

# Iraqis denied right to asylum

by Bill Frelick

**Now that the international community is belatedly paying attention to the existence of an estimated two million Iraqi refugees, Iraq's neighbours are closing off escape routes while the US and UK provide no meaningful support to refugees or the countries hosting them. Millions of IDPs and other war-affected and persecuted Iraqis are trapped and denied the fundamental right to seek asylum.**

Iraq's neighbours are refusing entry and imposing onerous new passport and visa requirements for Iraqi nationals. Saudi Arabia is building a \$7 billion high-tech barrier on its border to keep Iraqis out. Kuwait is equally categorical in its rejection of Iraqis. The Egyptian authorities began imposing highly restrictive new procedures for Iraqis seeking entry. There is a discernible hardening of response among all the neighbouring countries, except Syria. In some cases governments have taken restrictive measures based on criteria that amount to particularly odious religious discrimination, and both seriously undermine the right to asylum and violate fundamental principles of refugee protection. Policies of neighbouring states are causing separation of families, deepening the anxiety of refugees and

heightening the desperation of those still in Iraq trying to find a way out.

## Jordan left in lurch

Sandwiched as it is between the Israel-Palestinian conflict and the Iraq war, Jordan is bursting with refugees, and now hosts the largest number of refugees, per capita, of any country on earth. The Jordanian authorities regard the Iraqis as 'guests', 'temporary visitors' or 'illegal aliens'. For the first three years of the war, Jordan remained generally tolerant of the large numbers of Iraqis crossing its border and staying in its territory, preferring to benignly ignore the population, essentially looking the other way and letting the Iraqis fend for themselves. Jordan's history and tradition as one of the world's most remarkably generous

hosts of refugees changed after November 2005, however, when three Iraqis set off bombs which killed 60 people in three hotels in Amman.

The Jordanian authorities are now preventing the entry of single Iraqi men between the ages of 17 and 35. They have severely tightened temporary residency permits, almost ensuring that the vast majority of Iraqis will become 'illegal aliens' and subject to deportation to Iraq. There are recurrent reports that the authorities are turning Iraqis away at ports of entry for failure to produce the new 'G series' passports, a more tamper-resistant document than previously issued but which Iraqis can only obtain from the Ministry of Interior in Baghdad by paying large sums of money, putting up with long waits and enduring political and religious scrutiny by the issuing authorities. In other cases, border guards ask Iraqis about their religious identity and reject those who are or appear to be Shi'a. In some cases, Iraqis who had legal residence in Jordan and valid travel documents but who returned to Iraq have been subsequently prevented from reentering Jordan, resulting in separation from their families.

*A refugee family in Ruweished refugee camp in neutral territory between Iraq and Jordan.*



Jordan has no refugee law to fall back on. It is not a signatory to the 1951 Refugee Convention and has no asylum procedures. It insists on its prerogative to tell its 'guests' when they are no longer welcome and must leave. Jordan has deferred the job of determining who is a refugee to UNHCR. In March, UNHCR decided that as there are now so many Iraqi asylum seekers – and overwhelming evidence of high levels of threat and danger in south and central Iraq – individualised refugee status determinations are not just unnecessary but an obstacle to providing protection. It started issuing refugee cards to all Iraqi asylum seekers appearing at its Amman office.

Jordan has rejected this exercise of UNHCR's mandate but without exercising its own responsibility in UNHCR's place. It still refuses to call a refugee a refugee. It rejects asylum seekers at the border, and is now poised to deport even more Iraqis back to face risk to life in Iraq's maelstrom of hatred and violence, including those who have been issued UNHCR refugee documents.

Jordan needs international support to care for refugees on its territory. The support should be quick and generous. But it cannot be unconditional. If Jordan wants the international community to help it assist the refugees, it must play by the rules when it comes to protecting them. Allowing UNHCR to perform its functions and abiding by the principle of *non-refoulement* is fundamental to sharing responsibility for refugee assistance and protection.

### USA and UK's special responsibility

The countries that are bearing the brunt of the Iraqi refugee crisis are not the ones responsible for creating it. The US and the UK undertook a war which has directly caused thousands of deaths, widespread fear and suffering, and forced displacement, and which precipitated a sectarian conflict that has caused additional violence, persecution and massive displacement. As such, these two countries have a particular responsibility both to refugees and those still seeking refuge.

President Bush has yet to so much as acknowledge the refugees' plight, let alone direct the US government to bring the displaced to safety or even to provide adequate humanitarian aid. In the past the US has often aided those persecuted for supporting it – refugees from the Hungarian Revolt, the Bay of Pigs; since the Vietnam War, a million Vietnamese refugees have been resettled in the US, including tens of thousands of South Vietnamese army veterans. But the Bush administration has been very slow to respond to Iraqi friends whose lives are now in danger. Many of the displaced are the very individuals on whom the administration was relying to build a pro-Western democracy in Iraq. By not acknowledging them, to stave off admitting failure, the Bush Administration shuns accountability for its own actions.

In 2005 the US allowed only 202 Iraqi refugees to enter the country. Under increasing pressure to respond to the refugee crisis and to rescue refugees persecuted for their support of the American initiative, the State Department announced in January 2007 its willingness to resettle up to 7,000 Iraqi refugees this year. As of this writing, fiscal year 2007 is half over and fewer than 100 Iraqi refugees have been admitted to the US, a rate of admission even lower than 2005. Even if the US were to succeed in resettling 7,000 Iraqis in 2007, it would be but a drop in the ocean of two million Iraqi refugees and another two million displaced within Iraq. As minimal as the US response has been, the UK has not even made the rhetorical commitment to admit Iraqis who are under threat for having worked for British forces in Iraq, much less provided meaningful support to meet the humanitarian needs of refugees in the region. The US and the UK are conspicuously failing to provide minimally adequate burden sharing to encourage Jordan and Syria to keep their doors open.

### International and regional responsibilities

Jordan and Syria demonstrated tolerance toward Iraqi refugees for the first few years of the war, particularly by allowing asylum seekers to enter and remain. Both

countries have limited resources and competing social needs both from their own citizens and from the hundreds of thousands of Palestinian refugees whom they host. Both have legitimate security concerns and understandable interests and sovereign rights in the management of immigration. Their valid security concerns can be addressed, in part, by registering asylum seekers and providing them legal status, as well as by providing them the means to live in safety and dignity.

As in any refugee crisis, the wider international community has a collective responsibility to share the burden which should not fall simply on those countries that happen to be at the receiving end of a mass refugee exodus. The preamble to the 1951 Refugee Convention notes that "the grant of asylum may place unduly heavy burdens on certain countries" and that refugee solutions "cannot therefore be achieved without international cooperation." The international community must uphold the right, enshrined in the Universal Declaration of Human Rights, of all people to seek asylum in other countries by insisting on the right of Iraqis still clamouring to get out of Iraq to reach safety in neighbouring countries.

My organisation, Human Rights Watch, has called on neighbouring states to:

- scrupulously observe the fundamental principle of *non-refoulement* – including non-rejection at the border and ports of entry
- admit at least temporarily all Iraqi asylum seekers, Palestinian refugees and Iranian Kurdish refugees residing in Iraq who are seeking asylum
- cooperate with UNHCR in the registration of Iraqi asylum seekers and refugees
- provide renewable residency permits and work authorisation for Iraqis registered by UNHCR
- ensure the right of all children, regardless of residency status, to free and compulsory primary education, as guaranteed



UNHCR/J Wreford

A refugee woman with her belongings on a Damascus street.

in the UN Convention on the Rights of the Child

- ensure compliance with the principle of family unity by allowing and facilitating the exit of family members from Iraq and their entry to countries of asylum where their relatives are located.

Jordan, Kuwait, Saudi Arabia and Syria should accede to the 1951 Refugee Convention and its 1967 Protocol, and Turkey should drop its geographical limitation to the Convention and Protocol. In consultation with UNHCR, all countries in the region should establish domestic refugee laws and build infrastructures for processing asylum claims and providing protection for refugees.

The US and the UK should:

- acknowledge responsibilities for Iraqi refugees and IDPs by contributing quickly and generously – both bilaterally and through UNHCR – to meet the humanitarian and protection needs of Iraqi and Palestinian refugees from Iraq in Jordan, Syria and other countries of first asylum, as well as IDPs inside Iraq
- provide substantial financial support for schools, shelter, health care and other social needs in Jordan and Syria
- institute significant refugee resettlement programmes: doing so would acknowledge the needs of refugees of special humanitarian concern because of their ties to the US or the UK and show by example the need to preserve asylum and the right to seek asylum in neighbouring countries
- urgently facilitate the evacuation of Palestinian refugees seeking to leave Iraq
- encourage Israel to allow Palestinian refugees from Iraq to return to areas now administered by the Palestinian National Authority
- urge the governments of neighbouring states to keep their borders open and not to deport Iraqi asylum seekers and refugees and Palestinian refugees from Iraq fleeing persecution and violence.

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