

FCS/09/591

SECRETARY OF STATE FOR HOME AFFAIRS

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13 March 2007

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SUPPORT UNIT

IRAQ: LOCALLY ENGAGED STAFF ASSISTANCE SCHEME

1. Officials from FCO, MoD, DfID and Home Office, in consultation with the Cabinet Office, have completed a stock-take of the Iraq Locally Engaged Staff Assistance Scheme.
2. The stock-take has concluded that the scheme is working well and that only some minor adjustments are required. In particular, it has reaffirmed the validity of the eligibility criteria for the scheme.
3. I have agreed with the recommendation that we should set a cut-off date after which we will not accept new applications for assistance from former staff, i.e. those who left HMG's employ before 8 August 2007. If you, John Hutton and Douglas Alexander can confirm that you are content, I propose to make a Written Statement to this effect within the next few weeks, setting a closure date three months after the date of the Statement, following a proper outreach effort. My officials will agree the text of the statement and a handling strategy with Home Office, MoD and DFID counterparts. This will be aligned with the wider cross-government Iraq communications strategy.
4. Our officials could not agree on the future of the scheme for serving LE staff, that is, those who have been employed by HMG since 8 August 2007. This offers eligible staff the opportunity to apply either for Indefinite Leave to Enter the UK, resettlement in the UK under the Gateway process, or financial assistance. I believe we should keep the future of the serving staff scheme under active review, but that it would be premature at this point to set a date for its closure.
5. The FCO will continue to have a substantial presence in Iraq after the drawdown of military forces in Basra, and we will continue to employ Iraqi nationals, especially in Baghdad. We feel strongly that the circumstances which led to the introduction of the Scheme have not changed to an extent which justifies withdrawing the possibility of assistance to these staff. Although the wider security environment in Iraq has improved greatly, our staff in Baghdad continue to have serious concerns about the impact of their work for us on their personal safety. Most have to employ elaborate stratagems to conceal the nature and location of their jobs and their concerns are likely to increase. There is a significant risk that their situations will become more, not less, difficult when the International Zone in Baghdad shrinks and security is handed over to the Iraqis at the end of June.

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6. In sum, I do not believe that the facts on the ground allow us to set a date for the closure of the serving staff scheme, and that to do so would be extremely difficult to defend in the light of the commitments which we made to our staff when the scheme was introduced in October 2007. The numbers of eligible FCO and DFID staff after military drawdown will be in the tens, so the bureaucratic cost of maintaining the scheme will be limited. I would therefore be grateful for your agreement that we should continue with the serving staff scheme as it stands for now, and conduct a further review of its future in September 2009.
7. One area which affects the Scheme and is a cause of concern to Employing Departments is the screening of applicants by the War Crimes Team. This has so far resulted in 13 applicants being refused leave to enter the United Kingdom, with no right of appeal against the decision. While I fully recognise the need to adhere to the "No Save Haven" policy, I believe that it is important to avoid "guilt by association", or setting the bar too high. We should not, for example, rule out applicants from the scheme simply because they worked under the Saddam regime. We also obviously need to take into consideration the commitment, loyalty and current service of these staff when considering their applications. I would be grateful if you could ask your officials to do everything possible to avoid ruling out genuinely deserving cases.
8. I am copying this letter to the Secretaries of State for Defence and International Development, and to the Cabinet Secretary.



DAVID MILIBAND

Foreign and Commonwealth Office

11 March 2009

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