



American ideals. Universal values.

We are pleased to submit this statement on behalf of Human Rights First. Human Rights First works in the United States and abroad to promote a secure and humane world by advancing justice, human dignity, and respect for the rule of law. Human Rights First is an independent advocacy organization that challenges America to live up to its ideals. We are a non-profit, nonpartisan international human rights organization with offices in New York City, Washington D.C., and Houston, Texas.

For over 30 years, we've built bipartisan coalitions and teamed up with frontline activist and lawyers to tackle issues that demand American leadership, including refugee protection and the advancement of civil society. American leadership is needed now more than ever. Effectively addressing the war in Syria and the resulting refugee crisis will require the kind of strong global leadership that the United States has a long history of providing.

### **Protecting Refugees Right to Flee**

Drafted in the wake of World War II and in the context of the many border restrictions that denied refuge to those fleeing Nazi persecution, the 1951 Refugee Convention and its Protocol prohibit states from *refoulement*, or returning people to places where their lives or freedom would be at risk. Even states that are not party to the Refugee Convention and Protocol must comply with this prohibition as it constitutes a tenet of customary international law. At a time when thousands of families fleeing Russian bombs, Syrian government attacks, and ISIL terror have been blocked from escaping the violence raging within their country, compliance with these refugee protection tenets and international law is more important than ever.

In the absence of adequate responsibility-sharing by other countries, front-line refugee hosting states have imposed an array of restrictions, escalating in 2015, blocking entry to many refugees trying to flee Syria. Jordan has

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restricted the entry of refugees since 2013 and largely closed its borders to Syrian refugees in 2014. As of May 2016, over 50,000 Syrian refugees were stranded on a berm in a remote desert area “no man’s land” along the Syrian-Jordan border. Likewise, in January 2015 Lebanon imposed new border rules that generally bar Syrians from escaping to Lebanon, leading many to be turned away and forced to return to Syria in violation of customary international law protections against *refoulement*.

Turkey has also closed its borders to Syrians seeking refuge, preventing thousands from escaping Syria. As Syrian government attacks on Aleppo and its surrounding countryside, supported by Russian aerial bombing, escalated in February 2016, tens of thousands of Syrians fled to the Turkish border, only to be barred from crossing into Turkey. In April, human rights researchers [reported](#) that Turkish border guards shot at Syrian refugees trying to cross to safety in Turkey, and multiple reports indicated that refugee camps within Syria near the border have been attacked.

While the countries that border Syria have legitimate security concerns, they can address these concerns through individualized exclusion assessments conducted in accordance with international law. Blanket or random denials of entry violate the Refugee Convention and international law prohibitions against return. Not only do border restrictions that improperly bar refugees violate international law, but they leave Syrians with no way out of a country ravaged by barrel bombs, conflict, and terror. These moves also make clear to many Syrians that they cannot secure effective protection in the region.

### **Advancing Refugee Resettlement**

With respect to Syrian resettlement alone, Oxfam calculated in its 2016 Syria Crisis Fair Share Analysis that only 128,612 resettlement or other humanitarian admission spots had been pledged by the world’s richest governments—still 331,388 below the overall Syrian resettlement need level (as of February 2016) of 460,000. The United States, long the global leader in resettlement, admitted only 105 Syrian refugees in fiscal year 2014 through resettlement, only 1,682 in fiscal year 2015, and only 1,736 so far this fiscal year.

Resettlement is a tangible demonstration of responsibility-sharing by countries outside the region, providing critical support to front-line refugee hosting states as they struggle under the strain of hosting large numbers of refugees. Resettlement can also, most critically, be a life-saving solution for vulnerable refugees who are struggling to survive in front-line countries. In addition, it can also be a tool for protecting other refugees—particularly if effectively leveraged—by encouraging front-line countries to continue to host the bulk of refugees and to allow additional refugees to cross into their countries to escape conflict and persecution.

The lack of effective resettlement or other orderly routes to protection has significant consequences. As detailed in Human Rights First's February 2016 report *The Syrian Refugee Crisis and the Need for U.S. Leadership*, based on research in Jordan, Lebanon and Turkey, the lack of effective regional protection, exacerbated by the lack of assistance and insufficient orderly resettlement or visa routes for refugees, has driven many Syrian refugees to embark on dangerous trips to Europe. In Turkey primarily, and also in Jordan and Lebanon, Human Rights First researchers heard reports that refugees who had been struggling to survive for years in exile lost hope while waiting for potential resettlement and decided to instead take the dangerous trip to Europe.

However, U.S. commitments to resettle Syria refugees have—so far—fallen far short of the necessary leadership, given the scale of the crisis and the impact of the crisis on U.S. allies, regional stability, and U.S. national security interests. With its pledge to resettle 10,000 Syrian refugees this fiscal year, the United States has agreed to take in only about 2 percent of the Syrian refugees in need of resettlement, which amounts to less than 0.2 percent of the overall Syrian refugee population of 4.7 million. The lackluster U.S. response has been particularly detrimental given the traditional U.S. role as the global resettlement leader.

Seven months into the fiscal year, the United States has resettled just 1,736 Syrian refugees. With five months left to meet the remaining 81% of its goal for the fiscal year, the United States has a long way to go to meet its modest goal. It is imperative that the United States meet this commitment, and significantly increase its resettlement commitment for the next fiscal year. The United States has the capacity and security systems to resettle far more

than 10,000 Syrian refugees. A bipartisan group of former humanitarian and national security officials has recommended that the United States resettle 100,000 Syrian refugees, and the U.S. Commission on International Religious Freedom has also recommended that the United States resettle 100,000 vulnerable Syrian refugees.

In a December 2015 letter to Congress, a bipartisan group of former national security advisors, CIA directors, secretaries of state, and Department of Homeland Security secretaries pointed out that the refugee “resettlement initiatives help advance U.S. national security interests by supporting the stability of our allies and partners that are struggling to host large numbers of refugees” and also stressed that that refugees “are vetted more intensively than any other category of traveler.” The bipartisan group, cautioned that barring Syrian refugees “feeds the narrative of ISIS that there is a war between Islam and the West,” urging the U.S. government to reject “this worldview by continuing to offer refuge to the world’s most vulnerable people, regardless of their religion or nationality.” Some of the signers on the letter included Former Secretary of State Madeleine Albright, Former CIA Director and Secretary of Defense Leon Panetta, Ret. General and former CIA Director David Petraeus, former Secretary of Homeland Security Michael Chertoff and former Secretary of Defense Chuck Hagel.

### **Turkey’s Border Closures Restricting Civil Society:**

In President’s Obama’s December 7, 2015 televised address, he billed Turkey’s border closure as an achievement in the fight against the Islamic State in Iraq and the Levant (ISIL).

In reality, the opposite is true. After consultations with Syrian civil society activists, including during fact-finding trips to the Turkish border in 2015 and 2016, it is clear that the closure does not deter ISIL from crossing in and out of Syria. Rather, it prevents civil society activists from doing their vital work in the fight against ISIL and against the repression of Bashar al-Assad’s regime. To the limited extent that international attention has been paid to the danger of Turkey’s border closure, it has focused on the very real harm to refugees trying to flee Syria. Even less discussed is the threat to Syrians trying to support civil society in their country.

Activists working across the border are trying to prevent exactly the sort of grievances that ISIL feeds on. Activists can dissuade potential recruits from joining ISIL, but only if they can reach them. The effective closure of legal crossings since July 2015 for all but humanitarian emergencies and a few other exceptions is strangling the work of these activists.

If America's "support for civil society is a matter of national security," as President Obama declared [in late 2014](#), Washington should be doing everything it can to empower Syria's peaceful voices battling the Assad regime, ISIL and other extremist groups. Unsealing the border will let them do their lifesaving work.

### **The Role of Civil Society in the Syria Peace Process:**

Currently, there is no formal role in the Geneva talks for Syrian civil society. Secretary Kerry has rightly said that the initiative's goal should be creating "the basis for an inclusive, peaceful, and pluralistic Syria." However, it will be difficult for parties to reach an informed political deal without the direct input of those who are battling to hold what's left of Syrian society together.

Syria's problems are too big to be left to politicians alone. If the Geneva talks are to be the beginning of the end of the Syrian conflict, delivering a successful, long-lasting peace deal will require the early involvement of the country's medics, students, engineers, and other civil society representatives. The United States should push for their participation in these negotiations.

### **Support for Armed Groups in Syria:**

Finally, Syria's conflict has produced hundreds of local, regional and national fighting forces. While the regime's Russian and Iranian backed military remains the most powerful force, the United States should not ignore the many smaller opposition groups, including Free Syrian Army, Kurdish groups, ISIS, Al Nusrah and many others whose allegiances can shift depending on what other forces are threatening their locality.

The larger and smaller opposition groups generally rely on outside sponsorship to survive, although ISIS, which controls lucrative oil fields and

major population centers like Mosul in Iraq, and has a vast arsenal of weaponry, is largely self-funding.

Turkey, the United States and the Gulf Cooperation Council (GCC) states are the main political and military backers of these other groups, although the complicated internecine nature of the war means it is not always clear who is fighting whom at any particular time.

At a meeting with GCC foreign ministers in Bahrain on April 7, 2016, Secretary Kerry urged Saudi Arabia, Qatar, and Washington's other regional partners to use their influence with these rebel groups to keep the truce and to support the negotiations in Geneva. This is a message President Obama should emphasize as talks continue.

Just as countries should be pressed to control their proxies, President Obama should also push them to support enforcement of United Nations Security Council Resolution 2139, to have medical facilities and personnel protected during the conflict.

In February 2014 the United Nations Security Council unanimously adopted resolution 2139 (2014), demanding the safe passage of food and medical aid to civilians and that "all parties respect the principle of medical neutrality and facilitate free passage to all areas for medical personnel, equipment and transport." However, it has not been enforced, and the United States should press its regional allies to support enforcement of the resolution by using their influence with the militias and by supporting greater enforcement mechanisms at an international level.

### **Recommendations:**

The United State should lead a comprehensive global initiative to protect Syrian and other refugees. Such a comprehensive approach would enhance the stability of refugee-hosting states and the broader region surrounding Syria, and would advance the national security interests of the United States and its allies. Key elements:

- **Champion the protection of refugees** – The U.S. government should use its influence with its allies to protect refugee rights to cross borders to seek protection, to work and to access education, to move freely without living in fear of arbitrary detention or xenophobic violence.

- **Encourage Turkey, Jordan, Lebanon, Egypt and other states in the region surrounding Syria to stop blocking or preventing Syrian refugees from fleeing their country** – The United States and other donor states should increase their support to these states – through humanitarian aid, development investment and resettlement – and make clear that they expect these nations to comply with international law and allow Syrian refugees to cross their borders.
- **Lead by example and substantially increase the U.S. commitment to resettle Syrian refugees.** A bipartisan group of former U.S. government officials, including ones with national security and humanitarian expertise, have called on the United States to resettle 100,000 Syrian refugees, noting that such a commitment would “send a powerful signal to governments in Europe and the Middle East about their obligations to do more.” The Bipartisan U.S. Commission on International Religious Freedom, explaining that “[t]he United States must continue to live up to our nation’s core values,” has similarly recommended that the United States resettle 100,000 Syrian refugees. This commitment would be miniscule compared to that of Jordan, Lebanon and Turkey, and would amount to just over 2 percent of the overall Syrian population hosted by these and other states in the region and only about 21 percent of the overall resettlement need, estimated to exceed 460,000. This commitment would still fall far short of the U.S. “fair share” level of 163,392 Syrian resettlements.
- **Continue to address staffing and efficiency gaps to reduce backlogs, bottlenecks in resettlement and SIV processing.** The U.S. Department of Homeland Security, Department of State and other agencies should continue efforts to increase staffing, efficiency, prioritization and resources to address the backlogs, delays and efficiency gaps that are hampering the U.S. resettlement process. The President and Congress should encourage and support increases in staff and resources. These backlogs undermine the reputation of these programs and the nation’s ability to meet its commitments to U.S. allies, other refugee-hosting countries, and vulnerable refugees, including those facing grave risks due to their work with the United States. Addressing delays, backlogs and efficiency gaps would not undermine security; rather it would strengthen the effectiveness of U.S. processing. It is certainly not in the security interest of the United States to have delays in security vetting, which would potentially put off the identification of a person who might actually pose a security threat.

- **Ensure that NATO actions, as well as any proposed “safe zone,” “no fly zone,” or similar endeavors, do not violate the human rights of refugees and migrants,** including the right to flee persecution and seek asylum, and do not end up exposing civilians to dangers. UNHCR has cautioned that NATO’s mission in the Aegean Sea should not “undermine the institution of asylum for people in need of international protection.” Efforts to block people from crossing borders to secure protection often instead push them—and the smugglers who profit off migration barriers and human misery—to find other, sometimes riskier, routes.
- **Work with other donor states to meet humanitarian appeals and significantly increase U.S. humanitarian aid and development investments in frontline refugee hosting states.** In particular, with Congress’ support, the administration should substantially increase both U.S. humanitarian assistance for Syrian refugees and displaced persons and U.S. development aid. The United States and other donors should expand and replicate initiatives that increase opportunities for refugees to work and access education, while also supporting refugee-hosting communities.

**To address the ongoing conflict in Syria and work to bring about its swift, peaceful resolution, Human Rights First urges the United States to:**

- Press Turkey to allow human rights activists to cross the border freely into Syria;
- Ensure that Syrian civil society are included in peace negotiations; and
- Urge its allies to use their power to improve the behavior of the armed groups they support, including respecting human rights in the areas they govern.