There are no official statistics but there may be more than 40,000 Iraqi refugees in Lebanon. Lebanon already hosts some 400,000 Palestinians for whom no durable solution is in sight. In the absence of a policy response, is there a danger of the Iraqi refugees becoming ‘Palestinised’ – left in limbo in the Levant?

Prima facie refugee status

During the UNHCR Pre-Excom NGOs Consultation Meeting in October 2006, Frontiers Ruwad Association participated in the drafting of an NGO Statement which expressed concern for the indefinite use of temporary protection and called for the recognition of Iraqi refugees on a prima facie basis in order to end the state of limbo and ensure an effective protection for Iraqi refugees in the Middle East. In December 2006, UNHCR issued an advisory return for Iraqis in which it recommended that states and UNHCR should declare Iraqis as refugees on a prima facie basis except for those who were residing in Iraqi Kurdistan and those who fall under the exclusions clauses of the 1951 Convention.

Few Iraqis can hope to be resettled.

The implementation of the temporary protection regime for Iraqis was based on the belief that the US-led invasion would overthrow Saddam Hussein’s regime and speedily restore stability and democracy to Iraq. As a result, Iraqis were left in a state of limbo and legal uncertainty: neither refugees nor non-refugees, faced with voluntary repatriation as the only possible durable solution and denied the chance of settlement in the country of asylum or in a third country.

Temporary protection as conceived by UNHCR is not limited in time, in contrast to the European Union which sets a three-year limit for the implementation of this procedure. The absence of a time-frame increases the uncertainty of this temporary status and risks politicisation of the protection of massively displaced persons. As a result, the temporary protection regime of Iraqi refugees that was initially planned for a period of three months was maintained until the end of 2006.
and in Damascus and Amman – were flooded with refugees asking to receive the refugee certificate which they believed would protect them from arrest in Lebanon and would be their ticket to travel to another country as part of resettlement programmes – the only durable solution for refugees in Lebanon. Around 1,800 Iraqis registered with UNHCR between January and May 2007, 50% more than for the whole of 2006. UNHCR’s target by December 2007 is to assist and/or register around 10,000 Iraqis.

Disillusionment

The Iraqis’ illusions were soon dashed as it became clear that third-country resettlement would not be available. Few Iraqis can hope to be resettled. The US has announced plans to resettle only 7,000 of the approximately two million Iraqi refugees in the region and the European Union has declared opposition to resettlement of refugees in the EU – but has agreed to donate up to 11 million Euros for humanitarian aid in the region.

Disillusionment set in after Iraqis realised that their prima facie refugee status has not changed government policies regarding their presence in the country. The temporary protection regime and the recognition on prima facie basis were not formally acknowledged by the Lebanese authorities although Lebanon is a member of the UNHCR Executive Committee and is supposed to be bound by its conclusions. As they were under the Saddam regime, Iraqi refugees continue to be treated as illegal migrants by the Lebanese authorities, at constant risk of imprisonment and deportation.

The Lebanese government has often ignored UNHCR protection guidelines regarding Iraqi refugees and injunctions again non-refoulement and non-refaturation. Before 2003, hundreds of Iraqi asylum seekers and at time even recognised refugees were deported back to Iraq. After 2003, voluntary repatriation convoys were organised with the assistance of the International Organization for Migration (IOM).

Most of these returnees were arbitrarily detained for months after the expiry of their sentence. Prolonged arbitrary detention continues to be an effective coercive policy to force the Iraqi detainees to agree to repatriation. Most Iraqi detainees faced with the choice of remaining indefinitely in Lebanese prisons or returning to Iraq chose to return to Iraq with the intention of re-entering Lebanon illegally.

Returns to Iraq from the Lebanese detention centres are financed and coordinated by the Iraqi Embassy in Lebanon and IOM. UNHCR’s role is limited to ensuring the repatriations are ‘voluntary’. An interview with the Iraqi Ambassador to Lebanon in February leads us to estimate that around 40 to 60 persons are returned to Iraq each week.

Neglect of vulnerable Iraqi refugees

The illegal status of the Iraqi refugees denies them any form of protection. As they have no adequate assistance, they are forced to work illegally and can readily be exploited – forced to work long hours, denied social security and if their wages are not paid have no recourse to law out of fear of being arrested for lack of papers. Access to education and health care are extremely limited. Many Iraqi teenagers are forced to abandon their studies in order to work illegally in harsh conditions to provide for their families.

There are a few NGOs trying to cover the basic health needs of the most vulnerable Iraqis but their ability to assist is limited: “My wife had complications when she gave birth to our son but we were sent to a hospital that didn’t have an intensive care unit. I had to take her to another hospital but I didn’t have enough money to pay for it and there were no ambulances to transport her and the baby and give them oxygen. I had to go to a friend and borrow money and then transport my wife in a taxi. By the time I reached the second hospital, my new-born son had died in the taxi”, explained Hani.

Another Iraqi woman who could not afford to deliver her child in Lebanon was smuggled to Syria where access to health care is cheaper. On her way back to Lebanon, she was arrested and detained by the Lebanese authorities along with her new-born child and an older child.

Single men are greatly neglected. As one told us: “I have not seen a doctor for the last seven years. I cannot afford to pay for a consultation. When I go to the different UNHCR implementing partners for medical assistance, they send me back and forth between them explaining either that I am not an emergency case or that I do not fall under their programme. At the end, I still have not got a medical examination.”

Conclusion

No protection regime – whether it is individual status determination, temporary protection or prima facie recognition – can be effective when it is solely implemented by UNHCR without the involvement of the Lebanese authorities and in the absence of any national legal framework for refugee protection which would guarantee the right of every individual to seek asylum and to be protected against forced expulsion to a country where his life would be threatened.

The magnitude of the Iraqi refugee influx in the region raises fears of ‘Palestinisation’ of their plight for the international community is focusing almost solely on humanitarian assistance, rather than the search for durable solutions. Lebanon – like other Arab states – is understandably reluctant to improve the legal status and living conditions of Iraqi refugees for fear they will once again have to carry a hosting burden which will carry on for decade after decade.

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2. www.unhcr.org/home/RS6ILLEGAL/4588aad484.pdf