

REFUGEE STATUS APPEALS AUTHORITY
NEW ZEALAND

REFUGEE APPEAL NO 76457

AT AUCKLAND

Before: B L Burson (Chairperson)
S Aitchison (Member)

Counsel for the Appellant: C Curtis

Appearing for the Department of Labour: No Appearance

Dates of Hearing: 24 & 25 February 2010

Date of Decision: 15 March 2010

DECISION

[1] This is an appeal against the decision of a refugee status officer of the Refugee Status Branch (RSB) of the Department of Labour (DOL) declining the grant of refugee status to the appellant, a national of Iraq.

INTRODUCTION

[2] The appellant claims to have a well-founded fear of being persecuted in Iraq by reason of her Christianity. The principal issue to be determined in this appeal is the well-foundedness of the appellant's fears in this regard and, in particular, whether there is anywhere she could safely live in Iraq.

[3] What follows is a summary of the evidence of the appellant in support of her claim. An assessment follows thereafter.

THE APPELLANT'S CASE

[4] The appellant was born in the early 1960s in the small village of X, situated in the Y district of Dahuk governorate, in northern Iraq. X is situated close to the Syrian border and is inhabited by members of the Chaldean Christian community,

to which the appellant's family belonged, and members of the Muslim community. The Christian community is the largest.

[5] The appellant was one of eight siblings, comprising five brothers and three sisters. The appellant's father died in the 1960s and, following his death, the appellant's mother sustained the family through occasional work and with support from the appellant's maternal uncle and grandmother.

[6] In approximately 1974 or 1975, the inhabitants of X were forcibly displaced by the Iraqi army. With a few of their possessions, the appellant's family and others were taken at night in military vehicles to a nearby town where they remained for the next few days living in basic conditions. The appellant's family then went to another village in the Y district. After a further four months, a maternal uncle and aunt, who were living in Baghdad, managed to secure a room for the appellant's family in their neighbourhood where the family relocated and they set about rebuilding their lives in Baghdad.

[7] The appellant, her mother and seven siblings all lived in one room. The appellant's mother found work and they were financially assisted by the maternal uncle and aunt. The appellant resumed schooling but after three years she finished school and began helping her mother with her work and undertaking other occasional employment to assist with the family's expenses.

[8] In 1983, the appellant married her husband who also originated from X village. His family had also been displaced from there at the same time as the appellant's family. Her husband worked as a freelance taxi driver. In 1985, the appellant and her husband moved to another suburb in Baghdad. By this time they had two children. They had a further four children, the youngest being born in 1992. Over time, the remainder of the appellant's siblings settled in Baghdad and she maintained regular contact with them although two of her brothers died during the 1990s.

[9] In early 2000, the appellant's husband was involved in a car accident while working. One of his passengers, a Muslim youth, suffered serious head injuries. The youth's family demanded compensation for his injuries and the appellant and her husband borrowed and paid to them a large sum of money. However, the youth's family was not satisfied with this payment and demanded that the appellant and her husband give one of their daughters to them as a wife in lieu of further monetary compensation.

[10] The appellant and her husband had four daughters – the eldest was aged 16, the youngest aged 10. The appellant and her husband were in no way disposed to agree and communicated this to the youth's family. In response, the youth's family began making threats that the husband would be killed and life would be made difficult for the appellant and her children if they did not agree. As members of a minority group inside Iraq, the appellant and her husband had no confidence that the Iraqi authorities would give them protection from the youth's family and they therefore decided that it would be safer to leave Iraq altogether.

[11] In mid-2000, the appellant, her husband and children were smuggled over the border into Syria. They presented themselves to the relevant Syrian authorities and were granted permission to remain in Syria. The family was directed to a refugee camp where all Iraqi refugees were being sent at that time. Upon reaching the camp, they presented documentation from the Syrian authorities and were registered with the United Nations High Commissioner for Refugees (UNHCR). The appellant's husband secured employment as a building guard in return for which he was given permission to reside with his family in two windowless rooms in the basement of the building. The appellant and her family remained living in this basic accommodation in Syria until her departure for New Zealand in 2009.

[12] As a condition of the permission for them to remain in Syria, the appellant and her husband were required to periodically leave Syria and re-enter. In order to do so, they hired a car from the refugee camp and travelled to a particular border crossing. There, they waited for a few hours on the Iraqi side before re-entering Syria. Sometimes this process would take two or three hours and sometimes it would take an entire day.

[13] In 2004, the Iraqi government opened a consulate in Damascus and began issuing passports to Iraqi citizens. The appellant and her husband applied for and were issued with Iraqi passports. Approximately a year later, the Syrian authorities required Iraqis living in Syria to obtain a formal residence permit. When they went to lodge their residency applications, they were questioned as to why there were no entry stamps for Syria in their passports and were required to go to the Syrian border and formally re-enter Iraq on the passports, which they did. Thereafter, they were required to do this every three months. In 2005, however, the appellant was stranded for a period of approximately 15 days at the border area. At this time there was an election of some kind taking place inside Iraq and for reasons associated with security the border had been closed. The appellant

and her husband did not go to X because it was dangerous to travel on the road. In the refugee camp they had heard many stories of people being robbed and attacked while travelling in the area and they were frightened for their safety.

[14] During 2005 and 2006, there was a mass influx of Iraqi Christians from Baghdad and northern Iraq into the refugee camp where they were staying. Some members of the appellant's extended family were displaced to the refugee camp and brought with them news that her siblings and mother had, during 2005, all fled Baghdad and were now living in X and the surrounding villages. The appellant decided to go to X to visit her family. She had heard from one of her relatives that her mother was sick and she wished to see her. Also, the appellant was tired of their basic existence in the refugee camp in Syria, and wanted to see whether they could safely live in the X area.

[15] In mid-2006, the appellant travelled to X, where she stayed for approximately two months with her mother and five siblings. She saw that their living conditions in X were difficult. They were unable to find work and were being supported by money remitted from overseas by their extended family networks. Each was living with their spouses in a single bedroom in a house which they had to share with another family. Each sibling had sent their children outside Iraq for their safety and because schooling was only done in Kurdish, which they could not speak. Also, the women in her family told the appellant they were coming under pressure to wear the Islamic *hijab* and were being abused and intimidated for openly wearing the Christian cross. Each of her siblings told her that they were only going to remain in X for as long as it took to seek safety elsewhere and that none of them had any intention of staying there any longer than was necessary.

[16] In 2007, the Syrian immigration authorities decided that those Iraqis who were living in Syria with school-age children no longer needed to travel to the border and re-enter every three months to remain lawfully in the country. Instead, they could travel to Damascus to be given temporary residence status, reviewed on a yearly basis. In January 2008, however, the appellant was again required to leave and re-enter Syria for the purpose of maintaining her residency. She took her passport to the border along with a piece of paper that was given to her by the passport and immigration office in Damascus. At the border this piece of paper was taken from her. When she tried to re-enter Syria, she was told that she had to obtain a further letter from her son's school confirming his attendance. She got word to her husband and, eventually, a letter was obtained from the school.

[17] After three weeks, she was allowed to re-enter Syria where she remained until she travelled to New Zealand.

[18] The appellant travelled to New Zealand to be with one of her two daughters who were by now residing in New Zealand with their husbands and families. One of her daughters had given birth to a handicapped child and needed physical and emotional support. The appellant entered New Zealand on 13 March 2009 and was given a six-month visitor's permit. On 3 July 2009, the appellant lodged her refugee application. She was interviewed by the RSB in respect of her application on 17 August 2009. By decision dated 24 November 2009, the RSB dismissed the appellant's claim.

[19] After receiving the decline decision from the RSB, the appellant was frightened. She eventually telephoned her husband and informed him of what had happened and that the decision was effectively that she should return to northern Iraq. The husband told her that he had learnt that most of the appellant's siblings who had been in northern Iraq had now come to Syria. One of her brothers was living in Damascus with his wife and family. Another brother had sent his wife and daughter to Syria along with the appellant's mother. One of her sisters had now travelled to Lebanon.

[20] The appellant believes that nowhere is safe for her in Iraq. She cannot go back to Baghdad as a Christian because Christians are still being targeted. It is also not safe for her in the north. She has no support mechanisms left in northern Iraq because most of her family are now either outside Iraq or making active attempts to leave Iraq. While one brother and sister remain in Iraq, the brother was abducted in 2005 by a "terrorist group" for ransom and held for eight days during which he was badly treated by his captors and suffered head injuries. He could not support her and was himself being supported by relatives in Australia. The appellant understands his daughter is attempting to bring him there. The sister who remains in Iraq is widowed and the appellant understands that one of her daughters lives in Australia and is attempting to bring her to Australia as well.

[21] The appellant also explained that she cannot speak Kurdish and would have difficulty finding employment and housing in the Kurdish areas of northern Iraq. She fears coming under pressure to wear the *hijab* and believes it would not generally be safe for her to be there.

Submissions and documents

[22] On 18 February 2010, the Authority received from counsel a memorandum of submissions of the same date. Attached to the memorandum was a further statement from the appellant, with partial copies of passports and certificates of identity for her mother, some of her siblings and their children. On 25 February 2010, the Authority received from counsel a copy of two letters from Dr Therese Khella, dated 14 September 2009 and 8 January 2010 respectively, regarding the appellant.

THE ISSUES

[23] The Inclusion Clause in Article 1A(2) of the Refugee Convention provides that a refugee is a person who:

"... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

[24] In terms of *Refugee Appeal No 70074/96* (17 September 1996), the principal issues are:

- (a) Objectively, on the facts as found, is there a real chance of the appellant being persecuted if returned to the country of nationality?
- (b) If the answer is yes, is there a Convention reason for that persecution?

ASSESSMENT OF THE APPELLANT'S CASE

CREDIBILITY

[25] There is an abundance of documentation on the file establishing the appellant's identity as a Chaldean Christian born in X in the Y district of Dahuk governorate as she claims. Her account of her village being forcibly displaced in the mid-1970s is consistent with what occurred in the aftermath of the 1974-1975 war between the Kurdish Democratic Party and the Iraqi government which saw an extensive buffer zone created along the northern borders, particularly the

Iranian and Turkish border. The Ba'ath government used the opportunity to settle the demographic balance in the region. By one estimate, approximately one million residents were removed from disputed districts, including Y, and were replaced by Egyptian and Arab Iraqi settlers – see David McDowell and I B Taurus *“A Modern History of the Kurds”* (2000) at p339.

[26] In the statement filed with the written memorandum, the appellant admitted that evidence she had given to the RSB in her interview of travelling to Baghdad in 2006 and 2008 was untrue. By way of explanation she said she was under a lot of stress and simply gave this information without much thought and found herself trapped in the lie. The fact the appellant told lies raises the question of whether other lies have been told particularly in relation to the whereabouts of her siblings and their circumstances. However, credible documentary evidence on the file and submitted in the course of the hearing corroborate the core features of the appellant's case. Thus:

- (a) The appellant's account of arriving in Syria and being registered and recognised by the UNHCR is confirmed by refugee certificates issued to both herself and her husband by UNHCR. An email confirmation from the UNHCR office in Syria to the RSB states that all the information provided by the appellant to the RSB about herself and her family is accurate.
- (b) An acknowledgement issued by the Syrian Passports and Immigration Department in February 2008 confirms the appellant was given temporary residence but had to report within three months otherwise it would be cancelled.
- (c) The appellant's original passport contains numerous entry and exit stamps from both Syrian and Iraqi authorities at the same border crossing.
- (d) The documents from the appellant's siblings establish that one of her brothers has been living in Syria since 2008 and has some sort of residency process under consideration. Stamps in the passports of her mother and another brother's wife and daughter show them as entering Iraq in late November 2009 – that is, after the RSB interview. The passport of one sister shows entry stamps for Lebanon in 2009.

[27] In addition to this substantial amount of credible documentary evidence on file, the appellant appeared from her demeanour to be genuinely remorseful for having told a lie to the RSB. Also, as will be seen, her account of the living conditions of her siblings in X when displaced there from Baghdad in 2005 is consistent with country information.

[28] In the circumstances, the Authority is satisfied that no general adverse credibility inference should be drawn and the Authority accepts the appellant as a credible witness.

Objectively, on the facts as found, is there a real chance of the appellant being persecuted if returned to the country of nationality?

[29] The situation for Chaldean Christians was recently considered by the Authority in *Refugee Appeal No 76370* (17 September 2009). The Authority noted at [39]-[47] continued reports of the Christian minority being targeted in Baghdad during 2008 and 2009, including attacks on Christian churches, kidnappings and assassinations. In particular the Authority noted:

[44] A report of 15 July 2009, published by the International Regional Information Networks (IRIN) "Iraq: Christian community faces new wave of violence" states:

"A new wave of violence targeting Iraq's Christian community has raised questions about the safety of religious minorities amid concerns about Iraqi forces' ability to maintain security after the 30 June withdrawal of US combat forces from cities to outlying bases.

On 12 July, there were five attacks on churches in Baghdad and one assassination in the north that left five dead and more than 20 injured, according to Iraqi Interior Ministry's statements.

'These [systematic] attacks on that specific day mean that there are well-organized militant groups who are still active unleashing violence and terrorism against Iraqis in general and Christians specifically,' ... a Christian Iraqi MP told IRIN."

[45] The same report goes on to note:

"Extremist Islamists are systematically aiming at driving out the remaining 100,000 Assyro-Chaldaic Christians from the Iraqi capital."

[30] Other country information continues to record difficulties for Christians in Baghdad. The UNHCR *Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-seekers* (April 2009) ("the UNHCR 2009 Eligibility Guidelines") notes at para 302 that attacks on members of the various Christian denominations continued throughout 2008. The United Nations Assistance Mission for Iraq's *Human Rights Report 1 January-30 June 2009* records at para 46:

"UNAMI received reports that Christians continue to be targeted in Mosul, Kirkuk and Bagdad. Between February and May, eight Christians were killed in Mosul

and three in Kirkuk. The Christian bishop of Kirkuk and the Iraqi vice-president ... called for members of his community not to flee the city. Vice-president Mehdi described the situation of Christians as “vulnerable” and called for a collective task force to ensure they remain in Iraq. Of the 1.4 million Christians included in the 1987 census it is estimated only 500,000 to 800,000 remain currently in Iraq.”

[31] Also relevant to the assessment of the risk to the appellant in Baghdad is her gender and circumstances if returned there. The UNHCR 2009 Eligibility Guidelines notes at paras 336-339 that:

“While women fall victim to a range of human rights violations, those with specific profiles are specifically targeted on account of their (perceived) political, sectarian or social role.”

[32] At para 339 UNHCR observed that:

“Widowed and divorced women and others that do not have a family or tribal network to provide them with protection are particularly vulnerable to be harassed, kidnapped or sexually assaulted. Women without a breadwinner are increasingly lacking the means to provide for themselves and may be forced to beg or engage in prostitution, putting them at risk to be targeted and even killed for “immoral behaviour”. They are also at greater risk to be targeted by (sex) traffickers.”

[33] Although neither widowed nor divorced, in Baghdad the appellant would effectively be in a similar predicament to those women who do not have a “family or tribal network” to support or provide them with protection. Her husband is in Syria and unlikely to return. She would effectively be a single, middle-aged Iraqi woman without resources. She has no family members or other support networks available to her.

[34] As a Christian woman in Bagdad without the support of a family or tribal network, her predicament in Bagdad meets the threshold of a real chance of her being persecuted.

Nexus to Convention reason

[35] The appellant’s predicament is being contributed to by her gender and by her religious identity. There is a clear nexus to the Convention grounds of religion and her membership of a particular social group in Iraq – women.

Internal Protection Alternative

[36] In *Refugee Appeal No 76044* (11 September 2008) the Authority held that refugee status can only be withheld from an appellant if he/she can genuinely access meaningful domestic protection in their home country. This requires consideration of four key elements namely:

“[178] In these circumstances the Authority affirms the “Hathaway/New Zealand rule”, namely that once a refugee claimant has established a well-founded fear of being persecuted for a Convention reason, recognition of that person as a Convention refugee can only be withheld if that person can genuinely access in his or her home country domestic protection which is meaningful. Such protection is to be understood as requiring:

- (a) That the proposed internal protection alternative is accessible to the individual. This requires that the access be practical, safe and legal.
- (b) That in the proposed site of internal protection there is no risk of being persecuted for a Convention reason.
- (c) That in the proposed site of internal protection there are no new risks of being persecuted or of being exposed to other forms of serious harm or of *refoulement*,
- (d) That in the proposed site of internal protection basic norms of civil, political and socio-economic rights will be provided by the State. In this inquiry reference is to be made to the human rights standards suggested by the Refugee Convention itself.”

[37] In order to determine whether a viable internal protection alternative exists for the appellant, it is necessary to consider the situation for internally displaced persons (IDPs) in the three northern governorates under the effective control of the Kurdish regional Government (KRG) generally and Dahuk in particular. It is intended to address the circumstances in Dahuk because, as her place of origin, it is the region most likely to have conditions favourable to her resettlement. In other words, if there is no internal protection alternative in Dahuk, there is unlikely to be one for her in any other region in the north.

[38] Although the appellant would be a returnee and not an IDP, her lack of any stable home environment in Iraq would put her in the same predicament as IDPs and it is appropriate to have regard to their circumstances in assessing that of the appellant.

Country information as to the general situation for IDPs in the areas controlled by the KRG

[39] The UNHCR 2009 Eligibility Guidelines note that in relation to the three northern governorates in the Kurdish region:

“111. A significant number of persons from mainly the Central Governorates have found refuge in the three Northern Governorates since 2003. With recent security improvements, the flow of new arrivals has decreased significantly; however only few have yet returned to their places of origin. According to the KRG, 34,566 families (207,396 persons) have been displaced from the Centre and the South to the three Northern Governorates since 2003, the majority of whom were displaced after February 2006. The influx of IDPs has had a significant impact on the host communities, including increasing housing and rental prices, additional pressure on already strained public services and concerns about security and demographic shifts. At the same time, the three Northern Governorates have also benefited

from the migration of professionals bringing with them skills and disposable incomes that boost the local economy. Unskilled IDPs have also provided cheap labour for the construction industry.

112. The KRG authorities continue to implement controls on the presence of persons not originating from the Kurdistan Region. Depending on the applicant, especially his or her ethnic and political profile, he/she may not be allowed to relocate to or take up residence in the three Northern Governorates for security, political or demographic reasons. Others may be able to enter and legalize their stay, but fear continued persecution as they may still be within reach of the actors of persecution or face undue hardship to make their living, as unemployment is high and assistance is provided to few. ”

[40] As for security in the three northern governorates, the UNHCR 2009 Eligibility Guidelines state:

“230. Since 2003, the three Northern Governorates of Dahuk, Erbil and Sulaymaniyah have largely escaped the violence and collapse of law and order prevalent in many parts of the Centre and South and remain relatively quiet and stable. The security situation, however, remains tenuous and unpredictable for a number of reasons as outlined below.

231. There is anticipation that the conflict prevailing in the other parts of the country, in particular in neighbouring Kirkuk, Ninewa and Diyala Governorates where the Sunni insurgency has not yet been defeated, might spill over. Accordingly, the local authorities employ strict security measures, including on the admission of persons not originating from the area. The KRG’s ambitions to expand its areas of control in the so-called “disputed areas” in the Governorates of Kirkuk, Ninewa, Salah Al-Din and Diyala on the basis of Article 140 of the Constitution are met with opposition by the Arab and Turkmen communities in the concerned areas, but also the central Government has made it clear that it will not tolerate the Kurdish security forces’ presence outside the Kurdistan Region. In some areas of the Central Governorates, where Kurdish parties already exert *de facto* full or partial control (e.g. Kirkuk, Khanaqeen), attacks on party and security offices and representatives are common.”

[41] The UNHCR 2009 Eligibility Guidelines conducts an extensive survey of the ability of IDPs in the north to access basic social goods such as food, housing, health and education. They note:

- (a) Access to food is uneven across the three northern governorates and may for political or demographic reasons also depend on the IDPs place of origin – para 125.
- (b) Access to housing is restricted by the fact that in all three northern governorates, non-Kurdish IDPs do not have the right to purchase or own properties. As most IDPs’ families experience difficulties in finding employment while many displaced people find it difficult to afford housing as the time of their displacement lengthens. A considerable number of IDPs in Dahuk governorate report a fear of being evicted, although no evictions had taken place by the date of this report – para 127.

- (c) Access to employment may prove difficult for persons with no family, or tribal or political connections in the Kurdish region. Access to employment, in particular in the public sector, often requires tribal links or affiliation with the main Kurdish political parties. Single women face difficulties in accessing employment for cultural reasons and the lack of Kurdish language skills is another barrier for accessing employment for non-Kurdish IDPs – para 128.
- (d) As regards access to health services and facilities, all IDPs irrespective of whether or not they are registered with the Kurdish security authorities have access to the public health system in all three governorates, including Dahuk. In Erbil and Sulaymaniyah governorates most, if not all, IDPs have access to primary health care and medication. Only 64 per cent of IDPs surveyed in Dahuk had access to primary health care and 18 per cent had access to medication. Any lack of access in Dahuk governance was mainly due to non-availability – para 130.
- (e) As regards education, IDPs have access to public education but this is often hampered by a lack of necessary documentation and a lack of Arabic schools – para 130.

The situation of IDPs in Dahuk

[42] Commenting specifically on the demographic situation in the Dahuk governorate, the International Organisation for Migration (IOM), *IDP and Returnee Assessment* (August 2009) notes at p1:

“Dahuk’s relative stability and tolerance of minorities brought to Dahuk many Kurds, Christians, Yazidis, as well as others displaced after the 2006 Sammara mosque bombing. Dahuk IDP families fled sectarian violence and military operations, leaving their property and livelihoods behind. According to the IOM report as of February 2006 there were some 22,474 IDP families registered in Dahuk Governorate estimated to be at approximately 134,844 individuals. Post February 2006 this has declined to some 18,406 families or an estimated 104,824 individuals. This is out of a total estimated population (2004 estimate) of just over 955,000 people. In other words, IDPs in Dahuk comprised just over 10 per cent of the population.”

[43] According to the IOM report, almost half of the assessed IDPs in Dahuk were Christians and almost all Dahuk IDPs come from Baghdad and the Ninewa Plains. Four per cent of those assessed by IOM plan to stay in Dahuk permanently and some 24 per cent of IDPs live in “collective settlements”.

[44] The IOM 2009 report also confirms the problems faced by IDPs in Dahuk governorate in securing basic socio-economic rights. The report notes at p1:

“Internally displaced persons’ families suffer from a lack of water due to drought in the harsh summer heat, a lack of sustainable shelter options and lack of access to employment opportunities. Education of Arab-speaking IDP children is also a main concern due to the insufficient number of Arabic language schools and overcrowding of schools in Dahuk.”

It also notes that the shortage of Arabic language schools means that many families must pay costly transport in order to get children to suitable schools, and others simply cannot go at all. Of the IDP families surveyed by the IOM, some 95.4 per cent identified access to work as a priority need, a further 53.8 per cent identified shelter while some 32.6 per cent identified access to food as a priority need.

[45] As to employment opportunities for IDPs in Dahuk, the IOM 2009 report notes, at p3:

“Main concerns for IDPs in Dahuk are the lack of water due to drought, as well as rising rent costs and lack of employment opportunities. Many young people – both IDPs and host community members, graduate with no job prospects, leaving a large proportion of youth unemployed. Sixty-three per cent of IDP families in Dahuk have no members employed.”

Application to the appellant’s case

[46] Even if it is assumed for the purpose of this decision that the appellant could safely get to the X area the Authority is satisfied there would not exist for the appellant a generally sufficient level of enjoyment of socio-economic rights to make living in X or its environs a viable internal protection alternative for her. Neither her brothers or sisters who were residing there had any employment and relied on remittances from children and other extended family networks overseas to meet their daily subsistence needs. There is no reason to think that conditions for the appellant would be any different. She would be unable to find work and would need to be supported by others. Her housing situation would be precarious.

[47] As at the date of this decision, the only family members remaining in Dahuk are a widowed sister and a brother in poor health. She would have no effective support network available to her to provide for her needs. She has there no housing, employment, means of self-support or tribal or political links with the Kurdish parties.

[48] It is the third and fourth elements of the internal protection enquiry which is not satisfied. The Authority finds that, to require the appellant to live in Dahuk (or elsewhere in the Kurdish north), as a Christian woman, on her own, with inadequate family support structures, no employment and inadequate levels of housing, basic needs and infrastructure would expose her to other forms of serious harm. As a result, the Authority finds that a viable internal protection alternative does not exist for the appellant in the three northern governorates under the effective control of the KRG.

[49] The evidence does not establish that there is any other part of Iraq in which an internal protection alternative exists for a person with the characteristics of the appellant.

CONCLUSION

[50] For the reasons mentioned above, the Authority finds the appellant is a refugee within the meaning of Article 1A(2) of the Refugee Convention. Refugee status is granted. The appeal is allowed.

"B L Burson"

B L Burson
Chairperson