



Home Office

# **Country Information and Guidance**

## **Iraq: Return/Internal relocation**

**Version 3.0**

**August 2016**

# Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email [the Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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# Guidance

Date: 18 August 2016

## 1. Introduction

### 1.1 Basis of Claim

#### 1.1.1 Whether a person can/is:

- (i) feasibly return to Iraq based on their documentation; and
- (ii) in general, if they are unable to return to their registered place of origin, relocate elsewhere in Iraq; and
- (iii) at risk, based on their lack of documentation, of serious harm sufficient to breach Article 3 of the European Convention on Human Rights (ECHR)

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## 2. Consideration of Issues

### 2.1 Credibility

2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Internal relocation

#### i. Relocation to the 'contested' areas

2.2.1 In the Country Guidance (CG) case of [AA \(Article 15\(c\)\) \(Rev 2\) \[2015\] UKUT 544 \(IAC\) \(30 October 2015\)](#) (hereafter referred to as 'AA Iraq'), which replaces all other country guidance on Iraq, the Upper Tribunal (UT) held that internal relocation is possible, in general, to the areas that do not meet the threshold of Article 15(c) of the Qualification Directive (QD).

2.2.2 The Court of Appeal, in the case of [SG \(Iraq\) v Secretary of State for the Home Department \[2012\] EWCA Civ 940](#) (13 July 2012), stated that 'decision makers and tribunal judges are required to take Country Guidance determination into account, and to follow them unless very strong grounds supported by cogent evidence, are adduced justifying their not doing so' (para 47).

2.2.3 Since AA Iraq was promulgated, the security situation has changed in the 'contested' areas. In particular:

- Daesh (Islamic State) have lost territory;

- Government of Iraq (GoI) and/or associated forces have regained control of some areas;
- the level of violence has declined; and
- Internally Displaced Persons (IDPs) are returning to their areas of origin

For further information and guidance, see [Iraq: security situation in Baghdad, the south and the Kurdistan Region of Iraq \(KRI\)](#) and [Iraq: security situation in the 'contested' areas](#).

2.2.4 Therefore, internal relocation is, in general, possible to all areas of Iraq except Anbar and Ninewah governorates, the parts of Kirkuk governorate in and around Hawija, and the parts of the 'Baghdad Belts' (the residential, agricultural and industrial areas that encircle the city of Baghdad) that border Anbar, Diyala and Salah al-Din, areas which are still assessed as meeting the Article 15(c) threshold.

#### ii. Relocation to the Kurdistan Region of Iraq (KRI)

2.2.5 People who originate from the KRI will, in general, be able to return there and to relocate to another area.

2.2.6 People who originate from the KRI are returned to Erbil International Airport (EBL).

2.2.7 People who originate from the KRI whose identity has been 'pre-cleared' with the KRI authorities do not need a current or expired passport, or a laissez-passer. Their nationality and identity has been established and accepted and return is feasible.

2.2.8 There is no evidence that people returned to Erbil using an EU letter (EUL), and who have been pre-cleared by the KRI authorities, would, in general, be detained or experience treatment that engages Article 3 of the European Convention on Human Rights (ECHR) (see [Returns to the Kurdistan Region of Iraq \(KRI\)](#)).

2.2.9 There is also no evidence that returnees would be unable to travel through checkpoints following their arrival at Erbil International Airport (see [Returns to the Kurdistan Region of Iraq \(KRI\)](#)).

2.2.10 In general, it may be possible for Kurds who do not originate from the KRI to relocate to the region. Information suggests that ethnic Kurds are free to enter the KRI, although other sources say this may depend on certain circumstances (see [Relocation to the Kurdistan Region of Iraq \(KRI\) – Entry requirements](#)). These Kurds will first return to Baghdad using a current or expired passport, or a laissez passer, before travelling to the KRI.

2.2.11 The UT in AA Iraq held that:

'A Kurd (K) who does not originate from the IKR [Iraqi Kurdistan Region] can obtain entry for 10 days as a visitor and then renew this entry permission for a further 10 days. If K finds employment, K can remain for longer, although K will need to register with the authorities and provide details of the employer. There is no evidence that the IKR authorities pro-actively remove Kurds from the IKR whose permits have come to an end.

'Whether [a Kurd]...if returned to Baghdad, can reasonably be expected to avoid any potential undue harshness in that city by travelling to the IKR, will be fact sensitive; and is likely to involve an assessment of (a) the practicality of travel from Baghdad to the IKR (such as to Erbil by air); (b) the likelihood of K's securing employment in the IKR; and (c) the availability of assistance from family and friends in the IKR' (paragraph 2014, sub-paragraphs 19-20) (see also [Entry to the Kurdistan Region of Iraq \(KRI\) – Residency requirements](#)).

- 2.2.12 It is unlikely that non-Kurds from outside of the KRI will be able to relocate there. The UT held that: '...we do not consider that, as a general matter, relocation to the IKR [for non-Kurds] is a reasonable proposition. The risk of being turned away at the point of entry is significant, unless a person has connections with people in the IKR' (paragraph 172).
- 2.2.13 However, decision makers must still explore whether relocation to the KRI is an option for non-Kurds. A person's ability to relocate to the KRI will depend on their circumstances. Some people, such as those from certain religious groups (particularly Christians and Yazidis), single women, those with connections, those with medical conditions or those from tribes who have negotiated their own arrangements with the KRI authorities, may be exempt from the normal entry requirements (see [Entry to the Kurdistan Region of Iraq \(KRI\) – Entry requirements](#) and [Entry restrictions](#))

### iii. Relocation to Baghdad and the southern governorates

- 2.2.14 In AA Iraq, the UT held that:

'As a general matter, it will not be unreasonable or unduly harsh for a person from a contested area to relocate to Baghdad City or (subject to paragraph 2 above [i.e. the parts that are considered to reach the Article 15(c) threshold]) the Baghdad Belts' (paragraph 204(14)) and that 'the number of persons for whom it is not reasonable or unduly harsh to relocate to Baghdad is likely to be small' (paragraph 153).

- 2.2.15 The UT also observed that, when deciding upon internal relocation to Baghdad, decision makers should take into account whether a person:
- has or can obtain a Civil Status ID (CSID) (paragraph 204, sub-paragraph 15(a)) (see [Documentation – Civil Status ID Card \(CSID\)](#));
  - has family members or friends able to accommodate them and provide them with assistance. The UT noted that a 'significant proportion of displaced persons' fit into these circumstances (paragraph 197);
  - can access any other support, bearing in mind that there is some evidence that returned failed asylum seekers are provided with the support generally given to Internally Displaced Persons (IDPs) (paragraph 204, sub-paragraph 15(g));
  - can find a sponsor to rent accommodation, bearing in mind the UT found it 'not beyond the realms of reasonableness' that a person can earn sufficient funds to enable them to rent accommodation, if they have a

CSID (paragraph 198) (see [Entry to areas outside the Kurdistan Region of Iraq \(KRI\) – Entry requirements in Baghdad and the south](#));

- can speak Arabic, as those whose cannot are less likely to find employment (paragraph 204, sub-paragraph 15(b));
- is a lone woman, bearing in mind that women face greater difficulties than men in finding employment (paragraph 2014, sub-paragraph 15(d));
- is from a minority community, as those from these communities are less likely to be able to access community support than those from Sunni and Shia communities (paragraph 202).

2.2.16 The UT noted that ‘Arabic speaking males with family connections in Baghdad and a CSID are in the strongest position’ and, conversely, those with no family, from minority communities and those without a CSID are most vulnerable. However, there is a ‘wide range of circumstances falling between these two extremes’ (paragraph 202).

2.2.17 In general, it may be reasonable, depending on their circumstances such as ethnicity and religious sect, for a person to relocate to one of the southern governorates. Decision makers must assess each case on its merits.

2.2.18 Unless they are returned to the KRI, a person will be returned to Baghdad in the first instance. Therefore, when considering internal relocation to the southern governorates (Babil, Basra, Kerbala, Najaf, Muthana, Thi-Qar, Missan, Qadissiya and Wassit), decision makers must consider whether the person will be harmed on the journey there from Baghdad. Decision makers must note that the UT concluded that there is not a ‘real risk of an ordinary civilian travelling from Baghdad airport to the southern governorates suffering serious harm en route to such governorates so as to engage Article 15(c) of the QD’ (paragraph 117).

2.2.19 Where a person cannot relocate internally, a grant of asylum or Humanitarian Protection (HP) will be appropriate if they do not meet one of the Exclusion clauses.

2.2.20 For general guidance on considering internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.3 Feasibility of return

2.3.1 Decision makers must determine whether a person has or can obtain an Iraqi passport (current or expired), or a laissez-passer (an emergency travel document). Return is only ‘feasible’ to Baghdad if the person has one of these documents.

2.3.2 In AA Iraq, the UT held that:

‘An application for a laissez-passer is considered on a case-by-case basis by the Iraqi Embassy in London. The applicant needs to produce a CSID, Iraqi Nationality Card (INC) or photocopy of a previous passport and a report confirming that the laissez-passer had been lost or stolen. If a person does



not have any of these documents then they cannot obtain a laissez-passez and therefore cannot be returned.’ (paragraph 170).

- 2.3.3 In general, there is no evidence that people returned to Baghdad on a current or expired passport, or a laissez passer, would be detained on arrival or experience treatment that engages Article 3 of the ECHR (see [Returns to Baghdad](#)).
- 2.3.4 This was confirmed by the UT in AA Iraq, which found that: ‘Where [the person]... is returned to Iraq on a laissez passer or expired passport, [they]... will be at no risk of serious harm at the point of return by reason of not having a current passport or other current form of Iraqi identification document’ (paragraph 204, sub-paragraph 10).
- 2.3.5 Decision makers must establish if the person can provide documentary evidence to substantiate their claim that they are unable to obtain the necessary documentation, for example by a letter from the Iraqi Embassy confirming what was submitted by the person to verify their identity.
- 2.3.6 A lack of these travel documents is a technical obstacle to return, but is not a reason itself to grant protection.
- 2.3.7 Only when return is ‘feasible’ does the lack of documentation impact on a person’s claim for protection.

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## 2.4 Documentation

- 2.4.1 The Civil Status Identity Card (CSID) and the Iraqi Nationality Certificate (INC) are the two most important forms of civil documentation. These documents are also a gateway to other important documents (see [Documentation – Overview of key documents](#), [Civil Status ID Card \(CSID\)](#) and [Iraqi Nationality Certificate \(INC\)](#)).
- 2.4.2 In AA Iraq, the Upper Tribunal held that:

‘A CSID is generally required in order for an Iraqi to access financial assistance from the authorities; employment; education; housing; and medical treatment. If [a person]... shows there are no family or other members likely to be able to provide means of support, P is in general likely to face a real risk of destitution, amounting to serious harm, if, by the time any funds provided to P by the Secretary of State or her agents to assist P’s return have been exhausted, it is reasonably likely that P will still have no CSID’ (paragraph 204, sub-paragraph 11).
- 2.4.3 In deciding whether a person can avoid poor humanitarian conditions, it is critical to determine whether they can acquire (or reacquire) civil documentation.
- 2.4.4 A person who:
  - a. can feasibly return to Iraq (i.e. they have a current or expired passport, or laissez passer); and
  - b. is unable to replace their CSID or INC; and
  - c. is unable to obtain support from family members or others

is likely to face significant difficulties in accessing services, and face humanitarian conditions which may reach the Article 3 threshold. Decision makers must consider each case on its merits. A person will be expected to show why they could not reasonably obtain necessary documentation.

- 2.4.5 It is likely that most people who do not possess a CSID, and whose return is feasible (i.e. they possess a current or expired passport, or a laissez passer), will be able to obtain a CSID from the Iraqi Embassy in London, or through proxies in Iraq.
- 2.4.6 As a CSID is needed to obtain a passport, then a person who has a passport should also have a CSID (see [Redocumentation – Passport](#)).
- 2.4.7 In AA Iraq, the Upper Tribunal held that:  
'Where return is 'feasible' because a person is in possession of a laissez passer (an emergency travel document), a person is likely to need a CSID or Iraqi Nationality Certificate or photocopy of a previous Iraqi passport and a police report noting that it had been stolen' (paragraph 170).
- 2.4.8 In such cases, it is likely that the person would either possess a CSID or other documentation which enables a CSID to be reissued at the Iraqi Embassy.
- 2.4.9 In AA Iraq the UT held that:  
'[i]t is possible for an Iraqi living in the UK to obtain a CSID through the consular section of the Iraqi Embassy, if such a person is able to produce a current or expired passport and/or the book and page number for their family registration details. For persons without such a passport, or who are unable to produce the relevant family registration details, a power of attorney can be provided to someone in Iraq who can thereafter undertake the process of obtaining the CSID for such person from the Civil Status Affairs Office in their home governorate' (paragraph 177).
- 2.4.10 Information from the UNHCR in May 2016 suggests that a power of attorney cannot be provided for IDPs in Baghdad and that someone will need to present themselves in person to re-obtain their CSID (see [Redocumentation – Assistance](#)).
- 2.4.11 The UT also held:  
'... [T]hat an Iraqi national should as a general matter be able to obtain a CSID from the Civil Status Affairs Office for their home Governorate, using an Iraqi passport (whether current or expired), if they have one. If they do not have such a passport, their ability to obtain a CSID may depend on whether they know the page and volume number of the book holding their information (and that of their family members). Their ability to persuade the officials that they are the person named on the relevant page is likely to depend on whether they have family members or other individuals who are prepared to vouch for them' (paragraph 186).
- 2.4.12 Information from the UNHCR in May 2016 suggests that there are various documents that are needed to re-obtain a CSID (see [Redocumentation – Civil Status ID \(CSID\)](#)).

2.4.13 The UN's Protection, Assistance and Reintegration Centres (PARC) may be able to assist with redocumentation (see [Redocumentation – Assistance](#)).

i. People from 'non-contested' areas

2.4.14 A person from a 'non-contested' area (defined as anywhere in Iraq that is not Anbar, Diyala, Kirkuk, Ninewah, Salah al-Din) who needs to replace their CSID and INC will, in general, be able to go to their local Civil Status Office/General Nationality Office in their place of origin to replace them, or obtain them through a proxy. A person returned to a 'non-contested' area on a current or expired passport will, in general, be able to reacquire their CSID in Iraq either in person or through a proxy.

2.4.15 Where a person is:

- a. from a 'non-contested' area of Iraq;
- b. does not possess a CSID; and
- c. is being returned on either a laissez passer or EU letter (currently only in certain cases to Erbil)

decision makers must establish:

- what identity documentation the person possesses;
- whether they will be able to reacquire a CSID;
- what family members or other contacts they have, where in Iraq they are and if they will be prepared to 'vouch' for them in requiring documents; and, if appropriate,
- whether the person knows the page and volume number of the book holding their civil status information, or that of family members.

2.4.16 Sources have confirmed that in some cases an INC cannot be issued by a person's local General Nationality Office. In these cases, a person may need to obtain a replacement through the Ministry of Interior in Baghdad (see [Redocumentation – Iraqi Nationality Certificate \(INC\)](#)).

2.4.17 Decision makers should carefully consider whether a person returned to Erbil using an EU letter can acquire their CSID in Iraq.

ii. People from 'contested' areas

2.4.18 Due to the circumstances of armed conflict in the 'contested' areas, it may not be reasonable to expect a person to use a proxy to reacquire documents from their place of origin.

2.4.19 It is also not known to whether registration records held in the 'contested' areas are intact or accessible.

2.4.20 Sources have confirmed that in some cases an INC cannot issue a person's local General Nationality Office. In these cases, a person may need to obtain a replacement through the Ministry of Interior in Baghdad (see [Redocumentation – Iraqi Nationality Certificate \(INC\)](#)).

#### 2.4.21 The UT in AA held that:

'An Iraqi national's ability to obtain a CSID is likely to be severely hampered if they are unable to go to the Civil Status Affairs Office of their home Governorate because it is in an area where Article 15(c) serious harm is occurring. As a result of the violence, alternative CSA Offices for Mosul, Anbar and Saluhaddin have been established in Baghdad and Kerbala. The evidence does not demonstrate that the "Central Archive", which exists in Baghdad, is in practice able to provide CSIDs to those in need of them. There is, however, a National Status Court in Baghdad, to which a person could apply for formal recognition of identity. The precise operation of this court is, however, unclear' (paragraph 187).

#### 2.4.22 And that:

'... in seeking to reacquire documents in Iraq, such persons would need either a passport (current or expired), or, if they did not have such, know the page and volume number of the book holding their information (and that of their family members) and/or have family members or other individuals who are prepared to 'vouch' for them' (paragraph 186).

#### 2.4.23 Information from the UNHCR in May 2016 suggests that alternative CSA offices for certain parts of Ninewah have been set up elsewhere in Iraq, including in Dohuk, Kerbala and Najaf (see [Re-documentation – Assistance](#)).

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### 2.5 Certification

#### 2.5.1 Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

#### 2.5.2 For further guidance on certification, see the [Appeals Instruction on Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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## 3. Policy summary

### 3.1 Internal relocation

#### 3.1.1 A person cannot be returned or relocated to the areas of Iraq which meet the threshold of Article 15(c) (Anbar, Ninewah, the parts of Kirkuk in and around Hawija, and the north, west and east parts of the 'Baghdad Belts').

#### 3.1.2 In general, a person can relocate to Baghdad (except the north, west and east parts of the 'Baghdad Belts'), the central governorates of Diyala, Kirkuk (except the areas in an around Hawija) and Salah al-Din, and the southern governorates (Babil, Basra, Kerbala, Najaf, Muthana, Thi-Qar, Missan, Qadissiya and Wassit). A person who does not originate from the Kurdistan Region of Iraq (KRI) will be returned to Baghdad in the first instance. There is no real risk of harm to ordinary civilians travelling from Baghdad to the southern governorates.

3.1.3 In general, a Kurd or a person who originates from the IKR can relocate to (or within) the the IKR. Non-Kurds cannot.

3.1.4 Decision makers need to assess each case on its merits.

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## 3.2 Feasibility of return

3.2.1 A person can only be returned (to Baghdad) if they have an Iraqi passport (current or expired), or a laissez-passer. If they do not have one of these documents then return is not 'feasible'.

3.2.2 A lack of these travel documents is a technical obstacle to return, and is not a reason itself to grant protection.

3.2.3 Only when return return is feasible can the issue of documentation (or lack of it) be considered in any assessment of protection.

3.2.4 People who originate from the KRI who have been pre-cleared by the KRI authorities are returned to Erbil Airport and do not not require a passport or a laissez-passer.

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## 3.3 Documentation

3.3.1 The Civil Status ID (CSID) and the Iraqi Nationality Certificate (INC) are key documents which establish a person's identity. The CSID enables a person to access services such as financial assistance, employment, education, housing and health. A person whose return is feasible but who does not have a CSID or cannot obtain one, and does not have support from family or friends, is likely, upon return, to face destitution amounting to a breach of Article 3 of ECHR.

3.3.2 However, a CSID can be obtained in the UK through the Iraqi Embassy if a person has a current or expired passport and/or the book and page number for their family registration details. Otherwise, a power of attorney can be provided to someone in Iraq to obtain a CSID for them.

3.3.3 If a person is unable to obtain a CSID in the UK and their return is feasible, they may be able to obtain it from the Civil Status Affairs (CSA) office in their home governorate using a current or expired Iraqi passport, or the page and volume number of the book holding their or their family's information, which is likely to depend on whether they have a family member who can vouch for them.

3.3.4 It will be more difficult for a person to obtain a CSID if they are from one of the areas to which a person cannot relocate because 15(c) harm is occurring. Alternative CSA offices for Anbar and certain parts of Ninewah governorate have been established in government-controlled areas where a person may be able to obtain a replacement CSID.

3.3.5 If refused, a claim is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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# Country Information

Updated: 10 August 2016

## 4. Sources

- 4.1.1 The Upper Tribunal in the CG case of [AA \(Article 15\(c\)\) \(Rev 2\) \[2015\] UKUT 544 \(IAC\) \(30 October 2015\)](#) considered various evidence, which is summarised in the section 'Evidence – A Summary' and listed in Appendix A of the Determination.
- 4.1.2 The Determination was promulgated on 30 September 2015 but the Tribunal sat on 18-19 May, with the most of the evidence before it covering the country situation in Iraq up to April 2015.

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## 5. Return of Iraqi nationals

### 5.1 Returns to Baghdad

- 5.1.1 To return to Iraq, a person needs a valid passport, expired passport or laissez passer (an emergency travel document issued by an Iraqi Embassy). The Iraqi authorities introduced these procedures in October 2011. EU letters are currently not accepted for any returns to Baghdad.<sup>1</sup>
- 5.1.2 The British Embassy in Baghdad advised in a letter dated 8 April 2012 that the Iraqi Embassy in London played no part in the re-documentation process for enforced returnees. The letter explained that when the then UK Border Agency (now Home Office) sought to enforce the return of an Iraqi national, a person had to be interviewed by a senior Iraqi immigration officer, although they still had to possess a passport, expired passport or potentially a laissez passer.<sup>2</sup>
- 5.1.3 The British Embassy letter also noted that on arrival at Baghdad International Airport (SDA) all passengers, irrespective of nationality, had their biometric details captured.<sup>3</sup>
- 5.1.4 The British Embassy letter concluded: 'Since the introduction of the new system (i.e. not to return on EU letters), there have been no detentions upon arrival in Iraq. With so many checks and balances, in our opinion, the new revised procedures will prevent a returnee being detained upon arrival as they have adequate documentary evidence of their identity and nationality.'<sup>4</sup>
- 5.1.5 The source also noted:

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<sup>1</sup> British Embassy Baghdad, 'Renewal or reissuance of a civil status ID card and the provisions to change place of residence in Iraq', 22 January 2012, Annex B and British Embassy Baghdad, Return Procedures for UK failed asylum seekers', 8 April 2012, Annex D

<sup>2</sup> British Embassy Baghdad, Return Procedures for UK failed asylum seekers', 8 April 2012, Annex D

<sup>3</sup> British Embassy Baghdad, Return Procedures for UK failed asylum seekers', 8 April 2012, Annex D

<sup>4</sup> British Embassy Baghdad, Return Procedures for UK failed asylum seekers', 8 April 2012, Annex D



'I have not heard of any reports of ethnic or religious discrimination in applying procedures at BIAP [Baghdad International Airport] e.g. specifically targeted at Kurds. It is important to understand that a Kurdish returnee from Iraqi Kurdistan is an Iraqi Citizen so can return anywhere in Iraq...[I]f an enforced returnee who originates from Iraqi Kurdistan is sent via BIAP it is important to understand that they have been pre-cleared for arrival and have a valid or expired passport or laissez passer passport. Assuming they have no outstanding warrants of arrest for criminal activity unrelated to immigration matters, they would not be detained and would not be escorted back to Iraqi Kurdistan.'<sup>5</sup>

- 5.1.6 The Iraqi Ministry of Displacement and Migration (MoDM) advised the British Embassy in April 2012 that no Iraqi would be arrested on return, even if they had left illegally. The only exception to this would be if they had committed a criminal offence and a warrant had been issued for their arrest. The MoDM advised that any detention under such circumstances was implemented by the Iraqi police, located a couple of kilometres away from BIAP. The letter also noted:

'There are no detention facilities within BIAP; the nearest facility is at a small police station a few kilometres away. None of the organisations we contacted could describe the facilities but MoDM emphasised that Enforced Returnees or Voluntary returnees would not be detained on arrival. None of the organisations we contacted could elaborate on whether in the past any enforced returnees had been detained. IOM had heard of returnees "having problems" i.e. being "questioned for longer", especially if returned on Laissez Passer documents. If this was the case in the past, this pre-dates the new Iraqi policy (October 2011) that requires returnees to obtain a Laissez Passer document if they do not have a passport. Qandil have confirmed that all cases they have managed under the Assisted Voluntary Returns programme have been processed satisfactorily.'<sup>6</sup>

- 5.1.7 A letter from the British Embassy in Baghdad, dated January 2012, explained: 'The MoDM and MOI [Ministry of Interior] said that they [a person with a valid or expired passport, or laissez passer] would be able to pass through Iraqi security check points explaining they were heading home. Similarly they would be able to rent a property, stay with friends or relatives or temporarily in a hotel until such time as their records are regularised.'<sup>7</sup>

- 5.1.8 A letter from the British Embassy, dated 7 April 2012, noted:

'The MOI and MoDM have told us that one of these documents [expired or valid passport, or laissez passer] is sufficient in the first instance to pass through check points on return to their home or temporary accommodation following which they need to regularise their Civil ID card. The UNHCR [United Nations High Commissioner for Refugees]/IRC said they were not

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<sup>5</sup> British Embassy Baghdad, Return Procedures for UK failed asylum seekers', 8 April 2012, Annex D

<sup>6</sup> Letter from the British Embassy in Baghdad, 'Monitoring of Returnees at Baghdad International Airport (BIAP)', 8 April 2012, Annex E

<sup>7</sup> British Embassy Baghdad, 'Renewal or reissuance of a civil status ID card and the provisions to change place of residence in Iraq', 22 January 2012, Annex B

aware of the policy of allowing passage through a check point using an expired passport or laissez passer travel document. To the knowledge of UNHCR/IRC/Qandil and the Embassy there has been no case to date in which the airport authorities have provided a facilitation letter but we have been advised by the MoDM and MOI that passing through check points is permitted upon first entry and return home and there have already been a number of successful returnees who have returned using an expired passport.’<sup>8</sup>

- 5.1.9 This was corroborated in a third letter from the Baghdad Embassy dated 8 April 2012.<sup>9</sup> A UNHCR Baghdad paper dated November 2011 stated that ‘[n]o [civil] documentation would be issued at the airport, but a letter would be issued to facilitate the individual’s movement back to their place of origin / relocation.’<sup>10</sup>

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## 5.2 Returns to the Kurdistan Region of Iraq (KRI)

- 5.2.1 A letter from the British Embassy, dated 18 May 2013, noted:

‘Since April 2012, there have been a total of 68 Iraqi nationals returned direct to Iraqi Kurdistan. 64 were Foreign National Offenders (FNO) of whom the majority returned on a voluntary basis. Since late January 2013, 4 others who had no legal basis to remain in the United Kingdom have also returned... All returnees to Iraqi Kurdistan are managed under an arrangement agreed with the Kurdish Regional Government (KRG). This involves the pre-clearance of all returnees by a senior KRG immigration official. Clearance is on a case-by-case basis and involves the submission of available identity documents and other supporting evidence of Iraqi nationality for verification via our Consulate General in Erbil. Subject to the returnee’s Iraqi nationality being confirmed, approval is then granted for the return to EIA [Erbil International Airport] and the airport notified. Currently the KRG will consider for return all persons of Iraqi Kurdish ethnicity who are from an area currently under the administration of the KRG, i.e. the three Governorates of Dohuk, Erbil and Suleimaniah and some parts of Kirkuk Governorate (but not persons from Kirkuk city). Only persons who are pre-cleared by senior KRG immigration officials will be liable for removal under these procedures.

‘Unlike the current arrangement for returns to Baghdad International Airport (BIAP), where all returnees must be in possession of a valid or expired Iraqi Passport or an Iraqi Laissez-Passer travel document, it is acceptable for returnees to Iraqi Kurdistan to travel on a European Union Letter (EUL). All returns to Iraqi Kurdistan are by scheduled Royal Jordanian flights from the UK via Amman to EIA. Escorted returnees are presented to a member of the KRG Immigration Service in the arrivals hall by the escorting officers. These

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<sup>8</sup> Letter from the British Embassy Baghdad, ‘Re-documentation procedures’, 7 April 2012, Annex C

<sup>9</sup> British Embassy Baghdad, Return Procedures for UK failed asylum seekers’, 8 April 2012, Annex D

<sup>10</sup> UNHCR Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011, Annex H



officers also provide KRG immigration staff with all supporting Iraqi documentation and confirmation of the pre-clearance.<sup>11</sup>

- 5.2.2 The letter explained that after biometric data had been captured at the airport, and immigration/security checks completed, the returnee would be: ‘... [A]llowed to depart from the arrivals hall and leave the airport terminal. If there is an outstanding arrest warrant or other serious charge, the returnee will be transferred into the custody of the KRG police at EIA to be placed before a judge and entered into the Iraqi judicial system...The processing of all returnees to EIA is managed by the KRG Immigration Service and other authorities in a highly competent and professional manner. Returnees are treated as normal passengers and, because they are pre-cleared, are dealt with quickly and allowed to leave the airport to family and friends or to make their way home...In a small number of cases where the identity is not confirmed at EIA, returnees have been transferred to the KRG’s Ministry of Interior’s Forensic Evidence Bureau in Erbil for further identification checks prior to release the same day.’<sup>12</sup>
- 5.2.3 A letter from the British Embassy in Baghdad dated 18 May 2013 observed: ‘Returnees not in possession of an Iraqi passport or civil ID card are allowed to travel using their EUL [EU Letter], but they should regularise their civil ID and other documents either direct with the KRG’s Bureau of Migration and Displacement or at an UNHCR assistance centre at the earliest convenient opportunity.’<sup>13</sup>
- 5.2.4 The letter also noted: ‘Neither we nor our partner organisations in KRG providing reintegration and resettlement assistance have any evidence of any returnees being mistreated, detained or returned back to the UK during the past year.’<sup>14</sup>

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<sup>11</sup> Letter from the British Embassy Baghdad, ‘Returns to Erbil International Airport (EIA)’, 18 May 2013, Annex F

<sup>12</sup> Letter from the British Embassy Baghdad, ‘Returns to Erbil International Airport (EIA)’, 18 May 2013, Annex F

<sup>13</sup> Letter from the British Embassy Baghdad, ‘Returns to Erbil International Airport (EIA)’, 18 May 2013, Annex F

<sup>14</sup> Letter from the British Embassy Baghdad, ‘Returns to Erbil International Airport (EIA)’, 18 May 2013, Annex F

## 6. Documentation

### 6.1 Civil registration system

6.1.1 A paper published in the Canadian Studies in Population in 2014, based on a UNFPA (United Nations Population Fund) funded field visit to Iraq, explained that all births, deaths, marriages and divorces are updated on the family registry. The source explained that family records were held locally at the daa'ira (local civil registration office), where a new event e.g. a birth, marriage or divorce, would be manually input onto the family register.<sup>15</sup>

6.1.2 The registrar would record the following information: serial number, name, title, father's name, mother's name, sex, relationship to head of household, occupation, literacy, religion, date of birth, place of birth, and date of registration.<sup>16</sup>

6.1.3 The paper explained the precise way in which family records were maintained, based on three unique information markers: the sijil (family record) number; sahifa (family page) number and daaira (local civil registration office). As the source explained:

'All vital events occurring to any member of the family are entered into this 'family page. This is done until the child gets married and establishes his own family, in which case a new 'family page' is started for him. Through this innovative system, it can take as little as five minutes to locate anyone's records. From this ID system, three pieces of ID are produced: the civil registration ID, nationality ID, and residence ID (location of house). The retention period for the documents in the local offices is 20 years. As of April 2011, there are 275 civil registration directorates in Iraq, including 30 in the Kurdistan Regional Government.'<sup>17</sup>

6.1.4 The source commented that when the register was full (each register contains around 200 families), the document would be sent back to the head office for scanning, after which it would be returned to the local office for archiving. The source also noted that the head office was 'generally up to date with their scanning and do not have any backlogs to clear'. It was also noted that at head office 'separate archives exist for records from 1934 – 1947', whilst information from 1948 – 1957 had been scanned and stored on CDs. For records from 1958 to the time of writing (2011) scanned images were stored on a external hard drive, with one hard drive for each

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<sup>15</sup> Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41, No 1-2 (spring/summer 2014), p.112-115, <https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367>, accessed 10 August 2016

<sup>16</sup> Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41, No 1-2 (spring/summer 2014), p.112-115, <https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367>, accessed 10 August 2016

<sup>17</sup> Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41, No 1-2 (spring/summer 2014), p.112-115, <https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367>, accessed 10 August 2016

governorate. However, the source also noted: 'There are backups up until 1978, but because of staff shortage problems, there are no backups after 1978.'<sup>18</sup>

- 6.1.5 As the process was manual, not electronic, there would be some time lag in records being updated: 'The time taken varies, depending on the route taken from the registration of the event to the time the certificate arrives at the *daaira* for recording into the family register.'<sup>19</sup>
- 6.1.6 A letter from the British Embassy in Baghdad, dated 7 April 2012, largely corroborated the above account, and explained that there was an extensive civil status office network across Iraq, with each district (sub-governorate) or Nahyas (sub-district) having a local ID office. The source reaffirmed that information was retained by the Civil Status Office's local records and that information was referenced using a 'book page number', which was also written on the civil ID card. In the case of marriage, the civil record for the wife was transferred to be inserted with the husband's record (on his family's page).<sup>20</sup>
- 6.1.7 A Landinfo report dated 23 January 2014 also confirmed that all personal data was entered onto a family registry at the local population registration office near the family's residence. The source stated there were over 300 population registration offices (unofficially called Civil Status Offices or Civil Status Departments, or Jinsiya<sup>21</sup>) (the Canadian Studies in Population paper puts it as 275<sup>22</sup>). However, the Landinfo report corroborated that each family had their own registration number, which was listed on the personal ID card. The source also confirmed that any Iraqi could obtain a copy of their page in the family registry.<sup>23</sup>
- 6.1.8 The family registry had several synonymous names in unofficial English translation: family book; family census and family registry 57 (after the 1957 law which introduced civil registration in Iraq following the 1957 census).<sup>24</sup>
- 6.1.9 A letter from the British Embassy in Baghdad, dated 22 January 2012, based on information obtained from the MoDM, Mol and IOM and the International

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<sup>18</sup> Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41, No 1-2 (spring/summer 2014), p.112-115, <https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367>, accessed 10 August 2016

<sup>19</sup> Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41, No 1-2 (spring/summer 2014), p.112-115, <https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367>, accessed 10 August 2016

<sup>20</sup> British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex C

<sup>21</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, pp.14-15, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>22</sup> Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41, No 1-2 (spring/summer 2014), p. 115, <https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367>, accessed 10 August 2016

<sup>23</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.15, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>24</sup> British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex C

Rescue Committee (IRC) also corroborated that civil ID records were held locally.<sup>25</sup>

- 6.1.10 The IOM Country Fact Sheet on Iraq, dated August 2014, listed addresses for the Department of Civil Affairs in the KRI and Baghdad.<sup>26</sup>
- 6.1.11 The British Embassy letter, dated 7 April 2012, also confirmed the existence of an archive system in Baghdad: 'In addition to any of the institutions where records are retained following any transaction with these bodies, civil identity records are retained on microfiche in a central archive so e.g. when the records in the civil status office in Basra were destroyed, copies were available on microfiche in Baghdad. It is therefore most unusual for personal civil ID records to go missing.'<sup>27</sup>
- 6.1.12 Additionally the source, which cited information from the NGO Qandil, noted: '... even if a family lost all of their documents they can obtain copies from the Central Archives.'<sup>28</sup>
- 6.1.13 The Landinfo report dated 23 January 2014 similarly confirmed that whilst the family registry system was not electronic, the local population registration offices sent information to the central population registry in Baghdad.<sup>29</sup>
- 6.1.14 The British Embassy letter dated 4 December 2014 reiterated that back up ID records were retained in the Baghdad Central Archive and further explained: 'Though not as efficient or quick to access as the originals, these central records provide an alternative means of ID verification.'<sup>30</sup>
- 6.1.15 The Canadian Studies in Population paper, dated 2014, observed that the Iraqi system was unique for a number of reasons. Firstly, there was multiple record-keeping systems, allowing for parallel processes of documenting information; secondly, copies of the same form were stored at multiple sites which made it '... easy to obtain copies of the form if it gets lost...' and made it more difficult to forge documents; and thirdly, that the system put the family 'at the core of the registration system, rather than the individual', which provided permanency and continuity to the system.<sup>31</sup>
- 6.1.16 The source noted that:

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<sup>25</sup> British Embassy Baghdad, 'Renewal or reissuance of a civil status ID card and the provisions to change place of residence in Iraq', 22 January 2012, Annex B

<sup>26</sup> IOM, 'Country Fact Sheet on Iraq', August 2014, [http://www.bamf.de/SharedDocs/MILo-DB/EN/Rueckkehrfoerderung/Laenderinformationen/Informationsblaetter/cfs\\_irak-dl\\_en.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/MILo-DB/EN/Rueckkehrfoerderung/Laenderinformationen/Informationsblaetter/cfs_irak-dl_en.pdf?__blob=publicationFile), accessed 10 August 2016

<sup>27</sup> British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex C

<sup>28</sup> British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex C

<sup>29</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.17, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>30</sup> Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex G

<sup>31</sup> Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41, No 1-2 (spring/summer 2014), p.117, <https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367>, accessed 10 August 2016

'...the CR/VS [civil registration/vital statistics] system in Iraq has remained largely intact and retained its functionality...This central thesis is partially corroborated by the results of a study done in 2006 by Burnham and colleagues on the mortality in Iraq after the 2003 invasion (Burnham et al. 2006). The data showed that of the 545 deaths reported in the study, death certificates were produced for 501 of them (91.9 per cent). Breakdown of these data according to pre- and post-invasion periods showed that death certificates were available for 92.2 per cent of the 77 pre-invasion deaths and 91.7 per cent of the 469 post-invasion deaths (Kane 2007). A z-test for difference in proportions is not statistically significant at the 5-per cent significance level ( $p=0.877$ ). In other words, the war did not significantly affect the registration process.'<sup>32</sup>

6.1.17 According to the MoDM there were numerous other potential institutions (schools, hospitals, etc) where the civil record could be identified.<sup>33</sup>

6.1.18 This was corroborated by information in the Canadian Studies in Population paper of 2014:

'The hospital prepares for birth registration ahead of the birth. When the mother is admitted for delivery, she is advised to bring along her ID document and that of the father. After she delivers the baby, the registration is done, in most cases, while she is still in the hospital. She shows the ID documents and gives the name of the child. The Iraqi culture allows for the child's name to be given at birth, even if a ceremony is done later. The registrar enters the details of the parents and of the child in the birth certificate. From the parents' ID document, the sijil (family record) number, sahifa (family page) number, and daaira (local civil registration office) are copied onto the birth certificate. This establishes an administrative link between the parents and the child. This information is used later by the Civil Registration Office. The registrar enters the information in quadruplicate, and each form has a precise role.'<sup>34</sup>

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## 6.2 Overview of key documents

6.2.1 Freedom of movement in Iraq is respected under the Iraqi Constitution. Article 44(1) states that 'each Iraqi has freedom of movement, travel and residence inside and outside of Iraq.'<sup>35</sup> However, in practice citizenship

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<sup>32</sup> Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41, No 1-2 (spring/summer 2014), p.117, <https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367>, accessed 10 August 2016

<sup>33</sup> Letter from British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex C

<sup>34</sup> Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41, No 1-2 (spring/summer 2014), pp.112-115, <https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367>, accessed 10 August 2016

<sup>35</sup> Iraqi Constitution, adopted on 15 October 2005 (accessed via World Intellectual Property Organisation website), <http://www.wipo.int/edocs/lexdocs/laws/en/iq/iq004en.pdf>, Article 44, accessed 10 August 2016



documents are required to move around the country and access services. In an interview conducted by the British Embassy in Baghdad in July 2011, representatives from the IOM and the MoDM observed: ‘...we were told that while there are no laws governing freedom of movement, there are certain “regulations” which are required to be met, for instance the production of certain types of Iraqi documents and, in the presentation of personal information to the local council or police station.’<sup>36</sup>

6.2.2 The Iraqi laws which legislate for the issuance of such documents are:

- The Nationality Law No.26 of 2006;
- Civil Status Law 65 of 1972 (as amended);
- Passport Law No.32 of 1999 (as amended);
- Residence Law No.18 of 1978 (as amended); and the
- Organisation of Places of Residence Law No.95 of 1978 (as amended)

6.2.3 Two of the most important documents used in Iraq are the Iraqi Nationality Certificate (INC) and the Iraqi Civil Status ID (CSID). A UNHCR briefing explained that these documents are required for ‘...any kind of interaction with the authorities, such as an application for a food ration card, school registration, and the issuance of death and birth certificates.’<sup>37</sup> The report observed that other documents used in Iraq are Residence Address Cards, food ration cards (also known as the Public Distribution Card (PDS)), birth certificates and death certificates.<sup>38</sup>

6.2.4 The British Embassy in Baghdad, in a letter dated July 2011, corroborated this information. It noted that ‘...Iraqi nationals are issued with four documents, a Iraqi Nationality Document, a ID card (Jensiya), a Residence Card and a PDS (or ration card). Iraqi nationals are required to present these documents when seeking to relocate, or for any number of other issues, such as buying a car, obtaining a passport, getting married etc...We were told that in order to relocate from one part of Iraq to another, it was necessary to provide four documents mentioned above.’<sup>39</sup>

6.2.5 A UNHCR paper dated October 2005 noted: ‘Instead of the Residence Address Card, one can also obtain a one-time document certifying a person’s residence from the local mayor (mukhtar). In the three Northern Governorates, only one-time documents certifying a person’s residence are available.’<sup>40</sup>

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<sup>36</sup> British Embassy Baghdad, ‘Freedom of Movement and requirements to transfer personal documentation in order to relocate in Iraq’, 27 July 2011, Annex A

<sup>37</sup> UNHCR, Country of Origin Information, Iraq, October 2005, p.132, <http://www.unhcr.org/4709f79a2.pdf>, accessed 10 August 2016

<sup>38</sup> UNHCR, Country of Origin Information, Iraq, October 2005, p.132, <http://www.unhcr.org/4709f79a2.pdf>, accessed 10 August 2016

<sup>39</sup> British Embassy Baghdad, Freedom of Movement and requirements to transfer personal documentation in order to relocate in Iraq, 27 July 2011, Annex A

<sup>40</sup> UNHCR, Country of Origin Information, Iraq, October 2005, p.132,

- 6.2.6 In an interview with a UK/Denmark fact-finding mission delegation in November 2011, Brigadier-General Abdulrahman Ismael Aziz, the Erbil Civil Information Card General Director, stated that a new Information Card, legislated under Law 95 of 1978 relating to the Organization of Places of Domicile and Residence inside Iraq, had been issued in the KRI since 4 December 2010.<sup>41</sup>
- 6.2.7 The UNHCR, in a paper dated September 2014, noted that a lack of civil documentation made it difficult for people to register with the MoDM and apply for residence, limiting 'access to all sets of civil and economic rights.'<sup>42</sup>

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### 6.3 Internally Displaced Persons (IDPs)

- 6.3.1 The British Embassy in Baghdad, in a letter dated 4 December 2014, observed:

'Owing to their high numbers and continued mobility, IDP registration remains complex and challenging. The UNHCR is working with the Gol [Government of Iraq] and KRG authorities to harmonise registration procedures, including the wide scale use of biometrics, but a common format and practice is unlikely in the short term. In the Kurdistan Region, registration questionnaires and software have been deployed to enhance needs profiling. Across central and southern Iraq, the UNHCR is also funding close to 300 staff positions in MoMD regional offices. However, serious capacity issues remain and practical assistance through these offices is largely limited to cash donations...Against this background, registration is not a pre-requirement for access to shelter and emergency relief being provided by the UNHCR and its partners. In line with its Protection Cluster strategy, the monitoring teams of the UNHCR and its partners have reached close to 700,000 individuals throughout Iraq to determine needs, vulnerabilities, registration status, demographic information and accommodation circumstances.'<sup>43</sup>

- 6.3.2 A fact-finding mission undertaken by the Danish Refugee Council and Danish Immigration Service to the KRI between 26 September and 6 October 2015 ('the Danish fact-finding report') observed:

'Qandil said that the demand for recovery of documents among IDPs is big, and that recovery of documents is a lengthy process. In a significant number

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<http://www.unhcr.org/4709f79a2.pdf>, accessed 10 August 2016

<sup>41</sup> UK Home Office / Danish Immigration Service fact finding report to Erbil and Dahuk conducted between 11 and 22 November 2011, 'Update (2) on entry procedures at Kurdistan Regional Government checkpoints (KRG); residence procedures in Kurdistan Region of Iraq (KRI) and arrival procedures at Erbil and Suleimaniyah airports (for Iraqis travelling from non-KRI areas of Iraq), published March 2012, p. 48, <https://www.nyidanmark.dk/NR/rdonlyres/6F71106D-2B7B-49F4-B870-EF2E95E33BE5/0/IraqKRIFMReportPUBLICATION.pdf>, accessed 10 August 2016

<sup>42</sup> UNHCR, 'Emergency Response for the Iraq situation, Revised Supplementary Appeal', September 2014, <http://www.unhcr.org/5412b1e09.pdf>, accessed 10 August 2016

<sup>43</sup> Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex G

of cases, Qandil is not able to assist, for example, with regard to documents for IDPs from Anbar.

'Two sources stated that, before the conflict, an Iraqi citizen should hand in an application for recovery of a lost document to the office that issued the lost document which means the area where he or she was registered before the flight. However, the two sources said that in the current state of emergency, temporary issuing offices for civil documents have been set up at different places in Iraq. Qandil further said that these offices are under the authority of the Ministry of Interior in Baghdad...

'There are several challenges for IDPs who have lost their documents. UNHCR stated that, generally, it is not possible to travel without ID documents. If IDPs manage to travel back to renew documents, they run a risk of not being able to be readmitted to KRI. Qandil said that, to enter Baghdad itself, IDPs without documents would have to fly in, since they would not be able to enter Baghdad by road due to various risks travelling by land, such as (1) discrimination between Shia and Sunni, (2) lack of money for bribery, (3) checkpoints and (4) Shia militias in the area.

'According to Human Rights Watch, in Erbil, there have been examples of arrests of people who did not have ID and who were put in detention and interrogated for months without charges and without access to a lawyer.

'According to UNHCR, generally speaking, there is no effective access to new civil status documents for IDPs. This presents challenges to the IDPs, since a number of documents are essential for registration and access to social services.'<sup>44</sup>

### 6.3.3 A UNHCR document, dated May 2016, noted:

'Loss of civil documentation remains another concern for IDPs across Iraq. Without civil documentation, and particularly without civil ID card, IDPs cannot access basic rights, services or employment, face restrictions on their freedom of movement and may be at risk of arrest and detention. Limited financial resources and lack of official documents reportedly hamper IDPs' access to health services. The influx of IDP children is reported to overburden the education system, resulting in severe overcrowding. IDP children lacking official documents may be unable to enrol into schools.'<sup>45</sup>

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<sup>44</sup> Danish Refugee Council & The Danish Immigration Service, 'The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015', April 2016, pp. 25-26, <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>, accessed 9 August 2016

<sup>45</sup> UN High Commissioner for Refugees (UNHCR), 'Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative (IFA/IRA) in Baghdad for Sunni Arabs from ISIS-Held Areas', May 2016, p. 27, [http://www.ecoi.net/file\\_upload/1930\\_1465288084\\_575537dd4.pdf](http://www.ecoi.net/file_upload/1930_1465288084_575537dd4.pdf), accessed 10 August 2016



## 6.4 Civil Status ID Card (CSID)

6.4.1 In Arabic the Civil Status ID (CSID) card is called Bitaka shakhsiyeh, but it is also referred to as Bitaqahawwiya<sup>46</sup>, Al-Bitaqat al-Shikhsiya<sup>47</sup> or Jensiya.<sup>48</sup>

6.4.2 The CSID is a form of photo identification.<sup>49</sup> A Landinfo report dated January 2014 noted that ID cards contained a person's:

- full name;
- date of birth;
- birthplace;
- parents' names;
- civil status;
- religious affiliation;
- a registry number which specifies the number of the family book in which the person is registered (this is located to the right side on the front of the card). The serial number is printed on the top left. Using this information and the issuer's signature, it is possible to authenticate an ID card.<sup>50</sup>

6.4.3 The FCO, in a letter dated April 2012, noted that the card contained a person's:

- photograph (on the front of the card);
- district of registration and governorate;
- record number;
- page number from the main identity record book held by the Civil ID Office;
- name;
- father's and grandfather's name;
- surname or tribal name;
- sex;
- signature

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<sup>46</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.17, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>47</sup> Middle East Consultancy Services, Iraqi Civil Status Identification Card or Al-Bitaqat al-Shikhsiya, 9 September 2012, <http://mideastconsultancy.com/new/mecs/auth.php?sid=3&id=29>, accessed 10 August 2016

<sup>48</sup> British Embassy Baghdad, Freedom of Movement and requirements to transfer personal documentation in order to relocate in Iraq, 27 July 2011, Annex A

<sup>49</sup> Middle East Consultancy Services, Iraqi Civil Status Identification Card or Al-Bitaqat al-Shikhsiya, 9 September 2012, <http://mideastconsultancy.com/new/mecs/auth.php?sid=3&id=29>, accessed 10 August 2016

<sup>50</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.15, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

as well as the:

- signature of the Authorising Officer;
- signature of the Issuing Officer;
- date of issue<sup>51</sup>

6.4.4 On the reverse of the card was listed a person's:

- occupation/job;
- (written and numerical) date of birth;
- place of birth;
- significant markings e.g. scars;
- marital status;
- spouse's name;
- place of registration;
- eyes, hair and face colour;
- height; and
- blood group<sup>52</sup>

6.4.5 The CSID card is governed under the Civil Status Law 65 of 1972 (amended).<sup>53</sup> According to the Second Secretary, Embassy of Iraq, (interviewed in London on 5 January 2012), the CSID card is required by law and issued to each Iraqi national, both inside and outside of Iraq, upon production of a birth certificate. CSID cards are issued by the Ministry of Interior, Iraqi Civil Card Directorate.<sup>54</sup> The Landinfo report dated 23 January 2014 largely verified this information, although referred to the Civil Status Affairs Directorate, under the jurisdiction of the General Nationality Directorate, as the issuer of the document.<sup>55</sup> UNHCR also broadly corroborated this information.<sup>56</sup>

6.4.6 The CSID card is considered the most important personal document and is used for all contact with public authorities, health care, social welfare, schools and for the purchase and sale of homes and cars. The CSID card is also required when applying for other official documents, such as passports.<sup>57</sup> Shelter for Life International, in a report dated September 2014,

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<sup>51</sup> British Embassy, 'Re-documentation procedures', 7 April 2012, Annex C

<sup>52</sup> British Embassy, 'Re-documentation procedures', 7 April 2012, Annex C

<sup>53</sup> British Embassy Baghdad, Freedom of Movement and requirements to transfer personal documentation in order to relocate in Iraq, 27 July 2011, Annex A

<sup>54</sup> Note of meeting with Hassanain Hadi Fadhil, Second Secretary, Embassy of the Republic of Iraq, London, 5 January 2012, Annex I

<sup>55</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.15, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>56</sup> UNHCR Baghdad, 'Response to inquiry regarding returnees /deportees: documentation, assistance and conditions at Baghdad airport', 3 November 2011, Annex H

<sup>57</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.16,

observed that government issued ID was required to access bank accounts.<sup>58</sup> A British Embassy letter dated May 2011 noted that an individual's identity document may be requested for any number of reasons, including applying for a job.<sup>59</sup>

- 6.4.7 A representative of IOM informed the Immigration and Refugee Board of Canada in November 2013 that the CSID card was the 'basic' ID card and 'main card' for identification in Iraq and should be held by all citizens.<sup>60</sup> A letter from the British Embassy in Baghdad, dated 27 July 2011, indicated that without civil documentation, it would not be possible to transit security checkpoints.<sup>61</sup> A letter from the British Embassy dated 9 May 2011 also noted that a person's identity document may be requested by police at security checkpoints.<sup>62</sup> However, a letter from the British Embassy dated April 2012 instead noted:

'Driving around town car occupants are not routinely asked to produce their ID cards at check points. The driver of a car is more likely than any person to be asked at a check point to show their ID where they may be asked to show their car registration, driving licence and ID card. But this is far from a common occurrence except during high profile events e.g. the Arab League Summit (which took place in late March 2012) when security is particularly strict. On a recent return journey to and from the airport, a middle ranking locally engaged Iraqi member of the Embassy was asked to show his car registration and ID at a check point but none of his occupants were asked to show their ID which he explained is normal. It's important to understand that nothing in his personal identification or car papers indicates where he works. On a visit to see his sister in-law at a hospital who had recently given birth, he was not asked to show any identification.'<sup>63</sup>

- 6.4.8 A letter from the British Embassy, dated 9 May 2011, based on consultations with a senior advisor to the UK Police Advisory Team, an intelligence analyst from a commercial company working in Baghdad and a representative of an international NGO, stated that whilst a person's religious sect is not identified on any identity documents, in practice an individual's tribal name and place

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[http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>58</sup> Shelter for Life International, 'Rapid Assessment of IDPs in Erbil City in Search of Alternative Approaches to Shelter and Settlement: Findings and Recommendations', September 2014, p. 4, accessed via [sheltercluster.org](http://sheltercluster.org),

<https://www.sheltercluster.org/sites/default/files/docs/Assessment%20of%20Urban%20IDPs%20in%20Iraq.pdf>, accessed 10 August 2016

<sup>59</sup> British Embassy Baghdad, 'Mixed Sunni/Shia marriages', 9 May 2011. Available on request.

<sup>60</sup> Research Directorate, Immigration and Refugee Board of Canada, Ottawa, 'Iraq: Civil Status Identification Card, including purpose and validity; requirements and procedures for the issuance, renewal and replacement of cards, including the location of issue; frequency of fraudulent identity cards (2011-November 2013)',

<https://www.justice.gov/sites/default/files/eoir/legacy/2014/02/04/IRQ104654.E.pdf>, accessed 10 August 2016

<sup>61</sup> British Embassy Baghdad, Freedom of Movement and requirements to transfer personal documentation in order to relocate in Iraq, 27 July 2011, Annex A

<sup>62</sup> British Embassy Baghdad, 'Mixed Sunni/Shia Marriages', 9 May 2011. Available on request.

<sup>63</sup> British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex C

of birth would give a clear indication of their religious identity.<sup>64</sup> This was partially corroborated by a report from the Financial Times, dated 26 June 2014, based on reporting in Baghdad, which gave the example of a person from the mainly Sunni Azzawi tribe, who would so be identified as a Sunni Arab because their tribal origin would be stated on their ID card. The source further indicated that sect could be identified through a person's name, tribal affiliation or the name of a father or grandfather.<sup>65</sup>

6.4.9 The Landinfo report dated January 2014<sup>66</sup> and UNHCR Baghdad paper dated November 2011<sup>67</sup> were broadly consistent that, to obtain a CSID, an application form, birth certificate, photographs and a small fee, needed to be submitted to the person's local population registration office.

6.4.10 However, information submitted by UNHCR Baghdad in November 2011 also reported that, to obtain a CSID, a person needed to present their:

- housing card (or supporting letter from the local council to confirm the subject's residence);
- Public Distribution System (PDS) card; and
- fiscal stamp (IQD 750), available from the book shop of the Police Families' Martyrs.<sup>68</sup>

6.4.11 The Landinfo report noted that, to obtain a CSID, an ID card from a close relative such as a father or grandfather was required.<sup>69</sup> This was corroborated by the IOM Country Fact Sheet, August 2013. The IOM source noted that a Nationality Certificate, or the Nationality Certificate of the applicant's father, was also required.<sup>70</sup>

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<sup>64</sup> British Embassy Baghdad, 'Mixed Sunni/Shia Marriages', 9 May 2011. Available on request.

<sup>65</sup> Financial Times, 'Iraq Crisis: Sunni anger returns with revival of Shia militias', 26 June 2014, [http://www.ft.com/cms/s/920dac6f-fd3e-11e3-8ca9-00144feab7de.Authorised=false.html?i\\_location=http%3A%2F%2Fwww.ft.com%2Fcms%2Fs%2F0%2F920dac6f-fd3e-11e3-8ca9-00144feab7de.html%3Fsiteedition%3Duk&siteedition=uk&i\\_referer=#axzz3KpyCXsO](http://www.ft.com/cms/s/920dac6f-fd3e-11e3-8ca9-00144feab7de.Authorised=false.html?i_location=http%3A%2F%2Fwww.ft.com%2Fcms%2Fs%2F0%2F920dac6f-fd3e-11e3-8ca9-00144feab7de.html%3Fsiteedition%3Duk&siteedition=uk&i_referer=#axzz3KpyCXsO), accessed 10 August 2016

<sup>66</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, pp.16-17, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>67</sup> UNHCR Baghdad, 'Response to inquiry regarding returnees /deportees: documentation, assistance and conditions at Baghdad airport', 3 November 2011, Annex H

<sup>68</sup> UNHCR Baghdad, 'Response to inquiry regarding returnees /deportees: documentation, assistance and conditions at Baghdad airport', 3 November 2011, Annex H

<sup>69</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, pp.16-17, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>70</sup> IOM, 'Country Fact Sheet on Iraq', August 2014, [http://www.bamf.de/SharedDocs/MILo-DB/EN/Rueckkehrfoerderung/Laenderinformationen/Informationsblaetter/cfs\\_irak-dl\\_en.pdf?blob=publicationFile](http://www.bamf.de/SharedDocs/MILo-DB/EN/Rueckkehrfoerderung/Laenderinformationen/Informationsblaetter/cfs_irak-dl_en.pdf?blob=publicationFile), accessed 10 August 2016

## 6.5 Iraqi Nationality Certificate (INC)

- 6.5.1 The Nationality Certificate (INC) in Arabic is called shahadat jinsiyya<sup>71</sup> or shahdat al-Jinsiya al-Iraqiya<sup>72</sup>. The INC is regulated under the Iraqi Nationality Law No.26 (2006). Essentially, the document proves that someone is an Iraqi citizen. It is issued by the General Nationality Directorate (GND) of the Ministry of Interior (MOI).<sup>73</sup> Hassanain Hadi Fahl, Second Secretary at the Iraqi Embassy in London, clarified in January 2011 that '...the issuance of the Iraqi Nationality Certificate...was overseen by the General Directorate of Nationality, which was...part of the Ministry of Interior.' The Second Secretary clarified that the General Directorate of Nationality and Iraqi Civil Card Directorate worked closely together as both the CSID card and INC were required to issue an Iraqi citizen with an Iraqi passport.<sup>74</sup>
- 6.5.2 The website for the General Directorate for Nationality, in an undated post, confirmed that it was responsible for implementing the Citizenship Act No 26 of 2006, Civil Status Law No.65 of 1972 (as amended), Passport Law No.32 of 1999 (as amended) and the Commercial Housing Regulatory Act No.95 of 1978 (as amended).<sup>75</sup>
- 6.5.3 The Middle East Consultancy Services, in an article dated September 2012, confirmed that the INC is a booklet upon which the picture of the owner is fixed. The cover is black.<sup>76</sup>
- 6.5.4 According to Landinfo, the INC is necessary when applying for work in the public sector and to access other public services. It is also required to apply for other documents, such as passports and birth, marriage and death certificates.<sup>77</sup> This was partially corroborated by a UNHCR Country of Origin report on Iraq dated 2005, which noted that the INC, together with the CSID, were 'requested for any kind of interaction with the authorities, such as an application for a food ration card, school registration, and the issuance of death and birth certificates.'<sup>78</sup> The Landinfo source further noted that children can get an INC from an early age, but it is common to get them from the age

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<sup>71</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, pp.16-17, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>72</sup> MECS, 'Iraqi Nationality Certificate or Shahdat al-Jinsiya al-Iraqiya', 9 September 2012, <http://mideastconsultancy.com/new/mecs/auth.php?sid=1&id=28>, accessed 10 August 2016

<sup>73</sup> UNHCR Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011, Annex H

<sup>74</sup> COI Service, cover letter and note of meeting with Hassanain Hadi Fadhil, Second secretary, embassy of the Republic of Iraq, London, 5 January 2011, Annex I

<sup>75</sup> The Republic of Iraq, Ministry of Interior, General Directorate for Nationality, Duties and Activities, undated, [http://www.iraqnationality.gov.iq/activities\\_en.htm](http://www.iraqnationality.gov.iq/activities_en.htm), accessed 10 August 2016

<sup>76</sup> MECS, 'Iraqi Nationality Certificate or Shahdat al-Jinsiya al-Iraqiya', 9 September 2012, <http://mideastconsultancy.com/new/mecs/auth.php?sid=1&id=28>, accessed 10 August 2016

<sup>77</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, pp.16-17, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>78</sup> UNHCR, Country of Origin Information, Iraq, October 2005, p.132, <http://www.unhcr.org/4709f79a2.pdf>, accessed 10 August 2016

of 12.<sup>79</sup> The UNHCR Baghdad paper dated 3 November 2011 confirmed that the INC proved that a person was an Iraqi citizen.<sup>80</sup>

- 6.5.5 According to Nezar Rahmatollah Aziz, General Director of Passport and Nationality in the Kurdistan Region, INCs were issued at the General Directorate of Nationality's local offices, found in all governorate capitals, although the certificates were only produced in Baghdad.<sup>81</sup> This was corroborated by information provided from UNHCR Baghdad in November 2011.<sup>82</sup>
- 6.5.6 There is slightly conflicting information about the documents a person needs to apply for an INC. Reports from UNHCR Baghdad, dated 3 November 2011, and Landinfo, dated 23 January 2014 (which cited undated information from UNHCR), were consistent that a person needed a:
- completed Iraqi Nationality Certificate application form (with two 500 Iraqi Dinar stamps);
  - Public Distribution Card (PDS);
  - Housing card (or supporting letter from the local council to confirm the applicant's residence);
  - personal photo(s);
  - father's INC, or, in the event that this is lost, a brother's, grandfather's or uncle's INC<sup>83 84</sup>
- 6.5.7 However, the UNHCR Baghdad source, dated November 2011, stated that an original and a copy of the father's, grandfather's or uncle's INC was required<sup>85</sup>, whereas the information documented by Landinfo noted that only a copy was required.<sup>86</sup>
- 6.5.8 The Landinfo report, which cited an undated UNHCR source, also noted that a person needed their:
- birth certificate (this must be issued by a consul if the person was born outside Iraq);

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<sup>79</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, pp. 21-22, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>80</sup> UNHCR Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011, Annex B

<sup>81</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p. 23, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>82</sup> Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011, Annex B

<sup>83</sup> UNHCR Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011, Annex B

<sup>84</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p. 23, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>85</sup> UNHCR Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011, Annex H

<sup>86</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p. 23, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016



- ID card;
- parents' marriage certificate; and
- parents' ID cards<sup>87</sup>

6.5.9 A report from UNHCR dated 2011 noted that when applying for an INC the required documents would be submitted in person to the General Nationality Directorate in each governorate. The source noted that for more complicated applications where a person did not have the required documentation to prove Iraqi citizenship the process may need to take place in Baghdad.<sup>88</sup>

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## 7. Redocumentation

### 7.1 Assistance

7.1.1 The British Embassy Baghdad, in a letter dated 4 December 2014, explained that given the long history of displacement in Iraq, there were 'well established' procedures whereby those not in possession of their civil documents could obtain replacement documents.<sup>89</sup>

7.1.2 The British Embassy in Baghdad in April 2012 noted that a returnee would need only to provide his passport (valid or expired) or laissez passer to the MoDM to receive assistance in re-acquiring civil documentation. The source explained that in Baghdad there were four locations where a returnee could seek assistance from the MoDM; there were two locations in central Karkh; one in Karadah and a fourth on the edge of the International Zone, at the MoDM Head Office.<sup>90</sup>

7.1.3 According to the Iraqi Consul in Norway in February 2012 and October 2013, in order to obtain a replacement passport and other ID documents from outside Iraq, the General Directorate of Nationality would need to submit to the Passport Directorate the following information: 'full name, place of birth, mother's name, ID card number, page number in the family registry, Iraqi nationality certificate number and date of issue.'<sup>91</sup>

7.1.4 UNHCR Baghdad, in a paper dated November 2011, noted:  
 'The network of PARC [Protection Assistance and Reintegration Center]'s, comprising fixed centres and mobile teams, provide legal counselling, assistance and referrals to appropriate service providers. PARC lawyers can provide legal representation in court and before administrative bodies, assist in the filing of complaints and in advocacy with local authorities. PARCs also

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<sup>87</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p. 23, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>88</sup> UNHCR Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011, Annex H

<sup>89</sup> Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex G

<sup>90</sup> Letter from British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex C

<sup>91</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p. 23, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

provide advice and assistance on registration with MoMD, rights and entitlements...Types of legal cases / issues with which the PARC lawyers assist include: Civil ID / Nationality, birth / death certificates, marriage, divorce / separation, inheritance, passport, PDS, education, moveable / immovable property, compensation.<sup>92</sup>

- 7.1.5 The British Embassy in April 2012 also noted that a returnee could seek assistance with civil documentation through the UNHCR's network of PARCs and Protection Assistance Centres (PACs) which were located across Iraq.<sup>93</sup> The source further explained:

'UNHCR and its partners provide support to returnees with the acquisition of Civil IDs and other critical civil status documentation. Contact points and means of access vary: returnees can directly seek assistance by visiting MoMD, Return Assistance Centres (or branch offices in governorates) or other field offices in person, by contacting lawyers through the phone numbers listed on brochures distributed through field visits in various governorates, or they can be referred by other service providers, the MoMD, and other stakeholders.'<sup>94</sup>

- 7.1.6 The extent to which these offices operated in the 'contested areas' is unknown. However, the British Embassy letter dated 4 December 2014 clarified: 'For those IDPs from provinces now under the control of ISIL, replacement civil documents can be obtained with the help of the UNHCR's network of Protection Assistance & Reintegration Centres (PARC), Protection Assistance Centres (PAC) and partner organisations (for example, in the Kurdistan Region, UNCHR are supported by Qandil in Erbil, Harikar in Duhok and CDO in Sulaymaniyah) operating elsewhere across the country.'<sup>95</sup>
- 7.1.7 The British Embassy in Baghdad, in a letter dated 4 December 2014, noted that the UNHCR had established joint centres with the Ministry of Interior in Baghdad and Najaf to assist IDPs with re-documentation. According to sources consulted by the embassy, these were 'working well'.<sup>96</sup>
- 7.1.8 UNHCR in October 2014 noted that special offices had been established in Baghdad and Najaf to replace documents. The source noted that IDPs in other parts of the country, especially the KRI, faced difficulties, such as high travel costs, in accessing these services.<sup>97</sup>
- 7.1.9 However, a report from the British Embassy in Baghdad, dated 4 December 2014, noted:

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<sup>92</sup> UNHCR Baghdad, 'Response to inquiry regarding returnees /deportees: documentation, assistance and conditions at Baghdad airport', 3 November 2011, Annex H

<sup>93</sup> Letter from the British Embassy Baghdad, 'Re-documentation procedures, 7 April 2012, Annex C

<sup>94</sup> Letter from the British Embassy Baghdad, 'Re-documentation procedures, 7 April 2012, Annex C

<sup>95</sup> Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex G

<sup>96</sup> Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex G

<sup>97</sup> UNHCR, 'UNCHR position on returns to Iraq', October 2014, p. 9-10, accessed via Refworld, <http://www.refworld.org/docid/544e4b3c4.html>, accessed 10 August 2016



'...The UNHCR has...recently established joint centres with the Ministry of Interior in Baghdad and Najaf to assist IDPs with re-documentation and we are told these are working well. As a minimum, individuals are required to identify their book page and page number or that of a family member. All Iraqi nationals will know or be able to easily obtain this information...While there is a risk that the original civil ID records held in provincial capitals such as Mosul and Ramadi may have been destroyed by the occupying ISIL forces, back-up ID records are retained in the Baghdad Central Archive. Though not as efficient or quick to access as the originals, these central records provide an alternative means of ID verification. In addition to civil ID records, other potential sources for independent verification include school and hospital records. A more detailed and still valid account of re-documentation procedures can be found in this Embassy's letter of 7 April 2012. It remains this Embassy's considered view that Iraqis returning from overseas will be able to reacquire their civil documents through these more regular means.'<sup>98</sup>

7.1.10 A UNHCR report, dated May 2016, noted:

'In Iraq, civil status documentation is generally issued and renewed at the local civil status office in a person's place of origin where the original records are maintained a prospect that is not feasible for those originating from areas under ISIS control or conflict areas. In response to the large-scale displacement since 2014, alternative civil status offices have been opened in various parts of the country to issue/renew different types of civil status documentation. Nevertheless, administrative procedures involved to recover lost identification documents is reportedly filled with obstacles.

'Persons displaced from Salah Al-Din and Al-Anbar governorates cannot issue/renew their civil ID card in Baghdad. Rather, the civil ID card has to be issued/renewed in Samarra/Salah Al-Din (for IDPs from Salah Al-Din), and Ameriyat Al-Fallujah/Al-Anbar (IDPs from Fallujah).

'For IDPs from Ninewa, several alternative directorates of civil ID have been established in January 2015 to deal with IDPs from specific areas (none of which is in Baghdad):

<b>Location of Alternative Directorate</b>	<b>IDP Place of Origin</b>
Al-Qosh (Ninewah)	Talkeif district, Wana sub-district, Al-Quah sub-district
Sheikhan (Dohuk)	Mosul district
Al-Faroq (Zalikan) sub-district	Other districts and sub-districts of Ninewah
Najaf	Telkeif, Al-Mosul Al-Ayser (left bank of Mosul), Bashiqa, Bartella, Hamdaniah and Nimrod

<sup>98</sup> Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex G

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'IDPs from Diyala governorate cannot issue/renew their civil ID card in Baghdad. An alternate Directorate of Civil ID has been established in Al-Salam sub-district of Diyala to serve IDPs of Al-Udhaim and Al-Mansouriyah sub-districts and another directorate located in the centre of Baquba receives IDPs from Jalawla, Al-Sa'adiya, and Kifri sub-districts.

'Repeated changes to applicable instructions and the specified locations have reportedly caused confusion among IDPs and lawyers as to which office to approach. Access to the alternative directorates may prove difficult for IDPs in Baghdad for security reasons, including the need to pass by checkpoints (where civil documentation is required). A power of attorney is not accepted and the applicant has to appear in person. Moreover, there is reportedly insufficient staff working in these offices, resulting in delays.'<sup>99</sup>

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## 7.2 Passport

7.2.1 The website of the Passport Affairs Directorate, General Directorate of Nationality, Ministry of Interior detailed that to obtain an Iraqi passport a person (who is 18 or over) needs to present:

- a form with completed person information, filled out exactly according to the information on the Civil Stats ID (CSID);
- a CSID;
- an INC;
- a Residency card (for those outside Iraq);
- photographs;
- a cheque for 25 thousand Iraqi Dinars (about £16<sup>100</sup>)

to an Iraqi consulate, where they will also take a person's fingerprints.<sup>101</sup>

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## 7.3 Civil Status ID Card (CSID)

7.3.1 The British Embassy stated, in 2012<sup>102</sup> and 27 July 2011<sup>103</sup>, that to obtain a replacement CSID an individual would usually return to the Civil ID Office

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<sup>99</sup> UN High Commissioner for Refugees (UNHCR), 'Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative (IFA/IRA) in Baghdad for Sunni Arabs from ISIS-Held Areas', May 2016, pp. 27-28, [http://www.ecoi.net/file\\_upload/1930\\_1465288084\\_575537dd4.pdf](http://www.ecoi.net/file_upload/1930_1465288084_575537dd4.pdf), accessed 10 August 2016

<sup>100</sup> <http://www.xe.com/currencyconverter/convert/?Amount=25000&From=IQD&To=GBP>, accessed 10 August 2016

<sup>101</sup> Passport Affairs Directorate, General Directorate of Nationality, Ministry of Interior, The Republic of Iraq, [http://www.iraqinationality.gov.iq/passport\\_en.htm](http://www.iraqinationality.gov.iq/passport_en.htm), accessed 10 August 2016

<sup>102</sup> Letter from the British Embassy Baghdad, 'Renewal or reissuance of a civil status ID card and provisions to change place of residence in Iraq', 22 January 2012, Annex B

<sup>103</sup> British Embassy Baghdad, Freedom of Movement and requirements to transfer personal documentation in order to relocate in Iraq, 27 July 2011, Annex A

where his or her original family record was held. This was also acknowledged in the Landinfo report dated January 2014.<sup>104</sup>

- 7.3.2 However, the Embassy letter dated 22 January 2012 explained that this is not necessary if the individual did not feel safe doing so. In such a situation a person could report to the MoDM who would ‘... be able to support the transfer of the record to the area they wish to live in now.’ The source also noted that if the individual was abroad they could apply through an Embassy.<sup>105</sup>
- 7.3.3 The British Embassy letter, dated April 2012, clarified that a Civil Status Office would be unable to assist an Iraqi citizen if they had no information about the book and record page where the civil record was held, because there was no database of civil status records. However, the source noted that the book page information could be obtained through other offices that held records, for example the Passport Directorate or court that issued a marriage certificate.<sup>106</sup>
- 7.3.4 A letter from the British Embassy dated January 2012 noted that if CSID card had been lost an individual would need to produce a written statement declaring the circumstances around the loss, which would be seen by an investigation court; a notice would also need to be placed in a local newspaper. The Embassy letter commented that whilst this sounded quite involved, one interlocutor described it as being ‘simple and straightforward’.<sup>107</sup> The Second Secretary at the Iraqi Embassy in London, in an interview dated January 2012, partially corroborated the information about this procedure; he noted that when an individual had lost their ID card they would be required to report the incident to the local police, where they would be given a police report. The source indicated that this needed to be done in person.<sup>108</sup>
- 7.3.5 The British Embassy in Baghdad, in a letter dated 4 December 2014, reiterated that other potential sources, for example a school or hospital, could be accessed to independently verify a persons ID.<sup>109</sup>
- 7.3.6 A letter from the British Embassy Baghdad dated 7 April 2012 explained that the Civil Status Law 65 of 1972 required Iraqi consulates to liaise with the Nationality Directorate to enable citizens living overseas to acquire their CSID card. This could be completed by filing an application from any of the

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<sup>104</sup> Landinfo, ‘Report Iraq: Travel documents and other identity documents’, 23 January 2014, pp. 16-17, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>105</sup> Letter from the British Embassy Baghdad, ‘Renewal or reissuance of a civil status ID card and provisions to change place of residence in Iraq’, 22 January 2012, Annex B

<sup>106</sup> Letter from British Embassy Baghdad, ‘Re-documentation procedures’, 7 April 2012, Annex C

<sup>107</sup> Letter from the British Embassy Baghdad, ‘Renewal or reissuance of a civil status ID card and provisions to change place of residence in Iraq’, 22 January 2012, Annex B

<sup>108</sup> Note of meeting with Hassanain Hadi Fadhil, Second Secretary, Embassy of the Republic of Iraq, London, 5 January 2012, Annex I

<sup>109</sup> Letter from the British Embassy Baghdad, ‘Internal movement/civil documentation and access to essential services in host communities’, 4 December 2014, Annex G

following: the head of family (male or female); the applicant (record holder); a guardian; or a lawyer with the power of attorney.<sup>110</sup>

7.3.7 The source explained that to obtain a replacement CSID card, a person should provide a copy of the lost ID, or the ID of a close relative such as a father or brother. According to interlocutors an ID 'book page' record number remains the same throughout their entire life and the pages are closely related to their relatives: if their own ID or a copy is not available it is usually straightforward to identify the citizen from other relative's records.<sup>111</sup>

7.3.8 The Landinfo report dated January 2014 noted that if the ID card was lost, the applicant's identity could be verified based on their father or brother's ID card.<sup>112</sup>

7.3.9 The website of the Ministry of Foreign Affairs noted:

'In case of request a lost identity replacement the Consul should write down the statement of the applicant in the back of the [application] form in addition to the above. The statement must include answering three questions, namely, (Where do you think the place of loss of the identity card, when do you lost it and how do you lost it?) The statement must be signed by the applicant and install the full name and left thumb fingerprint and signed by the consul and stamped by the stamp of the consulate and sent with the application form a copy of the lost identity card, a copy of the identity card of his father, his brother or non married sister - certified by the consul being as a replica. In case of request damaged replacements the applicant must write down a statement signed by him and signed and stamped by the Consul and attach the damaged identity with the form. The applicant must attach with the application of lost replacement or damaged a recent photograph of him.'<sup>113</sup>

7.3.10 The Landinfo report outlined that it was possible to give power of attorney to 'retrieve' an ID card in Iraq:

'An Iraqi in Norway can alternatively give a proxy power of attorney to apply for and retrieve an ID card at the local population registration office where the applicant is registered. When applying for a new card via a proxy, the applicant must write a power of attorney for a person in their home country. The power of attorney must be sent via the embassy in the country in which they are staying and the embassy must stamp the letter. However, this can be difficult if the person cannot identify himself/herself. This means that he/she must either have a passport, a birth certificate, an old ID card or a nationality certificate. When the consul in Norway was asked to assess the likelihood that a local population registration office would issue new ID cards via proxy for payment even if power of attorney was not authorised by an

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<sup>110</sup> Letter from British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex C

<sup>111</sup> Letter from British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex C

<sup>112</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.17, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>113</sup> Republic of Iraq, 'Ministry of Foreign Affairs, 'Consular services, the civil status ID, <http://www.mofa.gov.iq/en/submenu.php?id=64>, accessed 10 August 2016

embassy, the consul answered that it could probably happen (Iraqi Embassy in Norway, phone conversation March 2012).<sup>114</sup>

7.3.11 The source also observed:

‘An ID card issued to a proxy without power of attorney authorised by an embassy is considered valid in Iraq if the ID card itself is genuine...All ID documents issued in Iraq to citizens who are living or staying abroad must be confirmed by an Iraqi embassy or a consul in the country they are living in, or by another embassy if the country they live in does not have an Iraqi embassy (Iraqi Foreign Ministry, n.d.b). Iraqis in Norway can get the documents confirmed at the Iraqi Embassy in Oslo (Iraqi Embassy in Norway, meeting February 2012).<sup>115</sup>

7.3.12 The British Embassy letter dated 7 April 2012 also noted that it was possible to acquire new ID cards for children born outside of Iraq. If a child was not registered to a local Civil Status Office in Iraq, they could be registered with the Iraqi Embassy.<sup>116</sup> The Landinfo report, which cited a representative of the the Iraqi Embassy in Oslo (March 2013), corroborated that it was possible to obtain a new ID card from an overseas Embassy and that children born outside Iraq can be registered at one of Iraq’s Embassies. However, the source explained that the parents must present:

- the child’s birth certificate, confirmed by the Foreign Ministry of the country of birth;
- their own Iraqi ID cards;
- their own nationality certificates; and
- marriage certificate (if it is not stated on their ID cards that they are married to each other)<sup>117</sup>

7.3.13 According to the General Directorate of Nationality in April 2012, it was possible to obtain an CSID card via proxy or for a lawyer or relative to be given power of attorney to obtain a replacement CSID, so that an individual did not need to return to their local office in person:

‘A person can obtain an ID card via proxy in Iraq. A husband and father can apply for ID cards for his wife and children. However, if someone loses their card, they must appear in person to get a new card (GDN, meeting in Baghdad April 2012). This does not apply to children under the age of 12 years...It is also possible to give another person power of attorney to apply for an ID card. The most common approach is to ask a relative for help. ID documentation of both the applicant and the person with power of attorney then has to be provided.

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<sup>114</sup> Landinfo, ‘Report Iraq: Travel documents and other identity documents’, 23 January 2014, pp.17-18, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>115</sup> Landinfo, ‘Report Iraq: Travel documents and other identity documents’, 23 January 2014, p.18, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>116</sup> Letter from British Embassy Baghdad, ‘Re-documentation procedures’, 7 April 2012, Annex C

<sup>117</sup> Landinfo, ‘Report Iraq: Travel documents and other identity documents’, 23 January 2014, p.18, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016



'One can also obtain an ID card via proxy with power of attorney in the Kurdistan region. All internally displaced persons (IDPs) living in the Kurdistan region can, for example, get help from a lawyer at the Protection Assistance Centre (PAC) to update their ID card if they are registered in Baghdad or other places which are far away from the Kurdistan region. PAC is run by non-state organisations on behalf of UNHCR. The authorities require that all Iraqis update their ID cards whenever there is a change in their civil status...According to the Iraqi volunteer organisation Public Aid Organization (PAO), which runs the Protection Assistance Centre in Erbil (e-mails January 2011), every Iraqi citizen can give another person power of attorney to obtain new national ID cards for them. This is confirmed by the Iraqi consul in Norway (conversation October 2013)...There are PAC centres in all provinces.'<sup>118</sup>

7.3.14 A letter from the British Embassy in Baghdad, dated 7 April 2012, further explained that the 'minimum requirements for the UNHCR or PAC/PARC to identifying [sic] the civil status record are the book page and the page number for the applicant or one of his/her family members. Furthermore a valid housing card or, in some cases, proof of residency letter, is essential in processing of a civil ID case.'<sup>119</sup> The source noted that the book page number was key to locating an ID card. An official from the MoDM advised that the minimum a returnee needed to re-acquire their civil ID card would be a passport (expired or valid). Ideally they would also know their book page number which most Iraqis did know, or a relative could confirm their identity. UNCHR advised that the minimum requirements for identifying a civil status record was the book page number of one member of the family. Qandil corroborated information that if an individual did not know their page number they could submit their parents' ID.<sup>120</sup>

7.3.15 A UNHCR report, dated May 2016, noted:

'In order to apply for the issuance/renewal of a civil ID card, the person must be able to produce the following documents:

- i. Nationality certificate;
- ii. Housing confirmation issued by the City Council of the area of displacement and legalized by the District Commissioner addressed to the Directorate of Civil Status, or support letter from MoDM;
- iii. Housing card (issued from the person's original location);
- iv. Civil ID card of the individual's father or brother to support his/her claim;
- v. Police report (in case of loss of ID card);

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<sup>118</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.17, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>119</sup> Letter from the British Embassy Baghdad, 'Re-documentation procedures, 7 April 2012, Annex C

<sup>120</sup> Letter from the British Embassy Baghdad, 'Renewal or reissuance of a civil status ID card and provisions to change place of residence in Iraq', 22 January 2012, Annex B



- vi. Displacement confirmation letter (for IDPs from Mosul displaced to Najef).<sup>121</sup>

7.3.16 The source also provided the following information:

'The Civil Status Directorate established for IDPs from Talafar (Ninewa) in Najef does not issue civil ID cards without a support letter from MoDM. However, MoDM provides such a letter only after the IDPs register with MoDM, a process which requires original documents, which most IDPs do not have...

'If a woman's spouse was arrested under Article 4 of Iraq's Anti-Terrorism Law, she cannot obtain a housing card in her name, and, as a result, she would not be able to apply for any documentation...

'In Kerbala, MoDM does not supply IDPs with a displacement confirmation letter based on a decision by the Kerbala Provincial Council.'<sup>122</sup>

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## 7.4 Iraqi Nationality Certificate (INC)

7.4.1 A report from Landinfo dated 23 January 2014, which cited Nezar Rahmatollah Aziz, General Director of Passport and Nationality in the Kurdistan Region, noted that in accordance with Iraqi law INCs were only produced in Baghdad, but could be issued at General Nationality Directorate local offices found in all provincial capitals. Additionally, the source noted that there were multiple offices located in Baghdad.<sup>123</sup> A source from the Iraqi Foreign Ministry, undated, noted to replace a card the following procedures applied: '...Apply in writing to obtain a new nationality certificate on the grounds of loss or damage... [and c]omplete an application form which is available at GDN's [General Nationality Directorate] local offices (and Iraqi embassies) and submit the written application letter.'<sup>124</sup>

7.4.2 According to the Director-General of the General Nationality Directorate, a person could not obtain an INC via a proxy. However, for people with passports living outside of Iraq, 'a person with power of attorney can retrieve the document on behalf of the applicant', or if the person had no relatives the INC could be sent to an Iraqi Embassy via the Ministry of Foreign Affairs.<sup>125</sup>

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<sup>121</sup> UN High Commissioner for Refugees (UNHCR), 'Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative (IFA/IRA) in Baghdad for Sunni Arabs from ISIS-Held Areas', May 2016, p.28, [http://www.ecoi.net/file\\_upload/1930\\_1465288084\\_575537dd4.pdf](http://www.ecoi.net/file_upload/1930_1465288084_575537dd4.pdf), accessed 10 August 2016

<sup>122</sup> UN High Commissioner for Refugees (UNHCR), 'Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative (IFA/IRA) in Baghdad for Sunni Arabs from ISIS-Held Areas', May 2016, fns 167-169, [http://www.ecoi.net/file\\_upload/1930\\_1465288084\\_575537dd4.pdf](http://www.ecoi.net/file_upload/1930_1465288084_575537dd4.pdf), accessed 10 August 2016

<sup>123</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p. 23, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>124</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, pp. 23-24, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>125</sup> Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p. 24, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

7.4.3 According to Landinfo, INCs are only issued in Iraq.<sup>126</sup> However, according to an undated source in the Ministry of Foreign Affairs, it was possible to obtain either a new or replacement INC from an Iraqi Embassy:

‘For applications delivered at embassies, the consul must note the applicant's grounds for application on the back of the application form, along with the applicant's full name, and make sure that the applicant's fingerprints are stamped over the name. The consul must sign this document and seal it with the consulate/embassy stamp. If the applicant needs a renewed nationality certificate because the old one is damaged, the original certificate must be submitted. If the applicant needs a new certificate because the old one is lost, a copy of their father's or brother's nationality certificate must be submitted, with confirmation from the embassy that it is a true copy. ... Copy of their father's and mother's passports must also be submitted and these must also have a "true copy" stamp from the embassy ...’ in addition to 4 passport photos and 3,600 Iraqi dinars, approximately 2USD.<sup>127</sup>

7.4.4 The Landinfo report observed that for people with passports living outside of Iraq, a person in Iraq with power of attorney could ‘... retrieve the document on behalf of the applicant’, or if the person had no relatives in Iraq, the INC could be sent to an Iraqi Embassy via the Ministry of Foreign Affairs.<sup>128</sup>

7.4.5 However, the source indicated that for this was only possible where an individual could prove their identity. The Iraqi Consul in Norway confirmed in a meeting in February 2012 that the Consulate could assist those who want to replace an old document, but were unable to assist ‘people who lacked ID documentation’.<sup>129</sup> Landinfo noted: ‘...the embassy or consulate cannot forward an application for a new nationality certificate if a person cannot document his/her identity.’<sup>130</sup>

7.4.6 For Iraqi nationals living abroad who lacked a passport, an individual would be required to apply for a new INC. According to the Iraqi Foreign Ministry (undated), in addition to submitting various declarations that an individual did not already have a passport, they would also be required to ‘submit confirmed copies of their father’s or brother’s nationality certificate.’<sup>131</sup>

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<sup>126</sup> Landinfo, ‘Report Iraq: Travel documents and other identity documents’, 23 January 2014, p. 23, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>127</sup> Landinfo, ‘Report Iraq: Travel documents and other identity documents’, 23 January 2014, p. 24, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>128</sup> Landinfo, ‘Report Iraq: Travel documents and other identity documents’, 23 January 2014, p. 24, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>129</sup> Landinfo, ‘Report Iraq: Travel documents and other identity documents’, 23 January 2014, p. 24, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>130</sup> Landinfo, ‘Report Iraq: Travel documents and other identity documents’, 23 January 2014, p. 25, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

<sup>131</sup> Landinfo, ‘Report Iraq: Travel documents and other identity documents’, 23 January 2014, pp. 24-25, [http://www.landinfo.no/asset/3369/1/3369\\_1.pdf](http://www.landinfo.no/asset/3369/1/3369_1.pdf), accessed 10 August 2016

## 8. Entry to the Kurdistan Region of Iraq (KRI)

### 8.1 Entry requirements

8.1.1 A letter from the British Embassy in Baghdad, dated 4 December 2014, noted that for those arriving by air at Erbil or Sulamaniyah airports were directed to report to the nearest Asayish office to regularise their stay.<sup>132</sup> The letter noted: 'It is worth re-iterating the point that admission does remain at the discretion of Kurdish immigration and border officials and that temporary restrictions can be imposed and withdrawn without notice.'<sup>133</sup>

8.1.2 The Danish fact-finding report observed:

'According to Osama Al Habahbeh [ a journalist], after being allowed entry into KRI, all IDPs must go to an interview with the Asayish. This procedure was confirmed and explained by Head of General Security Directorate, Asayish, Esmat Argushi who said that, after being registered at the checkpoint and moving to the city, the IDP must register at the Asayish office in the neighbourhood where they want to live. There is an extra procedure to re-register with the Asayish to check that there are no problems. The IDP will then be issued a new card proving legal registration. According to the source, this ID card will permit the IDP to move around freely within KRI. Renewal of the ID card can take place at any Asayish office.

'The border crossing points in the initial frontline are controlled by the Peshmerga. Further into the Kurdish controlled areas, at the next checkpoint posted at one of the main roads, the Asayish will register and check the travellers' names and IDs.'<sup>134</sup>

8.1.3 The source also commented on the documents required (by IDPs) to enter the KRI (and Kurdish-controlled areas):

'Three sources pointed to a variety of documents needed in order for IDPs to gain access to KRI and other Kurdish controlled areas. According to Journalist Osama Al Habahbeh, besides a sponsorship, IDPs who want to enter KRI must also show their Iraqi nationality certificate (in Arabic: 'shahadet al-jensiyaa'). Journalist Shalaw Mohammed indicated that formerly, the authorities required seeing the nationality certificate and the food ration card to identify the origin of the person in question, and he or she was also asked to provide a Kurdish sponsor. Qandil stated that, officially, it is not possible to cross a checkpoint without ID documents. As sources of

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<sup>132</sup> Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex G

<sup>133</sup> Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex G

<sup>134</sup> Danish Refugee Council & The Danish Immigration Service, 'The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015', April 2016, pp. 18-19, <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>, accessed 9 August 2016

ID, IDPs can present their civil ID, their residence card or their nationality certificate in order to cross a checkpoint.<sup>135</sup>

#### 8.1.4 The source also noted:

'Various sources said that IDPs can enter KRI by air. Two of the sources said that Iraqi citizens can enter KRI through the airport without having a sponsor. In addition, IRC said that most IDPs are currently arriving in KRI by plane, and that most of these flights are coming from Baghdad. IOM said that IDPs from Baghdad usually have money to support themselves and would be welcome in KRI, if they arrive by domestic airline, not by car. The international humanitarian organisation further stated that entry through the airports was without problems, but that the IDPs cannot stay indefinitely, and they would have to register by the authorities at the airport. According to UNHCR, short-term residential documents are issued at the airport to those who come by air from abroad or from other places in Iraq and are extended at the place of residence upon issuance of security clearance by Asayish. In this respect, IDPs are able to settle in KRI temporarily. UNHCR and two sources stated different durations of the short-term residence permit. According to two sources, this short-term residence permit is being issued by the Asayish. The international humanitarian organisation explained that a person might be able to get away with not registering upon arrival in the airport, but that person would then not be able to move around freely inside KRI, and an unregistered person would not be able to rent a place to live.'<sup>136</sup>

#### 8.1.5 The source further commented:

'Various sources stated that Iraqi citizens who originate from KRI will not face problems returning to KRI. Some of these sources, however, said that if an Iraqi citizen does not originate from KRI, the person must travel onwards to the area he or she is originally from when arriving through an airport in KRI.

'In this respect, Head of the General Security Directorate, Asayish, Esmat Argushi stated that if the person holds a valid passport, the Kurdish authorities will treat the person as an Iraqi citizen, regardless of whether the person is Kurdish or Arabic. Asked if Iraqi citizens from outside KRI can return from abroad on a voluntary basis via airports in KRI, Esmat Argushi replied that forced return does not take place, and no returnees from Baghdad have been seen yet. However, if a person from Baghdad returning to Iraq from abroad tried to enter KRI, he would be returned to Baghdad by

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<sup>135</sup> Danish Refugee Council & The Danish Immigration Service, 'The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015', April 2016, p.19, <https://www.nyidanmark.dk/NR/ronlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>, accessed 9 August 2016

<sup>136</sup> Danish Refugee Council & The Danish Immigration Service, 'The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015', April 2016, pp.19-20, <https://www.nyidanmark.dk/NR/ronlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>, accessed 9 August 2016

the Kurdish authorities. The same goes for a person from Kirkuk. He would be returned to Kirkuk. Similarly, IOM stated that, for a non-Kurdish Iraqi citizen, it is very difficult to enter directly through one of the airports in Sulaimania and Erbil and take residence in KRI.

‘PAO/KHRW stated that Iraqi citizens who are not citizens of KRI and who return from abroad, need to get a residence permit, or else they have to leave KRI. PAO/KHRW further explained that if IDPs cannot find a sponsor, they have to leave KRI. Journalist Shalaw Mohammed said that a returnee, who has been offered a contract with a company in KRI willing to sponsor him, may be exempted from this rule. In such case, the returnee may be given security clearance and be allowed to live in KRI...

‘Three sources said that ethnic Kurds, including Kurds from Kirkuk who can freely enter KRI, are exempted from the requirement of a sponsor. Human Rights Watch said that it is possible for ethnic Kurds with long residency in Kirkuk to gain access to KRI. With regard to the possibility for Kurds from Kirkuk not only to enter KRI but also to settle, Qandil said that ethnic Kurds have no problem settling in KRI. However, Human Rights Watch found it uncertain if ethnic Kurds from Kirkuk could settle in KRI, and added that there are examples of IDPs who are able to get into Kirkuk but not able to go from Kirkuk to KRI. An international humanitarian organisation said that whether or not ethnic Kurds can gain access to KRI would depend on the political affiliation of the individual person, and that it might still be complicated. Head of General Security Directorate, Asayish, Esmat Argushi, however, said that for ethnic Kurds with long-term residency in Kirkuk, the same procedure for entry into KRI applies as for all other Iraqi citizens.

‘UNHCR explained that Kurds who are registered as living in Kirkuk cannot re-register or buy property in any part of KRI. If a man from Kirkuk marries a woman from another part of the Kurdish controlled areas or KRI, her file is moved to Kirkuk. A couple like this would not be able to move in and out of Kirkuk, and they would not be able to move to or buy property in KRI.’<sup>137</sup>

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## 8.2 Residency requirements

### 8.2.1 The Danish fact-finding report observed:

‘As regards Iraqi citizens who want to apply for a residence permit, various sources stated that it requires a sponsorship. Two of these sources said that, when a person arrives in KRI, he can stay for one to two weeks as a tourist. The same sources, respectively, explained the procedure for applying for a residence permit, including presenting a sponsor, as follows:

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<sup>137</sup> Danish Refugee Council & The Danish Immigration Service, ‘The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015’, April 2016, pp. 20-21, <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>, accessed 9 August 2016



'PAO/KHRW said that if a person wishes to stay longer [than two weeks] in KRI, he must have a sponsor, and after finding a sponsor who must be publicly employed, the IDP must find a place to live and get a support letter from the local mukhtar. PAO/KHRW added that the sponsor should also get a support letter from the government agency where he is employed to confirm that he is still employed. Further, PAO/KHRW said that the IDP and the sponsor should then approach the local Asayish office with the support letter from the mukhtar, the support letter from the sponsor's employer and all relevant ID, including the national ID card and the Public Distribution System card. PAO/KHRW said that if the request is denied, there is nowhere to lodge a complaint about the decision.

'IOM said that if a person wants to stay in KRI for more than one week, the person must register at the local mukhtar's office and the closest Asayish centre in the area where he stays within the first week of the stay. IOM added that if the person stays in a hotel for more than a week, without intention of settling in the neighbourhood, it is only necessary to have approval from the Asayish, and there is no need for approaching the mukhtar. According to IOM, here, the individual or the head of the family must present a Kurdish sponsor in person, a place of residence in KRI, registration details of the car and full name. To the knowledge of IOM, the family is given a paper with all names of the family members as well as the car registration number, and the one week residence permit will be extended for shorter periods of time until the security clearance by the Asayish is issued.

'Three sources stated, however, that practice is inconsistent. Two of these sources explained that it is unclear which criteria must be fulfilled to obtain a residence permit. In line with this, Human Rights Watch said that there are different ways to obtain a permit, also depending on the governorate within KRI. IRC said that, for someone who is not connected, the registration for a residence permit in KRI can take a couple of years...

'IOM stated that, with regard to processing of applications for residence permits and the duration of renewed residence permits, the procedure is arbitrarily implemented. According to IOM, sometimes, the temporary residence permit is extended for one week or a month or two months or sometimes even three months during the approval process for a permanent residence. To the knowledge of IOM, the decision may depend on the applicant's background and place of origin.

'According to PAO/KHRW, there is no fixed practice ensuring that an IDP can have a permanent residence permit after five years; it varies from place to place. Long-term residents, including IDPs who have lived in KRI for many years, are treated more favourably than new IDPs. However, PAO/KHRW said that they still need to renew their residence permit every three or six months or once a year, depending on the governorate they live in, and Kurdish IDPs do not have to renew their residence permits; only Arab IDPs do.



‘According to the international NGO, a permanent residence permit is a permit of one year, and it is renewable. IOM defined a residence permit as a renewable permit with an initial duration of six months.’<sup>138</sup>

8.2.2 A letter from the British Embassy in Baghdad, dated 4 December 2014, noted:

‘A significant change in November is that the previous requirement to have a sponsor who is resident in the Kurdistan Region prior to admission has been removed (allegedly because sponsorships were being openly sold at certain checkpoints) and instead a new procedure is now in operation which requires IDPs to present themselves to the nearest Asayish office for screening and approval. Once approved, IDPs are issued with a residency card that entitles them to move freely within the governorates and rent private houses. Transit opportunities still exist for those who have valid plane tickets. Those arriving by air at Erbil or Sulamaniya airports, are similarly being directed to report to the nearest Asayish office to regularise their stay. It is worth re-iterating the point that admission does remain at the discretion of Kurdish immigration and border officials and that temporary restrictions can be imposed and withdrawn without notice.’<sup>139</sup>

8.2.3 The Danish fact-finding mission report observed:

‘The Head of the General Security Directorate, Asayish, Esmat Argushi, stated that the sponsorship was abolished in 2012 due to the fact that, in many cases, the sponsor did not know the person he sponsored. Four sources confirmed the abolition of the sponsorship requirement. However, the same sources and an independent researcher indicated that the sponsorship, in practice, is still being enforced. Two sources said that the reason why the sponsorship was abolished was due to the fact that selling sponsorships had become a business...

‘Various sources stated that it is possible to enter KRI without a sponsorship, however, in order to work or to settle in KRI, a sponsorship is required in practice. In this respect, IOM stated that, upon arrival at the checkpoints at the land border to KRI or at the airport, Iraqi citizens will be granted a one week residence permit. A western diplomat stated that nobody needs sponsorship to enter KRI, but Iraqi citizens do need a sponsorship in order to work in KRI...

‘Two sources explained that, since the end of 2014, the authorities have started imposing the requirement for IDPs to have a sponsor. UNHCR said that access to KRI may be very difficult for IDPs, unless they have some form of sponsorship or a certain ethnic or religious profile and some sort of connection to government officials or people employed with the security

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<sup>138</sup> Danish Refugee Council & The Danish Immigration Service, ‘The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015’, April 2016, pp. 16-17, <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>, accessed 9 August 2016

<sup>139</sup> Letter from the British Embassy Baghdad, ‘Internal movement/civil documentation and access to essential services in host communities’, 4 December 2014, Annex G

forces in the area. In the disputed areas, some forms of a sponsorship are also required.

'As opposed to this, a western diplomat said that a sponsorship is not required when Iraqi citizens come as IDPs. IRC differed slightly from this view in saying that a sponsorship is not imposed on IDPs who are living in camps, whereas for IDPs who are living outside the camps, a sponsorship is imposed...

'Journalist Osama Al Habahbeh said that, even for business trip purposes, a sponsorship is required, unless the person concerned has an official invitation from the authorities. Two sources said that Iraqi citizens who wish to work in KRI must have a sponsorship...

'Three sources stated that, at times of a big influx of IDPs, the requirement of sponsorship is imposed strictly, and access to KRI is restricted. Two of the sources further stated that the sponsorship requirement is not being lifted in situations of religious holidays...

'IOM stated that Kurds, including Kurds from Kirkuk, are exempted from the sponsorship requirement. The international humanitarian organisation said that there are some exemptions to the sponsorship requirement if for instance the IDP concerned needs to enter for medical reasons, or if the IDPs are single women or female headed households with children. UNHCR said that exemptions have been made in cases where local tribal or religious leaders succeeded in negotiating access for certain groups of IDPs to Kurdish controlled areas. UNHCR added that, in Kirkuk, some local leaders, for example, succeeded in negotiating access and temporary residence with the governor...

'With regard to procedural matters, two sources said that the sponsor will have to come to the checkpoint to sign papers guaranteeing for the IDP. Differing from this, Head of the General Security Directorate, Asayish, Esmat Argushi said that, instead of the sponsorship requirement, the authorities are now taking fingerprints and photos of non-KRI residents who are entering KRI, in addition to verifying their documents and checking a database with names of people on the so-called the stop list...

'A lawyer working for an international NGO stated that the procedure for entry into Erbil and Dohuk governorates is different from that of entry into Sulaimania Governorate:

'IDPs wishing to enter Erbil or Dohuk Governorates should present themselves to the checkpoint of entry for approval, and Arab IDPs who are not already in possession of valid residence documents from Erbil Governorate will generally be denied entry at the checkpoint. The lawyer working for an international NGO added that Kurds, Yazidies and Christians are generally permitted entry to Erbil or Dohuk Governorates without pre-existing residence documents. However, during periods of heightened security, these groups may also face increased security restrictions.

'With regard to IDPs wishing to enter Sulaimania, the lawyer working for an international NGO said that they must approach the checkpoint with the required documents, and permission is given to enter in the form of a tourist

visa valid for thirty days. The source added that, after these thirty days, the IDP must register at the Bureau of Displacement and Migration (BoDM) and the local mukhtar as well as find a sponsor, depending on whether or not the sponsorship is being enforced at the given time.

'The lawyer working for an international NGO further stated that the procedure in all governorates of KRI is very complex, requiring a number of documents that IDPs might have lost....

'Various sources stated that a sponsor must be a Kurdish citizen. PAO/KHRW further said that the sponsor must be male and employed by the government. PAO/KHRW also said that the requirement of the sponsor being a government employee was imposed in 2012, because the sponsorship had become a business for many people. PAO/KHRW added that the majority of people in KRI are employed by the government. Two sources said that if the IDP, whom the sponsor guarantees for, does something wrong, the sponsor will be arrested and held responsible for the actions of the IDP.

'IRC said that, often, the sponsor is the landlord or the employer of the IDP.'<sup>140</sup>

#### 8.2.4 The source also commented on economic opportunities in the KRI:

'Three sources said that the number of job opportunities in KRI is very limited for the host community as well as for IDPs. In this respect, ERC stated that, due to the financial crisis in KRI, even people from the host community are losing their jobs. Three sources indicated that the private sector is affected by the crisis, including the construction business and the oil business. Being among these sources, IRC added that many jobs in the oil sector are occupied by foreign labour.

'When asked in which fields IDPs typically find jobs, three sources said that IDPs who manage to get a job will often find it in low-skilled fields, for instance construction or casual work in agriculture or restaurants. IRC further stated that IDPs with an education may be able to find work with NGOs; however, the number of jobs available in this field is low.

'It was stated by three sources that the public sector is not adding new jobs, and three sources pointed to the fact that the Kurdistan Regional Government (KRG) has not paid salaries to government employees since June 2015. IOM said that it is not possible to live on a salary of a civil servant under the Kurdistan Regional Government (KRG) administration. Various sources stated that publicly employed IDPs are still supposed to receive their salary from the central government in Baghdad. Two sources, however, said that as of September 2015, there is a delay in the payment.

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<sup>140</sup> Danish Refugee Council & The Danish Immigration Service, 'The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015', April 2016, pp. 14-16, 18, <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>, accessed 9 August 2016

‘Different figures were given by three sources on the current unemployment rate in KRI, ranging from 6.5 percent to 35 percent.

‘Three sources pointed to competition for jobs in KRI between host community members, IDPs and Syrian refugees. Three sources said that IDPs are typically willing and able to work for lower salaries than members of the host community. IOM stated that they, as an organisation, are facing difficulties to find employment for Kurdish returnees who went back to KRI from Europe, as many companies downsize their workforce.’<sup>141</sup>

- 8.2.5 Refer to the source directly for information about discrimination against IDPs, and access to housing and financial support for IDPs (pages 53-56).

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### 8.3 Entry restrictions

- 8.3.1 A letter from the British Embassy in Baghdad, dated 4 December 2014, noted that, despite assurances to the contrary, temporary restrictions had been put in place for IDPs seeking to enter the KRI. The letter highlighted that some IDPs families, mostly Arabs, were refused entry through the Sherawa (Kirkuk – Erbil) and Sheikh Abdul Qader (Mosul – Erbil) entry points. Additionally people travelling back and forth between the KRI and areas occupied by Daesh had been refused entry. The letter highlighted that this reflected ‘the Kurdish authorities continuing concern with regard to possible terrorist activity within the Kurdistan Region of the kind most recently witnessed in Erbil city on 19 November when there was an improvised explosive attack close to the Governor’s Office. In the days following the incident, several checkpoints were closed and all IDPs seeking access to the Kurdistan Region were refused entry.’<sup>142</sup>

- 8.3.2 The Danish fact-finding mission observed:

‘Various sources said that IDPs are no longer allowed to enter KRI, and that the border is closed. Journalist Shalaw Mohammed further explained that access for IDPs to Kirkuk and KRI stopped in February 2015. According to an example given by Shalaw Mohammed, the reason seems to be that the number of IDPs in some villages exceeded the number of host community inhabitants.

‘Two sources pointed to cases of IDPs who were let through the border control. Qandil said that exemptions were made for some humanitarian cases, IDPs already registered with the Ministry of Migration and Displacement (MoMD), IDPs having a local sponsor, students enrolled at an institution in KRI and single women. UNHCR said that flexibility towards members of the Christian community was seen.

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<sup>141</sup> Danish Refugee Council & The Danish Immigration Service, ‘The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015’, April 2016, pp. 52-53, <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>, accessed 9 August 2016

<sup>142</sup> Letter from the British Embassy Baghdad, ‘Internal movement/civil documentation and access to essential services in host communities’, 4 December 2014, Annex G

‘Two sources said that many IDPs were waiting at the borders at the checkpoints, for instance on the road from Baghdad to Erbil, and that de facto settlements have been established. Osama Al Habahbeh said that the IDPs are sitting outside the checkpoint waiting to find a sponsor who can guarantee for them. IRC said that the local community, sometimes, provides accommodation for the IDPs.

‘According to Qandil, the procedures at border crossing checkpoints to KRI are inconsistent. Crossing of humanitarian cases is facilitated by UNHCR in coordination with the Asayish, but by the time of the meeting with Qandil, the daily operation of checkpoints was to a great extent dependent on the officers present at a given checkpoint on a given day and time...

‘Journalist Shalaw Mohammed said that for IDPs who wish to enter Kirkuk and KRI through checkpoints at the frontline, the access has currently stopped.

‘Three sources, including Head of General Security Directorate, Asayish, Esmat Argushi, said that IDPs will be turned away at the checkpoint in case they are on the stop list of the Asayish...

‘Various sources said that IDPs can enter KRI by air. Two of the sources said that Iraqi citizens can enter KRI through the airport without having a sponsor. In addition, IRC said that most IDPs are currently arriving in KRI by plane, and that most of these flights are coming from Baghdad. IOM said that IDPs from Baghdad usually have money to support themselves and would be welcome in KRI, if they arrive by domestic airline, not by car. The international humanitarian organisation further stated that entry through the airports was without problems, but that the IDPs cannot stay indefinitely, and they would have to register by the authorities at the airport. According to UNHCR, short-term residential documents are issued at the airport to those who come by air from abroad or from other places in Iraq and are extended at the place of residence upon issuance of security clearance by Asayish. In this respect, IDPs are able to settle in KRI temporarily. UNHCR and two sources stated different durations of the short-term residence permit. According to two sources, this short-term residence permit is being issued by the Asayish. The international humanitarian organisation explained that a person might be able to get away with not registering upon arrival in the airport, but that person would then not be able to move around freely inside KRI, and an unregistered person would not be able to rent a place to live.’<sup>143</sup>

### 8.3.3 The report also observed:

‘UNHCR said that checkpoints are present in all parts of the Kurdish controlled areas, and sometimes temporary checkpoints are set up inside cities without prior notice. Correspondingly, an international humanitarian

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<sup>143</sup> Danish Refugee Council & The Danish Immigration Service, ‘The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015’, April 2016, pp. 18-20, <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>, accessed 9 August 2016



organisation said that there are a lot of checkpoints in KRI and other Kurdish controlled areas but not inside Erbil city. According to the international humanitarian organisation, going from one city to another inside the Kurdish controlled areas, people have to pass checkpoints, at least when they leave one city, and when they enter another. IOM explained that, inside KRI, there are fewer checkpoints to pass than when travelling from the Kurdish controlled areas into KRI, and that the checkpoints within KRI are also easier to pass than the checkpoint bordering KRI. Three sources explained that ad hoc checkpoints may be set up within KRI for security reasons and in order to ransack cars when the authorities receive reports on illegal transport of weapons in the area. Various sources said that checkpoints inside KRI are manned by Kurdish authorities, either military forces or security personnel...

'An international humanitarian organisation said that, in areas controlled by militias, there will be unofficial checkpoints. In line with this, two other sources said that, outside KRI in the contested areas, there are many unofficial checkpoints manned by tribes and armed opposition groups...

'Different sources mentioned many types of ID documents that can be used for identification at the checkpoints. Head of the General Security Directorate, Asayish, Esmat Argushi explained that, at the checkpoints inside KRI, the procedure begins with a check of the IDP's ID documents to confirm that the IDP in question is an Iraqi citizen. Three sources stated that IDPs can present the nationality certificate in order to cross a checkpoint. One of these sources along with another source also stated that IDPs can present their civil ID. Qandil, however, stated that, without all the following ID documents, an Iraqi national is not able to travel domestically or pass through checkpoints: a civil ID card (in Arabic: 'al-betaqa as-shakhsiyya', also referred to as 'betaqet al-hawwiyya' or just 'al-hawwiyya'), a nationality certificate (in Arabic: 'shahadet al-jensiyya') and a residence card (in Arabic: 'betaqet al-'iqama').

'Journalist Shalaw Mohammed said that, before the access to KRI stopped, the authorities also required seeing the food ration card (in Arabic: 'betaqet at-tamween') to identify the origin of the person in question. In addition, IOM said that when passing through a checkpoint, a person may be required to present a passport and sometimes a driving license.

'IOM added that, in some cases, it is only the head of household who must present his or her documents, and that some people show their Kurdistan Democratic Party (KDP) or Patriotic Union of Kurdistan (PUK) membership card to facilitate their way through checkpoints. IOM explained that Kurdistan Democratic Party (KDP) cards might work in Erbil and Dohuk, and Patriotic Union of Kurdistan (PUK) cards might work in Sulaimania.

'Qandil said that it is sometimes possible for travellers without documents to bribe their way through the checkpoints. Along with UNHCR, Qandil also expressed the view that the required type of ID document depends on ethnicity or religious belief. Qandil explained that the residence card is the most important document for Arabs to cross a checkpoint, whereas Christians, Kurds and Yazidis do not need a residence card to pass through checkpoints. UNHCR further stated that Turkmen and Christian IDPs can use the short-term residency to cross checkpoints.



'IOM said that, on an individual level, IDPs are not turned away at the checkpoints if they have lost their IDs. But if a big group of IDPs without documents are coming to a checkpoint at the same time, they might be placed in an IDP camp. According to Qandil, it is common knowledge that checkpoints cannot be crossed without documents, so few IDPs would attempt this. The only cases of detention connected to checkpoint crossing known to Qandil was detention of people suspected of cooperation with Islamic State. The Baharka IDP camp management said that IDPs without documents moving around in Erbil might become stuck somewhere between checkpoints or become caught at an unexpected checkpoint. According to the Baharka IDP camp management, generally speaking, Sunni Arab and Turkmen IDPs face more problems related to the freedom of movement if they do not possess valid residential documents which are allowing for movement in Erbil Governorate...

'According to Head of General Security Directorate, Asayish, Esmat Agurshi, the ID card will permit an IDP to move around freely within KRI. Various sources, however, stated that IDPs face restriction of movement.

'PAO/KHRW said that if an IDP wishes to move from one part of KRI to another, the person would need the approval from the Asayish office in the place he is leaving as well as the approval of the Asayish office in the place he is moving to. Such approval must be brought to the real estate office. There are no specific criteria for getting such an approval; it depends on the individual officer at the Asayish office. Once an IDP is registered, there should not be need for further approval. However, there is restriction of movement for IDPs. If an IDP is registered in for instance Dohuk, the IDP cannot move to Erbil.

'An international NGO explained that with few exceptions, IDPs cannot move between governorates. IDPs have to stay where they were first registered as IDPs. They will not be allowed to pass through checkpoints between governorates unless they have good connections. Human Rights Watch said that for IDPs already living in KRI, it does not mean that they can move freely within the region. Their residence is restricted to one governorate, and they require an additional permit to cross into another governorate.

'A lawyer working for an international NGO stated that when a bombing happens and Sunnis are found to be behind the bombing, then all of a sudden Sunni Arabs are not able to move freely around KRI anymore.

'According to Qandil, the freedom of movement between the governorates fluctuates depending on the security situation at a given time...

'Two sources said that, in many camps in the Kurdish controlled areas, IDPs have to hand in their civil ID card to the Asayish at the gate when they leave the camp. UNHCR further stated that this presents a challenge to the IDPs with regard to freedom of movement. ERC stated that IDPs are free to leave the camps whenever they want and for example go out and find some work in the surrounding area, however, they have to show their registration cards when they come back. UNHCR stated that IDPs suspected of affiliation with Islamic State are being met with restrictions in their freedom of movement from the Kurdish authorities.

'According to the Baharka IDP camp management, twenty percent of the IDPs were missing some kind of documentation, and IDPs without documents are not only restricted in their freedom of movement but also at risk of being detained. The Baharka IDP camp management added that, when IDPs leave Baharka camp, they have to leave a form of ID with the Asayish. Management of Baharka camp said that, as a consequence, these IDPs typically cannot register with the Ministry of Migration and Displacement (MoMD). They cannot obtain residential documents and without residential documents, they are not able to work legally as employees in KRI or to rent a house. Qandil informed that no IDPs living in camps have residence permits in KRI. In December 2015<sup>144</sup>, UNHCR informed that, in Erbil Governorate, the authorities had just started to issue residencies to IDPs, which means that they will now have freedom of movement.<sup>144</sup>

#### 8.3.4 The source also noted:

'Three sources said that IDPs who have connections to the Kurdish authorities will be able to enter KRI. Two of these sources further stated that IDPs with money will be able to pay small bribes in order to stay legally in KRI...

'Various sources expressed the view that the difficulties that IDPs are meeting are linked to their ethnic profiles. Various sources mentioned Sunni Arabs, Arabs in general, Turkmen and to some extent Shabaks as ethnicities that face denial of entry or varying degrees of difficulties to enter KRI. However, Human Rights Watch said that, for Sunni Arabs and Turkmen, it is still possible to gain access through the airports. A lawyer working for an international NGO said that access to KRI is more difficult for non-Kurdish IDPs. Journalist Osama Al Habahbeh explained that while all Sunnis must have a sponsor to enter KRI, this is not the case for Christians and Yazidis who are fleeing from the south. Also Kurds and Turkmen are exempted from the sponsorship requirement. UNHCR said that Yazidis and Christians do from time to time experience obstacles similar to other ethnic groups but not with regard to entering KRI proper.

'UNHCR further stated that, since November 2014, any movement of Arab and Turkmen IDPs into Erbil Governorate has been stopped, except for those who already possess residence documents. An international humanitarian organisation, however, said that even if they hold valid Iraqi residence permits all Sunnis are in general denied entry into KRI. UNHCR said that single men and women of Arab ethnicity can enter Erbil through the airport only. At the time at which they enter Erbil airport, they do not need a Kurdish sponsor. At the airport, single men and women will be issued with entry permit for three to five days which is not renewable, unless they are

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<sup>144</sup> Danish Refugee Council & The Danish Immigration Service, 'The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015', April 2016, pp. 21-24, <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>, accessed 9 August 2016

staying in Erbil for work. Therefore, single men and women will not be issued with a short-term residence document (aka tourist pass) unless they have a job in Erbil.

'Human Rights Watch said that, according to checkpoint officials, the current regulations are that prior Asayish approval is now necessary for Arabs in order to enter KRI by road, whereas before, a Kurdish sponsor was sufficient.

'PAO/KHRW pointed to the general view of the Kurdish authorities that Sunnis are part of Islamic State until the opposite is proven. According to PAO/KHRW, even Sunni Arabs who have lived in KRI for a long period of time might experience difficulties crossing border checkpoints or checkpoints inside KRI. Similarly, a lawyer working for an international NGO said that the KRI host community, in general, consider Arab IDPs from Anbar Governorate terrorists, until the opposite is proven. UNHCR further said that entry through road checkpoints for Arab, Turkmen and Christian IDP communities is only possible if they have valid, pre-existing residence documents issued by the Erbil Asayish. However, it appears that some flexibility may be exercised at certain road checkpoints towards members of the Christian community. In line with this, two sources said that entry is generally not possible for Sunni Arab IDPs without a sponsor. IOM had also heard that, when the border is normally working, it may be easier for Christians and Yazidis to enter KRI than for Arabs.

'Two sources expressed a different view in saying that, in general, there is no discrimination. A western diplomat, however, said that further down south near Kirkuk, Diyala and Salah al-Din, the Sunni Arabs do face problems when they try to enter KRI. IOM noted that if a person is not Kurdish, stricter procedures may be applied when entering KRI. Head of the General Security Directorate, Asayish, Esmat Argushi said that young Arab males are not being denied entry.<sup>145</sup>

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## 9. Entry to areas outside the Kurdistan Region of Iraq (KRI)

### 9.1 Entry restrictions in KRI-controlled areas outside the KRI

#### 9.1.1 The Danish fact-finding report noted:

'Journalist Shalaw Mohammed said that if IDPs wished to go to Kirkuk, they had to pass through Daquq, a town 47 km south of Kirkuk, and at this checkpoint, ID documents were required to enter Kirkuk. To the knowledge of IOM, however, the Kurdish controlled part of Kirkuk Governorate is closed for entry of people who are not registered in Kirkuk, though the organisation

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<sup>145</sup> Danish Refugee Council & The Danish Immigration Service, 'The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015', April 2016, pp. 26-27, <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>, accessed 9 August 2016

had heard that, somehow, people still manage to enter. In line with this, Qandil said that Arabs will need a residence card to settle in Kirkuk. With regard to ethnic Kurds, Qandil said that they do not need a residence permit in Kirkuk, and that some ethnic groups who are not Kurdish per se, but who have lived in Kirkuk for a longer period of time are, in this regard, considered equal to the Kurds. According to Qandil, this goes for Shabak, Kakai (Yarsanis), Yazidi and Christians. According to Human Rights Watch, Sunni Arabs and Turkmen in Kirkuk with money and connections may be able to get into Kirkuk.

'Some sources referred to statements on access for IDPs made by the authorities in Kirkuk. Human Rights Watch said that, as regards the access to Kirkuk, the Governor of Kirkuk has stated that Arabs would not gain access. Three sources said that the authorities in Kirkuk had made a statement saying that IDPs from Diyala and Salah al-Din are asked to return to their areas of origin.'<sup>146</sup>

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## 9.2 Entry restrictions in Baghdad and the south

### 9.2.1 A fact sheet from US Aid, dated June 2015, noted:

'As of early June, IDPs continued to face access restrictions and sponsorship requirements in Babil, Baghdad, Karbala, Najaf, and Sulaimaniyah governorates...While acknowledging the legitimacy of security concerns expressed by Iraqi authorities, the Special Rapporteur condemned population movement limitations, documentation and sponsorship requirements, and checkpoints barring IDP entry, as well as the overall lack of humanitarian access, safety, and support afforded to IDPs and other conflict-affected populations countrywide.'<sup>147</sup>

### 9.2.2 A Landinfo report of February 2015, quoting the International Displacement Monitoring Centre (IDMC), wrote that 'restrictions have generally become more frequently imposed by the various provinces, but for Baghdad's part, they don't have information about the duration of the restrictions. Apart from this we know little about the effective dates and who are included in the restrictions.'<sup>148</sup>

### 9.2.3 An article from Human Rights Watch (HRW), dated 30 May 2015, reported that since April 2015 the government imposed restrictions on entry to Baghdad and Babil, affecting just under 200,000 people, and that the KRI also imposed restrictions. The source commented: 'By requiring those who

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<sup>146</sup> Danish Refugee Council & The Danish Immigration Service, 'The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015', April 2016, pp. 24-25, <https://www.nyidanmark.dk/NR/ronlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>, accessed 9 August 2016

<sup>147</sup> US Aid, Iraq – Complex Emergency, Fact Sheet # 6, Fiscal Year (FY) 2015, 26 June 2015, [http://www.ecoi.net/file\\_upload/1788\\_1438001558\\_iraq-ce-fs06-06-26-2015.pdf](http://www.ecoi.net/file_upload/1788_1438001558_iraq-ce-fs06-06-26-2015.pdf), accessed 1 April 2016

<sup>148</sup> Landinfo, 'Iraq: Baghdad – the security situation as of February 2015', 13 February 2015, <http://www.refworld.org/pdfid/55b7563c4.pdf>, p.29, accessed 1 April 2015

enter to have local guarantors, the restrictions in practice discriminate against Sunni Arabs.<sup>149</sup>

- 9.2.4 The source, quoting Sabah Karhout, an Anbar Provincial Council member, wrote that the ‘provincial authorities only allow displaced people to enter if they can present a local resident as a guarantor, or sponsor, at the entry checkpoints.’ The article continued:

‘One guarantor, who has to personally come to the entry crossing, can vouch for up to four families, the security forces told them. One showed Human Rights Watch a copy of a guarantee – a post-it sticker with a faded Iraqi Army stamp, the handwritten name of the head of the family entering, the number of accompanying family members, and a signature by an army officer, but not the name of the guarantor, which is entered into an electronic database.’<sup>150</sup>

- 9.2.5 The source wrote that when Daesh captured Ramadi in May 2015 Baghdad authorities closed the bridge into the city, even for those with a sponsor, although they reinstated the sponsorship system a few days later.<sup>151</sup>

- 9.2.6 The source added:

‘According to the UN Guiding Principles on Internal Displacement, internally displaced persons have “the right to seek safety in another part of the country” and “to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.” On May 15 [2015], Chaloka Beyani, the United Nations special rapporteur on the human rights of internally displaced persons, concluded a visit to Iraq, saying that he was disturbed by “reports of IDPs being barred entry” to Baghdad and other areas “on the basis of their identity,” and “deeply concern[ed]” about guarantor requirements.’<sup>152</sup>

- 9.2.7 In May 2015, William Spindler of the UNHCR said: ‘Displaced civilians still face serious obstacles at various checkpoints out of Anbar into neighbouring provinces, as local authorities impose restrictions’, adding that Babil and Kerbala governorates were closed to displaced people from Anbar. The source also said: ‘Onerous requirements for other documentation has also been a concern. UNHCR’s partners have spent days helping 600 vulnerable people - many with serious medical conditions or living with disability - get access to Baghdad governorate.’<sup>153</sup>

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<sup>149</sup> Human Rights Watch (HRW), ‘Curbs Put War’s Displaced at Risk’, 30 May 2015, <https://www.hrw.org/news/2015/05/29/iraq-curbs-put-wars-displaced-risk>, accessed 1 April 2016

<sup>150</sup> Human Rights Watch (HRW), ‘Curbs Put War’s Displaced at Risk’, 30 May 2015, <https://www.hrw.org/news/2015/05/29/iraq-curbs-put-wars-displaced-risk>, accessed 1 April 2016

<sup>151</sup> Human Rights Watch (HRW), ‘Curbs Put War’s Displaced at Risk’, 30 May 2015, <https://www.hrw.org/news/2015/05/29/iraq-curbs-put-wars-displaced-risk>, accessed 1 April 2016

<sup>152</sup> Human Rights Watch (HRW), ‘Curbs Put War’s Displaced at Risk’, 30 May 2015, <https://www.hrw.org/news/2015/05/29/iraq-curbs-put-wars-displaced-risk>, accessed 1 April 2016

<sup>153</sup> UN High Commissioner for Refugees (UNHCR), ‘UNHCR concerned at obstacles facing thousands fleeing Ramadi’, 29 May 2015, <http://www.unhcr.org/55683c8e9.html>, accessed 1 April 2016



# Annex A: Letter from the British Embassy in Baghdad, 'Freedom of Movement and Requirements to Transfer Personal Documentation in order to relocate in Iraq', 27 July 2011



Foreign &  
Commonwealth  
Office

British Embassy Baghdad  
International Zone,  
Baghdad,  
Republic of Iraq

27 July 2011

## **ISSUE: FREEDOM OF MOVEMENT AND REQUIREMENTS TO TRANSFER PERSONAL DOCUMENTATION IN ORDER TO RELOCATE IN IRAQ**

In addressing questions relating to the above issue, we received replies to our enquiries from representatives of two organisations; staff working for the International Organisation for Migration (IOM), in Baghdad and Erbil in the Kurdistan Region (KR) of Northern Iraq, and the Director General of Planning and Follow-Up at the Iraqi Ministry of Displacement and Migration (MoDM). From these three sources, we were able to clarify a number of issues around relocation and the requirement to provide relevant documentation. We also sought advice from the British Embassy Legal Adviser.

Our interlocutors at IOM and MoDM told us that there are no laws restricting the freedom of movement for Iraqi nationals, neither are there laws which restrict Iraqi nationals from changing their permanent place of residence. In addition, there are no laws relating specifically to the freedom of movement of Internally Displaced Persons (IDPs). These rights of freedom of movement are enshrined in the Iraqi Constitution. That said, we were told that while there are no laws governing freedom of movement, there are certain 'regulations' which are required to be met, for



instance the production of certain types of Iraqi documents and, in the presentation of personal information to the local council or police station.

We were told that Iraqi nationals are issued with four documents, a Iraqi Nationality Document, a ID card (Jensiya), a Residence Card and a PDS (or ration card). Iraqi nationals are required to present these documents when seeking to relocate, or for any number of other issues, such as buying a car, obtaining a passport, getting married etc.

Our contacts at IOM and MoDM were not able to confirm whether there was a legal requirement for an individual to be registered at a particular address or home area, but the representative of the MoDM suggested that this was a 'regulation' passed down from the Ministry of the Interior. He explained that there are four areas of legislation flowing from the Iraqi Constitution, to Iraqi Law, to Ministerial Orders and finally Regulations. Regulations governed the specific requirements involved in a process. The British Embassy Legal Adviser confirmed that 'freedom of movement, travel and residence' is also one of the fundamental freedoms granted to all Iraqis (including returning migrants and displaced persons) under Article 44(1) of the Iraqi constitution

All interlocutors confirmed that the main barriers to internal movement across Iraq are the regular security checkpoints. The officer from the MoDM suggested that these had been introduced around 1991 to control security and prevent areas becoming either predominantly Sunni or Shia. Provided an individual had the necessary identity documents, there was usually no problem in passing these areas. The IOM representative from the KR said that some differences exist in accessing that area of Northern Iraq where there was a requirement to produce a Residency Card issued by the Kurdistan Regional Government.

We were told that in order to relocate from one part of Iraq to another, it was necessary to provide the four documents mentioned above. In addition, there was a requirement to obtain permission from the council or security office in the area someone intended to relocate to. It might also be necessary to provide proof of accommodation in a new area, for instance a rental agreement or house deeds to allow an individual to relocate furniture and belongings from one area to another.

All contacts said that without these documents it would not be possible to transit security checkpoints. It was accepted that all Iraqi's had these four documents. Anyone without these documents would face difficulties in moving around a city, let alone trying to relocate.

Contacts told us that the MoDM, have processes in place to help IDPs and returnees obtain any missing documentation. In the KR, the MoDM equivalent, the Bureau of Displacement and Migration (BMD), also provides support with documentation issues.

The representative of the MoDM told us that it was not necessary for an individual to return to their registered place of residence to transfer documents to a new area of Iraq. The officer said that it is possible for instance to apply at a registration office in Baghdad, to have documents transferred from elsewhere in Iraq. He added that in practise this didn't happen as it was now safe enough for someone to return to their registered place of residence to arrange to transfer documents.

Interlocutors said that processes and procedures were the same throughout governorates across south and central Iraq. However, all agreed that the Kurdistan Region had slightly different requirements. All agreed that procedures around relocation were the same for Iraqi nationals wishing to move home and registered IDPs.

Representatives of IOM, both in Baghdad and in the Kurdistan Region, said that IDPs returning to Iraq for the first time since 2003 would be registered with MoDM (or BMD). The officer from the MoDM said that registration of IDPs continued, especially with those Iraqi's returning from Syria, Iran, Egypt etc.

The officer from the MoDM told us that under an updated version of their 2008 policy on displacement, the ministry are helping IDPs to relocate where they can. But at the same time, MoDM are encouraging IDPs to return to their original areas. MoDM (supported by IOM) continue to help with documentation, legal advice on recovery of property and advice around employment etc.

British Embassy

Baghdad

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# Annex B: Letter from the British Embassy in Baghdad, 'Renewal or Reissuance of a Civil Status ID card and provisions to change place of residence', 22 January 2012



British Embassy  
Baghdad

International Zone  
Baghdad

22 January 2012

[www.fco.gov.uk](http://www.fco.gov.uk)

## **ISSUE: Renewal Or Reissuance Of A Civil Status ID card And Provisions To Change Place Of Residence In Iraq**

In addressing questions relating to the above issue, we received replies to our enquiries from representatives of four organisations; staff working for the Ministry of Displacement and Migration (MoDM) in Baghdad; Ministry of Interior in Baghdad; International Organisation for Migration (IOM), in Baghdad and Erbil in the Kurdistan Region of Iraq (KRI) of Northern Iraq, and the International Rescue Committee in Erbil (KRI) and Baghdad which included their Legal Advisor. From these sources, we were able to clarify a number of issues pertaining to the renewal or reissuance of a civil status ID card and provisions to change place of Residence in Iraq.

Our interlocutors at IOM, IRC and MoDM told us that the legal requirements for Iraqi citizens under the Civil status law 65 of 1972 were as follows:

- For new born children where one or both parents is an Iraqi citizen, to acquire an Iraqi civil ID the family must present a birth certificate, a valid civil housing card (police residence certificate), renewed civil IDs for one or both of the parents (the Iraqi Parent). One interlocutor (Lawyer) said that those whose parents are not Iraqi may apply for Iraqi Nationality however the law has many conditions and regulations.
- If the child is abroad, according to the Civil Status Law 65 of 1972 (amended) the parents must go to an Iraqi Consulate to obtain the civil status ID card.

If an Iraqi citizen needed to renew their civil status ID card they would generally be required to visit the civil ID Office where his/her record is held. The applicant would be required to present a copy of their civil ID, copy of their Public Distribution System (PDS) “food ration” card, copy of their nationality certificate and residence card from the local council and 2 coloured photos. It is possible however for close relatives from the Father’s side to visit the civil ID Office or Directorate on behalf of the citizen to reissue an ID or a power of attorney can be granted to somebody to do it on behalf of the person.

If the ID is lost, in addition to the above they would be required to produce a written statement declaring the circumstances around the loss which would be seen by an investigation court. In addition an announcement would need to be placed in a local newspaper. Whilst this may sound quite involved it was described by one of our interlocutors as being “a simple and straightforward” process.

Generally speaking people are expected to return in person to the place of origin to reacquire their Civil Status ID card. However there are exceptions:

- If a person does not feel safe in which case they can report this to the Ministry of Displacement & Migration who will be able to support the transfer of the record to the area they wish to live in now;
- The citizen is abroad in which case one of the provisos under Civil Status Law 65 of 1972 is that Iraqi consulates abroad liaise with the Nationality Directorate to enable citizens living abroad to facilitate the issue of their civil status ID card on behalf of the citizen. Citizens can make an application by:
  - Using an application form that is available at their Embassy they should submit an application to obtain a civil status ID card to replace one that has been lost or damaged.
  - The form should be completed by any of the following: the head of the family (male or female), the applicant (record holder), or a guardian or lawyer with the power of attorney.

- The Consul is required to note down the applicants statement on an application form, stating the full name of the applicant who should also apply his/her thumb print placed onto the application. The statement should be signed by the Consul and sealed with a consular seal. If the request is for a lost ID a copy of the lost ID should be provided or that of a close relative such as his brother or Father or another relative. Our interlocutors further explained that an ID “book page” record number of an Iraqi remains the same for their life and the pages are closely linked to their relatives, so if their own ID or a copy is not available it is usually straightforward to identify the citizen from other relatives records.
- If the citizen is abroad and wants to obtain a civil status card for his/her children abroad the following procedure should be followed:
  - The parents should have registered their marriage with the Civil Status Department. If the parents do not have a copy of the marriage certificate he or she can issue a power of attorney to anybody inside Iraq to obtain a copy of the certificate from the Civil Status Department.
  - The newborn child should have been registered with the Civil Status Department but if they are abroad at the time of the birth the child should be registered with the Iraqi Embassy.
  - Once the child has been registered, a request may be submitted to the Embassy to obtain a civil status ID card for the child.

Source [www.mofa.gov.iq/eng/faq/default.aspx](http://www.mofa.gov.iq/eng/faq/default.aspx)

- In the event of a refugee or failed asylum seeker returning to Iraq on their passport, expired passport or a laissez passer travel document without a Civil Identity card, they would be able to pass through the security checks on the road to their home/temporary hotel/relatives or friends presenting their passport. Subsequently they would need to submit an application for a Civil ID card upon their return. This was described as potentially being a quicker process by MOI and MoDM contacts than applying from overseas.

EU letters are currently not acceptable for enforced or voluntary returns to Baghdad. A valid passport, expired passport or laissez passer travel document is required which was introduced by the Iraqi Government in October 2011. The MoDM and MOI said that they would be able to pass through Iraqi security check points explaining they were heading home. Similarly they would be able to rent a property, stay with friends or relatives or temporarily in a hotel until such time as their records are regularised.

Our interlocutors explained that the Iraqi Ministry of Interior operates at the policy level with ID cards being issued by the ID office which whilst if falls under the general responsibility of the MOI, operates at a more local level.

Our interlocutors stated that Iraqi Law allows for an Iraqi citizen to reside anywhere in Iraq. Within the disputed territories there is a committee referred to as the Committee of Article 140 who facilitate and support changes of residence and civil status records in these areas. The committee was established in Baghdad by the Council of Ministers with sub committees based in Kirkuk, Basrah, Missan, Wassit, Thi Qar, Khaniqeen (Diyala) and Sinjar.

To apply for a change of Residence, if the person intends to move within the governorate they need to take the following steps:

- The person is required first to go to the “new” place of residence and then return back to “cancel” the previous place of residence by notifying the local police station (s) and informing the local council’s representative in the area known as the “al mukhtar”.
- In the new place of residence they would need to produce the deeds or the rental agreement.
- Obtain an approval letter to transfer furniture from one area to another issued by the city council is also required.

If the person intends to move from one governorate to another, they are additionally required to notify the Internal Affairs Directorate within the General Directorate of Security and Internal Affairs of the Ministry of Interior, both in the original place of residence and the new residence. Our contacts explained that generally speaking a change in residence required the person to return in person to their original place of residence. However there were exceptions to this e.g. it may no longer be safe for them to do so.

Our interlocutors explained that generally speaking unlike the civil status card, a change of residency must be done in person, nobody can typically do this on behalf of an Iraqi citizen returning from abroad. Where however they are fearful of the security situation, in exactly the same way as an Internally Displaced Person can request this, a returnee fearful of the security situation in their former residency can seek assistance via the Ministry of Displacement and Migration and local councillor (“al mukhtar”).

In such circumstances the Ministry of Displacement and Migration and the local police would support them with the arrangements for the transfer. However our interlocutors added that the need for this was less and less as the security situation has improved considerably.

Our interlocutors explained that according to law No 95 of 1978 (amended) Iraqi’s can temporarily reside for 30 days without notifying the authorities. Following this he or she must either return to their registered place of residence or notify the authorities and pay a daily penalty described as a “small sum” for each day they



exceed the 30 days. However, this is not rigorously enforced as one of our contacts said in practice up to 2 months was permitted whilst checks are conducted. It is not unknown for it to be longer with no daily penalty being imposed.

Our contacts further explained that in practice checks are made after the individual approaches the police and local councillor saying he wants to move into the area. They check with the Army and police from the governorate he/she previously lived in.

Whilst the law stipulates that a person exceeding his/her stay in a place that is not his/her usual residency is subject to a per daily penalty, there is no evidence of any person being deported or expelled from a region because they do not possess a residency card.

British Embassy  
Baghdad

This letter has been compiled by staff of the British Embassy in Baghdad, Iraq entirely from information obtained from the sources indicated. The letter does not reflect the opinions of the author (s) nor any policy of the Foreign and Commonwealth Office. The author (s) have compiled this letter in response to a request from UKBA and any further enquiries regarding its contents should be directed to UKBA.

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# Annex C: Letter from the British Embassy in Baghdad, 'Re-documentation Procedures', 7 April 2012



British Embassy  
Baghdad

International Zone  
Baghdad

[www.fco.gov.uk](http://www.fco.gov.uk)

7 April 2012

## ISSUE: Re-Documentation Procedures

1. In addressing questions relating to the above issue, we have discussed this with the Ministry of Displacement and Migration, (MoDM) in Baghdad, Qandil "A Swedish Humanitarian Aid Organisation" and Refugee Action's representative in Iraq, Ministry of Interior, UNHCR the International Rescue Committee (IRC) and a middle ranking member of the Locally Engaged staff at the British Embassy. From these sources, we were able to clarify a number of issues pertaining to the re-documentation for Returnees to Baghdad.
2. The organisations we spoke to commented that an Iraqi Civil identity card is important for daily life in Iraq, used to identify people in certain circumstances. In the Saddam Hussein period it was essential. In 2004-2007 it was common for people not to carry ID for fear of sectarian violence. In 2012 ID cards are mainly used to prove your identity for e.g. when visiting Government Ministries, e.g. Ministry of Interior and Ministry of Defence. Driving around town car occupants are not routinely asked to produce their ID cards at check

points. The driver of a car is more likely than any person to be asked at a check point to show their ID where they may be asked to show their car registration, driving licence and ID card. But this is far from a common occurrence except during high profile events e.g. the Arab League Summit (which took place in late March 2012) when security is particularly strict. On a recent return journey to and from the airport, a middle ranking locally engaged Iraqi member of the Embassy was asked to show his car registration and ID at a check point but none of his occupants were asked to show their ID which he explained is normal. It's important to understand that nothing in his personal identification or car papers indicates where he works. On a visit to see his sister-in-law at a hospital who had recently given birth, he was not asked to show any identification.

3. Identity cards have been a part of Iraqi life for many decades and originally used by the Ottomans but established in law following the 1957 census. Indeed it was quite common practice during the Ottoman era for Iraqis to claim they were Iranians in order to avoid being drafted into the Ottoman Army.
4. Forged or fake documents do exist however. Any citizen, not just IDPs found with forged or fake documents are liable to be arrested. According to the MoDM, fraudulent or fake identity cards are not common but they recognise it does happen occasionally and is typically linked to criminal activity. The circulation of fraudulent Civil identity cards was thought to be a common problem after 2006 and is perceived by the UNHCR/IRC to be less of a problem now. At that time the main reason for the circulation of fraudulent identification was fear of sectarian violence as the cards clearly indicate an individual's religious sect on the basis of a name. Today, whilst the MoDM accept the UNHCR/IRC point that sectarian violence was historically a driver for fraudulent documentation, today, criminality is the main reason. According to the Iraqi "Law of Penalties", having a fraudulent document is a crime with a penalty of 7 to 15 years of jail. Heavy prison sentences have considerably reduced demand and provision of fraudulent identity or other documents. According to the MoDM, the stiff sentences for illegal documents are intended to prevent false property claims which they explained, is often the reason today for false identity cards, used to claim the property of people who may have left Iraq.
5. In 2006/7 it was more common for people to obtain false Civil identity cards if they were a Sunni who needed to travel through a Shia area or for a Shia to travel through or work in a Sunni area. However the need for false documents for such reasons has reduced in recent years as the security situation has improved and due to heavy prison sentences for fraudulent documents.

6. No evidence or suggestion was made by any of the interlocutors we spoke to suggest that Iraqi IDPs are being arrested or deported from their temporary place of residence or host community by Iraqi Security Forces due to documentation irregularities. Qandil confirmed that “no arrests or deportations of this nature have occurred”.
  
7. The MoDM confirmed by Qandil said that it was rare for IDPs not have and be in possession of their Id cards. Qandil said that even if a family lost all of their documents they can obtain copies from the Central Archives. MoDM said that for an IDP to have a problem with his or her civil ID card is unusual as without an ID card it is not possible to have a job, so it is highly unlikely that any IDP would not have an ID card. The vast majority of IDPs now have their civil ID cards compared to 5 or 6 years ago. It is rare for any IDP not to have documentation or not know any family who can provide the necessary information in order to track down their records.
  
8. In Baghdad, a returnee would be able to seek assistance from the MoDM from 4 locations, two in Central Karkh, one in Karadah and one on the edge of the Green or International Zone just in Karkh at the MoDM Head Office

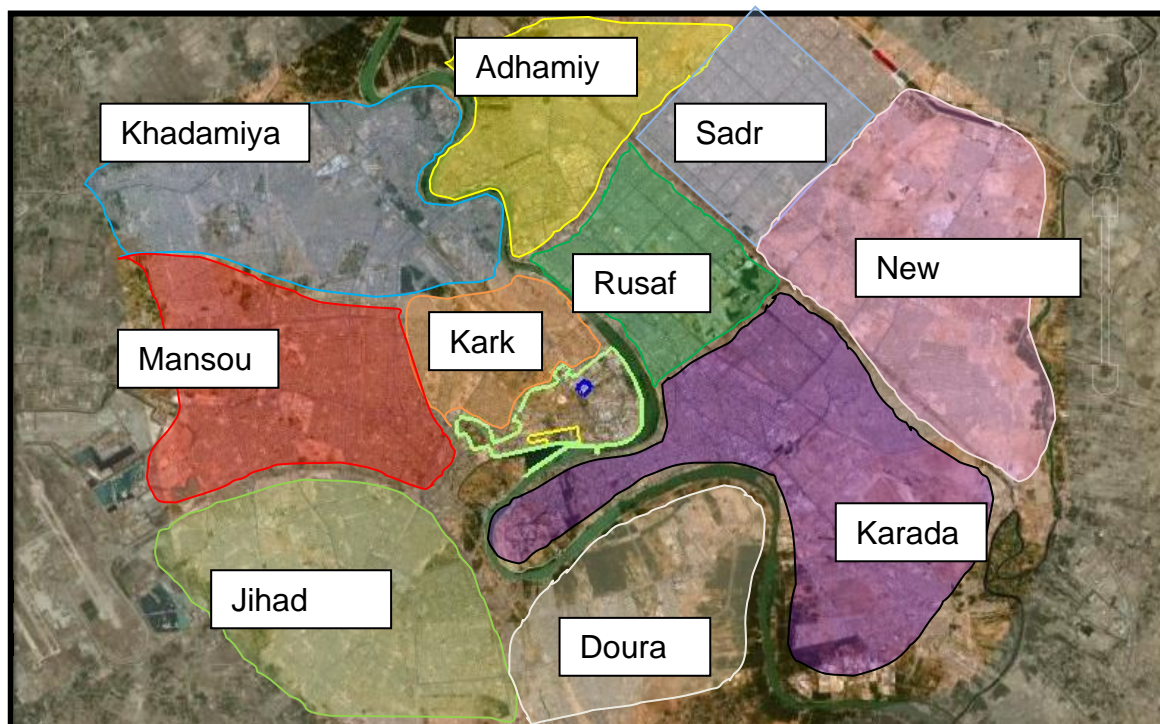


Figure 1

9. Outside of Baghdad there is an extensive Civil Status Office network in each of the 18 Iraqi Governorates. Each Governorate is divided into Districts which in turn are divided into “Nahyas” which in turn divide down into sectors, then

streets and individual properties and homes. Each Nahya or District depending on population density has its own court, **ID Office**, Land Registration Office, Police Station, Health Clinic, Hospitals and Schools. In each of these an identity footprint remains from any contact with these institutions from birth to death as the Civil identity card or that of the parents needs to be shown when interacting with such institutions e.g. in the case of a birth at the hospital that similarly retains records for many decades.

10. The Civil identity card presented to these institutions has the following information listed:

Front page, a photo

- District of Registration & Governorate
- Record Number
- Page Number from the main identity record book held by the Civil ID Office
- Name
- Father and Grandfather's name
- Surname or Tribe Name
- Male or Female
- Signature of the Authorising Officer
- Date of Issue
- Signature of the individual person
- Signature of the issuing officer
- Full name of the individual person.

On the reverse of the card the following is listed:

- Occupation or Job
- Date of birth written and also in numbers (as on a cheque)
- Place of birth
- Significant markings e.g. scars
- Marital status
- Spouses name
- Place of Registration
- Colour eyes, hair, colour of face
- Height and Blood Group

11. All of the above information is retained in the Civil Status Offices records. If any changes need to be made e.g. following a marriage where the civil

marriage contract will have been arranged through the court, they then take the marriage license to their Civil Status Office to make the necessary changes to their ID cards.

12. The Civil ID record is a hard copy record located in the civil status offices where the family or individual is registered, which contains pages with reference numbers. Information about each family is listed on one page. This information includes: names, DoBs, mother's maiden name, tribe name, marital status, reference number of marriage contract, reference of death certificate for the deceased people in addition to other information. No unique number is stated in the civil ID. Identification is based on the book page number and this is what is written on the civil ID.
13. In the case of marriage, the civil record for the wife is transferred to be inserted with the husband's record (on his family's page). The process is this: the court sends a copy of the marriage contract to the husband's civil office notifying them about the marriage, the civil office sends a letter to the wife's civil office requesting the transfer of the record; the wife's civil office closes the wife's record and sends the information back to the husband's civil office for action. This process can take between 2 and 5 days.
14. IRC report that there have been instances where Civil Status offices are unable to locate the names of individuals claiming to be on the Civil ID record there, however the IRC does not have a valid quantification of the frequency of record misplacement.
15. In addition to any of the institutions where records are retained following any transaction with these bodies, civil identity records are retained on microfiche in a central archive so e.g. when the records in the civil status office in Basra were destroyed, copies were available on microfiche in Baghdad. It is therefore most unusual for personal civil ID records to go missing.
16. Iraq does not regard Returnees whether enforced or voluntary from Europe (including the United Kingdom) as IDPs. The MoDM confirmed however that they will still provide support to them to obtain as appropriate, their:
  - Civil ID card
  - Public Distribution System (PDS) "food ration" card
  - Nationality certificate
  - Residence card as appropriate



- **All** returnees are able to access the government return grant of 4 million dinars. MoDM specifically confirmed this.
- The MoDM continues to register some returnees as IDPs, in particular those currently returning from Syria and Jordan but not those returning from Europe.

17. A returnee would seek assistance at the MoDM from one of their 4 offices (Figure 1 above) in (2) Karkh, Karadah and also the MoDM main office next to the Green Zone in Karkh. A Returnee would only need to provide his passport (valid or expired) or Laissez Passer travel document. Most Iraqi's know their civil status book page number or if not there will be a relative who has a linked record from which the details can be identified. There are also numerous other potential institutions (school, hospital etc) as described above from where the record number can be identified. If necessary a returnee could seek assistance with civil documentation through the UNHCRs network of Protection Assistance & Reintegration Centres and Protection Assistance Centres:

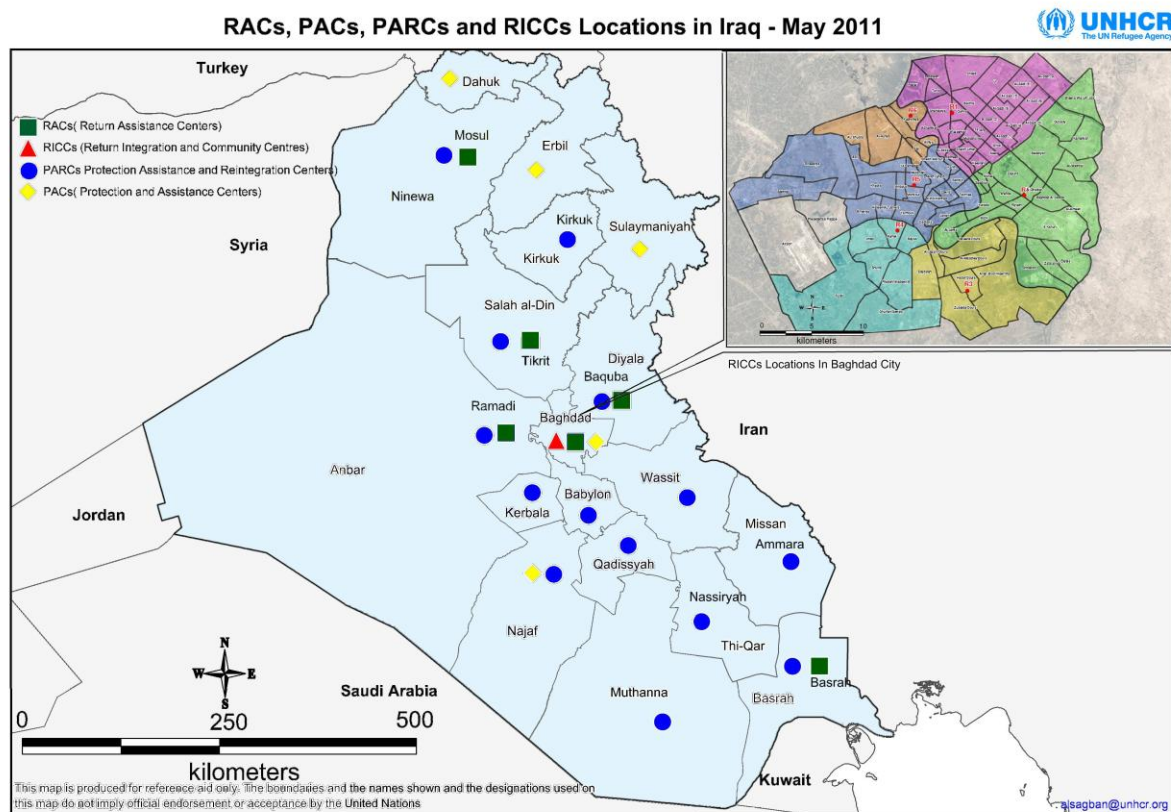


Figure 2

As can be seen from Figure 2 there is Protection Assistance Centre or Protection Assistance Reintegration Centre in each of the country's 18 Governorates funded by the UNHCR and provide information on legal assistance, advocacy and referral services to IDPs, returnees and asylum seekers.

18. UNHCR and its partners provide support to returnees with the acquisition of Civil IDs and other critical civil status documentation. Contact points and means of access vary: returnees can directly seek assistance by visiting MoMD, Return Assistance Centres (or branch offices in governorates) or other field offices in person, by contacting lawyers through the phone numbers listed on brochures distributed through field visits in various governorates, or they can be referred by other service providers, the MoMD, and other stakeholders.
19. The minimum requirements for the UNHCR or PAC/PARC to identifying the civil status record are the book page and the page number for the applicant or one of his/ her family members. Furthermore, a valid housing card or, in some cases, proof of residency letter, is essential in the processing of a civil ID case.
20. At Baghdad International Airport (BIAP) the UNHCR informs the PAC office in Baghdad about the arrival of flights with forced returnees. PAC lawyers and deportation monitors provide protection presence at the airport and interview forced returnees to identify their legal and humanitarian needs. The monitors provide referrals to appropriate PACs and PARCs for the provision of legal and other services as appropriate.
21. In October 2011, the Iraqi Government introduced the policy that stopped EU Countries from returning Iraqi citizens on EU letters. The new Iraqi policy requires returnees to return on a passport, valid or expired or with a Laissez Passer Passport only. The MOI and MoDM have told us that one of these documents is sufficient in the first instance to pass through check points on return to their home or temporary accommodation following which they need to regularise their Civil ID card. The UNHCR/IRC said they were not aware of the policy of allowing passage through a check point using an expired passport or laissez passer travel document. To the knowledge of UNHCR/IRC/Qandil and the Embassy there has been no case to date in which the airport authorities have provided a facilitation letter but we have been advised by the MoDM and MOI that passing through check points is permitted upon first entry and return home and there have already been a number of successful returnees who have returned using an expired passport.
22. MoMD updated its strategy for returnees and return in 2011 for “post-2006” IDPs registered between mid-2006 and February 2009 and for refugees that fled from Iraq after 2006, the MoMD increased the financial incentives for return. Returnees were previously entitled to financial benefits amounting to 1,500,000 IQD. Under the new policy, IDP and refugee returnees are entitled to 4,000,000 IQD. This group is also entitled to the same government issued

proof of return, property restitution, and waiver letters for the payment of services. To receive this benefit, IDPs must close their displacement file with the MoMD in their governorate of displacement in order to register with MoMD Return Assistance Centres in their governorate of origin as returnees. Returnees who received incentives prior to 2011 are not entitled to receive the whole 4 million IQD.

23. The key to locating an ID record is the book page number, not their name, date of Birth and former place of Residence. The MoDM advise that the minimum information a returnee would need to provide to the MoDM or PAC to be able to re-acquire their civil ID card would be a passport (expired or valid). The MoDM said that ideally they would know their book page number which most Iraqis do know or could be identified via relatives or through any of the institutions listed in paragraph 7. The UNHCR commented that the minimum requirement for identifying the civil status record are the book page number or one of his family members. Qandil said that if they did not know their page number then they could submit their parents ID.
  
24. If a returnee had only their name, DoB and place of residence further documentation or information would be required to identify civil status records. A civil status office would be unable to assist a returnee, or any Iraqi citizen, re-acquire their ID card if the applicant has no information about the book and record page where the civil record is held. Since there is no database in the civil directorates in which a search can be conducted according to DoB, etc, an applicant must seek alternative ways to identify their book page. They could attempt to acquire the book page information through other offices that took the information, such as the passport directorate, the court that issued their marriage contract, or the office that issued their housing card or any of the other institutions listed in paragraph 7 above. One specific example was given to us of an official from the MoDM who always questioned his own date of birth, he was able to verify this forty years later by checking with the hospital where he was born to check his record and he was able to find his correct date of birth.
  
25. A PAC would typically always be able to assist a returnee to re-acquire their ID Card although at some stage in the process, they would generally be required to visit the civil ID Office where his/her record is held with a valid housing card, the old civil ID or a civil ID of a family member. It is possible however for close relatives from the Father's side to visit the civil ID Office or Directorate on behalf of the citizen to reissue an ID or a power of attorney can be granted to somebody to do it on behalf of the person.

26. Generally speaking people are expected to return in person to the place of origin to reacquire their Civil Status ID card. However there are exceptions:

- If a person does not feel safe in which case they can report this to the Ministry of Displacement & Migration who will be able to support the transfer of the record to the area they wish to live in now;
- The citizen is abroad in which case one of the provisos under Civil Status Law 65 of 1972 is that Iraqi consulates abroad liaise with the Nationality Directorate to enable citizens living abroad to facilitate the issue of their civil status ID card on behalf of the citizen. Citizens can make an application by:
  - Using an application form that is available at their Embassy they should submit an application to obtain a civil status ID card to replace one that has been lost or damaged.
  - The form should be completed by any of the following: the head of the family (male or female), the applicant (record holder), or a guardian or lawyer with the power of attorney.
  - The Consul is required to note down the applicants statement on an application form, stating the full name of the applicant who should also apply his/her thumb print placed onto the application. The statement should be signed by the Consul and sealed with a consular seal. If the request is for a lost ID a copy of the lost ID should be provided or that of a close relative such as his brother or Father or another relative. Our interlocutors further explained that an ID “book page” record number of an Iraqi remains the same for their life and the pages are closely linked to their relatives, so if their own ID or a copy is not available it is usually straightforward to identify the citizen from other relatives records.
- If the citizen is abroad and wants to obtain a civil status card for his/her children abroad the following procedure should be followed:
  - The parents should have registered their marriage with the Civil Status Department. If the parents do not have a copy of the marriage certificate he or she can issue a power of attorney to anybody inside Iraq to obtain a copy of the certificate from the Civil Status Department.
  - The newborn child should have been registered with the Civil Status Department but if they are abroad at the time of the birth the child should be registered with the Iraqi Embassy.
  - Once the child has been registered, a request may be submitted to the Embassy to obtain a civil status ID card for the child.

Source [www.mofa.gov.iq/eng/faq/default.aspx](http://www.mofa.gov.iq/eng/faq/default.aspx)

British Embassy

Baghdad

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# Annex D: Letter from the British Embassy in Baghdad, 'Returns Procedure for UK failed asylum seekers', 8 April 2012



British Embassy  
Baghdad

International Zone  
Baghdad

8 April 2012

## **ISSUE: Returns Procedure for UK failed asylum seekers**

In addressing questions relating to the above issue, I have discussed this with the Ministry of Displacement and Migration, (MoDM) in Baghdad; International Organisation for Migration (IOM), in Baghdad, the European Integrated Rule of Law Mission for Iraq and is also based on my own knowledge. From these sources, we were able to clarify a number of issues pertaining to the returns procedure for UK failed asylum seekers returning to Baghdad.

The document used for the enforced return of UK failed asylum seekers is usually a valid passport. Instructions were issued by the Iraqi Authorities in October 2011 that the use of EU Letters were no longer acceptable. They stated that returns could only take place with a Passport or Laissez Passer Passport which is an emergency travel document that can be issued by the Iraqi Embassy. The Ministry of Interior, the Director General of Nationality ID and the Head of Immigration at Baghdad



International Airport (BIAP) have also confirmed that an expired passport is also acceptable and so on occasions these are also used for enforced returns.

To date the Iraqi Embassy in London has played no part in the documentation process for the return of enforced returnees, even those cases where visiting senior Iraqi immigration officials have pre-cleared returnees as being Iraqi Citizens; unless the person voluntarily wishes to return to Iraq. UKBA have a list of 215 Iraqi Nationals who have been pre-cleared by senior Iraqi Immigration Officials as Iraqi Nationals for return. This list was submitted to the Iraqi Ministry of Foreign Affairs in January 2012 with lobbying reminders taking place in February 2012 and most recently in March and April 2012 seeking their assistance to issue Laissez Passer emergency travel documents. The Ministry of Foreign Affairs (MFA) said in March 2012 that they will be contacting the Ministry of Interior and Ministry of Displacement and Migration to find a solution to the list of 215. On 8 April they told us that they now plan to send an MFA led Mission to the United Kingdom to encourage Iraqis to return voluntarily. They suggested that if this was not successful, then they would consider an enforced arrangement for those whose appeal rights have been exhausted. They emphasised however that they prefer the return of voluntary returnees.

When the UK Border Agency seeks to enforce a return to Iraq, the pre-clearance procedure involves a Senior Iraqi Immigration Official interviewing them face to face during a visit to the United Kingdom to confirm their nationality. In addition to the nationality confirmation interview with the Senior Iraqi Immigration Official the returnee (Failed Asylum Seekers or Foreign National Offenders) also requires either a passport, expired passport or potentially a Laissez Passer Passport (if the Iraqi Embassy will issue such a document). This process provides strong evidence of both identity and nationality prior to removal which minimises the risk of somebody being detained on arrival. Since the introduction of the new system (i.e. not to return on EU letters), there have been no detentions upon arrival in Iraq. With so many checks and balances, in our opinion, the new revised procedures will prevent a returnee being detained upon arrival as they have adequate documentary evidence of their identity and nationality.

Since my arrival in October 2011, I am not aware of any cases where returnees have been detained.

MoDM and MOI advise that returnees do not need both a travel document and their civil ID before they are allowed to leave the airport. Returnees are allowed to pass through check points on the basis of their travel document. If they do not have a copy of their Civil ID card, once home or at their temporary accommodation they are then required to regularise their Civil ID and other documents either direct with the MoDM or with the assistance of one of the UNHCR assistance centres.

I have not heard of any reports of ethnic or religious discrimination in applying procedures at BIAP e.g. specifically targeted at Kurds. It is important to understand that a Kurdish returnee from Iraqi Kurdistan is an Iraqi Citizen so can return

anywhere in Iraq. We are currently in negotiations with the KRG Government to return direct to Iraqi Kurdistan in order to speed up and simplify the process. However, if an enforced returnee who originates from Iraqi Kurdistan is sent via BIAP it is important to understand that they have been pre-cleared for arrival and have a valid or expired passport or laissez passer passport. Assuming they have no outstanding warrants of arrest for criminal activity unrelated to immigration matters, they would not be detained and would not be escorted back to Iraqi Kurdistan.

There are frequent Iraqi Airways [flights](#) from Baghdad to Iraqi Kurdistan (Erbil/Sulaymaniyah) as follows:

Erbil					
Time	Departing	Time	Arriving	Flight	Day
20:00:00	Baghdad	21:00:00	Erbil	IA 243	Monday
22:00:00	Erbil	02:00:00	Stockholm	IA 243	Monday
08:00:00	Erbil	09:00:00	Baghdad	IA 908	Monday
15:30:00	Sulaimaniya	16:00:00	Erbil	IA 907	Monday
09:00:00	Erbil	09:30:00	Sulaimaniya	IA 908	Tuesday
12:00:00	Baghdad	13:00:00	Erbil	IA 907	Tuesday
07:30:00	Sulaimaniya	08:00:00	Erbil	IA 177	Wednesday
08:45:00	Erbil	10:45:00	Oman	IA 177	Wednesday
11:45:00	Oman	13:45:00	Erbil	IA 178	Wednesday
14:00:00	Erbil	15:00:00	Sulaimaniya	IA 178	Wednesday
07:30:00	Erbil	08:00:00	Sulaimaniya	IA 914	Wednesday
07:30:00	Sulaimaniya	18:15:00	Erbil	IA 913	Wednesday
13:00:00	Baghdad	14:00:00	Erbil	IA 907	Wednesday
14:45:00	Erbil	15:15:00	Sulaimaniya	IA 907	Wednesday
18:30:00	Baghdad	19:30:00	Erbil	IA 243	Thursday
20:30:00	Erbil	00:30:00	Stockholm	IA 243	Thursday
10:00:00	Mosul	10:30:00	Erbil	IA 110	Thursday
11:15:00	Erbil	15:15:00	Dubai	IA 109	Thursday
07:00:00	Erbil	08:00:00	Baghdad	IA 908	Thursday
09:00:00	Baghdad	10:00:00	Erbil	IA 119	Thursday
10:45:00	Erbil	13:15:00	Tehran	IA 119	Thursday

14:00:00	Tehran	15:30:00	Erbil	IA 120	Thursday
16:15:00	Erbil	17:15:00	Baghdad	IA 120	Thursday
18:00:00	Baghdad	19:00:00	Erbil	IA 907	Thursday
01:30:00	Stockholm	07:30:00	Erbil	IA 244	Friday
08:30:00	Erbil	09:30:00	Baghdad	IA 244	Friday
08:00:00	Erbil	08:30:00	Sulaymaniyah	IA 133	Friday
12:00:00	Beirut	14:00:00	Erbil	IA 134	Friday
14:45:00	Erbil	15:15:00	Sulaymaniyah	IA 134	Friday
23:30:00	Sulaymaniyah	00:00:00	Erbil	IA 104	Friday
12:00:00	Baghdad	13:00:00	Erbil	IA 907	Friday
14:00:00	Erbil	15:00:00	Baghdad	IA 908	Friday
10:00:00	Sulaymaniyah	10:30:00	Erbil	IA 177	Saturday
11:15:00	Erbil	13:15:00	Oman	IA 177	Saturday
14:15:00	Oman	16:15:00	Erbil	IA 178	Saturday
17:00:00	Erbil	17:30:00	Sulaymaniyah	IA 178	Saturday
08:00:00	Erbil	08:30:00	Sulaymaniyah	IA 912	Saturday
18:00:00	Sulaymaniyah	19:00:00	Erbil	IA 911	Saturday
13:30:00	Baghdad	14:30:00	Erbil	IA 907	Saturday
15:15:00	Erbil	15:45:00	Sulaymaniyah	IA 908	Saturday
07:00:00	Erbil	08:00:00	Baghdad	IA 908	Sunday
09:00:00	Baghdad	10:00:00	Erbil	IA 907	Sunday
11:00:00	Erbil	11:30:00	Sulaymaniyah	IA 179	Sunday
18:00:00	Sulaymaniyah	18:30:00	Erbil	IA 180	Sunday
13:00:00	Baghdad	14:00:00	Erbil	IA 909	Sunday
14:45:00	Erbil	15:15:00	Sulaymaniyah	IA 909	Sunday

I have checked regarding the capture of biometric data at BIAP. All arriving passengers irrespective of nationality now have their biometrics captured. I had mine recorded on arrival and again more recently for a Baghdad Identity card. As Iraq strives to improve the security situation, the capture of biometric data is becoming increasingly common for all citizens.

First Secretary Migration Policy and Projects  
British Embassy  
Baghdad

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# Annex E: Letter from the British Embassy in Baghdad, ‘Monitoring of Returnees at Baghdad International Airport (BIAP)’, 8 April 2012



British Embassy  
Baghdad

International Zone  
Baghdad

8 April 2012

## **ISSUE: Monitoring of Returnees at Baghdad International Airport (BIAP)**

In addressing questions relating to the above issue, I have discussed this with the Ministry of Displacement and Migration, (MoDM) in Baghdad; the International Organisation for Migration (IOM), in Baghdad, Ministry of Interior (MOI), Qandil “A Swedish Humanitarian Aid Organisation” and Refugee Action’s representative in Iraq, and it is also based on my own knowledge. From these sources, we were able to clarify a number of issues pertaining to the Monitoring of Returnees at Baghdad International Airport.

The MoDM are satisfied that there is no risk of mistreatment or abuse of returnees at Baghdad International Airport (BIAP). The IOM concur saying that the immigration officer checks the passport or travel document issued by the Iraqi Authorities. If they are correct then the passenger can proceed and leave the airport. Enforced Returnees from the UK are pre-cleared during pre-clearance visits to the UK by Iraqi immigration officials so the risks are further minimised. In some cases according to the head of Immigration at BIAP, they help enforced returnees if there are any doubts as to their nationality “on a humanitarian

basis” but this has not been required for any UK returnee since the new Iraqi policy on returns was introduced in October 2011 (i.e. not to return on an EU letter).

Since the introduction of the new October 2011 Iraqi returns policy, there have been no cases of any UK enforced returnees being detained who have returned on a valid or expired Iraqi passport. To date, no enforced returnees have returned using a laissez passer travel document as the Iraqi Embassy in London will not currently issue them to enforced returnees. Only voluntary returnees have returned using laissez passer travel documents for whom we have received no reports of them being detained on arrival by any of our interlocutors. There are no detention facilities within the complex at BIAP.

The MoDM were adamant that no Iraqi would be arrested even if they had left the country illegally e.g. with smugglers. The only exception to this would be if they had committed a criminal offence before their departure e.g. theft, for which a warrant had been issued. The IOM commented that in the past any detention under such circumstances was implemented by the Iraqi police in the police station a couple of kilometres away from BIAP. But the IOM also confirmed that this would only be in the case of a judicial order, i.e. a warrant for their arrest.

According to Iraqi Law, all passengers should carry a passport or a travel document when returning to Iraq. However, on some occasions, when enforced returnees do not have any documents, the IOM recommend that their relatives take to BIAP some ID or other proof of Iraqi nationality. All enforced returnees from the UK under the policy issued in October 2011 by the Ministry of Foreign Affairs and Ministry of Interior, return either with a valid or expired passport or potentially with a Laissez Passer passport as we are no longer allowed to issue EU Letters for returnees. In practice as mentioned above; to date there have been no enforced returns using Laissez Passer Passports as the Iraqi Embassy in London will only issue Laissez Passer passports to voluntary returnees. To date this has worked smoothly for the Iraqis who have been returned in this way. According to the IOM and MOI, there have been no cases of any enforced returnees from the UK being detained at BIAP under the new returns policy.

Qandil, MoDM, MOI and IOM all confirmed that there have been no reports of ethnic or religious discrimination in applying procedures with Kurds. Returnees to Iraqi Kurdistan would not be detained by the Government of Iraq Immigration Service in Baghdad but would be free to make their own way home. The only exception to this would be if there was a judicial order or warrant for their arrest due to previous criminal activity as would be the case



with any Iraqi citizen. MoDM in particular emphasised that discrimination of Kurds was something from the past under the previous regime, this was no longer the case.

There are no detention facilities within BIAP the nearest facility is at a small police station a few kilometres away. None of the organisations we contacted could describe the facilities but MoDM emphasised that Enforced Returnees or Voluntary returnees would not be detained on arrival. None of the organisations we contacted could elaborate on whether in the past any enforced returnees had been detained. IOM had heard of returnees “having problems” i.e. being “questioned for longer”, especially if returned on Laissez Passer documents. If this was the case in the past, this pre-dates the new Iraqi policy (October 2011) that requires returnees to obtain a Laissez Passer document if they do not have a passport. Qandil have confirmed that all cases they have managed under the Assisted Voluntary Returns programme have been processed satisfactorily.

First Secretary Migration Policy and Projects  
British Embassy  
Baghdad

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# Annex F: Letter from the British Embassy Baghdad, 'Returns to Erbil International Airport (EIA)', 18 May 2013



British Embassy  
Baghdad

International Zone  
Baghdad

[www.fco.gov.uk](http://www.fco.gov.uk)

18 May 2013

## **Returns to Erbil International Airport (EIA)**

Since April 2012, there have been a total of 68 Iraqi nationals returned direct to Iraqi Kurdistan. 64 were Foreign National Offenders (FNO) of whom the majority returned on a voluntary basis. Since late January 2013, 4 others who had no legal basis to remain in the United Kingdom have also returned.

All returnees to Iraqi Kurdistan are managed under an arrangement agreed with the Kurdish Regional Government (KRG). This involves the pre-clearance of all returnees by a senior KRG immigration official. Clearance is on a case-by-case basis and involves the submission of available identity documents and other supporting evidence of Iraqi nationality for verification via our Consulate General in Erbil. Subject to the returnee's Iraqi nationality being confirmed, approval is then granted for the return to EIA and the airport notified. Currently the KRG will consider for return all persons of Iraqi Kurdish ethnicity who are from an area currently under the administration of the KRG, i.e. the three Governorates of Dohuk, Erbil and Suleimaniah and some parts of Kirkuk Governorate (but not persons from Kirkuk city). Only persons who are pre-cleared by senior KRG immigration officials will be liable for removal under these procedures.

Unlike the current arrangement for returns to Baghdad International Airport (BIAP), where all returnees must be in possession of a valid or expired Iraqi Passport or an Iraqi Laissez-Passer travel document, it is acceptable for returnees to Iraqi Kurdistan to travel on a European Union Letter (EUL). All returns to Iraqi Kurdistan are by scheduled Royal Jordanian flights from the UK via Amman to EIA. Escorted returnees are presented to a member of the KRG Immigration Service in the arrivals hall by the escorting officers. These officers also provide KRG immigration staff with all supporting Iraqi documentation and confirmation of the pre-clearance.

Following confirmation of the returnee's identity by KRG immigration staff, biometric details are captured by KRG immigration officers and compared with existing details held on the Iraqi national immigration and security service database. Provided these show no outstanding police warrants or other alerts, the returnee is allowed to depart from the arrivals hall and leave the airport terminal. If there is an outstanding arrest warrant or other serious charge, the returnee will be transferred into the custody of the KRG police at EIA to be placed before a judge and entered into the Iraqi judicial system.

The processing of all returnees to EIA is managed by the KRG Immigration Service and other authorities in a highly competent and professional manner. Returnees are treated as normal passengers and, because they are pre-cleared, are dealt with quickly and allowed to leave the airport to family and friends or to make their way home.

In a small number of cases where the identity is not confirmed at EIA, returnees have been transferred to the KRG's Ministry of Interior's Forensic Evidence Bureau in Erbil for further identification checks prior to release the same day.

Returnees not in possession of an Iraqi passport or civil ID card are allowed to travel using their EUL, but they should regularise their civil ID and other documents either direct with the KRG's Bureau of Migration and Displacement or at an UNHCR assistance centre at the earliest convenient opportunity.

Neither we nor our partner organisations in KRG providing reintegration and resettlement assistance have any evidence of any returnees being mistreated, detained or returned back to the UK during the past year.

First Secretary Migration  
British Embassy  
Baghdad

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# Annex G: Letter from the British Embassy in Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014



British Embassy  
Baghdad

International Zone  
Baghdad

4 December 2014

## **Internal movement/civil documentation and access to essential services in host communities**

The information contained in this letter has been drawn from a number of sources including the Ministry of Migration and Displacement (MoMD) in Baghdad, the Bureau of Displacement and Migration (BDM) in Erbil, the Ministry of Interior in Baghdad, the Ministry of Interior and the Asayish in Erbil and the United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM).

Since February 2014, the activities of the Islamic State of Iraq and the Levant (ISIL) inside Iraq have left large areas of the country outside the control of the Iraqi government and its security forces. The areas most seriously affected to date are the provinces to the west and north of the capital, Baghdad: namely, Anbar, Ninewah, Salah-ad-Din, Diyala or Tam'mim (Kirkuk) provinces. This letter provides information on the impact this has had on internal movement, the provision of civil documentation and access to essential services in host communities. In doing so, it is important to recognise that the situation is complex and fluid. Therefore, what is reported below is subject to change.

To date, over 2 million Iraqi people have been displaced within the country's borders. Some 750,000 are temporarily settled in the Kurdistan Region of Iraq. But the displacement is equally spread across the central and southern regions of Iraq and, in total, internally displaced people (IDP) have been identified in more than 1,700 locations countrywide.

According to Iraqi government (GoI) contacts, there are no restrictions placed on the movement of IDPs within Iraq's borders. However, we do know that restrictions are sometimes put in place in response to specific security concerns to protect IDPs, the host population and visiting pilgrims. For example, during times of religious pilgrimage to Najaf and Kerbala, movement restrictions have been imposed on IDPs along pilgrimage routes but these are temporary.

Restrictions have also been imposed when there are legitimate capacity constraints in camps or shelters. Such restrictions are more often than not imposed by the local, governorate authorities rather than by the central government in Baghdad.

Despite official assurances to the contrary, some temporary restrictions have also been put in place for IDPs travelling to the Kurdistan Region. For example, some IDP families of mostly Arab ethnicity were recently refused entry through the Sherawa (Kirkuk-Erbil) and Sheikh Abdul Qader (Mosul-Erbil) entry points. Individuals moving back and forth between the Kurdistan Region and areas still occupied by ISIL forces have also been refused entry. This reflects the Kurdish authorities continuing concern with regard to terrorist activity within the Kurdistan Region of the kind most recently witnessed in Erbil city on 19 November when there was an improvised explosive attack close to the Governor's Office. In the days following that incident, several checkpoints were closed and all IDPs seeking access to the Kurdistan Region were refused entry.

A significant change in November is that the previous requirement to have a sponsor who is resident in the Kurdistan Region prior to admission has been removed (allegedly because sponsorships were being openly sold at certain checkpoints) and instead a new entry procedure is now in operation which requires IDPs to present themselves to the nearest Asayish office for screening and approval. Once approved, IDPs are issued with a residency card that entitles them to move freely within the governorates and rent private houses. Transit opportunities still exist for those who have valid plane tickets. Those arriving by air at Erbil or Sulamaniyah airports are similarly directed to report to the nearest Asayish office to regularise their stay. It is worth re-iterating the point that admission does remain at the discretion of Kurdish immigration and border officials and that temporary restrictions can be imposed and withdrawn without notice.

Domestic and international scheduled commercial flights to Erbil and Sulaymaniyah airports in the Kurdistan Region were subject to last minute cancellation over the

Summer in response to specific security threats but at the time of writing are all operating as normal. The same applies to scheduled commercial services in and out of Baghdad, Basrah and Najaf airports.

Travel by road north from Baghdad to the Kurdistan Region remains perilous but not impossible as evidenced by an Iraqi staff member from this Embassy who made the six-hour journey by taxi from Baghdad to his home town of Sulaymaniyah without incident in November.

Given the long history of internal displacement in Iraq, there are well established procedures whereby those not in possession of their civil documents (e.g., civil status ID cards, nationality certificates, ration cards, etc) can obtain replacements. Under normal circumstances, this would involve a visit by the individual or an immediate relative to the ID Office in their home province.

For those IDPs from provinces now under the control of ISIL, replacement civil documents can be obtained with the help of the UNHCR's network of Protection Assistance & Reintegration Centres (PARC), Protection Assistance Centres (PAC) and partner organisations (for example, in the Kurdistan Region, UNHCR are supported by Qandil in Erbil, Harikar in Duhok and CDO in Sulaymaniyah) operating elsewhere across the country. The UNHCR has also recently established joint centres with the Ministry of Interior in Baghdad and Najaf to assist IDPs with re-documentation and we are told these are working well. As a minimum, individuals are required to identify their book page and page number or that of a family member. All Iraqi nationals will know or be able to easily obtain this information.

While there is a risk that the original civil ID records held in provincial capitals such as Mosul and Ramadi may have been destroyed by the occupying ISIL forces, back-up ID records are retained in the Baghdad Central Archive. Though not as efficient or quick to access as the originals, these central records provide an alternative means of ID verification. In addition to civil ID records, other potential sources for independent verification include school and hospital records. A more detailed and still valid account of re-documentation procedures can be found in this Embassy's letter of 7 April 2012. It remains this Embassy's considered view that Iraqis returning from overseas will be able to reacquire their civil documents through these more regular means.

Owing to their high numbers and continued mobility, IDP registration remains complex and challenging. The UNHCR is working with the GoI and KRG authorities to harmonise registration procedures, including the wide scale use of biometrics, but a common format and practice is unlikely in the short term. In the Kurdistan Region, registration questionnaires and software have been deployed to enhance needs profiling. Across central and southern Iraq, the UNHCR is also funding close to 300 staff positions in MoMD regional offices. However, serious capacity issues remain and practical assistance through these offices is largely limited to cash donations.

Against this background, registration is not a pre-requirement for access to shelter and emergency relief being provided by the UNHCR and its partners. In line with its Protection Cluster strategy, the monitoring teams of the UNHCR and its partners



have reached close to 700,000 individuals throughout Iraq to determine needs, vulnerabilities, registration status, demographic information and accommodation circumstances. Access to other essential services depends on their location and housing situation. It is noted that a significant number of IDPs remain self-sufficient and are residing with family, friends, in rented property or in hotels. The number residing in purpose built camps or shelters still remains comparatively low in accordance with current capacity but this is expected to increase as winter approaches and new camps and more permanent housing solutions become available.

The Iraqi IDP community remains highly mobile and heavily influenced by security and economic factors. Many have chosen to stay close to their homes in the hope that they can return when safe to do so. However, as already seen, those wishing to return to areas liberated by the Kurdish Peshmerga and Iraqi Security Forces in recent months have been prevented from doing so because of mines and other improvised explosive devices (IEDs) left by ISIL. There is no current data describing displacement by Iraqi ethnicity but anecdotal evidence suggests the displacement across the country is still mixed with Sunnis displaced equally to both the Kurdistan Region and the Shia provinces in the south.

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# Annex H: UNHCR Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011



Disclaimer: The following document has been prepared by UNHCR in response to a request by an expert witness appearing before the UK Asylum Tribunal. It is based on information available to UNHCR at the time of writing, as well as anecdotal information which should be regarded as indicative and not exhaustive.

## **Response to inquiry regarding returnees / deportees: documentation, assistance and conditions at Baghdad Airport**

### **1) Documentation / Assistance**

#### **a) Procedures for obtaining documentation: civil status identity card, nationality certificate, PDS card**

##### **i) Civil Status Identity card**

The Civil Status ID card is issued by the Ministry of Interior (Director General for Travel and Nationality) through the Civil Status departments in the governorates.

An Iraqi identity card can only be issued inside Iraq. However, outside of Iraq the procedure can be initiated through an application to the Embassy of Iraq.

#### **Requirements and procedures for obtaining an Iraqi identification card (on return to Iraq)**

The following are required:

- Application form, available from the Civil Status Directorate bookshop (5,000 Iraqi Dinars (IQD))
- Fiscal Stamp (IQD 750) available from the book shop of the Police Families' Martyrs
- Birth certificate or proof of birth in the case of a child, and a copy of the father's civil status ID.
- Housing card (or supporting letter from the local council to confirm the subject's residence),
- PDS card,
- Two personal photographs of each applicant (4 in Kurdistan Region)

The completed application form (with fiscal stamp), together with the photographs and documents listed above, should be taken to the Civil Status Directorate. The card will be issued and laminated, for a cost of IQD 500. The procedure can be completed within one day.

Relevant legislation: Nationality Law No.26 / 2006; Housing Law (as amended) No. 95 / 1978.

## **ii) Iraqi Nationality Certificate**

Iraqi Nationality is governed by the Iraqi Nationality Law No. 26 (2006).

An Iraqi Nationality Certificate proves that a person is an Iraqi citizen, and is issued by the Ministry of Interior.

The following documents need to be submitted to the General Nationality Directorate in each governorate in person (powers of attorney are not accepted unless on behalf of minors):

- Completed Iraqi Nationality Certificate application form (with two 500 Iraqi Dinar stamps)
- Father's Nationality Certificate (original and copy); or in the event that this is lost, brother's, grandfather's or uncle's Nationality certificate will be accepted;
- Public Distribution Card (original and copy);
- Housing card (or supporting letter from the local council to confirm the applicants' residence)
- 2 personal photographs of the applicant (4 in KR)

In straightforward cases the Nationality Certificate should normally be issued within one day. In cases where a person does not have documentation to prove Iraqi citizenship, the process may have to be undertaken in Baghdad.

## **iii) Public Distribution System (PDS) card**

The PDS card is prepared by the Ministry of Trade and is issued by the Planning and Supply Directorate, Supply Department. PDS cards are distributed by the branch supply centres which operate in all governorates.

The following documents are required:

- Civil Status ID of all members of the family (original and copy),
- Personal Civil ID Record,
- Housing card (or supporting letter from the local council to proof area of residence),
- Written statement by the head of the family confirming the accuracy of the information and documents submitted.
- All members of the family must appear at the PDS office for verification.

The PDS card is issued to individuals or families free of charge. The process takes approximately one month (whether Baghdad or the governorates).

#### **b) Documentation and Procedures to change residency from Kirkuk to another location**

The procedures for relocation / change of residency would depend on whether the family plans to move to a location in central/southern Iraq or KR.

**Procedure for gaining access to / residency in KR:** There is no written guidance / instruction on the procedures and requirements for entering or residing in KR. UNHCR has been closely monitoring the situation, and the following is based on extensive interviews and observations by staff and implementing partners.

**Entry:** At the checkpoints to the KR, individuals / families will be given a temporary access card (tourist, work or residence). A sponsor (who is from the KR) may be required at this stage; however, there is a lack of consistency in this, and many persons are permitted to enter without securing a sponsor.

**Residence:** Persons wishing to reside in the KR must obtain an Information Card from the neighbourhood security station (Asayesh), and at this point, a sponsor is required. Documentation including proof of rent, civil ID, nationality certificate and photographs are also required. The card will be issued for 3, 6 or 12 months, and allows freedom of movement throughout the KR, as well as rights to education, healthcare and employment (except in the public sector).

#### **c) Documentation issued at Baghdad International Airport (BIAP) to a person who entered Iraq on a European Travel document to facilitate travel in Iraq?**

Persons who enter BIAP with only a Laissez Passer or other travel document, will be held at the BIAP police station until their identity is established. If a person has no identification documents, and no family members who could bring documentation to the airport, presentation before a judge will be required.

No documentation would be issued at the airport but a letter would be issued to facilitate the individual's movement back to their place of origin / relocation.

#### **d) Assistance available at Ministry of Migration and Displacement (MoMD) Returnee Assistance Centres (RACS) and UNHCR Protection, Assistance and Reintegration Centres (PARCS)**

MoMD RACS:

There are currently 5 MoMD Returnee Assistance Centres (RACS) in Iraq (2 in Baghdad, 1 in Diyala, 1 in Basra, 1 in Ninewa), and branch offices in all governorates (incl Kirkuk), offering advice and assistance to returnees. Pursuant to Order 101/2008 (2 August 2008) the Government of Iraq initiated the process of facilitation and support to returnees.

Broadly, returnees are entitled to the following:

- 4 Million Iraqi Dinar Returnee Grant (increased from 1.5 Million in mid 2011)
- Facilitation letter for possible exemption of electricity, water and telephone bills owed by the returnee in the property left behind during the period of displacement
- Facilitation letters for possible regaining of public sector employment (there is additional assistance to highly skilled former public sector workers such as University professors, access to education, property restitution, obtaining missing documentation, passports and letters from the Municipal Council.

A specialized reception committee in the RAC provides referral services to Ministry of Displacement and Migration (MoDM); the Iraqi Security Forces, (ISF) a Directorate and to the Government Real Estate Offices in Baghdad for property related issues including property restitution.

Eligible returnees are persons who:

- Fled between 1/1/ 2006 to 1/1/ 2008, and were displaced for not less than eight months outside of Iraq;
- Fled Iraq one year prior to 09/04/2003 and returned to Iraq after 09/04/2003; this group may also be eligible for additional returnee assistance from MoDM including allocation of land.

#### **UNHCR Protection, Assistance and Reintegration Centres (PARCS)**

UNHCR has an extensive protection / assistance outreach across all eighteen governorates in Iraq. The network of PARCs,<sup>154</sup> comprising fixed centres and mobile teams, provide legal counselling, assistance and referrals to appropriate service providers. PARC lawyers can provide legal representation in court and before

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<sup>154</sup> Prior to 2011, UNHCR had separate Protection and Assistance Centres (PACS) and Return Integration and Community Centres (RICCS). The PARCs are a merger of these two entities, with the aim of providing the full range of legal/humanitarian assistance in one structure. In Baghdad, separate PACS / RICCS continue to operate.

administrative bodies, assist in the filing of complaints and in advocacy with local authorities. PARCs also provide advice and assistance on registration with MoMD, rights and entitlements.

Types of legal cases / issues with which the PARC lawyers assist include: Civil ID / Nationality, birth / death certificates, marriage, divorce / separation, inheritance, passport, PDS, education, moveable / immoveable property, compensation.

## **2) Procedures and Conditions on arrival to BIAP**

UNHCR and implementing partner staff have been monitoring the arrival of forced return flights at Baghdad International Airport (BIAP) since early 2010. In late October 2010, formal permission was granted by the Government of Iraq for access to BIAP by UNHCR and specified IP staff. This has greatly enhanced the agencies' ability to monitor and interview returnees, enabling the provision of legal advice, assistance and referrals.

On arrival to BIAP, the returnees'<sup>155</sup> files are handed over by the security guards from the returning country (who accompany the returnees on the flight) to the Iraqi intelligence service. The files contain copies of the returnees' documents and the rejection of asylum document issued by the Immigration Office in the country of asylum (COA). Returnees are then obliged to undergo a series of individual investigations / interviews by a number of Government departments:

- Immigration, Ministry of Interior/Passport office;
- Intelligence Service
- Airport Military Intelligence / Security.

On completion of each section, an official clearance letter is issued by each department.

The procedures in each department are as follows:

- Immigration Service, Ministry of Interior/Passport Office:
  - Returnees' documents are reviewed and checked against the Central Iraqi criminal database to verify whether the deportee is wanted for any crime
  - Returnee is photographed and an entry stamp is entered on his/her Laissez Passer or Passport, if available.
  
- In the Intelligence Service:
  - Each returnee goes through an investigation by specialized officers (nature of the questions are unknown).

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<sup>155</sup> The term 'returnee' in this section is used to refer to persons forcibly returned to Iraq.



- After completing the investigation, the returnee is referred to the Airport Security Department.
  - At this stage, the returnees are allowed to bring their luggage, buy food and use the toilet under the supervision of the Iraqi Security.
  - This process can take up to 8 – 10 hours
- In the Airport Military Intelligence/Security Department:
    - Each returnee is called for another investigation by the Security Officers, and then referred for another investigation by the Information Office.
    - The Security Office then sends a confidential letter to the Central Database of the Iraqi Ministry of Interior and other security entities to check if the returnee is wanted for a crime inside Iraq.
    - The returnees then wait in the same security office until they receive the final decision from the relevant security authorities. This process can take five hours or more.
    - If the result of the investigation showed that the returnee is wanted, he/she will be referred to concerned authorities by whom he/she is wanted, and then go through legal procedures.
    - If the result of the investigation clears the returnee, he/she is then allowed to leave the airport. Some of the returnees wait in the waiting area for their families, relatives or friends to fetch them.

### **General conditions at BIAP**

Returnees interviewed by UNHCR / IPs have not reported specific ill-treatment by the authorities at BIAP. However, planes frequently arrive into BIAP after midnight, and the late arrival and prolonged investigation procedures mean that returnees often have to spend the night in the airport. This is in particular the case of the returnees whose final destinations are in the Northern Governorates / KRG, and who are unwilling / unable to travel from Baghdad to such governorates at night due to insecurity of the roads and inside the cities. Financial assistance may be provided to the returnees by the authorities from the returning country for onward travel, however, there is no uniform amount / procedure, and some returnees have reported that amounts are insufficient to cover their transportation and assistance costs.

In addition, as noted in section 1 c) above, persons who do not have identity documents aside from the Laissez Passer will be held in detention until their identity can be confirmed; either by the provision of documents by relatives or by presentation before a judge. On a number of occasions where flights have arrived prior to a weekend / public holiday, this has necessitated lengthy stays in detention until courts reopen.

According to reports from returnees, families are not provided with any special assistance / treatment. Whilst waiting for their final clearance, returnees are

provided with refreshments and a meal. Additional items can be purchased from the airport. Returnees report informally that the facilities are not adequate, for example, large numbers of persons waiting in small rooms, inadequate provision of food etc; however, UNHCR has not been able to confirm this information.

Baghdad, 3 November 2011

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# Annex I: COI Service, cover letter and note of meeting with Hassanain Hadi Fadhil, Second secretary, embassy of the Republic of Iraq, London, 5 January 2011



Country of Origin Information (COI) Service

16 January 2012

To whom it may concern

**Re: Iraqi Civil ID Cards and residency**

The attached approved note was compiled by the Iraq country researcher, Country of Origin Information (COI) Service, UK Border Agency, solely from information provided by Hassanain Hadi Fadhil, Second Secretary, Embassy of the Republic of Iraq during an interview on 5 January 2012. The interview was informal and semi-structured; its subject was to discuss issuance procedures for Iraqis to obtain a Civil ID Card and other related matters. The note is not a verbatim account of the interview but accurately reflects the information provided by Mr Hassanain Hadi Fadhil.

Following the meeting, the note of the interview was forwarded to Mr Hassanain Hadi Fadhil and he was invited to make comments/changes he considered appropriate. Mr Hassanain made no comments or changes to the document by the deadline of 12 January 2012. On 13 January 2012 COI Service wrote to Mr Hassanain confirming that the draft notes would be treated as approved. The approval process ensures that the source is fully aware of the content of the notes and the information attributed to him. This process is in line with best practice outlined in the EU Common Guidelines on (Joint) Fact Finding Missions: a practical tool to assist member states in organizing (joint) Fact Finding Missions, November 2010

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The attached note should therefore be considered in the context set out above.

Yours sincerely,

COI Service, UKBA

**Note of meeting with Hassanain Hadi Fadhil, Second Secretary, Embassy of the Republic of Iraq, London, 5 January 2012**

Hassanain Hadi Fahil explained that the Civil ID Card is required by law and that each Iraqi national, whether they were born inside or outside Iraq, is issued with an Iraqi Civil ID Card, this would be provided upon production of a birth certificate. Civil ID Cards were issued by the Ministry of Interior, Iraqi Civil Card Directorate, i.e. General Directorate of Civil Status.

Hassanain Hadi Fahil clarified that the issuance of the Iraqi Nationality Certificate, which was another key form of personal identification in Iraq, was overseen by the General Directorate of Nationality, which was also part of the Ministry of Interior. Hassanain Hadi Fadil added that these two departments although separate worked closely together, as both the Civil ID Card and the Nationality Certificate were required to issue an Iraqi citizen with an Iraqi passport.

Hassanain Hadi Fadhil stated that Civil ID Card recorded personal details about the card holder, also found on an individual's birth certificate including, full name, date of birth, place of birth and parent details. The Civil ID Card also included a photo of the card holder and additionally other information to verify the card holder's identity such as skin colour or eye colour.

Hassanain Hadi Fahil stated that Iraqi nationals residing in Iraq, who had lost their Civil ID Card and needed to obtain a replacement, would first be required to report the incident at a local police station where they would be given a police report recording that they had lost their Civil ID Card. The individual would then be required to return to the province, i.e. governorate which issued the card and visit a Civil Status office to get a new Civil ID Card issued. Hassanain Hadi Fadhil added that an individual would need to return in person to complete this process and that it was not

possible to re-obtain a Civil ID Card for example through mail/correspondence or via family or friends. Hassanain Hadi Fadhil clarified that in each province, i.e. governorate there would be several Civil Status offices which could deal with such matters.

When asked whether there were any special arrangements in place for persons who feared returning back to a particular area of Iraq, for example due to fear of sectarian violence, Hassanain Hadi Fadhil stated that maybe up until 2007 there could be such cases, but now the security situation had improved significantly across all of Iraq and therefore individuals had no reason to fear returning to a particular part of Iraq to re-obtain their Civil ID Card.

When asked what the procedures are to re-obtain a lost Civil ID Card when an Iraqi citizen was in another country, for example the UK. Hassanain Hadi Fadhil stated that such an individual can come to the embassy and provide a photocopy of their Civil ID Card or another form of identification, such as a passport. Alternatively if an individual did not have a copy of any identification, they can provide a copy of a relative's identification, such as a brother or father. The individual would also be required to fill out an application form and provide details about how they lost their Civil ID Card. The Iraqi embassy would then act as an intermediary and return the application to Iraq and the Ministry of Interior, who could carry out enquiries as to whether the individual was listed on their Civil Status records. If such a record did exist they would reissue a new Civil ID Card and send it to the embassy in the UK where the individual could collect it.

Hassanain Hadi Fahil stated that there is a requirement in Iraq for the head of family to register their family's place of residence with the local council office, to prove that that family lives in a particular area. A residency card would also be issued to the head of family. Hassanain Hadi Fahil clarified that this registration of residency was overseen by the local government in each province, i.e. governorate and not by the Ministry of Interior. Hassanain Hadi Fahil further clarified that this procedure was separate from the practice in Iraq for each family to report their presence/address with the local neighbourhood Mukhtar. According to Hassanain Hadi Fahil, the Mukhtar was usually an older person who had lived in a local area/neighbourhood for a long time and knew all the residents in that small area. Hassanain Hadi Fahil added that the local Mukhtar would however liaise with the local council to provide information about persons residing in their area.

In order to change a family's registered place of residence, for example when moving home, Hassanain Hadi Fahil explained that the head of family would need to seek approval from their current/former local council, verifying that they lived in that area. The head of family would also need approval from new local council the family intended to move to, to complete the registration process.

Hassanain Hadi Fahil clarified that the Iraqi Embassy in London did not have much involvement with such matters, as most Iraqis would deal such administrative

business when they returned to Iraq. Hassanain Hadi Fahil was unable to provide any further information on the issuance of residency cards to Iraqis as such cards were only used in Iraq and not abroad.

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# Annex J: Map of Iraq



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<sup>156</sup> Institute for the Study of War, 'Map of Central Iraq', January 2007, <http://www.understandingwar.org/map/map-central-iraq>, accessed 18 August 2016

# Version Control and Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

## Clearance

Below is information on when this version of the guidance was cleared:

- version **3.0**
- valid from **19 August**

## Changes from last version of this guidance

Changed guidance to reflect new security guidance.

Updated information on documentation.

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