



**Upper Tribunal
(Immigration and Asylum Chamber)**

MK (documents – relocation) Iraq CG [2012] UKUT 00126 (IAC)

THE IMMIGRATION ACTS

**Heard at Field House
On 18-19 October, 28-30 November 2011 and
09 February 2012**

Determination Promulgated

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Before

**UPPER TRIBUNAL JUDGE ALLEN
UPPER TRIBUNAL JUDGE KEKIĆ
UPPER TRIBUNAL JUDGE COKER**

Between

MK

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr T Hussain, Counsel, instructed by Switalskis Solicitors
For the Respondent: Mr R Hopkin, Senior Home Office Presenting Officer

(1) *Since the lack of documentation relating to identity in the form of the Civil Status ID (CSID), Iraqi Nationality Certificate (INC) and Public Distribution System (PDS) card (food ration*

card) is not ordinarily an insuperable problem, it is not a factor likely to make return to any part of Iraq unsafe or unreasonable.

(a) The CSID is an important document, both in its own right and as a gateway to obtaining other significant documents such the INC and the PDS. An inability to replace the CSID is likely to entail inability to access the INC and PDS.

(b) Although the general position is that a person who wishes to replace a lost CSID is required to return to their home area in order to do so, there are procedures as described in this determination available which make it possible (i) for Iraqis abroad to secure the issue of a new CSID to them through the offices of the local Iraqi Embassy; (ii) for Iraqis returned to Iraq without a CSID to obtain one without necessarily having to travel to their home area. Such procedures permit family members to obtain such documentation from their home areas on an applicant's behalf or allow for a person to be given a power of attorney to obtain the same. Those who are unable immediately to establish their identity can ordinarily obtain documentation by being presented before a judge from the Civil Status Court, so as to facilitate return to their place of origin.

(2) *(a) Entry into and residence in the KRG can be effected by any Iraqi national with a CSID, INC and PDS, after registration with the Asayish (local security office). An Arab may need a sponsor; a Kurd will not.*

(b) Living conditions in the KRG for a person who has relocated there are not without difficulties, but there are jobs, and there is access to free health care facilities, education, rented accommodation and financial and other support from UNHCR.

(3) *Despite bureaucratic difficulties with registration and the difficulties faced by IDPs, it is wrong to say that there is, in general, no internal flight alternative in Iraq, bearing in mind in particular the levels of governmental and NGO support available.*

(4) *Whilst the situation for women in Iraq is, in general, not such as to give rise to a real risk of persecution or serious harm, there may be particular problems affecting female headed households where family support is lacking and jobs and other means of support may be harder to come by. Careful examination of the particular circumstances of the individual's case will be especially important.*

DETERMINATION AND REASONS

1. All three members of the panel have contributed significantly to the writing of the determination. We received detailed oral and written evidence from the experts, Dr Fatah and Dr George. We have set out a synthesis of their evidence in appendices to this determination. It is appropriate to state at the outset that we accept the expertise of both witnesses, and are grateful for the assistance they have been able to give us. We have identified the points on which we have not been able to accept aspects of their evidence.

2. This is the re-hearing of the appeal of MK, a citizen of Iraq, now aged 52. The dependants in the appeal are her sons Ba, now aged 19, and Be, now aged 18, and her daughter S, now aged 9. The appeal is against the Secretary of State's decision of 6 March 2009 to issue directions for the appellant's removal from the United Kingdom. A previous appeal before an Immigration Judge, heard on 1 May 2009, at North Shields, was dismissed, but subsequently, following a hearing on 9 October 2009, it was found that the judge had erred in law and there required to be a rehearing. It was common ground that the credibility findings should stand.

The Judge's Findings

3. It is important therefore that we set out what those findings are. The appellant arrived in the United Kingdom on 5 February 2009, having travelled overland for twenty days with the three children. She claimed that her husband had obtained employment as an interpreter for the US forces in Iraq. He had been asked to interpret when eleven terrorists were arrested. At least one of the terrorists asked her husband to assist them in escaping but he refused to do so. The terrorists escaped and then targeted the appellant's husband. There was a grenade attack on the house as a result of which security guards were deployed there. However, almost a year later her husband and one of the sons were killed when their car was bombed when he was on his way to work one day, and two months later another of her sons was kidnapped from his school and has not been seen since. The appellant fled to her brother's house in Kirkuk where she stayed for two and a half months and then left Iraq with her remaining sons and her daughter, travelling overland to the United Kingdom.
4. The judge heard evidence from the appellant and her eldest son. He accepted that the appellant's husband worked for the Americans as an interpreter. Although he expressed concerns about the appellant's evidence in respect of the claimed grenade attack and the incident in which her husband and eldest son were killed, he accepted that the appellant had lost her husband and oldest son in a violent attack and also that her second oldest son had disappeared. Despite the concerns expressed at paragraph 15(i) of the determination about the evidence concerning the claimed grenade attack, the judge appears at paragraph 15(m) to have accepted that the attack occurred. However the judge went on in that sub-paragraph to say that the problem for the appellant was that she could not discharge the burden of proving a causal nexus between a grenade attack on her house, the death of her husband and oldest son almost a year later and the kidnapping of another child some time after that. He commented that the appellant could not reliably say that the same person or group was behind each such attack. The background materials quite clearly disclosed that Iraq was a troubled country visited by violence every day and there was therefore force in the respondent's submission that the appellant's family had been the unfortunate victims of random acts of violence. The appellant had not led any evidence that she had been specifically targeted by a person or group. There was an absence in her evidence of any mention of warnings, threats or declarations of responsibility for any of the attacks. Nor had there been any request for a ransom for

her son who had been kidnapped. Given her inability to identify an agent of persecution responsible for the acts which the judge accepted had happened, and without having given evidence of being specific targets for that persecution, the appellant had not shown that she had a well-founded fear of persecution for a Convention reason. The judge went on to dismiss the appeal in respect of humanitarian protection and human rights issues. Further relevant points to note are the appellant's response at question 121 at interview when she was asked where her brother to whom she fled for a period of some two months after the kidnapping lived, and she said it was in Hasiraka and this was two streets away from her home. Hasiraka is an area of Kirkuk. It is also relevant to note that in the screening interview the appellant said that the agent was arranged by her brother and she did not know how much was paid and she refers to the brother Hasan Salih as being a very wealthy businessman in Iraq who had arranged everything. Further relevant aspects of her evidence are that the appellant is illiterate; her back was injured in the grenade attack; she arrived in the United Kingdom with no documents, she has had contact with her brother since she came to the United Kingdom, in that he sent, to the address at which she still lives, photographs, but she says she is no longer able to contact him on the number that she had for him and either it no longer works or he has left; she cannot say where he is; she has a sister in Iraq, but has had no contact with her sister since she came to the United Kingdom. The Senior Immigration Judge who ordered reconsideration in 2009 commented that the events described by the appellant were capable of a finding of specific targeting and it was contended that the judge had erred in finding that they were random acts of violence in the circumstances and it was perhaps unnecessary in those circumstances to identify the precise identity of the agent of persecution. In any event it was agreed that there were errors in respect of the judge's findings on Article 15(c) of the Qualification Directive.

Country Guidance

5. It was subsequently decided that this would be an appropriate case for country guidance and it was directed on 30 September 2011 that the case would provide country guidance on the issue of relocation for women with children in Iraq, and whether an individual was required to return to his/her home area in order to transfer/obtain documents and food rations. In the event, due to the volume of evidence provided and the ways in which argument before us developed, we have, with the agreement of the representatives, found it possible to provide guidance on several other issues (see paragraph 88 below).

The Relevant Documents

6. In many respects this case is concerned with documents: how to obtain them, how to renew them, what use can be made of them. It is important therefore at the outset that we identify the relevant documents which are of importance in Iraq. They are conveniently listed in both of the experts' reports. The first is the Civil Status Identity Card (CSID). The second is the Iraqi Nationality Certificate (Shahdat al-

Jinsiya al-Iraqiya) (INC), the third is the Public Distribution System (PDS) card (food ration card). In addition the information card is a significant document, but, since it is used in the KRG only, it is considered separately when we come on to examine the evidence pertaining to the KRG. Dr Fatah in his report of 18 November 2011 has helpfully provided examples of each of these documents.

The Appellant's Submissions

7. In his submissions Mr Hussain argued that the pivotal document for an Iraqi was the CSID, followed by the INC and the PDS card. Without CSID it was not possible to access any of the other documents, and the ability to move around or relocate, enjoy socio-economic rights, housing and food rations/aid and address humanitarian needs inside Iraq could not be done without considerable difficulty and arguably was impossible. He quoted from Dr George's report of 15 November 2011 and Dr Fatah's report of 18 November 2011. He argued that the procedure for obtaining a replacement CSID card was clear as set out in the experts' evidence and by the UNHCR. It was necessary to go to the place of origin (place of birth) to obtain a CSID. Without identification documents it was not possible to relocate within Iraq. It was not possible for an undocumented returnee to avoid returning to their home area in order to obtain a replacement CSID card and/or a nationality certificate. The suggestion that there were exceptions as set out in the British Embassy letter of 22 January 2012 should be treated with caution, as indeed the letter made clear. This view was supported by Dr George in his report of 28 January 2012. The nature of the procedures was confirmed by Professor Jawad in his interview with Dr George.
8. It was also argued that there was no facility whereby an undocumented returnee could obtain a replacement CSID card and/or INC from outside Iraq. In this regard the evidence of both experts was cited and also the UNHCR in their note of 3 November 2011 made it clear that an Iraqi identity card could only be issued inside Iraq. It was accepted that a person who was documented or partially documented could instigate the process of obtaining replacement CSID but they would need, for example, a copy of their CSID or INC and then make use of a lawyer in Iraq or relatives could attend to obtain replacement documents. Dr George's evidence was that the appellant, having been returned to Iraq, would not have the necessary contacts and influence to obtain a new ID card without having to go to Kirkuk.
9. As regards the PDS card, it was Dr Fatah's evidence that most IDPs like many other Iraqis relied on the public distribution system (PDS) for basic food but faced considerable obstacles in accessing the system. A PDS card according to Dr George, quoting from the UNHCR, had to be renewed in the area of residence and required the CSID of all family members, a housing card, written statement by the head of family confirming the accuracy of the information and documents submitted and in the KRG a letter from the mukhtar was also required. Dr Fatah's evidence was that the PDS was customarily renewed every year in December and had to be renewed at the branch of the Ministry of Trade in the area of origin. It was not possible, according to Dr Fatah, to transfer a PDS card from southern Iraq to the KRG. It could

only be transferred within GoI territory. Even within the GoI the bureaucratic procedures required were lengthy.

10. As regards processing and exiting from the Baghdad International Airport (BIAP), it was not accepted there was a civil status court at BIAP. The evidence of the experts was that it was a one off procedure set up for the charter flights described in HM and ors (Article 15(c)) Iraq CG [2010] UKUT 331 (IAC). The evidence was as set out in Dr George's report of 15 November 2011 and the UNHCR Note at paragraph 73 to 77. The British Embassy letter confirmed that an EU letter was not acceptable, but there was no suggestion that the screening process at BIAP had been dispensed with. The UNHCR memorandum of 3 November 2011 made it clear that that process was still in place and a forced returnee without documentation confirming identity would be detained until this was identified by either the provision of documents by relatives or presentation before a judge.
11. Reliance was placed on the evidence of both experts with regard to travelling and relocating within GoI territory including Kirkuk. This was clearly, in the words of Dr Fatah, a challenging experience. The Internal Displacement Monitoring Centre (IDMC) report of December 2010 set out the difficulties for IDPs. There were particular difficulties for female headed households, as set out in Dr George's report of 15 November 2011. As a Sunni the appellant would face risk in the Shia dominated south and in mixed Sunni/Shia communities in central Iraq. State assistance would be limited due to her having left the country voluntarily. It was also argued that there was accepted past persecution and reliance was placed on what was said at the hearing where error of law was found. The appellant would be at risk on return to Kirkuk. She would have to return there in order to obtain renewal of her CSID. The fact that she has sons aged 18 and 19 would not of itself deter potential attackers, and it would be difficult for her sons to find employment without an extended family/clan network. She could not be expected to pay a bribe to obtain a fake CSID card as this would be illegal, and she could not be expected to live a lie by pretending to be someone else.
12. As regards relocation, this had to be reasonable. As regards relocation to the KRG, reliance was placed on the evidence of the experts as to the procedures. The evidence appeared to show that a sponsor was required for anyone wishing to move to reside in the KRG from the GoI. It was necessary to have official identity documents to begin the process and without this it would not be possible. The UNHCR argued strongly against the ability of returnees to relocate safely. Issue was taken with the conclusions of the Danish Immigration Service Report of April 2010 as going contrary to points made in the expert evidence and evidence from the UNHCR. The evidence showed that a returnee would not be able to relocate internally to the KRG. There were serious protection concerns in the KRG for people not originating from that area. The appellant and her family would face almost certain destitution due to her complete lack of pivotal documentation and an inability to obtain replacements which could amount to a breach of Article 3.

13. The Convention reasons in the case were imputed political opinion and membership of a particular social group. The former was on the basis of the family viewed as collaborators and the latter on the basis that women in Iraq could form a particular social group. The evidence concerning women showed that Iraqi women were subject to direct or indirect threats to life, dignity, social relations and their status in the family or local community. Reliance was placed on the evidence of both experts in this regard. Weight should be attached to the UNHCR Guidelines.
14. As regards Article 8, the removal of the older sons would be a breach of Article 8 as they had entered the United Kingdom as children and as a family unit, and they had remained as a family unit throughout. Separating the children would be disproportionate. The appellant's daughter S was aged 9 and therefore section 55 of the Borders, Citizenship and Immigration Act 2009 applied. Her best interests required to be given significant weight.
15. Weight should not be attached to the submissions made on behalf of the Secretary of State. Reliance could not be placed on HM in light of the decision of the Court of Appeal on 13 September 2011 ([2011] EWCA Civ 1536). The evidence in the letter of 11 November 2011 from the COI Service lacked weight. The unnamed individual was no longer in post and was unable to be tendered to be cross-examined. The letter did not state its source and was not signed or even initialled. It was unclear what position in the British Embassy in Baghdad the author held. It was clear that if a returnee had been out of Iraq for any reasonable period of time they would be unlikely to be on the biometric capture data base. Reference was made to Dr George's fourth report in this regard. There was no indication that the appellant had ever had occasion for her biometric details to be recorded on any Iraqi database.
16. In a brief supplementary submission Mr Hussain also made points concerning findings by the Tribunal in EA (Sunni/Shi'a mixed marriages) Iraq CG [2011] UKUT 342 (IAC) concerning whether or not personal information relating to an individual's religious identity would be disclosed on identification documents currently used in Iraq. It was argued that in fact the religion of a person was displayed on the CSID card and documentary evidence concerning that was provided.

The Respondent's Submissions

17. In his submissions Mr Hopkin made some general comments about the nature of country guidance cases and summarised also the extant country guidance as regards Iraq. He placed reliance on the FCO letter of 27 July 2011 in respect of documentation. He argued that there were support mechanisms in place to assist those lacking documentation and that it was not necessary to return to the currently registered place of residence in order to transfer registration. There was no longer a requirement to have a sponsor on entry to the KRG. He placed reliance on the COIR of August 2011. It was accepted that several documents were required for an Iraqi national to live and move including internal relocation within Iraq, and administrative processes existed to permit the issuing of those documents to those

who were entitled to them but lacked them. Support from the authorities and other groups would be forthcoming for those who were waiting to have them issued. Issues respecting transferring PDS cards to the KRG were matters of delay rather than prohibition. There was support from the IOM and UNHCR in operating two national registration centres in Baghdad. On return from the UK, Iraqi nationals might have access to assistance with documentation, health care needs, employment, housing registration and social welfare. The Ministry of Displacement and Migration (MoDM) were registering up to 1,700 displaced families every week. The Ministry was currently functioning to a fair standard at the very least. It closely cooperated with the IOM. There was also support from the International Committee for the Red Cross (ICRC). The evidence from the IDMC report suggested that most governorates had no entry requirements although several had requirements for registration. The evidence relied on by the Secretary of State was both accurate and independent. There was no requirement for returnees or IDPs to visit their home area or previously registered residence to obtain new or replacement documents. The sponsorship requirement for KRG entry or stay was largely nominal.

18. As regards the issue of internal relocation for women with children, the data suggested that the majority of Iraqi women still lived in a household headed by a man but significant numbers of women had been living without husbands in Iraq and there had been and continued to be very significant population movement. A small but sizeable proportion of Iraqi citizens was not currently living in their home area. Iraq was a conservative society in its views on women's rights, and there was evidence to suggest that Iraqi cultural norms circumscribed the roles women might play. Only a relatively small proportion of women in Iraq were in paid employment and significant resources were being applied to help women in female-headed households overcome the challenges facing them in Iraq. The ICRC had indicated that grants had been awarded to the disabled and to women to start small businesses and become economically self-sufficient again. The IOM rendered significant assistance to both female heads of households and their dependent minor children. The US Department of State sponsored programmes to assist war widows.
19. On the issue of the risks in travelling around Iraq, reliance was placed on what had been said by the Tribunal in HM at paragraphs 278 and 284 to 292. Returning families headed by women who were failed refugees might suffer from straightened circumstances but were unlikely to be destitute, even with dependent children.
20. As regards the experts, Dr Fatah was most persuasive when he spoke from personal knowledge and understanding but there was limited collection of evidence by him from those living and working in Iraq. He speculated as to the possibility of detention by women and children and entry to the KRG if not in possession of certain essential documents and had no evidence to support this claim. His sources from the KRG were based upon "normal circumstances" and he did not refer to the National Registration Centres in any of his reports. He said that the requirement to obtain a new document in the home area was a legal requirement but provided no foundation for this. He was persuasive with regard to the support that would be available from

the adult sons of the appellant and where he said that it was difficult to consider that women were per se targets for the insurgents. The sons would take the responsibility for their mother. His evidence in cross-examination was that women were generally able to relocate internally to avoid sectarian difficulties. He could not provide any reason why a female headed household might not fall within the protection network provided by the IOM and/or the ICRC. He said it was possible, for example if the appellant knew someone influential, that she would be able to enter the KRG without any documents at all. In respect of entry to the KRG his evidence was that no sponsor was required to facilitate this for ethnic Kurds. He agreed that relatives of returnees might be able to attend the airport to collect such a person and would be able to vouch for the identity of the returnee to the authorities. People collecting returnees with their own ID might be required to obtain a copy of the returnee's CSID to substantiate their identity.

21. As regards Dr George, he had failed to differentiate at times between known facts and assumptions. He had not interviewed anyone from the Ministry of Migration and Displacement but he had spoken to the head of the equivalent bureau within the KRG. He agreed that the location of one of the national registration centres was in east Baghdad and was of the view that such centres existed to help mainly with property restitution. He had not accepted that the appellant's sons might be considered as adults or that they might be able to protect and support the appellant. He was not able to substantiate the contention that it was a legal requirement for a returnee to the home area to be issued with documentation. In conclusion the evidence did not show it was not possible for a person at risk in their home area to live without risk of persecution or harm in the absence of the normal suite of identification documents. Nor did the evidence show they would have to return to their home area to obtain the documents. The evidence did not show that female-headed households had significant difficulties in travelling around Iraq. Internal relocation was possible and not unduly harsh.

Civil Status ID Card (CSID): how it is obtained, renewed

22. It is common ground that the most important document is the CSID. The evidence of the experts and UNHCR is that without the CSID card it is impossible to access any of the other documents listed above, and this has a clear impact on ability to move around Iraq, to relocate within Iraq and to enjoy socio-economic rights, housing and food rations and to access aid and humanitarian support.
23. Clearly therefore we must start with the CSID and consider how it is obtained. As we shall see, this has implications for a person's ability to return to Iraq as well as their ability to move around within the country.
24. It is clear from Dr Fatah's report of 18 November 2011 at paragraph 87 and his oral evidence that when a child is born his or her parent will often obtain their CSID at the same time as registering them at the Civil Registry, where their birth is recorded on the Personal Civil Court Record page of the family. If the child is born in a hospital,

the hospital will provide the parents with two birth certificates, both of which are taken to the Office of Births and Deaths in that governorate, and stamped. One certificate is then taken to the Civil Registry, and the birth is recorded in the Personal Civil Court Record page for the family. The Office of Official Registration will keep one copy of the birth certificate, the family the other. If a child is not born in a hospital, both parents will go to the civil courts and fill in a form to record the child's birth, which is then endorsed by the court, which will then issue two Proof of Birth certificates to the parents, who will then follow the procedure set out above. Dr Fatah in his report of 18 November 2011 states that an individual who does not have a CSID has to go personally to their place of origin to obtain the document since each city and region has its own official registration records and issuing capacity and there is no central government agency that holds all the records. He describes the CSID as the physical manifestation of the official registration record. Dr Fatah said that the CSID cannot be transferred to any other governorate, except on marriage, when a woman will transfer to her husband's family's personal civil status ID page.

25. Dr George quotes from the UNHCR's Basrah Governorate Assessment Report of August 2006 to the effect that a person seeking to renew a CSID would have to do so at any of the six Civil Affairs Offices/MOI (Ministry of Interior) in the Basrah Governorate, bringing with them their Iraqi birth certificate, an official letter from the Civil status Office of the applicant's home town, listing the members of the family, their PDS card, a letter from the Municipal Council confirming their residency, their father's, uncle's or grandfather's citizenship card (if none of these documents is available, different procedures will apply, involving the Baghdad ID and Nationality Office, two personal photographs and a small fee).
26. Dr Fatah also states that the Iraqi Embassy in London is able to issue a CSID provided the individual has with them their Iraqi birth certificate, their father's Iraqi CSID (uncle's and grandfather's CSID is also accepted) and an application form and a small fee. As regards the birth certificate, if the person does not have this in their possession then it could be obtained from other family members in Iraq from the Iraqi family registration office. Once it had been issued it would have to be approved (legalised) by the Iraqi Ministry of Foreign Affairs and the original document, approved by the Iraqi Foreign Ministry, would then have to be sent to the individual seeking to obtain an Iraqi CSID to take it to the Iraqi Embassy in London. If a person has lost their CSID then they would have to take their relevant documents plus the reference number of the lost ID in order for the Iraqi Embassy in London to issue a replacement. If the person has lost the ID and does not know the reference number then they cannot obtain it from the Iraqi Embassy in London but would have to go personally to their local office of family registration to obtain their references and apply for a CSID in Iraq.
27. However, when Dr Fatah conducted his own research into obtaining CSID (and Nationality Certificates) from the Iraqi Embassy in London, he found that they were unable to issue them. It is unclear whether this is a temporary or permanent change from the situation he set out at paragraphs 71 and 72 of his report. In any event, he

says that the Embassy can take the required documents and post them to the relevant authorities in Iraq. The Embassy advises that a lawyer in Baghdad should be hired or relatives in Baghdad instructed to follow up on obtaining the CSID or Nationality Certificate after the Embassy has sent the documents to Iraq. To an extent this is borne out by the evidence of Hassanain Hadi Fadhil, Second Secretary, Embassy of the Republic of Iraq, provided to a researcher of the Country of Origin Information Service of the UKBA at an interview on 5 January 2012, that the Embassy would, in effect, act as an intermediary in sending the application for a lost CSID to the Ministry of Interior in Iraq, which, if satisfied with the application, would issue a new CSID card and send it to the Embassy in London for collection.

28. In the British Embassy, Baghdad, letter of 22 January 2012 it is confirmed that if an Iraqi citizen needed to renew their CSID card they would generally be required to visit the civil ID office where their record is held. They would have to present a copy of their civil ID, copy of a PDS card, copy of their nationality certificate residence card from the local council and two coloured photographs. It is said however that it would be possible for close relatives from their father's side to visit the civil ID Office or Directorate on their behalf to obtain the reissue of an ID or a power of attorney could be granted to someone to do it on a person's behalf. If the ID was lost then in addition to the above they would be required to produce a written statement declaring the circumstances of the loss which would be seen by an investigation court. They would also have to place an announcement in the local newspaper. This is described as being a simple and straightforward process.
29. This letter goes on to state exceptions to the requirement to return to the place of origin to re-acquire the CSID card. These include the situation where a person does not feel safe, in which case they can report this to the Ministry of Displacement and Migration who would be able to support the transfer of the records to the area they now wish to live in (contrary to Dr Fatah's evidence set out above, unless this is a reference to transfer within a governorate), and the possibility if they were abroad of enlisting the assistance of the Iraqi Embassy in the country they are in which would involve the completion of an application form by the head of the family (male or female), the applicant or a guardian or lawyer with a power of attorney. 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 the applicant's brother or father or another relative. It is said that because the "book page" record number of Iraqis remains the same for their life and the pages are closely linked to their relatives (evidence which chimes very much with that of Dr George and Dr Fatah), (see e.g. paragraph 9 above), if their own ID or a copy is not available it is usually straightforward to identify the citizen from the records of other relatives.
30. Dr George in his report of 15 November 2011 refers to a telephone interview he had with Professor Saad Jawad who is a Senior Visiting Fellow of the Middle East Centre at the London School of Economics and Political Science. At paragraph 72 Dr George notes that Professor Jawad said that for people who had lost original documents (specifically CSID and nationality certificate) but who had copies and who had

relatives in Iraq, it was much easier to ask relatives in Iraq to obtain replacement documents from the relevant offices than it was to attempt this via the Embassy, as the Embassy would want to see original documents. Dr George had earlier referred to the information on the Iraqi Foreign Ministry website of procedures to be taken by Iraqi Embassies to obtain replacements for lost documents including CSIDs, and saw Dr Jawad's comments as according with the information on the website.

31. Dr George, like Dr Fatah, is clear that a person needing to obtain a replacement ID card, having lost their original, would have to go to their home area. He did not see any supporting evidence elsewhere for the suggestion in the British Embassy Baghdad letter of 22 January 2012 that the MoDM would support a transfer of a person's records to an area they would wish to live in now if they did not feel safe. (This letter was provided as a consequence of enquiries made by the embassy to staff at the MoDM in Baghdad, the Ministry of Interior in Baghdad, the International Organisation for Migration (IDM) in Baghdad and in Erbil (KRG) and the International Rescue Committee in Erbil (including its legal adviser)). In this regard, it is relevant to note the evidence of Mr Fadhil, referred to above, to the effect that there might have been such cases up to 2007 perhaps, but thereafter the improvement in the security situation meant there need be no fear of returning to a particular area of Iraq to re-obtain CSID. Nor did Dr George accept the suggestion also to be found in that letter that a refugee or failed asylum seeker returning to Iraq on their passport, expired passport or laissez passer travel document without a civil ID card would be able to pass through security checks on the road to their home or to a temporary hotel or relatives or friends, being required only to present their passport.
32. In cross-examination, Mr Hopkin referred Dr George to Article 6.1 of the Civil Status Act Number 65, 1972 (amended by Act 9 of 1974). This states as follows:

"The General Directorate [defined in Article 1, the definition section, as 'the Nationality and Civil Status General Directorate'] shall keep in its office the First Original Copy of parts of the Civil Register ['The Principle (sic) Register containing the Civil Status Registration of Iraqis'] in which events and entries, detailed explanations, additions and crossing out/highlighting are fixed, and which are decided to be added in the Second Copy that is distributed to the Civil Status Departments across the Administrative Units, in accordance with official documents that are clearly specified in accordance with the provisions of this Act."
33. Dr George saw no support in practice for the argument that Article 6.1 provided for the existence of a master copy of a person's records. Dr George's comment was that the law said what it said, but his understanding of the actual situation was what he had described. He pointed to the absence of any reference to this in any other piece of evidence before the Tribunal.
34. Paragraph 30.06 of the COIR of August 2011 refers to information that the MoDM has processes in place to help IDPs and returnees obtain any missing documentation, both in southern/central Iraq and in the KRG. A representative of the MoDM was quoted as saying 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, and that it is possible for instance to apply at a registration office in Baghdad to have documents transferred from elsewhere in Iraq, though in practice (echoing Mr Fadhil) this did not happen as it was now safe enough for someone to return to their registered place of residence to arrange to transfer documents. Mr Hopkin raised the issue of redocumentation centres with Dr Fatah. He saw no reason why they would not assist. He was referred to paragraph 265 of HM [2010] UKUT 331 (IAC), which mentions UK returnees being signposted to relevant agencies that assist with documentation problems. Dr Fatah was not aware of the function of such centres, though he surmised that they were set up to help people obtain documentation through the proper channels. He reiterated that it was not possible for a person to renew their CSID other than from the place where they were registered. He was not aware of the existence of Protection Assessment Centres, referred to in an FCO letter of 7 June 2010, where individuals are said to be able to access legal advice and support with re-documentation and relocation, nor of the reference by an MoDM official, referred to in at the British Embassy, Baghdad letter of 19 September 2011 to the possibility of applying for instance at a registration office in Baghdad to have documents transferred from elsewhere in Iraq (the COIR point above), but he held to his view that documentation can only be obtained from the place of residence.

35. We sought and ultimately received submissions and evidence concerning the legal basis for the contention that a person is required to obtain a Civil Status ID card by attendance in person in their place of origin. Dr George helpfully obtained evidence from two UNHCR officials based in Iraq (source A and source B) whose identity we were content to be kept confidential. It would seem from their evidence that the legal basis for this is an internal instruction by the Ministry of the Interior. As Dr George points out at paragraph 16 of his report of 29 January 2012, Article 59 of Civil Status Law Number 65 of 1972, as amended by Act 9 of 1974, states:

“It is permitted to issue regulations and instructions to facilitate the implementation of the provisions of this Act.”

Dr George’s source B informed him on 15 December 2011 that a lawyer can represent a client through a power of attorney at the CSID office to obtain a copy of a family book only but not the CSID. (We take it that this means that they obtain a copy of the Personal Civil ID record of the individual). If a person were outside Iraq then a power of attorney to the lawyer would be accepted and an approach would have to be made to the Iraqi Embassy in the country they were in, which would have to be accompanied by a photograph of the lawyer to be appointed in Iraq and a copy of his or her Bar Association ID, a copy of the lost or damaged CSID of the individual or their family book. If they were not available then a copy of the CSID family book of their parents, brother, sister, uncle, spouse, father-in-law, any relatives within their family. If none of those were available then the record number or page number of their or any relative’s family book or CSID. In the absence of any of these relatives then it was said by an official in charge of the CSID office in Kirkuk that it would be nearly impossible to start the process, as the records were not computerised or

electronic and they would not be able to look manually through all the family records. If any of the above conditions were met then the application would be sent to Baghdad and the assigned lawyer could follow it up. It was emphasised by the UNHCR officials repeatedly that the rules, regulations and practices vary considerably between different parts of Iraq and over time without any obvious or at least publically available reasons. This is a matter that has been emphasised by Dr George and Dr Fatah throughout their evidence and in particular, as Dr George points out at paragraph 11 of his report of 29 January 2012, entry/residence procedures in the KRG vary between the three KRG governorates and are not based on written regulations or least none that have been made public. He also emphasises generally the significance of “wasta” in Iraq, the widespread use of personal and family contacts to obtain desired outcomes which may enable the circumvention of regulations and laws. Dr George considers it likely that a person within Iraq with sufficiently good contacts and influence would be able to obtain an ID card without having to attend in person in their home area but saw no evidence that the appellant was such a person.

Documentation required for Returnees

36. The 22 January 2012 letter raises the issue of the documentation required for a returnee. In a letter dated 26 October 2011, the Second Secretary (Migration) (Migration Delivery Officer) of the British Embassy, Baghdad, describes the process for UK returnees. It is said that there is no specific list of documents required to secure entry at Baghdad International Airport (BIAP), but in the past the escorting officers have presented CSIDs, Nationality Certificates, military ID cards and driving licences. Copies of these documents are passed to the British Embassy by UKBA, and are subsequently presented to the Head of Immigration at BIAP when permission is sought to remove the individual to Iraq. There is also reference to an accompanying EU letter. It is said that alternatively some returnees may have been pre-cleared for removal to Baghdad on the basis of interviews carried out in the UK by officers of the Iraqi Immigration Service.
37. The letter goes on to say that a returnee will be interviewed briefly with a view to confirming his identity and nationality, and if the Iraqi Immigration Service are satisfied that he holds Iraqi nationality and has sufficient Iraqi documentation, he will be taken forward for further processing. If they are not satisfied, he will be returned to the United Kingdom. If he proceeds, biometric details will be captured and compared to existing details on the immigration and security database. If these show no outstanding police warrants or alerts for possible terrorist-related incidents, his details will be logged and he will be allowed to depart. If they do, he will be passed on to the Iraqi police and/or the Iraqi Intelligence Service. If in possession of his CSID he will be free to return home. If he arrives simply on the strength of an EU letter (i.e. without copies of Iraqi documents) he will be detained at the BIAP police station until either family or friends produce evidence of identity or the courts determine his nationality and identity. This is said to have been the case with a number of returnees from the UK on charter flights in 2010 (no month stated). There

was evidence from Dr Fatah and Dr George of an ad hoc (as they regarded it) court set up to deal with cases involving returnees.

38. In the British Embassy letter of 22 January 2012, it is said that currently EU letters are not acceptable for enforced or voluntary returns to Baghdad. This chimes with information received by Dr George, and referred to in his report of January 2012, that Iraqis forcibly deported by EU states will not be accepted by the authorities in Baghdad, and that Iraqi embassies will not assist with the provision of documentation for such returnees. It is unclear from either source whether this is a temporary or permanent measure. In the letter it is said that: "A valid passport, expired passport or laissez passer travel document is required which was introduced by the Iraqi Government in October 2011". It is unclear what is meant by a laissez passer travel document. Mr Hopkin was unable to assist on the point. However, in the UNHCR response of 3 November 2011 to a request from Dr George for further information, it is said that persons who enter BIAP with only a laissez passer or 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. It is further said that 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.
39. In light of this, if the change referred to in the Embassy letter of 22 January is temporary, we accept what is said in the letter of 26 October 2011 about the process. If it is permanent, we accept what is said in the UNHCR response of 3 November 2011. The implications of these alternatives for the appellant will be considered when we turn to specific consideration of her case.
40. Bringing this evidence together, we accept that the general position, as set out in an instruction by the Ministry of the Interior, is that a person has to go to their home area to replace a lost CSID. The absence of any mention in any of the background evidence concerning Article 6.1 of the law of 1972 persuades us that, although it is on the statute book, there is nothing to show that it is, or perhaps ever has been, the case that a central register in Baghdad has been kept. Nor do we accept that the role of the National Documentation Centres or any of the NGOs goes beyond the provision of assistance to returnees in obtaining documents and ancillary matters such as property restitution. We understand the system to be one of record keeping in the local area where the details of the family are kept in one of a series of books and added to as the family members are born or join the family through marriage. Equally a woman will become part of her husband's family page on marriage and the record in respect of her family page would show her move to her husband's family page at the time of marriage.
41. Equally, it is clear that this is not an absolute rule, and a person who is abroad may be able to make use of the process we have described above through the offices of the Iraqi Embassy in the country they are in, if the procedures we have set out above as

described in the British Embassy letter of 22 January 2012 can be satisfied (Dr George's fourth report at paragraph 10 4d). In the normal course of events in the case of a person outside Iraq we can see no reason why it would not be possible by use of family members and/or a lawyer in their home area, to get the necessary information to the local Embassy and enable the issue of a new CSID. Given the importance of the CSID, we consider it is most unlikely that a person would not have memorised the number of their card or the book number and page number of the family record in the local office, and would hence be able to access the information that would enable a new card to be issued. These conclusions have clear implications for the ability of a person to renew their INC and PDS, discussed below. In any event, it seems from the UNHCR evidence that following an appearance before a judge at the airport, the returnee would be issued with a letter to facilitate their return to their place of origin.

Iraqi Nationality Certificate (INC)

42. According to Dr Fatah the Iraqi Nationality Certificate (INC) can be obtained from an office of the Directorate of Travel and Nationality/Ministry of Interior, except in the KRG (we shall use the acronym KRG (Kurdish Regional Government) to denote the Kurdish region of Iraq as, though there are other acronyms for the region e.g. IKR, it remains, at least for now, the one most commonly used) where they are issued by the Directorate of Nationality and Civil Status/Ministry of the Interior or the Directorate of Nationality and Civil Identification documents. The nationality certificate must be collected in person due to the unreliability of the postal service. There has to be submitted to the relevant directorate an application form with two 500 dinar stamps, a copy of the father's, brother's, grandfather's or uncle's nationality certificate, PDS card, a housing card or supporting letter from the local council to confirm the applicant's residence in the KRG (only there must be a recommendation letter from the mukhtar to confirm residence) and two photographs of the applicant (four photographs in the KRG). The KRG, according to Dr Fatah, does not allow the transfer of INCs to the KRG region from within Iraq or vice versa, or between governorates in the GoI territory.
43. Dr George's evidence concerning the obtaining of a nationality certificate which he takes from the UNHCR's Basra governorate assessment report of August 2006, states that the following documents are required: a civil ID card, food ration card, an official letter from the civil status office in the applicant's home town listing the members of the family, a letter from the municipal council confirming the applicant's residency and two person's photographs. There is also a fee to be paid. Subsequently in his report of 15 November 2011 Dr George refers to the written guidance for the voluntary repatriations of Iraqis, issued by UNHCR in May 2011, which is entirely consistent with Dr Fatah's evidence. Accordingly it seems preferable to regard the document of 2006 referred to by Dr George as outdated, and we accept that the documents required for the obtaining of the INC are as set out by Dr Fatah at paragraph 81 of his 18 November 2011 report and confirmed by Dr George at

paragraph 27 of his report of 15 November 2011 though, in light of the importance attached to the CSID, we think it very likely that it also has to be produced.

PDS Card

44. Dr George goes on at paragraph 28 of the same report to refer to the documents required for the renewal of the PDS card. The card, which represents the entitlement each Iraqi has to a monthly food basket, at nominal cost, may be renewed in Iraq at the Ministry of Trading Branch in the area of residence and the documents required for renewal are the CSID of all members of the family, personal civil ID record, housing card (or supporting letter from the local council to prove area of residence) written statements by the head of the family confirming the accuracy of the information and documents submitted and in the KRG a letter from the mukhtar is also required. Dr Fatah says that the card may only be transferred in GoI territory and it cannot be transferred to the KRG.

Entry into and Residence in the KRG

45. In his report of 15 November 2011 Dr George quotes extensively from and agrees with the Danish Immigration Service Report "Entry Procedures and Residence in the Kurdistan Region of Iraq (KRG) for Iraqi Nationals" of April 2010. It is the case that at paragraph 160 of his second report he took issue with the report in that its contents were sometimes contradictory and unclear, but he agrees with the element of it referred to in this part of his report. He also spoke to UNHCR officials in Erbil on 7 April 2011 and his report in this respect is largely an amalgam of the fruits of his own researches on that day and the content, where relevant, of the Danish report. Dr George emphasises again the absence of any written formal rules and regulations governing entry to the KRG and, as a consequence, inconsistencies between different governorates and different checkpoints. He reminded us that it is the case that the KRG will not accept individuals forcibly returned to the KRG from abroad although in principle they would accept individuals forcibly returned to Iraq via Baghdad Airport. His understanding is that it is not possible to apply formally for entry to the KRG in advance of arrival.

Information Card

46. As regards the position on arrival at the KRG, UNHCR officials told Dr George that there are three types of entry card which can be requested on arrival, a tourist card which may be valid for between one and thirty days, a work card which can be valid for between ten and fifteen days, although in respect of which the applicant must present a letter from his employer in the KRG, and an information card (which used to be called a residence card) which is for the purpose of residence. Dr George describes the information card as being of unknown validity, which we take to mean that no period is specified for the duration of its validity. A range of information must be provided in order to obtain a card and the details will be registered on computer systems and applicants will be photographed electronically. The key

documents to be presented on arrival at a KRG checkpoint are the CSID card and the Iraqi Nationality Certificate (INC).

47. It seems, depending on the checkpoint, that where a person seeks a residence/information card, they may be asked to have a sponsor present or to provide a letter from the sponsor, notarised by a court. Either a person or institution may be a sponsor. Where a person or family wishes to reside and has been issued with an information card on entry, they must register at a local office of the internal security agency (the Asayish) within ten days of arrival. Registration involves the presentation of the CSID card and the INC, the ration card, a copy of the rental or house purchase agreement, a letter of recommendation from the mukhtar of the location where they intend to live and a letter from the sponsor/guarantor, notarised by a court. The sponsor/guarantor does not need to be present and such a person is not required where the applicant can produce a letter from a well-established or well-known employer such as a KRG agency. The local Asayish office, having collated the required information, will transfer the file to the governorate Asayish headquarters office where the file will be reviewed and the information card approved. In the Erbil and Dohuk governorates the information card is valid for a year and can be extended on a yearly basis, whereas in the Suleymaniya governorate the cards have unlimited validity.
48. An employee of a KRG agency is permitted to own a house in their own name. Non-KRG Iraqis who are not employed by the KRG cannot own property in their own names although they may rent a property or own it via an existing KRG resident. Once a person has secured a residence, whether owned or rented, they must obtain a letter from the local Asayish office to take to the governorate administration who will issue formal permission for a person if they so wish to bring household effects into the KRG. It is also said that a non-KRG Iraqi who has lived in the KRG may apply for the transfer of his former residence registration from his place of origin to his new address in the KRG, although few people take up this option in practice as the registration transfer process is lengthy and bureaucratically complex.
49. With regard to the transfer of PDS cards, it is said that although there was a period between 2007 and 2009 when cards could be transferred, that is no longer the case. There are, it seems, exceptions in the case of certain persons, whose characteristics are not described, but even in such cases the bureaucratic procedures are lengthy.
50. Dr Fatah's evidence on relocation to the KRG is broadly consistent with that of Dr George. He expresses criticisms of the Danish Fact Finding Mission of 2011, on the basis that it relied heavily on two KDP officers, who are part of the secret security service of the KDP, and the Director General of Yezidi Affairs who collectively, he says, cannot be regarded as being totally impartial, since they all hold political positions. He makes the point that UNHCR withdrew their support for the Danish Report of 2011, re-asserting their 2009 guidelines. The Danish Report of 2011 contends that even by early 2010 elements of the UNHCR 2009 guidelines were outdated. Dr Fatah was unable to make effective contact with UNHCR.

51. We do not consider that Dr Fatah's criticism made of the 2011 Danish Report is made out, in that it seems to us that a wider range of people provided information that was relied on than the KDP officers who, Dr Fatah said, provided most of the information. We understand the point Dr Fatah makes that information from sources who have political appointments may have to be taken with a pinch of salt, and accordingly most of the evidence we set out below from the 2011 report comes from other entities who may be thought to have a more objective view.
52. Dr Fatah emphasised differences in the position for Arabs and Kurds seeking to enter the KRG. He said that an Arab would require to have a KRG born and resident sponsor and/or an acquaintance in order to legalise their stay and the need to establish either political links to the region or provide evidence that the person in question had fled violence or persecution. He said that these procedures were in force even for an individual seeking to visit rather than relocate.
53. He said that the position for Kurds was different in that they did not need a guarantor or what was locally known as "kafil". He said however that both Kurds and Arabs would not be allowed to transfer their food ration cards from outside the KRG into the KRG. Such a person would therefore have to collect their monthly rations in their town or city of origin although they had relocated to the KRG. He did not agree with what had been said by KRG officials to the Danish reporters in 2010 concerning the sponsorship system having been lifted, as he said this applies only to people who wished to visit the KRG, and families and individuals wishing to live there were still required to provide a sponsor/guarantor (the kafil).
54. The Danish Mission in March 2010 was told that any Iraqi national with an Iraqi ID was free to enter the KRG and free to reside there after registration at a local Asayish office. The report also states that there is no demand for a sponsor or guarantor to be present at KRG checkpoints in order for an Iraqi national to be allowed entry into the KRG. The report also noted that there were no accounts of Iraqi nationals, irrespective of religious or ethnic background, or place of origin in Iraq, being discriminated against at KRG checkpoints or in the KRG, nor of any such people having been deported from the KRG to elsewhere in Iraq, including the disputed areas. Nor were there any records of Iraqi nationals having been deported from the KRG to elsewhere in Iraq, including the disputed areas, for not having a sponsor/guarantor and, although such a person was legally responsible for the person they were sponsoring, there were no accounts of any sponsor/guarantor having been arrested or detained by KRG authorities.
55. Dr Fatah goes on to make the point, also remarked upon by Dr George, that there is no consistent policy across the borders of the KRG but there are short term policies determined by the particular situation and they change frequently without the public being informed. This is a point also made by UNHCR in a report of 10 January 2011. The Danish Report of 2011 however states that this is not the case and according to their sources all KRG checkpoints abide by a unified procedure, albeit a procedure

built on rules and regulations not laid down in law and not available to the public. The Danish Report also acknowledges that while the entry procedures are fixed, in times of heightened risk, security precautions are tightened arbitrarily and officers are free to use their experiences and “judgment”, both of which can cause delays at checkpoints.

56. Dr Fatah's comment on this is that the Danish Report of 2011 cannot state with absolute certainty that KRG officials execute the procedure without inconsistency on the basis that it is impossible to verify orthodoxy where there is a procedure that is not laid down in law and is based upon the orders of senior officials which can be subject to change at any time.

Moving to the KRG

57. Drawing this evidence together, we accept that, though there may be a unified procedure in theory at all KRG checkpoints, it is subject to variations and change from time to time, especially at times of actual or perceived heightened risk. We also accept the generally consistent evidence as to the three types of entry card (tourist work and information), and the fact that a Kurd wishing to enter the KRG will not need a guarantor or sponsor (kafil), though an Arab may. There is a requirement of registration with the Asayish, at which time the CSID, the INC, the PDS card, a copy of a rental or house purchase agreement, a letter of recommendation from the mukhtar of the area of proposed residence and, perhaps a letter from a sponsor will have to be provided.

Living in the KRG

58. Assuming that relocation to the KRG can be effected, we move on to consider the evidence relevant to a person's ability to live in the KRG. The Danish Immigration Service Report of 2011 contains a section on IDPs' access to housing, health care, education and employment. The Danish reporters consulted a number of sources, including several NGOs, and three international organisations, who were identified, at their request, only by letters of the alphabet. The Harikar NGO/Protection and Assistance Centre (PAC) in Dohuk said that IDPs in the KRG have the same rights as all other residents there and have access to the same public services, such as health care and education as well as the labour market. This was confirmed by Bahroz Quashany, the governor of the Sulemaniya governorate among others. It is said by the Public Aid Organisation (PAO)/Protection and Assistance Centre (PAC) Erbil that there had been no change in the procedure for renting housing or apartments since the Danish Immigration Service's previous report on the KRG in early 2010. According to paragraph 7.4 of the earlier report, the majority of the IDPs interviewed by the delegation said that they lived in rented accommodation. A number of people in Dohuk and Erbil were interviewed in 2010 and they do not appear to have experienced difficulty in finding rented accommodation. Returning to the 2011 report, it was said by international organisation (B) that Iraqi Arabs in contrast to other Iraqi citizens of the KRG were not entitled to purchase immobile property in

contrast to the other parts of the country. It was said that they required permission from security agencies as well as the Directorate of Property and it would generally be granted to highly qualified professionals, parliamentarians, ministers and people who brought in investment of a certain amount. In the case of any IDP it was explained by PAO/PAC that there were long and tiresome procedures for anyone who wished to buy a house or a plot of land. For a person wishing to rent a house or an apartment they would have to approach the local mukhtar in the area where they intended to reside and the mukhtar would then register the owner of the house or apartment and the lodger would also need a security clearance from the local Asayish office and in some cases the lodger would need to provide a reference.

59. As regards access to health care, according to PAO/PAC, all IDPs have access to the public services like everyone else in the KRG and that treatment in public hospitals and clinics is free of charge.
60. With regard to education, international organisation (B) said that there were only four Arabic schools in the city of Erbil and they were all overcrowded. The organisation said that there was a general shortage of Arabic schools in the KRG and many Arabic speaking people had difficulty when they attended the schools. Language was said to be a big issue. PAO/PAC however said that there were many Arabic schools in the KRG and even Kurdish schools had compulsory courses in Arabic. In contrast to what was said by international organisation (B), PAO/PAC said that there were eleven Arabic as well as two Assyrian schools in Erbil city although it confirmed that most of the Arabic schools were overcrowded. PAO/PAC went on to say that IDPs have free access to all public schools in the KRG but that in practice only 1,000 out of approximately 3,000 IDP students in Erbil governorate have access to education as the majority of IDPs are living in the relatively poor and remote areas of the governorate where there is a lack of educational faculties. It was explained by Mr Hamo, Director of the Directorate of Displacement and Migration in Dohuk that IDPs put some pressure on the capacity of the educational system in the Dohuk governorate and there is a lack of capacity to absorb the many IDP children in Dohuk primary and secondary schools. All children have access to schools and the option of attending school, but there are children living in the countryside who have a long way to travel to school, and transportation is a problem.
61. On the question of access to the labour market, it was said by international organisation (B) that language is an important issue and anyone who does not speak Kurdish will not be able to take up a “white collar job” within the governorate. Qualified IDPs who speak only Arabic would not have access to qualified jobs in the KRG and would only be able to take up ordinary labour. Mr Hamo denied that an Arabic speaking IDP would find it difficult to find a job because of language barriers, but accepted that IDPs who are not well educated or integrated might find it rather difficult to find a stable job immediately, and IDPs with no particular skills might put some pressure on the local community where they lived. There was no economic support for unemployed people, but some NGOs and charity organisations provided some assistance for those in need, for example food, but there was no financial

support. Unemployment is high in the KRG and that affected the local population as well as IDPs. It was difficult for Iraqis coming to the KRG to have their PDS card transferred from their place of origin and therefore it was common for IDPs from outside the KRG to go back to the place where their PDS card is valid in order to collect their food rations every month. This tallies with the evidence of Dr Fatah.

62. According to PAO/PAC there is a lack of skilled labour in the KRG and it is easy for IDPs with skills to get employment in the private sector. The organisation said that ethnicity or religious orientation has no influence whatever on employment possibilities for those IDPs, and companies sometimes even look for Arabic speaking labour. IDPs all had free access to the labour market and they were in demand. Access to casual labour was very unstable, and whether or not an unskilled IDP would be hired depended on the day to day situation in the labour market, and normally unskilled IDPs would seek casual employment by waiting at the local market place for employers to show up. The organisation also said that the majority of those seeking employment in the KRG are not IDPs but people living in the disputed areas who go to the KRG on a daily basis looking for casual jobs.
63. On the question of the significance of social networks, the Harikar NGO/PAC said that if a person had a job, he or she should be able to get by in society even though they were on their own and without relatives or family. It was also said that single women were often in a better position to get a job than single men due to the perception that women were more reliable and did not pose a security threat to the same extent as a single man might.
64. On the question of risk of deportation from the KRG to southern/central Iraq, international organisation (C) had never heard of any Kurd from the disputed areas being denied entry to the KRG at any KRG checkpoint and nor had it ever heard of any Kurd being deported from the KRG back to his or her home area in the disputed areas. PAO/PAC said that according to a survey it had carried out, one family of Arab origin from Mosul had been ordered to leave the KRG but they did not know why. Harikar NGO/PAC had no records of the KRG ever deporting a person from the area to other parts of Iraq although it added that a person who was not a resident of the KRG could be required to leave the area if he or she had broken the law.
65. The final point from this report concerns security procedures at the arrival hall at Erbil International Airport. According to PAO/PAC, airline flight passengers from Baghdad enter the KRG much more easily than travellers through the border checkpoints, as flight passengers are not considered by the authorities to be a security risk to the same extent as overland travellers could be. They may be seen as wealthier than overland travellers and thus less susceptible to exploitation by terrorists.
66. As regards the numbers involved, the 2010 Danish Report records the numbers of families registered with the Bureau of Migration and Displacement (BMD) within the KRG region as 87,5000. According to one of Dr Fatah's sources, Shoki Yaseen, only

36,000 families have moved from the government of Iraq region to the KRG, including families from the disputed areas. He refers also to 26,000 families having returned from Iran after 1991 and 7,238 families are said in the Danish Report of 2010 to have returned from Turkey. General Tawfeq, the general manager of the KRG's checkpoints, told the Danish officials in 2010 that at least 10,000 people crossed the KRG checkpoints from the government of Iraq area to the KRG everyday. Dr Fatah surmises that if this is correct the annual influx of IDPs into the KRG would be at least 3.65 million people, but we think that fails to take account of the point we have noted earlier concerning the number of people who come in and out of the region on a daily basis looking for work. It may be supposed that many of those will return back to their homes outside the KRG at the end of the day if not earlier, if they do not find work. It is clear that significant numbers of Christians have moved into the KRG. The number according to the Danish Fact Finding Mission of 2011 is 10,183 families, and according to another of Dr Fatah's sources, Khararai Boznai, based on the PDS card there are 5000,000 Yezidis living in Iraq, approximately 97% of whom have fled to the KRG since 2003. Dr Fatah says that this perhaps rather surprising number may be explained by the shifting borders of the KRG and the incorporation of Mosul into the region.

The Situation for IDPs

67. Dr Fatah notes that according to KRG officials, Iraqi nationals including IDPs in the KRG have access to housing and employment, free public health and schooling and are free to move throughout the KRG if they register with the Asayish. This contrasts somewhat with Dr Fatah's paragraph 74 where he says that an individual cannot access any services, attend school, university, rent or buy a house, obtain a driver's licence or be eligible for employment by the government without transferring their civil status ID to the KRG and this is not allowed by the KRG. He goes on to note the evidence of the director of the KRG Ministry of Displacement and Migration in Dohuk, that IDP families are receiving no financial assistance. Although they are eligible to receive 150,000 Iraqi dinars (approximately US\$150 a month) the government of Iraq has not provided this support and there is an ongoing dialogue with the KRG government regarding this issue. This is evidence taken from the Danish Report of 2011. Dr Fatah says that, although the UNHCR's Protection and Assistance Centres (PAC) and mobile teams claim to provide legal counselling and assistance in obtaining civil status documents and counselling referrals, returnees interviewed by Dr Fatah between 2 and 9 November 2011 said they had received no such assistance from the UNHCR, the Iraqi government or any other NGO. It appears in any event that UNHCR have been told that assistance from the government of Iraq is only for those returnees eligible according to the criteria firstly of those who fled between 1 January 2006 to 1 January 2008, being displaced for not less than eight months outside Iraq; those who fled Iraq for one year prior to 9 April 2003 and returned after 9 April 2003 and those formerly internally displaced returnees who fled their place of origin within Iraq after 1 January 2008 and re-signed with the MoDM in the location of displacement.

68. Dr Fatah was unable to get in touch with International Organisation for Migration (IOM) staff in Iraq, but an IOM official in Amman told him that IOM had not helped returned asylum seekers who were lacking identification to obtain identification documents such as CSID when they arrived at Baghdad Airport. She said that the IOM did assist IDPs and returnees in all Iraqi governorates with obtaining statements and documentation to enable them to access basic services such as education. She referred also to a number of programmes and initiatives currently run by the IOM in Iraq which had been implemented and developed in coordination with the Iraqi government and in particular with the MoDM. An example of this was the Human Security and Stabilisation programmes operated in partnership with the MoDM which help IDPs and returnees to settle permanently in their current governorate of residence by offering them training, apprenticeship and grants depending on the circumstances of the individual. She was unable to provide the numbers involved. Dr Fatah also makes the point that it is important to note that since many humanitarian organisations adopt a low profile in Iraq and work through local groups and authorities due to security considerations, the visibility of international assistance is diminished and therefore Iraqi IDPs cannot be aware of the real portion of assistance originating from the humanitarian aid community (with the exception of the Iraqi Red Crescent Society). He also notes that the ability of NGOs to provide assistance is affected by security restrictions in various locations.
69. From this evidence we conclude that a person (we will address below more particularly the situation of women) who has relocated from the GoI area to live in the KRG has access to free healthcare, rental accommodation and education, albeit that there is pressure on the availability of access to schools in some areas, especially for Arabs; jobs are not easy to come by, but there is financial support available from UNHCR by way of grants to people on repatriation, and other forms of support such as assistance in obtaining documents from UNHCR's Protection and Assistance Centres.

The Situation of Women in Iraq

70. In this section we address evidence concerning women throughout Iraq (i.e. including the KRG). Dr Fatah refers to a report of COSIT (Central Organisation for Statistics in Iraq) entitled "Iraq: National Report on the Status of Human Development 2008" which states that the Ministry for Women claims to have officially recorded 206,082 widows in Iraq. Dr Fatah says that in general terms Iraqi women are subject to direct or indirect threats to life, dignity, social relations and their status in the family or local community and their security has cultural and social as well as physical dimensions. As regards women who have been killed, hundreds have been targeted by armed groups either because of their professions (political figures or their employees, journalists or others in the media and in translation enterprises) or as revenge against their male relatives. There is an increasing trend of killing women for political reasons. Iraqi women are said to suffer abuse routinely at the hands of their fathers, brothers and husbands. The 2010 report by the Iraqi Human Rights Ministry stated that 21% of Iraqi women surveyed

were subject to bodily harm and the incidence was higher among married women. A further problem for Iraqi women is the issue of absorbing the burden of family care when social services falter and public institutions cease to function.

71. Female-headed households are widespread throughout Iraq but appear in higher numbers in the central governorates of Baghdad and Diyala than in the KRG. These are households where the women referred to are mostly widows. Between November 2010 and September 2011, IOM monitors identified the locations of 36,959 female headed households throughout Iraq. It is difficult to determine exact numbers with many women unregistered with the Ministry of Displacement and Migration and living in isolated areas, but figures indicate that one in ten Iraqi households is headed by a woman. From the figures obtained by the IOM, 21% of the displaced women who gave reasons for leaving their original areas said that they had fled due to displacement by force or threat with a further 20% citing generalised violence, and ethnic, religious and political discrimination and armed conflict were also frequently cited reasons for disablement.
72. Dr Fatah's report goes on to say that in addition to dealing with the problems of existence in a violent environment, most female headed households are unable to find employment to support their families. Of the female households interviewed by the IOM, only 2% were employed at a steady salary. A further 6% were employed doing odd jobs and did not have a regular income, which left them in a continuing unstable situation.
73. Dr Fatah also refers to the importance of family and social support for individuals in Iraq, given the paucity or absence of state infrastructure or support available for Iraqis. There is no social welfare or security to help returnees or IDPs to find shelter or employment. If an individual has no family to return to in Iraq the risk of homelessness and unemployment would be very real. He says that women have no option but to seek refuge with their relatives or move to neighbouring countries. Although this will provide the means for protection, on the other hand it means that these single women have lost their freedom to earn and live within their own family if they move to live with relatives.
74. Dr George's evidence in his report of 15 November 2011 essentially mirrors that of Dr Fatah. It quotes the survey on widows in Iraq issued by the Relief International Justice and Protection Centre Network in November 2010 as describing widowhood in Iraq as a catastrophic social condition due to the violent policies of the previous regime, the continuous wars in Iraq, the violence following 9 April 2003 and sectarian policy making. It is said that for many Iraqis the sight of widows living in desperation is a feature of everyday life. The Iraqi Ministry of Labour and Social Affairs is concerned with the condition of widows through its Department of Women's Care. The latest statistics indicate that only 120,000 widows receive governmental pensions, just 8% of the total number of widows in Iraq. The pensions range between US\$40 to US\$90 a month. It is too small to meet their needs especially since many are advanced in age. Relief International estimated that the number of

widows in Iraq was 1,593,457 or 9.81% of Iraqi women. This is a very much larger figure than that identified by Dr Fatah from the information provided by the Ministry for Women.

75. The Home Office in the Country of Origin Information Report of August 2011 at paragraph 25.34 quotes from the International Committee of the Red Cross Operational Update entitled "Iraq: Women Struggle To Make Ends Meet" published on 30 March 2011, which states that according to ICRS estimates, between 1,000,000 and 2,000,000 households in Iraq today are headed by women. This report also echoes the somewhat dismal state of affairs that is set out in Dr George and Dr Fatah's reports.
76. There are large numbers of widows, whose best hope is to find support and shelter from the family, if they have one. There is a significant number of female-headed households, which suggests that by no means all are able or wish to become part of a relative's household. Clearly women struggle to find employment, where family reasons enable that possibility to exist, and the lack of or paucity of an infrastructure of state support further weakens their position. To sum up, while the situation for women in Iraq is, in general, not such as to give rise to a real risk of persecution or serious harm, there may be particular problems affecting female-headed households where family support is lacking and jobs and other means of support may be harder to come by.

Relocation to Iraqi Territory under GOI Authority, and IDPs

77. Dr Fatah says it is difficult to take a broad approach in analysing relocation to Iraqi governorates other than the KRG as it depends on where the relocation is to and the ethnicity or religion of the person relocating. He says that, for example, it would be highly problematic for a Sunni to relocate to a southern Shi'ite governorate or vice versa. He also says that due to sectarian segregation and violence in different Iraqi governorates it is not possible to generalise in this regard. He says that, however, if a Sunni were to relocate to Mosul or Al Anbar they might face fewer challenges and be able to establish themselves in that region and similarly for a Shi'ite to relocate to a southern governorate under Shi'ite majority control the situation would be likely to be similar.
78. Dr Fatah quotes from the UNHCR's 2009 analysis of internal relocation in which it was concluded that in light of the ongoing violence, human rights violations and difficulties in accessing basic services, internal relocation alternatives should not be considered to be available in those areas. Nevertheless, the governments of Norway, Sweden and Denmark subsequently reached an agreement with the government of Iraq to send failed asylum seekers back and other European countries also do so.
79. In its report of 8 June 2010 the UNHCR repeated its view that no internal flight alternative existed in Iraq because of the continuing levels of violence in Baghdad, Diyala, Kirkuk, Nineveh and Salah-ad-Din and in view of access and residency and

restrictions in various governorates as well as the hardship faced by returnees in ensuring even survival in areas of relocation. In its 2011 Country Operations Profile the UNHCR noted that some returnees and IDPs remained in dire circumstances, requiring urgent humanitarian intervention. It observed that while some 350,000 IDPs and nearly 60,000 refugees had returned spontaneously in 2008 and 2009, returns had slowed in the first half of 2010. Returnees faced challenges including lack of security, livelihood prospects and social services. According to the 9 February 2011 report of the Representative of the UN Security General on Human Rights of Internally Displaced Persons, Walter Kalin, most governorates allowed IDPs to enter but obstacles to registration limited their access to services and capacity to rent or purchase property. He also noted that freedom of movement for IDPs in Iraq continued to be affected by a number of security measures, especially in and around Baghdad, as well as checks at governorate borders, and that most returnees returned to neighbourhoods controlled by members of their own communities.

80. Dr George also cites the UNHCR's April 2009 eligibility guidelines. These refer in detail to the restrictions in governorates on the entry and residence of IDPs and/or their locations of settlement. Central government issued a directive in 2007 ordering governorates to lift restrictions on IDPs' entry and there was also an overall decrease in new displacement occurring and hence restrictions had largely been eased. However in Al-Anbar governorate IDPs were required to have a sponsor guaranteeing the person did not pose a security risk as well as the need to provide evidence that the IDP originated from a "hot area". It was also said that in Kirkuk Arab IDPs might reportedly be discriminated against on the basis of their ethnicity. Also, most central and southern governorates required that IDPs coming from other governorates obtained prior approval from the local authorities in the intended place of relocation to bring along their furniture.
81. The guidelines state that in addition registration processes are often bureaucratic for IDPs as they are required to produce a range of documents including PDS card, nationality certificate and photograph of the head of household, CSID for all family members, housing card from the place of origin and a letter of approval from the local mukhtar, the city council and/or the police. There also may be difficulties for some IDPs in remote areas who may not be able for lack of resources or security physically to approach the MoDM which has its offices in the urban centres. Protection monitoring undertaken by UNHCR revealed that three-quarters or more of the IDPs in the central and southern governorates had registered with the MoDM or other local authorities. However recently the MoDM in Baghdad had informally ordered its branch offices to halt IDP registration, and several governorates stopped the registration process for newly arriving IDPs or IDPs who had not been registered at the time in late 2008/early 2009. On 19 February 2009 the Council of Ministers official instructed all MoDM officers to halt registration of IDPs. This, it is said, puts unregistered IDPs at risk of harassment by the police and the local authorities and hampers access to assistance and basic services.

82. Dr George also quotes from the March 2010 IDMC/NRC report, itself quoting from an IOM report from 20 June 2008, and refers to restrictions on IDP entry and registration in a number of governorates due to security, economic and even demographic concerns. The report refers to a great deal of bureaucracy which IDPs are required to go through to register, sometimes travelling to five different offices. Dr Fatah quotes from the UNHCR "Return Guide for the Voluntary Repatriation of Iraqis" May 2011 who claim, through their protection and assistance centres (PAC) and mobile teams, to provide legal counselling and assistance in obtaining CSID as well as counselling referrals, though returnees he interviewed on 2-9 November 2011 said they had received no such assistance from the UNHCR, the Iraqi government or any NGO.
83. The IDMC in the same report of March 2010 says that as Iraq is in the grip of a humanitarian crisis, daily life for all Iraqis is precarious. Public health, electricity, water and sanitation services remain inadequate. It says that the rate of displacement has fallen with only isolated instances of new displacement. Iraqi society remains deeply divided, and the neighbourhoods of Baghdad which were most affected by the displacement are now more ethnically or religiously homogenous than at any time in Iraq's history and tensions are high in many areas, particularly in the northern governorates of Kirkuk and Nineveh. Although the Iraqi government has taken steps to address displacement, it has proved unable to meet the needs of IDPs or to dedicate the resources needed for them to be able to achieve durable solutions. IDPs have inadequate access to basic services and face considerable obstacles to enjoyment of their rights. The United Nations has increased its presence but its role remains limited. In a survey in the second half of 2009, 11% of those IDPs displaced since 2006 and 28% of returned IDPs reported being targeted due to their religious and political affiliation, 6% reported having been targeted simply because they were IDPs (UNHCR, December 2009) and 30% of IDPs surveyed reported that family members, including children, were absent after being kidnapped, abducted or detained (UNHCR, December 2009). Many Iraqis have been forced to flee to areas where employment and basic services are limited, overstretched or non-existent. Host communities increasingly found it a burden to share limited resources. Over 70% of IDPs were women and children, and displaced female heads of household, households headed by older people, widows, divorced people, women without male relatives, and orphans are acutely vulnerable. Checkpoints, curfews, permission requirements and security barriers continue to restrict the movement of both displaced and non-displaced Iraqis, especially in and around Baghdad. Although most governorate authorities allow IDPs to enter, there have been obstacles to registering. Although in 2009, (the point we have referred to above), the government issued an order halting further registration of IDPs, there were reports of continuing registration in some governorates (IOM, May 2009). The reasons for non-registration include bureaucratic delays, lack of documentation, perceived lack of benefit, or fear of being identified by the authorities. Unregistered IDPs are unable to rent or purchase property, vote, obtain land title and access services specific to IDPs. Each governorate has different requirements for IDPs trying to register which may include a requirement for an original information card, which is the card needed to access the

PDS system, the CSID or a letter of approval from municipal councils, mukhtars, local police or the MoDM, and registration has been tightly restricted in areas with high level of sectarian violence such as Kirkuk. In later 2008 IDPs were also reportedly denied registration due to sectarian, ethnicity or tribal bias (UNHCR, September 2008) which continues to be observed on a small scale (UNHCR, December 2009). According to an IDCM interview in January 2010, some newly displaced people are reportedly not being registered. It is said that most IDPs, particularly women, cannot find work, and over 60% of IDP families have no members employed (ILM, May 2009; IDPWG, June 2008). Most IDPs, like many other Iraqis, rely on the PDS for basic food, but face considerable obstacles in accessing the system. A third of IDPs interviewed in late 2009 did not have a PDS card valid in their governorate of residence, and only 15% of those with one reportedly received their full monthly entitlement (UNHCR, December 2009). Although over 90% of IDPs assessed by UNHCR in December 2009 reported being able to obtain health care, a quarter could not afford health care fees. A general comment that may be made is that much of the above evidence is somewhat older than we would have preferred or expected, but we have not been shown evidence indicative of more recent significant change.

84. With regard to assistance for IDPs and refugees, the UNHCR Annual Report for 2011 stated that they aimed to assist 702,180 refugees and IDPs within Iraq out of a total of 1,728,430 in January and 549,150 out of 1,323,250 refugees and IDPs in December 2011. These are said to be projected figures rather than the actual number of people that UNHCR is currently able to help in Iraq. UNHCR's return guidance of May 2011 states that the organisation assists people who are voluntarily repatriated in the country of asylum and prior to departure with \$100 per adult, \$50 per child and \$500 per family, and additional transportation grants may be obtained depending on the country of asylum. Although Dr Fatah confirms this, he said that people whom he had spoken to said they had not received any further assistance from the UNHCR such as help with finding employment, housing and medical treatment. Returnees from the UK are given \$100 for incidental needs and a further \$100 for onward travel to their home. Voluntary returnees are given a cash grant of \$500. The Iraqi government has sought to encourage and support IDPs wishing to return to their place of origin. In mid-2008 the MoDM opened two centres in Baghdad to help returnees register, receive assistance and resolve property issues. A third was reportedly established in Diyala in mid-2009, and branch offices opened in Anbar and Salah-ad-Din. As of 2008, returnees could receive US\$850 after returning to their place of origin and formally renouncing their IDP status. Registered IDPs in Baghdad who agreed to vacate premises of returnees that they had illegally occupied could apply for rental assistance worth around US\$250 per month for six months. In Baghdad and Diyala, returnees were also reportedly provided additional protection by local authorities. In September 2009 the Iraqi government extended measures adopted in Baghdad to Diyala, one of the governorates worst affected by sectarian violence. It allocated some US\$78,000,000 for reconstruction, facilitation and sustainable returns to 27,500 families (UNHCR, October 2009). There were plans to expand the Diyala model in late 2010 to three key areas in Baghdad and subsequently

to the governorates of Salah-ad-Din and Anbar (UNHCR, October 2009). Government initiatives to promote or facilitate returns had had mixed results and were limited to registered IDPs displaced between 2006 and January 2008, thus excluding many from minority communities. Returnees were concerned about lack of protection, inadequate state support, bureaucratic procedures and sectarian bias. By the end of 2009, only 40% of returnees interviewed had registered and applied for a grant, and only 30% of those who applied had actually received one. 70% of returnees who were interviewed in 2009 said they had not received any government assistance (IOM November 2009). Although in 2009 there were only a few reported incidents of returning families being specifically targeted, these cases had had a powerful deterrent impact on would be returnees. An IOM survey of returnees (November 2009) found that 38% reported not always feeling safe.

85. A relevant associated issue is that of travel within Iraq. This may be a matter of flying to other cities such as Erbil or travelling by bus or taxi. Dr Fatah says that the returnee might need to use more than one mode of transport; for example travelling by bus to a nearby region or city and then hiring a taxi or private car to take them the rest of the way. It is said that the roads are in poor condition and most regions are connected to the main cities by dirt roads. There are no regular bus services. A bus or taxi will only leave the station to start its journey if it has "enough" passengers, and the concept of "enough" can mean anything from one-third to full capacity. Clearly to the larger cities such as Baghdad or Erbil, bus journeys would be more frequent than those to Iraq's smaller regions.
86. Dr Fatah also says that Kurdish civilians are usually quite afraid to make the journey between Baghdad and Kirkuk which Kurds have taken to describing as "the road of death". He gives examples of this from 2005 including an attack on convoys of Iraqi President Talabani's guards on the road, five of them being killed. President Talabani is a Kurd. Dr Fatah says that militants stalk the road, ambushing and kidnapping Kurds. This may be done for financial motives as Kurds are believed to be wealthier than Arabs, or it may be carried out by remnants of the Ba'ath regime who have long regarded the Kurds as their enemies, or Islamic groups who accuse the Kurds of collaborating and cooperating with American troops. However, the reference to this is 2006, and he does not cite more recent evidence. Civilians also risk being caught up in insurgent actions including roadside bombs, car bombs and assassinations which may be wild and indiscriminate as to their victims. Dr Fatah quotes from the UKBA Operational Guidance note on Iraq of October 2010, noting improvements in the security situation in Iraq in 2009 and stating that travel by road within the central and southern governorates has become fairly safe in many areas, but the rural roads remain potentially dangerous. There are daily roadside bombings on the main routes from Baghdad to the north. In the south there is a high risk of attacks on most routes in the governorates of Babel and Wassit, especially in the districts lying closest to Baghdad. Movement may further be limited by curfews and vehicle bans, which can be enforced at short notice. Travel by air from Baghdad International Airport has relatively improved. There have been no recent attacks on civilian aircraft but potential threats still exist.

87. We bear in mind Dr Fatah's warning, set out at paragraph 77 above, concerning the difficulty of a broad approach to the issue of relocation to/within the GoI governorates. We note the bureaucratic nature of the registration processes which, as Mr Hussain points out at paragraph 58 of his closing submissions, seem increasingly aligned with those in the KRG. The very significant number of IDPs (estimated by the IDMC in March 2010 at 2.8 million) face the kind of difficulties we have set out above, and it may be (IDM May 2009) that IDPs are not being registered in all governorates. However, the types of difficulty we have identified are not such, in our view, as either to entail that there is no internal flight alternative in Iraq, or that relocation is, in general, unreasonable. The levels of support that we have identified, from the UNHCR and the Iraqi government in particular, including the fact that two-thirds of IDPs appear to have PDS cards valid in their governorate of residence, support us in this view. Where an IDP is unregistered, and hence is unlikely to have a PDS card, and is unable to access family, governmental or NGO support, it may be that relocation would be unreasonable, in particular, of course, if they faced a real risk of significant harm in their home area and could not therefore be expected to return there to renew their PDS card. The particular circumstances of a returnee may therefore be such as to make relocation unreasonable.

General Conclusions

88. (1) Since the lack of documentation relating to identity in the form of the Civil Status ID (CSID), Iraqi Nationality Certificate (INC) and Public Distribution System (PDS) card (food ration card) is not ordinarily an insuperable problem, it is not a factor likely to make return to any part of Iraq unsafe or unreasonable.

(a) The CSID is an important document, both in its own right and as a gateway to obtaining other significant documents such the INC and the PDS. An inability to replace the CSID is likely to entail inability to access the INC and PDS.

(b) Although the general position is that a person who wishes to replace a lost CSID is required to return to their home area in order to do so, there are procedures as described in this determination available which make it possible (i) for Iraqis abroad to secure the issue of a new CSID to them through the offices of the local Iraqi Embassy; (ii) for Iraqis returned to Iraq without a CSID to obtain one without necessarily having to travel to their home area. Such procedures permit family members to obtain such documentation from their home areas on an applicant's behalf or allow for a person to be given a power of attorney to obtain the same. Those who are unable immediately to establish their identity can ordinarily obtain such documentation by being presented before a judge from the Civil Status Court, so as to facilitate return to their place of origin.

(2) Relocation to the KRG is in general reasonable

(a) Entry into and residence in the KRG can be effected by any Iraqi national with a CSID, INC and PDS, after registration with the Asayish (local security office). An Arab may need a sponsor; a Kurd will not.

(b) Living conditions in the KRG for a person who has relocated there are not without difficulties, but there are jobs, and there is access to free health care facilities, education, rented accommodation and financial and other support from UNHCR.

- (3) Despite bureaucratic difficulties with registration and the difficulties faced by IDPs, it is wrong to say that there is, in general, no internal flight alternative in Iraq, bearing in mind in particular the levels of governmental and NGO support available.
- (4) Whilst the situation for women in Iraq is, in general, not such as to give rise to a real risk of persecution or serious harm, there may be particular problems affecting female headed households where family support is lacking and jobs and other means of support may be harder to come by. Careful examination of the particular circumstances of the individual's case will be especially important.

The Appellant's Claim

89. We now apply our findings on the issues above to the specific facts of the appellant's case. We have set out the details of her claim earlier on in the determination. References to the appellant should be taken include references to her children, who are dependent on her claim, unless the contrary is specified.

Ability to Return to Iraq

90. It would seem, from the evidence we have set out above, that given that, as we accept, that the appellant has no documents, she would either have to obtain CSID via the processes we have identified above, or on the basis of return with a laissez passer document.

91. It seems to us that on either basis the appellant should be able to effect return to Baghdad. We do not find it credible that any healthy adolescent or adult Iraqi would fail to have memorised or would not have kept a note of or have access to a note of the book and page and volume number of the location of their family record. We do not see the appellant's illiteracy as a bar to this in any way. She should therefore be able to initiate procedures to enable this information to be obtained by family or friends in Kirkuk and, by means of the procedures set out above, enable a new CSID to be issued. If we are wrong about her recollection of the location of the family record, we do not accept that she is unable to contact her brother in Kirkuk. Even if it is the case that she can no longer obtain him on the telephone number she had for

him, she knows where he lives and she also has a sister in Iraq. We do not accept that it would not be possible for the appellant to contact one or other of her siblings and obtain the necessary information to enable a CSID in her and her children's names to be reissued. (It may be in the children's case that they never had cards in which case cards could be issued for the first time). This could be done either personally by her relatives in Iraq or by use of a lawyer with a power of attorney. Alternatively, she has the option of contacting friends or neighbours in her home area who could assist in locating the brother and sister.

92. Alternatively we consider that the process identified by the UNHCR in the response to Dr George could be employed. It seems from their evidence that the appellant if she did not return with a CSID would return with a laissez passer (though it remains unclear what exactly this is) which would enable her to enter Iraq. On the evidence she would be held at the airport until her identity was established, which we consider she would be able to do as set out above by contact being made with her family members in Kirkuk.
93. If the above process was not available (perhaps because she did not have a laissez passer), UNHCR's evidence, which we accept, is that she would have to be presented before a judge and we see no reason why she should not be able to have herself identified, to the extent that a letter would be issued in accordance with what was said by the UNHCR, to facilitate her move back to Kirkuk.

Travel to the Home Area

94. We accept that there are difficulties for those wishing to travel from Baghdad to Kirkuk. It is a journey not without its dangers, as the evidence we have set out above shows, though the evidence is relatively elderly (2005-6). Nevertheless people do travel regularly along that road, and as a woman with children albeit two of them are very young adults, the appellant would not in our view stand out as a person who would be of adverse interest. That does not rule out the risk of generalised violence, but we do not assess the risk to her and her family in travelling between Baghdad and Kirkuk to be such as to place her at a real risk of harm.

Risk in Home Area

95. We remind ourselves of the findings of the judge on the appellant's history. We note the point made by Mr Hussain concerning the comment by the Senior Immigration Judge at the error of law hearing that, in effect, the event the appellant described was such as being incapable of giving rise to a finding of specific targeting while noting the contention that the judge erred in finding that these were random acts of violence in the circumstances and that it was perhaps unnecessary to identify the precise agent of persecution.
96. This does not, in our view, amount to a conclusion that the judge erred in finding that the appellant could not show a link between the grenade attack, the death of her

husband and eldest son and the kidnapping of the other son. Nor does it amount to a finding that the judge erred in finding that the appellant had not shown that she was specifically targeted by a person or group. The Senior Immigration Judge's remarks in this regard are tentative. The judge seems to have adopted joint submissions before him that there were material errors of law in the approach taken by the Immigration Judge, relating in part to the approach to Article 15(c) of Directive 2004/83/EC, and concluding that reconsideration was properly to be ordered.

97. There is therefore, as can be seen, some difficulty with these findings, but it is our view, as expressed above, that they do not amount to a finding that the judge erred in his conclusion that, in effect, the appellant and her family had been the victims of random violence and had not been able to identify an agent of persecution. As part of remaking the decision we conclude that the appellant on the evidence taken as a whole, has not shown that she and her family were the victims of specific targeting and has not shown anything other than random violence.
98. This has clear significance to risk on return in Kirkuk. We accept that Kirkuk is a hazardous place. There is a good deal of evidence before us about random and targeted violence in that city. However, given the profile the appellant has, it is our view that she would be able to return there if necessary in order to obtain, if it were required, a new CSID or, in the alternative, if she had obtained one through the procedures we have set out above, to continue with the process of obtaining the other necessary documents such as the INC and the PDS which she and her family require. There is no evidence to show that her brother is no longer living at the house he previously occupied some two streets away from her, and where she was able to live with her children and with him for some two and a half months, nor that her sister has moved away. She has therefore not shown that she is without a base in Kirkuk, nor that she would be unable to stay with her family members either temporarily or permanently. She would not be effecting relocation, but would be returning to her home area and would therefore not be in a position of an IDP with the problems that that can entail.

Entry to and Living in the KRG

99. If we are wrong in the above then we consider the alternative of relocation for the appellant and her family to the KRG. We have set out above the evidence in this regard. We consider on that evidence that it is shown that the appellant would be able to enter and reside in the KRG. We accept the difficulties that there would be, but her two sons, now aged 19 and 18, are of an age where they can, as Dr George in his evidence accepted, offer a degree of protection if necessary, and are also of an age where they are able to work. There is employment in the KRG, albeit it is not always easy to come by, but their situation as a family there would be no different from the many others who manage to cope with the difficulties of life there. There are schools which the appellant's daughter could attend and there are health care facilities which they could access. For the reasons set out above we consider they would be able to obtain the necessary documentation and it would not be unreasonable to expect them

to do so if they could not live in Kirkuk. We accept that the PDS card once it was reissued would not be usable in the KRG as they are from Kirkuk, but Dr Fatah in his evidence accepted that it would be no great inconvenience to have to return to Kirkuk on the necessary regular basis to make use of the card, and thus enabling all the family members to obtain their food rations.

Relocation Elsewhere in Iraq

100. Otherwise, we consider it would not be unsafe or unreasonable for the appellant and her family to relocate elsewhere in the GoI. We bear in mind Dr Fatah's warning that it is necessary to consider the relevant area and clearly it would be most appropriate for the appellant to identify an area where there is a Kurdish community. Clearly there are such communities, for example in Baghdad, and although we have set out above the difficulties of life for IDPs, which there would be, including problems of obtaining work, problems of insecurity and random violence, and health care and lack of social support issues, they would at least have the support of some funding from the UNHCR and assistance from that agency in getting back on their feet. Again, we do not consider relocation would be unreasonable.

Article 15(c)

101. When we began to hear this appeal, there was extant country guidance on Article 15(c) risk in Iraq (HM & Others (Article 15(c) Iraq CG [2010] UKUT 331 (IAC). On 17 December 2011 that decision was set aside by the Court of Appeal in its entirety ([2011] EWCA 1536). It was made clear by the Court of Appeal that the Tribunal would rehear HM. In the circumstances, Article 15(c) was not argued before us as, prior to 13 December, HM represented the country guidance on the point, and thereafter it was clear that the issue would be re-litigated soon after this appeal was concluded. The only reference to Article 15(c) in Mr Hussain's submissions is at paragraph 13(B) where he says that he simply relies on the assessment of the Upper Tribunal in AMM and ors (conflict; humanitarian crisis; returnees; FGM) Somalia CG [2011] UKUT 445 (IAC) paragraphs 328-363. We are happy to adopt the statement of the law set out at paragraphs 328-337 of AMM. The remaining paragraphs referred to by Mr Hussain (paragraphs 338-363) are concerned with evidence relating to Somalia, and to Mogadishu in particular, and clearly have no relevance to the instant appeal. No evidence has been cited to us to show that the appellant faces Article 15(c) risk anywhere in Iraq, and we therefore find that she does not face such a risk.

Article 8

102. The appellant and her dependants would return together. There is no issue therefore of the family being broken up. We have limited evidence of their private life in the United Kingdom, where they have been for some three years. We must of course take into account the best interests of the appellant's daughter, now aged 9, as a primary consideration. She has spent the majority of her years in Iraq with her family, there is no evidence of her integration into life in the United Kingdom away

from her family, and we see no reason to suppose that she would not be able to fit back into Iraqi society together with the rest of her family. It is in our view in her best interests to remain with her family who will return to Iraq, and accordingly we find there would be no breach of her or their Article 8 rights to be returned, or that if there were such a breach it would not be disproportionate to the clear interests of the United Kingdom in maintaining a firm and balanced immigration policy.

103. This appeal is therefore dismissed on all grounds.

Signed

Upper Tribunal Judge Allen
Immigration and Asylum Chamber

APPENDIX A EVIDENCE OF DR ALAN GEORGE

In total four reports have been prepared. These are dated 27 September 2010, 11 November 2011, 15 November 2011 and 29 January 2012. The second report replaces the first but reliance was placed mainly on the third and fourth reports.

The third report seeks to address the following issues:

- The number of internally displaced persons (IDPs) and refugees
- the proportion of IDPs lacking documentation
- the documentation procedures and requirements for an undocumented returnee
- procedures for internal relocation
- the role of the Iraqi embassy in obtaining documentation
- facilities and procedures for undocumented returnees at Baghdad airport
- the services available from government and other returnee assistance centres in Iraq
- the situation of widows
- the information contained in the letter dated 11 November 2011 from the British Embassy in Baghdad to the UKBA Country of Origin Information Service

Appended to the report is a UNHCR memorandum to which frequent reference has been made.

The fourth report aims to meet the following tasks

- To identify any provision of Iraqi law which stipulates that the only way in which a person can obtain a civil status ID card is by personal attendance in their place of origin
- To clarify the legal status of the provision of Iraqi law establishing this requirement, if such exists
- To establish the wider cautions about the nature of procedures in Iraq, i.e. the extent to which factors such as influence, connections (WASTA) or helpful officials apply in bypassing requirements.

The oral evidence consisted of clarification on these two reports.

General and introductory points

The absence of published, written procedures makes it difficult to obtain definitive information. UNHCR officials relied on their belief or understanding rather than certain knowledge. Application procedures may vary from one governorate to another and even within the same governorate. Dr. George identified differences between the GOI and KRG with the former having local councils set up by the Americans and the latter having the Asayish the closest parallel is the KRG being the police. He also pointed out that the role

of the mukhtar differs slightly between the areas. There is not a great body of data on procedures for returnees due to the small number of individuals who have returned to Iraq. Dr. George only spoke to one source regarding returnees and he did not want to be identified. There is no disagreement with Dr. Fatah's evidence although some differences in emphasis were acknowledged. Dr George has never interviewed anyone from the MoDM although he had spoken to the KRG equivalent. Dr. George had not been in Baghdad or any GOI area since the 1980s. He had not been to Kirkuk.

Some information was obtained by telephone from Prof Jawad of the LSE. Dr. George was not aware when he last visited Iraq and as far as he was aware the professor was not a lawyer. He had worked in a university in Iraq and so could be said to be a government employee but had never examined or issued documents.

Caution had to be exercised when conducting research in the Middle East. One had to carefully define questions asked and understand the answers as people would say what they thought you wanted to hear. The interviewer therefore had to be very careful and had to constantly check and double check the veracity of what he had been told.

One's connections continue to have influence. Ordinary Iraqis could have such connections and strings could be pulled.

Documentation procedures

Whilst there are general procedures that apply across the country, there are certain differences between those that apply in the KRG and those in the rest of the country. Dr. George relies on the UNHCR assessment reports for the various Iraqi provinces; these set out the steps to be taken. Obtaining or renewing official documents such as passports, birth and death certificates, marriage certificates and food ration cards is generally possible within a few days and at a reasonable cost however for undocumented returnees the procedure could be lengthy because investigations into records must be carried out to prove entitlement. Such a person should have some documentation to assist to prove citizenship: for example, civil ID cards, nationality certificates, military service guards, property documents or certificates of relatives even if outdated. Those with old documents are able to renew them easily.

S series passports can be applied for at the Passport and Residence Office/Directorate of Passports. Applications usually take about 1 to 3 weeks and passports are valid for two years. They can be processed within a day if required urgently. The following documents are required:

- civil ID card
- nationality certificate
- food ration card
- letter from the municipal council confirming the applicant's residency
- four photographs

G series passports are issued centrally in Baghdad and usually take at least three months. They are issued to certain categories of persons; government officials, persons with valid entry visa for the USA, Europe or other countries requiring a G passport and patients travelling abroad for medical treatment. Women below the age of 40 need to have the approval of a male family member in order to obtain a G passport. Applicants need not themselves attend the passport directorate in Baghdad. They can apply from another location within the country. The UNHCR had set out a list of documents needed in order to obtain an ID card. However there were always variations not just because people had connections, but because different officials undertook the procedure differently.

Civil ID cards, used to obtain most official documents, can be renewed within a few days at any of the Civil Affairs Offices of the Ministry of the Interior. The following documents are required:

- Iraqi birth certificate
- an official letter from the civil status office in the applicant's hometown, listing the members of the family
- food ration card
- letter from the municipal council confirming the applicant's residency
- father's, uncle's or grandfather's citizenship card. If none of these are available different procedures will apply involving the Baghdad ID and nationality office
- two photographs.

The issuance of the civil status card is regulated by the Civil Status Law number 65 of 1972 as amended by law number 9 of 1974 and the Civil Status regulation number 32 of 1974.

Nationality certificates, needed for most official purposes, can be obtained from the directorate of nationality and travel and the process normally takes a few days. If original records have been lost or destroyed then delays of several weeks or months can occur as the application needs to be referred to the headquarters in Baghdad. According to the UNHCR, the following documents are required:

- an official letter from the civil status office in the applicant's hometown, listing the members of the family
- food ration card
- letter from the municipal council confirming the applicant's residency
- civil ID card
- two photographs

A different UNHCR report from August 2008, however, adds a further document to the list, i.e. the nationality certificate for the applicant's father, brother, paternal grandfather or uncle. Where this is absent, the testimony and confirmation of the applicant's clan members is recorded. Yet another UNHCR report from May 2011 notes that a completed application form must also be submitted and that a housing card instead of a letter from the local council may be presented. In the KRG a recommendation letter from the mukhtar

confirming residency is required (it is not clear if this is in place of the council letter) and four photographs.

Applicants seeking to obtain the civil service identification card and/or the nationality certificate must show up in person as it is not permitted by law to a point of third party even if they were issued power of attorney. The Home Office country policy bulletin attributes the need for an application in person to the lack of a reliable postal service.

There is no common electronic database or registry for civil ID documents, nationality certificates or other basic documents such as birth, marriage or death certificates. Only manual records are kept which makes it difficult to obtain information when registering in another area. Many records are incomplete or damaged.

The issuance of the nationality certificate is regulated by the Iraqi Nationality Law number 27 of 2006.

Ration or PDS cards are renewed at the Ministry of Trade branch in the area of residence. The following documents are required for renewal:

- civil status ID for all members of the family
- personal civil ID record
- housing card or supporting letter from local council confirming residency
- written statement by the head of the family confirming the accuracy of the information and documents submitted
- in the KRG a letter from the Mukhtar.

Obtaining an ID card (CSID)

Iraqis outside Iraq with no documents, no relatives in Iraq and no knowledge of the page or record number of their family's details cannot apply for CSID abroad.

CSID cards are issued by local offices of the Nationality and Travel Directorate and applicants must generally attend these offices to obtain them.

This general requirement is established and well known procedure emanating from an internal instruction issued by the MOI. Those instructions are not publicly available.

An ID card is issued by the civil status office in the place of origin. Where returnees went before a judge, he could take steps to obtain a copy of the registration file. This could be a fax or photocopy of the page from the file which was a big book. But as this happens so rarely, there is not a large amount of information about it. There is not even a regular template for the document or letter that judge issues. A document from the UNHCR would allow someone through checkpoints but Dr George was not aware of what it might say; he speculated it identified the holder and asked that he be permitted to travel to a certain place. Bribes could also be paid but if one met the wrong officer on the wrong day the individual could end up in detention.

The UNHCR report makes no reference to having to get evidence from one's home area but Dr. George did not consider that report to be perfect as it did not deal with all scenarios. He disagreed with Mr. Hopkins' suggestion that as the report made no reference to the requirement of obtaining evidence from a mukhtar no such requirement was necessary. In his view there was no distinction between a resident who loses ID and returnees without ID. He was not aware that they were treated any differently.

IDPs had to return to their home area to get replacement ID. It was not possible for a person to go to an office which did not hold his records and obtain ID.

The evidence from the Ministry of Foreign Affairs was that ID cards are not issued outside Iraq. Any application made at an embassy would be sent to the authorities in Iraq for processing. It was possible for an individual with a damaged ID card to obtain a replacement card here but a person with no documentation at all would have to return to his home area. There was a general procedure for the vast majority of Iraqis, a separate procedure for denaturalised Kurds who had to apply in Baghdad and then the possibility of pulling strings if one had contacts. There was no special system for IDPs. If there was he would have expected to have come across it.

Dr George disagreed with the Country of Origin Information Report about not necessarily having to return to the place of residence. He treated the report with caution. He did not understand what it meant to transfer documents. If the suggestion was that an ID card could be obtained outside the home area, that was wrong.

In oral evidence Dr George initially stated that people applied in person not because there was no postal service, but because it was the law. However he later said that they went themselves because of the absence of a postal system. It happened that records could be damaged or missing. In that case a person would have to resort to using neighbours as witnesses.

Before the preparation of the last report Dr. George had not been aware of the actual legal provision which required ID to be obtained in the home area. As all his contacts had said that was the law he did not think it necessary to research it.

He had never seen the instructions from the Ministry of the Interior but he did not believe that any instructions would be issued without a legal basis.

A lawyer could attend in the place of an applicant in order to get a copy of the record although he did not know what conditions they may have to meet. All records were held in local areas. He did not know if a copy could be sent to Baghdad or by e-mail. He questioned the existence of a master copy because if there had been one records could have been replaced after their destruction in 2003. It was however not possible to provide any evidence that the master copy did not exist.

Dr George considered it unlikely for an ordinary Iraqi to forget the page number of their records; he considered most would know it. It may be plausible for a housewife to forget and rely on her husband. It would depend on the education of a woman and her personality. An older teenager living in Iraq should be aware of it. Literacy rates used to be quite high but less since 2003. It was plausible that women in villages would not know the number although he was not saying that they would not know.

Dr George questioned the assistance said to be offered by the Ministry of Displacement in respect of the transfer of records. Family records could only be transferred once they had been identified. As they were not computerised, nothing could be done if an appellant did not have the page number of the record. If there was such a procedure it was not credible that so many people would be without documents. When a person relocated a note was made in the place of departure and a new record made in the area of relocation.

Dr George did not know what a *laissez passer* was or whether it was the same as an EU travel document. However even if a person had a document to facilitate travel and get through the airport, it did not absolve him from having to establish identity as an Iraqi. An expired passport would carry some weight.

Source A indicated by email that the only legal basis is an internal instructions by the Ministry of Interior which is not shared. However Iraqis are well aware that civil ID cards can only be issued in one's place of origin. Each governorate has one civil registration directorate.

Source B's email related information received from the officer in charge of the CSID office in Kirkuk who confirmed that an Iraqi who wishes to obtain a CSID must go to the Directorate in Kirkuk to follow up his application. Lawyers with power of attorney can represent applicants at the office and obtain a copy of the family book but not to obtain the ID card. Procedures are based on classified instructions from the MOI. If an applicant is outside the country then power of attorney to a lawyer is acceptable. An application form can be obtained from the Iraqi Embassy/Consulate abroad and should be submitted along with a photograph of the appointed lawyer and a copy of his Bar Association ID and copy of the lost or damaged CSID card or family book of the applicant. If neither the card nor book is available, then a copy of the CSID card or family book (or record number or page number) of any relative will assist. If the conditions are met, the application will be sent to Baghdad and the lawyer can follow it up. If the documents are not available then it would be "nearly impossible" to proceed as records are not computerised and records cannot be manually checked. Source B also stated that procedures are not static or constant.

There is a widespread use of *wasta* (connections) to obtain desired outcomes and circumvent regulations and laws. A person with good connections would be able to obtain an ID card without having to attend the home area in person.

The issue of CSID cards is governed by the Civil Status Law 65 of 1972 as amended by Act 9 of 1974, Civil Status Regulation 32 of 1974, Civil Status Directive No. 1 of 1975 as amended by Directive No. 1 of 1976.

Article 3 of the first law stipulates that the General Director shall define the formats of the registers, forms and official documents and define the instructions and guidance as to how they are used. Articles 59 of the same Code and Article 49 of Regulation 32 state that regulations/instructions/directives may be issued to facilitate the Act.

Other key laws are said to be the Passport Law 32 of 1999 as amended, the Residency Law 18 of 1978 as amended, the Organisation of Places of Domicile and Residence Law 95 of 1978 as amended (*but no information about relevance or applicability given*).

A confidential and well placed source stated that there is an internal instruction from the MOI from at least November 2011 that Iraqis deported by EU states will not be accepted by the authorities in Baghdad and that embassies abroad will not assist with the provision of documentation for such returnees. The date of issue was not known, nor the extent to which it had been implemented, whether it had been implemented and if so whether it was implemented consistently. No further information was obtained on this instruction although Dr George understands it was in relation to a flight from the Netherlands on 15 November 2011. The KRG has refused to accept forcible returns since mid 2010.

The statements from the MoDM and MOI referred to in the British Embassy letter of 22.1.12 may be alluding to this instruction.

The reports from the Iraqi Embassy in London and the British Embassy in Baghdad confirm that the general position is that Iraqis in Iraq must attend in person in their home districts to obtain their ID cards.

Whilst the Iraqi Embassy notes there may have been other arrangements until 2007, there was now no need as the security situation had improved. The British Embassy letter noted there were exceptions to the requirement of return to the home area. If a person did not feel safe, the MoDM would be able to support a transfer of the record to the new area of residence. Both these statements should be treated with caution. The second suggests there are still exceptions whereas the first indicates they no longer exist. Full details of the questions asked of officials and their positions and replies would need to be seen before the information in the Embassy letter could be properly assessed. However the process by which it is said personal status records can be transferred to another district is contradicted by information received from the Kirkuk Civil Status Office which suggests that it is almost impossible to identify a person's records without supporting evidence because records are not computerised. On this basis Dr George rejects the process of transfer described in the Embassy letter. Nevertheless he maintains the view that there can be exceptions to general positions.

Admission to the KRG

The Danish immigration service report of September 2010 cites the UNHCR in Baghdad as having said that stateless people are at risk as they cannot move without documents and

access their rights including food rations and that politically there is a reluctance to see a change of the demography of Iraq.

Many governorates, including the KRG, imposed restrictions on the entry and residence of IDPs but these restrictions were lifted as a result of a central government directive in 2007. The exception is Al-Anbar (Fallujah) governorate which requires IDPs to have a sponsor and a special ID card issued by the ISF. In Kirkuk, Arab IDPs may be discriminated against on the basis of their ethnicity.

Those wishing to stay more than 10 days in the KRG are required to request permission from security. Visitors have information cards rather than residence permits. Ordinary Iraqis wishing to settle in the area will receive a card upon entering and will be instructed to approach the local Asayish office where they intend to reside. At that office the applicant must present an ID card, PDS card, a recommendation letter from the Mukhtar of the neighbourhood confirming the address and a letter from a sponsor resident in the governorate (the sponsor does not need to be present). The sponsor's letter is a form available at any local Asayish office and confirms that the sponsor will take responsibility for the applicant. Details of the sponsor are included in the letter. The sponsor requirement is for security reasons. Once an information card is issued, the holder can move freely throughout the KRG without having to fill out any other forms for entry in other governorates. The information card is used in government offices as ID throughout the KRG. They are renewed annually except in Suleymaniyah where there is no expiry date. If the applicant has a letter from a well-established employer then he does not need to have a personal sponsor. In Dahuk an information card is not issued and the individual is required to report to the Asayish instead.

Information from UNHCR officials in Erbil is somewhat different; they indicated that Iraqis could enter the KRG as tourists for up to 30 days using a card issued at the checkpoint of entry.

Dr. George stresses that no written, former rules and regulations governing entry to the KRG are known to exist and therefore procedures are inconsistent between different checkpoints, the same checkpoint at different times and between different governorates. He is not aware of any procedure whereby an application for entry to the KRG can be made in advance of arrival. He was informed by the UNHCR and KRG officials that the KRG would not accept individuals forcibly returned there from abroad although they would accept individuals returned to Iraq via Baghdad airport.

On arrival at the border point of the KRG, a person can request a tourist, work or residence entry card. The first is valid for between one and 30 days, the second between 10 and 15 days and an employer's letter must be produced, and the third is of unknown validity. Information about the applicant's origins and purpose of visit must be provided and these details are registered on a computer system. Applicants are electronically photographed although married women travelling with their husbands are not. Procedures at checkpoints are very efficient and are completed in about 15 minutes. Key documents that must be presented are an ID card and nationality certificate. If seeking a

residence card, it is possible that the applicant has to have his sponsor present or has to present a letter from the sponsor notarised by a court. A sponsor can be either an individual or an institution.

Having obtained an information card on entry, the individual must register at the local office of internal security (the Asayish) within 10 days. This file is then transferred to the headquarters office where it is reviewed and the information card approved. Most people coming to reside in the day are the initially enter as to wrists and then apply to the local office for an information card. Christians wishing to reside there benefit from a series of committees that ease the process of registration with the authorities.

The transfer of PDS cards to the KRG is difficult. A system of temporary transfer was introduced in 2007 but rescinded two years later. Cards obtained prior to mid 2009 remain in use but new transfers are not authorised. In principle they may be permanently transferred but the bureaucratic procedures required is lengthy and normally involved sponsorship by a ministry which requires particular skills from the individual. A partial and temporary solution was put in place until March 2010 by the WFB which provided people lacking a PDS card with three food items (flour, white beans and cooking oil).

Official permission is required for an Iraqi to bring household items into the KRG. The first step was for residence to be obtained. If the applicant was an employee of a KRG agency, he could own property. If not, he would have to rent it via an existing resident. Having secured accommodation he had to apply to the local office and then to the governorate Administration which would issue formal permission to import the household effects. A new resident may apply for the transfer of his former residence registration from his place of origin to his new address but in practice few people bothered given the lengthy and bureaucratic procedure.

It is reported that the Kurdish authorities limit the entry of Iraqis from outside the KRG by hindering the transfer of documentation.

Dr George went to the KRG in April and interviewed the UNHCR and the Asayish but received contradictory evidence from the two regarding whether a sponsor for permanent residence was needed in the area. He acknowledged that he had just asked about IDPs. It was his view that the vast majority of those coming into the KRG had been internally displaced. He said he was told by the UNHCR that someone coming for work would need an employer and would obtain a visa for 10 to 15 days which was renewable every two weeks. A tourist visa was valid for between one and 30 days. There were computerised records at the checkpoints although he did not know the nature of these records. A residence permit was for an unknown period of validity. He was not aware of any procedure for notifying a checkpoint of one's arrival in advance. He described sponsorship as being 'shadowy', i.e. not clearly defined with no written rules. Kurds had an easier time than Arabs who, even if seeking to enter as tourists, may be required to produce a sponsor at the checkpoint.

With regard to the possibility of the appellant entering the KRG to reside permanently, he stated that was not automatic. For political reasons the KRG may wish Kurds from the disputed areas to remain there in case of a referendum.

The definition of a resident of the KRG was someone born there. So even if a person had lived in Baghdad his whole life he could still be treated as a resident of the KRG. If a person had a contact in the KRG and could pull strings, then entry could be sorted in that way.

A person who wanted to move there would need a letter from his local council and it was possible that this letter could be obtained by someone else. It was also possible that the UNHCR could apply for this letter on behalf of someone. Councils were corrupt as they were self appointed. It was possible that they would be impressed by a letter from the UNHCR and that they would respond. He envisaged that the applicant would go in person with a letter from the UNHCR.

Procedure at airport

Documents issued at the airport would not be the Iraqi ID card but rather a letter to facilitate movement back to the place of origin or relocation. A court could direct an office to produce ID. When asked why that should not apply to the airport court, he stated that he was not aware of the power held by the judge. Further, the judge would not have access to all the information that a local office had and would not be able to issue an order to a civil status office. He clarified that this applied to those individuals who had no relatives to vouch for them. Where an individual did have a relative with ID who turned up at the airport, he was unsure of the process. Although he did not believe that the judge at the airport could issue an order to the civil status office in the home area to issue an ID, he did not dismiss that possibility.

Even if a person was able to enter the country from the airport, with a document bearing an entry stamp, that did not mean that another department would not stop him if he did not have ID.

There was no evidence to contradict the UNHCR claim that returnees were not ill treated.

There were detention facilities at the airport. Dr George had spoken to a judge who last witnessed these facilities a year ago. Dr George had no information as to how long people were normally detained or whether the facilities were in frequent use. Food facilities were not mentioned either but the conditions were bad. Dr. George did not ask for collaboration. The judge had experience of detention facilities in Iraq and the Middle East. There was no information about what kind of person would be detained. The information he had was that there was a room for women and children. Sometimes up to 12 men were held in one room. If someone did not have documents they were likely to be detained.

Dr George pointed out that in his earlier report he had emphasised that the use of biometric details had never been and was not a routine feature of the process of obtaining

standard documents except for the G series of passport begun to be issued in 2007. Those Iraqis who had been detained by the US forces in Iraq would have had their biometric details recorded. It was possible that that information would have been made available to the Iraqi immigration service. He acknowledged in his last report, however, that the capture of biometric details was in fact significantly more widespread than he had realised and he amended the information earlier given that the presence of biometric capture material at the airport was only relevant to a tiny fraction of returnees. Information from the NY Times indicated that data had been gathered on roughly 2.2 million Iraqis or one in 14 civilians; the equivalent to 1 in 4 males of fighting age. It was said that a citizen in Iraq would almost have to spend every minute in the home village and never seek government services to avoid ever crossing paths with a biometric system. This meant the government could scan through millions of digital files in seconds even at remote checkpoints by using hand held devices. He maintained his conclusion, however, that the appellant has never had occasion for her details to have been biometrically recorded on any Iraqi database.

Document centres

Governmental and UNHCR assistance centres in Baghdad cannot issue CSID cards. Assistance with regard to obtaining documents may be provided to IDPs and returnees by the Protection and Assistance Centre in Sulaymaniyah. UNHCR document centres can provide information about where to go and can offer legal advice.

Neither the lawyer not the professor to whom Dr George spoke, referred to the two centres in Baghdad mentioned in the Foreign Office letter. Dr. George was aware of the centres and agreed that returnees could get help there; for example, about reclaiming their properties. He said they may provide advice but did not issue ID cards. Their services were restricted to certain categories of returnees whereas the UNHCR centres had no eligibility criteria and were not just limited to IDPs. Their services were available to anyone who needed them.

Position of women/treatment of son

Dr. George accepted that the sponsor would not be seen as a lone woman as she was part of a family unit, however he pointed out that she would not be seen in the same way as a woman with a husband. A young man, such as her 19-year-old son, would not carry the same weight in dealings with the authorities as an older man would. It was possible however that his role as the head of a household would enhance his position. This was clarified in oral evidence when Dr George explained that his remarks pertained to the context of entry to the KRG. He said that if the appellant's son went to the officials regarding documentation he would be treated in the same way as an older person.

A person who was a member of an extended family or a tribe was less likely to be attacked than someone without such protection. In urban areas the tribal connection was less clear. In his view it was impossible to say what will happen to this family group has depended on varied circumstances. Widows were at a disadvantage in the male oriented society however there were variations of widows. Nevertheless, making a living would be a

challenge as none of the appellants had any specific skills. About half of the available employment in Iraq was from the state but there was also a black market and it was possible to survive on charity. There were serious security threats in the south.

Dr George affirmed that more than half the Iraqi widows had lost their husbands to disease. Although the evidence suggested that many lived in a house or other accommodation he urged caution as a house or flat could mean a half finished building. Potentially there were multiple sources of help for widows but in practice it was something different. Only 8% received pensions and 46% did not receive any government support. 42% of widows felt that no one cared. This was a reflection of the breakdown of the social structure.

IDPs

According to the UNHCR (April 2009, eligibility guidelines for assessing the international protection needs of the Iraqi asylum seekers) there are “nearly 1.6 million post 2006 IDPs displaced and 2 million refugees displaced to mainly neighbouring countries after the fall of the former regime”. Similar UNHCR figures are cited in the 30 January 2011 quarterly report and semi annual report to the US Congress of the special Inspector General for Iraq Reconstruction: as of November 2010 1.5 million were estimated as being displaced outside Iraq and 197, 996 refugees had been registered in neighbouring countries although it was estimated that there may be as many as 1.8 million refugees. Tens of thousands have returned to their places of origin but the flow of returnees measured at 9500 to 15,000 per month before the March 2010 elections had slowed down to about 7500 a month. The UN office for the coordination of humanitarian affairs (OC HA) maintains that this was due to a lack of security, reliable basic services and livelihood opportunities. The UNHCR monthly statistical update on return from March 2011 show that 37,090 Iraqis had returned from abroad during 2009 and 26,410 had returned in 2010. The August 2011 update reported that 101,100 IDPs and 39,010 refugees returned between January and August 2011.

A briefing paper by the internal displacement monitoring centre (IDMC) and the Norwegian refugee Council (NRC) of June 2011 (reissued as Iraq: Response still centred on return despite increasing IDP demands for local integration: a profile of the internal displacement situation, October 2011) cautions about the reliability of the figures cited above, noting that UNHCR figures for those displaced between 2006 and January 2011 were some 300,000 fewer than reported by the International organisation for migration (IOM).

The Iraqi Ministry of displacement and migration (MoDM) registered displaced people in 15 central and southern governorates and KRG in the three northern governance of Dohuk, Irbil and Sulaymaniyah. It is reported in the briefing paper that registration has remained voluntary and contingent on documentation which IDPs may lack. Estimates of IDPs before 2003 are reported as being out dated particularly in northern Iraq where they have been subject to manipulation according to interested parties’ claims over disputed territories. The briefing paper estimates that Baghdad hosts 40% of IDPs, that about half of the post-2006 displaced population was in Baghdad or Diyala and that nearly 60% of them

were Shia, 30% Sunni and the rest from minorities. IDPs overwhelmingly fled to areas where their own ethnic or sectarian group was dominant.

The vast majority of returnees have civil status ID. Dr George suggested this was because when they left their home area they would have taken their documents with them. He disagreed with the deduction that some people would renew their cards outside their home area, even though there was a large turnover with cards which had to be replaced as people's appearances changed. He could not explain why they needed to be renewed given that they had no expiry date. He conceded that if a photograph wanted to be changed it was possible for that to be done elsewhere.

He agreed that in 2009 vast majority received ration distribution cards but pointed out that in 2011 85% did not receive their full rations and 31% of IDPs did not have ration cards.

Between April and June 2010 registration of IDPs was permitted for census purposes.

IDPs without documentation

Most IDPs, like many Iraqis, rely on the public distribution system (PDS) for basic food but a third interview in late 2009 did not have a PDS card valid in their place of residence. The Secretary General's report of 16 February 2011 emphasises the essential nature of documentation to the exercise of key rights in Iraq including the ability to register as an IDP or returnee, to access basic services and financial assistance, rent or purchase land, vote or obtain land titles, obtain pensions, education, employment, driver's licenses, car registration and medical assistance. IDPs have complained about the inconsistent implementation of government registration procedures and the lack of their own resources to travel to registration points. Some have been reluctant to register because of security concerns, bureaucratic delays or a lack of documentation. In 2009 registration was stopped and reopened temporarily for census purposes between April and June 2010 but assurances were given by the government that the procedure would be reopened for all IDPs. It is reported that due to the difficulties IDPs face in obtaining or renewing documents such as the civil status identification card, they often need specialised assistance. Some were in fear of the consequences of registration.

In December 2009 the UNHCR provided the following figures:

lack of civil identification: 20% IDPs, 45% IDP returnees, 35% in returnee refugees

lack of PDS ration cards: 31% IDPs, 12% IDP returnees, 24% refugee returnees

civil ID: 25% IDPs, 18% IDP returnees, 22% refugee returnees

nationality certificates: 22% IDPs, 11% IDP returnees, 29% refugee returnees

passports: 21% IDPs, 9% IDP returnees, 15% refugee returnees.

About 61% IDPs stated they needed to register with the authorities in their current location but only 55% were registered.

However in January 2007 the IOM reported that 97% of the IDP community is held nationality certificates, 97% had identification cards, 74% of families failed marriage documents, 47% had birth certificates and 18% had death certificates. The UNHCR reported that returnees faced difficulties in obtaining documentation despite the existence of legal advice centres because of the costs related to transportation and application fees. Some were unaware of the process.

APPENDIX B EVIDENCE OF DR FATAH

Dr Fatah

A first report was produced dated 8th November 2010 which specifically addressed the issue of obtaining protection from the state, relocation to another part of Iraq and the situation for women in Iraq.

A second report dated 10th October 2011 similarly covered issues for family members of insurgents but this was not at issue in this appeal.

A third report dated 18th November 2011 was produced in response to queries that arose during the hearing and in order to comment upon a letter dated 17th November 2011 from 2nd secretary migration, British Embassy in Baghdad to the Country of Origin Information Service, UKBA.

Dr Fatah also produced a Civil Status ID, a Nationality Certificate and a copy of the family page in the record book.

Other issues covered by the reports but not of relevance to this appeal have not summarised eg UNHCR's position that Iraqis from central and southern governate were still in need of international protection and that the UNHCR did not support the DFFM 2011 report.

The issues addressed were as follows:

- Is Kirkuk administered by the KRG or the Governate of Iraq ("GOI")?
- What is the possibility of relocation to Kirkuk?
- What is the possibility of relocation to KRG including the requirements and procedures?
- In general what is the position for lone women/women heads of households on return to Iraq?
- Can food rations be transferred elsewhere in Iraq?
- Is it necessary to return to the home area before relocation or can relocation take place directly elsewhere?
- What are the general difficulties that may be faced on relocating in terms of security, humanitarian issues, food, housing, and integration into a new community?
- Relevant regulations for KRG and GoI for re-entry.
- What medical treatment is available?

Is Kirkuk administered by the KRG or the Governate of Iraq (“GOI”)?

Kirkuk is in the Governate of Kirkuk. It is not in the KRG and lies in what are called ‘disputed territories’. It is Kurdish populated.

The KRG is not a monolithic polity but run by two different political parties, each in control of two different areas.

Returnees from European Countries

Dr Fatah obtained personal information direct from returnees.

To KRG

KRG does not permit direct re-entry; all returnees are via Baghdad.

To Baghdad

Returnees require a guarantor who can confirm their identity before they are permitted to leave the airport. Until satisfactorily identified they are detained at the airport prison. They are not allowed to leave to go to another area of Iraq (GoI or KRG) to find their guarantor. The guarantor must attend the airport. Returnees without a guarantor have been detained up to 15 days.

Some returnees have their Civil Status ID or personal Civil ID record with them and this means they can confirm their identity.

Identity can be proved by a close relative – father, uncle, sibling – to go to airport and act as guarantor.

If there is no guarantor or relative to confirm identity the courts determine nationality and identity. The returnee will be brought before a judge who orders the returnees civil record status file from the returnees place of birth. Otherwise an individual with no form of identification must provide two witnesses who must confirm the identity of that individual in front of a judge under oath. “This then enables the court to issue a Civil

Status ID to that previously “unidentified” individual”.

Once Iraqi officials are satisfied as to identity the returnee is released to find their own way back. Those who are unable to satisfy the officials are returned to the country from which they have come. Returnees are no longer questioned over terrorist links unless biometric details require otherwise.

In some circumstances the guarantor has been able to convince the officials at the Baghdad airport to transfer the returnee to Erbil where the guarantor’s family are able to produce his Civil Status ID and confirm his identity.

If the guarantor is not present to confirm identity the returnee would have great difficulty travelling out of Baghdad without Civil Status ID because of the checkpoints which require production of Civil Status ID.

Dr Fatah said that in practice some returnees paid bribes at checkpoints if they did not have their Civil Status ID. He said that returnees had told him that they had to pay bribes at almost every checkpoint in order to pass on.

Travel out of and away from Baghdad

The transport infrastructure in Iraq is poor with most areas linked only by dirt roads. There are no regular bus services; communal taxis leave when they are “full”. The road connecting Baghdad to Kirkuk (Uzem road) is developing a reputation as one of the most dangerous thoroughfares in Iraq; the danger is from insurgents, IEDs, militants and criminal gangs in addition to Islamic groups who accuse Kurds of collaborating with the US. Kurdish civilians call it the Road of Death. The OGN October 2010 refers to roads becoming safer but all roads remain potentially dangerous; the main routes north from Baghdad see daily roadside bombings. There are flights between Baghdad and for example Erbil; there have been no recent attacks on civilian aircraft but the potential threat remains. The road from Baghdad to Kirkuk goes through the Sunni triangle. Thousands travel on the road but it is difficult to say how many men, women or families. Women usually travel with a man, especially on long distances.

To check into a hotel in GoI or KRG Iraqi civil Status ID must be produced. If a couple, a marriage certificate must also be produced.

Documentation

Civil Status ID

The Iraqi Civil Status Identification Card (al Bitaqat al Shikhsiya or al Bitakqa al Shakhsya,) is issued by the Nationality and Personal Status Directorate of the Ministry of the Interior in KRG and by the Directorate of Nationality in GOI in accordance with Article 65 of the 1972 Iraqi Nationality Status Law; it is a photographic ID and is treated like a birth certificate; it is a very important document and is required to be able to access any private or public services, vote, access income/financial assistance, education, housing and so on.

To obtain, an individual must go personally to their place of birth. Each region and city has their own official registration records. There is no central government agency that holds all the records.

Dr Fatah was told by practitioners in KRG that a person who needs to obtain a Civil Status ID who has never held a Civil Status ID also requires certification from the Ministry of Foreign Affairs. Documents required to obtain a Civil Status ID are: Application form,

birth certificate or proof of birth in case of a child, housing card or supporting letter from local council confirming residence, recommendation from the Mukhtar, PDS card, 2 photos. If a person has no ID from her file, she would need to go to someone who can identify her; she cannot go to the office herself. Dr Fatah was of the view that there must be someone who would recognise a person; he could not believe that everyone who knew an individual would disappear. He confirmed that community was important and that by making enquires and establishing links her presence would become known.

The Iraqi Embassy in London is able to issue a *first* Civil Status ID provided the individual produces: Iraqi birth certificate (this can be obtained from family members in Iraq and, once issued, approved (legalised) by the Iraqi Ministry of Foreign Affairs), Father's (or uncle's or grandfather's) Civil Status ID, application form from the Embassy.

The Embassy can issue a replacement Civil Status ID on production of the above documents and the reference number of the lost Civil Status ID. If the number of the lost Civil Status ID is not known, the Embassy will not issue a replacement and the individual must go personally to their local office of family registration and obtain their references and apply.

The Iraqi Embassy is not able to issue Civil Status IDs or Iraqi Nationality Certificates in London but can take the necessary documents and post them to the relevant authorities in Iraq. The Embassy advises that relatives or a lawyer in Iraq should be asked to follow up after the Embassy has sent the relevant documents to Iraq.

In normal circumstances Personal Status ID cards are issued by the Civil Status Court of which there is one in each area. The court directs the issue of a persona Status ID card, the person then goes to the town hall and is given the plastic card. A special civil status court was set up at the airport which dealt with returned failed asylum seekers but that was a special court. Dr Fatah said it may have had special procedures, of which he was unaware, for the issue of ID.

A professional person would be able to transfer their ID card without too much difficulty but would not be given a PDS card. Within GOI, individuals can move within an area and keep their Civil Status ID registered in their original area. The exception is the KRG which is acting like a state and make it difficult to move. They do not allow people from Kirkuk or Mosul to move into their area – they hope at some stage that their area will expand into those areas.

Iraqi Nationality Certificate

The Nationality Certificate is one of two essential documents; the other is the Civil Status ID. It is central to the exercise of civic rights including registration as an IDP or returnee. It can be obtained from the Office of the Directorate of Travel and Nationality/Ministry of Interior in GOI and in KRG from the Directorate of Nationality and Civil Status/Ministry of Interior or the Directorate of Nationality and Civil Identification Documents. It must be collected in person due to the unreliability of the postal service.

Documents required in order to obtain the nationality certificate: Application form; copy of father's brother's, uncle's, grandfather's Nationality certificate; PDS; housing card or supporting letter from local council confirming residency; in KRG letter from Mukhtar; photos.

Personal Civil ID Record

This is the official record of registration in Iraq. It is kept in the equivalent of the town hall. A person must be registered on the Record to be able to obtain a Civil Status ID.

If born in hospital, the hospital will provide the parents with two birth certificates both of which are taken to the Office of Births and Deaths in that governate and stamped. One is then taken to the Civil Registry and the birth is recorded on the Personal Civil ID Record page of the family. One birth certificate is retained by the Office of Official Registration and the other by the parents.

If a child is not born in hospital both parents go to the civil courts, fill in a form to record the child's birth which is then endorsed by the court which then issues two Proof of Birth certificates to the parents who then follow the above procedure.

There is no time limit within which registration must occur. Civil Status ID may be obtained at the same time – it is the physical manifestation of the Personal Civil ID Record – but it is not compulsory. A civil status ID can be obtained for a child at any time.

Personal Civil ID cannot be transferred to any other governate except on marriage when a woman will transfer on to her husband's family's personal Civil ID Record page. To transfer, the marriage certificate must be taken to the Civil Registry and a request for transfer made. The Civil Registry will draw a line over the woman's name in the Personal Civil ID Record and state that it has been transferred to her husband's family page and stating the reference number of the marriage certificate and the new page number. The woman then can obtain her new Civil Status ID which states her new marital status.

A person can move from one governate to another and has to register but unless there are very special reasons (or a woman marries) records ie the physical changing of the page is not transferred.

If the reference number for the Personal Civil ID card has been lost it can be obtained by taking a sibling's father's or uncle's Civil Status ID to find out the page of their Personal Civil ID Record and from there the reference number can be found and used to obtain a Civil Status ID. This is routine.

These cards may have to be renewed but there is no specific period of validity. In oral evidence Dr Fatah thought maybe after 10 years or when there was a significant change although this was a guess.

Without this card an individual would not be able to register at a hotel; it would be required at checkpoints. If a person was unable to produce ID at a checkpoint the usual procedure would be detention until a member of the family brought the card although the guards may be more sympathetic to a woman.

Information Card

This replaces a residence permit, is obtained from the KRG Asayish (Security service) and is required for those wishing to stay for more than 10 days. It must be produced whenever demanded. According to the DFFM 2010 report referred to by Dr Fatah, ordinary Iraqis seeking to stay and settle are given a card on entering and told to report to the local Asayish office with personal documents such as Civil Status ID, PDS (they ceased to be issued in 2009) a letter from the Mukhtar, marriage certificate, a guarantee letter signed by a Kafil – resident of the governate. The Kafil does not have to attend personally at the Asayish office but it is recommended that if the Iraqi is not a Kurd then h/she should bring a Kurdish speaker to the office. According to the DFFM 2010 an information card will not be issued without a Kafil (sponsor). The Kafil letter no longer has to be issued by the court according to the DFFM 2010 but the same report also says that it does. The Information Card enables residence for one year and then has to be renewed.

Issuance of information cards can vary between governates; the ethnicity and faith of individuals can influence issuance. Non-Kurds face greater difficulty entering KRG.

Public Distribution Cards

This is the food ration card; all Iraqis are entitled to a monthly food basket. Transfer of PDS is only possible in GOI; it cannot be transferred to KRG. IDPs who re-locate to the KRG will have to return to their previous location to get their monthly food ration.

A third of IDPs interviewed in a late-2009 UNHCR survey did not have a PDS card valid in their Governate of residence, only 15% of those with one reported receiving their full monthly allowance.

The PDS is renewed annually, usually in December, and is renewed at the branch of Ministry of Trade in the area of origin. It has 12 tear off stamps. Documents required to renew include Civil Status ID of all members of the family, Personal Civil ID Records, housing card, letter from Mukhtar (in KRG only).

Heads of household are able to get the ration for the rest of the family; any registered member of the family can collect the monthly ration. There is no requirement to utilise the PDS ration and more wealthy families do not. There is discussion at present to limit availability. Food is available in the market.

The conditions of the roads and the security situation in Kirkuk 'will make it very challenging for Ms K to make the monthly journey to Kirkuk to collect the food ration'.

This would not be difficult, “just a hassle”; there are continuous taxi rides between Sulemaniyeh and Kirkuk.

General

Through their protection and assistance centres (PAC) and mobile teams the UNHCR claims to provide legal counselling and assistance in obtaining Civil Status documents. Returnees interviewed by Dr Fatah in November 2011 said they received no such assistance from the UNHCR, the Iraqi Government or any other NGO. The UNHCR states that it only provides assistance to returnees who fled between 01/01/2006 and 01/01/2008 and were displaced for less than 8 months; who fled in the year prior to 09/04/2003 and returned after 09/04/2003, those formerly internally displaced returnees who fled their place of origin within Iraq after 01/01/2008 and re-signed with the MoDM in the location of displacement. Ms K left in 2009. According to the interviewees who were returnees from European countries they received no assistance, were detained on arrival, beaten up, had to pay for food and water during their detention, had to pay bribes, had to pay their own travel from Baghdad and all those returned in June 2010 were still unemployed in November 2011 and relied upon family members for support.

According to a conversation (November 2011) Dr Fatah had with the IOM Capacity Building programme assistant in Amman (all information about IOMs activities in Iraq is given through the Amman Office) the IOM had not helped returned asylum seekers who were lacking identification to obtain identification documents when the asylum seekers arrived at Baghdad airport. She informed Dr Fatah that the usual procedure was for the Interior Ministry of the country that was returning the asylum seeker to work with the Iraqi embassy in that country to provide the returnee with a temporary Iraqi passport – this temporary Iraqi passport would be sufficient to allow the returnee to leave the airport. She also said that the IOM assists IDPs and returnees in all Iraqi governates with obtaining statements and documentation to enable them to access basic services like education and gave as an example an IDP without formal documents who wished to attend school would register with the IOM who would then refer the individual to the governate office of the Ministry of Displacement and Migration who would then provide the individual with a written statement to the Ministry of Education in that Governate stating that the individual is resident and should have access to education. She also said that there were a number of programmes developed with the Iraqi Government and the MoDM to assist returnees to settle in their current governate by offering training, apprenticeships and grants but she did not have the numbers assisted under the various programmes. Dr Fatah refers to the low profile of engagement by NGOs and therefore not many returnees or IDPs would be aware of the services offered or available. Curfews, checkpoints and fighting would also reduce access.

The UNHCR regional offices are not a substitute for returning to home area to obtain documentation.

In oral evidence Dr Fatah said that a European Travel Document may be of assistance provided it was a properly issued document approved by both governments. He did not

think it could be used as a substitute for Iraqi ID documents but it may be of assistance in enabling entry to Iraq and onward travel to place of origin in order to obtain Iraqi documents, provided that it was accepted by the Iraqi authorities. He stressed that although this may be of assistance in leaving the airport and possibly Baghdad, outside of these places the checkpoint guards may not be aware of such a document and cause difficulties. If travelling without ID documents there is a risk of detention.

If one member of the family has ID it will be much easier for other members of the family to obtain ID because all family members will be on the same page.

The record system in Iraq has existed since Ottoman times. Many records were destroyed in 1991 and 2003 although not in Kurdistan which was a safe haven. The records in Kirkuk were much damaged. Children born after 2003 would have records. If records were destroyed or damaged then existing ID would be used to create new records.

In subsequent oral evidence Dr Fatah said that if a person arrived at Baghdad airport on a laissez passé and a relative arrived with ID that relative can vouch for the individual. For some a judge was able to obtain access to civil records to confirm identity in about 15 days during which time the individual was in detention at the airport. He stressed this was a special system set up for these people ie returned asylum seekers. He guessed that in these cases the individual would still have to return to his home area in order to obtain other documents that are required, other than personal status ID but that would not be difficult because the person would have the most important document. He accepted that the UNHCR may give assistance but would not be able to issue documents.

He does not accept that it is possible to obtain documents from Baghdad unless the civil status record is in Baghdad. It is necessary to return to an individual's place of origin where the personal civil ID record is.

78% of returning refugees have their Civil Status IDs. In some cases of mass displacement eg Christians to Mosul it may be that the UNHCR assisted individuals in obtaining their ID but this was not the case in normal circumstances.

The process for obtaining documents is basically the same whether in the KRG or the GOI; there may be slight differences for example in the number of photos required, in GOI may require confirmation from the neighbourhood committee whereas in KRG it is from the Mukhtar.

What is the possibility of relocation to Kirkuk? Is it necessary to return to the home area first or can relocation take place directly elsewhere?

Iraq is a collective as oppose to an individualistic society. There has been ethnic cleansing in many areas such that previously diverse and cosmopolitan areas have become mono ethnic. Integration into Iraqi society relies upon family, neighbours, community. Iraq is now more divided along stronger communal fault lines thus a person relocating away from their place of original residence would lack access to resources or protection.

The Internal Displacement Monitoring Centre (December 2010) states that while the security situation in Iraq has improved, government functions have stalled and the government has proved unable to provide access to basic services to internally displaced people, most of whom are either single women, children or elderly [7.3, 63]. The same report refers to the difficulties faced by unregistered IDPs: such individuals cannot access services. The reasons given for no registration include lack of documentation, each Governate uses different requirements for enabling registration and that registration has been tightly restricted in areas such as Kirkuk which has been the subject of high levels of sectarian violence. In 2009 the Kirkuk Governate issued an order stopping further registration. A 2009 UNHCR survey showed that 1/3 of IDPs did not have a Public Distribution System (PDS) (food vouchers) valid in their Governate of residence.

Identification documents are required to relocate and such documents can only be obtained from the place of origin.

The Danish Fact Finding Mission ("DFFM") Entry Procedures and Residence in KRI for Iraqi Nationals April 2010 report states that 'persons without personal documents faced difficulties in obtaining their original documents...person is required to go to his place of origin to acquire these. In addition the GOI does not readily support the integration of IDPs in KRI with reference to the fact that the GOI is not always willing to forward relevant documents to the IDPs'.

If Ms K arrives in Kirkuk (place of origin) where she has siblings from her father's bloodline the siblings can produce their ID and the process of acquisition of ID can commence for Ms K. She will need the Mukhtar's support and for this she requires a residential address because the Mukhtar can only represent a specific neighbourhood. She would be able to obtain the Mukhtar's support once her relatives attend with her, 'presumably stating that she is staying with them. Under normal circumstances a mukhtar does not provide a supporting letter without production of a PDS, ID or Information card. If Ms K does not have any siblings in Kirkuk, the process is apparently very complex and may take months, she would need a lawyer and it would cost a lot of money - but the process is unspecified.

If the family are detained in Baghdad awaiting approval of their identity, the two above processes can be undertaken but the family would rely on the 'authorities conduct[ing] the procedure formally'. 'The authorities might help if she could provide details of her siblings ID. To obtain her Nationality Certificate she would need her Personal Status ID and Nationality Certificate.

If permitted entry Ms K and her family must return to Kirkuk in order to follow necessary procedures to produce identification documents.

Possibility of relocation to KRG. Can PDS be transferred?

There is no written procedure; the DFFM 2010 report and the UNHCR state that they are unable to find any laws or regulations that can document entry and residence procedure in any of the three Governates. The DFFM 2010 can be regarded as the official stance of the KRG.

The DFFM 2011 report information has come mainly from 2 KDP officers: the head of the Political Department, General Security Office, Asayish and the General Manager, Kurdistan checkpoints Kurdistan Regional Security Protection Agency, Security General Directorate, KRG Ministry of Interior. They also refer to the Director of Yezidi Affairs, Ministry of Awqaf (endowments) & Religious Affairs. The first and third individuals are political appointments. Although there are no official guidelines the UNHCR issued guidelines in 2009 and states that there are strict security measures at checkpoints. Officially on entry any individual is required to produce an Iraqi Civil Status ID, a Nationality Card or an Iraqi passport. With documentation, it is extremely unlikely that Ms K would not be able to enter KRG.

Officially (according to the DFFM) entry and residence procedures are laid down by the Asayish (Kurdish Security Forces). On entry each individual is identified and photographed electronically and issued with a card stating reason for entering and period of stay – work, tourism, and information. A woman would only be photographed if arriving on her own, without her family.

The sponsorship requirement has not been completely waived such that anyone wishing to live/relocate to the KRG is required to provide an KRG- born-and-resident sponsor and/or an acquaintance. Dr Fatah says these requirements are enforced even where an individual is just trying to visit the region but the DFFM 2010 says this requirement has been lifted for those seeking only to visit. Dr Fatah also states that Kurds do not require a Kafil/guarantor.

DFFM 2010 also states that any Iraqi national with an Iraqi ID is free to enter and reside after registration at a local Asayish, that there are no reports of Iraqi nationals being discriminated against at checkpoints or of people being deported from KRG to GoI or the disputed areas. The UNHCR states (January 2011) that entry procedures lack uniformity and change frequently without the public being informed whereas the DFFM 2011(which the UNHCR does not support) states that is not the case and that there is a unified procedure albeit built on rules and regulations not laid down in law and not publicly available. Dr Fatah relates inconsistencies within the DFFM 2011 report for example that no sponsor/ guarantor is required but also that Arabs who wish to enter are required to have a sponsor and may be refused if they do not. The report refers to the lack of detention but also to large numbers of Arabs arrested and detained.

Neither Kurds nor Arabs are able, on relocation, to transfer their PDS.

It is not possible to access any services, attend school/university/ buy or rent a house, be eligible for employment without transfer of Civil Status ID to the KRG.

The KRG does not permit any transfer of ID or Nationality Certificates to the KRG from any part of Iraq and in particular Kirkuk, in keeping with Article 140.

IDP relocation (as of October 2011)

According to the UNHCR and DFFM 2011 reports access to KRG by IDPs is complex with variations in process. IDPs are required to register at a checkpoint although it seems that has not been fully implemented (DFFM 2011). A non Kurdish Iraqi is required to have a contact in the KRG but in any event approval or denial is not systematic because there are no official rules. There is a 'blacklist' of those who are potential or known insurgents who will be arrested. The list is made up based on court orders, Interpol Notices and names from the US.

A Kurdish IDP does not need a contact person but ration cards are not transferred to the new location; the IDP must return to their town or city of origin to collect their monthly rations.

To transfer administrative zones within Iraq including to the KRG an individual must have a Civil Status Identification Card issued by the General Directorate of Citizenship in accordance with Iraqi Civil number 65 (1972) and the Iraqi Nationality Certificate. KRG ceased registering IDPs at the end of 2008. Residency cards are not issued to Iraqi Citizens, only to foreigners.

According to the UKBA (15 Aug 2008) food ration cards are widely accepted as ID.

Without the Civil Status Identification Card and the Nationality Certificate Ms K would not be able to enter KRG; she would not be able to transfer her PDS.

There have in the past been arrangements made for transfer of IDPs to the KRG; when this occurred eg when there was a huge influx into Dohuk and then arrangements may be made for transfer of PDS but those are special arrangements. For the general person PDS cannot be transferred.

Relocation to areas under GoI control

This depends on where the relocation is to and ethnicity and religion of the person relocating. For example it would be highly problematic for a Sunni to relocate to a Southern Shi'ite governate or for a Shi'ite to relocate to a heavily Sunni central Iraq Governate. But a Sunni may face fewer challenges and be able to establish themselves in Mosul or Al Anbar and similarly a Shi'ite may be able to relocate to a southern governate under Shi'ite control. Also post 2003 sectarian divide it is the policy of the Iraqi Government not to allow transfer of ID from one governate to another; a governate of one sectarian/ethnic majority would not be willing to allow the transfer for fear of changing the political demographic.

In general what is the position for lone women/women heads of households on return to Iraq? What are the general difficulties that may be faced on relocating in terms of security, humanitarian issues, food, housing?

The current ration of women to men is thought to be in the region 3:1 although possibly inflated. 1-2 million women have been widowed and have no access to social benefits according to the overseas representative of the Organisation of Women's Freedom in Iraq (15 April 2010). The high ratio has led to an increase in polygamy and the revival of 'temporary marriage' which is leading to political divisions. The Institute of War and Peace Reporting 23 September 2010 reported that opponents of polygamy argued that money set aside would be better used to equip vulnerable women but the scheme also receives support from local charities and prominent clerics.

Dr Fatah's report states that 'objective evidence illustrates that women in Iraq today are particularly vulnerable without access to these social structures' - no social benefits, reliance on family tribal and clan structures breaking down, loss of ability to earn and live within own family, increasing social conservatism. There has been an increase in pressure for women to wear hijab but this is discrimination; women are not killed for failing to wear hijab. There is no evidence to suggest that female lone heads of household are targeted more than any other type of women.

Women have not been killed in the past other than for honour crimes and domestic violence but there has been an increasing trend towards the killing of women for political reasons. A number of examples are given, some where it could be described as collateral damage and some as murder for no given reason.

The Shi'ite influence in central and south Iraq has made freedom of movement increasingly difficult with consequences on women's access to employment and general participation in society.

Reports quoted by the Foreign and Commonwealth Office (March 2011), the OECDs Social Institutions and Gender Index (2009) United Nations Assistance Mission to Iraq (December 2010), Human Rights Watch (April 2011), Inter-Agency Information and Analysis Unit (IAU) report Iraq Labour Force Analysis 2003-2008 dated January 2009, International Committee of the Red Cross 'Iraq: women struggle to make ends meet' (30 March 2011), Minority Rights Group International (July 2011) refer to reduced literacy, 83% women remain outside the labour force, the rise in Islamic influence, and the security situation disproportionately affecting women's ability to work outside the home. Relief International refers to the difficulty widows have accessing water and health care and 55% of women surveyed reported being the victims of violence. A 2010 Iraqi Human Rights report records that 21% of Iraqi women surveyed were subject to bodily harm and this figure was higher amongst married women (23% of women aged 30-34). Women living in rural areas of central and southern Iraq face 23% more bodily harm than women living in urban areas. These reports contrast the greater freedom of movement, ability to work outside the home and ability to obtain a passport without the consent of a male relative in KRG.

An ICRC report (24th August 2011) refers to around 70% of women headed households spend more than they earn and have to borrow money, sell belongings and go without health care or schooling for their children.

Female headed household are widespread but appear in higher numbers in Baghdad, Diyala and KRG. The actual figures are difficult to obtain but the IOM estimate that 1 in 10 households are headed by a woman.

Most female headed households are unable to find employment to support their families. According to the IOM only 2% had a steady salary; a further 6% were employed doing odd jobs. The unemployment rate in 2008 for young people (aged 15 - 24) was around 30% compared to a total unemployment rate of 18%.

There is little or no state support structure; family and social support is essential. With no family the risk of homelessness and unemployment is very real.

There is a considerable amount of building in KRG.

Whilst awaiting the issue of ID Dr Fatah was of the view that a lone woman and a woman with children would be unlikely to be suspected of being an insurgent; that most people would be sympathetic and it was unlikely that the family would be subjected to abuse.

The number of IDPs pre 2003 was estimated at 1,200,000 and since 2003 at 1,600,000. Of these the number of families registered with the Bureau of Migration and Displacement as being in the IKE stands at 87,500 (DFFM 2010). Figures for displacement recorded by other organisations present a confusing and unreliable picture. Roughly 300,000 IDPs and nearly 80,000 refugees returned to Iraq in 2008 and 2009; returns have decreased in early 2010 with only 60,000 IDPs and 16,000 refugee returning.

The UNHCR 2011 report set out the assistance for refugees and IDPs it has provided as against the number of refugees and IDPs. Although not considered totally accurate it records about 2/3 of returning refugees and about 1/3 IDPs assisted.

According to personal research by Dr Fatah individuals assisted by the UNHCR under the voluntary repatriation scheme have received the sum of money allocated but have not received any other assistance such as employment, housing and medical treatment.

In a fatherless household, older sons would take on the role of male protector of a family although a young man would not carry as much weight as an older man.

The expectation within the family would be for the sons to work to support the family. Many people live in for example Mosul and travel to Dohuk (in the KRG) to work.

What medical treatment is available?

According to the proceedings of the Iraq Health Symposium May 2008, Iraq has one of the poorest health systems in the region. The national healthcare system collapsed after the

UN imposed sanctions in 1991. Medical services are neither regulated nor monitored, even for wealthy Iraqis. Corruption is rife. In July 2010 the ICRC referred to insufficient numbers of medical personnel, reduced availability of medical services in rural and remote areas, have 'made it very challenging to provide health care in Iraq'. A UNHCR report December 2009 refers to a survey that of over 90% of IDPS who reported being able to obtain health care; a quarter could not afford the fees.

The cost of basic health care in KRG is small and basic services are provided. Pharmaceutical supplies were abundant but poorly sourced, A 2009 Foreign and Commonwealth Office report (2009) said that healthcare in the KRG was not in good shape. Dr Fatah says medication is expensive but this is not a sourced reference.

APPENDIX C
DOCUMENTS BEFORE THE UPPER TRIBUNAL

1	"Current activities in Iraq 2011", Medecins Sans Frontiers	2011
2	"2 US soldiers killed as Iraqi opens fire at base", News Mild.com	12 September 2011
3	"US Soldiers killed in Iraq gun fight", ABC News	9 September 2011
4	"Advice for Iraq", Foreign Office Travel	5 September 2011
5	"Report of Information gathering visit to Kurdistan region of Iraq", Foreign and Commonwealth Office	30 August 2011
6	"Iraqi deaths", iCasualties database	July 2011
7	"Security Developments in Iraq", Reuters	27 July 2011
8	"Travel State Government Special Immigrant Visas (SIVs) for Iraqi and Afghan Translators/Interpreters", US State Department	20 July 2011
9	"Iraq Body Count" accessed 18 July 2011	18 July 2011
10	"Security Developments in Iraq", Reuters	17 July 2011
11	"Issue: Treatment of Interpreters working for the US government/US Forces", Foreign Commonwealth Office letter	13 July 2011
12	"US Secretary General ban - Ki-Moon's report of the Secretary General pursuant to paragraph 6 of resolution 1936 (2010)	7 July 2011
13	"Iraq: Internal Travel", Foreign and Commonwealth Office letter	7 June 2011
14	"Iraqi Refugee Processing Factsheet", US Citizenship and Immigration Services	3 June 2011
15	"Iraq Index: Tracking variables of reconstruction and security in Post-Saddam Iraq", Brookings Institute	29 May 2011
16	"Sadr followers send message to US: Don't try to stay", Roy Gutman, Sahar Issa, McClatchy Newspapers, Christian Science Monitor	27 May 2011
17	"Foreign Contractors/risk to western collaborators in Baghdad and Iraq", ECS COI request, Country Information Unit, Swedish Migration Board	24 May 2011
18	"Travel Report: Iraq", Canadian Foreign Affairs and International Trade Canada	20 May 2011
19	"Strengthening Iraq: Fact Sheet", US State Department	19 May 2011
20	"The State of the World's Human Rights", Amnesty International Annual Report 2011	13 May 2011
21	"Mixed Sunni/Shia marriages", Foreign and Commonwealth Office Letter	9 May 2011
22	"No Country for oil smugglers", Iraq Oil Report, Ben Lando, accessed via Iraq Energy News	6 May 2011
	"Quarterly Report to the United States Congress", Special	30 April 2011

23	Inspector General for Iraq Reconstruction (SIGIR)	
24	"Security Update", Iraq Business News Weekly	28 April 2010
25	"Violence in Iraq Down, but killing indiscriminate", NRP	26 April 2011
26	"US State Department Travel Warning"	12 April 2011
27	"Iraqi scientists and doctors targeted", Al-Arabiya News	9 April 2011
28	"2010 Country Reports on Human Rights Practices, Iraq" US State Department	8 April 2011
29	"The Gulf States - Iraq Security", Jane Sentinel's Security Assessment	March 2011
30	"Human Rights and Democracy 2010", Foreign and Commonwealth Office	March 2011
31	"IAGCI Review of COI Service Iraq report", Nadje Al-Ali, SOAS, University of London Review of March 2011 report	March 2011
32	"Second Report of the Secretary-General pursuant to paragraph 6 of resolution 1936 (2010)" UN Security Council	31 March 2011
33	"Iraq", COI Service Report	25 March 2011
34	"The Gulf States - Iraq Non State Armed Group", Jane Sentinel's Security Assessment	21 March 2011
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