

## The legal status of Iraqi refugees in neighbouring countries

Mohammad Abbas Mohsen

**There is little protection and assistance available for Iraqi refugees in neighbouring countries, especially as these countries are predominantly non-signatories to the 1951 Refugee Convention. It is consequently hard for refugees to support themselves – and to keep safe.**

UNHCR (the UN Refugee Agency) estimates that approximately 4.5 million Iraqis – one sixth of Iraq's population – have been displaced. Nearly four million are internally displaced, and most of the rest are living in countries in the region, such as Lebanon, Jordan, Turkey, Iran, Syria and Egypt. However, Iraqis entering and residing in these countries without official documentation are considered illegal and therefore benefit from only limited legal protection.

Although Turkey has signed the 1951 Refugee Convention, it does not grant refugee status to people who are coming from countries other than European countries. As such, Iraqis are only allowed to stay in Turkey for a limited period until they get asylum in a third country. Lebanon and Jordan are also not signatories to the Refugee Convention. Iran acceded to the Convention but expressed reservation on four articles, including article 26 which allows freedom of movement for refugees. Egypt is a signatory but refuses to allow refugees to work (although without officially stating so) and also restricts their access to services provided by the state; in addition, entry to Egypt has become very difficult because refugees are required to first have a face-to-face meeting at an Egyptian embassy which is only possible in Amman or Damascus. The difficulty of getting entry visas results in Iraqi families being separated; additionally, it reduces the opportunities for making journeys back to Iraq to realise assets to support life in exile.

The legal protection granted to Iraqi refugees and asylum seekers in neighbouring countries is restricted to the legal principle of preventing of *refoulement*, according to which host countries must, as a minimum, adopt measures to protect refugees on

their territory from expulsion back to their original country when the conditions that caused them to flee are still in place.

Although the governments of these countries allow UNHCR or the International Organization for Migration (IOM) to register the refugees, the protection granted by such registration is limited. It may enable access to services but this does not give the refugees the right to seek asylum or to obtain legal residency or refugee status. This legal situation affects many aspects of displaced Iraqis' lives. They are unable, for example, to access basic services and employment, nor do they have access to registration of births, deaths and marriages.

Iraqis in this situation continually fear arrest, detention or deportation to Iraq. Men are usually more at risk of being arrested and therefore need to stay out of the authorities' sight; as a consequence, women have to take the lead in accessing assistance. This increases the risk of sexual harassment and exploitation while out in the streets and at assistance centres but because of their illegal status in the country they very rarely approach police or concerned authorities if they suffer harassment. Even people who have some legal status send their children out to work instead of themselves because of the fear of arrest; as a result, children are being deprived of schooling and are more likely to be victims of abuse and exploitation.

With little likelihood of a decrease in the number of Iraqi refugees in the neighbouring countries, the most urgent need is to resolve the problems associated with legality of refugee status.

Dr Mohammed Abbas Mohsen  
dr.mam1980@yahoo.com

Assistant Professor of Law, Baghdad, Iraq