



IRAQ

BULLETIN – COLLATION OF IGC MEMBER STATES' RESPONSES ON RETURNS TO IRAQ

Country of Origin Information Service

Date: 16 April 2012

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Preface

- i This Country of Origin Information (COI) bulletin has been produced by COI Service, UK Border Agency, for use by officials involved in the asylum/human rights determination process.
- ii In September 2011 the COI Service asked the secretariat of the [Intergovernmental Consultations on Migration, Asylum and Refugees](#) (IGC), an 'informal, non-decision making forum for intergovernmental information exchange and policy debate on issues of relevance to the management of international migratory flows' to circulate a series of questions to its members on the subject of returns to Iraq. The IGC has 17 participating member states, these are: Australia, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, United Kingdom and United States of America. The template of the questionnaire is provided in [Annex B](#).
- iii This bulletin is a collation of responses provided by those participating states in the IGC which provided disclosable responses to the 12 questions asked by COI Service. Disclosable responses were provided by eight countries: the , Canada, Finland, the Netherlands, Norway, Germany, Sweden, United Kingdom and, partially, by the USA. All of the responses were provided between September 2011 and April 2012 and are set out in full in [Annex A](#). The dates of responses are provided in [Annex C – Source references](#).
- iv The document has been organised so that each heading in the main narrative corresponds to a question asked by COI Service except for question 12, which asked if the states were willing for their responses to be disclosed.
- vi For further information on Iraq see [COI Report Iraq, August 2011](#)
- vi Any comments regarding this product are very welcome and should be submitted to UK Border Agency as below.

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Independent Advisory Group on Country Information

- vii The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the UK Border Agency's COI material. The IAGCI welcomes feedback on UK Border Agency's COI products. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/>
- viii In the course of its work, the IAGCI reviews the content of selected UK Border Agency COI documents and makes recommendations specific to those documents and of a

more general nature. A list of the COI reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UK Border Agency's COI material from September 2003 to October 2008) is available at <http://icinspector.independent.gov.uk/country-information-reviews/>

- ix Please note: it is not the function of the IAGCI to endorse any UK Border Agency material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

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1. DO YOU ENFORCE RETURNS OF REJECTED (OR FAILED) ASYLUM SEEKERS (FAS) TO BAGHDAD, IRAQ?

Finland: "Yes. Please note that the return flights are to Baghdad but the majority of the returned persons are from other parts of Iraq. They are financially assisted in internal relocation." [1a]

Germany: "No returns are enforced to Baghdad" [1b]

Netherlands: "Yes." [1c]

Norway: "Yes, Norway returns rejected (failed) asylum seekers (FAS) to Baghdad, Iraq." [1d]

Sweden: "Yes." [1e]

USA: [Asked that answer not be disclosed]

Canada: "As a result of the conditions in that country, Iraq has been subject to a temporary suspension of removal (TSR) since 2003. A TSR is a temporary measure that allows the Minister of Public Safety to impose a stay of removals with respect to a country or a place when the general conditions could seriously endanger the lives or safety of the population. A TSR can be imposed as a result of armed conflict, environmental disaster resulting in a substantial temporary disruption of living conditions, or any other situation that is temporary and generalized. However, a stay imposed as a result of a TSR does not apply to foreign nationals who are inadmissible to Canada on security grounds, violating human or international rights, criminality, organized crime, or a person referred to under section F Article 1 of the Refugee Convention. Individuals who are subject to a TSR may also be removed if they voluntarily consent to their removal. All other foreign nationals, including failed refugee claimants, benefit from a stay of removal under the TSR. The Minister of Public Safety may cancel the TSR if it is determined that the circumstances in a specific country or place no longer pose a generalized risk to the entire civilian population." [1g]

United Kingdom: "Yes enforced returns are undertaken to Baghdad by scheduled flight." [1h]

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2. IF YOU ENFORCE RETURNS OF FAS TO BAGHDAD, HOW MANY WERE RETURNED IN 2009, 2010 AND 2011?

Finland: "2009: 28 persons were returned to Iraq of which 26 with the assistance of IOM. None were returned under escort."

"2010: 53 returned of which 49 with the assistance of IOM and 2 under escort.

"2011 (until September): 54 returned of which 29 with the assistance of IOM. 23 have been returned under escort.

"(Please note that these statistics include both failed asylum seekers and other applicants who have been ordered to be removed from the country. Unfortunately it is not possible to provide detailed statistics separating these or broken down by month.)" [1a]

Germany: "No returns are enforced to Baghdad" [1b]

Norway: "Number of persons returned to Baghdad and other destinations in Iraq during 2009, 2010 and 2011... [Provided statistics but requested that this information remained undisclosed]"

Netherlands: "The Netherlands do not make a distinction between rejected asylum seekers and illegal aliens. (See table below)

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
2009	<5	<5	About 10	About 15	About 5	About 10	About 10	About 5	<5	About 10	About 10	About 10	About 90
2010	<5	<5	About 40	0	<5	About 10	<5	About 5	About 40	<5	<5	<5	About 115
2011	<5	About 10	About 20	About 40	About 5	About 25	About 15	<5	-	-	-	-	About 130 (Jan-Aug)

[1c]

Sweden: "See table below. The total number includes expulsions on account of criminal offences – 25 (of which 10 on charter flights) in 2009, 22 (14) in 2010 and 17 (11) in 2011 (up to October)."

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
2009	9	50	22	27	59	15	28	42	62	40	39	43	436
2010	45	50	71	33	57	57	33	26	73	75	25	33	578
2011	41	55	63	55	98	53	32	59	42				498

[1e]

USA: "U.S. Immigration and Customs Enforcement (ICE) is unable to derive information regarding Failed Asylum Seekers. ICE provided the total removals to Iraq for the three years as: 2009: 30, 2010: 65, 2011 (YTD) 31...To note: YTD is as of September 26, 2011, Removals include returns. Returns include voluntary returns, voluntary departures and withdrawals under Docket Control". [1f]

Canada: "Between 2009-2011, Canada enforced 26 removals to Iraq involving foreign nationals whose applications for refugee protection were rejected, abandoned or withdrawn." [1g]

United Kingdom: "Published Home Office figures on asylum cases do not differentiate between enforce removals and notified voluntary departures. The following table details returns to Iraq:

Year	Asylum cases: Enforced removals and notified voluntary departures
2009	399
2010	258
2011	86

[1h]

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3. DO YOU ENFORCE FAS RETURNS TO BAGHDAD BY CHARTER FLIGHT? IF SO, HOW MANY WERE RETURNED BY CHARTER FLIGHT IN 2009, 2010 AND 2011? (AGAIN, IT WOULD BE HELPFUL IF THIS COULD BE BROKEN DOWN BY MONTH. IT WOULD ALSO BE USEFUL TO KNOW IF THERE WERE ANY 'UNSUCCESSFUL' RETURNS DENIED ENTRY AND RETURNED TO YOUR COUNTRY.)

Finland: "Yes. A total of 23 persons have been returned by charter flights. In the upcoming weeks eight persons will be returned by charter flight. We do not have any information of unsuccessful returns." [1a]

Germany: "No returns are enforced to Baghdad" [1b]

Netherland: "Yes, the Netherlands do enforce return of Iraqi nationals to Baghdad by Charter flight. (See table below) The Iraqi immigration authorities accepted all the Iraqi nationals who were enforced by charter flight." [1c]

Date	Frontex	Organized by the Netherlands?	Total from the Netherlands
2009	--	--	--
2010			
17-March	No	No	<5
30-March	No	Yes	About 35
9-June	Yes	No	About 10
8-September	No	Yes	About 35
22-September	No	No	About 10
2011			
16-February	No	No	<5
9-March	Yes	No	About 5
7-April	No	Yes	About 40
17-June	No	Yes	About 25

[1c]

Norway: "Yes, Norway enforced FAS returns to Baghdad by charter flights... [Provided statistics but requested that this information remained undisclosed] All returns, todate, have been successful with no returns back to Norway." [1d]

Sweden

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
2009	-	43	2	2	46	-	-	21	43	24	25	24	230
2010	31	36	28	29	45	32	3	-	61	52	-	20	377
2011	22	32	28	31	76	30	-	41	28	-	-	-	288

[1e]

“Returns to Sweden: 2009: 2, 2010: 2, 2011: 1; The total number of returns (both charter flights and scheduled flights) to Sweden was 2 in 2009, 4 in 2010 and 12 in 2011.” [1e]

USA: [Asked for response not to be disclosed]

Canada: “Charter flights are rarely employed and are only considered in exceptional circumstances where there are serious concerns about national security, criminality, uncooperative deportees or where removal using commercial airlines is not feasible. The CBSA [Canada Borders Services Agency] has no record with respect to the removal of failed asylum seekers to Iraq by charter flight.” [1g]

United Kingdom: “Until June 2011 when the process was temporarily halted by a High Court injunction, the UK enforced FAS returns to Baghdad by charter flight. Subject to improved closer working with the Iraqi authorities, enforced FAS returns to Baghdad by charter flight remain a very viable option for the UK.

“Below are the FAS charter removals to Iraq from 2009 until the Court injunction. (The high number of entry refusals in October 2009 is the result of the Iraqi authorities not having given (they said) their consent at the time for Iraqis from the Kurdish region to be returned to Baghdad):

Month/Year	Number of FAS returned	Number of FAS refused entry
October 2009	10	34
June 2010	24	0
September 2010	53	2
October 2010	25	2
March 2011	6	0

[1h]

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4. DO YOU EXPECT IRAQI FAS TO VOLUNTARILY RETURN TO IRAQ?

Finland: “Everyone is given the opportunity to return voluntarily” [1a]

Germany: “The German return assistance program provides the following financial aid for returnees to Iraq:

- “payment of transportation costs (by plane, train or bus)
- travel assistance: € 200,- per adult/youth and € 100,- per child under 12 years of age
 - start-up cash: € 750 per adult and € 375 per child under the age of 12 for nationals of Afghanistan, Iraq and Kosovo (for Serbian and Roma minorities only)” [1b]

Netherlands: “Yes. The Repatriation and Departure Service (R&DS) endeavours to stimulate voluntary return. However, when the FAS refuses to leave voluntarily, forced return can take place.” [1c]

Norway: "Yes, there is an expectation from the Norwegian authorities that Iraqi FAS return home voluntarily. Norway has a voluntary returns programme with IOM (International Organisation for Migration)." [1d]

Sweden: "Yes." [1e]

US: [Asked for response not to be disclosed]

Canada: "Under the Immigration and Refugee Protection Act (IRPA), a foreign national who is under an enforceable removal order must leave Canada immediately, or the removal order will be enforced by the Minister as soon as reasonably practicable. As such, the IRPA does provide for voluntary compliance with a removal order by an inadmissible foreign national. As Iraq is under a TSR, a person subject to a removal order may be removed by informing the Minister in writing that he or she consents to the removal. The CBSA endeavours to facilitate the return of any individual who is under a TSR and wishes to voluntarily depart Canada." [1g]

United Kingdom: "Where a person has no basis for continued stay in the United Kingdom we expect them to leave voluntarily, and we offer an Assisted Voluntary Returns (AVR) program to assist FAS in returning to Iraq.

"AVRs to Iraq continue to be successful, a large proportion of voluntary returns comprise returnees who take up the Voluntary Assisted Return and Reintegration Programme (VARRP), but some are non-asylum returnees and Assisted Voluntary Returns for Families and Children (AVRFC), i.e. family returns." [1h]

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5. IF SO, HOW MANY RETURNED VOLUNTARILY IN 2009, 2010 AND 2011? (AGAIN, IF POSSIBLE BY MONTH)

Finland: "See answer to question 2." [1a]

Germany "Voluntary returns of rejected Iraqi asylum seekers to Iraq under the REAG/GARP programme:" [1b]

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
2009	8	13	19	24	21	10	24	24	41	19	19	25	247
2010	16	17	19	36	21	21	42	28	20	26	23	7	276
2011	15	23	33	25	47	27	22	29					221

[1b]

Netherlands: "(Please see the following table)

IOM (www.IOM- Netherlands.nl)	2009	2010	2011
Jan	58	36	22

Feb	105	61	49
March	120	64	87
April	62	52	65
May	36	32	55
June	70	37	68
July	62	40	54
August	42	55	86
Sept	27	44	--
Oct	47	65	--
Nov	55	49	--
Dec	35	14	--
TOTAL	719	549	--

[1c]

Norway: "There were voluntary returns in 2009, 2010 and 201 [provided statistics but asked that these were not publicly disclosed]" [1d]

Sweden: "2009: 1,842 persons, 2010: 1,379 persons, 2011 (until August): 492 persons; [sic]" [1e]

US: [Asked for response not to be disclosed]

Canada: "Our records do not specifically capture whether a removal was enforced by an individual who is voluntarily complying, or if the removal was enforced by the Minister." [1g]

United Kingdom:

Year	Asylum cases: Assisted Voluntary Returns	Asylum cases: Other voluntary departures
2009	671	36
2010	266	13
2011	239	7

"NB: Published Home Office figures on asylum cases do not differentiate between enforced removals and notified voluntary departures. Refer to question 2 for these figures." [1h]

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6. DO YOU ENFORCE THE RETURN OF NON-ASYLUM SEEKERS TO BAGHDAD?

Finland: "Yes" [1a]

Germany: "No information available" [1b]

Netherlands: "Yes. The Netherlands do not make a distinction between rejected asylum seekers and illegal aliens. An illegal foreign national (ex-asylum or non-asylum) is obliged to leave The Netherlands voluntarily. If such a person does not leave within the given term for departure, forced return can take place." [1c]

Norway: "Yes, Norway enforces returns of non-asylum seekers to Baghdad." [1d]

Sweden: "Yes." [1e]

US: [Asked for response not to be disclosed]

Canada: "The CBSA does enforce removal orders made against Iraqi citizens, provided those removal orders arise from inadmissibility grounds that do not benefit from the TSR (criminality, security, international or human rights violations, and organized crime). In all other cases where a removal order has been made against an Iraqi citizen who has not made a claim for asylum (overstay, working without a permit, etc), the removal order is stayed as a result of the TSR. Presently, the CBSA can only enforce these removal orders if the person consents to their return." [1g]

United Kingdom: "Yes" [1h]

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7. IF SO, HOW MANY WERE RETURNED IN 2009, 2010 AND 2011?

Finland "See answer to question 2" [1a]

Germany: "No information available" [1b]

Netherlands: "See answer to question 2. The Netherlands do not make a distinction between rejected asylum seekers and illegal aliens." [1c]

Norway: "4 non-asylum seekers were returned in 2009, 10 returned in 2010 and 6 in 2011 (as of 30 September)." [1d]

Sweden: "Unfortunately we are not able to separate asylum seekers and non-asylum seekers when it comes to forced returns. Anyhow, the absolute vast majority (as a guesswork more than 95 per cent) of the returnees are FAS." [1e]

US: [Asked for response not to be disclosed]

Canada: "Between 2009-2011, Canada removed 4 individuals to Iraq where an application for refugee protection was not made by the foreign national subject to removal." [1g]

United Kingdom: "We do not breakdown removals in such detail. The following published Home Office figures cover non asylum cases both enforced returns and notified voluntary departures to Iraq:

Year	Non-asylum returns: enforced removals and notified voluntary departures
2009	31
2010	28
2011	15

[1h]

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8. WHAT CRITERIA DO YOU APPLY TO IDENTIFY SUITABLE PERSONS FOR CHARTER FLIGHTS (E.G.: GENDER; HEALTH; FAMILIES; IN POSSESSION OF CERTAIN DOCUMENTATION; OF A PARTICULAR ETHNICITY OR RELIGIOUS AFFILIATION (SUNNI/SHIA)?)

Finland: "The persons must have a valid travel document and be accepted by the transit country. An overall consideration is made regarding the person's suitability to be returned on a charter flight." [1a]

Germany: "Currently, Germany makes no use of charter flights for returns to Iraq." [1b]

Netherlands: "In principle every Iraqi national can join a charter flight.

"The Netherlands gives priority to aliens with a criminal record or aliens who are difficult to return by a regular flight. Since 2011 the Netherlands also return families by charter flight." [1c]

Norway: "When identifying Iraqis to be sent home, Norway prioritises criminals first, then single men and then families. All persons that are sent out of Norway have had some kind of ID-documentation which has been verified by the Iraqi authorities and then accepted (or denied) for return by the same authorities." [1d]

Sweden: "We do not return unaccompanied minors (under 18 years), mentally ill persons, extremely violent persons and members of a divided family (e.g. the father in the family hides himself) on charter flights to Iraq." [1e]

US: [Asked for response not to be disclosed]

Canada: "Charter flights are rarely employed and are only considered in exceptional circumstances where there are serious concerns about national security, criminality, uncooperative deportees or where removal using commercial airlines is not feasible." [1g]

United Kingdom: "We consider an Iraqi national for removal where they have no basis for continued stay, there is no legal barrier to their removal and they refuse to leave voluntarily. ... We do not currently charter to Iraq because of an ongoing legal challenge and because we do not currently have an effective re-documentation process with the Iraqi authorities. Previously we were able to rely on the Baghdad authorities visiting the UK to conduct nationality verification interviews but this has now changed. We are advised that all undocumented Iraqis require an emergency travel document from the Iraqi embassy in London.

"We previously operated two independent charters to Iraq, one to Erbil in the KRG and one to Baghdad. Both were subject of separate agreements with the relevant authorities in Iraq. As with Baghdad, we currently do not charter to Erbil following KRG concerns over the use of such flights.

"Previously, when we were able to re-document and charter, the following criteria applied:

"Erbil

- Iraqi Kurds
- Adult males
- Appeal Rights exhausted
- No serious medical or psychiatric problems
- Subjects must originate from Sulaymaniya, Dohuk or Erbil governorates in northern Iraq

"Baghdad

- Iraqi males aged 18 and over
- Single
- Appeal Rights Exhausted
- Subjects must originate from central or southern Iraq

"Additionally there are no barriers as to considering removal of families and single women by schedule flight if documents are available, and the Iraqis agree to the return." [1h]

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9. WHAT CHECKS ARE COMPLETED PRIOR TO DEPARTURE BY IMMIGRATION OFFICIALS FROM YOUR COUNTRY AND BY THE IRAQI AUTHORITIES?

Finland: "An approval from the authorities acquired" [1a]

Germany: "Returns are subjected to the usual entry and exit checks." [1b]

Netherlands: [Asked that response not be disclosed]

Norway: "Checks that are completed prior to departure by the Norwegian authorities are:

1. The person's case(s), asylum and non-asylum, in Norway is completed.
 2. Final checks with the Norwegian decision making authorities (The Immigrations Appeals Board) are made to ensure that it is okay to return that person back to Iraq.
 3. An acceptance from the Iraqi authorities has been received.
 4. A check of the person is made in terms of health (fit for flight or illnesses), type of criminal background.
 5. Iraq Embassy (Ambassador) is informed of all charter flights to Baghdad."
- [1d]

Sweden: "Sweden and Iraq have in 2008 come to an agreement (Memorandum of Understanding) regarding returns. Briefly, the procedure concerning charter flights is that

Sweden notifies Iraqi authorities about the supposed deportees in advance and awaits an accept. As mentioned under question 3 it happens that entry is denied in spite of that. The main explanation is that the person has declared him- or herself to be another person, which has been presented in the notification. Before departure of a charter flight it is agreed about what day the flight shall take place." [1e]

US: [Asked for response not to be disclosed]

Canada: "The decision to remove someone from Canada is not taken lightly. Everyone ordered removed from Canada is entitled to due process before the law, and all removal orders are subject to various levels of appeal. Prior to removal, a foreign national may also submit an application for a Pre-Removal Risk Assessment to the Department of Citizenship and Immigration Canada. In the event that a person subject to removal is not in possession of a valid travel document, the person's identity and citizenship may be verified by Iraqi consular authorities prior to the issuance of a travel document. Additionally, CBSA Liaison Officers (LO) stationed at Canadian missions abroad are provided with the removal itinerary and biodata of the foreign national prior to removal. The LO will then engages in whatever coordination is required with local authorities as the circumstances dictate." [1g]

United Kingdom: "We consider the evidence of nationality available, and the quality of travel documents on which we wish to enforce removal. The Iraqi authorities are consulted prior to return, and if removal is agreed, we advise the Iraqi authorities as to when we intend to enforce removal." [1h]

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10. ARE YOU AWARE OF ANY REPORTS OR ALLEGATIONS THAT VOLUNTARY OR FORCED RETURNEES (ON SCHEDULED OR CHARTER FLIGHTS) HAVE FACED DIFFICULTIES OR BEEN MISTREATED ON RETURN TO BAGHDAD? IF SO, WHAT WAS THE NATURE OF THESE DIFFICULTIES OR (ALLEGED) MISTREATMENT?

Finland: "We are not aware of any such reports or allegations" [1a]

Germany: "No, we are not aware of any such information. There are no forced returns from Germany to central Iraq. No information is available on voluntary returns to central Iraq." [1b]

Netherlands: "The Netherlands are not aware of any reports about mistreatment of failed asylum seekers or other returnees, who have returned from The Netherlands to Baghdad by the Iraqi Immigration at Baghdad International Airport (BIAP)." [1c]

Norway: "None." [1d]

Sweden: "Answer. No." [1e]

US: [Asked for response not to be disclosed]

Canada: "The CBSA is aware of no such cases with respect to its removal cases." [1g]

United Kingdom: "There have been allegations of ill-treatment of returnees by Iraqi officials at Baghdad Airport." [1h]

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11. If there have been allegations of mistreatment, have these been substantiated with credible evidence?

Finland: "- " [1a]

Germany: "See answer to question 10" [1b]

Netherland: "N.a." [1c]

Norway: "Not applicable" [1d]

Sweden: "Answer. See question 10" [1e]

US: [Asked for response not to be disclosed]

Canada: "n/a" [1g]

United Kingdom: "Within the constraints of working in Iraq enquiries were made, but there was insufficient evidence to substantiate these allegations." [1h]

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Annex A - National responses to questions on returns to Iraq

This annex cites the full text of disclosable national responses sent to COI Service by participating states in the Intergovernmental Consultations on Migration, Asylum and Refugees.

FINLAND

1. Do you enforce returns of rejected (or failed) asylum seekers (FAS) to Baghdad, Iraq?

Yes. Please note that the return flights are to Baghdad but the majority of the returned persons are from other parts of Iraq. They are financially assisted in internal relocation.

2. If you enforce returns of FAS to Baghdad, how many were returned in 2009, 2010 and 2011? (It would be helpful if you could break this down by month)

2009: 28 persons were returned to Iraq of which 26 with the assistance of IOM. None were returned under escort.

2010: 53 returned of which 49 with the assistance of IOM and 2 under escort.

2011 (until September) : 54 returned of which 29 with the assistance of IOM. 23 have been returned under escort.

Please note that these statistics include both failed asylum seekers and other applicants who have been ordered to be removed from the country. Unfortunately it is not possible to provide detailed statistics separating these or broken down by month.

3. Do you enforce FAS returns to Baghdad by charter flight? If so, how many were returned by charter flight in 2009, 2010 and 2011? (Again, it would be helpful if this could be broken down by month. It would also be useful to know if there were any 'unsuccessful' returns denied entry and returned to your country.)

Yes. A total of 23 persons have been returned by charter flights. In the upcoming weeks eight persons will be returned by charter flight. We do not have any information of unsuccessful returns.

4. Do you expect Iraqi FAS to voluntarily return to Iraq?

Everyone is given the opportunity to return voluntarily.

5. If so, how many returned voluntarily in 2009, 2010 and 2011? (Again, if possible by month.)

See answer to question 2.

6. Do you enforce the return of non-asylum seekers to Baghdad?

Yes.

7. If so, how many were returned in 2009, 2010 and 2011?

See answer to question 2.

8. What criteria do you apply to identify suitable persons for charter flights (e.g.: gender; health; families; in possession of certain documentation; of a particular ethnicity or religious affiliation (Sunni/Shia)?)

The persons must have a valid travel document and be accepted by the transit country. An overall consideration is made regarding the person's suitability to be returned on a charter flight.

9. What checks are completed prior to departure by immigration officials from your country and by the Iraqi authorities?

An approval from the authorities is acquired

10. Are you aware of any reports or allegations that voluntary or forced returnees (on scheduled or charter flights) have faced difficulties or been mistreated on return to Baghdad? If so, what was the nature of these difficulties or (alleged) mistreatment?

We are not aware of any such reports or allegations.

11. If there have been allegations of mistreatment, have these been substantiated with credible evidence? -**12. Can we publicly disclose the above information? (If you wish to discuss, please contact [deleted] – details below.)**

Public disclosure is permitted.

GERMANY**1. Do you enforce returns of rejected (or failed) asylum seekers (FAS) to Baghdad, Iraq?**

No returns are enforced to Baghdad

2. If you enforce returns of FAS to Baghdad, how many were returned in 2009, 2010 and 2011? (It would be helpful if you could break this down by month)

No returns are enforced to Baghdad

3. Do you enforce FAS returns to Baghdad by charter flight? If so, how many were returned by charter flight in 2009, 2010 and 2011? (Again, it would be helpful if this could be broken down by month. It would also be useful to know if there were any 'unsuccessful' returns denied entry and returned to your country.)

No returns are enforced to Baghdad

4. Do you expect Iraqi FAS to voluntarily return to Iraq?

The German return assistance program provides the following financial aid for returnees to Iraq:

- payment of transportation costs (by plane, train or bus)
- travel assistance: € 200,- per adult/youth and € 100,- per child under 12 years of age
- start-up cash: € 750 per adult and € 375 per child under the age of 12 for nationals of Afghanistan, Iraq and Kosovo (for Serbian and Roma minorities only)

5. If so, how many returned voluntarily in 2009, 2010 and 2011? (Again, if possible by month.)

Voluntary returns of rejected Iraqi asylum seekers to Iraq under the REAG/GARP programme:

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
2009	8	13	19	24	21	10	24	24	41	19	19	25	247
2010	16	17	19	36	21	21	42	28	20	26	23	7	276
2011	15	23	33	25	47	27	22	29					221

6. Do you enforce the return of non-asylum seekers to Baghdad?

No information available

7. If so, how many were returned in 2009, 2010 and 2011?

No information available

8. What criteria do you apply to identify suitable persons for charter flights (e.g.: gender; health; families; in possession of certain documentation; of a particular ethnicity or religious affiliation (Sunni/Shia)?)

Currently, Germany makes no use of charter flights for returns to Iraq.

9. What checks are completed prior to departure by immigration officials from your country and by the Iraqi authorities?

Returnees are subjected to the usual entry and exit checks.

10. Are you aware of any reports or allegations that voluntary or forced returnees (on scheduled or charter flights) have faced difficulties or been mistreated on return to Baghdad? If so, what was the nature of these difficulties or (alleged) mistreatment?

No, we are not aware of any such information. There are no forced returns from Germany to central Iraq. No information is available on voluntary returns to central Iraq.

11. If there have been allegations of mistreatment, have these been substantiated with credible evidence?

See answer to question 10

12. Can we publicly disclose the above information? (If you wish to discuss, please contact [deleted] – details below.)

We have no reservations about publication. However, there may be overriding interests impeding publication.

NETHERLANDS

1. Do you enforce returns of rejected (or failed) asylum seekers (FAS) to Baghdad, Iraq?

Yes

2. If you enforce returns of FAS to Baghdad, how many were returned in 2009, 2010 and 2011? (It would be helpful if you could break this down by month)

The Netherlands do not make a distinction between rejected asylum seekers and illegal aliens. (See table below)

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
2009	<5	<5	About 10	About 15	About 5	About 10	About 10	About 5	<5	About 10	About 10	About 10	About 90
2010	<5	<5	About 40	0	<5	About 10	<5	About 5	About 40	<5	<5	<5	About 115
2011	<5	About 10	About 20	About 40	About 5	About 25	About 15	<5	-	-	-	-	About 130 (Jan-Aug)

3. Do you enforce FAS returns to Baghdad by charter flight? If so, how many were returned by charter flight in 2009, 2010 and 2011? (Again, it would be helpful if this could be broken down by month. It would also be useful to know if there were any 'unsuccessful' returns denied entry and returned to your country.)

Yes, the Netherlands do enforce return of Iraqi nationals to Baghdad by Charter flight. (See table below) The Iraqi immigration authorities accepted all the Iraqi nationals who were enforced by charter flight.

Date	Frontex	Organized by the Netherlands?	Total from the Netherlands
2009	--	--	--
2010			

17-March	No	No	<5
30-March	No	Yes	About 35
9-June	Yes	No	About 10
8-September	No	Yes	About 35
22-September	No	No	About 10
2011			
16-February	No	No	<5
9-March	Yes	No	About 5
7-April	No	Yes	About 40
17-June	No	Yes	About 25

4. Do you expect Iraqi FAS to voluntarily return to Iraq?

Yes. The Repatriation and Departure Service (R&DS) endeavours to stimulate voluntary return. However, when the FAS refuses to leave voluntarily, forced return can take place.

5. If so, how many returned voluntarily in 2009, 2010 and 2011? (Again, if possible by month.)

IOM (www.IOM-Nederland.nl)	2009	2010	2011
Jan	58	36	22
Feb	105	61	49
March	120	64	87
April	62	52	65
May	36	32	55
June	70	37	68
July	62	40	54
August	42	55	86
Sept	27	44	--
Oct	47	65	--
Nov	55	49	--
Dec	35	14	--
TOTAL	719	549	--

- 6. Do you enforce the return of non-asylum seekers to Baghdad?** Yes. The Netherlands do not make a distinction between rejected asylum seekers and illegal aliens. An illegal foreign national (ex-asylum or non-asylum) is obliged to leave The Netherlands voluntarily. If such a person does not leave within the given term for departure, forced return can take place.
- 7. If so, how many were returned in 2009, 2010 and 2011?** See answer to question 2. The Netherlands do not make a distinction between rejected asylum seekers and illegal aliens.
- 8. What criteria do you apply to identify suitable persons for charter flights (e.g.: gender; health; families; in possession of certain documentation; of a particular ethnicity or religious affiliation (Sunni/Shia)?)**
- In principle every Iraqi national can join a charter flight.
- The Netherlands gives priority to aliens with a criminal record or aliens who are difficult to return by a regular flight. Since 2011 the Netherlands also return families by charter flight .
- 9. What checks are completed prior to departure by immigration officials from your country and by the Iraqi authorities?** [Non-disclosable]
- 10. Are you aware of any reports or allegations that voluntary or forced returnees (on scheduled or charter flights) have faced difficulties or been mistreated on return to Baghdad? If so, what was the nature of these difficulties or (alleged) mistreatment?** The Netherlands are not aware of any reports about mistreatment of failed asylum seekers or other returnees, who have returned from The Netherlands to Baghdad by
- the Iraqi Immigration at Baghdad International Airport (BIAP).
- 11. If there have been allegations of mistreatment, have these been substantiated with credible evidence?** Not applicable
- 12. Can we publicly disclose the above information? (If you wish to discuss, please contact [deleted] – details below.)** Yes, there is no objection against disclosure of the information provided above, except for question 9. Question 9 is confidential.

NORWAY

- 1. Do you enforce returns of rejected (or failed) asylum seekers (FAS) to Baghdad, Iraq?** Yes, Norway returns rejected (failed) asylum seekers (FAS) to Baghdad, Iraq.
- 2. If you enforce returns of FAS to Baghdad, how many were returned in 2009, 2010 and 2011?** Number of persons returned to Baghdad and other destinations in Iraq during 2009, 2010 and 2011... [[Provided statistics but requested that this information was not publicly disclosed]]

3. Do you enforce FAS returns to Baghdad by charter flight? If so, how many were returned by charter flight in 2009, 2010 and 2011? (Again, it would be helpful if this could be broken down by month. It would be useful to know if there were any 'unsuccessful' returns denied entry and returned to your country.)

Yes, Norway enforces FAS returns to Baghdad by Charter flights... [Provided statistics but requested that this information was not publicly disclosed] All returns, to date, have been successful with no returns back to Norway.

4. Do you expect Iraqi FAS to voluntarily return to Iraq? Yes, there is an expectation from the Norwegian authorities that Iraqi FAS return home voluntarily. Norway has a voluntary returns programme with IOM (International Organisation for Migration).

5. If so, how many returned voluntarily in 2009, 2010 and 2011? [Provided statistics but requested that this information was not publicly disclosed]

6. Do you enforce the return of non-asylum seekers to Baghdad? Yes, Norway enforces returns of non-asylum seekers to Baghdad.

7. If so, how many were returned in 2009, 2010 and 2011? 4 non-asylum seekers were returned in 2009, 10 returned in 2010 and 6 in 2011 (as of 30 Sept).

8. What criteria do you apply to identify suitable persons for charter flights (e.g.: gender; health; families; in possession of certain documentation; of a particular ethnicity or religious affiliation (Sunni/Shia)? When identifying Iraqis to be sent home, Norway prioritises criminals first, then single men and then families. All persons that are sent out of Norway have had some kind of ID-documentation which has been verified by the Iraqi authorities and then accepted (or denied) for return by the same authorities.

9. What checks are completed prior to departure by immigration officials from your country and by the Iraqi authorities? Checks that are completed prior to departure by the Norwegian authorities are:

1. The person's case(s), asylum and non-asylum, in Norway is completed.
2. Final checks with the Norwegian decision making authorities (The Immigrations Appeals Board) are made to ensure that it is okay to return that person back to Iraq.
3. An acceptance from the Iraqi authorities has been received.
4. A check of the person is made in terms of health (fit for flight or illnesses), type of criminal background.
5. Iraq Embassy (Ambassador) is informed of all charter flights to Baghdad.

10. Are you aware of any reports or allegations that voluntary or forced returnees (on scheduled or charter flights) have faced difficulties or been mistreated on return to Baghdad? If so, what was the nature of these difficulties or (alleged) mistreatment? None.

11. If there have been allegations of mistreatment, have these been substantiated with credible evidence? Not applicable

12. Can we publicly disclose the above information? (If you wish to discuss, please contact [deleted] – details below.) Yes. We would like, though, that the

number of FAS, when mentioned above, is NOT publicly disclosed. This may cause possibility to identify which of the deportees were originally asylum seekers, and we never inform the country of origin of the reason for the application to stay.

SWEDEN

1. Do you enforce returns of rejected (or failed) asylum seekers (FAS) to Baghdad, Iraq? Yes

2. If you enforce returns of FAS to Baghdad, how many were returned in 2009, 2010 and 2011? (It would be helpful if you could break this down by month) See table below. The total number includes expulsions on account of criminal offences – 25 (of which 10 on charter flights) in 2009, 22 (14) in 2010 and 17 (11) in 2011 (up to October).

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
2009	9	50	22	27	59	15	28	42	62	40	39	43	436
2010	45	50	71	33	57	57	33	26	73	75	25	33	578
2011	41	55	63	55	98	53	32	59	42				498

3. Do you enforce FAS returns to Baghdad by charter flight? If so, how many were returned by charter flight in 2009, 2010 and 2011? (Again, it would be helpful if this could be broken down by month. It would also be useful to know if there were any 'unsuccessful' returns denied entry and returned to your country.)

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
2009	-	43	2	2	46	-	-	21	43	24	25	24	230
2010	31	36	28	29	45	32	3	-	61	52	-	20	377
2011	22	32	28	31	76	30	-	41	28	-	-	-	288

Returns to Sweden: 2009: 2, 2010: 2, 2011: 1;

The total number of returns (both charter flights and scheduled flights) to Sweden was 2 in 2009, 4 in 2010 and 12 in 2011.

4. Do you expect Iraqi FAS to voluntarily return to Iraq? Yes

5. If so, how many returned voluntarily in 2009, 2010 and 2011? (Again, if possible by month.) 2009: 1,842 persons, 2010: 1,379 persons, 2011 (until August):

492 persons;

6. Do you enforce the return of non-asylum seekers to Baghdad? Yes

7. If so, how many were returned in 2009, 2010 and 2011? Unfortunately we are not able to separate asylum seekers and non-asylum seekers when it comes to forced returns. Anyhow, the absolute vast majority (as a guesswork more than 95 per cent) of the returnees are FAS.

8. What criteria do you apply to identify suitable persons for charter flights (e.g.: gender; health; families; in possession of certain documentation; of a particular ethnicity or religious affiliation (Sunni/Shia)?) We do not return unaccompanied minors (under 18 years), mentally ill persons, extremely violent persons and members of a divided family (e.g. the father in the family hides himself) on charter flights to Iraq.

9. What checks are completed prior to departure by immigration officials from your country and by the Iraqi authorities? Sweden and Iraq have in 2008 come to an agreement (Memorandum of Understanding) regarding returns. Briefly, the procedure concerning charter flights is that Sweden notifies Iraqi authorities about the supposed deportees in advance and awaits an accept. As mentioned under question 3 it happens that entry is denied in spite of that. The main explanation is that the person has declared him- or herself to be another person, which has been presented in the notification. Before departure of a charter flight it is agreed about what day the flight shall take place.

10. Are you aware of any reports or allegations that voluntary or forced returnees (on scheduled or charter flights) have faced difficulties or been mistreated on return to Baghdad? If so, what was the nature of these difficulties or (alleged) mistreatment? No

11. If there have been allegations of mistreatment, have these been substantiated with credible evidence? See question 10

12. Can we publicly disclose the above information? (If you wish to discuss, please contact [deleted] – details below.) Yes, you can.

USA

1. Do you enforce returns of rejected (or failed) asylum seekers (FAS) to Baghdad, Iraq? [Non-disclosable answer]

2. If you enforce returns of FAS to Baghdad, how many were returned in 2009, 2010 and 2011?

ICE is unable to derive information regarding Failed Asylum Seekers from the database. ICE has provided total removals to Iraq for the three years requested.

ICE Removals for Iraq from FY2009 – FY2011 YTD

FY	2009	FY 2010	FY 2011 YTD	FY 2009 – FY2011 YTD
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Total 30	65	31	126
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FY2011 is as of September 26, 2011

Removals include Returns. Returns include Voluntary Returns, Voluntary Departures and Withdrawals under Docket Control.

3. Do you enforce FAS returns to Baghdad by charter flight? If so, how many were returned by charter flight in 2009, 2010 and 2011? (Please break down by month if possible. It would also be helpful to know if there were any unsuccessful returns denied entry and returned to your country) [Non-disclosable answer]

4. Do you expect Iraqi FAS to voluntarily return to Iraq? [Non-disclosable answer]

5. If so, how many returned voluntarily in 2009, 2010 and 2011? [Non-disclosable answer?]

6. Do you enforce the return of non-asylum seekers to Baghdad? [Non-disclosable answer]

7. If so, how many were returned in 2009, 2010 and 2011? [Non-disclosable answer]

8. What criteria do you apply to identify suitable persons for charter flights (e.g. gender, health, families, in possession of certain documentation, of a particular ethnicity or religious affiliation (Sunni/Shia)? [Non-disclosable]

9. What checks are completed prior to departure by immigration officials from your country and by the Iraqi authorities? [Non-disclosable answer]

10. Are you aware of any reports or allegations that voluntary or forced returnees (on scheduled or charter flights) have faced difficulties or been mistreated on return to Baghdad? If so, what was the nature of these difficulties or (alleged) mistreatment? [Non-disclosable answer]

11. If there have been allegations of mistreatment, have these been substantiated with credible evidence? [Non-disclosable answer]

12. Can we publicly disclose the above information? (If you wish to discuss, please contact [deleted] – details below.) [...] ICE recommends limiting the release of information to statistics only.

CANADA

1. Do you enforce returns of rejected (or failed) asylum seekers (FAS) to Baghdad, Iraq?

As a result of the conditions in that country, Iraq has been subject to a temporary suspension of removal (TSR) since 2003. A TSR is a temporary measure that allows the Minister of Public Safety to impose a stay of removals with respect to a country or a place when the general conditions could seriously endanger the lives or safety of the population. A TSR can be imposed as a result of armed conflict, environmental disaster resulting in a substantial temporary disruption of living conditions, or any other

situation that is temporary and generalized. However, a stay imposed as a result of a TSR does not apply to foreign nationals who are inadmissible to Canada on security grounds, violating human or international rights, criminality, organized crime, or a person referred to under section F Article 1 of the Refugee Convention. Individuals who are subject to a TSR may also be removed if they voluntarily consent to their removal. All other foreign nationals, including failed refugee claimants, benefit from a stay of removal under the TSR. The Minister of Public Safety may cancel the TSR if it is determined that the circumstances in a specific country or place no longer pose a generalized risk to the entire civilian population.

2. If you enforce returns of FAS to Baghdad, how many were returned in 2009, 2010 and 2011? (It would be helpful if you could break this down by month)

Between 2009-2011, Canada enforced 26 removals to Iraq involving foreign nationals whose applications for refugee protection were rejected, abandoned or withdrawn.

3. Do you enforce FAS returns to Baghdad by charter flight? If so, how many were returned by charter flight in 2009, 2010 and 2011? (Please break down by month if possible. It would also be helpful to know if there were any unsuccessful returns denied entry and returned to your country)

Charter flights are rarely employed and are only considered in exceptional circumstances where there are serious concerns about national security, criminality, uncooperative deportees or where removal using commercial airlines is not feasible. The CBSA has no record with respect to the removal of failed asylum seekers to Iraq by charter flight.

4. Do you expect Iraqi FAS to voluntarily return to Iraq?

Under the Immigration and Refugee Protection Act (IRPA), a foreign national who is under an enforceable removal order must leave Canada immediately, or the removal order will be enforced by the Minister as soon as reasonably practicable. As such, the IRPA does provide for voluntary compliance with a removal order by an inadmissible foreign national. As Iraq is under a TSR, a person subject to a removal order may be removed by informing the Minister in writing that he or she consents to the removal. The CBSA endeavours to facilitate the return of any individual who is under a TSR and wishes to voluntarily depart Canada.

5. If so, how many returned voluntarily in 2009, 2010 and 2011?

Our records do not specifically capture whether a removal was enforced by an individual who is voluntarily complying, or if the removal was enforced by the Minister.

6. Do you enforce the return of non-asylum seekers to Baghdad?

The CBSA does enforce removal orders made against Iraqi citizens, provided those removal orders arise from inadmissibility grounds that do not benefit from the TSR (criminality, security, international or human rights violations, and organized crime). In all other cases where a removal order has been made against an Iraqi citizen who has not made a claim for asylum (overstay, working without a permit, etc), the removal order is stayed as a result of the TSR. Presently, the CBSA can only enforce these removal orders if the person consents to their return.

7. If so, how many were returned in 2009, 2010 and 2011?

Between 2009-2011, Canada removed 4 individuals to Iraq where an application for refugee protection was not made by the foreign national subject to removal.

8. What criteria do you apply to identify suitable persons for charter flights (e.g. gender, health, families, in possession of certain documentation, of a particular ethnicity or religious affiliation (Sunni/Shia)?

Charter flights are rarely employed and are only considered in exceptional circumstances where there are serious concerns about national security, criminality, uncooperative deportees or where removal using commercial airlines is not feasible.

9. What checks are completed prior to departure by immigration officials from your country and by the Iraqi authorities?

The decision to remove someone from Canada is not taken lightly. Everyone ordered removed from Canada is entitled to due process before the law, and all removal orders are subject to various levels of appeal. Prior to removal, a foreign national may also submit an application for a Pre-Removal Risk Assessment to the Department of Citizenship and Immigration Canada. In the event that a person subject to removal is not in possession of a valid travel document, the person's identity and citizenship may be verified by Iraqi consular authorities prior to the issuance of a travel document. Additionally, CBSA Liaison Officers (LO) stationed at Canadian missions abroad are provided with the removal itinerary and biodata of the foreign national prior to removal. The LO will then engage in whatever coordination is required with local authorities as the circumstances dictate.

10. Are you aware of any reports or allegations that voluntary or forced returnees (on scheduled or charter flights) have faced difficulties or been mistreated on return to Baghdad? If so, what was the nature of these difficulties or (alleged) mistreatment?

The CBSA is aware of no such cases with respect to its removal cases.

11. If there have been allegations of mistreatment, have these been substantiated with credible evidence?

n/a

12. Can we publicly disclose the above information? (If you wish to discuss, please contact [deleted] – details below.)

Below you will find our original response [dated 30 September 2011], amended to reflect the information that can and cannot be shared.

UNITED KINGDOM

1. Do you enforce returns of rejected (or failed) asylum seekers (FAS) to Baghdad, Iraq?

"Yes enforced returns are undertaken to Baghdad by scheduled flight." [1h]

2. If you enforce returns of FAS to Baghdad, how many were returned in 2009, 2010 and 2011?

“United Kingdom: “Published Home Office figures on asylum cases do not differentiate between enforce removals and notified voluntary departures. The following table details returns to Iraq:

Year	Asylum cases: Enforced removals and notified voluntary departures
2009	399
2010	258
2011	86

[1h]

3. Do you enforce FAS returns to Baghdad by charter flight? If so, how many were returned by charter flight in 2009, 2010 and 2011? (Please break down by month if possible. It would also be helpful to know if there were any unsuccessful returns denied entry and returned to your country)

United Kingdom: “Until June 2011 when the process was temporarily halted by a High Court injunction, the UK enforced FAS returns to Baghdad by charter flight. Subject to improved closer working with the Iraqi authorities, enforced FAS returns to Baghdad by charter flight remain a very viable option for the UK.

“Below are the FAS charter removals to Iraq from 2009 until the Court injunction. (The high number of entry refusals in October 2009 is the result of the Iraqi authorities not having given (they said) their consent at the time for Iraqis from the Kurdish region to be returned to Baghdad):

Month/Year	Number of FAS returned	Number of FAS refused entry
October 2009	10	34
June 2010	24	0
September 2010	53	2
October 2010	25	2
March 2011	6	0

[1h]

4. Do you expect Iraqi FAS to voluntarily return to Iraq?

United Kingdom: “Where a person has no basis for continued stay in the United Kingdom we expect them to leave voluntarily, and we offer an Assisted Voluntary Returns (AVR) program to assist FAS in returning to Iraq.

“AVRs to Iraq continue to be successful, a large proportion of voluntary returns comprise returnees who take up the Voluntary Assisted Return and Reintegration Programme (VARRP), but some are non-asylum returnees and Assisted Voluntary Returns for Families and Children (AVRFC), i.e. family returns.” [1h]

5. If so, how many returned voluntarily in 2009, 2010 and 2011?

Year	Asylum cases: Assisted Voluntary Returns	Asylum cases: Other voluntary departures
------	--	--

2009	671	36
2010	266	13
2011	239	7

“NB: Published Home Office figures on asylum cases do not differentiate between enforce removals and notified voluntary departures. Refer to question 2 for these figures.” [1h]

6. Do you enforce the return of non-asylum seekers to Baghdad?

“Yes” [1h]

7. If so, how many were returned in 2009, 2010 and 2011?

“We do not breakdown removals in such detail. The following published Home Office figures cover non asylum cases both enforced returns and notified voluntary departures to Iraq:

Year	Non-asylum returns: enforced removals and notified voluntary departures
2009	31
2010	28
2011	15

[1h]

8. What criteria do you apply to identify suitable persons for charter flights (e.g. gender, health, families, in possession of certain documentation, of a particular ethnicity or religious affiliation (Sunni/Shia)?

“We consider an Iraqi national for removal where they have no basis for continued stay, there is no legal barrier to their removal and they refuse to leave voluntarily. ... We do not currently charter to Iraq because of an ongoing legal challenge and because we do not currently have an effective re-documentation process with the Iraqi authorities. Previously we were able to rely on the Baghdad authorities visiting the UK to conduct nationality verification interviews but this has now changed. We are advised that all undocumented Iraqis require an emergency travel document from the Iraqi embassy in London.

“We previously operated two independent charters to Iraq, one to Erbil in the KRG and one to Baghdad. Both were subject of separate agreements with the relevant authorities in Iraq. As with Baghdad, we currently do not charter to Erbil following KRG concerns over the use of such flights.

“Previously, when we were able to re-document and charter, the following criteria applied:

“Erbil

- Iraqi Kurds
- Adult males
- Appeal Rights exhausted

- No serious medical or psychiatric problems
- Subjects must originate from Sulaymaniya, Dohuk or Erbil governorates in northern Iraq

“Baghdad

- Iraqi males aged 18 and over
- Single
- Appeal Rights Exhausted
- Subjects must originate from central or southern Iraq

“Additionally there are no barriers as to considering removal of families and single women by schedule flight if documents are available, and the Iraqis agree to the return.” [1h]

9. What checks are completed prior to departure by immigration officials from your country and by the Iraqi authorities?

“We consider the evidence of nationality available, and the quality of travel documents on which we wish to enforce removal. The Iraqi authorities are consulted prior to return, and if removal is agreed, we advise the Iraqi authorities as to when we intend to enforce removal.” [1h]

10. Are you aware of any reports or allegations that voluntary or forced returnees (on scheduled or charter flights) have faced difficulties or been mistreated on return to Baghdad? If so, what was the nature of these difficulties or (alleged) mistreatment?

“There have been allegations of ill-treatment of returnees by Iraqi officials at Baghdad Airport.” [1h]

11. If there have been allegations of mistreatment, have these been substantiated with credible evidence?

“Within the constraints of working in Iraq enquiries were made, but there was insufficient evidence to substantiate these allegations.” [1h]

12. Can we publicly disclose the above information? (If you wish to discuss, please contact [deleted] – details below.) “Yes” [1h]

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Annex B – Blank questionnaire sent to participating states

Full text of questionnaire sent to IGC participating states

“Title: Request for information about rejected asylum seekers returned to Iraq

“Background Information: The UK Border Agency is currently involved in judicial review proceedings brought by a number of Iraqi rejected (or failed) asylum seekers who were due to be returned to Baghdad via charter flight. The grounds of the claim is that other failed asylum seekers returned to Baghdad between October 2009 and June 2010 were subject to ill treatment on return by the Iraqi authorities.

“The UK would find it very helpful to know if participating states return failed asylum seekers (and others) to Iraq, and if they are aware of any difficulties or allegations of ill-treatment faced by returnees.

Questions:

1. Do you enforce returns of rejected (or failed) asylum seekers (FAS) to Baghdad, Iraq?
2. If you enforce returns of FAS to Baghdad, how many were returned in 2009, 2010 and 2011? (It would be helpful if you could break this down by month)
3. Do you enforce FAS returns to Baghdad by charter flight? If so, how many were returned by charter flight in 2009, 2010 and 2011? (Again, it would be helpful if this could be broken down by month. It would also be useful to know if there were any ‘unsuccessful’ returns denied entry and returned to your country.)
4. Do you expect Iraqi FAS to voluntarily return to Iraq?
5. If so, how many returned voluntarily in 2009, 2010 and 2011? (Again, if possible by month.)
6. Do you enforce the return of non-asylum seekers to Baghdad?
7. If so, how many were returned in 2009, 2010 and 2011?
8. What criteria do you apply to identify suitable persons for charter flights (e.g.: gender; health; families; in possession of certain documentation; of a particular ethnicity or religious affiliation (Sunni/Shia)?)
9. What checks are completed prior to departure by immigration officials from your country and by the Iraqi authorities?
10. Are you aware of any reports or allegations that voluntary or forced returnees (on scheduled or charter flights) have faced difficulties or been mistreated on return to Baghdad? If so, what was the nature of these difficulties or (alleged) mistreatment?
11. If there have been allegations of mistreatment, have these been substantiated with credible evidence?
12. Can we publicly disclose the above information? (If you wish to discuss, please contact [deleted] – details below.)

Answers from: USA, Canada, Australia, New Zealand and Australia, and EU Member States

Deadline for receiving answers: Friday, 30 September 2011

Use of information: As evidence in a High Court injunction and ideally needs to be publicly disclosable

Contact person(s): [deleted]

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Annex C – Source references

- 1 National responses of participating members of the Intergovernmental Consultations on Migration, Asylum and Refugee, <http://www.igc.ch/>**
 - a. Finland, dated 5 October 2011
 - b. Germany, dated 21 September 2011
 - c. Netherlands, dated 30 September 2011
 - d. Norway, dated 2 November 2011
 - e. Sweden, dated 6 October 2011
 - f. USA, dated 22 September 2011
 - g. Canada, dated 5 December 2011
 - h. United Kingdom, dated 16 April 2012

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