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THE PLIGHT OF IRAQI REFUGEES

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

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THE PLIGHT OF IRAQI REFUGEES

TUESDAY, JANUARY 16, 2007

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC

The Committee met, Pursuant to notice, at 2:05 p.m., in room 226, Dirksen Senate Office Building, Hon. Patrick J. Leahy (chairman of the committee) presiding.

Also present: Senators Kennedy, Cardin, Specter, and Cornyn.

OPENING STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT

Chairman LEAHY. Good afternoon. Today our committee will focus its attention on the current refugee crisis caused by the deteriorating situation in Iraq. Our hearing comes at a time when the momentum for bipartisan reform to address this crisis has never been stronger. It continues to grow, and I think that is good news in this country.

I thank our witnesses for being here, two of whom are going to be appearing at considerable personal risk. I appreciate the cooperation of the members and the press in helping us keep their identity hidden.

I am going to turn the hearing over, in just a moment, to Senator Kennedy, who will chair the Immigration Subcommittee when the committee organizes. But I would like to say just a couple of words.

Among the estimated 1.8 million Iraqis who have fled their country, there are hundreds of thousands of destitute refugees who escaped to neighboring countries with little more than they could carry. Many have been denied refugee status. They have been forced back into Iraq.

I am particularly concerned that we have not made provisions or created the legal authority necessary in this country to secure those Iraqis who have aided American efforts there.

A lot of these are people whom we called upon to help us, and now we are not there to help them. We should not repeat the tragic and immoral mistake of the Vietnam era and leave friends without a refuge and, of course, subject to very violent, and often deadly, reprisals.

I am also concerned about Iraq's scholars. Many have been killed or are presently targeted for assassination. Others have gone into hiding. Iraq's best hope is its younger generation, and if they are unable to continue their academic studies their ability to contribute to Iraq's future will be severely damaged.

Secretary Sauerbrey, I would like to meet with you soon to discuss ways that we could assist those who have aided our forces in Iraq. I want to discuss with you the special plight of Iraq's scholars, along with the ways we could help them resettle outside Iraq where they can safely continue their academic research and instruction. We do not want to have such a brain drain that we have nobody there to help if peace ever comes to this troubled area.

I would hope that today's hearing also highlights all that still needs to be done to help other asylum seekers and refugees, and I believe congressional action is overdue to prevent further injustice resulting from the material support bar to refugee admissions.

It is an issue that is fundamental to America's role as the leading protector of fundamental human rights. These guiding principles and our national security are not really mutually exclusive. Hundreds of people already in the United States are being denied asylum, and now they face being returned for prosecution, persecution, and possibly death.

There are many more things I can say. I will include my full statement in the record.

I would note that the editorial boards of our Nation's leading newspapers have spoken out strongly in recognizing the injustice that current law is causing any of the several hundred previously admitted refugees and asylees who are being denied reunification with their loved ones.

It is perverse and it should be embarrassing to us as the stewards of a country that has been known throughout our history as a safe haven for refugees. So, I am glad many are speaking out.

I might add, there are conservative religious activists who have recently joined our efforts and I applaud them for doing that and welcome than to the issue. I ask that a copy of the January 11 letter to Senator Specter and myself from a broad range of organizations—Human Rights Watch, Human Rights First, Hudson Institute, Southern Baptist Convention—be included in the record because change in the material support bar to make it consistent with our Nation's commitment to human rights is something that should unite us across ideological and party lines.

It is time to bring our laws back in line with our values and remind everybody that we are children of immigrants. In my case, my mother is first generation. My wife is first generation. This is the beckoning country, and we should make it so.

[The prepared statement of Chairman Leahy appears as a submission for the record.]

Chairman LEAHY. Senator Specter?

STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SPECTER. Thank you, Mr. Chairman. I noted Senator Kennedy's excellent op-ed in the Washington Post recently, and am glad to see this hearing, Mr. Chairman, focus on this very pressing issue.

Some 1,600,000 have already fled from Iraq, and another 1,800,000 are seeking refuge somewhere else. The reference that Chairman Leahy made, that we are all children of immigrants, is

certainly true. Both of my parents were immigrants. My mother came at the age of six with her family from Russia.

In 1911, when my father was 18, the Czar wanted to send him to Siberia and he did not want to go to Siberia. He heard it was cold there. He wanted to go to Kansas instead. It was a close call, and he got to Kansas.

But our laws are explicit in granting refugee status to people who are persecuted or have a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. In my parents' days, there was persecution; the Cossacks, my father told me, would ride down the streets of his little town looking for Jews.

The problem that is faced now in Iraq is one of gigantic proportions. There are hundred of thousands who have gone to neighboring countries. I recently had an opportunity to visit Syria.

President Bashir Assad talked about the one million who have come from Iraq to Syria. That is a factor which could be unifying among the Arab countries to try to help the United States reestablish order in Iraq, because their countries are being destabilized by the tremendous flux of immigrants.

When we hear from Secretary Sauerbrey, we will get into the issue of how many unallocated spots there are and the capacity of the United States to take additional refugees within our existing quotas as we take a look at the Immigration Reform bill which will be on the docket soon.

We passed a bill out of the Senate last year, the House passed a bill, and regrettably we were unable to conference and come to a legislative conclusion. But when we take up this issue again, the matter of refugees ought to be high on our agenda to incorporate into immigration reform.

This is a very important hearing and it is good to focus attention on it. I look forward to the presentation of the witnesses, especially to the individuals who will testify here today, one of whom is a Pennsylvanian and one of whom had been a Pennsylvanian, who will testify incognito.

Thank you very much, Mr. Chairman.

Chairman LEAHY. Thank you.

Senator Kennedy?

STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator KENNEDY. Thank you very much, Senator Leahy, for scheduling the hearing.

Senator Specter, Senator Cornyn, who is our Ranking Member on the Immigration, Border Security and Refugee Committee, and it is good to see Senator Cardin here as well.

Five years ago, Arthur Helton, perhaps this country's staunchest advocate for the rights of refugees, wrote, "Refugees matter for a wide variety of reasons. Refugees are a product of humanity's worst instincts—the willingness of some persons to oppress others—as well as some of its best instincts—the willingness of many to assist and protect the helpless. In personal terms, we care about the refugees because of the seed of fear that lurks in all of us that can be stated so simply: it could be me."

A year later, Arthur Helton gave his life for his beliefs. He was killed in Baghdad in 2003 while meeting with the U.N. Special Envoy Sérgio Vieira De Mello when a terrorist bomb destroyed the U.N. Headquarters in Iraq.

But his words resonate today, especially as we consider the very human cost of the war in Iraq and its tragic effect on the millions of Iraqis—men, women and children—who have fled their homes and their country to escape the violence of a Nation increasingly at war with itself.

Today in Iraq, according to the High Commissioner for Refugees, 1.7 million people have been driven from their homes; up to 2 million have sought refuge in neighboring countries, at least 700,000 in Jordan, 600,000 in Syria, 80,000 in Egypt, 54,000 in Iran, 20,000 in Lebanon.

Thousands more are on the move daily. More than 10 percent of the people of Iraq are refugees. We will see increasing numbers as sectarian, ethnic, and generalized violence continues unabated.

Like other aspects of the war, we bear a heavy responsibility for their plight. As the Iraq Study Group states, "Events in Iraq have been set in motion by American decisions and actions." The study group concluded that "if this refugee situation is not addressed, Iraq and the region could further be destabilized and humanitarian suffering could be severe. America must respond."

Last year, however, the United States admitted only 202 Iraqi refugees. A special immigrant visa program for U.S. military Iraq and Afghan translators currently has a 6-year waiting list. We can do better than that.

The answer, of course, is not to bring every Iraqi refugee to the United States, but we do have a special obligation to keep faith with the Iraqis who have bravely worked for us, and often paid a terrible price for it by providing them with safe refuge in the United States. I hope this hearing will inform us all about how we might better assist Iraqi refugees and enable us to deal with it fairly and quickly.

We should work urgently with Iraq's neighbors, especially Jordan, Syria, and Lebanon, who are bearing the greatest refugee burden. Prompt action is essential to prevent destabilization of the region and to relieve suffering and save lives.

An international conference sponsored by the countries in the region and the United Nations could be a first step in addressing the growing needs of Iraqi refugees and internally displaced people.

Our Nation is spending $8 billion a month to wage the war in Iraq, yet to meet the urgent humanitarian needs of the refugees who have fled the war, the State Department plans to spend only $20 million in the current fiscal year.

The U.N. High Commissioner has issued a $60 million appeal to fund its work with Iraqis for the next 12 months. Clearly, the United States should fund its share of that amount and take other steps to ease the burden on countries hosting large numbers of these refugees.

Our witnesses today will testify about personal stories of courage, loyalty, heroism, and tragedy. They represent only a small number of countless stories of human indignity and suffering.

Others have been criticized as traitors, infidels, and agents of the occupier. Some among them, such as the Chaldean Christians, have long been persecuted for their religious beliefs.

We owe a special duty to protect all of them and their loved ones who are being targeted by insurgents and sectarian death squads because of their faith or their association with the United States.

I thank Assistant Secretary Sauerbrey and the Office of the United Nation's High Commissioner for Refugees for being here and look forward to their plans for dealing with this extraordinary human tragedy.

We thank the other witnesses for sharing their stories of fear, cruelty, and triumph. You are the human faces of this global problem.

If Senator Cornyn wants to make a comment, we would be glad to hear it.

STATEMENT OF HON. JOHN CORNYN, A U.S. SENATOR FROM THE STATE OF TEXAS

Senator CORNYN. America has a proud tradition of providing refuge and comfort to those desperately wishing to escape wars. America's shores are often the last best safe haven. Our tradition of opens arms dates back to the founding of this great Nation.

We should all be proud of the fact that the United States welcomes more refugees than any other country in the world. America's refugee resettlement program is consistent with the values of a Nation committed to compassion. Our refugee policy also advances America's democratic values, while safeguarding our national interests. Most importantly, it saves lives.

Today's hearing is an important one and I, likewise, thank the Chairman for scheduling it. I believe it will bring into focus the need to take a comprehensive approach toward our policy in Iraq, with the ultimate goal of helping the Iraqis achieve stability and security.

Anything short of achieving this goal will pose a substantial security risk to our Nation, jeopardize our forces in Iraq, and dramatically escalate the refugee problem in this region.

Sadly, the Iraqis have long suffered from human rights abuses at the hands of a brutal, blood-thirsty dictator. It reminds me of a comment I heard from an Estonian representative at the NATO parliamentary assembly a couple of years ago when he said, "Peace in these repressive countries is more bloody than war."

The Iraqis, in the late 1980s, were the subject of a campaign begun by Saddam Hussein to exterminate the Kurds, resulting in mass executions, the disappearance of noncombatants in the tens of thousands, and the forced displacement of hundreds of thousands.

In the 1990s, while continuing his oppression and slaughter of the Kurds, Saddam expanded his war on innocent civilians to the south, where estimates of Shi'a deaths range from tens of thousands to more than 100,000.

Today, as has been mentioned, there is no shortage of refugees from Iraq, and many more internally displaced persons have suffered within that nation for quite some time.

Indeed, when authorizing the President to use force in Iraq, Congress included as a justification this clause: "Whereas, Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population, while the refugee and internally displaced person situation in Iraq is severe, it would only worsen by degrees of magnitude if we followed the plans that some have offered to withdraw from Iraq before it is able to sustain itself, to govern itself, and defend itself."

I am not alone in this belief. Just this past Friday, I asked Secretary of Defense Robert Gates and the chairman of the Joint Chiefs of State, General Peter Pace, what the humanitarian consequences would be if the United States were to pull out of Iraq immediately.

They, too, are convinced that a premature draw-down of troops would lead to a sharp increase in internally displaced persons, increased numbers of murders, sectarian violence, and ethnic cleansing. As a compassionate Nation, we cannot stand by and allow further tragedy to ensue.

So, Mr. Chairman, I look forward to receiving the testimony of our distinguished witnesses here today and working with my colleagues to try to find a way to address this current situation.

We must, I would hope, resist taking actions that actually worsen the plight of current refugees in Iraq, exacerbate the refugee situation, and, at the same time, undermine our national interest.

Thank you very much.

Senator KENNEDY. Thank you very much.

Our first witness is the Honorable Ellen Sauerbrey, who became Assistant Secretary of State for Population, Refugees and Migration in January of 2006. She heads the Refugee Bureau at the State Department that provides protection assistance and sustainable solutions for refugees, victims of conflict and advances, and U.S. population and migration policies.

Ms. Sauerbrey formerly served as U.S. Representative to the United Nations Commission on the Status of Women. Before that, she served as the Minority Leader of the Maryland House of Delegates and was the 1994–1998 Republican nominee for Governor of Maryland.

We want to welcome Assistant Secretary Sauerbrey. We had a good chance to visit with you on this committee when we have talked with the Secretary of State about refugee matters. We know your own strong interest and commitment, and we welcome you to the committee.

STATEMENT OF ELLEN SAUERBREY, ASSISTANT SECRETARY OF STATE FOR POPULATION, REFUGEES AND MIGRATION, DEPARTMENT OF STATE, WASHINGTON, DC

Ms. SAUERBREY. Thank you, Mr. Chairman, distinguished members of the committee. It is an honor to have the opportunity to appear today to discuss issues involving displaced Iraqis and Iraqi refugees.

I welcome the opportunity to detail some of the actions the administration is taking to provide protection and assistance for Iraqis in neighboring countries of first asylum, and for populations

inside Iraq. I want to assure this committee that this issue is the very top priority for my bureau.

The administration shares your concern about the current situation facing Iraqi refugees and is committed to helping conditions for them in countries of first asylum. We are working closely with host governments in the region, with the United Nation's High Commissioner for Refugees, the International Committee for the Red Cross, and non-government organizations.

Through these partners, we are providing assistance to the most needy refugees and are seeing durable solutions, including resettlement to the United States for those that require this important form of international protection.

Since 2003, the administration has provided more than $800,000 to support the World Food Program, UNHCR, ICRC, the International Organization for Migration, and a range of NGO's that provide direct assistance to returning Iraqi refugees, internally displaced persons, and third-country national refugees that are inside of Iraq, and Iraqi refugees outside of Iraq to help meet basic humanitarian needs and support reintegration programs.

U.S. Government support has increased the capacity of Iraqi government ministries working with refugees and internally displaced persons, provided training to non- governmental organizations serving refugees, and assisted numerous victims of conflict. These programs helped reintegrate many of the 300,000 Iraqi refugees who returned home between 2003 and 2006, and helped many of the 500,000 IDPs inside Iraq.

However, due to the upsurge in sectarian violence in 2006, this trend of repatriation has reversed itself and at present more Iraqis are fleeing their homes to other areas of Iraq and to neighboring countries than are returning. UNHCR estimates that between 1 to 1.4 million Iraqis are in countries bordering Iraq, though a large percentage of them had left prior to 2003.

We believe the current population of Iraqis in Jordan and Syria is a mixture of Iraqis who departed before 2003 and the newer arrivals. Many organizations, including UNHCR, have raised concerns about new arrivals and growing numbers of Iraqis in these bordering countries.

Though neither UNHCR, nor the governments of Jordan or Syria, have definitive figures on the size of the population. UNHCR has argued that the refugee crisis it predicted would occur, but that did not materialize after the invasion in 2003, is now upon us.

Although we lack firm figures on how many Iraqis are seeking refuge in neighboring countries, we do know that many left with minimal resources and are living on the margins.

Other than alRuwaished, which shelters a stable population of third-country nationals from Iraq, Jordan and UNHCR have not established refugee camps. Anecdotal reporting also indicates that many Iraqi children in these countries do not have access to schools or to adequate health care.

We need better information on the needs of Iraqis in these countries, particularly their protection concerns. We are encouraging the Government of Jordan to allow a comprehensive survey of the needs of Iraqis in Jordan that would guide the international com-

munity in focusing assistance and protection activities. UNHCR is planning to conduct a similar survey in Syria.

We hope our partners will be able to complete these surveys in the very near future. And I might mention that I met with the Charge from Jordan this morning to reinforce how important it is that this survey moves quickly.

However, we are not waiting for precise numbers before responding to the needs of vulnerable Iraqis in neighboring countries. We are continuing our support to UNHCR and NGO programs benefiting Iraqis in these countries now.

In 2006, the U.S. provided nearly $8 million of UNHCR's operational budget for Iraq, Jordan, Syria, and Lebanon. In 2006, we also provided $3.3 million in funding to the international Catholic Migration Commission to assist the most vulnerable Iraqis in Lebanon, Syria, and Jordan.

In 2007, we are expanding support for these, and similar, programs serving needy Iraqis in neighboring countries. But our ability to respond to the growing needs depends on receiving sufficient resources.

The President's fiscal year 2007 request for migration and refugee assistance included $20 million for Iraqi humanitarian needs. The administration will continue to monitor the recent refugee and displacement situation and the ability of the international community to address the increased needs.

Our support for UNHCR's protection mandate and our diplomatic efforts with host countries is essential to preserve the principals of first asylum and to ensure that assistance reaches vulnerable refugees.

We continue to press all governments in the region to keep their borders open to those with a fear of persecution and to allow assistance and protection to reach these populations.

Jordan and Syria have been generous hosts to Iraqis for many years and have largely kept their borders open as people have continued to flow out of Iraq in 2006. Both Jordan and Syria are also hosts to sizable Palestinian refugee populations, and we recognize the additional burdens Iraqi refugees place on these countries.

We are working with UNHCR and with host governments to see how we can help bolster their capacity to provide the protection and assistance so Iraqis do not over-stretch the social service networks and the ability of these governments to continue to receive Iraqis that are seeking asylum.

Another aspect of our response to Iraqi refugee needs in the region is an expansion of our U.S. resettlement program. Given the large number of Iraqis thought to be in Syria and Jordan, with some estimates as high as 1.4 million, the U.S. and other third-country resettlement programs will play a small, but important, role in meeting the needs of Iraq refugees.

For that reason, we are working closely with UNHCR to prioritize U.S. resettlement for the most vulnerable Iraqi refugees. The U.S. has been resettling Iraqi refugees since the mid-1970s. To date, the U.S. has resettled more than 37,000 Iraqis. The vast majority of them were victims of Saddam Hussein's regime.

As the number of Iraqis arriving in Jordan and Syria increased in 2006, we have acted aggressively to expand our ability to offer more Iraqis refuge in the United States.

In 2006, we provided $400,000 of funding directly targeted to support UNHCR resettlement operations. These expanded operations will increase registration efforts to help identify vulnerable cases and boost the number of referrals to our program and to those of other resettlement countries.

We have provided an additional $500,000 for this purpose in 2007. This is very important capacity building for UNHCR for the resettlement program to increase its ability to provide referrals.

We do not have a quota on the number of Iraqis who can be resettled in the United States as refugees. The process of resettling Iraqis is the same as resettling Iraqis in need of protection from other parts of the world.

The process includes identifying those in greatest need from among so many, conducting adequate background security checks, completing personal interviews, with adjudications, and coordinating the transportation and logistics for individuals approved for resettlement.

In processing eligible Iraqis for resettlement in the United States, we will remain vigilant in preventing terrorists from gaining admission to our country.

I want to recognize that some of the special populations that have received attention from humanitarian organizations in 2006: minority populations in Iraq and Iraqis who have worked closely with the United States in Iraq.

Some have called for special protection and programs for these people, including religious minorities such as Christians who have fled Iraq or those who have worked for the American government or U.S. organizations or companies. Many of these Iraqis are in refugee in Jordan, Syria or Turkey and may be unable to return to Iraq because they fear for their lives.

We intend to ensure that these special populations receive full and expedited consideration and access to the U.S. resettlement program and we are encouraging them to contact UNHCR to make their needs known.

I want to take just a moment to talk about important programs the U.S. Government supports inside of Iraq. While recent reports have highlighted the conditions of Iraqis in neighboring countries, we must not forget populations of concern still inside of Iraq itself.

UNHCR and the Iraqi government estimate that there are as many as 1.7 million internally displaced persons, and another 44,082 third-country national refugees in Iraq.

The U.S. Government continues to support UNHCR, ICRC, and key NGO programs inside the country that assist communities with new internally displaced persons, recently returned refugees, and other victims of violence.

For example, we support important programs of ICRC that upgrade hospitals throughout the country and provide medical services to those who are innocent victims of the armed insurgency.

We also provide resources and diplomatic support to programs that seek to protect, assist, and provide durable solutions for Palestinians, Turkish, and Iranian refugees inside Iraq.

In 2005 and 2006, we supported the movement of over 3,000 Iranian Kurdish refugees from the Al Tash refugee camp near the strife-torn town of al Ramadi to a safe area in Northern Iraq, providing permanent housing, employment programs, and local integration support.

We are also working closely with UNHCR and the governments of Iraq and Turkey to enable the voluntary return of more than 10,000 Turkish Kurdish refugees from the Mahkmour refugee camp to their home villages in Turkey.

The U.S. Agency for International Development continues to support the protection and assistance requirements of internally displaced persons in Iraq, mostly through non-governmental organizations.

These NGO's work closely with new IDPs to provide life-saving and sustainable assistance throughout the country. The administration will continue to implement existing programs and monitor the displacement situation.

Mr. Chairman, we appreciate your leadership on Iraqi refugee issues and we look forward to working closely with you as we seek to expand protection for these Iraqis, third-country national refugees, and IDPs, and to ensure that the vulnerable among them receive assistance, access to social services, and for the most vulnerable, the opportunity to resettle to a third country.

I thank you for the opportunity to address the committee. This concludes my testimony. I would be happy to answer your questions.

Senator KENNEDY. Thank you very much, Madam Secretary.

[The prepared statement of Ms. Sauerbrey appears as a submission for the record.]

Senator KENNEDY. We will take 6-minute rounds.

I thank you, Madam Secretary. We have enjoyed working with you personally. I am going to make some observations just generally about the policy of the administration.

I think this is an instance where, not unlike a number of other issues, whether it has been IEDs, the insurgency, or the armor, we are really missing the crisis and it has effectively exploded. There were 202 refugees admitted last year. Twenty million dollars for all refugees, despite our $8 billion a month for the war, $20 billion for next year. Money is not everything, but is a pretty good indicator about where the administration is.

Now, I want to ask you if you will be of some help to us, first of all, in establishing special humanitarian parole. We have done it for groups in the Soviet Union. We have done it on Cuba. We have done it in Vietnam. We have done it at other times.

Will you take that back to the Department and—at least I would hope you would—urge the Department to consider that, given the nature of the crisis. But will you give the assurance that you will take it back to the Department and give us some response about whether they will go ahead and do that, or if they will not, the reasons for it? Would you?

Ms. SAUERBREY. Absolutely, Mr. Chairman. If I might add, I met just this morning with someone from Consular Affairs and we were talking about just this issue.

Senator KENNEDY. Good.

Second, the commitment to activate a system to process refugees inside Iraq. That is enormously important. You have got a series of regional embassies. You have got the green zone. You have Mosul, Kirkuk, Basra, Hillah.

Will you give us assurance that you will go back to the Department and consider activating a system to process refugees inside Iraq? Then I would like to know, this could also include the American embassies inside the country. Will you look at both of those?

Ms. SAUERBREY. Mr. Chairman, I appreciate that. We certainly will. My Bureau has been holding conversations with our embassy—another one is scheduled tomorrow—to try to look at procedures that can be used. It is a complicated issue because of the security problems of people reaching our embassy, people coming into the green zone.

We are, however, looking at ways that we can find to do processing inside of Iraq, as well as urging people who are extremely vulnerable to seek protection in Jordan, where they are more readily accessed.

Senator KENNEDY. That is true. But many of these countries are closing the borders now. I mean, the Jordanians, the Lebanese, the Syrians are hard pressed. The Saudis have closed theirs. So it is very difficult, if the borders are closed for these individuals, to get in. They cannot do it inside Iraq, they cannot do it outside.

We are going to hear from various witnesses, stories of extraordinary courage and what they have done in terms of working with American service men. We are going to hear a very important story of that nature and the risks that they have gone through, in this instance translators, but in another instance a person that was providing water for American servicemen.

So, inside the country as well as processing in embassies in that region, very, very important. I want to hear back from you, please, about what the Department is going to do on this.

Next, should we have the 20,000 surplus in terms of the numbers, the 20,000 reserved? Those numbers are approved by the President of the United States. We have not had the resources—we have talked about this previously—to do it. There are additional resources that are going to be necessary for the resettlement.

I am thinking, we are talking about whether there are translators, those that work with military personnel, those that I think who have worked even with American independent contractors, those who worked with the press. They are all under the same kind of risks—we will hear more about that later.

And if it is going to be the resources that are going to be necessary to be able to do it, we want to be sure, when that supplemental comes up, in terms of the one that we anticipate, that you will make the request for adequate resources to be able to process this.

I know you cannot answer that precisely. I have been around here long enough. But give us your best shot at it, will you? [Laughter.]

Ms. SAUERBREY. First of all, I want to assure you that our top priority—and we are absolutely seized with the issue—is how we can help those people who have worked for, and provided assist-

ance to, the U.S. Government. That has got to be an absolute top priority.

In terms of the resources, if we are fortunate enough to receive the funding that the Senate approved for our admissions program, we will have the 70,000 number that the President asked for, which has the 20,000 unallocated reserve. We are eagerly waiting for a resolution to this number.

Senator KENNEDY. Well, if it does not come I hope he will give consideration to a supplemental.

My time is just about up. But this idea of a regional conference in the area. You have individuals who have moved in all of these countries, including Syria, including Iran.

I think we are going to hear later in the day from the U.N. High Commissioner about the possibilities of having some regional conference, either under the Arab League or the other possibilities there.

Can you give us some assurance that at least we are going to be a constructive and positive force and that we will participate in such an endeavor if it is under the leadership of the U.N. High Commissioner?

Ms. SAUERBREY. I spoke to the High Commissioner on Saturday and he told me that they are moving forward with the OIC, and expect to have some sort of a meeting under those auspices in the spring. We certainly look forward to working in any way that we can to cooperate. This has got to be a coordinated effort.

The United States is a very generous country, but we cannot do it alone, nor should we be doing it without coordinating with other countries in the region, as well as other resettlement countries and assistance countries.

Senator KENNEDY. I want to thank you. My time is up. I hope you will get back to us in a timely way, because time is of such importance.

Ms. SAUERBREY. Thank you, Mr. Chairman.

Senator KENNEDY. Senator Specter?

Senator SPECTER. Thank you, Mr. Chairman.

Madam Secretary, in your statement you noted that there are 1.7 million internally displaced people in Iraq. In your statement, you note that the United States has helped to resettle 37,000. That is a very small percentage of those who are in need. Is that adequate? What more can be done?

Ms. SAUERBREY. Senator Specter, we recognize that if all the resettlement countries in the world take the maximum number that they can absorb, we will only touch a small percentage of this population.

Senator SPECTER. What more can the United States do?

Ms. SAUERBREY. What we think our effort needs primarily to be focused, on assistance and protection of refugees in the countries of first asylum.

Senator SPECTER. But, Madam Secretary, how can we increase the number so that we do more for more than 37,000? Would you take that back to the Department? Because that is a relatively small number being accommodated.

How about the unallocated spots where some 20,000 are allocated each year without any specific designation and a great many

of those spots have gone unused? Two questions. How many spots are there unallocated, and why are more not being used for the Iraqis?

Ms. SAUERBREY. Senator Specter, the Presidential determination was 70,000, at the time that that planning document was put together last spring when that work began, there was not at that point a massive outflow. We had allocated in the planning document 5,500 slots for the region. We left the 20,000 unallocated reserve for the purpose of being able to have flexibility in the program.

Senator SPECTER. Well, why not use them now when there is such a pressing need?

Ms. SAUERBREY. We certainly are hoping that we will be funded to use them. At this point, we—

Senator SPECTER. Is it only a matter of funding? Is the State Department prepared to use those unallocated spots for the Iraqis?

Ms. SAUERBREY. We would be using a significant number of them.

Senator SPECTER. When you say "significant", what do you mean by that?

Ms. SAUERBREY. I would say the overwhelming majority. There are other pressing areas in the world as well, but because of the significance of this outflow, I am sure that the largest portion by far would go to Iraqis.

Senator SPECTER. Madam Secretary, as to the 37,000 who have come to the United States, is there qualitative information as to what kinds of people these are? Are they Ph.Ds? Are they scientists? Are they skilled? Are those who are coming from Iraq to the United States adding significantly to the productivity of our country?

Ms. SAUERBREY. I think that we can say that for the majority of people who emigrate to our country.

Senator SPECTER. Well, if they are well-qualified and if they are seeking asylum, if they want to go, we are not promoting a brain drain on Iraq. We are not asking their people to come to the United States. But where they are in need of refuge and they can benefit our country, that would be another very positive reason.

Let me turn, now, to the idea of an international conference. I had an opportunity to visit in Syria and talk to President Bashir Assad in late December. He talked about Syria's willingness to host an international conference where the warring factions from Iraq would be brought to Damascus. He said he had already gotten the cooperation of Turkey. He intended to invite other Arab countries. He expressed concern about, as he put it, one million Iraqis who have come into Syria.

Would this not be a very important resource for the United States to activate and to be willing to have a dialog with Syria, at least to the extent of dealing with this problem which of mutual concern?

Ms. SAUERBREY. This would be a foreign policy issue, Senator, that would be a little bit out of my—

Senator SPECTER. Well, you are in the State Department.

Ms. SAUERBREY. This is true, and I will certainly take this back to the Secretary as a suggestion that you are posing.

Senator SPECTER. Well, she has heard my suggestion. What do you think about it? [Laughter.]

Ms. SAUERBREY. I think that any time that you can—

Senator SPECTER. She has heard my suggestion and I have heard from her. But, now, what do you think? What do you think about it?

Ms. SAUERBREY. I think that any time that you can get parties talking to each other, that something constructive has a likelihood of coming out of it.

Senator SPECTER. Well, it certainly is a gigantic problem. The countries in the region—this could be some common ground. When we talk to Syria, we might also take President Bashir Assad up on his offer to try to control the border.

We are talking about trying to stop the insurgents and the terrorists from coming into Iraq. He complains—and I have not had a chance yet to brief the Secretary as she is traveling, but I will be doing so next week—that he needs cooperation from the United States.

In the last 7 seconds that I have, let me ask one final question. That is, what steps are we taking to be as sure as we can that the refugees who come into the United States under this program are not terrorists themselves?

Ms. SAUERBREY. Senator, every refugee who comes into the United States has to be individually adjudicated by the Department of Homeland Security. They are screened for their background and every effort is being made.

One of the reasons that you are seeing so few Iraqis that have come into the United States since 2003 is because of an enhanced security review that has been required that has made it very difficult for these Iraq refugees who have been referred to us by UNHCR to pass through the screening mechanism. That enhanced security review has also led to UNHCR not making referrals to the United States.

So the security issue is very critical and very key to this whole issue, both in terms of how we balance the protection of the United States and, at the same time, maintain the humanitarian nature of our country to be a welcoming country to refugees.

Senator SPECTER. Thank you for your contribution to public service, Madam Secretary. I know you have a long resume of activity and public life, from State legislature to candidacy for government. We thank you for that active participation and for the job you are now doing. So, carry our message back to Secretary Rice.

Ms. SAUERBREY. Thank you, Senator.

Senator SPECTER. Thank you.

Senator KENNEDY. Senator Cardin?

Senator CARDIN. Thank you.

Secretary Sauerbrey, it is nice to see you again.

Ms. SAUERBREY. Thank you, Mr. Speaker. May I call you Mr. Speaker?

Senator CARDIN. Not here. But that is fine.

[Laughter.]

It is nice to see you. We had a chance to work together for many years in the Maryland legislature and it is nice to have you before the Judiciary Committee.

I want to followup a little bit on Senator Specter's point about 37,000, because if I understand correctly, most of those 37,000 came to the United States when Saddam Hussein was in power in Iraq.

So do you know the numbers that we have admitted under refugee status since the current campaign by the United States and coalition forces?

Ms. SAUERBREY. Yes, Senator. We have admitted, since 2003, 466. The main reason that that number dropped so dramatically, as I explained to Senator Specter, is after 2003 the Congress enacted significant changes in the law that created a need for much-enhanced security testing.

Senator CARDIN. And I certainly understand that. But it just underscored a point that Senator Specter made and Senator Kennedy made. Knowing the numbers of refugees that are in Iraq and in the surrounding countries, knowing full well that many of the individuals who are seeking asylum in the United States are doing so because of helping the United States and Iraq, as the two witnesses that will be testifying later, and the ordeal that they had to go through in order to reach safety, I am certain many have not reached safety. I think we have a much stronger obligation to make this country available.

I just really want to underscore a suggestion Senator Kennedy made about being able to provide services within Iraq for those who seek asylum in the United States. It is just impossible for many to go through what these two witnesses, who later will be testifying, did to come to the United States without some assistance from us in Iraq or in that region. So it seems to me that is the least we can do.

The fact that we only have 400 that have been able to make it through our process to be able to come to America, I think speaks volumes about the need for us to find a policy that will be more accommodating so that we accomplish some of our responsibility here to help those that are in need.

So I hope you will do more than carry it back. I hope that we will come up with some workable plans in order to make this program work in our country.

Ms. SAUERBREY. Thank you, Senator. As I indicated earlier, we are in discussions with our embassy, not only in Baghdad, but our embassies in the bordering countries so that we are trying to find a way to address those inside of Iraq as well as those who have reached, perhaps, Amman.

We are looking at special visas. We are looking at special benefit parole. We are looking at trying to find some way to do in-country refugee processing. I have to tell you, it is a very difficult issue to try to figure out how to do this within Iraq, within the green zone, within our embassy.

How to do this, does not have an easy solution. I just want to assure you that we are working very diligently, trying to figure out a way to make it work.

Senator CARDIN. I appreciate that.

But one of my concerns is, many of these individuals are not displaced within Iraq. These are individuals that perhaps are living

in their homes, in their community, but are in fear of being killed or their families killed because they helped America.

So I do not know if we have any numbers as to how many are in fear of their life, or fear of their family's life because of being identified with the United States, but it would be, I think, important for this committee if we had better information to work on.

I would just encourage you to try to get the numbers from our command in Iraq as to what we are looking at as far as families that are at real risk today. One of the tragedies in Iraq is that we are not able to guarantee the safety of these families. So, I think it is obvious that we need to do what we can in Iraq, but we also need to make sure people are given as much safety as possible.

Ms. SAUERBREY. We have developed an expedited system recently with UNHCR whereby we are able to provide them with information of people who have already chosen to leave Iraq that are moving to surrounding countries so that we can alert them to immediately process.

In fact, just this week we have gotten an individual who had been brought to our attention by an NGO that had gone to Amman, and we were able to notify UNHCR. They brought them in and gave them refugee status immediately, and they have been referred to our resettlement program. So, the process is under way.

Senator CARDIN. Thank you.

Thank you, Mr. Chairman.

Senator KENNEDY. Thank you.

Senator Cornyn?

Senator CORNYN. Thank you, Mr. Chairman.

Madam Secretary, in 2003 I had a chance to travel to Iraq with the Senate Armed Services Committee. I remember standing on the edge of a mass grave located in Iraq and was told by a U.N. representative that approximately 400,000 Iraqis lay dead in similar mass graves throughout the country, victims of the Saddam Hussein regime—Kurds, Shi'a and others who resisted his tyranny. The U.N. representative also, at the same time, said that about a million Iraqis had fled the country to other parts of the world.

From what you said earlier, it sounded like the refugee flow out of Iraq reversed itself somewhat following Saddam's fall, but then again reversed itself with the outflow exceeding the inflow.

Could you go through those numbers again and the relative time periods?

Ms. SAUERBREY. Yes. Thank you, Senator. This is such an interesting and complex issue, I can tell you, I came into my position just about exactly a year ago, and at that time we were touting the fact that repatriation was so successful because most of the resources that we were spending at that time were to return people. A very large number of Iraqis were returning to Iraq and we were funding the assistance programs to sustain them.

Senator CORNYN. And when did that change?

Ms. SAUERBREY. That changed, largely, following the Sumara bombing in April of last year. So it really was not until about, I would say, July or August that we started becoming aware that there was a large number of people moving in the other direction.

Senator CORNYN. When looking at a difficult problem, I think you would probably agree with me that it is important not only to

look at what the effects are, but what the cause may be, of course, in trying to solve this problem.

Would you agree with this: if there is anything that we might be able to do about the cause of the refugees flowing out of Iraq in fear of their safety because of the sectarian violence and the unstable environment, if there is anything we could do to stabilize Iraq to allow Iraqis to govern themselves and to defend themselves, it would go a long way to stemming the tide of people leaving the country out of fear for their own safety?

Ms. SAUERBREY. Senator, there is no question that throughout the world most people do not want to be resettled in third countries. They want to go home. Refugees want to go home. They want to live in safety and dignity in their homes.

So as we look at the solutions to this problem, and recognizing that only a small percentage under the best of circumstances are going to find an opportunity to resettle somewhere else, they are going to have to be the most vulnerable that we are able to identify that need resettlement that probably, for whatever reason, may never be able to go home. But making Iraq a stable country where the violence is brought under control is the most important thing that we could do for our refugee program.

Senator CORNYN. Well, I will acknowledge the obvious and say our policy in Iraq is controversial. But what I hope is not controversial is our desire to try to solve this problem, not only in terms of the instability created in the Middle East and the likelihood of regional conflict and another failed state serving as a launching pad for future terrorist attacks, but also for the millions of people who are fleeing the danger in that country.

I just hope that all of us in public life, those who have taken an oath to represent our constituents, to protect and defend the United States, will try to look for constructive alternatives and not just criticize.

I think one of the most distressing things about the public debate about the way forward in Iraq is while the President has consulted with the vast array of people across the political and ideological spectrum, and with the best military minds available in our country and has come up with a plan, there are those who would simply criticize that plan and who have nothing else to offer by way of an alternative.

I would hope this would be one of those things from a humanitarian standpoint, from the standpoint of simple human compassion, that we could rise above the typical contentiousness in Washington, the partisanship, and the divisive debates and try to find some way to find common cause to bring stability to Iraq and to allow what perhaps is the most humane thing we could possibly do—allow Iraqis to return to their home and to live in peace and safety and stability.

So I hope, while we look at the effects of the turmoil and violence in Iraq and we try to deal with that as well as we can, we also will not ignore the cause and we will work together to try to find solutions.

Thank you very much.

Ms. SAUERBREY. Thank you, Senator.

Senator KENNEDY. Thank you very much, Madam Secretary. We look forward to hearing from you. We appreciate your appearance here this afternoon.

Ms. SAUERBREY. Thank you.

Senator KENNEDY. We will move toward the next panel of witnesses. We will hear testimonies and have the opportunity to ask questions of the first two witnesses on this panel, and then I will ask that the remainder of the witnesses on this panel would take their seats.

In order to protect the identity of our two witnesses and the lives of their families, I am going to ask that the audience and members of the press refrain from taking any pictures or video shooting of the witnesses during the testimony, and I thank you for your cooperation.

Before I begin, I would like to commend each of the witnesses on this panel and their families for their courage in coming to testify and to tell their stories. Before introducing them, I would like to recognize the law firm of Morgan Lewis from Philadelphia and the Villanova Law School CARE Clinic. These attorneys and law students have been incredibly valuable to the witnesses testifying before us today, and I want to offer my thanks to Dino Privitera from Morgan Lewis, Brian Watson from Morgan Lewis, Michelle Pistone, Villanova Law School, who is a professor. She is strongly committed to this pro bono work in the law school.

Sean Burke, Villanova Law School, and Robert Kidwell, Villanova Law School. Both the law firm and these law students—you will hear the result of their work—have just performed nobly and they deserve the highest commendation in terms of legal profession.

They have made an extraordinary difference. They have been enormously helpful to this committee and their work is going to be exceedingly helpful to us, and I am sure the administration, as we go forward.

Our first witness, Sami, is the first-ever recipient of the special immigrant translator visa from Iraq. He is a former interpreter and translator for the U.S. and the coalition forces of Mosul.

Our second witness is John, who, along with his family, was granted asylum in the United States just a few months ago. He is a former truck driver, contracted by the U.S. military to supply water in its service camps. We will hear from John and his interpreter, Ameara Mattia. I am very, very grateful to them for their presence here today.

Then we will introduce the remainder of our panel. I might just take a moment now to introduce Captain Zachary Iscol of the U.S. Marine Corps. He is currently assigned as a Team Leader in Company A, Foreign Military Training Unit, Marine Forces Special Operations Command.

He was deployed to Iraq, where he was in charge of a combined action platoon comprised of 200 Iraqi soldiers and 30 U.S. Marines. His platoon became a model for successful development of Iraqi security forces after fighting on the front lines in the November 4th assault to clear Fallujah. The platoons of Iraq soldiers were some of the first to participate in high-density combat operations. He

later conducted security operations throughout Iraq's Anbar province.

He is a recipient of the Bronze Star medal with Combat-Distinguished V device, and the Combat Action ribbon. He will talk about the importance of Iraqi translators to the success of their mission.

Then we have Lisa Ramaci-Vincent, who is the Executive Director of the Steven Vincent Foundation, which was created to assist families of indigenous journalists in regions of conflict throughout the world who are killed while doing their jobs, and also to support the work of female journalists in those regions. Previously she worked in the American Furniture and Folk Art Department at Sotheby's Auction House.

Then we will hear from Ken Bacon, who serves as the president of Refugees International. From 1994 to 2001, he was the Assistant Secretary of Public Affairs, Department of Defense, where he advised the Secretary of Defense and other top officials. From 1969 to 1994, he was a reporter, editor, and columnist with the Wall Street Journal. He has appeared before our committee on a number of occasions on the issues of refugees, and we are grateful to all of them.

So we will start, if we might, with Sami.

STATEMENT OF SAMI AL-OBIEDY, FORMER TRANSLATOR FOR THE U.S. ARMED FORCES, PENNSYLVANIA

Mr. AL-OBIEDY. I would like to thank Chairman Leahy, Ranking Member Specter, Senator Kennedy, and members of the Senate Judiciary Committee for providing me the opportunity to testify and share my experiences with you as a former Iraqi translator assisting coalition and U.S. forces in Iraq. I am privileged and honored to do so.

In order to protect my identity, and because of the concerns for the safety of my family back home in Iraq, I am testifying here today under the name of Sami Al-Obiedy.

I am a 27-year-old Sunni Arab from Mosul, Iraq. In April of 2003, shortly after U.S. troops arrived in Mosul, I volunteered to work as an Iraqi translator. I welcomed the opportunity to help U.S. and coalition forces because I believed that they had come to liberate Iraq from years of tyranny and oppression under Saddam's regime, under which I had lived my entire life.

In my role as a translator, I helped U.S. and coalition forces build trust and working relationships with local Iraqi government officials, business, civic, and religious leaders. I accompanied U.S. soldiers on hundreds of convoys through hostile territory. Often the military vehicles in which we traveled were targeted by anti-Iraqi insurgents and terrorists with roadside bombs, rocket-propelled grenades, and ambush and sniper fire.

During the time I served as a translator, I honestly believed I would be killed. For instance, I translated many discussions between U.S. forces and Mosul Police Chief Burhawi, who was eventually arrested in November of 2004 for working with terrorists and who was involved in the murder of Osama Kashmula, the Governor of Nineveh province.

In September of 2004, Governor Kashmulla was en route to a meeting in Baghdad when his convoy was attacked by insurgents.

The Iraqi police, under the command of Chief Kheiri Barhawi, had placed a towel over the Governor's window to shield him from the sun. In fact, the towel was to mark the spot where insurgents aimed their bullets which killed Kashmulla, the Governor of the province.

I am saddened to say that the number of Iraqis who have lost their lives for the cause of freedom and democracy in Iraq is too long to recount today. Let me give you but one example. Samir, the lead interpreter for the Task Force Public Affairs Office was executed by several gunmen on a crowded street on his way to work.

After being taken hostage by insurgents, he attempted to escape from his captors because he knew better than anyone the horrible fate that Iraqis who worked for coalition forces faced.

He broke free at an intersection and ran into a crowded open market. The terrorists chased him down and shot him in the back. One of the terrorists then calmly approached Samir, stood over him, and shot him point blank in the face and walked away.

I, too, have been targeted for death. My name was listed on the doors of several mosques calling for my death. Supposed friends of mine saw my name on the list and turned on me because they believed I was a traitor.

Encouraged by many U.S. soldiers, I decided that I would leave Iraq on November 9 of 2005. As it turned out, I almost never made it. On November 7, I was seriously injured in a targeted car bombing. I was in a car traveling through a Mosul neighborhood when a suicide bomber, in a car directly behind me, blew himself up. I was hit by shrapnel in the face, bloodied and dazed. I am fortunate to be alive.

Following this brush with death, I fled Iraq. Upon my arrival in the United States, I sought advice for obtaining asylum. My attorneys prepared and filed my applications for asylum and application for special immigrant status under the newly enacted law that provides protective status to those of us who served as translators for the American forces in Iraq.

In June of 2006, I learned that I had been granted special immigrant status. As a result, today I live free from the fear of persecution and threats to my life that I faced on a daily basis in Iraq. My hope is that all brave Iraqis who worked and braved so much will have the same chance as I have had to live in freedom.

As it did with me, the road to a free and democratic Iraq begins, first and foremost, in the hearts and minds of the Iraqi people. Without the ability to communicate with the Iraqi people in their own language, democracy and freedom will be at risk.

Terrorists understand this concept all too well and that is why they have, and will continue to, specially target Iraqi translators and kill those who have dared to give freedom and democracy a voice in Iraq.

Senators, I am happy to answer any questions.

Senator KENNEDY. Very good. Thank you very much.

We will come back to some questions.

[The prepared statement of Mr. Al-Obiedy appears as a submission for the record.]

Senator KENNEDY. We will listen, if we could, to John. We will listen to your testimony and then we will have questions for both.

STATEMENT OF JOHN, FORMER TRUCK DRIVER (SUBCONTRACTOR) FOR THE U.S. ARMED FORCES, CALIFORNIA

JOHN. Thank you for having me here today. With your permission, I would like to read my entire statement to you in Aramaic and then have my statement read to you by my interpreter in English. I promise to be brief, and thank you for listening.

Senator KENNEDY. We will proceed in that way, John.

JOHN. My name is John and I am 48 years old. I have a brief statement to give to the committee today. I would ask that my full statement be made a part of the record.

[The prepared statement of John appears as a submission for the record.]

JOHN. I am a native of Iraq, born in Batnaya, Mosul. My family and I were granted asylum in the United States just 2 months ago.

My wife, my six children and I fled Iraq after terrorist groups targeted me and my family because I aided Americans by supplying water to their service camps. I worked for a contractor paid by the American military to deliver water to its servicemen.

Additionally, my family and I are Chaldeans, and thus practicing Catholics. As a result, we were often the targets of harassment and attacks by the Islamic majority who associated us with the Americans. It is because of this persecution that thousands of my fellow Chaldeans have fled Iraq, making Christianity virtually extinct in the country.

On two occasions, I was beaten by Islamic terrorist groups that knew my name and threatened that if I did not leave the country, I would be killed.

On the day of the first attack, I went to work delivering water to the Americans along with my son. At about 9 that morning, we saw what appeared to be a road blockade ahead. Before we could realize what was happening, my son and I were dragged out of the cab of our truck. We were positioned face down on the side of the road by a group of terrorists.

I could not make out the identity of these men, but they were heavily armed and were wearing green bandannas decorated with the three stars from the Iraqi flag. They kept saying to me, "Don't work with the Americans," and one of them struck me in the face with the butt of his gun, permanently damaging my jaw.

Another man twisted my son's arm so severely that he broke it. They knew my name and instructed me that this was a warning and that I would be killed if I continued assisting the Americans. After they made their threat they departed, leaving us bloodied on the side of the road.

It was at this point that everything began to change for my family. My wife feared for our children's lives so much that she refused to let them go to school and I stayed up most nights watching out for any signs of trouble near our home. Despite the warning from the first attack, I continued delivering water for the Americans.

I was attacked a second time, roughly 5 months after the first attack. I was alone, making a delivery to the American soldiers. I was stopped on the road and a man got into my truck and pointed a gun at my head. He ordered me to follow the vehicle in front of me. I followed the vehicle into the desert.

When we stopped, five additional terrorists exited the vehicle and ordered me out of the truck. The men were speaking Farsi and were dressed in long white robes, with masks covering their faces. The six terrorists blindfolded me and repeatedly struck me in the face with their guns. They called me by name and they knew I had been warned before. They told me they were going to kill me.

I pleaded for my life. Five of the terrorists were yelling, "Kill him." One, however, spoke up and said, "We will not kill you, but you must leave the country immediately."

If I did not leave, they promised me they would kidnap and slaughter my entire family. They continued to beat me until I was knocked unconscious. I awoke several hours later alone in the desert. I returned home to tell my family we had to leave the country immediately.

We had family in America, and since my assistance to American soldiers was partly responsible for my family's persecution, we decided to flee Iraq for the United States.

Two years ago, after traveling through five countries and four continents, we took a taxicab from Mexico to the United States border. Just 1 week later, asylum was granted. We flew to California, where I was reunited with my children, my brother, my mother, and several members of my family.

Two years ago yesterday, I was fleeing Iraq in the back of a bus, just starting my long journey to America. My future was unknown. But now, thanks to the help of many people and my family, I have been blessed with asylum in this country.

I thank you for your graciousness in allowing me to speak here today, and I ask that you continue to be gracious to my former countrymen and fellow Chaldeans who have been forced to leave their homes.

Thank you very much.

Senator KENNEDY. Thank you very much, John. These are enormously moving stories. People use words here and around the world, but you have been living this nightmare for yourselves and your families, and they are extraordinary stories of courage and heroism in your work for Americans and the servicemen.

Let me just ask, first, Sami, you were obviously targeted. You have mentioned other individuals who were translators who were targeted. What was the sense among the translators? Did some others of them flee? Do you know people that would flee? Why would people come back in and work and be translators?

I think you mentioned to us earlier when I saw you at noontime that many translators that are American translators worked for the higher echelons, but that at your level, you have worked with, as we will hear later, the Marines and others in local communities.

As your own testimony was, you guided different groups to different roads and different communities, and a more fuller explanation as to the work that you have done at great risk in terms of providing information to Americans.

What is the general sense? Do you feel that you were targeted? Did other translators feel they are targeted? Do they flee? Do they feel that America is going to be there for them, as you have been there for America? What is the mood?

Mr. AL-OBIEDY. Thanks for your question, Senator Kennedy. When a translator decides to work for the U.S. Army to help support democracy and freedom in Iraq, then the translator puts his life on the line. That is a decision someone has got to make when they first go and apply for the job.

Once you make this decision, you are in, you put your life on the line. Then you have to agree to accept all the dangers and the risks that you take that will come out of it, until some point when translators find themselves in a very critical situation, like 1 day finding terrorists are trying to attack their families, that is what matters the most.

Senator KENNEDY. They print your name at the mosque. Is that true?

Mr. AL-OBIEDY. Yes, sir. I saw my name on a list, on several lists on the walls of the mosques. They call us traitors, and people wanted by the terrorists, or jihadists, or whoever. They call us traitors, and under these names they try to make it more logical to the normal people.

Then they start assassinating anyone, even those who left the job, resigned their positions with the U.S. Army. Still, you have got a record with them. So no matter how long it has have been since you left working for them, you still have that record. The only thing you could do is leave the country with your family.

Senator KENNEDY. Well, let me ask, when you left the country—now, in order to be eligible for this program you have to get a general or flag officer to state that you have been a translator for over a year.

Mr. AL-OBIEDY. Yes, Senator.

Senator KENNEDY. I imagine that has its complications as well for other translators to be able to get it. So what happened? You leave. Did you then hope to get into the United States? Just very quickly. Did you hope to get into the United States, and was this a problem?

Mr. AL-OBIEDY. First of all, when I left the country I was just hoping to stay alive. That was my main concern. Then I was able to come to the United States. Later on, when I came over to the United States, I was able to obtain a letter of recommendation from General Hamm, Carter Hamm, who was the commander of the forces in Iraq in Mosul. So it is very hard, of course, unless the general knows the person individually to write a letter and recommend you for this program.

Senator KENNEDY. John, let me ask you, now, you did not serve as a translator, but you certainly worked and risked your life in providing for American troops. You were beaten, you saw your children beaten, and you were obviously threatened.

Now, as I understand it, it took you three or four different passports to get in here. Just one passport? I thought he went to other countries. I thought I was told at lunchtime that he had different passports, getting into different countries.

All that being aside, do you know of other Iraqis that work for Americans or Americans that were targeted and whose lives were at risk and tried to flee the country or wanted to come to the United States and were unable to do so?

JOHN. I do not know about others. I know about myself and my story. I know other people have fled Iraq for many different reasons, but I am not sure of their exact reasons.

Senator KENNEDY. All right.

Just a final question, and then my time is up. Let me ask you, John or Sami, do you know why you were targeted? Why were you targeted? How did you get caught up in the civil war, sectarian violence, whatever you want to call it? Why do you think they were after you some time ago? When did you first detect that they were going after you? A couple of years ago now? Why were they after you for working for Americans? Who was it that was after you? Were there not any groups around to try and protect you?

Mr. AL-OBIEDY. Yes, Senator. Like I mentioned, the connection between the coalition forces and the Iraqi civilians, the Iraqi community, is the translators who would try to bridge the gap, try to communicate between both sides. A lot of people who are anti-democracy, anti-freedom, do not like that. They do not want any connection between both sides, the American side, freedom.

It promotes the ideals of freedom and democracy and these people who want the tyranny and oppression to stay in the country, and the darkness. So these people, they pay money and they hire people to kill us, to hunt for translators. They have all the details and information about every single one of us.

So, a lot of people are involved in that, Ba'athists and radical Islamics, and some people from neighboring countries who want to keep the situation chaotic. That is basically it.

Senator KENNEDY. All right.

Senator Specter?

Senator SPECTER. Thank you, Mr. Chairman.

Thank you, Sami, and thank you, John, for coming in here today to testify and to provide evidence which will inform the American people of the need to have a refugee program. We salute you, Sami, for what you have done as a translator, and you, John, for helping the United States forces there.

We thank Morgan Lewis for providing pro bono work. It is in the great tradition of the American lawyer to help people who are in need of help without cost. And we congratulate the Villanova law students for assisting John in making his case and helping him come forward. It is nice to see so many Pennsylvania connections with assisting you men who have done so much and are so brave.

Sami, the first question is for you. I note in the resume that you left Iraq in the fall of 2004 after death threats and fled to Syria. Then you returned to Iraq in February of 2005 to complete your college studies. Why did you go back to such a dangerous situation?

Mr. AL-OBIEDY. Senator, when I left the country there was a reason. At that time, my best friend who was a translator was abducted, and my name was next to his so I had to leave the country the same day. I stayed at someone's house and left the next morning.

Senator SPECTER. So why did you go back?

Mr. AL-OBIEDY. I had to go back because I really wanted to finish my studies. I had one more semester left for my school to get my degree.

Senator SPECTER. Well, there are good schools in Pennsylvania, and you wanted to go back to Iraq?

Mr. AL-OBIEDY. Sure. Sure. I would love to. I would love to go back to school here, and eventually I was able to finish my studies.

Senator SPECTER. Sami, I note that in March of 2006, according to the summary, you learned of a training schedule to be held at the law firm of Morgan, Lewis & Bockius in Philadelphia and you enrolled in the training schedule. What kind of training was it, and why did you need some special instruction to enable you to apply for refugee status?

What I am looking for is, how complicated is it for someone in your situation to achieve refugee status, and how complicated is the State Department making it for you to get this kind of special training?

Mr. AL-OBIEDY. It is really, really complicated and difficult to obtain such status.

Senator SPECTER. Morgan Lewis only has 1,000 lawyers. They are limited as to how much training they can give.

Mr. AL-OBIEDY. I am sorry. I did not hear the question.

Senator SPECTER. I said, go ahead with what kind of specialized training. How complicated was it?

Mr. AL-OBIEDY. You are referring to the special immigrant status for translators?

Senator SPECTER. The special training that you got from Morgan, Lewis & Bockius.

Mr. AL-OBIEDY. The training. I went there to listen to see, what is it like, and what is the training about, to know about all the refugees and asylum in this country. So I attended that conference and later on I was able to get a pro bono lawyer from Morgan, Lewis & Bockius.

Senator SPECTER. Well, if it is so complicated on the path you have taken, the question arises in my mind as to how others are going to get sufficient knowledge and information. Everybody cannot be trained by a law firm to know what to do to get this refugee status. What is your thinking on that?

Mr. AL-OBIEDY. It took me a really long time and there were a lot of people involved in that to get the right connection, to get to these people to represent me on a pro bono basis.

Senator SPECTER. Sami, I do not have much time. I want to ask you one more question before turning to John.

Mr. AL-OBIEDY. All right.

Senator SPECTER. That is, what is the attitude of the Iraqis as a generalization? I know you can only speak for yourself and your own experience. But is there a sense of appreciation for what the United States has done or do the Iraqis think that the United States ought to be doing more now on this refugee issue?

Although the United States moved in to depose Saddam Hussein, a brutal murderer, that our action has set the stage for the need for you to become a refugee. How do you feel about the United States, and what do you sense your countrymen feel?

Mr. AL-OBIEDY. My countrymen? The general sense on appreciation to the United States differs. At the time back then, right after the war, a lot of people—I would say over 90 percent of my countrymen—appreciated the Americans and appreciated the democracy

and the freedom that America came with. As the situation differs from time to time, they just want to be more stable. That is what everyone wants.

Senator SPECTER. Let me proceed, now, to you, John, to commend you for coming to the United States. And you have six children, so obviously it was not an easy matter to bring your entire family.

I note from the resume that you were detained in Berks County, Pennsylvania, where you were granted asylum 2 months ago.

The two questions I have for you are, how was it with such a large family traveling, and what happened to you in Berks County, Pennsylvania on your detention that led to your grant of asylum?

JOHN. Are you referring to the treatment in Pennsylvania?

Senator KENNEDY. Maybe you could ask him, was he not in detention there for a period of time with his family? Maybe you could describe that, if that is part of it. You told me about that at noontime. Why do you not just tell us what you mentioned to me at noontime?

Senator SPECTER. What happened to you when you were in Pennsylvania in detention in Berks County near Reading, Pennsylvania? What happened to you there?

JOHN. My children attended school. We were all taken care of. Absolutely, it was difficult because it was detention. We had very nice treatment. We did not have any problems.

Senator SPECTER. Thank you very much. Congratulations, John. Congratulations, Sami.

Senator KENNEDY. Senator Cornyn?

Senator CORNYN. Thank you, Mr. Chairman.

Sami, I wanted to ask you about not just your situation, but to what extent other Iraqis who cooperated with the coalition forces, particularly Americans, have a well-founded fear of persecution.

I would imagine that the story that you and John have told us here today about your cooperation with coalition forces could be repeated many times—perhaps thousands, maybe tens of thousands of times—across Iraq by people who have cooperated with coalition forces in opposition to Saddam. Could you give us an idea about how many people, potentially, we would be talking about?

Mr. AL-OBIEDY. Personally, I have close friends I have lost just because they worked as translators and supported the coalition forces. I mentioned one of my friends whose name is Samir who worked for the Public Affairs Office, Task Force Olympia.

His office was in charge of the press and newspapers. He used to, as many of us, take five cabs a day to get to the base, back and forth. He used to do that to hide, for the terrorists not to be able to spot him. One time, he was shot on his way to work in the morning, and he was shot to death. He tried to escape.

He knew that if they kidnapped him, they would try to tape him and then sell CDs on the markets. They sell CDs. They entitle them, "Traitors and Agents". These CDs are executions of the translators. That is how they do it. It is happening every day.

Senator CORNYN. Well, Sami, in addition to the translators such as yourself and your friend, who unfortunately was killed, there are many Iraqis who cooperate and provide intelligence tips to American and coalition forces, obviously people who volunteered to

serve in the police and who have been trained, and in the Iraq army, now over 300,000 people in the Iraqi army alone, and contractors like John who have provided water and other services and goods to our troops.

My point is, there are many, many, many Iraqis who have, in one way or another, cooperated with American and coalition forces against the terrorists, against those who were trying to tear Iraq apart. Would you agree with that?

Mr. AL-OBIEDY. If I did not agree with the idea of supporting democracy and freedom, I would never have worked as a translator and supporting the coalition. So, that was the belief that you believe in. Living under Saddam's tyranny for my entire life, for 25 years, knowing how it was like to live under a tyrant, a dictator, it is just hard.

When an opportunity for the Iraqi people comes like that to promote democracy and freedom and for a new Iraq, then why, for people like myself, do we not just all cooperate to make a better Iraq?

Senator CORNYN. I am sure that you and your family have sacrificed much, and we are glad you are here to share your experience.

Mr. AL-OBIEDY. We are honored to do so.

Senator CORNYN. We would hope that Iraq can be stabilized so people, if they choose, can stay in Iraq and have a better life.

Mr. AL-OBIEDY. We hope that, too.

Senator CORNYN. John, I would like to ask you about your experience coming to the United States. In your statement, you said you flew on a plane from Greece with the help of smugglers, and then traveled through five countries and four continents, and finally took a taxicab from Mexico to the United States border and arrived at San Ysidro, California. Is that correct?

JOHN. Yes, the statement is true. When we entered the United States, we handed our passports to the officers and we asked for asylum.

Senator CORNYN. And the passport that you handed to the U.S. official, your statement says it was a false passport from Greece. You handed that to the officer and you asked for asylum. Is that correct?

JOHN. Yes, it was.

Senator CORNYN. How did you know who to talk to, which smugglers to contact and how to get to the United States? How did you go about figuring that out and making that determination?

JOHN. In Greece, we met somebody that was a smuggler. He took care of all that for us. He took us all the way to Mexico. Then from Mexico, he put us in a taxicab and we entered the United States.

Senator CORNYN. Thank you.

Mr. Chairman, my time is up. Thank you.

Senator KENNEDY. Well, we want to thank both of you very much. You see behind you our friends from Villanova. We thank them as well. The best way we can try and thank you is to let those who have devoted themselves to America there have at least as much help and support as we possibly can. We thank you very much for being here.

Mr. AL-OBIEDY. Thank you, Senator. It is an honor.

Senator KENNEDY. Thank you.

JOHN. Thank you, Senators.

Senator KENNEDY. Thank you very, very much.

We will proceed with the rest of our panel here. We will start with Captain Iscol, if we could. I think for those of us on the committee know, rather than submitting statements that have to go through the review process, that he made himself available, for which we are very grateful.

All of us are very appreciative of your service and that of your fellow Marines and soldiers, sailors and airmen serving in Iraq, and I understand that as part of that service, in Fallujah. In Anbar province and elsewhere you gained extensive experience working alongside and employing Iraqi translators.

In your estimation, as you know, there is a program that permits 30 interpreters a year to resettle whose lives have been threatened because of their ties to the United States. Could you tell us, first of all, a little bit about how important it was to have Iraqi translators in terms of your effectiveness? Now, you had, as I understand, what, 30 Marines and 200 Iraqi soldiers?

Captain ISCOL. Yes.

Senator KENNEDY. Yes. And you might just describe what you mentioned to me earlier today about how you worked and trained these groups of soldiers and how you operated and how you brought in these translators and you all worked with the families, worked with the local communities and really became a very solid team. All of them became a team, and perhaps the role of the translators in terms of helping you and assisting you to bring about that function.

Captain ISCOL. Yes, sir. I have not been able to prepare written testimony, I do have oral testimony that I would like to give.

Senator KENNEDY. All right. That is fine.

Captain ISCOL. And it will answer your questions.

Senator KENNEDY. Thank you.

STATEMENT OF CAPTAIN ZACHARY J. ISCOL, FOREIGN MILITARY TRAINING UNIT, MARINE FORCES SPECIAL OPERATIONS COMMAND, CAMP LEJEUNE, NORTH CAROLINA

Captain ISCOL. First, I would like to express my gratitude to the Chairman and to members of the committee for providing me the opportunity to testify today.

During my service in Iraq I incurred an obligation to safeguard and protect a number of brave Iraqis. Today you are helping me fulfill that obligation, for which I am extremely grateful.

During the latter half of 2004, I served as the commander of a very successful combined action platoon. It was comprised of 30 U.S. Marines and 250 Iraqi soldiers. I learned that we cannot win the war in Iraq alone. Tactically, counterinsurgency, and especially the development of credible partner nation forces, is all about personal relationships.

I am here today to explain that we cannot cultivate these relationships without the service of Iraqi translators who join our ranks at great risk to themselves and to their families.

I am incredibly proud of the job my Marines did in Iraq. Though trained to close with and destroy the enemy by fire and maneuver, they adapted to fight a complex counterinsurgency.

With our translators as teachers, they studied the language and the culture and lived up to our First Marine Division's maxim of "No better friend and no worse enemy than a United States Marine."

Across vast cultural divides, they were able to influence our Iraqi soldiers' abilities and willingness to fight. Through their efforts, some of our Iraq soldiers fought on the front lines of the battle of Fallujah, while others conducted independent security operations throughout al-Anbar province.

Our successes were based on a comprehensive community approach. We did not just work with the Iraq soldiers. We worked with their tribal leaders, with their families, and even with their religious leaders.

As our eyes, ears and voice on the ground, our translators were critical to this approach. They bridged vast ethnic and language divides, while providing the guidance we needed to be able to operate across complex cultural terrain.

The first time I worked with my translator, Musa—I have changed his name for his protection—was during a meeting with some local sheiks. At the time, I had very little experience working with interpreters, maybe a one-hour or two-hour course at Camp Pendleton.

The sheiks were from a generation unspoiled by Saddam's regime. In many ways, they were older, educated, dignified, and cared deeply for their constituents.

In many ways they were like the Senators on this panel and, like today, I was pretty nervous speaking to them. I could not figure out how to eat without using my left hand, and I kept apologizing for crossing my legs and inadvertently showing them the bottom of my feet.

Musa, my translator, was monopolizing the conversation, and I did not speak any Arabic, so I was sort of left in the dark and could not understand what was being said. I reminded him of his job and that he should only translate my words. What ensued was the next 5 minutes of very awkward silence.

I asked Musa why the sheiks were not saying anything. "Well, they are waiting for their host—that is you, sir—to make proper introductions and give the blessing", to which I whispered to Musa, "But Musa, I do not know the blessings or how to give proper introductions." Without our translators, we are deaf and dumb. Without them we cannot speak, we cannot listen, we cannot understand.

In my own experience, I believe their service has even saved lives. Though my platoon was hit by IEDs and attacked outside the town we lived in, we were never attacked in the town we called "home."

A number of times we even drove or stood on top of IEDs that were detonated minutes after our departure against other U.S. military units. I am convinced that we were never attacked because of the relationships we had established with local leaders and their constituents, and that these relationships cannot have been established without our interpreters.

Musa's service to our Nation came at a high cost to him and to his family. He first started working with the U.S. military, along with two of his daughters, in 2003. When the U.S. embassy was opened, Musa sent his daughter to work for them while Musa continued to work alongside front-line combat units.

Soon, however, men dressed in black came to his home to warn him that they knew his daughter was working for the U.S. military. They firmly recommended that she stop, and remarked that her name had been posted at the local mosque. In the middle of the night, Musa and his family packed their belongings and moved out of their home to Baghdad.

During our time working together in Iraq, I witnessed Musa's extraordinary service and sacrifice. Because of their importance, interpreters have become lucrative targets for the enemy. There was a price placed on his head. He was even threatened by some of the Iraqi military leaders for not helping them extort local contractors.

He was by my side for over a week of high-intensity combat operations in the city of Fallujah, often placing himself in great danger to yell into houses to evacuate innocent civilians caught in the crossfire. He comforted other civilians we came across, and often interrogated insurgents that we had captured.

I would like to close by saying that as our connection to the hearts and minds of our Iraqi soldiers and of local leaders and their constituents, Musa placed himself and his family at great risk. In Iraq, Musa entered the ranks of the proud few who have worn our Nation's uniform in combat. He wore the Marine Corps uniform in combat. Despite this service, Musa and his family have now become refugees.

Senator KENNEDY. Just on that point, then we will move on with the panel, they have become refugees. As I understand it, you have been in touch with them, have you not?

Captain ISCOL. Yes, sir. That is correct.

Senator KENNEDY. And you have been working continuously to try and expedite their asylum here in the United States. Is that correct?

Captain ISCOL. That is correct, sir.

Senator KENNEDY. Well, it certainly seems to be a very powerful and convincing case that you make.

Let me just ask you this. There were instances where you had some translators that did not make the grade. Is that correct?

Captain ISCOL. That is absolutely correct.

Senator KENNEDY. I think, so we have the record complete, you might mention a couple of the incidents that you had.

Captain ISCOL. Yes, sir. I had approximately five translators working with me during my time in Iraq. Two of them, we actually had to eventually detain. One was exploiting his position to extort local contractors. Basically, while we were in the process of negotiations, he would request 10 percent or however much of a cut to make their case to me. Another one, we received information that he was working with insurgents.

Senator KENNEDY. All right.

But certainly Musa and the others that you had, you felt had been loyal to you and the Marines, and to your mission?

Captain ISCOL. Yes, sir. I mean, Musa's service and the other ones were absolutely honorable. One was wounded in combat. Musa never failed to be by my side, even in some pretty precarious positions.

Senator KENNEDY. Thank you very much.

Ms. Ramaci-Vincent, we are so appreciative of your being here. You have a heart-rending story and we admire your extraordinary courage for keeping after, I am sure, your husband's memory and carrying forward, certainly, his courageous life. We are very grateful to you.

STATEMENT OF LISA RAMACI-VINCENT, EXECUTIVE DIRECTOR, STEVEN VINCENT FOUNDATION, NEW YORK, NEW YORK

Ms. RAMACI-VINCENT. Thank you, Ranking Member Specter, Senator Kennedy. Thank you for the honor of being able to come before you today. I am the widow of Steven Vincent, the journalist who was kidnapped and murdered in Basra, Iraq in 2005. For the last 13 months, I have been trying to get his translator, Nour, into the United States.

Two days prior to his death, Steven broke the now-familiar story in the Washington Times of how the Iraqi police force was being systematically infiltrated by Iranian-backed fundamentalists and Shi'ite militia men loyal to Muktada Al-Sadr rather than to the central government.

He wrote of the death squads in police vehicles who roamed the streets, snatching their victims and murdering them with impunity. Then one came for him. When it did so, Nour bravely stood by him as five men in police uniforms wrestled him into the truck that was going to take him to his death. They had no interest whatsoever in her.

They repeatedly pushed her away, told her to leave, but she refused to abandon Steven. She kept inserting herself into the struggle until they took her as well. For all she knew, she was going to be killed, yet she did not hesitate for a moment, this tiny, 5-foot-tall woman, to try and protect the man who had hired her to be his guide and who had become her friend.

They were bound, gagged, beaten, held for hours, driven to the edge of town, set free, told to run, and shot from behind and close range. Steven, in a final act of God's mercy, died instantly. Nour was hit three times, but survived, winding up in the green zone for medical treatment, where she was held incommunicado by the Americans for 3 months.

During that time she was repeatedly interrogated, treated as if she were a co-conspirator of the killers, mentally and emotionally bullied, threatened, told she would never receive a visa to come to this country.

And when we decided she had nothing left to offer and was medically fit enough, we gave her $2,000 and threw her out into Baghdad's red zone alone, where she knew no one, had no family, no job, no resources, nowhere to turn.

Luckily, she was able to contact me and I was able to get her out of Iraq into temporary safety. I will never be able to fully repay Nour the debt that I owe to her. Not only did she help Steven in the months they worked together by lining up interviews, arrang-

ing for him to meet a broad cross-section of Basra's secular and religious societies, translating when necessary, going into places and situations that terrified her, but doing so anyway because this is what her friend wanted, working with him 7 days a week to get the stories he was trying to uncover, but she literally took a bullet for him—three as a matter of fact—and in the final dreadful hours of his life, when Steven would have known beyond mere knowing that he was going to die violently, he also knew he was not alone with his executioners. A friend was there with him, someone who cared for him and was voluntarily sharing his terror and his pain.

As I mentioned earlier, I have spent the last year trying to get her into America. I have dealt with officials at the Baghdad embassy and the State Department. I have filled out forms, made countless calls, sent innumerable e-mails.

I have pledged to stand financial security for her. I have gotten a promise from the U.N. Bureau Chief at al Arabiyah that he will hire her when, and if, she ever gets here. Each path I have gone down has proven fruitless. I have been told that she does not qualify for refugee or asylum status because Iraq is now a democracy, so there is no reason she should need to flee.

I spent months working with embassy people who told me they were extremely touched by her plight and would move heaven and earth to see she got special treatment, and who wound up, in the end, telling me that she needed to go to Amman to apply for a visa just like every other Iraqi.

I was told our government was no longer accepting Iraq's S passports because supposedly there are so many forgeries, it is impossible to know who is really holding them, so we will not take any of them.

The embassy in Amman is no longer accepting applications from Iraqis. The Jordanian government is beginning to crack down and deport them. Egypt is now demanding that, before they come in, they get a letter of invitation from a certain government official in a certain department. The noose is tightening, and in the middle, Nour, pro-democracy, pro-America, sits waiting.

So I end with a request that you attempt to change this most misguided of policies. Please help those who helped us, who still see this country as the shining city on the hill, who yearn to come here and raise their families in an atmosphere of freedom, peace and safety.

And please, let me help the woman who helped Steven, and in so doing, greatly aided me by being with him in his final moments. Thank you.

Senator KENNEDY. Very powerful.

[The prepared statement of Ms. Ramaci-Vincent appears as a submission for the record.]

Senator KENNEDY. Ken Bacon?

STATEMENT OF KEN BACON, PRESIDENT, REFUGEES INTERNATIONAL, WASHINGTON, DC

Mr. BACON. Thank you very much. Thank you and Senator Specter for holding these hearings. You have heard these personal stories, enormously compelling and enormously gripping. There are hundreds of stories like this, obviously, but I want to focus on the

broader issue, again, because these stories add up to a growing crisis.

Right now, because of violence in Iraq, large numbers of refugees are running for their lives. The U.N. High Commissioner for Refugees estimates that there are 1.7

million internally displaced, and about 2 million who have become refugees in other countries.

But this flow is building rapidly. One thousand three hundred people a day in Iraq are leaving their homes to flee for safety elsewhere in Iraq, and 100,000 people a month are leaving Iraq to go to other countries, mainly now to Syria and to Jordan.

So the figures are not static. There is a rising tide of people trying to get out of Iraq. Syria and Jordan are absorbing the most Iraqi refugees. Each country is hosting about 750,000, maybe as many as a million in Syria.

Other Iraqis are finding refuge throughout the Middle East. Lisa mentioned trying to get into Egypt and the difficulties of getting into Egypt, but Iraqis are trying to get into Lebanon, Yemen, and Turkey as well.

Syria and Jordan have been very gracious hosts, but the refugee influx is straining their economies. The host countries need help and, increasingly, refugees themselves need direct assistance.

The U.N. High Commissioner for Refugees reports that some Iraqi women are resorting to prostitution to support their families, and child labor is becoming an increasing problem among the refugees because they are so desperate to find income.

Today, the Iraqi refugees are primarily a regional challenge, but that will not last long either. As the numbers grow, Iraqis are trying to leave the Middle East and move to Europe or to the United States. In fact, today's New York Times highlights the growing number of Iraqis moving to Sweden.

Most Iraqis do not expect to return home, unlike many refugees. Even a senior Iraqi foreign service officer working at the Iraqi embassy in Lebanon told my colleagues at Refugees International, "Why should I go back? I watch the news."

The violence in Iraq is both extreme and indiscriminate. Many are fleeing to escape sectarian violence that is producing de facto ethnic cleansing. Both Sunni and Shi'a are leaving mixed neighborhoods because they no longer feel safe outside of their own religious communities.

Christians are leaving as well, and the Chaldean community, one of the oldest Christian sects, is rapidly diminishing. John spoke about that compellingly in his testimony.

Two groups are particularly vulnerable. You have heard extensively about one, people who have worked for the United States or for other western employers. The second group that is vulnerable is Palestinians.

Palestinians received special treatment from Saddam Hussein and, therefore, they are regarded with anger, suspicion, or hostility by many in Iraq. There are about 15,000 Palestinians still in Iraq and they are one of the most vulnerable groups.

We just issued a report, Refugees International, recommending that members of these most vulnerable groups, those who assisted the United States and Palestinians, receive priority consideration

for resettlement in third countries. I ask that a copy of that report be included in the record.

Senator KENNEDY. It will be so included.

Mr. BACON. Thank you.

Most of the Iraqis who have left the country are middle class. They had to have means to reach the border and get out. Neither Syria nor Jordan, which house the largest refugee populations, has signed the 1951 Refugee Convention, so people find it difficult to get refugee status there.

They generally enter the host country as tourists, business people, or guests, arriving in Syria with three-month visas, and in Jordan with authority to stay for 6 months.

Many arrive in a state of shock. One Iraqi told my colleagues that "my son is more shocked by the sight of dead dogs than of dead people." Syria and Jordan have been very generous to refugees and deserve international recognition for accepting them in large numbers, but the burdens of the large refugee population are increasingly straining housing, schools, hospitals, and social services.

Jordan has tightened its borders since the bombings in Amman in November of 2005, and it is particularly difficult for Iraqi men between the ages of 18 and 35 to enter. Deportations are becoming more common. Syria, which used to grant free health care to refugees, has started to charge. In both countries, refugees find it very difficult to get jobs.

As the refugees exhaust their resources, many need food, shelter, and other assistance, but the largely urban refugee populations are difficult to reach, particularly since many refugees are reluctant to register with the U.N. High Commissioner or local authorities as refugees for fear of deportation.

There are encouraging signs that the world is beginning to respond to the growing Iraqi refugee problem, and this hearing is one of those signs. Until now, however, the reaction has been slow and inadequate. Last year, for instance, the U.N. High Commissioner for Refugees' budget for Iraqi refugees in Syria was $700,000—less than $1 per refugee. The U.S. has a special obligation to help since the violence in Iraq and the growing displacement comes in the aftermath of our invasion and occupation. Translators and others who had to flee for their lives after working for the U.S. deserve an opportunity to be resettled in the U.S. or other countries so they can live in safety. The State Department, along with the UNHCR, is working on programs to protect the most vulnerable, but these programs need fast and adequate funding so they can be put into place immediately.

UNHCR has plans to spend $60 million on displaced Iraqis this year, about three times what it spent last year, and it has developed a comprehensive regional program. However, U.N. agencies have not mobilized to provide food, shelter, medical care, and educational support for an increasingly stressed refugee community that is taxing the resources of host countries. The U.S. Government should fully support the UNHCR budget. Normally, we contribute 25 percent to their budget. Because of our role in the conflict, I think we should consider doubling that contribution for Iraqi refugees because fast action is what is going to save more lives.

The host countries, particularly Jordan and Syria, need multilateral and bilateral assistance in shouldering the burden of the refugee population. This means programs to resettle the most vulnerable refugees to third countries and help in sharing the costs of those who stay. The worst outcome, the very worst outcome now, would be to see Syria and Jordan close their borders to Iraqis, removing a safety valve that is currently saving hundreds of thousands of lives. "Iraqis who are unable to flee the country are now in a queue waiting their turn to die," one Iraqi told my colleagues.

The U.S. and Iraq are finding it difficult to stop the violence in Iraq. Until they do, the flood of refugees will continue. While we do not know how to stabilize Iraq now, we do know how to protect and support refugees. That is our obligation, and we should start now.

Thank you.

[The prepared statement of Mr. Bacon appears as a submission for the record.]

Senator KENNEDY. I would recognize Senator Specter to ask questions at this time.

Senator SPECTER. Thank you, Mr. Chairman, for taking me out of order. When we start a hearing at 2, we expect it ordinarily to be over by 4. We have many meetings, and I have got a bunch of people stacked up in the reception area. So I appreciate Senator Kennedy allowing me to go first, and I will excuse myself for a few moments and then come back for the remaining witnesses.

Thank you very much, Ms. Ramaci-Vincent, for sharing with us what happened to your husband and to Nour al-Khal. And thank you very much, Captain Iscol, for the specifics on what happened with your translator, Musa. They are extraordinary stories about what has happened in circumstances which are hard to understand how, with the kind of firsthand evidence that you brought, Ms. Ramaci-Vincent—

Ms. RAMACI-VINCENT. Please call me "Lisa."

Senator SPECTER. Lisa. That is easier, with your permission.

Ms. RAMACI-VINCENT. Please do.

Senator SPECTER.—that you could not get some immediate relief.

Ms. RAMACI-VINCENT. No.

Senator SPECTER. When you testified they told you that Iraq was now a democracy so there was no need for refugee status, you obviously told them that Iraq was not much of a democracy.

Ms. RAMACI-VINCENT. When I stopped laughing, yes, I did.

Senator SPECTER. If you were to judge the need for refugee status by the status of Iraq as a democracy, it would be at about 100 percent.

Ms. RAMACI-VINCENT. To be honest, the impression that I got from the person who told this to me was that certain elements in the Government are not willing to acknowledge the fact that Iraq is a titular democracy but not necessarily a working one, and that by allowing more refugees into the country, it would be some kind of admission of failure on the part of the American Government to have a fully functioning democracy to protect the citizens of Iraq.

Senator SPECTER. Are you saying that is the attitude of the American Government not to want to recognize that Iraq is not a democracy and there is a need for refugee status?

Ms. RAMACI-VINCENT. No. Elements in the Government, not the American Government as a whole.

Senator SPECTER. Well, any elements are elements too many.

Captain, how do you account for your inability, your status as a Marine officer, and the firsthand testimony you give on the scene that it is not sufficiently persuasive to get refugee status? The thought crossed my mind that if people like Lisa and you, Captain, cannot get the job done, it is a sad day for everybody.

Captain ISCOL. Yes, sir. We have had a number of successes lately, within the past week—

Senator SPECTER. How about with—

[Laughter.]

Senator SPECTER. You still think there is nothing like a Senate hearing.

Captain ISCOL. Yes, sir. However, at the same time, it is a very complicated process. And as a Marine officer, I am not well versed in the ways that our National Government screens immigrants and tries to bring immigrants over here. So it has been a very difficult process for me personally. But we have been able to grant him refugee status, and the next step is his case should be referred to the United States State Department.

Senator SPECTER. Mr. Bacon, we thank you for the service that you have rendered in Government in the past and now in your capacity as head of a refugee organization.

I note in an article you wrote for the Washington Post, "Syria is the last country in the Middle East to leave its borders open to Iraqi refugees." As I said a little earlier in this hearing, I had a chance to talk to Syrian President Bashir Assad who told me about 1 million refugees coming into Syria, and they received them but they are obviously an enormous problem for Syria.

Is there any conceivable justification for the United States not having a dialog with Syria at least on the question of how to deal with these Iraqi refugees?

Mr. BACON. I believe there is no excuse for not talking to Syria about this, and I was glad to hear of your meetings with President Bashir Assad because I do think that actually, with all the problems that we have with Syria, talking to them on a humanitarian issue such as refugees is almost a safe haven to begin discussions.

You are in a much better position than I am to maybe suggest to the U.S. Government that they consider doing that, and I hope you have taken that message to Secretary Rice.

Senator SPECTER. Well, I have and I will, and I shall persist in it. I have been an advocate of talking to our adversaries forever. You keep your friends close, as the old saying goes, and your enemies closer. But not to talk to our adversaries—we talked to the Soviet Union when they were the evil empire. We talked to China, utilizing slave labor. We have to pursue it, and I think this refugee issue is a good opening.

One statement I want to pursue with you and question you on is when you said that the United States has a "special obligation" since it was our military action which has caused the problem.

Are we under an obligation? Did we, arguably, do the wrong thing to give us some special obligation? Or did we act on the best intelligence we had and now find a terrible situation and ought to

do our best to accommodate the refugees, work with other countries in it, but not to categorize it as a "special obligation" as if we were at fault here or the causative factor?

Mr. BACON. Well, I did not mean to suggest fault, although I certainly have views about what we did. But I am referring specifically to the type of cases that Captain Iscol and Lisa focused on and that John and Sami focused on earlier. There is a large group of Iraqis who have risked their lives to support the United States.

They have done this sometimes out of a commitment to what we have done—to helping us bring democracy to Iraq. I am sure some have done it to earn an income in a country with very high unemployment.

But the fact of the matter is that the people are sacrificing their lives to help the United States, and if the U.S. turns its back on those people, I think that we are breaking an obligation we have to them—not a written obligation perhaps, not a contractual obligation, but a moral obligation.

The translator that Captain Iscol talked about has been granted refugee status now by the U.N. High Commissioner for Refugees. Next, that that translator has to go through a series of steps to see if he can be resettled into the United States where he already has a daughter living.

But there are much simpler ways to do this, and Senator Kennedy earlier mentioned a parole program. We could facilitate the refugee status determination for groups of people who are at risk and had to leave the country because of their association with the United States. And those people I think do deserve a greater measure of protection than they are getting from us now.

Senator SPECTER. Well, one way to do it would be to have a million hearings, and that would bring a million people out, and a million seven hundred thousand hearings would bring a million seven hundred thousand people out. But one at a time is obviously not the answer.

I am going to step out for a few moments, but I will be in the anteroom and will be back for the next panel. Thank you all very much.

Senator KENNEDY. Thank you. Thanks very much, and thank you, Ken Bacon, for sort of summing up really what the overall and central challenge is.

I will ask a couple quick questions. One is about sort of a regional kind of approach in terms of dealing with this humanitarian challenge. It seems to me that we are going to hear a little bit more from the High Commissioner.

I have listened to you speak about this in a very powerful way, and I want to recognize at this time Kristele Younes and Sean Garcia. Do you want to just raise your hands? They are from Refugees International, and if our friends in the press or others that are listening to this want to hear as well what is going on over there, they ought to be in touch with these two extraordinary individuals who have spent a great deal of time in the region and the area interviewing people. They have been enormously helpful to our Committee, and we thank them.

Mr. Bacon, you have summarized very, very well—and I do not think you can improve on it—sort of the moral responsibility or ob-

ligation we have to individuals that have identified themselves with the United States and have put at serious risk their lives themselves, and their children. We have a responsibility to them.

Maybe you could just talk about this group of people in the region and in the area. What happens to all of these individuals? Basically, probably fairly well skilled individuals have enough resources maybe to escape the country, can stay in these nations, run out of resources, and are getting desperate, threatened with deportation from those countries.

If we are talking about stability in that region, as we know, there are a lot of complexities and different pressures. What is this whole group that is loose in that whole region, what will that mean in terms of overall stability and security? The most powerful statement is the one you made earlier in terms of the humanitarian obligation.

But if we are looking at a broader kind of context, what does it mean, as someone who knows this region, knows the area, knows the flow of people, knows the pressures and the diversity in that region?

Mr. BACON. Well, I think there are only three solutions for most refugee problems. The first is that people can go home. Right now, that does not seem to be possible. The second is that they integrate into the country of first asylum, and that would be Syria or Jordan in this case. That is basically what has happened.

And the third solution is resettlement to a third country, such as the United States or Sweden or Australia. That is a very durable solution, but it can only work for small numbers of people, and I think Senator Specter was alluding to that, that we cannot resettle right now millions of Iraqis into the United States or other countries.

So that really means we have to focus on ways to accommodate them in the countries nearby—Egypt, Syria, Jordan, Lebanon, et cetera. And that is why I think we have to look at ways—a regional conference would be a good way to do this—to get them more resources and more help, more help to the countries that are hosting them so they are not such a burden. Otherwise, they will be rejected, and there will be no safety valve whatsoever.

So the most reasonable solution right now is to pump resources into the countries that are taking care of the refugees so they can stay there until there is enough stability in Iraq for them to go home or until they can negotiate ways to get out to third countries for resettlement.

Senator KENNEDY. Well, thank you very much. Captain Iscol, where are you assigned now? And how long were you in Iraq?

Captain ISCOL. The last time I returned from Iraq was January of 2005, and during that deployment I was there for 8 months.

Senator KENNEDY. Are you scheduled to return there anytime soon?

Captain ISCOL. No, sir. I will be deploying elsewhere.

Senator KENNEDY. Well, we thank you very much.

I will recognize Senator Cardin.

Senator CARDIN. Thank you very much, Mr. Chairman, and thank you all for your testimony.

We have multiple problems here with the refugees. I agree that the refugees that are currently in neighboring countries, we have an opportunity to help with our refugee programs to assist those countries to make it easier for those individuals to remain in those countries because there is really no other option at this particular moment.

So it seems to me that an international conference or the United States being more aggressive to help these countries with the refugees is going to be the best short-term solution to this problem.

In regards to those who are not really displaced in Iraq but are in fear because of their cooperation with the United States, I think the suggestion that has been made about having our immigration officials interact makes a great deal of sense, because the major reason that will be used to delay or prevent an individual, an Iraqi who has helped us, in fear of his life, for his family and himself, in coming to the United States would be the security checks and how long that takes.

It seems to me what has happened with those that have been successful in coming to the United States is that they have escaped Iraq and had the resources somehow to get into our system and get through our system and be placed in the United States.

But if there were services in Iraq, it seems to me it makes it a little bit easier and the security issues would be a lot faster than if we go through the procedures that have been used to date.

But I want to concentrate on the third group—that is, those that are in Iraq and are displaced—as to what suggestions you might have for U.S. policy to deal with the large numbers that are currently displaced within Iraq itself.

Mr. BACON. Thank you for that question. They basically have three problems: first, is lack of shelter; the second is lack of jobs; and the third is insecurity. They are leaving where they are for more secure environments.

Many are going north into the Kurdish areas, which are more secure, and those would be places where it is easier to provide humanitarian services because they are secure.

And I think the UNHCR representative will probably talk about this, but it has been very difficult for international agencies to get services to many of the people who are displaced internally because it is insecure.

So there is an agency called the International Organization of Migration that has been trying to work with a number of the internally displaced, and their biggest problem is that they do not have good working NGO's frequently in the country because it is so insecure. So that has been a problem.

Assistant Secretary Sauerbrey addressed this. This is something that does concern the U.S. But until the security improves, I think it is going to be difficult to meet the needs of many of these people.

Senator CARDIN. Is it likely that a large number will return to their homes?

Mr. BACON. I think most would like to return to their homes when they can, but to the extent that this is de facto ethnic cleansing—the mixed Shi'a-Sunni neighborhoods, for instance, are unraveling and becoming all Sunni or all Shi'a—it may take some time for them to be able to get back.

Senator CARDIN. And what role do you see the United States constructively playing here?

Mr. BACON. Well, the major role is to help the Iraqis bring security to their country, and as I understand it, that is what our policy is now.

Second, I think we have to do more to improve services and aid—whether it is infrastructure, education, health care—for the Iraqis in the country, and I understand we are trying to do that.

And the third is the type of solution that Senator Kennedy has mentioned, which is giving people a way to—those who want to leave or have to leave the country and become official refugees and resettle, make it easier for them to do this within Iraq. And that would involve getting the Department of Homeland Security there so they can do security interviews, et cetera, with these people.

But this is only a small solution. Resettlement is not the major solution. The major solution is calming things down so people can go home.

Senator CARDIN. But it seems like some of our policies are moving in the opposite direction. De facto ethnic cleansing is horrible. But to reintroduce people back together under the current climate is not an option.

And I am not aware of our policies trying to reconnect communities with diversity back together. It seems like we might be moving in the other direction, trying to bring calm by separation rather than bringing communities back.

Mr. BACON. I guess calm by separation would be better than chaos, but it is not as good as reuniting communities.

Senator CARDIN. I agree with you completely. I understand your first point about trying to bring calm and peace to Iraq. We all support that. I just do not know what impact it has on the refugees—the displaced people within Iraq.

Mr. BACON. Well, the displaced people will not return to their original homes as long as they feel threatened, just as refugees will not return from Jordan or Syria as long as they feel it is unsafe to live in Iraq. So the key to helping people get back is to find some way to make the area more secure.

This is clearly not easy to do. Everybody wishes that the country were safe and secure. But it is not, and it does not appear to be heading in that direction anytime soon.

Senator CARDIN. Thank you, Mr. Chairman.

Senator KENNEDY. Thank you all very much. We appreciate it. We will work on the overall issue, but in particular, the situations that you brought to our attention and hopefully get some positive results. Thank you very, very much.

Senator KENNEDY. We have a final witness, and I will ask Michel Gabaudan, who served as the U.N. High Commissioner Regional Representative for the United States and Caribbean since September 2006.

His distinguished career with the agency spans more than 25 years, with service in Africa, Asia, Latin America, and Australia. He was trained as a medical doctor, spent a decade working in Guyana, Zambia, Brazil, London, and Yemen, before joining the United Nations High Commissioner in Thailand. His U.N. career took him to Pakistan, Cameroon, and Geneva. He has been the Re-

gional Representative in Mexico, Australia, and Beijing. We are very, very grateful to him for being here.

We would ask you to proceed. I know you have been here for a good part of these hearings, so I think you have got a pretty good sense of what we are looking at in terms of the policy issues and questions. I have had a good chance to go through your excellent testimony here, and if you want to summarize it and highlight it, give us your best judgment, we would be very, very grateful.

STATEMENT OF MICHEL GABAUDAN, REGIONAL REPRESENTATIVE FOR THE UNITED STATES AND CARIBBEAN, OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, GENEVA, SWITZERLAND

Mr. GABAUDAN. Thank you very much, Mr. Chairman.

Mr. Chairman and members of the committee, I would like to express UNHCR's appreciation for the opportunity to share with you our concerns about Iraqi displacement, one of the most serious humanitarian crises UNHCR faces today. Over 3.5 million Iraqis—that is, one out of every eight persons—are either internally displaced or have fled the country.

Given the escalating violence in Iraq and the growing number of displaced, UNHCR has conducted a fundamental review of its Iraq program. Whereas, before, we had focused on refugee returns and only modest assistance in neighboring host countries, we are now increasing our presence in and support for host countries to promote great protection and assistance.

The protection situation in the region is quite complex. Host countries have been generous in receiving arriving Iraqis, effectively tolerating their presence through limited periods of stay, although this is done without a legal framework. We are, however, increasingly concerned about reports of deportations and denial of access at the borders, which reflects the strain that large refugee populations have placed on host societies.

Living conditions for refugees who remain in host countries are also deteriorating. Families have either depleted the resources that they brought with them or lacked resources to begin with.

In this context, some women may be vulnerable to forced prostitution and young people to child labor. Some 30 percent of Iraqi children are not attending school, and access to health care is seriously limited.

UNHCR is encouraging host countries to strengthen protection by ensuring that borders are kept open and forced returns are halted. We will also conduct a comprehensive needs assessment with our implementing partners and plan to enhance our capacity to register Iraqis so that the most vulnerable can be identified and their protection and assistance needs addressed.

Such assistance must support the national infrastructure for providing services and be coordinated through community networks as the population in question is largely urban based.

Resettlement will play a critical role as a protection tool for certain vulnerable individuals or groups. It can also serve as an element of burden sharing by the international community.

A clear set of criteria and procedures for Iraqi resettlement are being defined that will identify certain categories of vulnerability,

such as survivors of violence and torture, women at risk, unaccompanied children and individuals with serious medical problems.

Other categories will respond to specific protection concerns, such as individuals and members of minority groups who have been targeted in Iraq due to their religious or ethnic background or because of their association with foreign or international entities.

UNHCR has initially projected a minimum of just over 13,000 individuals in need of resettlement. However, it can be expected that these numbers will increase, and therefore we already plan to enhance our capacity to eventually be able to refer up to 20,000 individuals in 2007.

We welcome indeed the potential for increases U.S. resettlement of Iraqi refugees. For an effective program, it will be essential that all parties have a shared understanding of the criteria to be applied and that refugees approved for resettlement depart in a timely manner.

We would note that from 2003 through 2006, UNHCR was compelled to direct most Iraqi referrals to other resettlement countries because many departures were long delayed and in some cases approved cases were actually never able to depart to the United States.

As we work with U.S. authorities to increase Iraqi resettlement, we trust that in the future these obstacles can be avoided and that the U.S. material support and related bars will not pose new barriers to the resettlement of Iraqi refugees.

I would like to turn very briefly to the situation of Iraqi internally displaced persons and non-Iraqi refugees inside Iraq. Despite the fact that our ability to deliver necessary services is severely hampered by security considerations and a resulting lack of adequate staffing, we will seek to mitigate the increasingly harsh conditions faced by Iraqi IDPs through delivery of shelter, water and sanitation, nutrition, basic non-food items, and support to host communities.

We are also extremely concerned about the approximately 45,000 non-Iraqi refugees inside Iraq, many of whom are in urgent need of resettlement or humanitarian evacuation.

Finally, Mr. Chairman, UNHCR is working to promote the convening of an international conference on Iraqi displacement, hopefully in the first half of 2007. This conference would highlight the needs of displaced Iraqis and facilitate dialog between countries affected by the displacement and those willing to share the burden.

The enhanced protection and assistance efforts which I just outlined are virtually all contingent on resources. UNHCR has released a 2007 emergency appeal through which we are seeking a total of $60 million to cover our Iraq operation. We look forward to continued generosity from the United States at this very critical juncture.

In closing, Mr. Chairman, I would like to thank you and members of the Subcommittee for your leadership in highlighting the critical protection needs of Iraqi refugees. We look forward to working with you in the days to come, and I would be happy to address any questions you might have.

Thank you.

[The prepared statement of Mr. Gabaudan appears as a submission for the record.]

Senator KENNEDY. Well, thank you very much, and we will put your full statement in the record. I went through it in some detail. It is very, very comprehensive and helpful and very constructive.

The High Commissioner has put out the request for funding the refugees. Have you gotten a response from our Government that you can talk about?

Mr. GABAUDAN. Not yet, Senator. We have just issued the appeal. The appeal represents a doubling of what we had asked last year, but four times what we received. So it is already quite a quantum leap, and this is a first step.

We will carry out a detailed needs assessment, which is something we have not done yet because of lack of sufficient staff in the field, and we have to see what comes out of this detailed assessment, which we will carry out with our implementing partners.

Senator KENNEDY. On these issues about the U.N. High Commissioner referring resettlement cases to the United States, I think there is a faster way, a more efficient way of doing it, and we brought that up with the Secretary. But do you see difficulties with this processing now by the High Commissioner, these cases?

Mr. GABAUDAN. Senator, we cannot carry out refugee status determination for the large numbers of people who are in Syria and Jordan, so we hope that by improving our registration and placing some of our registration centers more in the communities where people are, we can identify the vulnerabilities I have mentioned, and through this identification embark on a fast processing of people who would require resettlement.

We have been asked by the administration to refer more cases than in the past, so there is definitely pressure on us from the administration to refer more cases.

We are now negotiating how we are going to articulate our two programs. Our Director of Resettlement has been here. He is now in the Middle East. He is coming here next week, so we are in intense dialog with the government to see how we are going to operate.

Senator KENNEDY. Well, it seems you have got certainly a head start, and your help and assistance in this is valuable. But I think it is not absolutely essential and necessary in terms of developing this program. And I think hopefully the administration hears this.

Are you monitoring now the borders for the possible rejection of Iraqi asylum seekers and the deportation of Iraqis from the countries in the region? We know that a number of the countries have closed their borders. We have heard this threat. Is this happening? Do you know? What can you tell us? Are you monitoring this at all? Can you monitor it? Have you monitored it?

Mr. GABAUDAN. Senator, the shortfall we had in our funding last year limited our presence in the field, and we had no permanent presence on the border. And some of the issues with deportation have been brought to us by NGO's, and we have taken that very seriously.

So part of our plan for expansion next year includes more field officers so we can monitor the border. The High Commissioner will be in Jordan and Syria at the end of the month and early Feb-

ruary, and that is certainly one of the issues he is going to raise with the governments there.

Senator KENNEDY. Well, this is for deploying protection officers at key crossing points from Iraq into Jordan and Syria and the other countries. But just on the information that you have at the present time, are people being deported from any of those countries back into Iraq that you know about?

Mr. GABAUDAN. There are deportations taking place. We are totally unable right now to tell you what is the rate or who is deported, what are the triggers that make that someone to be deported and someone not. This is something we have to analyze in more detail.

Senator KENNEDY. Well, that is a very sobering circumstance where individuals are fleeing with a high risk of facing death, as we have listened to today the examples of individuals and what we have all read about in terms of the newspapers and finding out that individuals going to these countries are now being effectively deported out of those countries. It adds a real sense of urgency, it seems to me, to make sure that we are going to understand that we have got a real humanitarian crisis. The extent of it is difficult to assess until we know the numbers, but just the fact that people are fleeing on the basis of the threat of their life and then being in a country and then told to get out of it, it is something that is enormously a matter of great concern.

Let me ask you, just in this conference, maybe you could describe to us the value of having an international conference and then the importance of bilateralism. There is probably some responsibilities in terms of countries working bilaterally to try and deal with this issue and also some advantages of working regionally. Maybe you could talk about why both approaches are important.

Mr. GABAUDAN. Right. The idea of the international conference is to get the countries in the region to agree on certain basic criteria on which to recognize the importance of the crisis and the response that is required.

And it will have to be handled with some care because the refugee world is still something that puts many of these governments into a tight corner, and so far they have tolerated people, as I was mentioning, without legal status, and they are not very keen for legal status to be applied.

So I think we have to look for the best practical way to maintain protection space in these countries, and for that we need the different countries in the region to agree on basic criteria. We also need other countries in the region to also contribute in the burden sharing, whether it is financial or whether it is through some of the evacuations we have suggested, et cetera. So it is to try to build some consensus behind that.

Obviously, the size of the problem that Syria and Jordan face will require that there are bilateral initiatives that help these countries to support the tremendous stress that the presence of refugees is creating on their services.

That cannot just be responded to by the humanitarian programs, and we hope the conference would also be a channel to challenge some countries who are willing to help through their bilateral

means to make sure that these countries do understand that they are not alone in facing the crisis.

Senator KENNEDY. Let me just finally ask you, do you get some indication of willingness in those countries in the area that they would welcome this opportunity to work with your agency or with other countries? Do you find that? Or are they saying that they do not need help and assistance? What are you finding? Or does it vary from country to country?

Mr. GABAUDAN. I think it varies from country to country, Senator. I do not have really the details, but I could come back to you on that on the very specifics.

Senator KENNEDY. Good. Well, as you find that out, the indication of the willingness of these countries, it would be helpful for us to know that.

Senator Specter?

Senator SPECTER. Thank you, Mr. Chairman.

Mr. Gabaudan, you say in your prepared testimony that you are looking to raise $60 million. How do you arrive at that figure? Is it sufficient given the scope, intensity, magnitude of the problem?

Mr. GABAUDAN. Well, it is a practical approach, Senator. As I mentioned, it is four times what we received in fresh contributions last year. Last year, the U.S. contributed about 26 percent of our budget, but practically 50 percent of real contributions.

Senator SPECTER. Four times what you had last year, but how many more times the intensity is the problem than it was last year?

Mr. GABAUDAN. Well, we want to address issues practically and with what we can deliver. A key—

Senator SPECTER. Are you looking for contributions worldwide, from Japan, China, Germany, France, Great Britain?

Mr. GABAUDAN. We are certainly looking for contributions worldwide. They have not been very forthcoming in the past. We have better indications this year. In particular, the European Union has been in touch with us, and our Assistant High Commissioner has talked to them in detail. So we do hope we will have a better reaction this year.

Senator SPECTER. I saw a headline in the paper that Sweden was a haven for Iraqi refugees. Are you familiar with that?

Mr. GABAUDAN. I am not familiar with the particular case of Sweden, Senator, but I know that in the first half of 2006, the number of Iraqi asylum seekers has doubled compared to what was the case last year in Europe. And they are now the top nationality seeking asylum in Europe.

Senator SPECTER. Well, with the Europeans being willing to give asylum, that is a positive sign that they are trying to help out, and that ought to be explored for financial contributions.

In your prepared testimony, Mr. Gabaudan, you say that, "In the coming months, UNHCR also hopes to convene an international conference on Iraqi displacement, possibly in collaboration with the Arab League and/or the Organization of Islamic Conference." Why only a hope? Why shouldn't UNHCR take the field and insist on an international conference?

Mr. GABAUDAN. Well, we certainly would like to take the lead in promoting the idea. We think it is important that there is some re-

gional ownership, and that is why it is important to talk to regional bodies that would be able to persuade some of their members to join in the conference.

Senator SPECTER. Well, the regional participation is obviously important, but the participation of the United States is indispensable, isn't it?

Mr. GABAUDAN. Oh, absolutely. The idea is not to limit the conference as strictly a regional issue. What we want is regional commitment to say we have an issue, we have to tackle that. That conference should be attended, in our view, by—

Senator SPECTER. Well, let me make the suggestion that you transpose language of hope to language of insistence.

Mr. GABAUDAN. All right.

Senator SPECTER. I do not think hope is going to get UNHCR very far. I do not know that insistence will get UNHCR very far, but it has a much better chance than hope. And then you have the situation about Syria, to its credit, being the last country which has its borders open to Iraqi refugees.

This is a good occasion, it seems to me, for the UNHCR to weigh in with the United States and say, "Participate in a conference." I think the United States would be hard put, Mr. Gabaudan, to decline to come to a meeting convened by the High Commissioner, regardless of who was present. Would Iran figure as one of the countries that you have in mind for participation on a regional basis?

Mr. GABAUDAN. Well, certainly all the countries affected by the displacement in the region—

Senator SPECTER. You are giving me a "yes."

Mr. GABAUDAN. Yes.

Senator SPECTER. All right. Well, it would be good to see that kind of international conference convened, good to see the countries involved, including Syria and Iran, there.

Mr. GABAUDAN. Yes.

Senator SPECTER. And an invitation to the United States. I think it would be very hard for the United States to decline an invitation of that sort.

Mr. Gabaudan, you heard the testimony of Ms. Lisa Ramaci-Vincent and Captain Iscol, right? Any justification at all for the situations which they cite, not to have asylum granted for the individuals that they call to the attention of American officials?

Mr. GABAUDAN. Well, I cannot judge to what is happening inside Iraq, Senator, because inside Iraq we just deal with IDPs and we are not—our mandate does not allow us to take people outside their country of origin. But certainly the circumstances that these two testimonies have evidenced for me make it clear that these cases would fall within the categories that we should identify for the registration for further processing.

Senator SPECTER. Do you think that it is true, as Lisa testified, that there are some people in the American enclave who do not want to admit there is a refugee problem, they want to say that Iraq is a democracy and, therefore, refugees do not need asylum? Would you think there is much of that kind of an inexplicable attitude?

Mr. GABAUDAN. I cannot comment upon that, Senator. The only thing I can tell you is that the Government has asked us to look

more practically into referring cases to the U.S., which means there is, in my view, an official recognition that there is an issue that the Government is prepared to address.

Senator SPECTER. Well, my time expired a few seconds ago. I want to thank Senator Kennedy for his op-ed and for his leadership in this field. He has been at it for a long time. And this is an oversight hearing with teeth. Not too many oversight hearings in Congress generally.

The Judiciary Committee has had more than its share recently, but this is one with teeth. And I think that the testimony which has been given here today by Sami and John—I was about to say they put a face on the problem. They put a screen on the problem.

And the testimony of the Captain and Lisa were really overpowering in the nature of the problem, and the United States is in the middle of this problem. I do not think that we are responsible for it. I think that we are not to blame for it.

But certainly we have a major role to play, and I would like to see you expand that list of donor countries and set your sights a little higher. And get that international conference. I want to see all those countries there—Syria, Iran, and whoever else.

Thank you very much, Mr. Chairman.

Senator KENNEDY. Well, thank you, Senator Specter, so much for your participation, interest, and long-time concern about the problems of refugees.

Thank you very much to you, Mr. Gabaudan, for being here and for these comments. We want to work with you on these issues. We expect to do so.

I am enormously grateful for all of our witnesses, and I, too, join in paying tribute to the courage and the bravery of John and Sami. These are individuals that represent tens of thousands of people that have worked with the United States, worked with the United States military, worked with the United States independent contractors, worked with members of the press from the West and because of this have been targeted.

And I feel that we have a very, very important and strong obligation. It was so overpowering, the testimony about what the risks are for them. It is death in its most brutal form. And anyone who has been reading and following the newspapers or the television knows that this is very real.

The whole issue about the humanitarian aspects of the Iraq war really have not gotten the focus and attention on the numbers. We know of the extraordinary bravery of young Americans, and we pay tribute to those soldiers every single day.

We have 61 from Massachusetts who have lost their lives and over 3,023, I think it is, who have lost their lives from the United States. And the wounded, I have had the opportunity to visit Walter Reed on a number of different occasions, so we know this extraordinary burden that the families have experienced and what it has meant in terms of the financing, $8 billion, $2 billion a week.

Think of the total Pell grant program that helps struggling young people go to college of being $12 billion, $12.5 billion, and this being $2 billion a week. What we could do with those resources here, investing in people, it is an enormous human tragedy.

But we are reminded today about what happens to our friends and allies who have been a part of this whole effort, and we have real responsibility. It reminds me in a certain way of what we were facing in Vietnam. We saw the whole movement of individuals and refugees around those countries.

We had free-fire zones where firing these—dropping bombs and firing these enormous explosives into these areas where the civilian populations were gathered. And we had a real humanitarian crisis in that. It took a long time for this country to recognize it.

So we are in this Committee going to follow this very, very closely, and we are grateful for all of those who have testified. We have great admiration for those who have been helpful, the law firms, the students. This is the defining issue, I think, for our country and our society.

We have many defining issues, but certainly this is certainly one of them. And we hear a great deal about surges these days. It seems to me we need a real surge in humanitarian concern and attention and focus for those people whose lives are at risk. We need to have a surge of concern for them as well.

I will include in the record the documents. I want to make a special note of the Chaldean Federation of America. They have a statement, a comment here. Senator Levin has spoken to me about this.

And the record will remain open for 1 week, Tuesday, the 23rd. And the Committee stands in recess.

[Whereupon, at 5:01 p.m., the committee was adjourned.]

[Questions and answers and submissions for the record follow.]

QUESTIONS AND ANSWERS

REFUGEES INTERNATIONAL

A POWERFUL VOICE FOR LIFESAVING ACTION

February 7, 2007

Senator Patrick Leahy
Chairman
Committee of the Judiciary
United States Senate
Washington, DC

Questions for the Record
Senate Judiciary Committee Hearing on
"The Plights of Iraqi Refugees"
January 16th 2007

Question: Once a family has decided to flee Iraq, how difficult is it for them to make their way across Iraq and over the border of a country that will accept them?

It is becoming increasingly difficult for families to flee Iraq. Many do not have passports and must wait weeks for their papers to be processed. As most countries around Iraq have closed their borders to refugees, most Iraqis try to make their way to Syria and Jordan, who are the most likely to admit them. Transport to Jordan or Syria is expensive, and the road is extremely dangerous, as it goes through Anbar province, one of the most volatile provinces of Iraq. Many have been kidnapped or killed trying to reach safety.

Moreover, reaching the Syrian or Jordanian borders is no longer synonymous with finding shelter, albeit temporary. Reports collected by Refugees International allege that Jordanian authorities sometimes deny entry to Iraqis they suspect are coming to Jordan to stay. Jordanians also systematically refuse entry to Iraqi men aged 18 to 35. Syria used to let all Iraqis enter for three months at the time, but it is currently issuing two-week visas.

Question: Do you believe the United Nations estimate of two million Iraqi refugees in neighboring countries is accurate?

Yes. We believe UNHCR has the best numbers, considering the lack of governmental data. However, many NGOs and local activists believe the numbers

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provided by UNHCR to be conservative. During our mission in the region, we were able to witness large and continued flows of Iraqis coming through the Syrian border. Moreover, in both Amman and Damascus, we saw neighborhoods entirely taken over by Iraqis.

Question: Are host countries for Iraqi refugees providing differing treatment to refugees based on religion - are particular groups more vulnerable once they reach a country of refuge?

In both Syria and Lebanon, Refugees International did not see or hear any evidence of discrimination against Iraqis based on their religion. In Jordan however, there are reports of discrimination against the Shi'a community. Allegedly, some Iraqi children were denied access to school because they were Shi'a. We have also heard of cases of deportation of Shi'a religious leaders.

Another group of particular concern is the Palestinians of Iraq. Threatened by militias inside Iraq, the Iraqi government is unable or unwilling to protect them. These stateless Palestinians are denied entry in Syria and Jordan and must either return to Iraq, or camp on either side of the border.

Question: Are there significant differences in the way Jordan and Syria host their Iraqi refugee populations?

Until recently, Syria was much more welcoming to Iraqi refugees than Jordan although neither of these countries has ratified the 1951 Refugee Convention. Syria's borders were entirely open, and Iraqis had access to all public services. In 2005, Syria started applying restrictions as the flow of Iraqi refugees kept increasing. Iraqis now have to pay for public healthcare. Whereas Iraqis used to be granted three month visas, Syria decided in January 2007 to start giving them two week visas in the hope of discouraging new people from seeking refuge in Syria.

In Jordan, access to public services was always limited for Iraqis. Refugees International documented cases of *refoulement*, where Iraqis were sent back to Iraq when arriving at the Jordanian border. Jordan is now systematically refusing entry to all Iraqi men aged 18 to 35, and has sometimes even deported Iraqis back to Iraq. Contrary to Syria, Iraqis do not feel safe in Jordan.

Iraqis can not work in either country. As the cost of living continues to increase in both countries, it is becoming more difficult for refugees to sustain themselves.

Question: What risks does the US take by ignoring the Iraqi refugee crisis - inside Iraq, throughout the Middle East, and internationally?

This problem is the fastest growing refugee crisis in the world. Its ramifications are not only regional, they are global. Ignoring this crisis would have dramatic

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consequences. On a humanitarian level, we have a moral obligation to respond to the plight of millions of Iraqis- a plight the US invasion of Iraq sparked. Failure to respond adequately and immediately would lead to a humanitarian tragedy; Iraqis displaced within Iraq and in the region desperately need our help. Moreover, should the international community and the US in particular fail to assist host countries in absorbing these refugees, the ones who have kept their borders relatively open will close them very soon, thereby removing the only pressure valve available to vulnerable civilians. This trend has already started materializing, as more Iraqis are sent back at the borders, and some are even deported.

Most Iraqi refugees interviewed by Refugees International wish to be resettled in Europe and North America. An underground industry of counterfeited passports has already flourished in places like Amman or Istanbul. In 2006, Iraqis were the most represented group of asylum seekers in Europe. Should the US choose not to respond to the crisis at a regional level, it might ultimately have to respond to it on its soil.

Question: Are there fears in countries that are hosting Iraqi refugees about instability from Iraqis entering their country through refugee flows? Are these fears justified?

Both Jordan and Syria have shown indications of concern over the instability that could eventually be caused by flows of refugees from Iraq. Jordan in particular, after three suicide bombings perpetrated by Iraqi men in November 2005, has closed its borders to men aged 18 to 35. Both countries also have to deal with their own impoverished populations, who, as real estate prices climb and health and education systems are overburdened, view Iraqis as a threat.

Fears of potential instability are justified to a certain extend. Most of the refugees that are now in Jordan and Syria are running out of resources. Many are traumatized by what they went through in Iraq, and many are angry at the US, the Iraqi government, other sectarian groups or their host country for not allowing them to work. This refugee population is generally an educated one, who is unlikely to handle a prolonged lack of legal status well. All these factors combined with the fragility of the social fabric in host countries could well lead to instability.

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Michel Gabaudan,
Regional Representative for the United States of America and the Caribbean,
Office of the United Nations High Commissioner for Refugees

Responses to the Questions for the Record
Senate Committee on the Judiciary
Oversight Hearing on
"The Plight of Iraqi Refugees"
(January 16, 2007)

Funding

UNHCR is currently drawing from regular funding support for our global resettlement activities to support our resettlement work vis-à-vis Iraqi refugees. (In 2007, UNHCR requested approximately $9 million in additional US funding specifically to support our global resettlement programme. The US has provided a first tranche of global resettlement funding of approximately $5 million.)

At this point, these resources appear sufficient for getting the Iraqi resettlement program off the ground. However, as the program ramps up and additional needs are identified, it is likely that increased funds will be needed, at which point we will discuss these needs with the US government.

It is also important to underscore that funding is urgently needed to support UNHCR's other activities in the region, including the registration exercise, through which the protection and assistance needs of Iraqis will be clearly identified. To this end, UNHCR is in dialogue with the US government to obtain a first tranche of funding as soon as possible.

Resettlement

The resettlement program will depend in large measure on the UNHCR registration process. If the registration process does not move forward as planned, the ability to identify and refer large number of cases for resettlement will be greatly diminished.

In addition, UNHCR will need to be able to refer cases to resettlement countries on a streamlined basis, under which detailed development of individual histories and documentation are minimized. Cases that UNHCR refers to the US and other resettlement countries need to be interviewed and resettled in a timely manner. Backlogs of cases awaiting processing or departure must be kept to a minimum.

Based on recent history, possible delays in the US program could be foreseen due to difficulty obtaining secure interviewing facilities for DHS, cases being put on hold for

material support or other "terrorism" related bars, or slow security clearances following conditional US approval.

In general, security will remain a heightened concern for this program given the volatility of the region. Additional steps will likely be needed to ensure the safety of applicants as well as for all persons working in conjunction with the program. Also, enhanced anti-fraud measures, particularly bio-metrics, (i.e. electronic fingerprinting) will probably need to be implemented to maintain the integrity of the registration and resettlement process, particularly given the size of the caseload.

Finally, if there is a large "magnet effect" or unrest due to the resettlement program, host governments could take steps to stop resettlement, or take other measures against the refugee population.

Bilateral Aid

As noted, UNHCR has issued an initial appeal of $60 million. However, this funding level is merely a start and will be used to address immediate and urgent needs based on our initial field assessment. As the refugee registration exercise more fully identifies the demographics of the refugee community and its needs, additional resources will likely be needed to expand and enhance protection and assistance activities.

Bilateral aid will be essential to reinforce the efforts of the international community, including those of UNHCR. To date, refugees are residing in local communities, thus placing strains on local resources and infrastructures. Bilateral aid will be critical to support such community structures and networks in such sectors as education and health care.

In the context of education and health care, UNHCR has signed agreements with the Syrian Red Crescent Society, the Syrian Ministry of Health, the Syrian Ministry of Education, and local government entities to support local schools and clinics. An initial $9 million has been provided in this regard, which is a gesture of good will to inspire continued generosity. UNHCR is in discussions with the government of Jordan to ensure similar support and access.

Housing Refugees

Housing is an increasing concern for Iraqi refugees residing in host countries. As the size of the refugee population has increased, rents have increased accordingly; in some cases, there has been a tripling in rents asked of Iraqi tenants. This has further exacerbated the depletion of resources in Iraqi families, leading to additional protection problems. For this reason, it is critical that income generation and livelihoods projects be supported to enhance resources in Iraqi refugee families and to enable them to pay for their accomodations.

UNHCR currently does not see a need for opening refugee camps. In fact, we would view such a step as an option of last resort. Refugee camps could lead to the stigmatization of refugees and create long term dependence. It is preferable to support local community networks and infrastructures to promote community-based solutions that enhance refugee self-sufficiency while at the same time assisting such local communities themselves.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Patrick Leahy (#1)
Senate Committee on the Judiciary
January 16, 2007

Question:

Does current U.S. assistance to Jordan include funding specifically to assist Iraqis seeking refuge in Jordan? If not, what is the United States Government prepared to do to assist the Government of Jordan in providing care and services to these refugees?

Answer:

The United States typically funds protection and assistance to refugees multilaterally when governments hosting refugees require assistance in caring for refugees on their territory. The Department is funding both UNHCR and the International Catholic Migration Commission (ICMC) to provide the most vulnerable Iraqis in Jordan with rental subsidies, money for food, clothing, and psychosocial assessments. UNHCR is working with the Jordanian Government to determine how the UN might support education and health care through government entities. The Department supports UNHCR's approach and will provide funding to bolster education and health programs.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Patrick Leahy (#2)
Senate Committee on the Judiciary
January 16, 2007

Question:

Has the Administration urged the Government of Jordan to halt its present system of deportation of Iraqis to Baghdad? What has been Jordan's response?

Answer:

We have discussed this issue with the Government of Jordan. Since the Amman hotel bombings in 2005, Jordan has had legitimate security concerns. Like many countries, Jordan deports Iraqis who have been admitted temporarily and have been involved in criminal behavior or overstayed their visas. The Government of Jordan has been diligent in alerting UNHCR whenever it has detained an Iraqi carrying a UNHCR registration document and in working with UNHCR to resolve the issue prior to deportation.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Patrick Leahy (#3)
Senate Committee on the Judiciary
January 16, 2007

Question:

Do you know whether the Government of Jordan intends to continue and increase access for Iraqis to education services, regardless of whether they are Shiite or Sunni? What is the U.S. Government prepared to do to help Jordan continue and increase access to education services for Iraqi refugees? What about other vital services?

Answer:

The Government of Jordan (GOJ) is working with the Norwegian NGO, Fafo-Applied International Studies (AIS), to survey the needs of Iraqis in Jordan. Approximately 14,000 Iraqi children with residence permits attend public and private schools without regard to their religious affiliation. Jordan's education infrastructure cannot accommodate all the Iraqi children in the country, and the larger number of Iraqi children without residence permits are not permitted to attend schools. Iraqis also receive health care in government clinics, and have access to basic food commodities, medicines, water and oil resources. The GOJ subsidizes many commodities, such as water and oil, notwithstanding the fact that Jordan is considered by the U.N. to be one of the ten most water-starved nations in the world. However, the needs of the refugee population are increasing, and the GOJ has asked the international community to provide economic assistance.

The funding picture for Iraqi refugees will be much clearer once the full year funding is set and the President's request for FY 2007 supplemental funding has gone forward. We look forward to briefing the Senator and his staff more fully on the ability of the USG to support refugee needs in Jordan and elsewhere.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Patrick Leahy (#4)
Senate Judiciary Committee
January 16, 2007

Question

The situation in Iraq presents many barriers for Iraqi citizens to get to Jordan in order to apply for a visa to the United States. Has the Administration considered establishing new procedures that would make it possible-and easier-for Iraqis wishing to flee the violence in Iraq to obtain United States visas without having to visit the U.S. Embassy in Jordan? Can visa programs be established within Iraq, including Baghdad, to avoid the travel and security difficulties now experienced by local residents?

Answer

Security is the primary concern in processing visas at the U.S. Embassy in Baghdad. The Consular Section in Baghdad does not currently offer visa services to the general public due to restrictions in accessing the Embassy facilities in the International Zone in Baghdad. Expanding public access at this time would place both the Embassy and the applicants at further risk. To assist legitimate travelers, we have, however, worked hard to streamline the process in Amman.

With limited resources, Embassy Amman has performed admirably to facilitate visa issuance for legitimate Iraqi travelers. Nearly 40 percent of Amman's immigrant visa workload and 12 percent of its nonimmigrant visa workload is comprised of Iraqis. We issued nearly 3,700 non-immigrant visas and 846 immigrant visas to Iraqis in Amman last year. The consular section in Amman has worked with Embassy Baghdad to develop the world's first cross border referral system, which facilitates the visa issuance process for those Iraqis whose travel is

important to the interests of the United States. Amman also works closely with the Foreign Commercial Service to facilitate travel of trade delegations to the United States and with military civil affairs teams to expedite processing for desperately ill children to receive treatment in the United States. It is important to note that Embassy Amman, like every other Foreign Service post, is prohibited by law from issuing non-immigrant visas to those Iraqis who intend to remain permanently in the United States, and is prohibited by law from issuing immigrant visas to those who lack a family relationship with an American citizen or legal permanent resident and/or a current priority date.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Patrick Leahy (#5)
Senate Committee on the Judiciary
January 16, 2007

Question:

In your testimony, you noted that the Administration has provided $800 million since 2003 to various NGOs whose work includes assisting refugees. What portion of these funds has been used to directly assist Iraqi refugees?

Answer:

Since 2003 total U.S. Government funding for humanitarian programs for Iraqis has exceeded $800 million. State/PRM has provided $185 million for refugee programs addressing the reintegration of Iraqi refugees returning home, meeting urgent needs of refugees from third countries and conflict victims inside Iraq, and assisting Iraqi refugees in neighboring countries. Other U.S. government assistance for Iraq since 2003 includes $194.7 million provided by USAID/OFDA for assistance to Iraq's recent and long-term internally-displaced persons and $424 million of assistance from Food for Peace through the World Food Program.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#1a)
Senate Committee on the Judiciary
January 16, 2007

Question:

Shouldn't Iraqis persecuted for their association with the United States qualify as a group of special humanitarian concern? Shouldn't these Iraqis be able to apply and be processed for refugee status directly by the U.S. government in Iraq, without a dangerous journey to Jordan or Syria and without burdening the UNHCR?

Answer:

There are tens of thousands of Iraqis who are now or have in the recent past worked with USG agencies and/or contractors in furtherance of our mission in Iraq. Despite these numbers, our Embassy reports that relatively few have sought assistance in leaving the country. As of now, we believe that individual referrals from our Embassies and UNHCR based on an assessment of vulnerability are most appropriate, but we will keep open the possibility of other approaches.

While we have the authority to conduct in-country processing in exceptional circumstances, current security conditions within Iraq are not stable enough to support processing activities there. While we are reluctant to suggest that individuals put themselves in danger by fleeing to a neighboring country, we believe that we would place them at even greater risk if they await their refugee interviews in-country.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#1b)
Senate Committee on the Judiciary
January 16, 2007

Question:

Have you instructed or would you consider instructing your Embassies and Consulates in Iraq, Jordan, Syria, Egypt, Turkey, Lebanon and other countries in the region that P-1 referrals of Iraqi refugees should be one of their top priorities?

Answer:

Providing protection and assistance to Iraqi refugees is a top priority for the Department, and we are exploring ways to expand assistance to vulnerable Iraqi refugees in need of durable solutions. As part of our overall strategy, which also includes extensive engagement with UNHCR, the Department is in active discussion with Embassy Baghdad and other posts in the region about expanding the use of Embassy P-1 referrals in cases where vulnerable Iraqis are known to the Embassy.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#2)
Senate Committee on the Judiciary
January 16, 2007

Question:

I have called for an international conference sponsored by the countries in this region and the United Nations to address the growing needs of Iraqi refugees and internally displaced persons. The U.S. should participate in the conference and provide substantial support for the refugees. Don't you agree that an international conference with the U.S. participating could be a first step in addressing the humanitarian crisis? What has the State Department done to involve Europe, other developed countries, and regional powers such as Saudi Arabia and Kuwait in solving these issues?

Answer:

The response to the needs of Iraqi refugees and internally displaced persons must be an international one – one that will require coordination among the countries in the region as well as donor countries. To that end, we support the U.N. High Commissioner for Refugees' (UNHCR) plan to organize an international conference to be held within the next few months. The State Department is working with UNHCR and the international community to ensure that the conference is well-attended and to develop a agenda focused on developing viable and immediately applicable solutions.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#3a)
Senate Committee on the Judiciary
January 16, 2007

Question:

Our nation is spending $8 billion a month to wage the war in Iraq. Don't you agree that the $20 million budgeted by the U.S. in 2007 for the Iraqi refugee situation is inadequate? Are you planning to ramp up this spending in 2007 and 2008? How much does the State Department plan to contribute toward UNHCR's $60 million Budget Appeal in 2007? Do you believe that the $60 million appeal will be sufficient to meet the needs of more than 3 million Iraqi refugees and internally displaced persons?

Answer:

The President's original FY07 budget request which was formulated in FY 2005 included $20 million in the Migration and Refugee Assistance account (MRA) for Iraq. The FY07 Supplemental request includes $60 million for Iraqi refugees and those displaced inside Iraq. The President's FY08 budget request for Iraq includes $35 million for MRA. The State Department is planning to ramp up its programs to assist Iraqi refugees in neighboring countries and inside Iraq in 2007 and to contribute generously to UNHCR's $60 million appeal. UNHCR's near-term plan includes getting a better assessment of the situation of Iraqi refugees and internally displaced persons, which will help identify immediate and longer-term needs. At this time, we believe that UNHCR has asked for an amount that is reasonable for the current situation.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#3b)
Senate Committee on the Judiciary
January 16, 2007

Question:

Iraqis who have taken refuge in neighboring countries need assistance to find and maintain adequate housing and food supplies. What are you doing to ensure that the livelihood needs of Iraqi refugees in these countries are met?

Answer:

We are supporting UNHCR and NGOs to provide immediate forms of assistance to Iraqis in Syria, Lebanon and Jordan. We have funded the International Catholic Migration Commission (ICMC) $3.2 million to provide 12,000 vulnerable Iraqis with rental subsidies, money for food, clothing, and psychosocial support in these countries. We are issuing a request for NGOs to submit additional proposals for funding and expect to expand our assistance programs to vulnerable Iraqis in 2007. We intend to continue providing this assistance because current laws in these countries prohibit Iraqis on visitor visas, who comprise the majority of Iraqis there, from working.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#3C)
Senate Committee on the Judiciary
January 16, 2007

Question:

In the present USAID/State assistance package for Jordan, is there a specific reference made to the allocation of funds to assist Iraqis who have found refuge in Jordan? Would you support an allocation of funds for Iraqi refugees in Jordan?

Answer:

The current USAID/State assistance package for Jordan does not contain a specific reference for allocation of funds to assist Iraqis in Jordan. The funding picture for Iraqi refugees will be much clearer once the full-year funding is set and the President's request for FY 2007 supplemental funding has gone forward. We look forward to briefing the Senator and his staff more fully on the ability of the USG to support refugee needs in Jordan and elsewhere.

United States Department of State

Washington, D.C. 20520

FEB 27 2007

Dear Mr. Chairman:

I want to take this opportunity to provide you with updated information regarding the funding situation for Iraqi refugees and conflict victims.

The Revised Continuing Appropriations Resolution for FY 2007 (P.L. 110-5) includes $20 million in the Migration and Refugee Assistance (MRA) account to support Iraqi refugees and conflict victims. The President's FY2007 Supplemental request includes $60 million to meet the needs of displaced Iraqis both inside and outside Iraq. Of the President's request, $15 million would be for MRA to support protection and assistance of Iraqi refugees in neighboring countries and conflict victims inside Iraq while $45 million would support the International Disaster and Famine Assistance (IDFA) account targeting internally displaced Iraqis. The FY2007 Supplemental also includes $30 million in Emergency Refugee and Migration Assistance (ERMA) funds which, if approved, could be drawn upon to meet unanticipated and urgent needs for Iraqis. The President's FY08 budget request includes $35 million in MRA for the Iraqi refugees and displaced persons' account.

We share your concerns about displaced Iraqis and look forward to working with you on this important issue. Please do not hesitate to contact us again if we can be of further assistance.

Sincerely,

Jeffrey T. Bergner

Jeffrey T. Bergner
Assistant Secretary
Legislative Affairs

The Honorable
Edward M. Kennedy, Chairman,
Subcommittee on Immigration, Border Security,
and Citizenship,
Committee on the Judiciary,
United States Senate.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#4a)
Senate Committee on the Judiciary
January 16, 2007

Question:

How many Iraqis is the U.S. Government prepared to resettle in 2007? We have 20,000 unallocated refugee slots. Are you prepared to use some of the 20,000 for Iraqi refugees? Do you need additional funding for this? How much?

Answer:

The President authorized up to 70,000 refugee admissions in FY 2007 and established regional and unallocated ceilings within that total. The Near East/South Asia regional ceiling was set at 5,500, to include refugees from Afghanistan and Iran as well as from Iraq. As you note, the ceiling also included a reserve of 20,000 admissions numbers not allocated to regions, to be used as needed upon notification to Congress.

At the time the regional ceilings were established, we were expecting a relatively small number of Iraqi refugee referrals to our program. We intended to use most of the 5,500 ceiling to admit Iranian religious minorities and individually-referred Afghans.

In light of the changing circumstances, we have adjusted our planning in recent weeks to accommodate increased processing of vulnerable Iraqi refugees. We expect to begin processing some 7,000 Iraqis in the region as they are referred to us in the coming months.

As needed, we will access the unallocated reserve numbers to increase the regional ceiling for Near East and South Asian refugees in order to accommodate the unanticipated number of Iraqi admissions and will notify Congress appropriately.

The FY 2007 funding we now anticipate will be sufficient to cover additional processing costs and admission of the Iraqi refugees whose processing will be completed this fiscal year.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#4b)
Senate Committee on the Judiciary
January 16, 2007

Question:

Do you plan to allow NGO's in Jordan, Syria, and other countries hosting Iraqi refugees to make direct refugee program referrals, as is allowed in other parts of the world? Please state your reasons for doing so or not doing so.

Answer:

The U.S. Refugee Admissions Program (USRAP) allows trained NGOs who have participated in USRAP referrals training workshops to refer cases for possible resettlement. We are preparing to hold a referrals training workshop for NGOs operating in the region in the coming months. This will permit participating NGOs to refer appropriate cases directly to the USRAP. UNHCR also encourages NGOs to bring cases to their attention.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#4c)
Senate Committee on the Judiciary
January 16, 2007

Question:

If the United States were to open additional channels for Iraqis associated with the U.S., how many people do you estimate would be eligible for this program? How many Iraqis are currently employed either directly or as contractors by the U.S. Mission?

Answer:

Our Mission in Iraq currently employs approximately 160 Locally Employed staff country-wide. If the number of years that must be worked to be eligible for a special immigrant visa is lowered from 15 to 3 years, nearly half of those would be eligible to apply in calendar year 2007. This number does not include family members. The Embassy estimates that Iraqi staff working for State and USAID contractors numbers about 5,000 country-wide. The Department of Defense should be consulted for specific information on the number of its Iraqi employees and contractors.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#5)
Senate Committee on the Judiciary
January 16, 2007

Question:

What steps will you take to ensure that Iraqi refugees and visa applicants who have been associated with armed groups but are not security threats themselves can be efficiently and expeditiously processed to allow for admission to the United States?

Answer:

The USA PATRIOT Act of 2001 and the REAL ID Act of 2005 expanded the INA 212(a)(3)(B) definitions of "terrorist organization" and "engage in terrorist activities" in ways that render Iraqis who provide material support to armed groups in return for security inadmissible to the United States.

At the discretion of the Secretary of State to recommend, and the Secretary of Homeland Security to grant, a waiver is available for nonimmigrant visa applicants, but this provision does not apply to immigrant visa and refugee applicants. Relative to those categories of applicants, a separate discretionary authority available to the Secretary of State and the Secretary of Homeland Security does allow them to render the material support provisions of INA 212(a)(3)(B) inapplicable to material

support provided by an applicant to a group that meets the INA definition of a terrorist organization. Use of this authority may be considered in appropriate cases; however, this provision is limited in scope and cannot benefit Iraqis who are members of, or otherwise have used weapons in conjunction with or received military-type training from, the armed groups.

Currently, we maintain predictable and reliable turnaround times and have established good interagency procedures for expediting high-profile applications for non-immigrant visas.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#5b)
Senate Committee on the Judiciary
January 16, 2007

Question:

Is the Secretary of State planning to issue a waiver to ensure these personnel are not excluded from the United States?

Answer:

In recent months, the Secretary of State has exercised the available inapplicability authority related to the material support provisions of INA 212(a)(3)(B) on behalf of aliens who are otherwise qualified for the U.S. Refugee Admissions Program but who provided material support to eight specific organizations. She took these actions for foreign policy reasons, including the U.S. policy goal of offering refugee resettlement to those in need of this durable solution, following an assessment that the organizations supported pose no threat to the United States.

In the case of U.S. non-citizen military personnel who may have provided material support to members of the MeK, the Secretary of Homeland Security would – if such an action is deemed appropriate – exercise his inapplicability authority in consultation with the Secretary of State and the Attorney General, because the individuals in question have legal immigration status in the United States.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#5c)
Senate Committee on the Judiciary
January 16, 2007

Question:

What is the status of this proposed legislation? When do you plan to transmit it to Congress? What other steps do you plan to take to ensure that refugees and asylum seekers that do not threaten U.S. national security will not be excluded from finding protection in the United States by terrorism-related bars? Specifically, what plans do you have to address the issue of material support provided under duress to Tier I and Tier II terrorist organizations? Will you commit to work closely with Judiciary Committee members to provide a fair, transparent, durable solution to the material support inadmissibility issue?

Answer:

The Administration has already shared its proposed legislative changes to the INA with interested Congress members informally and will submit it formally to Congress shortly. We continue to work closely with the Departments of Homeland Security and Justice on finding a solution for duress cases. Finding a solution to the material support inadmissibility issue has been a top priority for me and the PRM bureau for the past year.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Edward Kennedy (#6)
Senate Committee on the Judiciary
January 16, 2007

Question:

How many refugees has the United States admitted in FY 2007 to date? How many are currently in the pipeline and from which countries? How many total refugees do you foresee admitting in FY07? If this is below the ceiling in the Presidential Determination, why?

Answer:

As of January 31, 2007, the U.S. Refugee Admissions Program had admitted 10,178 refugees since the beginning of FY 2007. There are currently 46,534 individuals in our processing pipeline and our current planning calls for the admission of 60,000 refugees representing over 60 nationalities this fiscal year.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Russell D. Feingold (#1)
Senate Committee on the Judiciary
January 16, 2007

Question:

In your testimony you said that you are looking "forward to working in any way that we can cooperate" with UNHCR on a regional conference to discuss displaced persons. While I understand other countries should be sharing the burden of Iraqi displacement, don't you think that the U.S. should be playing a leadership role at the conference given our responsibility for starting the war? If the United States is not playing a leadership role at the conference, will it support the conference recommendations?

Answer:

The United States welcomes UNHCR's call for an international conference. Developing viable solutions for Iraqi refugees and those displaced inside Iraq will require international cooperation and financial support. We are working with UNHCR to ensure the conference is successful. Any conference should provide countries in the region and the international donor community the opportunity to develop viable strategies to address the assistance and protection needs of these vulnerable populations. The U.S. Government intends to provide the leadership necessary to reach these goals.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Russell D. Feingold (#2)
Senate Committee on the Judiciary
January 16, 2007

Question:

UNHCR's budget shortfall limited its presence in Iraq and hence, the international community has limited information about the flow of refugees across borders or about the needs of internally displaced Iraqis. Is the President going to account for UNHCR's funding needs in his supplemental budget requests?

Answer:

Historically, the United States has been UNHCR's largest single donor and we expect to continue that tradition this year. The President's FY07 Supplemental request for Iraq will allow the U.S. to contribute our customary 25% of UNHCR's $60 million appeal.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Russell D. Feingold (#3)
Senate Committee on the Judiciary
January 16, 2007

Question:

Do you know what is happening to the refugees that are being turned away at the borders of the countries to which they were fleeing? How is this situation affecting the security situation in Iraq?

Answer:

UNHCR, ICRC and several NGOs are providing tents, blankets, heaters, water, food and medical care to Iraqis and others who have been refused entry to neighboring countries and remain at Iraq's border. In particular, our partners are assisting approximately 700 Palestinians who are stranded at the Al-Tanf crossing at the Syria-Iraq border. UNHCR has also counseled a group of Iranian refugees stranded at the Jordan-Iraq border about opportunities for protection and assistance that are present in northern Iraq.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Russell D. Feingold (#4a)
Senate Committee on the Judiciary
January 16, 2007

Question:

I am concerned that the United States has not adequately prepared a plan or strategy to address the displaced and refugee populations at the levels they have reached today. How is the United States immediately attending to the needs of this population?

How long will it take to have a comprehensive plan addressing resettlement and the needs of the internally displaced – one that effectively addresses the ethnic and religious diversity within this group – developed and implemented?

Answer:

The Secretary has created a Task Force on Iraq Refugees and Internally Displaced Persons headed by the Under Secretary for Global Affairs, Paula Dobriansky. While planning for the needs of IDPs and refugees has adapted to a changing situation, the task force will ensure coordination of USG efforts. We are working with our partners and regional governments to better assess needs and to target resources to the most vulnerable. We intend to contribute funds to the recently issued appeals of the UNHCR and ICRC and we are working closely with UNHCR to expand its ability to make resettlement referrals to the United States resettlement program this fiscal year.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Russell D. Feingold (#4b)
Senate Committee on the Judiciary
January 16, 2007

Question:

Is the State Department conducting planning in anticipation of changes to the number and movement of displaced and refugee populations in the event of a U.S. military withdrawal from Iraq?

Answer:

Our programs are designed to support the stabilization and reconstruction of Iraq while still providing protection and assistance to vulnerable Iraqi refugees and conflict victims. We believe the best solution is to create conditions that will enable displaced people to return to their homes. At the same time, we will continue to examine refugee and IDP trends in the region and work with the UN and other partners to prepare for other contingencies. Secretary Rice has asked for a full review of all existing USG refugee mechanisms so that we can determine how to address comprehensively the refugee problem in Iraq.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Russell Feingold (#1)
Senate Committee on the Judiciary
January 16, 2007

Resettlement

Question:

Mr. Gabaudan said in his testimony the UNHCR plans to resettle 20,000 Iraqi refugees in 2007. How many of those do you anticipate will be referred to the United States? How will you ensure that any Iraqis identified for resettlement will be expeditiously processed?

Answer:

UNHCR is committed to expanding its capacity to provide appropriate assistance to Iraqi asylum seekers, including referrals for third country resettlement. The agency has asked for donor assistance to expand essential registration activities so they can better identify vulnerable Iraqis in need of resettlement. While other resettlement countries have committed to accepting referrals of Iraqis, the U.S. program will likely be the recipient of the majority of the referrals.

Although the number of Iraqis UNHCR will refer in 2007 is still uncertain, we have received assurances that the agency will refer some 7,000 individuals in Turkey, Syria, Jordan, Lebanon and Egypt to the U.S. program within the next six to nine months, and additional cases thereafter.

Our existing processing infrastructure is well equipped to accommodate these additional referrals. We will expand our processing operations if needed in order to facilitate the timely processing of all cases referred to the U.S. program from these locations.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Russell Feingold (#2)
Senate Committee on the Judiciary
January 16, 2007

Resettlement

Question:

Do you have adequate staff and resources to expeditiously process the increased amount of refugees once they have been referred to you by the Department of Homeland Security (DHS)?

Answer:

Refugee cases are referred to the U.S. Refugee Admissions Program (USRAP) by UNHCR, U.S. embassies, and designated non-governmental organizations (NGOs). Once referred, Department of State-funded organizations prescreen the cases and prepare documentation in advance of DHS adjudication interviews.

The network of overseas processing centers funded by the Department of State is sufficiently resourced to handle a significant increase in refugee processing this fiscal year, and DHS has assured us that they will be able to schedule interviews for all cases we prepare this year.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Russell Feingold (#3)
Senate Committee on the Judiciary
January 16, 2007

Resettlement

Question:

Have you coordinated closely with the DHS to move forward on a resettlement program? Are you aware if DHS has adequate resources and staff to move forward on a resettlement program?

Answer:

The Department coordinates resettlement activities closely with DHS/USCIS and has discussed all aspects of our plan for enhancing resettlement options for Iraqi asylum seekers. USCIS has assured us that they will schedule interviews for all cases we prepare this year.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Russell Feingold (#4)
Senate Committee on the Judiciary
January 16, 2007

Resettlement

Question:

Have you begun to identify regions in the United States where large groups of refugees will be resettled?

Answer:

PRM maintains cooperative agreements with ten organizations, including nine private agencies and one state government agency, to provide initial resettlement services to arriving refugees. The Reception and Placement (R&P) agencies agree to provide initial reception and core services (including housing, furnishings, clothing, food, and medical referrals) to the refugees they sponsor. The R&P agencies maintain a nationwide network of nearly 350 affiliated offices where these initial resettlement services are provided.

The goals of the R&P program are: (1) to support maintenance of appropriate national capacity for the resettlement of refugees, in accordance with admissions ceilings determined annually by the President after consultation with Congress; (2) to ensure the ability to receive into the

United States, promptly after their approval, all refugees approved for admissions under provisions of the INA; (3) to ensure that all refugees approved for admission to the United States are provided with sponsorship and resettlement services appropriate to their personal circumstances; and (4) to assist refugees in achieving economic self-sufficiency in coordination with other refugee services and assistance programs authorized by the INA.

R&P agencies annually propose placement of refugees into communities conducive to the attainment of economic self-sufficiency and that promote community involvement, including coordination with ethnic and other community-based organizations and consultation with state and local public agencies involved in assisting refugees. The R&P network includes affiliates with varying capacity – some are prepared to receive more than 1,000 refugees in FY 2007, while others expect fewer than 100. Overall, the network has the capacity to receive and serve more than 60,000 refugees in FY 2007.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Russell Feingold (#5)
Senate Committee on the Judiciary
January 16, 2007

Resettlement

Question:

At the hearing, you said, "One of the reasons that you are seeing so few Iraqis that have come into the United States since 2003 is because of an enhanced security review that has been required that has made it very difficult for these Iraq refugees who have been referred to us by UNHCR to pass through the screening mechanism." Please specify the types of security mechanisms you are referring to.

Answer:

In the years following 9/11, Iraqi refugee cases in the resettlement pipeline underwent an enhanced security review instituted by DHS at the recommendation of an interagency panel reviewing the security of the U.S. refugee admissions program. The process virtually halted processing of Iraqis for several years thereafter. Although DHS determined in 2005 that the enhanced review was no longer required, awareness of this unique USG process had a significant impact on the numbers of Iraqis referred and admitted to the United States in recent years.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator Russell Feingold (#6)
Senate Committee on the Judiciary
January 16, 2007

Resettlement

Question:

What percentage of the Iraqi refugee population being considered for resettlement to the United States would have to overcome the material support bar? Is the U.S. Government considering a waiver for any of these individuals? If so, will the Department of State, DHS and the Department of Justice coordinate efforts to ensure that any appropriate waiver of the material support bar would be applied expeditiously? Would a delay in applying the waiver increase the security risks for refugees who have been identified for resettlement? What is the U.S. Government prepared to do to minimize the security risks while it is considering a waiver?

Answer:

We are gearing up rapidly to begin processing larger numbers of Iraqi refugee cases in the U.S. Refugee Admissions Program, but to date are unable to predict the percentage of cases that is likely to encounter problems as a result of the INA 212(a)(3)(B) inadmissibility provisions. We anticipate that some cases will encounter difficulties with the material support inadmissibility provision. We will work closely with the Departments of Homeland Security and Justice to quickly identify such cases and to determine whether use of the waiver authority is appropriate in these cases.

It is also possible that we will encounter otherwise eligible Iraqi refugees who appear to be covered by other parts of the 212 inadmissibility, i.e. "engaging in terrorist activity." At present, no "waiver" is currently possible for such cases. The Administration will shortly submit to Congress a proposal to amend the INA to expand the current inapplicability provision, thereby establishing discretionary authority to admit otherwise meritorious individuals who may fall within the provision's ambit

The U.S. Refugee Admissions Program processing for Iraqis will at present take place outside Iraq, where applicants are outside the reach of the persecution upon which their refugee claims are based. We will try to ensure that any possible delay in processing resulting from deliberations over exercises of discretionary authority does not create any significant additional security risk or burdens for these Iraqis.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator John Cornyn (#1)
Senate Committee on the Judiciary
January 16, 2007

Question:

State Department and Department of Homeland Security (DHS) have coordinated on use of the discretionary authority to exclude certain groups from the material support bars and Secretary Chertoff announced 9 groups on January 12th.

Are State Department and DHS considering extending the list to other groups? If yes, which groups specifically? What is your proposed timetable for expansion of the authority to other groups?

Answer:

The Administration continues to work aggressively to address appropriate cases involving otherwise qualified refugee applicants who are rendered inadmissible by the INA's "material support" bar. Last month, the Secretary of State signed eight new exercises of the inapplicability authority which will permit the admission of otherwise qualified refugee applicants who provided material support to certain ethnic minority resistance organizations from Burma, the Cuban Alzados, and the Tibetan Mustangs. The Department of Homeland Security is currently developing parallel exercises of the inapplicability authority for the same eight groups that will cover other immigration benefits.

The State Department, in consultation with the interagency, will continue to examine whether otherexercises of the discretionary inapplicability authority are required in keeping with U.S. foreign policy objectives. At present, we are considering possible use of the authority to allow the admission of certain Hmong and Montagnard refugee applicants who have provided material support to organizations treated as terrorist organizations under the INA. We expect to be addressing this issue for certain Iraqis who are referred to the U.S. resettlement program.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator John Cornyn (#2)
Senate Committee on the Judiciary
January 16, 2007

Question:

A/S Sauerbrey indicated that DHS screens refugees to ensure that no individuals who may pose a national security risk or are terrorists are admitted as refugees.

What screening does State Department do in the refugee process? Are refugees screened by State Department subject to your Department's security advisory opinion process?

Answer:

All candidates for U.S. refugee resettlement are screened against the Department of State's Consular Lookout and Support System (CLASS) database. The lookout list contains the names of individuals previously refused visas, as well as those suspected or known to be ineligible, even when they have not previously applied for a visa.

In addition, certain refugees are subject to a Visas Merlin namecheck, which, while not a Security Advisory Opinion (SAO), is grouped with SAOs because of the types of checks that are conducted. Merlin namechecks undergo usual SAO processing and consultation with FBI, CIA, and the National Counterterrorism Center (NCTC) as necessary.

Questions for the Record Submitted to
Assistant Secretary Ellen Sauerbrey
Senator John Cornyn (#3)
Senate Committee on the Judiciary
January 16, 2007

Question:

What steps is State Department taking to reduce fraud in the refugee process.

Answer:

The State Department works closely with the Department of Homeland Security's Citizenship and Immigration Services (DHS/USCIS) to reduce fraud in the U.S. Refugee Admissions Program (USRAP), particularly in the Priority Three (P-3) family reunification program. Individuals who have been resettled as refugees or who have been granted asylum in the United States may file an Affidavit of Relationship (AOR) for qualified relatives. These AORs are logged in at the Department of State's Refugee Processing Center and then forwarded to USCIS' Refugee Access Verification Unit (RAVU). At RAVU, AORs are reviewed side-by-side with the petitioner's alien file to determine whether the information provided by the petitioner at time of processing is consistent with the AOR. When RAVU determines that the information is inconsistent, the AOR is denied.

The Department of State also works closely with the United Nations High Commissioner for Refugees (UNHCR) to combat fraud in referrals to

the USRAP. Following a high-profile fraud investigation of UNHCR offices in Nairobi, Kenya in 2000, UNHCR has instituted fraud protection measures at its offices that refer cases for third-country resettlement, including restricting access to case files to certain personnel, improving physical security of files, conducting information campaigns to better inform refugees that UNHCR services are provided free of charge, and making clear that there is a zero tolerance policy on fraud. UNHCR also established a full-time position at its headquarters in Geneva, Switzerland to track and combat fraud in the refugee referral process.

Finally, the State Department works closely with U.S.-based non-governmental organizations (NGOs) to combat fraud through a system of reporting of anomalies. When an NGO that is resettling a refugee family obtains information that the case may be fraudulent (often, that true family relationships are not those claimed during overseas processing), the NGO completes an anomaly report that is forwarded to both the Department of State and CIS for investigation.

SUBMISSIONS FOR THE RECORD

Statement for Dr. F.Ahmed
The Senate Committee on the Judiciary Hearing on "The Plight of Iraqi Refugees"
January 16, 2007

Dear Chairman Leahy, Ranking Member Spector, Senator Kennedy, and Members of the Senate Judiciary Committee, thank you very much for giving me the opportunity to submit my testimony hoping that it will bring attention to what I, and many moderate Iraqis, are suffering from.

I. Background

I am a 29 year old Iraqi Fulbright Scholar. I was born and raised up in Baghdad in an educated Sunni family. My parents always directed me and my brothers to stay away from any religious and political matters. My father is an electrical engineer, my mother is a high school teacher, my two brothers are engineers and my only sister is a hospital bacteriologist. We are an example of a middle class peaceful family that learned to survive during the dictatorship by keeping silent. My primary school was a Christian school, the same as my high school. After achieving a very elite graduation rank at the nation-wide baccalaureate exam, I joined Baghdad University/ College of Medicine in 1995. Throughout the years of medical education I managed to be among the highest merit students graduating in 2001 with a prestigious rank (third among 326 medical graduates). Also I had won the Nationwide Ultimate Medical Excellency Award in 2001. I started to practice medicine in October 2001 and continued to do so until I left Iraq on July 24, 2005, after I had accepted in the Fulbright Scholarship to study for a master degree in epidemiology. Since then, I have come to America.

II. Prior to 2003

After graduation, I started to work at the Medical City Hospital, which represents the most advanced tertiary medical center in Iraq. I was treated as prisoner then, when Iraqi authorities prevented me and the rest of Iraqi doctors, from getting my graduation certificates. The government prohibited doctors from working in private sector; banned them from traveling abroad; and forced doctors to work for as little as three dollars a month.

III. During and after the War

I worked at the hospital and continued to do so even during the war. I served at the hospital during the war refusing to leave in spite of the danger. At that time the Ministry of Defense was adjacent to the hospital and had suffered massive air strikes. I believe this period was the most honorable and challenging period in my life. I was in continuous danger, but I felt so relieved by helping injured people and casualties of war. I felt that I am doing the mission for which I studied and lived my life dreaming to do. I believed by helping people, I would help to protect my family in return as what goes around comes around. I offered resuscitation and treatment to hundreds of patients who came from different areas of Baghdad and with different backgrounds. I treated civilians; former Iraqi soldiers; even looters and one time I resuscitated a

marine soldier who had been attacked in our hospital. This specific incident had given me a hard time inside the hospital, when I started to hear blames and harsh critics from different employees, especially religious ones, who were and still controlling that hospital. "Traitor," had become my second name in that hospital.

Although I thought the war was not the appropriate method to get rid of that dictator, but after the war I and many of my friends started to ambitiously think about the future. We had had thoughts that Iraq is going to be a model country in the Middle East. Unfortunately that beautiful dream did not last long. It was spoiled later with fear, oppression and revenge-killings exerted by religious and extreme Islamic parties and their loyalists. In spite of that, we continued to hope that things will improve in the future.

The family:
My father, mother, sister and her family, middle brother are living in Al-Muhandseen area which is adjacent to Al-Sadr City, the stronghold of Mahdi Army. This Militia has been accused with kidnapping, torturing and killing many Sunnis, doctors, and academics, educated and liberal thinkers. This religious militia wants to eliminate all those who refuse to follow its radical ideas or adapt their extreme position. My family had been harassed in several occasions by Sadr militia checkpoints around our neighborhood during the past three months.

My First Brother:
My older brother, S. Ahmed, started to work with the IMC (International Medical Corps), which is regarded by most Iraqis as an American Company or just a cover for a an intelligence agency. He worked there since June 2003 as a communication supervisor. My brother started to worry from the guards working at the IMC. He felt a great deal of danger coming from them. Most of them are Shiites. In June 2006, a couple of his colleagues, a Sunni driver and a Shiite engineer both were kidnapped in Southeast Baghdad, where they were delivering non-food support for internally displaced persons. The Kidnappers released the Shiite hostage, but they tortured and killed the Sunni one (Named Ra'ad Al-Janabi, 47 year old). After this incident, my brother realized that the danger was imminent. My brother fled to Jordan with his family and left everything in Baghdad. He had applied to the United Nation Higher Commission of Refugees (UNHCR). He had been given a useless acknowledgement card and he is in waiting list to receive help and support from the UN. (UNHCR File number: 1987/2006).

My Second Brother:
My middle brother, A. Ahmed, is a mechanical engineer, who has worked with the United Nation since 2002. He has started to work as a Security Officer at the head quarter in Al-Canal Highway in Baghdad. About two years ago he was assigned to work as a radio operator. This job with the UN was always source of danger since the

first bomb attack that targeted the UN headquarters in August 19, 2003. He was there also when the second attack occurred. He has refused to resign as he believed that he was serving his country through his job. When the head quarter of the UN was moved to the Green Zone in Baghdad, things got more complicated for my brother and his colleagues. In addition to the horrendous danger entitled by commuting in and out of the Green Zone, my brother has come to face the hazards of the Green Zone daily life. My brother tried hard to conceal the fact that he is working with the UN, but his identity was discovered in August 2006 by one of the Mahdi Army Militia's Check point, when they searched his pockets and found the UN identification card. After this incident he started to see cars full of men dressed in black circling around his house. Since that incident, he immediately took his wife and his two kids to Syria. He left them there and returned to live and work in the Green Zone. He would see my father and mother once or twice a month when they would meet outside my parent's neighborhood.
My brother's and my families are stigmatized because of my brother's work with the UN, my older brother's work with the IMC, and my presence in the US. None of us can live anymore in Baghdad. And my parents and my sister have grown furious of the situation and have come to a decision of leaving Iraq permanently, within weeks, for fear of losing their lives.

Fulbright Scholarship:
When I applied to the Fulbright Scholarship in 2005, I kept this matter as a secret because I knew this would bring bad consequences to my family first and to me when I would return to Iraq.

In 2005 when the situation was regarded relatively stable, I made a mistake by submitting the Fulbright's Acceptance Letter to the Ministry of Higher Education and Ministry of Health to request an absence of leave. The letter has had John Negroponte's signature, then the US ambassador of Baghdad. By November 2005, I was informed by friends and colleagues that this letter was circulated by the chaotic bureaucracy. The letter was sent back to my Hospital and College where it was approachable in the registration office.

At that time, I was hoping that the coming election would stabilize the situation in Iraq. I was hoping that the Ministry of Health, and the rest of the government, would be cleared from all militias and religious extremists. Unfortunately, the opposite happened.

During 2006, the Ministry of Health had become heavily infiltrated and controlled by Al-Sadr loyalists. The Minister himself is a member of Al-Sadr Block. In one incident, the US forces raided the Ministry of Health on August 13, 2006 in search for of kidnapped Iraqis, and arrested the Minister's security guards. A second raid

happened shortly after for an alleged secret prison in the bunker of the Ministry of Health.

With the escalating violence and repeated assaults (kidnapping and assassinations) on Iraqi doctors, especially Sunni doctors, I started to realize that my life is in immanent danger if I return to Iraq. Because of the presence of my Fulbright's acceptance letter in the Ministry of Health and hospital, my safety has been jeopardized. It would prove the conspiracy theory of extremists who would see me and my family as traitors and collaborators with the Americans. Therefore, the rest of my family is moving to Syria within weeks where they will apply for the UNHCR to save their lives.

It is impossible for me and them to get into Jordan as the admission is highly selective and non-predictable. Jordan does not admit any man between the age of 15 and 35 years. We are incapable of going to the south of Iraq as it is Shiite dominated and absolutely hostile to a Sunni family. We are incapable of going to the North of Iraq as Arabs are not allowed to enter and live in Kurdistan. The remaining Sunni areas are dominated by Sunni insurgents who would easily distinguish and might harm us.

The problem:

Four months from now, I will graduate and then I will have no safe place to go. I did not apply for asylum before as I was all the time hoping for things to get better and improve in Iraq. I was optimistic with the new government who took hold of Iraq in last May, but unfortunately, this government not only failed in stopping the violence, but they proved to be involved in many of sectarian acts and incidents especially against the Sunnis and liberal educated personnel. All my family members are going to leave as they have no choice. They are stigmatized as allies with Westerns and Americans. We are leaving everything behind us, our house and our assets. We lost everything, but our lives.

I know I made a commitment to return to Iraq once I finish my Fulbright Scholarship, but things changed a lot since that time. After demolition of the Holey Shiite Shrine in Samarra'a in February 2006, and since the beginning of Maliki's administration, everything fell apart. Ethnic violence is escalating in Iraq. Baghdad became a zone for a civil war. Sunnis are getting killed because of their names. It is a human instinct to protect myself from any danger. I have more than one reason to be targeted by radical Sunni insurgents, Shiite militias and criminals. I am coming from a Sunni minority who is regarded by Shiite government as rebels and insurgents until proved otherwise. I would also be coming from America with liberal ideas and western freedom that is absolutely not welcomed by radical Islamists.

I cannot go back to work in Iraq as this will involve risking my life. The Ministry of Health is ruled and dominated by Al-Sadr loyalists. Many Sunni doctors have been

threatened and many of them have been killed. The Facility Protection Services forces (FPS) that are supposed to protect doctors and hospitals are the same one inflicted in many kidnapping and assassinations of medical personnel. Going back to Iraq from America after two years will entitle me to a great danger as extremists would not believe that I was solely studying in the US. The conspiracy theory is dug deep in their paranoid sick ideology. They would think that I was training at the CIA and I am returning to serve the benefits of Americans. They would view me as a representative of the American government and working for the American's benefits.

I am applying for asylum in the United States and hoping that I would be granted safety in the country that not only hosted me and offered me protection for the last 16 months, but also offered me education and opened new horizons to me to look at the facts from a different perspective. I hope this asylum will save my life until the Iraq stabilize and get a liberal technocrat unbiased and non-religious government that can protect people's freedom and lives.

Honorable Senator Kennedy and the Members of the Senate Judiciary Committee, I want to thank you again for giving me the chance to explain my conditions and the impending threats I would have faced if I return to Iraq.

With my sincere and honest regards
Cordially
Dr. F. Ahmed
MBChB, MPH candidate

Testimony on

"The Plight of Iraqi Refugees"

by

Sami Al-Obiedy[1]

before the

Senate Committee on the Judiciary

Tuesday, January 16, 2007

Dirksen Senate Office Building Room 226

[1] Name has been changed to protect witness identity.

Thank you Chairman Leahy, Ranking Member Spector, Senator Kennedy, and Members of the Senate Judiciary Committee for providing me the opportunity to testify and share my experiences with you as a former Iraqi translator assisting Coalition and U.S. forces in Iraq. I am privileged and honored to do so.

In order to protect my identity, and because of concerns for the safety of my family back home in Iraq, I am testifying here today under the pseudonym of Sami Al-Obiedy.

I. BACKGROUND

I am a 27 year old Sunni, Arab and was born and raised in Mosul, Iraq. My parents and siblings and their children still reside in Mosul.

I attended primary and secondary school in Mosul, and in 2000, I began my college studies at the University of Mosul. I enrolled in the English Department of the College of Arts, Department of Translation. I graduated with a Bachelor of Arts degree in June 2005.

II. BA'ATH PARTY IN IRAQ

The Ba'ath party was the ruling party of Iraq until June 2003. Under the dictatorship of Saddam Hussein, the Ba'ath party inflicted terror and intimidation on the citizens of Iraq. People were raped, murdered, tortured, imprisoned and intimidated for holding beliefs that were inconsistent with the beliefs of the party.

In Mosul, more than half of the population of approximately 1.7 million consisted of members of the Ba'ath party.

Neither I nor my family has ever been members of the Ba'ath party. In fact, we have always denounced the Ba'ath party because of the intolerance and brutality of some of its members. However, because of the real danger of reprisal, we could not express our political views of the Ba'ath party publicly nor to others whom we knew to be Ba'athists. Nonetheless, as Iraqi citizens living in Mosul, we were repeatedly pressured by local officials to join the Ba'ath party and subjected to harsh criticism and ridicule and denied substantial employment and educational opportunities when our family refused to do so.

III. MY ROLE AS TRANSLATOR TO U.S. AND COALITION FORCES AND THE RISKS OF HARM AND DANGER

In April 2003, shortly after U.S. troops arrived in Mosul, I volunteered to work as an Iraqi translator. I welcomed the opportunity to help U.S. and Coalition Forces not only because I was majoring in English translation, but because I believed that U. S. and Coalition Forces had come to liberate Iraq from years of tyranny and oppression under Sadaam's regime. I continued to work as an Iraqi translator until November 2004. Throughout this entire time, I earned the respect and trust of many U.S. servicemen who highly recommended me for continued service.

In my role as a translator, I assisted Coalition Forces, particularly U.S. troops, in all aspects of their missions. Specifically, I provided support to the Civil Affairs and Public Affairs operations in Mosul. I was primarily responsible for translating conversations, coordinating meetings, and building working relationships between local Iraqi government officials, business, civic and religious leaders and U.S. and Coalition Forces, which were involved in securing, stabilizing, and reconstructing Iraq.

In reality, I tried to do whatever was asked of me. This included dangerous tasks, such as searching for weapons and gathering intelligence in very hostile places. I assisted U.S. forces with the planning and implementation of local projects, or with negotiations involving local vendors and contractors. I went to the local markets and shops to make personal purchases for U.S. soldiers. I also accompanied U.S. soldiers on hundreds of convoys through hostile territory. Often, the military vehicles in which we traveled were targeted by anti-Iraqi insurgents and terrorists, and we were constantly in danger of being killed by road-side bombs, rocket-propelled grenades, ambush and/or small-arms sniper fire. On one occasion, the vehicle in which I was traveling crashed into a ditch after coming under heavy enemy fire.

Additionally, I assisted U.S. and Coalition Forces as they attempted to re-establish communications between Northern Iraq and Baghdad. We had to continually employ Iraqis to repair the telephone lines that were repeatedly destroyed by the terrorists. I went into the local communities to find Iraqi suppliers and contractors who would assist U.S. troops in establishing communications and setting up billboards expressing democratic ideals; I served as a direct point of contact for the Iraqi suppliers because they were fearful to be seen with U.S. troops. For my efforts in helping the U.S. military to rebuild communications infrastructure, I received a Certificate of Appreciation.

During the time I served as a translator for Coalition Forces, I feared for my life and honestly believed I would be killed. As I explain in more detail below, terrorists view Iraqi citizens who help U.S. and Coalition Forces as traitors and

infidels and would not hesitate and indeed would relish the opportunity to torture and murder anyone who dared to help the Americans.

A. THREATS AT MOSUL UNIVERSITY

After I began to work as a translator, in late October 2003, I arranged with one of the Deans of Mosul University to allow U.S. Servicemen to visit the school to speak with my classmates. When the Dean with whom I had made such arrangements became unavailable due to an emergency, I did not cancel the visit. Instead, I decided to personally escort a U.S. soldier with whom I had worked and introduce him to other students at the University. I wanted to give my classmates the opportunity to speak with him, not as a soldier but as a person, and to share political and cultural views.

When the students saw the U.S. solider, however, many of them became enraged. These classmates, many of which were former members of the Ba'ath party, were upset at having a U.S. soldier at the school. I was assaulted and threatened with violence. After the incident, the Dean with whom I had discussed the U.S. soldier's visit turned on me and threatened to expel me from the University if I continued to help U.S. Forces.

Additionally, I was constantly threatened with violence by my fellow classmates and called a "traitor" on a daily basis. No one from the administration did anything to prevent the threats and harassment. The situation at the University became so bad, and the threats of violence so vicious, that I had no choice but to take a leave of absence from school, one year short of obtaining my degree. In 2005, I returned to the University, and was able to obtain my degree. But even after I returned, I attended classes sporadically, and felt compelled to carry a concealed handgun to protect myself from constant death threats.

B. DANGERS FACED AS AN IRAQI TRANSLATOR

I often volunteered to accompany U.S. and Coalition Forces on civil affairs missions – which usually involved traveling into Iraqi neighborhoods and villages to assess the needs of the local community. During these missions, my affiliation and assistance to U.S. forces was genuine and plain for all to see. This was particularly dangerous because some of these people were actually covertly working with anti-Iraqi insurgents and terrorists to undermine our efforts. Some of these people included former Ba'ath party members and insurgent sympathizers who held positions of authority in the local Iraqi police force. For instance, I

translated many discussions between U.S. Forces and Mosul's Police Chief, General Mohammed Kheiri Barhawi, who was eventually arrested in November 2004 for working with terrorists. There is no question that during the time that Barhawi remained Mosul's Chief of Police, my life was in jeopardy.

Going to work on the U.S. base in Mosul was very dangerous to Iraqi citizens. From time to time, we were subjected to sniper fire and missile attacks. Some people were killed just waiting to clear security to enter the Base for work. Terrorists also had their own intelligence gathering abilities, using computers, cameras and human lookouts, to identify Iraqis reporting to work. Iraqis working with U.S. and Coalition Forces were routinely followed to and from work. In order to avoid detection, I took various means of transportation to get to work. It was common for me to drive my car to one location and then take several cabs to get to the U.S. Base. Safety was always a concern. On one occasion, after leaving the U.S. Base, I was pursued by a car and became involved in a high speed chase. I escaped only after I crashed my own car and several local citizens came to my aid.

The risk of harm was very real to Iraqis helping U.S. Forces. Many Iraqis were purposely killed in public market squares in front of hundreds of people in broad daylight as cruel examples of what could happen to local Iraqis who assisted U.S. and Coalition Forces. The killings were gruesome. Iraqi citizens, including translators, have been shot in the head or beheaded, but only after terrorists forced these people to "confess" that they were spies and agents of the United States. These killings were often video-taped and played on radical Islamic websites or sold as CDs in the local Iraqi markets and throughout the Middle East. I personally have seen many of these types of CDs titled "US agents" or "Traitors" in Iraq and Syria. Furthermore, since I have been in the United States, I have seen video clips on the Internet (www.ogrish.com) in which terrorists kill and torture Iraqi translators.

I have worked closely with some of the Iraqi people that have been murdered by terrorists. I mention below just a few of the brave men and women who lost their lives because of their commitment to helping U.S. and Coalition Forces achieve a free and democratic Iraq.

(1) The Governor of the local province Osama Kashmoula was gunned down in the line of duty. In September 2004, Kashmoula was en route to a meeting in Baghdad when his convoy was attacked by insurgents. The Iraqi police under

the command of Chief Barhawi had placed a towel over the Governor's window – which they said was to shield him from the sun. In fact, the towel marked the spot to aim the bullets fired by insurgents which killed Kashmoula. Kashmoula spent nine years of his life in prison under Sadaam's regime. His brother was beaten to death in front of Kashmoula while Kashmoula was in his cell. Kashmoula was a Sunni Arab and a Professor of Agriculture at the University of Mosul. He agreed to become Governor and worked for democracy and for that reason he was assassinated.

(2) The head of the local anti-corruption unit, Waleed Kashmoula, was making substantial progress in anti-corruption investigations and was killed when a bomb was detonated in his office compound.

(3) "Samir" the lead interpreter for the Task Force Public Affairs office who worked to help develop a free and independent press in the Mosul region, was executed by several gunmen on a crowded street in broad daylight on his way to work. Samir would typically take five taxis a day and change clothes en route. In 2004, he was taken hostage by insurgents. He attempted to escape from his captors because he knew better than anyone from his translation of video and other literature the horrible fate that Iraqis who worked for Coalition Forces faced. He broke free at a crowded intersection and ran into an open market. The terrorists chased him down and shot in the back in a crowded market. After he had fallen, he cried for help but no one came. One of the terrorists then calmly approached Samir, stood over him, and shot him point blank in the face. The terrorist walked away after killing Samir.

(4) Former Iraqi Brigadier murdered because of his role in facilitating the construction of 50 schools in the region.

(5) A female law professor murdered for teaching progressive ideals at the local university.

(6) Sanabil – another Iraqi interpreter – was murdered when one morning on her way to work in a taxi terrorists drove up behind the taxi and opened fire through the back end of the vehicle striking her repeatedly.

I too have been specifically targeted for death. My name, along with those of other translators, was listed on the doors of several Mosques calling for my death. Friends of mine from my Mosque saw my name on the list and they turned on me. They saw me as a "traitor." I could no longer attend prayer services. Because of the calls to kill me as a traitor and infidel, I feared that if I attended services certain Islamic radicals would carry out the death threat.

Additionally, I became an outcast in my own Mosul neighborhood. Because of my service, some individuals I have known all my life branded me a "traitor" and made death threats against me.

In the Spring and Summer of 2004, the security situation worsened in Mosul. As the state of security deteriorated, translators were heavily targeted. We heard of several translators and other officials who were targeted and killed during this time. I was one of the last translators to resign my position. I did so reluctantly and primarily because I feared terrorists would hurt or kill members of my family, including my younger brother to whom I felt a responsibility to protect. But I continued to stay in touch with many U.S. Soldiers who became my friends at the Base in Mosul, and made a point to thank them and wish them well when their tour of duty was complete and they were scheduled to return to the United States.

I had been encouraged by many U.S. soldiers, whom I considered to be close friends to leave Iraq because of the increasing risks and dangers. I heeded their sound advice. In the Fall of 2004, I decided to go to Syria for my safety and stayed with Iraqi friends who had also worked with U.S. troops in Iraq and had fled to Syria because of the violence directed against them. One of them, Omar, had a grenade thrown at his home and was shot at several times. Fortunately, he was not injured. I felt that I was in the same danger, and would have left Iraq sooner but for the fact that I still had one more semester of school to complete my degree.

After a short stay in Syria, I went to Egypt in December 2004 to visit family. Even though I was afraid to return to Iraq, I was determined to complete my college studies.

I returned to Iraq in February 2005. When I arrived in Mosul, I completed my exams. I then started the second semester of my senior year. Since I still faced much danger, I was not able to go to school every day. Instead, I went to school approximately once a week and at different times. At the beginning of the second semester, I learned that a friend and Iraqi translator, Alaa, was shot numerous times and killed. Fearing for my own life, I felt the need

to again carry a pistol and took different means of transportation using different routes to school. In short, I was constantly looking over my shoulder wondering not if but when I would be attacked.

Right after I completed my studies in June of 2005, I went to Egypt again, but this time to apply for a Visa to come to the United States. I told no one, not even my parents. I went to U.S. Embassy in Egypt to apply for a Visa because if anyone found out I was attempting to travel to the United States, my family would be targeted. Many of my friends in U.S. military advised me to leave Iraq and promised that they would help me. I stayed in Egypt from the end of June until September 25, 2005. Shortly after obtaining my Visa from the U.S. Embassy in Egypt, I decided to return to Iraq one last time to settle some debts, write my last will and testament, and observe the holy month of Ramadan.

I returned home and stayed for over a month. For most of this time, I did not leave my house unless it was absolutely necessary and even then never unaccompanied or unarmed. I decided that I would leave Iraq on November 9, 2005. As it turns out, I almost never made it.

C. CAR BOMBING

On November 7, 2005, I was seriously injured in a car bombing. A friend, my younger brother and I were in car traveling through a Mosul neighborhood when a suicide bomber in a car directly behind us blew himself up. It appeared that we were the intended target of the bombing since the car directly ahead of us dramatically slowed down at the same time the suicide bomber accelerated his car and detonated the bomb inside. Sitting in the passenger seat, I was hit by shrapnel in the face, bloodied and dazed, and my eyebrows singed off. I am fortunate to be alive.

IV. THE GRANT OF POLITICAL ASYLUM AND SPECIAL IMMIGRANT STATUS

I fled Iraq. When I arrived in the United States in November 2005, my immigration status was one of a temporary visitor on a B1/B2 visa. Fearing that I would one day have to return to Iraq and face the same dangers that I had fled, upon my arrival in the United States I began seeking advice for the process of obtaining asylum. In March 2006, I learned of a training scheduled to be held at the law firm of Morgan, Lewis & Bockius, LLP in Philadelphia for lawyers who had an interest in representing individuals who sought the protections provided by a grant of asylum in the United States. I attended this training session and eventually contacted attorneys at Morgan Lewis who agreed to represent me on a *pro bono* basis.

My attorneys from Morgan Lewis, including Yordanos Teferi, Michael Labovitz, Dino Privitera, Brian Watson and John Gorman, subsequently prepared and filed my application for asylum. They also prepared and filed an application for special immigrant status under a newly enacted law that provided protective status to those individuals who served as translators for American forces in Iraq and Afghanistan. In June 2006, I learned that I had been granted special immigrant status. I have since been advised that I was the first applicant ever to be granted this status under the new law.

On November 21, 2006, I was required to appear before an immigration officer to be interviewed for my asylum application which remained pending. Two weeks after my interview, I was notified that my application for asylum was being recommended for approval.

As a result of the granting of my two applications, today I live free from the fear of persecution and threats to my life that I faced on a daily basis in Iraq.

During the application process, many of the people in the U.S. military with whom I worked closely, and who were in the best position to know about the dangers faced by Iraqi interpreters, agreed that I could not return without risking my life and provided letters of support on my behalf. I am grateful to these brave soldiers who took the time and effort to write on my behalf, and am humbled and honored by their friendship and desire to see me live in freedom and security in the United States. Included among the many letters of support was one from General Carter Ham, the Senior Commander for all U.S. and Coalition Forces in Northern Iraq from January 2004 through February 2005.

Indeed, during the time that I have been in the United States, I have lived with U.S. soldiers and their families, who have not only opened their homes to me but their hearts as well.

V. CONCLUSION

I love Iraq. But I knew that I could not return home. Iraqi translators who have aided the United States are seen by terrorists as traitors to Iraq. If I were to return to Mosul, I am confident that I would be killed by anti-Iraqi insurgents and terrorists who oppose with every fiber in their bodies the creation of a democratic and free Iraq, and any Iraqi who has ever worked with Coalition Forces to achieve that dream.

The threat of violence to Iraqis helping U.S. forces continues to this very day. I am saddened to read on almost a daily basis news reports of Iraqis who are killed

because of their assistance to U.S. Forces. As was widely reported in the media, for example, last year freelance reporter Jill Carroll was kidnapped and her Iraqi translator was killed.

I agreed to help the Americans. I have absolutely no regrets. If I had to do everything over again, I would not change a thing. I am proud to have served as a translator for U.S. Forces. I see America as a symbol of freedom and democracy, and I was and am willing to die to help bring those same principles and values to my country. I wanted to be the Iraqi face and voice through which America could communicate its mission of hope and otherwise bridge the language, religious and cultural gap that exists between our people. It was my privilege and honor.

Simply stated, without Iraqi translators willing to risk their lives to help U.S. and Coalition Forces, it would not have been, or continue to be possible, for U.S. and Coalition Forces to assuage concerns, dispel fears and misconceptions, share common experiences, reinforce positives, build partnerships, or foster mutual trust and respect. As it did with me, the road to a free and democratic Iraq begins first and foremost in the hearts and minds of the Iraqi people. Without the ability to communicate with the Iraqi people in their own language, democracy and freedom will be at risk. Terrorists understand this concept all too well, and that is why they have, and will continue to, specifically target Iraqi translators and kill those who have dared to give freedom and democracy a voice in Iraq.

January 12, 2007

Secretary of State Condoleezza Rice
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Madame Secretary:

The American Jewish community owes its existence to the welcome which first generation Jewish-Americans received in the United States after fleeing religious persecution. Our own history, combined with the fundamental Jewish principle of *Piddyon Shevuyim* (redemption of the captive), compels us to urge that the United States Refugee Program provide a similar welcome to religious minorities who have been fleeing Iraq.

Our community is particularly empathetic to the plight of Iraqi Christians, whose current exodus is reminiscent of the Jewish exodus from Iraq between 1948 and 1970, when approximately 150,000 Jews were forced to flee a civilization where they had resided since biblical times. Only a few dozen Jews remain in Iraq today. According to a report cited in the Department of State's International Religious Freedom Report for 2006, "after a series of church bombings and incidents of violence targeting Christians over the past two years, more than 200,000 non-Muslims left the country or fled to the North."

Many have fled to neighboring countries which are not even signatories to the 1951 Convention Relating to the Status of Refugees, which protects asylum seekers from involuntary return to countries where they may face persecution.

Most Iraqi refugees in these countries cannot work legally to support themselves, and their children cannot attend school. Rather, their children are often forced to work in sweatshops where they are paid little – or nothing at all – as unscrupulous employers realize these refugees have no legal recourse to complain about unpaid wages. Iraqi refugees so fear deportation and attracting the attention of authorities that they avoid seeking emergency medical assistance, and do not contact the police when victimized by crime.

The international community is doing little to protect these asylum seekers. According to a January 2, 2007 article in the New York Times, last year the Syria office of the United Nations High Commissioner for Refugees (UNHCR), which is mandated to protect Iraqi refugees, had to do so with less than one dollar per refugee. This year, the U.S. Refugee Admissions Program – with a resettlement target of 70,000 refugees worldwide - plans to offer resettlement to only a few hundred Iraqis.

According to most estimates, more than 1.2 million Iraqis have fled their country since 2003. The United States must show greater leadership in protecting them; particularly

those religious minorities – the Christians, the Mandaeans, and the Jews – who have no hope of imminent return, as well as those who fled after being threatened for having ties to the United States.

We urge the Administration to contribute significantly greater resources toward basic protection and services for Iraqi refugees within the region, schooling for their children, and resettlement to the United States for those whom a safe and voluntary return to Iraq is unlikely, including many Iraqi Christians, Mandaeans and Jews.

We would like to make a special plea for refugees with family ties to the United States. The Jewish community continues to have nightmares from more than 60 years ago, when many of our brothers and sisters in Europe were denied refuge and reunification with family members living in the United States. In the 50 years following the Holocaust, the Department of State seemed to have learned a lesson, and allowed far greater opportunities for Vietnamese, Soviet, Bosnian, and other refugees with family and other U.S. ties to apply for resettlement.

We ask that the Administration give similar consideration to those Iraqi refugees who have family members in the United States – or who are targeted for associating with the United States in Iraq – and permit them to apply directly to the United States for resettlement. The U.S. Refugee Program should no longer require refugees with such ties to the United States to obtain a resettlement "referral" from the UNHCR, which needs to direct its scarce resources toward tending to the protection and assistance needs of all Iraqi refugees in the region.

Thank you very much for your consideration.

Sincerely,

National
American Jewish Committee
American Jewish Congress
Anti-Defamation League
B'nai B'rith International
Hadassah, the Women's Zionist Organization of America
Hebrew Immigrant Aid Society (HIAS)
Jewish Council for Public Affairs
Jewish Labor Committee
National Council of Jewish Women
NCSJ: Advocates on Behalf of Jews in Russia, Ukraine, the Baltic States & Eurasia
The Workmen's Circle/Arbeter Ring
UCSJ: Union of Councils for Jews in the Former Soviet Union
Union for Reform Judaism
United Jewish Communities

Local and Regional
Action for Post-Soviet Jewry
Congregation Eilat of Mission Viejo, California
Fort Wayne Jewish Federation
HIAS and Council Migration Service of Philadelphia
HIAS Chicago
Jewish Child and Family Services of Chicago
Jewish Community Council of Metropolitan Detroit
Jewish Community Relations Council of New York
Jewish Community Relations Council of Southern New Jersey
Jewish Community Relations Council of the Jewish Federation of Greater Hartford
Jewish Family Service of San Diego
Jewish Federation Association of Connecticut (JFACT)
Jewish Federation of Greater Middlesex County
Jewish Federation of Metropolitan Chicago
Jewish Federation of Metropolitan Detroit
Jewish Social Policy Action Network
JFREJ- Jews for Racial and Economic Justice
Metropolitan Council on Jewish Poverty
St. Louis Jewish Community Relations Council
Syracuse Jewish Federation
United Jewish Federation of San Diego County
UJA-Federation of New York

REFUGEES INTERNATIONAL

A POWERFUL VOICE FOR LIFESAVING ACTION

Violence and Displacement in Iraq:
The World's Fastest Growing Refugee Crisis

Testimony by
Kenneth H. Bacon
President, Refugees International

Before the
Senate Judiciary Committee

January 16, 2007

I want to thank the Committee for holding these hearings on the Plight of Iraqi Refugees, a growing humanitarian problem that has not been addressed effectively.

Violence in Iraq is forcing large numbers of Iraqis to flee for their lives. The United Nations High Commissioner for Refugees estimates that more than 1.7 million Iraqis have fled their homes and moved to other parts of Iraq to escape sectarian conflict, political reprisals or the general sense of insecurity that is increasingly prevalent in South and Central Iraq. In addition, UNHCR estimates that another two million Iraqis have left the country.

Today, one in every eight Iraqis is displaced, but the dislocated population is growing rapidly—an estimated 40,000 to 50,000 people a month are leaving their homes and communities in Iraq and moving to other, safer areas within the country. In addition, up to100,000 people a month are leaving the country. This is the fastest growing refugee crisis in the world.

Syria and Jordan are absorbing the greatest number of Iraqi refugees; each country is hosting about 750,000. Others are finding refuge throughout the Middle East, with growing numbers going to Lebanon, Egypt, Yemen and Turkey. Syria and Jordan have tried to be gracious hosts, but the refugee influx is straining their economies. The host countries need help, and increasingly the refugees need direct assistance.

Right now the Iraqi refugees are a regional challenge, giving the Middle East another problem to solve. But as the numbers grow, more and more Iraqis will attempt to settle in the U.S. and in Europe. In Amman, Jordan, and Damascus, Syria, many Iraqis told my colleagues at Refugees International late last year that they are trying to purchase

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fake travel documents that would allow them to go to Europe. Most Iraqis don't expect to be able to return home soon. Even a senior Iraqi foreign service officer working at the Iraqi embassy in Lebanon told us: "Why should I go back? I watch the news."

The violence in Iraq is both extreme and indiscriminate. Many are fleeing to escape sectarian violence in the face of de facto ethnic cleansing—both Sunni and Shi'a are leaving mixed neighborhoods because they no longer feel safe outside of their own communities. Christians are leaving as well, because they also are threatened. Thus, the Chaldean community, one of the oldest Christian sects, is rapidly diminishing. A UNHCR study found that the religious grouping among Iraqi refugees in Syria largely mirrored their share of the population in Iraq, although Christians and other minorities were slightly over represented.

Two groups are particularly vulnerable—people who have worked for U.S. or Western employers and Palestinians. Many who worked for the U.S., either the military or other public and private agencies, are seen as occupiers themselves. When my colleagues were interviewing Iraqi refugees in Amman, they encountered Yasir, who had worked as a security officer for several western civil society agencies in Baghdad. Last July he and his son were in front of their house, when gunmen fired 10 shots at them from a speeding car, severely injuring Yasir. He says that he was targeted because he worked for international aid organizations. Yasir learned from his neighbors that the gunmen had heard that he survived the attack; four days later he fled to Jordan.

Palestinians are vulnerable because they received special treatment from Saddam Hussein, who often moved Shi'a out of their houses to give Palestinians a place to live. Seen as Saddam loyalists, they are attacked by almost all factions and in need of rescue and resettlement. Their statelessness furthers their vulnerability. There are still about 15,000 Palestinians in Iraq.

Most of the Iraqis who have left the country are middle class; they need enough means to reach the border and get out. Neither Syria nor Jordan, which house the largest Iraqi populations, have signed the 1951 Refugee Convention, so people find it difficult to get official refugee status. They generally enter the host country as tourists, business people or guests, generally arriving in Syria with three month visas or in Jordan with authority to stay for six months. Most are urban refugees, living in Damascus or Amman, sometimes on their own, often with family members or friends. Many arrive in a state of shock. One Iraqi told Refugees International that "my son is more shocked by the sight of dead dogs than dead people."

Syria and Jordan have been generous to refugees and deserve international recognition for accepting them in large numbers. But the burdens of the large refugee population are an increasing strain. Real estate prices and rents are rising quickly in Damascus and Amman; schools and hospitals are crowded. Jordan has tightened its borders since bombings in Amman in November 2005, and it is particularly difficult for Iraqi men between the ages of 18-35 to enter. Deportations are becoming more common.

Syria, which used to grant free health care to refugees, has started to charge. In both countries, refugees are finding it difficult to get jobs.

As refugees use up their resources, many need food, shelter and other assistance. But the largely urban refugee populations are difficult to reach, particularly since many refugees are reluctant to register with the UNHCR or local authorities as refugees for fear of deportation.

There are encouraging signs that the world is beginning to recognize and respond to the growing Iraqi refugee problem. Until now, however, the response has been slow and inadequate. Last year, for instance, the UNHCR budget for Iraqi refugees in Syria was $700,000—less than one dollar per refugee.

The U.S. has a special obligation to help, since the violence in Iraq and the growing displacement comes in the aftermath of our invasion and occupation. Translators and others who had to flee for their lives after working for the U.S. deserve an opportunity to be resettled in the U.S. or other countries so that they can live in safety. The State Department, along with the UNHCR, is working on programs to protect the most vulnerable. Those programs need fast and adequate funding, so they can be put in place immediately.

The UNHCR has plans to spend $60 million on displaced Iraqis this year, more than twice what it spent last year, and it has developed a comprehensive regional program. However, other UN agencies haven't mobilized yet to provide food, shelter, medical care and educational support for an increasingly stressed refugee community that is taxing the resources of host countries. The US government should fully support UNHCR's. Normally, we contribute 25% of their budget. Because of our role in the conflict, we should consider doubling that contribution for Iraqi refugees.

Finally, host countries, particularly Jordan and Syria, need multilateral and bilateral assistance in shouldering the burden of the refugee population. This means programs to resettle the most vulnerable refugees to third countries, and help in sharing the costs of those who stay. The worst outcome would be to see Syria and Jordan close their borders to Iraqis, removing a safety valve that is saving lives. "Iraqis who are unable to flee the country are now in a queue, waiting their turn to die," one Iraqi told us.

The U.S. and Iraq are finding it difficult to stop the violence in Iraq. Until they do, the flood of refugees will continue. While we don't yet know how to stabilize Iraq, we do know how to protect and support refugees. We must start now.

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Refugees International

KENNETH H. BACON is the president of Refugees International, an advocacy organization in Washington, DC. Refugees International helps save lives by generating support and protection for refugees and displaced people around the world.

From 1994 – 2001, he was Assistant Secretary, Public Affairs, at the U.S. Department of Defense, where he advised the Secretary of Defense and other top officials on public affairs strategy, served as Pentagon spokesman and managed a large internal communications operation for the U.S. military. From 1969 – 1994, he was a reporter, editor and columnist for the Wall Street Journal based in Washington, DC. There he concentrated on defense, banking, economics and international finance.

He received his BA from Amherst College and an MBA and MA in Journalism from Columbia University.

Bacon is the co-chairman of the Partnership for Effective Peace Operations, and he serves on the boards of The American University in Cairo, Population Action International and InterAction, the umbrella group for international relief, development and advocacy agencies. He is an emeritus trustee of Amherst College and the Folger Shakespeare Library. He is a member of the Council on Foreign Relations and the International Institute for Strategic Studies.

He has published articles and op-ed pieces on humanitarian issues in *The New York Times, The Washington Post, The Boston Globe, Newsday, The Bulletin of the Atomic Scientists, The Columbia Journalism Review* and *World Policy Journal.* He appears frequently on radio and television, including CNN, the BBC and National Public Radio, to discuss refugees and other humanitarian topics

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Time for the United States to Recognize Iraq's Humanitarian Crisis

The Brookings Institution, January 04, 2007

Roberta Cohen, *Nonresident Senior Fellow*, Foreign Policy Studies
Ashraf al-Khalidi, *Consultant*, Brookings-Bern Project on Internal Displacement

The State Department's weekly report on how the United States government is meeting its goals in Iraq omits an important category -- emergency aid for the millions of people forcibly uprooted inside the country, or who have fled across borders, to escape sectarian violence and Coalition military operations.

Since Shi'a restraint ended in February following the bombing of the holy Shi'a shrine in Samarra, Shi'a and Sunni armed groups have been driving 50,000 people from their homes each month. To date, more than a half a million have been forced out, with Sunni and Shi'a as well as Christians, Kurds and other religious and ethnic groups fleeing to areas where their own group is in the majority. Not only is this changing the social and demographic makeup of many Iraqi cities and undermining any potential for a multiethnic/religious democratic state. It is also causing a grave humanitarian crisis. Tens of thousands now living in public buildings, parks, cemeteries, and soccer fields are in urgent need of shelter, food, medicine and clean water. While the majority stays with families and friends, they too face extreme hardship because they are without homes and jobs, and their hosts are running out of resources.

Billions in international funds have been allocated for recovery and development projects in Iraq, most of which cannot be implemented because of the violence. Yet humanitarian programs have been largely neglected. The assumption that the domestic situation would stabilize and that the displaced of Iraq would return home has been proved terribly wrong. A reassessment of donor priorities is urgently needed.

The newest and fastest growing number of displaced people is from sectarian violence. Hundreds of thousands more Iraqis are teetering on the brink of displacement, sleeping in different homes at night, and fearing to go to work or to school during the day.

Both the Sunni and Shi'a armed groups regularly use threats and intimidation followed by kidnappings and murders to force people out. To make sure they do not return, they frequently rely on brutality, including the beheading of children and the use of electric drills to kill people. They have two goals - to consolidate their territory and to serve as provider and protector, thereby usurping the government's authority. Indeed, people are increasingly turning to armed groups for security rather than the government because they are the ones that protect neighborhoods and provide relief. Moqtada al Sadr's Mahdi army at present is driving most Sunni families out of eastern Baghdad. In the Hurriyeh district, which is only about 3 miles from the Green Zone, the government is doing little to protect the Sunnis from expulsion. The armed groups are connected to political parties, which use them to maximize their own power. Members of government security forces and police often assist the Mahdi army, while Prime Minister Nouri al-Maliki must rely on Al Sadr who controls 30 seats in the parliament.

The Iraqi government does not have the resources, will or competence to adequately aid the displaced. A November Pentagon report points to a social safety net program being developed by the government, but then points out that the "legislation required for this initiative has not yet been introduced." While local authorities, the Iraqi Red Crescent and mosques are reported to be more effective, it is the sectarian radical agencies that are filling the void left by the government. International aid does not yet reflect the seriousness of the situation. The Iraq budget of the UN High Commissioner for Refugees, the lead UN agency in Iraq, has in fact been reduced from $150 million in 2003 to $29 million in 2006. The agency reports being "sorely lacking in funds" to cope with the growing number of displaced Iraqis.

Aid is also urgently needed for the more than 1.8 million Iraqis who have fled across the border, among them 700,000 to Jordan and 600,000 to Syria. Although initially welcomed by these countries as "Arab brothers," they are becoming burdensome as their numbers increase. Jordan's government calls them "illegal immigrants" rather than refugees from violence and persecution, has returned some to Iraq, and has not asked other governments to help share the burden. Syria considers them "tourists" and "guests" and most cannot work. In Lebanon, they are under threat of deportation. The United States must encourage countries of refuge to recognize those fleeing Iraq as refugees, mobilize the international support needed to help them, and itself consider bringing increased number of Iraqis in under its refugee resettlement program.

It is time for the Bush Administration to recognize and address the serious humanitarian crisis that its actions in Iraq have spawned. The most immediate need is to assure that the UN refugee agency and the other international agencies involved in helping Iraq's displaced, such as the International Organization for Migration, have the funds and access they need to do the job.

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Chaldean Federation of America www.chaldeanfederation.org

Statement of the Chaldean Federation of America (CFA) On the Iraqi Christian's Plight To the The US Senate Committee on the Judiciary

January 16, 2007

Thank you, Mr. Chairman and Members of the Committee, for allowing me to testify today on behalf of the Chaldean Federation of America.

The plight of Iraq's Christians long predates the arrival of the American military; they have been massacred over the centuries by Ottomans, Kurds, and Arab Muslims alike. However, today's climate in Iraq has made matters much worse for Christians. Christians have always been seen by radical Islamists as emissaries, collaborators or conspirators with the west. In today's environment in Iraq, that means Iraqi Christians are presumed to be associated with the American presence in the country. Such a presumption puts all Iraqi Christians in danger and has resulted in thousands fleeing the country.

Immediately after Iraq's Baathist Party seized power in 1968, as a teenager I witnessed with horror their celebration of victory which consisted of lynching Jews in Baghdad square. With the remnant of Iraq's Jewish population having long since fled the country based on the hatred and the brutal 1941 Farhud (Farhud means violent disposition of others property) where more than 150.000 Iraqi Jews became penniless refugees, Christians have become today's victims of choice. Shia, Sunni or Kurds may or may not agree on little else, but all concur on their commitment to eliminate the scourge of Christians.

CFA is a non-profit (501) (C) 3 community based organization founded in Michigan in 1981

These groups have terrorized their Christian neighbors, thousands of whom have been kidnapped, raped, mutilated, brutalized, and slaughtered since the US declared victory in the Iraq war almost four years ago. They are targeted because they are Christians, and because of imputed support of the U.S (please see additional information page).

As a result of the unabating atrocities inflected on the Christians of Iraq since 2003, their population has dwindled significantly. The Christian community that remains in Iraq numbers roughly 600,000–down ½ million from 1.1 million before the war. The war in Iraq and the downfall of the regime of Saddam have changed prospects for thousands of Iraqi Chaldeans[1] living as refugees across more than 30 nations of the world.

For the last four years, it was our hope to see better conditions within Iraq that will allow those refugees to return to their ancestral homeland. Unfortunately, eyewitness reports and testimonies of recent immigrant arrivals from Iraq are indicating that these conditions are not yet provided due to lack of security and the many atrocities committed against these indigenous people by Iraqi and non-Iraqi extremists and insurgents. This staggering number does not include the long-term refugees who left Iraq during the era of the tyrant Saddam a number of years ago and are still living as refugees mainly in Syria, Jordan, Lebanon, Turkey and in thirty countries throughout the world

Countries hosting the largest number of the approximately 160,000 Iraqi Christian refugees which increases by the hour are, in order of highest concentration, Syria, Jordan, Lebanon, Turkey and Latin America, with smaller numbers elsewhere including Western Europe. Many of these refugees are single or widowed mothers with children, who are unable to go back to Iraq and want to be settled in the United States in order to be re-united with their families, relatives or community members. It should be noted that 85% of Iraqis who are currently residing in the US are of the Christian faith.

[1] Iraqi Chaldeans will be used as the general term to designate the Aramaic-speaking persons who espouse Catholic and Eastern rite Orthodox faiths, also known as Assyrians and Syriacs.

Repatriation of the Iraqi Christians is impossible for all refugees of this group, because most fled from conditions, where, at least until recently, there appear to be little chance of improvement in security conditions, or an end to the internal conflicts, abuses of human rights, ethnic tension, and freedom of religion. Recent reports from Iraq underscore what we all know to be true, the numerous inhumane atrocities committed against the Christians of Iraq continue without any prospect of relief. Our unveiled women are either condemned, shot at, harassed, assaulted, disfigured with acid,-- and the police are unable or unwilling to protect them. Christians are seen as infidels and collaborators with the US by the extremists. Christians who fled Iraq because of severe sectarian violence are unable to return to their ancestral villages in Northern Iraq because of sectarian violence .Unlike Muslim Iraqis whether Sunni, Shi'ite or Kurds, Christians have no tribes or armed militia to protect them from harm and defend their God given rights.

The Chaldean Federation of America (CFA) and the Iraqi community are committed to support strategies to alleviate the worsening conditions that have given rise to the flight of Iraqi Christians to nearby countries of first asylum. We wish to address the likelihood of repatriation in light of mounting ethnic tension and abuses of human rights and freedom of religion, and consideration for resettlement of refugees.

I. CFA *OPERATION R4-WAVE I (Research, Rescue, Relief, Resettle):* *A Survey Study of Iraqi-Christian Refugees World-Wide*

Beginning in May 2006, and continuing over an intensive 12-week period, the Chaldean Federation of America,[2] conducted a world-wide survey of Iraqi Christian refugees to:

- Identify significant concentrations, as well as small enclaves in countries of refuge in this, the Fourth Diaspora of Iraqi Christians in 100 years;

[2] representing more than 250,000 Iraqi Christian-Americans across the United States in Michigan, Illinois, Nevada, Arizona, and California

- Build a data-driven strategy to assist with humanitarian relief and/or facilitate Iraqi Christians refugees resettlement in the receiving country and/or in the US;

The CFA's initiative is guided by a systematic three-stage design that included: survey development and validation; outreach and dissemination; data collection, handling, entry, organization and analysis.

The CFA's Wave 1 Survey, which was concluded on August 15, 2006, identified 1204 cases representing 3,927 Iraqi Christian refugees who have fled to 30 countries of the world across the regions of the Middle East, Central Asia, the Far East, Europe, Africa and South America. Although the 92% majority of refugees have aggregated in Jordan, Syria, Lebanon, and Turkey, there are growing numbers in northern Europe in the Netherlands, Denmark, Sweden, Austria and Sweden and as yet unrecorded Wave II movements to countries of transit in South America (Wave I identified a handful of refugees in Peru, Ecuador, Belize and Bolivia). Approximately 29% (28.49%) of this first Wave of potential beneficiaries have "Protected Status" by virtue of UNHCR or other forms of certification.

85% of the potential beneficiaries reported religious persecution as uppermost among those factors contributing to exodus from their ancestral homeland. Nearly 70% of the sample reported multiple precipitating factors for their flight, including the experience of torture or violence against them or family members (directly attributable to their religious minority status), the loss of their homes and/or businesses to destruction, looting or confiscation by Islamist gangs, militia or insurgents (37%). Although less than 7% of the respondents reported sexual assaults and/or rapes as among those factors precipitating flight, more than twice that figure, or nearly 17% of the sample, indicated the vulnerabilities of the women and girls of their families as factors in their flight from Iraq, with 25% having experienced the abduction of mainly female family members by marauding insurgents, Islamist gangs and/or militia. Only 2% of Wave I respondents expressed the potential for "local integration," which may have been surmised based on the less than optimal conditions and/or receptivity in the countries of transit. Of additional note is the large

number of cases (25.82% overall) that could be considered exceptional, or indicative of particular vulnerability due to the horrific nature and extent of their sufferings.

The CFA survey found that 8% of those surveyed claimed retaliation for collaboration with the U.S forces in Iraq as a key factor contributing to there exodus from Iraq. Based on the current estimate of 160,000 Iraqi Christian refugees, that would mean nearly 13,000 Iraqi Christians have fled Iraq based at least in part on their connection to the American military. There are no doubt more, like the Chaldean witness that testified at today's hearing, who were connected with US contractors or humanitarian efforts. We believe the percentage of Christian Iraqi's fleeing as a result of affiliation with the United States will only rise as our effort begins to survey more recent refugees.

At this juncture, we urge you to take a stand and act expeditiously on the knowledge you have of the humanitarian crisis of our people both in Iraq and in countries of supposed refuge. They are anxious for a country to call "home".

We present the following seven key facts in support of the urgent need to protect, relieve and to resettle the Iraqi Christian refugees:

1. At this time, the Iraqi government is unable to protect members of Iraqi religious and ethnic minorities such as the Christians.
2. Most Iraqi minorities, including Christians, who have fled Iraq, cannot return for fear of their lives. They have been subjected to relentless attacks by radical elements within and outside the Iraqi government based on their ethnicity and religious identity. CFA has amassed an archive of letters of threat, photos of tortured and mutilated Iraqi Christians, bombed-out churches, homes and personal properties. Exhibits documenting these assertions are available for your review.
3. Many Iraqi Christians are persecuted because of their religious affiliation and their real or imputed connections to the American military, or to the U.S. interests or policies.

4. Iraqi Christian refugees who have fled to neighboring host countries are left unprotected and their situation is precarious with not even a remote possibility of local integration. Iraqi Christian refugees in the region are destitute, unable to work or have their children educated, and live under the threat of repatriation.
5. CFA's surveys indicate that 85% of the Iraqi Christians refugees have relatives in the US, who are gravely concerned about the safety of their relatives.
6. UNHCR is currently referring Iraqi Refugees to the U.S. Refugee Program as P-1 cases but pitifully few cases have actually been referred. The P-1 process is slow; the admissible numbers unrealistically low; and the process exacerbates the separation, frustration and continued suffering of the refugees in countries that would rather they leave..
7. The U.S. previously provided access to Family Reunion for a small segment of these refugees through Visa 92/93 and P-3 which were very narrowly focused. Also, Iraqi Christians who have some other legal status in the U.S. are not permitted to petition for their relatives under the refugee program.

II. Recommendations and Petitions:

Given these circumstances, the Chaldean Federation strongly urges Congress to:

1. Designate Iraqi Christians eligible for *Priority Two (P-2) Group Referrals Outside their Country of Origin*, per the Worldwide Priority System for FY 2007 (pursuant to Immigration and Nationality Act, Section 207[e][1]-[7]), similar to those programs for Burmese in Tham Hin Refugee Camp, Iranian religious minorities in Austria, the Tibetans in Nepal, etc.
2. Include Iraqi Christians as eligible for Priority Three (P-3) Status –Family Reunification because of the lack of referrals from Priority 1 and Priority 2; the massive number of Iraqi Christian refugees who continue to flee the country; and who do not plan to repatriate. Specifically, the CFA research projects that over

100,000 Iraqi Christian refugees qualify in this category with "anchor" relatives, including spouses, unmarried children under 21; parents; who were admitted as asylee; lawful permanent residents of the United States; or citizens of the US, originally admitted as refugees or asylee.

3. Create special designation for Internally Displaced Iraqi Christians whose persecution or fear of persecution is based on actual or imputed association with U.S forces and/or U.S. policies or U.S non government establishments and entities.
4. Ensure that the US State Department provides significant humanitarian relief to these refugees and to the Internally Displaced Iraqi Christians who have lost their homes, sources of livelihood and access to education for their children due to targeted discrimination and religious persecution. We recommend that special aid packages be extended to Non-Governmental Organizations in countries of refuge so that they may work to alleviate the medical, social and economic distress of the Iraqi Christian refugees.
5. CFA strongly encourages this Congress to examine the Regional UN High Commission on Refugees in the Middle East to determine whether the vulnerable Iraqi Christian refugees are receiving the appropriate relief and protections in the countries of refuge which they are guaranteed by International Law.
6. Include legislation to help address this issue in comprehensive immigration reform legislation in the 110th Congress. Such language was included in S.2611, the Comprehensive Immigration Reform Act of 2006, which passed by the Senate last year. That legislative language was included as an amendment introduced by US Senator Carl Levin (D-MI) which would help thousands of religious minorities such as Iraqi Christians who have come to the United States seeking relief from persecution they faced in Iraq. Due to the long delays in the immigration system, however, their cases were not heard before April 30, 2003, when the U.S declared victory in Iraq. When these asylum seekers finally had their day in court, the immigration judge

denied their application because the government in Iraq that persecuted these individuals was no longer in power. Currently in the U.S., approximately 3,000 Christian Iraqis are in jeopardy of being deported to a country where vicious sectarian war is raging and most of their coreligionists are fleeing their ancestral land Iraq.

7. Address the Department of Homeland Security-the US Citizenship and Immigration Services problems in processing Background Check Services on Iraqi Christian immigrants and refugees. The waiting time frame is extreme and unjustified, with some cases involving delays up to 5 years. Family members are separated from each other for many months and to several years.

Mr. Chairman, with the help of your Subcommittee and the many community and humanitarian organizations concerned about this issue, we are confident that we will provide life-saving aid to dispossessed people who have fled war and intense insurgency and persecution, and who because of their religious faith have no place to call home and no means to survive with dignity.

Respectfully Submitted,

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Additional Information

As of today, CFA screened and surveyed more than 4,700 Iraqi Christian Refugee's cases which cover more than 15,000 persons. The following are brief samples of some of these cases including death threats they received:

CFA # YM-SY-31023

37 year old married Chaldean with 2 young children contracted to work with a group of American engineers as a taxi driver (3-20-04)
-An armed terrorist threatened to kill him if he continued working with the Americans.
-On 5-1-04, he was kidnapped from his home and his wife was raped in front of her children. The terrorist demanded his taxi cab + $1,000.00 ransom.
-He was released after being tortured + ransom paid. He was told that if he continued to work for the Americans that they all will be killed.
-On 5-31-04, he fled to Syria with his family waiting to be resettled.

CFA # KH-SY-30989

26 year old married Chaldean successfully working with USAID flees the Syria in fear of his life.
-On 3-30-06 USAID Representative writes "John" shows initiative in his work and I would highly recommend him for any position that involves IT, Finance and Management. We will miss him in our daily working lives at the Kirkuk Government Building and wish him security and happiness in his future life away from Iraq.
-His decision to leave Iraq and his job with USAID came after the death of his 13 year old brother in a church bombing January 2006. Also when receiving threatening letters that said "To the infidel and hypocrite (John), your blood has been proscribed we warn you a final warning: not to deal with the infidel American, and their killer agents". Signed Ansar Al-Sunna Group 13/Ranadhan/1428
-He arrived in Syria October 2006 awaiting re-settlement & facing new challenges of high living expenses & taxation.

CFA # BJ-SY-30082

38 year old single mother of 2 daughters worked for a real estate company in Iraq that contracted with allied forces. Her life was threatened by terrorist group to leave her work with the allied forces. A kidnapping attempt was made on her life. She was able to fight back but was beaten & became unconscious. She was taken to hospital to recover from her injuries. They fled to Syria. In Syria she once again became a victim. All her money & belongings were stolen. She is waiting for resettlement since 2005.
-Admitted on 1-7-04 Hospital Emergency
-10-26-05 Syria Robbery

CFA # YA-JO-1046

30 year old single woman survived an attempt to kill by some fanatic groups for working with the US coalition. During the same attempt, her two friends were killed and burned to death.
-On 9-24-06, Brian Erickson with US Embassy Baghdad writes "Both, she and her family were and are in danger. Due to her courage and amazing story of survival, she became well known through the Green Zone and I am told, Baghdad as well. Her family was very scared for her and their safety as word had gotten to their neighborhood that she was injured while going to work at CPA. This is a remarkable young woman who, for her courage working with the coalition, was badly injured. Both, she and her family are in great danger. If someone can assist her and her family in coming to the US we and many others will gladly aid them in making a life here."
- On 4-05, she fled to Jordan with his family waiting to be resettled
-Recently she and her family moved to Syria to avoid the taxation

January 17, 2007

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
Washington, DC 20515

The Honorable John Boehner
Minority Leader
United States House of Representatives
Washington, DC 20515

The Honorable Patrick Leahy
Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Arlen Specter
Ranking Member, Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable John Conyers
Chairman, Committee on the Judiciary
United States House of Representatives
Washington, DC 20515

The Honorable Lamar Smith
Ranking Member, Committee on the Judiciary
United States House of Representatives
Washington, DC 20515

Dear Congressional Leaders:

Since President Bush announced his intention to increase the number of troops deployed in Iraq, Americans have been debating the wisdom of his plan. Some have questioned whether Congress possesses the constitutional authority to affect that plan's implementation. Vital, therefore, to the public debate and to congressional deliberations is a clear understanding of the authority that the Constitution vests in Congress. We write as constitutional scholars to express our view that this authority is more than ample for Congress to give legal effect to its will with respect to the troop increase.

The Constitution's text is quite plain with respect to one mechanism by which Congress might give legal effect to whatever judgment it makes: Congress's spending powers. Congress clearly may cut off funds entirely and bring an armed conflict to an end. It may also take the intermediate step of providing that the President may not use military appropriations to alter the scope or nature of the conflict that Congress has authorized and funded, such as by prohibiting the President from using appropriated funds to increase troop levels or to broaden a conflict into additional nations or territories.

A question of current debate is whether Congress's spending powers provide the only check that Congress holds in the context of ongoing military hostilities. The Constitution confers on Congress the power to declare war, but it also makes the President the Commander in Chief. As Commander in Chief, the President possesses certain interstitial or inherent powers to act in the absence of congressional legislation – for example, to defend the nation even when Congress has not specifically provided

authority. But as Justice Jackson famously emphasized in *Youngstown Sheet & Tube Co. v. Sawyer* (the Steel Seizure case), presidential power to act in the absence of congressional action must not be equated with presidential power to ignore statutory restrictions enacted pursuant to Congress's constitutional authorities.[1]

The Constitution expressly grants Congress extensive powers relating to war, beyond the well-known appropriations power and the power to declare war. Specifically, the Constitution authorizes Congress to:

- Lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States;[2]
- Define and punish piracies and felonies committed on the high seas and offenses against the law of nations;[3]
- Declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;[4]
- Raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;[5]
- Provide and maintain a navy;[6]
- Make rules for the government and regulation of the land and naval forces;[7]
- Provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;[8]
- Provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;[9]
- Make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.[10]

These provisions plainly set forth an extensive role for Congress that goes far beyond the initial decision to declare war and subsequent decisions regarding its funding. This mass of war powers confers on Congress an ongoing regulatory authority with respect to the war. Indeed, these powers are so extensive that Chief Justice John Marshall opined (with some exaggeration, when read out of context) that "[t]he whole powers of war [are], by the Constitution of the United States, vested in Congress ...."[11]

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[1] 343 U.S. 579 (1952).
[2] U.S. Const. art. I, sec. 8, cl. 1.
[3] *Id.* cl. 10.
[4] *Id.* cl. 11.
[5] *Id.* cl. 12.
[6] *Id.* cl. 13.
[7] *Id.* cl. 14.
[8] *Id.* cl. 15.
[9] *Id.* cl. 16.
[10] *Id.* cl. 18.
[11] Talbot v. Seeman, 5 U.S. (1 Cranch) 1, 28 (1801).

As Commander in Chief, the President's role is to prosecute the war that Congress has authorized within the legitimate parameters Congress sets forth. Congress has exercised precisely this power to define the parameters of armed conflict or war on a number of occasions, some of which concern recent military engagements.[12]

This understanding of Congress's role has also been the consistent interpretation of the courts. Early in our country's history, the Supreme Court set forth this interpretation in a series of cases arising from the naval war with France. The statutory basis for this conflict was a set of authorizations to use force against French maritime interests. These statutes empowered the President to use military force to take specific, limited sorts of actions against French vessels; they identified the places where force could be exercised and the purposes for which force should be employed.

In *Bas v. Tingy*, Justice Samuel Chase explained that these statutes "authori[z]ed hostilities on the high seas by certain persons in certain cases," but did not give the President the authority "to commit hostilities on land; to capture unarmed French vessels, nor even to capture French armed vessels lying in a French port."[13] This meant that Congress had authorized a limited war against France — a war, in the words of Justice Bushrod Washington, "confined in its nature and extent; being limited as to places, persons, and things."[14] In such a war, those "who are authorised to commit hostilities . . . can go no farther than to the extent of their commission."[15]

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[12] Some examples include U.S. Public Law No. 93-559, sec. 38(F)(1)-(2), The Foreign Assistance Act of 1974(imposing a personnel ceiling of 4000 Americans in Vietnam within six months of enactment and 3000 Americans within one year); U.S. Public Law No. 98-43, sec. 4(a), The Lebanon Emergency Assistance Act of 1983(mandating that the President to return to seek statutory authorization as a condition for expanding the size of the U.S. contingent of the Multinational Force in Lebanon); U.S. Public Law No. 91-652, The Supplemental Foreign Assistance Act of 1971, sec. 8 (prohibiting the use of any funds for the introduction of U.S. troops to Cambodia or provision of military advisors to Cambodian forces without the prior notification of the congressional leadership). Additional examples involve the use of the spending power: U.S. Public Law No. 93-50, sec. 307, The Second Supplemental Appropriations Act, 1973 ("None of the funds herein appropriated under this act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other act may be expended for such purposes."); U.S. Public Law No. 98-215, sec. 108, The Intelligence Authorization Act for Fiscal Year 1984 (Boland Amendment, prohibiting certain covert military assistance in Nicaragua); U.S. Public Law No. 103-139, sec. 8151(b)(2)(B), The Department of Defense Appropriations Act, 1994 (limiting the use of funding in Somalia for operations of U.S. military personnel only until March 31, 1994, and permitting expenditure of funds for the mission thereafter only if the president sought and Congress provided specific authorization); U.S. Public Law No. 105-85, sec. 1203, The National Defense Authorization Act for Fiscal Year 1998 (prohibiting funding for Bosnia "after June 30, 1998, unless the President, not later than May 15, 1998, and after consultation with the bipartisan leadership of the two Houses of Congress, transmits to Congress a certification— (1) that the continued presence of United States ground combat forces, after June 30, 1998, in the Republic of Bosnia and Herzegovina is required in order to meet the national security interests of the United States; and (2) that after June 30, 1998, it will remain United States policy that United States ground forces will not serve as, or be used as, civil police in the Republic of Bosnia and Herzegovina.").

[13] 4 U.S. (4 Dall.) at 43 (opinion of Chase, J.).

[14] *Id.* at 40 (opinion of Washington, J.).

[15] *Id.*

In *Little v. Barreme*,[16] Chief Justice Marshall held that the President's war powers were subject to valid statutory limitation. This case considered the statute whereby Congress had authorized the U.S. Navy to intercept vessels bound to French ports, but did not authorize the President to intercept ships bound from such ports. In *Little* a U.S. Navy ship, acting pursuant to a presidential order to intercept ships bound to or from French ports, intercepted a commercial vessel suspected of coming *from* a French port. The Supreme Court ruled the action illegal because it went beyond the military force authorized by statute.

The Supreme Court has continued to adhere to this view of the war power. In modern times, the Court has consistently held that the President is bound by statutory restrictions in wartime. In *Youngstown Sheet & Tube*, the Court struck down President Truman's order that the nation's steel mills continue operating in order to keep United States troops in the Korean War armed. Justice Jackson's famous concurring opinion — which the Court has since acknowledged "brings together as much combination of analysis and common sense as there is in this area"[17]— emphasized that the Constitution did not set forth an exclusive power in the Commander in Chief that would permit him to disregard Congress's statutory restrictions on his preferred means of conducting the war.

Most recently, the Supreme Court has applied Justice Jackson's framework to resolve challenges to President Bush's assertions of Commander-in-Chief power. In a number of recent Supreme Court cases, particularly *Rasul v. Bush*,[18] *Hamdi v. Rumsfeld*,[19] and *Hamdan v. Rumsfeld*,[20] the Bush Administration has asserted broad unilateral authority to conduct military operations (in those cases dealing specifically with the detention and treatment of enemy combatants). In none of these cases did the Supreme Court vindicate the Bush Administration's position. Indeed, in each case, the Court required the President to comply with applicable statutory limits.

We recognize the dictum first enunciated by Chief Justice Salmon P. Chase in his concurring opinion in *Ex Parte Milligan*: "The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are servants of the people, whose will is expressed in the fundamental law. Congress cannot direct the conduct of campaigns ...."[21] This dictum is sometimes taken to mean that Congress may not enact laws designed to dictate tactical or command decisions. As the point is sometimes put, Congress may not micromanage the President's execution of a war.[22]

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[16] 6 U.S. (2 Cranch) 170 (1804).
[17] *Dames & Moore v. Regan*, 453 U.S. 654, 661 (1981).
[18] 542 U.S. 466 (2004).
[19] 542 U.S. 507 (2004).
[20] 126 S. Ct. 2749 (2006).
[21] 4 U.S. (4 Wall.) at 139-140 (Chase, C.J. concurring in the judgment); *see also Hamdan*, 126 S. Ct. at 2773-2774 (2006); *accord* Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 645-46 (1952)(Jackson, J., concurring).
[22] Some of us have significant doubts about the accuracy of this claim.

Wherever one comes down on the outer limits of legislative war powers, *Little v. Barreme* and *Bas v. Tingy* make clear that Congress retains substantial power to define the scope and nature of a military conflict that it has authorized, even where these definitions may limit the operations of troops on the ground. The proposed statutory restrictions relating to the war in Iraq that are the subject of this letter fall well within this long recognized authority.[23]

Thus, Congress may limit the scope of the present Iraq War by either of two mechanisms. First, it may directly define limits on the scope of that war, such as by imposing geographic restrictions or a ceiling on the number of troops assigned to that conflict. Second, it may achieve the same objective by enacting appropriations restrictions that limit the use of appropriated funds. Indeed, the reason that the Constitution explicitly limits appropriations for the Army to two years is in order to ensure that Congress oversees ongoing military engagements.

The Constitution's drafters understood the immense national sacrifice that war entails. Moreover, they understood that during times of war presidential power tends to expand. For these reasons, the Constitution assigns Congress the power to initiate war and to fund and define the parameters of military operations. As James Madison wrote, "the constitution supposes what the History of all Gov[ernments] demonstrates, that the Ex[ecutive] is the branch of power most interested in war, & most prone to it. It has accordingly with studied care, vested the question of war in the Legisl[ative branch]."[24] The Constitution's structure, then, clearly contemplates that important decisions regarding the scale of war will not necessarily be made by the President alone, but ideally should, and certainly can, be reached through the democratic process with all the deliberation that entails. Far from an invasion of presidential power, it would be an abdication of its own constitutional role if Congress were to fail to inquire, debate, and legislate, as it sees fit, regarding the best way forward in Iraq.

Sincerely,

Bruce Ackerman
Sterling Prof of Law and Political Science
Yale University*

Mark Barenberg
Columbia University School of Law*

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[23] Some commentators have extended the micromanagement objection to limit Congress's authority to use its spending powers. Their claim is that Congress may not utilize the spending power to impose unconstitutional conditions on the President. This is certainly true – Congress may not deploy its spending power to achieve unconstitutional ends. But this tells us nothing about what conditions are or are not constitutional. As with direct regulation of the nature and scope of war or other hostilities, it is not unconstitutional for Congress to deploy its spending powers to regulate the nature and scope of a conflict in ways that also have real consequences for how the war is conducted.

[24] Letter to Thomas Jefferson (April 2, 1798), in 6 Writings of James Madison 312 (Gaillard Hunt, ed. (1900-1910).

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January 17, 2007

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
Washington, DC 20515

The Honorable John Boehner
Minority Leader
United States House of Representatives
Washington, DC 20515

The Honorable Patrick Leahy
Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Arlen Specter
Ranking Member, Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable John Conyers
Chairman, Committee on the Judiciary
United States House of Representatives
Washington, DC 20515

The Honorable Lamar Smith
Ranking Member, Committee on the Judiciary
United States House of Representatives
Washington, DC 20515

Dear Congressional Leaders:

I write to add briefly to the views expressed in the letter of today from constitutional scholars, which I joined, expressing the view that Congress possesses ample power to respond to an executive plan to increase troops in Iraq. Some commentators have cited a legal memorandum I signed as Assistant Attorney General for the Office of Legal Counsel and suggested that it supports the contrary view, that Congress may not effectively legislate counter to the President's plan.

I do not agree that the conclusion of my OLC memorandum means that Congress lacks the power to prevent or limit the enhanced undertaking the President proposes for Iraq. Throughout my tenure as an advisor to the president I consistently acknowledged the authority of Congress to legislate with regard to the scope and duration of military action -- the question that is at issue here.

As I wrote in the 1996 memorandum, Congress cannot use its powers, including its power of the purse, to accomplish unconstitutional ends. I had been asked: May Congress through a condition on spending fundamentally alter the chain of command that the president has

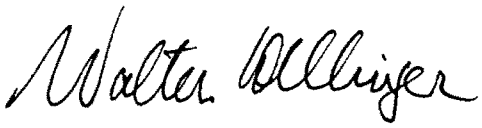
determined as commander-in-chief? The answer I gave, as I would again today if Congress sought to tell President Bush who he must or may not put in the chain of command, was no.

That is not the issue Americans are now debating. Asked the very different question that Congress must now address -- does Congress have the authority to determine the scope and duration of a war? -- I gave the president a consistent answer: yes. Congress may by legislation determine the objective for which military force may be used, define the geographic scope of the military conflict and determine whether to end the authorization to use military force.

I believe that the president has extensive inherent powers to protect and defend the United States. In the absence of any congressional legislation on point, I would often presume that the president can act on his own authority and pursuant to his own judgment in matters of national security. Once Congress has acted, however, the issue is fundamentally different. The question then becomes whether the Act of Congress is itself unconstitutional.

The scholars' letter sets out in some detail the numerous powers over national defense and the governance of the armed forces that the Constitution confers upon Congress. Congress, acting pursuant to those ample wellsprings of constitutional authority, may sets bounds on the president's discretion about the scope and duration of military action. The president, in our constitutional republic, is obligated to adhere to those limits.

Respectfully,



Walter Dellinger*

*The writer served as Assistant Attorney General of the United States and head of the Office of Legal Counsel from 1993 to 1996.

Statement of U.S. Senator Russell D. Feingold
Senate Committee on the Judiciary
Hearing on "The Plight of Iraq Refugees"
January 16, 2007

The displacement of millions of Iraqis is an issue of great concern and it should be addressed quickly and appropriately. The United States cannot ignore the plight of 1.6 million Iraqis who have been displaced internally and the 1.8 million more living as refugees outside of Iraq – a number that is sure to rise as the security situation continues to be unstable.

As I have said before, the war in Iraq has been a mistake, and the policies that have carried it out have been a failure. The fact that over 3 million Iraqis have been forced to flee their homes is a sad consequence of these failed policies and is a tragedy that could have been avoided. Unfortunately, the Administration has been slow – and by all appearances, reluctant – to address the problem of displaced populations.

Communities inside and outside of Iraq have accepted fleeing Iraqis to a point of saturation. Humanitarian assistance agencies have been stretched to the limit and continue to have inadequate resources to respond to the needs of displaced Iraqis.

The United States has a proud history of providing aid to refugees and internally displaced populations, and we should continue that tradition by providing additional support and assistance to the Iraqis who are suffering. We aren't doing enough and I urge the United States to work harder to develop solutions for the millions of Iraqis who have no prospect of returning home anytime soon.

Testimony of

Michel Gabaudan

Regional Representative for the United States of America and the Caribbean,
Office of the United Nations High Commissioner for Refugees

Oversight Hearing on the Situation of Iraqi Refugees

before the
United States Senate
Committee on the Judiciary

226 Dirksen Senate Office Building
January 16, 2006

I. Introduction

Mr. Chairman and members of the Subcommittee, on behalf of the Office of the United Nations High Commissioner for Refugees (UNHCR), I would like to express our appreciation for the opportunity to appear before you today to address UNHCR's grave concerns about the situation of Iraqi refugees, internally displaced persons (IDPs), and non-Iraqi refugees inside Iraq. I would also like to request that my full written statement be submitted to the record.

UNHCR is charged by the international community to ensure refugee protection and to identify durable solutions to refugee situations. Our mandate is grounded in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol (hereinafter "the Refugee Convention"), which define a refugee as a person having a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion.

UNHCR has had a presence in Iraq and the surrounding region since 1987. At no point during this time, however, have we faced the magnitude of displacement that we are today.

Displacement of Iraqis both inside Iraq and to the surrounding region is one of the most serious humanitarian crises with which we are currently grappling. In the absence of a concerted effort by the international community that involves coordination among regional governments, donor governments (including the United States), UNHCR and its implementing partners, the situation will likely erode even further, bringing new levels of displacement and deepening protection problems.

UNHCR has therefore undertaken a fundamental review of its Iraq program. Our approach is part of a broader United Nations commitment to supporting governments in the region to respond to the protection and assistance needs of displaced Iraqis and non-Iraqi refugees. UNHCR's activities inside Iraq are also consistent with the UN Joint Priority Action Plan for Iraq. We welcome the opportunity this hearing offers to highlight our concerns about this deteriorating situation and our plans to address it in partnership with others.

II. Background

UNHCR estimates that the number of displaced Iraqis now totals some 3.7 million, including 1.7 million internally displaced inside of Iraq and up to 2 million outside the country. This means that 1 out of every 8 Iraqis is now displaced. It should be noted that these numbers encompass both those displaced during the time of Saddam Hussein as well as those displaced after his departure. However, as violence in Iraq continues to spiral, displacement has escalated; an estimated 500,000 have been internally displaced just since the Samarra bombings in February 2006 and it is estimated that some 40,000 to 50,000 additional Iraqis flee their homes every month. In September 2006, the net

number of refugees crossing the border each day into neighboring Syria and Jordan were estimated at least 2,000. Both countries now host at least 500,000 refugees each, with additional numbers found in Lebanon, Egypt, Turkey, and as far away as Europe.[1] Displacement is affecting all strata of society, rich and poor, workers and intellectuals, men, women and children and all religious groups.

There is currently no end in sight for the massive and escalating displacement in the face of the violence prevalent inside Iraq. UNHCR has therefore been compelled to shift its focus away from return, reintegration, and capacity building within Iraq and some modest assistance in neighboring host countries to an emphasis on broader and more systematic registration of Iraqi refugees, identification of vulnerable individuals, protection and assistance to those who need it, and the pursuit of durable solutions for the overall population. This will require strengthened capacity and significant new resources, which I will return to in a moment.

III. Protection Challenges

Conditions in Central and Southern Iraq

The situation in the central and southern parts of Iraq can be characterized as one of both generalized violence as well as one in which targeted violations of human rights are prevalent. Sectarian violence between Iraq's Sunni and Shi'a communities as well as among Shi'ites has sharply increased since the Samarra bombing on February 22, 2006. This incident led to targeted killings of thousands of Iraqis from both communities as well as other groups on the basis of their religious identity, resulting in massive displacement. Ethnic tensions have also increased in traditionally mixed areas such as Kirkuk, Mosul, and Diyala. In addition, other persons are being targeted by terrorist groups and militias through intimidation and acts of terror aimed at uprooting individuals from their areas of residence. Hostilities between the Multinational Forces and Iraqi Security Forces on the one hand and armed insurgents on the other are also causing population displacement.

Despite positive developments such as the approval of a Permanent Constitution in October 2005, the holding of the Council of Representatives' elections in December 2005, the formation of a national unity government in May 2006, and the ongoing development of the Iraqi Security Forces, Iraqi authorities are not yet able to provide residents with basic protection. Major political challenges remain unresolved, such as the issues of federalism and de-Ba'athification, which serves to undermine the Government of Iraq's stated goal of reconciliation and inclusiveness. In addition, the country suffers from high levels of unemployment; water, fuel, and electricity shortages; and significant shortcomings in health and education services, carrying the potential for social unrest.

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[1] Iraqis top the list of 40 nationalities seeking asylum in Europe. More than 8,100 applicants sought asylum during the first six months of 2006, which represents a 50-percent increase compared with the same period in 2005.

The Protection Environment in Neighboring Host Countries

The protection situation in the countries in the region that are hosting significant numbers of Iraqis varies. Turkey, Iran, and Egypt are signatories to the Refugee Convention, although UNHCR regularly undertakes individual refugee status determinations under its mandate, in light of the absence of functioning refugee status determination procedures. Syria and Jordan, which host the largest Iraqi populations (estimates are at least 500,000 Iraqis in each country), are not signatories and there is no structure for the protection of and assistance to Iraqis. The same is true in Lebanon, which hosts approximately 40,000 Iraqis. It should be noted that these three countries have already been hosting hundreds of thousands of Palestinian refugees for several decades.

Since 19 March 2003, UNHCR has advocated for recognition of the international protection needs of Iraqis outside their country of origin, and hence a suspension of forced returns. While States in the region have generally been very generous in their receptivity to arriving Iraqis, to date this has been effected by a general tolerance of Iraqis through limited periods of stay. This response, however, does not recognize specific entitlements or rights, such as the right to work, and has been characterized as "temporary protection." It also has no defined legal or administrative basis, and has been interpreted regionally as a situation of "tolerated illegality" that lacks any grounding in principles of protection.

Moreover, UNHCR is very concerned about increasing reports of deportations, visa restrictions, and denial of access at the borders to Iraqis attempting to flee. For example, Jordan has tightened entry for Iraqis, particularly for males between the ages of 18 and 35. UNHCR plans to increase its monitoring of the situation at the borders contingent on available resources in 2007.

We are also concerned about the difficult living conditions of large numbers of Iraqis in the region, a concern that is reinforced by reports from nongovernmental organizations (NGOs) and government entities. While there may be a high-profile and wealthy elite in exile, even relatively well-off families have in many cases depleted their resources due to their extended stay in host countries. Moreover, large numbers of poor Iraqis reside in low-income areas.

As a result, there are reports of women and girls forced to resort to prostitution and children forced into labor or other forms of exploitation in order to survive. A joint UN assessment in Syria found that some 30 percent of Iraqi children were not attending school and even when they were able to attend, the schools lacked basic resources such as textbooks, chairs, and stationary. The assessment also found that 4 percent of Iraqis are disabled and over 10 percent of families are headed by women, vulnerabilities that put such refugees at further risk of abuse and exploitation.

This situation is likely to deteriorate further as violence escalates in Iraq, the number forced to flee Iraq increases, and the coping mechanisms that Iraqis and their host communities have adopted are depleted. The urban (rather than camp-based) nature of the population will require innovative approaches to assistance that are individual, community, and institution-based.

The Situation of Internally Displaced Persons(IDPs) Inside Iraq

The situation of IDPs is increasingly precarious. Iraqi Governorates are beginning to refuse to accept new arrivals, claiming that their resources are depleted. The Kurdish Regional Government (KRG) has denied entry to IDPs who it deems "security threats" or "economic migrants."

A needs assessment conducted by UNHCR and its partner agencies found that IDP populations are urgently in need of food, essential non-food items, shelter, and access to water and sanitation. Registration and documentation, including the provision of food ration cards, are also needed to ensure protection and access to basic services.

While UNHCR has assumed the lead in Iraq in the protection of IDPs, our ability to deliver necessary services is severely hampered by the existing security constraints and our resulting lack of adequate presence.[2] UNHCR's protection and assistance activities related to IDPs are largely dedicated to providing legal advice and information; emergency distribution of non-food items such as tents, bedding, plastic sheeting, sanitary materials to women, and jerry cans; and the provision of Quick Impact Projects and livelihood grants.[3] UNHCR plans to continue to deliver targeted, limited, and focused interventions in support of IDPs, subject to security considerations and donor support, and to work with partner agencies to advocate on behalf of IDPs.

The Situation of Non-Iraqi Refugees Inside of Iraq

In south and central Iraq, UNHCR provides care and maintenance assistance to approximately 45,000 non-Iraqi refugees, such as Palestinians, Turkish, Syrians, Iranians, and Sudanese, virtually all of whom remain in a vulnerable situation. In the current environment, local integration of these populations in Iraq is not viable. A recent increase

[2] To date, UNHCR maintains a national staff of 31 country-wide and one international staff in northern Iraq. Staff that operates inside of Iraq is further supported by an additional 34 staff (15 international and 19 national) based regionally in Amman and Kuwait.

[3] In December 2005, UNHCR agreed in coordination with other UN agencies to lead the coordination of protection, camp management, and emergency shelter under the so-called IDP cluster approach in situations of forced displacement. The cluster approach is designed to more systematically and effectively address the protection and assistance needs of internally displaced persons, who are individuals in refugee-like circumstances but who have not crossed an international border and therefore fall outside the mandate of the Refugee Convention. UNHCR's work with IDPs in Iraq, however, actually pre-dates the cluster approach, dating back to 2003.

in targeted attacks against Palestinians in Baghdad in December resulted in at least 10 killed, scores wounded and hundreds moving to the border with Syria in search of effective protection.

While not the ideal means of program delivery, UNHCR relies on remote management to implement most of its life-saving assistance to such groups. Urgent interventions are required to identify resettlement or humanitarian evacuation options to ensure the protection of these refugees.

IV. UNHCR's Strategy to Promote Protection and Assistance and to Identify Durable Solutions for Iraqi Refugees

Protection and Assistance to and Promotion of Durable Solutions for Iraqi Refugees in the Surrounding Region

In view of the armed conflict and generalized violence that continues unabated in Iraq, Iraqis who are outside their country and are unable or unwilling to return may be presumed to have international protection needs. The promotion and facilitation of voluntary repatriation as a durable solution is not foreseeable in the current context. UNHCR is therefore adopting a pragmatic strategy toward protection in neighboring countries that seeks the widest possible protection space for Iraqis by promoting a common regional set of standards, identifying and delivering support and assistance to vulnerable individuals based on a regional registration system, and the strategic use of third country resettlement.

UNHCR will register all Iraqi applicants who approach our offices, with the goal of registering approximately 200,000 in Syria, Jordan, and other neighboring countries in 2007. The registration process will include the encoding of vulnerabilities assessed through the registration interview. All refugees will be issued documentation. The registration exercise will also help UNHCR to assess what protection or assistance interventions may be required. Such interventions could include conducting a best interests determination for children or a resettlement interview. Iraqis who are not registered with UNHCR and who are in detention and/or at risk of being deported will be identified through regular monitoring of detention centers and given access to registration or individual refugee status determinations when appropriate in order to prevent deportation.

UNHCR will not conduct individual refugee status determinations for all Iraqis, as such an exercise is neither feasible nor desirable. Instead, status determinations will depend on negotiations with host governments and the flexibility of resettlement countries in their own resettlement procedural requirements.

In recognition of the fact that in the current context some individuals can neither remain safely in their host countries nor will be able to return safely to Iraq, resettlement can be used as a critical protection tool to respond to the immediate legal and physical protection

needs of certain vulnerable individuals or groups. It can also be leveraged strategically as part of a comprehensive approach to ensure greater protection in the region for those who are not resettled. Resettlement can serve as an element of burden-sharing by the international community and thus increase the tolerance of host countries in the region for the reception and humane treatment of refugees. Such tolerance can be measured through continued access to the territory of the country in question, respect for the principle of non-*refoulement*, UNHCR access to refugees in detention, and access to basic rights and services such as education, health care, housing, and employment.

Therefore, UNHCR's initial assessment has projected a minimum need of approximately 13,270 individuals in need of resettlement. It can be reasonably expected that these numbers will increase throughout 2007 as UNHCR's ability to identify vulnerable cases expands with UNHCR planning to enhance its capacity to provide up to 20,000 resettlement referrals in 2007.

Resettlement, however, will not in quantifiable terms be the predominant durable solution for Iraqi refugees in the region due to the large numbers involved. Moreover, the strategic use of resettlement is dependent on UNHCR's resource capacity to register all Iraqis who approach UNHCR and to process resettlement applications as well as indications from resettlement countries that they are ready to receive resettlement referrals. It will also require the willingness of host countries to consider local solutions for those who are not resettled or who do not wish to resettle.

UNHCR is currently delineating standardized operating procedures for the Iraqi situation that will include a clear articulation of criteria for resettlement to be consistently applied across UNHCR offices and the region. These criteria will be based on certain categories of vulnerability, such as survivors of violence and torture, including sexual and gender based violence; women-at-risk; unaccompanied or separated children; and individuals with serious medical problems when no effective treatment is available in the country of asylum. Other categories will be based on certain protection concerns, such as members of minority groups and/or individuals who have been targeted in Iraq due to their religious or ethnic background and Iraqis who fled due to their association with the MNF, CPA, UN, foreign countries, or international and foreign institutions or companies.

UNHCR is in dialogue with the governments of several resettlement countries, including that of the United States, about increasing resettlement of Iraqi refugees. From January 1, 2003 through September 30, 2006, UNHCR referred globally 3,964 Iraqis for resettlement. During this same time, 3,430 Iraqis were successfully resettled to various countries, with Australia accepting the largest number of refugees.

During this same time span, 483 referrals of Iraq refugees were made to the United States, or about 12% of the total number of Iraqi refugees referred by UNHCR. This level is admittedly well below what normally we would hope to refer to the United States, which traditionally accepts at least half of UNHCR referrals. However, due to unusually long processing times in the US program for Iraqis after 9/11, UNHCR was compelled to

rely more heavily on other resettlement partners who could resettle Iraqi refugees in a more timely and predictable manner than was possible with the United States at the time.

There is no country that has provided greater support to UNHCR's global resettlement efforts than the United States. We would, therefore, welcome the potential for increased resettlement of Iraqi refugees to this country. At the same time, we would underscore that for resettlement to be an effective tool of protection, it is essential that decisions on cases be concluded in a reasonable timeframe, and that all parties have a shared understanding in advance of the criteria and standards to be applied.

In this regard, we hope that the bars to admission such as material support, which have proven to be problematic when we have referred refugees in the context of other resettlement operations, will not pose an undue obstacle to the resettlement of Iraqi refugees.[4] We remain quite concerned, as there are Iraqi refugees who participated in resistance activities against the regime of Saddam Hussein or who aided the Multinational Forces at the outset of the conflict who will be barred from admission to the United States if the same policy that has been applied to other refugee groups, such as the Burmese and Lao H'mong, is applied in the Iraqi context. We hope that legislative changes currently being developed to address the problems created by these bars will mitigate these types of barriers to the admission of *bona fide* refugees.

Resettlement must be accompanied by the delivery of systematic protection and assistance to refugees who remain in the region. Mechanisms to promote and facilitate protection and assistance for the vast majority of refugees who realistically will not be resettled must be augmented in host countries. This includes advocating for the maintenance of "open borders" and a halt to forced returns, conducting a comprehensive needs assessment in host countries, enhancing capacity to register all Iraqis who approach UNHCR offices in the region in order to identify the most vulnerable and to respond to their protection and assistance needs, and providing assistance to individuals and communities.

Protection and assistance should be delivered through host community networks, such as national social service agencies and members of civil society. This methodology will allow UNHCR to reach more beneficiaries, to advocate more effectively with host country authorities for more effective protection standards, and to support local infrastructures. Access to basic services such as health care and education must be promoted and facilitated for vulnerable Iraqis. Infrastructures in host countries that can provide such services must be adequately supported to accommodate the increased demands on such systems that result from hosting large refugee populations. Indirectly,

[4] UNHCR has decided to refrain from finalizing the submission of any refugee group to the United States for resettlement that may be subject to material support or related bars until the United States issues an effective waiver for the group. To facilitate this process, we are recommending that the United States Government evaluate proposed resettlement groups in advance and indicate which of those groups might be subject to material support or related bars to admission. This will enable UNHCR to then determine if referral to the US resettlement program is in the best interests of the refugees in question or puts them at greater risk.

UNHCR support to community networks will also benefit host communities and the most vulnerable within those communities.

Protection of and Assistance to Iraqi IDPs and Non-Iraqi Refugees Inside Iraq

Subject to access, UNHCR will seek to mitigate the increasingly harsh conditions faced by Iraqi IDPs through direct humanitarian assistance and support to their host communities. Basic assistance will be provided to individuals and groups to supplement strained resources, including emergency shelter, rehabilitation or repair of host family homes, and quick-impact improvements to community infrastructure. UNHCR will also expand the capacity of its network of Legal Aid and Information Centres.

It must be noted that while UNHCR staff may travel to Baghdad on brief missions, the security situation does not currently permit the long-term deployment of UNHCR international staff in Baghdad or other locations outside of the KRG. These restrictions will be reviewed in March 2007 by a UNHCR assessment team. In the interim, national staff, who work inside Iraq at grave risk to their own lives and safety should benefit from additional training in program management, protection, and security.

UNHCR has also made a priority the registration and issuance of documentation to non-Iraqi refugees inside Iraq in order to continue material, legal, and physical protection of this increasingly imperiled group. UNHCR urges that resettlement of non-Iraqi refugees inside of Iraq be considered as their situation is dire and local integration in Iraq is not feasible at this time and unlikely to become viable in the foreseeable future. Priority should be given to groups particularly targeted by militias. Other refugees, namely those from Iran, Turkey, and Syria, have expressed an intention to return to their countries of origin, provided that sufficient guarantees regarding their protection upon return are obtained.

Strategic Partnerships and Cooperation

UNHCR has identified as a priority the engagement of governments, local institutions, the public and media in its effort to promote and enhance protection in 2007. This outreach will also involve regional actors such as the Arab League, the Organization of the Islamic Conference, and the Gulf Cooperation Council and the development of strategic partnerships with respective Red Crescent Societies and UN and international organization partners, such as UNRWA, UNICEF, WFP, ICRC/IFRC, WHO, and IOM.

In the coming months, UNHCR also hopes to convene an international conference on Iraqi displacement, possibly in collaboration with the Arab League and/or the Organization of Islamic Conference. Such a conference could not only highlight the needs of displaced Iraqis, but could provide an opportunity to commend the hospitality of regional governments and challenge them to further strengthen such hospitality; explore

practical options to share the burden of Iraqi displacement, and facilitate dialogue between western governments and governments in the region.

IV. Funding Needs

As part of the fundamental review of our Iraq program, UNHCR released a Supplementary Budget Appeal last week. As summarized above, the main objectives of the revised program are to:

- Ensure effective protection and assistance to vulnerable Iraqis who have fled and who continue to flee to neighboring countries;
- Improve the delivery of protection and assistance to non-Iraqi refugees inside Iraq and to pursue durable solutions for such populations;
- Provide focused and targeted assistance to vulnerable IDPs and the communities hosting them inside of Iraq;
- Promote greater international attention to displaced Iraqis and non-Iraqi refugees in Iraq; and
- Update the UNHCR regional contingency plan and emergency operations plan.

Achievement of these objectives will require the full support of the international community and a significant increase in available resources. In 2007, UNHCR is seeking a total of $60 million dollars to cover our activities in Iraq itself as well as our activities in Syria, Jordan, Egypt, Lebanon, and Turkey that are related to the situation in Iraq. More that half of the funds requested will be dedicated to UNHCR operations in neighboring states.

This funding represents a 100 percent increase from 2006, when UNHCR launched an appeal of $29.8 million. Achieving full funding of the 2007 Appeal will present a significant challenge without the concerted support of the United States and other donors, given that we struggled to meet our 2006 goal, and ultimately fell short by several million dollars even in the context of a relatively modest budget. This forced us to reduce our activities inside Iraq and the surrounding region, including activities such as support to single refugee women in Jordan, food distribution in Syria, and children's education in Jordan and Syria.

Since 2003, the United States contribution to UNHCR's Iraq operation has been:

2003: $28.1 million (representing approximately 32 percent of UNHCR's budget appeal)
2004: $16.2 million (representing approximately 24 percent of UNHCR's budget appeal)
2005: $19.9 million (representing approximately 22 percent of UNHCR's budget appeal)
2006: $7.9 million (representing approximately 27.5 percent of UNHCR's budget appeal)

We look forward to continued generous support from the United States, particularly at this critical juncture of the operation.

V. Conclusion

In closing, Mr. Chairman and members of the Subcommittee, I would like to thank you for your leadership in highlighting and addressing the critical protection needs of Iraqi refugees and others of concern in the region. We look forward to working with you in the coming days to ensure that enhanced protection and assistance are delivered and durable solutions are identified through robust support and cooperation from the United States and other members of the international community. Only by working together with the international community will we be able to address the political, social, and financial impact of large-scale displacement in the region and to ensure full protection of individual refugees and others of concern.

Thank you, and I would be happy to address any questions or concerns you might have.

January 11, 2007

Chair and Ranking Member
The Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Chair and Ranking Member
The House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

Chair and Ranking Member
The Senate Committee on Foreign Relations
450 Dirksen Senate Office Building
Washington, DC 20510

Chair and Ranking Member
The House Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515

Dear Chairmen and Ranking Members:

We are writing to urge you to amend immigration laws that are defining innocent victims, including some of the US's most important allies, as terrorists and barring their admission to the United States.

Under current law, Hmong and Montagnards are being defined as terrorists and barred entry into the United States *because* they fought alongside the US during the Vietnam War. Rape victims forced into domestic servitude are being labeled supporters of terrorism *because* of the cooking and cleaning they were forced to do while enslaved. Burmese ethnic minorities are deemed terrorists *because* they defended their villages against one of the world's most brutal military regimes.

This is not an isolated problem. Hundreds already in the United States are being denied asylum or have had their cases put on a long-term hold and are put at risk of being returned to persecution and abuse. Thousands more who had previously been granted asylum are now being told that they cannot get their green cards and begin the process of naturalizing. And an additional several hundred previously admitted refugees and asylees are now being told that they cannot bring their spouses and minor children to join them.

We want to work with you to find a legislative solution that will prevent this absurd result – a result that is an embarrassment to the United States and that makes no sense from either a humanitarian or national security perspective.

We believe that any legislation must include as minimum, the following: (i) a streamlined process for ensuring that groups like the Hmong, Montagnards, Burmese ethnic minorities, Cuban Alzados, and others are not inadvertently categorized as terrorist organizations; (ii) a duress exception to the material support bar to protect victims of terrorism from being defined as "material supporters" of terrorism; and (iii) expanded waiver authority to give the

administration greater leeway to prevent the unintended consequences of these laws and a mechanism for individuals and groups to apply for such a waiver.

We also want to make clear that we will strongly oppose a piecemeal solution that does not address all three components of the problem and provide a real solution for the thousands of innocent individuals who are now being defined as terrorists and at risk of deportation to persecution.

Sincerely,

Michael Horowitz, Fellow
Director, Project for International Religious Liberty
Hudson Institute

Barrett Duke, Vice President for Public Policy
Ethics & Religious Liberty Commission
Southern Baptist Convention

Jennifer Daskal, Advocacy Director, US Program
Tom Malinowski, Washington Advocacy Director
Human Rights Watch

Gerald LeMelle, Deputy Executive Director
Amnesty International USA

Church World Service, Immigration and Refugee Program

Doug Bandow, Vice President of Policy
Citizen Outreach Project

Elisa Massimino
Washington Director
Human Rights First

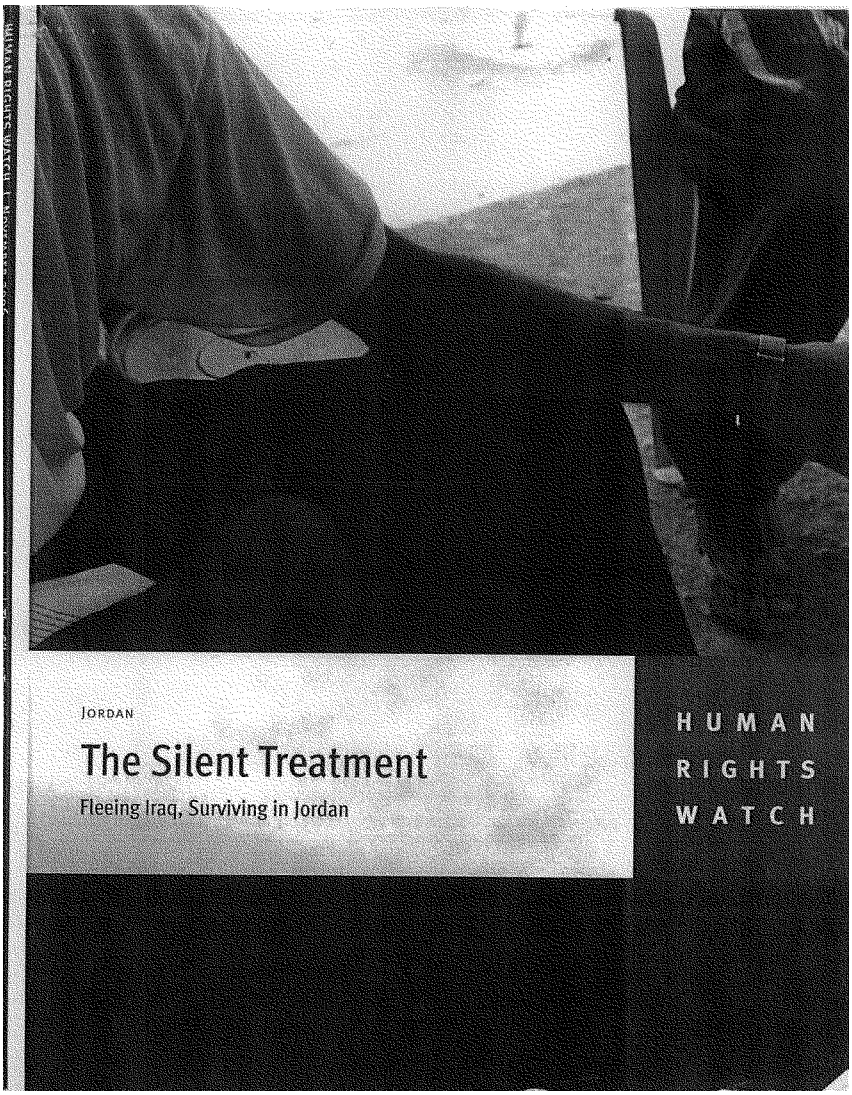
Kathryn Cameron Porter, President
Nadine Hoffman, Associate Director
Doug Green, Program Associate
Leadership Council for Human Rights

Michael D. Ostrolenk, National Director
Liberty Coalition

Doua Thor, Executive Director
Southeast Asia Resource Action Center (SEARAC)

Layli Miller-Muro, Executive Director
Tahirih Justice Center

World Relief


Jordan
The Silent Treatment
Fleeing Iraq, Surviving in Jordan
HUMAN
RIGHTS
WATCH

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

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[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:

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[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 Lebanon[7] 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

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[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.

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"The Plight of the Iraqi Refugees"
Testimony before Committee on the Judiciary
Tuesday, January 16, 2007

My name is John and I am 48 years old. I have a brief statement to give to the sub committee today. I would ask that my full statement be made part of the record. I am a native of Iraq born in Batnaya, Mosul. My family and I were granted asylum in the United States just two months ago.

My wife, my six children and I fled Iraq after terrorist groups targeted me and my family because I aided the Americans by supplying water to their service camps. I worked for a contractor paid by the American military to deliver water to its servicemen.

Additionally, my family and I are Chaldeans, and thus practicing Catholics. As a result we were often the targets of harassment and attacks by the Islamic majority who associated us with the Americans. It is because of this persecution that thousand of my fellow Chaldeans have fled Iraq making Christianity virtually extinct in the country.

On two occasions, I was beaten by Islamic terrorist groups that knew my name and threatened that if I did not leave the country I would be killed.

On the day of the first attack, I went to work delivering water to the Americans along with my son. At about 9 o'clock that morning, we saw what appeared to be a road blockade ahead. Before we could realize what was happening, my son and I were dragged out of the cab of our truck. We were positioned face down on the side of the road by a group of terrorists.

I could not make out the identity of these men but they were heavily armed and were wearing green bandanas decorated with the three-stars from the Iraqi flag. They kept saying to me, "Don't work with the Americans," and one of them struck me in the face with the butt of his gun permanently damaging jaw. Another man twisted my son's arm so severely that he broke it. They knew my name and instructed me that this was a warning and that I would be killed *if* I continued assisting the Americans. After they made their threat they departed, leaving us bloodied on the side of the road.

It was at this point that everything began to change for my family. My wife feared for our children's lives so much that she refused to let them go to school and I stayed up most nights watching out for any signs of trouble near our home.

Despite the warning from the first attack, I continued delivering water for the Americans.

I was attacked a second time, roughly five months after the first attack. I was alone making a delivery to the American soldiers. I was stopped on the road and a man got into my truck and pointed a gun at my head. He ordered me to follow the vehicle in front of me. I followed the vehicle into the desert.

When we stopped, five additional terrorists exited the vehicle and ordered me out of my truck. The men were speaking Farsi and were dressed in long white robes with masks covering their faces. The six terrorists blindfolded me and repeatedly struck me in the face with their guns. They called me by name and they knew I had been warned before. They told me they were going to kill me.

I pleaded for my life. Five of the terrorists were yelling "Kill him." One, however, spoke up and said "We will not kill you but you must leave the country immediately." If I did not leave, they promised me they would kidnap and slaughter my entire family. They continued to beat me until I was knocked unconscious. I awoke several hours later alone in the desert. I returned home to tell my family we had to leave the country immediately.

We had family in America and since my assistance to American soldiers was partly responsible for my family's persecution, we decided to flee Iraq for the United States.

When we collected the money we needed and left the only home we had ever known, I arranged for a bus to take us from Iraq to Turkey. We then paid smugglers to take us from Turkey across the border into Greece. Once we had enough money for travel, we arranged to leave Greece on September 9, 2005. My eldest son and daughter were able to board a plane leaving Greece successfully; however, officers at the airport stopped myself and the rest of my family, and told us we could not board the plane.

At this point, we were again too low on money to try another attempt at fleeing the country. Finally in June of last year, we secured enough money to board a plane in Greece with the help of smugglers. After traveling through five countries and four continents, we took a taxi cab from Mexico to the United States border. We crossed into America at San Ysidro, California. I handed the officers my false passport from Greece and told them that, "I was an Iraqi," and needed "their help." A few days later my family and I were taken to the Berks County Family Shelter in Leesport, Pennsylvania. We were in detention until our petition for asylum was

granted. Just one week later, we flew to California where I was reunited with my two children, my mother, and several other family members.

Two years ago yesterday, I was fleeing Iraq in the back of a bus just starting my long journey to America. My future was unknown. But now thanks to the help of many people, my family and I have been blessed with asylum in this country. I thank you for your graciousness in allowing me to speak here today and I ask that you continue to be as gracious to my former countrymen and fellow Chaldeans who have been forced to leave their homes. Thank you!

Statement
United States Senate Committee on the Judiciary
The Plight of Iraqi Refugees
January 16, 2007

The Honorable Edward Kennedy
United States Senator , Massachusetts

Edward M. Kennedy Statement on
Senate Judiciary Committee Hearing on
"The Plight of Iraqi Refugees"

Five years ago, Arthur Helton, perhaps this country's staunchest advocate for the rights of refugees wrote, "Refugees matter... for a wide variety of reasons... Refugees are a product of humanity's worst instincts – the willingness of some persons to oppress others – as well as some of its best instincts – the willingness of many to assist and protect the helpless... In personal terms, we care about refugees because of the seed of fear that lurks in all of us that can be stated so simply: it could be me."

A year later, Arthur Helton gave his life for his beliefs. He was killed in Baghdad in 2003 while meeting with UN Special Envoy Sergio Vieira de Mello when a terrorist bomb destroyed the UN headquarters in Iraq.

But his words resonate today, especially, as we consider the very human cost of the war in Iraq, and its tragic effect on the millions of Iraqis -- men, women and children -- who have fled their homes and their country to escape the violence of a nation increasingly at war with itself.

Today, in Iraq, according to the High Commissioner for Refugees, 1.7 million people have been driven from their homes; up to 2 million have sought refuge in neighboring countries. At least 700,000 are in Jordan, 600,000 in Syria, 80,000 in Egypt, 54,000 in Iran and 20,000 in Lebanon. Thousands more are on the move daily. More than 10% of the people of Iraq are refugees. And, we will see increasing numbers as sectarian, ethnic and generalized violence continue unabated.

Like other aspects of the war, we bear a heavy responsibility for their plight. As the Iraq Study Group stated, "Events in Iraq have been set in motion by American decisions and actions." The Study Group concluded that if this refugee situation "is not addressed, Iraq and the region could be further destabilized, and the humanitarian suffering could be severe."

America must respond. Last year, however, the United States admitted only 202 Iraqi refugees. A special immigrant visa program for U.S. military Iraqi and Afghan translators currently has a six-year waiting list. We can do better than that.

The answer, of course, is not to bring every Iraqi refugee to the United States. But, we have a special obligation to keep faith with the Iraqis who have bravely worked for us – and have often paid a terrible price for it – by providing them with safe refuge in the U.S. I hope this hearing will inform us all about how we might better assist Iraqis refugees and enable us to deal with it fairly and quickly.

We should work urgently with Iraq's neighbors, especially Jordan, Syria, and Lebanon, who are bearing the greatest refugee burden. Prompt action is essential to prevent destabilization of the region, and to relieve suffering and save lives. An international conference sponsored by the countries in the region and the United Nations could be a first step in addressing the growing needs of Iraqi refugees

and internally displaced persons.

Our nation is spending $8 billion a month to wage the war in Iraq. Yet to meet the urgent humanitarian needs of the refugees who have fled the war, the State Department plans to spend only $20 million in the current fiscal year. The UNHCR has issued a $60 million dollar appeal to fund its work with Iraqis for the next 12 months. Clearly, the United States should fund the bulk of that amount and take other steps to ease the burden on countries hosting large numbers of these refugees.

Our witnesses today will testify about personal stories of courage, loyalty, heroism and tragedy. They represent only a small number of countless stories of human indignity and suffering. Others have been criticized as traitors, infidels, and agents of the occupier. Some among them, such as Chaldean Christians, have long been persecuted for their religious beliefs. We owe a special duty to protect all of them and their loved ones who are being targeted by insurgents and sectarian death squads because of their faith or their association with the United States.

I thank Assistant Secretary Sauerbrey and the Office of the United Nations High Commissioner for Refugees for being here and look forward to their plans for dealing with this extraordinary human tragedy. And we thank the other witnesses for sharing their stories of fear, cruelty and triumph. You are the human faces of this global problem.

The Senate Committee on the Judiciary
Hearing on "The Plight of Iraqi Refugees"
Tuesday, January 16, 2007 at 2:00 p.m.
Dirksen Senate Office Building Room 226

Remarks by Arthur B. Keys, Jr.
President and CEO
International Relief and Development (IRD)

Chairman Leahy and members of the Senate Judiciary Committee, thank you for the opportunity to discuss the plight of Iraq's refugees and Internally Displaced People (IDPs). Tragically, sectarian violence has continued to escalate throughout Iraq, displacing more than 1.7 million Iraqis within the country and forcing an additional two million to flee to neighboring countries. The increasing vulnerability of Iraq's displaced people makes continued funding for relief agencies such as the U.S. Office for Foreign Disaster Assistance (OFDA) more important than ever.

- In FY 2005 and FY 2006, OFDA committed $70 million in humanitarian assistance for Iraq. While this is commendable, more and more Iraqis are driven from their homes every day. Without increased resources and funding, OFDA and its partners will not be able to meet the growing needs of Iraq's IDPs and refugees.
- We urge you to use the upcoming supplemental as a vehicle for increasing emergency funding for OFDA.
- Doing so will ease the suffering of Iraq's most vulnerable groups while also working to help stabilize the country and reduce the large numbers of refugees that are placing considerable economic and political strain on neighboring countries throughout the Middle East.

IRD and other private voluntary organizations currently work in partnership with OFDA to help meet the growing needs of Iraq's displaced families. IRD has been providing emergency relief to IDPs in North and Central Iraq since January 2005. Our humanitarian assistance programs include distributing blankets, mattresses, cooking stoves and generators to more than 260,000 vulnerable IDPs. Furthermore, we are working to increase access to basic shelters, water for drinking and hygiene purposes, healthcare services, income generation activities, and to create healthy and sanitary conditions. Although IRD and other organizations are working on the ground to provide urgently needed relief to Iraqi IDPs, more must be done to help these displaced families.

According to the United Nation's High Commission for Refugees (UNHCR), up to two million Iraqis have fled the dangers of their country and have been forced to live as refugees in neighboring countries such as Syria, Jordan and Egypt. This is the largest mass migration in the Middle East since 1948, threatening regional stability and the fragile ethnic and religious balance throughout the region. More funding is needed to ease the rising tensions between the host countries and the Iraqi refugees. Such large displaced Iraqi populations now place a considerable strain on the social infrastructure of these host countries, particularly in the health and education sectors. The growing political and economic tension within these communities threatens to destabilize not only the host country but could lead to inflamed ethnic and religious conflict throughout the entire region.

Furthermore, we cannot ignore the nearly 50,000 Sunnis, Shiites and Kurds that are driven from their homes each month by armed groups and militias. To date, more than 1.7 million Iraqis have been forced from their homes, with 500,000 of the total displaced since the Samarra bombings in February 2006. They must now seek refuge with other family members or live in public buildings such as schools, mosques

and former military compounds which leave them vulnerable to sectarian persecution. Displaced women and children are particularly at risk and face the additional threat of sexual and/or labor exploitation. Tens of thousands of Iraqis fleeing the violence find themselves without access to basic health care, shelter, food, water and sanitation, education and livelihoods. Without increased funding, the desperate conditions in which these IDPs struggle to survive will only worsen.

One such IDP is a young man from Baghdad who fled to Fallujah with his mother and two younger sisters in June 2006. His father was killed in the Iraq-Iran war, and at the age of 18, he has assumed the responsibilities as the head of his household. In order to provide for his family, he participated in IRD's humanitarian assistance program that provided him with employment and pay for one month. However, without additional funding the program will soon finish, leaving him with no other job opportunity or skill. Without work to occupy his day or money to provide for his family, he will pose a tempting recruit to the many militias and insurgents that prey on the vulnerability of such families.

Due to the overwhelming and immediate needs of Iraqi refugee and IDPs, additional funding is needed so that these vulnerable people do not continue to suffer in squalid living conditions and bear the fate of fellow Iraqis killed in the name of sectarian hatred. With one in eight Iraqis displaced, we have a moral obligation to act quickly to ensure the protection and survival of Iraq's most vulnerable groups by increasing funding for OFDA and private voluntary organizations working on the ground.

In doing so, we can help bring stability to Iraq's displaced groups, mitigate the political and economic strain placed on neighboring countries, and cross sectarian barriers to quickly and efficiently provide humanitarian assistance to those populations most at risk to violence and persecution.

Statement of Senator Patrick Leahy
Hearing on the "The Plight of Iraqi Refugees"
Judiciary Committee
January 16, 2007

Today the Committee focuses its attention on the current refugee crisis caused by the deteriorating situation in Iraq. Our hearing comes at a time when momentum for bipartisan reform to address this crisis has never been stronger, and it continues to grow. I thank our witnesses for being here, two of whom are appearing at considerable personal risk. In a moment, I will turn this hearing over to Senator Kennedy, who will chair the Immigration Subcommittee when the Committee organizes. First, I would like to make a few observations.

Among the estimated 1.8 million Iraqis who have fled their country are hundreds of thousands of destitute refugees who escaped to neighboring countries with little more than they could carry. Many have been denied refugee status and even forced back into Iraq.

I am particularly concerned that we have not made provisions or created the legal authority necessary in this country to secure those Iraqis who have aided American efforts there. We should not repeat the tragic and immoral mistake from the Vietnam era and leave friends without a refuge and subject to violent reprisals.

I am also concerned about Iraq's scholars. Many have been killed or been targeted for assassination. Others have gone into hiding. Iraq's best hope is its younger generation, and if they are unable to continue their academic studies, their ability to contribute to Iraq's future will be severely damaged.

Secretary Sauerbrey, I would like to meet with you soon to discuss ways that we can assist those who have aided our forces in Iraq. I also want to discuss with you the special plight of Iraqi scholars along with ways we can help them resettle outside Iraq where they can safely continue their academic research and instruction.

I would hope that today's hearing also highlights all that still needs to be done to help other asylum seekers and refugees. I believe congressional action is overdue to prevent further injustice resulting from the "material support bar" to refugee admissions. This is an issue that is fundamental to America's role as a leading protector of fundamental human rights. These guiding principles and our national security are not mutually exclusive.

Hundreds of people already in the United States are being denied asylum and now face being returned to persecution. Thousands more who had previously been granted asylum are now being denied legal resident status. And several hundred previously admitted refugees and asylees are now being denied reunification with their loved ones. This is perverse. It should also be an embarrassment to us as stewards of the principles of a country that has been known throughout our history as a safe haven for refugees.

I am heartened that the editorial boards of our nation's leading newspapers have spoken out strongly in recognizing the injustice the current law is causing. In addition, conservative religious activists have recently joined our efforts. I welcome them to the issue and ask that a copy of a January 11 letter to me and Senator Specter from a broad range of organizations—which includes Human Rights Watch and Human Rights First as well as the Hudson Institute and the Southern Baptist Convention—be included in the record. Changing the material support bar to make it consistent with our nation's commitment to human rights is something that should unite us across ideological and party lines. It is time to bring our laws back in line with our values.

The "material support" bar is causing unnecessary and unintended hardships. Let me give an example: During the war in Liberia rebels came to a woman's home, shot and killed her father, raped and abducted her, and forced her to perform household tasks like laundry and cooking. She eventually escaped and made her way to a refugee camp, where she sought admission to the United States. But the tasks she performed for the rebels – like doing laundry – were considered to be "material support" and her case was placed on indefinite hold.

Some have argued that there is no need to amend the law because the Administration has the authority to waive the law in extreme cases. But in the four years since these bars were expanded, and after months of bureaucratic wrangling, the Administration has used its waiver authority only under pressure, and exceedingly sparingly.

The waiver process is cumbersome – requiring the agreement of three different agencies that rarely agree: the Department of State, Department of Justice, and Department of Defense. It is also limited. And the waiver authority, although available, has never been used in cases of coercion, like the case of the Liberian woman, that cry out for relief. This is not right.

The Administration has been abysmally slow to recognize the hardship this law has created. Last Congress when I proposed an amendment to create a sensible reworking of the law, the Administration opposed it with misrepresentations and overstatements rather than engaging in accurate and meaningful debate. Only when the pressure has become too great to resist has the Administration acted. But they have acted in such a way as to exclude any input from the Congress. On January 12, 2007, with no prior consultation whatsoever with my office, nor, I believe with Senator Kennedy's office, and at a hurried briefing for congressional staff, the Administration announced its unilateral solution: a solution that in my view falls short of what is needed. This is no way for President Bush to maintain his recently stated commitment to bipartisan cooperation. We need legislative action arrived at through meaningful give and take—not more unilateral promises from the Administration for vague and open-ended solutions.

Regrettably, the Administration's latest proposal contains no provision for duress cases. Although representatives have assured us that procedures will be put in place to evaluate duress claims with respect to "tier III" undesignated groups, there is no provision for the

victim who is forced into providing even the most minimal assistance to a group designated a "tier I" or "tier II" terrorist group. In my judgment, this remains insufficient and we should enact clear statutory guidance.

The Administration's proposal also contains no process for individuals to apply for a waiver, nor is there any timeline for waiver determinations to be made. The proposal also strips asylum seekers of the ability to go to court to review a revocation of a waiver or any other administrative decision regarding the waiver. The Administration's proposal also requires "concurrence" between the Departments of Justice, Homeland Security, and State before any determination can be made that a tier III group be granted a waiver. I am concerned that this will merely serve to perpetuate the Administration's glacial pace and nonaction.

Last week, Secretary Chertoff issued a press release stating his intention to use his authority to exempt eight groups from the reach of the "material support" bar, and called on Congress to enact legislation to augment these efforts. I hope the Secretary's statement signals a sincere desire to work with Congress to enact the necessary changes to the existing law.

There are Senators on both sides of the aisle who care about this issue, including myself and Senators Kennedy, Coleman, and Brownback. We need to fix this problem in a manner that provides predictability, defines reasonable time periods, and ensures fairness. We do not want half measures. If we work together, I am confident we can craft a solution that will put an end to the unintended consequences of the current law without compromising our national security.

# # # # #

A safe house for Iraqi allies

The absurd U.S. policy on asylum should make room for Iraqis who are in danger because they worked for American agencies.

By Kirk W. Johnson

KIRK W. JOHNSON, an Arabist, worked for the USAID as regional coordinator on reconstruction in Fallouja in 2005.

December 15, 2006

I RECENTLY HEARD FROM an Iraqi friend of mine, whose identity I am compelled to conceal. Until a month ago, Y was working for the U.S. Agency for International Development, helping in its multibillion-dollar effort to rebuild Iraq. After two years of sneaking into the Green Zone to work for the United States, his identity was exposed.

He was spotted leaving a checkpoint by someone from his neighborhood. The next day he found a note on his front steps that said, "We are going to cut off your heads and throw them in the trash." Beside it was the severed head of a small dog, writhing with maggots and flies.

Sadly, it wasn't the first time I'd heard of such threats. A year ago, when I was working for the USAID on the reconstruction in Fallouja, the first of many Iraqi employees was forced to flee the country. Insurgents raked her house with bullets after discovering that she was working for the Americans.

Despite the bubble we built around our "Emerald City" in Baghdad, any Iraqi (or LES — locally engaged staff — in State Department parlance) works for the Americans at great risk. In a November 2005 cable leaked to the Washington Post, the U.S. Embassy in Baghdad reported that "two of our LES employees have been gunned down in execution-style murders, and two others barely escaped a similar fate in August. Our LES employees live in fear of being identified with the Embassy of the U.S."

Months later, in June 2006, embassy officials wrote of an increasingly bleak situation for their Iraqi staff: "Employees began reporting a change in demeanor of guards at the Green Zone checkpoints. They seemed to be more militia-like, in some cases seemingly taunting. One employee asked us to

explore getting her press credentials because the guards had held her embassy badge up and proclaimed loudly … 'Embassy' as she entered. Such information is a death sentence if overheard by the wrong people." The message continues: "A few staff members approached us to ask what provisions would we make for them if we evacuate." The answer, shamefully, is none.

And there are also no formal policies or mechanisms to help Iraqis such as Y. Though the USAID might have wanted to do more, the best it could offer Y was a short-term stay within its Green Zone compound, a non-solution that would likely exacerbate his situation.

The U.S. Embassy might have granted him a visa, had it ever opened a visa processing center. But probably not. Though Congress passed legislation last year to grant special visas to those who serve as translators for the military, there are no provisions made for Iraqis who have worked with distinction on the civilian side.

So, with little more than a "good luck" from us, Y and his wife packed what they could carry, hugged their loved ones goodbye and fled the country.

According to the U.N. High Commissioner for Refugees, more than 1.6 million people have fled Iraq since the invasion, and recent estimates show their numbers increasing by about 100,000 each month. More than 1.5 million Iraqis have been displaced by violence within their country, a number growing at the staggering rate of 50,000 per month.

President Bush and Congress bear a moral responsibility to those Iraqis whose lives are imperiled because of their willingness to help us. We need to move swiftly to expand the special immigrant status beyond the military translators to permit these Iraqis asylum in our country. The U.S. Embassy should be equipped to issue such visas to Iraqis who already have obtained security clearances to work for our government. I am not advocating absorbing every Iraqi displaced by violence, but rather, offering a life preserver to Iraqis who believed in the U.S. enough to help us when we needed them most. Let us not lengthen the shadow cast by our abandonment of those Iraqis who rebelled against tyranny in 1991 and 1996.

Beyond any moral considerations, there is a strategic imperative. Behind Afghanistan, Iraq is the greatest producer of refugees in the world. Though

most head to Syria or Jordan, the latter of which has begun deporting Iraqi refugees, the entire region is warily eyeing the influx of the needy. Where large numbers of refugees go, instability has a nasty tendency to follow. Protests broke out in Cairo this month when Iraqis demanded that their children be allowed to attend Egyptian schools.

Meanwhile, the budget for the UNHCR's Iraq program — which could help ease the strain on governments in the region — was halved for the coming year. Its current budget of $29 million is only 60% funded. (By comparison, the U.S. military spends more than $29 million in Iraq every three hours.) The president needs to lead the international donor community by dramatically increasing our financial support to the UNHCR's program for the coming year, enabling it to properly identify and assist refugees. Our policy of indifference will further strain our relations with Iraq's neighbors, who are already apprehensive about the swelling ranks of unemployed and hopeless Iraqis.

In the U.S., a great number of services exist for refugees, but they have to first reach American soil. In fiscal year 2005, the most recent figures available, there were 198 visas issued to Iraqis — nearly all of whom had applied before the war. Some reports indicate a similar number resettled in fiscal year 2006. The Bush administration has authorized only 500 visas for 2007. Though he has the legal authority to admit 20,000 more, Bush has avoided the resettlement of Iraqi refugees because of "the psychological message it would send, that [Iraq] is a losing cause," according to Arthur Dewey, his former assistant secretary of State for refugee affairs. This is an immigration policy that careens toward moral cowardice.

I am trying to help Y obtain asylum here. This seems to me the least the U.S. can do to repay his commitment. He is now on a short-term visa in a Persian Gulf country, frantically searching for any job, and for help. In closing a despairing message to me last week, he wrote, "Maybe I will be forced to go back to Iraq to lose my life." He has only a few weeks left before he and his wife will likely be made to return to Iraq, to the death threat that awaits them.

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Written Statement of Farqad Moshili
The Senate Committee on the Judiciary
hearing on
"The Plight of Iraqi Refugees"
January 16, 2007 2:00 PM

I am a 30 years old computer engineer and a graduate from Baghdad's most prestigious schools, which is the University of Baghdad. I come from a middle-income family. My father is a retired lawyer and my mother is a retired elementary school teacher.

My family- father, mother, two brothers, two sisters and me live in our own house in Khadra'a district of West Baghdad. Our neighborhood used to be mixed Sunni and Shiite district until the beginning of 2006, when Sunni insurgents managed to drive out most of its Shiites.

My family was targeted because of my previous work with the Coalition Provisional Authority CPA and the Project and Contracting Office PCO. According to my family, a warning threat was endorsed to my family in the form of red graffiti that have labeled my family and me as TRAITORS and AGENTS of the occupier. Upon receiving that threat, my family were told by neighbors that it was my work that had instigated the death threat and therefore they decided to escape the neighborhood where my parents had lived since their marriage and eventually seeking escaping the whole country.

Briefly after the fall of the regime I, like many other Iraqis, have had a dream of rebuilding Iraq. I have sought in the American forces as liberators from a dictator whom evil works have terrorized our life for nearly three decades. Hence I have started working for American forces in April of 2003. My first job was with the US Marines in Baghdad. I was a personal interpreter for Captain Ezra Carbins, Civil Affairs Office, USMC. My mission was to accompany Captain Carbins to the different districts of Baghdad.

Few days after the US Marines moved their command center, I have had the opportunity to join the US Army as an interpreter in what was known as the Green Zone. I worked as an interpreter for the 422nd Civil Affairs Battalion

under the command of Lt. Colonel R. Alan King through its various tasks.

In May 2003, I moved to the Office of Reconstruction and Humanitarian Assistance under the administration of the Civil Administrator Gen. Jay Garner. There, I worked in Baghdad Central Office under the administration of Ted Morse and Lt. General Carl A. Strock, a Major General at that time--He is currently the Chief of Engineers and Commanding General of the U.S. Army Corps on Engineers. I worked with the engineering team in their missions to Abu Graib prison, the future Iraqi Army base in Diyala province, etc.

By the fall of 2003, insecurity worsened for almost every Iraqi and American in Iraq. People, like me, who have worked with the Coalition, have had the burden of insecurity. We were referred to as "Agents of the infidel," "Collaborators," "Traitors,"...etc. By the end of 2003, we have become soft targets for the insurgency. I have lost three of my colleagues by March, 2004. They were assassinated as a result of their work in the Green Zone. Growing worries of similar fate, I have come to a decision to limit my visits outside the compound of the Green Zone. American Forces did not allow us to sleep in the Green Zone by that time therefore I decided to sleep inside my car during the night in a parking lot inside the compound.

For the coming months, my visits to my family were reduced and I would not have the chance to see them for several weeks despite the fact that my house is 15 minutes away. It became extremely difficult to leave the Green Zone and return back safely. I used to take showers in a mobile plastic-bathroom provided by Americans in the Green Zone. Despite all that, I and my Iraqi colleagues continued supporting the US Mission. The superior commanders I worked for were highly appreciative for the sacrifice I and other Iraqi colleagues were giving.

With the heap of political and criminal assassinations in early 2005, our lives were increasingly in danger as we were regarded as traitors not only by Sunni insurgents, but by Shiite militias and rogue elements of the Iraqi security forces. Every day passing in the Green Zone came with bitterness and more sad stories about colleagues; some experienced kidnapping and luckily survived after paying very high ransoms. Of the top of my head, I could remember two of my colleagues who paid very high ransoms. Other colleagues were unlucky and were assassinated.

I was lucky to apply for a Fulbright Scholarship and earn it to study in USA. I left Iraq in May 16, 2005. Since then I am still in contact with my colleagues who still until this very day work with the American Forces in a desperate attempt to rebuild Iraq. Many of them have lost their lives, those who still alive have knitted together their fate to the Americans. Their main worries are that their faith in the liberators might lead to their death if America leaves Iraq BROKEN.

What makes the dilemma even worse is this: With the rising sectarian fundamental Islamists to power whether they are Sunnis or Shiites, one thing remains true; people like us shall have no place among these Islamists. I am afraid that even if problems settle down in Iraq and Sunnis and Shiites unite, people like me will still be regarded as agents of the occupier for a long time. Extremists on both sides have become overwhelming to the extent that makes it logical to predict that it will last for a long time in Iraq. Our fate is predetermined and our worries are fairly legitimate.

If these worries were true and America leaves Iraq, these brave men and women will be the first to be murdered because of their faith in the Americans. I myself was denied the opportunity to exercise a normal right to pursue a PhD after I have received a preliminary acceptance for a PhD program and I also was denied an Academic Training opportunity by the State Department. The reason as I was informed by the International Institute for Education- a dependent agency that runs the Fulbright Program on behalf of the Department of State- was that the Fulbright program prevents some countries from extending their scholarship visa including my country "Iraq." As a result I have to return to Iraq where my family is already internally displaced. Of course I cannot live with them as this would worsen their problem. Eventually, the only logical solution would be to imprison myself in the Green Zone if I return to Iraq.

Suggestions:

1. American Government should take special considerations of the people who sacrificed their lives for a mutual goal. At the end, these were the same

people who have had the courage to carry their lives in their hand, as we say in Iraq, and step forward to support the Americans and their own country.
2. Those who have had the chance to work as field interpreters with the MNF-I platoons should be at the top priority as their identities are more exposed than others working inside the Green Zone. Hence their lives have been put in extreme danger.
3. I have noticed that there were only 202 refugees accepted last year to enter America. This number is shallow. The situation in Iraq requires this number to be tremendously increased.
4. Jordan, Turkey, Kingdom of Saudi Arabia, and Kuwait have denied Iraqis entry. American government should exert pressure on these governments to allow Iraqis to travel to these countries.
5. Either the American government should help Iraqis in Jordan and Syria financially or the American government should exert pressure on the Iraqi government to provide these Iraqis with financial assistance that they are in desperate need for.

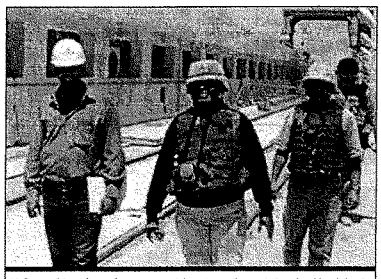
With life at stake, engineer stays determined

Print

Wednesday, 11 October 2006

By Polli Barnes Keller
Gulf Region North
U.S. Army Corps of Engineers

TIKRIT — Having one brother murdered and a brother-in-law kidnapped and tortured, Sa'ad Rasheed narrowly escaped with his life but continues working in the reconstruction of his country.



U.S. and Iraqi engineers working together at the An Nasiriyah drainage pump station project. U.S. Army photo tby James Bullinger.

Daily, Iraq is featured in western media headlines. Reports of insurgents jam the news waves with doom and gloom. While the dangers are real and bad things happen, the real stories here are the ones of bravery and dedication.

Bricks and mortar may not be as exciting or as riveting as insurgents ambushing the innocent, but dedication and commitment to rebuilding a country, risking life and limb in doing so is certainly worthy of headline news and the attention of the world.

The U.S. Army Corps of Engineers, Gulf Region North employs 53 Iraqi citizens working in different fields of expertise. From project managers to construction representatives, these citizens are working to rebuild their country and their future in spite of the dangers in doing so.

One such employee is Sa'ad Rasheed, deputy resident engineer for a US Army Corps of Engineers' resident office. Rasheed, an engineer by trade and a veteran of the Iran-Iraq War in 1980, has journeyed through many heartbreaking moments in his life. Yet, he refuses to quit the mission and remains focused on ensuring a better future for his children and theirs to come.

Witnessing the suffering and damage committed to the Kuwaiti people by the government, Rasheed cultivated disappointment and hatred for the ruthless dictatorship that held Iraq captive. It was 1990 when his hopes and dreams for a better Iraq were restored as he watched US Forces invade Kuwait.

But these hopes and dreams soon faded as the war stopped dramatically and the U.S. embargo began. More and more each day, the poor people felt the stronghold of the restrictions put on Iraq while watching the regime grow in strength. Rasheed was again filled with disappointment.

Eight years later, elated with joy, Rasheed watched as the American Soldiers entered Baghdad and toppled statues of Saddam Hussein. Within days, he and his elder brother stood in front of the Meridian Hotel in Baghdad offering their services to the Americans.

While working as a linguist for the U.S. Army Civil Military Operations Center in Mosul, he received an opportunity to work with the 326th Engineering Battalion-101st Division. It was here he gained a great respect for the American Soldier. He saw the great men of this organization as symbols of a high standard of humanity. He witnessed their discipline and respect for their mission and for Iraq.

Having an engineering background, it wasn't long before the leaders of the 326th offered Rasheed a position. The establishment of the American Field Engineering Support Team (AFEST) opened the door for a new life.

The AFEST team, designed to train Iraqi engineers in making assessments and estimating damage to buildings and facilities, worked with its counterpart, the Iraqi Field Engineering Support Team (IFEST) made up of local engineers in making key plans for all the damaged buildings and facilities in Mosul and the surrounding Northern provinces. Rasheed was the first Iraqi engineer hired.

Within eighteen months, the IFEST team possessed the expertise and capability to work on their own. The team covered most facilities in Mosul including hospitals , clinics, schools, police stations, courthouses, banks, electrical plants, water and irrigation stations, border facilities, grain silos cement, textile and sugar factories as well as oil deposits and refineries.

"The work was pure engineering, not mixed with any expectations or surprises; the common theme was the good relationship with the U.S. and the mutual care and understanding on both official and personal categories," said Rasheed.

Good things were happening with the reconstruction effort; however the security situation worsened by the day. The engineers began receiving threats. Realizing they had no protection, members of the team began to leave for fear of losing their lives. Rasheed, the last engineer, moved his family three times to stay one step ahead of insurgents. Finally, no longer able to return to his office for fear of being seen, he decided to resign and the missions came to a stand still.

The U.S. Army Corps of Engineers offered Rasheed a position in a northern region where it was safer. It was clear to him that the Corps truly cared about the people of Iraq, so he accepted the position and immediately moved his family.

Unfortunately, the insurgents did not give up. Two months after moving his family to the north, Rahseed's brother was murdered in front of an internet café in Mosul. Still looking for information concerning his whereabouts, the insurgents kidnapped and tortured his 18- year old brother-in-law. The young man escaped during the night and went into hiding in Baghdad.

Still, they did not stop. The relentless team of insurgents went to the young man's home and threatened his 72-year- old father. Swearing Rasheed had left the country, the gentleman paid the criminals $300,000 to ensure the safety of his refugee son. The stress of the event caused the old man to suffer a heart attack. He died a few weeks later. Grief stricken and afraid, Rasheed sent word to Baghdad for the brother-in-law to come north and live with his family.

Again they would be tormented. Information received from friends in Mosul, led to the evacuation of his family to yet another area in the north. The insurgents knew of his location and were on their way.

During this time of fear and unrest, Rasheed continued to work for the U.S. Army Corps of Engineers. Today, he and his family are safe. He travels great distances at his own expense to keep the location of his family secret and to continue his mission.

Working in a safe area and holding the position of Deputy Resident Engineer, Rasheed wants to tell the public and the government officials that he is working with the U.S. Army Corps of Engineers. His hope for the future is that the U.S. and Iraq stay in contact and have more interaction for the good of both countries. He would like his people to participate in training courses and lectures preferably in the US so his country can observe and learn the system of democracy and liberty where it all began; to see the place where freedom has a real meaning.

Close Window

U.S. Soldiers extend olive branch

Print

Monday, 25 December 2006

Story and photo by Spc. Alexandra Hemmerly-Brown
210th MPAD

LSA ANACONDA — The olive tree. It has long held deep-seeded symbolism in several cultures; the crown of Olympic champions in ancient Greece, a sign of peace in Christian and Jewish faiths, and an icon of the Prophet Mohammed in Islam.

Shajarat zaytun in Arabic, the olive tree is very hearty and long-lived, and can survive in conditions of almost total neglect. The tree is not especially remarkable in appearance or stature, but its meaning and practical use is where this little tree leaves its mark.

A few centuries of symbolism combined with three Iraqi citizens, two U.S. Army colonels, and one Army Reserve unit, and you are left with a lasting legacy of the partnership between U.S. forces and the people of Iraq.

On Dec. 23, a ceremony was held by the 164th Corps Support Group which falls under the 13th Sustainment Command (Expeditionary), to begin the planting of 164 olive trees on Anaconda.

"The olive tree is a symbol of peace and this is the message we want to leave the citizens of Iraq," said Master Sgt. Patricia A. Marsano, the field ordering officer for the 164th.

The Crestline, Ohio native said the olive tree project was a challenge from her command to leave her unit's area on Anaconda better than how they found it.

"There are so many trees dying around here, so we researched what kind would survive best in this environment. Also, it's the symbol of peace which we all hope for," Marsano said. She said the unit thought trees would be a fitting gesture for both their practical use in this country and their symbolism.

Marsano, along with the help of 1st Sgt. Roberto Galicia of Ontario, Calif., also of the 164th, approached the California Rare Fruit Growers, Inc., in September, and submitted the request for a donation of olive trees to plant in Iraq.

The CRFG responded with great interest in assisting the Soldiers and set out to find a grower who would help with the project. In the end, 164 olive trees of five different varieties were sent to Iraq via Federal Express, who footed the shipping bill.

The trees were shipped Dec. 7 and arrived on Anaconda in time to be planted as an unconventional kind of Christmas tree.

"It holds extra meaning, especially this time of year ... it is the spirit of giving," Marsano said.

At the ceremony, three trees were planted; two by U.S. Army colonels, and one by a group of three Iraqi citizens who work on the base. The remainder of the 164 trees will be planted along Anaconda's main road, Pennsylvania Avenue, within the next few days.

Maithan Saeed, an Iraqi citizen and translator on the base, was one of the three Iraqis who took part in the ceremony.

"It's a small contract for friends," Saeed said of the trees. From the small town of Dujail near Balad, Saeed grew up in a farming area and knows the worth of this versatile tree.

Olives are a staple of the Iraqi diet. The fruit's oil can be used for cooking, lamp oil, cosmetics, and medicine, and the tree bears strong timber. The versatility of the tree, and the fact that every part of it can be used,

demonstrate how the plant is invaluable to the Iraqi people.

"We respect this tree because it came from heaven," Saeed said of the tree's significance in the Muslim faith.

Saeed, who has been an interpreter for U.S. troops for two years and a security guard on this base before then, said the act shows the friendship between the two nations.

"I believe there is too much wrong in this country," Saeed said of why he wanted to work for the Americans. Since coming to work on Anaconda, Saeed has been shot at twice on visits to his village and can no longer return to his own home. He is currently working on obtaining a visa to the United States where he may be awarded American citizenship for aiding the troops here.

Just in time for Christmas, this gesture can be an example of how future relations in Iraq would hope to be seen. Hearty, strong, and lasting as the olive tree.

"It represents the very essence of why we serve, and ultimately represents the hope for this nation, and for the peaceful existence of all the people of Iraq," said Col. Megan P. Tatu, commander of the 164th.

Simultaneously on this day in a different time zone, the CRFG orchestrated a planting in San Luis Obispo, Calif., to demonstrate the gift of peace from the American people, to their Iraqi counterparts.

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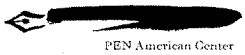


Written Statement of PEN American Center

The Senate Committee on the Judiciary

hearing on

"The Plight of Iraqi Refugees"

January 16, 2007 2:00 PM

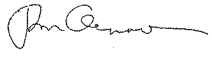
Thank you for giving us the opportunity to present the voices and the stories of some of those who are the subject of today's hearing.

The following three testimonies are from Iraqi translators and writers who have been targeted for death either for serving as interpreters for Coalition Forces or for denouncing terrorism or encouraging democracy in their writings. All three are now living underground in Syria. Together, their testimonies represent one of the tragic truths of Iraq today: that the Iraqis who invested the most in their country's future after the United States–led intervention are now among the least likely to have a future in their home country.

PEN has been working to find safe havens for Iraqi colleagues like these since September 2005, when a group of translators and writers in the Mosul area sent a desperate appeal to our offices in Norway and London. Two members of that group, both interpreters for U.S. forces, have since been killed by insurgents. Every one of the others has either survived a deadly attack himself or had a relative kidnapped or murdered in his place. There is simply no overstating the dangers they and their families have faced, or the magnitude of the sacrifices they and their families have made, for their efforts to build civil society in Iraq.

Thanks to the Norwegian government and our colleagues at Norwegian PEN, five of those on whose behalf we have been working have either received or will soon be granted asylum in Norway. They are the fortunate few. Every day we learn of more Iraqis with stories like these who are living in hiding in Iraq or struggling to survive in neighboring countries. Our own experience has unfortunately demonstrated that some of those still in Iraq are living on borrowed time. Meanwhile those who have fled Iraq are finding little relief in neighboring countries, where they have no means to sustain themselves and yet where, so far, there is no clear, effective process for securing a permanent place of refuge.

PEN is grateful to this committee for your efforts to bring the unfolding regional Iraqi refugee crisis to light. We appeal to you to press urgently for a United States–led resettlement program, one that recognizes the sacrifices so many Iraqis have made in support of the goals of the United States–led mission in Iraq.



Ron Chernow
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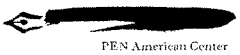


PEN American Center

TESTIMONY #1

My name is _____. I am an Iraqi citizen, born and raised in Iraq. I graduated from the English department of Mosul University's College of Arts a year ago. I'm 22 years old.

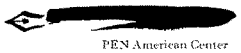
I grew up in a kind, loving family. My family provided me with all the support they could give me my whole life. When I was a kid, I saw the world as a good place. Because of the kindness and care I got from my family, I couldn't imagine there was another side to things; the idea that our entire lives were controlled by someone else was terrifying to me. But as I began to understand more about the world around me, I realized that I did live in a place controlled by one man, a dictator who did not care about my life, or even about the whole country maybe. That was one of the most painful things for me, and I almost lost hope. I had my own thoughts and beliefs and points of view, but I could not express myself or live the way I wanted. Life in Iraq was a one-way street leading to nothing. The future was blurry to me. It was not a matter of financial issues. I felt like my soul had been stolen from me, and there was nothing I could do about it.

Robbed of hope, I realized that I had to live my life such as it was. Even though I was dying spiritually, I could stay alive physically. I did not give up completely, but tried to live to some minimum extent.

The turning point in my life, and in the lives of all Iraqis, came in March 2003, when the U.S.-led forces arrived in Iraq. The miracle happened, and I thought my dream had finally come true. My main hope was to have a suitable environment to practice my freedom, and I thought the U.S. invasion would provide us with this. I was ready to do whatever it took to establish and protect the New Free Iraq. That is what was on my mind when I applied to work as an interpreter. I was so excited when I started to work because, from my point of view, I was doing the right thing and finally doing something I've always wanted to do. I felt I was expressing myself through my job and living my freedom.

It was good at the beginning, and it was safe, too. But the days went by and things began to change. The base where I used to work started to be attacked by mortars and rockets. People who were working with the U.S. army started to get shot at or killed. Before long, the base was being attacked daily and it became very dangerous, especially for the interpreters working inside the base, because we did not have armor or head protection like the soldiers. Even so, I did not want to give up and quit. I believed that freedom is not free, that it has a price, and I decided to accept the challenge. At the time, I was still attending college, and every day I would go to college and then to work. I refused to hide; I did not want to give up my studies or my work because I believed in both, and I thought by doing these things I was defending my freedom.

I was working alongside my brother-in-law. He had graduated from the College of Arts Translation Department in 1994, and he, too, was living the "Iraqi American" dream. Like me, he believed that when the old regime was removed there was hope again, and he and I started working at the base at the same time, at the very beginning of 2004. But by the summer, things started to get more violent and wild. He and I started to receive threatening calls and letters because of our involvement with the U.S. army. It became extremely dangerous, not only for us, but for our families. I was chased by insurgents. My brother-in-law's brother was shot and wounded by insurgents who believed they were shooting him. We asked for help and some kind of protection from the U.S. army, we explained what was going on, but unfortunately we were not offered any kind of help. We were abandoned and left alone to face the predators.



We couldn't risk the lives of our families, so we decided to quit. I thought that, by quitting, I would find safety and could live normally again. But I was wrong, again. The threatening and the chasing continued, and my life was still in danger. I hid most of the time, but I still had to go to college because that was the only thing left for me. I was risking my life every day I went to college; I was exposed, but I had no choice. After graduation, though, I couldn't even leave my hiding place to go for a walk. My brother-in-law was in hiding, too. Then one day last June, around two years after we quit, he had to go out on some urgent errands for his family. He was stopped by insurgents and shot in the head and chest. He paid with his life for making what he thought was the right choice.

After that, I had to flee to Syria. It was the only place I could go. Now I'm in Syria, alone, with little safety, no future, and no hope, again. In Syria, I have nothing at all. I can't get a job. I can't afford even my basic needs. It is very dangerous for me, even here, because of the growing, popular anti-American sentiment. I have to make sure no one knows that I used to work as an interpreter with the U.S. army.

I live a daily nightmare. I lost a close relative. I lost my future. I lost hope. I lost everything, except that sense of fear. In Iraq, I lived in fear and terror; every day brought a great possibility of death. Every day in the shadows of the New Free Iraq was hell itself, a life sentence.

I lived in Iraq before 2003. Back then I had no hope, but my body was alive. After 2003, after all the great hopes and dreams, after all the false promises, after making what I thought were the right choices for myself and my country, here I am again, back even behind the starting point, in a situation even worse than the days of the old regime, with a new issue, a new fear: losing my life.

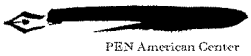
January 8, 2007
Syria

Testimony #2

My name is _____. I was born in 1969 and lived in a city about 60 miles from Baghdad. I am a poet; I write what is known in Iraq as Popular Poetry.

In 1997 one of my poems landed me in prison under Saddam Hussein. The poem was called "The Water Birds Have Run Out of Water"; it was about how Saddam had been drying up the marshes in Southern Iraq near where my father was born. I was imprisoned for three months in Hillah prison. The first two months I was in solitary confinement; no one spoke to me at all; the only sounds I heard were at night, when I would sometimes hear shouting or screaming. After I was released, my poems were no longer accepted for publication, and the stigma of imprisonment made people look at me with suspicion.

When the United States entered Iraq, I felt a new age of freedom and free expression had begun, and that I would speak without fear, have my poetry published, and start a new life. Several of my poems were published in newspapers in Basra and Karbala, where there is a strong tradition of popular poetry. In some of these poems, I challenged the terrorists and denounced what they were doing in my country. I was confident that American forces would protect me if I faced danger for criticizing their enemies, who are my enemies, too. During this time I also worked as a truck driver, delivering building materials for Bechtel to local engineers at building sites in Karbala.



PEN American Center

In 2004, I published a poem criticizing a specific terrorist group, and after that I was targeted for assassination. In January 2005, my name appeared on the list of "Most Wanted Traitors" at the mosques. On April 22, 2005, I was driving from Baghdad to my home city. The person riding with me, someone I knew well, had tipped off terrorists, and they chased us in a car and shot me. I was shot in the leg below the knee, and the bullet shattered the bone. I was found by American National Guards, who evacuated me and left me at the front gate of a local hospital.

They came after me again just after I left the hospital. A car was blocking the end of the street, and when my car came within 100 meters of this car they started firing at me. I managed to get out of the car and dive onto a trash heap. The police came quickly, and the sirens scared the attackers away. I went into hiding in the north, in Mosul. But by this time the circle of victims had expanded. The terrorists were not satisfied just killing or targeting those they called "co-conspirators" or "agents," but were going after family members as well. The consequences have been terrible for my family. My sister was divorced by her husband under pressure from the Imam of the mosque after she refused to provide him with information about where I was hiding. Then, in late 2005, two of my brothers were savagely murdered and their bodies were discovered in a dump near Baghdad.

I remained in my country as long as I could, living alone in a small apartment in the north and trying on my own to heal my leg. Eventually, terrorists spotted me there, too, and I fled to Syria. That is where I am now, with a leg that has never healed correctly, still fearing for my life, and with no hope of returning to Iraq.

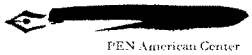
January 10, 2007
Syria

Testimony #3

My name is _____. I am an Iraqi citizen, born in 1965. My wife and four small children and I lived in Mosul. But because of my work as an essayist, journalist, and critic, we are no longer able to live in my country.

I wasn't originally a writer. I was a graduate of a technical institute, but I started to write as a hobby during the Iran-Iraq war and published my first essay at that time. Because it was wartime and during Saddam's time writers were oppressed, I couldn't write about politics or criticize the government. I wrote on cultural subjects, on folklore, Assyrian history, and Iraqi poetry. I had to be careful: the Baathists were very sensitive to any word or idea that fell beyond their one-party perspective. Like all freedom-loving writers and poets, I dreamed of a new world where we could feel, see, and write freely.

After the American forces came and liberated Iraq, I published an essay comparing dictatorship under Saddam's reign and the democracy we all believed would settle in Iraq. We felt secure: Americans had brought us confidence and we wrote relaxedly, free of fear. In the beginning, I continued to write essays on heritage and cultural subjects; I didn't go deeper. But then terrorist groups began to penetrate our country and make appearances, starting their activities. The American liberation had created a power vacuum, and in that vacuum our dreams became a nightmare. People began to see democracy as a synonym for chaos, repression, and arbitrary death. I started to write my criticisms against the criminals who, under the mask of religion, had begun killing innocent people, exploding schools, and assassinating academics, translators, and journalists.



In July 2004, I published an essay entitled "Stop the Silence, You Free Men." In it I spoke about these terrorist groups and about the killings taking place then in Beled. A few days later, I received the first of two telephone calls threatening me with death, and written threats against me were posted on nearby houses and in mosques. Then, on November 21, 2004, they attacked me. I was in my car, heading toward my house. I was targeted by a barrage of machine gun fire. I was in a crowded street when this happened, and somehow managed to escape.

I stopped writing. I was forced to take my children out of school and took my family and left my house. After we left, someone stuck a threat on the door of the house; my neighbor telephoned me to tell me about it. This was for propaganda. I'd already been threatened; they put that there to intimidate the neighbors.

For the next two years, I moved my family from house to house. We even went to Kurdistan, to try to live there, but we couldn't. You have to have a residency letter, and somebody there has to guarantee you, with a kind of recommendation letter. And you cannot explain to anyone why you are in Kurdistan: there are security people who may identify you to those who are hunting you. And most important, it is extremely expensive. We simply could not afford it. We were forced to move back into the heart of the danger, in Mosul.

By this time, things had deteriorated so badly that I couldn't even go out to buy bread safely. Anyone who left the house could not be sure he was coming back; you would say goodbye to your children as if it would be the last time. I moved away to lessen the danger for them, first to Kurdistan again and then to Syria. But leaving your family behind this way only doubles your dilemma: if they remain behind, you're leaving them to live under fire; if they join you, they'll be living in poverty. And with our extended families, mothers, fathers, sisters, brothers, nieces, nephews, their spouses, their children: whom to take with you, and whom to leave?

A few weeks ago, my wife and four children managed to join me here in Syria. Last week, terrorists targeted and destroyed our house in Mosul in a grenade attack. My mother and one of my brothers were seriously injured. I am desperate to return to Iraq to be with them. But if I do, the terrorists will be waiting, and I cannot leave my wife and children without a husband and father.

Targeted, intentional killing by the insurgents of people like me who supported freedom has been rampant in Iraq since the end of 2004. Writers are among the most targeted because we express ourselves and write and publish in support of positive change, democratic ideals, and human rights in Iraq. Our choice is either to escape and become homeless or remain in Iraq and die silently, be buried silently, and have our children orphaned silently.

January 10, 2007
Syria

Testimony of Lisa Ramaci-Vincent for the Hearing Held on January 16, 2007 before the Senate Judiciary Committee Regarding The Plight of Iraqi Refugees

Introduction

Chairman Leahy, Ranking Member Specter, Senator Kennedy, members of the Committee, ladies and gentlemen, thank you very much for the honor and privilege of being able to testify before you today on the Iraqi refugee crisis. I am not an expert on the complexities of this issue, have not studied it extensively, and do not presume to suggest to this august body a possible solution. I am, however, someone whose life has been radically and permanently altered by the Iraq conflict, and it is because of this that I have come before you today. My name is Lisa Ramaci-Vincent; I am the widow of Steven Vincent, the freelance journalist who was kidnapped and murdered in Basra, Iraq, on August 2, 2005.

Nour al-Khal

Two days prior to his death, Steven had an op-ed piece published in the New York Times in which he broke the story of how the Iraqi police force was being systematically infiltrated by Iranian-backed fundamentalists and Shiite militiamen loyal to Moqtada al-Sadr rather than to the central government. He also wrote of the "death squads" that roamed Basra in police cars and trucks filled with uniformed men who snatched their victims off the streets and murdered them with utter impunity. When one of those vehicles came for him in broad daylight, his translator, fixer and friend Nour al-Khal bravely stood by him as five men in police uniforms descended on them and wrestled Steven into the truck to take him to his death. From what I was later told by the FBI, the thugs who targeted my husband had no interest whatsoever in Nour; they repeatedly pushed her away, telling her to leave. But she would not abandon Steven; she kept inserting herself into the struggle until they took her as well. She had no idea what her kidnappers planned to do, where they would be taken, what, ultimately, the end would be. For all she knew she was going to her death, yet she did not hesitate for a moment, this tiny, 5-foot-tall woman, to try and protect the man who had hired her to be his guide. Incredibly, she retained the presence of mind, before she was thrown into the truck, to drop her ID on the street so the authorities would know who she was.

She and Steven were bound, gagged and held for 5 hours, during which time he was savagely beaten - the medical examiner at Dover Air Force Base even found human bite marks on his leg. They were then thrown back into the truck, driven to the outskirts of town, set free, told to run - and shot from behind. Steven was hit at close range and in a final act of God's mercy died instantly; Nour, who had been let go first, was farther from the truck, so even though she was shot in the back three times, she survived. The men fled without killing her when a contingent of "good" police showed up; they contacted the British, who handed her over to the FBI, who took her up to the Green Zone for medical treatment. There she was held incommunicado for three months while I tried to contact her via cellphone and email. During that time she was repeatedly interrogated; she is reticent about her treatment at the hands of our government, but from what little she was willing to tell me it sounds like a nightmare scenario. She was treated as if she were a co-conspirator of the killers, mentally and emotionally bullied, threatened, told she would never be given a visa to come to this country. And when those holding her decided she had no more information to offer and was medically fit enough, they gave her two thousand dollars and threw her out into Baghdad's Red Zone, alone, where she knew no one, had no family, no job, no resources, nowhere to turn. She was too afraid to go back to Basra, where she was born and grew up, knowing her would-be assassins were still roaming the streets; besides, her family wanted nothing further to do with her, fearing she would be a lightning rod for further trouble. Luckily she was able to contact me, and through various machinations I was able to get her out of Iraq and into relative safety in a location she has asked me not to divulge. However, since she has no work papers and is not a legal immigrant, for the most part she has to stay in her apartment, living off the money I send her and doing some occasional translating work for assorted NGOs.

I will never be able to fully express my gratitude to Nour, or repay the debt I owe her. Not only did she help Steven in the months they worked together by lining up interviews, arranging for him to meet a broad cross-section of Basra's secular and religious societies, translating when necessary, going into places and situations that terrified her but doing so anyway, working with him seven days a week to get the stories he wanted to uncover - but she literally took a bullet for him. Three, in fact. And it is more comfort than I can ever say to know that in the final, dreadful hours of his life, when Steven would have known beyond mere knowing that he was going to die violently, that he also knew he was not alone with his executioners, there was a friend there with him, someone who cared about him and who was voluntarily sharing his terror and pain. Cold comfort, yes, but the alternative does not bear thinking of.

And so, in some small attempt to repay her for her dedication, bravery and selflessness, I have spent the last year trying to get Nour into America. I have dealt with officials at the Baghdad embassy and the State Department. I have filled out forms. I have made countless calls, sent innumerable emails. I have pledged to stand financial security for her. I have gotten a promise from the UN Bureau Chief of Al-Arabiya that he will hire her when - if - she gets here. And each path I have gone down has proven fruitless. I have been told she does not qualify for refugee or asylum status because Iraq is now a democracy, hence there should be no reason she would need to flee. I spent months working with embassy people who assured me they were extremely touched by her plight, would move heaven and earth to see she got "special treatment" and who then, in the end, told me she needed to go to Amman and apply for a visa like every other Iraqi. I was told the U.S. government was no longer accepting Iraq's S-passports because supposedly there are so many forgeries it's impossible to know who is really holding them, so we won't take any of them. The embassy in Amman is no longer accepting applications from Iraqis; the Jordanian government is beginning to crack down, stopping Iraqis on the streets who then run the risk of being deported; Egypt is now demanding that before Iraqis come they get a letter of invitation from a certain government official. The noose is tightening, and soon there will be no place in the region where Nour will be able to feel safe. She sits and waits, still hopeful, but the reality is her hope is dwindling, as is mine.

Yet the brutal truth is, she is only one of countless Iraqis who have allied themselves with either our military, NGOs or media whose lives are now imperiled because they did so, and who are in desperate need of asylum and aid. Whether for money, a belief in democracy or an opportunity to come here should not matter - they stood with us, helped us, trusted us, and sometimes died for us. But our government seems to have decided they cannot come here because of the message it might send to the world - that we went into Iraq and toppled a brutal dictator but subsequently lost control of events, unleashing forces which created a groundswell of refugees fleeing from the "democracy" we put into place, thus calling into question the wisdom, viability and sustainability of our efforts. And so we have pursued a shameful policy of ignoring the situation, allowing other countries to absorb the vast hordes abandoning their war-torn land while we let in a few every year in numbers so small they're not even a blip on the radar. Emma Lazarus would be so ashamed. We all should be.

But it is heartening to sit here today in front of this committee and know attention is finally being paid, and that the logjam might be breaking up. Esteemed members, I end my testimony with sincere thanks to you for allowing me to participate, and with a request that you please do your utmost to change this most misguided of policies. Please help those who helped us, who still see this great, compassionate country as the shining

city on the hill, who yearn to come here and raise their families in an atmosphere of freedom, peace and safety. And finally, please let me help the woman who helped my husband, and who so greatly helped me by being with him in his final moments. Thank you.

And now I would be happy to answer any questions you might have for me.

Mortality Rates

Honestly compels me to admit that I cannot speak to the issue of how many Iraqis who worked for the military or NGOs have been killed, but statistics provided by the Committee to Protect Journalists paint an incredibly grim picture of the situation among both Western and local media. Since March 2003 there have been 93 journalists killed in Iraq to date; that does not include those who died because of medical conditions or accidents. Of that number 11 were Europeans, 2 were Americans, 3 were from Arab lands other than Iraq, 5 were from unspecified countries and 72 were from Iraq. 85 men and 8 women have lost their lives while attempting to report the news for the benefit of the world, 57 through murder, 36 through crossfire or other acts of war. Six were embeds, 87 what is known as "unilaterals", that is, freelancers, those affiliated with Western organizations other than the military, or indigenous media. 39 worked for international news organizations, 54 for Iraqi news groups.

With each passing year save one, the number of journalists killed has increased; in 2003, the first year of the conflict, there were 14; in 2004 - 24; in 2005 - 22; in 2006 - 32. Already, in the first two weeks of 2007, one journalist has been murdered merely for doing his job. Reporters have suffered the highest mortality rate, losing 55 of their own; photojournalists, including still photographers and camera operators, came in a distant second with 25 fatalities, and violence claimed 13 producers and technicians. These deaths were scattered throughout 10 of Iraq's 18 provinces, with the majority in Baghdad, Mosul, Anbar and Arbil.

And it is not just journalists who die, but also their support staff - drivers, interpreters, fixers, technical support - a total of 37 in all, of whom 34 were murdered, with the remaining 3 killed by crossfire or other acts of war. All but one were Iraqi; 16 worked for international news organizations, 21 for Iraqi news groups. Their deaths are almost never mentioned, but many of them are sustained as they assist those working to bring us the news with our morning coffee. In an attempt to bring many of these unsung heroes into the spotlight where they deserve to be, no matter how briefly, after my husband's death I created the Steven Vincent Foundation to assist the families of

indigenous journalists and media helpers in regions of conflict throughout the world who are killed while doing their jobs, and also to support the work of female journalists in those regions.

The Steven Vincent Foundation

Reporting from strife- and war-torn areas would be impossible without local contacts, colleagues and assistance. Since the Iraq war began in April 2003, almost 100 journalists and photographers have been killed while reporting in-country, as well as a number of local translators and 'fixers'. Some were Westerners affiliated with Western media companies whose families would have received some kind of compensation, but those working for local news organizations died without health or life insurance, or benefits of any kind. They relied on the paychecks they received to support their families; when they were killed those paychecks stopped, leaving the family bereft of not only a son, brother, husband and/or father, but what was for many doubtless the main, if not the sole, means of support.

The Foundation will ensure that the families of local media workers, fixers and/or translators receive financial aid to help them through the immediate shocking aftermath of losing a family member and provider. In addition to furnishing somewhat of a safety net, it will also send an important message to the recipient(s), namely, that the sacrifice both they and their loved one made has not gone unnoticed, that there are people in the wider world who acknowledge, mourn and honor their loss, and who appreciate the danger these brave men and women put themselves in while attempting to report the truth. Financial aid will not be limited to one particular country, region or conflict, but will be provided on a worldwide basis as needed and as is feasible. With that purpose in mind, the first grant made by the infant Foundation was a donation of one thousand dollars to the widow of Fakher Haider, a New York Times stringer killed in Basra, Iraq, in September 2005.

More recently, the Foundation honored a request for the family of Yasser Salihee, an Iraqi doctor-turned-translator. In June 2005 Salihee, an Iraqi special correspondent for the Knight-Ridder US newspaper group, was shot to death in Baghdad, apparently by a US military sniper, although there were Iraqi troops in the area at the same time who may also have been shooting. Salihee, 30, was driving alone near his home in the western Baghdad neighborhood of Amariyah when a single bullet pierced his windshield and hit him in the head. The US Army continues to investigate the incident. Salihee left a wife and young daughter, to whom the Foundation sent a donation of one thousand dollars.

2006 has been an equally bloody year for the journalist trade, notable for the kidnapping

of American freelancer Jill Carroll, during which her translator and friend Allan Enwiyah was brutally executed. Enwiyah, 32, who was still in the car when it was driven away by the abductors, was later found dead not far from where he had been snatched; he had been shot twice in the head, according to local sources. He left behind a wife and two small children, as well as an extended family he was also supporting. After being contacted by the blog Iraqi in America, the Foundation contibuted one thousand dollars to a fund for Enwiyah's widow.

Thanks to information received from Talal al-Haj, Al-Arabiya New York/UN Bureau Chief, donations of one thousand dollars each were forwarded to the mother and sister of Atwar Bahjat, the journalist/reporter killed in the days following the February 2006 bombing of the Shiite Golden Mosque at Samarra, and the families of her slain camera- and soundmen Khaled Mahmoud al-Falahi and Adnan Khairallah. Their bodies were found a day after the station lost contact with them; they were on the outskirts of the city covering the bombing of the shrine Askariya, also known as the when armed men driving a white car had attacked the crew after demanding to know the whereabouts of the well-known on-air correspondent.

The Foundation also plans to support women in volatile regions who defy local or religous tradition and risk their lives to report on what they see happening in their countries, who work to change official policies and try to better the lives of their fellow countrywomen, and who then find themselves in jeopardy for doing so. The women below, both International Women's Media Foundation (www.iwmf.org) 2005 *Courage in Journalism* award winners, were the first of many that the Foundation will be assisting, with each receiving one thousand dollars:

Sumi Khan, 34, a reporter with Shaptahik 2000 (Weekly 2000) in Dhaka. Khan reports on politics, crime and corruption in one of the most dangerous countries for journalists in the world. Since 2000, nine journalists have been killed in Bangladesh and reporters are routinely harassed and beaten while trying to do their work. In 2004, Khan began receiving threatening phone calls after she published an article about local politicians and religious organizations and their ties to attacks on minority groups. The phone calls were followed by an attack against her during which she was stabbed and beaten by three unknown assailants. Khan was injured so severely that she was unable to work for three months. Most recently, she received a death threat from the student wing of the Jamaat-e-Islami fundamentalist party after her reporting tied the group to gang activity.

Shahla Sherkat, 49, editorial director of Zanan (Women) in Tehran. Sherkat founded the monthly magazine in 1991, after she was dismissed from her position as editorial director at Zan-e Rouz, a government-owned weekly women's magazine because she wanted to change the way it depicted women. The Iranian government has threatened to

close Zanan many times because of the daring way the magazine covers women's rights and feminism. Zanan faces continuing financial difficulties because it is privately owned and funded. It has also been attacked by fundamentalist gangs and Sherkat has been repeatedly summoned to court to defend the articles she chooses to publish in Zanan. In January 2001, she was fined and sentenced to prison for four months after attending a conference in Berlin where discussions on the future of political change in Iran took place. She was not required to serve the prison sentence, but was forced to pay a fine equivalent to two months' salary.

Women's rights were extremely important to Vincent; he wrote in his book In the Red Zone that without such rights, there could be no true democracy in Iraq, let alone anywhere in the world. The Foundation will channel financial aid to women at risk, thereby allowing them, for instance, the ability to hire a security guard, or, as in Shahla Sherkat's case, the funds to continue publishing.

As time goes by and the Foundation grows, both its outreach and programs will expand; for now its initial goals of assisting bereaved families and women journalists are valid and much-needed uses of funding. Many dedicated, courageous and unsung media workers will forever remain unknown to us unless their lives are ended in the pursuit of truth, in which case they may get mentioned in an article or two before being swept away in the constantly changing tide of world events; we must do a better job of acknowledging the debt we owe to them, especially if they are lost because of their efforts.

By 2008 the Foundation also plans to institute the yearly Steven Vincent Award for Excellence in War Correspondence, which will award $5,000 to the journalist who produces the most compelling and important piece or series on a military conflict within a 12-month period, and $1,000 each to two runners-up.

About Steven Vincent

Steven Vincent (December 31, 1955 - August 2, 2005) was a respected New York-based writer and critic specializing in stories of art and archaeological theft, fraud and forgery, but a decade of covering the art world left him yearning for new and more meaningful challenges.

On September 11, 2001, from the roof of his East Village co-op, Vincent saw United Flight 175 strike Tower Two, watched the collapse of the World Trade Center, and knew the world had forever changed. Determined to be in the forefront of cataloguing America's new path, he gave up writing about art and methodically set about turning himself into a war correspondent, covering the initial Iraq war and its continuing

aftermath. In September 2003 and again in January 2004, he went to Iraq as a freelancer, paying his own way, sans body armor, cell phone or hired security, unwilling to be beholden to any organization, and wanting the ability to freely report on the things he saw, heard and felt. These trips resulted in the well-received book In the Red Zone: A Journey Into the Soul of Iraq, published in November 2004.

In April 2005, Vincent set out on what would be his final trip to Iraq. This time he was planning to spend 3 months in the southern city of Basra, which, since it was under British control, was universally considered to be much safer than Baghdad. Once he got there, however, Vincent discovered that, contrary to the generally-accepted view, and with the disengaged complicity of the British, the city was, in fact, becoming a radical Shiite state falling under the influence of Iran, in which women were forced to wear full chador, Christians were persecuted, alcohol sellers were killed on the streets and operators of music and/or video stores had their establishments firebombed. He set about methodically detailing these facts in pieces published in National Review Online, Reason magazine, Mother Jones, and the Christian Science Monitor.

On July 31, 2005, The New York Times printed what would be Vincent's last piece, *"Switched Off in Basra"*, in which he accused the British of turning a blind eye as the Basra police force was systematically infiltrated by Iranian-backed insurgents, Shiite extremists loyal to the Ministry of the Interior and followers of the radical cleric Moqtada al-Sadr, documenting how rogue elements within the groups had set up "assassination squads" within the force. These squads, operating unchecked to this day, drive white Toyota Mark II "death cars", and are still free to kidnap and kill their victims with absolute impunity.

On August 2, 3 months to the day he had arrived in the city, Vincent and his female translator were abducted off the streets of Basra in broad daylight by men in police uniforms driving a white police vehicle; then they were bound, gagged, beaten, driven to the outskirts of town, and shot in the back at close range. The translator, Nour al-Khal, survived; Vincent died.

Six weeks later his friend and fellow journalist, Fakher Haider, a Basra stringer for the New York Times, wrote an article that built upon Steven's final op-ed piece. Several days after its publication, men in police uniforms and driving police vehicles went to his house; with his wife and three children watching they bound him, took him away, drove him to the outskirts of town, and shot him repeatedly in the head. Haider's murder was the galvanizing event that brought the Steven Vincent Foundation into being.

REFUGEES INTERNATIONAL

BULLETIN

A POWERFUL VOICE FOR LIFESAVING ACTION

January 16, 2007

Contacts:
Kristele Younes and Sean Garcia

Iraqi Refugees: Resettle the Most Vulnerable

Since 2003, almost two million Iraqis have fled their country as a result of violence, and several hundred thousands more have been displaced within Iraq.

Many have fled their homes after being personally targeted by armed militias because of their religion, profession, ethnicity or perceived affiliation with western organizations, the US government in particular. With the violence showing no signs of slowing down, solutions need to be found for those whose lives are in danger.

For the vast majority of the displaced, the immediate and medium-term solutions involve temporary protection in safer regions of Iraq, or in surrounding countries. But since Iraq is a strong familial and tribal society, many of the displaced feel that they will never be able to return home as revenge would be carried out against them and their families. For them and other vulnerable Iraqis, resettlement is the only available option. Because of its limited resources, the Office of the UN High Commissioner for Refugees (UNHCR) has been unable to refer large number of cases for resettlement, and western countries, with the notable exception of Sweden, have largely been reluctant to be proactive in the matter. It is essential for donor countries to build the UNHCR resettlement unit's capacity and to increase the number of Iraqis they are willing to resettle.

VULNERABLE GROUPS IN NEED OF RESETTLEMENT

Palestinians

Although the violence in Iraq is so extreme that all civilians are at risk regardless of their religion or ethnicity, certain groups are particularly vulnerable. One such group is the Palestinians of Iraq. Many have been in Iraq since 1948, have children and grandchildren born there, and consider that country their permanent home. During Saddam Hussein's rule, Palestinians received special privileges. Palestinians were given subsidized housing, often to the detriment of Iraqis who were evicted or forced to rent their property to Palestinians free of charge.

Perceived as loyal to Saddam Hussein and the Baath party, Palestinians are now targeted by all factions in Iraq. Their vulnerability is increased by the fact that they are stateless and have nowhere to go. Some have tried to flee the country and are now living in a no-man's land in between Syrian and Iraqi borders (see Refugee International's "Syria: Urgent Appeal for Palestinians fleeing Iraq" http://www.refintl.org/content/article/detail/9660/?mission=9573). UNHCR has unsuccessfully tried to negotiate their admission into an Arab country or resettle them. Despite the sensitivities linked to the resettlement of Palestinians outside a comprehensive peace agreement with Israel, there is no other immediate solution for the Palestinians from Iraq. The UN estimates that around 15,000 remain in Iraq and are in imminent danger.

Especially vulnerable Iraqis

Vulnerability is extremely difficult to assess. Most of the Iraqis fleeing their country are in a dire situation. As their resources run out, they find themselves deprived of any legal status in their countries of asylum, with no right to work. Resettlement, however, can only be an option in extreme cases of vulnerability, as it is impossible — both for lack of resources and political will — to resettle all civilians fleeing

Iraq. UNHCR is currently in the process of establishing categories to help assess vulnerability. Such a list would include but is not limited to the following: victims of severe trauma or violence; religious or ethnic minorities who are targeted; unaccompanied children; medical cases; stateless persons; Iraqis connected to governmental or international organizations; and Iraqis at immediate risk of refoulement. Refugees International welcomes the development of such criteria, as it will help UNHCR prioritize needs and assist the most vulnerable first. These criteria should also serve as a basis for resettlement countries undertaking their own assessments, and for NGOs and others to facilitate referrals to UNHCR and embassies.

Iraqis associated with the US government or organizations

This UNHCR category is of particular relevance to the United States. As anti-American and anti-western sentiments grow in Iraq, many Iraqis are being targeted for their affiliation with Coalition forces, US government, US NGOs or other western organizations. Refugees International met with a woman whose son was kidnapped because she worked with the Coalition Provisional Authority. When she arrived in Jordan, she sought help from the US embassy, only to hear that they couldn't do anything for her. A man who was shot three times because of his work for western NGOs told RI, "I was trying to help people. Now, nobody is here to help me." Because of its role in Iraq, the US has a moral obligation to assist all refugees. For this particular category, however, Refugees International believes that the obligation should be inscribed in law. To date, the only measure taken by the US to assist Iraqis targeted because of their affiliation to the US is to allow the Pentagon to resettle 50 translators per year. This measure is insufficient, as many more are at immediate risk of violence or have already been attacked.

RESETTLEMENT FIGURES

Largely under-funded and faced with a lack of political will from western countries, UNHCR was only able to resettle 1,500 Iraqis in the past three years. This number represents a tiny percentage of the refugees who are in need of immediate resettlement. Although UNHCR has now increased its resettlement projections to 4,500 people in 2007, the needs remain higher. It is essential that western countries, and the US in particular, acknowledge that the region is overburdened and can not handle this refugee crisis without the assistance of the international community, including support for resettlement. Whereas after the first Gulf War the US resettled tens of thousands of Iraqis, it has only resettled hundreds since 2003, when the threat civilians face is actually much more severe. Moreover, US embassies are technically allowed to process resettlement applications themselves, but the policy until now has been to let UNHCR handle all referrals, which puts the understaffed agency in an impossible situation.

REFUGEES INTERNATIONAL RECOMMENDS:

- ❒ UNHCR complete and share its vulnerability criteria with all relevant actors, including donor governments, resettlement countries' embassies and NGOs, and others who can assist in identifying vulnerable cases;
- ❒ UNHCR continue its plans to resettle the most vulnerable first;
- ❒ Resettlement countries make generous commitments to UNHCR regarding the number of refugees they can admit each year so that it can plan properly;
- ❒ The US government fund at least 50% of UNHCR's budget for the Iraqi refugee response to demonstrate its willingness to lead efforts to respond to the humanitarian crisis caused by the war in Iraq;
- ❒ The US government readjust the existing 2007 Department of State budget to provide the necessary resources to resettle Iraqis. These resources should not come at the expense of resettlement activities in other parts of the world
- ❒ The US government immediately design and implement a plan to provide asylum to Iraqis whose lives have been threatened for their connections to the US government, US media outlets, and US NGOs. Other countries with a presence in Iraq should do the same for those who work with their nationals.
- ❒ The US government design and implement short term security plans that can provide shelter in Iraq to Iraqis who have been targeted with violence because of their association with US entities.

Advocates Kristele Younes and Sean Garcia assessed the situation for Iraqi refugees in the Middle East in November 2006.

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STATEMENT OF
ASSISTANT SECRETARY ELLEN SAUERBREY
BUREAU OF POPULATION, REFUGEES, AND MIGRATION
U.S. DEPARTMENT OF STATE

"THE PLIGHT OF IRAQI REFUGEES"

BEFORE THE

SENATE JUDICIARY COMMITTEE
JANUARY 16, 2007

Mr. Chairman and distinguished members of the Committee. It is an honor to appear before you today to discuss issues involving displaced Iraqis and Iraqi refugees. I welcome the opportunity to detail some of the actions the Administration is taking to provide protection and assistance for Iraqis in neighboring countries of first asylum and for populations inside Iraq. The Administration shares your concern about the current situation facing Iraqi refugees and is committed to helping improve conditions for them in countries of first asylum. We are working closely with host governments in the region, the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), and non-governmental organizations (NGOs). Through these partners, we are providing assistance to the most needy refugees and are seeking durable solutions, including resettlement to the United States, for those who require this important form of international protection.

Since 2003, the Administration has provided more than $800 million to support WFP, UNHCR, ICRC, the International Organization for Migration (IOM), and a range of NGOs that provide direct assistance to returning Iraqi refugees, internally displaced persons (IDPs) in Iraq, and third country national refugees inside Iraq and Iraqi refugees outside Iraq to help meet basic humanitarian needs and support reintegration programs. U.S. Government support has increased the capacity of Iraqi government ministries working with refugees and internally displaced persons, provided training to non-governmental organizations serving refugees, and assisted numerous victims of conflict. These programs helped reintegrate many of the 300,000 Iraqi refugees who returned home between 2003 and 2006 and helped many of the 500,000 IDPs inside Iraq.

However, due to the upsurge in sectarian violence in 2006, this trend has reversed, and at present more Iraqis are fleeing their homes to other areas of Iraq and to neighboring countries then are returning. UNHCR estimates that between 1 to 1.4 million Iraqis are in countries bordering Iraq, though a large percentage of them had left Iraq prior to 2003. We believe the current population of Iraqis in Jordan and Syria is a mixture of the Iraqis who departed before 2003 and newer arrivals. Many organizations, including UNHCR, have raised concerns about new arrivals and growing numbers of Iraqis in these countries, though neither UNHCR nor the governments of Jordan or Syria have definitive figures on the size of the population. UNHCR has argued that the refugee

crisis it predicted would occur, but did not materialize after the invasion in 2003 is now upon us.

Although we lack firm figures on how many Iraqis are seeking refuge in neighboring countries we do know that many left with minimal resources and are living on the margins. Other than alRuwaished, which shelters a stable population of third country nationals from Iraq, Jordan and UNHCR have not established refugee camps. Anecdotal reporting also indicates that many Iraqi children in these countries do not have access to schools or adequate health care. We need better information on the needs of Iraqis in these countries, particularly their protection concerns. We are encouraging the Government of Jordan to allow a comprehensive survey of the needs of Iraqis in Jordan that would guide the international community in focusing assistance and protection activities. UNHCR is planning to conduct a similar survey in Syria. We hope our partners will be able to complete these surveys in the very near future.

However, we are not waiting for precise numbers before responding to the needs of vulnerable Iraqis in neighboring countries. Rather, we are continuing our support to UNHCR and NGO programs benefiting Iraqis in these countries. In 2006, the U.S. provided nearly $8 million of UNHCR's operational budget for Iraq, Jordan, Syria, and Lebanon. In 2006, we also provided $3.3 million in funding to the International Catholic Migration Commission to assist the most vulnerable Iraqis in Lebanon, Syria and Jordan. In 2007, we are expanding support for these and similar programs serving needy Iraqis in neighboring countries. But our ability to respond to the growing needs depends on receiving sufficient resources. The President's FY 2007 request for Migration and Refugee Assistance included $20 million for Iraqi humanitarian needs. The Administration will continue to monitor the recent refugee and displacement situation and the ability of the international community to address the increased needs.

Our support for UNHCR's protection mandate and our diplomatic efforts with host governments is essential to preserve the principle of first asylum and ensure that assistance reaches vulnerable refugees. We continue to press all governments in the region to keep their borders open to those with a fear of persecution and allow assistance and protection to reach these populations. Jordan and Syria have been generous hosts to Iraqis for many years, and have largely kept their borders open as people continued to flow out of Iraq in 2006. Both Jordan and Syria are also hosts to sizeable Palestinian refugee populations, and we recognize the additional burden Iraqi refugees place on these countries. We are working with UNHCR and host governments to see how we can help bolster their capacity to provide protection and assistance so Iraqis do not over-stretch social service networks and these governments' ability to continue to receive Iraqis seeking asylum.

Another aspect of our response to Iraqi refugee needs in the region is a planned expansion of our U.S. resettlement program. Given the large numbers of Iraqis thought to be in Syria and Jordan, with some estimates as high as 1.4 million, the U.S. and other third country resettlement programs will play a small but important role in meeting the needs of Iraqi refugees. For that reason, we are working closely with UNHCR to

prioritize U.S. resettlement for the most vulnerable Iraqi refugees. The U.S. has been resettling Iraqi refugees since the mid-1970s. To date the U.S. has resettled more than 37,000 Iraqis, the vast majority of whom were victims of Saddam Hussein's regime. As the numbers of Iraqis arriving in Jordan and Syria increased in 2006, we have acted aggressively to expand our ability or offer more Iraqis refuge in the United States. In 2006, we provided $400,000 of funding targeted to support UNHCR resettlement operations. These expanded operations will increase registration efforts to help identify vulnerable cases and boost the number of referrals to our program and those of other resettlement countries. We have provided an additional $500,000 for this purpose in 2007. We have no quota on the number of Iraqis who can be resettled to the United States as refugees. The process of resettling Iraqis is the same as resettling refugees in need of protection from other parts of the world. This process includes identifying those in greatest need from among so many, conducting adequate background security checks, completing personal interviews with adjudications, and coordinating the transportation and logistics for individuals approved for resettlement. In processing eligible Iraqis for resettlement in the United States, we will remain vigilant in preventing terrorists from gaining admission to this country.

I want to recognize some of the special populations that have received notice from humanitarian organizations in 2006 – minority populations in Iraq and Iraqis who have worked closely with the United States in Iraq. Some have called for special protection and programs for these people, including religious minorities such as Christians, who have fled Iraq or those who have worked for the American government or U.S. organizations or companies. Many of these Iraqis are in refuge in Jordan, Syria, or Turkey and may be unable to return to Iraq because they fear for their lives. We intend to ensure that these special populations receive the same consideration and access to the U.S. resettlement program as others and we are encouraging them to contact UNHCR to make their needs known.

I want to take a moment to talk about important programs the U.S. Government supports inside Iraq. While recent reports have highlighted the conditions of Iraqis in neighboring countries, we must not forget populations of concern still inside Iraq. UNHCR and the Iraqi government estimate there are as many as 1.7 million internally displaced persons and another 44,082 third country national refugees in Iraq. The U.S. Government continues to support UNHCR, ICRC, and key NGO programs inside the country that assist communities with new internally displaced persons, recently returned refugees, and other victims of violence. For example, we support important programs of ICRC that upgrade hospitals throughout the country and provide medical services to those who are innocent victims of the armed insurgency. We also provide resources and diplomatic support to programs that seek to protect, assist, and provide durable solutions for Palestinian, Turkish, and Iranian refugees inside Iraq. In 2005 and 2006, we supported the movement of over 3,000 Iranian Kurdish refugees from the Al Tash refugee camp near the strife-torn town of al Ramadi to a safe area in Northern Iraq – providing permanent housing, employment programs, and local integration support. We are also working closely with UNHCR and the governments of Iraq and Turkey to enable

the voluntary return of more than 10,000 Turkish Kurdish refugees from the Mahkmour refugee camp to their home villages in Turkey.

The U.S. Agency for International Development continues to support the protection and assistance requirements of internally displaced persons (IDPs) in Iraq, mostly through non-governmental organization. These NGOs work closely with new IDPs to provide life-saving and sustainable assistance throughout the country. The Administration will continue to implement existing programs and monitor the displacement situation.

Mr. Chairman, we appreciate your leadership on Iraqi refugee issues and look forward to working closely with you as we seek to expand protection for these Iraqis, third-country national refugees, and IDPs and ensure that the vulnerable among them receive assistance, access to social services, and, for the most vulnerable, the opportunity to resettle to a third country. Thank you for the opportunity to address the Committee. This concludes my testimony. I would be happy to answer any questions you may have.

UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

Written Statement For-the-Record
United States Commission on International Religious Freedom

Hearing on the
"Iraqi Refugees"

Before the Senate Judiciary Committee's
Subcommittee on Immigration, Border Security and Refugees

January 16, 2007

The Failure to Protect Religious Minorities in Iraq

Several ancient religious communities in Iraq, particularly the ChaldoAssyrians and Sabean Mandaeans, currently face a dire situation that has forced them to flee their country. Because of the specific and well-documented threats these groups face in Iraq, including violence directed at them due to their religion, the Commission sent a November letter to Paula Dobriansky, Under Secretary for Deomcracy Global Affairs, recommending that the U.S. government:

1) create new or expand existing options for allowing members of Iraq's ChaldoAssyrian and Sabean Mandaean religious minority communities to access the U.S. Refugee Program, and

2) urge UNHCR to resume full refugee status determinations for all Iraqi asylum seekers and assess all claims without delay.

UNHCR currently estimates that Iraqi ChaldoAssyrians and Mandaeans represent approximately 40 percent of the refugees who have fled Iraq over the past three years, although they constitute less than 3 percent of the Iraqi population. These individuals, numbering approximately 100,000, are dispersed through Jordan, Turkey, Syria, and Lebanon. According to UNHCR, those who have managed to flee Iraq increasingly "are becoming dependent and destitute," with the welcome mat "wearing thin in some of the neighboring states."

However, in the face of these developments, the United States has not made direct access to the U.S. Refugee Program available to Iraqi religious minorities. They've asserted that ChaldoAssyrians and Sabean Mandaeans are subject to generalized violence in Iraq

rather than specifically targeted on account of their religion. This position is not supported by the facts. Moreover, although the State Department has indicated its willingness to take referrals from UNHCR, that agency has suspended refugee status determinations for all Iraqi nationals. As a result, those Iraqis fleeing persecution in their home country are being denied international protections to which they are entitled.

Thank you for the opportunity to share the Commission's views and recommendations on key religious freedom concerns as well as the efforts of our government on religious minorities in Iraq. We hope to continue to collaborate with the Congress to advance the promotion of religious freedom in U.S. policy.

Iraq: USCIRF Op-Ed in *The Washington Times*

Protecting Iraq's religious minorities
The Washington Times, December 22, 2006
By Felice D. Gaer and Archbishop Charles J. Chaput

Since 2003, more than 1.5 million Iraqis have fled their country, and a similar number are displaced within Iraq - a massive flight of more than one in 10 members of Iraq's prewar population of 26 million. This exodus has not only caused tragic hardships and uncertainty, but could mean the end of the presence in Iraq of ancient Christian and other religious minority communities that have lived on that land for 2,000 years.

Amid the widely publicized cycle of Sunni-Shi'ite sectarian violence in Iraq, members of non-Muslim religious minorities continue to suffer a disproportionate burden of violent attacks and other human-rights abuses. Minority communities, including Christians, Yazidis and Sabean Mandaeans, have been forced to fend for themselves, and are particularly vulnerable given their lack of a tribal or militia structure to provide for their security. The repeated targeting of Iraqi religious minorities in coordinated bombing attacks and other violence has forced many worshippers to cease attending religious services or participating in religious events. Moreover, they face a continuing climate of impunity.

As a result of these attacks, Iraqi ChaldoAssyrians and Sabean Mandaeans are fleeing Iraq in numbers disproportionate to their size. While they constitute less than 3 percent of the Iraqi population, they represent approximately 40 percent of those who have fled Iraq seeking refugee status over the past three years, according to the United Nations High Commissioner for Refugees (UNHCR). Numbering at least 100,000, these refugees are dispersed today in Jordan, Turkey, Syria, Egypt, Iran and Lebanon.

In the countries to which they have fled, their welcome is wearing thin. Iraqi refugees live in fear that they have no legal protection and no work opportunities in the countries where they have sought refuge, and are vulnerable to forced repatriation.

When a delegation of the U.S. Commission on International Religious Freedom visited Turkey last month, we met with representatives of Iraqi ChaldoAssyrian refugees who spoke despairingly about their feelings of abandonment by the international community. Moreover, the U.N. High Commissioner for Refugees has not even acted to assess their claims of religious persecution. They spoke to us of religious leaders being targeted for execution, and of churches being burned and threats posted on Christian homes. Even the trades in which many Christians have long worked in Iraq without problem, including hair salons and the sale of alcohol, have made them targets of extremists who say these activities are against Islam. They report that groups fighting the United States in Iraq are associating Christian Iraqis with the United States and treating them as an internal enemy.

In October, UNHCR acknowledged that recent developments in Iraq have "necessitated a reassessment" of its work and priorities of providing assistance to the tens of thousands of Iraqis "who are now fleeing their homes every month" in a "steady, silent exodus." According to UNHCR, those who have managed to flee Iraq increasingly "are becoming dependent and destitute."

Despite this grave situation, the United States has not made direct access to the U.S. Refugee Program available to Iraq's religious minorities.

The State Department has indicated its willingness to take referrals from UNHCR, but UNHCR has not conducted refugee status determinations for Iraqis. This means that Iraqis fleeing persecution in their home country are being denied international protections to which they are entitled as legitimate refugees.

The United States should create new or expand existing options, independent of UNHCR, for allowing members of Iraq's ChaldoAssyrian and Sabean Mandaean religious minority communities to access the U.S. refugee program. It should also urge UNHCR to assess all claims from Iraqi asylum seekers without delay.

Thousands of Iraqis are suffering and fleeing their country, and refugee protections should be available to all of them. Iraq's Christian and other religious minority communities are particularly vulnerable, and UNHCR, the United States and other nations must recognize their special circumstances and address their needs. Surely countries can make "room at the inn" for these vulnerable people so badly in need of help.

Felice D. Gaer chairs the U.S. Commission on International Religious Freedom and is director of the Jacob Blaustein Institute for the Advancement of Human Rights of the American Jewish Committee. Commissioner Charles J. Chaput is the archbishop of Denver.

UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

November 8, 2006

Dr. Paula Dobriansky
Under Secretary for Democracy and Global Affairs
U.S. Department of State
Washington, DC

Dear Under Secretary Dobriansky,

On behalf of the U.S. Commission on International Religious Freedom, I am writing to you with regard to the situation of members of religious minorities that have fled Iraq. In October 2005, the Commission wrote to then Acting Assistant Secretary Greene to express our concern about the United Nations High Commissioner for Refugees' (UNHCR) September 2005 Advisory Opinion on Iraq, which understated the severity of conditions in Iraq for members of religious minorities, particularly ChaldoAssyrians and Sabean Mandaeans. Since that time, conditions have deteriorated for these groups, and yet barriers to access to the U.S. Refugee Program continue to exist. Because of the specific and well-documented threats these groups face in Iraq, the Commission recommends that you:

- Create new or expand existing options for allowing members of Iraq's ChaldoAssyrian and Sabean Mandaean religious minority communities to access the U.S. refugee program. The Visa 92/93 and Priority Three (P-3) programs are too narrowly focused and unnecessarily limit opportunities for family reunification; and
- Urge UNHCR to resume full RSD for all Iraqi asylum seekers and assess all claims without delay.

The worsening conditions for ChaldoAssyrians and Sabean Mandaeans in Iraq, on which the Commission has reported for the past three years, warrant these actions. In a letter to President Bush in December 2004, the Commission observed that the "escalation of religious terror...is having a particularly devastating effect on many of Iraq's non-Muslim minorities—the ChaldoAssyrians, Mandaeans, and Yazidis." In its 2006 Annual Report, the Commission found that amid a growing cycle of sectarian violence:

- Religious minorities in Iraq continued to suffer a disproportionate burden of violent attacks and other human rights abuses. Minority communities, including Christian Iraqis, are forced to fend for themselves in an atmosphere of impunity, and lack any tribal or militia structure to provide for their security. The result is that members of

these communities continue to flee the country in the face of violence, in an exodus that may mean the end of the presence in Iraq of ancient Christian and other religious minority communities that have lived on those same lands for 2,000 years. The [UNHCR] has reported on "an explosion of Islamist extremist movements and militias which target, among others, members of religious minorities," concluding that *religious minorities "have become the regular victims of discrimination, harassment, and at times persecution*, with incidents ranging from intimidation and threats to the destruction of property, kidnapping and murder," and that *"members of the Christian minority...appear to be particularly targeted."*

- This alarming trend has continued unabated, as is confirmed by the Department of State's most recent International Religious Freedom Report, which concludes that "private conservative and radical Islamic elements continued to exert tremendous pressure on other groups to conform to extremist interpretations of Islam's precepts. In addition, frequent attacks on religious places of worship, as well as sectarian violence, hampered the ability to freely practice religion." Although it appears that the central government of Iraq has played no part in facilitating or condoning attacks against religious minorities, for the time being it remains unwilling or unable to stop or even diminish the frequency and intensity of these incidents.

- In addition to violence, allegations have persisted throughout the past year that the Kurdistan Regional Government (KRG) has engaged in discriminatory behavior against religious minorities. According to the State Department, "Christians living north of Mosul claimed that the KRG confiscated their property without compensation and began building settlements on their land. Assyrian Christians also alleged that the Kurdistan Democratic Party (KDP)-dominated judiciary routinely discriminated against non-Muslims and failed to enforce judgments in their favor."

- UNHCR currently estimates that Iraqi ChaldoAssyrians and Mandaeans represent approximately 40% of the refugees who have fled Iraq over the past three years, although they constitute less than 3% of the Iraqi population. These individuals, numbering approximately 500,000, are dispersed through Jordan, Turkey, Syria, and Lebanon. On October 13, 2006 UNHCR acknowledged that recent developments in Iraq have "necessitated a reassessment" of its work and priorities to provide assistance to the tens of thousands of Iraqis "who are now fleeing their homes every month," in a "steady, silent exodus." According to UNHCR, those who have managed to flee Iraq increasingly "are becoming dependent and destitute," with the welcome mat "wearing thin in some of the neighboring states." In Jordan and Syria, governments have "merely remained tolerant" and suspended the application of their

respective laws regarding the stay of foreigners. "This tolerant position is now changing."

Yet in the face of these developments, the United States has not made direct access to the U.S. Refugee Program available to Iraqi religious minorities, taking the position that ChaldoAssyrians and Sabean Mandaeans are subject to generalized violence in Iraq. This position is not supported by the facts. Moreover, although the State Department has indicated its willingness to take referrals from UNHCR, that agency has suspended refugee status determinations (RSDs) for all Iraqi nationals. This policy is inconsistent with UNHCR's own written recommendations to State Parties, and is resulting in those Iraqis fleeing persecution in their home country being denied international protections to which they are entitled.

Knowing of your considerable concern for human rights, the plight of refugees, and other global issues, the Commission urges you to act on the recommendations given above.

Thank you very much for your attention to this matter.

Sincerely,

Felice D. Gaer
Chair

cc: The Honorable Barry F. Lowenkron, Assistant Secretary of State for Democracy, Human Rights and Labor

The Honorable John V. Hanford III, Ambassador-at-Large for International Religious Freedom

The Honorable Ellen R. Sauerbrey, Assistant Secretary for Population, Refugee and Migration Affairs

J. Kelly Ryan, Deputy Assistant Secretary for Population, Refugee and Migration Affairs

The Honorable Elliott Abrams, Deputy Assistant to the President and Deputy National Security Advisor for Global Democracy Strategy

The Honorable Michael Kozak, Senior Director for Democracy, Human Rights, and International Operations

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