

# Cross-border mobility of Iraqi refugees

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**Far more attention needs to be paid to the circulation of Iraqi refugees across the borders between Iraq and Syria or Jordan. Lack of analysis of this cross-border mobility will be to the detriment of policy planning and the search for durable solutions.**

High mobility of refugees out of camps – to look for economic opportunities in urban areas – has often been seen by organisations as a challenge to maintaining accurate data about populations and the delivery of services. However, mobility has also been shown to reduce dependency on assistance especially when regulations in host countries allow refugees to be mobile between different areas and when they can access the labour market, formally or informally.

Another important dimension remains more challenging to take into account. ‘Cross-border’ mobility is not the one-time crossing of a border from the home country to escape persecution or conflict but the possibility of circulating between country of refuge and country of origin. The difficulty of conceptualising this type of mobility as potentially essential to refugees’ security, livelihoods and future stems from the legal ruling that refugees cease to be refugees if they return to their home country, except for short exceptional visits motivated by, for example, family circumstances. However, as has become apparent in a vast number of protracted conflict situations, levels of human insecurity in a conflict-affected country are rarely constant over time and over geographical areas. The result is that some areas of a country in conflict might be temporarily safe enough for refugees in nearby countries to attempt regular visits or re-engage in economic or social activities while maintaining residence in a host country. By circulating across borders, refugees may aim to pursue or diversify livelihoods, to maintain family and other social ties, to check on properties or even to evaluate the possibility of return.

## Case study: Iraqi refugees

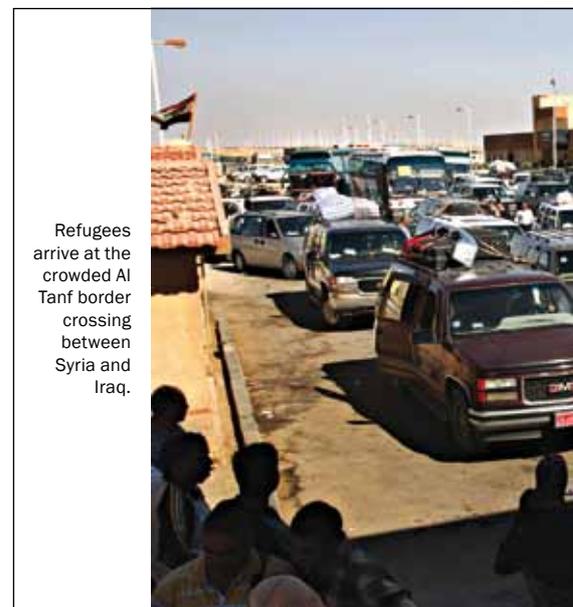
The vast majority of Iraqi refugees currently in Jordan and Syria have settled in cities, both because they come from urban areas and because this is where they can access social networks, housing and services. Although it is the middle class with, on the whole, a high level of education and expectations in terms of services, livelihoods and futures that has left Iraq, there are sharp economic discrepancies between various categories of middle-class Iraqi refugees, and these impact directly on their access to security, livelihoods and mobility in their host countries. In both countries, those who lack social connections and are denied residence have pressing needs particularly in terms of livelihoods. This is because, as their displacement has continued, the difficulty of obtaining regular and sufficient income in the host country has impoverished many. Many of them survive on remittances sent from Iraq or distant countries of asylum or emigration.

Neither Syria nor Jordan is signatory to the 1951 Refugee Convention and its Protocols, nor do they have a domestic asylum regime. Iraqis are considered as migrants who can access residence rights either as holders of capital (by investing or buying properties) or by securing an employment contract. But a large number of refugees have not been able to claim residency through these channels because the level of investment required is high, and because formal work markets are limited. Provided that they have entered the country legally, these refugees are not viewed as illegal migrants but as ‘temporary guests’ with no legal residence rights, nor the right to work. This regime of toleration (not unlike the situation

of undocumented migrants in a number of liberal countries in the West) provides access to a number of basic health and educational services and offers a relative degree of safety. Only in serious security cases have Syria and Jordan been reported to expel Iraqis back to Iraq. Although this de facto discretionary toleration is not legally binding, inter-Arab politics make it extremely unlikely that it would be revoked unilaterally.

UNHCR undertakes registration and status determination but as Jordan and Syria do not allow local integration, those recognised as refugees are referred for resettlement to third countries, mostly the US. There are currently 230,000 Iraqis registered with UNHCR in Syria and 47,000 in Jordan. The overall number of Iraqis who have sought security in these countries is higher but numbers are difficult to ascertain, in large part due to the mixed nature of Iraqi migration and to the constant circulation of many refugees between Iraq and Syria or Jordan, despite regulations put in place by states to control the cross-border movements of people.

The absence of a clear status does not impede refugee mobility



Refugees arrive at the crowded Al Tanf border crossing between Syria and Iraq.

inside the host country. Assistance providers have noted, particularly in the case of Syria, a very high level of residential mobility among Iraqis, mainly moving from rural to urban areas but also from the city of Damascus to smaller towns on the periphery of the capital and, in large towns, between neighbourhoods. Those who move inside Syria have three main motivations: access to employment and services, cheaper rents for accommodation, and living among relatives, friends or members of the same religious community.

Several surveys show that – in 2009 in particular – a considerable number of Iraqis who had taken refuge in Syria have returned to Iraq on visits to check on relatives or properties. Another phenomenon is of breadwinners leaving their dependants in Syria and commuting to Iraq where they work or trade. Despite officially requiring a visa for Iraqis, Syria in fact grants most of them entry and re-entry on payment of a US\$50 fee. For those in Jordan, only the 25,000 who have right of residence or those who have the financial or institutional guarantees to back their visa application – the criteria for which are highly selective – are allowed to cross back and forth across the border with Iraq. The result is that those with most difficulty in sustaining their livelihood, most unable to reunite with scattered family members and less able to prepare for return, are those refugees in Jordan without residency rights.

Cross-border mobility is important for many Iraqi refugees for several reasons:

- to reunite with family members scattered between Iraq and host countries (with a large number of female-headed households and also children and the elderly on their own)
- to combine personal or family security in a safe host country with access to resources in areas of Iraq where stability has been restored. Breadwinners are ready to take some degree of risk or find accommodation close to their workplace but access to schools, universities, markets and health services may still be too risky for other household members.
- to prepare for return. The process of return entails several steps, including preliminary return visits that may involve only some members of a household, while others stay in Jordan or Syria or settle elsewhere.

Conversely, impeding cross-border mobility creates more split households, limited or no access to assets and resources, and feelings of uncertainty about the future. As a result, many who would rather stay in a country close to Iraq turn to UNHCR not in search of protection but of possible resettlement to third countries.

In a context where there is very little prospect for large-scale integration in Arab countries through either an asylum or labour migration regime, where Iraq is far from stable in terms of security and economic opportunities, and where human security is unevenly distributed within Iraq, there is a dire need to explore creative solutions for the future of those displaced inside and outside Iraq. Durable regional solutions need to take into account the plight of a large number of Iraqis not only as refugees but also as undocumented migrants. An additional dimension to be addressed is the high level of circulation of refugees and other Iraqi migrants back and forth across the borders between Iraq and Syria or Jordan. So far, institutional stakeholders seem to have largely ignored

these two aspects, while their failure to assess the importance of cross-border circulation has potentially serious consequences in terms of policy planning and the search for durable solutions.

Syria represents an example of good practice where the cross-border mobility of Iraqis is facilitated. There are no 'overstay' fees for those with guest status who want to leave the country, and so far their re-entry is almost always granted.

### Recommendations

Recognising the legitimate concerns of host states for the protection of their domestic labour markets and their national security, the governments of Jordan and Syria should, nevertheless, regularise those Iraqis who currently have guest status. A legal status such as 'temporary resident' would be appropriate; this would not need to be tied to the right to work but would secure the right of re-entry, whether from Iraq or any other country. Jordan has recently waived overstay fees; however, conditions for re-entry remain difficult to meet for those with 'guest' status.

Concerned institutional actors, including the Jordanian and Iraqi governments, should support those refugees who want to make individual assessments prior to making decisions regarding return or other forms of physical re-engagement with Iraq. It is critical that those who are displaced be provided with the means to inform themselves about the legal, institutional and security contexts relevant for their return to Iraq or for the resumption of cross-border social and economic ties – which are all ways of contributing to the reconstruction of Iraq.

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