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Iraqi Resettlement: Why Congress Will Act

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Abstract

I would like to commend Human Rights & Human Welfare for their recent roundtable on the Iraqi refugee crisis. The Roundtable rightly draws attention to the United States government's woefully inadequate efforts thus far to address a major humanitarian crisis of its own making.

However, I do not agree with Professor Daniel Whelan's assessment of "why Congress won't act" on Iraqi resettlement. Dr. Whelan argues that the new Congress appears reluctant to resettle a reasonable number of Iraqi refugees in danger because Democrats fear that doing so would precipitate Iraqi state failure by means of "brain drain." Instead, I would argue that Congress has been slow to act due to mitigating institutional and political factors.

Keywords

Human rights, Iraq, War, Refugees, Displaced peoples

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In response to the October edition of the [Roundtable on Iraqi refugees](#) in the University of Denver's *Human Rights & Human Welfare*.

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by David A. Weinberg

I would like to commend *Human Rights & Human Welfare* for their recent roundtable on the Iraqi refugee crisis. The Roundtable rightly draws attention to the United States government's woefully inadequate efforts thus far to address a major humanitarian crisis of its own making.

However, I do not agree with Professor Daniel Whelan's assessment of "[why Congress won't act](#)" on Iraqi resettlement. Dr. Whelan argues that the new Congress appears reluctant to resettle a reasonable number of Iraqi refugees in danger because Democrats fear that doing so would precipitate Iraqi state failure by means of "brain drain." Instead, I would argue that Congress has been slow to act due to mitigating institutional and political factors.

Anecdotally, it is worth noting that I have actually met the brave Iraqi journalist Nour al-Khal and her remarkable American patron Lisa Ramaci-Vincent mentioned in the article by Joseph Huff-Hannon to which the *HRHW* Roundtable was responding. When Ms. al-Khal was finally admitted to the United States soon after the article was published, the two of them spoke at a Congressional staff briefing which I organized while working as a foreign policy staffer on Capitol Hill this past year.

This incident is illustrative of a broader point—the reason Congress has yet to act on the Iraqi refugee crisis is not out of some illusion that by plugging Iraq's "brain drain" the country can somehow be packed back together. Indeed, there is a growing understanding on Capitol Hill of the dire urgency and humanitarian import of the Iraqi refugee crisis, and many Democratic members of Congress ran their campaigns in 2006 on the premise that the battle for a stable Iraq has already been lost.

Rather, the immediate challenge has been a matter of workload. When the Democrats assumed control of Congress at the start of 2007, all energy in the field of foreign policy was focused on trying to convince the President to change his *overall* Iraq strategy. Additionally, a panoply of other foreign policy issues (such as the Iranian nuclear question) made pressing demands on the remaining time and attention of the Democratic leadership. Thus, even though the new Congress was from its start more ideologically responsive to addressing the Iraqi refugee crisis than the Republican-dominated one that preceded it, it took until mid-way through the year before Iraqi refugee issues began to be addressed in earnest.

Those observing Congress finally witnessed a flurry of activity in May and June as Representative Earl Blumenauer (D-OR), Representative Gary Ackerman (D-NY), and Senator Ted Kennedy (D-MA) all introduced comprehensive Iraq refugee bills within a matter of weeks (Professor Susan Waltz briefly cited Kennedy's Refugee Crisis in Iraq Act in [her Roundtable contribution](#)). Consequently, Senator Kennedy succeeded in tacking a modified version of his proposal as an amendment onto the Defense Authorization Act that passed the Senate on the 1st of October. This means that the Kennedy program will be debated when the House and Senate

go to conference to reconcile their versions of the Authorization Act, after which the conference's final document will go to the House and Senate floors for a quick up-or-down vote. It is also worth noting that the chairman of the House Committee on Foreign Affairs, Representative Tom Lantos (D-CA), was somewhat ahead of this curve, calling for the assistance and resettlement of Iraqi refugees in a segment of his Iraq Reconstruction Improvement Act introduced in late March.

The Kennedy proposal is by no means perfect. The Senator was compelled to drop a number of important provisions from the bill, including scaling down the number of special immigrant visas from 15,000 per year—as Rep. Blumenauer had called for—to 5,000 and dropping a waiver provision on “material support” so that his Republican counterparts would agree not to obstruct his bill at the committee level.

However, the bill remains an enormous step forward from current U.S. policy on Iraqi refugees. As is, the Kennedy amendment would open the “priority two” category for humanitarian refugees to Iraqis under threat for their association with the United States; it would also make those Iraqis who have loyally served the Coalition effort either in the direct employ of the U.S. or through an affiliated contractor eligible for the special immigrant visas mentioned above. Finally, it would instruct the federal government to set up in-country refugee processing facilities to allow Iraqis under imminent threat to immediately seek asylum straight from Iraq instead of risking life-and-limb to get to Jordan in hopes of being processed there.

There are a number of other potential measures which policymakers would do well to consider. For example, the bill could grant Iraqis temporary protected status, which would prevent those already in the United States who may have overstayed their visas from being forcibly deported to a war zone. The NGO community would be very happy to see the material support provisions put back into Kennedy's bill and his lesser requirement of 5,000 special immigrant visas rose back up to 15,000.

The bill could also call for the Administration to submit a comprehensive diplomatic strategy to address the crisis, including negotiating memoranda of understanding with host countries to leverage U.S. assistance into guarantees that they will treat refugees in accordance with established international standards of human rights. Such a strategy could also entail soliciting matching donations from European countries and oil-rich Gulf states, which thus far have largely opted-out of this crisis on the mistaken premise that the displacement of millions of Iraqis from their homes is somehow the United States' problem alone.

While it is regretful that Congressional wheels may at times turn slowly, it is not unreasonable to expect groundbreaking legislation to assist and resettle Iraqi refugees before the year's end. Then all eyes will be on the executive branch and the international community, in hopes that they match the dire nature of this crisis with the humanitarian response that is required. It is already too late for many unfortunate Iraqis; let us not sit idly on our hands while others perish.

David A. Weinberg is pursuing his doctorate in political science at the Massachusetts Institute of Technology. He is an affiliate of the Institute's Security Studies Program.