



REFUGEE CRISIS IN AMERICA

IRAQIS AND THEIR RESETTLEMENT EXPERIENCE

A FACT-FINDING INVESTIGATION BY HUMAN RIGHTS ACTION
IN PARTNERSHIP WITH THE HUMAN RIGHTS INSTITUTE
GEORGETOWN LAW

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EXECUTIVE SUMMARY

Across the United States, many resettled Iraqi refugees are wondering how, after fleeing persecution at home to seek refuge in a country that barely tolerated them, they have found themselves in “the land of opportunity” with little hope of achieving a secure and decent life. From Washington, D.C. to Detroit¹ to San Diego, recently resettled Iraqi refugees face odds so heavily stacked against them that most end up jobless, some even homeless.

One Iraqi widow in D.C. lives with her three young children in a shelter. “I left Iraq to find security,” she says. “But what kind of security is it to live in a homeless shelter?”²

This report seeks to shed light on the oft-forgotten domestic side of the refugee equation, focusing on Iraqis recently resettled in the United States. Though many advocates worked tirelessly to encourage the U.S. government to accept Iraqis who were forced to flee a war initiated by the United States, few have studied what happens to those refugees after they arrive here. Indeed, while the international community identifies resettlement as one of three “durable solutions” for refugees, there has been scarce focus on just how durable the U.S. resettlement system actually is.

The United States Refugee Admissions Program (USRAP) is unique in giving new life and opportunity to millions of refugees, accepting many times more than the rest of the world combined. But this report finds that the United States is opening its gates to refugees and simply forgetting about them after they have arrived. In the process, the United States is in danger of failing to meet its legal obligations to extend protection to the most vulnerable refugees, promote their long-term self-sufficiency, and support their integration.³ As these new refugees from Iraq arrive in ever-greater numbers,⁴ and as the U.S. economy continues to offer little prospect for those seeking work, there is an urgent need to diagnose the ills of refugee resettlement before they become incurable.

This report is the culmination of months of research by a team of students at Georgetown University Law Center in Washington, D.C. The topic was proposed and designed by members of the student group Georgetown Human Rights Action in partnership with the Law Center’s Human Rights Institute. The project sought to determine the extent to which Iraqi refugees have been afforded protection and a durable solution through the USRAP.⁵ To this end, researchers conducted extensive fact-finding, including interviews in the

¹ For the sake of clarity and for the confidentiality of our refugee interviewees, this report will refer to the Washington, D.C. metro area and the Detroit metro area as “D.C.” and “Detroit,” respectively.

² Interview with DHTO 1, in Wash., D.C. (Mar. 11, 2009).

³ This project sought to determine the extent to which Iraqi refugees have been afforded protection and a durable solution through the USRAP. Throughout the report, the broad terms *long-term self-sufficiency* and *long-term integration* is used to describe both the goal of the USRAP and the standard against which it is measured. The term is intended to carry a particular legal connotation as a reference to refugee law as well as a group of international human rights norms, both of which are echoed in the USRAP legal framework. If the United States is to meet its own aims and serve as a guarantor of security for those it welcomes to its shores, it is imperative that U.S. policies be based on respect for these legal norms.

⁴ DEP’T. OF STATE, BUREAU OF POPULATION, REFUGEES, AND MIGRATION, REFUGEE ADMISSIONS REPORT AS OF AUGUST 31, 2009 [hereinafter August 2009 Admissions Report], *available at* <http://wrapsnet.org/Reports/AdmissionsArrivals/tabid/211/language/en-US/Default.aspx>.

⁵ We are aware that “USRAP” technically refers to the program administered by the Department of State’s Bureau of Population, Refugees and Migration (PRM) that coordinates the admission of refugees into the United States. We are also aware that the services provided by the Department of Health and Human Services, Office of Refugee Resettlement (ORR) are often not considered part of the USRAP. In this report, however, we will use the term USRAP to refer to the *entire* process and program: from the identification of refugees to their arrival in the United States, and from their initial placement to their longer-term integration. We do so both to simplify terminology and to reinforce our belief that the USRAP should function as a single program.

Washington, D.C.; Detroit, Michigan; San Diego, California; and Amman, Jordan. In order to evaluate the USRAP, researchers used U.S. obligations to refugees under international and domestic law as a baseline.

The project's research supports the following findings that are further detailed in the report:

- Iraqi refugees rarely enjoy legal protection and long-term self-sufficiency in Jordan. The overwhelming majority of Iraqi refugees interviewed in Jordan could not secure legal employment in the formal economy. Not all Iraqi refugees are registered with the United Nations High Commissioner for Refugees (UNHCR), which compromises their ability to gain access to assistance. Moreover, most Iraqi refugees in Jordan do not have access to adequate legal protections such as residency, work permits, and police protection, and are discriminated against, extorted, and abused as a result.
- Resettlement remains an important solution for many Iraqi refugees. Some refugees, including particularly vulnerable refugees, are refusing resettlement offers to the United States because of a perceived lack of post-resettlement services. However, most Iraqi refugees interviewed for this report desired to be resettled to the United States.
- The application of mainstream U.S. anti-poverty programs to refugee assistance under the USRAP does not promote the long-term self-sufficiency of refugees. It does not break down barriers to sustainable employment, employment services are not properly funded, English language training is insufficient, transportation is inadequate, and professional recertification is not viable. These deficiencies result in low employment rates for Iraqi refugees. Additionally, cash assistance is insufficient, both in amount and duration, to allow refugees to support themselves. Finally, the USRAP makes it difficult for refugees to secure medical care, and treatment options are insufficient to address the serious mental health issues that affect many Iraqi refugees.
- Poor planning and coordination throughout the USRAP amplify the problems that refugees face. Pre-resettlement processing takes little account of post-resettlement needs when gathering information about individual refugees. The USRAP does not base services capacity-setting on current or future refugee flows, leaving programs improperly funded. Secondary migration is not properly tracked, further preventing the USRAP from targeting resources to actual needs.

In accordance with these findings, this report presents the following general recommendations:

- Refugee resettlement should be decoupled from U.S. anti-poverty programs and tailored to the unique needs and experiences of refugees. Refugee assistance should be increased from eight to eighteen months, and programs designed to promote the long-term self-sufficiency and integration of refugees should be better funded. A stronger emphasis should be placed on the core barriers to self-sufficiency and integration, including lack of English language skills, lack of transportation, and lack of opportunities for education and recertification.
- Funding for employment and social services should be tailored to estimates of incoming refugee arrivals and secondary migration, as well as the unique needs of these particular groups. Funding should not be based on the number of past refugee arrivals.

- All actors within the USRAP must improve planning and information sharing capabilities. Planning should anticipate and prepare for the unique needs of each refugee group prior to arrival. In order to tailor services for refugees, actors must take into account important information on refugees collected in the resettlement process, such as health status and professional background.

INTRODUCTION

What happens to Iraqi refugees after they have been resettled in the United States? How effective is the USRAP in helping to ensure long-term self-sufficiency and integration? To answer these questions, teams of Georgetown Law students conducted extensive interviews in Detroit, Michigan, and the Washington, D.C. metro-area in March 2009, in Amman, Jordan in May 2009, and in San Diego, California in August 2009. In the United States, researchers interviewed Iraqi refugees, voluntary agencies (volags) that resettle refugees, government and not-for-profit organizations that provide services to refugees, and policy makers that shape and implement the USRAP. In Amman, researchers interviewed Iraqi refugees that were in the process of being resettled to the United States and those who were considering resettlement to the United States. The research team also interviewed individuals at the UNHCR, the International Organization for Migration (IOM), and international and domestic non-governmental organizations that work with Iraqi refugees.

A full accounting of all individuals and organizations interviewed can be found in Appendix I. For the safety of participating refugees, all names of refugees in this report appear as aliases. Similarly, in many cases researchers spoke to individuals who work in various aspects of refugee resettlement who provided information on condition of anonymity. Such information is attributed to a generic person with his or her employment title, such as “a caseworker.”

This report is organized in several Parts. Part II provides an overview of the USRAP and explains how it works. In this Part, the report discusses the various stakeholders and their roles and functions within the program are discussed. It also places special emphasis on how the USRAP operates within the global refugee protection framework, and the international refugee and human rights law that supports it.

Drawing on the team’s research concerning Iraqi refugees in Jordan, a primary destination for refugees fleeing Iraq, Part III addresses why resettlement is such an important solution for the most vulnerable Iraqi refugees. For these refugees, repatriation to Iraq and local integration in countries of first asylum are not viable options. The research team found that Iraqis in Jordan are generally unable to become self-sufficient, cannot access basic rights and protections, and face discrimination and abuse. This makes life in Jordan unsustainable for most Iraqi refugees and resettlement to third countries, like the United States, an important protection option.

Part IV explains how resettlement in the United States has left many Iraqi refugees in a precarious situation. The research team found that the USRAP is not doing enough to promote the long-term self-sufficiency and integration of Iraqi refugees resettled to Detroit, San Diego, and D.C. Refugees do not receive enough financial assistance, and services remain insufficient to prepare refugees for sustainable employment. Meanwhile, the lack of strategic planning and coordination within the USRAP amplify these problems by failing to anticipate the needs of refugee populations prior to arrival and failing to direct precious resources to localities with the highest numbers of arriving refugees.

Part V provides the conclusion, and Part VI proposes recommendations.

II. RESETTLEMENT AND THE USRAP

The USRAP fits into the broader international framework that regulates the legal status of refugees outlined in the 1951 Convention relating to the Status of Refugees (Refugee Convention) and 1967 Protocol relating to the Status of Refugees (Refugee Protocol).⁶ The Refugee Convention and Protocol are the principal international instruments established for the protection of refugees and provide the most comprehensive codification of the rights of refugees worldwide. These international instruments define the term “refugee” and establish basic minimum standards for the treatment of refugees.⁷ One of the most important underlying principles of the Convention is a state commitment to *nonrefoulement*. That is, persons with a well-founded fear of persecution on account of their race, religion, nationality, political opinion, or membership in a particular social group, cannot be forcibly returned to their country of origin.⁸

The UNHCR is mandated with the task of protecting and assisting refugees.⁹ Under the Refugee Convention and Protocol, contracting states undertake to cooperate with the UNHCR in the exercise of its functions.¹⁰ While the UNHCR’s primary purpose is to safeguard the rights and well-being of refugees, its ultimate goal is to find durable solutions that will enable refugees to rebuild their lives in dignity and peace. There are three possible solutions promoted by the UNHCR: voluntary repatriation to a refugee’s home country; local integration in the country of first asylum; or resettlement to a third country when it is impossible for a person return home or remain in the host country.¹¹ Of these three solutions, resettlement remains the least utilized, with less than one percent of all refugees worldwide resettled to third countries.¹²

Despite the low number of refugees who benefit from resettlement, it is an extremely important protection tool. First, resettlement serves as an instrument for international responsibility and burden sharing. Today, developing countries serve as countries of first asylum to the vast majority of refugees, while more developed countries conduct resettlement programs.¹³ Second, when used strategically, resettlement is a tool that governments can use in diplomatic relations to help secure additional benefits for refugees who will not be resettled. That is, countries like the United States can offer to resettle some

⁶ Convention Relating to the Status of Refugees Jul. 28, 1951 189 U.N.T.S. 150 (1951) [hereinafter Refugee Convention]; Protocol Relating to the Status of Refugees, 19 U.S.T. 6223, 606 U.N.T.S. 267, *entered into force* Oct. 4, 1967.

⁷ With respect to access to courts, elementary school education, public assistance, and social security, refugees are afforded rights equivalent to those of the nationals in the country in which they reside. *See* Refugee Convention, *supra* note 6, arts. 22-24. For many other matters, including housing and employment provisions, refugees are afforded “treatment as favorable as possible and, in any event, not less favorable than that accorded to aliens generally in the same circumstances.” *Id.* at arts. 18, 21. Refugees are also afforded basic rights under international human rights norms, many of which are widely considered to be customary international law. For example, the Universal Declaration of Human Rights provides that every person is afforded “a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services.” Universal Declaration of Human Rights, G.A. Res. 217A, at 71, U.N. GAOR 3d Sess., 1st plen. mtg., U.N. Doc A/810 at 71 (Dec. 12, 1948) [hereinafter UDHR].

⁸ *See* Refugee Convention, *supra* note 6, art. 1(a)(2).

⁹ *See* Statute of the Office of the United Nations High Commissioner for Refugees, G.A. res. 428 (V), annex, 5 U.N. GAOR Supp. (No. 20) at 46, U.N. Doc. A/1775 (1950), *available at* <http://www.unhcr.org/3b66c39e1.html>.

¹⁰ *See* Refugee Convention, *supra* note 6, *preamble*.

¹¹ “What We Do”, <http://www.unhcr.org/pages/49c3646cbf.html>.

¹² Erika Feller, Assistant High Comm’r – Protection, Statement to the Fifty-eighth Session of the Executive Committee of the High Commissioner’s Programme in Geneva (Oct. 3, 2007), *available at* <http://www.unhcr.org/admin/ADMIN/4704d4f32.pdf>.

¹³ Global Consultations on International Protection, 2001-2002, *Strengthening and Expanding Resettlement Today: Dilemmas, Challenges and Opportunities*, EC/GC/02/7 (Apr. 25, 2002) [hereinafter *Strengthening and Expanding Resettlement Today*].

refugees if the host country agrees to locally integrate or provide work permits for other refugees.¹⁴ Third, refugees gain legal protection through resettlement that they might not otherwise have, such as legal residency and public assistance.¹⁵ Fourth, resettled refugees bring many assets to their new communities, spur economic growth, and stimulate transformative cross-cultural experiences.¹⁶ Finally, resettled refugees are often able to provide remittances to friends and family members in countries of origin and first asylum.¹⁷

The USRAP

Although refugee resettlement to the United States historically had geo-political overtones, it has evolved to primarily serve as a vehicle to provide safety and sanctuary for those of particular humanitarian concern.¹⁸ Following the large numbers of refugees that began arriving in the United States from Southeast Asia in the 1970s, Congress officially established the USRAP through the Refugee Act of 1980.¹⁹ The Refugee Act has two basic purposes: to provide a uniform procedure for refugee admissions, and to authorize federal assistance to resettle refugees and promote their self-sufficiency.²⁰ It also recognizes the role of the federal government in assisting states, private volags, and local communities in resettling refugees. Thus, the USRAP serves as a true public-private partnership designed to facilitate the resettlement of refugees.

Three U.S. government agencies are responsible for the central functions of the USRAP:

- The U.S. Citizenship and Immigration Services (USCIS), within the Department of Homeland Security (DHS), adjudicates individual refugee admissions cases overseas through the overseas deployment of its Refugee Corps.
- The Department of State's Bureau of Population, Refugees and Migration (PRM) sets refugee admissions policy and provides refugee assistance both overseas and in the initial resettlement period.
- The Office of Refugee Resettlement (ORR), within the Department of Health and Human Services (HHS), administers comprehensive resettlement services including employment training, English language acquisition, cash assistance, and other refugee services after a refugee has been resettled.

To begin the resettlement process, most refugees gain access to the USRAP by first fleeing from their home country to a country of first asylum, such as Jordan or Syria, where they register with the government or the UNHCR, or both, to seek protection. After registering with the UNHCR, refugees who meet resettlement protection criteria may be referred to the

¹⁴ See Jeremy Sharp, *Jordan: Background and U.S. Relations, Congressional Research Service Report for Congress 15* (2008) (finding that although Jordan has not generally welcomed Iraqi refugees or provided them with basic legal protections such as legal residency, Jordan's positive relationships with Western countries has enabled some Iraqi refugees to access refugee assistance in Jordan).

¹⁵ For example, most Iraqi refugees in Jordan do not have the legal rights and privileges typically afforded refugees in countries like the United States, as Jordan and Syria are not parties to the Refugee Convention. See AMNESTY INTERNATIONAL, *RHETORIC AND REALITY: THE IRAQI REFUGEE CRISIS* (2008).

¹⁶ See *Strengthening and Expanding Resettlement Today*, *supra* note 13.

¹⁷ *Id.*

¹⁸ See B. S. Chimni, *From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems* (May 1999), <http://www.unhcr.org/research/RESEARCH/3ae6a0c50.pdf>.

¹⁹ The Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102 (1980) [hereinafter Refugee Act]. The Refugee Act is codified at 8 U.S.C. § 1521 and in the Immigration and Nationality Act [hereinafter INA] §§ 411-414.

²⁰ See Andorra Bruno and Katherine Bush, *Refugee Admissions and Resettlement Policy*, CONGRESSIONAL RESEARCH SERVICE REPORT FOR CONGRESS (1982); Maurice Roberts, *The U.S. and Refugees: The Refugee Act of 1980*, 12 ISSUE: A JOURNAL OF OPINION ½ (1982).

USRAP.²¹ Following referral from the UNHCR, the PRM contracts with Overseas Processing Entities (OPEs) to conduct refugee intake interviews in the countries of first asylum.²² The contracted OPE conducts a series of interviews to prepare a refugee's persecution claim for adjudication by the Refugee Corps.

Once refugees are approved by the Refugee Corps, the OPE ensures that they pass a medical clearance, complete a security check, and that a volag can deliver the necessary resettlement services in the United States.²³ Volags are, for the most part, large, private, not-for-profit organizations that are predominantly responsible for administering initial reception and placement services and longer-term resettlement services.²⁴ Volag representatives meet every Wednesday at the Refugee Processing Center in Arlington, Virginia to decide where in the United States to resettle approved cases.²⁵ These decisions are based on refugee biographical data collected by the OPE, which includes information on family size, nationality, ethnicity, religion, and medical conditions.

The OPE coordinates refugee travel to the United States when it is notified that the refugee passed both the medical check and security clearance, and that a volag has assured the refugee's placement.²⁶ While refugees await departure, they attend an optional cultural orientation, arranged by the PRM, but often conducted by organizations such as the IOM.²⁷

Upon a refugee's arrival in the United States, the first set of resettlement services falls under the PRM's Reception and Placement (R&P) program, which is designed to meet refugees' immediate needs during the first thirty days after arrival.²⁸ In theory, refugees simultaneously gain access to the ORR's Refugee Assistance Program (RAP), which is intended to provide cash and medical assistance to eligible refugees for at least the first eight months after arrival, while they integrate into American society and search for employment.²⁹ Refugee Social Services (RSS), Targeted Assistance Grants (TAG), or the Matching Grant (MG) program – all three of which are overseen by the ORR – can fund employment training.³⁰ The ORR also administers additional programs on an ad hoc basis to facilitate refugee resettlement.³¹

²¹ Some refugees are able to directly apply to the U.S. government for resettlement and need not be registered with UNHCR. This applies to those who meet the criteria of the priority two (P-2) processing category for Iraqis. See Refugee Crisis in Iraq Act, Public Law 110-181, 122 Stat. 3 (2008).

²² For most Iraqi refugees, the OPE is the International Organization for Migration (IOM).

²³ David Martin, *The United States Refugee Admissions Program: Reforms for a New Era of Refugee Resettlement*, 137-143, available at <http://www.state.gov/documents/organization/36495.pdf>. Consider, for example, the activities of IOM in Jordan. See IOM-Jordan webpage available at <http://www.iom.int/jahia/Jahia/pid/424>.

²⁴ There are nine volags: Church World Services, Episcopal Migration Ministries, Ethiopian Community Development Council, Hebrew Immigrant Aid Society, International Rescue Committee, Lutheran Immigration and Refugee Service, U.S. Committee for Refugees and Immigrants, U.S. Conference of Catholic Bishops/Migration and Refugee Service, and World Relief. One state, Iowa, runs its own refugee resettlement agency under the Iowa Department of Human Services.

²⁵ See 8 U.S.C. § 1522(a)(2) for placement guidelines and requirements.

²⁶ See *supra* note 23 and accompanying text.

²⁷ See *supra* note 23 and accompanying text.

²⁸ See PRM's Iraqi Refugee Assistance and Resettlement Webpage, <http://www.state.gov/g/prm/c25771.htm> (last visited Sep. 29, 2009).

²⁹ Congress also created Wilson-Fish programs to allow for ORR to contract directly with volags in states without official refugee coordination. Wilson-Fish programs allow volags, some individual states, and other resettlement agencies to apply directly to ORR for special funding. This funding is intended to assist refugees with self-sufficiency and integration through the creation of alternatives to the standard methods of dispersing public assistance. See Wilson/Fish Amendment, Pub. L. 98-473, 98 Stat 1837 (1984) (codified at 8 U.S.C. 1522(e)(7)). There are currently eleven states operating a Wilson-Fish program, as well as the county of San Diego in California.

³⁰ 45 C.F.R. §§ 400.154, 44.206.

³¹ *Id.* §§ 400.205, 400.207.

Matching Grant

Under the MG program, a refugee receives a combination of cash assistance and employment services over the course of four to six months, with the goal of using employment as a means to achieving full economic self-sufficiency. The MG program is funded through a combination of the volags' own resources, which are then matched by the ORR. The program is implemented by one of the nine volags through their networks of local affiliates.

As the world's largest resettlement program, the USRAP has a long history of offering a fresh start for many of the world's most vulnerable people, without discriminating on the basis of race, religion, social or political affiliation, or educational or skill level. However, the population it serves and the environment in which it functions have changed drastically in the near thirty years since its creation. When the Refugee Act of 1980 was drafted, the United States admitted a relatively homogenous group of refugees from Southeast Asia.³² The processing, cultural orientation, reception and placement, and resettlement services programs were designed for a single population and its specific needs. Today, the United States admits a culturally, religiously, and linguistically diverse caseload of refugees from over sixty countries, all of whom have very particular and different histories of persecution and needs.³³ Nevertheless, the same one-size-fits-all system designed largely for Southeast Asians is still in place, presenting distinct and novel challenges for the resettlement of new populations entering the United States, including Iraqis.

The USRAP and the Iraqi Refugee Crisis

The UNHCR High Commissioner, Antonio Guterres, declared the Iraqi refugee crisis to be "the most significant displacement in the Middle East" since the displacement of Palestinians following the establishment of the State of Israel in 1948.³⁴ With relatively little displacement at the beginning of the Iraq war, the number of displaced Iraqis rose dramatically after the February 2006 bombing of the Al-Askari mosque in Samarra, which ignited sectarian and ethnic conflict throughout Iraq.³⁵ The UNHCR and host governments have estimated that a total of 4.5 million Iraqis have been displaced both inside Iraq and to neighboring countries.³⁶

In response, human rights and refugee advocacy groups asked the United States to provide assistance and resettlement to displaced Iraqis.³⁷ Many of the groups argued that the United States had a particular responsibility to Iraqis given its role in the invasion of Iraq in

³² REFUGEE COUNCIL USA, HISTORY OF THE U.S. REFUGEE RESETTLEMENT PROGRAM, <http://www.rcusa.org/index.php?page=history>.

³³ See August 2009 Admissions Report, *supra* note 4.

³⁴ UNITED NATIONS HIGH COMM'R FOR REFUGEES, UNHCR'S ELIGIBILITY GUIDELINES FOR ASSESSING THE INTERNATIONAL PROTECTION NEEDS OF IRAQI ASYLUM-SEEKERS 21 (2007), available at <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=46deb05557>.

³⁵ Kelly O'Donnell and Kathleen Newland, *Migration Policy Institute, The Iraqi Refugee Crisis: The Need for Action* (2008), http://www.migrationpolicy.org/pubs/MPI-The_Iraqi_Refugee_Crisis_The_Need_for_Action_011808.pdf.

³⁶ Host governments and UNHCR continue to cite this figure. See UNITED NATIONS HIGH COMM'R FOR REFUGEES, UNHCR GLOBAL APPEAL 2009 UPDATE (2009). However, at the writing of this report many prominent authorities on the issue estimate that Iraqi refugees and internally displaced persons range in the hundreds of thousands, not millions.

³⁷ See RefugeesInternational.org, Joint NGO Statement on Iraqi Refugee Needs (Jul. 25, 2007), <http://www.refugeesinternational.org/policy/letter/joint-ngo-statement-iraqi-refugee-needs> (last visited Oct. 5, 2009); Press Release, Refugee Council USA, Iraqi Refugees Require Urgent Protection and Assistance (May 21, 2007); Press Release, Amnesty International, Iraq: US, UK and other states must protect Iraqi refugees (Feb. 9, 2007).

2003.³⁸ Yet the United States responded very slowly to calls for resettlement, admitting only 1,608 Iraqi refugees in Fiscal Year (FY) 2007.³⁹

Under pressure from advocacy groups and increased reporting on the plight of Iraqi refugees, the United States ultimately began resettling more Iraqis. In the fall of 2007, Congress passed the Refugee Crisis in Iraq Act, providing admission for Iraqis that worked for the United States or its contractors in Iraq, and allowing in-country processing for at-risk Iraqis.⁴⁰ In 2008, the United States appointed two Senior Coordinators for Iraqi Refugees, one at the Department of State and one at the DHS, to strengthen the American humanitarian commitment to refugees with a particular emphasis on resettlement.⁴¹ In FY 2008, the United States resettled 13,822 Iraqi refugees.⁴² As of August 31, 2009, the United States has resettled 16,965 Iraqi refugees in FY 2009, totaling over 33,000 since the 2003 war.⁴³ These refugees have been resettled throughout the United States, with some of the largest populations in Detroit, Southern California, and D.C.⁴⁴

With millions displaced and only a few thousand resettlement slots available worldwide, the UNHCR developed 11 resettlement eligibility criteria for Iraqi refugees:

- (1) Survivors of torture and violence, including sexual and gender based violence;
- (2) Members of minority groups and persons targeted due to their ethnicity or sect;
- (3) Women at risk in country of asylum;
- (4) Unaccompanied or separate children;
- (5) Dependents of refugees living in resettlement countries;
- (6) Elderly refugees;
- (7) Refugees with medical needs;
- (8) High profile cases;
- (9) Iraqis who fled due to their associations with U.S. or other foreign institutions;
- (10) Stateless persons;
- (11) Iraqis at risk of *refoulement*

When the U.S. government committed to resettle Iraqis, it essentially agreed to these criteria. Yet the USRAP expects the most vulnerable refugees will find employment and become self-sufficient almost immediately. Thus, the United States offers resettlement to those refugees with particular vulnerabilities that can inhibit their ability to achieve self-sufficiency while expecting them to quickly become self-sufficient.

³⁸ The List Project and Human Rights First were among the first organizations that advocated for those refugees who faced persecution due to their affiliations with U.S. institutions in Iraq. See The List Project Website, <http://www.thelistproject.org>; Kirk Johnson, *Hounded by Insurgents, Abandoned by Us*, N.Y. TIMES, Apr. 18, 2007 (Mr. Johnson is the founder and executive director of The List Project; he was an early advocate for special admission of Iraqis who helped the United States during the war and reconstruction efforts); HUMAN RIGHTS FIRST, PROMISES TO THE PERSECUTED: THE REFUGEE CRISIS IN IRAQ ACT OF 2008 (2009); HUMAN RIGHTS FIRST, HOW TO CONFRONT THE IRAQI REFUGEE CRISIS: A BLUEPRINT FOR A NEW ADMINISTRATION (2008).

³⁹ See August 2009 Admissions Report, *supra* note 4.

⁴⁰ See Refugee Crisis in Iraq Act, *supra* note 21.

⁴¹ See *id.*; Letter from Bill Frelick, Refugee Policy Director, and Tom Malinowski, Washington Advocacy Director, Human Rights Watch, to Ambassador James B. Foley, Senior Coordinator for Iraqi Refugee Issues, Dep't. of State, and Lori Scialabba, U.S. Citizenship and Immigration Services (Sep. 24, 2007), <http://www.hrw.org/en/news/2007/09/24/letter-ambassador-foley-and-lori-scialabba-iraqi-refugees>.

⁴² See August 2009 Admissions Report, *supra* note 4.

⁴³ *Id.* The total includes Iraqi refugees admitted in FY 2003, some of which were probably admitted before the Iraq war began.

⁴⁴ See Iraqi refugee arrivals by state tabulated on ORR's website, http://www.acf.hhs.gov/programs/orr/data/refugee_arrival_data.htm; see also *Detroit Expects Half of Iraqi Refugees*, ASSOCIATED PRESS, Jun. 7, 2007; Hanna Ingber Win, *Between Iraq and a Hard Place: Seeking Asylum and a Better Life, California's Iraqi Refugees Find Themselves in Limbo*, LA WEEKLY, May 20, 2009 (stating that 5,000 new Iraqi refugees will arrive by the end of fiscal year 2009); see also Appendix II.

The disconnect between the goals of refugee resettlement and how the USRAP operates in practice has real effects on the lives of Iraqi refugees. As this report shows in Part III, Iraqi refugees in countries of first asylum, such as Jordan, are making decisions about resettlement to the United States in extremely difficult circumstances. Faced with poor conditions in Amman and uncertainty about resettlement, many Iraqis question whether resettlement to the United States is worth it. In Part IV, this report shows why Iraqi refugees are justifiably skeptical of resettlement to the United States. The USRAP has failed to promote their long-term self-sufficiency, and this failure has led to a new refugee crisis in the very land that has been the destination of hope for many of the world's most vulnerable refugees.

III. IRAQI REFUGEES ARE STILL IN DIRE NEED OF RESETTLEMENT

The case for resettlement must be considered in the context of the other two durable solutions for Iraqi refugees: repatriation and integration in countries of first asylum.

On the first of these possible solutions, repatriation, international humanitarian groups agree that Iraq is still not safe enough to allow return.⁴⁵ And although some are returning, there is “still no big flow back into Iraq.”⁴⁶ The International Commission of the Red Cross informally estimates the flow at close to one percent of the total refugee population and believes that “most come in to look and see if its safe, if their property is still there, [and so on], then quickly [go] back [to countries of asylum].”⁴⁷ There are no credible reports of Iraqi refugees returning home in significant numbers.⁴⁸

Similarly, integration into countries of first asylum is a mere theoretical possibility for many Iraqi refugees. The ability of Iraqi refugees to enjoy legal protection and long-term self-sufficiency in Jordan remains severely limited. The overwhelming majority of Iraqi refugees interviewed in Jordan could not secure legal employment in the formal economy.⁴⁹ Not all Iraqi refugees are registered with the UNHCR, which compromises their ability to gain access to assistance. Moreover, most Iraqi refugees in Jordan do not have access to adequate legal protections such as residency, work permits, and police protection, and are discriminated against, extorted, and abused as a result.

The inability of many Iraqi refugees to return to Iraq, combined with the dire situation they face in places like Jordan, leaves resettlement to third countries like the United States the only viable option. Some refugees, including particularly vulnerable refugees, are refusing resettlement offers to the United States because of a perceived lack of post-resettlement services; however, most Iraqi refugees we spoke to wanted to be resettled to the United States.

A. Iraqi Refugees in Jordan Lack Basic Legal Protections

“How do you get by without jobs?” an interviewer asked Salim, an unemployed Iraqi refugee living in Amman. “We sell property in Iraq. Some of us are receiving assistance from relatives abroad. Some ‘volunteer’ and get paid without a contract. Others work secretly but if caught, then they have problems. We know many who have been caught and deported,” he said.⁵⁰

⁴⁵ This is most clearly shown by the fact that UNHCR, in revising their protection guidelines to exclude Iraqis from Northern and Southern Iraq from the *prima facie* recognition procedure, stated, “It is UNHCR’s assessment that the improvement of the situation in Iraq does not yet constitute fundamental changes... it is UNHCR’s recommendation that individuals already benefiting from international protection, whether on a *prima facie* basis or following individual status determination, should retain their status.” UNITED NATIONS HIGH COMM’R FOR REFUGEES, UNHCR’S ELIGIBILITY GUIDELINES FOR ASSESSING THE INTERNATIONAL PROTECTION NEEDS OF IRAQI ASYLUM-SEEKERS (2009) (emphasis in original), available at <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=4a2640852&query=iraq>.

⁴⁶ Interview with Martin Thalmann, Deputy Head of Delegation, Int’l Comm. of the Red Cross, Amman, Jordan (May 20, 2009).

⁴⁷ *Id.*

⁴⁸ See HUMAN RIGHTS FIRST, FACT SHEET: IRAQI REFUGEE RETURNS: NOT A SOLUTION RIGHT NOW (2008).

⁴⁹ “Legitimate employment” refers to those who live and work in Jordan with legal residency and receive no assistance. This describes only one person interviewed. See Interview with SALP 1, in Amman, Jordan. (May 23, 2009).

⁵⁰ Interview with IKJG 3, in Amman, Jordan (May 20, 2009).

Of the twenty-nine Iraqi refugees interviewed in Jordan, only one had secured gainful legal employment.⁵¹ Stories of “getting by” were commonplace;⁵² those who had savings were hoping to be resettled before it was depleted.⁵³ Many were dependent on assistance⁵⁴ or help from family outside Jordan.⁵⁵

Among those few Iraqis who were able to work illegally, stories of discrimination were common. Zainab and her daughter Razia fled to Amman but said they have found “no security [there].” Only Razia found a job; however, this was working alongside a Jordanian girl who was paid ten times Razia’s salary. “If an Iraqi is lucky enough to get a job, employers will fire him or her for arbitrary reasons or pretexts,” said Zainab.⁵⁶

Shaimaa, a woman in her twenties, also spoke to researchers about refugees’ vulnerabilities in the workplace. Before fleeing Iraq, Shaimaa was a student and had completed two years of college for graphic design. Because of her computer skills, she was able to find a job in Amman as a typist in a lawyer’s office. When she went to a bank to cash her first check, however, she was told that the check was deficient and could not be cashed. She was saddened to have encountered such “oppression” while waiting for resettlement when, as she says, “We have been so patient.”⁵⁷ Given the sensitivity of the issue, fear of arrest, and the fact that termination is used as a mechanism of control over those working illegally, it is likely that refugees experience even more workplace discrimination than they reported to the researchers.

Iraqi refugees living in Jordan lack many other basic legal protections as well. Only one of the twenty-nine Iraqi refugees interviewed in Jordan had secured legal residency. One international aid worker, emphasizing the difficult circumstances Iraqis faced, said “Jordan is temporary. [Iraqi refugees] cannot get residency or full rights. They cannot work. [But return to] Iraq is not an option.”⁵⁸ Another aid worker called Jordan an “ambiguous legal space,” emphasizing the unreliable nature of legal protections Iraqi refugees have there.⁵⁹

⁵¹ Interview with SALP 1, in Amman, Jordan (May 23, 2009).

⁵² Interview with DATO 1, in Amman, Jordan (May 22, 2009) (stated that between the small stipend he gets from his volunteer position and the cash assistance his family receives from UNHCR each month, he can just afford to pay his rent).

⁵³ Interview with DATO 2, in Amman, Jordan (May 22, 2009); Interview with IKSA 1, in Amman, Jordan (May 23, 2009); Interview with JGLP 1, in Amman, Jordan (May 23, 2009); Interview with DATO 4, in Amman, Jordan (May 23, 2009); Interview with SALP 2, in Amman, Jordan (May 22, 2009).

⁵⁴ Interview with IKJG 1, in Amman, Jordan (May 20, 2009); Interview with IKJG 2, Amman, Jordan (May, 20, 2009); Interview with IKJG 3, Amman, Jordan (May 20, 2009); Interview with IKJG 4, Amman, Jordan (May 20, 2009); Interview with IKJG 5, Amman, Jordan (May 20, 2009); Interview with IKJG 6, Amman, Jordan (May 20, 2009); Interview with IKJG 7, Amman, Jordan (May 20, 2009); Interview with IKJG 8, Amman, Jordan (May, 20, 2009); Interview with IKJG 9, Amman, Jordan (May, 20, 2009); Interview with TODA 1, Amman, Jordan (May 21, 2009); Interview with TODA 2, Amman, Jordan (May 21, 2009); Interview with TODA 3, Amman, Jordan (May 21, 2009); Interview with TODA 4, Amman, Jordan (May 21, 2009); Interview with TODA 5, Amman, Jordan (May 21, 2009); Interview with TODA 6, Amman, Jordan (May 21, 2009); Interview with TODA 7, Amman Jordan (May 21, 2009); Interview with TODA 9, Amman, Jordan (May 21, 2009); Interview with IKJG 10, Amman, Jordan (May 22, 2009); Interview with DATO 1, Amman, Jordan (May 22, 2009); Interview with DATO 3, Amman, Jordan (May, 22, 2009); Interview with DATO 5, Amman, Jordan (May 23, 2009); Interview with JGLP 2, Amman, Jordan (May 23, 2009).

⁵⁵ Interview with DATO 2, Amman, Jordan (May 22, 2009); Interview with IKSA 1, Amman, Jordan (May 23, 2009); Interview with JGLP 1, Amman, Jordan (May 23, 2009); Interview with DATO 4, Amman, Jordan (May 23, 2009); Interview with SALP 2, Amman, Jordan (May 22, 2009).

⁵⁶ Interview with TODA 5, in Amman, Jordan (May 21, 2009).

⁵⁷ Interview with TODA 4, in Amman, Jordan (May 21, 2009).

⁵⁸ Interview with Nour Sha’sha’a, Cmty. Mobilization & Outreach Coordinator, Save the Children, Amman, Jordan (May 20, 2009).

⁵⁹ Interview with Elizabeth Biermann, Int’l Catholic Migration Comm’n, Amman, Jordan (May 23, 2009).

Life without legal status presents dire risks. One aid worker reported hearing stories in which a Jordanian bailed an Iraqi out of jail but kept the Iraqi's passport, extorting money until his case was resolved.⁶⁰ Although Jordan has become much safer for Iraqis, many still fear the police.⁶¹ One young Iraqi man said he heard a rumor that the Jordanian police were assembling a special committee to deport Iraqis. "[It] makes me feel that the threat to me in Jordan is equal to the threat I face[d] in Iraq because I can be sent back anytime the Jordanian government pleases. And if that happens, I will be killed," he said.⁶² Stories like these show that even rumors and limited knowledge can have devastating effects, and that the position of Iraqi refugees in countries of first asylum is tenuous.

Despite such challenges, only twenty-three of the twenty-nine Iraqi refugees interviewed were registered with the UNHCR,⁶³ which funds much of the assistance provided to refugees in Jordan. By the end of 2008, over 50,000 Iraqi refugees were registered in Jordan, only a fraction of the total Iraqi refugee population believed to be residing there.⁶⁴ The UNHCR and partner organizations use registration as an opportunity to connect refugees with service providers and the registration data obtained to tailor assistance programs.⁶⁵ For the six unregistered Iraqi refugees researchers spoke to, and the thousands of others they did not meet, access to assistance and services is quite limited.

B. Resettlement Remains an Imperfect but Important Choice for Iraqi Refugees

Given the difficulties Iraqi refugees face in countries of first asylum and the impossibility of return to Iraq, resettlement remains an important option. For example, several Iraqi refugees in Jordan emphasized that despite their concerns about the lack of support available to refugees resettled in the United States, the formal legal status provided by the U.S. resettlement system "made all of the difference."⁶⁶ However, resettlement to the United States, or another third country, is not a panacea to be pursued at the exclusion of other durable solutions.

As Naima, a forty-five-year-old Iraqi refugee who speaks little English and was preparing to be resettled in Arizona a month later, said, "I have lived through wars since I was thirteen." She was excited about Arizona because it is a desert "like Iraq" but summed up the uncertainty she felt in coming to the United States:

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² Interview with JGLP 2, in Amman, Jordan. (May 23, 2009).

⁶³ Interview with IKJG 1, in Amman, Jordan (May 20, 2009); Interview with IKJG 2, in Amman, Jordan (May 20, 2009); Interview with IKJG 3, in Amman, Jordan (May 20, 2009); Interview with IKJG 4, in Amman, Jordan (May 20, 2009); Interview with IKJG 5, in Amman, Jordan (May 20, 2009); Interview with IKJG 6, in Amman, Jordan (May 20, 2009); Interview with IKJG 7, in Amman, Jordan (May 20, 2009); Interview with IKJG 8, in Amman, Jordan (May 20, 2009); Interview with IKJG 9, in Amman, Jordan (May 20, 2009); Interview with TODA 1, in Amman, Jordan (May 21, 2009); Interview with TODA 2, in Amman, Jordan (May 21, 2009); Interview with TODA 3, in Amman, Jordan (May 21, 2009); Interview with TODA 6, in Amman, Jordan (May 21, 2009); Interview with TODA 9, in Amman, Jordan (May 21, 2009); Interview with DATO 1, in Amman, Jordan (May 22, 2009); Interview with DATO 2, in Amman, Jordan (May 22, 2009); Interview with DATO 3, in Amman, Jordan (May 22, 2009); Interview with DATO 4, in Amman, Jordan (May 22, 2009); Interview with Dato 5, in Amman, Jordan (May 22, 2009); Interview with SALP 1, in Amman, Jordan (May 22, 2009); Interview with SALP 2, in Amman, Jordan (May 22, 2009); Interview with JGLP 2, in Amman, Jordan (May 23, 2009); Interview with IKSA 1, in Amman, Jordan (May 23, 2009).

⁶⁴ UNITED NATIONS HIGH COMM'R FOR REFUGEES, IRAQI REFUGEE REGISTRATION DATA ANALYSIS 2007-2008 (2009) [hereinafter UNHCR IRAQI REFUGEE DATA ANALYSIS REPORT].

⁶⁵ UNITED NATIONS HIGH COMM'R FOR REFUGEES, STRATEGY FOR THE IRAQ SITUATION (2007), available at <http://www.unhcr.org/refworld/pdfid/45b6258b4.pdf> (stating that registration will enable UNHCR to determine what other protection or assistance intervention may be required).

⁶⁶ Interview with IKJG 2, in Amman, Jordan (May 20, 2009). See also Interview with DATO 2, in Amman, Jordan (May 22, 2009); Interview with DATO 1, in Amman, Jordan (May 22, 2009).

I am happy I will be in America because it will be safe and I will feel settled. But I am scared. Where will I go if I am hungry? At least I know in Iraq, if I were hungry, I could go knock on my neighbor's door and ask for some food. But there, what can I do? . . . I am going to the unknown. I may get there and think, Jordan is better for me⁶⁷

For many who enter the resettlement system, the process is further complicated by a USRAP that seems labyrinthine and impersonal. One refugee, Hamza, told researchers, "At all these meetings they never gave me any dates, just told me to wait for their call. At one point I missed a call because I was in the bathroom and as a consequence my meeting got postponed."⁶⁸ Although Hamza was eventually resettled to Maryland, the unpredictability of the USRAP makes each stage more uncertain for those whose cases are being processed.

Some refugees have even declined offers of resettlement to the United States after hearing stories of struggle and despair from family and friends already resettled there.⁶⁹ As Riaz, who has serious health issues, said, "I didn't reject America because it is America. I rejected it because the life is hard. We aren't lazy people. I like to work."⁷⁰ Similarly, Riaz believes that the limited health and employment assistance would not be enough to allow him to live with his asthma. "If I can work, it would have to be behind a desk, and I don't know what options are available," he explained.⁷¹ Of those who had refused or were considering refusing resettlement to the United States, fear of inadequate support was common.

Other refugees have declined to be resettled in the United States as a result of the trauma of war. Amira said that many Iraqis see America as the occupier and that her son "would shake from fear for a year from the American soldiers."⁷² Amira also worries that a military draft would force her or her children to fight against Muslims or Arabs.⁷³ These sentiments were echoed in several interviews with refugees in Amman, where despite a dire need for assistance, some refugees found it difficult to see the United States as their protector.⁷⁴

In the end, most refugees interviewed who were seeking resettlement wanted to go to the United States, despite the risks.⁷⁵ The fundamental hopefulness of stories like Naima's

⁶⁷ Interview with TODA 2, in Amman, Jordan (May 21, 2009).

⁶⁸ Interview with IKSF 1, in Wash., D.C. (Mar. 13, 2009).

⁶⁹ Interview with IKJG 3, Amman, Jordan (May 20, 2009); Interview with IKJG 6, Amman, Jordan (May 20, 2009);

Interview with IKJG 9, Amman, Jordan (May 20, 2009); Interview with DATO 3, Amman, Jordan (May 22, 2009);

Interview with DATO 4, Amman, Jordan (May 23, 2009).

⁷⁰ Interview with DATO 4, in Amman, Jordan (May 23, 2009).

⁷¹ *Id.*

⁷² Interview with TODA 9, in Amman, Jordan (May 21, 2009).

⁷³ *Id.*

⁷⁴ *Id.* (stated that people don't want to go because they see America as the occupier); See also Interview with IKJG 2, in Amman, Jordan (May 20, 2009); Interview with IKGJ 3, in Amman, Jordan (May 20, 2009).

⁷⁵ For the 14 of 20 refugees who wanted resettlement in the United States, see Interview with IKJG 4, in Amman, Jordan (May 20, 2009); Interview with IKJG, in Amman, Jordan (May 20, 2009); Interview with TODA 2, in Amman, Jordan (May 21, 2009); Interview with TODA 3, in Amman, Jordan (May 21, 2009); Interview with TODA 4, in Amman, Jordan (May 21, 2009); Interview with TODA 6, in Amman, Jordan (May 21, 2009); Interview with DATO 1, in Amman, Jordan (May 22, 2009); Interview with DATO 2, in Amman, Jordan (May 22, 2009); Interview with DATO 5, in Amman, Jordan (May 22, 2009); Interview with SALP 1, in Amman, Jordan (May 22, 2009); Interview with SALP 2, in Amman, Jordan (May 22, 2009); Interview with IKJG 10, in Amman, Jordan (May 22, 2009); Interview with JGLP 1, in Amman, Jordan (May 23, 2009); Interview with JGLP 2, in Amman, Jordan (May 23, 2009). For those who either rejected an offer of resettlement from the United States or who would prefer to accept an offer of resettlement to another country, see Interview with IKJG 3, in Amman, Jordan (May 20, 2009); Interview with IKJG 6, in Amman, Jordan (May 20, 2009); Interview with IKJG 9, in Amman, Jordan (May 20,

show that resettlement is still a serious option and that vulnerable Iraqi refugees continue to seek resettlement in the United States. At the same time, Naima's story shows that refugees are seriously considering whether to be resettled to the United States or remain in Jordan under extremely difficult conditions. While the situation in Jordan is quite bad for many Iraqi refugees, the news of struggling friends and family in the United States is causing more and more Iraqi refugees to wonder whether choosing resettlement is really worth the risk.

2009); Interview with IKSA 1, in Amman, Jordan (May 23, 2009); Interview with DATO 3, in Amman, Jordan (May 22, 2009); Interview with DATO 4, in Amman, Jordan (May 23, 2009).

IV. THE USRAP DOES NOT PROVIDE A DURABLE SOLUTION FOR MOST IRAQI REFUGEES

Despite the dire conditions in countries of first asylum, many Iraqi refugees who choose to be resettled are also finding difficult conditions in the United States. Some resettled Iraqi refugees said that their situation has gotten so bad that they feel they have no choice but to leave the United States to return their country of first asylum. As this report illustrates, the Iraqi refugee situation in the United States is the result of systemic flaws in the USRAP, which generally inhibit the program's ability to promote long-term self-sufficiency and integration. For Iraqi refugees, promoting long-term self-sufficiency and integration means providing adequate assistance of a sufficient duration in order to allow them to find and keep meaningful employment. Promoting long-term self-sufficiency also means making sure refugees have access to proper treatment for physical and mental health conditions.

When the USRAP does not adequately promote long-term self-sufficiency for resettled Iraqi refugees, it not only fails to fulfill its moral obligations, but it also compromises its legal obligations. International and domestic law generally require support for long-term self-sufficiency. For example, the Refugee Act was established in part to provide "for the basic needs (including food, clothing, shelter, and transportation for job interviews and training) of each refugee resettled" ⁷⁶ Similarly, the Universal Declaration of Human Rights guarantees all persons, including resettled refugees, "a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services."⁷⁷ The Refugee Convention and Protocol require that refugees be provided adequate public assistance and social services.⁷⁸

Despite such obligations, the research team found that the U.S. anti-poverty approach to refugee resettlement adopted by the USRAP does not promote the long-term self-sufficiency of refugees. It does not break down barriers to sustainable employment, employment services are not properly funded, English language training is insufficient, transportation is inadequate, and professional recertification is not viable. These shortcomings result in low employment rates for Iraqi refugees. Cash assistance is insufficient, both in amount and duration, to allow refugees to support themselves. Finally, the USRAP makes it difficult for refugees to secure medical care, and treatment options are insufficient to address the serious mental health issues affecting many Iraqis.

Furthermore, poor planning and coordination throughout the USRAP amplify the problems that refugees face. The USRAP does not base funding on current or future refugee flows, but on past refugee flows, leaving programs underfunded. Secondary migration is not tracked in real-time, further preventing the USRAP from targeting resources to actual need in secondary migration destinations. Pre-resettlement processing takes little account of post-resettlement needs when gathering information about individual refugees.

A. The USRAP Does Not Adequately Promote the Long-Term Self-Sufficiency and Integration of Iraqi Refugees

Most Iraqi refugees interviewed were struggling to become self-sufficient despite a strong desire to work and provide for themselves and their families. As new arrivals in this country, most lacked the necessary tools or skills, or both, to secure sustainable

⁷⁶ INA § 412(b)(7)(D).

⁷⁷ UDHR, *supra* note 7, art. 25.

⁷⁸ Refugee Convention, *supra* 6, arts. 23-24.

employment. Without adequate employment services, English language training, vocational training, professional recertification, and transportation, obtaining and maintaining a job was nearly impossible. In addition, the cash assistance received was not enough to cover basic expenses and often ran out long before employment was secured. Although many of the refugees interviewed had physical and mental health issues that were taken into account when the United States decided to resettle them, they were not able to access appropriate health care after they arrived.

Many Iraqi refugees in the United States are deeply worried about their futures. Some have become homeless or face homelessness;⁷⁹ others have recounted stories of Iraqis returning to countries of first asylum in search of a sustainable life.⁸⁰ With changes to the USRAP, the circumstances of Iraqi refugees could be vastly improved.

i) Resettled Iraqi Refugees Want to Work, but the USRAP Is Not Providing Them with the Necessary Tools to Secure Sustainable Employment

When researchers met Farrah, a former physical education teacher with a bachelor's degree, she said that all she and her elderly mother hope for is "enough help to get on [their] own two feet."⁸¹ After fleeing from Iraq to Syria in 2007, Farrah arrived in Detroit in June 2008 and has been trying unsuccessfully to find a job and enroll at a community college to improve her employment prospects.⁸² "We don't want to depend on the government for everything," Farrah said; "we want a foundation to build our own future."⁸³

Unfortunately for Farrah, and other Iraqi refugees with whom researchers spoke, the USRAP does not devote enough attention to breaking down key barriers to employment for refugees. Employment services, provided by volags and state agencies, are seriously underfunded and unable to adequately help Iraqi refugees in their job search. Lack of transportation remains a significant barrier to securing and maintaining employment. English as a Second Language (ESL) classes, generally inadequate in both quality and duration, fail to help Iraqis build marketable language skills. In addition, the opportunity to pursue education and re-certification programs, prerequisites for many jobs, is either unavailable or eclipsed by more immediate needs. Given these barriers, it is not surprising that the vast majority of Iraqi refugees interviewed were unemployed despite expressing a strong desire to work.

While the thirty-nine Iraqi refugees interviewed in Detroit had already lived in the United States for an average of six and one-half months, only two had found employment.⁸⁴ Many complained that their attempts to secure employment remained fruitless. Caseworkers who have worked with hundreds of Iraqi refugees confirmed that unemployment is pervasive and has been increasing since the beginning of the economic downturn. Interviews with volags in San Diego revealed that the employment rate for Iraqi refugees at the eight-month mark has dropped from between sixty to seventy-five percent to twenty-five percent since mid-

⁷⁹ Interview with DHTO 1, in Wash., D.C. (Mar. 12, 2009); Interview with AWLP 1, in Detroit, Mich. (Mar. 12, 2009); Interview with AWLP 2, in Detroit, Mich. (Mar. 12, 2009).

⁸⁰ Interview with SALP 2, in Amman, Jordan (May 23, 2009).

⁸¹ Interview with AWLP 1, in Detroit, Mich. (Mar. 12, 2009).

⁸² *Id.*

⁸³ *Id.*

⁸⁴ Many of the Iraqi refugees interviewed for this project were referred by volags and therefore may have been more likely to be unemployed as they were still in contact with their volag caseworker. According to caseworkers in Detroit, however, only about ten percent of all Iraqi refugees had found employment there.

2008.⁸⁵ The IRC, which conducted investigations in Atlanta and Phoenix, similarly reported unusually high levels of unemployment amongst Iraqi refugees.⁸⁶

As the situation worsens for Iraqi refugees, they continue to express a desire to work and become self-sufficient. An Iraqi family of five in Detroit provides a telling example. Mr. Aboud, a 50-year-old father and veterinarian who translated for the U.S. military in Iraq, and Mrs. Aboud, a 50-year-old mother and physician, have both been told by their volag caseworker that they are too old and overqualified for the few jobs available, despite their willingness to work for minimum wage in any capacity.⁸⁷ They bought a car and enrolled in the MG program, but they were nevertheless told that their job search would be fruitless.⁸⁸ Still, they were not deterred. "I can work as an assistant or a caregiver," said Mr. Aboud; "I don't care."⁸⁹

But Mr. and Mrs. Aboud, and the many other Iraqi refugees who, like them, are new to the United States, must be given the tools necessary to become self-sufficient. They need access to meaningful, well-funded employment services, adequate English language training, vocational training or professional re-certification, and reasonable transportation options. The USRAP does not currently provide Iraqi refugees with sufficient access to these basic services, creating barriers to long-term self-sufficiency and integration.

a) *Underfunded and Misguided Employment Services*

"We need more funding, that's the key," said Belmin Pinjic, Director of Refugee Services at Lutheran Social Services of Michigan (LSSM), which implements the ORR's employment services grant. Pinjic emphasized that the issue is not only a dearth of available jobs in today's fragile economy but also the lack of quality services for refugees.⁹⁰ "We can't change the economy, but if we have appropriate funding, we can have more frontline people that provide adequate services," said Pinjic.⁹¹ And this, he concluded, is what will help Iraqi refugees get jobs.⁹²

Last year, LSSM received funding to provide employment services for 300 refugees, but ended up serving more than 1,200; the average caseload per caseworker increased from 30 to 120 refugees.⁹³ One LSSM caseworker interviewed had 180 open cases.⁹⁴ As a result of large caseloads, caseworkers are more inclined to provide cursory services when helping refugees search for employment.⁹⁵

The inadequate funding of employment services has real effects on a refugee's ability to secure employment. Aseil and her husband, Fiaz, who resettled in the D.C. area, described their employment services caseworker as a kind and friendly woman. However, Aseil said

⁸⁵ Interview with Brett Freeman, Resettlement Program Officer, Int'l Rescue Committee, in San Diego, Cal. (Jul. 15, 2009); Interview with Michael McKay, Dir. of Refugee Serv., Catholic Charities, Diocese of San Diego, in San Diego, Cal. (Jul. 15, 2009).

⁸⁶ INTERNATIONAL RESCUE COMMITTEE, IRAQI REFUGES IN THE UNITED STATES: IN DIRE STRAIGHTS 6 (2009).

⁸⁷ Interview with RWLP, in Detroit, Mich. (Mar. 13, 2009).

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ LSSM was securing higher placement rates even as the economy began to decline. Interview with Belmin Pinjic, Dir. of Refugee Serv., Lutheran Soc. Serv. of Mich., in Detroit, Mich. (Mar. 10, 2009).

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ Interview with Samar, Refugee Case Worker, Lutheran Soc. Serv. of Mich., Detroit, Mich. (Mar. 14, 2009).

⁹⁵ Interview with Belmin Pinjic, Dir. of Refugee Serv., Lutheran Soc. Serv. of Mich., in Detroit, Mich. (Mar. 10, 2009).

her caseworker “doesn’t have enough time to handle all the required tasks.”⁹⁶ Consequently, Aseil has been trying to look for jobs on her own, but she does not know where to look.⁹⁷ Fiaz, who used to work for the United Nations, reported that despite his repeated requests for help with his job search, his caseworker has done little more than help him draft a resume.⁹⁸ Instead, Fiaz has heard about job opportunities from friends.⁹⁹ “I’ll take any job I can get,” said Fiaz; “I just want to be self-sufficient.”¹⁰⁰

b) Lack of Adequate English Language Training

Shada, who fled Iraq after her husband was killed while working with the U.S. military, has a bachelor’s degree in computer science.¹⁰¹ With three children to raise on her own, she has no time to pursue professional re-certification.¹⁰² Instead, she says that she would be happy to work at the front desk of a hotel, if only her English was good enough.¹⁰³

Many Iraqi refugees, including Shada, told researchers that if they could only speak English well, they would have a real chance at getting a job.¹⁰⁴ Similarly, refugee caseworkers cited lack of English language skills as the number one reason Iraqi refugees are unable to secure sustainable employment. Moreover, statistical analyses of refugee resettlement in Houston, Miami, and Sacramento, have shown that refugees arriving with English language skills tend to have increased incomes, as do refugees who receive ESL services.¹⁰⁵

U.S. regulations set aside specific funding for English language training and require that it be provided to the maximum extent feasible, in a manner that is culturally and linguistically compatible with a refugee’s language and cultural background.¹⁰⁶ But in reality, refugees have difficulty accessing English language training, the quality of instruction is poor, and there are simply not enough classes available for all refugees.

In Detroit, LSSM only has enough funding to start new ESL courses every four months. Therefore, newly-arrived refugees commonly wait two or three months before beginning classes.¹⁰⁷ These classes are only available to a minority of the incoming refugee population; there are just 325 seats available due to funding based on the area’s relatively small refugee population prior to the recent wave of Iraqi arrivals.¹⁰⁸ Those refugees lucky

⁹⁶ Interview with CSAL 1, in Detroit, Mich. (Mar. 12, 2009).

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ Interview with AWKS 7, in Detroit, Mich. (Mar. 13, 2009).

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ Interview with RWGP, in Detroit, Mich. (Mar. 10, 2009); Interview with KSLP, in Detroit, Mich. (Mar. 10, 2009); Interview with RWGP/KS, in Detroit, Mich. (Mar. 11, 2009); Interview with KSGP/RW, in Detroit, Mich. (Mar. 11, 2009); Interview with AWKS 1, in Detroit, Mich. (Mar. 12, 2009); Interview with AWKS 4, in Detroit, Mich. (Mar. 13, 2009); Interview with AWKS 11, in Detroit, Mich. (Mar. 13, 2009); Interview with AWKS 13, in Detroit, Mich. (Mar. 13, 2009); Interview with AWKS, in Detroit, Mich. (Mar. 13, 2009); Interview with LPAW/RW 1, in Detroit, Mich. (Mar., 13, 2009).

¹⁰⁵ MARY FARRELL ET. AL., THE EVALUATION OF THE REFUGEE SOCIAL SERVICE (RSS) AND TARGETED ASSISTANCE FORMULA GRANT (TAG) PROGRAMS: SYNTHESIS OF FINDINGS FROM THREE SITES (2008) (prepared by the Lewin Group) (sponsored by U.S. Dep’t. of Health and Human Services, Office of Refugee Resettlement) [hereinafter RSS & TAG ANALYSIS REPORT], available at http://www.acf.hhs.gov/programs/orr/resources/synthesis_of_finding_contents.htm.

¹⁰⁶ 45 C.F.R. § 400.156(e) (2006).

¹⁰⁷ Interview with Samar, Refugee Case Worker, Lutheran Soc. Serv. of Mich., Detroit, Mich. (Mar. 14, 2009).

¹⁰⁸ Interview with Belmin Pinjic, Dir. of Refugee Serv., Lutheran Soc. Serv. of Mich., in Detroit, Mich. (Mar. 10, 2009).

enough to enroll in the LSSM courses only have two hours of class, two to three days a week for three months.¹⁰⁹ This is hardly enough to prepare refugees for employment.

Moreover, the quality English language training available often prevents refugees from acquiring a working knowledge of English. “ESL classes need to be better,” said the director of U.S. Committee for Refugees and Immigrants in Detroit, a volag affiliate, who worries that Iraqi refugees are being turned away from jobs because they do not speak English well.¹¹⁰ Many ESL instructors are volunteer teachers without a prepared curriculum, classroom discussions are often conducted in Arabic instead of English, and learning materials fail to take into account the limited literacy of students in any language, even Arabic.¹¹¹

The USRAP could do better. By comparison, the Australian government funds an Adult Migrant English Program (AMEP), which guarantees 610 hours of free English classes to refugees, and 910 hours to refugees under the age of twenty-five with low levels of schooling.¹¹² All migrants who do not have functional English, including refugees, must register for AMEP within three months of arriving in Australia and must begin classes with twelve months at one of nearly 250 AMEP locations.¹¹³ To meet the unique needs of refugees and other migrants, AMEP classes can be taken at home through either a distance learning curriculum or one-on-one home tutoring by trained volunteers.¹¹⁴ The Australian government also funds a twenty-four-hour translation and interpretation hotline that is free when communicating with government, healthcare, and non-profit service providers.¹¹⁵ The hotline provides access to over 1,300 interpreters who speak over 120 languages.¹¹⁶

c) Reasonable Transportation Options Not Available

Suri, an Iraqi refugee resettled in Detroit, had been a seamstress in Iraq and was fortunate to land an interview for a housekeeping job.¹¹⁷ Unfortunately, she was unable to arrange transportation to the interview, and she lost a rare opportunity.¹¹⁸ Like many resettled Iraqi refugees, Suri has found the lack of adequate transportation to be a major barrier to achieving self-sufficiency.

Even if English classes and job opportunities were widely available, many refugees would have great difficulty getting to them.¹¹⁹ The ORR guidelines require that volag caseworkers

¹⁰⁹ *Id.*

¹¹⁰ Interview with Tawfik Alazem, Detroit Field Office Dir., U.S. Comm. for Refugees and Immigrants, in Detroit, Mich. (Mar. 13, 2009).

¹¹¹ Interview with Belmin Pinjic, Dir. of Refugee Serv., Lutheran Soc. Serv. of Mich., in Detroit, Mich. (Mar. 10, 2009).

¹¹² Adult Migrant English Program, Australian Government Department of Immigration and Citizenship, <http://www.immi.gov.au/living-in-australia/help-with-english/amep/facts-figures/amep-overview.htm> (last visited Oct. 2, 2009).

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ Translating and Interpreting Service (TIS) National, Department of Immigration and Citizenship, Australian Government, http://www.immi.gov.au/living-in-australia/help-with-english/help_with_translating/ (last visited Oct. 2, 2009).

¹¹⁷ Interview with AWKS 7, in Detroit, Mich. (Mar. 13, 2009).

¹¹⁸ *Id.*

¹¹⁹ For refugees expressing frustration with transportation, see Interview with CSJS 1, in Wash., D.C. (Mar. 7, 2009); Interview with GPRW 1, in Detroit, Mich. (Mar. 10, 2009); Interview with GPRW 2, in Detroit, Mich. (Mar. 10, 2009); Interview with KSLP 3, in Detroit, Mich. (Mar. 10, 2009); Interview with KSLP 5, in Detroit, Mich. (Mar. 10, 2009); Interview with KSLP 6, in Detroit, Mich. (Mar. 10, 2009); Interview with KSGP/RW 1, in Detroit, Mich. (Mar. 11, 2009); Interview with LPAW 1, in Detroit, Mich. (Mar. 11, 2009); Interview with AWLP 2, in Detroit, Mich. (Mar. 11, 2009); Interview with AWKS 1, in Detroit, Mich. (Mar. 12, 2009); Interview with AWLP 1, in Detroit,

provide transportation, but resources are sparse, particularly in Detroit and San Diego, the two cities receiving the most Iraqi refugees.¹²⁰ Making matters worse, public transportation is extremely limited in these two cities. Consequently, refugees are forced to constantly rely on friends and family, often refugees themselves, to drive them. One caseworker said that some Iraqi refugees are so desperate to get to their jobs that they pay people to drive them.¹²¹

Obtaining a driver's license was especially problematic for many of the refugees in this study.¹²² One caseworker reported that it takes two to five months to get a license, with the extensive delay often due to inconsistent romanization of Arabic names on U.S.-issued identification, such as the employment-authorization document.¹²³ A single misspelled letter of a refugee's name on a particular document can delay the process for months.¹²⁴ Inconsistency between travel documents sometimes requires refugees to wait for their employment authorization before they can obtain a driver's license, forcing refugees into a Catch-22, as they cannot find employment without being able to drive to job interviews.

Adapting to the Circumstances

LSSM is currently applying for supplemental funding for a shuttle bus program, whereby vans and drivers would be available to take refugees to job interviews, English language classes, health screenings, and to apply for Social Security numbers.¹²⁵ ACCESS, a community service provider in Detroit, has also applied for an Ethnic Community Self-Help Grant to use in part for transportation; however, funding for such programs is extremely limited.¹²⁶

d) Little Access to Vocational Training and Re-Certification

Hamza, an Iraqi refugee resettled in D.C., was told in Jordan that recertification would be easy. "As a doctor, I know that I have to go through a recertification process in order to work," Hamza said.¹²⁷ "I asked them about getting recertified as a doctor, [and] [t]hey told me I could easily get a job in my field," he further explained.¹²⁸ After Hamza arrived in the United States, his volag told him to get his credentials reviewed by the World Education

Mich. (Mar. 12, 2009); Interview with AWLP 2, in Detroit, Mich. (Mar. 12, 2009); Interview with LPAW/RW 1, in Detroit, Mich. (Mar. 12, 2009); Interview with LPAW/RW 2, in Detroit, Mich. (Mar. 12, 2009); Interview with AWKS 1, in Detroit, Mich. (Mar. 13, 2009); Interview with AWKS 2, in Detroit, Mich. (Mar. 13, 2009); Interview with AWKS 3, in Detroit, Mich. (Mar. 13, 2009); Interview with AWKS 5, in Detroit, Mich. (Mar. 13, 2009); Interview with AWKS 7, in Detroit, Mich. (Mar. 13, 2009); Interview with RWLP 1, in Detroit, Mich. (Mar. 13, 2009). *But see* Interview with AWLP 3, in Detroit, Mich. (Mar. 13, 2009). (Stated able to buy a car from other refugees through payment in installments; proudly declared, "We are no longer paralyzed.")

¹²⁰ See 45 C.F.R. § 400.154(h) (2006).

¹²¹ Interview with Fadi Yousif, Employment Services Case Worker, Lutheran Soc. Serv. of Mich., Detroit, Mich. (March 13, 2009).

¹²² Interview with GPRW 1, in Detroit, Mich. (Mar. 10, 2009); Interview with GPRW 2, in Detroit, Mich. (Mar. 10, 2009); Interview with LPAW 1, in Detroit, Mich. (Mar. 11, 2009); Interview with AWLP 1, in Detroit, Mich. (Mar. 12, 2009); Interview with AWKS 2, in Detroit, Mich. (Mar. 13, 2009); Interview with AWKS 4, in Detroit, Mich. (Mar. 13, 2009); Interview with AWKS 7, in Detroit, Mich. (Mar. 13, 2009); Interview with RWLP 1, in Detroit, Mich. (Mar. 13, 2009).

¹²³ Interview with Fadi Yousif, Employment Services Case Worker, Lutheran Soc. Serv. of Mich., Detroit, Mich. (March 13, 2009).

¹²⁴ Interview with Mazin Hana, Director, Kurdish Human Rights Watch, Detroit, in Detroit, Mich. (Mar. 11, 2009).

¹²⁵ Interview with Belmin Pinjic, Dir. of Refugee Serv., Lutheran Soc. Serv. of Mich., in Detroit, Mich. (Mar. 10, 2009).

¹²⁶ Interview with Amne Talab, Director, Arab Cmty. Ctr. for Econ. and Soc. Serv., in Detroit, Mich. (Mar. 12, 2009).

¹²⁷ Interview with IKSF 1, in Wash., D.C. (Mar. 13, 2009).

¹²⁸ *Id.*

Services (WES), which he did for a fee of \$400.¹²⁹ It turned out, however, that the Education Commission for Foreign Medical Graduates (ECFMG) does not accept WES verifications, so the \$400 was wasted. Instead, ECFMG requires candidates to pay an initial registration fee of \$700 and to complete three stages of verification within five years.¹³⁰ The first stage is an exam that costs \$825; the second, an exam that costs \$1200; and the third stage includes a residency period and another exam.¹³¹ For Hamza, the re-certification process proved too difficult and expensive to pursue.¹³²

The USRAP's focus on immediate employment incentivizes caseworkers to push Iraqi refugees towards lower-paying and less sustainable jobs, irrespective of the refugee's professional and educational accomplishments. Moreover, the limited duration of public assistance makes pursuing recertification, vocational training, and higher education untenable without financial aid from the government. But for those few people who do seek recertification, vocational training, or higher education the payoff can be great.

ii) The USRAP Is Not Providing Iraqi Refugees with Adequate Cash Assistance While They Search for Sustainable Employment

In 2006, Haifa's husband and son were kidnapped in Iraq because of their religion, forcing Haifa to flee to Jordan.¹³³ In March, Haifa, in her early fifties, faced yet another seemingly insurmountable challenge: having resettled in Detroit nearly eight months prior, her modest cash assistance through the USRAP was to expire in April.¹³⁴ Taking care of her elderly mother, who was resettled with her, Haifa did not have a job, did not speak English, and did not have access to reliable transportation.¹³⁵ She was already relying on relatives to help pay for her basic expenses, and Haifa did not know what would happen once the refugee assistance payments stopped. "We [have already] lost everything," she said frankly.¹³⁶ "Give us more than eight months to build our lives."¹³⁷

If Iraqi refugees desire self-sufficiency, why is the system not working? On its face, the USRAP is intended to assist refugees with their basic needs for as long the government deems it necessary in order "to achieve economic self-sufficiency."¹³⁸ Indeed, at its inception, and in the midst of a prolonged recession, the USRAP assisted Vietnamese refugees for thirty six months. The results speak for themselves: by 2007, the median household income for Vietnamese Americans – the large majority of whom entered the United States as refugees – was \$54,871. In the same year, only 3.2% of Vietnamese American households were receiving cash public assistance.¹³⁹ In addition, the hundreds of thousands of Vietnamese refugees who were assisted for thirty six months in the 1970s and 1980s were able to pursue opportunities for upward mobility, knowing their families would be cared for. Today, forty-one percent of Vietnamese Americans have either some college

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

¹³³ Interview with AWLP 1, in Detroit, Mich. (Mar. 11 2009).

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ INA § 412 (a)(1)(A)(i).

¹³⁹ U.S. Census Bureau (data extracted from 1-year American Community Survey), *available at* http://factfinder.census.gov/home/saff/main.html?_lang=en. Approximately two-thirds of all Vietnamese Americans entered the U.S. as refugees. See SOUTHEAST ASIA RESOURCE ACTION CENTER, SOUTHEAST ASIAN AMERICAN STATISTICAL PROFILE (2004), *available at* <http://www.searac.org/seastatprofilemay04.pdf>.

education or an associate's degree, and twenty-seven percent, just half a percent below the national average, hold at least a bachelor's degree.¹⁴⁰

Despite this past model, which laid a foundation for the success of Vietnamese refugees, today's refugees are expected to achieve self-sufficiency while facing another prolonged recession in eight months and with minimal assistance.¹⁴¹ This short period of assistance reflects the overwhelming emphasis on immediate employment in the Refugee Act and its subsequent implementation through anti-poverty programs such as Temporary Assistance to Needy Families (TANF) and Medicaid. However, modeling refugee assistance on anti-poverty programs is misguided. Refugees who have fled persecution in foreign countries face an utterly different set of challenges than do U.S. residents struggling with poverty. In addition to struggling with poverty themselves, refugees must rebuild their lives in a foreign country, learn a new language and adapt to a new way of life. Iraqi refugees, in particular, often arrive to find that their educational degrees are useless and years of professional experience are of no value.

¹⁴⁰ See U.S. Census Bureau, *supra* note 139.

¹⁴¹ See 45 C.F.R. § 400.211 (2006) (the length of time is a determination made by director of the ORR; eight months has been the designated period of time since October 1991).

Not Even Eight Months

Although the Refugee Act calls for up to thirty six months of assistance, refugees today often receive fewer than eight months. In Michigan, a refugee who goes to the Department of Human Services (DHS) on the day of her arrival must wait at least ten days for an appointment with a Refugee Specialist who can open her case. If the refugee has satisfactorily completed the application form, her case may be opened that day, but the DHS policy requires an additional thirty-day wait before any payments can be sent to the refugee. When the refugee receives her first payment forty days after arriving, it does not include back payment for those forty days. In the best-case scenario, a refugee in Michigan receives a maximum of approximately six months and ten days of cash assistance.¹⁴²

However, the DHS often does not immediately open the case and begin the thirty-day count because refugees are hesitant to include all the requisite information on the application form when they are living with family or friends who are also refugees. These host families—many of whom are refugees and receive their own Refugee Cash Assistance (RCA) or TANF benefits—believe they will lose their assistance if the family staying with them includes their address and other information on the application form. If information is missing on the application form, the DHS delays opening a refugee's case despite the fact that the information is readily available in its own database. DHS Refugee Specialists have also reported delays as a result of private agents who falsely promise new refugees a faster turnaround in the processing of their cases.

By contrast, refugees placed in San Diego are resettled under the Wilson-Fish program, which gives volags full responsibility *and* funding to provide the first eight months of services and cash assistance. State agencies already overburdened with serving longtime state residents are not further inundated with refugee caseloads, assistance is available to refugees from day one, and volags are able to utilize the full extent of the ORR funding, as opposed to state and county agencies where ten to fifteen percent of federal funds are used for administrative costs.¹⁴³ While longer periods of assistance are needed, such programs avoid some of the problems refugees face in other regions.

Many Iraqi refugees facing the prospect of life without a job worry about how they are going to survive on the minimal government assistance provided. The Attars, a family of six, live in a humble apartment just outside Detroit.¹⁴⁴ Their oldest son attends English classes, but because he is a legal adult at the age of nineteen, the Attars now only qualify for the level of assistance assigned to a family of five under TANF. Receiving approximately \$700 per month, the Attars can barely afford their \$600 monthly rent, not including utilities.¹⁴⁵ Although the Attars receive some help from their local church and bishop in the form of food baskets and furniture, it is certainly not enough to pay for another expense common to all refugees resettled here: the \$175 they owe each month to reimburse IOM for their airline tickets from Syria to the United States.¹⁴⁶

¹⁴² Interview with Denise Schoop and Martina Ward, Refugee Specialists, Mich. Dep't. of Human Serv., in Detroit, Mich. (Mar. 13, 2009).

¹⁴³ Interview with Michael McKay, Dir. of Refugee Serv., Catholic Charities, Diocese of San Diego, in San Diego, Cal. (Jul. 15, 2009).

¹⁴⁴ Interview with KSGP/RW 1, in Detroit, Mich. (Mar. 11, 2009).

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

As it exists now, the total package of assistance to refugees amounts to between just seventeen to forty percent of the federal poverty line.¹⁴⁷ Although a family of six may receive up to \$2,500 in R&P assistance to cover living costs for the first ninety days, a single adult receives only \$425, or less than \$5 a day.¹⁴⁸ Refugees who do not have family already in the United States sometimes do not receive any direct R&P cash assistance because volags can use that money to pay the first-month housing expenses.¹⁴⁹ In some cases, these refugees leave their initial housing situation because they find the living situation culturally untenable; one mother and her young daughter left their initial housing placement because the mother believed it was inappropriate for them to share a bathroom with eight other refugees, some of whom were adult males from different countries.¹⁵⁰ In such cases, the R&P assistance used to pay their rent cannot be recovered.

As the Attars' situation illustrates, cash assistance, either through RCA or TANF, is also insufficient. A family of five in Detroit will receive \$698 per month, but they are forced to pay a \$600 rent to comply with local housing laws that require five people to live in a three-bedroom home.¹⁵¹ In San Diego, a family of four receives \$862 per month, but the rent for a two-bedroom apartment is \$850.¹⁵² Similarly, a 2008 ORR report found that refugees living in communities that provide low welfare benefits, such as Houston and Miami, "cannot subsist on public assistance."¹⁵³ Without the ability to save money, refugees then struggle to cover important incidental costs, such as adjusting to legal permanent resident status.¹⁵⁴

¹⁴⁷ Interview with Lavinia Limon, President, U.S. Comm. for Refugees and Immigrants, in Wash., D.C. (Mar. 11, 2009).

¹⁴⁸ This would not include housing or food costs during the R&P timeframe, as these are to be provided by the resettling Volag. See LUTHERAN IMMIGRATION AND REFUGEE SERVICES, *THE REAL COST OF WELCOME: A FINANCIAL ANALYSIS OF REFUGEE RECEPTION* (2009), available at <http://www.lirs.org/InfoRes/PDFs/RealCostofWelcome.pdf>.

¹⁴⁹ Interview with Belmin Pinjic, Dir. of Refugee Serv., Lutheran Soc. Serv. of Mich., in Detroit, Mich. (Mar. 10, 2009).

¹⁵⁰ Interview with AWKS 11, in Detroit, Mich. (Mar. 13, 2009).

¹⁵¹ Interview with Denise Schoop and Martina Ward, Refugee Specialists, Mich. Dep't. of Human Serv., in Detroit, Mich. (Mar. 13, 2009). (relaying the following breakdown of refugee cash assistance per household head: \$306 for 1, \$403 for 2, \$492 for 3, \$597 for 4, and \$698 for 5). The Detroit Housing Commission generally requires that families have at least one bedroom for every two occupants. See Detroit Housing Commission Website, Landlord Information, available at <http://www.dhcmi.org/Landlord%20Information.html>; see also Dep't. of Housing and Urban Dev., Statement of Policy, 63 Fed. Reg. 245. (Dec. 22, 1998) (articulating policy guidelines for occupancy standards nationwide under the Fair Housing Act).

¹⁵² Interview with Brett Freeman, Resettlement Program Officer, Int'l Rescue Committee, in San Diego, Cal. (Jul. 15, 2009).

¹⁵³ See RSS & TAG ANALYSIS REPORT, *supra* note 105.

¹⁵⁴ Although refugees are exempted from application fees associated with applying for legal permanent resident status, service providers often charge substantial sums to process the applications. The Arab Community Center for Economic and Social Services (ACCESS), for example, charges \$250 for status adjustment services because such services are not subsidized by local, state, or federal agencies. See Interview with Amne Talab, Director, Arab Cmty. Ctr. for Econ. and Soc. Serv., in Detroit, Mich. (Mar. 12, 2009).

The Right to Adequate Housing

Article 25 of the UDHR provides that “[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”¹⁵⁵ Similarly, the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognizes “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”¹⁵⁶

The Committee on Economic, Social and Cultural Rights, who authoritatively interprets the ICESCR, has defined these provisions, in which the right to adequate housing is embedded, to include several core elements. Among them are:¹⁵⁷

- *Affordability*: “Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised.”¹⁵⁸
- *Location*: “[A]dequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centers and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households.”¹⁵⁹

iii) The USRAP Is Not Providing Adequate Medical Care to Resettled Refugees, Further Undermining Their Ability to Secure Long-term Self-sufficiency

Just as refugees receive only eight months of cash assistance, so too are they limited to eight months of medical coverage under Refugee Medical Assistance (RMA).¹⁶⁰ This is problematic not only because many refugees are unable to find jobs in eight months, but also because they often face unique medical needs that do not go away when they are able to support themselves.¹⁶¹ Indeed, Iraqi refugees need access to quality health care that will cover treatment for long-term physical ailments, as well as the serious mental health issues that many of them face.

¹⁵⁵ UDHR, *supra* note 7. While the UDHR was not drafted as a legally binding text, many of its provisions have subsequently been articulated in binding treaties and many argue that it now reflects customary international law.

¹⁵⁶ International Covenant on Economic, Social and Cultural Rights Art. 11(1), Dec. 16, 1966. The United States has signed the ICESCR but has not yet ratified it. Although this means that the Covenant is not part of U.S. law, as a signatory to the Covenant the United States is bound under international law to “refrain from acts that would defeat the object and purpose of” the ICESCR. See Vienna Convention on the Law of Treaties Art.18(a), May 23, 1969; Vienna Convention on the Law of Treaties, U.S. Department of State, <http://www.state.gov/s/l/treaty/faqs/70139.htm>. (last visited Oct. 2, 2009).

¹⁵⁷ Comm. on Econ., Soc. and Cultural Rights, *General Comment 4: The Right to Adequate Housing (Art. 11(1) of the Covenant)*, U.N. Doc. E/1992/23, annex III at 114 (1991). available at <http://www.unhchr.ch/tbs/doc.nsf/0/469f4d91a9378221c12563ed0053547e?Opendocument>.

¹⁵⁸ Comm. on Econ., Soc. and Cultural Rights, *General Comment 4: The Right to Adequate Housing (Art. 11(1) of the Covenant)*, U.N. Doc. E/1992/23, annex III at 114 (1991). available at <http://www.unhchr.ch/tbs/doc.nsf/0/469f4d91a9378221c12563ed0053547e?Opendocument>.

¹⁵⁹ Comm. on Econ., Soc. and Cultural Rights, *General Comment 4: The Right to Adequate Housing (Art. 11(1) of the Covenant)*, U.N. Doc. E/1992/23, annex III at 114 (1991). available at <http://www.unhchr.ch/tbs/doc.nsf/0/469f4d91a9378221c12563ed0053547e?Opendocument>.

¹⁶⁰ The refugee resettlement program provides eight months of medical assistance. See ORR Guidelines at <http://www.acf.hhs.gov/programs/orr/programs/cma.htm>.

¹⁶¹ See Medicaid eligibility guidelines at http://www.cms.hhs.gov/MedicaidEligibility/02_AreYouEligible_.asp#TopOfPage.

a) Inadequate Access to Medical Care

Seema is a 56-year-old self-described optimist from northern Iraq who has grown to love Michigan.¹⁶² She has a heart problem, high cholesterol, rheumatism, and no medical coverage because her RMA expired after eight months.¹⁶³ Her elderly husband is also sick, and their adult son earns minimum wage.¹⁶⁴ But still, Seema is lucky: hers is one of the few Iraqi refugee families with any wage at all, not to mention her husband's social security benefits.¹⁶⁵ She only asks for her medical coverage to be restored. "We can handle everything else," said Sema.¹⁶⁶ Seema's story is illustrative of a broader phenomenon: healthy Iraqi refugees, just like healthy Americans, are better positioned to find and keep jobs, and tend to perform better in their jobs.

A recent UNHCR study of active Iraqi refugee cases reported that between twenty-five and forty-one percent of registered Iraqi refugees have an "important medical condition."¹⁶⁷ Moreover, the coordinator of the ACCESS Community Health Clinic reported that many Iraqi refugees suffer from chronic conditions, like diabetes, that require regular treatment.¹⁶⁸ Still, the USRAP makes little effort to address these specific and often long-term healthcare needs. Adult refugees without dependent children stand on the edge of a particularly steep cliff at the eight-month mark because they cannot extend their medical coverage by transferring to Medicaid, which only covers families with dependent children.

The same problems that plague other elements of the USRAP are especially acute when it comes to medical treatment. Refugee service providers reported that many Iraqi refugees are unable to fill out application or renewal forms in English,¹⁶⁹ and some had missed appointments for check-ups and medical procedures because they simply had no means of getting to them.¹⁷⁰ As when applying for cash assistance, many Iraqi refugees who live with other refugee families are hesitant to apply for medical coverage because host families are worried their own coverage will then be discontinued.¹⁷¹ In such cases, a refugee may postpone treatment of urgent healthcare needs until she can obtain her own living arrangements.

Misinformation and administrative hurdles also prevent refugees from accessing a full eight months of healthcare coverage. Both refugees and healthcare providers are often unaware that Medicaid coverage applies even before a refugee has received her Medicaid card.¹⁷² This is dangerously problematic for the large number of Iraqi refugees who have existing

¹⁶² Interview with AWKS 4, in Detroit, Mich. (Mar. 13, 2009).

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ UNHCR IRAQI REFUGEE DATA ANALYSIS REPORT, *supra* note 54.

¹⁶⁸ Interview with Michele Sanchez, Arab Cmty. Ctr. for Econ. and Soc. Serv. Cmty. Health & Research Ctr., in Detroit, Mich. (Mar. 12, 2009).

¹⁶⁹ Interview with Father Shara, Representative to Mich. Dep't Homeland Sec., Arab Chaldean Council, Detroit, Mich. (Mar. 13, 2009) (discussing the extent to which lack of English language ability affected a refugee's ability to properly fill out benefit forms).

¹⁷⁰ Interview with Shorouq Shenaq, Arab Cmty. Ctr. for Econ. and Soc. Serv. Cmty. Health & Research Ctr., in Detroit, Mich. (Mar. 12, 2009).

¹⁷¹ *See, e.g.*, Interview with KSGP/RW 1, in Detroit, Mich. (Mar. 11, 2009); Interview with AWLP 1, in Detroit, Mich. (Mar. 12, 2009); Interview with AWLP 2, in Detroit, Mich. (Mar. 12, 2009); Interview with AWKS 1, in Detroit, Mich. (Mar. 13, 2009). *See also* Denise Schoop and Martina Ward, Refugee Specialists, Mich. Dep't. of Human Serv., in Detroit, Mich. (Mar. 13, 2009).

¹⁷² Interview with Fadia Nouman and AbdilKhalik Thabit, Caseworkers, Arab Cmty. Ctr. for Econ. and Soc. Serv., in Detroit, Mich. (Mar. 12, 2009).

medical conditions when they arrive but are unable to seek treatment, except in emergency rooms. To make matters worse, medical coverage in Michigan begins not on the day of arrival, but rather on the first day of the month of arrival. For a refugee who arrives in the United States on June 30, her coverage is considered to have begun on June 1, thereby cutting one of the eight months of eligibility for medical assistance.¹⁷³

The Attar family, for example, was unable to access Medicaid until a full two months after they arrived in the United States.¹⁷⁴ Having initially moved in with relatives, they hesitated to apply for Medicaid because their relatives were on public assistance and were afraid of losing their own benefits if the Attars used their home address to apply.¹⁷⁵ With two discs removed from his spine, Mr. Attar applied for disability support, but his doctor told him to come back in six months to receive the necessary disability referral.¹⁷⁶ When the Attars' son turned nineteen, he no longer qualified for the family's Medicaid coverage and cash assistance, and they worry that the same will happen to their eighteen-year-old daughter, who has a medical condition.¹⁷⁷

The Right to the Highest Attainable Standard of Physical and Mental Health

Several human rights instruments guarantee the right to the highest attainable standard of health. Chief among these is the UDHR, which provides that “[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”¹⁷⁸ The ICESCR, another core human rights document, provides “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”¹⁷⁹ In General Comment 14, the ICESCR Committee, which interprets the treaty, defined this right to include several core elements, including physical accessibility. According to the Committee, “health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and indigenous populations, women, children, adolescents, older persons, persons”¹⁸⁰

The right is also identified in of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),¹⁸¹ the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),¹⁸² and the Convention on the Rights of the Child (CRC).¹⁸³

¹⁷³ See, e.g., Interview with AWLP 2, in Detroit, Mich. (Mar. 11, 2009).

¹⁷⁴ Interview with KSGP/RW 1, in Detroit, Mich. (Mar. 11, 2009).

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

¹⁷⁸ UDHR, *supra* note 7.

¹⁷⁹ International Covenant on Economic, Social and Cultural Rights Art. 12(1), Dec. 16, 1966.

¹⁸⁰ Comm. on Econ., Soc. and Cultural Rights, *General Comment 14: The Right to the Highest Attainable Standard of Health (Art. 12 of the International Covenant on Economic, Social and Cultural Rights)*, U.N. Doc. E/C.12/2000/4, (2000). available at

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/40d009901358b0e2c1256915005090be?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/40d009901358b0e2c1256915005090be?Opendocument).

¹⁸¹ International Covenant on the Elimination of All Forms of Racial Discrimination, Art. 5(e)(iv), Dec. 21, 1965.

¹⁸² Convention on the Elimination of All Forms of Discrimination Against Women, Art. 11(1)(f), 12, Dec. 18, 1979.

¹⁸³ Convention on the Rights of the Child, Art. 24, Nov. 20, 1989. The United States has signed the CRC but has not yet ratified it.

b) Inadequate Treatment for Mental Health Issues

Saeed lives in Detroit now, but the scars around his ankles are a constant reminder of the repeated torture and electric shocks he suffered in Iraq.¹⁸⁴ Saeed is not alone; every year, thousands of refugees arrive in the United States with mental health needs, but every year, federal funding under the Torture Victims Relief Act is insufficient.¹⁸⁵ This is particularly troubling since the very fact of being a torture victim is what qualifies many refugees for resettlement in the United States.

A study conducted by the United Nations in Syria concluded that one in five Iraqi refugees are victims of torture or traumatic violence, seventy-seven percent have been affected by bombings, eighty percent have witnessed a shooting, and seventy-five percent “knew someone who had been killed.”¹⁸⁶ Interviews conducted for this report confirmed this high incidence of traumatic experience and associated mental health conditions. A doctor who carries out refugee medical assessments in Detroit estimated that seventy-five percent of Iraqi refugees he sees have mental health issues.¹⁸⁷ A refugee specialist at the ACCESS Community Health and Research Center in Dearborn, Michigan, told us that seventy to seventy-five percent of Iraqi refugees show signs of mental health issues such as insomnia or the post-trauma effects of having witnessed a shooting.¹⁸⁸

And yet in many cases, refugees’ mental health needs remain untreated, compromising their ability to lead healthy, functional lives. In San Diego, for example, refugees with lingering mental health problems can wait two months before seeing a doctor.¹⁸⁹ Similarly, torture treatment centers in the eight states with the highest number of Iraqi refugee arrivals are experiencing waitlists for their services.¹⁹⁰ Other areas where Iraqi refugees are expected to resettle in greater numbers, such as Idaho, Tennessee, and upstate New York, do not have any dedicated torture treatment centers and will therefore require additional funding for training and capacity-building.¹⁹¹ This lack of adequate funding allows for only a very rudimentary mental health assessment to be conducted at a refugee’s initial health screening. In Dearborn, the only available practitioner to conduct the assessment was a volunteer medical intern.¹⁹²

Additional barriers to treating torture survivors and those with serious mental health issues exist. A community health professional said that medical records she received are often illegible or otherwise useless for identifying mental health issues.¹⁹³ Also, Iraqis often

¹⁸⁴ Interview with RWGP 3, in Detroit, Mich. (Mar. 10, 2009).

¹⁸⁵ Torture Victims Relief Act, 22 U.S.C. 2152 (2003). The Center for Victims of Torture estimates that the TVRA will need at least an additional \$14 million dollars above the President’s budget request to meet the severe mental health requirements of the influx of Iraqi refugees. See Center for Victims of Torture Website, <http://www.cvt.org/page/40>.

¹⁸⁶ One in five Iraqi refugees in Syria suffered from torture or violence in Iraq. See Press Release, United Nations High Commissioner for Refugees Trauma Survey in Syria Highlights Suffering of Iraqi Refugees (Jan. 22, 2008), available at <http://www.unhcr.org/news/NEWS/479616762.html>.

¹⁸⁷ Interview with Doctor, Arab Cmty. Ctr. for Econ. and Soc. Serv. Cmty. Health & Research Ctr, in Detroit, Mich. (Mar. 12, 2009).

¹⁸⁸ Interview with Shorouq Shenaq, Arab Cmty. Ctr. for Econ. and Soc. Serv. Cmty. Health & Research Ctr, in Detroit, Mich. (Mar. 12, 2009).

¹⁸⁹ Interview with San Diego County Health and Human Services Agency (Jul. 16, 2009).

¹⁹⁰ See Center for Victims of Torture Website, <http://www.cvt.org/page/40>.

¹⁹¹ *Id.*

¹⁹² Interview with Shorouq Shenaq, Arab Cmty. Ctr. for Econ. and Soc. Serv. Cmty. Health & Research Ctr, in Detroit, Mich. (Mar. 12, 2009).

¹⁹³ Interview with Michele Wells, Director of Human Resources, Arab Cmty. Ctr. for Econ. and Soc. Serv. Cmty. Health & Research Ctr, in Detroit, Mich. (Mar. 12, 2009).

stigmatize individuals thought to have mental health issues and community outreach efforts are only beginning to educate this population about the merits of treatment.¹⁹⁴

Refugee service providers acknowledge that until refugees' basic needs – including housing, employment, and transportation – are met, a focus on mental health is likely to remain elusive. But meeting those basic needs will do little good if a refugee's untreated mental health condition keeps her from making the most of the opportunities provided by resettlement. The only way around this closed loop is a well-funded resettlement program that acknowledges and addresses the connection between a refugee's physical and mental health and her long-term self-sufficiency.

B. The USRAP Is Compromised by a Lack of Strategic Planning and Coordination

Every Wednesday in a conference room in Arlington, Virginia, representatives of the volags gather to decide where in the United States each refugee in the resettlement queue will begin his or her new life. The discussion is broad, taking into account the circumstances of each refugee family as well as local and national capacity. Like other key moments in the resettlement process, the information and procedures that lead to or are contingent upon these decisions implicate everyone in the system. Though all actors in the resettlement process work hard to fulfill their respective mandates, by the time the futures of Iraqi refugees are decided in multi-round draft-picks in Arlington, key information is often left by the wayside and important opportunities for planning and coordination are missed or ignored.

Researchers identified a number of problems with the planning and execution of the USRAP that have a deep impact on refugee self-sufficiency. The USRAP is marked by limited strategic planning across and among different parts of the system, and funding and placement mechanisms are not flexible enough to anticipate or react to the changing needs of refugee populations. There are no adequate mechanisms in place for anticipating foreseeable trends in secondary migration, and information about vulnerabilities impacting refugees after resettlement is either not gathered or not shared. Such shortfalls place needless limitations on actors, such as those who attend the weekly placement meeting in Arlington, and prevent the system from adequately serving the vulnerable refugees that the system is designed to protect. As a result, refugees resettled to the United States often suffer at all stages of the process.

i) USRAP Funding Decisions Are Reactive, Not Proactive

The recent arrival of Iraqi refugees is the most glaring example to date of the USRAP's inability to anticipate future needs. When the U.S. government announced in 2007 that tens of thousands of Iraqi refugees would soon be arriving in the United States, there was little doubt that Iraqis would seek to be placed in cities with large existing Iraqi and Arab communities like Detroit and San Diego. Even those working in overseas processing predicted as much.¹⁹⁵ While the OPEs provide quarterly arrival projections to the PRM, this data is not shared with the ORR for purposes of capacity setting.¹⁹⁶

¹⁹⁴ Interview with Shorouq Shenaq, Arab Cmty. Ctr. for Econ. and Soc. Serv. Cmty. Health & Research Ctr, in Detroit, Mich. (Mar. 12, 2009).s

¹⁹⁵ Interview with David John and Mark Brown, Int'l Org. for Migration Jordan, in Amman, Jordan. (May 20, 2009).

¹⁹⁶ *Id.*

Moreover, the formula for resource allocation precludes any such planning, even if it were to take place.¹⁹⁷ Federal funding for social services and employment programs through RSS and TAG is dictated by the number of refugee arrivals over the *previous* three or five years, respectively.¹⁹⁸ The retroactive nature of this formula funding prevents resources from reaching localities with abrupt increases in refugee placement. For example, San Diego received approximately 1,500 new refugees each fiscal year before 2008; it is now on track to receive over 5,200 in both FY 2009 and FY 2010, over ninety-five percent of whom are Iraqi.¹⁹⁹ Meanwhile, the number of arrivals for the state of Michigan increased 400% from FY 2006 to FY 2008.²⁰⁰ Arrivals to Detroit, all Iraqis, increased by over 1500% for that same period.²⁰¹ But funding for refugee social services only increased by approximately seventy-two percent from FY 2007 to FY 2009.²⁰² Because arrivals levels from previous years bind the formula funding, funding commensurate to these new caseloads will not arrive until 2011.

In the meantime, the ORR's support for these struggling locales remains based on the fiction that they are serving the number of refugees that arrived in 2006 or 2007. This systemic delay has a serious impact on the ability of service providers to assist refugees, and the consequences are dire for refugees. In some cases, volag staff have become responsible for as many as 100 cases at a time, representing three or four times the number of clients they had just a few years ago.²⁰³ As noted above, the additional strain on a caseworker's time means that individualized attention is nearly impossible to provide, contributing to a threefold drop in employment rates in Detroit.²⁰⁴

¹⁹⁷ See *infra* Appendix II.

¹⁹⁸ Office of Refugee Resettlement, Notice of Final Fiscal Year (FY) 2008 Formula Allocation for States for Refugee Social Services 7 (Sept. 24, 2008) (on file with author). Office of Refugee Resettlement, Final Notice of FY 2008 Formula Allocation for Targeted Assistance Grants to States for Services to Refugees 3 (Sept. 18, 2008) (on file with author).

¹⁹⁹ Interview with Michael McKay, Dir. of Refugee Serv., Catholic Charities, Diocese of San Diego, in San Diego, Cal. (Jul. 15, 2009).

²⁰⁰ E-mail from Dawn Arwood, Analyst, Office of Refugee Services, State of Michigan (Sept. 29, 2009, 12:24:27 EST) (on file with author). See also *infra*, Appendix II, Table 1.

²⁰¹ E-mail from Dawn Arwood, Analyst, Office of Refugee Services, State of Michigan (Sept. 29, 2009, 12:24:27 EST) (on file with author). See also *infra*, Appendix II, Table 3.

²⁰² See Appendix II, Table 2.

²⁰³ Interview with Belmin Pinjic, Dir. of Refugee Serv., Lutheran Soc. Serv. of Mich., in Detroit, Mich. (Mar. 10, 2009).

²⁰⁴ *Id.* It is also worth noting that the larger economic downturn has also contributed to reduced refugee employment rates. See INTERNATIONAL RESCUE COMMITTEE, U.S. REFUGEE ADMISSIONS PROGRAM: BACKGROUND ON ECONOMIC CRISIS (2009).

What a Difference a Year Makes

In light of the sudden arrival of thousands of new Iraqi refugees in Detroit, the state of Michigan recalibrated the statewide distribution of limited state resources provided by the ORR. Although the total amount of federal funding did not adjust quickly enough to cope with Detroit's new arrivals, the state refugee coordinator took the initiative of allocating funding for employment services among counties according to levels from the previous year, instead of the previous three years. This shifted the available resources to the employment services in Detroit run by LSSM, away from programs elsewhere in the state that had a lesser relative need.

With the new source of funds, LSSM was able to double the number of caseworkers committed to employment services, which increased the employment placement rate by fifty percent from the last trimester of FY 2008 to the first trimester of FY 2009.²⁰⁵

ii) USRAP Does Not Adequately Account for Secondary Migration

The initial placement decisions for resettled refugees have a significant impact on refugees' long-term self-sufficiency and the efficiency of the program as a whole. And although the PRM, the ORR, and volags each impose their own restrictions on placement, no one agency is responsible for refugee placement as a whole, which directly affects refugees' ability to integrate into their new communities.

When refugees are haphazardly placed in communities that lack the necessary resources or social supports, barriers to employment become even more pronounced. If refugees relocate to other cities seeking more support or better job opportunities, resettlement assistance often lags behind or becomes difficult to access. Such was the case for the majority of Iraqi refugee secondary migrants interviewed in Detroit, who spent an average of fifty days at their initial placement before moving to Detroit.²⁰⁶ Some of these refugees never received their full R&P assistance.²⁰⁷ Without an effective tracking system for information sharing between states, volags, the PRM and the ORR, refugees must take the initiative to find new social service providers and act to transfer their own cash and medical assistance from one state to another. When they move, refugees get lost in the system, losing at least part of their eight months of cash and medical assistance.

With regard to offsetting the effect that secondary migration has on the destination state's resources, there is simply no system-wide tracking mechanism, even though it is an entirely predictable and regular occurrence. The PRM does not track secondary migration because it is "not part of their mandate."²⁰⁸ The ORR attempts to track secondary migration after the R&P period through a state reporting mechanism, but it suffers from a delay that renders

²⁰⁵ Interview with Belmin Pinjic, Dir. of Refugee Serv., Lutheran Soc. Serv. of Mich., in Detroit, Mich. (Mar. 10, 2009).

²⁰⁶ See *infra* app. I.

²⁰⁷ Interview with AWKS 5, in Detroit, Mich. (Mar. 13, 2009); Interview with AWKS 6, in Detroit, Mich. (Mar. 13, 2009); Interview with AWKS 10, in Detroit, Mich. (Mar. 13, 2009); Interview with AWKS 12, in Detroit, Mich. (Mar. 13, 2009); Interview with AWKS 13, in Detroit, Mich. (Mar. 13, 2009); Interview with KSLP 5, in Detroit, Mich. (Mar. 10, 2009).

²⁰⁸ Interview with Official, United States Department of State, in Wash., D.C. (Mar. 11, 2009).

the information futile; by the time the ORR registers one set of secondary migrants, a new set has already arrived.²⁰⁹

Meanwhile, states are left to depend on each other to determine when a case from another state requires immediate follow-up. Volags such as LSSM have tried to collect the names of secondary migrants when they arrive, but as the director of LSSM's refugee service said, there is simply no way to know whether its register of over 200 secondary migrants represents five or ninety percent of the total population.²¹⁰ Undoubtedly, these refugees place additional strain on already overburdened service networks.

iii) The USRAP Fails to Identify and Communicate Vulnerabilities in Overseas Processing

Many of the problems that plague the placement process are rooted in a breakdown of information-sharing across various agencies involved in the USRAP. Iraqis being processed for U.S. resettlement speak with representatives at the UNHCR, IOM, and DHS before getting on a flight to the United States. Nonetheless, there is neither a single mechanism for prioritizing cases for expedited processing nor a procedure for recording needs that will impact refugees after arrival. In some cases, information is gathered that is not shared with agencies further down the resettlement chain, increasing the likelihood that refugee needs will not be met.

²⁰⁹ Form ORR-11 is the mechanism ORR uses to track secondary migrants. The form must be submitted by state coordinators on or by December 31 each year and include information for the previous fiscal year (ending September 30). See <http://www.hhs.state.ne.us/refugees/docs/training/instructions-for-orr-11.pdf>.

²¹⁰ Interview with Belmin Pinjic, Dir. of Refugee Serv., Lutheran Soc. Serv. of Mich., in Detroit, Mich. (Mar. 10, 2009).

Disjunction between Resettlement and Assistance

Refugee survivors of torture in Amman find themselves in a unique situation: they can be identified and treated as a survivor of torture without information about their special needs ever reaching the other side of the Atlantic once they are resettled.

In October, 2008, the Center for Victims of Torture (CVT) received funding, primarily from the PRM and U.N. to open a torture-treatment center for Iraqi refugees. CVT clinicians spend months developing relationships and working with survivors of torture and trauma.²¹¹ "It takes seven to nine sessions to build enough trust for [our] clients to open up about these experiences."²¹² Victimization rates among Iraqis are disproportionately high, even for refugees fleeing conflict, but the CVT believes survivors are unlikely to be forthcoming with the UNHCR or IOM interviewers about their experience.²¹³ Furthermore, panel physicians designated by the Centers for Disease Control to evaluate immigrants moving to the United States are unlikely to report anything other than direct *physical* evidence of torture.²¹⁴ Thus it is likely that many survivors of torture pass unidentified through the USRAP.

Even after they develop this rapport, get details, and begin treatment, however, CVT, an organization that runs torture treatment programs in the United States, is unable to follow up on these cases post-resettlement. As the Jordan country director put it, "[we] are only really equipped to do email and telephone outreach on individual clients' behalf on the basis of personal relationships."²¹⁵

In spite of the fact that the treatment program is a PRM-supported initiative, there is no coordination between assistance and resettlement. There is no formal mechanism for information about these survivors of torture and trauma to be fed into the resettlement system. While the CVT "could certainly do some signposting," the organization nevertheless does not refer clients to resettlement because "it's too labor and resource intensive." Moreover, the CVT is not funded to do resettlement referrals, nor are they charged with ensuring that information about their clients follows them to the United States. Although such a responsibility should not fall on the shoulders of the CVT, this vital information should be shared to help enhance the resettlement experience of, and care for, Iraqis in the United States.²¹⁶

The disjunction between needs and services – like resettling, or failing to resettle, victims of torture in locations with torture treatment centers – begins while a refugee is still in a country of first asylum. The UNHCR collects detailed information for each of its referrals to the OPE over the course of three or four interviews.²¹⁷ This information is then given to the OPE, which prepares the case for adjudication by the USCIS.²¹⁸ At all points in this process,

²¹¹ Interview with Darrin Waller, Jordan Country Director, Ctr. for Victims of Torture, in Amman, Jordan. (May 21, 2009).

²¹² *Id.*

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ Interview with Imran Riza, Arafat Jamal and Peter Janssen, Representative, Deputy Representative and Resettlement Officer, United Nations High Commissioner for Refugees, in Amman, Jordan. (May 21, 2009);

Interview with David John and Mark Brown, Int'l Org. for Migration Jordan, in Amman, Jordan. (May 20, 2009).

²¹⁸ Interview with David John and Mark Brown, Int'l Org. for Migration Jordan, in Amman, Jordan. (May 20, 2009).

any information that is not digitally captured is hand-recorded by an IOM employee.²¹⁹ The PRM dictates the amount of information that is communicated from the IOM database to the volags when making placement decisions and post-arrival.²²⁰

At the IOM, the OPE in Amman, there are four points at which a vulnerability could be detected: (1) upon referral from the UNHCR, if included in the referral form; (2) during the preparation of the file by the IOM, if a refugee identifies a special vulnerability; (3) if the caseworker flags something unusual and notes it; or (4) during the medical examination.²²¹ Notably, there is no formal mechanism for reporting any vulnerability identified by the USCIS during its adjudication interview, which occurs between steps three and four above. There is no point at which any U.S. government employee or contracted party is tasked with investigating and reporting the presence of a needs-related vulnerability for the purposes of ensuring post-arrival assistance. Instead, such information is only gathered to help support the individual's persecution claim.

In addition to points at which vulnerability data would be entered into the record or missed, there are four reasons for which cases are expedited for faster processing at the IOM-Amman: (1) for medical reasons, (2) for protection reasons, (3) for a compelling humanitarian need, or (4) if something is overdue.²²² Although these four grounds are tied to flags within their database, the IOM reported that "more often than not it is just a sticky note stuck on someone's computer to move 'X' case along or to the top of the pile for 'X' reason—or at least keep track of it."²²³ In addition to this failure, evaluating whether the individual vulnerability merits faster processing is not tied to the vulnerabilities identified above.

Intuitively, the medical exam would seem the best avenue for revealing any latent but serious conditions. This exam is required before a refugee is allowed to travel to the United States; however, like the DHS interview, its purpose is to verify admissibility, not needs.²²⁴ Because of the speed of processing, the exam is sometimes conducted only *after* information about a refugee has been sent to the volags, who make a placement decision without medical records.²²⁵ If a volag later finds out that a serious medical condition was not previously identified, it sends a "medical anomaly" report to the State Department.²²⁶ This presents serious complications if a refugee must be hastily relocated to a different location based on newly-discovered needs or is left in a location without specialized services.²²⁷ Even when medical records are received, they are often inadequate. One community health professional in Detroit reported that the medical records she receives are often illegible or otherwise useless for identifying mental health issues.²²⁸ The USRAP must

²¹⁹ *Id.*

²²⁰ *Id.*

²²¹ *Id.* IOM felt that UNHCR was in the best position to provide comprehensive information that would be helpful for identifying refugee needs post-resettlement.

²²² *Id.*

²²³ *Id.*

²²⁴ The medical examination of refugees is conducted in accordance with INA § 212(a)(1), which provides health-related inadmissibility criteria generally designed to bar admission for aliens with health conditions that could be considered some kind of public threat. See INA §(a)(1)(A). HHS, in consultation with the CDC, has further promulgated regulations that define the content and scope of oversees medical examinations in accordance with implementing the health-related inadmissibility criteria. See 42 C.F.R. pt. 34 (2008).

²²⁵ Refugee Allocation Meeting, Arlington, Va. (Apr. 15, 2009).

²²⁶ *Id.*

²²⁷ Interview with David John and Mark Brown, Int'l Org. for Migration Jordan, in Amman, Jordan. (May 20, 2009).

²²⁸ Interview with Michele Wells, Director of Human Resources, Arab Cmty. Ctr. for Econ. and Soc. Serv. Cmty. Health & Research Ctr., in Detroit, Mich. (Mar. 12, 2009).

do a better job identifying vulnerabilities and sharing this information with those who will ultimately provide the services.²²⁹

Unlike countries that intentionally seek refugees on the basis of presumed ability to integrate, the USRAP is committed to protecting all UNHCR-referred refugees, making it needs-blind. Refugees are not further screened on the basis of their personal vulnerabilities or qualities, and this is commendable. In fact, refugee vulnerabilities are the basis for admission. To the extent that vulnerabilities are captured as part of the adjudication process, they are not communicated to volags to ensure quality post-resettlement services. Moreover, the resource constraint and speed under which the placement mechanism operates further reduces the information that can be collected. Yet the proper identification, transfer, and use of this information is essential for resettled refugees to be placed with resources that meet their needs and, by extension, help them to become sustainably self-sufficient and achieve long-term integration. The system can no longer afford to turn a blind eye to needs; vulnerabilities and needs must be identified to help refugees post-resettlement.

²²⁹ The same structural myopia regarding refugee needs and vulnerabilities extends to refugee strengths and qualifications. Thus the USRAP should also re-tool processing to take into account what characteristics make individual refugees more likely to succeed in the United States, ensuring that the system fosters integration by addressing special weaknesses and strengths.

VI. CONCLUSION

The USRAP extends an offer of protection to tens of thousands of the world's most vulnerable refugees each year. Historically, the program has followed through with this commitment. For too long, however, there has been a myopic focus on the quantity of refugees admitted to the detriment of the quality of resettlement.

This report shows that Iraqi refugees recently resettled to the United States are not faring well. Most are not securing sustainable employment, and many are not able to support themselves or their families on the public assistance they are receiving. Some have become homeless. Iraqi refugees are also suffering from the effects of war: some are torture victims and many have serious mental health issues needing treatment. Finally, Iraqi refugees are often not able to access medical treatment due to administrative hurdles and insufficient funding in the system, further undermining prospects for long-term integration.

In addition to concerns about immediate survival, this report shows that the USRAP is not doing enough to enable Iraqi refugees to become sustainably self-sufficient. Employment services are seriously underfunded in areas such as Detroit, where a large proportion of Iraqi refugees are resettled. English language training is also largely insufficient to prepare Iraqi refugees for sustainable employment. Lack of transportation undermines all aspects of the resettlement process, including the ability of Iraqi refugees to secure employment. Support for recertifying Iraqi refugees or providing vocational training is nearly non-existent, even though many Iraqi refugees come to the United States with significant educational and professional accomplishments.

Lack of planning and information sharing in the USRAP amplifies these problems. Funding mechanisms, especially those designed to fund social and employment services, tend to be retroactive: they fund localities that have *previously* resettled large amounts of refugees rather than those that are *going* to resettle large amounts of refugees. This leads to large caseloads for refugee caseworkers, contributing to higher refugee unemployment. Secondary migration, a relatively predictable phenomenon, is not adequately tracked. Similarly, information regarding a refugee's unique needs, including medical conditions, is often passed on only informally, if at all. There is simply no system for collecting, transferring and acting on refugee information for planning purposes. At almost every stage of processing, the individual parts that make up the USRAP do not see themselves as responsible for the long-term protection of refugees but rather only for the small part they are doing. No agency is measuring whether the combined efforts actually protect refugees in the long-term.

Yet resettlement of Iraqi refugees remains a vital tool of international refugee protection. Iraqi refugees in Jordan and in other countries of first asylum lack important legal rights and protections. They are unable to work legally, and face discrimination and abuse as a result of their uncertain circumstances. Without any prospect of voluntary repatriation in the near future, the USRAP remains an important option for many Iraqi refugees. It is, therefore, crucial that the inadequacies of the program be identified and remedied so that resettled Iraqi refugees are able to achieve long-term self-sufficiency and integration.

As President Obama said in an April 2009 speech at Georgetown, "We simply cannot sacrifice the long-term investments that we so desperately need to generate long-term prosperity. Just as a cash-strapped family may cut back on luxuries but will insist on spending money to get their children through college, so we as a country have to make

current choices with an eye on the future."²³⁰ The resettlement programs on which Iraqi refugees depend while they rebuild their lives are not luxuries; they are the long-term investments necessary to fulfill America's promise to refugees.

²³⁰ Barack H. Obama, President of the United States, Speech at Georgetown University (Apr. 14, 2009).

VII. RECOMMENDATIONS

Continued Resettlement

- a. The United States should continue its commitment to the resettlement of Iraqi refugees in numbers at least equal to those admitted during FY 2009.
- b. Cultural orientation programs should be extended and information about resettlement should be provided to refugees early in the process and long before their departure dates.

Long-Term Self-Sufficiency and Integration

- a. Refugee assistance should ideally be decoupled from mainstream welfare programs and tailored to meet the specific needs of refugees.
- b. Refugee Cash Assistance should be increased to cover all basic expenses and extended to eighteen months.
- c. The PRM and ORR should request higher funding levels for refugee admissions and services that better reflect the real needs of refugees.
- d. Increased funding should in particular be directed at employment services, English language training, transportation services, educational opportunities, professional recertification, housing, and medical treatment, including treatment for survivors of torture and refugees with post-traumatic stress disorder.
- e. ORR should work with states to identify and remove administrative barriers to integration, such as issues with driver's license applications, social security, employment authorization, and unnecessary gaps in cash assistance or medical coverage.

Improved Strategic Planning

- a. The White House should clearly identify one lead agency to coordinate all agencies and organizations involved in the USRAP.
- b. All relevant agencies and stakeholders should implement planning procedures *to anticipate* the arrival of new groups of refugees, taking into consideration new influxes of refugees, vulnerabilities, local services capacity, and secondary migration.
- c. Congress should amend the Refugee Act and the ORR should amend its regulations so that funding formulas are flexible and can be adapted to new resettlement patterns, particularly those used for RSS and TAG.
- d. Whenever possible, funding formulas should not be based on historical trends but on prospective refugee arrivals; if past arrivals must be considered, only the previous fiscal year should be considered.

Increased Information Gathering and Sharing

- a. The USRAP should implement a holistic review of information gathering and sharing procedures to better account for specific refugee populations.
- b. In places where the PRM-funded assistance programs identify information vital to resettlement programs, the PRM should institute an information sharing mechanism between the two service providers.
- c. The PRM should expand the types and amount of information that is provided to U.S. volags before placement to ensure that individuals are resettled to a location that is able to provide the best possible care and services. This may include sharing the UNHCR-prepared resettlement registration form or the full panel physician report, or both.

Enhanced Coordination

- a. The designated lead agency, in consultation with all relevant actors, should develop new procedures that outline a common, consistent strategy for the placement of individual refugees, taking into account the needs of each refugee, state and volag resources, and recent trends *prior to* a refugee's arrival.
- b. The PRM should consider creating an individual case management system for post-adjudication and pre-departure refugees, which would advise individual refugees in light of known post-resettlement administrative hurdles and help them anticipate, and prepare for or avoid them.

APPENDIX I: INDIVIDUALS AND ORGANIZATIONS INTERVIEWED

Iraqi Refugees

- Amman, Jordan, 29 refugees
- Detroit, Michigan, 39 refugees
- Washington, D.C., 7 refugees

U.S. Government Agencies and Officials

- County of San Diego, Health and Human Services Agency
- Office of Representative John Dingell (D-MI)
- Office of Representative Alcee Hastings (D-FL)
- Office of Senator Edward M. Kennedy (D-MA)
- Refugee Specialists, Michigan Department of Human Services
- State Refugee Coordinator for Arizona
- State Refugee Coordinator for Colorado
- State Refugee Coordinator for Michigan
- U.S. Department of Health and Human Services, Office of Refugee Resettlement (ORR)
- U.S. Department of State, Bureau of Population, Refugees and Migration (PRM)
- U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS)

Foreign Government Agencies and Officials

- European Commission Humanitarian Aid Organization
- Office of the Secretary General of the Ministry of Planning and International Cooperation (Hashemite Kingdom of Jordan)
- Office of the Secretary General of the Ministry of Social Development (Hashemite Kingdom of Jordan)

Non-Governmental Organizations, Inter-Governmental Organizations, and Advocacy Groups

- Amnesty International
- Human Rights First
- Human Rights Watch
- International Committee of the Red Cross (ICRC)
- International Organization for Migration (IOM)
- Refugee Council of Australia
- Refugees International
- United Nations High Commissioner for Refugees (UNHCR)

Volags

- Church World Services
- Episcopal Migration Ministries
- Hebrew Immigrant Aid Society
- International Rescue Committee (IRC)
- Lutheran Immigration and Refugee Service
- U.S. Committee for Refugees and Immigrants
- U.S. Conference of Catholic Bishops, Migration and Refugee Service
- World Relief

Local Community Groups and Others

- American-Arab Anti-Discrimination Committee, Dearborn, Michigan Office
- Chaldean Federation of America

- Financial Aid Office, Henry Ford Community College
- Institute for the Study of International Migration, Georgetown University
- Karbalaa Islamic Education Center
- Kurdish Human Rights Watch
- Lamphere School District
- Office of the Dean, Georgetown University Law Center
- Holland & Knight LLP
- Ropes & Gray LLP
- Student Council on Racial Reconciliation

Service Providers

- Arab Chaldean Council
- Arab Community Center for Economic and Social Services
- Archdiocese of Detroit, Office of Refugee Services
- Catholic Charities, Diocese of San Diego, Refugee Services
- Center for Victims of Torture
- International Catholic Migration Commission
- International Rescue Committee, San Diego, California Office
- Islamic Relief
- Lutheran Social Services of Maryland
- Lutheran Social Services of Michigan Refugee Services, Southfield, Michigan Office
- Save the Children
- U.S. Committee for Refugees and Immigrants, Dearborn, Michigan Office

APPENDIX II: MICHIGAN CASE STUDY

Efforts since 2007 to resettle tens of thousands of Iraqis to the United States caused a sudden and dramatic increase in refugee arrivals to the state of Michigan, particularly the four counties of metropolitan Detroit. As demonstrated in Table 1, from FY 2006 to FY 2008, the number of arrivals statewide increased 410%. Table 3 shows that over the same period, the number of arrivals in metropolitan Detroit increased 1,565%.

However, the RSS funding formula allocates federal resources based on the number of refugees who arrived to a state in the preceding three years.²³¹ By this metric, RSS funds to Michigan actually decreased by four percent from FY 2007 to FY 2008, even though in that fiscal year the number of arrivals far eclipsed the three previous years combined. In other words, the funding formula set social services capacity in Michigan to assist an average of 845 refugees per year. In reality, Michigan received over 3,243 refugees that year. The Detroit area alone received 2,415 refugees, all of whom were Iraqi. Moreover, discretionary grants to supplement the RSS funding were insufficient to compensate for the inadequate formula funding. Grants for a combined total of \$500,000 were awarded to two Detroit-area agencies in 2008.²³²

In FY 2009 the formula period finally captured the surge in arrivals that began in earnest in FY 2008, however RSS funds still only increased by 72.8% from the previous fiscal year. Because the arrivals preceding FY 2008 still counted toward allocation entitled to Michigan, RSS funds set social services capacity for an average of 1,615 refugees per year. As of August, 3,163 refugees have arrived in Michigan for FY 2009.

The fiscal years preceding FY 2008 will continue to distort Michigan's RSS funds until FY 2011, when the formula period will at last capture three years with increased arrivals. Until that time, social services capacity will be significantly underfunded.

²³¹ For FY 2007, FY 2008, and FY 2009, the ORR allocated social services funds according to the following formula:

- (1) the total amount of available funds budgeted, divided by;
- (2) the total number of refugees and other eligible populations who arrived in the U.S. in the preceding three years, with the resulting per capita multiplied by;
- (3) the number of persons in the state as of September 2007, adjusted for secondary migration.

Office of Refugee Resettlement, Notice of Final Fiscal Year (FY) 2007 Formula Allocation for States for Refugee Social Services (Aug. 27, 2007), *available at* http://www.acf.hhs.gov/grants/open/HHS-2007-ACF-ORR-RS-0115_final.html [hereinafter FY 2007 Formula Allocation]. Office of Refugee Resettlement, Notice of Final Fiscal Year (FY) 2008 Formula Allocation for States for Refugee Social Services (Sept. 24, 2008) (on file with author) [hereinafter FY 2008 Formula Allocation]. Office of Refugee Resettlement, Notice of Final Fiscal Year (FY) 2009 Formula Allocation for States for Refugee Social Services (July 28, 2009), *available at* <http://www.acf.hhs.gov/grants/open/HHS-2009-ACF-ORR-ORRRS-0070.html> [hereinafter FY 2009 Formula Allocation].

²³² Office of Refugee Resettlement, Unanticipated Arrivals – 2008 Supplemental Services Grantees. *available at* http://www.acf.hhs.gov/programs/orr/programs/unanticipated_arrivals_prg.htm.

Table 1. Total Refugee Arrivals in Michigan, FY 2006-August 2009

	Iraqi Arrivals ²³³	Total Arrivals ²³⁴	vs. (FY – 1)	vs. (FY – 2)
FY 2006	153	636	-	-
FY 2007	577	1271	+ 99.8%	-
FY 2008	2556	3243	+ 155%	+ 410%
FY 2009*	2130	3163	-	-

Table 2. Formula Allocations to Michigan for Refugee Social Services

	Formula Period	Refugees	Others	Total	RSS Funds	vs. (FY – 1)
FY 2007 ²³⁵	Oct 03 – Sept 06	2213	769	2982	\$1,141,198	-
FY 2008 ²³⁶	Oct 04 – Sept 07	2535	404	2939	\$1,095,849	- 4%
FY 2009 ²³⁷	Oct 05 – Sept 08	4844	481	5325	\$1,894,320	+ 72.8%

Table 3. Refugee Arrivals in Detroit Metro-Area, FY 2006-August 2009

	Wayne Co.	Oakland Co.	Macomb Co.	Washtenaw Co.	Total	vs. (FY – 1)	vs. (FY – 2)
FY 2006	42	82	13	8	145	-	-
FY 2007	50	86	383	28	547	+ 277%	-
FY 2008	280	943	1138	54	2415	+ 341%	+ 1565%
FY 2009*	168	720	1081	49	2018	-	-

*Through August 2009 only.

²³³ E-mail from Dawn Arwood, Analyst, Office of Refugee Services, State of Michigan (Sept. 23, 2009, 12:16:46 EST) (on file with author). Ms. Arwood confirmed that all arrivals for this period were indeed Iraqi. *Id.*

²³⁴ E-mail from Dawn Arwood, Analyst, Office of Refugee Services, State of Michigan (Sept. 29, 2009, 12:24:27 EST) (on file with author).

²³⁵ FY 2007 Formula Allocation, *supra* note 231.

²³⁶ FY 2008 Formula Allocation, *supra* note 231.

²³⁷ FY 2009 Formula Allocation, *supra* note 231.

APPENDIX III: IRAQI REFUGEE STORIES

DETROIT

“Hamza” KSLP 1 3/10/2009: Hamza worked as a middle school teacher in Iraq until fleeing to Turkey with his wife and daughter in 2008. He was resettled to Detroit, and he currently receives financial help from his sons and plans to apply for Supplemental Security Income (SSI). His daughter is in school but is too old to qualify as a dependent; therefore, the Michigan Department of Human Services is threatening to cut his daughter’s benefits if she does not start working. However, if her benefits are cut, she will either have to give up her education to find work. Alternatively, if Hamza’s SSI application is approved, he will be able to support her.

“Qays” GPRW 1 3/10/2009: In Iraq, Qays worked in welding and inventory management, having studied for two years at a technical institute. He fled to Lebanon in 2005, where he also lived through the June 2006 war in that country. He was resettled to Columbus, Ohio, with his wife and four children but migrated to Detroit twenty days after arrival to connect with a Syrian friend who promised to help him find a job. After nearly six months, he still cannot find work. His family receives \$828 per month in cash assistance; their monthly rent is \$700.

“Wael” KSLP 2 3/10/2009: Before fleeing to Turkey, Wael worked in a liquor store in Iraq. Resettled in Detroit, he lives on SSI. Money is tight. Because there are seven people in his family, they need a house, and rent for one is very expensive.

“Waleed” KSLP 5 3/10/2009: Waleed worked as a barber in Iraq before fleeing in 2008 to Turkey. He was resettled to St. Louis, Missouri, but migrated to Detroit within sixteen days to join his second cousin. He planned to join this cousin as soon as he found out he was coming to the United States, but they are not sufficiently closely related to qualify for sponsorship due to Detroit-specific restrictions imposed in late 2008. Because he was placed in St. Louis without a sponsor, his volag used his R&P money for rent and furniture. After his family moved to Michigan, his relative supported them until they started receiving their benefits. This support, he says, is the most important thing to have as he rebuilds his life.

“Saeed” RWGP 1 3/10/2009: In Iraq, Saeed, who has one year of post-secondary technical school education, worked as an oil pipe welder before fleeing in 1998. He lived in Jordan for six months, moved to Syria for five years, and then moved to Lebanon until 2003. He and his wife, mother, and brother were resettled to Chicago, Illinois but migrated to Detroit after three weeks because he could not find a job. He now has a two-month-old son, and after seven months in Detroit, he still does not have a job. The price of rent consumes all his cash assistance.

“Salah” RWGP 3 3/10/2009: Salah fled Iraq in 1997, living first in Jordan for two years and then in Syria for ten years. He was resettled to Columbus, Ohio with his wife and two children, but migrated to Detroit ten days later in order to join his religious community and reunite with friends. He is a torture survivor, and he has applied for SSI but still has no news on his application. In the meantime, he receives nearly \$600 per month in cash assistance, which is just enough to pay his bills in Detroit. He would move to Dearborn if he could afford it.

“Haifa” AWLP 1 3/11/2009: Haifa worked as a social worker at a high school for 15 years before her children were born. Her family fled to Jordan 2006. Haifa’s 24-year-old son and 22-year-old daughter preceded her to Detroit; she and her mother joined them four

months later. "We lost everything," she said. The Mahdi Army accused the family of loyalty to Saddam because they are Sunni. Haifa's husband and son were kidnapped. One of her sons is still in Jordan because security screening delayed his application, even though he is young and never served with the Iraqi military.

"Bahja" AWLP 2 3/11/2009: Bahja was a housewife in Iraq before fleeing to Syria in 2004. Her husband had been a truck driver in Iraq and found work in Syria at a shisha factory. Her family was resettled directly to Detroit. Because they arrived on the 28th day of the month, their first three days in the United States counted as a full month of their eight-month total refugee assistance. Their cash assistance is about to expire, but the family qualifies for TANF. Still, they live hand-to-mouth, and the time it will take to reopen their case with Michigan Department of Human Services worries Bahja. She insists that her husband is capable and can do any work, saying, "Just give him [work]."

"Jameel" KSAW 1 3/11/2009: Jameel worked in tourism and for high-class hotels. After the U.S.-led invasion, he worked for four years arranging logistics for a major news outlet. In 2007, he fled to Lebanon with his wife and children. They were resettled to Philadelphia, Pennsylvania, as a "free case" because Jameel had no immediate family in the United States. The family migrated to Detroit three months later to join distant relatives. Their benefits were reopened quickly after the move to Detroit, and this helped him afford to rent his own apartment. Still, they receive only \$690 per month in cash assistance, and their rent is \$750.

"Yusef" KSGP/RW 1 3/11/2009: In Iraq, Yusef owned a used auto parts business before fleeing to Syria in 2004, where he lived for four years before being resettled to Detroit. At first he, his wife, and their four children lived with relatives on R&P money. Because of difficulties finding a suitable home for a family of six, it took two months for them to settle in to a home of their own. During the delay, Yusef and his family did not open their case with the Michigan Department of Human Services because their relatives did not want them to use their address to apply for benefits. Nine months after their arrival, his oldest son, now nineteen, no longer qualifies for assistance. His other three children are 18, 14, and 13 years old. They receive \$680 per month cash assistance; rent alone is \$600. He is worried because his 18-year-old daughter will soon "age out" of assistance. He cannot work and is waiting for an SSI referral from his physician.

"Hakeem" LPAW 1 3/11/2009: Hakeem worked as a driver in Iraq before fleeing to Turkey in 2008. He was resettled to Detroit with his wife and four children because his wife's brother was already living there for seven years. Although housing is more expensive where they live, they need to be near their brother-in-law because he provides their only transportation. They were unable to buy a car because all their R&P money went toward the security deposit for the small house they rent.

"Luay" RWGP/KS 1 3/11/2009: Luay has only a sixth-grade education and worked as a barber, cleaner, and taxi driver in Iraq before fleeing to Turkey in 2004. He was resettled to Detroit with his wife and four children. They live in a two-bedroom apartment for \$750 per month plus utilities, but receive only \$800 monthly in cash assistance. Other landlords rejected them because six people living in two bedrooms violates housing codes, even though Luay cannot afford a bigger apartment. After seven months, he still has no job. He has been attending ESL classes, but complains that the quality of instruction is poor and all the jobs available require English. Once, his caseworker finally found him a job at a hotel; he attended three days of unpaid training only to be told that he was no longer needed. As the end of his eight months of assistance draws near he says, "I don't know what to tell you. I don't think about tomorrow. If they stop assistance, God will provide."

“Sinwan” AWKS 1 3/12/2009: In Iraq, the vocation of Sinwan’s husband was to recite the Qur’an at religious events. They fled to Syria together in 2002. She registered with the UNHCR in Damascus to get assistance and apply for resettlement. Because her husband’s friend in Detroit did not qualify as an anchor, they were resettled to Columbus, Ohio, as a “free case.” They moved to Detroit seven days later. Sinwan’s husband, a torture survivor, suffers from depression and cannot work. Medicaid covers his primary care for now, but once it runs out the best they can hope for is Emergency Medicaid, which will not cover doctor’s visits. The house they rent has no glass in some of the windows, and she fears the cold makes her husband’s depression worse. He has sought mental health services, but has yet to receive torture treatment. She wants to work but needs to learn English first. She goes to free ESL classes sponsored by a local organization.

“Farrah” AWLP 1 3/12/2009: Farah worked as a physical education teacher in Iraq before fleeing to Syria in 2007. She and her mother were resettled to Los Angeles, California to join an uncle who lived there but migrated to Detroit after four months. While in Los Angeles, she refused to join her uncle’s case because it would reduce his benefits. She and her mother waited until their arrival in Michigan to open their cases. Hoping to earn a degree or recertify to teach in the United States, she tried to get financial aid to study at Henry Ford Community College. Getting financial aid is difficult, she says, because her four-year degree makes her ineligible for many programs. She resents that she still depends on the government and says that she would not have accepted resettlement if she had known she would not be able to access the kind of support she needs to get back on her own two feet.

“Mariya” AWLP 3 3/12/2009: Mariya was resettled to rural Pennsylvania, after fleeing to Jordan with her family in 2007, because she mentioned in her interview with the OPE that her brother lives there. However, after only 19 days in Pennsylvania, she moved to Detroit because she wanted to live in an Arab-American community. But now, neither her husband nor her son can find work. She complains that the state human service workers make her and her family feel like they are begging.

“Nada” AWKS 3 3/13/2009: Before fleeing to Syria in 2007, Nada was a housewife. In Syria, she applied for resettlement immediately because she knew she could never return to Iraq. She was resettled to Detroit, joining her brother. Nada now rents an apartment with her husband, but without a car, they are isolated. Although they quickly received food stamps, cash assistance took about 40 to 45 days to arrive. Their R&P money was not enough in the meantime; it barely paid the first month’s bills. Although her husband goes to ESL classes, she must stay at home to care for their disabled eight year-old child, as well as their four year-old. Despite these difficulties, she does not want to risk moving elsewhere because she has family and community in Detroit.

“Seema” AWKS 4 3/13/2009: Seema was a housewife before fleeing to Turkey in 2004. She, her husband, and their 17-year-old son were resettled to Detroit. They lived with her brother for a month, and then moved in with her other son and his family. This delayed her ability to provide utility bills to the state of Michigan in order to apply for a driver’s license. Her 75-year-old husband gets SSI, but she is too young, even though she has a heart problem, high cholesterol, and rheumatism. Seema has not heard back yet about her Emergency Medicaid application, and she survives on her husband’s SSI and her 31-year-old son’s minimum wage income for now. Her son did not find the job through employment services, but by asking around in the Arab community. She loves Michigan and has even gotten used to the weather.

“Wafa” AWKS 7 3/13/2009: Wafa was a cook and seamstress in Iraq before fleeing to Syria in 2006. She was resettled to Chicago, Illinois but migrated to Detroit 55 days later to join a relative whom she believed could help her find work. She interviewed for a housekeeping position but could not start the next day because she had no transportation. Then she was offered a job at a pizza place, but the shift conflicted with her and her daughter's ESL class.

“Layla” AWKS 9 3/13/2009: Layla holds a bachelor's degree in computer science, and in 2006 she fled to Jordan with her husband. They were resettled to Texas, but did not know anyone there. Nine months later, they joined relatives in Detroit. Layla cannot recertify to work in computer science because she is too busy taking care of her three children.

“Sara” AWKS 11 3/13/2009: Sara worked as an accountant in Iraq before fleeing to Syria in 2006. She was resettled to South Carolina, where her voluntary agency set her up in a one-bathroom house with another Iraqi refugee family and a large Burmese refugee family. After a week of no contact with social workers, Sara decided to join her cousins in Michigan after 12 days in South Carolina. For her, language is a major barrier to recertification as an accountant.

“Iman” AWKS 13 3/13/2009: Iman worked as a teacher in Iraq before fleeing to Lebanon in 1999. She was resettled to New Mexico but migrated to Detroit thirteen days after arrival to reunite with her brother. Although she has been in the United States for six months, she still has not received employment authorization. Lacking the English skills and documentation of her teaching qualifications, Iman worries that recertifying would take too long. She said she would be happy to work as a janitor at a school, just so she can be in an educational environment.

“Mr. Aboud” RWLP 3/13/2009: In Iraq, Mr. Aboud worked in the public relations department of a pharmaceutical company. He is a veterinarian by training, with a post-graduate degree in food hygiene. His wife is a physician with a master's degree in fertility. He served the U.S. military as a translator before fleeing with his wife and three children to Jordan in 2006. During the two years he lived in Amman, Mr. Aboud worked primarily for humanitarian NGOs. He and his family were resettled to Detroit and enrolled in the MG program. Mr. Aboud's volag found his 18-year-old daughter a job at coffee and donut shop, but he feels that he received no special attention as a MG client. After confronting his caseworker over the results, he was told that his job search was hopeless because he and his wife are 50 years old and overqualified. But he claims he did not ask for work that matched their qualifications. He said, “I yelled at this time. I didn't ask for this. I can work as an assistant or a caregiver. I don't care.” He would like to recertify, but the required course costs \$9,000, and he and his wife are ineligible for most programs because they already have degrees.

WASHINGTON, D.C.

“Maryam” DHTO 1 3/11/2009: After her husband was killed in 2005, she fled to Jordan with her young children. They registered with the UNHCR immediately and sought resettlement. Because no one met her at the airport, she tells us, she had to go to a shelter for homeless families. She has been living there with her children ever since. The oldest two are enrolled in school, but because it is so far away from the shelter, they have to wake up at 5:30 every morning. The transition from a middle-class, married lifestyle in Iraq to homelessness and single-parenthood in the United States has been stressful and traumatic. She has been taking prescription antidepressants, but now finds that psychiatrists and other

doctors will not accept her Medicaid coverage. She says, "I left Iraq to find security, but what kind of security is it to live in a homeless shelter?"

"Hamza" IKSF 1 3/13/2009: Hamza worked as a physician in Iraq, including eight months under contract in the green zone, before fleeing to Jordan in 2005. During resettlement processing in Jordan, he was told that recertification in the United States would be easy. After arrival, however, he learned that the process, which must be completed in five years, costs nearly \$3,000 and includes three exams and a residency requirement.

"Mamdouh" TODH 1 3/13/2009: Mamdouh worked as a translator for the U.S. Army in eight different units. Later, he worked for a military contractor and then at a foreign embassy. After the translating contractor leaked a list of Iraqis who had worked for the Multinational Forces, he applied for resettlement. Now that he is in the United States, he would like to use his training as an electrical engineer. To be recertified, however, he needs a copy of his college diploma, which he was not able to obtain before leaving Iraq.

JORDAN

"Badr" IKJG 2 5/20/2009: Badr has been approved for resettlement but expressed concern that it will take a full year before he can adjust his status in the United States. He says that getting legal status makes all the difference. Even though he knows he will struggle with financial problems in the United States, he feels will be better off there than in Jordan, where he is unable to obtain legal status.

"Adil" IKJG 3 5/20/2009: Adil refused an offer of resettlement to the United States because he heard that the assistance is inadequate and too short-lived. He says, "How could I buy food for my children? I have medical problems in my back and legs. I wish that the United States would look at my health situation." He works a volunteer with a humanitarian assistance NGO and receives a small stipend.

"Saad" IKJG 5 5/20/2009: Saad was approved for resettlement with his wife and four children. He worries that he will arrive and be treated like an immigrant rather than a refugee and that he will not get the assistance he needs. He is disappointed that his children will miss the end of the school year because of the quick departure, making it necessary to repeat a grade.

"Nadir" TODA 1 5/21/2009: Nadir is confined to a wheelchair. After waiting for news on the status of his application for 17 months, he closed his case with IOM because he could not bear the process any longer.

"Naima" TODA 2 5/21/2009: Although she is college-educated, Naima is prepared to work any job once she, her husband, and their three sons are resettled to Arizona. She is well aware that the assistance waiting for them is meager. She looks forward to living in safety and stability but expresses her fear of the unknown: "I am happy I will be in America because it will be safe and I will feel settled. But I am scared. Where will I go if I am hungry? At least I know in Iraq, if I were hungry, I could go knock on my neighbor's door and ask for some food. But there? What can I do?"

"Shaimaa" TODA 4 5/21/2009: Before fleeing Iraq, Shaimaa was a student and had completed two years of college for graphic design. Without any work in Jordan, she tried selling the ceramic art she made to pass time. She sold an expensive piece to a man who now refuses to pay her. Then she found a job in Amman as a typist in a lawyer's office; however,

when she went to a bank to cash her first check, she was told that the check was deficient and she could not cash it. She was saddened to have encountered such "oppression" while waiting for resettlement when, she says, "We have been so patient." She decries the lack of transparency and certainty in the resettlement process saying, "How many years will we be waiting here? Until when? Until when? We don't know our future. Even those [resettled] outside are not secure. After three months, then what? What are you going to do?"

"Zainab" TODA 5 5/21/2009: Zainab criticizes the discrimination that Iraqis experience in Jordan. Her daughter is paid one-tenth the wages of a Jordanian girl holding the same position. Even if an Iraqi is lucky enough to get a job, she says, employers can and do fire Iraqis for arbitrary reasons or pretexts. "There is no security here," she says.

"Amira" TODA 9 5/21/2009: After her infant son was kidnapped and ransomed in Iraq, Amira and her family fled to Jordan. The trauma of the experience caused her older son to develop a stutter. She believes that if Iraqis had the right to work in Jordan, fewer people would seek resettlement. Despite being registered with the UNHCR, she fears that the Jordanian government could still mistreat or deport her.

"Subhi" SALP 1 5/22/2009: After fleeing Iraq with his mother, brother, and two married sisters in 2005, Subhi did not apply for resettlement for two years because he managed to start a hotel business and his father was sick. He has residency in Jordan, but none of his other family members do. After approval for resettlement, his family received a travel date with only a few weeks notice. Because of his business, he could not just pick up and leave. In addition, his sister was pregnant, and her doctor advised her not to fly. He requested a delay of departure, but his request was denied, and they both missed their opportunity to be resettled.

"Shadi" SALP 2 5/22/2009: Shadi fled Iraq because of threats on his life for working with the Multinational Forces. He registered with the UNHCR immediately to seek resettlement.

When his case reached the OPE, it needed verification from the commanding officer of the battalion with which he worked. However, the OPE was unable to contact the commanding officer, who had since been transferred to another unit. Without this verification, his application cannot move forward. Still, he is hopeful that he will reach California, where he has a relative. He knows resettlement will be very difficult and that he will have to work right away, but he is ready and willing. He had to work every single day in Iraq, he says, so that proves he is a hard worker. "No place on earth is easy. But if you work, you will play."

"Zaki" DATO 2 5/22/2009: As a young student studying Farsi, Zaki fled Iraq in 2004 because his service in the Iraqi military subjected him to threats from both militias and members of the insurgency after he refused to fight against American forces. He believes his application with the UNHCR is moving slowly because of his military service. He did not understand why there was no explicit support from the U.S. government for people, like him, who are refugees because they refused to take up arms against Americans. Although deportation from Jordan is not as bad as it once was, the insecurity that comes from lacking legal status still makes the situation for Iraqis in Jordan very difficult. Aware of the differences in assistance between American states, he told us, "The situation in the [United States] depends on the state. But really, whatever it can be, you are better there than in Amman because at least you have legal status."

"Riaz" DATO 4 5/23/2009: Riaz fled Iraq in 2006 and now studies Management Information Systems at a private Jordanian university. He applied for resettlement. His case moved very quickly, but he let his application falter because of his misgivings about

resettlement in the United States. First, he is concerned that he will not be able to access health care for a chronic condition that has already resulted in three surgeries. Second, he feared that he would not be able to find work that does not require labor that exceeds his physical limitations. He says, "If I can work, it would have to be behind a desk. And I don't know what options are available." Third, he fears that resettlement will result in the suspension of his studies indefinitely, and he knows that it would be difficult to receive financial support to finish his degree at an expensive U.S. university. He does not understand why the government would not help refugees get an education.

"Zayd" IKSA 1 5/23/2009: After fleeing to Jordan in 2004, Zayd registered with the UNHCR for assistance. Despite the fact that most of his family is in Sweden, he was told that his case would be suspended unless he accepted an offer to resettle in the United States. For him, the difference in benefits between the United States and Sweden is not important; he just wants to be with his family so that he can help his siblings care for their mother.

"Bakr" JGLP 1 5/23/2009: Bakr applied for an Special Immigrant Visa while still in Iraq, but the application moved slowly. After he was shot in the leg, he fled to Jordan. He sleeps with a pistol under his pillow "I still have nightmares now. I am just starting to heal," he says. It took three months to transfer his visa application when he left Iraq. While waiting in Jordan, he tried to move the process along by sending the OPE a picture of his wounds. He received notice of approval just six days before his departure. The three-month wait in Jordan depleted most of his savings, so he only had about \$100 left to take with him to the United States.

"Gabr" JGLP 2 5/23/2009: Gabr fled Iraq in 2006 and registered with the UNHCR for protection and assistance upon arrival in Jordan. He did not apply for resettlement until a year later. His application was denied after one seven-minute interview, and he has tried multiple times to reapply and ask about resettlement. "No one is giving me a chance," he says. He wants resettlement because he feels very insecure in Jordan and knows that he could be deported at any time. If that happens, he says, "I will be killed." "If I lose my family, my home, respect, I mean nothing. I am here illegally I want to begin again. I only want to live in peace, to live in respect." He told us that the uncertainty of his situation makes him feel as threatened as he did when he was in Iraq.