

The Political Refugee Act
No.51

issued in 1971

English & Arabic

15/26

THE POLITICAL REFUGEE ACT No 51 (1971)

OF THE IRAQI REPUBLIC

ARTICLE ONE THE FOLLOWING EXPRESSIONS ARE MEANT TO GIVE THE MEANING OF EACH TERM AS SET AGAINST, AND EXPLAINED BELOW:

1. THE MINISTER..... means the Minister of Interior
2. THE COMMITTEE..... means the Permanent Committee for the Political Refugees
3. THE REFUGEE..... means Every person who seeks asylum in the Iraqi Republic for political or military reasons

ARTICLE TWO: SEEKING ASYLUM IN IRAQ SHALL BE DONE THROUGH SUBMISSION OF AN APPLICATION TO THE CONCERNED AUTHORITIES FROM EACH OF THE FOLLOWINGS:

1. ARAB CITIZENS OR ALIENS WHO ARE OUTSIDE IRAQ
2. ARAB CITIZENS OR ALIENS WHO ARE RESIDING IN IRAQ
3. THOSE WHO HAVE MOVED INTO IRAQI TERRITORY FROM BORDER AREAS .

ARTICLE THREE: NO APPLICATION FOR ASYLUM FOR ANY PERSON SHALL BE ACCEPTED UNLESS IT HAS BEEN CONFIRMED THAT:

1. THE PERSON IS GENUINE IN HIS SEEKING ASYLUM TO BECOME A REFUGEE
2. HIS SEEKING OF ASYLUM IN THE IRAQI REPUBLIC HAS BEEN MADE IN GOOD FAITH
3. THE AIM OF THE ASYLUM SEEKER FOR SEEKING ASYLUM IS NOT SOLELY FOR ECONOMIC REASONS OR FOR IMPROVING HIS WELLBEING
4. THERE IS NO MALICE OR DOUBT IN THE PERSON'S APPLICATION FOR ASYLUM

ARTICLE FOUR:

1. UNDER NO CIRCUMSTANCES SHALL A REFUGEE BE HANDED OVER TO HIS STATE.
2. IF THE APPLICATION OF AN ASYLUM SEEKER IS REJECTED THE PERSON MAY BE DEPORTED TO A COUNTRY OTHER THAN HIS COUNTRY OF ORIGIN OR AS WOULD BE FOUND APPROPRIATE BY THE CONCERNED AUTHORITIES AND WITH THE AGREEMENT OF THE MINISTER.

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ARTICLE FIVE

1. A PERMANENT COMMITTEE SHALL BE ESTABLISHED IN BAGHDAD AND BE CALLED "THE PERMANENT COMMITTEE FOR THE AFFAIRS OF POLITICAL REFUGEES" AND SHALL BE CHAIRED BY THE UNDER SECRETARY FOR GENERAL ADMINISTRATION IN THE MINISTRY OF INTERIOR, OR ONE OF HIS DEPUTIES WHO SHOULD NOT BE LOWER IN GRADE THAN A DIRECTOR GENERAL AND MEMBERSHIP OF THE FOLLOWINGS:

- a) A REPRESENTATIVE OF THE REVOLUTIONARY COUNCIL (PUBLIC RELATIONS)
- b) A REPRESENTATIVE OF THE MINISTRY OF INTERIOR HEADQUARTERS
- c) A REPRESENTATIVE OF THE DEPARTMENT OF MILITARY INTELLIGENCE
- d) A REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC SECURITY
- e) A REPRESENTATIVE OF THE GENERAL ADMINISTRATION FOR THE NATIONALITY

2. THE COMMITTEE SHALL FUNCTION UNDER THE MINISTRY OF INTERIOR WITH REGARD TO THE ADMINISTRATIVE AND FINANCIAL MATTERS INCLUDING THE SALARIES, ENTITLEMENTS AND OTHER COSTS WHICH ARE MADE ON THE REFUGEES.

3. THE COMMITTEE SHALL LOOK INTO ALL MATTERS THAT CONCERN THE REFUGEES IN ACCORDANCE WITH THE DIRECTIVES OF THE MINISTER; INVESTIGATIONS OF CASES OF PERSONS RESIDING OUTSIDE IRAQ MAY BE DELEGATED TO THE IRAQI DIPLOMATIC MISSIONS.

4. THE COMMITTEE SHALL CONVENE AT LEAST ONCE EVERY FIFTEEN DAYS AND ALSO AS IS FOUND NECESSARY; THE DIRECTOR OF THE POLITICAL REFUGEES OFFICE IN THE MINISTRY OF INTERIOR SHALL ACT AS A SECRETARY TO COMMITTEE.

ARTICLE SIX

1. THE COMMITTEE SHALL RAISE ITS RECOMMENDATIONS TO THE MINISTER GIVING ITS JUSTIFIED REASONS, TO ACCEPT OR REJECT THE APPLICATION OF AN ASYLUM SEEKER AND AFTER TAKING INTO CONSIDERATION THE VIEWS OF THE CONCERNED AUTHORITIES AND INTERVIEWING THE ASYLUM SEEKER.

2. THE DECISION OF THE MINISTER WHICH SHALL BE BASED ON THE COMMITTEE'S RECOMMENDATION, CAN BE APPEALED TO THE PRESIDENT OF THE IRAQI REPUBLIC WITHIN 15 DAYS FROM THE DATE THE ASYLUM SEEKER HAS RECEIVED THE RESPONSE ON HIS APPLICATION

3. THE DECISION OF THE PRESIDENT OF THE REPUBLIC ON THE APPEAL REFERRED TO UNDER ITEM (2) OF ARTICLE SIX, SHALL BE FINAL

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ARTICLE SEVEN

1. THE ASYLUM SEEKER MUST HAND OVER HIS FIRE ARMS TO THE IRAQI AUTHORITIES AT THE TIME OF HIS ENTERING IRAQ. THESE FIRE ARMS SHALL BE KEPT IN CUSTODY OF THE IRAQI AUTHORITIES AND SHALL EITHER BE RETURNED TO THE REFUGEE IF HIS ASYLUM IS CANCELLED OR BE OFFERED COMPENSATION FOR THEM, AND HE SHALL MAKE HIS CHOICE.

2. THE REFUGEE SHALL NOT BE ALLOWED TO CARRY FIRE ARMS UNLESS AUTHORIZED BY THE MINISTER.

ARTICLE EIGHT

1. LAWS GOVERNING THE RESIDENCE OF ALIENS IN IRAQ SHALL NOT APPLY TO:

- a) PERSONS WHO HAVE BEEN ACCEPTED AS REFUGEES IN IRAQ.
- b) PERSONS WHO HAVE ENTERED IRAQ AND HAVE ASKED FOR ASYLUM.

2. IF A PERSON APPLICATION FOR ASYLUM IN IRAQ UNDER ARTICLE TWO OF THIS LAW HAS BEEN REFUSED, THE MINISTER MAY OR MAY NOT ALLOW HIM TO STAY IN IRAQ UNDER THE ALIENS RESIDENCE LAW AND THE MINISTER'S DECISION SHALL BE FINAL.

ARTICLE NINE

1. THE PERSON WHOSE APPLICATION FOR ASYLUM HAS BEEN SUCCESSFUL SHALL BE PROVIDED A SPECIAL CERTIFICATE BY THE OFFICE OF THE POLITICAL REFUGEES IN ACCORDANCE WITH THE FORMAT AGREED UPON BY THE MINISTER, AND AFTER THE REFUGEE MAKE AN OATH OF LOYALTY TO THE IRAQI REPUBLIC, UNDER THE SUPERVISION OF THE COMMITTEE OR ITS DELEGATED PERSON.

2. THE LOYALTY OATH TEXT SHALL BE IN ACCORDANCE WITH THE DIRECTIVES OF THE MINISTER.

ARTICLE TEN

THE RESPONSIBILITIES OF THE OFFICE OF THE AFFAIRS OF POLITICAL REFUGEES SHALL BE:

- 1. ORGANIZING A SPECIAL FINANCIAL ASSISTANCE FOR EVERY REFUGEE.
- 2. MAINTAINING THE FILES ON MATTERS THAT CONCERN REFUGEES AND THE DECISIONS OF THE COMMITTEE.
- 3. PROVIDING THE REQUIRED INFORMATION ABOUT EACH REFUGEE TO THE TWO DEPARTMENTS OF PUBLIC SECURITY AND MILITARY INTELLIGENCE WHICH BY TURN SHOULD MAINTAIN RECORDS OF SUCH INFORMATION FOR THEIR OWN PURPOSES.

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ARTICLE ELEVEN

1. THE REFUGEE WHO HAS BEEN RECOGNIZED IN IRAQ SHALL ENJOY THE SAME RIGHTS OF THE IRAQI CITIZEN, IN THE FOLLOWING FIELDS:

- a) BENEFITING FROM ALL MEDICAL, CULTURAL AND SOCIAL SERVICES.
- b) ENGAGING IN THE SAME TRADES AND BUSINESSES, LIKE IRAQIS.
- c) PROVIDING THE REFUGEE WITH AGRICULTURAL LAND IN ACCORDANCE WITH THE LAND RECLAMATION LAWS; HOWEVER THE LAND SHALL NOT BE REGISTERED IN THE NAME OF THE REFUGEE BEFORE HIS BECOMING AN IRAQI CITIZEN.
- d) APPOINTING OR EMPLOYING HIM AFTER THE MINISTER'S AGREEMENT.

2. BASED ON THE RECOMMENDATION OF THE MINISTER, THE PRESIDENT OF THE REPUBLIC MAY GIVE SOME OR ALL OF THE REFUGEES ADDITIONAL RIGHTS WHICH ARE ENJOYED BY THE IRAQI CITIZEN.

3. THE PERSON WHO HAS BEEN ACCEPTED AS A REFUGEE IN IRAQ, SHALL BE ALLOWED TO BRING HIS/HER FAMILY MEMBERS WHO ARE HIS(HER) LEGALLY RECOGNIZED DEPENDANTS. SUCH DEPENDENTS SHALL ENJOY THE RIGHT OF RESIDENCE IN IRAQ AS LONG AS THE REFUGEE REMAIN IN THE COUNTRY.

ARTICLE TWELVE

THE REFUGEES SHALL ABIDE BY ALL OBLIGATIONS WHICH APPLY TO THE IRAQI CITIZENS AND WITH THE PREVAILING LAWS, EXCEPT FOR THE MILITARY SERVICE, WHICH REFUGEES COULD UNDERTAKE ONLY WITH THE AGREEMENT OF THE PRESIDENT OF THE REPUBLIC, AND AFTER CONSIDERATION OF PREVAILING LAWS.

ARTICLE THIRTEEN.

1. THE REFUGEE SHALL BE PROVIDED WITH A MONTHLY ALLOWANCE IF HE/SHE IS NOT ABLE TO LOOK AFTER HIMSELF OR FIND EMPLOYMENT IN ONE OF THE GOVERNMENT ORGANS OR SEMI-GOVERNMENTAL ORGANS. THE MINISTER SHALL DECIDE ON THE MONTHLY ALLOWANCE FOR THE REFUGEE, FOLLOWING THE RECOMMENDATION OF THE COMMITTEE.

2. THE MINISTER'S AUTHORITY TO PAY THE REFUGEE MONTHLY ALLOWANCE IS LIMITED TO ONE YEAR. THE ALLOWANCE COULD BE DISCONTINUED BEFORE THE END OF THAT PERIOD IF THE REFUGEE WAS ABLE TO MANAGE HIS OWN AFFAIRS OR HAS FOUND EMPLOYMENT; UNDER NO CIRCUMSTANCES SHALL THE REFUGEE CONTINUE TO RECEIVE THE MONTHLY ALLOWANCE AFTER ONE YEAR, EXCEPT UNDER SPECIAL CIRCUMSTANCES WHICH ARE DETERMINED BY THE PRESIDENT OF THE REPUBLIC.

3. THE MINISTER SHALL PROVIDE AN ASYLUM SEEKER WITH A SPECIFIED MONTHLY ALLOWANCE, AND FOR A PERIOD NOT EXCEEDING THREE MONTHS, UNTIL HIS CASE IS DECIDED UPON.

4. THE ALLOWANCE SHALL BE PROVIDED TO THE FAMILY AS A UNIT AND NOT SEPARATELY TO THE INDIVIDUAL MEMBERS OF THE FAMILY.

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ARTICLE FOURTEEN

THE MINISTRY OF INTERIOR SHALL HAVE THE RESPONSIBILITY FOR THE SUPERVISION, ADMINISTRATION, ALLOWANCES, AND GUIDANCE OF THE REFUGEES.

ARTICLE FIFTEEN

1. THE MINISTER SHALL SPECIFY THE PLACE WHERE THE REFUGEE SHOULD RESIDE, AND CAN CHANGE SUCH PLACE WHEN THE MINISTER THINKS IT IS APPROPRIATE TO DO SO.

2. THE REFUGEE MAY LEAVE THE PLACE SPECIFIED FOR HIS RESIDENCE AND TRAVEL WITHIN THE IRAQI REPUBLIC, AFTER SECURING THE AGREEMENT OF THE OFFICE OF THE POLITICAL REFUGEES AND AFTER THE LATTER'S CONSULTATION WITH OTHER RELEVANT DEPARTMENTS.

ARTICLE SIXTEEN

1. IF A REFUGEE COMMITS AN OFFENCE AFFECTING THE SECURITY OR THE POLITICAL STAKES OF THE STATE, THE MINISTER SHALL CANCEL HIS REFUGEE STATUS AND ISSUE AN ORDER FOR HIS DEPORTATION. IN ADDITION THE MINISTER SHALL BRING HIM BEFORE A COURT OF LAW IF THE OFFENCE IS FOUND TO FALL WITHIN THE CRIMES THAT MAKE HIM ELIGIBLE FOR TRIAL UNDER THE LAW OF THE COUNTRY, TAKING INTO CONSIDERATION THE RULES UNDER ITEM (2) OF ARTICLE FOUR OF THIS LAW.

2. THE MINISTER SHALL ORDER THE DETENTION OF A REFUGEE IN CASE OF HIS DISTURBANCE OF PUBLIC PEACE OR ORDER, FOR A PERIOD NOT EXCEEDING TWO MONTHS, PENDING A DECISION ON HIS DEPORTATION.

ARTICLE SEVENTEEN

1. NO REFUGEE SHALL LEAVE IRAQ WITHOUT THE PRIOR AGREEMENT OF THE MINISTER.

2. THE MINISTER MAY ALLOW A REFUGEE TO LEAVE IRAQ FOR A PERIOD NOT EXCEEDING ONE MONTH.

3. THE PRESIDENT OF THE REPUBLIC MAY ALLOW A REFUGEE TO LEAVE IRAQ FOR A PERIOD EXCEEDING ONE MONTH.

ARTICLE EIGHTEEN

IF A REFUGEE ESCAPES FROM IRAQ, HIS PROPERTY AND MONEY IN IRAQ SHALL BE CONFISCATED, UPON THE RECOMMENDATION OF THE MINISTER AND APPROVAL OF THE PRESIDENT OF THE REPUBLIC.

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ARTICLE NINETEEN

THIS LAW CANCELS THE REFUGEE LAW NO. 114/1959 AND ITS RELATED DIRECTIVES.

ARTICLE TWENTY

THE MINISTER SHALL ISSUE DIRECTIVES TO FACILITATE THE ENFORCEMENT OF THIS LAW.

ARTICLE TWENTY ONE

THIS LAW SHALL COME INTO FORCE UPON ITS PUBLICATION IN THE OFFICIAL GOVERNMENT GAZETTE no. 1

ARTICLE TWENTY TWO

ALL MINISTERS ARE TO IMPLEMENT THIS LAW.

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MADE IN BAGHDAD ON THE TWENTY FIFTH DAY OF THE MONTH OF MUHARRAM 1391, WHICH CORRESPOND TO THE TWENTY THIRD OF MAY 1971.

AHMAD HASSAN AL BAKR, CHAIRMAN OF THE REVOLUTIONARY COUNCIL.

* PUBLISHED IN THE IRAQI RECORDS PUBLICATION NO 1985, ON 10/04/1971