

HELPING THOSE WHO HELPED US



Adam Niklewicz

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STATE HAS BEEN SLOW TO EXPEDITE IMMIGRANT VISAS FOR IRAQIS WHO HAVE ASSISTED THE U.S. GOVERNMENT. BUT THERE ARE, AT LONG LAST, SIGNS OF MOVEMENT.

BY SHAWN ZELLER

irk Johnson has seen the worst of it in Iraq. As the U.S. Agency for International Development's regional coordinator for reconstruction in Fallujah in 2005, he tried to put back together what was once one of Iraq's most dangerous insurgent strongholds after a U.S.-led invasion destroyed much of the city at the end of 2004.

About a year after leaving Iraq for medical reasons at the end of 2005, Johnson heard from someone he calls "an old

friend,” an Iraqi man named Yaghdan who worked with USAID during Johnson’s time in Fallujah. Yaghdan desperately wanted to get out of Iraq. He’d been working for the State Department for two years when insurgents targeted him. “The next day,” Johnson wrote last year in an article in the *Los Angeles Times*, Yaghdan “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.”

The threats weren’t idle. The United Nations High Commissioner for Refugees has referred more than 15,000 Iraqis to the United States for resettlement. In order to get on that list, they had to prove that they were at imminent risk if they remained. And though little hard data exists, anecdotal evidence about the killing of U.S. affiliates in Iraq is legion. In his *L.A. Times* piece, for example, Johnson cites a 2005 cable from the U.S. embassy in Baghdad reporting that two Iraqi employees had been killed in the weeks preceding the memo and that “employees live in fear of being identified with the embassy of the U.S.”

Even so, it took Johnson’s intervention, lots of publicity — including another article about Yaghdan’s plight in *The New Yorker* — and months of waiting before Yaghdan was resettled in Illinois last September. At first, Johnson recalls, “USAID told him we’d give him one month unpaid leave. It seemed totally beyond the pale to abandon someone like that.”

Since then, Johnson — who is no longer a government employee — has created what he calls “The List,” a compilation of names of Iraqis who worked for the United States, believe their lives are in danger and want to be resettled here. After various other news outlets picked up Johnson’s story, he’s received hundreds of tips from U.S. government employees who’ve served in Iraq trying to help those who helped them. The list now has more than 600 names on it. Johnson says he gives an updated version to State Department officials every month. Yet only a tiny fraction of those on it have been resettled.

In Fiscal Year 2007, the United States resettled only

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1,608 Iraqi refugees. About 250 of these were so-called P1 cases, Iraqis who worked at the U.S. embassy or with a U.S. government-affiliated entity and were referred directly by embassy officials. Another 330 were part of State’s direct access program for interpreters and locally employed staff in Jordan and Egypt, and the rest were referred by the United Nations High Commissioner for Refugees.

The latter is the typical process the United States uses for selecting refugees for resettlement throughout the world. Some of those Iraqis referred by the U.N. also worked for U.S. agencies but many were not affiliated with the government and were referred for other reasons, such as being from a religious or ethnic minority group. State will not disclose details about each admission for privacy reasons.

Another 800 or so Iraqis were given special immigrant visas under a program created by Congress in 2006 and expanded last year to allow translators who worked with the United States military another option for getting out of Iraq.

State officials aren’t sugarcoating their progress. “There’s no reason to be satisfied, none whatsoever,” says Ambassador James B. Foley, a 25-year career Foreign Service officer. The U.S. ambassador to Haiti from 2003 to 2005 during the fall of the Jean-Bertrand Aristide government, since September 2007 he has been State’s senior coordinator for Iraqi refugee issues.

Foley has set a goal of 12,000 admissions for this fiscal year, ending Sept. 30, 2008. More than a quarter of that total had been settled as of February, but he’s making no predictions about whether the goal will actually be met.

Forces outside of State’s control may stand in the way, including continuing disputes with the Homeland Security Department over in-country processing of U.S.-affiliated Iraqis, continuing concern about the security situation in Iraq, and intransigence by the Syrian government, which has impeded the ability of interviewers from the Homeland Security Department to enter the country, where an estimated 1.5 million Iraqi refugees are located.

Even so, it’s clear that Congress is fed up with what it perceives as slow progress. In January, both the House and Senate cleared the fiscal 2008 National Defense Authorization Act to which Democratic Massachusetts

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Sen. Edward Kennedy had attached his Refugee Crisis in Iraq Act. President Bush signed the law. The Kennedy language expands the categories of refugees who can apply directly for resettlement in the United States — without having to go through the United Nations — to include ethnic and religious minorities with relatives in the United States and Iraqis who've worked with the U.S. government. Any Iraqi who worked with the U.S. government, not just translators, will be able to apply for the special immigrant visa, and the number of those cases allowed each year will be increased from 500 to 5,000.

The law also requires the State Department to establish minister-counselor positions in Baghdad and other locations to coordinate the visa program and refugee resettlement for those groups that qualify for expedited processing. State is also charged with assisting those countries currently hosting refugees and working with the international community to assist in the resettlement of refugees, something State officials say they are already doing.

And Congress seems like it's willing to put its money where its mouth is. Two leading House Democrats, Alcee L. Hastings of Florida and John D. Dingell of Michigan, wrote to President Bush in January requesting an increase in funding for Iraqi refugee programs of \$1.5 billion, including \$160 million earmarked for transportation costs to resettle refugees in the United States. "Our government has a moral responsibility to provide leadership," they wrote.

A Delayed Reaction

State insists that it has moved as quickly as possible on resettlements. But it's now been two years since the refugee problem started to explode. In February 2006, terrorists destroyed the golden dome of the Askariya Mosque in Samarra, about 65 miles north of Baghdad. The mosque is one of the holiest in the world for Shiite Muslims and its destruction launched a round of sectarian violence between Sunnis and Shiites that, Foley says, sparked a "huge wave of refugees." By the end of 2006, more than 1.5 million Iraqis had fled to neighboring countries. Up to the bombing, most experts agree, Iraq

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had experienced a net inflow of maybe as many as 400,000 Iraqis who had previously fled from the rule of Saddam Hussein.

Since that time, the number who have left has grown to more than two million, mostly to Syria and Jordan, with another two million internally displaced within Iraq. It's clear that State's first reaction was to hope that the security situation in Iraq would improve quickly enough to alleviate the problem. The numbers are telling: In all of 2006, only 202 refugees were resettled in the United States.

Congress began to put pressure on State late in 2006, when the first inkling that lawmakers were dissatisfied with the way cases of former host-country employees were being handled became apparent. A provision in the 2007 Defense Authorization Act allowed 50 translators in Iraq and Afghanistan to apply for special immigrant visas for themselves and their families. Later that month, Senate Judiciary Committee Chairman Patrick J. Leahy, a Vermont Democrat, held the first congressional hearing on the broader refugee issue.

In February 2007, Secretary of State Condoleezza Rice responded by appointing Paula J. Dobriansky, under secretary of State for democracy and global affairs, to head a task force on the refugee situation. But from the start, Dobriansky made it clear that she believed "the best way the United States and other countries can assist displaced Iraqis fleeing violence in their country is to help re-establish a stable security environment that will allow them to return home," according to a release issued by the department at the time.

Despite some hopeful signs toward the end of last year, that hasn't happened, at least in large numbers. And the prospect of a mass return seems unlikely. So the refugee crisis could deepen further this year if, as some are predicting, refugees who've fled to Jordan and Syria run out of money and find they have nowhere to turn.

Last December, for example, the *Washington Post* reported that United Nations and U.S. military officials "reacted with horror" when the Iraqi government offered in November to send buses to Syria to bring refugees home. The *Post* said that U.N. officials feared a humanitarian crisis if returning Iraqis found themselves home-

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less with no money or food. And the U.S. military feared more sectarian upheaval if returning Iraqis tried to reclaim homes since occupied by others.

“It’s a problem that everybody can grasp,” a senior U.S. diplomat told the *Post*. “You move back to the house that you left and find that somebody else has moved into the house, maybe because they’ve been displaced from someplace else. And it’s even more difficult than that, because in many cases the local militias ... have seized control and threw out anybody in that neighborhood they didn’t like.”

State says that it cannot gauge whether the refugee problem is getting better or worse. Though the number who’d fled by the end of 2007 isn’t that much larger than the estimates by the end of 2006, officials decline to say whether they believe there has been a slowdown in the

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exodus. With such a fluid situation — marked by both the return of some Iraqis and the departure of others — it’s hard to know whether more are coming or going, they say. At the same time, they point out, fleeing Iraqis are settling in cities and towns in Syria and Jordan and living with friends and family or on saved money. That’s far better for

their health than living in large refugee camps, but it also makes it difficult to count them.

It’s doubly difficult to count the number of refugees who have worked for State, other U.S. agencies or U.S. contractors. But the numbers are potentially huge. According to figures compiled by the refugee advocacy group Human Rights First, 65,000 Iraqis currently work for the Defense Department. Another 81,000 work for USAID on reconstruction projects and 40,000 more have worked for the construction contractor Bechtel.

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The Resettlement Process

Still, in early 2007, a year into the refugee exodus from Iraq following the Samarra bombing, State had little infrastructure in place to deal with the refugee situation. Nor had it made any substantial moves to distinguish its method for processing Iraqis from the standard procedures it uses for refugees in other parts of the world.

That process, which typically takes eight to nine months, involves several laborious steps. First, a refugee is not classified as such until he has fled his or her home country. There usually is no allowance for processing displaced persons still living in their home country (though State does process some for resettlement inside Cuba, Russia and Vietnam).

Then, to be considered for resettlement in the United States, an individual must be referred to State's U.S. Refugee Admissions Program by the United Nations, a U.S. embassy or an authorized nongovernmental organization. More than nine out of 10 cases result from a referral by the U.N. To win a referral, the refugee must prove he or she faces a legitimate fear of persecution in his or her home country.

After being referred to the Refugee Admissions Program, the refugee is then interviewed by staff at one of State's overseas processing entities, which are nongovernmental organizations working under contract with the department. For Iraqi refugees in Turkey and Lebanon, that's the International Catholic Migration Commission. In Egypt, Jordan and Syria, Iraqi refugees are interviewed by the International Organization for Migration.

After that, the refugee must be interviewed by a Department of Homeland Security Citizenship and Immigration Services officer and undergoes security checks. If the case is approved by DHS, the refugee is assigned to a resettlement agency in the United States that will oversee his or her transition upon arrival in the U.S., and undergoes medical examinations and cultural orientation. State's processing entity then organizes travel to the U.S.

Foley says that setting up an infrastructure to work on the Iraqi cases in 2007 took a "rather impressive effort"

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that involved everything from the mundane task of renting office space to hiring and training staff. "An entire infrastructure was created in very short order in the region," he says.

But a number of problems arose, most prominently in Syria, where, in mid-2007, the government stopped allowing Homeland Security Department officials into the country to interview refugees. That, Foley says, severely

crimped the government's ability to build a pipeline of cases that would generate large numbers of admissions to the United States.

In May, Congress stepped in again, passing legislation by the ranking Republican on the Senate Foreign Relations Committee, Richard G. Lugar of Indiana, and Rep. Jeff Fortenberry, R-Neb., to expand the number of Iraqi and Afghan translators allowed to apply for special immigrant visas. "Foreign nationals who are willing to risk their lives and those of their family members by supporting our efforts in Iraq and Afghanistan deserve recognition," Lugar said when the Senate approved the bill. President Bush signed the law in June, the same month Sen. Kennedy introduced his Refugee Crisis in Iraq Act.

At the same time, pressure on State to step up processing was mounting from nongovernmental organizations that work with refugees. Writing in the *Wall Street Journal* last June, Anna Husarska, a senior policy adviser at the International Rescue Committee, detailed the cases of three Iraqi refugees she'd met while traveling through the Middle East. All of them had worked for U.S. agencies or contractors and had received death threats for having done so. But the U.S. government, she alleged, had not protected them. "The lives of these men and their families are now in shambles because of their previous service to the U.S., and none of them has been told they're on the short list to be let into the country," she wrote.

By contrast, Husarska pointed out, the United States had shown in previous conflicts how quickly it could evacuate worthy allies when it simply decided to do so: "In the first eight months after the end of the Vietnam War, at the direction of President Gerald Ford, the U.S.

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government and the U.S. armed forces facilitated the movement to the United States of over 131,000 South Vietnamese refugees,” she wrote. The U.S. also evacuated refugees in short order from Hungary and Cuba in the 1950s and from Bosnia in the 1990s, she added.

But the hammer dropped in September when a cable sent by the U.S. ambassador in Iraq, Ryan C. Crocker, was leaked to the *Washington Post*. Crocker said it would take as long as two years to admit all the refugees who’d been referred for resettlement by the United Nations, citing “major bottlenecks” slowing the process. He pleaded with Washington to speed it up because, he said, it wasn’t clear that Jordan and Syria could ensure the refugees’ safety: “Refugees who have fled Iraq continue to be a vulnerable population while living in Jordan and Syria,” he wrote. “The basis for resettlement is the deteriorating protection environment in these countries.”

The cable brought out into the open longstanding tensions between State and DHS over processing proce-

dures. In a letter to Crocker first reported in the *Post*, Emilio T. Gonzalez, director of Homeland Security’s U.S. Citizenship and Immigration Services division, wrote that Crocker’s account of the situation “does not reflect an accurate picture of DHS’s commitment or performance to date.”

But soon thereafter, leading conservative activists in Washington, such as former Attorney General Edwin Meese III and David Keene of the American Conservative Union, came out to demand quicker action on resettlement.

Two Czars Are Born

Within days, the Bush administration responded by appointing two refugee czars: Foley and Lori Scialabba, who assumed the title of associate director of refugee, asylum and international operations at the Homeland Security Department.

The czars haven’t solved the problem yet. In fact, refugee admissions dipped after the two were appointed,

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from 889 in September (a 2007 high) — when the departments were rushing to meet a goal of 2,000 admissions for the 2007 fiscal year — to 450 in October, 362 in November, 245 in December and 375 in January. However, Foley expects the numbers to pick up rapidly this year.

The two can point to some successes, though, such as convincing Syria last fall to allow Homeland Security Department interviewers to return and reaching an inter-agency agreement last year to begin processing refugees inside Iraq who were referred directly by the U.S. embassy. Under typical resettlement procedures, such refugees would have had to flee Iraq in order to complete the processing. Meanwhile, overall processing times are faster than anywhere else in the world, having been cut from eight to nine months to four or five months, Foley says.

Still, some disputes remain. The Associated Press reported in December, for example, that the Homeland Security Department has refused to include refugees who worked for U.S. contractors in the new in-country processing system.

And Foley says that it quickly became clear to him that his job is bigger than the first two tasks he was assigned: negotiating with Syria and the Homeland Security Department. “The longer I’ve been in the job I’ve had the sense that it’s like peeling an onion. You deal with one layer and there’s another layer beneath it. The basic reality is that the Department of State is not the only actor in making this process function successfully and efficiently.”

Foley sees the primary issue as State’s inability to process refugees (with the limited exceptions approved by the Homeland Security Department for direct embassy employees) inside Iraq, where an estimated two million people have been forced from their homes by sectarian violence and terrorism.

State has not developed an official policy on processing refugees in Iraq. But Foley would like to be able to do it. “There is only so much we can accomplish in the neighboring countries,” he says. “The needs are greatest inside the country, and yet that is the hardest nut to crack of all.”

That’s for reasons of security, he explains. “It’s not one of will or desire, but of conditions, of security first and foremost,” he says.

At the same time, Foley says it’s not clear that more

referrals for resettlement will be found in large numbers in Jordan, which has provided the greatest level of cooperation with Homeland Security Department interviewers and may be mostly tapped out. So ramping up the number of resettlements will rely heavily on expanding processing inside Iraq and in Syria. Damascus has allowed DHS interviewers in, but Foley says that it has not granted access to the number of Homeland Security Department officials or employees of State’s overseas processing entity in Syria — the International Organization for Migration — that State would like to see, slowing processing there.

As for shortening DHS security reviews to speed resettlements — and the analogies comparing the situation in Iraq to the mass resettlements from Vietnam in 1975 — Foley says that concerns about admitting a terrorist by accident are now too severe to replicate the Vietnam airlifts.

“Underappreciated, if not misunderstood, is how important the security screening is to the success of this program,” he says. “People like to put the Department of Homeland Security in one corner and the Department of State or others in another as antagonists. But in reality, all Americans should be united in supporting the idea that we will assist and to some degree resettle Iraqi refugees who qualify, who are in need — but equally that we will ensure that the program is completely sound from a security perspective. The world changed fundamentally on Sept. 11, 2001.” In other words, if one refugee were to commit a terrorist act in the United States, it would destroy the whole program.

As a result, Foley says he’s making no guarantees that State will hit its goal of resettling 12,000 refugees this fiscal year. There are too many variables beyond the department’s control, he says, adding that it is using the goal as a motivator and is doing its best to reach it.

In the end, though, Foley says that he hopes the intense focus on resettlement of refugees who assisted the U.S., while vitally important, doesn’t distract the nation from the larger issue of the more than four million displaced Iraqis, the vast majority of whom will never be resettled. “Politically speaking, resettlement gets all the attention, when it really is the solution for a small minority. We need to make sure we devote all the attention necessary to taking care of the totality of refugees.” ■