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From: Christian Turner

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PRIME MINISTER

**cc: Oliver Robbins, Kate Gross,
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, Matt Cavanagh,
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IRAQ: LOCALLY ENGAGED STAFF

HMG's locally-engaged staff in Iraq face a high – and increasing – level of threat. Our policy is under increasing scrutiny, as evidenced in *The Times*' lead story today on the case of a former army interpreter.

Attached is a note that summarises the position, based on Cabinet Office discussions at official level. The key points are that:

- The potential scale of the problem is large: although HMG currently employs around 600 Iraqis, the total number who have worked for us since 2003 with a claim to assistance could be at least 15,000. Any selection process to reduce numbers would need to apply careful criteria (eg. on the basis of direct, rather than contract hire; length of service; or distinction between professional and unskilled staff).**
- Current policy differs between MoD on the one hand, and FCO/DfiD on the other (the latter have far fewer employees). MoD offers assistance to current, but not former, employees; whereas FCO/DfiD take a case-by-case approach that offers the possibility of**

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relocation elsewhere within Iraq or to a regional country where they are advised to register with UNHCR - although in most cases this does not provide a sustainable solution. There is no general presumption of admission to the UK for former Iraqi employees - individual asylum applications are decided on the usual merits.

- Our current immigration / asylum policies mean that there are few straightforward options. The two main ones are:
 - (a) Resettlement: resettlement in the UK is possible through the Home Office Gateway Programme for those who have fled Iraq (Jacqui Smith is currently considering a recommendation that up to 100 Iraqi refugees be included). We could consider the possibility of a larger scale resettlement programme, but it would be expensive - the Gateway programme costs around £8m for 500 people.
 - (b) Financial assistance: the potential costs of paying enhanced termination benefits are significant (£10m+), and would not offer a long-term solution.
- US and Danish policy offers the prospect of resettlement to many of their Iraqi employees: the US offers 500 special immigrant visas a year to former Iraqi employees who flee to Jordan and apply for asylum. The Danes are repatriating those who have worked for them (around 150) so they can then apply for asylum.

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- Our public line is currently that we consider requests for assistance on a case-by-case basis, but that we are not prepared to give details.

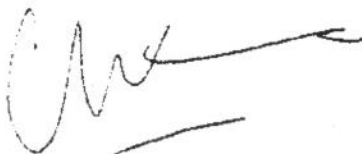
What else should we do?

There remains a strong moral and reputational argument for doing more to assist. The implications of any decision need carefully assessing: they have an impact on our operations in Iraq, and the issue will become more acute as and when we wind down our military and civilian presence in the South. We would also need to take into account precedent for staff in other operational theatres.

Nonetheless, we do need to establish a more joined-up approach, setting a minimum threshold for assistance, and considering whether we could offer more help to a subset of Iraqi employees.

Do you agree that we should task Cabinet Office to conduct an urgent review of the policy along these lines?

If so, we have the option of saying publicly that we are conducting such a review, and would need in due course to publicise its findings.



CHRISTIAN TURNER

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IRAQ: ASSISTANCE TO LOCALLY-ENGAGED STAFF

Background

- 1. For some time, our serving and former LE staff have faced a campaign of threats and intimidation. This has been backed by numerous attacks against individuals and their families, some fatal. There is some evidence that the situation may be getting worse. In April, the Jaish Al-Mahdi militia (JAM) distributed leaflets in Basra giving a "final warning" to all Iraqis working for the British to "stop or be pursued". Disturbingly, some former LEs continue to receive threats well after the end of their employment with us. In Baghdad, the lives of LE staff would certainly be in danger if it were known they were working for us. Some have been threatened and forced to leave their homes.**
- 2. HMG currently has 600-650 Iraqi locally-engaged staff¹. The majority (around 530) are directly employed by the MOD in the South. The remainder comprise FCO, DFID and British Council staff in the South and Baghdad; Iraqis sub-contracted by contractors whom we have engaged for policy and project delivery; and labourers hired on a daily basis.**
- 3. In total, we have directly employed around 15,000 Iraqis since 2003, the vast majority by MOD on Op Telic.**

The case for action v the case for caution

- 4. The case for action rests on the strong moral, reputational and political arguments for helping our**

¹ We have a variety of employment relationships with Iraqi staff which mean that an exact figure depends on the definition of who works "for" us

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Iraqis staff. By working for us, many have incurred a lasting threat to themselves and their families which will persist as long as current levels of violence and malign militia activity continue.

- 5. The case for caution is based on a) the large numbers of Iraqis that HMG has collectively employed, which means that any blanket offer of assistance would be impractical, and b) the potential difficulty of avoiding unfairness/discrimination in selection process to reduce numbers, which may alienate those excluded.**
- 6. Departments have different views on whether operational effectiveness would be better served by a more liberal or a more cautious policy. FCO and DFID officials believe there is a wider operational case for doing more to help Iraqi LEs. To be confident of our ability to recruit, retain and motivate high quality local staff for HMG's overseas network, particularly in conflict or post-conflict regions, we need to give careful consideration to the message sent by our approach in Iraq.**
- 7. Conversely, MoD have serious concerns about the potential impact on retention of existing Iraqi staff of a more liberal policy. LE staff are critical to operational effectiveness, success and force protection in the drawdown period for forces in Iraq. Shortages of translators pose the most significant short term threat to the ability of HMG to operate. This means that any package of enhanced assistance would need to be phased in, and uptake controlled, in such a way as to avoid prompting a precipitate exodus of local staff who**

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would benefit, and to manage the negative impact on those who would not. MoD do not believe this could be easily done.

8. Legally, departments have a duty of care to serving LE staff, centring on the duty to provide a safe place of work, which we do our best to fulfil in difficult conditions. Whether there is any residual duty to former staff arising from the security situation prevailing in Iraq would have to be determined by departmental legal advisers on a case by case examination of specific circumstances – though we assess the risk of a successful challenge to our policies in respect of former staff as very low.
9. Any decision to do more for serving or former staff would need to take into account the precedent thereby set for other countries/operational theatres, both current (in particular Afghanistan) and future.

Current policy

10. MOD offers a significant amount of assistance to current employees, which includes training in how to avoid potentially dangerous situations, access to accommodation on base where specific threats exist and personal protection equipment when staff are operating alongside UK forces outside the wire. Earlier this year, MoD Ministers took the view that in general, due to the current security situation, MoD was not able to offer assistance to LE staff once they left MoD's employ. The basis for the decision was that it would be impractical, and beyond MoD's resources, to offer

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systematic help to any significant proportion of the thousands of Iraqis who have worked for UK forces.

- 11. FCO and DFID take a case-by-case approach to requests for assistance from former employees, or those who are forced to leave their jobs because of threats or attacks. In general FCO and DfID advise relocation elsewhere within Iraq, or to a regional country (where they are advised to register with UNHCR). In a small number of cases, FCO and DFID have been able to help by:**
- offering enhanced termination benefits (3 months' salary, rather than the one which would be payable if an LE resigned in normal circumstances);**
 - seeking to find jobs at other posts in the region;**
 - sending LE staff on 2-6 month "development attachments" to other DFID offices, or helping them to secure Chevening scholarships (following which they return to Iraq); and**
 - providing practical assistance in leaving Iraq for a neighbouring country to employees under particularly acute threat.**

Such assistance, however, can benefit only a tiny proportion of Iraqi staff, and in most cases does not provide a sustainable solution.

- 12. There is no general presumption of admission to the UK for Iraqis who have worked for us, or who claim to fear persecution as a result. The Home Office has received some asylum applications in this category, which are decided on their individual merits. The HO does not capture data on the basis of individual claims**

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so cannot provide statistics on grant rates for Iraqis claiming to have worked for us. In total, 12% of Iraqi asylum seekers have their claims granted or are given leave to remain. Iraqis lodging asylum claims from abroad are highly unlikely to meet the criteria.

Options for further assistance

13. The Iraq Senior Officials Working Group has agreed that in principle, we should seek to establish a joined-up approach by Departments employing Iraqi LEs. This should take into consideration Departments' differing equities, resource constraints and different types of Iraqi workforce. Any joint approach could take the form of a minimum threshold of assistance, which Departments could choose to exceed voluntarily – for example in what financial assistance (if any) they offered their staff.

14. In practice, any substantive improvement in what we do for Iraqi LEs can only fall into one of two categories: resettlement, or money.

Resettlement

15. The Home Secretary is currently considering a recommendation that up to 100 Iraqi refugees be resettled in the UK through the Gateway Programme² in 2008 (out of a global total of 500). The criteria for selection of these refugees could include - but would not be limited to - Iraqis who had worked for us.

² Gateway is the UK's national refugee resettlement programme, established in 2002 in partnership with the UNHCR. Gateway aims to resettle 500 refugees a year in the UK.

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16. This would represent a step forward. Some of the most public appeals for our help have come from former Iraqi LEs who have fled to neighbouring states and find themselves with few prospects there.
17. It would not, however, be a panacea. By definition, Gateway applies only to those who have fled Iraq. Those Iraqis continuing to work for us in Iraq, or unable to make their way to neighbouring countries, would not be eligible. And the number of former LEs who might benefit from Gateway in 2008, when dependents and other priority categories are taken into account, will be tiny.
18. This raises the question of whether we can or should seek to establish a larger-scale programme, separate from Gateway, under which Iraqis who have worked for us - or those who faced a serious threat as a result - would be able to receive leave to enter or remain in the UK. This would raise major political questions in the context of wider immigration policy, and - potentially, depending on numbers - have significant implications in the areas of resources, housing, benefits and social cohesion. HMT have indicated that they would be unlikely to commit resources.
19. The other option in this area is to be more proactive in helping LEs who flee to neighbouring states. We could do this, for example, by lobbying those states to regularise the immigration and employment status of Iraqis who have worked for us. We should be realistic, however, about the chances of success. Most states in the region are determined not to allow Iraqi refugees to

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put down roots, and hence would be highly resistant to lobbying from us.

Financial assistance

20. Many former LEs who relocate within Iraq or the region often have difficulty finding work. Other former LEs who have remained in Basra have become unemployable because of the stigma of their association with us. This raises the question of whether Departments should consider paying enhanced termination benefits (based on X months salary) to employees who are forced to resign because of threats/attacks, or a similar package to former employees who revert to us for help.

21. Even if we offered such help on a case-by-case basis only, there would be several risks. The potential cost for MoD in particular would be significant, running into tens of millions of pounds. Any form of increased financial assistance would risk raising expectations, or possibly inviting abuse. It would not offer long-term solutions; we would in effect be tiding staff over in the hope that security conditions or their personal circumstances would improve. HMT have noted that Departments would have to fund any assistance from within existing DELs.

Criteria and eligibility

22. It would clearly be difficult to assist all Iraqis who have worked for us in one form or another. This raises the question of whether and how to set limits.

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23. There are three ways of reducing numbers to more manageable levels:

- **distinguish between LEs formally directly employed by us, and those hired on a casual basis or via contractor. This would still make more than 15,000 Iraqis eligible for assistance. It would exclude a large number of Iraqis hired via international and local contractors involved in providing labour or life support. FCO and DFID officials would argue, however, for the inclusion of a relatively small number of Iraqis who have been hired via contractor to work with the PRT, prisons and police missions in the South, or with DFID on infrastructure and capacity-building projects in Basra and Baghdad. These staff have as close a working relationship with us as do directly-employed staff, and face the same risks.**
- **establishing a minimum length of service, eg 12 or 24 months.**
- **prioritising interpreters and other white collar staff. Professional staff are mission critical in a way that unskilled staff are not. They are also more closely and visibly identified with us, meaning that the threat to them is more likely to persist beyond the period of their employment. Against this, many unskilled workers (particularly in the MoD workforce) also provide vital services. MoD are concerned that alienation of this group would have a significant negative impact on the ability of UK forces to**

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operate. Moreover, discrimination against lower-skilled staff could be seen as unfair.

24. The following table illustrates the effect of applying such criteria to serving staff³ in the South and Baghdad (directly-employed plus contracted staff involved in policy or operational delivery):

Total	c 600
Of which with > 12 months service	c 330
Of which with > 24 months service	c 230
Interpreters/other professionals with > 12 months service	c 120
Interpreters/other professionals with > 24 months service	c 100

What our partners are doing

25. Iraqis who have worked for US forces or the US Embassy and who flee to Jordan are generally able to apply successfully for asylum/resettlement in the US. In addition, new legislation now offers up to 500 Special Immigrant Visas per year in 2008 and 2009 to Iraqis working for the US Embassy and consulates (not the MNF). To qualify, Iraqis must have served for more than 12 months as "interpreters/translators". (The US State Department are unhappy with the latter restriction and are working to have it lifted.)

³ Producing such statistics for all former staff would be difficult: in the case of MoD, it would require at least six weeks work and additional staff.

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26. Denmark, which is in the process of withdrawing its ground troops from Iraq, has agreed to expatriate to Denmark all Iraqis who have worked for Danish forces or civilian missions, plus their dependents. No criteria regarding length of service or type have been set. So far 62 former employees (out of a total of about 150) and about 140 dependents have been evacuated. Once in Denmark they can apply for asylum.

Presentational issues

- 27. We are coming under increasing pressure as the media and parliamentarians start to focus more closely on this issue. In the last few months, Newsnight, Radio 4's "Face the Facts" and Channel 4 News have all run features which have been critical of HMG's perceived failure to do more for Iraqi staff.**
- 28. Conversely, a different element in the media could be equally critical of any decision to resettle significant numbers of Iraqis given the significant cost to the UK of doing so. This criticism could be particularly acute if it were the case that costs were borne by individual departments e.g. the MOD at the expense of other aspects of troops on operations.**
- 29. At present, we use the public line that we consider requests for assistance from serving or former Iraqi staff on a case-by-case basis, but that we are not prepared to give details.**

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