

March 12, 2007

Resettlement of Iraqi Refugees

Introduction

This paper sets forth UNHCR's resettlement policy for Iraqi refugees coming from Central and Southern Iraq (that is, Iraq with the exception of the three provinces of northern Iraq under the control of the Kurdish Regional Government). It applies primarily to Iraqi refugees living in countries of first asylum, namely Syria, Jordan and Turkey; but also applies to Iraqi refugees in countries of secondary movement in the Middle East such as Lebanon and Egypt as well as in other regions of the world.

Operationally, UNHCR envisages submitting 20,000 Iraqi refugees for resettlement by December 31¹, 2007; 7,000 by July 2007 and all aspects of our operations are being rapidly geared up to meet this challenging goal. The figure of 20,000 compares with a total of 3,183 Iraqis resettled in the four year period 2003-2006.

Background

Resettlement of Iraqis decreased after the fall of the Saddam Hussein regime in April 2003 when hopes rose that the situation in Iraq would soon stabilize and that voluntary repatriations would be able to take place. Another factor related to the decrease is the fact that four countries cancelled resettlement missions to Turkey in 2006 arguing that Turkey's engagement in the EU enlargement talks should lead to an enhancement of the protection space for refugees in that country and the end to a need for resettlement referrals to other countries from Turkey.

Despite the passage of time many pre-2003 Iraqi cases submitted from Jordan, Lebanon and Syria are still pending security decisions from resettlement countries.

UNHCR issued a Return Advisory and Position on International Protection Needs of Iraqis outside Iraq in December 2006² that cited extreme violence in Central Iraq and significant instability in the South, among other factors, and made a number of recommendations including that "No Iraqi from Southern or Central Iraq should be forcibly returned until such time as there is substantial improvement in the security and human rights situation in the country."

Given the deterioration of the security environment in Iraq, in particular since the Samara bombings in February 2006; the deteriorating protection environment in countries of first asylum; the large number of Iraqi refugees on the territory of neighboring countries and the fact that the prospect for other durable solutions appears remote or absent, States are strongly encouraged to consider resettlement of Iraqi refugees and Stateless persons from Iraq who are stranded in Jordan and Syria

¹ UNHCR High Commissioner António Guterres speaking at Press Conference in Washington D.C. on February 15, 2007.

² "Iraq Policy Paper" of 14 December 2006; and UNHCR's Return Advisory and Position on International Protection Needs of Iraqis Outside Iraq, dated 18 December 2006.

including at the borders of these countries as a burden sharing mechanism as envisaged in Goal three of the Agenda for Protection.³ In addition to providing a solution to some of the most vulnerable cases resettlement may have a strategic impact in creating protection space for those Iraqis who remain in the region. UNHCR has determined that a considerable number of vulnerable Iraqi refugees could benefit from an enhanced resettlement operation in 2007.

It is considered that resettlement of Iraqis from the region will be a multi year operation and resettlement countries are urged to plan their strategies with this in mind.

1. Resettlement Objectives & Principles

1.1 General considerations:

- **Status** – Iraqis fleeing their country (with the exception of the three provinces of northern Iraq under the control of the Kurdish Regional Government) and who are unable or unwilling to return are deemed to have international protection needs, making them “persons of concern to UNHCR as *prima facie* refugees”.⁴ Iraqis from the three northern provinces will continue to have their status assessed under regular procedures.
- **Protection efforts and working with host countries** – On the basis of the prima facie presumptive status, UNHCR has a responsibility to work with countries of asylum to ensure availability of protection and, depending on the evolution of the situations, appropriate solutions. UNHCR’s protection efforts are focused on securing and improving protection space in the region, at a minimum protection from *refoulement*, non-penalization for illegal entry, and access to education, adequate housing, basic health care facilities and other basic services.⁵
- **Primacy of vulnerable cases** – UNHCR’s approach towards Iraqi refugees is geared to identifying and assisting the most vulnerable segments of the Iraqi refugee population, as well as community-based interventions in key social sectors such as health and education.
- **Resource intensive nature of this operation** – Registration, refugee status determination and resettlement activities form integral and inter-linked elements of the response to the Iraqi situation. They are labor and resource intensive and therefore require increased and sustained resources.

³ Agenda for Protection, Goal 3, Point 6, Bullet 1 – “States to examine how more flexible resettlement criteria could be applied with regard to refugees recognized on a prima facie basis in mass displacement situations to whom Article 1F does not apply ,
Bullet 2 – “The Working group on Resettlement to examine further the potential use of resettlement as a burden sharing tool which would include the issue of criteria to be applied in mass displacement situations, especially where the prospect of other durable solutions is remote or absent.”

⁴ “Iraq Policy Paper” of 14 December 2006, and UNHCR’s Return Advisory and Position on International Protection Needs of Iraqis Outside Iraq, dated 18 December 2006

⁵ Ib. 2, document of 19 December 2006 at paragraph 4.

- **Registration** – Unhindered access to up-graded registration procedures at UNHCR Offices (both in terms of quality and capacity) is a key priority and the first step to identify protection vulnerabilities and special needs requiring a protection/assistance intervention. Endeavourers should be made to encourage Governments in country of Asylum to gradually join UNHCR in this exercise.
- **Voluntary Repatriation** – A few hundred Iraqis, mainly Kurds and Shia Muslims, opted for voluntary repatriation from Iran and Turkey in the course of 2006. Facilitating/promoting this durable solution is not foreseeable in the current context. The capacity for UNHCR to re-engage with this durable solution depends on parameters beyond its control.
- **Local Integration** – Given the absence of legal frameworks for the provision of permanent residence or naturalization of refugees, *de jure* local integration is not a solution generally available at this stage in the countries of first asylum covered by this policy. However, some refugees are able to achieve a level of self-reliance due to their special skills/background, marital status with a citizen of the host country or other strong links.
- **Strategic element of resettlement** – While the number of Iraqis resettled will numerically be relatively high, and certainly much higher than in previous years, resettlement will only directly benefit a small portion of the overall refugee population. Resettlement in this context has the potential to be used strategically in order to provide protection dividends to a larger number of refugees.

1.2 Objectives

- To respond to immediate protection concerns such as detention, risk of forcible *refoulement* and physical safety;
- To protect/rescue the most vulnerable individuals/groups who are in need of this protection measure and who are not likely to return to their country of origin given the gross violation of human rights they/their group/relatives have experienced in Iraq and for whom local integration is not an option:
 - In particular in this regard and in line with Excom conclusion 105 to reduce the vulnerability of women and girls at risk related to a prolonged stay in countries of first asylum;
 - To address specific vulnerabilities of a medical, psycho-social or social nature, which cannot be addressed in countries of the region.
- To demonstrate an element of burden-sharing of the international community vis-à-vis the main three countries of first asylum (Syria, Jordan and Turkey), as well as some countries of secondary movement that have large concentrations of Iraqi refugees;
- To create protection dividends for Iraqi refugees who will not be resettled⁶;
- To ensure and expedite family reunion;

⁶ Indicators in this regard may include: continuous access to the territory, respect for non-*refoulement*, access to refugees in detention, access to basic services/rights such as primary education, basic health care, adequate housing, access to informal and gradually the formal labor market. Indicators in this area need to be realistic; will have to be measured over time and may vary from one country to another. UNHCR offices will monitor these benchmarks through its protection monitoring/reporting activities and through participatory assessments.

- To limit the potential for irregular secondary movements within and outside the sub-region;
- To ensure, within the expedited approach being proposed, that anti-fraud best practices are followed and that resettlement and other staff are trained in anti-fraud best practices and awareness.

1.3 Key Principles

The key principles governing UNHCR resettlement strategy for Iraqi refugees are:

- **Non-discrimination.** UNHCR’s approach to submissions for resettlement of Iraqi refugees will be determined strictly on the basis of identified needs for resettlement as a protection tool, in light of the circumstances in the country of asylum and specific vulnerabilities. This approach will ensure broad recognition of Iraqis in need and will not be restricted to any particular ‘groups that may be defined on the basis of their ethnic, socioeconomic, religious, political or ethnic profiles.
- **Regional consistency.** UNHCR recognizes that it will be important to have a consistent harmonized policy of intake and submission of resettlement applications within the region if we are to reduce secondary movements of Iraqi refugees for perceived or actual better resettlement prospects. In this respect it is noted that Turkey already has an efficient resettlement operation and would be able to commence enhanced activities before other countries and that as such caution must be applied to avoid a pull factor.

2. Resettlement Profiles

In line with the criteria established in the Resettlement Handbook, UNHCR has established 11 profiles of refugees who will be prioritized for resettlement submissions.

Priority Profiles	UNHCR Resettlement Handbook – Applicable Resettlement Criteria
1. Persons who have been the victims of severe trauma (including SGBV), detention, abduction or torture by State or non-State entities in COO ⁷	Survivors of violence and torture
2. Members of minority groups and/or individuals which are/ have been targeted in COO owing to their religious/ethnic background ⁸	Legal and physical protection needs / Women-at-risk
3. Women-at-Risk in COA ⁹	Women-at-risk (This includes women at risk of “honor killing”)

⁷ Country of Origin.

⁸ This formulation coupled with the suggested search methodology in the questionnaire will also enable the identification of Muslim applicants targeted for membership of their religious community. It will not only apply to Assyrian, Chaldeans, Sabeans, Mandeans, other Christians, Jews, Baha’i, Kaka’i, Yezidis. Interventions for individuals who fall within this priority profile will be prioritized according to degree of vulnerability assessed.

4. Unaccompanied or separated children & children as principal applicants	Children and adolescent
5. Dependants of refugees living in resettlement countries	Family reunification [The concept of dependency is outlined and defined in the Resettlement Handbook (chapter 4)]
6. Older Persons-at-Risk	Older Refugees
7. Medical cases and refugees with disabilities with no effective treatment available in COA	Medical needs
8. High profile cases and/or their family members	Legal and physical Protection needs
9. Iraqis who fled as a result of their association in COO with the MNF ^{10[7]} , CPA ¹¹ UN, foreign countries, international and foreign institutions or companies and members of the press	Legal and physical protection needs
10. Stateless persons from Iraq	Legal and physical protection needs / WAR/ SVT / medical needs / CH
11. Iraqis at immediate risk of <i>refoulement</i>	Legal and physical protection needs (This may include refugees in detention, but not necessarily all of them)

Currently a team of registration, RSD and resettlement officers is working on concretizing these categories in a way that will allow easy, if broad, identification by registration clerks for further screening by registration supervisors/protection staff. For these 11 categories, UNHCR will also take into consideration as an indicator (and not as a criterion) the date of their registration with UNHCR.

3. Identification methodology

3.1. Sources

Cases in priority need of resettlement will be identified through the following sources:

- UNHCR registration records by way of, but not limited to, referrals from the registration supervisor to the designated protection officer;
- Referrals from designated UNHCR staff members (e.g. field, community services and protection);
- Referrals from implementing partners and operational NGO partners;
- Referrals from other UNHCR Offices;
- Referrals from Embassies¹².

⁹ Country of Asylum.

¹⁰ Multi National Force.

¹¹ Coalition Provisional Authority.

¹² A protocol has been agreed to with the USA that covers embassy referred cases and other cases of interest to the USA

3.2 Process

Registration

All Iraqi cases will be registered using the ProGres registration system.

‘Old’ or existing cases will be re-registered as they come forward to have mandate/recognition letters renewed, or for other reasons, with a view to upgrading the information on the database and determining whether they meet resettlement criteria.

All new Iraqi cases will go through the registration system. At registration, staff will flag cases that appear to meet one of the 11 resettlement profiles. They will also identify cases that appear to require a full RSD interview including an exclusion assessment¹³. Documentation will be issued to all Iraqis at the time of registration.¹⁴

All cases being streamed for possible resettlement will be directed to the Protection Unit, where a designated protection officer will assess the need for resettlement intervention and ensure compliance with appropriate protection management and anti-fraud guidelines before referring the case onwards as may be required for RSD, BID or directly to the resettlement unit for scheduling of interview.

The feasibility of introducing of fingerprinting or other biometric elements in the registration process – either for all cases at the time of registration or at a subsequent processing stage or conducting this exercise only for those Iraqis to be referred for resettlement – will be discussed with UNHCR partners.

Refugee Status Determination (RSD)

Because Iraqi refugees are recognized by UNHCR on a *prima facie* basis, the majority of resettlement cases will not go through an individual refugee status determination interview. Those individuals identified as falling in to one of the 11 categories but whose background, as recorded in the registration process, flags the need for analysis for possible excludability will receive an individualized RSD. In these cases, UNHCR eligibility staff will undertake a separate exclusion analysis and the case would only be further processed for resettlement following a finding of non-excludability.

Where such a case is found to be non-excludable, and does not require a BID or other specialized intervention, it will be forwarded to the Resettlement Unit.

Best Interest Determinations (BIDs)

Similarly, cases identified in the registration process or elsewhere as being individuals falling within category 4 (UAMs and separated children) will systematically undergo a Best Interests Determination (BID) to be conducted by a designated community service staff / welfare officer in accordance with UNHCR’s provisional BID guidelines. Cases falling within other categories may also require a BID, in which cases the same procedural standards would be applied. This will occur before any

¹³ A detailed paper on the profiles and backgrounds that flag or trigger the need for an exclusion interview has been prepared by the SDPIS Unit DIPS, UNHCR.

¹⁴ Mandate letters will be issued to refugees and those found to require an exclusion interview will be issued with asylum seeker letters.

referral for resettlement. In cases where the BID recommends resettlement, the case will be referred to the resettlement Unit and a resettlement interview will be scheduled and the refugee notified.

Resettlement

A streamlined and expedited approach to resettlement will be taken with respect to prima facie refugees for whom exclusion interviews are not required to ensure that targets can be met. Resettlement staff will briefly interview cases with a view to confirming identification and family composition, confirming ProGres information, adding very brief information on refugee status, the need for resettlement and any noted vulnerabilities or special needs, counseling refugees about the resettlement process and obtaining signatures on the RRF form. Generic paragraphs will form the basis of what is included. In all cases an RRF generated by the ProGres database will form the basis of the resettlement submission to a resettlement country. Related to the streamlined RRF and expedited interview UNHCR is taking initiative with partners to reduce the amount of work for its staff involved in filling national immigration forms.

4. Resettlement modality: A streamlined Resettlement Registration Form (RRF)

Resettlement using the group methodology is not envisaged at this time as the profile of the population is diverse and complex. All UNHCR resettlement referrals will be made using the ProGres generated RRF.

Completion of the RRF will be streamlined in keeping with operational demands and bearing in mind resource limitations. The RRF will be streamlined as follows: All information collected during registration will be automatically downloaded into the RRF including, for example, identification and family composition details. Sections 4 and 5 of the RRF (refugee claim and reasons for resettlement) where information is not collected at the registration stage will be completed on a pro forma basis, by the resettlement officer based on the category within which the refugee resettlement need is identified. RSD information where and individual RSD has been conducted by an eligibility officer will be pasted in to the RRF. *Individual details for Sections 4 and 5, either bulleted or in narrative format, will be added to the document, but these would not be expected to exceed one half page in length* The bullets should highlighting salient points related to reasons for flight or persecution that could relate to fear or a ground. UNHCR can provide facts, important events, but it will not be feasible to specifically elicit all the elements of a refugee claim. UNHCR resettlement staff will be trained during the first quarter of 2007 on this streamlined RRF.

Where cases are submitted to a resettlement country on a dossier basis the 'normal', non-streamlined detailed RRF format will continue to be used.

5. Host countries

In the past, persons accepted for resettlement from the region have at times experienced difficulty obtaining exit clearances. UNHCR will monitor and report such instances and trends and will request that resettlement countries join us in advocacy to remove any impediments to departure.

Host country policies in Jordan and Lebanon enshrined in MOUs foresee the unrealistic expectation that all individually determined refugees will be resettled within 6 months of refugee status determination.

6. Resettlement countries

6.1 USA

The USA has expressed a very strong interest in increased resettlement of Iraqis. The US Congress-approved “ceiling” for the Middle East is 5,000 persons. However in this fiscal year the USA has an additional 20,000 unallocated places which could be applied to Iraqi refugees. Additional funding authorization would be required for the use of these unallocated places.

The USA has indicated that it would take 7,000 Iraqi refugees from countries in the region in the ‘near term’¹⁵ which has been specified as being by September 2007. This may be augmented by additional numbers in the new USA fiscal year leading up to the end of calendar year 2007.

The USA has urged UNHCR to dedicate further resources to resettlement in this region and for its part is currently assisting the operation in Turkey with a loan of three staff from OPE Cairo. UNHCR has developed with the USA a protocol to deal with particular cases of concern to the USA.

6.2 Australia

Australia has indicated in principle openness to simplified RRFs. The competent Australian authorities are currently involved in their consultations process which will determine their in-take and priorities for 2007-2008. UNHCR has encouraged Australia to give regional priority to their sponsor-driven resettlement quota for humanitarian entrants (i.e. the Special Humanitarian Programme) which could target Iraqi refugees.

6.3 Canada

The 2007 Canadian targets for the Middle East – for all nationalities and not specifically Iraqis – are:

- Damascus (which also covers Lebanon and Jordan): Government Assisted: 450 persons ; Privately Sponsored: 500 persons
- Cairo: Government Assisted: 300 persons Privately Sponsored: 450 persons
- Ankara: Government-assisted: 400 persons Privately Sponsored: 40 persons

Canada has indicated that it may be able to increase its regional target but has made no official commitment to date. UNHCR is encouraging Canada to strategically use its Private Sponsorship Programme to increase the in-take of Iraqi refugees including the possibility of the visa officer referral (VOR) route.

Canada has indicated openness to the use of simplified RRFs and expects to be selecting Iraqis into 2008 and 2009.

¹⁵ Ms. Paula J. Dobriansky, Under Secretary for Democracy and Global Affairs, USA State Department, on February 14, 2007 in Washington during a press briefing with the United Nations High Commissioner for Refugees, Mr. António Guterres and Assistant Secretary for Population, Refugees and Migration, Ms. Ellen Sauerbrey.

6.4 Sweden

It is expected that Sweden will continue taking small numbers of Iraqi refugees from Syria and Jordan. Selection missions are currently being planned to Jordan (about 200 persons – mostly Iraqis) and Lebanon 150 persons – (some of whom are expected to be Iraqis) Discussions were also held as to renewing resettlement out of Turkey.

6.5 Finland

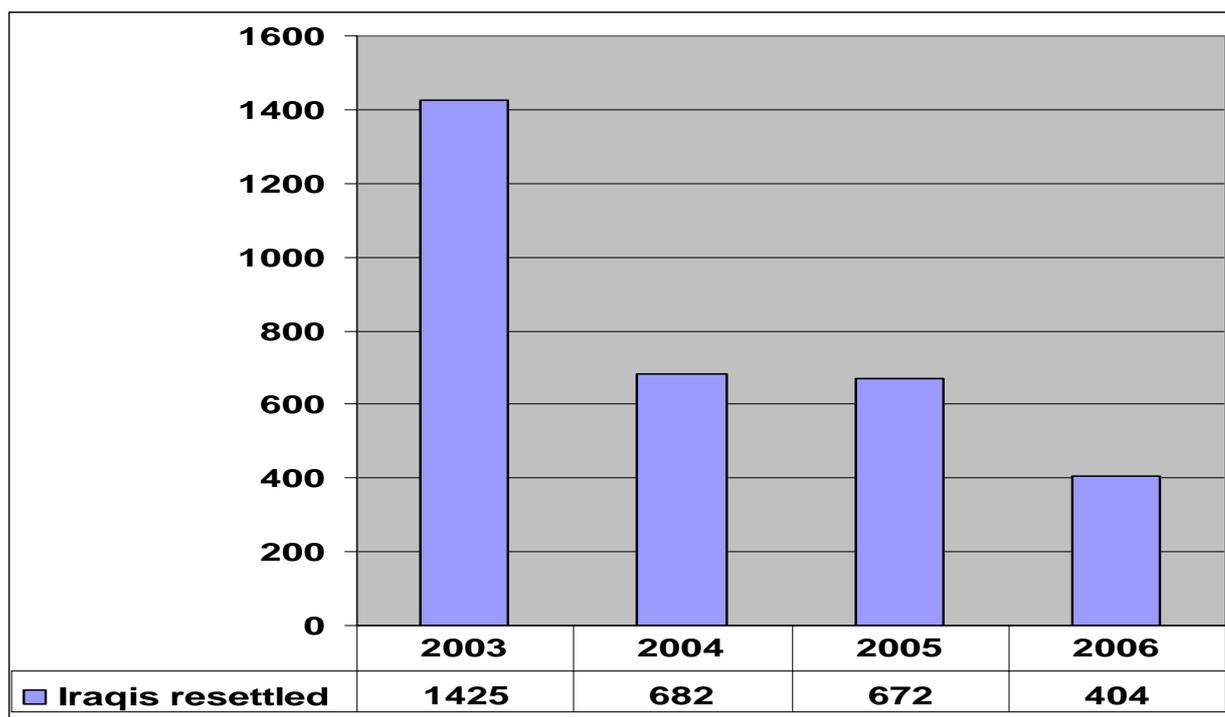
At the end of 2006, Finland agreed to re-engage with resettlement activities from Turkey for Iranian/Iraqi refugees .Finland is planning a selection mission to Turkey and Syria in the August /September period and is planning to select 250 Iraqi /Iranian refugees.

6.6 Norway

At the end of 2006, Norway agreed in principle to consider re-engaging with resettlement activities from Turkey for Iranian/Iraqi refugees following UNHCR interventions.

The following completed tables give an overview of the resettlement of Iraqis in the recent past and serve to indicate some of the challenges we face as we look to resettlement in 2007.

**IRAQI REFUGEES RESETTLED
2003 – 2006**



Country of Asylum	Estimate of number of Iraqi refugees ¹⁶	Registered Iraqi refugees as of February 22, 2007 (Nb. Registration is ongoing in Jordan Syria, Lebanon and Egypt)	Revised <u>Notional</u> ** Resettlement submission targets for Iraqis in 2007 (by 31 December 2007)
Jordan	500.000 to 700.000	22,000	7,500 persons
Syria	500.000 to 700,000	53,663	7,500 persons
Turkey	10.000	2,854	3,000 persons
Lebanon	20.000 to 40.000	4,000	750 persons
Egypt	20.000 to 60.000	4,000	250 persons
Unallocated ¹⁷	-----	-----	1,000 persons
TOTAL		86,063	20,000 persons

**** The RST submission targets are subject to redistribution within the Iraq Operations area of responsibility as may be required later in the year to achieve a total of submission objective of 20,000. Alternatively, it may come from resettlement from other countries such as Yemen and/or the UAE.**

¹⁶ Low estimates are UNHCR estimate, high estimates come from COAs, NGO and press reports.

¹⁷ The unallocated target may in whole or in part be made up from re-allocations within the five countries with targets or alternatively come from resettlement from other countries such as Yemen and the UAE.

Countries of Resettlement	Number of Iraqi refugees resettled in 2006	Indicators of resettlement in-take for Iraqi refugees in 2007. Source ATC June 2006	Revised target As of February 2007
USA	151	5,000 refugees from the Middle East (all nationalities) ¹⁸	(Referrals by June 30, 2007 ¹⁹) Targets to a total of 7,000 Iraqis have been agreed between UNHCR and the USA and have been distributed among the UNHCR offices in Amman, Damascus, Ankara and Beirut.
Canada	80	1,370 refugees of all nationalities	No official announcement has been made .
Australia	581 1,384 Special Humanitarian Programme	500 refugees from the Middle East	Information not yet available on the 2007-2008 program.
Sweden	TBD		From Jordan – 200 persons From Lebanon –150 persons
Finland	TBD		A selection mission to Turkey and Syria is planned for Aug or Sept 2007 in which a total of 250 persons will be identified for resettlement. It is expected that a significant number of these will be Iraqi refugees.
Norway	TBD		Subject to follow-up discussions with Norway

It can reasonably be expected that these numbers will be increased in 2007. A precise target will be re-defined with resettlement countries in the course of the first quarter in 2007.

7. Constraints and Challenges

A number of short and longer term measures related to enhancing our short term capacity have already been undertaken. UNHCR's sustainable resettlement referral capacity and objectives will, however, only be fully clarified when the following parameters have been determined:

- Position of all resettlement countries on the streamlined RRF and revised targets for the resettlement of Iraqi refugees;
- UNHCR's effective registration capacity and output in terms of ability to identify of cases that meet resettlement profiles;

¹⁸ In addition, the Congress has approved 20,000 unallocated places without specific appropriation at this stage.

¹⁹ Initial notional targets agreed in Washington with UNHCR on 23 January 2007.

- Engagement of NGO partners which can assist UNHCR in the identification of vulnerable cases;
- Capacity of IOM and ICMC to adapt their respective responses and capacity this strategy;
- The proportion of the caseload identified as being in need of resettlement that requires RSD interview (exclusion review) and or BID assessment;
- Management of the very high expectations that have been raised in the Iraqi community;
- Staff safety and security considerations and measures;
- The need for additional premises in some countries (Syria, Jordan);
- Response of donors to the Appeal

(12th March 2007)