

Law on Ownership of Documents with Aliases of Displaced and Migrant Persons No. 79 of 2012

Federal

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Law

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Summary:

In the Name of the People

Presidency Council of Iraq

Pursuant to the House of Representative's Decision in accordance with the provisions of item "First" of Article 61 and item "Third" of Article 73 of the Constitution,

The following law has been promulgated:

Law No. 70 of 2012

Law

Ownership of Documents with Aliases of Displaced and Migrant Persons

Article 1 – First – A committee shall be formed at the Ministry of Displaced and Migrants, chaired by a judge nominated by the President of the Supreme Judicial Council. Its members shall be the Director General of the Legal Department at the Ministry of Migration and Displaced and representatives of the ministries of interior, Foreign Affairs and justice.

Second – The Committee provided for in item "First" of this Article shall receive applications from Iraqis who were forced to use documents with names different than their names for migration purposes, or their delegates in case of their death.

Third – The Committee shall have a rapporteur appointed by the Committee Chair. He shall be mandated with receiving the applications, determining dates for reviewing and reporting the committee's decisions within (15) fifteen days from its date of issue.

Fourth – Every name taken by an Iraqi in the documents used for migration purposes that is different from his real name or the name of his father, grandfather, last name or name in three parts shall be considered an alias when used in forced migration due to persecution by the former regime in the period between 17/7/1968 and 9/4/2003.

Fifth – A – The duration for receiving the applications by the committee formed in accordance with the provisions of this Law shall not exceed one year from the date of initiating the process of receiving the applications.

B – The launch of the process for receiving the applications shall be announced by the official media outlets.

Article 2 – First – The Committee shall consider the applications submitted to it and shall open verification of the documents carrying the applicant's alias.

Second – To establish the ownership of an applicant's documents, the Committee rely on the verification conducted by the official entities in the migration country, certified by the competent Iraqi embassy, the Ministry of Foreign Affairs and the methods of proof provided for in the Evidence Law No. 107 of 1979 for the purpose of proving migration and displacement. It must use the following methods for proof:

A – If the photograph in the original documents matches the photograph in the documents carrying the alias.

B – If the thumb print and signature (if any) match those in the documents carrying the alias.

C – Any other means that the Committee decides, including DNA tests.

Article 3 – First – The Committee shall meet at least once a month if there are applications.

Second – The Committee shall decide on the application within (90) ninety days from the date the application is received by the Committee rapporteur.

Third – The applicant whose application was rejected may appeal the Committee's decision at the Administrative Judiciary Court within (30) thirty days from the date of notification of the Committee's decision.

Article 4 – The Minister of Migration and Displaced may, in coordination with the National Committee for Migration and Displaced Affairs, issue instructions to facilitate the implementation of the provisions of this Law.

Article 5 – This Law shall come into force as of the date of publication in the Official Gazette.

Rationale

This Law was promulgated in order to address the legal circumstances resulting from Iraqis using documents carrying aliases in migration countries in the period between 17/7/1968 and 9/4/2003 and to establish that those documents belong to persons carrying them.