors, U.S. media or non-government groups, as well as religious minorities with U.S. family ties—are still hampered by inefficiencies and delays, including excessively long processing times, lengthy delays due to the security clearance process (as discussed above), and for the special immigrant visa program in particular, low application levels.

- *Special programs remain slow and inefficient.* The programs mandated by Congress in the Refugee Crisis in Iraq Act to create escape routes for U.S.-affiliated Iraqis have been operational since 2008, but almost three years later, Human Rights First research indicates that these programs remain slow and inefficient. The programs have brought approximately 12,700 U.S.-affiliated Iraqis to safety in the United States since their inception. While this number represents a welcome improvement since 2009, when Human Rights First issued a report on the programs,²² many more U.S.-affiliated Iraqis—26,000 as noted above—have resettlement applications that are still “in various stages of processing”. Furthermore, Human Rights First has found that the processing time for applications to these programs remains quite long—one to two years, according to our interviews, including a significant wait time for the initial interview. As detailed above, and in Section III of this report, a primary reason for these delays appears to be the delays in the conduct of security processing. These lengthy processing times undermine the ability of the programs to achieve their objectives, as the long delays leave at-risk applicants exposed to further hardship and violence, especially inside Iraq, where high levels of violence persist.
- *Lack of improvement in processing times for, and inefficiencies remain in the Special Immigrant Visa (SIV) program:* Due to the prioritization of Iraqi SIV applications by U.S. Citizenship and Immigration Services (USCIS), the processing time at one stage of the SIV process has decreased to just one to three weeks. However, overall processing times for SIV applications do not appear to have improved significantly since the inception of the SIV program. While the State Department did not provide information on total processing times in response to requests from Human Rights First, according to our interviews with *pro bono* attorneys who represent U.S.-affiliated Iraqis, the SIV process can take 9 to 17 months from start to finish.²³ A number of inefficiencies appear to have contributed to the slow processing times. In particular, the length of time that it takes for applicants to receive “Chief of Mission” (COM) approvals from the U.S. Embassy in Baghdad has increased from six to eight weeks (as reported by Human Rights First in April 2009)²⁴ to three to four months, according to the State Department. Other Human Rights First interviews indicate that it may take as long as six months to one year.²⁵ One reason for this delay relates to the contract staff who conduct document collection for the State Department and sometimes request unnecessary or inappropriate documentation from applicants. For example, Iraqis have been asked to provide copies of the contract between the U.S. government and a major U.S. contractor—a document they would have no reason to possess and can be difficult or impossible to obtain. The State Department is working to address these inefficiencies, but it is too soon to assess the impact of planned changes.
- *Low application levels for SIV program:* The Iraqi SIV program suffers from low application levels, likely because the application process is so lengthy and complex, and often inefficient, as discussed above. Since the inception of the pro-

gram and as of September 2010, the State Department had issued just 2,524 SIVs to Iraqis who worked for the U.S. government, military or contractors (plus an additional 2,523 visas to their spouses and children, who are included in the applications of the principal applicants).²⁶ While this represents a significant increase from March 2009, when Human Rights First reported that only 641 Iraqis had been issued SIVs,²⁷ the total number of SIVs issued to U.S.-affiliated Iraqis—2,524—is still only a small percentage of the 15,000 SIVs available for the first three years of the five-year program.

- *Delays and inefficiencies undermine purpose of programs:* In explaining the need for these programs, the late Senator Edward Kennedy (D-MA) suggested before Congress that “8 to 10 months” was too long to wait for “courageous Iraqis... who have worked with the American military, the staff of our Embassy, or with American organizations to support our mission in Iraq.”²⁸ When the programs were included in the Defense Authorization Conference Report in December 2007, prior to their adoption into law, Senator Sam Brownback (R-KS) said, “So many brave Iraqis have risked their lives and the lives of their family members to support our effort there. We thank them, we applaud them, and we will not leave them in their time of need.”²⁹ As confirmed by the interviews and case examples included in this report, the processing delays and inefficiencies are leaving U.S.-affiliated Iraqis stranded in difficult and dangerous situations—failing the very Iraqis that these programs were meant to support.

3. The United States lacks a formal and transparent procedure for expediting the resettlement of refugees who face imminent danger and require emergency or urgent resettlement to preserve their physical security. The Department of State is working to address this gap.

- *Effective expedited resettlement systems are needed to protect refugees facing imminent risks*

of harm. Human Rights First has learned that the 700 places provided for emergency resettlement globally (by resettlement countries *other than* the United States) are typically filled by the middle of each year.³⁰ At the same time, UNHCR confirmed in a May 2010 paper that “acute risks faced by refugees increasingly oblige UNHCR to resort to emergency resettlement,” leading it to recommend that States strengthen or establish emergency resettlement systems.³¹ Through our research on the resettlement of Iraqi refugees, Human Rights First collected a number of examples of Iraqi refugees whose situations illustrate the broader need for an effective expedited resettlement procedure on behalf of the United States. For example, in Jordan, Human Rights First interviewed an Iraqi refugee family with a three-year-old daughter who was very ill. The child was suffering from severe kidney disease and required medical treatment that was not available in Jordan to save her life. Although UNHCR wanted to refer the family for resettlement, there was a shortage of resettlement places for urgent medical cases, and the case was not referred to the United States due to the unpredictability of U.S. processing times. Human Rights First also learned of several cases of Iraqi women who were in danger in Syria and Jordan because male family members were actively searching for them in order to inflict harm, as well as the case of a gay Iraqi man who had fled to a country within the region only to have his life threatened there because of his sexual orientation.³²

- *Lack of transparent U.S. expedited procedure limits options for refugees who face imminent danger; United States examines potential of developing an expedited resettlement procedure.* While the United States does expedite individual refugee cases,³³ the lack of an actual procedure hinders the ability of refugees in need of expedited resettlement to find safety. Due to the lack of a formal process, local UNHCR offices and non-

governmental organizations that assist refugees have no way of knowing how to refer a refugee for expedited U.S. resettlement or what the criteria are for such an expedited resettlement. The State Department's overseas resettlement processing entities (OPEs) also lack consistent and clear guidance. In a set of recommendations issued in 2009, the Ombudsman for U.S. Citizenship and Immigration Services (USCIS) found a lack of transparency in the procedure for requesting expedited resettlement in emergent cases and recommended that USCIS publicly state the criteria for expediting emergent refugee cases and how to access that expedited process.³⁴ In response, USCIS is working in partnership with the Department of State to develop information on how to request an expedited process for a pending refugee case.³⁵

- *Inability of U.S. government to provide a firm timeline for processing, including security processing, undermines its capacity to create a transparent emergency resettlement procedure.* The capacity of the United States to expedite refugee cases is hampered by the inability of the U.S. resettlement program to provide firm timelines for processing, and in particular for the completion of security processing. The Department of State has informed non-governmental groups that its total estimated expedited processing time ranges from two weeks to five months—a fairly wide range of time.³⁶ While two weeks may assist a refugee who is facing imminent danger, five months is too slow to ensure the protection of a refugee who faces life-threatening risks. As David Martin pointed out in a 2005 report commissioned by the State Department, the Departments of State and Homeland Security “should work together to restore the capacity to act *in a matter of days or weeks* to approve and resettle refugee persons who are in grave and immediate danger and whose cases are referred by UNHCR or a U.S. Embassy..... Such cases will be exceptional and

the volume of such cases can be expected to be quite low, thus making special arrangements feasible.”³⁷ In its July 2010 response to the Ombudsman's recommendation on expedited resettlement, USCIS asserted that both it and the Department of State lacked the ability to ensure that security checks conducted by other government agencies were completed within a certain time frame.³⁸

4. A lack of basic information—essential to ensuring transparency and fairness in resettlement decision-making—undermines the effectiveness and purpose of U.S. resettlement program and its Request for Reconsideration process.

- *Lack of information on denial letters undermine ability to request reconsideration of decisions.* When a refugee is determined to be ineligible for U.S. resettlement, she or he is only provided with general reasons for the denial, a level of information that makes it difficult to impossible for the refugee to submit a meaningful request for review. While USCIS revised its denial letters (known as “Notices of Ineligibility”) in 2009, the revisions still leave refugees with only general explanations for their denials. Indeed the USCIS Ombudsman's Office has recommended that USCIS “articulate ... clear and *case-specific* information regarding the grounds for denial.”³⁹ Human Rights First has reviewed numerous denial letters that provide inadequate information. For example, one Iraqi woman who fled after her family had been threatened due to her husband's work on a U.S. military base and after she herself had been seriously injured was told only that her resettlement request was denied because of a “lack of credibility.”⁴⁰ Another Iraqi, who had worked for U.S. contractors in Iraq for years and been threatened with harm repeatedly by militia groups, was told only that his application for U.S. resettlement was denied “for other reasons.”⁴¹ When Human Rights First researchers asked him if he was going to submit a Request for Reconsideration, he pondered, “What

would I put in my appeal, even if I were to file it?"⁴²

- *Lack of information hampers representation by legal counsel.* While the availability of legal counsel to assist refugees with resettlement is extremely scarce, there are a few *pro bono* attorneys who help U.S.-affiliated Iraqis, as well as a small number of non-profit projects that provide legal counsel refugees around the world who are pursuing resettlement. But since the United States does not permit legal counsel from attending resettlement interviews, and provides insufficient information about the reasons for denials, even these few legal representatives are often left without the information they need to submit effective Requests for Reconsideration. Instead, these attorneys—and their refugee clients—are left to speculate about the potential basis for the decision.
- *Critical information written only in English.* Many refugees moreover do not know that they can request a review and do not understand the limited information that is provided to them as it is written only in English. While USCIS has agreed to develop standardized information explaining how refugees can request a review,⁴³ this information will need to be translated into the languages that refugees understand in order to be effective. The denial letter itself—which informs refugees that they can request a review—is written only in English.

To address the problems identified in this report, Human Rights First has outlined a comprehensive set of recommended reforms—for the U.S. government, UNHCR, refugee-hosting governments and the Iraqi government. These recommendations follow this summary, and additional recommendations on the post-arrival needs of Iraqi refugees in the United States are included in Appendix II to this report.

Our primary recommendations to the U.S. government include:

Ensure timely and effective processing of refugee resettlement and visa applications for Iraqis, including U.S.-affiliated Iraqis and other refugees—specifically:

- **Reduce unnecessary delays in the security clearance process.** The **National Security Council** should, together with the Departments of State, Justice, 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. Focal points should also be established within each agency to ensure that each case moves through the clearance process in a timely manner, and the necessary staffing and prioritization should be provided. These improvements will serve to enhance the effectiveness of the security clearance process more broadly;
- **Develop and implement an emergency resettlement procedure for refugees facing imminent danger.** 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;
- **Remove other impediments which continue to delay the applications of U.S.-affiliated Iraqis.** The **Department of State**, working with other agencies, should—in addition to addressing delays in security processing—continue to take other steps to eliminate P2 and SIV case backlogs and address inefficiencies in the current SIV visa processing procedures, such as eliminating redundant or unnecessary requests for documentation at the “Chief of Mission” approval stage, establishing focal points who are authorized to track—and

intervene on—SIV applications as they move throughout this complex inter-agency process, and establishing a formal review process of denials of COM approvals as well as the visa themselves; and

- **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, ensuring that the Notice is written in a language a refugee can understand, and move ahead with its commitment to provide information on the process for requesting review—which should also be provided in the appropriate languages.

The findings and recommendations contained in this report are based on interviews with Iraqi refugees; interviews and meetings with officials of various governments, including the U.S. government; interviews

and correspondence with staff of UNHCR and civil society organizations; and interviews and correspondence with *pro bono* attorneys who represent U.S.-affiliated Iraqis. Human Rights First also requested information from the U.S. government and from UNHCR. Human Rights First researchers conducted approximately fifty interviews with Iraqi refugees and other research between April and November 2010 in Jordan, Lebanon, Egypt and the United States. The Syrian government did not grant visas to Human Rights First researchers, so we were unable to interview Iraqi refugees and others in Syria. We did, however, interview Iraqis who currently live in the United States who had initially sought refuge in Syria.

Through addressing the inefficiencies and other problems in Iraqi resettlement processing, the United States would improve the effectiveness of its resettlement program for all refugees—and would strengthen its leadership role as a model for global resettlement programming more broadly. Moreover, resettlement can help to maintain and expand protection within refugee-hosting states by demonstrating a commitment to share in the responsibility for addressing the plight of men, women and children who have been forced to flee their home in search of safe refuge.

Endnotes

- ¹ On October 31, 2010, gunmen seized the Our Lady of Salvation Church in Baghdad during a Sunday mass, taking over a hundred hostages. When Iraqi security forces attempted to free the hostages, approximately 50 individuals were killed, including priests, infants and police. See “Iraq church raid ends with 52 dead,” Reuters.com, November 1, 2010, available at <http://www.reuters.com/article/idUSTRE69U1YE20101101> (accessed December 10, 2010).
- ² Jack Healy, *New York Times*, “Coordinated Bombings Strike Across Baghdad,” *New York Times*, November 2, 2010, available at <http://www.nytimes.com/2010/11/03/world/middleeast/03iraq.html?ref=iraq> (accessed December 9, 2010).
- ³ UNHCR, Statistical Report on UNHCR Registered Iraqis, October 31, 2010, available at <http://www.iauiraq.org/documents/1148/Monthly%20Statistical%20Report%20on%20UNHCR%20Registered%20Iraqis%2031%20Oct%202010.pdf> (accessed December 10, 2010).
- ⁴ Ibid.
- ⁵ UNHCR, “Iraqi refugees regret returning to Iraq, amid insecurity,” October 19, 2010, available at <http://www.reliefweb.int/rw/rwb.nsf/db900sid/MDCS-8A2DWJ?OpenDocument&rc=3&cc=irq>.
- ⁶ Ambassador Crocker raised these points in a classified cable—which was provided to the Washington Post in September 2007, see Spencer Hsu and Robin Wright, “Crocker Blasts Refugee Process,” *Washington Post*, September 17, 2007, available at <http://www.washingtonpost.com/wp-dyn/content/article/2007/09/16/AR2007091601601698.html> (accessed December 10, 2010).
- ⁷ In its 2010 Annual Report, the U.S. Commission on International Religious Freedom found that “systematic, ongoing and egregious religious freedom violations continue in Iraq. Members of the country’s smallest religious minorities still suffer from targeted violence, threats, and intimidation, against which they receive insufficient government protection,” see U.S. Commission on International Religious Freedom, Annual Report, May 2010, available at <http://www.uscirf.gov/images/ar2010/iraq2010.pdf> (accessed December 10, 2010).
- ⁸ Anthony Shadid, “Church Attack Seen as Strike at Iraq’s Core,” *New York Times*, November 1, 2010, available at <http://www.nytimes.com/2010/11/02/world/middleeast/02iraq.html>.
- ⁹ James A. Baker III and Lee H. Hamilton, *The Iraq Study Group Report* (New York: First Vintage Books, 2006), p. 87. Available at http://cspan.org/pdf/iraq_study_group_report.pdf (accessed December 10, 2010).
- ¹⁰ See remarks by Senator Gordon Smith (R-OR) before the U.S. Commission on International Religious Freedom hearing entitled “Sectarian Violence in Iraq and the Refugee Crisis,” September 19, 2007, available at <http://www.uscirf.gov/component/content/article/160-iraq-press-releases/2158-hearing-on-sectarian-violence-in-iraq-and-the-refugee-crisis-remarks-by-senator-gordon-smith-r-or.html> (accessed December 14, 2010).
- ¹¹ Press release, “Levin Applauds Inclusion of Iraqi Refugee Legislation in Defense Bill Conference Report,” December 7, 2007, available at <http://levin.senate.gov/newsroom/release.cfm?id=288555> (accessed December 14, 2010).
- ¹² See “Remarks of President Barack Obama -Responsibly Ending the War in Iraq,” Camp Lejeune, North Carolina, February 27, 2009. Available at: http://www.whitehouse.gov/the_press_office/Remarks-of-President-Barack-Obama-Responsibly-Ending-the-War-in-Iraq/ (accessed December 2, 2010)
- ¹³ Bureau of Population, Refugees and Migration, U.S. Department of State, “Doing Right by Newly Arrived Refugees,” *news release*, January 22, 2010, available at <http://www.state.gov/g/prm/rls/news/136429.htm> (accessed December 5, 2010).
- ¹⁴ In its formal response to recommendations on refugee applications from the Ombudsman of the U.S. Citizenship and Immigration Services, USCIS committed to undertaking a series of reforms which are outlined in Section IV and V of this report. For the formal USCIS response, see “USCIS Memorandum, “Response to Recommendation 44, Emergent or Denied Refugee Applications: Expediting Cases, Articulating Reasons for Denial, and Issuing Guidance for Requests for Reconsideration,” July 2010, available at <http://www.uscis.gov/USCIS/Resources/Ombudsman%20Liaison/Responses%20to%20Formal%20Recommendations/cisomb-2010-response44.pdf> (accessed December 2, 2010), p. 2.
- ¹⁵ Email correspondence with State Department official, September 10, 2010. On that date, there were 411 Iraqis in Egypt and 966 Iraqis in Jordan moving through the P2 process. In Iraq, the number was approximately 25,000.

- ¹⁶ Human Rights First interviews with *pro bono* attorneys representing U.S.-affiliated Iraqis, July 2010.
- ¹⁷ Human Rights First email correspondence with State Department official, August 3, 2010. Endnote 117 below further elaborates the content of the email correspondence.
- ¹⁸ U.S. Government Accountability Office, "Iraqi Refugee Assistance: Improvements Needed in Measuring Progress, Assessing Needs, Tracking Funds, and Developing an International Strategic Plan," April 2009, available at <http://www.gao.gov/new.items/d09120.pdf> (accessed December 2, 2010) p. 33.
- ¹⁹ This case is detailed in Section II, p. 22, of this report
- ²⁰ *Ibid.*
- ²¹ These cases are detailed in Section II, p. 23, of this report.
- ²² Human Rights First, *Promises to the Persecuted: The Iraqi Refugee Crisis in Iraq Act of 2008* (New York: Human Rights First, 2009), available at <http://www.humanrightsfirst.org/wp-content/uploads/pdf/090428-RP-iraqi-progress.pdf> (accessed December 5, 2010).
- ²³ Human Rights First telephone interviews with *pro bono* attorneys, July 2010.
- ²⁴ In April 2009, this stage took just six to eight weeks. See Saurabh Sanghvi, "Abandoned in Baghdad," *New York Times*, August 30, 2010, available at <http://www.nytimes.com/2010/08/31/opinion/31sanghvi.html> (accessed December 10, 2010) for further discussion of problems with COM approval process.
- ²⁵ Human Rights First telephone interviews with *pro bono* attorneys, July 2010
- ²⁶ See State Department Fact Sheet data as of September 30, 2010, available at <http://www.travel.state.gov/pdf/SQNumbers0910.pdf> (accessed December 2, 2010)
- ²⁷ Human Rights First, "*Promises to the Persecuted*," p. 11.
- ²⁸ Edward M. Kennedy (D-MA). *Congressional Record*, p. S15613 (December 14, 2007).
- ²⁹ Press release, "Kennedy, Smith, Levin, Brownback on the Iraqi Refugee Provisions in the Defense Authorization Conference Report," December 7, 2007., available at http://www.allamericanpatriots.com/48738702_kennedy-smith-levin-brownback-iraqi-refugee-provisions-defense-authorization-conference-rep (accessed December 3, 2010).
- ³⁰ Emergency resettlement and emergency resettlement places are elaborated and discussed in detail on pages 35-37 of this report.
- ³¹ UNHCR, "Information Note and Recommendations from UNHCR: Emergency Resettlement and the Use of Temporary , Evacuation Transit Facilities" May 19, 2010, available at <http://www.unhcr.org/refworld/docid/4bf3adfb2.html> (accessed December 13, 2010), p. 9.
- ³² These cases are described in detail section IV, pg. 36 of this report.
- ³³ The U.S. Department of State has described its approach to expedited resettlement in a recent U.S. report to Congress; see Department of State, U.S. Department of Homeland Security, U.S. Department of Health and Human Services, "*Proposed Refugee Admissions for Fiscal Year 2011, Report to the Congress*," available at <http://www.state.gov/documents/organization/148671.pdf> (accessed December 2, 2010).
- ³⁴ USCIS Ombudsman, "Recommendation Regarding the Adjudication of Applications for Refugee Status," April 2010, available at http://www.dhs.gov/xlibrary/assets/cisomb_recommendation_43_adjudication_refugee_status.pdf (accessed December 10, 2010), p. 2.
- ³⁵ USCIS Memorandum, "Response to Recommendation 44, Emergent or Denied Refugee Applications: Expediting Cases, Articulating Reasons for Denial, and Issuing Guidance for Requests for Reconsideration," July 2010, available at <http://www.uscis.gov/USCIS/Resources/Ombudsman%20Liaison/Responses%20to%20Formal%20Recommendations/cisomb-2010-response44.pdf>, (accessed December 2, 2010), p. 2.
- ³⁶ "Estimated Time Frames For Expedited Cases," distributed by Department of State representatives to civil society groups on July 12, 2010.
- ³⁷ David Martin, *The United States Refugee Admissions Program: Reforms for a New Era of Refugee Resettlement* (Washington, D.C.: Migration Policy Institute, 2005) p. 55.
- ³⁸ USCIS Memorandum, "Response to Recommendation 44," p. 2.
- ³⁹ USCIS Ombudsman, "Recommendations Regarding... Refugee Status," p. 2.
- ⁴⁰ This case is detailed in Section V, p. 47 of this report. In addition, and as detailed in Section V of this report, USCIS has issued a revised notice of ineligibility for resettlement, which provides additional information to denied applicants, but this additional information is still only provided in general terms.

⁴¹ This case is detailed in Section V, p. 47-48 of this report.

⁴² Ibid.

⁴³ USCIS Memorandum, "Response to Recommendation 44," p. 5.



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