

Durable Solutions for Syrian Refugees in the Kurdistan Region of Iraq



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Durable Solutions for Syrian Refugees in the Kurdistan Region of Iraq

MERI Policy Report

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Biography

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Abstract

Forced displacement from Syria has resulted in one of the largest refugee populations worldwide, as well as the most protracted displacement in the Middle East. Given the complex security dynamics in the region, durable solutions are difficult and require careful consideration. Using a multi-site qualitative and participatory method, this research evaluates:

- (a) the feasibility of voluntary repatriation, local integration, or resettlement in a third country for Syrian refugees;
- (b) the ‘State’ practices of the Kurdistan Region of Iraq (KRI) in terms of offering protection and honoring the entitlement of refugee populations to education, health care, employment, and residency.

This report highlights certain flaws in the management of the Syrian refugee crisis which the KRI government, international organisations, and the international community urgently need to address in order to implement an effective solution.

The findings show that the preferred durable solution for the majority of Syrian refugees is onward migration and resettlement in third countries. Both local integration and voluntary repatriation are viewed as largely unworkable; the KRI, as part of Iraq, is not signatory to the Refugee Convention, and local legislation is inadequate to regulate asylum. Importantly, the voluntary return of refugees to Syria is impeded by security concerns and the lack of development in areas of origin.

1. Introduction

The United Nations High Commissioner for Refugees (UNHCR) notes that, on average, one in every 110 people is now displaced globally, “equivalent to an average of 44,400 people being forced to flee every day”, due largely to persecution, conflict, generalised violence, or human rights violations. The total number of displaced people in 2018 reached 68.5 million people, and still rising. Over 68% of all refugees are from Syria, Afghanistan, South Sudan, Myanmar, and Somalia, and the conflict in Syria was the major contributing factor to the dramatic rise in 2017. An estimated 12.6 million Syrians had been displaced either internally or transnationally, making the Syrian refugee crisis the most protracted in the Middle East.

1.1. The KRI data

Like many neighbouring and European countries, as of January 2019, the Kurdistan Region of Iraq (KRI) was hosting 249,293 Syrian refugees, constituting 97% of all Syrians currently residing in Iraq. These refugees consist of: 81,000 families, 53% males, 47% females, and 34% children. Around 38% of Syrian refugees live in nine camps in the three governorates of Erbil, Duhok, and Sulaymaniyah, while the rest are not camp-based. Apart from Syrian refugees, the KRI hosts other formally registered refugees from Turkey (9,080), Iran (13,710), and Palestine (752).

In addition, the KRI hosts 1,123,177 Iraqi internally displaced persons (IDPs) who fled Islamic State (IS) occupied areas. Along with refugees, they comprise a 28% increase in the population of the Region (Table 1).

Until recently, one in four people in the KRI were either refugees or IDPs, a ratio higher than in Lebanon (1 in 6), Jordan (1 in 11) and Turkey (1 in 28). This has caused a dramatic change in the KRI's demography, created tremendous challenges for the local integration of long-term refugees.

The sudden emergence of large numbers of IDPs in Iraq shifted the donor countries' focus to IDPs, away from Syrian refugees. Indeed, the practice of states and the response among international humanitarian organisations shows that the situation of Syrian refugees in the KRI is no longer seen as an emergency.

To an extent, the KRI authorities have maintained, through their own regional management of refugee camps, a locally developed response to emergencies for Syrian refugees. Although initially the KRI authorities received international funding and supervision, these funds have declined significantly. The UNHCR's High Commissioner Filippo Grandi, recently expressed “his deep concern that funding commitments made by the international community are being forgotten”. He noted that the international financial support provided for Syrian refugees is falling well below actual humanitarian needs; for example, in 2017, only 39% of the funds required had been received by host countries, prompting the High Commissioner to urge the international community not to ignore the Syrian refugee crisis.

The current literature, likewise, has focused largely on the plight of the Syrian refugees in neighbouring Jordan, Lebanon, Turkey, and Europe, with minimal reference to their plight in the KRI.

1.2. The Impact of Syrian Refugees on the KRI:

Kurdistan has frequently been hailed by the international community for its generosity towards refugees and IDPs, and currently hosts the greatest population of refugees and IDPs in the world in proportion to its population size. There are several United Nations Treaty bodies, such as the Committee on the Elimination of Racial Discrimination, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on Enforced Disappearances, the Committee against Torture, the Committee on the Rights of the Child, and the Committee on the Elimination of Discrimination against Women. They have continuously “[commended] the Kurdistan Regional Government (KRG) for supporting and providing a safe haven for displaced communities”. Consequently, “the population in the Kurdistan Region has increased dramatically owing to the reported influx of refugees and internally displaced persons from conflict-affected regions”.

However, the significant demand pressure created by this inflow has negatively affected different sectors such as health, education and employment. These challenges also include administrative, economic and housing issues. Although Syrian refugees were initially welcomed by locals because of their identity, as most of the locals are Kurds and regarded these as ‘family’, however strains in relations are appearing as a result of the economic downturn and instability in the region. In fact, there have been reports of tensions between the local population and refugee communities in some of KRI’s cities because they felt that refugees and IDPs have contributed to rising rent prices.

1.3 Concurrent crises in the KRI

In addition to the large influx of displaced persons to the KRI, the Region faces a financial crisis due to the cost of the war against ISIL and humanitarian crisis, the drop in oil prices, and the lack of budgetary transfers from the federal government. The decision to withhold Kurdistan’s share of the Iraqi national budget since 2014 means the KRG’s civil servants have experienced delays in their salaries and cuts to benefits and pensions, negatively impacting both the refugees and host communities. In fact, unemployment rate in the Region has increased almost fivefold from 3% in 2013 to 14% in 2016, and the poverty rate has also risen dramatically from 6% to 14%. Therefore, it is natural that the local population, which has generously welcomed refugee families and launched fund-raising campaigns to assist them, is plunging into poverty.

1.4. The KRI appeal for international help

In April 2018, the Joint Crisis Coordination Centre (JCCC) in the KRI issued a statement appealing to the United Nations and international agencies to assist the KRG in helping Syrian refugees and other displaced people in the region. The statement notes that since 2011 and the outbreak of civil war in Syria, the KRI has provided services and opportunities, granted freedom of movement, residency and work permits, and given free access to health care, education and a livelihood to Syrian refugees. Although international organisations provide assistance, the Region is responsible for registering refugees and providing temporary accommodation and a sewage service, as well as integrated services such as water and electricity; it also constructs schools and health care centres. The economic impact on the Region is visible, and the KRI has

had to increase its spending and invest an additional 20 million US dollars in the Bureau of Immigration and Immigrants. In fact, between 2012 and 2014, the KRG allocated 90 million US dollars from its budget for humanitarian assistance and basic services to the refugees.

However, the JCCC rightly concedes that, without urgently needed additional resources from the international community, the KRG cannot provide such crucial assistance to displaced Syrians. For example, in “2018, the partners [...] appealed for 226.8 million USD for the Syrian refugees in Iraq. [As of April 2018] only 11.3% (25.7m) of the appealed amount [had] been provided by the international community. This amounts to USD 17 per refugee yearly”. Such underfunding has obviously affected the services and assistance delivered to refugees, and some humanitarian agencies have already had to suspend important projects planned for 2018. This will naturally have dire consequences for both the refugees and host communities who have shouldered much of the burden of the displaced for seven years.

In conclusion, the current literature and focus of international donors and policy-makers have focused largely on the plight of the Syrian refugees in other countries in the region and wider world, with minimal reference to their plight in the KRI. Here, this research addresses this gap and offers an insight into the perception of the Syrian refugees about durable solutions.

2. Study Aims

The main aims of this study are to:

- A. Define the current status, and explore potential long term solutions, for the plight of Syrian refugees in the KRI. In particular, to examines three main solutions of:
 - 1. voluntary repatriation.
 - 2. local integration.
 - 3. resettlement in a third country.
- B. Examine the State practice of the KRI in its provision of education, health care, employment, and residency, to identify the challenges faced by the Syrian refugees.

The purpose here is to help policy-makers and international humanitarian organisations build a more nuanced picture of the Syrian refugee situation in the KRI.

3. Methods

This four month study was conducted between August and December 2017 in four camps in Erbil governorate: Basirma, Darashakran, Kawergosk, and Qushtapa. These camps host around 49% of the total Syrian refugee population, whereas the rest live outside the camps in Erbil or in the other two governorates of the KRI, Sulaymaniyah and Duhok. Syrian refugees in the four Erbil governorate camps covered in this study are listed in Table 2.

Table 1: Numbers of Syrian refugees in Basirma, Darashakran, Kawergosk, and Qushtapa in January, 2019

Camp Name	No. of Families	No. of Individuals	% of Refugees
Darashakran	2,658	11,769	38%
Qushtapa	1,994	8,128	27%
Kawergosk	1,917	7,788	26%
Basirma	627	2,863	9%
Total	7,196	30,548	100%

A multi-site qualitative and participatory method was chosen for this study. Four focus groups were arranged, each of which contained 12 Syrian refugees, making 48 in total. The participants were from different backgrounds in terms of age (18 to 58), marital status, educational level which varied from illiterate, to school attendees and university graduates. Questionnaires were handed out to the focus groups members and followed up with a semi-structured interview in order “to get at the contextual nuance of responses and to probe beneath the surface of a response to the reasoning and premises that underlie it”.

Unfortunately, despite efforts, attendees of the focus group discussions were all males, possibly due to social and cultural sensitivities in group activities. Accordingly, complementary interviews were held in 16 houses/tents within the camps, with a total of 51 individuals, 40 of whom were female (girls and women), and the rest were males (men and boys).

Face to face interviews were also conducted with people living outside the camps but associated with, or exposed to, those inside: (a) all four camp managers, two of whom were staff from an international humanitarian organisation (the Danish Refugee Council); (b) two Syrian families consisting of 12 individuals (5 girls, 2 women, 3 men and 3 boys); and (c) eight boys (ages between 11 to 15 years) who were working at traffic lights. Views of these external groups were considered important to contrast with those living inside the camp. In addition, 12 local labourers were interviewed to obtain views on the employability of the Syrian refugees and their impact on the local job market.

Further information and analysis were gathered from six key academic informants from the University of Salahaddin, and several participating experts attending a the 17th International Association for The Study of Forced Migration Conference in Greece, and a workshop organised in Sulaymaniyah between Chatham House and American University of Iraq on the Syrian conflict and its impact on refugees.

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House and American University of Iraq on the Syrian conflict and its impact on refugees.

As shown in Table 2, in total, 150 individuals participated in this research, 104 of whom were living inside the four camps, 19 outside camps and 26 from the local community.

Table 2. Research Participants

Participants	Refugees Inside Camps – Focus groups	Refugees Inside Camps – Tent Visits	Refugees Outside Camps – House Visits	Other	Total
Men –aged 18-58	48	11	3		62
Women/girls		40	5		45
Boys			11		11
Camp Managers				4	4
Danish Refugee Council Staff				2	2
Local adult male labourers				11	11
Individuals from Local communities				9	9
Other key informants				6	6
Sub-total	48	51	19	26	150

Permission for accessing the camps were obtained from local government officials, including the Crisis Response Office in the Erbil Governorate, the Directorate General of Security –Asayish– and the Camp Management. Once in the camps, snowballing was used to arrange the focus groups and interviews. Throughout the study, the identity of the informants remained anonymous for confidentiality purposes.

The data were collated and analysed manually through note taking and recording. Although manual coding “is tedious and time-consuming”, it still allows “to create the categories, do segmenting and coding, and decide what to retrieve and collate”, which cannot be done electronically. In the first level of analysis, the collected data were coded into three clusters according to the main research topics (the scope of the Syrian crisis, its impact on the KRI, and the prospect of durable solutions). The data were then further coded into three more clusters (voluntary repatriation, local integration, and resettlement in a third country). Within the local integration cluster, several analytical categories such as access by Syrian refugees to health care, employment, education, and residency in the KRI were undertaken in accordance with the main themes of the research.

4. Results

4.1. Integration with the Host Community in the KRI.

The first durable solution of local integration which should be available to refugees to end their displacement and enable them to live normal lives is covered by Article 34 of the Refugee Convention, which provides that '[t]he Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees'. The term 'assimilation' was later replaced with local integration or integration in the country of asylum. To identify whether Syrian refugees have access to this durable solution in the KRI, this research examines the legal framework in Iraq and the KRI, the refugee's protection and their entitlement to residency, naturalisation, education, employment, health care, and livelihood. Their responses alongside the views of policy-makers, practitioners and other parties are discussed below.

4.1.1. Legal Framework in Iraq and the KRI.

Like many countries in the Middle East, Iraq is not a signatory to the internationally recognised legal framework for the protection of refugees, the 1951 Convention Relating to the Status of Refugees (the Refugee Convention) or its Protocol Relating to the Status of Refugees (adopted 31 January 1967, entered into force 4 October 1967) 606 UNTS 267 (1967 Protocol). Therefore, the Refugee Convention and its legal provisions are not strictly applicable to Syrian refugees in the KRI and Iraq. However, in regard to refugees, two national legislative instruments have been enacted. The first is the country's 1971 Political Refugee Law, which defines refugees as every person who seeks asylum in Iraq for political or military reasons, and establishes benefits such as the right to work and access health and education services as Iraqis. The second is Law No. 21 of 2009 from the Ministry of Migration and Displacement of Iraq, which broadened the definition of a refugee in line with the Refugee Convention. However, the protection provided under these legislations lack overall consistency in terms of rights and entitlements.

In October 2016 the UNHCR signed a Memorandum of Understanding (MoU) with Iraq to enhance the protection of refugees and asylum seekers. Under its terms, the Iraqi government provides registration and identity documents to refugees and asylum seekers, while the UNHCR provides advice, and other support to the Permanent Committee for Refugees at the Ministry of Interior, to facilitate the management of refugee affairs in Iraq. The UNHCR Iraq Representative, Bruno Geddo, noted that 'this Memorandum marks a milestone for protection and respect for the rights of refugees and asylum seekers in Iraq'. However, the full content of the MoU has not been made public. Similarly, the KRI has not incorporated any legal provisions in its domestic legislation to regulate the status of refugees. The Draft Constitution of the Kurdistan Region (2004 and 2008) made detailed reference to asylum law and refugees in Articles 17 and 19(19). However, these references were removed from the 2009 draft of the Constitution, which is surprising given the large increase in refugees in the KRI.

4.1.2. Access to Residency:

After crossing the KRI's borders, Syrian refugees are distributed to different camps in the Erbil, Sulaymaniyah and Duhok governorates according to the capacity. Once inside, the refugees are registered and assigned tents. Basic services are provided and the camps are closely monitored by the KRG, international agencies, and local non-governmental organisation (NGO) partners. The refugees receive formal identity cards and are provided with temporary residence permit, valid for one year and renewable annually. Camp residents receive an asylum seeker certificate from the UNHCR. After registration, Syrians can reside legally in the region, and their identity card entitles them to basic rights, such as the freedom of movement, the right to work and access health care and education.

According to Article 6 of the Iraqi Nationality Law of 2006, the Minister of Interior can approve the naturalisation of foreign nationals if the individuals have entered Iraq legally, been in permanent residence for a minimum of ten years, not committed any criminal offence, can support themselves, and have no serious health issues. According to Article 7, the Minister can approve the naturalisation of foreign nationals if the individual is married to an Iraqi subject under the conditions set forth in Article 6. Refugees can obtain permanent residency after five years providing they have to remain married. These provisions allow Syrian refugees who meet the above-mentioned requirements to apply for Iraqi citizenship.

4.1.3. Access to Education.

Education plays an important role in addressing the Syrian refugee crisis and refugees' integration with the local community. Deane rightly notes that 'an appropriate education policy response to the refugee crisis can reduce the risk of stigma, isolation, intra-community tensions, marginalisation and even radicalisation'. The analysis of the interviews in this study shows that, due to the conflict and slow reaction of the international community, it is possible that a generation has lost access to education. According to a report conducted by the World Bank and the KRG Ministry of Planning, 48% of Syrian refugees are not enrolled in school, which is partly due to the lack of capacity in the KRI education system.

Imad Alhajj, a protection officer for the Danish Refugee Council, noted that,

“Although primary schools are available in camps, there are very few available to refugees in the urban areas. In addition, constant changes in curriculum and languages and delay with education space for high school by UNESCO, mean that a generation has lost access to the right to education. Additionally, the economic depression has deprived a big percentage of children from continuing studies as they need to support families, especially after economic depression in the KRI”.

4.1.3a. Inside and outside camps

Following the outbreak of the ISIL-related security crisis in 2011, the authorities in the KRI granted Syrian refugees the right to enrol in state schools in the Region. In all four camps, there were primary and secondary schools funded and run by UNICEF and UNESCO, with classes taught in Arabic and 95% of teachers being Syrian.

Attendance at school in the camps is much higher at 71% in comparison with outside at 46%. The Syrians who were not camp-based (39% of the total) felt more vulnerable and neglected by the international humanitarian aid programme because their children were only being accommodated in second-shift schools with inferior curricula and reduced hours. Some refugees felt that the international assistance is focused almost entirely on the camps and does not serve those refugees who are self-settling in cities, towns and villages. In 2017, more than 4,300 Syrian families were on waiting lists to enter refugee camps, but there were limited spaces due to the lack of capacity, including land allocation. The camps are over-subscribed because more than half of those living outside the camps do so in a deteriorating living conditions, such as residing in empty buildings and tents around the city.⁵³

4.1.3b Commuting

Baccalaureate exams are not available in camps, hence final year students attend schools outside their camp every day; however, some interviewees could not afford the expense of commuting. Mohammed, an 18-year-old refugee, found it hard to study for the baccalaureate exam because the school is 6 km away. He noted with concern that:

“Although I would love to complete my exams and study at university, I find it extremely hard to travel every day as we cannot afford the fee for transportation. Therefore, I have to stay at relatives’ or friends’ houses to avoid spending so much money on transport”.

Commuting is even harder for the girls who face culture barriers over and above the physical ones. Many refugee girls are forced to dropout from school.⁵⁴

4.1.3c. Income

The participants noted that one of the main reasons why most young Syrians leave education is because of a lack of family income. In Basirma camp, a family of four saw Kurdistan as a temporary home. Although both children were registered in the camp school, the girls were critical of the low standard of education in the camp and the lack of desire to continue, while the boy did not see the point of continuing education because his family depended on his and father’s income for food. Ali, aged 15, sadly noted “I would love to continue studying but my family rely on me to give them money every day, otherwise we cannot afford food”. Ali’s friend, Ahmed, aged 17, stated: “My parents are old, so if I do not work then they are going to die or would have to beg in the street, and I will not let that happen”. In its Concluding Observation on Iraq, the Committee on the Rights of the Child was seriously concerned that “most refugee and internally displaced children lack access to education while child labour is on the increase”.

During the field work, it became apparent that most of the refugees send money to Syria to siblings and relatives who have not fled but who depend on them financially. Such a situation has created huge pressure on the young men to find employment. A 15-year-old boy living in Kawergosk camp with his family stated, “I love studying and have always wanted to become an engineer, but this is a distant dream as I have to provide an income for my family. Otherwise, they would die from hunger”. This is the sad reality of many Syrian refugees after the outbreak of the conflict in 2011.

Just like Syrians in Lebanon, Jordan and Turkey, those in the KRI have become destitute. In particular, children have become victims of the conflict and been deprived of the right to continue their studies. Some have been reduced to begging or working on the streets. A child aged 11 working at a traffic light stated:

“I left school because my family needs my support, as my father is in Germany and we do not have anyone to work. It is only me, my mum and two siblings. I hope one day to go Germany to reunite with my father and have a better life”.

4.1.3d. Early Marriage

These economic factors contributed to the disparity in school attendance. While boys drop out of school to work, girls get married at a very young age, under 18, because families cannot afford them and they gain financially through an endowment. Previous studies have shown that 21% of females between 15-19 years are currently married in Iraq, and child marriage is worse among refugees and IDPs, further impacting their education. In its Concluding Observation on Iraq, the Committee on the Rights of the Child was seriously concerned that “Refugee and internally displaced girls are particularly exposed to domestic violence, forced, temporary (Muta’a) and early marriages and ‘sexual exploitation”.

4.1.3e. Further & Higher Education

Some of the interviewees saw no reason to take the baccalaureate exam, since places at university are limited. Indeed, the Erbil governorate is struggling to accommodate the demand of its local community for higher education provision. Sarsam Shwani, Head of the Admissions Service at Erbil Polytechnic University, noted that,

Although every year we accept hundreds of Syrian refugees with no tuition fees, we simply cannot accommodate all the refugees as we are already under pressure to accept thousands of local students and we also have limited budget from the government.

Erbil Polytechnic University has established a unit and works with international and national organisations such as Higher and Further Education Opportunities and Perspectives for Syrians (HOPES) to provide placement for Syrian refugees in its eight institutes and three colleges.

4.1.3f. International Assistance

International organisations such as the French ACTED (Agency for Technical Cooperation and Development), Dutch SPARK (Entrepreneurship and education for post-conflict societies) and German DAAD (German Academic Exchange Service) provide assistance and scholarships to Syrian students to attend universities across the Middle East. SPARK, an NGO funded by the Dutch Ministry of Foreign Affairs, introduced initiatives to provide 10,000 young Syrian refugees in Jordan, Turkey, Lebanon, and Iraqi Kurdistan. These are helpful and welcome initiatives but remain limited and inadequate compared to the scale of demand.

4.1.4 Access to Employment

Although Syrian refugees are allowed to work and have been granted the right to seek employment, there are legal barriers to some professions such as dentists, pharmacists, lawyers, and taxi drivers. This is because refugees are unable to provide appropriate identity cards or professional certificates. This is a well known problem documented by the Refugee Convention. Article 31(1) of this Convention reiterates that the position of refugees in international law is especially precarious and the international community should be more accommodating to meet their needs.

Finding a job in the KRI is extremely difficult due to the current financial as well as security and humanitarian crises. According to a World Bank report, these issues have strained resources and the job sector, and there has been a general reduction in wages. It also reports that since 2011 the poverty rate in the KRI has increased from 3.5% to 8.1%.

Of the 118 refugee participants in this study, 115 cited the lack of employment opportunities as one of the main factors imperilling Syrian livelihoods, curtailing their ability to afford suitable housing, health care, and education services. A father of two, who worked as a labourer outside Qushtapa camp noted:

“I, with many Syrians, stand outside the camp from the early hours of the morning to late evening and look for any opportunity to earn a living for my family. Sometimes we have a job, other days I come home with empty pockets, which is very hard to take but we do not have any other choice”.

Those refugees, whose families remained in Syria could not flee due to being elderly or suffering from a disability, find themselves under huge pressure to earn money and send it back.

Another issue for Syrian refugees is working longer hours at lower wages than the local population. Employers have apparently taken advantage of their vulnerable position to employ them at less than minimum wage and demand longer hours than required. A father of six Darashakran camp, stated:

Even when finding a job, the employers are taking advantage of us by paying lower wages and working longer hours compared to locals. We have to accept this since we do not have alternative methods to earn money.

A man, in Kawergosk camp, who fled from Syria with his family explained the existence of discrimination in the work sector:

We are treated like animals; the employers give us half of the money for the same job carried out by a local. We live in a deteriorating financial situation.

A shop owner in Basirma camp noted:

There are many jobs available inside the camp, for example, the authorities are currently building houses in the camp and these jobs should be given to us to help us settle and feel at home. Instead, the authorities have offered the jobs to local people, and this might hinder the integration of Syrian refugees in the KRI.

4.1.5 Access to Health Care

Due to years of trauma and poor conditions inside and outside the camps, many refugees require health care and assistance. Reports suggest, 32% of Syrian families have a member(s) with a serious medical condition that needs special support and/or care. In all four camps in the Erbil governorate, there are permanent health care centres (PHC) which provide basic health care. International organisations such as the World Health Organisation and Doctors without Borders provide the health care service. Currently, health care

is supervised by the UNHCR, and camp residents are given a Health Insurance Card. These centres only provide basic services to the residents of the camp, and major health issues are referred to local hospitals and pharmacies outside the camps. Although of the participants who lived in the camps 104 persons, admitted that the availability of the PHC in the camps has been beneficial, but they noted that they lack sufficient medical treatment or medicines. Refugees thus buy costly medicines in the community pharmacy.

Another major issue is access to medical treatment for pregnant women, as there are no midwifery services in the camps. One pregnant woman living with her husband and one child in Qushtapa camp explained:

“To receive medical treatment, I have to attend overcrowded public hospitals or private ones which charge high fees for treatment and delivering babies. I have also been told that the baby has to be delivered by a certified midwife in order to be registered with the UNHCR and receive an asylum seeker certificate. If the baby is delivered by an unregistered midwife or born in an unrecognised health facility, the baby may be deprived of the right to be registered with the UNHCR and as result deprived of all services.”

Likewise, another pregnant woman living with her husband, three children and two sisters and a brother-in-law in Qushtapa camp emphasised,

“I was told by the authorities in the hospital that my baby will not be delivered in a public hospital for free as I am Syrian and this service is not available for me. Therefore, I have to get a private doctor to deliver my baby. However, private doctors are so expensive and we do not have any income, so how do we pay for it.”

Of the 118 participants in this study, 42 argued that they are discriminated against and that “the health care provided for the local population is of a better standard than that provided” for them. In its Concluding Observations in January 2019, the Committee on the Elimination of Racial Discrimination expressed concerns that refugees “face dire living conditions and obstacles in accessing basic services, including health care, adequate food, electricity and water”. The Committee hence recommended that the State party take all necessary measures “to provide all refugees with these basic needs and that they are “treated without discrimination and enjoy equal protection of the law”.

4.2. Voluntary Repatriation to Country of Origin

In respect of voluntary repatriation, none of the respondents in this study saw the security situation improving in Syria. Indeed, of the 118, 116 of the participants predicted no foreseeable change in the political landscape in Syria due to the multiple factions and sectarian divisions prevalent since 2011. A family of six living in Basirma camp noted:

“We would love to go back but the security situation must improve massively in order for us to make that journey. But, honestly, we do not see light at the end of tunnel; I do not know when we can go back because there is too much terror. I do not have hopes that life will ever get better in Syria. The country as a whole has collapsed and it requires major investment in order to restart and re-build the infrastructure.”

A 36 year-old-man in Kawergosk camp argued that

“I would love to return to my home but I cannot return until Assad [the Syrian president] leaves power as I have arrest warrants [against me]. If I go back, then I am virtually signing my death certificate.”

Many Syrian refugees have resorted to irregular ways, such as smuggling, to travel to and from Syria to check on their family and provide them with an income. Commonly, they return but do not repatriate, as life is unbearable in Syria and military service is compulsory for persons over 14 years old. The camp authorities are aware of these journeys and refugees have to apply for permission before leaving, or they would be

refused re-entry to the camp.

More generally, this discussion indicates that, contrary to popular belief, all the refugees intended to return to Syria, and the main obstacle to this has been the political issues and lack of security. Despite the views of those who participated in this research, the statistics show that hundreds of Syrian refugees leave the KRI to return each year to territories under the control of the Democratic Union Party (PYD). Those Syrian refugees who had returned did so not because they wanted to but because they had no choice after the attrition of years of hardship in exile and the lack of the means to live. In 2017, a monthly average of 712 refugees had spontaneously returned to the Kurdish Region of Syria.⁷⁰ However, a report jointly authored by several international humanitarian organisations has warned that, “the situation in Syria is far from safe” because of the persistent lack of security, infrastructural recovery, and opportunity in the country. Therefore, to push refugees to return would undermine their safety and dignity, create push factors, and increase the likelihood of forced returns. In undertaking such a return, the organisations note that “it also threatens to limit the options for making a life beyond the region through resettlement or other safe and legal routes”.

4.3. Resettlement to a Third Country

The United Nation’s Refugee Convention mentions resettlement but only in relation to allowing the transfer of the assets of refugees once admitted to a third country. However, the Conference of Plenipotentiaries which drafted the Refugee Convention included a plea in Recommendation D that “Governments continue to receive refugees in their territories and that they act in concert in a true spirit of international cooperation in order that these refugees may find asylum and the possibility of resettlement”. This solution is unique as it is the only durable one which involves the relocation of refugees from asylum countries to third countries. The UNHCR has defined resettlement as,

“the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees – with permanent residence status. The status provided ensures protection against refoulement and provides a resettled refugee and his/her family or dependants with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalized citizen of the resettlement country.”

The UNHCR is mandated by its Statute and United Nations General Assembly resolutions to undertake resettlement as one of the three durable solutions. In order to do this, the UNHCR, in co-operation with member States, advocates for and negotiates the implementation of resettlement in third countries.

Of the 118 refugees who participated in this research, 113 aspired to resettlement to a third country for improved quality of life and access to rights enshrined in the Refugee Convention, until they can eventually return to Syria. This was even more evident among single young men, who vowed that, if the situation does not improve in the foreseeable future, they would risk their lives by taking irregular pathways to Europe. The lack of access to legal ways for individuals to reach Europe, Australia, Canada and America means that many individuals use smugglers to reach their destinations. One father living with his wife and three children in Qushtapa camp noted:

My son fled to Europe to access safety and a better quality of life. Although we did not want him to go, especially via this dangerous route, we understand why he left. He can have a better future and live in dignity. Not like us, we are struggling daily to access basic necessities such as food, shelter and education for our children. He now lives in Germany and I hope he can apply for family reunion.

Although of the 118 refugees who participated in this research, 113 expressed a wish to go to a western country, and only a quarter had developed concrete plans. The majority had no plan due to the lack of legal pathways for resettlement in third countries, and argued that choosing irregular migration was too dangerous, especially for those with children.

Regarding the wish to integrate into the KRI or seek protection elsewhere, of the 118 Syrian refugees inside and outside camps, 76 saw Kurdistan as a transit location. A father of four in Darashakran camp explained that,

“We would love to be considered for the resettlement programme offered by international humanitarian organisations such as the UNHCR. I want through legal ways to go to a third country, not for myself, but for a better life for my kids. However, I would not go to a third country through irregular means or using smugglers, as it is dangerous and costly and I have kids. There is a saying in Arabic ‘it is better to hold one bird in your hand than see ten birds in a tree’. Therefore, I do not want to risk what I have here for another life, which is dangerous to achieve.”

This view was shared by most interviewees who participated in this research. Mohammed, living in Kawergosk camp with his wife and two children, noted:

Although we have been interviewed by the UNHCR with a view to being resettled in a third country, so far this process has been very slow. Consequently, hundreds of refugees, particularly single males, have left camps with the help of smugglers and have travelled irregularly to Europe to seek asylum.

In fact, in 2018, only 4.7% people in need of (had requested) resettlement were actually resettled. This figure is quite small in comparison with the millions of refugees in need of disparate opportunities to be resettled in third countries.

5. Conclusion

The conflict in Syria is the major contributing factor to the mass exodus of refugees to the neighbouring countries, including the KRI where almost 25,000 reside. The international community has an obligation to address the sources of displacement. Moreover, international cooperation and responsibility sharing is required to alleviate the protracted displacement. This research has explored the prospects of durable solutions for the KRI based Syrian refugees. Based on the focus groups, interviews, and literature review, the following key findings emerged:

- A. The majority of the Syrian refugees wish to repatriate, but had not done so because of the on-going political and security instability in their country.
- B. The status of Syrian refugees is unregulated by law in the KRI and they are not legally considered refugees. This is because (i) the KRG, as part of Iraq, has not signed the Refugee Convention and so its legal provisions are not applicable; and (ii) there is no specific domestic legislation on refugees. Instead, Syrian Kurds are treated and labelled as visitors or guests worthy of hospitality, for cultural, and religious reasons.
- C. The majority of Syrian refugees preferred resettlement to third countries that integrating in the KRI, because local integration is restricted by the lack of legal regulation, economic crisis, and political instability.
- D. The lack of employment, the cost of living, and family reunion were some of the drivers for onward migration.
- E. The international community has turned much of its attention in Iraq to IDPs by providing financial support to meet humanitarian needs, and this has naturally influenced both the local population and the Syrian refugees, who feel neglected and forgotten by the international community.
- F. Due to the conflict and slow reaction by the international community, a generation is likely to have lost access to education. After they arrived in the KRI, many more Syrians have dropped out of school to support their families.
- G. Most refugees send money to Syria to those who depend on them financially, and this has created additional pressure on the young men to find employment.
- H. Due to the economic crisis, the influx of IDP and limited capacity, the Region cannot provide protection and services to the refugees without international assistance and funding.

6. Recommendations

In most countries, including the KRI, refugees are viewed as a burden on the host community; however, by adopting the appropriate initiative, refugees can become agents for development and a crucial resource for the economic improvement in the Region. The initiative should go beyond the humanitarian relief phase and move towards improving quality of life and fostering a community spirit of self-reliance and cooperation, to prepare them for durable solutions. To achieve this, the KRI requires assistance from the international community and organisations to kick-start such initiatives. Once assistance is received, it is the responsibility of the KRI to invest in the infrastructure, such as promoting community-wide development programmes.

This research makes the following recommendations and suggestions for the local, national and international stakeholders:

- a. There is a need for an analytical shift from transitory humanitarian emergency assistance to the fostering of inclusive local assistance, accommodation and engagement with the locals to cater for large groups of Syrians trapped in the KRI.
- b. The Iraqi government is urged to ratify the 1951 Refugee Convention and its 1967 Protocol to comply with the provisions of this refugee regime.
- c. The KRI and Iraqi governments should establish an asylum system to treat displaced persons as refugees owed international protection, and not guests owed hospitality. Such a system will regulate the asylum and refugee law policy and bring with it obligations towards displaced individuals. The enactment of specific legislation by Iraq and the KRI means that both governments will comply with international human rights law.
- d. The draft constitution of KRI should include a provision on refugee matters.
- e. The international community, the KRI and the Iraqi government should cooperate to find a sustainable solution for the Syrian refugees as soon as possible.
- f. Asylum countries should avoid implementing a closed-door policies or refugee expulsion, deportation or forced repatriation. Instead, focus on durable solutions and fulfil their “duty to protect refugees”.⁷⁹
- g. The international community should provide adequate funding to help alleviate the suffering of Syrian refugees and provide protection, health care, education and much needed services and opportunities.
- h. Investment funding in the KRI is necessary for the refugees and host communities to initiate new projects to create employment opportunities, and contribute to the provision of services.
- i. To allow a generation of Syrian refugees, particularly children, win their fundamental right to education due to war and conflict. Hence, it is an urgent priority for international actors represented by UNESCO and UNICEF should increase support and funding. The funding should be spent on school renovations, hiring teachers and providing curricula. In addition, programmes should be developed to tackle the school dropout rate among girls and encourage them to enrol in schools rather than marrying early.
- j. The local authorities in the KRI are encouraged to remove all obstacles preventing Syrian refugees

from attending further and higher education, practising their professions and accessing employment. Those refugees who carry appropriate documentation should have their documents equalised according to local legislation. However, for those who do not, the local authority is encouraged to recognise their precarious position, and instead permit them to undertake theoretical and practical exams. Having passed the designated exam, the refugee would be allowed to work in their chosen profession. Such steps, undoubtedly, would boost the economy in the Region and encourage refugees to earn a living and be self-reliant.

- k. The international community, represented by the UN Security Council, the international humanitarian organisations, and the neighbouring countries, has the collective responsibility to make every effort to bring peace and stability to Syria. Creating such a peaceful environment will create the conditions for voluntary and sustainable returns of refugees to reintegrate with the local community in their Region or origins.
- l. The analysis showed that low and middle-income countries host the majority of refugees, but States collectively have responsibility and are urged to expand the number and range of legal pathways available for refugees to be resettled in third countries. To show solidarity with States that host large refugee populations, States which have no established resettlement programmes should consider doing so; those which do are encouraged to consider expanding. Such initiatives will naturally ease the plight of refugees and encourage the low and middle-income countries to see that they are not alone in their plight.

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