



## Statewatch analysis

### EU-IRAQ The forgotten casualties of the war

By Max Rowlands

**Based on an unreleased Commission report this article exposes what is happening to an estimated 2 million refugees living in Syria and Jordan - and the EU's response**

The European Commission presented a confidential report detailing the conditions in which millions of displaced Iraqis now live to the 27 November 2008 Justice and Home Affairs (JHA) Council.

From 1-6 November, the Commission had conducted a fact finding mission to Jordan and Syria, in close cooperation with the UN refugee agency (UNHCR), to ascertain the resettlement needs of the estimated two million refugees currently residing in those countries. The report reveals that many Iraqi refugees are living in deteriorating and increasingly precarious circumstances due, in part, to the depletion of their savings and to the growing intolerance of their presence by local communities. It identifies a significant number of vulnerable Iraqis for whom resettlement is the only viable option and calls for greater intake from the international community, specifically the European Union. It reveals that only 13,122 Iraqis were resettled between January 2007 and November 2008, and that EU Member States were responsible for admitting less than 10% of that number. In response, the JHA Council announced that Member States would accept approximately 10,000 Iraqi refugees on a purely voluntary basis. It is to be regretted that no timeframe was given for reaching this target and that by April 2009 little progress has been made.

#### Conditions of Iraqi refugees in Syria and Jordan

The delegation consisted of members of the European Commission and officials from ten EU Member States (Cyprus, Finland, France, Germany, Italy, Luxembourg, Netherlands, Poland, Sweden and the United Kingdom). They held meetings with, among others, Syrian and Jordanian government officials, UNHCR representatives working in the region, international and local NGOs, EU Member State, Canadian and US embassies, Iraqi refugee outreach workers, and Iraqi refugees.

Syrian and Jordanian government officials told the delegation that there are in excess of 1.5 million Iraqi refugees in Syria and between 450,000 and 500,000 in Jordan. According to UNHCR, most Iraqis living in Syria are middle class with professional backgrounds. Many initially relied on their savings to support themselves but have increasingly been forced to seek financial assistance. The depletion of savings has led to an increase in homelessness, child labour, forced prostitution, child marriages and domestic abuse.

Both countries emphasised that they provide free access to health care and education to all refugees. This claim was largely backed by UNHCR but the report notes that in Jordan:

*refugees themselves did not describe the situation in such positive terms and also pointed to the number of Iraqi children attending schools, which seems low compared to the estimated total Iraqi population in Jordan. According to them this raises questions with respect to the effective access to schooling for Iraqi children.*

Further, government officials in both countries stressed that their generosity has placed a heavy burden on public budgets and led to increases in costs, “such as the need for increase in the number of police and border guards”. Accordingly, government officials from both countries called for increased support from the international community. The report notes that in Syria there is “...a serious problem with capacity of the current infrastructure and some alternative services, provided by the UN agencies and NGOs, have had to be established.” Worryingly, UNHCR suggests that this has placed a strain on relations between Iraqis and Syrians:

*UNHCR said that the Syrian hospitality toward the Iraqis is wearing thin, and that the population is increasingly questioning whether Syria should continue bearing this large burden. According to UNHCR, Syrians point to all sorts of negative consequences of the presence of Iraqis (increase in prices, in criminality etc).*

Despite this, and the fact that neither country is a signatory to the 1951 Refugee Convention and its 1967 Protocol, UNHCR maintains that there have not been any major incidents and that good “protection environments” exist in both countries. In Syria this has been aided by the lifting of restrictions on international NGOs; 12 have now obtained authorisation to work with the country’s refugee population.

However, in Jordan the delegation received conflicting reports over the deportation of refugees back to Iraq. Government officials claimed that they would deport individuals only on the basis of national security and that there have been merely a “handful” of cases. UNHCR said that they believed there to have been only a few deportations since 2007, but other NGOs and Iraqi refugees that the delegation spoke to indicated that the practice is more widespread and gave the impression that “Iraqis do not feel secure about their situation in the country.”

The Jordanian government and UNHCR signed a memorandum of understanding which stipulates that Iraqis who register with UNHCR are to be classified as asylum-seekers rather than refugees. But only 53,500 Iraqis have registered with the organisation; less than a ninth of the total number. UNHCR reported that only 219,690 of a possible 1.5 million Iraqis have registered with them in Syria.

Further, at the request of the Iraqi government, both Syria and Jordan now require Iraqi nationals to obtain a visa before entering either country. To enter Jordan a visa must be applied for within Iraq, but to enter Syria visas can be acquired at the border. The report says that it is unclear exactly how visa requirements are applied or who is eligible to be granted entry. It also acknowledged that the neediest Iraqis are not necessarily the ones admitted. Generally businessmen, those with family ties, and those with medical needs have the greatest chance of being granted entry. But while the Jordanian government claims to admit two thirds of applicants, the delegation received conflicting reports as to how difficult it now is for Iraqis to enter the country.

## Iraqi Palestinians

Since the fall of Saddam Hussein's government, Palestinians living in Iraq have been subjected to sustained violence and persecution. Most have been forced to flee the country; many to Syria which already has a large Palestinian population of around 450,000. The Syrian government denied entry to all Iraqi Palestinians. While some were able to enter using false Iraqi passports before visa requirements were imposed, most of those who sought refuge there are now held in camps between the two countries' borders. The delegation visited a camp at Al Tanf; situated in the desert on a short strip of sand between the main road into Iraq and the Syrian militarised zone.

The location is totally unsuitable for human habitation due to the extreme climate (heat, sandstorms, floodings). There are no facilities or space for sports or recreation, and poor medical facilities. There is a tent-school for children until 15 years old. At the moment there are 800 Palestinians in this camp of whom 300 are children under 17 years old.

A further 300 Palestinians are held in similar conditions in the north-east at Al Hol, and 1,400 are held in a camp at Al Waleed on Iraqi soil. The report emphasises that:

*The situation in which these Palestinian refugees live is extremely bad, and is compounded by their isolation and the hopelessness of their situation, given they can not return to Iraq and are not allowed to enter Syria...These refugees are urgently in need of protection. As protection is not available in Syria, resettlement is the only option.*

## The need for resettlement

Local integration into Syrian or Jordanian society is not an option for the vast majority of refugees because they are not permitted to work in either country. UNHCR reports that very limited categories of Iraqi nationals, such as businessmen, can seek permission to remain. Those the delegation spoke to (i.e. representatives of the Syrian and Jordanian governments, UNHCR, other NGOs and refugees themselves) believe voluntary return to Iraq to be the only feasible long term solution for the majority of refugees. Is it clear, however, that the present situation is not conducive to this. This is emphasised by the fact that there are still more Iraqis entering both countries than leaving. At present, those who return to Iraq do so at great risk:

*It appears that some Iraqis are returning to Iraq because they can hardly survive in Syria, due to impoverishment. However, some Iraqi refugees were forced into secondary displacement or were obliged to come back to Syria, with dramatic stories about what happened to them in Iraq. The Iraqi refugees met by the delegations stressed that return is not currently a possibility because of security concerns.*

UNHCR recognises that, even in the long-term, return to Iraq is not feasible for some refugees. These vulnerable individuals are in urgent need of resettlement. UNHCR uses the following criteria to identify those most at risk: victims of severe trauma, detention abduction or torture; members of minority groups; women at risk; unaccompanied and separated minors; persons in need of family reunification; older refugees at risk; high profile persons; persons perceived as sympathisers of the international military presence in Iraq; persons with severe medical problems; persons at risk of refoulement and stateless persons.

UNHCR offices in the region mainly identify refugees in need of resettlement through their registration procedures, but this is problematic given the low percentage of Iraqis who choose to register; many incorrectly think that doing so may lead to detention on the basis of illegal stay. Outreach programmes have therefore been established in an attempt to reach particularly vulnerable individuals. In UNHCR's 2008 Global Needs Assessment the organisation estimates that of the refugees registered with them at the time, 10,000 needed resettlement from Jordan, and a further 65,000 from Syria. They emphasise that "needs are constantly evolving" with refugees becoming increasingly vulnerable. UNHCR also highlights the plight of the 2,400 Iraqi Palestinians living in refugee camps for whom there is no alternative to resettlement.

UNHCR calls for a significant change in approach from an international community that accepted only 13,122 refugees from Jordan and Syria between January 2007 and November 2008. Of that total, EU Member States resettled only 1,196 people and Sweden, which already had a sizeable Iraqi population, admitted 539 of these refugees. The fact that only 9% of UNHCR submissions are currently being made to EU Member States has led the organisation to call for increased quotas and a broadening of the resettlement base to reflect a "truly international effort, and to demonstrate burden sharing." This would also provide alternative destinations to refugees who are either inadmissible for resettlement in the US or have valid reasons for not wanting to relocate there. Further, some refugees wish to be reunited with family members in European countries. Others are in urgent need of healthcare and specialised services such as psycho social assistance and trauma counselling.

### **The EU's response**

The 27 November JHA Council acknowledged the findings of the Commission's report. While stressing that the main objective should be to create conditions in which Iraqi refugees can safely return home, it noted that there are "easily identifiable" vulnerable people in need of resettlement. While the Council welcomed the fact that some Member States are already accepting Iraqi refugees as part of national resettlement programmes, it recognised the positive implications of increased intervention:

*a greater effort towards resettlement in the countries of the European Union would send a positive signal of solidarity to all Iraqis and of cooperation with Syria and Jordan for the maintenance of their area of protection.*

Accordingly, the Council invited Member States agreed to take in particularly vulnerable refugees, albeit on a voluntary basis:

*In the light of the resettlement objective established by UNHCR and taking into account the number of persons already taken in or planned to be taken in by Member States, in particular under their national resettlement programmes, the objective could be to receive up to approximately 10,000 refugees, on a voluntary basis.*

France's immigration minister, Brice Hortefeux, who chaired the meeting, explained that the scheme has to be voluntary because there "would not have been an agreement if it had been based on a constraint." But only eight EU countries have formal resettlement schemes for Iraqi refugees (Denmark, Finland, France, Ireland, Netherlands, Portugal, Sweden and the UK) and to date Germany is the only country without one to commit resources towards the Council's target. Wolfgang Schauble, Germany's Minister of the Interior, announced that they would accept 2,500 refugees, but as of April 2009 only 122 Iraqis have been admitted. Malta, Cyprus and Greece voiced their dissatisfaction with the

Council's decision arguing that they have already hosted a large number of refugees in proportion to their populations. It should be noted that no timescale for reaching the figure of 10,000 has been given. In addition, Horteaux confirmed that all Iraqis who have previously been resettled in EU countries will count towards the target.

In March 2009, UNHCR's High Commissioner, António Guterres, called on European governments to accept 60,000 Iraqi refugees, this despite minimal progress having been made towards the Council's initial target of 10,000. In a memorandum to the JHA Council that met on 26 February 2009, the European Council on Refugees and Exiles (ECRE) called for the EU to go from "words to action" and suggested that only refugees resettled after 27 November 2008 should count towards the figure. The organisation voiced concerns that no indication has been given as to how many of the 10,000 refugees would be Iraqi Palestinians and urged Member States without resettlement programmes to initiate one. In addition ECRE stressed that for resettlement to be a truly durable solution, refugees must always be given permanent legal status in order to provide a secure basis from which they can build new lives. This is not currently standard procedure for all Member States; Germany issued the 122 refugees it recently received with three-year extendable residency permits.

The JHA Council's target is conservative given the scale of the displacement and the deteriorating conditions in which many Iraqi refugees are living. Further, the absence of a deadline, and the fact that Member State participation operates on a voluntary basis, means that there is no guarantee it will ever be met. Greater commitment to the plight of Iraqi refugees is urgently required.

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