



Ministry of Migration and Displacement Law

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Draft bill

Displaced and Migrants Committee

In the Name of the People

Presidency Council

Pursuant to the House of Representative's Decision in accordance with the provisions of item "First" of Article 61 and the provisions of paragraph A, and following the expiry of the legal timeframe provided for in Item "Fifth" of Article 138 of the Constitution.

The following law has been promulgated:

Law No. 21 of 2009

Ministry of Migration and Displacement Law

Chapter One

Establishment and Objectives

Article 1 – A ministry called "Ministry of Migration and Displacement" shall be established as a juridical entity, represented by the Minister of Displacement and Migration or whoever the Minister delegates.

Article 2 – The Ministry aims to look after the individuals who are covered by the provisions of this Law from among the following groups, assist them, provide them with the needed services in the various required areas, and seek to find solutions to correct their circumstances in accordance with the Law.

First: Displaced Iraqis who were coerced or forced to flee their homes or left their usual place of residence inside Iraq to avoid the effects of armed conflict, circumstances of generalised violence, human rights violations, natural or man-made disasters, the arbitrary use of power by the authorities or due to development projects.

Second: Displaced Iraqis who were deported from their homes or their usual place of residence to another location inside Iraq as a result of government policies, decisions or practices.

Third: Iraqis returning home from abroad or internal displacement to reside in their former homes, their hometowns, or usual place of residence in Iraq or any other place chosen to reside in within Iraq after being subjected to forced displacement.

Fourth: Displaced persons who have been deprived of their Iraqi nationality (denationalised) in accordance with the repealed Resolution No. 666 of 1980 or those who had to flee outside Iraq as a result of the former regime's persecution and who did not secure asylum outside Iraq.

Fifth: Refugees and asylum seekers residing outside Iraq due to forced migration, who received permanent residency there or acquired the nationality of a foreign country.

Sixth: Palestinian refugees who were forced to leave their home country since 1948, resided in Iraqi legitimately, and whose asylum was accepted up till the time of this Law's entry into force.

Seventh: Refugees in Iraq from other nationalities who sought-seek refuge in Iraq as a result of exposure to persecution on the basis of race, religion, nationality or membership of a particular social group, or political opinion, or as a result of generalised violence or events dangerously undermining public order threatening their lives, integrity or freedoms, whose asylum was accepted in accordance with the international law and the international conventions to which Iraq is a party.

Article 3 – As part of its mandate to support, facilitate, coordinate and provide services in emergency circumstances, in relation to the groups provided for in Article 2 of this Law, the Ministry shall:

First: Address their affairs as groups, with the exception of the special cases that are identified in accordance with clear and specific standards that can be processed as individual cases.

Second: Seek to improve their livelihood to the minimum established as a baseline, which is determined pursuant to clear and specific standards in the light of the UN guidelines and the international laws, covenants and norms, taking into consideration the national interests and internal considerations.

Third: Prioritize in accordance with benchmarks for poverty, humanitarian needs, and other standards.

Fourth: Use the concept of proportionality upon implementation of standards and priorities.

Fifth: Coordinate and cooperate with stakeholders inside and outside Iraq to provide solutions or services.

Chapter Two

The Minister

Article 4 – First – The Minister: The highest authority at the Ministry, responsible for enforcing its policies and duties and supervising and overseeing its effectiveness, activities, and good performance. He may issue the instructions, bylaws, decisions and orders for all matters relevant to the Ministry’s affairs.

Second – The Minister may delegate some of his powers to the Ministry’s two deputy ministers or any of the Ministry’s director generals.

Article 5 – First: The Ministry shall have two deputy ministers to assist the Minister in undertaking the duties that he delegates.

Second: The Minister shall have an advisor to advise the Minister on the issues referred to him.

Article 6 – First: The Minister may invite the Ministry’s General Inspector to attend the meetings held by the Ministry, as appropriate.

Second: The Minister may seek the opinions of experts and specialists from outside the Ministry to benefit from them as appropriate.

Article 7 – A committee shall be formed at the Ministry called “The National Committee for Migration and Displacement”, chaired by the Minister. Its members shall be specialists and experts from within the Ministry, with a rank no less than director general. The committee shall coordinate between the Ministry and the other ministries and consult with them on all national policies and issues relevant to the groups provided for in this Law. The number of its

members, mandate, meeting schedule and work progress will be provided for in Instructions to be issued by the Minister.

Article 8 – An emergency operations room shall be formed, chaired by the Minister or his delegate. It shall consist of relevant personnel from the departments of the Ministry. Such a structure shall handle the emergencies facing the groups provided for under Article 2 of this Law, in coordination with the line ministries, competent entities, civil society organizations and relevant international organizations, to provide sufficient resources and take the necessary measures to address those circumstances.

Chapter Three

Organizational Structure

Article 9 – The Ministry shall consist of the following structures:

First: General Inspector’s Office

Second: Migration Affairs Department

Third: Branch Affairs Department

Fourth: Administration and Finance Department

Fifth: Legal Department

Sixth: Planning and Follow-up/Monitoring Department

Seventh: Information and Research Department

Eighth: Audit and Internal Control Division

Ninth: Minister’s Office

Tenth: Media Office

Article 10 – First: Each Ministry’s Department provided for in Article 9 of this Law shall be managed by a director general, with a bachelor’s degree, at a minimum, who is an expert and specialized in the duties of the department. He must also have a minimum of (15) fifteen years of service in the department’s field of operation.

Second: The structures provided for in items “Eighth”, “Ninth” and “Tenth” of Article 9 of this Law shall be managed by a director general with a bachelor’s degree, who is a specialized expert, and has a minimum of (8) eight years of service in its field of operation.

Chapter Four

General and Closing Provisions

Article 11 – First: The duties and formations of the Departments provided for in Article 9 of this Law shall be outlined in bylaws issued by the Minister.

Second: The Minister may create, cancel, merge or amend the affiliations of divisions and sections within the Ministry.

Article 12 – The Ministry may, in coordination with the Ministry of Foreign Affairs, open branches in Iraqi representations (embassies, consulates ...) in countries with an Iraqi community for the purpose of looking after the affairs of migrants and displaced persons there.

Article 13 – The Order of the “Disbanded” Coalition Provisional Authority No. 50 of 2004 establishing the Ministry of Migration and Displacement shall be cancelled.

Article 14 – The Minister may issue the bylaws and instructions necessary to facilitate the enforcement of this Law’s provisions.

Article 15 – This Law shall come into force on the date of publication in the Official Gazette.

Rationale

This Law was promulgated to address the affairs of the migrants, displaced persons and refugees, find solutions to their situations, secure their livelihoods, and form a Ministry to take on this mandate.