



## **The Use of Videoconferencing to Deal with Refugee Application Delays in Syria** **January 2012**

Current American policy and practice bars the use of videoconferencing to conduct initial interviews with Iraqis seeking admission to the United States as refugees. This practice has stalled the processing of at least 10,000 applications from Iraqi refugees who are now consequently trapped inside Syria,<sup>1</sup> an increasingly tense and dangerous place. Given these dire circumstances, refugees in urgent need of resettlement from Syria should be allowed to interview via videoconference until the situation stabilizes.

### **Policy Considerations Support Videoconferencing**

Syria currently hosts one million Iraqi refugees. Around 80 percent of these refugees live in the greater Damascus area, within reach of the U.S. embassy and its facilities. Around 10,000 applicants to resettle to the United States might have already arrived were it not for the final hurdle – an interview with the Department of Homeland Security (DHS). Applicants have already undergone interviews with bodies such as the International Organization for Migration (IOM) and United Nations High Commissioner for Refugees (UNHCR), both of which are continuing to process applications inside Syria. However, no DHS circuit ride to process refugee applications has visited Syria in nearly a year.

The deteriorating political and security conditions in Syria make the speedy resettlement of these Iraqi refugees an even more pressing priority for the United States. Iraqis are finding themselves caught in circumstances not unlike those that drove them from their homeland in the first place. Many are exposed to burgeoning sectarian violence and discrimination. The specific targeting of Iraqi refugees by Syrian militants or even Iraqi militias that have entered Syria is not uncommon.

It is crucial that the United States take action now to properly resettle vulnerable Iraqi refugees waiting for a final DHS interview. The U.S. Embassy has the capability to conduct at least 4-5 interviews by videoconference per day over a secure connection. The government should make use of this capability, as it already does in other contexts. The government has already approved the use of videoconferencing at the U.S. Embassy in Syria for re-interviews of applications that have submitted requests for reconsideration. And within the country, 55 percent of DHS interviews to determine “credible fear” for asylum seekers are already conducted via videoconference.<sup>2</sup>

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<sup>1</sup> Tim Arango, *Unrest and American Safety Concerns Strand Iraqis in Syria Awaiting Visas for U.S.*, N.Y. TIMES, Jan. 24, 2012, available at <http://www.nytimes.com/2012/01/24/world/middleeast/unrest-strands-iraqis-in-syria-awaiting-american-visas.html>.

<sup>2</sup> USCIS Asylum Division Stakeholder Meeting, June 8, 2010 Notes, available at <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=b8d046d56a388210VgnVCM100000082ca60aRCRD&vgnnextchannel=d2372376a3e5e210VgnVCM100000082ca60aRCRD>.

## **Legal Arguments Against Videoconferencing Are Unfounded**

The primary legal objection to videoconferencing for refugees is based on a regulation which provides that “*each applicant 14 years or older shall appear in person before an immigration officer for inquiry under oath to determine his/her eligibility for admission as a refugee.*”<sup>3</sup>

Government officials have suggested that the primary purpose of an “*appearance in person*” is not direct physical proximity to the immigration officer: it is to confirm that the person being interviewed is the person applying. This can be achieved through videoconferencing. Refugee applicants have already undergone several interviews with UNHCR and IOM to help verify their identity, and under any reading of the regulation they must attend an interview in person to confirm that the correct person is applying. The language of the regulation can be read, consistent with these policy concerns, to authorize videoconferencing.

### **(1) An “Immigration Officer” Need Not Be In Person**

Consistent with the plain language of the regulation, the *applicant* need appear in person for their inquiry under oath. However, this does not mean that the immigration officer must also be present. It would be consistent with the regulation for a UNHCR or IOM official to verify the applicant’s identity while the U.S. immigration official does an interview via videoconferencing from abroad.

### **(2) An “Immigration Officer” Need Not Be a Department of Homeland Security Circuit Rider**

Even were the United States to continue to require the immigration officer to meet the applicant in person, this does not mean that circuit rides must be restored for applicants to be processed. The regulations define “immigration officer” very broadly. An “immigration officer” includes such disparate people as helicopter pilots, fingerprint specialists, and more traditional agents and officers. It also includes anyone designated by the Department of Homeland Security as an “immigration officer.”<sup>4</sup>

DHS could easily designate members of the U.S. Embassy staff (or even IOM and UNHCR officials) in Damascus as “immigration officers” for the purpose of verifying an applicant’s identity, while a more substantive interview could be conducted via videoconference in that same Embassy complex. DHS could also designate Customs and Border Protection officials as immigration officers, which could allow the required identity verification to occur as individuals cross the border into the United States.

## **Conclusion**

DHS has an opportunity to improve the coherence of its legal and policy analysis of videoconferencing in the context of refugee applications. In doing so, it could begin clearing the backlog of 10,000 Iraqi refugees stranded in Syria, extricating them from an increasingly violent and isolated country. Videoconferencing is not a long-term solution for

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<sup>3</sup> 8 C.F.R. 207.2.

<sup>4</sup> 8 C.F.R. 103.1.

all Iraqi refugees; in-person interviews are generally preferable. Nevertheless, given the dire circumstances Iraqis in Syria are currently facing, videoconferencing provides a useful temporary solution which the U.S. government is well-equipped to implement.

*The Iraqi Refugee Assistance Project (IRAP) is a non-profit organization that provides legal assistance to Iraqis displaced by war and sectarian violence. Working through 16 law schools, with a volunteer force of more than 300 law students and supervising attorneys, we have completed over 200 cases in three years and resettled over 500 Iraqis to seven different countries. We are in touch with numerous Iraqi translators who have faced or are facing severe persecution and would be willing to provide testimony in a Congressional hearing or inquiry, or as an impetus for holding one. This piece was drafted by Mohsen Amiri, Ali Al-Sarraf, and Nicholas Le Du of the USC Chapter of IRAP.*