

II. Executive Summary

Since the start of the 2003 war in Iraq, hundreds of thousands of Iraqis have fled their country, seeking refuge in bordering countries. About one million are split evenly between Jordan and Syria, while Saudi Arabia and Kuwait have barred all Iraqis from entering and few are known to have sought refuge in Iran or Turkey. Countries within the region, as well as the larger international community, have largely ignored the presence and the needs of Iraqi refugees. This report focuses on the status and experience of Iraqis in Jordan not because Jordan has had a unique record in mistreating them; on the contrary, it and Syria have been the most generous in allowing Iraqis to enter and remain. Rather, Jordan serves as a case study to highlight—and to seek to remedy—the plight of Iraqi refugees, a shared responsibility of Jordan, neighboring countries, and the international community.

Although it has historically been among the most welcoming countries in the world toward refugees, the Hashemite Kingdom of Jordan today ignores the existence of hundreds of thousands of Iraqi refugees, does not address their needs for protection, and has not asked for international assistance on their behalf. It is a policy that can best be characterized as “the silent treatment.”

Human Rights Watch regards the vast majority of Iraqi nationals in Jordan as “de facto refugees”—people who have fled conditions of generalized violence and persecution, who are in need of international protection and who face objective conditions of danger in their country, even if they have not registered asylum claims or had those claims adjudicated and been officially recognized as refugees by either the Government of Jordan or the United Nations High Commissioner for Refugees (UNHCR). De facto refugees in Jordan come from all walks of life and diverse religious and ethnic backgrounds. Both Sunnis and Shi`a have sought refuge in Jordan, as have non-Muslim minorities. De facto refugees include people who fled during the Saddam Hussein era and who still fear return, as well as people who newly arrive at the border. Some are threatened as collaborators with the Americans, while others are threatened for their alleged associations with the Ba`thist Party that ruled Iraq

under Saddam Hussein. They represent people who flee both generalized violence as well as targeted persecution, including ethnic cleansing.

Yet Jordan treats Iraqis fleeing violence inside Iraq as temporary visitors, not refugees. Because Jordan has made renewal of their visas so difficult that most Iraqis quickly lose their legal status, most Iraqis are left to fend for themselves, living in the shadows, fearful, and subject to exploitation. Although UNHCR declared a “temporary protection regime” (TPR), the Jordanian government accurately insists that it never agreed to it. Of greatest concern, Jordan has increasingly subjected Iraqis to deportation or refusal at the border. Given the present level of violence and human rights abuses in Iraq, such returns and rejections appear in many cases to constitute *refoulement*, the forced return of refugees, a violation of international customary law.

A Jordanian official encapsulated the government’s nonexistent Iraqi refugee policy when he told Human Rights Watch that Jordan was not facing a refugee problem, but rather one of “illegal immigration, no different from what the United States faces with Mexicans.” This statement consciously ignores the carnage and abuse raging next door that compels Iraqis to seek refuge in Jordan. Most Iraqis are not coming to Jordan to seek economic opportunity, but rather to escape brutality and save their lives.

Palestinian refugees and Iranian Kurdish refugees who fled from Iraq face uniquely difficult situations in Jordan. Both groups lived for decades in Iraq without having integrated into Iraqi society, and found themselves especially vulnerable after the fall of Saddam Hussein. Although UNHCR recognizes the Palestinians and Iranian Kurds as refugees, they are restricted to a remote and desolate place where their lives are, at best, in limbo. A group of Iranian Kurds stranded at the border crossing are on the edge of a war zone, and in actual danger. By contrast, while UNHCR does not formally recognize the de facto Iraqi refugees in Jordan, the government does not restrict their movement or confine them to camps.

In late 2002 and early 2003, as the United States and its allies prepared to invade Iraq, Jordan initially vowed to close its borders to refugees fleeing Iraq. In practice,

though, as Iraqis began to seek refuge from the escalating conflict, Jordan allowed them to enter the kingdom on 30-day visas issued at the border—as it had for about a quarter million Iraqis who left Iraq during the Saddam Hussein era to escape repression and the effects of economic sanctions. As it did before the war, Jordanian authorities looked the other way after April 2003 when Iraqis overstayed their visas, demonstrating considerable leniency in enforcing immigration laws.

Jordanian hospitality and tolerance toward Iraqis changed, however, after November 2005, when three Iraqi nationals killed 60 people by setting off bombs in three large hotels in Amman. Since the hotel bombings, Jordanian officials have stepped up immigration enforcement: turning away large numbers of Iraqis seeking entry at the border, making it harder for Iraqis inside Jordan to renew their visas and remain in legal status, and arresting Iraqis for working or residing illegally once they lose their legal right to remain in the country. As a result, Iraqis who manage to enter Jordan quickly lose their legal status and begin accruing fines of 1.5 Jordanian dinars (JD, equal to US\$2) for each day that they remain in Jordan after their visas expire. For refugees with nowhere to go and limited sources of income, this quickly adds up to enormous sums that they are unable to pay. If the Jordanian police apprehend Iraqis who cannot pay the accumulated fines for overstaying their visas, the police deport them and deny them re-entry to Jordan for five years.

While Human Rights Watch appreciates Ministry of Interior (MOI) officials' assurances that they act according to humanitarian principles and do not return people to persecution, their approach seems to be based on personal exceptions rather than policy, and in practice has led to abuses, including *refoulement*, the forced return of refugees. Human Rights Watch research documented cases of *refoulement* both of Iraqi asylum seekers holding UNHCR cards and of de facto refugees who were not registered with UNHCR but who expressed to the authorities their fear of return. In addition, frequent travelers, such as taxi drivers, report to Human Rights Watch that more Iraqis are turned away at the Jordan-Iraq border since the Amman bombings.

Living illegally in Jordan creates a pervasive climate of anxiety among the Iraqi population. Without work authorization and with depleted savings, many Iraqis

become dependent on relatives outside the region to send them money. Others sell their belongings or seek low-paying, under-the-table work. Those who work illegally are prone to accepting exploitative or marginal employment. They are often over-qualified for these menial jobs, but earn less than Jordanians for the same work.

Iraqi children living in Jordan also face substantial barriers to education. Although the government has not clearly and categorically barred foreign children who do not possess residency permits from attending school, its actions and pronouncements have resulted in the denial of primary education for many Iraqi children. The timing and ambiguity of announcements of changes in education policy have sown confusion and uncertainty among Iraqis without residency permits and could be taken as a deliberate attempt to deter them from enrolling their children in school.

Jordan is not a party to the 1951 United Nations Convention Relating to the Status of Refugees (Refugee Convention) or the 1967 Protocol Relating to the Status of Refugees. It has never developed a domestic refugee law or a procedure for adjudicating asylum claims, and UNHCR hardly fills the gap. In 2003, the UN refugee agency initiated the temporary protection regime in Jordan and the surrounding region. Its purpose was to prevent all Iraqis who registered with the refugee agency from being deported to Iraq, based on temporary conditions of generalized violence in their home country. According to the TPR, UNHCR does not actually process registrants' asylum claims, but rather provides them with "asylum seeker" cards, which are intended to ensure access to territory and temporary protection from deportation, but not to establish a refugee status per se or any rights to permanent residency in Jordan.

Yet UNHCR's temporary protection regime has failed to provide protection to the majority of Iraqis living in Jordan. The agency has registered only 17,000 Iraqis in Jordan under its TPR, and provided them with "asylum seeker" cards. They represent a tiny fraction of the potential refugees in the country who have fled persecution, war, and generalized violence in Iraq. Moreover, even those who have registered receive little protection because Jordan does not accept the temporary protection regime and Jordanian officials refuse to recognize UNHCR-issued asylum-seeker cards (other

than to notify UNHCR when card holders have been detained and to provide the agency access to conduct refugee status determinations (RSDs) for such detainees).

In refusing to accept the temporary protection regime, the government of Jordan insists that UNHCR continue to operate according to a 1998 Memorandum of Understanding (MOU) under which the refugee agency is required to adjudicate refugee claims and seek third-country resettlement for recognized refugees. However, UNHCR has suspended processing of almost all newly registered Iraqi asylum seekers both because it lacks the resources to adjudicate the enormous potential number of Iraqi claims in Jordan and because it does not want to engage in a procedure that could result in Iraqis being screened out and returned to Iraq for failure to qualify as refugees according to the narrow persecution standard in the Refugee Convention. Consequently, the refugee agency has only recognized a miniscule number of refugees—22 in 2005. The vast majority of Iraqis have neither registered as asylum seekers nor been recognized as refugees, though many appear to be refugees in need of international protection.

Historically, Jordan has been remarkably open to people from the region fleeing persecution, first Palestinians, now Iraqis. Although Jordan's historical generosity is now undergoing a severe challenge and its attitude appears to be hardening, it still fares well relative to most of its neighbors as one of the more tolerant countries in the region toward refugees. Most governments in the region are intent on preventing the entry of Iraqis and make no effort to regularize the status of Iraqis residing in their countries. UNHCR's efforts to declare a region-wide temporary protection regime for Iraqis fleeing war and persecution have largely fallen on deaf ears. Kuwait and Saudi Arabia bar the entry of most Iraqis and have negligible numbers of Iraqi refugees in their territories. Although Iran and Turkey are somewhat insulated from the problem by the predominant ethnicities and religious persuasions of Iraqi asylum seekers, as well as other buffers that result in fewer arrivals, neither state has made any provision for considering refugee claims that Iraqis might make on their territories.

Syria bears the greatest similarity to Jordan and shares with Jordan the bulk of the burden—hosting an estimated 450,000 Iraqis. Although Syria has generally been

tolerant toward Iraqis, its tolerance, like Jordan's, appears to be ebbing, and Syria, like Jordan, has been less than forthright in identifying refugees and asking for help on their behalf. Lebanon, which hosts an estimated 20,000 Iraqis, makes no allowance for refugees, provides no basis to allow them to regularize their status, and regularly detains Iraqis who may well have persecution claims in order to coerce them to "voluntarily" go home. Other countries that host significant numbers of Iraqis, such as Yemen and Egypt, have taken steps to restrict their entry. Generally, Iraqis throughout the Middle East remain unregistered, uncounted, unassisted, and unprotected.

Governments outside the region are also all too willing to look the other way to avoid recognizing the presence of Iraqi refugees in Jordan—and, by implication, acknowledging this dimension of the human costs of the war in Iraq. The United States and the United Kingdom, the two states most heavily committed militarily in Iraq, have paid relatively little attention to the regional human fallout precipitated largely by their military intervention in Iraq. Both states have close ties with Jordan. It should be in their interest to address the Iraqi refugee problem generated by the Iraq war before the massive refugee burden has a destabilizing effect on the region. Since the start of the war in 2003 until the beginning of 2006, the United States took only 12 UNHCR-referred Iraqi refugees from Jordan and the United Kingdom took none.

Jordan has insisted that resettlement to third countries is the only option for refugees on its territory whom UNHCR has recognized. It is also overwhelmingly the preference voiced by Iraqi (as well as Palestinian and Iranian Kurdish) refugees interviewed by Human Rights Watch. Given the very large number of people in need of protection in Jordan, however, resettlement is not a viable option for more than a relatively small number of the refugees in need of protection. Therefore another approach is needed, and the Jordanian government and the international community need to be convinced to subscribe to a more realistic, fair, and effective protection regime.

Although unlikely under present circumstances, Jordan should accede to the Refugee Convention and Protocol, establish domestic refugee law and infrastructure, and

take responsibility for protecting refugees on its territory and at its borders. At a minimum, the government must meet its international customary law obligations not to return Iraqis to persecution or torture. This principle—*nonrefoulement*—applies to asylum seekers, who, de facto, may be refugees, but who have not had the opportunity to be officially recognized as such. The principle of *nonrefoulement* also applies to people seeking asylum at the border whose rejection would likely subject them to persecution or other serious harm.

Whether or not it accedes to the Refugee Convention and incorporates the provisions of the Convention into domestic law, the Jordanian government should institute its own temporary protection regime in response to the ongoing armed conflict and generalized violence in Iraq and the danger of return. Jordan's Law on Residence and Foreigners' Affairs gives the minister of interior the discretion to waive normal immigration requirements "on account of special considerations connected with international or humanitarian courtesy or of the right to political asylum." The law's recognition of the right to seek asylum and its allowance for international and humanitarian considerations provides wide latitude for the minister of interior to exercise discretion to protect Iraqis and other foreigners fleeing war and persecution. This statutory provision provides clear authority in domestic law to embark on a temporary protection regime, even in the absence of a refugee law.

Such an ad hoc TPR should include both a bar to deporting Iraqis who register with the government for at least six-month intervals and work authorization for those who have registered for temporary protection. The government should announce an exemption from fines for overstaying visas for Iraqis who register for the TPR. Government-issued temporary protection cards should provide both renewable, time-limited residence permission and work authorization. Iraqi temporary-protection beneficiaries should have equal access to health care and education as Jordanian nationals. With the assistance of UNHCR and the international community, the government should also provide temporary accommodation to Iraqis seeking asylum at the border.

The purpose of this paper is not so much to highlight the failures of the Jordanian government or to suggest that Jordan is uniquely responsible for a refugee problem

that it faces largely as a result of geographical and historical happenstance. Jordan needs to institute a more responsible refugee policy, but it should not be expected to institute such a policy or bear the burden of such a policy alone. Its regional neighbors should join in providing temporary refuge, and the wider international community should provide prompt and generous support to enable Jordan to keep its doors open and to provide first asylum.

This level of international support is unlikely to be forthcoming, however, if Jordan does not recognize the refugee problem and ask for international help to address it. Yet the government studiously ignores both the scale of the problem (somewhere between a half million and a million people) and its character (as predominantly a refugee flow, not mere economic migration) to avoid acknowledging its responsibility to assist and protect.

One thing is certain: “the silent treatment” is not working and cannot continue. The government cannot go on pretending that huge numbers of Iraqi refugees are not living in Jordan, and assume that UNHCR can handle the problem. The scale of the refugee problem in Jordan is well beyond the resources of the UNHCR office in Amman, as currently constituted. The refugee reality in Jordan dictates a government response that cannot be shirked off onto UNHCR’s narrow shoulders.

If Jordan does not follow Human Rights Watch’s recommendation to institute its own temporary protection regime, the government must at least allow UNHCR broad authority to recognize refugees without guarantees that it will be able to find resettlement places for them. Donor governments, led by the United States, the United Kingdom, and the Gulf States, must provide the resources to give UNHCR the capacity to fulfill this role.

Minimally, Jordan should admit asylum seekers and tolerate the presence of refugees broadly recognized by UNHCR even if it is not able to provide them with a durable solution. It should refrain from rejecting them at the border or deporting them. It should allow them to work and provide them the basic necessities of life required by international human rights standards, including nondiscriminatory access to education and health care. Finally, Jordan needs to speak up and call upon

the international community for help to share the enormous refugee burden it tries to ignore by remaining silent. Pretending that the burden does not exist will neither make the problem go away nor absolve Jordan of its responsibilities to protect and assist.

Refugee Terminology

Human Rights Watch regards the vast majority of Iraqi nationals, who have fled to Jordan to seek protection, as “de facto refugees.” Human Rights Watch chooses this term because hundreds of thousands of Iraqis in Jordan have fled conditions of generalized violence and persecution, and face objective conditions of danger in their country of origin, even if they have not registered asylum claims or had those claims adjudicated and been officially recognized by UNHCR as de jure refugees.

The absence of a legal framework for refugee-status recognition—or lack of access to procedures—does not obviate the reality of being a refugee. As UNHCR’s *Handbook on Procedures and Criteria for Determining Refugee Status* notes:

A person is a refugee within the meaning of the 1951 Convention as soon as he fulfills the criteria contained in the definition. This would necessarily occur prior to the time at which his refugee status is formally determined. Recognition of his refugee status does not therefore make him a refugee but declares him to be one. He does not become a refugee because of recognition, but is recognized because he is a refugee.¹

The term “asylum seeker” refers to a person who claims to be a refugee but whose claim has not been determined. UNHCR-Amman stretches the meaning of the term asylum seeker when it uses this term to designate Iraqis who the office has registered for temporary protection because UNHCR, with a few exceptions, is not actually adjudicating their refugee claims while its temporary protection regime is in

¹ United Nations High Commissioner for Refugees (UNHCR), *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*, reedited January 1992, para. 28.

place.² The asylum-seeker card issued by UNHCR carries few actual benefits; the government does not recognize the card as conferring permission to reside or work in Jordan, but has formally agreed to inform UNHCR when it apprehends asylum-seeker card holders pending their deportation to give UNHCR the opportunity to examine their refugee claims.

The 1951 Refugee Convention refugee definition is based on a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.”³ The 1998 Memorandum of Understanding (MOU) under which UNHCR operates in Jordan defines refugees according to the Refugee Convention and assigns UNHCR the function of adjudicating refugee claims. In the MOU, the Jordanian government agrees to abide by the principle of *nonrefoulement* and UNHCR agrees to endeavor to find a durable solution—voluntary repatriation or third-country resettlement—within six months of recognizing the individual as a refugee.

UNHCR-Amman’s caseload of recognized refugees in 2006 includes about 700 Iraqis, most of whom it recognized before 2003 when Saddam Hussein was still in power.⁴ Since 2003, UNHCR-Amman has suspended refugee status determinations for all but a few cases as part of its temporary protection regime. Therefore, either because the vast majority of Iraqis in Jordan are unaware of UNHCR or of the concept of refugee rights, or because they see little benefit to registering asylum claims with the refugee agency, relatively few have registered as asylum seekers and far fewer have been recognized as refugees. Many Iraqis in Jordan appear, however—*prima facie*—to be refugees in need of international protection, based on dangerous or threatening conditions in Iraq.

Although the Refugee Convention refugee definition is based on a narrow “well-founded fear of being persecuted” standard, the international community is also progressively recognizing the need for international protection for people fleeing war

² One consequence of issuing “asylum seeker” cards—rather than “temporary protection” cards—is that previously rejected asylum seekers are not eligible for new “asylum seeker” cards despite their need for temporary protection.

³ Convention Relating to the Status of Refugees (Refugee Convention), 189 U.N.T.S. 150, entered into force April 22, 1954, Art 1.A.2.

⁴ Email from UNHCR-Amman to Human Rights Watch, May 24, 2006.

and serious civil disturbances, who may not qualify under the Convention, but who nevertheless would face the risk of serious harm if returned.⁵ Human Rights Watch chooses the term “de facto refugees,” therefore, to capture both persons who would qualify under the 1951 Refugee Convention if they had access to procedures to recognize them as refugees under that instrument, as well as persons who fear serious threats to their lives and freedom because of indiscriminate violence and ongoing armed conflict. In choosing this term, we also recognize that there are Iraqi nationals in Jordan who do not fear return, or who would otherwise be excluded from refugee status,⁶ and who therefore should not be considered as refugees.

Recommendations

To the Jordanian Government

- Institute a temporary protection regime (TPR) based on the situation of ongoing armed conflict and generalized violence in Iraq, possibly by invoking the discretion given to the minister of interior in the Law on Residence and Foreigners’ Affairs to waive normal immigration requirements “on account of special considerations connected with international or humanitarian courtesy or of the right to political asylum.”
- At a minimum, recognize the TPR initiated by the United Nations High Commissioner for Refugees. A TPR should have the following components:

⁵ For example, Article 15 of the European Union’s Council Directive 2004/83/EC provides subsidiary protection based, *inter alia*, on a “serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict.” “Council Directive of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons who Otherwise Need International Protection and the Content of the Protection Granted,” 2004/83/EC, Official Journal L 304/12, April 29, 2004, http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/L_304/L_30420040930en00120023.pdf (accessed October 17, 2006). Of more direct relevance to Jordan, UNHCR’s Executive Committee—of which Jordan is a member—issued a Conclusion on the Provision of International Protection including through Complementary Forms of Protection in October 2005 that encouraged “the use of complementary forms of protection for individuals in need of international protection who do not meet the refugee definition under the 1951 Convention or the 1967 Protocol” and that states granting complementary protection should ensure “the human rights and fundamental freedoms of such persons without discrimination.” UNHCR Conclusion No. 103 (LVI), October 7, 2005, <http://www.unhcr.org/excom/EXCOM/43576e292.html> (accessed October 17, 2006).

⁶ Exclusion grounds under the Refugee Convention apply to persons for whom there are serious grounds for considering that they committed a crime against peace, a war crime, or a crime against humanity; a serious non-political crime outside the country of refuge; or who have been guilty of acts contrary to the purposes and principles of the United Nations. Refugee Convention, art. 1.F.

- Temporarily suspend all deportations of Iraqis who register with the government and renew their TPR registrations for at least six-month intervals.
 - Admit at least temporarily Iraqi and Palestinian asylum seekers who present claims at the border pending a determination of their claims.
 - Provide work authorization for TPR registrants.
 - Exempt from fines Iraqis who have overstayed their visas when they register for the TPR.
- Ensure the right of all children residing in Jordan, regardless of residency status, to free and compulsory primary education, consistent with Jordan's obligations under the United Nations Convention on the Rights of the Child. To that end, immediately and unambiguously announce that all children will be welcome in public schools regardless of immigration status, and take steps to recognize and accredit otherwise qualifying private schools that cater to Iraqi students.
 - Accede to the 1951 Refugee Convention and its 1967 Protocol.
 - In consultation with UNHCR, establish a domestic refugee law to enable Jordanian authorities to determine refugee claims and provide protection to refugees seeking asylum in Jordan—at its most basic level, protection from *refoulement*.
 - Survey the population of Iraqis in Jordan to identify their numbers and the scope of their needs.
 - Ask for financial and technical assistance from the international community to help meet the challenge to Jordan of providing temporary asylum to Iraqi refugees, including for other countries to help Jordan by resettling Iraqi refugees in need of durable solutions.

To the United Nations High Commissioner for Refugees

- Conduct a survey of Iraqi nationals in Jordan comparable to the survey conducted by the Danish Refugee Council on Iraqis in Lebanon⁷ or the joint UNHCR, United Nations Children’s Fund (UNICEF), and World Food Program (WFP) assessment of Iraqi refugees in Syria.⁸
- Intervene—at least to assess the refugee claim—when any detained Iraqi (or other foreigner) at risk of deportation makes a refugee claim. Do not limit interventions on behalf of asylum-seeking detainees to those who have previously registered with UNHCR.
- If the current arrangement of issuing asylum-seeker cards for purposes of temporary protection is maintained, then provide such cards to previously rejected asylum seekers whose cases were closed, who may no longer be candidates for refugee recognition, but who may nevertheless need temporary protection based on generalized conditions of violence in Iraq.
- When conducting refugee status determinations, ensure that UNHCR Executive Committee (ExCom) Conclusion 103 on the Provision of International Protection including through Complementary Forms of Protection is being followed so that protection is extended to war refugees and not only refugees who fall within the 1951 Refugee Convention definition.⁹
- Establish a UNHCR border-monitoring presence and have at least one protection officer dedicated to monitoring border protection.
- Explore more creative solutions to resolve the situation of the Iranian Kurds in the no-man’s land (NML) at the Iraq-Jordan border. Confidence-building measures could include taking camp leaders and residents for “go and see visits” to the Kawa camp in the Qoshtapa area of northern Iraq to see

⁷ Danish Refugee Council (DRC) and UNHCR, *Iraqi Population Survey Report*, Beirut, July 2005.

⁸ UNHCR, UNICEF, and WFP, *Assessment on the Situation of Iraqi Refugees in Syria*, Damascus, March 2006.

⁹ UNHCR’s Executive Committee adopted Conclusion 103 on the Provision of International Protection including through Complementary Forms of Protection at its 56th Session in October 2005. Jordan is a member of UNHCR’s Executive Committee.

firsthand the place UNHCR says they would be safe, and where other Iranian Kurdish refugees are currently living. Or, explore the possibility of establishing a program of eligibility for NML Iranian Kurds with family links or ongoing protection problems in northern Iraq to seek resettlement opportunities to Sweden, New Zealand, and Ireland (the countries that have resettled the most Iranian Kurds from al-Ruwaishid) after their return to northern Iraq.

To the United States

- Work through UNHCR and nongovernmental organizations (NGOs) to provide quick and meaningful technical and financial support to protect and assist Iraqi and Palestinian refugees from Iraq in Jordan and elsewhere in the region.
- Institute a significant refugee resettlement program for Iraqi refugees of special humanitarian concern to the United States, at least including persecuted religious minorities and people persecuted or threatened with persecution on account of their imputed or actual association with the U.S. government or private American organizations. Create a Priority Two refugee-processing category to expedite the resettlement of some or all of these groups, and expand eligibility for family members in the United States to petition for Iraqi refugee relatives to reunite with them.¹⁰ Respond positively and quickly to UNHCR referrals to resettle Iraqi refugees who do not fall into the category groups specified above.
- Resettle to the United States on a humanitarian basis based on past persecution, Iraqi refugees recognized by UNHCR during the Saddam Hussein era and referred to the United States for resettlement, who were not resettled to the United States as a result of the U.S. moratorium on resettlement of

¹⁰ The U.S. State Department establishes priorities for deciding which few of the world's refugees are of greatest "special humanitarian concern" to the United States. The priorities establish the preference order for interviewing refugees for U.S. resettlement. Priority One involves urgent cases, and usually requires a UNHCR referral. Priority Two is comprised of identifiable nationality and sub-nationality groups who can be processed without a UNHCR referral. Other processing categories relate to the closeness of eligible relatives in the United States who can petition for family reunification, categories that are currently limited to specified nationalities. David Martin, *The United States Admissions Program: Reforms for a New Era of Refugee Resettlement* (Migration Policy Institute, 2005), pp. 37-40; see also U.S. Departments of State, Homeland Security, and Health and Human Services, "Proposed Refugee Admissions for Fiscal Year 2007: Report to Congress," pp. 8-10.

Iraqis after September 11, 2001, and who have been living in limbo since that time. Doing so will not only serve an immediate humanitarian need, but will also help to expedite the processing of “new caseload” Iraqi refugees for U.S. resettlement.

- Provide leadership to other donor governments and at UNHCR’s Executive Committee regarding the need for significantly greater emergency funding for refugee needs in Jordan and elsewhere in the region arising from the humanitarian crisis in Iraq.

To the United Kingdom

- In light of the United Kingdom’s intricate historical and present involvement with Jordan and as the United States’ major coalition partner in Iraq, institute a significant refugee resettlement program for Iraqi refugees, particularly those with links to the United Kingdom.
- Provide generous financial assistance to Iraqi refugees in the region through UNHCR and NGOs.

To Ireland, New Zealand, and Sweden

- In light of having resettled the bulk of the Iranian Kurds from al-Ruwaishid, offer to consider for resettlement those of the 192 Iranian Kurds still in the no-man’s land who first voluntarily move to northern Iraq, and who after moving there can show ongoing protection needs, demonstrate meaningful barriers to local integration, or establish family links to Sweden, New Zealand, or Ireland.

To Egypt, Iran, Kuwait, Lebanon, Saudi Arabia, Syria, Turkey, and Yemen

- Institute a temporary protection regime based on the situation of ongoing armed conflict and generalized violence in Iraq, or, at the least, recognize the TPR initiated by the United Nations High Commissioner for Refugees. Depending on the resources of the particular country and on the refugee burden it bears, join with Jordan in seeking financial and technical assistance,

as needed, from the international community to meet the challenge of providing temporary asylum to Iraqi refugees, including through resettling Iraqi refugees in need of durable solutions to third countries.

- Kuwait, Lebanon, 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 to enable government authorities to determine refugee claims and provide protection to refugees.
- Syria should admit the 200 Palestinian refugees stranded at the Syria-Iraq border and reopen the Syrian border to Palestinian refugees from Iraq, consistent with Syria's admission on May 9, 2006, of the Palestinian refugees stranded at the Jordan-Iraq border.
- Lebanon should discontinue its practice of detaining Iraqis indefinitely for illegal entry or stay as a means of coercing them to opt for "voluntary" return to Iraq.

To the European Union (and European Union member states), the Arab League (and its member states, including in particular Kuwait and Saudi Arabia), Iran, Turkey, Israel and Other Donor Governments

- Contribute quickly and generously both bilaterally and through UNHCR to meet the humanitarian and protection needs of Iraqi and Palestinian refugees from Iraq in Jordan and elsewhere in the region.
- In a spirit of international humanitarian solidarity, governments inside and outside the region should share the human burden by providing both temporary and permanent asylum, as appropriate, to Iraqi and Palestinian refugees fleeing war and persecution in Iraq in order to prevent *refoulement* and maintain at least temporary asylum in Jordan, Syria, Lebanon, and other countries in the region that may struggle to cope with the influx of refugees from Iraq.

To the UNHCR Executive Committee

- Recognize that the refugee emergency in Jordan and elsewhere in the region is of a major scale and that the numbers of Iraqi refugees and their needs are substantially greater than has heretofore been acknowledged.
- Re-designate the Iraq situation as a continuing humanitarian emergency that requires supplementary budget funding.
- Base funding of UNHCR operations in Jordan and Syria on a real needs-based assessment rather than on anticipated resources.