

Iraqi refugees: Mobilizing for Lana and the rights of abused women

IRAP helps escapees navigate maze of interviews, document reviews, security and medical procedures

By Chibli Mallat

Thursday, October 21, 2010



I received last week a news documentary made by an Australian television network from Dr. Isam Khafaji. Khafaji is an old Iraqi friend who fought against Saddam Hussein's regime because of its appalling human-rights record, and keeps the fight on for the continuing miseries affecting Iraq. The documentary focuses on the Iraqi women who have found refuge in Syria and who became part of a prostitution ring set up with the usual villains: families who don't care and who eke out pennies for survival by selling their women folk's bodies, mafia-like rings of proxenetism, and governmental graft at various levels. The story is repeated, with variations, in Lebanon, Iran, Jordan, inside Iraq, and to some extent, Iran. It is an ugly story.

In a sea of violence, only sporadic attention has been devoted to that ongoing tragedy, which was particularly highlighted by courageous investigators in UNHCR. Only through working on a report for ESCWA on violence against women and available international legal instruments to combat it, did I know about this significant ring of misery affecting young Iraqi women in the countries of refuge.

Little is done in practice to remedy an intolerable situation. The exception is a new venture which has mobilized around Rebecca Heller and her colleagues at Yale law school as described in this page. IRAP's main focus has been US responsibility toward Iraqi refugees, in particular the weaker link constituted by girls and women living in sexual slavery in host countries. Taking up individual cases, IRAP is trying to secure the attention, sympathy and network of US immigration and related authorities to provide relief. It has registered some successes, but the task is so daunting and the number of refugees inside Iraq and in the region so staggering that the saved women, and the families that escaped the inferno of workless, abusive, derelict environments, remain the exception. They can be counted in dozens at most, whereas Iraqi refugees are in the hundreds of thousands.

IRAP's work is remarkable, but the scale of the abuse requires an altogether different level. Serious Iraqi-US high-level collaboration, which exists on paper in treaties between the two states, must take up the abuse of young Iraqi women refugees as a matter of priority. The responsibility of the Iraqi government is central here, and pressure must build up in Baghdad, in the civil service as well as at ministerial level, to address it without delay.

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<http://www.abc.net.au/news/video/2010/08/28/2996081.htm>. The ESCWA report can be read on <http://www.escwa.un.org/information/publications/edit/upload/ecw-09-1.pdf>

Lana's story

Rebecca Heller and

Sirine Shebaya

Lana is a 10-year-old Iraqi girl who loves dinosaurs, and suffers from a rare form of epilepsy. Every few weeks, she goes into a day-long period of regular seizures, sometimes seizing up to twice in one hour. When this happens, her parents take her to the nearest medical center, where doctors strap her down and give her a mouth guard so she won't swallow her tongue. Lana needs treatment from a neurological specialist, but as refugees who fled Iraq to hide in a neighboring country, her family is unable to get her the kind of medical care that she needs.

Lana's family originally fled Iraq in the summer of 2008. Each time she went into epileptic shock, in order to get from their Baghdad neighborhood to a hospital, they had to pass through an extremely dangerous area. It got to the point where each time Lana seized, her parents had to risk their lives to bring her to a doctor. In addition, the family had begun receiving threats from local militias who were angered that Lana's father would not join them. Sure that they'd die if they remained in Iraq, the family crossed the border into neighboring Jordan and registered as refugees with the United Nations High Commissioner for Refugees ("UNHCR"). More than two years later, Lana and her family remain in Amman, desperately waiting for the US or another country to grant them resettlement so that they can live in a place where a visit to the doctor doesn't risk the lives of the entire family.

Lana's family has been rejected for resettlement twice, once due to a translation error during an interview with her father, and a second time due to a misunderstanding about her father's service in the Saddam-era Iraqi military. Lana's mother has never really unpacked since fleeing Baghdad in 2008 – she keeps a packed suitcase in their tiny apartment in Jordan, and insists that she will not unpack it until she is safely resettled, or until the family gives up entirely and returns to Iraq to meet whatever fate awaits them there.

We first met Lana and her family during a trip to the Middle East in the winter of 2009 with a group of 20 American law students directing chapters of the Iraqi Refugee Assistance Project (IRAP) at their universities. We were in the region to learn more about the roughly 3 million Iraqi refugees in Iraq and the surrounding countries who have been forced to flee their homes due to life-threatening persecution. IRAP aims to address this humanitarian crisis by providing free legal representation to Iraqi refugees in urgent situations, and by advocating with the US government to improve American policies toward displaced Iraqis.

Although estimates vary, UNHCR reports that 1.5 million Iraqis are internally displaced in refugee camps through Iraq, while the rest have managed to cross the border into neighboring countries such as Lebanon, Jordan and Syria. None of these three countries is a signatory to the 1951 United Nations Convention Relating to the Status of Refugees. This means that while Iraqis may be registered as refugees with UNHCR, it is illegal for them to work and they may be deported at any time. Even after they've fled their homes, their situation in the squalid camps and surrounding countries is utterly unsustainable.

Iraqi refugees like Lana and her family also continue to face life-threatening situations even after their flight out of Iraq. Many orphaned girls and young women become victims of sexual trafficking, either imprisoned in underground brothels, or forced into marriages with much older men who are willing to pay a high price to the girls' guardians. Iraqis also suffer from numerous medical issues for which they cannot access adequate treatment due to their technically illegal status in surrounding countries. One family in Syria whose children suffer from a rare blood disease must sneak back into Iraq every three weeks in the middle of the night simply so the children can receive blood transfusions. Yet the international refugee resettlement process, which is meant to identify these urgent cases and help them find asylum in a safe third country, is a bureaucratic black box that most refugees find difficult or impossible to navigate.

IRAP was formed by a group of students at Yale University Law School in order to address the legal aspect of this crisis. Although many Iraqis qualify for resettlement based on their persecution, the complex maze of interviews, document reviews, security and medical clearance procedures often prevents them from seeking refuge in safe third countries. As an international network of law students and supervising attorneys, IRAP provides individual legal representation to Iraqis for whom resettlement is a matter of life or death. We believe that refugees who are represented by competent legal counsel are in a better position to assert their fundamental human rights during the resettlement process, and to eventually receive asylum in a country where they can get proper medical attention and be safe from their persecutors.

IRAP is primarily a student-run organization, with chapters at eight law schools in the United States, in addition to the Law School at the University of Jordan in Amman. IRAP works with an extensive network of non-government organizations, individual community leaders and the United Nations to identify families in Lebanon, Iraq, Syria, Jordan and Egypt for whom return to Iraq is impossible, and who require resettlement to address an urgent situation, such as forced trafficking or a medical emergency. Once a family is identified, IRAP staff and affiliates conduct a series of intake interviews, and then assign the family to a pair of law students working under the supervision of a practicing attorney from a private law firm.

The legal team then works with the family in order to quickly and successfully navigate the resettlement process. Although it's a very new organization – it was co-founded by two full-time students at Yale Law School in the fall of 2008 – IRAP has helped more than 100 families of Iraqi refugees resettle safely in third countries to date. This fall alone, IRAP will take on 52 new cases, including its first four cases in Lebanon.

IRAP also conducts extensive policy advocacy with the US government on behalf of Iraqi refugees worldwide. Based on knowledge gained from its individual casework, we're able to identify highly specific, technical changes that the US and UN could make to refugee processing in order to better respect the legal and human rights of refugee applicants. For example, in January of 2010, we met an Iraqi woman who had been sold into a sex-trafficking ring in a bordering country. The woman's children had been kidnapped by her in-laws, and her daughter had been sold to a Ukrainian businessman. She had to sneak out of the basement where she lived in order to meet with law students who had traveled to the Middle East from the United States in order to conduct on-the-ground fact-finding. Shortly after meeting her, we began working with UNHCR Damascus to get the woman referred for resettlement so that she could safely flee with her young children. But three months later, before the woman was even able to receive an interview with UNHCR's resettlement unit, she disappeared. Rumors circulated that she had been killed by her in-laws, but nothing has ever been confirmed.

In response to this, we have begun advocating that the US secretary of state designate victims of sexual trafficking as a "priority" for US resettlement. This designation would allow refugees who've been trafficked to bypass the UNHCR referral process and apply directly to the United States, shaving months or years off of the time it takes to safely resettle them.

IRAP sends law students to the Middle East three to four times per year to meet with Middle Eastern law students and lawyers, and to learn more about the situation for Iraqi refugees on the ground. This past December, IRAP made its first trip to Lebanon, where students met with numerous NGO leaders, a member of Parliament, representatives from the Bar Association, and a number of Iraqi refugees who had fled to Beirut.

During the trip, the students found that the situation of Iraqi refugees in Lebanon is dismal. By a conservative estimate, over 50,000 Iraqis have fled to Lebanon since the beginning of the conflict. They are among the largest refugee populations in Lebanon, second only to some 400,000 Palestinians still languishing in refugee camps. Since Lebanon is not a signatory to the 1951 UN Convention Relating to the Status of Refugees, it treats refugees on a par with illegal entrants. Lebanese authorities regularly arrest Iraqi refugees and then hold them in indefinite administrative detention past the end of their sentence. This egregious practice persists despite several recent rulings by Lebanese courts declaring administrative detention to be unlawful.

As a result, Iraqi refugees in Lebanon live in a continuous state of trauma. Having escaped horrifying circumstances at home, they are forced to live hand-to-mouth in bleak, inadequate quarters, with poor access to medical care and other services, in the most difficult personal and financial circumstances. But even more, they are forced to constantly watch their backs for fear of being picked up by authorities and ending up in indefinite detention. While some refugees are able to find informal jobs to support themselves, we have heard several reports of individuals being denied wages after performing agreed-upon labor, or being harassed and mistreated by employers who wield the threat of turning them in to the authorities.

Given its unique vantage point, IRAP is able to play a mediating role between US agencies, Iraqi refugees, and the host nations like Lebanon in which they often resettle. Mired in the lengthy and hopelessly opaque process of applying for third-country resettlement, it is easy for everyone involved to forget that what refugees are claiming is a moral right. Our mission is to help refugees avoid being victimized by the process, and to enable them to navigate the system with dignity, an understanding of their rights, and the ability to claim the respect they are owed. Being an organization with members both from the US and from the Arab world, we are also able to play a role of cultural interpretation.

Numerous refugees are rejected because of credibility concerns. But those credibility concerns often arise out of cultural misunderstandings.

For example, appropriate levels of eye contact vary in different parts of the world, and an American interviewer not familiar with these distinctions may view avoidance of eye contact as a sign of deceit.

Because of our familiarity with both cultures, we are able to identify and explain some of these issues when we help refugees submit their Request for Review. At the other end, we are also able to explain cultural aspects of interacting with DHS interviewers to refugees who come from an entirely different background.

Last week, Lana and her family were finally resettled in the United States. IRAP found them a neurologist from a major US university hospital, collected donations of clothing, blankets, a computer and children's art supplies and stuffed animals, and set up the family's new apartment with furniture and cooking supplies.

However, for every family like Lana's to reach safety, 10 more Iraqi families continue to languish in tiny dark apartments in Beirut, Damascus and Amman. As the United States and the international community attempt to put the disastrous results of the invasion of Iraq behind them, we all must remember that for 3 million refugees, the violence of the Iraq war is not over.

Rebecca Heller, J.D. is the co-founder and director of IRAP, and a visiting clinical lecturer in law at Yale Law School. Sirine Shebaya, Ph.D. is the Community Advocacy Director for the Yale Law School chapter of the Iraqi Refugee Assistance Project. She is a Lebanese citizen. Names and minor details have been changed to protect relevant individuals where necessary