

**NO REFUGE FOR IRAQI REFUGEES:
HOW THE UNITED STATES CAN IMPROVE ITS
REFUGEE RESETTLEMENT POLICIES**

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I. THE IRAQI REFUGEE'S DILEMMA: AN INTRODUCTION

Farouk lives in a two-bedroom apartment in El Cajon, California with his wife and two teenage sons.¹ The family was forced to leave Iraq in 2010 after extremists kidnapped Farouk and his twenty-year-old daughter. After days of confinement, the extremists set Farouk free, but warned him that if he did not leave the country with his sons, they would be in danger of being kidnapped. Farouk's daughter, however, was not so lucky. The extremists refused to release her, and Farouk would never see her again. For the sake of Farouk's two young boys, the family fled Iraq to Syria. From there, Farouk applied for and was granted resettlement in the United States. Farouk and his family would start life anew in the land of opportunity.

Life in the United States, however, did not prove to be much easier for Farouk and his family. Farouk suffered a heart attack after only two months in the United States, and a catheter was inserted into a chamber in his heart. He has since been diagnosed with severe depression, diabetes, high blood pressure, and asthma. He could not afford his medication, so he applied to receive it through Medi-Cal. Unfortunately, Medi-Cal is only available in the first eight months of resettlement, and the application process takes many months, so Farouk was not able to receive any medication before his Medi-Cal eligibility expired.

Presently, the initial cash assistance granted to refugees has also ended, and Farouk is too disabled to work. Further, job prospects for Farouk's wife in the suffering United States economy are doubtful as she has no previous work experience and does not speak English. Because of this, Farouk and his family must borrow money from friends and relatives until their two sons develop the skills needed to secure a job in their new homeland.

Though Farouk's situation seems dreadful, many Iraqi refugees around the world would still likely say that Farouk is fortunate because he is in the United States, where he at least is afforded basic rights. However, the United States, having led the invasion of Iraq

1. Interview with Farouk (name changed to protect privacy), Iraqi refugee, in San Diego, Cal. (Sept. 4, 2011). All interviews cited in this note were conducted by the author and are on file with the *California Western International Law Journal*.

and having spent nearly \$800 billion on military operations,² owes more than basic rights to Farouk and those like him who are in the United States and struggling to survive as a result of the war.

The current problems with the United States' refugee resettlement process are abundant and only getting worse. Part II of this note begins by examining the distinct plight of Iraqi refugees as they seek to resettle in the United States. Part III examines the United States' existing refugee resettlement policies. Part IV examines the shortcomings of these policies, and suggests reasonable reform measures to improve Iraqi refugees' prospects for economic stability.

II. GRANTING REFUGEES THE OPPORTUNITY TO RESETTLE IN THE UNITED STATES

Farouk is one of approximately 33,000 Iraqi refugees who have resettled in the United States as a result of Operation Iraqi Freedom.³ His pursuit of refuge is not unique, as the United Nations High Commissioner for Refugees (UNHCR) estimated that 3.5 million Iraqis sought refuge both inside and outside Iraq as of 2010.⁴

President Barack Obama addressed the resettling of Iraqi refugees in February 2009, stating, "America has a strategic interest—and a moral responsibility—to act."⁵ However, after two years of modest attempts to follow through on that responsibility, Iraqi refugees in the United States continue to live on the brink of poverty.⁶ America's refugee resettlement program remains underdeveloped and

2. *Cost of War to the United States*, COST OF WAR, <http://costofwar.com/en/> (last visited Mar. 23, 2011).

3. See Office of Refugee Settlement, *Questions & Answers—Iraqi Refugees*, U.S. DEP'T OF HEALTH & HUM. SERVICES, ADMIN. FOR CHILD. & FAMILIES, http://www.acf.hhs.gov/programs/orr/press/Q_A_Iraqi_ref.htm (last visited May 19, 2011).

4. *2011 UNHCR Country Operations Profile - Iraq*, UNHCR, <http://www.unhcr.org/pages/49e486426.html> (last visited Apr. 15, 2011) [hereinafter *UNHCR Snapshot*].

5. *Obama's Speech at Camp Lejeune, N.C.*, N.Y. TIMES (Feb. 27, 2009), <http://www.nytimes.com/2009/02/27/us/politics/27obama-text.html> [hereinafter *Camp Lejeune*].

6. Timothy J. Gibbons, *Resettled Iraqi Refugees Have Hopes Dashed*, FLA. TIMES-UNION (Dec. 6, 2009, 1:00 AM), http://jacksonville.com/news/metro/2009-12-06/story/resettled_iraqi_refugees_have_hopes_dashed.

underfunded, putting the future of refugees at serious risk.⁷ Reformed national legislation must occur if the United States is serious about providing Iraqi refugees with long-term stability.

Obama continued his February 2009 address by promising to provide “more assistance and [to] take steps to increase international support for countries already hosting [Iraqi] refugees.”⁸ These countries include Jordan and Syria, where numerous Iraqi refugees currently call home.⁹ Jordan and Syria receive funding from the UNHCR, to which the United States is a primary contributor, in order to help host Iraqi refugees.¹⁰ But the large amount of monetary aid sent to foreign governments often goes unaccounted for and never reaches the needy refugees.¹¹ Thus, policy changes—both domestically and internationally—must be made.

A. *What is a Refugee?*

The UNHCR was initially established to assist displaced Europeans following the end of World War II.¹² It was scheduled to disband after three years, but the need for the UNHCR never diminished so the organization remains in existence today.¹³ The UNHCR adopted the 1951 Convention Relating to the Status of Refugees which defines “refugee” and delineates the rights and responsibilities owed to them by the Convention’s signatories.¹⁴ Article 1A of the 1951 Convention defines a refugee as one who:

7. *See id.*

8. *Camp Lejeune*, *supra* note 5, para. 24.

9. Jeff Crisp et al., *Surviving in the City*, UNHCR POL’Y DEV. & EVALUATION SERV. 3 (July 2009), available at <http://www.unhcr.org/4a69ad639.pdf>.

10. *See Financial Figures*, UNHCR, <http://www.unhcr.org/pages/49c3646c1a.html> (last visited Mar. 29, 2011) (recognizing the United States as a top five donor to the UNHCR, contributing \$510 million in 2008); *see generally* Crisp, *supra* note 9, at 1 (noting UNHCR services offered to refugees in Syria and Jordan).

11. *See, e.g.*, Nicholas Seeley, *The Politics of Aid to Iraqi Refugees in Jordan*, 40 MIDDLE E. REP. 256, para. 4 (2010), available at <http://www.merip.org/mer/mer256/politics-aid-iraqi-refugees-jordan>.

12. *History of UNHCR*, UNCHR, <http://www.unhcr.org/pages/49c3646cbc.html> (last visited Jan. 4, 2011).

13. *Id.*

14. Convention Relating to the Status of Refugees, July 28, 1951, art. 1, 189 U.N.T.S. 150.

owing to [a] well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country.¹⁵

The 1951 Convention was expanded by the 1967 Protocol to the Convention Relating to the Status of Refugees (“1967 Protocol”).¹⁶ The 1967 Protocol removed time and geographic limits previously set forth in the 1951 Convention, and included among the refugee definition those who fled their home country due to war or violence.¹⁷

The United States is among 147 nations that are signatories to the 1951 Convention or 1967 Protocol; therefore, it must abide by the basic rights and treatment afforded refugees set forth in the documents.¹⁸ The United States is a leader in welcoming the world’s most vulnerable individuals and giving them a second chance at life.¹⁹ Refugees have long preferred to resettle in the United States, as the lure of the “American Dream” is an intangible that goes beyond the basic rights owed to them by the Conventions.²⁰

B. The Distinct Plight of Iraqi Refugees

Iraqi refugees resettling in the United States are unique in that they seek refuge in the country that most would argue caused their displacement.²¹ Unlike refugees from other nations, Iraqis often come

15. *Id.*

16. Protocol to the Convention Relating to the Status of Refugees, Jan. 31, 1967, 606 U.N.T.S. 268.

17. *Id.*

18. *States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol*, UNHCR (Oct. 1, 2008), <http://www.unhcr.org/3b73b0d63.html> [hereinafter *Conventions*].

19. Susan K. Krehbiel, *The Impact of Budget Proposals on Justice, Job Creation, Public Safety & Civil Liberties*, LUTHERAN IMMIGR. & REFUGEE SERV. (Feb. 24, 2011), <http://www.lirs.org/site/apps/nlnet/content2.aspx?c=nhLPJ0PMKuG&b=5544305&ct=9140743>.

20. See Gibbons, *supra* note 6. Refugees arriving in America expect “more than simply safety: [they expect] the makings of a whole new life.” *Id.*

21. The United States led an invasion on Iraq in March 2003. The country justified the war on the basis that Saddam Hussein, the former president of Iraq, was developing nuclear and biological weapons while maintaining connections to Al

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from wealth and high social status and have only recently been stripped of all their possessions.²² Many arriving in the United States assume that they will soon be able to piece together their pre-war lives.²³ Others would prefer to return to Iraq,²⁴ but are prohibited from doing so for a variety of reasons: some are unable to reach their homes due to damage or occupation by insurgents or the government,²⁵ while others sold their land under duress²⁶ or abandoned it completely due to fear of harassment based on religious and political beliefs.²⁷ Many refugees fortunate enough to have access to their homes have attempted to return, only to have the nation's continued turmoil and lack of jobs drive them out once more.²⁸

Iraqis depend on aid provided by the UNHCR and nations like the United States to help rebuild their lives.²⁹ Unfortunately, the reality of insufficient resettlement programs and a struggling United States economy leaves many Iraqis questioning whether their chance of survival would be greater in their homeland.³⁰

Qaeda. Don Gonyea, *Bush Acknowledges Faulty Iraq War Intelligence*, NPR (Dec. 14, 2005), <http://www.npr.org/templates/story/story.php?storyId=5052418>. In 2005, former President George W. Bush later acknowledged that the war efforts were a result of faulty intelligence. *Id.*

22. See Ken Picard, *Exiles on North Street*, SEVEN DAYS (Dec. 10, 2008), <http://www.7dvt.com/2008exiles-north-street>; see also Omar Sacirbey, *Hard Times for Iraqi Newcomers*, BOSTON GLOBE (Apr. 19, 2010), http://www.boston.com/news/local/massachusetts/articles/2010/04/19/hard_times_for_iraqi_refugees_living_around_boston/; see also Crisp, *supra* note 9, at 9.

23. See Picard, *supra* note 22.

24. Michaela Yule, *Iraqi Refugees Torn Between Homesickness and Fear*, GLOBAL POST, <http://www.globalpost.com/dispatch/study-abroad/101117/iraqi-refugees-iraq-today-iraq-facts> (last updated Nov. 28, 2010).

25. *A Tough Road Home: Uprooted Iraqis in Jordan, Syria and Iraq*, INT'L RESCUE COMMITTEE, 7 (Feb. 2010), http://www.theirc.org/sites/default/files/resourcfile/IRC_Report_02_18_ToughRoad.pdf [hereinafter *IRC Commission*].

26. *Id.*

27. *Id.*; see also John Leland, *Iraq's Troubles Drive Refugees Who Came Back*, N.Y. TIMES (Nov. 26, 2010), <http://www.nytimes.com/2010/11/27/world/middleeast/27refugees.html>.

28. *IRC Commission*, *supra* note 25; see also Leland, *supra* note 27.

29. See generally *UNHCR Snapshot*, *supra* note 4.

30. Picard, *supra* note 22.

C. *The United States' Obligation to Resettle Iraqi Refugees*

Some argue that the United States has unique humanitarian and foreign policy reasons to provide greater assistance to Iraqi refugees.³¹ Entering the war in Iraq without United Nations Security Council authorization “altered the duty normally shared by all member states to provide humanitarian assistance to refugees from an authorized conflict,” and thus shifted the burden of caring for the Iraqi refugees entirely onto the United States.³² Some suggest that the United States entirely revamp its refugee admission program in order to accept the responsibility of the refugees it created in Iraq.³³ The international community seemingly agrees, as it views Iraqi refugees as a problem that the United States created, and one that the United States should “fix.”³⁴ As a result, foreign governments have been reluctant to assist displaced Iraqis, leaving most of the economic pressure and responsibility to solve the crisis on the United States.³⁵

Others disagree with the notion that the United States has a blanket obligation to assist “generally targeted refugees” caused by the United States’ “unwitting [. . .] contribut[ion]s” to terrorism in Iraq.³⁶ Instead, it is said that an obligation exists only to those Iraqis who face persecution from terrorist groups such as Al-Qaeda for their outward assistance to the United States during combat missions.³⁷ The United States Congress reflected similar sentiments in the 2007 Refugee Crisis in Iraq Act, which was aimed at “assist[ing] certain Iraqis who have worked directly with, or are threatened by their

31. Rita Bettis, *The Iraqi Refugee Crisis: Whose Problem Is It? Existing Obligations Under International Law, Proposal to Create a New Protocol to the 1967 Refugee Convention*, 19 *TRANSNAT'L L. & CONTEMP. PROBS* 261, 286 (2010).

32. *Id.* at 286-87.

33. Meital Waibsnaider, *How National Self-Interest and Foreign Policy Continue to Influence the U.S. Refugee Admissions Program*, 75 *FORDHAM L. REV.* 391, 421 (2006).

34. Roberta Cohen, *Iraq's Displaced: Where to Turn?*, 24 *AM. U. INT'L L. REV.* 301, 304 (2008).

35. *See id.*

36. Michael D. Yanovsky Sukenik, *Marginal Refugee: The Ramifications of Terrorism for an Unsustainable United States Asylum Policy*, 65 *U. MIAMI L. REV.* 79, 104-05 (2010).

37. *Id.* at 105.

association with, the United States, and for other purposes.”³⁸ This legislation recognizes the fundamental obligation of the United States to help all Iraqis displaced by the war, and that the commitment especially exists for those supportive of America’s efforts in Iraq.³⁹

Yet, the displacement of nearly five million Iraqis is an indisputable result of Operation Iraqi Freedom—a war most notably sponsored and supported by the United States.⁴⁰ The United States must take responsibility for its hasty decision to enter into the war, no matter how “unwitting” the results were. As such, the United States has a moral obligation to help in the resettlement of all Iraqi refugees that it directly or indirectly displaced, regardless if such individuals “aided” the United States in the war effort.

III. EXISTING POLICIES FOR AIDING RESETTLEMENT OF REFUGEES

The Refugee Act of 1980 created the first agency to help resettle refugees in the United States.⁴¹ The act adopted the definition of a refugee set out by the 1951 Convention and established a systematic process to admit and assist them.⁴² Today, the State Department’s Bureau of Population, Refugees, and Migration provides humanitarian assistance on a global scale and helps administer the resettlement of refugees throughout the world.⁴³ The Office of Refugee Resettlement (ORR) provides assistance and services to refugees within the United

38. 8 U.S.C. § 1157 (2005).

39. *Id.*

40. *See Iraq War in Figures*, BBC (Sept. 01, 2010, 2:30 AM), <http://www.bbc.co.uk/news/world-middle-east-11107739> (noting the United States has led the Iraq war in both funding and the number of troops deployed).

41. *The Refugee Act*, U.S. DEP’T OF HEALTH & HUM. SERVICES, ADMIN. FOR CHILD. & FAMILIES, <http://www.acf.hhs.gov/programs/orr/policy/refact1.htm> (last visited Feb. 07, 2011); *see also* Tim Irwin, *UNHCR Chief Praises Achievements of US Refugee Programme, Calls for Continued Reform*, UNHCR (Mar. 17, 2010), <http://www.unhcr.org/4ba0f0ed6.html> (noting the Refugee Act of 1980 established the United States’ asylum and resettlement systems).

42. Doris Meissner, *Thirty Years of the Refugee Act of 1980*, AMERICA.GOV (Sept. 21, 2010), <http://www.america.gov/st/peopleplace-english/2010/September/20100921144657aidan0.8100397.html>. The United States previously implemented ad hoc responses to refugee emergencies. *Id.*

43. *What We Do*, U.S. DEP’T OF STATE, <http://www.state.gov/g/prm/c25756.htm> (last visited Jan. 10, 2011).

States. These state-administered programs are designed to help refugees “become employed and economically self-sufficient as soon as possible after their arrival in the United States.”⁴⁴

Upon arrival in the United States, refugees are provided with the one-time Reception and Placement Grant (RPG) intended to help them get on their feet in their first thirty to ninety days in the country.⁴⁵ The likelihood that the grant actually achieves this goal, however, is doubtful. In 2010, the purchasing power of the grant had declined by 50% when adjusted for inflation.⁴⁶ For instance, in 1975 the RPG was \$500;⁴⁷ in 2010, thirty-five years later, the grant had only increased to \$900.⁴⁸ Making matters worse, refugees only pocket \$450 of the grant due to management costs used by voluntary agencies administering the resettlement process.⁴⁹

Following through on the President’s declaration of the country’s responsibility to refugees, the Obama administration announced an increase in the RPG from \$900 to \$1,800 beginning in January 2010.⁵⁰ Though a generous increase, this figure is somewhat misleading as \$700 is allocated to voluntary resettlement agencies for program management costs.⁵¹ Voluntary agencies support refugees with various services, such as locating apartments, transportation to government agencies, and enrollment in resettlement programs.⁵² It is likely that these agencies use all of the \$700 allocated to them,

44. *Refugee Assistance*, U.S. DEP’T OF HEALTH & HUM. SERVICES, ADMIN. FOR CHILD. & FAMILIES, <http://www.acf.hhs.gov/programs/orr/about/divisions.htm> (last visited Mar. 28, 2011).

45. Press Release, U.S. Dep’t of State, Increase to the Refugee Reception and Placement Per Capita Grant (Jan. 25, 2010) <http://www.state.gov/x/pa/prs/ps/2010/01/135800.htm> [hereinafter *Increase to RP Grant*].

46. Nicholas Zifcak, *Refugee Grants Doubled*, THE EPOCH TIMES (Jan. 27, 2010), <http://www.theepochtimes.com/n2/content/view/28673/>.

47. *Iraqi Refugees in the United States: In Dire Straits*, INT’L RESCUE COMM. COMM’N, 12 (June 2009), http://www.theirc.org/sites/default/files/resourcefile/irc_report_iraqcommission.pdf [hereinafter *IRC Dire Straits*].

48. *Id.*

49. Interview with Michael McKay, Director of Refugee Services, Catholic Charities, Diocese of San Diego, in San Diego, Cal. (Mar. 3, 2011).

50. *See Increase to RP Grant*, *supra* note 45.

51. *Id.* Voluntary agencies have flexibility on how the funds are to be allocated and may internalize less than the allowable \$700.

52. Interview with Michael McKay, *supra* note 49.

because they are often understaffed and forced to assign more than fifty refugees to a single case manager.⁵³ This leaves refugees with \$1,100 per person to provide “a roof over their heads, a clean bed in which to sleep and other needed basic assistance.”⁵⁴ Such aspirations are seldom met, however, as refugees often spend all their remaining money on a security deposit and first month’s rent.⁵⁵ Thus, the RPG falls short of its intended goal of providing sufficient support upon arrival.

Other assistance, such as cash and medical aid, is generally available to refugees in the first eight months of arrival.⁵⁶ The amount of cash assistance varies from state to state, and in proportion to household size.⁵⁷ In San Diego, for example, an individual refugee receives \$345 per month, and a household with two eligible refugees receives \$561 per month.⁵⁸ However, to be eligible for this assistance, refugees must meet several criteria. First, refugees must not have access to other government support programs such as California Work Opportunities and Responsibility to Kids (CalWORKs), Temporary Assistance for Needy Families (TANF), or Supplemental Security Income (SSI).⁵⁹ Second, refugees must have proper immigration documents, including identification issued by the United States.⁶⁰ Finally, refugees must not be enrolled full time in higher education institutions.⁶¹

53. *Id.*; see also Picard, *supra* note 22.

54. *Increase to RP Grant*, *supra* note 45.

55. Interview with Michael McKay, *supra* note 49.

56. 45 C.F.R. § 400.50 (2006); *Cash and Medical Assistance*, U.S. DEP’T OF HEALTH & HUM. SERVICES, ADMIN. FOR CHILD. & FAMILIES, <http://www.acf.hhs.gov/programs/orr/benefits/cma.htm> (last visited Jan. 6, 2011).

57. 45 C.F.R. § 400.60(a) (2006); *Post Arrival Assistance and Benefits*, REFUGEE COUNCIL USA, <http://www.rcusa.org/index.php?page=post-arrival-assistance-and-benefits> (last visited Jan. 3, 2011).

58. *Wilson-Fish*, U.S. DEP’T OF HEALTH & HUM. SERVICES, ADMIN. FOR CHILD. & FAMILIES, http://www.acf.hhs.gov/programs/orr/programs/wilson_fish_prg.htm (last visited Mar. 7, 2011).

59. 45 C.F.R. § 400.53(a)(2) (2006); *Financial Assistance for Refugees*, SOC. SERVICES AGENCY - CNTY. OF SANTA CLARA, <http://www.sccgov.org/portal/site/ssa/print?contentId=ca72c035b6fb3210VgnVCM10000048dc4a92> (last visited Jan. 3, 2011) [hereinafter *SSA*].

60. 45 C.F.R. § 400.53(a)(3) (2006).

61. *Id.* § 400.53(a)(4) (2006).

Families with minor children are automatically enrolled in TANF, and the children are permitted to receive welfare benefits even after the initial eight months.⁶² However, adult refugees lose benefits after eight months and are expected to enter the job market and become self-sufficient.⁶³ This expectation is unfounded, as acquiring and maintaining a job is difficult for even the average American.⁶⁴ For refugees still overcoming trauma, assimilation issues, and language barriers, the task of acquiring a job is even more daunting.⁶⁵ Further, Iraqis are especially vulnerable to unemployment because many are widows caring for children, with no job experience,⁶⁶ while others face discrimination because of their Islamic faith.⁶⁷

The RPG puts refugee families in a different predicament. Because states like California enroll refugee families with minor children directly onto TANF,⁶⁸ the money received through the RPG makes refugees ineligible for the welfare benefits owed to them during their first eight months.⁶⁹ This is because in order to be eligible for TANF, a family's combined resources must be below a set dollar amount.⁷⁰ The program, however, does not consider where the

62. *Id.* § 400.51(a) (2006); Interview with Michael McKay, *supra* note 49 (noting that refugee families with minor children are advantaged because they can continue to receive public funding after their refugee cash assistance ends).

63. *Iraqi Refugees Find Limited Aid in U.S.*, DAWN MEDIA GROUP (Jan. 28, 2011), <http://www.dawn.com/2011/01/28/iraqi-refugees-find-limited-aid-in-us.html>.

64. Unemployment in the United States sits near historic highs of 9.1%. See Bureau of Labor Statistics, U.S. DEP'T OF LABOR, <http://www.bls.gov/> (last visited Sept. 7, 2011); see also *Local Area Unemployment Statistics*, Bureau of Labor Statistics, U.S. DEP'T OF LABOR, <http://www.bls.gov/web/laus/lausth1.htm> (last visited Oct. 2, 2011) (comparing current state unemployment rates against historical highs and lows in each respective state).

65. David Sheppard, *Hard Time for Iraqi Refugees in Weak U.S. Job Market*, REUTERS (March 3, 2011, 3:00 PM), <http://www.reuters.com/article/2011/03/03/us-usa-iraqi-idUSTRE7226LD20110303?pageNumber=1>.

66. Sacirbey, *supra* note 22.

67. Lornet Turnbull, *World Relief Rejects Job Applicant Over His Faith*, SEATTLE TIMES (Mar. 9, 2010, 9:40 PM, modified Mar. 10, 2010, 11:01 AM), http://seattletimes.nwsourc.com/html/localnews/2011301098_worldrelief10m.html.

68. *Getting Services*, CAL. DEP'T OF SOCIAL SERVS., <http://www.dss.cahwnet.gov/refugeeprogram/PG1548.htm> (last visited Feb. 02, 2011); Interview with Michael McKay, *supra* note 49.

69. Interview with Michael McKay, *supra* note 49.

70. *SSA*, *supra* note 59.

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resources were generated.⁷¹ Thus, the RPG often puts refugee families above the resource limit, making them ineligible to receive monthly welfare benefits through TANF.⁷² For instance, a family of five refugees would each receive \$1,100 upon arrival to the United States, totaling \$5,500. Should the family be resettled in California, and the grant distributed all at once, TANF would consider the family's combined resources to be greater than the allowable resource limit of \$2,000.⁷³ Thus, this family would receive no cash assistance in their first month of arrival and would not have the opportunity to obtain assistance until the family's resources fall below the resource limit.⁷⁴ Therefore, the value of the RPG is drastically offset because it often prevents refugees from having access to TANF benefits.⁷⁵

Adding an additional pressure to the resettlement process, refugees are required to pay back their travel loan for the transportation cost to the United States within forty-six months of arrival.⁷⁶ For large families, travel expenses (paid for up front by the United States government) are often in the range of \$10,000 to \$20,000.⁷⁷ The repayment process usually begins in the third month after resettling, when most refugees are still dependent on assistance for survival.⁷⁸ The government reports those who are unable to make

71. Interview with Michael McKay, *supra* note 49.

72. *Id.*

73. *SSA*, *supra* note 59.

74. Interview with Michael McKay, *supra* note 49.

75. *Id.*

76. Refugees may receive interest-free loans from the United States Government through the International Organization for Migration for the cost of their transportation. U.S. DEP'T OF STATE, 9 FOREIGN AFFAIRS MANUAL APP'X O, § 710.4 (2009), available at <http://www.state.gov/documents/organization/88052.pdf>; see also *United States of America*, INT'L ORG. FOR MIGRATION, <http://www.iom.ch/jahia/Jahia/united-states-of-america#rtl> (last visited Jan. 5, 2011).

77. Daniel Masterson, *An American Dream: The Broken Iraqi Refugee Resettlement Program and How to Fix It*, HARV. KENNEDY SCH. REV., para. 12 (2010), <http://isites.harvard.edu/icb/icb.do?keyword=k74756&pageid=icb.page399616>.

78. *Your IOM Loan*, REFUGEE INFO, <http://www.refugeeinfo.org/iom/iom.html> (last visited Jan. 5, 2011) [hereinafter *IOM Loans*]; Telephone Interview with Jason Jarvinen, Financial Literacy Program Coordinator, Int'l Rescue Comm. (Mar. 29, 2011) (explaining that although refugees are not required to begin making payments

their travel loan payments to credit bureaus, further hindering their long-term ability to obtain employment.⁷⁹

A primary focus of the resettlement process is to help refugees secure employment and become economically self-sufficient.⁸⁰ In fact, refugees receiving resettlement benefits are required to accept any offer of employment (deemed appropriate by the state agency) at any time and from any source.⁸¹ Such a requirement appears reasonable on its face, until confronted with the caveat that income received from employment often offsets resettlement benefits that refugees are otherwise entitled.⁸² The ORR allows states to offset a refugee's Refugee Cash Assistance or TANF benefits if a refugee's combined income from employment exceeds the program's allowable limit.⁸³ States often exercise this option for budgetary concerns and decrease benefit amounts for those who are employed.⁸⁴ As a result, refugees who secure work during the initial eight-month resettlement period often feel penalized for working, while others wait until the initial eight-month period is completed until beginning to look for work.⁸⁵

IV. THE SHORTCOMINGS AND NEEDED REFORMS

A. Reform the Domestic Resettlement Process to Improve Stability

Iraqi refugees bring with them unique problems, needs, and skill sets that must be developed outside the traditional resettlement programs.⁸⁶ The current refugee resettlement process falls short in

on their travel loan bills until six months after arrival, voluntary resettlement agencies regularly begin billing refugees in the third month after arrival to encourage early repayment).

79. Telephone Interview with Jason Jarvinen, *supra* note 78; see *IRC Dire Straits*, *supra* note 47, at 13.

80. See 45 C.F.R. § 400.1(b) (2006).

81. 45 C.F.R. § 400.75(a)(3) (2006).

82. 45 C.F.R. § 400.60(c)(1) (2006); Interview with Michael McKay, *supra* note 49.

83. 45 C.F.R. § 400.60(c)(2) (2006).

84. Interview with Michael McKay, *supra* note 49.

85. *Id.*

86. Jennifer Gaie Hellum, *Iraqi Refugees Struggle to Find Work in Jobs They Left Behind*, CRONKITE NEWS SERV. (Dec. 8, 2010), <http://cronkitenewsonline.com/>

providing refugees with enough support to become self-sufficient. As reported by Reuters in March 2011, unemployment among Iraqi refugees is nearly three times the national average.⁸⁷ Thus, additional programs must be developed to give this vulnerable group a chance at survival during the worst recession since the Great Depression.⁸⁸

Reform must begin by adding more flexibility to refugee programs such as the RPG, Refugee Cash Assistance, and travel loan repayment. Further, the ORR must improve refugees' prospects for long-term stability by improving and extending English language training. Finally, recertification programs must be developed to help refugee professionals enter the job market in their respective fields at a quicker pace.⁸⁹

1. Aid from the ORR and State Department Must Increase Flexibility

Iraqi refugees in the United States often arrive with nothing after having spent much of their savings waiting to emigrate.⁹⁰ The rebuilding of their lives is thus dependent on resettlement programs, beginning with the RPG of \$1,100.⁹¹ The recent increase in this

2010/12/arizonas-iraqi-refugees-struggle-to-find-work-in-professions-they-left-behind/.

87. Sheppard, *supra* note 65. An estimated 2,000 Iraqi refugees who have arrived since 2007 may have left for other countries. *Id.*

88. Matthew Bandyk, *Is Unemployment the Worst Since the Great Depression?*, U.S. NEWS & WORLD REP. (Aug. 27, 2009), <http://money.usnews.com/money/business-economy/articles/2009/08/27/is-unemployment-the-worst-since-the-great-depression>.

89. Various agencies and politicians have advocated for the reform of the United States refugee resettlement process, and have recommended variations of similar solutions. See COMM. ON FOREIGN RELATIONS U.S. SEN., ABANDONED UPON ARRIVAL: IMPLICATIONS FOR REFUGEES & LOCAL COMMUNITIES BURDENED BY A U.S. RESETTLEMENT SYSTEM THAT IS NOT WORKING, S. REP. NO. 111-52, at 4, (2010), available at <http://ugar.senate.gov/issues/foreign/refugee/report.pdf>; see also *IRC Dire Straits*, *supra* note 47, at 10.

90. Interview with Michael McKay, *supra* note 49 (noting that Iraqis often spend their savings while waiting to be granted refugee status). The majority of Iraqis first flee to Jordan, Syria, or Lebanon while they await permanent resettlement by the U.N. Refugee Agency and U.S. State Department. Hellum, *supra* note 86. Refugees are not legally authorized to work in any of the aforementioned countries. *Id.*

91. *Increase to RP Grant*, *supra* note 45.

amount implemented by the State Department is helpful but still far from addressing the actual challenges that refugees face in the first thirty to ninety days in the country. The grant regularly goes directly toward the first month's rent and security deposit, leaving little money for other necessities.⁹² As a result, refugees are often forced to sleep on their apartment floors, unless a church donation provides a mattress to sleep on.⁹³

As an initial remedy to the current problems faced by refugees, the one-time grant must allow refugees to receive either the \$1,100 payment or the actual necessities needed—whichever is sufficient to meet their needs. The intention of the program is to provide “sufficient support” to newly-arriving refugees, so it must not be capped at a figure that falls short of achieving that goal.⁹⁴ For instance, disabled refugees may require special accommodations in their place of residence. They should not be punished by a system that treats their needs and those of a healthy refugee equally. Providing a flexible option that assesses what “sufficient support” means for each individual will ensure that refugees receive the basic essentials to rebuild their lives.

Changes must also be made by state TANF programs to separate the RPG from traditional property and resources. The programs currently conflict with one another as the grant is counted against eligibility for cash assistance from TANF.⁹⁵ It is unreasonable to consider a grant designed to help restart refugees' lives as a resource prohibiting them from receiving benefits to which they are otherwise entitled. Such an anomaly could be resolved by a simple policy change. TANF must exempt the RPG when considering the property and resources refugees own. This policy change must occur immediately.

The ORR must also raise the amount of monthly cash assistance given to refugees upon the first eight months of arrival. The Refugee Cash Assistance program, like the RPG, must be flexible to address

92. Interview with Michael McKay, *supra* note 49.

93. Marisa Agha, *Iraqi Refugees Find Life in Southern California Hard But Better*, ASSYRIAN INTERNATIONAL NEWS AGENCY (Jan. 3, 2011, 4:43 AM), <http://www.aina.org/news/20110102224300.htm>.

94. *Increase to RP Grant*, *supra* note 45.

95. Interview with Michael McKay, *supra* note 49.

the needs of those receiving it. The ORR provides that the Refugee Cash Assistance must be statewide, unless the state determines that its programs should not be offered in specific regions.⁹⁶ Award grants vary from state to state, depending on particular need, but states fail to allocate funds to individual counties in the same fashion.⁹⁷ Cost of living averages can vary significantly within a state and programs must make efforts to recognize these variances.⁹⁸ Refugees permitted to resettle in the United States are generally not placed in an arbitrary city.⁹⁹ Resettlement agencies prefer to place refugees into locations where relatives or sponsors are nearby in order to increase refugees' likelihood of a successful transition.¹⁰⁰ To this end, refugees who apply for admission into the United States often file an Affidavit of Relationship in hopes of being resettled close to their relatives.¹⁰¹

California is home to the second largest Iraqi population in the United States, with the majority residing in San Diego County.¹⁰² Unfortunately, the city also boasts the seventh highest cost of living average in the country for cities with populations over one million,

96. 45 C.F.R. § 400.56(c) (2006).

97. Interview with Michael McKay, *supra* note 49 (noting that Refugee Cash Assistance levels are consistent throughout California).

98. See generally *Local Cost of Living Data: Cities in California*, ERI ECON. RESEARCH INST., <http://www.costofliving.net/index.cfm?fuseaction=BrowseCOL.California-cost-of-living-data-by-location&state=CA&Show=state> (last visited Mar. 29, 2011) (listing cost of living averages in all California cities).

99. Interview with Michael McKay, *supra* note 49 (explaining that voluntary resettlement agencies make efforts to place refugees into areas where their chances of long-term self-sufficiency are high).

100. *Id.*

101. *Id.*; Erin Patrick, *U.S. in Focus: The U.S. Refugee Resettlement Program*, MIGRATION POL'Y INST. (June 2004), <http://www.migrationinformation.org/feature/display.cfm?ID=229>; *Fiscal Year 2008: U.S. Refugee Processing Priorities*, REFUGEE INFO, <http://www.refugeeinfo.org/immigration/refprocessing.html> (last visited Mar. 25, 2010).

102. Elizabeth Grieco, *Iraqi Immigrants in the United States*, MIGRATION INFO. SOURCE (Apr. 2003), <http://www.migrationinformation.org/usfocus/display.cfm?ID=113#6>; Keith Darce, *Local Immigrants Mark World Refugee Day*, SAN DIEGO UNION TRIB. (June 19, 2011, 5:23 PM), <http://www.signonsandiego.com/news/2011/jun/19/local-immigrants-celebrate-world-refugee-day/> (San Diego County is home to 68 percent of the 13,142 Iraqi refugees who relocated to California from 2007 to 2011).

where \$1.151 purchases \$1.00 in value at the national average.¹⁰³ It is unfair for refugees to be disadvantaged based on the city where they resettle. The State Department must make efforts to recognize such cost of living differences at the county level to ensure that the cash assistance has the same value for all recipients, regardless of where they live in the state.

The Refugee Cash Assistance program as it currently stands makes no effort to consider if the cash assistance is even enough to pay the rent where the individual resides. The assistance is often not enough and refugees are forced to pack into dwellings with other families or begin borrowing money from neighbors and relatives.¹⁰⁴ A program intended to provide assistance to refugees in their greatest time of need must accurately identify those needs. A flexible system would allow for this and ensure that all refugees receive enough aid to provide food and shelter for themselves.

2. The Travel Loan Repayment Program Must be Postponed and Have Greater Flexibility

Policies regarding the Travel Loan Repayment Program must be adjusted to allow refugees a reasonable opportunity to clear their debts. Repayment for transportation costs must not begin until the initial eight-month resettlement process has been completed. It is unreasonable to expect refugees to begin repaying travel debts while still depending on Refugee Cash Assistance. As aforementioned, the cash assistance that refugees receive is usually insufficient to even cover rent.¹⁰⁵ The very purpose of the eight-month resettlement process is to allow refugees to recover from their past trauma, adjust to their new environment, develop language skills, and attain employment.¹⁰⁶ It is an injustice to add an additional stress to this period by requiring them to begin repaying the debt six months after

103. Wendell Cox, *Regional Exchange Rates: The Cost of Living in US Metropolitan Areas*, NEW GEOGRAPHY (Jan. 31, 2011), <http://www.newgeography.com/content/002019-regional-exchange-rates-the-cost-living-us-metropolitan-areas>.

104. Interview with Michael McKay, *supra* note 49 (explaining that Iraqi refugees regularly borrow money from local relatives or move into relatives' homes while seeking employment).

105. *Id.*

106. *Id.*

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arrival, especially when a failure to comply results in legal action, collection costs, attorney's fees, and interest charges.¹⁰⁷

The rigid repayment program also poses a large problem for Iraqi refugees.¹⁰⁸ As the program currently stands, all loans must be paid back within forty-two months.¹⁰⁹ A minimum monthly payment of thirty-five dollars is required from each individual, and for large refugee families, this figure is routinely over one hundred dollars a month.¹¹⁰ The travel loan repayment program does not take refugees' financial situation into account, so those who are unemployed and reliant on government aid struggle to make the payments.¹¹¹ The repayment program must be reformed to recognize the hardships refugees face. Flexible payment plans must be installed to allow refugees an opportunity to repay their loans at a pace that they can afford. The forty-two month deadline must especially be extended for refugee families with large travel loan debts.

Proponents of the current program endorse the early repayment process because of the subtle benefits it provides refugees. Some say that the monthly payment system is helpful because it allows refugees to begin building their creditworthiness with credit bureaus.¹¹² But a good credit score, though helpful in the future, means little to refugees struggling to pay rent today.¹¹³ Refugees frequently fall behind on their travel loan repayments and are reported to credit bureaus for delinquency.¹¹⁴ As a result, early repayment often hurts rather than

107. *IOM Loans*, *supra* note 78.

108. Telephone Interview with Jason Jarvinen, *supra* note 78.

109. *IOM Loans*, *supra* note 78; Interview with Jason Jarvinen, *supra* note 78.

110. Interview with Jason Jarvinen, *supra* note 78.

111. *Id.*

112. Christina Alexander, *Who Pays the Airfare to Transport Refugees to the U.S., And How Does It Work?*, IMMIGRANT CONNECT (Nov. 30, 2010), <http://www.immigrantconnect.org/?p=10485>. Timely credit payments are one of the largest contributing factors to one's credit score. *How to Repair Your Credit and Improve Your FICO Credit Score*, MYFICO, <http://www.myfico.com/crediteducation/improveyourscore.aspx> (last visited May 7, 2011).

113. *See generally Your Credit Score*, CONSUMER FED'N OF AM., http://www.pueblo.gsa.gov/cic_text/money/creditscores/your.htm (last visited Mar. 25, 2011) (follow "Download this publication for FREE (PDF format)" link) (detailing the benefits of a good credit score).

114. *Id.*

helps a refugee's creditworthiness.¹¹⁵ Although proponents of the early repayment process have good intentions, it is rare that refugees actually enjoy the fruits of such optimism.¹¹⁶

Another justification for the early repayment process is that the International Organization for Migration (IOM) has limited resources and depends on repayments to make travel possible for future refugees.¹¹⁷ Such justification is defensible; however, postponement of repayment and added flexibility is not a call for an end to travel loan repayments altogether. Instead, allowing refugees to wait until their eighth month of resettlement, when the government expects them to be self-sufficient, increases the likelihood that they will be able to pay back their loans. Permitting refugees to have a grace period of eight months to adjust to their new lives and recover from past trauma will place them in a better position to find work, become self-sufficient, and repay their travel loans. Thus, postponing repayment strengthens the probability that loans will be repaid and, as a result, strengthens IOM's continued existence.

3. Improve and Extend Education Period for English Language Training

The language barrier remains the main obstacle to Iraqi refugees securing employment and becoming self-sufficient.¹¹⁸ The ORR recognizes employment services and English language training to be a priority in accomplishing the purposes of the resettlement program.¹¹⁹ English language skills must be taught in the first eight months of resettlement while refugees are concurrently enrolled in employment-related activities.¹²⁰ Community colleges, adult schools, and TANF

115. Telephone Interview with Jason Jarvinen, *supra* note 78 (noting that the repayment of travel loans remains one of the largest issues facing refugees today as a large portion of refugees become delinquent and are adversely affected).

116. *Id.*

117. *IOM Loans, supra* note 78.

118. Telephone Interview with Saad Oggi (name changed to protect privacy), Iraqi refugee (Mar. 1, 2011). Mr. Oggi recently resettled in El Cajon, California on February 27, 2011. *Id.* He explained that he is often turned away from employment even before submitting applications because of his lack of English proficiency. *Id.*

119. 45 C.F.R. § 400.1(c) (2006).

120. 45 C.F.R. § 400.156(c) (2006).

all provide such courses to refugees, but many participants are dissatisfied with the quality of training that is offered.¹²¹ Although programs are encouraged to be offered in a manner that is culturally and linguistically compatible with a refugee's language and cultural background,¹²² the English as a Second Language (ESL) classes are often taught by non-Arabic speaking instructors.¹²³ This makes the already-complex English language incredibly difficult to grasp, as refugees are forced to try to learn English in "English."¹²⁴ The refugees often have to fend for themselves in the classroom, attempting to interpret and teach one another what they think the instructor is lecturing about.¹²⁵ Appointing bilingual instructors would alleviate this problem, giving refugees a much better chance to learn English in just eight months. Without this policy in place, current ESL programs are futile and only add to refugees' frustration and dissatisfaction with the resettlement program.¹²⁶

Improved ESL courses must be extended for those refugees seeking to improve their English. Currently, many refugees attempt to further their English skills past the initial eight months of required ESL training.¹²⁷ Consequently, institutions with large Iraqi refugee populations have been overwhelmed with students seeking to learn English. For example, enrollment in ESL classes has tripled in the last five years in San Diego.¹²⁸ The timing of such an increase could not have been worse as the economy has forced many community colleges to make budget cuts, and, thus, they cannot accommodate the

121. Interview with Saad Oggi, *supra* note 118. Mr. Oggi is currently experiencing the resettlement process firsthand and is frustrated with the programs provided to him. *Id.*

122. 45 C.F.R. § 400.156(e) (2006).

123. Interview with Jennifer Hanna, Parenting Instructor, Home Start Inc., in San Diego, Cal. (Mar. 1, 2011). Ms. Hanna frequently volunteers as an Arabic interpreter in ESL classes. *Id.*

124. Interview with Saad Oggi, *supra* note 118.

125. *Id.*

126. *Id.*

127. Jennifer Gonzalez, *Iraqi Refugees, Desperately Seeking English*, CUYAMACA CMTY. COLL. (June 13, 2010), <http://www.cuyamaca.edu/news03/pdf/2010/CC-Serving-Local-Caldean-Community-June-13-2010.pdf>.

128. *Id.*

increased demand.¹²⁹ As a result, many refugees desperately seeking to improve their English are unable to do so.¹³⁰ Extending ESL courses would meet the current demand for further language training.

Learning English is likely the most important step Iraqi refugees must take in order to achieve long-term stability in America. Without adequate training, refugees are likely to continue to place a strain on the United States economy as they stay out of work for longer periods of time. English language training must be improved and extended to enable Iraqi refugees to acquire the basic skills necessary to secure employment and become self-sufficient.

4. *Develop Recertification Courses for Refugee Professionals*

An estimated forty percent of Iraqi professionals have fled Iraq since the war began.¹³¹ Many of these are trained in professions such as health care, computer science, and engineering, yet they remain unemployed or competing for unskilled jobs because their certifications and experience are not recognized in the United States.¹³² Former Iraqi physicians are even denied lower-level healthcare positions such as medical assistants and nurses due to their lack of United States certifications.¹³³ Thus, recertification courses tailored for refugees must be offered to allow professionals to enter their fields at a quicker pace.

Unfortunately, instead of placing refugees in positions that complement their abilities and education, the current refugee

129. *Id.*

130. *Id.*

131. NGO Coordination Comm. in Iraq & Oxfam Int'l, *Rising to the Humanitarian Challenge in Iraq*, OXFAM.ORG, 4 (July 30, 2007), http://www.oxfam.org.uk/resources/policy/conflict_disasters/downloads/bp105_iraq.pdf; see also Hellum, *supra* note 86 (citing *The Real Challenge of Internal Displacement in Iraq: The Future*, BROOKINGS INST. (Dec. 07, 2007), http://www.brookings.edu/speeches/2007/1206_iraq_ferris.aspx?p=1).

132. Hellum, *supra* note 86.

133. Interview with Dr. Emad Edany, Iraqi refugee, in L.A., Cal. (Mar. 1, 2011). Dr. Edany, an Iraqi refugee, resettled in Detroit, Michigan in 2010. *Id.* Dr. Edany was a practicing surgeon in Baghdad, Iraq before the war began in 2003. *Id.* His attempts to find work in the healthcare industry since arriving in the United States have been unsuccessful. *Id.* Dr. Edany has recently moved to Los Angeles, California, where he seeks work as a freelance interpreter. *Id.*

resettlement process focuses on immediate employment and self-sufficiency.¹³⁴ Many Iraqi refugees do not have the luxury of going back to school and committing the amount of time, energy, and money required by traditional recertification programs.¹³⁵ Counties have attempted to contract for-profit agencies to aid in the recertification process, but the effectiveness of these programs is questionable.¹³⁶ Programs offered to refugees such as the Welcome Back Center and Upwardly Global boast about recertification services to those wishing to obtain professional credentials.¹³⁷ Yet, neither of these programs offer the recertification refugees are seeking. Instead, these programs act as reference centers focused on providing information to refugees regarding how to become recertified in their respective fields.¹³⁸

Full-fledged recertification programs must be developed with refugees in mind. These programs must be offered to refugees at a quicker, more economical rate in order to accommodate the refugees' dire financial situations. Recertification must be offered to refugee professionals in a variety of fields and at the very least prepare them to enter into lower-level positions in their industries. Also, programs ought to be equipped with bilingual professors and multi-language learning materials to better aid newcomers through the recertification process. Tailoring these programs to fit the needs of the refugees would be the most effective way to help these former professionals become productive in their new home.

134. Hellum, *supra* note 86.

135. Interview with Michael McKay, *supra* note 49; Interview with Emad Edany, *supra* note 133.

136. Interview with Michael McKay, *supra* note 49.

137. *See generally* UPWARDLY GLOBAL, <http://www.upwardlyglobal.org> (last visited Mar. 02, 2011) (describing its programs as supporting “experienced immigrant professionals to reclaim their careers in regulated professions like medicine, nursing, teaching and engineering”); WELCOME BACK CTR., <http://www.welcomebackcenter.org> (last visited Mar. 02, 2011) [hereinafter WELCOME BACK] (claiming to offer a “wide range of services to immigrant healthcare workers who wish to obtain professional credentials”).

138. Interview with Michael McKay, *supra* note 49; Telephone Interview with Sara Vaz, Vice Chairperson, San Diego Refugee Forum, (Mar. 3, 2011) (describing many of the offered courses as being taught by unqualified instructors); *see generally* UPWARDLY GLOBAL, *supra* note 137; WELCOME BACK, *supra* note 137. The Welcome Back Center has recently started offering recertification programs for foreign trained nurses. *Id.*

Developing new recertification programs for refugees would likely be a costly process and cause an additional strain to the already limited ORR. These costs, however, can be mitigated by converting existing government-funded organizations, like the Welcome Back Center and Upwardly Global, into programs that actually recertify refugees. The reference services currently being offered by such programs are not addressing the true issues refugees face. Such reference services may be better served if provided by existing voluntary agencies that already provide refugees with employment information. Such conversions would significantly lower the front-end costs of developing the new recertification programs while creating new opportunities for back-end gain. Recertifying refugees in their respective fields would produce long-term benefits for the nation's economy because many of the participants would likely be able to withdraw from social programs and become contributing members of society. Thus, the United States cannot be deterred by the costs of developing refugee recertification programs when the potential to add skilled and experienced professionals in America's most needed fields is a distinct possibility.¹³⁹

5. *Incentivize Finding Work During Initial Eight-Month Resettlement Period*

The ORR's employability plan is meant to "lead to the earliest possible employment" of refugees and not be structured in a way that discourages or delays job seeking.¹⁴⁰ Yet, refugees who are fortunate enough to find work and earn income during their initial eight-month resettlement period are penalized by having their Refugee Cash Assistance or TANF benefits offset or taken away.¹⁴¹ Such a process discourages refugees from accepting early employment since they would lose benefits to which they would otherwise be entitled.

A newly resettled refugee, for example, may luckily find a part-

139. Currently, there is a shortage of physicians in the United States. Dennis Cauchon, *Medical Miscalculation Creates Doctor Shortage*, USA TODAY (Mar. 3, 2005), http://www.usatoday.com/news/health/2005-03-02-doctor-shortage_x.htm. Unless the nation starts producing more doctors, this will only worsen as baby boomers reach retirement age and demand more medical care. *Id.*

140. 45 C.F.R. § 400.79(c)(1) (2006).

141. Interview with Michael McKay, *supra* note 49.

time job making minimum wage. If he or she works fifteen hours a week at the California minimum wage rate of \$8.00,¹⁴² he or she will be grossing \$480.00 a month, roughly only \$135 more than a refugee who stayed at home for those same sixty hours. Such a comparison discourages refugees from seeking employment when they know they can make nearly the same amount of money by remaining unemployed and on Refugee Cash Assistance.

The ORR must make policy changes that would allow refugees to aggressively seek employment without fear of their efforts being in vain. Implementing a grace period for employment income during the initial eight-months of benefits would do just that. Rather than suffer a penalty, refugees who find work should be rewarded with extra income in addition to their customary benefits. A change in policy is necessary to encourage early employment and to follow through on the true intentions of the program.

B. Reevaluate Aid Sent to International Iraqi Refugee Host Nations

Reforming the United States' refugee resettlement program seems simple until faced with the task of generating the resources to do so. With the United States' budget deficit hitting record highs, the government is proposing various ways to cut spending and reduce the nation's debt¹⁴³—including proposals to drastically cut funding to domestic refugee resettlement programs.¹⁴⁴ As explained in this note, resettlement programs are in dire need of increased budgets to fully accommodate refugees. Thus, non-traditional avenues must be explored to increase funding for its programs and satisfy the nation's

142. *Minimum Wage*, DEP'T OF INDUS. REL., http://www.dir.ca.gov/dlse/faq_minimumwage.htm (last visited Sept. 7, 2011).

143. Stephen Dinan, *U.S. Sets \$223B Deficit Record*, WASH. TIMES (Mar. 7, 2011), <http://www.washingtontimes.com/news/2011/mar/7/government-posts-big-gest-monthly-deficit-ever>.

144. On February 18, 2011, the U.S. House of Representatives passed the fiscal year 2011 Continuing Resolution, proposing a 45% budget cut to the Bureau for Population, Refugees and Migration, and the Office of Refugee Resettlement. H.R. 1, 112th Cong. (2011); see also Krehbiel, *supra* note 19; *Proposed Cuts In House Could Prove Disastrous To U.S. Refugee Program*, HEBREW IMMIGRANT AID SOC'Y (Feb. 22, 2011, 2:35 PM), <http://www.hias.org/en/post/25/proposed-cuts-house-prove-disastrous-refugee->

obligations to Iraqi refugees. One possible way to do so includes reevaluating and reducing the amount of aid sent to Iraqi refugee host nations.

During his presidential campaign, Barack Obama promised to “provide at least two billion dollars to expand services to Iraqi refugees in neighboring countries.”¹⁴⁵ In 2009, Obama echoed these sentiments, promising to provide “more assistance and [to] take steps to increase international support for countries already hosting [Iraqi] refugees.”¹⁴⁶ Although Obama’s aspiration of two billion dollars in aid has yet to be reached,¹⁴⁷ it is questionable as to how much of this funding is actually aiding Iraqi refugees in foreign nations.¹⁴⁸ Therefore, the United States should reevaluate whether the funds being sent to international host nations would be put to better use if allocated elsewhere. Alternatives to sending the funds directly to foreign governments include internalizing the funds to improve domestic resettlement programs, or distributing the funds directly to the UNHCR.

By insisting that foreign governments provide (1) evidence of their need for funding, (2) reliable statistics of the country’s refugee population, and (3) detailed plans of how funds will be spent, the United States can increase the likelihood that money given is spent in the manner intended. The United States cannot afford to have its resources misappropriated. Any funds saved by such transparency should be internalized by the United States to better support its own domestic resettlement programs or be redistributed to the UNHCR to improve the efficiency of the resettlement process overseas.

1. Iraqi Refugees’ Host Nations

The countries most populated by Iraqi refugees are Syria and Jordan, where it is estimated that over one million Iraqis have resettled.¹⁴⁹ Neither country has signed the 1951 Convention or the

145. Kevin Robillard, *Aid for Iraqi Refugees is Slow in Coming*, ST. PETERSBURG TIMES (Jan. 14, 2010), <http://politifact.com/truth-o-meter/promises/obameter/promise/130/provide-at-least-2-billion-for-services-to-iraqi>.

146. *Camp Lejeune*, *supra* note 5.

147. *Id.*

148. Seeley, *supra* note 11.

149. *Syrian Arab Republic*, UNHCR, <http://www.unhcr.org/4b0512649.html>

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1967 Protocol; as a result, neither is bound to the Conventions' provisions.¹⁵⁰ Due to Syria's and Jordan's significant role in the Iraqi refugee crisis, the UNHCR and the United States allocate large sums of funds to these foreign countries to encourage their governments to continue to welcome Iraqi refugees.¹⁵¹ However, the challenge is in knowing how many refugees each country supports and how much aid each country needs.¹⁵²

Syria is home to approximately 500,000 Iraqi refugees to whom the country has maintained a generous attitude.¹⁵³ Although it is illegal for refugees to work in Syria, officials have turned a blind eye to refugees trying to make a living.¹⁵⁴ But the influx of Iraqis is appearing to take a toll on the country as Syria recently complained that its resources are diminishing due to its support of refugees.¹⁵⁵ Reports now indicate that Syria no longer welcomes refugees and that officials are beginning to deport refugees back to Iraq despite the \$160 million that the UNHCR sent to Syria in 2010 alone.¹⁵⁶

Jordan was once said to house an estimated 750,000 Iraqi refugees.¹⁵⁷ Jordan's Secretary General of the Interior Ministry, Mukhaymar Abu Jamous, stated that Iraqis were costing Jordan \$1 billion per year and called upon the international community to help.¹⁵⁸ In fear that Jordan's "tolerant" attitude toward refugees

(last visited Mar. 25, 2011) [hereinafter *Global Appeal Syria*]; Jordan, UNHCR, <http://www.unhcr.org/4b0511dd9.html> (last visited Mar. 25, 2011) [hereinafter *Global Appeal Jordan*].

150. *Conventions*, *supra* note 18.

151. Seeley, *supra* note 11.

152. Iraqi refugees can be hard to trace because they live in urban settings as opposed to traditional refugee camps. *Middle East: Iraqi Refugees—Interpreting the Statistics*, INTEGRATED REGIONAL INFORMATION NETWORKS (Dec. 28, 2010), <http://newsite.irinnews.org/Report.aspx?ReportID=91464>.

153. *Global Appeal Syria*, *supra* note 149.

154. *Id.*

155. *Id.*

156. See Bettis, *supra* note 31, at 272-73; see also *Global Appeal Syria*, *supra* note 149.

157. Seeley, *supra* note 11.

158. *Id.* Following Abu Jamous's request for help in 2007, the "UNHCR gave \$21 million, about 60 percent of its operating budget for Jordan, to the Jordanian government" to build institutions large enough to handle the influx of Iraqis. *Id.* at para. 13.

would lead to the denial of work and deportation, the United States and the UNHCR began allotting money to the country.¹⁵⁹ From 2007 to 2009, Jordan received approximately \$400 million to support Iraqi refugees, with the majority of the aid coming from the United States.¹⁶⁰ In 2008, Congress authorized \$110 million in supplemental funding to go directly to the Jordanian government.¹⁶¹ In the coming years, however, the number of Iraqis in Jordan was nowhere near the early estimate of 750,000, and was actually closer to 160,000.¹⁶² Among these 160,000 Iraqi refugees, only 50,000 to 75,000 were vulnerable and reliant on aid.¹⁶³ Evidence suggests that much of the funding intended to aid Iraqi refugees was actually used by the Jordanian government to assist needy Jordanians and rebuild the country's infrastructure in furtherance of Jordanians' interests.¹⁶⁴ The United States cannot afford such misallocation.

2. *Internalize Funds to Improve Domestic Resettlement Programs*

President Obama's declaration to increase support to Iraqi refugee host nations must be reevaluated. Using Syria and Jordan as evidence, it is unlikely that much of the funding sent to aid Iraqi refugees actually accomplishes this goal. But not all United States aid and UNHCR support should be stopped. Withdrawing from the UNHCR could have devastating results for the country's foreign relations. The United States must instead put pressure on the UNHCR to implement a different framework for evaluating a country's actual need and use of such funding. A critical first step would be to demand proof of need from foreign governments, based on reliable statistics of their Iraqi refugee population before committing any further funding. Such

159. *Id.*

160. *Id.*

161. *Id.*

162. *Id.* But see *Global Appeal Jordan*, *supra* note 149 (estimating 500,000 Iraqis still reside in Jordan, as of January 2011, though the report acknowledges that the real number of Iraqis in Jordan is uncertain).

163. Seeley, *supra* note 11.

164. *Id.* The Jordanian government is using U.S. funding to build and improve schools, hospitals, and water pipes. *Id.* However, many of the Iraqis meant to benefit from such improvements have already been resettled into third countries or will have relocated before the schools open. *Id.*

proof will likely have a domino effect on the aid actually received by Iraqi refugees in need: host nations would be motivated to locate their unidentified refugee populations in order to continue receiving funds. In turn, humanitarian organizations would be free to find and provide support for once-unaccounted-for refugees. A second consequence likely to result from greater transparency is the decrease in United States' funding sent to governments that previously inflated refugee populations. Decreases in foreign aid would then allow the United States to internalize funding for its own refugee resettlement programs, which, as previously discussed, could benefit from an increased budget.

3. Distribute Funds Directly to the UNHCR in International Host Nations to Expand the UNHCR's Humanitarian Efforts

The UNHCR refugee camps are established in Iraq and neighboring countries to provide protection and basic humanitarian services to refugees.¹⁶⁵ UNHCR officials make themselves available in such nations to help refugees get registered, provide them with protection documents for their identification, and coordinate their resettlement to third countries when it is impossible to go back home or remain in the host country.¹⁶⁶ But the UNHCR has been unable to efficiently address the needs of Iraqi refugees for a variety of reasons, including its inability to independently relocate refugees and determine whether signatory states are meeting their treaty obligations because nations like Jordan and Syria refuse to join the 1950 Convention or the 1967 Protocol.¹⁶⁷ Furthermore, the Iraqi refugee crisis presented the UNHCR with an unusual challenge for which it had no policy—locating and assisting refugees who were dispersed

165. Kevin Walsh, *Victims of a Growing Crisis: A Call for Reform of the United States Immigration Law and Policy Pertaining to Refugees of the Iraq War*, 53 VILL. L. REV. 421, 429-30 (2008).

166. *Id.* at 430; *Durable Solutions*, UNHCR, <http://www.unhcr.org/pages/49c3646cf8.html> (last visited Jun. 26, 2011); see also Jennifer Rikoski & Jonathan Finer, *Out of Iraq: The U.S. Legal Regime Governing Iraqi Refugee Resettlement*, 34 RUTGERS L. REC. 46, 54 (2009) (noting that a UNHCR referral is one way for an Iraqi to be considered for refugee resettlement under the U.S. Refugee Admissions Program).

167. Walsh, *supra* note 165.

among urban populations rather than isolated in camps.¹⁶⁸

The issues confronting the UNHCR have an indirect impact on refugees already resettling in the United States.¹⁶⁹ The U.S. Refugee Admissions Program relies heavily on referrals from UNHCR offices stationed overseas when selecting eligible candidates for resettlement.¹⁷⁰ However, whenever these offices are confronted with significant setbacks or heightened turmoil in the surrounding regions, operations are forced to shut down and referrals normally made to the U.S. Refugee Admissions Program are put on hold.¹⁷¹ This causes significant fluctuations in the number of refugees admitted into the United States.¹⁷² As a result, voluntary resettlement agencies struggle to maintain an adequate staff to address the needs of the incoming refugees.¹⁷³

The UNHCR faces an uphill battle in addressing the many needs and challenges that the Iraqi refugee crisis presents. If host nations such as Jordan and Syria are not forthright in how funding from the United States is allocated, then these funds should be distributed directly to the UNHCR. Providing more aid to the UNHCR will help equip the organization to overcome the unique challenges Iraqi refugees present. For instance, additional funding could be used to develop UNHCR programs that allow officials to better police signatory states or to put more UNHCR officials on the ground in host nations to find and register refugees with the agency. Further support can also help to provide adequate support to UNHCR offices to prevent shutdowns in the event of setbacks or crisis. Doing so will allow for a steady flow of refugees into the country, giving voluntary resettlement agencies the opportunity to properly employ a staff to adequately serve refugees' needs. Ultimately, sending funds to the UNHCR rather than to foreign governments would help the United States track its funding dollars and ensure that the money is being used in the intended manner—to aid Iraqi refugees.

The United States and the UNHCR must work together to demand

168. Seeley, *supra* note 11.

169. Interview with Michael McKay, *supra* note 49.

170. *Id.*

171. *Id.*

172. *Id.*

173. *Id.*

transparency from host nations. At a time when the United States is struggling to fund its own resettlement programs, it cannot afford to send funds to host nations without a clear indication of how and where the funds are spent. Resources saved from such transparency could then be reallocated to improve and better fund the United States' own refugee resettlement programs or improve the UNHCR's efficiency overseas and expand its humanitarian efforts.

V. CONCLUSION

For Farouk and those like him, reform cannot come soon enough. The combination of a struggling economy and an underfunded, underdeveloped refugee resettlement program has left many refugees on the precipice of homelessness. Iraqis—stripped of their identity, occupations, homes, possessions, and even family members as a result of Operation Iraqi Freedom—deserve more from the United States.

The refugee resettlement process must be reformed in order to improve prospects for stability. Additional funding must be allocated to the ORR in order to increase aid provided in the RPG and Refugee Cash Assistance programs. The practice of early collection on inflexible travel loans must be changed in order to reduce the pressures refugees face in their first eight months of resettlement. Programs such as English language training and recertification courses must be developed, improved, and extended to allow refugees to become self-sufficient at a quicker pace while generating opportunities for long-term stability. Such improvements will not be easy or inexpensive; however, efforts can be made to reduce costs by reallocating current funds being spent on international resettlement programs. The United States must demand transparency from Iraqi refugee host nations such as Syria and Jordan. Doing so will likely reveal that foreign governments have less need than what they are currently purporting. As a result, the United States will be able to internalize such funds and allocate the money toward its domestic refugee resettlement programs.

Although President Obama declared the war in Iraq over in August of 2010, challenges still remain.¹⁷⁴ Just two months after the

174. Leila Fadel, *As Obama Declares Iraq War Over, Iraqis Brace for Uncertainty*, WASH. POST (Aug. 31, 2010), <http://www.washingtonpost.com/wp-dyn/content/article/2010/08/31/AR2010083105193.html>.

President's declaration, Al-Qaeda members opened fire in a Christian church in Baghdad, killing 58 people.¹⁷⁵ This attack was the worst massacre of Iraqi-Christians since the war began in 2003.¹⁷⁶ At least half of Iraq's Christian population has emigrated since 2003, and more are expected to seek refuge elsewhere as they remain under constant threat by religious extremists.¹⁷⁷ While the war in Iraq may be over on paper, it is far from finished for the millions of Iraqis struggling to survive both in the country and out.

*Thomas E. Hanna**

175. Anthony Shadid, *Church Attack Seen as Strike at Iraq's Core*, N.Y. TIMES (Nov. 1, 2010), <http://www.nytimes.com/2010/11/02/world/middleeast/02iraq.html>.

176. *Id.*

177. *Id.* Iraqi-Christians numbered between 800,000 to 1.4 million before the start of Operation Iraqi Freedom. *Id.*

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