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# IRAQI REFUGEES IN EGYPT

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**CARIM Analytic and Synthetic Notes 2009/23**

*Legal Module*

**Cooperation project on the social integration  
of immigrants, migration, and the movement  
of persons**

Co-financed by the European University Institute  
and the European Union (AENEAS Programme)



**CARIM**  
**Euro-Mediterranean Consortium**  
**for Applied Research on International Migration**

**Analytic and Synthetic Notes – Legal Module**  
**CARIM-AS 2009/23**

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[Full name of the author(s)], [title], CARIM AS [series number], Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute, [year of publication].

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## **Abstract**

This paper examines the legal situation of Iraqi refugees and asylum-seekers in Egypt. Despite Egypt's obligation to integrate refugees, several obstacles make such a process exceptionally difficult as far as Iraqi refugees are concerned. As the paper will reveal, while some of these obstacles are particular to the Egyptian legal system, others impediments concern the Iraqi community alone. The paper will also demonstrate that although Iraqis initially benefitted from Egypt's hospitality, stability, and lenient investment laws, the massive flows of refugees from Iraq, coupled with the scape-goating of Iraqis for rising real estate prices in parts of Cairo, led the Egyptian government to adopt tougher measures regarding the entry and residence of Iraqis. For example, it is reported that, as of 2006, the government stopped issuing visas for Iraqi nationals. At times, there were reports that the government would no longer renew residence permits for Iraqis, including the ones acquired for investment purpose. This drove thousands of Iraqi nationals to seek asylum through UNHCR.

The paper will also reveal difficulties that are more pronounced in the case of Iraqis than in the case of other refugees communities, such as a de facto ban on the right to primary education in State-owned schools which, though in line with the government's reservations to the 1951 Refugee Convention, constitutes a violation of Egypt's obligation under the Convention on the Rights of the Child. Other forms of discrimination against Iraqis include restrictions on the establishment of Iraqi community-based organizations due mainly to fear of religious tensions and rumours of militia threats not to mention restrictions on obtaining work permits.

## **Résumé**

Ce papier rend compte de la situation juridique des réfugiés et demandeurs d'asile irakiens en Egypte. En dépit de l'obligation qui pèse sur l'Egypte d'assurer l'intégration de ses réfugiés, divers obstacles rendent ce processus d'intégration pratiquement impossible pour les réfugiés irakiens. Ces obstacles tiennent pour partie au système juridique égyptien en tant que tel alors que d'autres relèvent spécifiquement de la communauté irakienne. Ce papier montrera également comment d'une situation initialement favorable pour les Irakiens en termes d'hospitalité, de stabilité du séjour et d'ouverture à leurs investissements, le gouvernement est passé à une politique plus restrictive en termes d'entrée et de séjour. Ceci essentiellement en raison de l'accroissement des réfugiés en provenance d'Irak et de leur stigmatisation en tant que responsables de la flambée des prix de l'immobilier dans certains quartiers du Caire. Ainsi, à partir de 2006, le gouvernement a-t-il cessé de délivrer des visas aux citoyens irakiens. A la même époque, il déclara que leur permis de séjour ne seraient plus renouvelés, en ce compris ceux obtenus à des fins économiques. Cela amena des milliers d'Irakiens à chercher l'asile auprès du HCR.

Les Irakiens font face à des difficultés spécifiques, c'est-à-dire, non rencontrées par d'autres communautés de réfugiés en Egypte. Elles sont d'ordre divers. Telle que l'interdiction de facto d'accéder à l'éducation primaire dans les écoles publiques. L'Egypte a émis une réserve sur ce point à l'occasion de sa ratification de la Convention des N-U de 1951 mais cette réserve est en violation de la Convention des N-U relative à la sauvegarde des droits de l'enfant. Les Irakiens font l'objet d'autres formes de discrimination, notamment en termes de limitation de leur liberté d'association, les groupements irakiens à caractère communautaire sont empêchés par les autorités par crainte des tensions religieuses et de formation de milices qu'ils pourraient favoriser. Les réfugiés irakiens sont également discriminés en matière d'accès au travail.

## **1. Introduction:**

Since the fall of Baghdad in 2003, thousands of Iraqis have fled into neighbouring countries. To address the influx, UNHCR offices in several Middle-Eastern States granted Iraqi asylum-seekers refugee status on a *prima facie* basis. Accordingly, unlike asylum seekers from other States, Iraqis do not need to go through an individualized refugee status determination (RSD) interview. Exceptions, however, are made to those who are from the North of Iraq, those with serious credibility issues, and applicants whose claims may trigger questions of exclusion.<sup>1</sup> As a party to the 1951 Convention Relating to the Status of Refugees and the 1967 New York Protocol (Refugee Convention), Egypt is obliged to respect the status accorded to Iraqis by UNHCR.

The obligation to respect UNHCR decisions is rooted in the Memorandum of Understanding (MoU) that was signed between Egypt and UNHCR in 1954. According to the MoU, it was agreed that UNHCR would conduct RSD functions on behalf of the Egyptian government. The Egyptian government, in exchange for UNHCR's willingness to perform RSD, accepted the responsibility of granting residence permits to those given refugee status by UNHCR, irrespective of the instrument or method under which refugees were recognized. Such an obligation is wide enough to include refugees recognized on *prima facie*, temporary grounds, or, indeed, on any other basis. The MoU also entrusted UNHCR with the responsibility of coordinating with third States in order to facilitate the resettlement of recognized refugees to these countries and alleviate the burden imposed by certain refugees on Egypt. Although Iraqi refugees can easily integrate in Egypt given the similarities between Iraqi and Egyptian nationals, the factual integration of Iraqi refugees is complicated by legal and political constraints. This report will briefly explain the current conditions of Iraqi refugees in Egypt in light of the obstacles that prevent them from easily integrating into Egyptian society.

## **2. Methodology:**

Due to the scarcity of doctrinal sources, this report is based on interviews with and the testimonies of academics, practitioners and three Iraqi refugees. I met with Professors Barbara Harrell-Bond and Michael Kagan, as well as legal advisors and psychosocial workers at Africa and Middle East Refugee Assistance (AMERA). In addition, I interviewed staff members of the United Nations' Office of the High Commissioner for Refugees (UNHCR) and the American University in Cairo's Forced Migration and Refugee Studies Department (FMRS). Due to time constraints, I was unable to meet with representatives of the Egyptian Ministry of Foreign Affairs, who kindly offered to provide me with a copy of the report written for the World Refugee Survey (2008). In total, I interviewed eighteen people, who were either refugees or practitioners and academics that worked directly with Iraqi refugees and were aware of the problems they faced. I recognize that I should have met with more refugees. However, the limited amount of time that I had in Cairo coupled with the tense environment in which Iraqis live precluded me from doing so.

## **3. Legal Context:**

Egypt is bound by several international human rights agreements, including the 1951 Refugee Convention, the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention), the Convention on the Rights of the Child (CRC), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Covenant

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<sup>1</sup> According to a UNHCR official, no Iraqi refugee in Egypt met the criteria of the exclusion clause (Art. 1F of the Refugee Convention). This information is challenged by reports from refugee lawyers, who state that UNHCR did exclude some Iraqis from refugee protection.

on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR), and the African Charter on Human Rights and Peoples' Rights (African Charter). The Egyptian Constitution and domestic legislation also provide protection from human rights abuses to all persons including foreign nationals and refugees.

Upon ratifying the Refugee Convention in 1981, the Egyptian government made reservations to articles 12(1), 20, 22(1), 23, and 24.<sup>2</sup> I believe that the status of these reservations in domestic law is questionable because the reservations were not specifically reproduced in the Official Gazette, a publication which marks official recognition of a treaty in domestic law.<sup>3</sup> Furthermore, there is strong evidence that some of the reservations have been overturned by the subsequent ratification of international human-rights treaties.<sup>4</sup>

In 2003, after acknowledging the existence of political instability in several African States, UNHCR-Cairo started implementing the OAU Convention on behalf of the Egyptian government. The OAU Convention only applies to African states and extends the definition of refugee provided by the Refugee Convention to include, *inter alia*, those fleeing events that seriously disturb public order. As a result, the numbers of refugees and "people of concern" increased significantly. All those recognized under the OAU Convention must integrate locally or opt for voluntary repatriation because resettlement countries do not recognize the extended definition found under the OAU Convention. Alternatively, these refugees can apply for resettlement following a humanitarian program sponsored by some States (see section 11).

#### 4. Iraqi Refugees in Egypt:

Several factors drive Iraqis to choose to reside in Egypt. It is reported that, due to the overwhelmingly large numbers of Iraqi refugees in Syria and Jordan, Iraqis are no longer welcome in these States. One refugee explained that increasing hostility on the part of the Syrian and Jordanian authorities discourages the entry of Iraqis into these States. Another interviewee said that her daughters were told by border guards that their passports were invalid, and they were consequently denied entry into Syria. Her daughters came to Egypt instead and are currently enrolled in the Faculty of Dentistry in one of Cairo's private universities. Furthermore, living costs in Egypt are reportedly lower than in Jordan and Syria, and given Egypt's encouragement of foreign investment, it was<sup>5</sup> relatively easy for Iraqis to obtain residence permits provided that they invest in the country. In addition, Iraqis think of Egypt as an attractive destination given its relative political stability and distance from Iraq. Being in Syria puts them within reach of Iraqi militias and security agents. Also, several interviewees confirmed that Iraqis are treated in a "humiliating" manner in Syria and Jordan, which is partly due to their high number in these States.<sup>6</sup> According to some Iraqi refugees, obtaining residence permits in Syria and Jordan is difficult and deportations are common. Hence, living in Egypt is apparently safer. An Iraqi

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<sup>2</sup> Dealing, respectively, with personal status, rationing, public education, public relief, and labour legislation and social security.

<sup>3</sup> T. BADAWY, "Refugee Children in Egypt and the Right to Education, Examining the Gap between Theory and Practice", (2007) 11 *MJHR* 95.

<sup>4</sup> For example, in the area of the right to education, see Art. 28(1)(a) and 22(1) of CRC, Arts 10 and 13 of ICESCR, and Art 17 of the African Charter.

<sup>5</sup> This is no longer (since 2006) the case as the government stopped issuing all sorts of visas to Iraqis. It is reported that the government suspects that Iraqis use investment visas to enter Egypt then apply for asylum.

<sup>6</sup> According to UNHCR, "*As of October 2006, there are some 90,000 Iraqis registered with UNHCR offices in the region. This represents a small proportion of the total number of Iraqis in neighbouring states which are estimated from 500,000-700,000 in Jordan...[and] some 500,000-1000,000 in Syria*". See UNHCR's Strategy for the Iraq Situation, Revised on 1 January, 2007, at footnote 2.

interviewee explained that although Iraqis in Egypt have to endure annoyances on a daily basis,<sup>7</sup> Egyptians are, unlike Syrians and Jordanians, generally friendly to them. Finally, some Iraqis reported that they chose to come to Egypt because some of their friends, employers, or employees in Iraq were Egyptian. They thought that they would feel at home among the people that they had known in Iraq.

In contrast to other refugee communities in Egypt, Iraqis are predominantly from an urban middle-class background, well-educated, and highly-qualified professionals. This has allegedly been a source of problems for Iraqis, who are constantly victimized by stereotypes associated with their perceived status. For instance, it is believed that due to their fluency in Arabic, the color of their skin, their cultural affinity with Egyptians and their educational backgrounds, Iraqis can easily integrate in Egypt. Instead, there are reports that Iraqis are regularly subjected to fraud and extortion, and are wrongly blamed for rising real-estate prices in the 6<sup>th</sup> of October district<sup>8</sup> and worsening job opportunities for Egyptians. This is surprising because Iraqis have no access to the formal employment market.

## 5. Entry, Exit, deportation and Residence:

According to unofficial estimates the numbers of Iraqis in Egypt ranges from 100,000 to 180,000 persons.<sup>9</sup> One cannot help but notice the contrast with the low number of Iraqi applicants for refugee status.<sup>10</sup> Until May 2008, only 10,988 Iraqis applied for refugee status at UNHCR despite the fact that all Iraqis would enjoy refugee status on a *prima facie* basis.<sup>11</sup> Most Iraqi residents of Egypt prefer to adopt a route other than the one offered by UNHCR, and until recently, they were able to obtain residence permits through laws on investment, or apply for residence permits derived from a family member's student visa.<sup>12</sup> Iraqis could also live in Egypt on a easily renewable tourist visa. All these options are now severely hampered by the Egyptian government which, as of late 2006, rarely issues or renews visas for Iraqis.<sup>13</sup> Against this background, it is worth mentioning that 2006 witnessed an increase in UNHCR registration of refugees from Iraq. The reason was attributed to the government's decision to stamp residence permits with a notice instructing Iraqis to leave the country within seven days.<sup>14</sup> Fearing eminent deportation, many Iraqis sought UNHCR protection.

Preliminary research demonstrated that Iraqis resort to UNHCR as a final solution to their problems. According to most interviewees, the difference between Iraqis and other refugee communities is that Iraqis in Egypt do not really see themselves as "typical refugees". They have easy access to their embassy and are in regular contact with their family in their home country. Some even visit Iraq occasionally. Many have (or used to have) money and want(ed) to move around with it. Obtaining a residence permit on their UNHCR refugee card would prevent them from leaving Egypt without UNHCR's approval, which can pose serious constraints on their international mobility.<sup>15</sup>

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<sup>7</sup> Such as being told to "go home and fight the Americans", and, on rare occasions, physical attacks.

<sup>8</sup> One interviewee reported that an Iraqi was stabbed by an Egyptian who thought Iraqis were behind rising real estate prices.

<sup>9</sup> According to the Ministry of Foreign Affairs, there are 100,000 Iraqis living in Egypt. See *World Refugee Survey 2008-Egypt*, Section I, A, p. 0.

<sup>10</sup> Ranging from 10% to 18% depending on the estimates.

<sup>11</sup> UNHCR Statistics. May 2008.

<sup>12</sup> Obtaining residence permits is contingent upon the applicant's type of passport. As of February 2008, for security reasons the Egyptian government only recognizes Iraqi passports whose numbers start with letters other than *S*. All "*S Passport*" holders are therefore required to approach the Iraqi embassy, which will issue them with passports whose numbers start with the letter *G* once security clearance has been granted.

<sup>13</sup> See *supra*, n. 5.

<sup>14</sup> Interview with a UNHCR-Cairo official on 3 June, 2008..

<sup>15</sup> Once a person receives a residence permit as an asylum-seeker or refugee in Egypt, the authorities cancel the applicant's entry visa. As a result, the applicant cannot leave the country unless he renounces his status as an asylum-seeker or refugee. In exceptional circumstances, and subject to UNHCR's intervention and approval, a refugee or asylum-seeker



However, one of the apparent benefits that Iraqis receive from going down the UNHCR route is the opportunity to be considered for UNHCR resettlement (see section 11). This privilege does not extend to those who only have investment and student visas. However, these Iraqis can apply for resettlement through IOM's Direct Access Program if they fulfill the program's requirements (see section 11).

Other Iraqis resorted to UNHCR after they had run out of money or had failed in their investment projects in Egypt. I was told by an Iraqi refugee that he only approached UNHCR after an Egyptian "with connections" at the Department of Immigration and Passport Control threatened him with deportation.<sup>16</sup> Because of the Egyptian's ties, the interviewee was reportedly denied the possibility of renewing his investment residence permit when he approached the Department of Immigration and Passport Control, despite the fact that he met all the legal requirements for his permit to be renewed.

Egyptian law allows the Minister of the Interior to issue deportation orders against those who constitute a danger to Egyptian society. Such a decision is arguably a question of sovereignty<sup>17</sup> and cannot be appealed in court. Exceptions are made for special residence permit holders<sup>18</sup> and for those who are at risk of torture,<sup>19</sup> in addition to UNHCR-registered refugee and asylum-seekers. Iraqis can, therefore, be deported if they do not fulfil any of the three requirements mentioned above. Hence, UNHCR registration can offer protection from deportation, and according to a UNHCR official, none registered Iraqis were deported. The official added that the deportation procedures for an Iraqi wanted by Interpol were discontinued following UNHCR's intervention because the organization believed that the accusations against the applicant did not warrant exclusion: in other words, his refugee status prevailed.<sup>20</sup>

## 6. Protection Problems:

### *General Protection Problems:*

Preliminary research also demonstrated that, with a few exceptions, the protection problems that Iraqis face in Egypt are similar to the ones suffered by other refugee communities. There are reports of attacks against Iraqis who are perceived by some Egyptians as constituting a threat to the national economy. These attacks do not though signify the emergence of a pattern of abuse against Iraqis, and according to UNHCR, Iraqis have generally been more successful than other refugees in obtaining police reports that document the mistreatment to which they have been subject.

There are, however, some problems that are particular to the Iraqi community. For instance, two refugees reported being attacked by Iraqi militia members in Cairo. Given the security-oriented nature of the Egyptian State, it seems unlikely that the government would allow foreign militias to operate in Egypt. To this day, it is unclear whether these allegations are factual or not. Some practitioners believe these allegations to be ill-founded for the reason expressed above, while others believe them to be true.

(Contd.) \_\_\_\_\_

may be given a convention travel document (CTD). Few refugees have benefitted from this right (Art. 28 of the Refugee Convention). Refugees are also allowed to leave the country without renouncing their status if they had been recognized for resettlement. Their travel arrangements are made by UNHCR, the International Committee of the Red Cross (ICRC), the State of resettlement, and the Egyptian government.

<sup>16</sup> Many Iraqis reported being victims of extortion and fraudulent schemes. This is mainly due to the widespread belief among Egyptians that Iraqis have money. Their accent makes them stand out and attracts abusers. Some Iraqis purported entering into business agreements with Egyptians, only to be "ripped off" later. A refugee took a case to court after an Egyptian extorted him. However, he did not ask for the execution of the judgment out of fear of retaliation from the misfeasor's family, which was reportedly "well-connected".

<sup>17</sup> Referred to in Arabic as *qarar siyadi*.

<sup>18</sup> See articles 26 and 29 of Law No. 89 of 1960 Regarding Entrance, Exit, and Residence of Foreigners.

<sup>19</sup> See article 3 CAT.

<sup>20</sup> Those found to have met the exclusion requirements are not of concern to UNHCR. Their deportation is legal according to the Refugee Convention (Art. 1 F of the Refugee Convention).

The lack of knowledge about Iraqi militias in Egypt is caused by the fact that the police sometimes refuse to document claims of attacks against refugees. The reason can be found in the Egyptian legal system. Upon reporting the occurrence of a crime, the police should refer the case to the Prosecutor's representatives, who have the discretion to process a claim or set it aside.<sup>21</sup> At times, some police officers refuse to document an incident that they think will be set aside by the prosecution.<sup>22</sup> Although this behaviour can subject a police officer to disciplinary measures, given the refugees' lack of knowledge of the Egyptian legal system, such conduct usually goes unpunished.

### *The Shi'i-Sunni divide:*

I was interested to learn of possible problems between Egyptian and Iraqi Sunnis and Iraqis Shi'is in Egypt. All the interviewees, however, confirmed that there is no physical violence between these religious groups in Egypt.<sup>23</sup> In fact, it would be inaccurate to claim that such problem exists in Egypt for the following two reasons.

First, as explained earlier, Iraqis in Egypt are seeking stability and a better quality of life, and deliberately avoid any potential frictions with locals or compatriots. Second, the Egyptian government is determined to prevent sectarian violence. For example, Iraqi refugees and refugee advocates reported that the government opposed a request by some Iraqis to build a Shi'i mosque. Support for this decision can arguably be found in Egyptian public order and international human rights conventions, which allow restrictions on religious freedom to prevent civil unrest.<sup>24</sup> Considering the Sunni character of the country, opening the door to Shi'i activism, in light of the general instability in the Middle-East, may lead to unwanted complications. This being said, Iraqi Shi'is do face some annoyances. A Shi'i interviewee informed me that he regularly had conversations with Egyptians who accused him of being an infidel (*kafir*). On another occasion, he reported being sent away from a mosque after he revealed his religious beliefs to the imam. The interviewee nevertheless explained that he was never physically attacked for his beliefs. Against this background, I am unaware of incidents of physical assault against Shi'is; yet their possible occurrence should not be excluded. More research must be conducted in this area.

Potential Shi'i-Sunni violence may also be the reason behind the government's decision to avoid the creation of Iraqi community-based organizations (CBOs). Refugees in Egypt are generally encouraged to create CBOs. Organizations such as AMERA provide refugees with legal advice on how to establish their own organization, and UNHCR is involved in funding some of these projects.<sup>25</sup> According to an interviewee, the government does not explicitly oppose the creation of an Iraqi CBO; nevertheless, it has some concerns that problems might arise if one were established.<sup>26</sup> An Iraqi refugee explained that he had attempted to establish a CBO to serve his people, yet his attempts were allegedly met by strong governmental opposition, verbal harassment by Iraqi refugees who refused to

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<sup>21</sup> This is a means for the prosecution to put an end to frivolous or weak claims.

<sup>22</sup> An Iraqi refugee alleged being detained for three days by an abusive police officer who was angered by his determination to file a police report against kidnappers.

<sup>23</sup> There may be some tensions between both groups. However, such tensions do not amount to physical violence.

<sup>24</sup> Article 18(3) of ICCPR states: "*Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others*".

<sup>25</sup> It is reported that UNHCR supports at least two Somali and four Sudanese CBOs.

<sup>26</sup> Law No. 84 of 2002. There are several requirements for a CBO to be established. For instance, the availability of a lease contract for three years and the participation of two Egyptians on the board of directors is generally necessary. The NGO must also be formally registered in order to acquire a legal personality. However, it is common for NGOs to operate without full registration. Without legal personality, the government can shut down the NGO if it so wishes. Nevertheless, NGOs are generally permitted to function until they are accused of spreading negative propaganda about Egypt or of seeking illegal or undocumented funding.

be represented by an organization, and a reported kidnapping by an Iraqi militiaman in Egypt. Although proving the veracity of the interviewee's claims is difficult, there is consensus that the government refuses to allow Iraqis to set up their own NGO, and according to a legal practitioner, Iraqis in Egypt are under "intense security surveillance".

Besides governmental disapproval, there are reports that the majority of Iraqi refugees refuse to be represented by a CBO. According to all the persons I interviewed, unlike other refugee communities in Egypt, Iraqis are "individualistic" and generally prefer to remain distant from their community. This is perhaps due to their collective experiences under the previous and current Iraqi regimes.

## 7. Education:

Upon ratifying the Refugee Convention, the Egyptian government reserved the right not to comply with article 22(1) on the right of refugee children to public education.<sup>27</sup> The government's position with regard to the right of refugees to education is reflected in the Minister of Education's decree No. 24 of 1992. According to Article 5 of the decree, non-Egyptians, including refugees, are only allowed to enrol in private schools. Exceptions can be made for the following categories:

- a) Sudanese, Libyan, Jordanian, and some Palestinian citizens.
- b) Those registered on the UNHCR scholarship list.
- c) Children of refugees in accordance with article 53 of the Constitution.<sup>28</sup>
- d) Refugee children who reside in areas where no public schools exist.
- e) Children of Arab Diplomats and *attachés*.

In light of the above, it is clear that the majority of Iraqi refugees can only enrol in private schools.<sup>29</sup> According to Catholic Relief Services (CRS) February 2008 Statistics, 2,631 Iraqi refugees received educational grants.<sup>30</sup> These grants are important because private schools request the payment of tuition fees. Nevertheless, despite the availability of educational grants, it is estimated that there are approximately 700 Iraqi children that are not enrolled in any school,<sup>31</sup> probably due to limited funds.<sup>32</sup> An Iraqi refugee who ran out of money informed me that he appealed to the Deputy Minister of Education to have his child enrolled in a public school. He was reportedly told that public schools were crowded and that his child could not be admitted because he was not Egyptian.<sup>33</sup> To solve the

<sup>27</sup> Article 22(1). I criticized the validity and – alternatively – the effect of the reservation in another article, *supra*, n. 3.

<sup>28</sup> On the different types of refugees see T. BADAWY and A. KHALIL, "Rights of Foreigners and Access to Citizenship", *Africa Citizenship and Discrimination Audit*, Chapter 2. Forthcoming 2008.

<sup>29</sup> Unless they fall in one or more of the categories listed in paragraph 7.1 of this report, which rarely happens. The Ministry of Foreign Affairs reported that there are approximately 4,800 Iraqi children in Egyptian schools, most of these schools being private (information on file with author).

<sup>30</sup> Statistics on file with author. UNHCR and CRS both offer educational grants to all blue-card holders (recognized refugees) and yellow-card holders from Cote d'Ivoire, Sudan and Iraq (respectively asylum-seekers, those enjoying temporary protection, and *prima facie* refugees). The grant is paid to the refugee in two instalments and the amount changes depending on the type school in which the refugee is enrolled (1400 L.E. for private schools, 1000 L.E. for public schools, and 800 L.E. for refugee-run schools where 100 L.E. goes to the school admitting the student). These grants do not cover university education and refugees have to pay the same fees that are imposed on non-Egyptians, which can range from £1500 to £2500 per year. On this last point, see Executive Charter of Law No.49 of 1972 dealing with University Organization, issued the following Presidential Decree No. 809 of 1975. (Article 275 (Fifth)); also see A. KHALIL, *Al-Tashri'at al-Misriya zat al-'Elaqa Bellage'een (Egyptian Legislations Related to Refugees)*, paper presented at the Judges Conference on 'Refugees and the Law in Egypt' on 4-5 May 2004, Judges' Club, Cairo, pp. 27-28.

<sup>31</sup> Statistics on file with author.

<sup>32</sup> This is aggravated by the fact that Iraqis can hardly access the formal employment market because of the restrictions that are imposed on non-Egyptian.

<sup>33</sup> This is a violation of articles 2(1), 28(1)(a), and 22(1) of the CRC.- Published in the Official Gazette on 14 February, 1991.

refugee education problem, UNHCR is coordinating with the Ministry of Education so as to facilitate the admission of refugee children into public schools; a positive reply is yet to come.<sup>34</sup>

## 8. Employment:

To have access to the formal employment market in Egypt, foreign nationals – including refugees – generally need to have a work permit.<sup>35</sup> However, citizens of Sudan, Palestine, Italy, and Greece are given privileges related to employment and employment fee exemptions. Iraqis, however, have no such privileges and unless they invest in Egypt<sup>36</sup> or join the board of directors of a company that operates in Egypt,<sup>37</sup> they cannot work in the formal sector without a permit. It is hence common for Iraqis to work in the informal sector where wages are low, which is particularly frustrating to them as most Iraqis in Egypt are highly-qualified professionals. Some refugees reported being offered employment with multinational corporations in Egypt before their nationality was revealed.

## 9. Social and Medical Assistance:

To benefit from social security, non-Egyptians must be employed in Egypt for a period of ten years. Refugees are excluded from the benefits of social security given Egypt's opt out of article 24 of the Refugee Convention.<sup>38</sup> Against this background, UNHCR set-up a social and financial assistance program for all refugees including Iraqis. However, assistance is generally limited by the organization's lack of financial resources and some refugees are denied assistance as a result.

The interviewees involved in providing assistance to refugees expressed that the medical needs of Iraqis in Egypt are sometimes different or more pronounced than the ones felt by other refugees. For example, it is a known fact that cancer rates and the numbers of children with physical deformations are higher among Iraqi refugees than in any other community in Egypt. This can be traced back to, *inter alia*, the years of embargo, the *Anfal* Operation, and the use of chemical and biological weapons during the Gulf Wars. It is also reported that because of the torture that they experienced in Iraqi jails and detention centers, Iraqi refugees suffer more psychological problems than refugees from other States. According to a psychosocial worker in Egypt, "*Iraqis have a much harder time overcoming the effects of torture they suffered compared to other refugees. Although in many instances, the torture they had to undergo lasted for short periods of time, its intensity was noticeably greater than that suffered by refugees from other countries*".<sup>39</sup> The list of methods of torture includes electrocution particularly of the genitals, burning with cigarettes, the perforation of the body with drilling machines, being hung by the feet from the ceiling, forced nakedness, forced removal of teeth, confinement to a small room for extended periods of time (*al-mahgar*), and sexual forms of torture such as rape and

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<sup>34</sup> In 2000, the Minister of Education issued two decrees that allow refugees to enrol in public schools. The decrees were not published in the Official Gazette. Hence, they are not binding on school administrations.

<sup>35</sup> Law No. 12 of 2003 (Labour Law) puts refugees on an equal footing with non-Egyptian residents in Egypt. The Egyptian Ministry of Foreign Affairs explained that in order for non-Egyptians to have access to the employment market, they must "*have a work permit, including legal status, employer sponsorship, non-competition with nationals, meeting the country's economic need, and the hiring and training of Egyptian assistants to any foreign expert or technician. In addition, employers have to pay L.E. 1,000 per foreign employee. The Ministry of Manpower and Emigration decree of 2003 capped the number of foreigners who could work in any establishment at 10%. And a 2004 decree exempted refugees (among other categories) from the "non-competition with nationals" requirement*". See World Refugee Survey 2008- Egypt, Section IV, A, p. 5. This can, depending on the case, constitute a violation of Article 17 of the Refugee Convention.

<sup>36</sup> Law No. 56 of 1988 and Law No. 8 of 1997.

<sup>37</sup> See 1971 Companies Law as amended in 1998.

<sup>38</sup> On the status of reservations in Egyptian law, see *supra*, n. 3.

<sup>39</sup> Interview with Ms. Rym Chahine, AMERA's Head Psychologist, on 30 May, 2008.

sexual abuse. It is reported that those suspected of cooperating with the Multinational Forces are also subjected to extreme forms of torture that can culminate in beheading or death by a drilling machine.<sup>40</sup>

Survivors of torture require medical and psychological assistance. UNHCR can provide medical care to all refugees through its implementing partner CARITAS. Primary and emergency healthcare is fully subsidised by UNHCR/CARITAS, yet secondary and tertiary healthcare is assessed on a case-by-case basis. Furthermore, CARITAS covers up to 75% of the cost of medication. It is estimated that in 2007, 6,000 persons were provided with medical support and that more than 23,000 cases were examined by medical practitioners.<sup>41</sup> However, due to the heavy demand on medical services, it is sometimes difficult to obtain assistance upon request. And delays in the provision of services are common, which often leads refugees to make the necessary arrangements for their own treatment in exchange for fees that exceed the amount of assistance that is usually provided by UNHCR/CARITAS.<sup>42</sup> It is therefore not uncommon to hear that a refugee was not fully reimbursed for the costs that he or she incurred paying for medical services.

## 10. Family Reunification:

At the time of writing,<sup>43</sup> due to the government's ban on visas for Iraqis, it is almost impossible for Iraqi refugees to go down the family reunification route. According to a UNHCR official, there has only been one successful case of the reunification of an Iraqi family for reasons other than the government's intervention. I was particularly struck by the case of an Iraqi minor whose request to be reunited with her mother was allegedly turned down twelve times. The minor's lawyers explained that she and her father were kidnapped in Iraq by one of the militias. The minor reportedly managed to escape and her mother helped her obtain an Egyptian visa. She was then sent to Egypt to live with a distant relative. Following her arrival, the minor appealed to the Egyptian government so that her mother could be issued a visa to join her in Cairo. A positive reply is yet to come.

Preventing potential refugees from entering the country through a general ban on visas raises questions related to the conflict between State sovereignty as represented by a State's right to deny entry to non-nationals, and the principle of *non-refoulement*. Analyzing this question is beyond the scope of this report. However, I believe that the government may be acting against the spirit of the Refugee Convention.

## 11. Resettlement:

UNHCR-Cairo is planning to refer approximately 750-800 refugees for resettlement in 2008.<sup>44</sup> This number is significantly lower than the 4,000 refugees that used to be resettled out of Egypt during the first half of the decade.<sup>45</sup> There are currently three resettlement schemes:

- a) The UNHCR referral system,
- b) The humanitarian programs sponsored by certain States, and
- c) IOM's Direct Access Resettlement Program for Iraqi Refugees.

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<sup>40</sup> The list of torture methods was gathered from refugee testimonies and interviews with practitioners.

<sup>41</sup> *World Refugee Survey 2008*- Egypt, Section V, A, p. 6.

<sup>42</sup> CARITAS deals with a group of medical practitioners and hospitals that provide services at low cost.

<sup>43</sup> June 2008.

<sup>44</sup> Resettlement target for the end of 2008.

<sup>45</sup> The reduction in the numbers of resettled refugees is due to several factors including lack of money, lack of political will on the part of resettlement States, and UNHCR's attempt to encourage the Egyptian government to integrate refugees.

The UNHCR resettlement program is governed by the organization's guidelines and the conditions stipulated by each resettlement country.<sup>46</sup> These conditions can vary from one year to another subject to the availability of funding, the situation in the host State, and politics in the resettlement country. Until the end of May 2008, it is estimated that 301 Iraqis were referred for resettlement to Australia, Canada, and the United States of America (United States).<sup>47</sup> Following referral, refugees must go through an RSD assessment at the embassy of the State of resettlement, in addition to having to undergo a medical test and security screening. Once approved, refugees are resettled with the help of the embassy of the State of resettlement, UNHCR, and the International Committee of the Red Cross (ICRC). According to UNHCR-Cairo, only the most vulnerable refugees are referred for resettlement and no Iraqi refugee that was selected by UNHCR has been turned-down by the embassy of a resettlement State. This statement is challenged though by an Egyptian refugee lawyer, who claimed that the embassy of a resettlement state denied his client's application despite being endorsed by UNHCR.

The humanitarian program in Cairo is sponsored by the Australian and Canadian embassies. Occasionally, some Scandinavian countries accept vulnerable people of concern under their humanitarian programs. The program is open to asylum-seekers (and refugees) irrespective of their legal status in the host State. It is mainly based on the applicant's claim, vulnerability, and ties to the resettlement country. Accordingly, an applicant with relatives or sponsors in the resettlement country would have higher chances of being approved than someone without ties there.

IOM's Direct Access Resettlement Program to the United States is designed for those Iraqis who provided assistance to Multinational Forces. Although, in theory, the program aims at rewarding and protecting those who worked with United States troops in Iraq, in practice, several legal and administrative obstacles mean that many applications are significantly delayed or turned down because of the United State's interpretation of the exclusion clauses and the American government's introduction of a material-support doctrine.

## 12. Lack of Resources and Media Attention:

The problems faced by Iraqi refugees are aggravated by a general lack of resources among service providers, and few organizations are available to meet their legal and psychological needs.<sup>48</sup> In addition, the lack of media coverage of problems faced by refugees increases their isolation from Egyptians, which causes refugees to live on the margins of society.<sup>49</sup> Newspapers and broadcasters rarely mention refugees unless a major crisis takes place. The most notable example is that of the Sudanese sit-in evacuation in which 28 refugees were killed.<sup>50</sup>

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<sup>46</sup> There are currently 15 States that have offered to host categories of resettled refugees. However, only Australia, Canada, and the United States take refugees from Egypt on a yearly basis.

<sup>47</sup> More than 90% of resettled refugees until May 2008. UNHCR Statistics, May 2008.

<sup>48</sup> Iraqi files constitute approximately 25% of UNHCR's workload, so a large share of UNHCR's resources must go to the other refugee communities.

<sup>49</sup> See K. GRABSKA, *Living on the Margins, The Analysis of the Livelihood Strategies of Sudanese Refugees with Closed Files in Egypt*, [www.aucegypt.edu/ResearchatAUC/rc/fmrs/reports/Documents/Living\\_in\\_Margins\\_Final\\_July\\_2005\\_000.pdf](http://www.aucegypt.edu/ResearchatAUC/rc/fmrs/reports/Documents/Living_in_Margins_Final_July_2005_000.pdf).

<sup>50</sup> F. AZZAM, "A Tragedy of Failures and False Expectations, Report on the Events Surrounding the Three-Month Sit-in and Forced Removal of Sudanese Refugees in Cairo, September-December 2005", The American University in Cairo, *Forced Migration and Refugee Studies Program*, June 2006, [http://www.aucegypt.edu/fmrs/documents/Report\\_Edited\\_v.pdf](http://www.aucegypt.edu/fmrs/documents/Report_Edited_v.pdf); also see UNHCR RO-Cairo Report, "Response to FMRS Report: 'A Tragedy of Failures and False Expectations'", June 2006, (Report on file with author).

### 13. Conclusion and Recommendations:

There follow several recommendations which, if adopted, might lead to easier integration for Iraqi refugees. First, the fact that the Egyptian government refuses to issue visas for Iraqis may raise questions concerning the government's compliance with the spirit of the Refugee Convention. This is perhaps most pronounced in the case of family reunification. It is therefore recommended that the government resume its visa-granting policies at least insofar as the family members of refugees are concerned.

Second, given that the Iraqi residents of Egypt are starting to run out of savings because of their exclusion from the formal employment market, it is recommended that the government give their children access to public schools. This would be in line with Egypt's National Law on the Rights of the Child<sup>51</sup> and Egypt's obligations under ICESCR and CRC.<sup>52</sup>

Third, it is the duty of police officers to document any official complaint made by a refugee. Police members should not anticipate the prosecution's response to the complaints. Each complaint should be automatically referred to the prosecutor's office where evidence will be properly assessed.

Fourth, it is recommended that the government comply with Article 17 of the Refugee Convention insofar as the right to work is concerned. This would allow groups of refugees who have been residing in Egypt for three years to have the opportunity to work in the formal sector without restrictions.

Fifth, there is a need for more information concerning medical assistance. Although UNHCR and CARITAS coordinate with medical service providers, a large portion of the Iraqi refugee population does not know how to access or use these services. In addition, refugees and survivors of torture need adequate psychological and psychiatric treatment, which seems to be wanting due to the lack of resources.

Sixth, the government needs to comply with the Minister of the Interior's decree No. 8180 of 1996 and provide refugees with three-year residence permits. At the moment, refugees are issued six-month residence permits subject to renewal. This short-term residence may have negative consequences on refugees, particularly as far as enrolment in schools and employment are concerned where proof of a valid long-term residence permit is recommended if not required.<sup>53</sup>

And finally, seventh, an awareness-raising campaign needs to be conducted by all concerned parties with the purpose of countering the stereotypes and rumours that are spread about Iraqi refugees.

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<sup>51</sup>Article 54 of Law No. 12 of 1996.

<sup>52</sup> *Supra*, n. 4

<sup>53</sup> There is generally a significant delay in the issuing of permits, which may leave refugees without valid documents for months. A refugee that approaches the police to file a complaint may be detained if he does not have a valid residence permit.