Home Office

Country Information and Guidance

Iraq: Internal relocation (and technical obstacles)

24 December 2014

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of – as well as country of origin information (COI) about – Iraq. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office's internal system. Public versions of these documents are available at https://www.gov.uk/immigration-operational-guidance/asylum-policy.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please e-mail us.

Independent Advisory Group on Country Information

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 Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Section 1: Guidance

Date Updated: 24 December 2014

1.1 Issue

1.1.1 Is it reasonable for a person returned to Iraq to internally relocate to another part of the country which is not their registered place of origin?

1.1.2 For information on the safety of internal relocation refer to paragraphs 1.3.39 to 1.3.41 of the Country Information and Guidance report: The security situation in the 'contested' areas of Iraq, 22 August 2014

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1.2 Summary of Issues

- Is there a real risk that on return to Iraq a person would be subject to treatment which would make return a breach of Article 3 ECHR?
- Can Iraqi nationals reacquire civil documentation necessary to regularise their stay in a new place of residence?
- Is it reasonable for Iraqi nationals to relocate to the Kurdistan Region of Iraq?
- Is it reasonable for Iraqi nationals to relocate to Baghdad or Governorates in the south?

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1.3 Consideration of Issues

1.3.1 In considering whether internal relocation is reasonable for a person, due consideration should be given to their personal circumstances (e.g. age, gender, health or family links), in addition to any claim-specific facts which have been accepted.

See also: AI, 'Internal Relocation'

1.3.2 Additionally decision makers **must** consider the following more general issues:

Is there a real risk current return arrangements from the UK could breach of Article 3?

1.3.3 There is no evidence to demonstrate that persons returned to Baghdad on a valid or expired passport, or Lassez Passer, would be detained or experience treatment such that Article 3 of the ECHR would be engaged. In the case of HM and others (Article 15(c)) Iraq CG [2012] UKUT 00409(IAC), 13 November 2012 ('HM2 Iraq'), the Upper Tribunal found that there was no real risk of detention in the course of procedures undertaken at Baghdad International airport (BIAP) when compulsorily returning persons on either a current or expired passport (except possibly in respect of those who were the subject of a judicial order or arrest warrant). Nor was there any such risk if a person chose to return voluntarily with a Laissez Passer.[1]

[1] HM and others (Article 15(c)) Iraq CG [2012] UKUT 00409(IAC), 13 November 2012, para 360, sub para B.vi, http://www.bailii.org/uk/cases/UKUT/IAC/2012/00409_ukut_iac_2012_hm_ors_iraq_cg.html

1.3.4 The same case law however found that if such a person was compulsorily returned to BIAP without either a current or expired Iraqi passport, he may be at risk of detention in the course of BIAP procedures and it cannot be excluded that the detention conditions might give rise to a real risk of treatment contrary to Article 3 of the ECHR. Such a risk was however considered purely academic in the UK context, because under the return arrangements at that time, there was no compulsory return of persons lacking such documents.[2]

1.3.5 At the current time the Home Office will only enforce the return of persons of Kurdish ethnicity via Erbil International Airport, who come from one of the three KRI governorates, i.e. Erbil; Dahuk and Sulymaniyah. All other enforced returns would be to Baghdad International Airport using a passport (current or expired) or Laissez Passer document until further notice.

1.3.6 There is no evidence to demonstrate that persons returned to Erbil on an EU letter, and who have been pre-cleared by the KRG authorities would be detained or experience treatment such that Article 3 of the ECHR would be engaged. Country information from the British Embassy in May 2013 indicated that neither the British Embassy not any partner organisations providing reintegration assistance to returnees in KRI had any evidence of any returnee being mistreated, detained or returned back to the UK.

1.3.7 There is no evidence to demonstrate returnees would be unable to travel through checkpoints following their arrival into Erbil International Airport or Baghdad International Airport. Returnees may also be able to reacquire documents from family or friends on arrival.

1.3.8 Where the person cannot currently be returned to Iraq because of a lack of travel documentation, the case of Hamzeh & Ors v SSHD [2013] EWHC 4113 found that the mere fact that removal could not be enforced did not change the balance such that a decision to refuse to grant leave amounted to a disproportionate interference under Article 8 ECHR. The Court went on to note that Article 8 does not confer the right to reside in the country of one's choice.[3]

1.3.9 This was confirmed in BA (Ethiopia) v SSHD [2014] EWCA Civ 1469 which found that there was no room for argument that an appellant be treated as entitled to a grant of leave to remain simply because they otherwise (so it is said) would be left in a state of 'indefinite limbo.' On the contrary the case instead found that: '[T]here at no stage has been in existence a policy that those whose removal from the United Kingdom cannot be enforced should for that reason alone be granted leave. […]'[4]

1.3.10 In summary, current return arrangements from the UK to Iraq, either via Erbil or Baghdad do not breach Article 3 of the ECHR.

Can Iraqi nationals reacquire civil documentation necessary to regularise their stay in a new place of residence?

1.3.11 The case law of MK (documents – relocation) Iraq CG [2012] UKUT 126 (IAC), 25 April 2012, found that a lack of documentation was not ordinarily an insuperable problem and

[2] HM and others (Article 15(c)) Iraq CG [2012] UKUT 00409(IAC), 13 November 2012, para 360, sub para B.vi, http://www.bailii.org/uk/cases/UKUT/IAC/2012/00409_ukut_iac_2012_hm_ors_iraq_cg.html
[3] Hamzeh & Ors v Secretary of State for the Home Department [2013] EWHC 4113 (Admin) (20 December 2013), http://www.bailii.org/ew/cases/EWHC/Admin/2013/4113.html
[4] SH (Iran) & Anor v Secretary of State for the Home Department [2014] EWCA Civ 1469 (12 November 2014), para 38, http://www.bailii.org/ew/cases/EWCA/Civ/2014/1469.html

would not be a factor likely to make return to any part of Iraq unsafe.[5] However since this determination was promulgated, Iraq has experienced significant civil unrest and displacement, following widespread territorial losses to non-state armed groups, notably the Islamic State of Iraq and the Levant (ISIL). In considering the reasonableness of internal relocation, decision makers must refer to the latest country facts and guidance, as set out in this instruction.

1.3.12 Being in possession of civil documentation is legislated under Iraqi law and is important for a person to interact with the Iraqi authorities and integrate into their local community. Having valid civil documentation, registered to one's place of residence, is used for any number of reasons including to access health care; social welfare; schools; to purchase and sell property or cars; apply for a job; rent a property or access bank accounts. Civil documentation, which provides a form of photo identification, may also be required to pass through security checkpoints in Iraq and in the Kurdistan region of Iraq (KRI).

1.3.13 International actors such as the UN High Commissioner for Refugees (UNHCR) and other Non-Governmental Organisations have highlighted that internally displaced persons (IDPs) who fled their homes, following the deterioration in the security situation in northern and central parts of Iraq in 2014, were often found to be without their civil documentation and consequently faced significant hardship.

1.3.14 Given the fragile security situation, a lack of civil documentation is especially significant because without it a person would be unable to register with the Ministry of Displacement and Migration (MoDM) and apply for residence in their host area, limiting not only access to the range civil and economic rights outlined above, but also to practical support (e.g. cash assistance) provided by the MoDM.

1.3.15 Whether a person can reacquire civil documentation and regularise their stay in their new place of residence is critical to determining whether such a person can avoid the poor humanitarian conditions experienced by some IDPs.

1.3.16 The case law of 'MK Iraq' found that the Civil Status Identity Card was an important document, both in its own right and as a gateway to obtaining other significant documents such as the Iraqi Nationality Certificate (INC) and the Public Distribution System (PDS). The case law found that an inability to replace the CSID would likely lead to an inability to access the INC and PDS.[6] Sources of country information consistently indicate that the Civil Status ID card and the Nationality Certificate are the two most important forms of civil documentation. See: Key documentation.

1.3.17 **A person returned to Iraq who was unable to replace their Civil Status ID Card or Nationality Certificate would be likely to face significant difficulties in accessing services and a livelihood and would face destitution which is likely to reach the Article 3 threshold.**

See also Asylum Instructions: Internal Relocation and Humanitarian Protection

1.3.18 To assess this issue, decision makers must consider which of the following scenarios is relevant to the case:

- For persons from non-contested of areas of Iraq (identified as the Kurdistan Region of Iraq (KRI); Baghdad and governorates in the south) how would they replace their civil status ID card and Nationality Certificate in Iraq?

[5] MK (documents – relocation) Iraq CG [2012] UKUT 126 (IAC) (25 April 2012), para 88(1) http://www.bailii.org/uk/cases/UKUT/IAC/2012/00126_ukut_iac_2012_mk_iraq_cg.html
[6] MK (documents – relocation) Iraq CG [2012] UKUT 126 (IAC) (25 April 2012), para 88(1a) http://www.bailii.org/uk/cases/UKUT/IAC/2012/00126_ukut_iac_2012_mk_iraq_cg.html

- For persons from the contested regions of Iraq (identified as Ninewa, Kirkuk, Diyala Salah al Din and Anbar governorates) how would they replace their civil status ID card and Nationality Certificate in Iraq?
- Can civil Status ID cards and Nationality Certificates be replaced in the UK?

For persons from non-contested of areas of Iraq (identified as the KRI, Baghdad and governorates in the south) how would they replace their civil status ID card and Nationality Certificate in Iraq?

1.3.19 For a person from 'non-contested' areas of Iraq who needs to replace their Civil Status ID card and Nationality Certificate, the first option would be for that person to return to their original place of origin where they would be able to obtain replacement documents from their local Civil Status Office/General Nationality Office.

1.3.20 However if this was not possible, for example due to safety concerns, sources have indicated that there are exceptions to this procedure and have confirmed that for returnees from Europe, they could visit the Ministry of Displacement and Migration (MoDM), who would be able to support the transfer of all civil documentation (including a Civil Status ID Card and Nationality Certificate) to the area they wanted to live in. The MoDM had several offices based in Baghdad, whilst in KRI the equivalent of the MoDM is the Bureau of Migration and Displacement (BMD) who would similarly support with documentation issues.

1.3.21 Alternatively a Civil Status ID Card and Nationality Certificate could be reacquired by a person through a proxy, for example via a relative or lawyer who had a power of attorney. A further option would be to approach the UNHCR who run a network of Protection Assistance and Reintegration Centres (PARCS) or Protection Assistance Centres (PACS) who could provide legal assistance to acquire lost documentation. Sources have also indicated that there are numerous other potential institutions, where a person's Civil Status ID card (CSID) could be identified, for example through school or hospital records, passports or birth certificates.

1.3.22 As persons compulsorily returned to Erbil would come from one of the three KRI governorates of Erbil, Dahuk and Sulaymaniyah; would be screened on a case by case basis by a senior KRG immigration official, and would only be allowed to return to KRI subject to their Iraqi nationality being confirmed, it is considered such a person (i.e. an Iraqi Kurdish national from KRI) would be able to approach either the BMD or a UNHCR PARC/PAC partner and obtain replacement documents.

1.3.23 As persons compulsorily returned to Baghdad would be returned on a valid or expired passport or Laissez Passer, and would have been screened by the Iraqi authorities before return to determine they were of Iraqi nationality, it is considered such a person would be able to approach either the MoDM or a UNHCR PARC/PAC with their travel document, and obtain replacement documents.

1.3.24 Several sources have indicated that special documentation replacement services have been set up in Baghdad and Najaf by the Ministry of Interior with support from UNHCR. According to the British Embassy in Baghdad, sources consulted in November/December 2014 had advised these were now working well.

1.3.25 Additionally sources have confirmed that in more complicated cases, the replacement of a person's Nationality Certificate may need to be processed in Baghdad, where the records were produced by the Ministry of Interior. A person could therefore seek to renew their Nationality Certificate in Baghdad.

1.3.26 In summary, persons from non-contested areas of Iraq who are returned either to Erbil or Baghdad would in general be able to reacquire their Civil Status ID Card, Nationality Certificate and other civil documentation by either returning to their

place of origin or by approaching relevant government and non-government agencies found across the non-contested areas.

See also: Internal movement and civil registration

For persons from the contested regions of Iraq (identified as Ninewa, Kirkuk, Diyala Salah al Din and Anbar governorates) how would they replace their civil status ID card and Nationality Certificate in Iraq?

1.3.27 Persons from the contested areas of Iraq would be unable to return to their place of origin due to safety concerns. It would generally not be reasonable to expect a person to reacquire documents from their place of origin through a proxy. Currently it is not known to what extent registration records held in areas which are contested remain intact, or whether documents have been destroyed by non-state armed groups, such as the Islamic State of Iraq and the Levant (ISIL), or other actors. There is a risk that records held in governorate capitals such as Ramadi or Mosul may have been destroyed.

1.3.28 However sources indicate the Iraqi civil registration system is well established, dating back to 1957, and has withstood significant periods of unrest and conflict. Within this context there is no evidence to indicate the civil records system has or will fail, although doubtless recent civilian displacement has caused greater logistical difficulties in reacquiring documents. However sources have indicated that there are numerous other potential institutions, where a person's Civil Status ID information could be identified, for example through school or hospital records, passports or birth certificates.

1.3.29 As persons originating from the contested areas of Iraq would currently only be compulsorily returned to Baghdad on a valid or expired passport or Laissez Passer, and would be screened by the authorities to determine they were of Iraqi nationality, it is considered such a person would be able to approach either the MoDM or a UNHCR PARC/PAC with their travel document, and obtain replacement documentation.

1.3.30 The MoDM has also confirmed that if a returnee was unable to return to their home area they could visit the Ministry of Displacement and Migration, who would be able to support the transfer of all civil documentation (including a Civil Status ID Card and Nationality Certificate) to the area they wanted to live in. The MoDM had several offices based in Baghdad.

1.3.31 Additionally sources also identify the existence of an archival system which stores records centrally in Baghdad and is generally up-to-date. Sources consulted by the British Embassy in both 2012 and again in 2014 have confirmed that copies of civil status records are retained on microfiche and could be accessed. The case law of HM and others (Article 15(c)) Iraq CG [2012] UKUT 00409(IAC), 13 November 2012 ('HM2 Iraq'), also found that the existence of a Central Archive was maintained by the Iraqi authorities, retaining civil records on microfiche, which provided another way in which a person could identify themselves and obtain their CSID card.[7]

1.3.32 Several sources have indicated that special documentation replacement services have been set up in Baghdad and Najaf by the Ministry of Interior with support from UNHCR. According to the British Embassy in Baghdad, sources consulted in November/December 2014 had advised these were now working well.

1.3.33 Additionally sources have confirmed that in more complicated cases to replace a person's Nationality Certificate, these may need to be processed in Baghdad, where the

[7] HM and others (Article 15(c)) Iraq CG [2012] UKUT 00409(IAC), 13 November 2012, para 360, subpara B.iv), http://www.bailii.org/uk/cases/UKUT/IAC/2012/00409_ukut_iac_2012_hm_ors_iraq_cg.html

records were produced by the Ministry of Interior. A person could therefore seek to renew their Nationality Certificate in Baghdad.

1.3.34 Kurds from contested areas of Iraq, e.g. Kirkuk, may be able to return directly to KRI from the UK voluntarily, for example where the returnee is in possession of their civil documentation or could reacquire their documents via the embassy in London. In addition Kurds returning directly to KRI may be able to approach the KRG Bureau of Migration and Displacement (BMD) and/or UNHCR's PARC/PAC partners in KRI (i.e. Qandil in Erbil; Harikar in Duhok and CDO in Sulaymaniyah) who would provide assistance with re-documentation.

1.3.35 In summary, persons from contested areas of Iraq would currently only have their return enforced to Baghdad and would in general be able to reacquire their Civil Status ID Card, Nationality Certificate and other civil documentation by approaching relevant agencies found in Baghdad and Najaf.

See also: Internal movement and civil registration

Can Civil Status ID cards and Nationality Certificates be replaced in the UK?

1.3.36 It is possible to obtain a replacement Civil Status ID card and Nationality Certificate via embassies outside of Iraq; both to replace lost records and apply for new documents for Iraqi nationals born outside of Iraq. These procedures are well established to ensure the Iraqi civil registration system accurately maintains civil records for persons both inside and outside of Iraq.

1.3.37 Usually existing documents or copies would need to be submitted to receive consular assistance. In the case of replacing lost documents, those of a relative could be submitted to identify the person applying.

1.3.38 Sources consistently indicated that if an individual was unable to prove their identity and demonstrate they were an Iraqi national, reacquiring documents via an embassy would not be possible. However as persons returned to Baghdad would require a valid or expired passport or Laissez Passer, they would be able to prove their identity prior to their enforced return and would be able to seek consular assistance in London to reacquire Iraqi civil documentation.

1.3.39 Documents could be replaced via a proxy, i.e. either through a lawyer or relative in Iraq with a power of attorney.

1.3.40 In summary, persons in the UK seeking to reacquire their Civil Status ID Card and Nationality Certificate would be able to approach the Iraqi embassy in London for assistance, providing they can first prove their identity. Those returned on a valid or expired passport or Laissez Passer to Baghdad would in general be able to prove their identity and so could re-acquire their Civil Status ID Card and Nationality Certificate via the Iraqi embassy. For those unable to prove their identity, the individual may be able to reacquire Civil Status ID Card and Nationality Certificate via a proxy in Iraq, e.g. from a relative or lawyer with a power of attorney.

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Is it reasonable for Iraqi nationals to relocate to the Kurdistan Region of Iraq?

1.3.41 The case law of MK (documents – relocation) Iraq CG [2012] UKUT 126 (IAC), 25 April 2012 ('MK Iraq') found that entry and residence to KRG can be effected by any Iraqi national with a CSID, INC and PDS, after registration with the Asayish (local security

office). An Arab may need a sponsor; a Kurd will not.[8] In the case of HM and others (Article 15(c)) Iraq CG [2012] UKUT 00409(IAC), 13 November 2012 ('HM2 Iraq'), the Upper Tribunal found that the evidence presented did not warrant a departure from its conclusions on internal relocation alternatives in the KRG.[9]

1.3.42 However since these determinations were promulgated, Iraq has experienced significant civil unrest and displacement, following widespread territorial losses to non-state armed groups, notably ISIL. To consider the reasonableness of internal relocation, decision makers must refer to the latest country facts and guidance. Decision makers are reminded to refer to the very latest country information available. See Annex O: Sources of Country of Origin Information (COI)

1.3.43 In considering whether internal relocation to the KRI is reasonable, decision makers must assess the following:

- Reports of internal displacement to KRI and sectarian divisions
- Reports of restrictions on entry or residence, including societal objections
- The practicalities of travel to KRI

Reports of internal displacement to KRI and sectarian divisions

1.3.44 Current country information shows the KRI has hosted a significant proportion of the internally displaced persons (IDPs) who were forced to flee their homes following violence in 2014. Figures for October 2014 put the figure at nearly 900,000 IDPs, which represents nearly 50 per cent of all displaced persons since January 2014. Dahuk governorate has hosted the greatest number of IDPs (some 450,000).

1.3.45 The KRI has hosted persons from various places of origin notably Ninewa, Salah Al Din and Anbar. In Erbil governorate there have also been small groups displaced from Diyala and Baghdad; whilst in Sulymaniah, IDPs had relocated to the governorate from a diversity of areas including not only northern and central contested areas of Iraq, but also Baghdad; Babylon and Najaf in the south.

1.3.46 It is difficult to determine the ethnic origin of those displaced. Available survey data shows that the majority of persons displaced were forced to flee their homes due to conflict and decided to relocate to KRI because of either an immediate or extended family presence, which would suggest they are likely of Kurdish ethnic origin. However in Erbil, data recorded shows the majority of IDPs in the governorate (which totalled 156,500 at October 2014) to be Sunni Arab Muslims and according to a source in the Peshmerga, there were up to 1 million Arab Sunnis displaced in KRI. However it has not been possible to verify this figure.

1.3.47 There have also been reports of minority groups relocating to KRI, including Christians, Yazidis and Arab Shias.

1.3.48 Sectarian divisions in Iraq are longstanding and have been exacerbated in 2014 following an increase in violence that has affected persons of all ethnic and religious backgrounds. Although historically Iraq is a diverse country, the breakdown of law and order and effective governance has seen increasing signs of sectarian division and ethnic and religious segregation.

[8] MK (documents – relocation) Iraq CG [2012] UKUT 126 (IAC) (25 April 2012), para 88(2a) http://www.bailii.org/uk/cases/UKUT/IAC/2012/00126_ukut_iac_2012_mk_iraq_cg.html
[9] HM and others (Article 15(c)) Iraq CG [2012] UKUT 00409(IAC), 13 November 2012, para 360, subpara B.iv), http://www.bailii.org/uk/cases/UKUT/IAC/2012/00409_ukut_iac_2012_hm_ors_iraq_cg.html

1.3.49 In the KRI the civilian population is predominantly of Kurdish (Sunni) ethnic origin, whilst persons displaced to KRI are likely to have either immediate or extended families residing in KRI.

Reports of restrictions on entry or residence, including societal objections

1.3.50 There have been recent reports of restrictions being applied against persons seeking to enter KRI or in peshmerga controlled areas; checkpoints being closed and 'unpredictable' entry arrangements, which can often be dependent on the persons in charge at the checkpoint. Security concerns and absorption capacity are identified as the main factors limiting access. Ethnic or religious origin also appears to be a relevant factor, with reports of Sunni Arabs and Shiite Turkmen IDPs being refused entry or restricted to temporary displacement sites. Additionally for some permitted entry to KRI, there have been reports of restrictions being applied to prevent them renting property or seek formal employment. Place of origin also appears to be a relevant factor for those recently displaced, due to security concerns over ISIL sympathisers gaining access into KRI territory. There have also been some reports of single men or unaccompanied women being restricted entry, but the evidence is not clear how prevalent this has been or the particular circumstances under which persons may have been denied entry.

1.3.51 Decision makers should however acknowledge that such reports relate specifically to IDPs currently displaced in Iraq and seeking entry via road checkpoints, often coming from territories controlled by ISIL. The information does not indicate persons travelling to KRI via air and who are in possession of their civil documentation have experienced similar obstacles.

1.3.52 In addition there have been several popular protests held against the arrival of IDPs in Erbil and Sulaymaniyah and statements issued by the KRG authorities that IDPs would be forcibly 'moved on', if the concerns of host communities were not addressed.

1.3.53 The evidence is not clear on whether a sponsor is required to relocate to the KRI. Survey data from September 2014, based on IDPs recently entering into KRI, indicated a sponsor was more likely compared to a few months earlier, and yet still a significant proportion (45 per cent) were residing in KRI without a sponsor. Very recent reports suggest the sponsorship requirement for IDPs has been removed, but that enhanced security measures have been introduced to register persons not from KRI with the Asayish (security services). It is not possible at the current time to know if these changes are permanent or if they will make internal movement to KRI more difficult either generally or for certain groups. It is also not clear whether sponsors will still be required for permanent residence.

Travel

1.3.54 Iraqi nationals are returned from the UK via Baghdad International Airport. Additionally some returns take place to Erbil International Airport on a case by case basis (if they are of Kurdish ethnic origin and originate from one of the three KRI governorates of Erbil, Dahuk or Sulymaniyah).

1.3.55 There are also international flights from the UK to Sulymaniyah.

1.3.56 Internal flights regularly run between Baghdad and Erbil or Sulymaniyah.

1.3.57 Travel from Baghdad to KRI by road is not considered either safe or reasonable due to the current security situation. See also: Country Information and Guidance report: The security situation in the 'contested' areas of Iraq, 22 August 2014

1.3.58 In summary, persons originating from KRI will in general be able to relocate to another area of the KRI.

1.3.59 For persons of Kurdish ethnicity who originate from outside of KRI and who are returned to Baghdad, relocation to KRI would be a reasonable option providing they first regularise their documentation in Baghdad (or elsewhere). Such persons would either not require a sponsor because they would not be perceived a security risk or would likely know someone who can act as sponsor, based on family or tribal links.

1.3.60 For others who are not Kurds and do not originate from KRI the situation is less clear. The current evidence indicates that most IDPs have immediate or extended family links to KRI; reports of restrictions on entry or residence for some IDPs, reports of restrictions in Peshmerga controlled areas and reports of some popular protests against IDPs residing in KRI. Consequently decision makers should carefully consider if a non-Kurdish person can internally relocate to KRI. For persons with established family or other links to KRI (e.g. tribal or previous employment), internal relocation will usually be a reasonable alternative.

1.3.61 In cases where the person has no established links to the KRI and is of Arab or Turkmen ethnic origin, internal relocation will be difficult at the current time, even if they have their civil documentation in order. A sponsor may be required and/or the person may be refused permission to reside by the Asayish (security services) due to heightened security concerns, which in particular have targeted Sunni Arabs. Based on available information currently, in such cases internal relocation to Baghdad or the south is a more reasonable option. If this is not reasonable on the particular facts of the case, a grant of protection may be appropriate.

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Is it reasonable for Iraqi nationals to relocate to Baghdad or Governorates in the south?

1.3.62 The case law of MK (documents – relocation) Iraq CG [2012] UKUT 126 (IAC), 25 April 2012 ('MK Iraq') found that relocation to other areas of Iraq would not be unreasonable or unsafe, although cautioned that it would be most appropriate to relocate to areas where the returnee and host community shared a similar ethnic or religious background.[10] In the case of HM and others (Article 15(c)) Iraq CG [2012] UKUT 00409(IAC), 13 November 2012 ('HM2 Iraq'), the Upper Tribunal found that the evidence presented did not warrant a departure from its conclusions on internal relocation alternatives in central or southern Iraq.[11]

1.3.63 However since these determinations were promulgated, Iraq has experienced significant civil unrest and displacement, following widespread territorial losses to non-state armed groups, notably ISIL. To consider the reasonableness of internal relocation, decision makers must refer to the latest country facts and guidance. Decision makers are reminded to refer to the very latest country information available. See Annex O: Sources of Country of Origin Information (COI)

1.3.64 In considering whether internal relocation to Baghdad and Governorates in the south is reasonable, decision makers must assess the following country information:

- Reports of internal displacement to Baghdad and the south and sectarian divisions
- Reports of restrictions on entry or residence, including societal objections
- The practicalities of travel to Baghdad and the south

[10] MK (documents – relocation) Iraq CG [2012] UKUT 126 (IAC), 25 April 2012, para 100, http://www.bailii.org/uk/cases/UKUT/IAC/2012/00126_ukut_iac_2012_mk_iraq_cg.html
[11] HM and others (Article 15(c)) Iraq CG [2012] UKUT 00409(IAC), 13 November 2012, para 360, sub para iv, http://www.bailii.org/uk/cases/UKUT/IAC/2012/00409_ukut_iac_2012_hm_ors_iraq_cg.html

Reports of internal displacement to Baghdad and the south and sectarian divisions

1.3.65 Decision makers should be aware that sectarian divisions in Iraq are longstanding and have been exacerbated in 2014 following an increase in violence that has affected persons of all ethnic and religious backgrounds. Although historically Iraq is a diverse country, the break down of law and order and effective governance has resulted in increasing sectarian division and ethnic and religious segregation.

1.3.66 In particular reports have shown that Baghdad has become less ethnically and religiously diverse, with fewer 'mixed sect' or Sunni areas. This may explain why in Baghdad IDPs are concerned that the hospitality of the host community will not last long, raising doubts as to whether Baghdad presents a durable option for relocation.

1.3.67 Nonetheless Baghdad has for decades been an attractive destination for those seeking refuge because of its close proximity to conflict areas, the lower costs of living compared to KRI, and because it has sizeable Shia and Sunni IDP populations. At the end of October 2014 there were 127,446 IDPs residing in Baghdad. According to IOM a significant majority of IDPs in Baghdad were Arab Sunnis.

1.3.68 Displacement to governorates in the south has been on a smaller scale to elsewhere, although it is still notable that the governorates of Babylon, Basrah, Kerbala, Missan, Najaf, Qadissiya, Thi-Qar and Wassit have hosted a total of nearly 250,000 IDPs, including sizable populations from Ninewa and Anbar. Persons fleeing to these areas are predominantly Shias (Arab, Turkmen and Shabak) who moved because of a similar ethnic and religious background and the presence of family and friends.

1.3.69 However sources have also indicated that some Sunni Arab families have relocated to southern governorates, for example from Anbar following civil unrest in the region in early 2014. In Missan governorate, data from September 2014 recorded 43 Arab Sunni families present (from a total of 917), 40 of which could be found in the district of Amara; whilst in Basrah there were approximately 330 Arab Sunni families and around 200 in Thi-Qar.

Reports of restrictions on entry or residence, including societal objections

1.3.70 There have been some reports of restrictions being applied in governorates in the south to restrict the movement of some IDPs, with accounts of sponsors being required on some occasions including for entry into Baghdad from Anbar and for persons fleeing to Qadissiya and Kerbala.

1.3.71 However such reports are isolated and limited to specific areas. The current available country information indicates such restrictions are imposed by local governorate authorities when there are legitimate capacity constraints or are temporarily applied during times of religious pilgrimages to ease population movement. Currently the evidence does not demonstrate widespread restrictions are in place continuously across Baghdad and the south or that such restrictions discriminate against particular ethnic or religious groups. There is also no evidence that freedom of movement for Iraqi nationals in possession of their civil documentation is problematic either in Baghdad or to governorates in the south.

Travel

1.3.72 Across the south of Iraq there is an adequate road network. Regular internal flights are also possible to Najaf and Basra from Baghdad.

1.3.73 Decision makers must consider the last security situation when travelling by road, but at the current time, travel from Baghdad to the south is generally possible. Travel by road through 'contested' areas would not be safe.

See also: Country Information and Guidance report: The security situation in the 'contested' areas of Iraq, 22 August 2014

1.3.74 In summary, although there have been some reports of difficulties being experienced by IDPs on some occasions and in some governorates, there is no evidence that IDPs are generally restricted from internally relocating to Baghdad or the south or evidence to show that Iraqi nationals returned to Baghdad and who are in possession of their civil documentation, would be unable to either remain in Baghdad or relocate to the south.

1.3.75 Sectarian factors should be considered by decision makers when assessing relocation to Baghdad and to the south however in general Arab Sunnis; Kurds and Shias will be able to relocate to Baghdad, where it is noted there is a sizable Arab Sunni IDP population.

1.3.76 **Shia Muslims seeking to internally relocate will in generally be able to relocate to southern governorates, which are heavily populated by Shia communities. Sunni Muslims may be able to relocate to the south, although as a minority they will find it more difficult due to sectarian tensions between Sunni and Shia communities.**

1.3.77 Decision makers must consider carefully whether a person has established family or other links to a proposed area of internal relocation (e.g. tribal or previous employment); as this would make internal relocation easier. However such links are not considered essential. In general currently there are no insurmountable barriers preventing Iraqi nationals from relocating to Baghdad or the governorates in the south, although all cases need to be decided on their individual facts.

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1.4 Policy Summary

Return arrangements from the UK

1.4.1 Current return arrangements from the UK to Iraq, either via Erbil or Baghdad, do not breach Article 3 of the ECHR.

Obtaining civil documentation in a new place of residence

1.4.2 **The Civil Status ID Card and the Nationality Certificate are two of the most important forms of civil documentation, because they directly or indirectly provide access to a range of economic and social rights.**

1.4.3 **A person returned to Iraq who was unable to replace their Civil Status ID Card or Nationality Certificate would likely face significant difficulties in accessing services and a livelihood and would face destitution which is likely to reach the Article 3 threshold.**

1.4.4 However, persons from non-contested areas of Iraq who are returned either to Erbil or Baghdad would in general be able to reacquire their Civil Status ID Card, Nationality Certificate and other civil documentation by either returning to their place of origin or by approaching relevant government and non-government agencies found across the non-contested areas.

1.4.5 Persons from contested areas of Iraq who are returned to Baghdad would in general be able to reacquire their Civil Status ID Card, Nationality Certificate and other civil documentation by approaching relevant agencies found in Baghdad and Najaf.

1.4.6 Persons in the UK seeking to reacquire their Civil Status ID Card and Nationality Certificate would be able to approach the Iraqi embassy in London for assistance, providing they can first prove their identity. This would generally be possible for persons compulsorily returned to Baghdad, as they would be in possession of a valid or expired passport of Laissez Passer document.

1.4.7 For those unable to prove their identity to the Iraqi embassy, the individual may be able to reacquire documents via a proxy in Iraq, e.g. from a relative or lawyer with a power of attorney.

Relocation to the Kurdistan Region of Iraq (KRI)

1.4.8 Persons originating from KRI will in general be able to relocate to another area of the KRI.

1.4.9 Persons of Kurdish ethnicity who originate from outside of KRI and who are returned to Baghdad will in general be able to relocate to KRI providing they first regularise their documentation in Baghdad (or elsewhere).

1.4.10 For non-Kurdish persons with established family or other links to KRI (e.g. tribal or previous employment), internal relocation will usually be a reasonable alternative.

1.4.11 If a person is of Arab or Turkmen ethnic origin, internal relocation to KRI will be difficult. Internal relocation to Baghdad or the south is more likely to be reasonable. If this is not reasonable due to the particular circumstances of the case, a grant of protection may be appropriate.

Relocation to Baghdad and the south

1.4.12 In general Arab Sunnis; Kurds and Shias will be able to relocate to Baghdad, where it is noted there is a sizable Arab Sunni IDP population.

1.4.13 **Shia Muslims seeking to internally relocate will in general be able to relocate to southern governorates**. **Sunni Muslims may be able to relocate to the south**.

1.4.14 **In general currently there are no insurmountable barriers preventing Iraqi nationals from relocating to Baghdad or the governorates in the south, although all cases need to be decided on their individual facts.**

See also the Asylum Instruction(s) on:

- Internal Relocation
- Humanitarian Protection
- Discretionary Leave

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Section 2: Information

Date Updated: 31 October 2014[12]

2.1 The return of Iraqi nationals from the UK

Returns to Baghdad

2.1.1 Currently the return of Iraqi nationals from the UK to Baghdad requires the returnee to have a valid passport, expired passport or laissez passer travel document, which is an emergency travel document issued by an Iraqi embassy. These procedures were introduced by the Iraqi authorities in October 2011. EU letters are currently not acceptable for either enforced or voluntary returns to Baghdad (British Embassy in Baghdad, 22 January 2014).[13]

2.1.2 The British Embassy in Baghdad advised in a letter dated 8 April 2012, that at that time the Iraqi embassy in London played no part in the re-documentation process for the return of enforced returnees. The source explained that when the then UK Border Agency (now Home Office) sought to enforce the return of an Iraqi national, a pre-clearance procedure was carried out which involved a Senior Iraqi Immigration Official interviewing them face to face in the UK to confirm their nationality. This was in addition to the returnee being in possession of a passport, expired passport or potentially a Laissez Passer document.[14]

2.1.3 The British Embassy letter also noted that on arrival at Baghdad International Airport (BIAP), all passengers irrespective of their nationality, now had their biometric details captured which was an increasingly common security procedure – the embassy official commented that he had had his biometrics captured recently on arrival at BIAP and again in order to obtain some identification.[15]

2.1.4 The same British Embassy letter concluded: 'Since the introduction of the new system (i.e. not to return on EU letters), there have been no detentions upon arrival in Iraq. With so many checks and balances, in our opinion, the new revised procedures will prevent a returnee being detained upon arrival as they have adequate documentary evidence of their identity and nationality.' [16]

2.1.5 Additionally the source noted with regard to the treatment of Kurds arriving in Baghdad International Airport (BIAP):

'I have not heard of any reports of ethnic or religious discrimination in applying procedures at BIAP e.g. specifically targeted at Kurds. It is important to understand that a Kurdish returnee from Iraqi Kurdistan is an Iraqi Citizen so can return anywhere in Iraq. ...[I]f an enforced returnee who originates from Iraqi Kurdistan is sent via BIAP it is important to understand that they have been pre-cleared for arrival and have a valid or expired passport or laissez passer passport. Assuming they have no outstanding

[12] The Information section of this report is based on open sourced obtained up until 31 October 2014 together with the letter from the British Embassy in Baghdad dated 4 December 2014
[13] British Embassy Baghdad, 'Renewal or reissuance of a civil status ID card and the provisions to change place of residence in Iraq', 22 January 2012, Annex E and British Embassy Baghdad, Return Procedures for UK failed asylum seekers', 8 April 2012, Annex Q
[14] British Embassy Baghdad, Return Procedures for UK failed asylum seekers', 8 April 2012, Annex Q
[15] British Embassy Baghdad, Return Procedures for UK failed asylum seekers', 8 April 2012, Annex Q
[16] British Embassy Baghdad, Return Procedures for UK failed asylum seekers', 8 April 2012, Annex Q

warrants of arrest for criminal activity unrelated to immigration matters, they would not be detained and would not be escorted back to Iraqi Kurdistan.'[17]

See also: Returns to the Kurdistan Region of Iraq

2.1.6 The Iraqi Ministry of Displacement and Migration (MoDM) advised the British Embassy in April 2012 that no Iraqi would be arrested on return, even if they had left illegally, e.g. with smugglers. The only exception would be if they had committed a criminal offence and a warrant had been issued for their arrest. The IOM advised that any detention under such circumstances was implemented by the Iraqi police, located a couple of kilometres away from BIAP. IOM also confirmed that 'this would only be in the case of a judicial order, i.e. a warrant for their arrest'.[18] The same embassy letter additionally noted with regard to the detention facilities by BIAP:

'There are no detention facilities within BIAP the nearest facility is at a small police station a few kilometres away. None of the organisations we contacted could describe the facilities but MoDM emphasised that Enforced Returnees or Voluntary returnees would not be detained on arrival. None of the organisations we contacted could elaborate on whether in the past any enforced returnees had been detained. IOM had heard of returnees "having problems" i.e. being "questioned for longer", especially if returned on Laissez Passer documents. If this was the case in the past, this pre-dates the new Iraqi policy (October 2011) that requires returnees to obtain a Laissez Passer document if they do not have a passport. Qandil have confirmed that all cases they have managed under the Assisted Voluntary Returns programme have been processed satisfactorily.' [19]

For further information on the treatment of returnees to BIAP, see: COI Service bulletin, Treatment of persons returning to Iraq, including failed asylum seekers; the situation of internally displaced persons and procedures to re-obtain documentation to access services and facilitate internal movement, April 2012

Travel from the airport on arrival

2.1.7 A letter from the British Embassy in Baghdad, dated January 2012 explained:

'EU letters are currently not acceptable for enforced or voluntary returns to Baghdad. A valid passport, expired passport or laissez passer travel document is required which was introduced by the Iraqi Government in October 2011. The MoDM and MOI said that they would be able to pass through Iraqi security check points explaining they were heading home. Similarly they would be able to rent a property, stay with friends or relatives or temporarily in a hotel until such time as their records are regularised.'[20]

2.1.8 Whilst the later letter from the British Embassy, dated 7 April 2012 noted:

'In October 2011, the Iraqi Government introduced the policy that stopped EU Countries from returning Iraqi citizens on EU letters. The new Iraqi policy requires returnees to return on a passport, valid or expired or with a Laissez Passer Passport only. The MOI and MoDM have told us that one of these documents is sufficient in the first instance to pass through check points on return to their home or temporary accommodation

[17] British Embassy Baghdad, Return Procedures for UK failed asylum seekers', 8 April 2012, Annex Q
[18] Letter from the British Embassy in Baghdad, 'Monitoring of Returnees at Baghdad International Airport (BIAP)', 8 April 2012, Annex R
[19] Letter from the British Embassy in Baghdad, 'Monitoring of Returnees at Baghdad International Airport (BIAP)', 8 April 2012, Annex R
[20] British Embassy Baghdad, 'Renewal or reissuance of a civil status ID card and the provisions to change place of residence in Iraq', 22 January 2012, Annex E

following which they need to regularise their Civil ID card. The UNHCR/IRC said they were not aware of the policy of allowing passage through a check point using an expired passport or laissez passer travel document. To the knowledge of UNHCR/IRC/Qandil and the Embassy there has been no case to date in which the airport authorities have provided a facilitation letter but we have been advised by the MoDM and MOI that passing through check points is permitted upon first entry and return home and there have already been a number of successful returnees who have returned using an expired passport.'[21]

2.1.9 This was further corroborated in a third letter from the Baghdad Embassy dated 8 April 2012.[22] The UNHCR Baghdad paper dated November 2011 stated that '[n]o [civil] documentation would be issued at the airport, but a letter would be issued to facilitate the individual's movement back to their place of origin / relocation.'[23]

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Returns to the Kurdistan Region of Iraq

2.1.10 On the issue of enforced returns to KRI, a letter from the Embassy dated 18 May 2013 observed:

2.1.11 'Since April 2012, there have been a total of 68 Iraqi nationals returned direct to Iraqi Kurdistan. 64 were Foreign National Offenders (FNO) of whom the majority returned on a voluntary basis. Since late January 2013, 4 others who had no legal basis to remain in the United Kingdom have also returned. ... All returnees to Iraqi Kurdistan are managed under an arrangement agreed with the Kurdish Regional Government (KRG). This involves the pre-clearance of all returnees by a senior KRG immigration official. Clearance is on a case-by-case basis and involves the submission of available identity documents and other supporting evidence of Iraqi nationality for verification via our Consulate General in Erbil. Subject to the returnee's Iraqi nationality being confirmed, approval is then granted for the return to EIA and the airport notified. Currently the KRG will consider for return all persons of Iraqi Kurdish ethnicity who are from an area currently under the administration of the KRG, i.e. the three Governorates of Dohuk, Erbil and Suleimaniah and some parts of Kirkuk Governorate (but not persons from Kirkuk city). Only persons who are pre-cleared by senior KRG immigration officials will be liable for removal under these procedures.

'Unlike the current arrangement for returns to Baghdad International Airport (BIAP), where all returnees must be in possession of a valid or expired Iraqi Passport or an Iraqi Laissez-Passer travel document, it is acceptable for returnees to Iraqi Kurdistan to travel on a European Union Letter (EUL). All returns to Iraqi Kurdistan are by scheduled Royal Jordanian flights from the UK via Amman to EIA. Escorted returnees are presented to a member of the KRG Immigration Service in the arrivals hall by the escorting officers. These officers also provide KRG immigration staff with all supporting Iraqi documentation and confirmation of the pre-clearance.'[24]

2.1.12 The Embassy letter explained that after biometric data had been captured at the airport, and immigration/security checks completed, the returnee would be:

'... [A]llowed to depart from the arrivals hall and leave the airport terminal. If there is an outstanding arrest warrant or other serious charge, the returnee will be transferred into

[21] Letter from the British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex D
[22] British Embassy Baghdad, Return Procedures for UK failed asylum seekers', 8 April 2012, Annex Q
[23] UNHCR Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011, Annex B
[24] Letter from the British Embassy Baghdad, 'Returns to Erbil International Airport (EIA)', 18 May 2013, Annex H

the custody of the KRG police at EIA to be placed before a judge and entered into the Iraqi judicial system. ... The processing of all returnees to EIA is managed by the KRG Immigration Service and other authorities in a highly competent and professional manner. Returnees are treated as normal passengers and, because they are pre-cleared, are dealt with quickly and allowed to leave the airport to family and friends or to make their way home. ... In a small number of cases where the identity is not confirmed at EIA, returnees have been transferred to the KRG's Ministry of Interior's Forensic Evidence Bureau in Erbil for further identification checks prior to release the same day.' [25]

Travel from the airport on arrival

2.1.13 A letter from the British Embassy in Baghdad dated 18 May 2013 observed: 'Returnees not in possession of an Iraqi passport or civil ID card are allowed to travel using their EUL [EU Letter], but they should regularise their civil ID and other documents either direct with the KRG's Bureau of Migration and Displacement or at an UNHCR assistance centre at the earliest convenient opportunity.'[26]

2.1.14 More generally on the issue of safety of returns using an EUL, the letter noted: 'Neither we nor our partner organisations in KRG providing reintegration and resettlement assistance have any evidence of any returnees being mistreated, detained or returned back to the UK during the past year.' [27]

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[25] Letter from the British Embassy Baghdad, 'Returns to Erbil International Airport (EIA)', 18 May 2013, Annex H
[26] Letter from the British Embassy Baghdad, 'Returns to Erbil International Airport (EIA)', 18 May 2013, Annex H
[27] Letter from the British Embassy Baghdad, 'Returns to Erbil International Airport (EIA)', 18 May 2013, Annex H

2.2 Current displacement

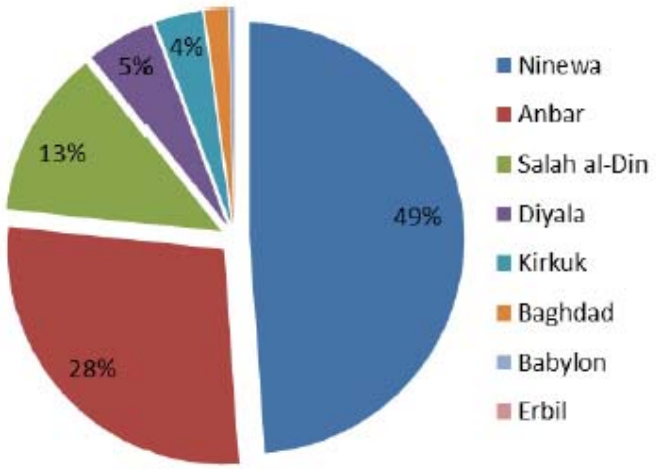
2.2.1 The latest report from the UN's Office for the Coordination of Humanitarian Affairs (OCHA), covering the period 25 to 31 October 2014, put the number of displaced persons in Iraq since January 2014 at 1.9 million persons, scattered across 1,928 sites. The source further reported that in October displacement largely originated from the governorates of Anbar, Ninewa and Diyala.[28]

2.2.2 Ninewa (with 156,246 displaced families) and Anbar (with 87,160 displaced families) had experienced the greatest displacement since January 2014 (OCHA, Situation Report No.18 (25 October – 31 October 2014).[29]

2.2.3 Approximately 47 per cent of all IDPs (889,878 individuals) were located in the Kurdistan Region of Iraq (KRI) or disputed border areas in Ninewa or Diyala governorates.[30] Dahuk governorate hosted the greatest number of IDPs with more than 450,000 IDPs recorded, representing 24 per cent of all IDPs.[31]

2.2.4 The British Embassy Baghdad, in a letter dated 4 December 2014, observed that there was currently no data describing displacement by ethnicity, but noted that anecdotal evidence suggested displacement across the country was mixed with Sunnis displaced equally both to KRI and Shia governorates in the south.[32]

2.2.5 The following table shows displacement by governorate of origin of the total displaced populations as at October 2014:



[28] OCHA, Situation Report No.18 (25 October – 31 October 2014, http://reliefweb.int/report/iraq/iraq-idp-crisis-situation-report-no18-25-october-31-october-2014-enar, date accessed: 24 November 2014
[29] OCHA, Situation Report No.18 (25 October – 31 October 2014, http://reliefweb.int/report/iraq/iraq-idp-crisis-situation-report-no18-25-october-31-october-2014-enar, date accessed: 24 November 2014
[30] OCHA, Situation Report No.18 (25 October – 31 October 2014, http://reliefweb.int/report/iraq/iraq-idp-crisis-situation-report-no18-25-october-31-october-2014-enar, date accessed: 24 November 2014
[31] IOM, 'Displacement Tracking Matrix, Report II of Round VII, October 2014, p. 3, http://reliefweb.int/report/iraq/response-idp-crisis-iraq-displacement-tracking-matrix-dtm-report-ii-round-vii-october, date accessed: 24 November 2014
[32] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P

[33]

2.2.6 For further figures on displacement, refer to the IOM report: 'Displacement Tracking Matrix, Report II of Round VII, October 2014

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Displaced populations in Baghdad

2.2.7 According to IOM data recorded in October, 127,446 IDPs were currently displaced in Baghdad governorate.[34] An IOM displacement snapshot of Baghdad, dated September 2014, observed that Baghdad had been an attractive area of displacement for IDPs for decades because of its proximity to conflict areas and the lower costs of living compared to the KRI. The source also highlighted that Baghdad was attractive because it had areas with both Shia and Sunni concentrations, with IDPs tending to migrate towards areas which had previously received displaced populations. As of 1 September 2014 there were 101,220 IDPs displaced in 249 locations.[35]

2.2.8 The IOM paper explained that prior to June 2014, most displacement to Baghdad was by Arab Sunni Muslims from Anbar governorate, although the report also noted that due to the unstable security situation in Baghdad, there was also some displacement from Baghdad to Anbar and from Baghdad to the south (i.e. Wassit, Missan, Kerbala, Basrah, Qadissiya, Thi-Qar and Babylon). Post June displacement to Baghdad originated from within Baghdad and from Ninewa, with small IDP populations also originating from Salah al Din; Kirkuk; Diyala and Babylon. Abu Ghraib district, bordering Fallujah to the west of Baghdad had the greatest concentration of IDPs (with close to 5,400 families), followed by Karkh, Mahmoudiya and Al Resafa districts. Those IDPs in Abu Ghraib originated from Anbar.[36]

2.2.9 The vast majority of IDPs in Baghdad were, according to IOM, identified as Arab Sunnis, but the governorate also hosted Turkmen Shia minorities from Ninewa, Kirkuk, Diyala and Salah al Din. There was also a small community of Arab Shias (6 per cent or 1,000 families), more than half of which were located in Al Resafa, with smaller numbers located in Adhamiya, Kadhimia, Karkh and Thawra2. Sunni Muslims IDPs were located across most districts of Baghdad. [37]

2.2.10 A survey paper from Premiere Urgence- Aide Medicale Internationale (PU-AMI), based on field research of IDP communities in Baghdad and Najaf in July 2014, documented that 100% of Baghdad respondents were 'feeling the host community were receptive for the time being but worried that host communities hospitality would not last long. This compared to only 31% of respondents who felt this in Najaf [southern Iraq].[38]

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[33] IOM, 'Displacement Tracking Matrix, Report II of Round VII, October 2014, p. 3, http://reliefweb.int/report/iraq/response-idp-crisis-iraq-displacement-tracking-matrix-dtm-report-ii-round-vii-october, date accessed: 24 November 2014

[34] IOM, 'Displacement Tracking Matrix, Report II of Round VII, October 2014, p. 3, http://reliefweb.int/report/iraq/response-idp-crisis-iraq-displacement-tracking-matrix-dtm-report-ii-round-vii-october, date accessed: 24 November 2014

[35] IOM Displacement snapshot: Baghdad, September 2014, http://reliefweb.int/report/iraq/displacement-snapshot-baghdad-september-2014, date accessed: 24 November 2014

[36] IOM Displacement snapshot: Baghdad, September 2014, http://reliefweb.int/report/iraq/displacement-snapshot-baghdad-september-2014, date accessed: 24 November 2014

[37] IOM Displacement snapshot: Baghdad, September 2014, http://reliefweb.int/report/iraq/displacement-snapshot-baghdad-september-2014, date accessed: 24 November 2014

[38] Premiere Urgence – Aide Medicale Internationale, '2014 – Multi-sectoral rapid needs assessment: Focus on IDPs from northern Iraq, from June 24th to July 23rd, 2014', 10 August 2014, accessed via shelter culster.org, p.12,

2.2.11 According to the UNHCR in a paper dated October 2014, displacement to Baghdad continued to occur; the UNHCR indicated that many of those displaced had already experienced earlier displacement as a result of conflict in Iraq. Cases of persons being displaced multiple times was also reported, including for those from IDP camps set up in the disputed areas of Ninewa. The UNHCR anticipated further displacement as a result of the conflict in northern and central areas.[39]

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Displaced populations in southern Iraq

2.2.12 The following table shows displaced individuals by governorate of current displacement in southern Iraq (identified as Babylon, Basrah, Kerbala, Missan, Najaf, Qadissiya, Thi-Qar and Wassit) as at October 2014:

Governorate	Total displaced individuals (average family size of 6 members) by current governorate of displacement
Babylon	31,806
Basrah	8,712
Kerbala	63,528
Missan	6,750
Najaf	80,232
Qadissiya	16,302
Thi-Qar	8,790
Wassit	27,900

[40]

2.2.13 A report from the International Organisation for the Migration, dated 12 September 2014, noted that 11 per cent of all displaced Iraqis (105,000 individuals) had moved to governorates south of Baghdad, based on IOM's Displacement Tracking Matrix[41]. According to IOM data from August 2014, 23 per cent of IDPs from Ninewa had relocated to southern Iraq; whilst the figure relocating to southern Iraq from Diyala and

https://www.sheltercluster.org/MENA/Iraq/Documents/Forms/Assessment%20Documents.aspx, date accessed: 6 October 2014

[39] UNHCR, 'UNCHR position on returns to Iraq', 27 October 2014, p.5, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014

[40] IOM, 'Displacement Tracking Matrix, Report II of Round VII, October 2014, p. 3, http://reliefweb.int/report/iraq/response-idp-crisis-iraq-displacement-tracking-matrix-dtm-report-ii-round-vii-october, date accessed: 24 November 2014

[41] IOM, 'IOM Assists Most Vulnerable in Southern and Central Iraq', 12 September 2014, http://reliefweb.int/report/iraq/iom-assists-most-vulnerable-southern-and-central-iraq, date accessed: 10 October 2014

Anbar was 10 per cent and 14 per cent respectively. Only 2 per cent of IDPs from Salah al Din relocated to the south.[42]

2.2.14 The British Embassy Baghdad, in a letter dated 4 December 2014, noted that there was currently no data describing displacement by ethnicity, but noted that anecdotal evidence suggested displacement across the country was mixed with Sunnis displaced equally both to KRI and Shia governorates in the south.[43]

2.2.15 An IOM overview of displacement in southern Iraq, dated September 2014, noted that the southern governorates of Basrah, Missan and Thi-Qar were destinations for families fleeing more unstable areas, despite the long journeys to reach these governorates. The source, citing field reports, highlighted that families chose to move to these areas because of similar ethnic and religious backgrounds and the presence of family and friends, in addition to the general increased security situation. More than 80 per cent of displaced families were Shias (Arab, Turkmen and Shabak). However the source also noted that following earlier violence in Anbar governorate, a small number of Arab families, both Sunni and Shia, had reached these governorates.[44]

2.2.16 The source further observed that families displaced to Basrah, Missan and Thi-Qar, who originated from Ninewa and Anbar, had usually been initially displaced to Erbil, taking a flight to airports in Basrah and Najaf, before travelling onto their destinations, but others from Salah al-Din; Kirkuk and Diyala had travelled directly from their locations, passing through Baghdad and Najaf.[45]

2.2.17 An IOM paper specifically on displacement trends in Basrah, dated September 2014, highlighted that as of 14 September Basrah hosted close to 1,000 families, over 90 per cent of whom had arrived after the start of June. 66 per cent of these families were Arab Shia Muslims, with the remaining 34 per cent being Sunni Arab Muslims (approximately 330 families).[46] In Missan IOM data reported 917 families had been displaced as of 14 September, which included 43 Arab Sunni families; 40 of which were located in the district of Amara. The source also highlighted that Missan was '... the only one of the southern governorates that received displaced minority populations'; the majority of displaced in Missan were Shabak or Turkmen minorities or Shia Arabs.[47] Finally in Thi-Qar IOM data recorded as 14 September 1,230 families, the vast majority of which arrived since the start of June (1171 families) and were Shia Arabs, with only around 200 Sunni Arab families.[48]

2.2.18 A REACH briefing on IDP crisis, covering the period 3 – 18 August 2014 highlighted that an estimated 30,000 IDP households had since the end of July relocated to Shia-majority areas of southern and central Iraq. The source highlighted that a large majority

[42] REACH, Iraq: Destination of IDPs from Central Iraq, 29 September 2014, http://reliefweb.int/map/iraq/iraq-destination-idps-central-iraq-29-september-2014, date accessed: 24 November 2014
[43] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P
[44] IOM, Overview of displacement in southern Iraq, September 2014, http://reliefweb.int/report/iraq/overview-displacement-southern-iraq-september-2014, date accessed: 24 November 2014
[45] IOM, Overview of displacement in southern Iraq, September 2014, http://reliefweb.int/report/iraq/overview-displacement-southern-iraq-september-2014, date accessed: 24 November 2014
[46] IOM, Overview of displacement in southern Iraq, September 2014, http://reliefweb.int/report/iraq/overview-displacement-southern-iraq-september-2014, date accessed: 24 November 2014
[47] IOM, Overview of displacement in southern Iraq, September 2014, http://reliefweb.int/report/iraq/overview-displacement-southern-iraq-september-2014, date accessed: 24 November 2014
[48] IOM, Overview of displacement in southern Iraq, September 2014, http://reliefweb.int/report/iraq/overview-displacement-southern-iraq-september-2014, date accessed: 24 November 2014

were Shias from Turkmen and Shabak communities of Ninewa, with no established links with the host communities.[49]

2.2.19 A survey paper from Premiere Urgence- Aide Medicale Internationale (PU-AMI), based on field research of IDP communities in Baghdad and Najaf in July 2014, documented that 69 per cent of the people interviewed in Najaf declared feeling 'safe enough' to extend the duration of their stay in the given areas [50]

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Displaced populations in the Kurdistan Region of Iraq

2.2.20 The IOM assessed in its latest displacement tracking report, dated October 2014, that the Kurdistan Region of Iraq (KRI) had hosted '...vast populations of displaced people from various areas of origin, as people have sought refuge in the relative stability of the region [of KRI].'[51] Approximately 47 per cent of all IDPs (889,878 individuals as of October 2014) were located in the Kurdistan Region of Iraq (KRI) or disputed border areas in Ninewa or Diyala governorates.[52] Dahuk governorate hosted the greatest number of IDPs with more than 450,000 IDPs recorded, representing 24 per cent of all IDPs.[53] 64 per cent of IDPs from Ninewa and 83 per cent from Salah al Din were displaced to KRI.[54]

2.2.21 The following table showed displaced individuals by governorate of current displacement in KRI as at October 2014:

Governorate	Total displaced individuals (average family size of 6 members) by current governorate of displacement
Dahuk	452,004
Sulaymaniyah	100,968
Erbil	156,522

[55]

[49] REACH, 'Iraq IDP Crisis Overview, 3-18 August 2014, http://reliefweb.int/sites/reliefweb.int/files/resources/REACH_IRQ_InternalDisplacement_Report_August2014.pdf, date accessed: 10 October 2014

[50] Premiere Urgence – Aide Medicale Internationale, '2014 – Multi-sectoral rapid needs assessment: Focus on IDPs from northern Iraq, from June 24th to July 23rd, 2014', 10 August 2014, accessed via shelter culster.org, p.12, https://www.sheltercluster.org/MENA/Iraq/Documents/Forms/Assessment%20Documents.aspx, date accessed: 6 October 2014

[51] IOM, 'Displacement Tracking Matrix, Report II of Round VII, October 2014, p. 5, http://reliefweb.int/report/iraq/response-idp-crisis-iraq-displacement-tracking-matrix-dtm-report-ii-round-vii-october, date accessed: 24 November 2014

[52] OCHA, Situation Report No.18 (25 October – 31 October 2014, http://reliefweb.int/report/iraq/iraq-idp-crisis-situation-report-no18-25-october-31-october-2014-enar, date accessed: 24 November 2014

[53] IOM, 'Displacement Tracking Matrix, Report II of Round VII, October 2014, p. 3, http://reliefweb.int/report/iraq/response-idp-crisis-iraq-displacement-tracking-matrix-dtm-report-ii-round-vii-october, date accessed: 24 November 2014

[54] REACH, Iraq: Destination of IDPs from Central Iraq, 29 September 2014, http://reliefweb.int/map/iraq/iraq-destination-idps-central-iraq-29-september-2014, date accessed: 24 November 2014

[55] IOM, 'Displacement Tracking Matrix, Report II of Round VII, October 2014, p. 3, http://reliefweb.int/report/iraq/response-idp-crisis-iraq-displacement-tracking-matrix-dtm-report-ii-round-vii-october, date accessed: 24 November 2014

2.2.22 The British Embassy in Baghdad, in a letter dated 4 December 2014, observed that there was currently no data describing displacement by ethnicity, but noted that anecdotal evidence suggested displacement across the country was mixed with Sunnis displaced equally both to KRI and Shia governorates in the south.[56]

2.2.23 An IOM assessment on displacement in Erbil, dated September 2014, recorded the number of displaced persons in Erbil governorate (as of August) to be 176,784 persons. According to IOM data the majority of IDP families in Erbil were Arab Sunni Muslims; about one in every four families were Chaldean Christian. Additionally there were a small number of Kurdish Yazidis and Arab Shia Muslims. The source further observed that in Erbil governorate 'almost half the displaced populations originated from Salah al-Din (46 per cent); whilst 36 percent originated from Ninewa and the remainder from Anbar governorate.[57]

2.2.24 However an earlier survey report from REACH, covering the period 20 – 24 July 2014 and based on assessments conducted in Erbil City, Gwer, Kalak, Shaqlawa, Soran and Qushtapa, in Erbil Governorate in July of 705 families, noted that the majority of IDPs arriving in Erbil had originated from Mosul, this was due to the close proximity of the Khazir entry point to Mosul district, which meant it was the nearest point of refuge for many fleeing violence in area. The report highlighted that as at July 2014, IDPs displaced to Erbil originated mainly from Ninewa (36 per cent); Salah al Din (28 per cent) and Anbar (27 per cent), with small numbers from Diyala (4 per cent) and Baghdad (5 per cent). [58]

2.2.25 An IOM assessment on displacement in Dahuk, dated September 2014 recorded the number of displaced persons in Dahuk governorate (as of August) to be 465,168 persons. According to IOM data Kurdish Yazidis made up 67 per cent of IDPs in the governorate. Assyrian and Chaldean Christians comprised 4 per cent, whilst 1 per cent were Arab Sunni Muslims. The ethnic and religious identity of 27 per cent of IDPs was not known. [59]

2.2.26 According to a REACH survey report conducted between 3 and 24 July 2014, based on an assessment of 550 IDP families in Arbat Town, Chamchamal, Darbandikhan, Dokan Town, New Halabja, Sayid Sadiq, Sulaymaniyah City and Taslujah, half of IDPs relocated in Sulymaniah came from Anbar governorate (51 per cent – with 44 per cent from the district of Fallujah); followed by 17 per cent from Diyala (mainly from Al Muqdadiya and Baquba districts); 10 per cent from Salah al Din (mainly from Tikrit) and 15 per cent from Baghdad (mainly from Karkh district).[60]

2.2.27 The REACH report entitled, 'Vulnerability, Needs and Intentions of Internally Displaced Persons in Northern Iraq', Rapid Assessment Report, August 2014, based on interviews conducted with 1768 IDP families between 3 and 24 July in the governorates of Dahuk, Erbil and Sulymaniyah, as well as accessible areas in Ninewa governorate, found that the largest proportion of IDPs in KRI originated from Ninewa (44 per cent); whilst others came from Salah al-Din governorate (14 per cent). Sulymaniyah experienced the largest

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[56] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P

[57] IOM, 'Displacement snapshot: Erbil', September 2014, http://reliefweb.int/sites/reliefweb.int/files/resources/Erbil_Governorate_Profile_-_September_2014.pdf, , date accessed: 10 October 2014

[58] REACH, 'IDP factsheet: Erbil Governorate', data collected 20 – 24 July 2014, http://reliefweb.int/report/iraq/idp-factsheet-erbil-governorate-iraq-data-collected-20-24-july-2014, date accessed: 24 November 2014

[59] IOM, 'Displacement snapshot: Dahuk, September 2014, http://reliefweb.int/sites/reliefweb.int/files/resources/Dahuk_Governorate_Profile_Sep_2014.pdf, date accessed: 10 October 2014

[60] REACH, 'IDP factsheet: Sulymaniyah Governorate, data collected: 3 – 24 July 2014', http://reliefweb.int/report/iraq/idp-factsheet-sulaymaniyah-governorate-iraq-data-collected-03-24-july-2014, date accessed: 10 October 2014

diversity of IDPs in terms of governorate of origin, comprising seven in total: Anbar (51 per cent); Baghdad (15 per cent); Diyala (17 per cent); Salah al Din (10 per cent); Babylon (4 per cent); Ninewa (2 per cent) and Najaf (2 per cent). The source confirmed that conflict was the primary cause of displacement, accounting for 93 per cent of assessed families – nearly three quarters (73 per cent) referred to conflict in their neighbourhood or town as the cause, whilst 20 per cent cited conflict in their wider district. 6 per cent fled due to 'anticipated conflict in their neighbourhood'.[61]

2.2.28 The same source identified that the primary reason for deciding to leave an area of origin and relocate to the KRI controlled areas was the presence of immediate family or extended family.[62]

2.2.29 An Agence France-Presse report dated 5 October 2014, noted that according to the Peshmerga, there were currently one million Arabs displaced in Kurdistan. The source did not provide any further details as to the precise basis of this figure.[63]

2.2.30 A report from OCHA dated 25 September 2014 noted that several protests have been held against the arrival of IDPs from south and central Iraq in the governorates of Erbil and Sulaymaniyah; OCHA also reported that the authorities had issued statements that IDPs would be forcibly 'moved on' if concerns from host communities were not addressed. The source provided no further detail as to whether forced evictions were occurring in practice.[64]

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2.3 Sectarianism

2.3.1 Sources repeatedly highlight the importance of sectarian divisions in Iraq, which have been exacerbated in 2014 following an increase in violence that has affected civilians of all ethnic and religious backgrounds. The OCHA 2014/15 Iraq Humanitarian Needs Overview: Summary, published in October 2014, explained that this included not only minorities such as Yezidis; Christians or Turkmen in the north, but also included Shiites and Sunnis. The source also observed that: '[p]rotection concerns are equally faced by groups who are now in the minority in the areas of displacement, including those from Shia and Sunni communities.'[65] Additionally further background information on sectarian divisions in Iraq can be found in the COI Service bulletin, Security Situation update 2013, dated August 2013.

2.3.2 For further information on the ethno-religious and tribal groups in Iraq see Annex F.

2.3.3 For further information on the ethno-religious demographic changes in Baghdad, compare Columbia University's (The Gulf 2000 Project) reports, Ethno-religious

[61] REACH, 'Vulnerability, Needs and Intentions of Internally Displaced Persons in Northern Iraq', Rapid Assessment Report, August 2014, http://reliefweb.int/report/iraq/vulnerability-needs-and-intentions-internally-displaced-persons-northern-iraq-rapid-0, date accessed: 21 November 2014
[62] REACH, 'Vulnerability, Needs and Intentions of Internally Displaced Persons in Northern Iraq', Rapid Assessment Report, August 2014, http://reliefweb.int/report/iraq/vulnerability-needs-and-intentions-internally-displaced-persons-northern-iraq-rapid-0, date accessed: 21 November 2014
[63] Agence France-Presse, 'Kurds scrutinise refugees at camps to keep IS out', 5 October 2014, http://reliefweb.int/sites/reliefweb.int/files/reliefweb_pdf/node-697372.pdf, date accessed: 6 October 2014
[64] OCHA, 'Iraq Humanitarian Needs Overview (25 September 2014)', p.14-15, http://www.humanitarianresponse.info/operations/iraq/document/iraq-humanitarian-needs-overview-25-september-2014, date accessed: 20 November 2014
[65] OCHA 2014/15 Iraq Humanitarian Needs Overview: Summary, published in October 2014, p.7, http://reliefweb.int/mwg-internal/de5fs23hu73ds/progress?id=My2beZzO3j, date accessed: 24 November 2014

neighbourhoods in Metropolitan Baghdad, end of 2009 and Ethno-religious neighbourhoods in Metropolitan Baghdad 2003.

2.3.4 A letter from the British Embassy on 'Violence in Baghdad by Area', dated 31 August 2013, identified 'mixed' areas of Baghdad, which included the districts of Khadamiyah; Karkh; Doura; Karradah and Rusafa. Sunni areas were identified as Mansour, with small Sunni enclaves found in the district of Adhamiyah. Shia areas were identified as Sadr City; New Baghdad and Jihad Bayaa. [66]

2.3.5 For a map of Baghdad refer to Annex K. Also see the British Embassy letter included under Annex M.

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2.4 Internal movement and civil registration

Legal framework

2.4.1 Freedom of movement in Iraq is respected under the Iraqi Constitution, Article 44(1) of which states that: 'each Iraqi has freedom of movement, travel and residence inside and outside of Iraq', whilst Article 44(2) sets out that: 'No Iraqi may be exiled, displaced or deprived from returning to the homeland.'[67]

2.4.2 However citizenship documents are in practice required to move around the country and obtain access to services. In an interview conducted by the British Embassy in Baghdad in July 2011, representatives from IOM and the Ministry of Displacement and Migration observed:

'... [T]here are no laws restricting the freedom of movement for Iraqi nationals, neither are there laws which restrict Iraqi nationals from changing their permanent place of residence. In addition, there are no laws relating specifically to the freedom of movement of Internally Displaced Persons (IDPs). These rights of freedom of movement are enshrined in the Iraqi Constitution. That said, we were told that while there are no laws governing freedom of movement, there are certain "regulations" which are required to be met, for instance the production of certain types of Iraqi documents and, in the presentation of personal information to the local council or police station.'[68]

2.4.3 The Iraqi laws which legislate the issuance of such documents are as follows:

- The Nationality Law No.26 of 2006
- Civil Status Law 65 of 1972 as amended
- Passport Law No.32 of 1999 as amended
- Residence law No.18 of 1978 as amended and the
- Organisation of Places of Residence Law No.95 of 1978 as amended

Key documentation

2.4.4 Two of the most important documents used in Iraq are the Iraqi Nationality Certificate and the Iraqi Civil Status ID. A briefing provided by UNHCR explained that this documentation was required for: '...any kind of interaction with the authorities, such as

[66] British Embassy Baghdad, 'Violence in Baghdad by area', 31 August 2013, Annex M
[67] Iraqi Constitution, adopted on 15 October 2005 (accessed via World Intellectual Property Organisation website, www.wipo.int), http://www.wipo.int/edocs/lexdocs/laws/en/iq/iq004en.pdf, Article 44
[68] British Embassy Baghdad, 'Freedom of Movement and requirements to transfer personal documentation in order to relocate in Iraq', 27 July 2011, available in Annex A

an application for a food ration card, school registration, and the issuance of death and birth certificates.' [69] Additionally the report observed that other documents used in Iraq were Residence Address Cards and food ration cards (also known as the Public Distribution Card (PDS)), as well as birth certificates and death certificates.' [70]

2.4.5 The aforementioned British Embassy in Baghdad letter dated July 2011 corroborated information from UNHCR, and explained that '... Iraqi nationals are issued with four documents, a Iraqi Nationality Document, a ID card (Jensiya), a Residence Card and a PDS (or ration card). Iraqi nationals are required to present these documents when seeking to relocate, or for any number of other issues, such as buying a car, obtaining a passport, getting married etc.'[71] The source further explained: 'We were told that in order to relocate from one part of Iraq to another, it was necessary to provide four documents mentioned above.[72]

2.4.6 A UNHCR paper dated October 2005 noted that: 'Instead of the Residence Address Card, one can also obtain a one-time document certifying a person's residence from the local mayor (mukhtar). In the three Northern Governorates, only one-time documents certifying a person's residence are available.'[73] However Brigadier General Abdulrahman Ismael Aziz, Erbil Civil Information Card General Director, Ministry of Interior, Citizenship Police, interviewed by a UK/Danish fact finding mission in November 2011, stated that a new Information Card, legislated under Law 95 of 1978 relating to the Organization of Places of Domicile and Residence inside Iraq had been issued in KRI since 4 December 2010.[74]

2.4.7 A UNHCR paper dated October 2014 noted that IDPs without valid documentation may face difficulties to pass through checkpoints.[75] This was corroborated by evidence from the British Embassy in Baghdad.[76]

2.4.8 Also see: Civil Status ID card: Purpose and Iraqi Nationality Certificate: Purpose.

2.4.9 For further background on civil documentation in Iraq refer to the COI Service bulletin, 'Treatment of persons returning to Iraq, including failed asylum seekers; the situation of internally displaced persons and procedures to re-obtain documentation to access services and facilitate internal movement', dated April 2012, this includes information on other procedures including registration of address and access to the Public Distribution System (PDS card).

Civil documentation needs among internally displaced persons

[69] UNHCR, Country of Origin Information, Iraq, October 2005, http://www.unhcr.org/4709f79a2.pdf, p.132
[70] UNHCR, Country of Origin Information, Iraq, October 2005, http://www.unhcr.org/4709f79a2.pdf, p.132
[71] British Embassy Baghdad, Freedom of Movement and requirements to transfer personal documentation in order to relocate in Iraq, 27 July 2011, available in Annex A
72 British Embassy Baghdad, Freedom of Movement and requirements to transfer personal documentation in order to relocate in Iraq, 27 July 2011, available in Annex A
[73] UNHCR, Country of Origin Information, Iraq, October 2005, http://www.unhcr.org/4709f79a2.pdf, p.132
[74] UK Home Office / Danish Immigration Service fact finding report to Erbil and Dahuk conducted between 11 and 22 November 2011, 'Update (2) on entry procedures at Kurdistan Regional Government checkpoints (KRG); residence procedures in Kurdistan Region of Iraq (KRI) and arrival procedures at Erbil and Suleimaniyah airports (for Iraqis travelling from non-KRI areas of Iraq), published March 2012, p.48, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311809/Iraq_Danish_fact_finding_report_2012.pdf, date accessed: 24 November 2014
[75] UNHCR, 'UNCHR position on returns to Iraq', 27 October 2014, p.10, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014
[76] For example see: British Embassy Baghdad, 'Freedom of Movement and requirements to transfer personal documentation in order to relocate in Iraq', 27 July 2011, available in Annex A

2.4.10 The UN High Commissioner for Refugees (UNHCR) in a paper dated September 2014 noted that a lack of civil documentation made it difficult for persons to register with the Ministry of Displacement and Migration and apply for residence, limiting 'access to all sets of civil and economic rights.' [77]

2.4.11 More recently the UNHCR in their returns paper dated 27 October 2014 repeated such concerns noting: 'IDPs without valid civil documentation may be unable to register with local authorities (in the Kurdistan Region) or the Ministry of Displacement and Migration (MoDM, in areas under control of the central government), thereby preventing them from regularizing their stay and thus limiting access to assistance and public services. There are reports of IDP identity documents being confiscated by authorities in order to control their movement.'[78] A survey paper from Premiere Urgence- Aide Medicale Internationale (PU-AMI), based on field research of IDP communities in Baghdad and Najaf in July 2014, reiterated these concerns, noting that the legal status of IDP families displaced to Najaf was unclear because they were unable to bring their documents. According to PU-AMI such families who had settled among host communities would be 'hardly identifiable' and risked exclusion from services. [79]

2.4.12 However it was noted that IOM Erbil, in a meeting with a UK/Danish fact finding delegation in November 2011 confirmed that IOM monitoring teams would recognise IDPs irrespective of whether they had formally registered as 'IDPs' with the Ministry of Displacement and Migration and Bureau of Migration Displacement in the KRI. The source clarified that this approach to recognise all internally displaced persons was a central component to the work of IOM and allowed them to effectively support such communities and understand their needs.[80]

2.4.13 More recently the British Embassy Baghdad in a letter dated 4 December 2014 observed:

'Owing to their high numbers and continued mobility, IDP registration remains complex and challenging. The UNHCR is working with the GoI and KRG authorities to harmonise registration procedures, including the wide scale use of biometrics, but a common format and practice is unlikely in the short term. In the Kurdistan Region, registration questionnaires and software have been deployed to enhance needs profiling. Across central and southern Iraq, the UNHCR is also funding close to 300 staff positions in MoMD regional offices. However, serious capacity issues remain and practical assistance through these offices is largely limited to cash donations. ... Against this background, registration is not a pre-requirement for access to shelter and emergency relief being provided by the UNHCR and its partners. In line with its Protection Cluster strategy, the monitoring teams of the UNHCR and its partners have reached close to

[77] UNHCR, 'Emergency Response for the Iraq situation, Revised Supplementary Appeal', September 2014, http://www.unhcr.org/5412b1e09.pdf, date accessed: 14 October 2014

[78] UNHCR, 'UNCHR position on returns to Iraq', 27 October 2014, p.9-10, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014

[79] Premiere Urgence – Aide Medicale Internationale, '2014 – Multi-sectoral rapid needs assessment: Focus on IDPs from northern Iraq, from June 24th to July 23rd, 2014', 10 August 2014, accessed via shelter culster.org, p.10-11, https://www.sheltercluster.org/MENA/Iraq/Documents/Forms/Assessment%20Documents.aspx, date accessed: 6 October 2014

[80] UK Home Office / Danish Immigration Service fact finding report to Erbil and Dahuk conducted between 11 and 22
November 2011, 'Update (2) on entry procedures at Kurdistan Regional Government checkpoints (KRG); residence procedures in Kurdistan Region of Iraq (KRI) and arrival procedures at Erbil and Suleimaniyah airports (for Iraqis travelling from non-KRI areas of Iraq), published March 2012, p.8, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311809/Iraq_Danish_fact_finding_report_2012.pdf, date accessed: 24 November 2014

700,000 individuals throughout Iraq to determine needs, vulnerabilities, registration status, demographic information and accommodation circumstances.' [81]

Lack of documentation among Iraqis

2.4.14 There was limited information concerning the number of persons currently lacking civil documentation in Iraq, however a recent report from the UN's Office for the Coordination of Humanitarian Affairs (OCHA), '2014 Strategic Response Plan, Revision', dated June 2014, confirmed that the 'vast majority' of internally displaced persons required legal assistance to re-acquire essential personal identification documentation that 'may have been lost or left behind in the course of flight.' According to the paper such documentation 'may be mandatory for registration purposes. Others may have compensation claims while others may need court representation owing to unlawful arrest and detention'.[82] The UNHCR in a policy paper dated October 2014 also highlighted that IDPs faced growing challenges to obtain or new civil documentation, but did not clarify what proportion of IDPs lacked documentation.[83] Shelter for Life International, in a report dated September 2014 based on a shelter assessment conducted in the greater Erbil area, noted that respondents did not have access to their ID cards because of the hastiness with which they left their homes, however again the source provided no specific evidence on the proportion of IDPs without documents. [84]

2.4.15 However an assessment published by REACH, entitled 'Shelter and CCCM Cluster Rapid Assessment: Iraq Internal Displacement Crisis, Assessment Report', dated 10 September 2014, based on a household survey of 784 families conducted from 24 August to 1 September across Dohuk, Erbil and Sulaymaniah and Kurdish controlled areas of Diyala and Ninewa, noted that it was not common for IDPs surveyed to be missing civil documents (only 10 per cent reported this and the question did not specify how many members in the household were missing civil documents). However from this group, most were not in possession of their Nationality certificate (32 per cent); food ration card (32 per cent) or Civil Status ID card (32 per cent).[85] The same source also confirmed that the majority of households assessed had been registered as an IDP with location authorities (93 per cent), this however varied according to the shelter solutions (94 per cent in collective shelter; 86 per cent in hosted or rental accommodation; 96 per cent in open air or unfinished buildings; 95 per cent in tents).[86]

2.4.16 For further background on the lack of documentation among Iraqi nationals, refer to the COI Service bulletin, 'Treatment of persons returning to Iraq, including failed asylum

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[81] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P
[82] OCHA, '2014 Strategic Response Plan, Revision', June 2014, http://reliefweb.int/sites/reliefweb.int/files/resources/Revision_2014_Iraq_SRP.pdf, date accessed: 14 October 2014
[83] UNHCR, 'UNHCR position on returns to Iraq', 27 October 2014, p.9, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014
[84] Shelter for Life International, 'Rapid Assessment of IDPs in Erbil City in Search of Alternative Approaches to Shelter and Settlement: Findings and Recommendations', September 2014, p. 4, accessed via shelter culster.org, https://www.sheltercluster.org/MENA/Iraq/Documents/Forms/Assessment%20Documents.aspx, date accessed: 6 October 2014
[85] REACH, 'Shelter and CCCM Cluster Rapid Assessment: Iraq Internal Displacement Crisis, Assessment Report', 10 September 2014, accessed via shelter culster.org, p.8, https://www.sheltercluster.org/MENA/Iraq/Documents/Forms/Assessment%20Documents.aspx, date accessed: 6 October 2014
[86] REACH, 'Shelter and CCCM Cluster Rapid Assessment: Iraq Internal Displacement Crisis, Assessment Report', 10 September 2014, accessed via shelter culster.org, p.8, https://www.sheltercluster.org/MENA/Iraq/Documents/Forms/Assessment%20Documents.aspx, date accessed: 6 October 2014

seekers; the situation of internally displaced persons and procedures to re-obtain documentation to access services and facilitate internal movement', dated April 2012.

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Iraq Civil Status ID card

The following section should be read together with information under the section: Key documentation

Purpose

2.4.17 In Arabic the Civil Status ID card is called *Bitaka shakhsiyeh*, but is also referred to as *Bitaqa hawwiya* (Landinfo, Iraq: Travel documents and other identity documents, 23 January 2014) [87]; *Al-Bitaqat al-Shikhsiya* (Middle East Consultancy Services, 9 September 2012)[88] or *Jensiya* (British Embassy Baghdad letter, 27 July 2011).[89]

2.4.18 The Civil Status ID card is a form of photo identification.[90] The Landinfo report dated January 2014 noted that ID cards contained the following data:

- Full name
- Date of Birth
- Birthplace
- Name of both parents
- Civil status
- Religious affiliation

2.4.19 To the right side, on the front of the card is a registry number which specifies the number of the family book in which the person is registered. The serial number is printed on the top left. Using this information and the issuer's signature, it is possible to authenticate an ID card (Landinfo, Iraq: Travel documents and other identity documents, 23 January 2014).[91] This information was partially consistent with the British Embassy letter dated 7 April 2012,[92] but the FCO letter additionally noted other information included on the card. The source explained on the front of the card was a photo and:

- District of Registration and Governorate
- Record number

[87] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.16, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.17, date accessed: 14 October 2014
[88] Middle East Consultancy Services, Iraqi Civil Status Identification Card or Al-Bitaqat al-Shikhsiya, 9 September 2012, http://mideastconsultancy.com/new/mecs/auth.php?sid=3&id=29, date accessed: 17 November 2014
[89] British Embassy Baghdad, Freedom of Movement and requirements to transfer personal documentation in order to relocate in Iraq, 27 July 2011, available in Annex A
[90] Middle East Consultancy Services, Iraqi Civil Status Identification Card or Al-Bitaqat al-Shikhsiya, 9 September 2012, http://mideastconsultancy.com/new/mecs/auth.php?sid=3&id=29, date accessed: 17 November 2014
[91] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.15-16, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.17, date accessed: 14 October 2014
[92] British Embassy, 'Re-documentation procedures', 7 April 2012, Annex D

- Page number from the main identity record book held by the Civil ID Office
- Name
- Father and Grandfather's name
- Surname or tribal name
- Male or Female
- Signature of Authorising Officer
- Date of Issue
- Signature of the individual person
- Signature of the issuing officer
- Full name of the individual person[93]

2.4.20 On the reverse of the card was listed:

- Occupation or job
- Date of birth written and also in numbers (as on a cheque)
- Place of birth
- Significant markings e.g. scars
- Marital status
- Spouses name
- Place of registration
- Colour eyes, hair, colour of face
- Height and blood group[94]

2.4.21 The Civil Status ID card is governed under the Civil Status Law 65 of 1972 (amended).[95] According to the Second Secretary, Embassy of Iraq, (interviewed in London on 5 January 2012), the Civil Status ID card is required by law and issued to each Iraqi national, both inside and outside of Iraq, upon production of a birth certificate. Civil ID cards are issued by the Ministry of Interior, Iraqi Civil Card Directorate, i.e. General Directorate of Civil Status (Note of meeting with Hassanain Hadi Fadhil, Second Secretary, Embassy of the Republic of Iraq, London, 5 January 2012).[96] The Landinfo report dated 23 January 2014 largely verified this information, although instead made reference to the Civil Status Affairs Directorate, which was under the jurisdiction of the General Nationality Directorate.[97] UNHCR Baghdad document entitled 'Response to inquiry regarding returnees /deportees: documentation, assistance and conditions at Baghdad airport', 3 November 2011 also broadly corroborated this information.[98]

2.4.22 The ID card is considered the most important personal document and is used for all contact with public authorities, health care, social welfare, schools and the purchase and sale of homes and cars. The ID card is also required when applying for other official

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[93] British Embassy, 'Re-documentation procedures', 7 April 2012, Annex D
[94] British Embassy, 'Re-documentation procedures', 7 April 2012, Annex D
95 British Embassy Baghdad, Freedom of Movement and requirements to transfer personal documentation in order to relocate in Iraq, 27 July 2011, available in Annex A
[96] Note of meeting with Hassanain Hadi Fadhil, Second Secretary, Embassy of the Republic of Iraq, London, 5 January 2012, Annex G
[97] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.17, http://www.landinfo.no/asset/2863/1/2863_1.pdf, date accessed: 14 October 2014
[98] UNHCR Baghdad, 'Response to inquiry regarding returnees /deportees: documentation, assistance and conditions at Baghdad airport', 3 November 2011, Annex B

documents, such as passports (Landinfo, Iraq: Travel documents and other identity documents, 23 January 2014).[99] Shelter for Life International, in a report dated September 2014, based on a shelter assessment conducted in the greater Erbil area, noted that respondents did not have access to their ID cards because of the hastiness with which they left their homes and further observed that government issued ID was required to access their bank accounts, which presented difficulties in gaining access to personal savings. [100] A British Embassy letter dated May 2011 noted that an individual's identity document may be requested for any number of reasons, including applying for a job.[101]

2.4.23 A representative of IOM informed the Research Directorate, Immigration and Refugee Board of Canada, Ottawa, in November 2013 that the Civil Status ID card was the 'basic' ID card and 'main card' for identification in Iraq and should be held by all citizens.[102] An earlier letter from the British Embassy in Baghdad, dated 27 July 2011, indicated that without civil documentation generally, it would not be possible to transit security checkpoints.[103] Whilst a second letter from the British Embassy dated 9 May 2011 also noted that a person's identity document may be requests by police at security checkpoints.[104] However a later letter from the British Embassy dated April 2012 instead noted:

'Driving around town car occupants are not routinely asked to produce their ID cards at check points. The driver of a car is more likely than any person to be asked at a check point to show their ID where they may be asked to show their car registration, driving licence and ID card. But this is far from a common occurrence except during high profile events e.g. the Arab League Summit (which took place in late March 2012) when security is particularly strict. On a recent return journey to and from the airport, a middle ranking locally engaged Iraqi member of the Embassy was asked to show his car registration and ID at a check point but none of his occupants were asked to show their ID which he explained is normal. It's important to understand that nothing in his personal identification or car papers indicates where he works. On a visit to see his sister in-law at a hospital who had recently given birth, he was not asked to show any identification.'[105]

2.4.24 More recently a UNHCR paper dated October 2014 noted that IDPs without valid documentation may face difficulties to pass through checkpoints.[106] Whilst the OCHA in a paper dated September 2014 noted that 'displaced families also need to present identity documents for entry into governorates and city centers and to obtain temporary residency status.'[107]

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[99] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.16, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.17, date accessed: 14 October 2014

[100] Shelter for Life International, 'Rapid Assessment of IDPs in Erbil City in Search of Alternative Approaches to Shelter and Settlement: Findings and Recommendations', September 2014, p. 4, accessed via shelter culster.org, https://www.sheltercluster.org/MENA/Iraq/Documents/Forms/Assessment%20Documents.aspx, date accessed: 6 October 2014

[101] British Embassy Baghdad, 'Mixed Sunni/Shia marriages', 9 May 2011, Annex N

[102] Research Directorate, Immigration and Refugee Board of Canada, Ottawa , 'Iraq: Civil Status Identification Card, including purpose and validity; requirements and procedures for the issuance, renewal and replacement of cards, including the location of issue; frequency of fraudulent identity cards (2011-November 2013)', http://www.justice.gov/eoir//vll/country/canada_coi/iraq/IRQ104654.E.pdf, date accessed: 3 December 2014

[103] British Embassy Baghdad, Freedom of Movement and requirements to transfer personal documentation in order to relocate in Iraq, 27 July 2011, available in Annex A

[104] British Embassy Baghdad, 'Mixed Sunni/Shia Marriages', 9 May 2011, Annex N

[105] British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex D

[106] , 'UNCHR position on returns to Iraq', October 2014, p.10, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014

[107] OCHA, 'Iraq Humanitarian Needs Overview (25 September 2014)', p.15, http://www.humanitarianresponse.info/operations/iraq/document/iraq-humanitarian-needs-overview-25-september-2014, date accessed: 10 October 2014

2.4.25 See also: return of Iraqi nationals from the UK

Identification of ethnic and religious sect

2.4.26 Information presented at para 2.4.18 indicated that a person's religion would be identified on their Civil Status ID card, however a letter from the British Embassy dated 9 May 2011, based on consultations with a senior advisor to the UK Police Advisory Team; an intelligence analyst from a commercial company working in Baghdad and a representative of an international NGO, stated that whilst a person's religious sect is not identified on any identity documents, in practice an individual's tribal name and place of birth would give a clear indication of their religious identity.[108] This was partially corroborated by a report from the Financial Times, dated 26 June 2014 based on reporting in Baghdad, which gave the example of a person from the mainly Sunni Azzawi tribe, who would so be identified as a Sunni Arab because their tribal origin would be stated on their ID card. The source further indicated that sect could be identified through a person's name, tribal affiliation or the name of a father or grandfather.[109] A report from Asharq Al-Aswat, dated July 2014, indicated that the Islamic State of Iraq and the Levant (ISIL) may also check IDs for adult males seeking to enter Mosul.[110]

How the Iraqi civil registration system works

2.4.27 A paper from Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41, 2014, based on a UNFPA funded field visit to Iraq (which included interviews with civil registration officials), explained that all births, deaths, marriages and divorces are updated on the family registry. The source explained that family records were held locally at the *daa'ira* (local civil registration office), where a new event, e.g. a birth, marriage or divorce would be manually input onto the family register. [111]

2.4.28 The registrar would record the following information: serial number, name, title, father's name, mother's name, sex, relationship to head of household, occupation, literacy, religion, date of birth, place of birth, and date of registration. [112]

2.4.29 The paper explained the precise way in which family records were maintained, based on three unique information markers, these were: the *sijil* (family record) number; *sahifa* (family page) number and *daaira* (local civil registration office). As the source explained:

'All vital events occurring to any member of the family are entered into this 'family page.' This is done until the child gets married and establishes his own family, in which case a

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[108] British Embassy Baghdad, 'Mixed Sunni/Shia Marriages', 9 May 2011, Annex N
[109] Financial Times, 'Iraq Crisis: Sunni anger returns with revival of Shia militas', 26 June 2014, http://www.ft.com/cms/s/920dacf6-fd3e-11e3-8ca9-00144feab7de,Authorised=false.html?_i_location=http%3A%2F%2Fwww.ft.com%2Fcms%2Fs%2F0%2F920dacf6-fd3e-11e3-8ca9-00144feab7de.html%3Fsiteedition%3Duk&siteedition=uk&_i_referer=#axzz3KpyCXsOI, date accessed: 3 December 2014
[110] Asharq Al-Aswat, 14 July 2014, 'Mosul one month on', 14 July 2014, http://www.aawsat.net/2014/07/article55334237, date accessed: 3 December 2014
[111] Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41,No 1-2 (spring/summer 2014), p.112-115 https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367, date accessed: 17 October 2014
[112] Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41,No 1-2 (spring/summer 2014), p.112-115 https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367, date accessed: 17 October 2014

new 'family page' is started for him. Through this innovative system, it can take as little as five minutes to locate anyone's records. From this ID system, three pieces of ID are produced: the civil registration ID, nationality ID, and residence ID (location of house). The retention period for the documents in the local offices is 20 years. As of April 2011, there are 275 civil registration directorates in Iraq, including 30 in the Kurdistan Regional Government (Bah 2011).' [113]

2.4.30 Additionally the source commented that when the register was full (each register contains around 200 families), the document would be sent back to the head office for scanning, after which it would be returned to the local office for archiving. The source, also noted that the head office was 'generally up to date with their scanning and do not have any backlogs to clear'. It was also noted that at head office, 'separate archives exist for records from 1934 – 1947', whilst information from 1948 – 1957 had been scanned and stored on CDs. For records from 1958 to the time of writing (2011) scanned images were stored on a external hard drive; with one hard drive for each governorate. However the source also noted: 'There are backups up until 1978, but because of staff shortage problems, there are no backups after 1978.' [114]

2.4.31 As the process was manual, not electronic, there would be some time lag in records being updated, 'The time taken varies, depending on the route taken from the registration of the event to the time the certificate arrives at the *daaira* for recording into the family register.'[115]

2.4.32 For a full extract of the above-referenced paper see Annex C.

2.4.33 A letter from the British Embassy in Baghdad, dated 7 April 2012, largely corroborated the above account, and explained that there was an extensive civil status office network across Iraq, with each district (sub-governorate) or *Nahyas* (sub-district) having a local ID office. The source re-affirmed that information was retained by the Civil Status Office's local records and that information was referenced using a 'book page number', which was also written on the civil ID card. In the case of marriage, the civil record for the wife was transferred to be inserted with the husband's record (on his family's page).[116]

2.4.34 The Landinfo report dated 23 January 2014, citing a meeting with the General Nationality Directorate in Baghdad in April 2012, also confirmed that all personal data was entered onto a family registry at the local population registration office near the family's residence. The source instead stated there were over 300 population registration offices (unofficially called Civil Status Offices or Civil Status Departments, or *Jinsiya*,[117] not 275 (as referred to by the paper from Sulaiman Bah[118]). However the Landinfo report corroborated that each family had their own registration number, which

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[113] Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41,No 1-2 (spring/summer 2014), p.112-115 https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367, date accessed: 17 October 2014

[114] Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41,No 1-2 (spring/summer 2014), p.112-115 https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367, date accessed: 17 October 2014

[115] Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41,No 1-2 (spring/summer 2014), p.112-115 https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367, date accessed: 17 October 2014

[116] British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex D

[117] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.14-15, http://www.landinfo.no/asset/2863/1/2863_1.pdf, date accessed: 14 October 2014

[118] Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41,No 1-2 (spring/summer 2014), p.115, https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367, date accessed: 17 October 2014

was listed on the personal ID card. The source also confirmed that any Iraqi could obtain a copy of their page in the family registry.[119]

2.4.35 The family registry had several synonymous names in unofficial English translation: family book; family census and family registry 57 (after the 1957 law which introduced civil registration in Iraq),[120] following the 1957 census.[121]

2.4.36 An earlier letter provided by the British Embassy in Baghdad, dated 22 January 2012, based on information obtained from the Ministry of Displacement and Migration (MoDM); the Ministry of Interior; the International Organisation for Migration (IOM) and International Rescue Committee, provided a third source of corroboration verifying that civil ID records were held locally.[122]

2.4.37 The IOM Country Fact Sheet on Iraq, dated August 2013, listed addresses for the Department of Civil Affairs in KRI and Baghdad.[123] See IOM Country Fact Sheet, Iraq, August 2013.

2.4.38 The British embassy letter, dated 7 April 2012, also confirmed the existence of an archival system in Baghdad, as noted: 'In addition to any of the institutions where records are retained following any transaction with these bodies, civil identity records are retained on microfiche in a central archive so e.g. when the records in the civil status office in Basra were destroyed, copies were available on microfiche in Baghdad. It is therefore most unusual for personal civil ID records to go missing.'. Additionally the source, citing information provided by the NGO Qandil, noted: '... even if a family lost all of their documents they can obtain copies from the Central Archives.' [124] The Landinfo report dated 23 January 2014 similarly confirmed that whilst the family registry system was not electronic, the local population registration offices sent information to the central population registry in Baghdad.[125]

2.4.39 The British Embassy letter dated 4 December 2014 reiterated that back up ID records were retained in the Baghdad Central Archive and further explained: 'Though not as efficient or quick to access as the originals, these central records provide an alternative means of ID verification.'[126]

2.4.40 See also: In cases where a person's local civil ID records may be destroyed or not accessible due to internal armed conflict, can a replacement civil ID card be obtained from Baghdad or elsewhere?

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Application procedures

[119] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.15, http://www.landinfo.no/asset/2863/1/2863_1.pdf, date accessed: 14 October 2014
[120] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.15, http://www.landinfo.no/asset/2863/1/2863_1.pdf, date accessed: 14 October 2014
[121] British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex D
[122] British Embassy Baghdad, 'Renewal or reissuance of a civil status ID card and the provisions to change place of residence in Iraq', 22 January 2012, Annex E
[123] IOM, 'Country Fact Sheet on Iraq', August 2013, http://www.bamf.de/SharedDocs/MILo-DB/EN/Rueckkehrfoerderung/Laenderinformationen/Informationsblaetter/cfs_irak-dl_en.pdf?__blob=publicationFile, date accessed: 3 December 2014
[124] British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex D
[125] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.17, http://www.landinfo.no/asset/2863/1/2863_1.pdf, date accessed: 14 October 2014
[126] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P

2.4.41 The Landinfo report dated January 2014[127] and UNHCR Baghdad paper dated November 2011[128] were broadly consistent that in order to apply for a Civil Status ID card an application form needed to be submitted to the person's local population registration office in their province, together with a birth certificate (or proof of birth in the case of a child and father's civil status ID), personal photos and a small fee.

2.4.42 However information submitted by UNHCR Baghdad in November 2011 also reported that the following documents were also required:

- Housing card (or supporting letter from the local council to confirm the subject's residence)
- PDS card
- Fiscal stamp (IQD 750) available from the book shop of the Police Families' Martyrs.[129]

2.4.43 The Landinfo report noted that ID card from a close relative such as his or her father or grandfather was required.[130] This was corroborated by the IOM Country Fact Sheet, August 2013. The IOM source additionally noted that a nationality certificate was required or nationality certificate of the applicant's father.[131]

2.4.44 For further background information read: How the Iraqi civil registration system works

How to obtain a replacement Civil ID card in Iraq

2.4.45 Information provided by the British Embassy in their letters dated 22 January 2012[132] and 27 July 2011[133] stated that in order to obtain a replacement Civil ID card an individual would usually return to civil ID office where their original family record was held. This was also acknowledged in the Landinfo report dated January 2014.[134] See also: How the Iraqi civil registration system works

2.4.46 However the Embassy letter dated 22 January 2012 explained that this would not be necessary if the individual did not feel safe doing so, in which case they could report to the Ministry of Displacement & Migration who would '... be able to support the transfer of the record to the area they wish to live in now'. The source also noted that if the individual was abroad they could apply through an embassy.[135] See: How to obtain a replacement Civil ID card outside Iraq.

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[127] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.16-17, http://www.landinfo.no/asset/2863/1/2863_1.pdf, date accessed: 14 October 2014
[128] UNHCR Baghdad, 'Response to inquiry regarding returnees /deportees: documentation, assistance and conditions at Baghdad airport', 3 November 2011, Annex B
[129] UNHCR Baghdad, 'Response to inquiry regarding returnees /deportees: documentation, assistance and conditions at Baghdad airport', 3 November 2011, Annex B
[130] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.16-17, http://www.landinfo.no/asset/2863/1/2863_1.pdf, date accessed: 14 October 2014
[131] IOM, 'Country Fact Sheet on Iraq', August 2013, http://www.bamf.de/SharedDocs/MILo-DB/EN/Rueckkehrfoerderung/Laenderinformationen/Informationsblaetter/cfs_irak-dl_en.pdf?__blob=publicationFile, date accessed: 3 December 2014
[132] Letter from the British Embassy Baghdad, 'Renewal or reissuance of a civil status ID card and provisions to change place of residence in Iraq', 22 January 2012, Annex E
[133] British Embassy Baghdad, Freedom of Movement and requirements to transfer personal documentation in order to relocate in Iraq, 27 July 2011, available in Annex A
[134] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.16-17, http://www.landinfo.no/asset/2863/1/2863_1.pdf, date accessed: 14 October 2014
[135] Letter from the British Embassy Baghdad, 'Renewal or reissuance of a civil status ID card and provisions to change place of residence in Iraq', 22 January 2012, Annex E

2.4.47 There is limited corroborating information to confirm that the MoDM provided such assistance. However the April 2012 letter from the British Embassy in Baghdad, based on information provided by the Ministry of Displacement and Migration, clarified that the MoDM did not consider returnees from Europe to be internally displaced persons (IDPs), but nonetheless would still provide support to returnees to obtain their Civil Status ID card.[136]

2.4.48 An earlier letter from the British Embassy, dated July 2011 clarified that in the Kurdistan Region of Iraq, the MoDM equivalent was the Bureau of Displacement and Migration which also provided support with documentation issues.[137]

2.4.49 It was also noted that a returnee could also seek assistance with civil documentation through UNHCR's network of Protection Assistance and Reintegration Centres (PARCs) and Protection Assistance Centres (PACs) which were located across Iraq. (British Embassy Baghdad, 7 April 2012)[138] A letter from the British Embassy dated April 2012 explained further:

'UNHCR and its partners provide support to returnees with the acquisition of Civil IDs and other critical civil status documentation. Contact points and means of access vary: returnees can directly seek assistance by visiting MoMD, Return Assistance Centres (or branch offices in governorates) or other field offices in person, by contacting lawyers through the phone numbers listed on brochures distributed through field visits in various governorates, or they can be referred by other service providers, the MoMD, and other stakeholders.'[139]

2.4.50 This information was updated by the British Embassy in Baghdad, in their letter dated 4 December 2014 which explained that assistance to replace civil documentation could be obtained from PARC or PAC networks and partner organisations. The letter gave the example that in the KRI, UNHCR were supported by Qandil NGO in Erbil; Harikar NGO in Dahuk and CDO NGO in Sulymaniyah.[140] See also: In cases where a person's local civil ID records may be destroyed or not accessible due to internal armed conflict, can a replacement civil ID card be obtained from Baghdad or elsewhere?

2.4.51 Information provided by UNHCR Baghdad, in a paper dated November 2011, similarly noted:

'The network of PARCs, comprising fixed centres and mobile teams, provide legal counselling, assistance and referrals to appropriate service providers. PARC lawyers can provide legal representation in court and before administrative bodies, assist in the filing of complaints and in advocacy with local authorities. PARCs also provide advice and assistance on registration with MoMD, rights and entitlements. ... Types of legal cases / issues with which the PARC lawyers assist include: Civil ID / Nationality, birth / death certificates, marriage, divorce / separation, inheritance, passport, PDS, education, moveable / immoveable property, compensation.'[141]

2.4.52 For further information on special procedures to replace documents in Iraq see:

- Re-acquiring documents via proxy and using other documents to verify a person's family registry

[136] Letter from British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex D
[137] Letter from the British Embassy Baghdad, 'Freedom of movement and Requirements to Transfer Personal Documentation in order to internally relocate in Iraq', 27 July 2011, Annex A
[138] Letter from the British Embassy Baghdad, 'Re-documentation procedures, 7 April 2012, Annex D
[139] Letter from the British Embassy Baghdad, 'Re-documentation procedures, 7 April 2012, Annex D
[140] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P
[141] UNHCR Baghdad, 'Response to inquiry regarding returnees /deportees: documentation, assistance and conditions at Baghdad airport', 3 November 2011, Annex B

- In cases where a person's local civil ID records may be destroyed or not accessible due to internal armed conflict, can a replacement civil ID card be obtained from Baghdad or elsewhere?

Reacquiring documents via proxy and using other documents to verify a person's family registry

2.4.53 According to information provided by the General Directorate of Nationality to Landinfo, at a meeting in Baghdad in April 2012, it was possible to obtain an ID card via proxy or for a lawyer or relative to be given power of attorney to obtain a replacement civil ID card, so an individual did not need to return to their local office in person. As noted:

'A person can obtain an ID card via proxy in Iraq. A husband and father can apply for ID cards for his wife and children. However, if someone loses their card, they must appear in person to get a new card (GDN, meeting in Baghdad April 2012). This does not apply to children under the age of 12 years. ... It is also possible to give another person power of attorney to apply for an ID card. The most common approach is to ask a relative for help. ID documentation of both the applicant and the person with power of attorney then has to be provided.

'One can also obtain an ID card via proxy with power of attorney in the Kurdistan region. All internally displaced persons (IDPs) living in the Kurdistan region can, for example, get help from a lawyer at the Protection Assistance Centre (PAC) to update their ID card if they are registered in Baghdad or other places which are far away from the Kurdistan region. PAC is run by non-state organisations on behalf of UNHCR. The authorities require that all Iraqis update their ID cards whenever there is a change in their civil status. ... According to the Iraqi volunteer organisation Public Aid Organization (PAO), which runs the Protection Assistance Centre in Erbil (e-mails January 2011), every Iraqi citizen can give another person power of attorney to obtain new national ID cards for them. This is confirmed by the Iraqi consul in Norway (conversation October 2013). ... There are PAC centres in all provinces.'[142]

2.4.54 A letter from the British Embassy in Baghdad, dated 7 April 2012, further explained that the 'minimum requirements for the UNHCR or PAC/PARC to identifying [sic] the civil status record are the book page and the page number for the applicant or one of his/her family members. Furthermore a valid housing card or, in some cases, proof of residency letter, is essential in processing of a civil ID case.'[143] The source noted that the book page number was key to locating an ID card. An official from the Ministry of Displacement and Migration advised that the minimum information a returnee needed to re-acquire their civil ID card would be a passport (expired or valid). Ideally they would also know their book page number which most Iraqis did know or could be identified via relatives. UNCHR advised that the minimum requirements for identifying a civil status record was the book page number of one of his family. Qandil corroborated information that if an individual did not know their page number they could submit their parents ID.[144]

2.4.55 The Landinfo report dated January 2014 partially corroborated this information, and noted that if the ID card is lost, the applicant's identity could be verified based on their

[142] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.17, date accessed: 14 October 2014
[143] Letter from the British Embassy Baghdad, 'Re-documentation procedures, 7 April 2012, Annex D
[144] Letter from the British Embassy Baghdad, 'Renewal or reissuance of a civil status ID card and provisions to change place of residence in Iraq', 22 January 2012, Annex E

father or brother's ID card.[145] The paper by Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41,No 1-2 (spring/summer 2014), similarly highlighted that an individual's records could be identified through three unique information markers, these were: the sijil (family record) number; sahifa (family page) number and daaira (local civil registration office) held by the family registry.[146]

2.4.56 An earlier letter from the British Embassy dated January 2012 noted that if an Civil Status ID card had been lost, an individual would be required to produce a written statement declaring the circumstances around the loss, which would be seen by an investigation court; a notice would also need to be placed in a local newspaper. The embassy letter commented that whilst this sounded quite involved, one interlocutor described it as being 'simple and straightforward'.[147] The Second Secretary at the Iraqi embassy in London, in an interview dated January 2012, partially corroborated this procedural requirement, noting that when an individual had lost their ID card they would be required to report the incident to the local police, where they would be given a police report. The source indicated that this needed to be done in person. [148]

2.4.57 It is not known if these procedures were still required following recent mass displacement due to insecurity in 2014.

2.4.58 The British Embassy letter, dated April 2012, clarified that a civil status office would be unable to assist an Iraqi citizen if they had no information about the book and record page where the civil record was held, e.g. if they only had their name, date of birth and place of residence, as there was no searchable database to interrogate civil status records. However the source noted that the book page information could be obtained through other offices that held records, e.g. the passport directorate or court that issued a marriage certificate.[149] According to the MoDM there were numerous other potential institutions (schools, hospitals etc) where the civil record could be identified.[150]

2.4.59 This was corroborated by information in the paper from Sulaiman Bah, dated 2014, which explained with regard to birth records:

'The hospital prepares for birth registration ahead of the birth. When the mother is admitted for delivery, she is advised to bring along her ID document and that of the father. After she delivers the baby, the registration is done, in most cases, while she is still in the hospital. She shows the ID documents and gives the name of the child. The Iraqi culture allows for the child's name to be given at birth, even if a ceremony is done later. The registrar enters the details of the parents and of the child in the birth certificate. From the parents' ID document, the sijil (family record) number, sahifa (family page) number, and daaira (local civil registration office) are copied onto the birth certificate. This establishes an administrative link between the parents and the child. This information is used later by the Civil Registration Office. The registrar enters the information in quadruplicate, and each form has a precise role ...' [151]

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[145] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.17, date accessed: 14 October 2014
[146] Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41,No 1-2 (spring/summer 2014), p.112-115 https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367, date accessed: 17 October 2014
[147] Letter from the British Embassy Baghdad, 'Renewal or reissuance of a civil status ID card and provisions to change place of residence in Iraq', 22 January 2012, Annex E
[148] Note of meeting with Hassanain Hadi Fadhil, Second Secretary, Embassy of the Republic of Iraq, London, 5 January 2012, Annex G
[149] Letter from British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex D
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[151] Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41,No 1-2 (spring/summer 2014), p.112-115 https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367, date accessed: 17 October 2014

2.4.60 The British Embassy Baghdad, in a letter dated 4 December 2014, reiterated that other potential sources could be accessed to independently verify a persons ID, for example from school or hospital records.[152]

In cases where a person's local civil ID records may be destroyed or not accessible due to internal armed conflict, can a replacement civil ID card be obtained from Baghdad or elsewhere?

2.4.61 The section above on How to obtain a replacement Civil ID card in Iraq provides background information on how the civil status registration system works in practice, including the use of central archives in Baghdad; a system of multiple or overlapping record keeping to cross reference other centrally held information (e.g. hospital records) and the role of UNHCR partners and the MoDM and BMD who can provide assistance to individuals who are without their Civil Status ID card.

2.4.62 Commenting on the civil registration system in Iraq more generally, Bah observed that the Iraqi system was unique for a number of reasons. Firstly there was multiple record-keeping systems, allowing for parallel processes of documenting information; secondly copies of the same form were stored at multiple sites which made it ' ... easy to obtain copies of the form if it gets lost ...' and made it more difficult to forge documents; and third, that the system put the family 'at the core of the registration system, rather than the individual', which provided permanency and continuity to the system.[153]

2.4.63 The British Embassy Baghdad, in a letter dated 4 December 2014, explained that given the long history of displacement in Iraq, there were 'well established' procedures whereby those not in possession of their civil documents (e.g. civil status ID cards, nationality certificates, ration cards, etc) could obtain replacement documents.[154] Specifically on how the system had withstood the disturbances of war, Bah opined:

'Since the 1980s, Iraq has experienced three wars. The first war, from 1980 to 1988, was the war with Iran; the second one, from 1990 to 1991, was the war with Kuwait; and the third one, in 2003, was the military operation involving American and allied forces. With the sectarian violence that quickly followed the 2003 military operation, this third war is still not yet fully resolved (as of 2012) ... In spite of all these wars, the CR/VS system in Iraq has remained largely intact and retained its functionality. ... This central thesis is partially corroborated by the results of a study done in 2006 by Burnham and colleagues on the mortality in Iraq after the 2003 invasion (Burnham et al. 2006). The data showed that of the 545 deaths reported in the study, death certificates were produced for 501 of them (91.9 per cent). Breakdown of these data according to pre- and post-invasion periods showed that death certificates were available for 92.2 per cent of the 77 pre-invasion deaths and 91.7 per cent of the 469 post-invasion deaths (Kane 2007). A z-test for difference in proportions is not statistically significant at the 5– per cent significance level (p=0.877). In other words, the war did not significantly affect the registration process.'[155]

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[152] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P
[153] Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41,No 1-2 (spring/summer 2014), p.117, https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367, date accessed: 17 October 2014
[154] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P
[155] Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41,No 1-2 (spring/summer 2014), p.117, https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367, date accessed: 17 October 2014

2.4.64 The letter from the British Embassy in Baghdad dated April 2012, noted that a returnee would need only to provide his passport (valid or expired) or Laissez Passer travel document to the Ministry of Displacement and Migration (MoDM) to receive assistance in re-acquiring civil documentation. The source explained that in Baghdad there were four locations where a returnee could seek assistance from the MoDM; there were two locations in central Karkh; one in Karadah and a fourth on the edge of the International Zone, at the MoDM Head Office.[156] An earlier letter from the British Embassy dated July 2011 clarified that in the Kurdistan Region the MoDM equivalent was the Bureau of Displacement and Migration which also provided support with documentation issues.[157]

2.4.65 However UNHCR, who are the cluster lead on protection issues for Iraqi IDPs, noted in a September 2014 paper, that the lack of civil documentation among internally displaced 'is of particular concern' and explained that it was extremely difficult to replace civil documentation in Iraq currently.[158] A separate report from the OCHA dated September 2014, observed that for IDPs who's identity documents had been lost or destroyed, the only way to replace them was to return to their governorate of origin, which for many was not possible at the current time.[159] A second report dated September 2014 from Shelter for Life International, based on a shelter assessment conducted in the greater Erbil area noted that reacquiring duplicate IDs was complicated by the fact that they could only be issued in the place of origin. The report explained that the Ministry of Interior was in the process of developing an alternative method to establish identification and issue new ID cards and recognised that the 'likelihood of resolving the ID card issue is very high', but also acknowledged this would not happen for several months.[160]

2.4.66 This however appeared inconsistent with information reported by the UNHCR in October 2014, which noted that special offices had been established in Baghdad and Najaf (in southern Iraq) to support in the provision of document replacement services (following recent significant displacement). The same source noted nonetheless that IDPs in other parts of the country, especially those in KRG, faced difficulties to access these services, including high travel costs.[161] The OCHA situation report covering the period 4 – 10 October 2014 corroborated reports that special offices had been established in Baghdad and Najaf to support with re-documentation. The same source repeated that IDPs still found it 'difficult' to replace or retrieve essential documentation.[162]

2.4.67 However a recent report from the British Embassy in Baghdad dated 4 December 2014 updated:

'... The UNHCR has ... recently established joint centres with the Ministry of Interior in Baghdad and Najaf to assist IDPs with re-documentation and we are told these are working well. As a minimum, individuals are required to identify their book page and

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[156] Letter from British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex D
[157] Letter from British Embassy Baghdad, 'Freedom of Movement and Requirements to Transfer Personal Documentation in order to relocate in Iraq', 27 July 2011, Annex A
[158] OCHA, '2014 Strategic Response Plan, Revision', June 2014, http://reliefweb.int/sites/reliefweb.int/files/resources/Revision_2014_Iraq_SRP.pdf, date accessed: 14 October 2014
[159] OCHA, 'Iraq Humanitarian Needs Overview (25 September 2014)', p.15, http://www.humanitarianresponse.info/operations/iraq/document/iraq-humanitarian-needs-overview-25-september-2014, date accessed: 10 October 2014
[160] Shelter for Life International, 'Rapid Assessment of IDPs in Erbil City in Search of Alternative Approaches to Shelter and Settlement: Findings and Recommendations', September 2014, p. 4, accessed via shelter culster.org, https://www.sheltercluster.org/MENA/Iraq/Documents/Forms/Assessment%20Documents.aspx, date accessed: 6 October 2014
[161] UNHCR, 'UNCHR position on returns to Iraq', October 2014, p.9-10, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014
[162] OCHA, 'Iraq crisis: Situation report No 15 (4 October – 10 October 2014), http://reliefweb.int/report/iraq/iraq-idp-crisis-situation-report-no-15-4-10-october-2014-enarku, date accessed: 17 November 2014

page number or that of a family member. All Iraqi nationals will know or be able to easily obtain this information. ... While there is a risk that the original civil ID records held in provincial capitals such as Mosul and Ramadi may have been destroyed by the occupying ISIL forces, back-up ID records are retained in the Baghdad Central Archive. Though not as efficient or quick to access as the originals, these central records provide an alternative means of ID verification. In addition to civil ID records, other potential sources for independent verification include school and hospital records. A more detailed and still valid account of re-documentation procedures can be found in this Embassy's letter of 7 April 2012. It remains this Embassy's considered view that Iraqis returning from overseas will be able to reacquire their civil documents through these more regular means.'[163]

2.4.68 It was also noted the UN's High Commissioner for Refugees (UNHCR) network of PAC/PARC partners offered assistance across Iraq, (see paras 2.3.49 – 2.3.51 and 2.3.53 – 2.3.54) although it was not known the extent to which these offices operated in contested areas. However the above referenced British Embassy letter dated 4 December 2014 clarified: 'For those IDPs from provinces now under the control of ISIL, replacement civil documents can be obtained with the help of the UNHCR's network of Protection Assistance & Reintegration Centres (PARC), Protection Assistance Centres (PAC) and partner organisations (for example, in the Kurdistan Region, UNCHR are supported by Qandil in Erbil, Harikar in Duhok and CDO in Sulaymaniyah) operating elsewhere across the country.'[164]

How to obtain a replacement Civil ID card outside Iraq

2.4.69 A letter from the British Embassy Baghdad dated 7 April 2012, explained that for citizens living abroad, one of the provisos of the Civil Status Law 65 of 1972 was for Iraqi consulates abroad to liaise with the Nationality Directorate to enable citizens living overseas to acquire their civil status ID card. This could be completed by filing an application by any one of the following: the head of family (male or female); the applicant (record holder); a guardian or lawyer with the power of attorney.[165]

2.4.70 The source further explained that to obtain a replacement Civil Status ID card, a copy of the lost ID should be provided or that a close relative such as a brother or father. According to interlocutors an ID 'book page' record number remains the same their life and the pages are closely related to their relatives, so if their own ID or a copy is not available, it is usually straight forward to identify the citizen from other relatives records. The source did not clarify the situation if someone was unable to acquire a copy of their own ID or that of a relative.[166]

2.4.71 The website of the Ministry of Foreign Affairs, referring to procedures to obtain a replacement Civil ID card similarly noted:

'In case of request a lost identity replacement the Consul should write down the statement of the applicant in the back of the [application] form in addition to the above. The statement must include answering three questions, namely, (Where do you think the place of loss of the identity card, when do you lost it and how do you lost it?) The statement must be signed by the applicant and install the full name and left thumb fingerprint and signed by the consul and stamped by the stamp of the consulate and

[163] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P
[164] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P
[165] Letter from British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex D
[166] Letter from British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex D

sent with the application form a copy of the lost identity card, a copy of the identity card of his father, his brother or non married sister - certified by the consul being as a replica. In case of request damaged replacements the applicant must write down a statement signed by him and signed and stamped by the Consul and attach the damaged identity with the form. The applicant must attach with the application of lost replacement or damaged a recent photograph of him.'[167]

2.4.72 The Landinfo report additionally outlined that it was possible to give a power of attorney to 'retrieve' an ID card in Iraq. As noted:

'An Iraqi in Norway can alternatively give a proxy power of attorney to apply for and retrieve an ID card at the local population registration office where the applicant is registered. When applying for a new card via a proxy, the applicant must write a power of attorney for a person in their home country. The power of attorney must be sent via the embassy in the country in which they are staying and the embassy must stamp the letter. However, this can be difficult if the person cannot identify himself/herself. This means that he/she must either have a passport, a birth certificate, an old ID card or a nationality certificate. When the consul in Norway was asked to assess the likelihood that a local population registration office would issue new ID cards via proxy for payment even if power of attorney was not authorised by an embassy, the consul answered that it could probably happen (Iraqi Embassy in Norway, phone conversation March 2012).'[168]

2.4.73 Additionally the source observed:

'An ID card issued to a proxy without power of attorney authorised by an embassy is considered valid in Iraq if the ID card itself is genuine. ... All ID documents issued in Iraq to citizens who are living or staying abroad must be confirmed by an Iraqi embassy or a consul in the country they are living in, or by another embassy if the country they live in does not have an Iraqi embassy (Iraqi Foreign Ministry, n.d.b). Iraqis in Norway can get the documents confirmed at the Iraqi Embassy in Oslo (Iraqi Embassy in Norway, meeting February 2012).'[169]

2.4.74 The aforementioned British embassy letter dated 7 April 2012 also noted that it was possible to acquire new ID cards for children born outside of Iraq. If a child was not registered to a local civil status office in Iraq, they could be registered with the Iraqi embassy.[170] The Landinfo report, citing an email with the Iraqi embassy in Oslo dated March 2013, corroborated that it was possible to obtain a new ID card from an overseas embassy and further explained that children born outside Iraq can be registered at one of Iraq's embassies. However the source explained that the parent's must present:

- The child's birth certificate, confirmed by the Foreign Ministry of the country of birth
- Their own Iraqi ID cards (from both mother and father)
- Their own nationality certificates (from both mother and father)
- Marriage certificate if it is not stated on their ID cards that they are married to each other.[171]

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[167] Republic of Iraq, 'Ministry of Foreign Affairs, 'Consular services, the civil status ID, http://www.mofa.gov.iq/en/ConsularServices/default.aspx?sm=Az+07MRdz8k=, date accessed: 3 December 2014
[168] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.17-18, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.23 date accessed: 14 October 2014
[169] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.18, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.23 date accessed: 14 October 2014
[170] Letter from British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex D
[171] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.18, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.23 date accessed: 14 October 2014

Iraqi Nationality Certificate

Purpose

2.4.75 The Nationality Certificate, in Arabic called *shahadat jinsiyya*[172] or *shahdat al-Jinsiya al-Iraqiya*[173], is regulated under the Iraqi Nationality Law No.26 (2006). The document essentially proves someone is an Iraqi citizen. It is issued by the Ministry of Interior, General Nationality Directorate (GND).[174] Hassanain Hadi Fahil, second secretary at the Iraqi embassy in London, in a meeting in January 2011, clarified that '... the issuance of the Iraqi Nationality Certificate ... was overseen by the General Directorate of Nationality, which was ... part of the Ministry of Interior.' The Second Secretary clarified that the General Directorate of Nationality and Iraqi Civil Card Directorate, i.e. General Directorate of Civil Status (responsible for overseeing the issuance of Civil Status ID cards), worked closely together as both the Civil ID Card and the Nationality Certificate were required to issue an Iraqi citizen with an Iraqi passport.[175]

2.4.76 The website for the Republic of Iraq, Ministry of Interior, General Directorate for Nationality, under a section entitled, 'Duties and activities', undated, accessed 25 November 2014, confirmed that the General Directorate For Nationality was responsible for implementing the Citizenship Act No 26 of 2006; Civil Status Law No.65 of 1972 as amended; Passport Law No.32 of 1999, as amended and the Commercial Housing Regulatory Act No.95 of 1978, as amended.[176]

2.4.77 The Middle East Consultancy Services in an article posted on their website in September 2012 confirmed that the Nationality Certificate was a booklet-like document upon which the picture of the owner is fixed. The cover was black.[177]

2.4.78 According Landinfo, the Nationality Certificate is necessary when applying for work in the public sector, education and to access other public services. It is also required to apply for other documents, such as passports as well as birth, marriage and death certificates. [178]This was partially corroborated by a UNHCR Country of Origin report on Iraq dated 2005, which noted that the Nationality Certificate, together with the Civil Status ID Card, were 'requested for any kind of interaction with the authorities, such as an application for a food ration card, school registration, and the issuance of death and birth certificates.'[179] The Landinfo source further noted that children can get a Nationality Certificate from an early age, but it is common to get them from the age of

[172] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.21, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.23 date accessed: 14 October 2014
[173] MECS, 'Iraqi Nationality Certificate or Shahdat al-Jinsiya al-Iraqiya', 9 September 2012, http://mideastconsultancy.com/new/mecs/auth.php?sid=1&id=28, date accessed: 25 November 2014
[174] UNHCR Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011, Annex B
[175] Annex G: COI Service, cover letter and note of meeting with Hassanain Hadi Fadhil, Second secretary, embassy of the Republic of Iraq, London, 5 January 2011
[176] The Republic of Iraq, Ministry of Interior, General Directorate for Nationality, Duties and Activities, undated, http://www.iraqinationality.gov.iq/activities_en.htm, date accessed 25 November 2014
[177] MECS, 'Iraqi Nationality Certificate or Shahdat al-Jinsiya al-Iraqiya', 9 September 2012, http://mideastconsultancy.com/new/mecs/auth.php?sid=1&id=28, date accessed: 25 November 2014
[178] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.21-22, date accessed: 14 October 2014
[179] UNHCR, Country of Origin Information, Iraq, October 2005, http://www.unhcr.org/4709f79a2.pdf, p.132

12. [180] The UNHCR Baghdad paper dated 3 November 2011 confirmed that the Iraqi Nationality Certificate proved that a person was an Iraqi citizen.[181]

Application procedures

2.4.79 According to information obtained by Landinfo, following a meeting with Nezar Rahmatollah Aziz (General Director of Passport & Nationality in the Kurdistan Region) in Erbil in November 2013, Iraqi Nationality Certificates were issued at the General Directorate of Nationality's local offices, which were found in all governorate capitals, however the certificates were only produced in Baghdad.[182] This was corroborated by information provided from UNHCR Baghdad in November 2011.[183]

2.4.80 There was slightly conflicting information on the documents a person needed to apply for an Iraqi Nationality Certificate. Reports from UNHCR Baghdad, dated 3 November 2011 and Landinfo, dated 23 January 2014, citing UNHCR (undated), were consistent with regard to the following documents:

- Completed Iraqi Nationality Certificate application form (with two 500 Iraqi Dinar stamps)
- Public Distribution Card
- Housing card (or supporting letter from the local council to confirm the applicant's residence).
- Personal photos
- Father's Nationality Certificate, or in the event that this is lost, brother's, grandfather's or uncle's Nationality certificate will be accepted.[184][185]

2.4.81 However the UNHCR Baghdad source, dated November 2011, stated that an original and copy of the father's; grandfather's or uncle's Nationality Certificate was required[186], whereas the information documented by Landinfo noted that only a copy was required.[187]

2.4.82 The Landinfo report, citing a UNHCR source (undated), also listed the following documents as also being required. These documents were not listed by UNHCR Baghdad, in their response of November 2011[188]:

- Birth certificate (this must be issued by a consul if the person was born outside Iraq)

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[180] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.21-22, date accessed: 14 October 2014
[181] UNHCR Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011, Annex B
[182] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.23, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.23 date accessed: 14 October 2014
[183] Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011, Annex B
[184] UNHCR Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011, Annex B
[185] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.23 date accessed: 14 October 2014
[186] UNHCR Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011, Annex B
[187] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.23 date accessed: 14 October 2014
[188] UNHCR Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011, Annex B

- ID card
- Parents' marriage certificate and ID cards.[189]

How to obtain a replacement Nationality Certificate in Iraq

2.4.83 A report from UNHCR dated 2011 noted that when applying for a Nationality Certificate, the required documents would be submitted to the General Nationality Directorate in each governorate in person. The source provided no specific information on procedures to replace a lost or stolen document. However it went onto clarify that for more complicated applications, where a person did not have the required documentation to prove Iraqi citizenship, the process may need to take place in Baghdad.[190]

2.4.84 A report from Landinfo dated 23 January 2014, citing a meeting with Nezar Rahmatollah Aziz (General Director of Passport & Nationality in the Kurdistan Region) in Erbil in November 2013, noted that in accordance with Iraqi law, nationality certificates were only produced in Baghdad, but could be issued at General Nationality Directorate local offices found in all provincial capitals (i.e. governorates). Additionally the source noted that there were multiple offices located in Baghdad.[191] Specifically on the subject of issuing replacement cards, a source from the Iraqi Foreign Ministry, undated, noted that the following procedures applied: '... Apply in writing to obtain a new nationality certificate on the grounds of loss or damage... [and c]omplete an application form which is available at GDN's [General Nationality Directorate] local offices (and Iraqi embassies) and submit the written application letter.' [192]

2.4.85 The source did not indicate what documents were required to obtain a replacement Nationality Certificate, although it was noted that to reacquire a lost card via an embassy, a person would need to submit a copy of their father's or brother's nationality certificate.[193]

2.4.86 According to the Director-General of the General Nationality Directorate in a meeting in Baghdad in April 2012, a person could not obtain a Nationality Certificate via a proxy, however in reference to applications made outside of Iraq via embassies, it was noted that for persons with passports living outside of Iraq, 'a person with power of attorney can retrieve the document on behalf of the applicant', or if the person had no relatives the Nationality Certificate could be sent to an Iraqi embassy via the Ministry of Foreign Affairs.[194] See also: 'How to obtain a replacement Nationality Certificate outside Iraq'

2.4.87 The April 2012 letter from the British Embassy in Baghdad, based on information provided by the Ministry of Displacement and Migration (MoDM), clarified that the MoDM did not (at the time) consider returnees from Europe to be internally displaced persons (IDPs), but nonetheless would still provide support to returnees to obtain their Nationality Certificate.[195] The source further explained that a returnee would need only

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[189] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.23 date accessed: 14 October 2014
[190] UNHCR Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011, Annex B
[191] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.23, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.23 date accessed: 14 October 2014
[192] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.23-24, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.23-24, date accessed: 14 October 2014
[193] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.24, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.23-24, date accessed: 14 October 2014
[194] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.24, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.23 date accessed: 14 October 2014
[195] Letter from British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex D

to provide his passport (valid or expired) or Laissez Passer travel document to the Ministry of Displacement and Migration to receive assistance in re-acquiring civil documentation (i.e their Nationality Certificate). The source explained that in Baghdad there were four locations where a returnee could seek assistance from the MoDM; there were two locations in central Karkh; one in Karadah and a fourth on the edge of the International Zone, at the MoDM Head Office.[196]

2.4.88 The same source additionally noted that a returnee could also seek assistance with civil documentation through UNHCR's network of Protection Assistance and Reintegration Centres (PARCs) and Protection Assistance Centres (PACs) which were located across Iraq.[197] The source further explained:

'UNHCR and its partners provide support to returnees with the acquisition of Civil IDs and other critical civil status documentation. Contact points and means of access vary: returnees can directly seek assistance by visiting MoMD, Return Assistance Centres (or branch offices in governorates) or other field offices in person, by contacting lawyers through the phone numbers listed on brochures distributed through field visits in various governorates, or they can be referred by other service providers, the MoMD, and other stakeholders.'[198]

2.4.89 Following the widespread displacement of Iraqi civilians in 2014, the UNHCR in October 2014, noted that special offices had been established in Baghdad and Najaf (in southern Iraq) to support the provision of document replacement services. The same source however highlighted that IDPs in other parts of the country, especially those in KRG, faced difficulties to access these services, including high travel costs.[199] The OCHA situation report covering the period 4 – 10 October 2014 corroborated reports that special offices had been established in Baghdad and Najaf to support with re-documentation. The same source repeated that IDPs still found it 'difficult' to replace or retrieve essential documentation.[200]

2.4.90 The British Embassy in Baghdad, in a letter dated 4 December 2014, noted that the UNHCR had established joint centres with the Ministry of Interior in Baghdad and Najaf to assist IDPs with re-documentation. According to sources consulted by the embassy, these were 'working well'.[201]

How to obtain a replacement Nationality Certificate outside Iraq

2.4.91 Nationality Certificates are only issued in Iraq (Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014).[202] However according to a source in the Ministry of Foreign Affairs (undated, cited in the Landinfo report, January 2014), it was possible to obtain either a new or replacement Nationality Certificate from an Iraqi embassy. As noted:

'For applications delivered at embassies, the consul must note the applicant's grounds for application on the back of the application form, along with the applicant's full name, and make sure that the applicant's fingerprints are stamped over the name. The consul

[196] Letter from British Embassy Baghdad, 'Re-documentation procedures', 7 April 2012, Annex
[197] Letter from the British Embassy Baghdad, 'Re-documentation procedures, 7 April 2012, Annex D
[198] Letter from the British Embassy Baghdad, 'Re-documentation procedures, 7 April 2012, Annex D
[199] UNHCR, 'UNCHR position on returns to Iraq', October 2014, p.9-10, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014
[200] OCHA, 'Iraq crisis: Situation report No 15 (4 October – 10 October 2014), http://reliefweb.int/report/iraq/iraq-idp-crisis-situation-report-no-15-4-10-october-2014-enarku, date accessed: 17 November 2014
[201] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P
[202] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.23, date accessed: 14 October 2014

must sign this document and seal it with the consulate/embassy stamp. If the applicant needs a renewed nationality certificate because the old one is damaged, the original certificate must be submitted. If the applicant needs a new certificate because the old one is lost, a copy of their father's or brother's nationality certificate must be submitted, with confirmation from the embassy that it is a true copy. ... Copy of their father's and mother's passports must also be submitted and these must also have a "true copy" stamp from the embassy ...' in addition to 4 passport photos and 3,600 Iraqi dinars, approximately 2USD.[203]

2.4.92 Citing correspondence with the Iraqi Consul in Norway, dated March 2013, the Landinfo report observed that for persons in possession of passports living outside of Iraq, a person in Iraq with power of attorney could '... retrieve the document on behalf of the applicant', or if the person had no relatives in Iraq, the Nationality Certificate could be sent to an Iraqi embassy via the Ministry of Foreign Affairs.[204]

2.4.93 However the source indicated that for this was only possible where an individual could prove their identity. For example the Iraqi Consul in Norway confirmed in a meeting in February 2012 that the consulate could assist those who want to replace an old document, but were unable to assist 'people who lacked ID documentation'[205]; whilst the source citing the Iraqi Consul in meeting in February 2012 and a conversation in October 2013 clarified that: '... the embassy or consulate cannot forward an application for a new nationality certificate if a person cannot document his/her identity.'[206]

2.4.94 For Iraqi nationals living abroad who lacked a passport, an individual would be required to apply for a new Nationality Certificate. According to the Iraqi Foreign Ministry (undated), in addition to submitting various declarations that an individual did not already have a passport, they would also be required to 'submit confirmed copies of their father's or brother's nationality certificate.'[207]

2.4.95 According to the Iraqi Consul in Norway during a meeting with Landinfo in February 2012 and a conversation in October 2013, to obtain a replacement passport and other ID documents from outside Iraq, the General Directorate of Nationality would need to submit to the Passport Directorate the following information: 'full name, place of birth, mother's name, ID card number, page number in the family registry, Iraqi nationality certificate number and date of issue.'[208]

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2.5 Internal relocation to the Kurdistan Region of Iraq

Procedures to enter and reside in KRI

[203] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.24, date accessed: 14 October 2014
[204] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.24, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.23 date accessed: 14 October 2014
[205] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.24, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.23 date accessed: 14 October 2014
[206] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.25, date accessed: 14 October 2014
[207] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, p.24-25, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.23 date accessed: 14 October 2014
[208] Landinfo, 'Report Iraq: Travel documents and other identity documents', 23 January 2014, http://www.landinfo.no/asset/2863/1/2863_1.pdf, p.25, date accessed: 14 October 2014

KRG border check points

2.5.1 Sources consulted during the UK Home Office / Danish Immigration Service fact finding report to Erbil and Dahuk conducted between 11 and 22 November 2011, published March 2012, advised that entry at the KRG border check points involved two stages, the first involved providing information about an individual's identity, followed by an application for the appropriate entry card. There were three such cards, a Tourism Card; a Work Card and an Information Card/Residency Card for those seeking to reside in KRI.[209] This was corroborated by UNHCR Baghdad in their paper dated November 2011.[210]

2.5.2 According to Muhammed Saleem Mizuree (Head of Private Bureau of General Security (Asayish) at KRG external checkpoints:

'... [D]ocuments would be required to prove the identity of a person, this could include their Civil ID Card; Nationality Card; passport or, if they worked for a government department, their departmental ID card. [However ...] Muhammed Saleem Mizuree [further explained that] a person would not necessarily be denied entry into KRI because he or she lacked some identification documents, as the system is computerised. Muhammed Saleem Mizuree went on to explain that a person already on their database system would be logged with their photo and name recorded onto the system. Consequently such a person could even enter KRI with only a driving licence or a similar document which proved the individual's identity and Iraqi citizenship.[211]

2.5.3 Muhammed Saleem Mizuree also clarified that:

2.5.4 '... [T]he Information Card/Residency Card for those seeking to reside in KRI issued at the KRG external checkpoints should not be mistaken for the pink Information Card issued by the local Asayish office, for those wishing to extend their stay in KRI. The pink Information Card was issued only once to each person in KRI. There was no need to have this card renewed as it was valid for an unlimited time, as long as the individual remained residing in KRI. This procedure applied to all Iraqis residing in KRI, regardless of ethnicity and was a procedure which existed to record where each person in KRI was living. When a person therefore moved house in KRI he or she would be required to report to the local Asayish office, so this information could be updated on their records accordingly. Muhammed Saleem Mizuree added that this Information Card could also be used to travel freely throughout KRI's three governorates. If a person who had been issued with an Information Card was to leave KRI permanently and intended to move, either to another country or another part of Iraq outside KRI, they would be required to inform their local Asayish office and hand in their Information Card.' [212]

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[209] UK Home Office / Danish Immigration Service fact finding report to Erbil and Dahuk conducted between 11 and 22 November 2011, 'Update (2) on entry procedures at Kurdistan Regional Government checkpoints (KRG); residence procedures in Kurdistan Region of Iraq (KRI) and arrival procedures at Erbil and Suleimaniyah airports (for Iraqis travelling from non-KRI areas of Iraq), published March 2012, p.14-16, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311809/Iraq_Danish_fact_finding_report_2012.pdf, date accessed: 24 November 2014

[210] UNHCR Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011, Annex B

[211] UK Home Office / Danish Immigration Service fact finding report to Erbil and Dahuk conducted between 11 and 22 November 2011, 'Update (2) on entry procedures at Kurdistan Regional Government checkpoints (KRG); residence procedures in Kurdistan Region of Iraq (KRI) and arrival procedures at Erbil and Suleimaniyah airports (for Iraqis travelling from non-KRI areas of Iraq), published March 2012, p.14, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311809/Iraq_Danish_fact_finding_report_2012.pdf, date accessed: 24 November 2014

[212] UK Home Office / Danish Immigration Service fact finding report to Erbil and Dahuk conducted between 11 and 22 November 2011, 'Update (2) on entry procedures at Kurdistan Regional Government checkpoints (KRG); residence procedures in Kurdistan Region of Iraq (KRI) and arrival procedures at Erbil and Suleimaniyah airports

2.5.5 See also: Residency arrangements and Restrictions on entry

2.5.6 For further background information see: The UK Home Office / Danish Immigration Service fact finding report to Erbil and Dahuk, conducted between 11 and 22 November 2011, published March 2012

Issuance of entry cards at KRG checkpoints to IDPs in 2014

2.5.7 A report from REACH, entitled 'Shelter and CCCM Cluster Rapid Assessment: Iraq Internal Displacement Crisis, Assessment Report', dated 10 September 2014, based on a household survey of 784 families conducted from 24 August to 1 September across Dohuk, Erbil and Sulaymaniah and Kurdish controlled areas of Diyala and Ninewa, noted that 'generally speaking IDPs were not in possession of entry permit or entry documentation (77 per cent), which was required for access to employment or renting accommodation, of the remaining households 12 per cent had tourist permits and 9 per cent residency permits. In Dahuk only 2 per cent of the IDP families interviewed had been granted any kind of entry permit.[213]

2.5.8 However these figures were inconsistent with slightly later figures compiled by REACH, based on a survey of 129 households (86 of which were from Sulyamaniyah) over the period 31 August to 4 September 2014. That data showed that 48 per cent received documents to enter KRI, of those 29 per cent received residency permits and 5 per cent tourist passes. 63 per cent had received a 'renting contract', issued by the mayor of the town within KRI to allow them to enter. [214]

2.5.9 The survey findings also showed that 28 per cent of those interviewed said they would try the same KRI entry check point another time if they were refused entry. [215]

2.5.10 See also: Residency arrangements and Restrictions on entry

Entry arrangements via Erbil International airport and Suleimaniyah airport

2.5.11 The UK Home Office / Danish Immigration Service fact finding report to Erbil and Dahuk conducted between 11 and 22 November 2011, published March 2012, observed:

2.5.12 'Brig. General Serbest Sedeek [Head of Airport Security, Erbil International Airport] explained that Iraqi citizens arriving in Erbil International Airport and Suleimaniyah Airport on domestic flights, for example from Baghdad, only needed to present their Civil ID Card or Nationality Card upon arrival. According to Brig. General Serbest Sedeek, most of the security related procedures for flights from Baghdad take place prior to departure because of the security situation. There are therefore only limited security controls for arriving passengers on domestic flights to Erbil and Suleimaniyah airports.

(for Iraqis travelling from non-KRI areas of Iraq), published March 2012, p.40, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311809/Iraq_Danish_fact_finding_report_2012.pdf, date accessed: 24 November 2014

[213] REACH, 'Shelter and CCCM Cluster Rapid Assessment: Iraq Internal Displacement Crisis, Assessment Report', 10 September 2014, accessed via shelter culster.org, p.8, https://www.sheltercluster.org/MENA/Iraq/Documents/Forms/Assessment%20Documents.aspx, date accessed: 6 October 2014

[214] REACH, 'Entry Point Monitoring: Kurdistan Region of Iraq, data collected '31 August – 4 September 2014', p.2, http://reliefweb.int/report/iraq/entry-point-monitoring-kurdistan-region-iraq-data-collected-31-aug-4-sep-2014, date accessed: 10 October 2014

[215] REACH, 'Entry Point Monitoring: Kurdistan Region of Iraq, data collected '31 August – 4 September 2014', p.2, http://reliefweb.int/report/iraq/entry-point-monitoring-kurdistan-region-iraq-data-collected-31-aug-4-sep-2014, date accessed: 10 October 2014

Brig. General Serbest Sedeek explained that there are many reasons why Iraqi security precautions are on a high alert and added there were several agencies operating in S/C Iraq and the disputed areas, including the police, intelligence services, Prime Minister's security services and customs.

'Brig. General Serbest Sedeek stated that for domestic flights arriving in Erbil or Suleimaniyah, all Iraqi citizens will have their photo taken and a photocopy of their identity document will also be taken. The identity document used could be either a Civil ID Card or Nationality Card. No arrival stamp is needed. These procedures took place in full cooperation with the relevant authorities in Baghdad.

'When asked if the airport authorities would have a so-called 'black list', Brig. General Serbest Sedeek explained that the airport authorities in Erbil and Suleimaniyah airports only have what was referred to as a 'stop list'. The 'stop list' is not the same as the 'black list'; the latter is only for the Asayish at KRG Checkpoints. The 'stop list' comprises persons who are under suspicion of criminal activities, such as fraud, money laundering, terrorism or robbery. Persons on the 'stop list' would have a stop warrant issued against them by a court, giving the airport authorities legal authority to stop a person from travelling. Brig. General Serbest Sedeek clarified that persons on the 'stop list' would not be arrested unless there was additionally an outstanding arrest warrant which had been issued by the court. Brig. General Serbest Sedeek emphasised that persons on the 'stop list' cannot be arrested until a court has issued an arrest warrant.

'... Brig. General Serbest Sedeek stated that the entry cards, i.e. Tourism Card, Work Card and Information Card/Residency Card for those seeking to reside in KRI, are not issued at the airports only by the Asayish at the KRG external checkpoints. ... Regarding entry procedures for passengers on domestic flights arriving at Erbil and Suleimaniyah airports, an international organization (A) confirmed the information given to the delegation by the head of Airport Security, Brig. General Serbest Sedeek to be correct.

'[...T]he Director of an international NGO in Erbil explained that Iraqi passengers from all of Iraq, including Baghdad can enter KRI without any difficulty. The security checks will take place at departure and not upon arrival in KRI airports. Entry is very easy and the Director has never noted any kind of discriminatory procedures or behaviour at airports in KRI. The same procedure applies to all Iraqis at all airports in KRI.' [216]

2.5.13 More recently a letter from the British Embassy in Baghdad, dated 4 December 2014, noted that for those arriving by air at Erbil or Sulamaniyah airports were being directed to report to the nearest Asayish office to regularise their stay. [217] Additionally the letter remarked: 'It is worth re-iterating the point that admission does remain at the discretion of Kurdish immigration and border officials and that temporary restrictions can be imposed and withdrawn without notice.'[218] The UNHCR policy paper dated October 2014 also noted:

'Once admitted [to KRG], persons not originating from the Kurdistan Region receive a 15 days "permission to stay" to remain in the Kurdistan Region. Within this period, they are requested to apply for a temporary residency, for which a sponsor, clearance by the

[216] UK Home Office / Danish Immigration Service fact finding report to Erbil and Dahuk conducted between 11 and 22 November 2011, 'Update (2) on entry procedures at Kurdistan Regional Government checkpoints (KRG); residence procedures in Kurdistan Region of Iraq (KRI) and arrival procedures at Erbil and Suleimaniyah airports (for Iraqis travelling from non-KRI areas of Iraq), published March 2012, p.35-36, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311809/Iraq_Danish_fact_finding_report_2012.pdf, date accessed: 24 November 2014

[217] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P

[218] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P

local security (Asayish), and a medical test are required. UNHCR has observed a strict implementation of these regulations as well as rejections on the basis of security grounds. Residency permits need to be renewed on a regular basis, usually every 7-10 days.'[219]

See also: Restrictions on entry

Residency arrangements

2.5.14 Sources consulted during the UK Home Office / Danish Immigration Service fact finding report to Erbil and Dahuk conducted between 11 and 22 November 2011, published March 2012, explained that after an individual had entered KRI they would be required to register with the local neighbourhood Asayish office. According to one of the sources interviewed (international organisation (B)), if the person intended to stay for less than one month they would only need to ' ... provide an address for where they were residing in KRI.' However for those seeking to stay longer, they would need to report to the Asayish office and provide a reference, i.e. sponsor.[220] Citing information provided by the UNHCR implementing partner Harikar NGO the report noted:

'Those Iraqis who wish to stay for a longer period of time or permanently in KRI will have to approach the local Asayish which will issue an Information Card. [...] Harikar NGO explained that in order for a person to reside in Dohuk Governorate and thus have an Information Card issued, one would have to present to the Asayish a letter from his or her neighbourhood Mukhtar, a Civil ID Card and a reference. When asked how long this Information Card was valid for, Harikar NGO stated that the validity of this card was unlimited and valid for as long as the person sought to reside in KRI.'[221]

2.5.15 More recently a survey from REACH conducted between 27 and 30 October 2014, based on data collected from 120 IDPs crossing through entry checkpoints into Sulaymaniyah and Erbil, observed that having a sponsor within KRI was a prerequisite for IDPs to rent accommodation in the region.[222]

2.5.16 For further background information see: The UK Home Office / Danish Immigration Service fact finding report to Erbil and Dahuk, conducted between 11 and 22 November 2011, published March 2012

2.5.17 See also: Restrictions on entry and Sponsorship requirements

Restrictions on entry

[219] UNHCR, 'UNCHR position on returns to Iraq', October 2014, p.10, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014

[220] UK Home Office / Danish Immigration Service fact finding report to Erbil and Dahuk conducted between 11 and 22 November 2011, 'Update (2) on entry procedures at Kurdistan Regional Government checkpoints (KRG); residence procedures in Kurdistan Region of Iraq (KRI) and arrival procedures at Erbil and Suleimaniyah airports (for Iraqis travelling from non-KRI areas of Iraq), published March 2012, p.40-41, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311809/Iraq_Danish_fact_finding_report_2012.pdf, date accessed: 24 November 2014

[221] UK Home Office / Danish Immigration Service fact finding report to Erbil and Dahuk conducted between 11 and 22 November 2011, 'Update (2) on entry procedures at Kurdistan Regional Government checkpoints (KRG); residence procedures in Kurdistan Region of Iraq (KRI) and arrival procedures at Erbil and Suleimaniyah airports (for Iraqis travelling from non-KRI areas of Iraq), published March 2012, p.41, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311809/Iraq_Danish_fact_finding_report_2012.pdf, date accessed: 24 November 2014

[222] REACH, Entry Point Monitoring, Kurdistan Region of Iraq Data Collected: 27 - 30 Oct. 2014, 30 October 2014 http://reliefweb.int/report/iraq/entry-point-monitoring-kurdistan-region-iraq-data-collected-27-30-oct-2014, date accessed 12 December 2014

2.5.18 The OCHA situation report No. 14, covering the period 26 September to 3 October 2014, noted that there were reports of IDP identity documents being confiscated by authorities in order to control their movement ...', however the source did not clarify which governorates were applying this or how widespread these practices were. [223]

2.5.19 A report from IRIN dated July 2014 noted that following the initial influx of IDPs to KRI in early June 2014, in July there were reports that entry to KRI had been tightened and fewer IDPs granted access. According to NGO staff working at the border, checkpoints were regularly closed with thousands of people waiting for long periods – up to five days – without information and with limited access to shelter, food and water. Sources quoted referred to different access rules being applied based on a person's ethnicity and religion; whilst other sources indicated a lack of coordination between UN agencies and the KRG authorities as problematic. According to Liene Viede, a public information officer for UNHCR, the KRG authorities had no common access policy and that UNHCR monitoring had highlighted access policies applied at entry checkpoints to be 'increasingly unpredictable.'[224]

2.5.20 The source however also noted that on 1 July 2014 Saudi Arabia announced a contribution of US$500 million to assist the UN's response, which according to one aid worker interviewed would likely 'soften KRG's access restrictions' as the Kurdish government gained assurances it would not carry the financial burden of hosting IDPs alone.[225]

2.5.21 The REACH report entitled, 'Vulnerability, Needs and Intentions of Internally Displaced Persons in Northern Iraq', Rapid Assessment Report, August 2014, based on interviews conducted with 1768 IDP families between 3 and 24 July in the governorates of Dahuk, Erbil and Sulymaniyah, as well as accessible areas in Ninewa governorate, corroborated information provided by IRIN and commented that there had been a sharp decrease in IDPs entering through the entry check-point on the Ninewa-Dahuk border (Badrika entry point). The source indicated that one of the causes for this may be the 'increased closure regime', in operation at that check point.[226] This was further corroborated by a REACH survey conducted between 27 and 30 October 2014 which noted checkpoint closures in Dahuk.[227]

2.5.22 In a report covering the period 5 June to 5 July 2014, UNAMI raised concerns about alleged restrictions on entry to KRI at checkpoints for women and girls unaccompanied by males.[228] However the source provided no further details as to whether these allegations had been verified, when they had occurred or how widespread this was. In addition the source did not clarify if this was limited to certain religious or ethnic groups. See also: para 2.5.50 onwards for further information.

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[223] OCHA, 'Situation report No.14 (26 September – 3 October 2014), http://reliefweb.int/report/iraq/iraq-idp-crisis-situation-report-no-14-26-september-3-october-2014-enarku, date accessed: 6 October 2014

[224] IRIN, 'Selective treatment of IDPs in Kurdistan', 16 July 2014, http://www.irinnews.org/report/100357/selective-treatment-for-idps-in-kurdistan, date accessed: 18 December 2014

[225] IRIN, 'Selective treatment of IDPs in Kurdistan', 16 July 2014, http://www.irinnews.org/report/100357/selective-treatment-for-idps-in-kurdistan, date accessed: 18 December 2014

[226] REACH, 'Vulnerability, Needs and Intentions of Internally Displaced Persons in Northern Iraq', Rapid Assessment Report, August 2014, http://reliefweb.int/report/iraq/vulnerability-needs-and-intentions-internally-displaced-persons-northern-iraq-rapid-0, date accessed: 21 November 2014

[227] REACH, Entry Point Monitoring, Kurdistan Region of Iraq Data Collected: 27 - 30 Oct. 2014, 30 October 2014 http://reliefweb.int/report/iraq/entry-point-monitoring-kurdistan-region-iraq-data-collected-27-30-oct-2014, date accessed 12 December 2014

[228] UN Assistance Mission for Iraq (UNAMI), Report on the Protection of Civilians in the Non International Armed Conflict in Iraq: 5 June – 5 July 2014, 5 July 2014, Women http://www.refworld.org/docid/53ce0f0d4.html, date accessed 12 December 2014

2.5.23 A briefing paper from the NGO International Rescue Committee, dated July 2014 reported that IRC and other humanitarian agencies had received reports of single men being turned away from trying to enter KRI. The source further noted that procedures at KRI entry checkpoints were 'unpredictable', differing between governorates and by the individuals who controlled the checkpoints. The source confirmed that displaced Iraqi families were not being issued with residency papers, but being given temporary visas, which meant they needed to have their entry cards renewed each week and were unable to rent a house or seek formal employment.[229] Additionally the report observed that civilians who had returned to Mosul to check on property; retrieve documents or medicines or find family members were being restricted from entering KRI. [230]

2.5.24 The UNHCR paper entitled, 'UNHCR position on returns', dated October 2014, noted that IDPs faced 'restrictions at governorate borders' and noted that: 'access restrictions appeared largely linked to security considerations, which seemed linked to certain criteria, such as family composition; religious/ethnic background; place of origin or the requirement to have a sponsor in 'the concerned governorate' and a lack of 'absorption capacity'.[231] The source further observed:

'Criteria applied at entry checkpoints may not always be clearly defined and/or implementation can vary or be subject to sudden changes. In some areas, persons seeking to relocate from other governorates are reportedly barred entry. If access is granted, there may be additional requirements for IDPs to be able to register with local authorities. ... Furthermore, the arrival of IDPs has also reportedly resulted in community tensions along ethno-sectarian lines and reported feelings of insecurity and discrimination expressed by IDPs.' [232]

2.5.25 Whilst the UNHCR paper did not specifically refer to restrictions in KRG controlled areas, the majority of the sources referenced in the above text provided documentary evidence of restrictions in KRG/Peshmerga controlled areas specifically.[233]

2.5.26 A letter from the British Embassy in Baghdad, dated 4 December 2014, advised that despite assurances to the contrary, temporary restrictions had been put in place for IDPs seeking to enter the KRI. The letter highlighted for example that some IDPs families, of mostly Arab ethnicity, were recently refused entry through the Sherawa (Kirkuk – Erbil) and Sheikh Abdul Qader (Mosul – Erbil) entry points. Additionally persons travelling back and forth between KRI and areas occupied by ISIL had been refused entry. The letter highlighted that this reflected: 'the Kurdish authorities continuing concern with regard to possible terrorist activity within the Kurdistan Region of the kind most recently witnessed in Erbil city on 19 November when there was an improvised explosive attack close to the Governor's Office. In the days following the incident, several checkpoints were closed and all IDPs seeking access to the Kurdistan Region were refused entry.' [234]

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[229] International Rescue Committee, 'Battling an uncertain future: Iraq's renewed displacement crisis, An IRC Briefing Note', July 2014, http://www.rescue.org/sites/default/files/resource-file/140711%20Iraq%20Advocacy%20Briefing%20Note.pdf, date accessed: 14 October 2014

[230] International Rescue Committee, 'Battling an uncertain future: Iraq's renewed displacement crisis, An IRC Briefing Note', July 2014, http://www.rescue.org/sites/default/files/resource-file/140711%20Iraq%20Advocacy%20Briefing%20Note.pdf, date accessed: 14 October 2014

[231] UNHCR, 'UNCHR position on returns to Iraq', 27 October 2014, p.10, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014

[232] UNHCR, 'UNCHR position on returns to Iraq', October 2014, p.10, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014

[233] For example footnotes 93, 96, 97, 98, 99, 100, 101 of the 'UNCHR position on returns to Iraq', October 2014, p.10, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014

[234] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P

Sponsorship requirements

2.5.27 Sources consulted during the UK Home Office / Danish Immigration Service fact finding report to Erbil and Dahuk conducted between 11 and 22 November 2011, published March 2012, noted on the requirement to obtain a reference, i.e. sponsor when seeking residency from the local Asayish:

'According to Muhammed Saleem Mizuree [Head of Private Bureau of General Security (Asayish)], whether a reference was required when applying for an Information Card from the neighbourhood Asayish would depend on the individual concerned. For example professionals, such as doctors, government officials or business persons would not be required to provide a reference. However in some cases it may be required, for example where a person was completely unknown to anyone in KRI. When asked how frequently a person applying for an Information Card would be asked to provide a reference, Muhammed Saleem Mizuree explained that this may occur in only two or three cases per month.

'Harikar NGO [...] added that they thought a reference was still required for residency (i.e when applying for an Information Card). ...PAO stated that the application process for the Information Card issued by the local Asayish was the same as had been reported to the Danish Immigration Service previously and there was no change in the procedures.

'The international organization (B) stated that any person having entered KRI and wishing to stay for an extended period of time will have to report to the nearest Asayish office within 24 to 48 hours, together with his or her reference in person, in order to have an Information Card issued. ... [The international organization (B) also stated p]ersons who have a short term permit to stay in KRI, i.e. Tourism Card, will not need a reference at the Asayish office. Anyone who stays for less than a month in KRI will only have to report to the nearest Asayish office and provide an address for where they were residing in KRI. Those who wish to reside in KRI for more than one month however, must report to the nearest Asayish office and provide a reference. If a person comes with one month permission and overstays, he could be asked to leave and be blacklisted.'[235]

2.5.28 More recently figures compiled by REACH, based on a survey of 129 households (86 of which were from Sulyamaniyah) over the period 31 August to 4 September 2014, noted that 45 per cent of households did not have a sponsor; which was a 26 per cent decrease from the 3 – 7 August assessment and a 20 per cent decrease from the July average of 61 per cent.[236] However a later survey from REACH conducted between 27 and 30 October 2014, based on data collected from 120 IDPs crossing through entry checkpoints into Sulaymaniyah and Erbil, highlighted that out of all respondents interviewed 99 per cent had a sponsor (97 per cent in Erbil and 100 per cent in Sulaymaniyah). No data was collected from Dahuk entry checkpoint because at the time of reporting the checkpoints had been closed. [237] The source did not clarify if

[235] UK Home Office / Danish Immigration Service fact finding report to Erbil and Dahuk conducted between 11 and 22 November 2011, 'Update (2) on entry procedures at Kurdistan Regional Government checkpoints (KRG); residence procedures in Kurdistan Region of Iraq (KRI) and arrival procedures at Erbil and Suleimaniyah airports (for Iraqis travelling from non-KRI areas of Iraq), published March 2012, p.41-42, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311809/Iraq_Danish_fact_finding_report_2012.pdf, date accessed: 24 November 2014

[236] REACH, 'Entry Point Monitoring: Kurdistan Region of Iraq, data collected '31 August – 4 September 2014', p.2, http://reliefweb.int/report/iraq/entry-point-monitoring-kurdistan-region-iraq-data-collected-31-aug-4-sep-2014, date accessed: 10 October 2014

[237] REACH, Entry Point Monitoring, Kurdistan Region of Iraq Data Collected: 27 - 30 Oct. 2014, 30 October 2014 http://reliefweb.int/report/iraq/entry-point-monitoring-kurdistan-region-iraq-data-collected-27-30-oct-2014, date accessed 12 December 2014

sponsorship figures cited related to sponsorship on arrival (at entry checkpoints) or on application of permanent residence with the Asayish.

2.5.29 The UNHCR in a policy paper dated October 2014, noted at footnote 101 that:

'Once admitted [to KRG], persons not originating from the Kurdistan Region receive a 15 days "permission to stay" to remain in the Kurdistan Region. Within this period, they are requested to apply for a temporary residency, for which a sponsor, clearance by the local security (Asayish), and a medical test are required. UNHCR has observed a strict implementation of these regulations as well as rejections on the basis of security grounds. Residency permits need to be renewed on a regular basis, usually every 7-10 days.'[238]

2.5.30 A letter from the British Embassy in Baghdad, dated 4 December 2014, also noted a tightening of restrictions and reporting arrangements to register with the local Assayish:

'A significant change in November is that the previous requirement to have a sponsor who is resident in the Kurdistan Region prior to admission has been removed (allegedly because sponsorships were being openly sold at certain checkpoints) and instead a new procedure is now in operation which requires IDPs to present themselves to the nearest Asayish office for screening and approval. Once approved, IDPs are issued with a residency card that entitles them to move freely within the governorates and rent private houses. Transit opportunities still exist for those who have valid plane tickets. Those arriving by air at Erbil or Sulamaniyah airports, are similarly being directed to report to the nearest Asayish office to regularise their stay. It is worth re-iterating the point that admission does remain at the discretion of Kurdish immigration and border officials and that temporary restrictions can be imposed and withdrawn without notice.'[239]

2.5.31 See also: Discrimination of ethnic and religious groups

Discrimination of ethnic or religious groups

2.5.32 A report from IRIN dated July 2014 noted that following the initial influx of IDPs to KRI in early June 2014, which included some 500,000 Iraqis of varying ethnicities, in July there were reports that entry to KRI had been tightened and fewer IDPs granted access. Sources quoted referred to different access rules being applied based on a person's ethnicity and religion – citing rights groups, the article noted that Kurds or Christians or those with sponsors inside KRI being able to pass border checkpoints 'relatively easily', but generally Sunni and Shia Arabs and Turkmen were being stopped or sent to temporary holding sites. A senior aid worker from an international NGO said '[t]he blocking of entry to people along ethnic lines is an issue and needs to be looked into.'[240]

2.5.33 The UNHCR position on returns dated October 2014, noted that IDPs faced 'access restrictions at governorate borders', which appeared largely to be linked to security considerations and absorption capacity.[241] The paper further indicated that access restrictions appeared linked to certain criteria, including religious/ethnic background. Citing various sources the UNHCR paper further observed that members of minority

[238] UNHCR, 'UNCHR position on returns to Iraq', 27 October 2014, p.10, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014
[239] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P
[240] IRIN, 'Selective treatment of IDPs in Kurdistan', 16 July 2014, http://www.irinnews.org/report/100357/selective-treatment-for-idps-in-kurdistan, date accessed: 18 December 2014
[241] UNHCR, 'UNCHR position on returns to Iraq', 27 October 2014, p.10, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014

groups appeared generally to be admitted into the KRI, while Arabs and Turkmen were being prevented from entering.[242]

2.5.34 The same source, citing undisclosed UNHCR information dated October 2014, indicated that Kurdish sponsors may be increasingly unwilling to guarantee for Arab Sunnis, in particular due to compassion fatigue and a resentment towards Arab Sunnis who were at times associated with ISIL and other non-state armed groups.[243]

2.5.35 A report from ACAPS dated 4 September 2014, citing media reporting, indicated Sunni IDPs were being prohibited from 'entering KR-I proper' and noted from a private source that Peshmerga at KR-I borders were limiting freedom of movement.[244] The same source, again citing media reporting, also noted that rumours of Sunni Arabs in the north betraying their Yazidi and Kurdish neighbours to IS [Islamic State, aka ISIL] had 'stoked anger', increasing community tensions, with Sunni Arab's being prohibited from returning to areas in the disputed zone which had been retaken from ISIL.[245]

2.5.36 The same source also noted that there were numerous Peshmerga checkpoints at KR-I borders and in the disputed areas of neighbouring governorates which significantly restricted the freedom of movement of IDPs. [246]

2.5.37 The UN's Office for the Coordination of Humanitarian Affairs, situation report No. 13, covering the period 20 – 24 September 2014, corroborated reports that entry into KRG was becoming 'increasingly difficult' for some groups and noted that '... movement restrictions had been placed on IDPs by bureaucratic and security procedures'. [247] The source continued:

'Checkpoint monitors have identified a slight uptick in IDP numbers from Mosul seeking entry to Erbil Governorate. Some IDPs report they have been unable to access Erbil Governorate without a sponsor, which needs to be Kurdish person resident in the Kurdish Region of Iraq. Approximately 350 people have been stranded for several days at a checkpoint between Kirkuk and Erbil, waiting for permission to enter the Erbil Governorate. The IDPs originate from Ninewa, Baiji, Telafar, Sinjar, Mosul and Ramadi and are primarily of Shabak and Arab ethnicity.'[248]

2.5.38 A letter from the British Embassy in Baghdad, dated 4 December 2014, similarly highlighted that some IDP families of mostly Arab ethnicity were recently refused entry through the Sherawa (Kirkuk – Erbil) and Sheikh Abdul Qader (Mosul – Erbil) entry

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[242] UNHCR, 'UNCHR position on returns to Iraq', 27 October 2014, footnote 97, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014

[243] UNHCR, 'UNCHR position on returns to Iraq', 27 October, footnote 99, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014

[244] ACAPS, 'Humanitarian Implications of Violence in Northern and Central Iraq', Briefing Note, 4 September 2014, p.4, http://reliefweb.int/sites/reliefweb.int/files/resources/ACAPS%20Briefing%20Note%20Humanitarian%20Implications%20of%20Violence%20in%20Northern%20and%20Central%20Iraq%204%20September%202014.pdf, date accessed: 10 October 2014

[245] ACAPS, 'Humanitarian Implications of Violence in Northern and Central Iraq', Briefing Note, 4 September 2014, p.4, http://reliefweb.int/sites/reliefweb.int/files/resources/ACAPS%20Briefing%20Note%20Humanitarian%20Implications%20of%20Violence%20in%20Northern%20and%20Central%20Iraq%204%20September%202014.pdf, date accessed: 10 October 2014

[246] ACAPS, 'Humanitarian Implications of Violence in Northern and Central Iraq', Briefing Note, 4 September 2014, p.4, http://reliefweb.int/sites/reliefweb.int/files/resources/ACAPS%20Briefing%20Note%20Humanitarian%20Implications%20of%20Violence%20in%20Northern%20and%20Central%20Iraq%204%20September%202014.pdf, date accessed: 10 October 2014

[247] OCHA, 'Situation report No.13 (20 September – 26 September 2014), http://reliefweb.int/report/iraq/iraq-idp-crisis-situation-report-no-13-20-september-26-september-2014-enarku, date accessed: 10 October 2014

[248] OCHA, 'Situation report No.13 (20 September – 26 September 2014), http://reliefweb.int/report/iraq/iraq-idp-crisis-situation-report-no-13-20-september-26-september-2014-enarku, date accessed: 10 October 2014

points. The source further noted that persons travelling 'back and forth' between KRI and territory held by ISIL were also refused entry, although the letter did not clarify the ethnicity of such persons. [249]

2.5.39 Providing a first hand account of the situation on the ground, the Washington Post in a report from the town of Gwer, dated August 2014 (south of Erbil city on the border of Ninewa), highlighted the increase in ethnic tensions between communities which had experienced civil unrest and displacement. According to the source, Sunni Arab residents were being barred from returning to the town because of Kurdish concerns that local Sunni Arab populations were sympathetic to ISIL.[250] Commenting on the growing distrust between Sunni and Kurdish communities in the town of Gwer, the report observed:

'"The Arabs here stabbed us in the back, and now they are threatening us" from the villages nearby, a Kurdish intelligence officer, Ahmed Hawleri, said from the front-line district of Gwer. ... About 30 miles from the city of Irbil, Gwer offers a glimpse into how the fighting has intensified the ethnic divide in some communities. The town was a diverse community of roughly 10,000 before Islamic State gunmen seized it on Aug. 7. Arabs and Kurds had lived side by side despite tensions that lurked beneath the surface. ... Now the desolate landscape of shuttered shops and toppled power lines is a military and ethnic fault line.'[251]

2.5.40 Citing a first-hand account of a locally displaced Sunni Arab from Gwer, the report explained: 'Raed Ibrahim Abdullah is a resident of Gwer but now lives in a tent on the militant-ruled front line. He said he was not a supporter of the Islamic State. "I don't want electricity; I don't want water," he said in a telephone interview. "I just want to go home."'[252] The report went on to document accounts of ethnically motivated violence in the mixed town of Makhmour:

'Just south of Gwer, in the mixed town of Makhmour, Kurdish residents claim that their Arab neighbors either aided or joined Islamic State extremists when they took the town this month. ... "My good friend, he disappeared after Daash [a derogatory term for ISIL] arrived to Mosul in June," said a Kurdish resident, Soran Saber, using an Arabic nickname for the Islamic State. ... "Then we found him dead with their fighters in Makhmour" when Kurds reclaimed the town, he said. "I was glad to see him dead," he added. "He betrayed us." ... Pesh merga fighters now have a tenuous hold on Makhmour, and some Kurdish families have returned.

'The Arab residents, they say, fled to the militant-controlled villages on its outskirts. But, as in Gwer, Kurdish authorities have prohibited Sunni Arab families from coming back. ... "They can't return. This is Kurdish territory now," said another pesh merga commander in Makhmour, Sgt. Sitar Qahar Ibrahim. ... The Kurds are fighting a fierce battle with Sunni militants just three miles from the edge of Makhmour.' [253]

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[249] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P
[250] Washington Post, 'Iraqi Kurds say their fight is against more than just the Islamic State', 28 August 2014, http://www.washingtonpost.com/world/iraqi-kurds-say-their-fight-is-against-more-than-just-the-islamic-state/2014/08/28/00252fc7-7e88-45d8-9a68-0436b018a9af_story.html, date accessed: 20 November 2014
[251] Washington Post, 'Iraqi Kurds say their fight is against more than just the Islamic State', 28 August 2014, http://www.washingtonpost.com/world/iraqi-kurds-say-their-fight-is-against-more-than-just-the-islamic-state/2014/08/28/00252fc7-7e88-45d8-9a68-0436b018a9af_story.html, date accessed: 20 November 2014
[252] Washington Post, 'Iraqi Kurds say their fight is against more than just the Islamic State', 28 August 2014, http://www.washingtonpost.com/world/iraqi-kurds-say-their-fight-is-against-more-than-just-the-islamic-state/2014/08/28/00252fc7-7e88-45d8-9a68-0436b018a9af_story.html, date accessed: 20 November 2014
[253] Washington Post, 'Iraqi Kurds say their fight is against more than just the Islamic State', 28 August 2014, http://www.washingtonpost.com/world/iraqi-kurds-say-their-fight-is-against-more-than-just-the-islamic-state/2014/08/28/00252fc7-7e88-45d8-9a68-0436b018a9af_story.html, date accessed: 20 November 2014

Reparation of Shia Turkmen

2.5.41 A report from Al Hurriyet, dated 22 July 2014, reported that Shiite Turkmen fleeing ISIL had been restricted from entering Erbil by Kurdish peshmerga forces at the Hazer security check point, just outside Erbil city. Citing one of the displaced persons the source noted:

'Mahsoun Habil Muhsin, 35, escaped from Telafer with his wife and five children. "We have been suffering here for a week. The peshmarga doesn't allow us to enter Arbil. Our children are dying because of the heat and diseases. We buried two old women and three children yesterday. There are new-born babies in the camp and they could die at any minute," Muhsin said. ... The only area Shiite Turkmens think they can take shelter in in northern Iraq is the peshmarga-controlled city of Kirkuk.

'"When ISIL attacked Telafer, we have fled to Sinjar on June 16. But there was no food or water there. So we had to leave Sinjar and come here. However, the peshmarga keeps us waiting here. Why don't they let us go? We are Turkish, why doesn't Turkey take care of us?" Muhsin added. ... Hidir Suleiman, 42, who used to be an elementary school teacher in Telafer, fled to Hazer with his nine children. "We left everything we had behind. We didn't even take our ID cards. Elderly people died on the road. Our wives and children are dying here. We just want to get out of here, we don't want anything else. Just save us and allow us to enter a town in Turkey," he said.' [254]

2.5.42 The same source however also acknowledged that thousands of Turkmen had been granted access to KRG, although were living in temporary or inadequate shelter. The source further noted that they were subsequently being sent to Baghdad, Najaf or Karbala in small numbers by plane. Citing one of the IDPs interviewed, the source observed: 'Fazil Muhammad, a hammersmith from Telafer, fled Arbil with nine people from his family. "We had had clashes with ISIL for three days, and then the Iraqi army brigade who came from Baghdad fought against them for a week. Then ISIL started to bomb the town. Gen. Abu Walid withdrew his soldiers. We had to run away too. We have been staying here for 30 days, we are waiting to be sent to southern Iraq," he said.' [255]

2.5.43 A survey paper from Premiere Urgence- Aide Medicale Internationale (PU-AMI), based on field research of IDP communities in Baghdad and Najaf in July 2014, confirmed that in the KRI the government was facilitating the repatriation of Shia Turkmen to the south of Iraq who were from Mosul, by providing free flights from Erbil. However the same source acknowledged that most of the assessed families had to travel via the Erbil-Baghdad main road, which ran through Diyala where fighting was occurring. Families who did not own a car would also have to pay 1,300USD for the trip for car hire and 127 USD to Peshmerga forces to pass the border when leaving KRI.[256]

2.5.44 The findings in the PU-AMI report did not clarify if this repatriation exercise was forced or voluntary, although the source did acknowledge that assessed families had moved

[254] The Hurriyet, ' Iraqi Turkmen 'left for dead' in desert', 22 July 2014, http://www.hurriyetdailynews.com/iraqi-turkmens-left-for-dead-in-desert.aspx?pageID=238&nID=69432&NewsCatID=352, date accessed: 14 October 2014

[255] The Hurriyet, ' Iraqi Turkmen 'left for dead' in desert', 22 July 2014, http://www.hurriyetdailynews.com/iraqi-turkmens-left-for-dead-in-desert.aspx?pageID=238&nID=69432&NewsCatID=352, date accessed: 14 October 2014

[256] Premiere Urgence – Aide Medicale Internationale, '2014 – Multi-sectoral rapid needs assessment: Focus on IDPs from northern Iraq, from June 24th to July 23rd, 2014', 10 August 2014, accessed via shelter culster.org, p.10-11, https://www.sheltercluster.org/MENA/Iraq/Documents/Forms/Assessment%20Documents.aspx, date accessed: 6 October 2014

from Kurdistan because they could not obtain residency cards or because they considered it too complicated to acquire residency. [257]

2.5.45 A report from IRIN dated 16 July 2014, indicated that in early July up to 3,000 Shia Turkmen had been relocated from the poorly supported IDP camp of Khazair, in Ninewa governorate, to a transit site close to Erbil in KRI (Baharka camp – a former agricultural site, which again had sub-standard living conditions) to wait on flights from Erbil International airport to southern Iraq. The article referred to one IDP, Abu Azzam a 42 year old civil servant who was hoping to go to Baghdad or Najaf, but had no money so was reliant on a free flight from the Iraqi authorities.[258]

Restrictions in the Peshmerga controlled areas outside KRI

2.5.46 A report from IRIN dated 16 July 2014 noted that a tented IDP site called Khazair, on the Ninewa side of the KRI border was full of mainly Sunni Muslims from Mosul who were living in dire conditions, but were prevented from entering into KRI.[259] According to UNHCR, in early to mid-September 2014, no new IDPs had arrived, reportedly due to the closure of access points for people without a 'Kirkuk-specific ID card.'[260] This was corroborated by the UN's Office for the Coordination of Humanitarian Affairs (OCHA) in reporting over the period 6 to 12 September 2014, which additionally noted there had also been no reports of movement of IDPs from Kirkuk to Erbil governorate.[261]

2.5.47 The same OCHA situation report (No.11 covering 6 to 12 September 2014), noted: 'Restrictions on entry by IDPs to Khanaqin [Diyala governorate] had been reported due to the unavailability of accommodation and security concerns by the Kurdish Regional Government security forces.[262] A first hand account from an 18 year old interviewed by IOM, who fled Mosul to go to Erbil with his family, noted restrictions in place which prevented them from passing a checkpoint near Kirkuk.[263] The source did not clarify the precise nature of the restrictions, but observed:

'In Mosul, the rockets fall everywhere. It's not safe for us. We were terrified. The terrorists captured my cousin for four days, but luckily, he was able to escape during a battle. We had to leave in the middle of the night. We weren't able to get past the checkpoint near Kirkuk, so we slept in the streets for seven days. When we got here, we

[257] Premiere Urgence – Aide Medicale Internationale, '2014 – Multi-sectoral rapid needs assessment: Focus on IDPs from northern Iraq, from June 24th to July 23rd, 2014', 10 August 2014, accessed via shelter culster.org, p.10-11, https://www.sheltercluster.org/MENA/Iraq/Documents/Forms/Assessment%20Documents.aspx, date accessed: 6 October 2014

[258] IRIN, 'Selective treatment of IDPs in Kurdistan', 16 July 2014, http://www.irinnews.org/report/100357/selective-treatment-for-idps-in-kurdistan, date accessed: 18 December 2014

[259] IRIN, 'Selective treatment of IDPs in Kurdistan', 16 July 2014, http://www.irinnews.org/report/100357/selective-treatment-for-idps-in-kurdistan, date accessed: 18 December 2014

[260] UNHCR, 'UNCHR position on returns to Iraq', 27 October 2014, footnote 100, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014

[261] OCHA situation report No.11 (6 – 12 September 2014), http://reliefweb.int/report/iraq/iraq-idp-crisis-situation-report-no-11-6-september-12-september-2014-enar, date accessed: 24 November 2014

[262] OCHA situation report No.11 (6 – 12 September 2014), http://reliefweb.int/report/iraq/iraq-idp-crisis-situation-report-no-11-6-september-12-september-2014-enar, date accessed: 24 November 2014

[263] IOM Iraq, 'Iraq Crisis response, Weekly situation report #6, for 14 – 20 September', 27 September 2014, http://www.iom.int/mwg-internal/de5fs23hu73ds/progress?id=qV4ky0hR6m, date accessed: 20 November 2014

were so grateful to have a place to stay until the fighting stops. After the terrorists leave, we want to go back to Mosul.'[264]

2.5.48 News media articles corroborated reports of restrictions in the Khanaqin area of Diyala. An article from Christian Science Monitor, dated 28 August 2014, referred to an IDP camp in Khanaqin, named Kurdistan (in Diyala), nicknamed by some as 'Guantanamo' which was populated by Sunni Arabs.[265] According to the report persons resident in the camp were being restricted from entering into the town of Khanaqin (and other Kurdish controlled areas), because of security concerns. As a local official who was interviewed explained:

'The camp is home to Arab Sunnis who stayed, in the eyes of local authorities, too long in areas under Islamic State control. ... "Those families lived for two months with the Islamic State. They didn't have a problem with them. Even on Youtube and Facebook we saw them welcoming them," says Ayden Hassan, a local official. "Because of the bombings by the Iraqi air force, those families left Saadiya and Jalawla." He says the people here are being kept out of town for security reasons, and alleges that most of the men from these families are fighting with IS against Kurdish fighters in the area. ... The de facto manager of the Kurdistan camp, Zukhoor Assad, a Shiite Kurd, is appalled. She rejects the idea that the families pose a security threat, and says the only reason they took so long to leave IS-held areas in Diyala Province was because they're too old, young, or sick to move with ease. "The truth is they are not terrorists – they pose a risk to no one," says Ms. Assad.

'...The camp is like a prison. They are not allowed to enter Khanaqin and they are not allowed to [go home]", she says. "For all its good measures and good advice, Americans will not get us to reconcile unless we are willing to reconcile ourselves."' [266]

2.5.49 It is also noteworthy however that one of the IDPs interviewed was candid in his support for ISIL, saying they had checked abuses carried out by Shiite militias and government security forces.[267]

2.5.50 A second news article, dated 5 October 2014, referring to the situation in Aliama camp in Khanaqin [Diyala governorate], a Peshmerga controlled area, observed that the Kurdish authorities had introduced measures to 'weed out "good" Sunni Arab families from "bad" ones suspected of links to the Islamic State group.' The source continued: 'Kurdish officials are desperate to avoid taking any chances, especially after a bomb attack on a convoy of Kurdish peshmerga forces killed four of them. ... "We know that refugees did that," says General Halgord Mulla Ali, a peshmerga spokesman in the autonomous Iraqi region of Kurdistan, without elaborating.'[268]

2.5.51 The article noted that in order to gain access to the camp, refugees were required to provide camp officials with their Iraqi 'family book', which serves as an identity card listing the names of the spouses and those of their children. According to Taleb al-Dalawi who ran the camp: "If a woman arrives without a husband, we ask her to give us

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[264] IOM Iraq, 'Iraq Crisis response, Weekly situation report #6, for 14 – 20 September', 27 September 2014, http://www.iom.int/mwg-internal/de5fs23hu73ds/progress?id=qV4ky0hR6m, date accessed: 20 November 2014

[265] Christian Science Monitor, 'Aid to Sunni Arabs in Kurdistan comes with a side of suspicion', 28 August 2014, http://www.csmonitor.com/layout/set/print/World/Middle-East/2014/0828/Aid-to-Sunni-Arabs-in-Kurdistan-comes-with-a-side-of-suspicion, date accessed: 10 October 2014

[266] Christian Science Monitor, 'Aid to Sunni Arabs in Kurdistan comes with a side of suspicion', 28 August 2014, http://www.csmonitor.com/layout/set/print/World/Middle-East/2014/0828/Aid-to-Sunni-Arabs-in-Kurdistan-comes-with-a-side-of-suspicion, date accessed: 10 October 2014

[267] Christian Science Monitor, 'Aid to Sunni Arabs in Kurdistan comes with a side of suspicion', 28 August 2014, http://www.csmonitor.com/layout/set/print/World/Middle-East/2014/0828/Aid-to-Sunni-Arabs-in-Kurdistan-comes-with-a-side-of-suspicion, date accessed: 10 October 2014

[268] Agence France-Presse, 'Kurds scrutinise refugees at camps to keep IS out', 5 October 2014, http://reliefweb.int/sites/reliefweb.int/files/reliefweb_pdf/node-697372.pdf, date accessed: 6 October 2014

proof of where he is located, and if she claims he is dead we demand a death certificate". The source observed that women who were unable to provide this information would be expelled from the camp and would 'usually end up squatting at construction sites.' [269]

2.5.52 The Agence France-Presse report also noted that Kurdish intelligence units, known as the Asayesh conducted searches of refugee's tents to check for weapons or explosives. An annex of the Aliama camp, home to 150 families, also reportedly had 'very tight' security procedures, and families who arrived without a husband were turned away: '"If the man is not with his family and he is not dead, that can only mean that he is fighting in IS ranks," says Souar Ismail Hussein, who runs the annex.'[270]

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2.6 Other reports of restrictions on entry to parts of Iraq

2.6.1 The OCHA situation report No. 14, covering the period 26 September to 3 October 2014, noted that there were reports of IDP identity documents being confiscated by authorities in order to control their movement ...', however the source did not clarify which governorates were applying this or how widespread these practices were. [271]

2.6.2 A later report from OCHA covering the period 11 to 17 October 2014 noted that following increased fighting in Anbar governorate, displaced families seeking refuge in Baghdad had to secure a local sponsor for entry and concluded that entry to Baghdad for IDPs was becoming 'increasingly difficult'. Later the report observed that IDPs had been congregating at the al-Nikhaib checkpoint on the border of Anbar and Kerbala and had been denied passage through to Baghdad. The Kerbala authorities, with the upcoming Ashura religious pilgrimages to Kerbala were refusing to host any more IDP, with reports of those seeking to enter the governorate being stopped and escorted out of the province.[272] According to OCHA, access controls imposed by the authorities, particularly within Kerbala governorate required 'effective inter-agency coordination' to better assist IDPs.[273] A report from ACAPS dated 4 September 2014, observed that reports 'suggested' the authorities in Kerbala 'may have shut the governorate's borders to IDPs, at least temporarily.' [274] Restrictions on IDP movement for example during times of religious pilgrimage to Najaf and Kerbala was also noted in the British Embassy

[269] Agence France-Presse, 'Kurds scrutinise refugees at camps to keep IS out', 5 October 2014, http://reliefweb.int/sites/reliefweb.int/files/reliefweb_pdf/node-697372.pdf, date accessed: 6 October 2014
[270] Agence France-Presse, 'Kurds scrutinise refugees at camps to keep IS out', 5 October 2014, http://reliefweb.int/sites/reliefweb.int/files/reliefweb_pdf/node-697372.pdf, date accessed: 6 October 2014
[271] OCHA, 'Situation report No.14 (26 September – 3 October 2014), http://reliefweb.int/report/iraq/iraq-idp-crisis-situation-report-no-14-26-september-3-october-2014-enarku, date accessed: 6 October 2014
[272] , 'Situation report No. 16 (11- 17 October 2014), http://reliefweb.int/report/iraq/iraq-idp-crisis-situation-report-no-16-11-17-october-2014enku, date accessed: 24 November 2014
[273] OCHA, 'Situation report No. 16 (11- 17 October 2014), http://reliefweb.int/report/iraq/iraq-idp-crisis-situation-report-no-16-11-17-october-2014enku, date accessed: 24 November 2014
[274] ACAPS, 'Humanitarian Implications of Violence in Northern and Central Iraq', Briefing Note, 4 September 2014, p.4, http://reliefweb.int/sites/reliefweb.int/files/resources/ACAPS%20Briefing%20Note%20Humanitarian%20Implications%20of%20Violence%20in%20Northern%20and%20Central%20Iraq%204%20September%202014.pdf, date accessed: 10 October 2014

letter dated 4 December 2014, although the source clarified that these had been temporary.[275]

2.6.3 The UNHCR paper entitled, 'UNHCR position on returns', dated October 2014, noted that IDPs faced 'restrictions at governorate borders' and noted that: 'access restrictions appeared largely linked to security considerations, which seemed linked to certain criteria, such as family composition; religious/ethnic background; place of origin or the requirement to have a sponsor in 'the concerned governorate'.[276] The source further observed:

'Criteria applied at entry checkpoints may not always be clearly defined and/or implementation can vary or be subject to sudden changes. In some areas, persons seeking to relocate from other governorates are reportedly barred entry. If access is granted, there may be additional requirements for IDPs to be able to register with local authorities. In the south of Iraq, IDPs have been reported to move between governorates searching for local authorities willing to register them so that they would be allowed to access services such as healthcare, education and cash assistance. Furthermore, the arrival of IDPs has also reportedly resulted in community tensions along ethno-sectarian lines and reported feelings of insecurity and discrimination expressed by IDPs.'[277]

2.6.4 However the sources referenced in the above text predominantly evidenced restrictions in KRG/Peshmerga controlled areas specifically, rather than across Iraq more generally.[278] There were a few exceptions to this, for example a report from REACH on the displacement of Shabak and Turkmen Shi'a Minorities from Tal Afar and the Ninewa Plains to governorates in southern Iraq, dated August 2014, observed:

'As the flow of displaced families increased dramatically [between June and August 2014 and notably in August], the authorities have restricted freedom of movement of IDPs both within and around governorates. This has resulted in IDPs having to travel to the governorates located further east in the hope to find local authorities willing to register them. It is only upon registration (through local muktars, local council, police, and finally MoDM), that they will receive a ration card and be allowed full freedom of movement as well as the opportunity to access employment. The registration process has so far been very slow and in the meantime very limited assistance has been received.'[279]

2.6.5 The report did not clarify specifically which governorates in the south of Iraq applied such restrictions and nor did it clarify which eastern governorates permitted registration. However the source more generally observed: 'The majority of Turkmen and Shabak Shi'a IDPs are currently found in the south of Iraq, more specifically in the Wassit, Thi Qar, Qadissyia, Muthanna, Missan and Al Najaf Governorates.' [280] See also: Displaced populations in southern Iraq

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[275] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P
[276] UNHCR, 'UNCHR position on returns to Iraq', October 2014, p.10, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014
[277] UNHCR, 'UNCHR position on returns to Iraq', October 2014, p.10, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014
[278] For example footnotes 93, 96, 97, 98, 99, 100, 101 of the 'UNCHR position on returns to Iraq', October 2014, p.10, accessed via Refworld, http://www.refworld.org/docid/544e4b3c4.html, date accessed: 17 November 2014
[279] REACH, Displacement of Shabak & Turkmen Shi'a Minorities from Tal Afar & Ninewa Plains (June - 18 August 2014), 18 August 2014, http://reliefweb.int/sites/reliefweb.int/files/resources/REACH_IRQ_InternalDisplacement_Briefing_August2014_ShiaMinorities.pdf, date accessed: 24 November 2014
[280] REACH, Displacement of Shabak & Turkmen Shi'a Minorities from Tal Afar & Ninewa Plains (June - 18 August 2014), 18 August 2014,

2.6.6 The OCHA Situation report No.10, covering the period 30 August – 5 September also observed: 'IDPs arriving in Qadissiya have reportedly only been allowed through checkpoints once sponsorship of relatives was confirmed.' [281] Whilst an earlier situation report, covering the period 16 August to 22 August 2014 observed: 'Kerbala authorities have indicated that the Governorate is no longer able to support IDPs. IDPs without sponsors are being diverted to other Governorates. There is increasing concern that central governorates are reaching a saturation point which has implications on access to safety for populations on the move.' [282]

2.6.7 The OCHA sources cited did not clarify if such restrictions were applied universally to all IDPs or if they related only to IDPs without civil documentation, however it was noted that the OCHA report covering the period 16 – 22 August observed: 'Issuance and replacement of civil documentation for IDPs in displacement is a growing challenge, especially in terms of access to registration and residency and preventing statelessness. Most IDPs are unable to replace key civil identity documents without returning to their area of origin.'[283]

2.6.8 A letter from the British Embassy in Baghdad, dated 4 December 2014 updated further, noting that according to Government of Iraq contacts there were no restrictions in place to prevent the movement of IDPs within Iraq's borders. However the embassy letter went on to clarify:

'However, we do know that restrictions are sometimes put in place in response to specific security concerns to protect IDPs, the host population and visiting pilgrims. For example, during times of religious pilgrimage to Najaf and Kerbala, movement restrictions have been imposed on IDPs along pilgrimage routes but these are temporary. ... Restrictions have also been imposed when there are legitimate capacity constraints in camps or shelters. Such restrictions are more often than not imposed by the local, governorate authorities rather than by the central government in Baghdad.' [284]

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http://reliefweb.int/sites/reliefweb.int/files/resources/REACH_IRQ_InternalDisplacement_Briefing_August2014_ShiaMinorities.pdf, date accessed: 24 November 2014

[281] OCHA, 'Situation report No.10, (30 August – 5 September 2014), http://reliefweb.int/sites/reliefweb.int/files/resources/Iraq%20IDP%20CRISIS%20Situation%20Report%20No10.pdf, date accessed: 24 November 2014

[282] OCHA, 'Situation report No.8 (16 August – 22 August 2014), http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Iraq%20Situation%20Report%20no8.pdf, date accessed: 10 October 2014

[283] OCHA, 'Situation report No.8 (16 August – 22 August 2014), http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Iraq%20Situation%20Report%20no8.pdf, date accessed: 10 October 2014

[284] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P

Annex A: Letter from the British Embassy in Baghdad, 'Freedom of Movement and Requirements to Transfer Personal Documentation in order to relocate in Iraq', 27 July 2011

Foreign & Commonwealth Office

British Embassy Baghdad
International Zone,
Baghdad,
Republic of Iraq

27 July 2011

ISSUE: FREEDOM OF MOVEMENT AND REQUIREMENTS TO TRANSFER PERSONAL DOCUMENTATION IN ORDER TO RELOCATE IN IRAQ

In addressing questions relating to the above issue, we received replies to our enquiries from representatives of two organisations; staff working for the International Organisation for Migration (IOM), in Baghdad and Erbil in the Kurdistan Region (KR) of Northern Iraq, and the Director General of Planning and Follow-Up at the Iraqi Ministry of Displacement and Migration (MoDM). From these three sources, we were able to clarify a number of issues around relocation and the requirement to provide relevant documentation. We also sought advice from the British Embassy Legal Adviser.

Our interlocutors at IOM and MoDM told us that there are no laws restricting the freedom of movement for Iraqi nationals, neither are there laws which restrict Iraqi nationals from changing their permanent place of residence. In addition, there are no laws relating specifically to the freedom of movement of Internally Displaced Persons (IDPs). These rights of freedom of movement are enshrined in the Iraqi Constitution. That said, we were told that while there are no laws governing freedom of movement, there are certain 'regulations' which are required to be met, for instance the production of certain types of Iraqi documents and, in the presentation of personal information to the local council or police station.

We were told that Iraqi nationals are issued with four documents, a Iraqi Nationality Document, a ID card (Jensiya), a Residence Card and a PDS (or ration card). Iraqi nationals are required to

present these documents when seeking to relocate, or for any number of other issues, such as buying a car, obtaining a passport, getting married etc.

Our contacts at IOM and MoDM were not able to confirm whether there was a legal requirement for an individual to be registered at a particular address or home area, but the representative of the MoDM suggested that this was a 'regulation' passed down from the Ministry of the Interior. He explained that there are four areas of legislation flowing from the Iraqi Constitution, to Iraqi Law, to Ministerial Orders and finally Regulations. Regulations governed the specific requirements involved in a process. The British Embassy Legal Adviser confirmed that 'freedom of movement, travel and residence' is also one of the fundamental freedoms granted to all Iraqis (including returning migrants and displaced persons) under Article 44(1) of the Iraqi constitution

All interlocutors confirmed that the main barriers to internal movement across Iraq are the regular security checkpoints. The officer from the MoDM suggested that these had been introduced around 1991 to control security and prevent areas becoming either predominantly Sunni or Shia. Provided an individual had the necessary identity documents, there was usually no problem in passing these areas. The IOM representative from the KR said that some differences exist in accessing that area of Northern Iraq where there was a requirement to produce a Residency Card issued by the Kurdistan Regional Government.

We were told that in order to relocate from one part of Iraq to another, it was necessary to provide the four documents mentioned above. In addition, there was a requirement to obtain permission from the council or security office in the area someone intended to relocate to. It might also be necessary to provide proof of accommodation in a new area, for instance a rental agreement or house deeds to allow an individual to relocate furniture and belongings from one area to another.

All contacts said that without these documents it would not be possible to transit security checkpoints. It was accepted that all Iraqi's had these four documents. Anyone without these documents would face difficulties in moving around a city, let alone trying to relocate.

Contacts told us that the MoDM, have processes in place to help IDPs and returnees obtain any missing documentation. In the KR, the MoDM equivalent, the Bureau of Displacement and Migration (BMD), also provides support with documentation issues.

The representative of the MoDM told us that it was not necessary for an individual to return to their registered place of residence to transfer documents to a new area of Iraq. The officer said that it is possible for instance to apply at a registration office in Baghdad, to have documents transferred from elsewhere in Iraq. He added that in practise this didn't happen as it was now safe enough for someone to return to their registered place of residence to arrange to transfer documents.

Interlocutors said that processes and procedures were the same throughout governorates across south and central Iraq. However, all agreed that the Kurdistan Region had slightly different requirements. All agreed that procedures around relocation were the same for Iraqi nationals wishing to move home and registered IDPs.

Representatives of IOM, both in Baghdad and in the Kurdistan Region, said that IDPs returning to Iraq for the first time since 2003 would be registered with MoDM (or BMD). The officer from the MoDM said that registration of IDPs continued, especially with those Iraqi's returning from Syria, Iran, Egypt etc.

The officer from the MoDM told us that under an updated version of their 2008 policy on displacement, the ministry are helping IDPs to relocate where they can. But at the same time, MoDM are encouraging IDPs to return to their original areas. MoDM (supported by IOM) continue to help with documentation, legal advice on recovery of property and advice around employment etc.

British Embassy

Baghdad

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Annex B: UNHCR Baghdad, Response to inquiry regarding returnees/deportees: Documentation, assistance and conditions at Baghdad airport, 3 November 2011

UNHCR
United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Disclaimer: The following document has been prepared by UNHCR in response to a request by an expert witness appearing before the UK Asylum Tribunal. It is based on information available to UNHCR at the time of writing, as well as anecdoctal information which should be regarded as indicative and not exhaustive.

Response to inquiry regarding returnees / deportees:
documentation, assistance and conditions at Baghdad Airport

1) Documentation / Assistance

a) Procedures for obtaining documentation: civil status identity card, nationality certificate, PDS card

i) Civil Status Identity card
The Civil Status ID card is issued by the Ministry of Interior (Director General for Travel and Nationality) through the Civil Status departments in the governorates.

An Iraqi identity card can only be issued inside Iraq. However, outside of Iraq the procedure can be initiated through an application to the Embassy of Iraq.

Requirements and procedures for obtaining an Iraqi identification card (on return to Iraq)
The following are required:
-. Application form, available from the Civil Status Directorate bookshop (5,000 Iraqi Dinars (IQD))
- Fiscal Stamp (IQD 750) available from the book shop of the Police Families' Martyrs
-. Birth certificate or proof of birth in the case of a child, and a copy of the father's civil status ID.
-. Housing card (or supporting letter from the local council to confirm the subject's residence),
-. PDS card,
-. Two personal photographs of each applicant (4 in Kurdistan Region)
The completed application form (with fiscal stamp), together with the photographs and documents listed above, should be taken to the Civil Status Directorate. The card will be issued and laminated, for a cost of IQD 500. The procedure can be completed within one day.
Relevant legislation: Nationality Law No.26 / 2006; Housing Law (as amended) No. 95 / 1978.

ii) Iraqi Nationality Certificate
Iraqi Nationality is governed by the Iraqi Nationality Law No. 26 (2006).

An Iraqi Nationality Certificate proves that a person is an Iraqi citizen, and is issued by the Ministry of Interior.
The following documents need to be submitted to the General Nationality Directorate in each governorate in person (powers of attorney are not accepted unless on behalf of minors):
- Completed Iraqi Nationality Certificate application form (with two 500 Iraqi Dinar stamps)
- Father's Nationality Certificate (original and copy); or in the event that this is lost, brother's, grandfather's or uncle's Nationality certificate will be accepted;
- Public Distribution Card (original and copy);
- Housing card (or supporting letter from the local council to confirm the applicants' residence)
- 2 personal photographs of the applicant (4 in KR)
In straightforward cases the Nationality Certificate should normally be issued within one day. In cases where a person does not have documentation to prove Iraqi citizenship, the process may have to be undertaken in Baghdad.

iii) Public Distribution System (PDS) card
The PDS card is prepared by the Ministry of Trade and is issued by the Planning and Supply Directorate, Supply Department. PDS cards are distributed by the branch supply centres which operate in all governorates.

The following documents are required:
- Civil Status ID of all members of the family (original and copy),
- Personal Civil ID Record,
- Housing card (or supporting letter from the local council to proof area of residence),
- Written statement by the head of the family confirming the accuracy of the information and documents submitted.
- All members of the family must appear at the PDS office for verification.
The PDS card is issued to individuals or families free of charge. The process takes approximately one month (whether Baghdad or the governorates).

b) Documentation and Procedures to change residency from Kirkuk to another location
The procedures for relocation / change of residency would depend on whether the family plans to move to a location in central/southern Iraq or KR.

Procedure for gaining access to / residency in KR: There is no written guidance / instruction on the procedures and requirements for entering or residing in KR. UNHCR has been closely monitoring the situation, and the following is based on extensive interviews and observations by staff and implementing partners.
Entry: At the checkpoints to the KR, individuals / families will be given a temporary access card (tourist, work or residence). A sponsor (who is from the KR) may be required at this stage; however, there is a lack of consistency in this, and many persons are permitted to enter without securing a sponsor.
Residence: Persons wishing to reside in the KR must obtain an Information Card from the neighbourhood security station (Asayesh), and at this point, a sponsor is required. Documentation including proof of rent, civil ID, nationality certificate and photographs are also required. The card will be issued for 3, 6 or 12 months, and allows freedom of movement throughout the KR, as well as rights to education, healthcare and employment (except in the public sector).

c) Documentation issued at Baghdad International Airport (BIAP) to a person who entered Iraq on a European Travel document to facilitate travel in Iraq?
Persons who enter BIAP with only a Laissez Passer or other travel document, will be held at the BIAP police station until their identity is established. If a person has no identification documents, and no family members who could bring documentation to the airport, presentation before a judge will be required.

No documentation would be issued at the airport but a letter would be issued to facilitate the individual's movement back to their place of origin / relocation.

d) Assistance available at Ministry of Migration and Displacement (MoMD) Returnee Assistance Centres (RACS) and UNHCR Protection, Assistance and Reintegration Centres (PARCS)

MoMD RACS:

There are currently 5 MoMD Returnee Assistance Centres (RACS) in Iraq (2 in Baghdad, 1 in Diyala, 1 in Basra, 1 in Ninewa), and branch offices in all governorates (incl Kirkuk), offering advice and assistance to returnees. Pursuant to Order 101/ 2008 (2 August 2008) the Government of Iraq initiated the process of facilitation and support to returnees.

Broadly, returnees are entitled to the following:

- 4 Million Iraqi Dinar Returnee Grant (increased from 1.5 Million in mid 2011)
- Facilitation letter for possible exemption of electricity, water and telephone bills owed by the returnee in the property left behind during the period of displacement
- Facilitation letters for possible regaining of public sector employment (there is additional assistance to highly skilled former public sector workers such as University professors, access to education, property restitution, obtaining missing documentation, passports and letters from the Municipal Council.

A specialized reception committee in the RAC provides referral services to Ministry of Displacement and Migration (MoDM); the Iraqi Security Forces, (ISF) a Directorate and to the Government Real Estate Offices in Baghdad for property related issues including property restitution.

Eligible returnees are persons who:

- Fled between 1/1/ 2006 to 1/1/ 2008, and were displaced for not less than eight months outside of Iraq;
- Fled Iraq one year prior to 09/04/2003 and returned to Iraq after 09/04/2003; this group may also be eligible for additional returnee assistance from MoDM including allocation of land.

UNHCR Protection, Assistance and Reintegration Centres (PARCS)

UNHCR has an extensive protection / assistance outreach across all eighteen governorates in Iraq. The network of PARCs,[285] comprising fixed centres and mobile teams, provide legal counselling, assistance and referrals to appropriate service providers. PARC lawyers can provide legal representation in court and before administrative bodies, assist in the filing of complaints and in advocacy with local authorities. PARCs also provide advice and assistance on registration with MoMD, rights and entitlements.

Types of legal cases / issues with which the PARC lawyers assist include: Civil ID / Nationality, birth / death certificates, marriage, divorce / separation, inheritance, passport, PDS, education, moveable / immoveable property, compensation.

2) Procedures and Conditions on arrival to BIAP

UNHCR and implementing partner staff have been monitoring the arrival of forced return flights at Baghdad International Airport (BIAP) since early 2010. In late October 2010, formal permission was granted by the Government of Iraq for access to BIAP by UNHCR and specified IP staff. This has greatly enhanced the agencies' ability to monitor and interview returnees, enabling the provision of legal advice, assistance and referrals.

[285] Prior to 2011, UNHCR had separate Protection and Assistance Centres (PACS) and Return Integration and Community Centres (RICCS). The PARCs are a merger of these two entities, with the aim of providing the full range of legal/humanitarian assistance in one structure. In Baghdad, separate PACs / RICCs continue to operate.

On arrival to BIAP, the returnees'[286] files are handed over by the security guards from the returning country (who accompany the returnees on the flight) to the Iraqi intelligence service. The files contain copies of the returnees' documents and the rejection of asylum document issued by the Immigration Office in the country of asylum (COA). Returnees are then obliged to undergo a series of individual investigations / interviews by a number of Government departments:

- Immigration, Ministry of Interior/Passport office;
- Intelligence Service
- Airport Military Intelligence / Security.

On completion of each section, an official clearance letter is issued by each department.

The procedures in each department are as follows:

- <u>Immigration Service, Ministry of Interior/Passport Office:</u>
  - Returnees' documents are reviewed and checked against the Central Iraqi criminal database to verify whether the deportee is wanted for any crime
  - Returnee is photographed and an entry stamp is entered on his/her Laissez Passer or Passport, if available.

- <u>In the Intelligence Service:</u>
  - Each returnee goes through an investigation by specialized officers (nature of the questions are unknown).
  - After completing the investigation, the returnee is referred to the Airport Security Department.
  - At this stage, the returnees are allowed to bring their luggage, buy food and use the toilet under the supervision of the Iraqi Security.
  - This process can take up to 8 – 10 hours

- <u>In the Airport Military Intelligence/Security Department:</u>
  - Each returnee is called for another investigation by the Security Officers, and then referred for another investigation by the Information Office.
  - The Security Office then sends a confidential letter to the Central Database of the Iraqi Ministry of Interior and other security entities to check if the returnee is wanted for a crime inside Iraq.
  - The returnees then wait in the same security office until they receive the final decision from the relevant security authorities. This process can take five hours or more.

  - If the result of the investigation showed that the returnee is wanted, he/she will be referred to concerned authorities by whom he/she is wanted, and then go through legal procedures.

  - If the result of the investigation clears the returnee, he/she is then allowed to leave the airport. Some of the returnees wait in the waiting area for their families, relatives or friends to fetch them.

General conditions at BIAP

Returnees interviewed by UNHCR / IPs have not reported specific ill-treatment by the authorities at BIAP. However, planes frequently arrive into BIAP after midnight, and the late arrival and prolonged investigation procedures mean that returnees often have to spend the night in the airport. This is in particular the case of the returnees whose final destinations are in

[286] The term 'returnee' in this section is used to refer to persons forcibly returned to Iraq.

the Northern Governorates / KRG, and who are unwilling / unable to travel from Baghdad to such governorates at night due to insecurity of the roads and inside the cities. Financial assistance may be provided to the returnees by the authorities from the returning country for onward travel, however, there is no uniform amount / procedure, and some returnees have reported that amounts are insufficient to cover their transportation and assistance costs.

In addition, as noted in section 1 c) above, persons who do not have identity documents aside from the Laissez Passer will be held in detention until their identity can be confirmed; either by the provision of documents by relatives or by presentation before a judge. On a number of occasions where flights have arrived prior to a weekend / public holiday, this has necessitated lengthy stays in detention until courts reopen.

According to reports from returnees, families are not provided with any special assistance / treatment. Whilst waiting for their final clearance, returnees are provided with refreshments and a meal. Additional items can be purchased from the airport. Returnees report informally that the facilities are not adequate, for example, large numbers of persons waiting in small rooms, inadequate provision of food etc; however, UNHCR has not been able to confirm this information.

Baghdad, 3 November 2011

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Annex C: How the Iraqi Civil Registration system works

A paper from Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41, 2014, based on a UNFPA funded field visit to Iraq (which included interviews with civil registration officials), provided the following background:

'The current Iraqi system of government is a federal one, comprising of 18 governorates (muhafazat) and one region, the Kurdistan Regional Government (KRG) ... Under this system, Bagdad is both the capital of the federated Iraq as well as a governorate. For the registration of births and deaths, the system adopted in Iraq is a hospital-based one that starts from the subdistrict (nahiya) to the district (qada'a), to the governorate, and finally to the center in Baghdad. Even though the system is hospital-based, it caters to births and deaths occurring outside hospitals. For births occurring at home, the registered midwives have an obligation to report the events.

'Each health centre (government as well as private) is obliged to send monthly statistics on the total number of vital events to the Statistics section of the Ministry of Health; in response, the Statistics section sends the required number of registration books. Each book has serial numbers and includes 25 forms.

'The hospital prepares for birth registration ahead of the birth. When the mother is admitted for delivery, she is advised to bring along her ID document and that of the father. After she delivers the baby, the registration is done, in most cases, while she is still in the hospital. She shows the ID documents and gives the name of the child. The Iraqi culture allows for the child's name to be given at birth, even if a ceremony is done later. The registrar enters the details of the parents and of the child in the birth certificate. From the parents' ID document, the sijil (family record) number, sahifa (family page) number, and daaira (local civil registration office) are copied onto the birth certificate.

'This establishes an administrative link between the parents and the child. This information is used later by the Civil Registration Office. The registrar enters the information in quadruplicate, and each form has a precise role ...The main form used in the civil registration process is the 'white copy.' After completion, this form is sent by both government and private hospitals, directly to the local bureau. Each bureau is responsible for a geographic area. For births, the bureau also receives forms from certified midwives and declarations from non-certified midwives. At the bureau, they enter the following information (for deaths), manually into the register: serial number, name, sex, age, father's name, mother's name religion, date of death, address, cause of death, district, any notes. They have other registers, such as births registers and abortion registers. After entering the details in the register, the forms are sent to the Statistics Directorate, and from there they are forwarded to the Civil Registration Office at the Iraqi Ministry of the Interior.

'The CR office is responsible for updating all vital events (births, deaths, marriages, and divorces). ... They operate under the same laws used for the VS system, namely, Amendment Law 65 of 1972. In addition, there is Decree 42 of 1995 that allows for changes to be made to names and birth dates.

'Once the CR office receives the forms, they are sorted and dispatched to the daa'ira (local civil registration office) that is recorded on the birth certificate. At the local directorate, they enter the

following information manually into the register: serial number, name, title, father's name, mother's name, sex, relationship to head of household, occupation, literacy, religion, date of birth, place of birth, and date of registration. The information is put into the proper family page, identified by the three pieces of abovementioned information: the sijil (family record) number, sahifa (family page) number, and the daaira (local civil registration office). All vital events occurring to any member ofthe family are entered into this 'family page.' This is done until the child gets married and establishes his own family, in which case a new 'family page' is started for him. Through this innovative system, it can take as little as five minutes to locate anyone's records. From this ID system, three pieces of ID are produced: the civil registration ID, nationality ID, and residence ID (location of house). The retention period for the documents in the local offices is 20 years. As of April 2011, there are 275 civil registration directorates in Iraq, including 30 in the Kurdistan Regional Government (Bah 2011).

'The information for each event is sequentially entered into the register until the register is full (each register has room for 200 families). This register is then sent to the head office for scanning. Once the information has been scanned, the register is then sent back to the local office for archiving, and a request is then sent to the next office to send their registers for scanning. In this way, scanning is done for the offices by turn, so that by the time it is the turn of the first office, completed books will be available for scanning. They are generally up to date with their scanning and do not have any backlogs to clear. The civil registration system can thus best be described as a 'family-based manual population register' (FBMPR). Every vital event (birth, death, marriage, and divorce) is recorded in this FBMPR and linked to the family. As it is not electronic, the updating is not instantaneous but is done after a lag of time. The time taken varies, depending on the route taken from the registration of the event to the time the certificate arrives at the daaira for recording into the family register. For the deceased, their record is still kept open, but a note is added to it (Arabic letter mim) to indicate that they are deceased. The file is not closed, as details of other members of the family are added to it from time to time.

'At the head office, separate archives exist for records from 1934 to 1947. These archives are stored in secure rooms with archival techniques used to preserve the documents. For 1948 to 1957, the information has been scanned and stored on CDs. From 1957 to the time of writing (2011), the scanned images are stored on external hard drives of 2 Terabytes capacity. There is one external hard drive for each of the 13 governorates. There are backups up till 1978, but because of staff shortage problems, there are no backups after 1978.'[287]

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[287] Sulaiman Bah, entitled 'The Iraqi civil registration system and the test of political upheaval', published in the Canadian Studies in Population, 41,No 1-2 (spring/summer 2014), p.112-115 https://ejournals.library.ualberta.ca/index.php/csp/article/viewFile/21887/16367, date accessed: 17 October 2014

Annex D: Letter from the British Embassy in Baghdad, 'Re-documentation Procedures', 7 April 2012

British Embassy
Baghdad

International Zone
Baghdad

www.fco.gov.uk

7 April 2012

ISSUE: Re-Documentation Procedures

1. In addressing questions relating to the above issue, we have discussed this with the Ministry of Displacement and Migration, (MoDM) in Baghdad, Qandil "A Swedish Humanitarian Aid Organisation" and Refugee Action's representative in Iraq, Ministry of Interior, UNHCR the International Rescue Committee (IRC) and a middle ranking member of the Locally Engaged staff at the British Embassy. From these sources, we were able to clarify a number of issues pertaining to the re-documentation for Returnees to Baghdad.

2. The organisations we spoke to commented that an Iraqi Civil identity card is important for daily life in Iraq, used to identify people in certain circumstances. In the Saddam Hussein period it was essential. In 2004-2007 it was common for people not to carry ID for fear of sectarian violence. In 2012 ID cards are mainly used to prove your identity for e.g. when visiting Government Ministries, e.g. Ministry of Interior and Ministry of Defence. Driving around town car occupants are <u>not</u> routinely asked to produce their ID cards at check points. The driver of a car is more likely than any person to be asked at a check point to show their ID where they may be asked to show their car registration, driving licence and ID card. But this is far from a common occurrence except during high profile events e.g. the Arab League Summit (which took place in late March 2012) when security is particularly strict. On a recent return journey to and from the airport, a middle ranking locally engaged Iraqi member of the Embassy was asked to show his car registration and ID at a check point but none of his occupants were asked to show their ID which he explained is normal. It's important to understand that nothing in his personal

identification or car papers indicates where he works. On a visit to see his sister in-law at a hospital who had recently given birth, he was not asked to show any identification.

3. Identity cards have been a part of Iraqi life for many decades and originally used by the Ottomans but established in law following the 1957 census. Indeed it was quite common practice during the Ottoman era for Iraqis to claim they were Iranians in order to avoid being drafted into the Ottoman Army.

4. Forged or fake documents do exist however. Any citizen, not just IDPs found with forged or fake documents are liable to be arrested. According to the MoDM, fraudulent or fake identity cards are not common but they recognise it does happen occasionally and is typically linked to criminal activity. The circulation of fraudulent Civil identity cards was thought to be a common problem after 2006 and is perceived by the UNHCR/IRC to be less of a problem now. At that time the main reason for the circulation of fraudulent identification was fear of sectarian violence as the cards clearly indicate an individual's religious sect on the basis of a name. Today, whilst the MoDM accept the UNHCR/IRC point that sectarian violence was historically a driver for fraudulent documentation, today, criminality is the main reason. According to the Iraqi "Law of Penalties", having a fraudulent document is a crime with a penalty of 7 to 15 years of jail. Heavy prison sentences have considerably reduced demand and provision of fraudulent identity or other documents. According to the MoDM, the stiff sentences for illegal documents are intended to prevent false property claims which they explained, is often the reason today for false identity cards, used to claim the property of people who may have left Iraq.

5. In 2006/7 it was more common for people to obtain false Civil identity cards if they were a Sunni who needed to travel through a Shia area or for a Shia to travel through or work in a Sunni area. However the need for false documents for such reasons has reduced in recent years as the security situation has improved and due to heavy prison sentences for fraudulent documents.

6. No evidence or suggestion was made by any of the interlocutors we spoke to suggest that Iraqi IDPs are being arrested or deported from their temporary place of residence or host community by Iraqi Security Forces due to documentation irregularities. Qandil confimed that "no arrests or deportations of this nature have occurred".

7. The MoDM confirmed by Qandil said that it was rare for IDPs not have and be in possession of their Id cards. Qandil said that even if a family lost all of their documents they can obtain copies from the Central Archives. MoDM said that for an IDP to have a problem with his or her civil ID card is unusual as without an ID card it is not possible to have a job, so it is highly unlikely that any IDP would not have an ID card. The vast majority of IDPs now have their civil ID cards compared to 5 or 6 years ago. It is rare for any IDP not to have documentation or not know any family who can provide the necessary information in order to track down their records.

8. In Baghdad, a returnee would be able to seek assistance from the MoDM from 4 locations, two in Central Karkh, one in Karadah and one on the edge of the Green or International Zone just in Karkh at the MoDM Head Office

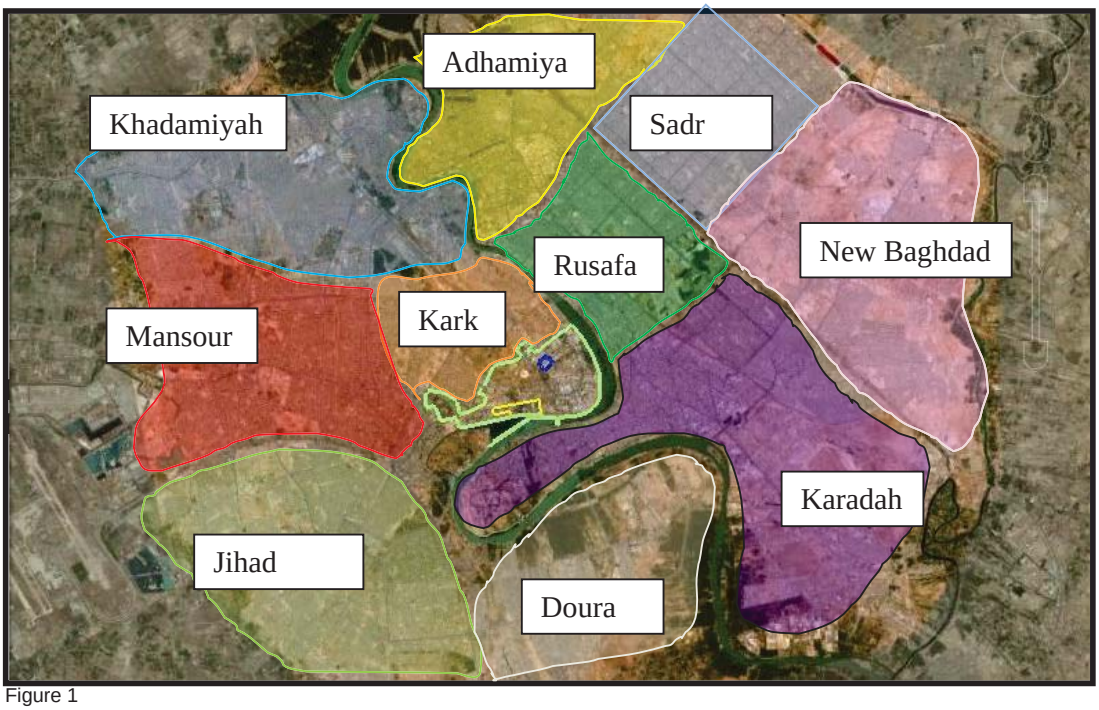

Figure 1

9. Outside of Baghdad there is an extensive Civil Status Office network in each of the 18 Iraqi Governorates. Each Governorate is divided into Districts which in turn are divided into “Nahyas” which in turn divide down into sectors, then streets and individual properties and homes. Each Nahya or District depending on population density has its own court, **ID Office**, Land Registration Office, Police Station, Health Clinic, Hospitals and Schools. In each of these an identity footprint remains from any contact with these institutions from birth to death as the Civil identity card or that of the parents needs to be shown when interacting with such institutions e.g. in the case of a birth at the hospital that similarly retains records for many decades.

10. The Civil identity card presented to these institutions has the following information listed:

Front page, a photo

- District of Registration & Governorate
- Record Number
- Page Number from the main identity record book held by the Civil ID Office
- Name
- Father and Grandfather’s name
- Surname or Tribe Name

- Male or Female
- Signature of the Authorising Officer
- Date of Issue
- Signature of the individual person
- Signature of the issuing officer
- Full name of the individual person.

On the reverse of the card the following is listed:

- Occupation or Job
- Date of birth written and also in numbers (as on a cheque)
- Place of birth
- Significant markings e.g. scars
- Marital status
- Spouses name
- Place of Registration
- Colour eyes, hair, colour of face
- Height and Blood Group

11. All of the above information is retained in the Civil Status Offices records. If any changes need to be made e.g. following a marriage where the civil marriage contract will have been arranged through the court, they then take the marriage license to their Civil Status Office to make the necessary changes to their ID cards.

12. The Civil ID record is a hard copy record located in the civil status offices where the family or individual is registered, which contains pages with reference numbers. Information about each family is listed on one page. This information includes: names, DoBs, mother's maiden name, tribe name, marital status, reference number of marriage contract, reference of death certificate for the deceased people in addition to other information. No unique number is stated in the civil ID. Identification is based on the book page number and this is what is written on the civil ID.

13. In the case of marriage, the civil record for the wife is transferred to be inserted with the husband's record (on his family's page). The process is this: the court sends a copy of the marriage contract to the husband's civil office notifying them about the marriage, the civil office sends a letter to the wife's civil office requesting the transfer of the record; the wife's civil office closes the wife's record and sends the information back to the husband's civil office for action. This process can take between 2 and 5 days.

14. IRC report that there have been instances where Civil Status offices are unable to locate the names of individuals claiming to be on the Civil ID record there, however the IRC does not have a valid quantification of the frequency of record misplacement.

15. In addition to any of the institutions where records are retained following any transaction with these bodies, civil identity records are retained on microfiche in a central archive so e.g. when the records in the civil status office in Basra were destroyed, copies were

available on microfiche in Baghdad. It is therefore most unusual for personal civil ID records to go missing.

16. Iraq does not regard Returnees whether enforced or voluntary from Europe including the United Kingdom) as IDPs. The MoDM confirmed however that they will still provide support to them to obtain as appropriate, their:
    - Civil ID card
    - Public Distribution System (PDS) “food ration” card
    - Nationality certificate
    - Residence card as appropriate
    - **<u>All</u>** returnees are able to access the government return grant of 4 million dinars. MoDM specifically confirmed this.
    - The MoDM continues to register some returnees as IDPs, in particular those currently returning from Syria and Jordan but not those returning from Europe.

17. A returnee would seek assistance at the MoDM from one of their 4 offices (**Figure 1 above**) in (2) Karkh, Karadah and also the MoDM main office next to the Green Zone in Karkh. A Returnee would only need to provide his passport (valid or expired) or Laissez Passer travel document. Most Iraqi’s know their civil status book page number or if not there will be a relative who has a linked record from which the details can be identified. There are also numerous other potential institutions (school, hospital etc) as described above from where the record number can be identified. If necessary a returnee could seek assistance with civil documentation through the UNHCRs network of Protection Assistance & Reintegration Centres and Protection Assistance Centres:

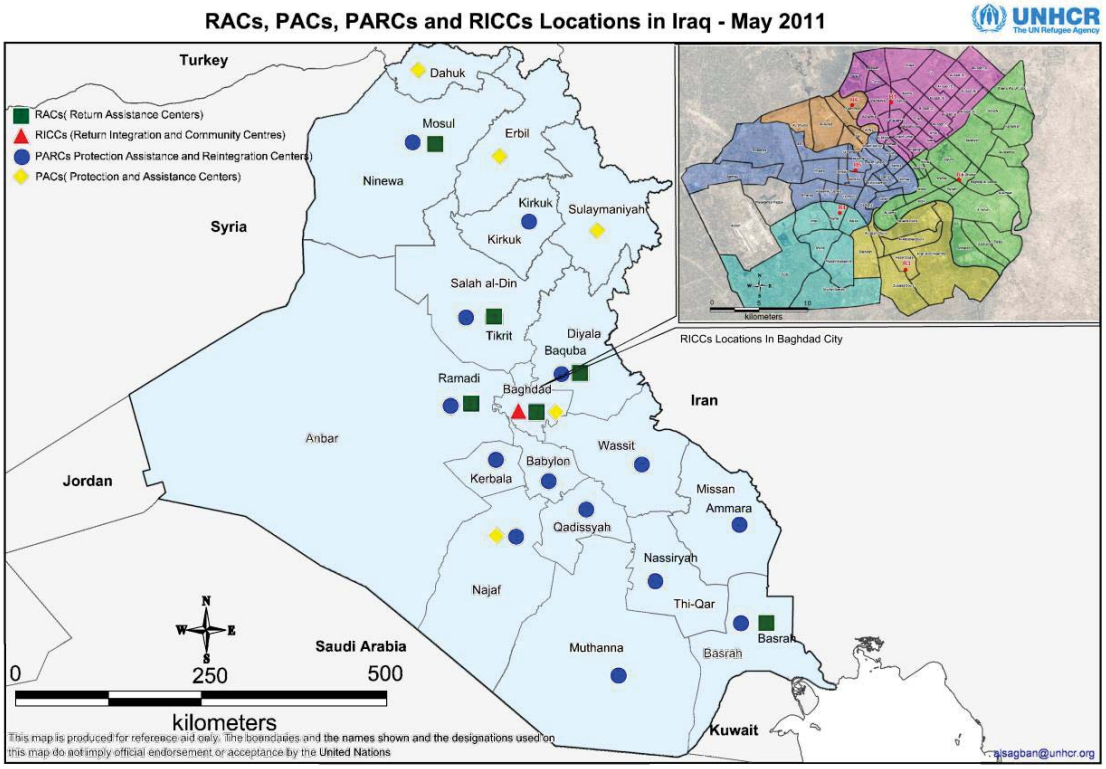

Figure 2

As can be seen from Figure 2 there is Protection Assistance Centre or Protection Assistance Reintegration Centre in each of the country's 18 Governorates funded by the UNHCR and provide information on legal assistance, advocacy and referral services to IDPs, returnees and asylum seekers.

18. UNHCR and its partners provide support to returnees with the acquisition of Civil IDs and other critical civil status documentation. Contact points and means of access vary: returnees can directly seek assistance by visiting MoMD, Return Assistance Centres (or branch offices in governorates) or other field offices in person, by contacting lawyers through the phone numbers listed on brochures distributed through field visits in various governorates, or they can be referred by other service providers, the MoMD, and other stakeholders.

19. The minimum requirements for the UNHCR or PAC/PARC to identifying the civil status record are the book page and the page number for the applicant or one of his/ her family members. Furthermore, a valid housing card or, in some cases, proof of residency letter, is essential in the processing of a civil ID case.

20. At Baghdad International Airport (BIAP) the UNHCR informs the PAC office in Baghdad about the arrival of flights with forced returnees. PAC lawyers and deportation monitors provide protection presence at the airport and interview forced returnees to identify their legal and humanitarian needs. The monitors provide referrals to appropriate PACs and PARCs for the provision of legal and other services as appropriate.

21. In October 2011, the Iraqi Government introduced the policy that stopped EU Countries from returning Iraqi citizens on EU letters. The new Iraqi policy requires returnees to return on a passport, valid or expired or with a Laissez Passer Passport only. The MOI and MoDM have told us that one of these documents is sufficient in the first instance to pass through check points on return to their home or temporary accommodation following which they need to regularise their Civil ID card. The UNHCR/IRC said they were not aware of the policy of allowing passage through a check point using an expired passport or laissez passer travel document. To the knowledge of UNHCR/IRC/Qandil and the Embassy there has been no case to date in which the airport authorities have provided a facilitation letter but we have been advised by the MoDM and MOI that passing through check points is permitted upon first entry and return home and there have already been a number of successful returnees who have returned using an expired passport.

22. MoMD updated its strategy for returnees and return in 2011 for "post-2006" IDPs registered between mid-2006 and February 2009 and for refugees that fled from Iraq after 2006, the MoMD increased the financial incentives for return. Returnees were previously entitled to financial benefits amounting to 1,500,000 IQD. Under the new policy, IDP and refugee returnees are entitled to 4,000,000 IQD. This group is also entitled to the same government issued proof of return, property restitution, and waiver letters for the payment of services. To receive this benefit, IDPs must close their displacement file with the MoMD in their governorate of displacement in order to register with MoMD Return Assistance Centres in their governorate of origin as returnees. Returnees who received incentives prior to 2011 are not entitled to receive the whole 4 million IQD.

23. The key to locating an ID record is the book page number, not their name, date of Birth and former place of Residence. The MoDM advise that the minimum information a returnee would need to provide to the MoDM or PAC to be able to re-acquire their civil ID card would be a passport (expired or valid). The MoDM said that ideally they would know their book page number which most Iraqis do know or could be identified via relatives or through any of the institutions listed in paragraph 7. The UNHCR commented that the minimum requirement for identifying the civil status record are the book page number or one of his family members. Qandil said that if they did not know their page number then they could submit their parents ID.

24. If a returnee had only their name, DoB and place of residence further documentation or information would be required to identify civil status records. A civil status office would be unable to assist a returnee, or any Iraqi citizen, re-acquire their ID card if the applicant has no information about the book and record page where the civil record is held. Since there is no database in the civil directorates in which a search can be conducted according to DoB, etc, an applicant must seek alternative ways to identify their book page. They could attempt to acquire the book page information through other offices that took the information, such as the passport directorate, the court that issued their marriage contract, or the office that issued their housing card or any of the other institutions listed in paragraph 7 above. One specific example was given to us of an official from the MoDM who always questioned his own date of birth, he was able to verify this forty years later by checking with the hospital where he was born to check his record and he was able to find his correct date of birth.

25. A PAC would typically always be able to assist a returnee to re-acquire their ID Card although at some stage in the process, they would generally be required to visit the civil ID Office where his/her record is held with a valid housing card, the old civil ID or a civil ID of a family member. It is possible however for close relatives from the Father's side to visit the civil ID Office or Directorate on behalf of the citizen to reissue an ID or a power of attorney can be granted to somebody to do it on behalf of the person.

26. Generally speaking people are expected to return in person to the place of origin to reacquire their Civil Status ID card. However there are exceptions:

- If a person does not feel safe in which case they can report this to the Ministry of Displacement & Migration who will be able to support the transfer of the record to the area they wish to live in now;
- The citizen is abroad in which case one of the provisos under Civil Status Law 65 of 1972 is that Iraqi consulates abroad liaise with the Nationality Directorate to enable citizens living abroad to facilitate the issue of their civil status ID card on behalf of the citizen. Citizens can make an application by:
    - Using an application form that is available at their Embassy they should submit an application to obtain a civil status ID card to replace one that has been lost or damaged.
    - The form should be completed by any of the following: the head of the family (male of female), the applicant (record holder), or a guardian or lawyer with the power of attorney.

- The Consul is required to note down the applicants statement on an application form, stating the full name of the applicant who should also apply his/her thumb print placed onto the application. The statement should be signed by the Consul and sealed with a consular seal. If the request is for a lost ID a copy of the lost ID should be provided or that of a close relative such as his brother or Father or another relative. Our interlocutors further explained that an ID "book page" record number of an Iraqi remains the same for their life and the pages are closely linked to their relatives, so if their own ID or a copy is not available it is usually straightforward to identify the citizen from other relatives records.

- If the citizen is abroad and wants to obtain a civil status card for his/her children abroad the following procedure should be followed:
  - The parents should have registered their marriage with the Civil Status Department. If the parents do not have a copy of the marriage certificate he or she can issue a power of attorney to anybody inside Iraq to obtain a copy of the certificate from the Civil Status Department.
  - The newborn child should have been registered with the Civil Status Department but if they are abroad at the time of the birth the child should be registered with the Iraqi Embassy.
  - Once the child has been registered, a request may be submitted to the Embassy to obtain a civil status ID card for the child.

  Source www.mofa.gov.iq/eng/faq/default.aspx

British Embassy
Baghdad

This letter has been compiled by staff of the British Embassy in Baghdad, Iraq entirely from information obtained from the sources indicated. The letter does not reflect the opinions of the author (s) nor any policy of the Foreign and Commonwealth Office. The author (s) have compiled this letter in response to a request from UKBA and any further enquiries regarding its contents should be directed to UKBA.

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Annex E: Letter from the British Embassy in Baghdad, 'Renewal or Reissuance of a Civil Status ID card and provisions to change place of residence', 22 January 2012

British Embassy
Baghdad

International Zone
Baghdad

www.fco.gov.uk

22 January 2012

ISSUE: Renewal Or Reissuance Of A Civil Status ID card And Provisions To Change Place Of Residence In Iraq

In addressing questions relating to the above issue, we received replies to our enquiries from representatives of four organisations; staff working for the Ministry of Displacement and Migration (MoDM) in Baghdad; Ministry of Interior in Baghdad; International Organisation for Migration (IOM), in Baghdad and Erbil in the Kurdistan Region of Iraq (KRI) of Northern Iraq, and the International Rescue Committee in Erbil (KRI) and Baghdad which included their Legal Advisor. From these sources, we were able to clarify a number of issues pertaining to the renewal or reissuance of a civil status ID card and provisions to change place of Residence in Iraq.

Our interlocutors at IOM, IRC and MoDM told us that the legal requirements for Iraqi citizens under the Civil status law 65 of 1972 were as follows:

- For new born children where one or both parents is an Iraqi citizen, to acquire an Iraqi civil ID the family must present a birth certificate, a valid civil housing card (police residence certificate), renewed civil IDs for one or both of the parents (the Iraqi Parent). One interlocutor (Lawyer) said that those whose parents are not Iraqi may apply for Iraqi Nationality however the law has many conditions and regulations.
- If the child is abroad, according to the Civil Status Law 65 of 1972 (amended) the parents must go to an Iraqi Consulate to obtain the civil status ID card.

If an Iraqi citizen needed to renew their civil status ID card they would generally be required to visit the civil ID Office where his/her record is held. The applicant would be required to present a copy of their civil ID, copy of their Public Distribution System (PDS) “food ration” card, copy of their nationality certificate and residence card from the local council and 2 coloured photos. It is possible however for close relatives from the Father’s side to visit the civil ID Office or Directorate on behalf of the citizen to reissue an ID or a power of attorney can be granted to somebody to do it on behalf of the person.

If the ID is lost, in addition to the above they would be required to produce a written statement declaring the circumstances around the loss which would be seen by an investigation court. In addition an announcement would need to be placed in a local newspaper. Whilst this may sound quite involved it was described by one of our interlocutors as being “a simple and straightforward” process.

Generally speaking people are expected to return in person to the place of origin to reacquire their Civil Status ID card. However there are exceptions:

- If a person does not feel safe in which case they can report this to the Ministry of Displacement & Migration who will be able to support the transfer of the record to the area they wish to live in now;
- The citizen is abroad in which case one of the provisos under Civil Status Law 65 of 1972 is that Iraqi consulates abroad liaise with the Nationality Directorate to enable citizens living abroad to facilitate the issue of their civil status ID card on behalf of the citizen. Citizens can make an application by:
    - Using an application form that is available at their Embassy they should submit an application to obtain a civil status ID card to replace one that has been lost or damaged.
    - The form should be completed by any of the following: the head of the family (male of female), the applicant (record holder), or a guardian or lawyer with the power of attorney.
    - The Consul is required to note down the applicants statement on an application form, stating the full name of the applicant who should also apply his/her thumb print placed onto the application. The statement should be signed by the Consul and sealed with a consular seal. If the request is for a lost ID a copy of the lost ID should be provided or that of a close relative such as his brother or Father or another relative. Our interlocutors further explained that an ID “book page” record number of an Iraqi remains the same for their life and the pages are closely linked to their relatives, so if their own ID or a copy is not available it is usually straightforward to identify the citizen from other relatives records.
- If the citizen is abroad and wants to obtain a civil status card for his/her children abroad the following procedure should be followed:
    - The parents should have registered their marriage with the Civil Status Department. If the parents do not have a copy of the marriage certificate he or she can issue a power of attorney to anybody inside Iraq to obtain a copy of the certificate from the Civil Status Department.
    - The newborn child should have been registered with the Civil Status Department but if they are abroad at the time of the birth the child should be registered with the Iraqi Embassy.

- Once the child has been registered, a request may be submitted to the Embassy to obtain a civil status ID card for the child.

Source www.mofa.gov.iq/eng/faq/default.aspx

- In the event of a refugee or failed asylum seeker returning to Iraq on their passport, expired passport or a laissez passer travel document without a Civil Identity card, they would be able to pass through the security checks on the road to their home/temporary hotel/relatives or friends presenting their passport. Subsequently they would need to submit an application for a Civil ID card upon their return. This was described as potentially being a quicker process by MOI and MoDM contacts than applying from overseas.

EU letters are currently not acceptable for enforced or voluntary returns to Baghdad. A valid passport, expired passport or laissez passer travel document is required which was introduced by the Iraqi Government in October 2011. The MoDM and MOI said that they would be able to pass through Iraqi security check points explaining they were heading home. Similarly they would be able to rent a property, stay with friends or relatives or temporarily in a hotel until such time as their records are regularised.

Our interlocutors explained that the Iraqi Ministry of Interior operates at the policy level with ID cards being issued by the ID office which whilst if falls under the general responsibility of the MOI, operates at a more local level.

Our interlocutors stated that Iraqi Law allows for an Iraqi citizen to reside anywhere in Iraq. Within the disputed territories there is a committee referred to as the Committee of Article 140 who facilitate and support changes of residence and civil status records in these areas. The committee was established in Baghdad by the Council of Ministers with sub committees based in Kirkuk, Basrah, Missan, Wassit, Thi Qar, Khaniqeen (Diyala) and Sinjar.

To apply for a change of Residence, if the person intends to move within the governorate they need to take the following steps:

- The person is required first to go to the “new” place of residence and then return back to “cancel” the previous place of residence by notifying the local police station (s) and informing the local council’s representative in the area known as the “al mukhtar”.
- In the new place of residence they would need to produce the deeds or the rental agreement.
- Obtain an approval letter to transfer furniture from one area to another issued by the city council is also required.

If the person intends to move from one governorate to another, they are additionally required to notify the Internal Affairs Directorate within the General Directorate of Security and Internal Affairs of the Ministry of Interior, both in the original place of residence and the new residence. Our contacts explained that generally speaking a change in residence required the person to return in person to their original place of residence. However there were exceptions to this e.g. it may no longer be safe for them to do so.

Our interlocutors explained that generally speaking unlike the civil status card, a change of residency must be done in person, nobody can typically do this on behalf of an Iraqi citizen returning from abroad. Where however they are fearful of the security situation, in exactly the same was as an Internally Displaced Person can request this, a returnee fearful of the security

situation in their former residency can seek assistance via the Ministry of Displacement and Migration and local councillor (“al mukhtar”).

In such circumstances the Ministry of Displacement and Migration and the local police would support them with the arrangements for the transfer. However our interlocutors added that the need for this was less and less as the security situation has improved considerably.

Our interlocutors explained that according to law No 95 of 1978 (amended) Iraqi’s can temporarily reside for 30 days without notifying the authorities. Following this he or she must either return to their registered place of residence or notify the authorities and pay a daily penalty described as a “small sum” for each day they exceed the 30 days. However, this is not rigorously enforced as one of our contacts said in practice up to 2 months was permitted whilst checks are conducted. It is not unknown for it to be longer with no daily penalty being imposed.

Our contacts further explained that in practice checks are made after the individual approaches the police and local councillor saying he wants to move into the area. They check with the Army and police from the governorate he/she previously lived in.

Whilst the law stipulates that a person exceeding his/her stay in a place that is not his/her usual residency is subject to a per daily penalty, there is no evidence of any person being deported or expelled from a region because they do not possess a residency card.

British Embassy
Baghdad

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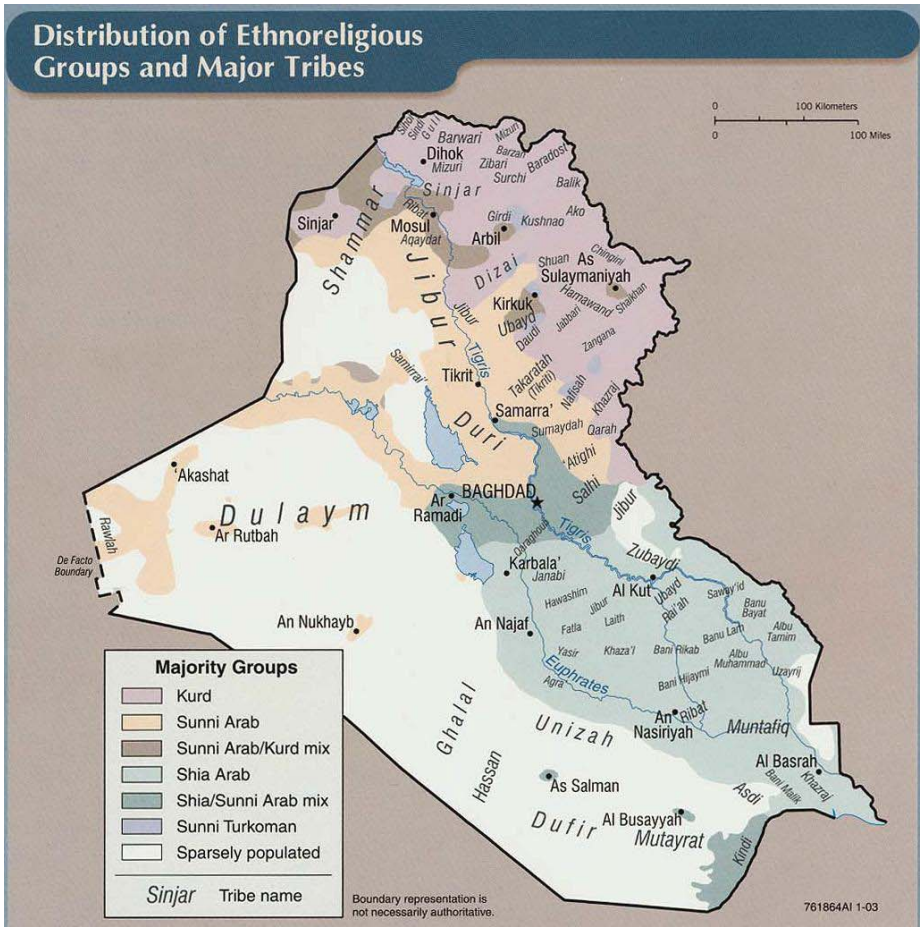
Annex F: Ethno-religious and tribal groups



Ethnic Group	Estimated Population	Also Found In	Religion	Language
Arabs	16 to 20 million	Throughout North Africa and the Middle East, Iran	65-80 percent Shia, 20-30 percent Sunni, less than 5 percent Christian	Arabic (Iraqi dialect)
Kurds	3.6 to 4.8 million	Turkey, Iran, Syria, Armenia, Georgia, Azerbaijan	Mostly Sunni, Shia, and Yazidi minority	Kurdish
Turkomans	300,000 to 800,000	Related to other Turkic peoples in Turkey, Azerbaijan, Iran, and Turkmenistan	Primarily Sunni	South Azeri Turkish
Others	As many as 1 million	Mostly Christians, Iranians, and other groups found in the Middle East	At least 50 percent Christian; Shias, Sunnis, and members of other religions account for the balance	Mostly Arabic, some Persian and other languages

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[288] Central Intelligence Agency, Distribution of Ethnoreligious groups and major tribes', 30 June 2003, accessed via reliefweb, http://reliefweb.int/sites/reliefweb.int/files/resources/6E882D37A00386958525728F005BD483-cia_POP_irq030630.pdf, date accessed: 6 August 2014

[289] This source of COI was published in 2003, and therefore will be dated. The information should be used only as a general indicator of the ethno-religious and tribal make up of Iraq

Annex G: COI Service, cover letter and note of meeting with Hassanain Hadi Fadhil, Second secretary, embassy of the Republic of Iraq, London, 5 January 2011

Home Office
UK Border Agency

Country of Origin Information (COI) Service

16 January 2012

To whom it may concern

Re: Iraqi Civil ID Cards and residency

The attached approved note was compiled by the Iraq country researcher, Country of Origin Information (COI) Service, UK Border Agency, solely from information provided by Hassanain Hadi Fadhil, Second Secretary, Embassy of the Republic of Iraq during an interview on 5 January 2012. The interview was informal and semi-structured; its subject was to discuss issuance procedures for Iraqis to obtain a Civil ID Card and other related matters. The note is not a verbatim account of the interview but accurately reflects the information provided by Mr Hassanain Hadi Fadhil.

Following the meeting, the note of the interview was forwarded to Mr Hassanain Hadi Fadhil and he was invited to make comments/changes he considered appropriate. Mr Hassanain made no comments or changes to the document by the deadline of 12 January 2012. On 13 January 2012 COI Service wrote to Mr Hassanain confirming that the draft notes would be treated as approved. The approval process ensures that the source is fully aware of the content of the notes and the information attributed to him. This process is in line with best practice outlined in the EU Common Guidelines on (Joint) Fact Finding Missions: a practical tool to assist member states in organizing (joint) Fact Finding Missions,November 2010
.
The attached note should therefore be considered in the context set out above.

Yours sincerely,

COI Service, UKBA

Note of meeting with Hassanain Hadi Fadhil, Second Secretary, Embassy of the Republic of Iraq, London, 5 January 2012

Hassanain Hadi Fahil explained that the Civil ID Card is required by law and that each Iraqi national, whether they were born inside or outside Iraq, is issued with an Iraqi Civil ID Card, this would be provided upon production of a birth certificate. Civil ID Cards were issued by the Ministry of Interior, Iraqi Civil Card Directorate, i.e. General Directorate of Civil Status.

Hassanain Hadi Fahil clarified that the issuance of the Iraqi Nationality Certificate, which was another key form of personal identification in Iraq, was overseen by the General Directorate of Nationality, which was also part of the Ministry of Interior. Hassanain Hadi Fadil added that these two departments although separate worked closely together, as both the Civil ID Card and the Nationality Certificate were required to issue an Iraqi citizen with an Iraqi passport.

Hassanain Hadi Fadhil stated that Civil ID Card recorded personal details about the card holder, also found on an individual's birth certificate including, full name, date of birth, place of birth and parent details. The Civil ID Card also included a photo of the card holder and additionally other information to verify the card holder's identity such as skin colour or eye colour.

Hassanain Hadi Fahil stated that Iraqi nationals residing in Iraq, who had lost their Civil ID Card and needed to obtain a replacement, would first be required to report the incident at a local police station where they would be given a police report recording that they had lost their Civil ID Card. The individual would then be required to return to the province, i.e. governorate which issued the card and visit a Civil Status office to get a new Civil ID Card issued. Hassanain Hadi Fadhil added that an individual would need to return in person to complete this process and that it was not possible to re-obtain a Civil ID Card for example through mail/correspondence or via family or friends. Hassanain Hadi Fadhil clarified that in each province, i.e. governorate there would be several Civil Status offices which could deal with such matters.

When asked whether there were any special arrangements in place for persons who feared returning back to a particular area of Iraq, for example due to fear of sectarian violence, Hassanain Hadi Fadhil stated that maybe up until 2007 there could be such cases, but now the security situation had improved significantly across all of Iraq and therefore individuals had no reason to fear returning to a particular part of Iraq to re-obtain their Civil ID Card.

When asked what the procedures are to re-obtain a lost Civil ID Card when an Iraqi citizen was in another country, for example the UK. Hassanain Hadi Fadhil stated that such an individual can come to the embassy and provide a photocopy of their Civil ID Card or another form of identification, such as a passport. Alternatively if an individual did not have a copy of any identification, they can provide a copy of a relative's identification, such as a brother or father. The individual would also be required to fill out an application form and provide details about how they lost their Civil ID Card. The Iraqi embassy would then act as an intermediary and return the application to Iraq and the Ministry of Interior, who could carry out enquiries as to whether the individual was listed on their Civil Status records. If such a record did exist they would reissue a new Civil ID Card and send it to the embassy in the UK where the individual could collect it.

Hassanain Hadi Fahil stated that there is a requirement in Iraq for the head of family to register their family's place of residence with the local council office, to prove that that family lives in a particular area. A residency card would also be issued to the head of family. Hassanain Hadi Fahil clarified that this registration of residency was overseen by the local government in each province, i.e. governorate and not by the Ministry of Interior. Hassanain Hadi Fahil further

clarified that this procedure was separate from the practice in Iraq for each family to report their presence/address with the local neighbourhood Mukhtar. According to Hassanain Hadi Fahil, the Mukhtar was usually an older person who had lived in a local area/neighbourhood for a long time and knew all the residents in that small area. Hassanain Hadi Fahil added that the local Mukhtar would however liaise with the local council to provide information about persons residing in their area.

In order to change a family's registered place of residence, for example when moving home, Hassanain Hadi Fahil explained that the head of family would need to seek approval from their current/former local council, verifying that they lived in that area. The head of family would also need approval from new local council the family intended to move to, to complete the registration process.

Hassanain Hadi Fahil clarified that the Iraqi Embassy in London did not have much involvement with such matters, as most Iraqis would deal such administrative business when they returned to Iraq. Hassanain Hadi Fahil was unable to provide any further information on the issuance of residency cards to Iraqis as such cards were only used in Iraq and not abroad.

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Annex H: Letter from the British Embassy Baghdad, 'Returns to Erbil International Airport (EIA)', 18 May 2013

British Embassy
Baghdad

International Zone
Baghdad

www.fco.gov.uk

18 May 2013

Returns to Erbil International Airport (EIA)

Since April 2012, there have been a total of 68 Iraqi nationals returned direct to Iraqi Kurdistan. 64 were Foreign National Offenders (FNO) of whom the majority returned on a voluntary basis. Since late January 2013, 4 others who had no legal basis to remain in the United Kingdom have also returned.

All returnees to Iraqi Kurdistan are managed under an arrangement agreed with the Kurdish Regional Government (KRG). This involves the pre-clearance of all returnees by a senior KRG immigration official. Clearance is on a case-by-case basis and involves the submission of available identity documents and other supporting evidence of Iraqi nationality for verification via our Consulate General in Erbil. Subject to the returnee's Iraqi nationality being confirmed, approval is then granted for the return to EIA and the airport notified. Currently the KRG will consider for return all persons of Iraqi Kurdish ethnicity who are from an area currently under the administration of the KRG, i.e. the three Governorates of Dohuk, Erbil and Suleimaniah and some parts of Kirkuk Governorate (but not persons from Kirkuk city). Only persons who are pre-cleared by senior KRG immigration officials will be liable for removal under these procedures.

Unlike the current arrangement for returns to Baghdad International Airport (BIAP), where all returnees must be in possession of a valid or expired Iraqi Passport or an Iraqi Laissez-Passer travel document, it is acceptable for returnees to Iraqi Kurdistan to travel on a European Union Letter (EUL). All returns to Iraqi Kurdistan are by scheduled Royal Jordanian flights from the UK via Amman to EIA. Escorted returnees are presented to a member of the KRG Immigration Service in the arrivals hall by the escorting officers. These officers also provide KRG immigration staff with all supporting Iraqi documentation and confirmation of the pre-clearance.

Following confirmation of the returnee's identity by KRG immigration staff, biometric details are captured by KRG immigration officers and compared with existing details held on the Iraqi national immigration and security service database. Provided these show no outstanding police warrants or other alerts, the returnee is allowed to depart from the arrivals hall and leave the airport terminal. If there is an outstanding arrest warrant or other serious charge, the returnee

will be transferred into the custody of the KRG police at EIA to be placed before a judge and entered into the Iraqi judicial system.
The processing of all returnees to EIA is managed by the KRG Immigration Service and other authorities in a highly competent and professional manner. Returnees are treated as normal passengers and, because they are pre-cleared, are dealt with quickly and allowed to leave the airport to family and friends or to make their way home.

In a small number of cases where the identity is not confirmed at EIA, returnees have been transferred to the KRG's Ministry of Interior's Forensic Evidence Bureau in Erbil for further identification checks prior to release the same day.

Returnees not in possession of an Iraqi passport or civil ID card are allowed to travel using their EUL, but they should regularise their civil ID and other documents either direct with the KRG's Bureau of Migration and Displacement or at an UNHCR assistance centre at the earliest convenient opportunity.

Neither we nor our partner organisations in KRG providing reintegration and resettlement assistance have any evidence of any returnees being mistreated, detained or returned back to the UK during the past year.

First Secretary Migration
British Embassy
Baghdad

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Annex I: Map of Iraq

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[290] Iraq: Post-Saddam Governance and Security, 28 October 2009, p.54, http://www.fas.org/sgp/crs/mideast/RL31339.pdf, date accessed: 26 July 2013

Annex J: Maps of major roads through central and southern Iraq

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[291] Institute for the Study of War, 'Map of Central Iraq', January 2007, http://www.understandingwar.org/map/map-central-iraq, date accessed: 24 November 2014
[292] Institute for the Study of War, 'Map of Southern Iraq', January 2007, https://www.understandingwar.org/map/map-southern-iraq, date accessed: 25 November 2014

Annex K: Map of Baghdad

Annex L: Airports in Iraq and the Kurdistan Region of Iraq (KRI)

Iraq is serviced by five international airports: Baghdad; Basra; Najaf; Erbil and Sulaymaniyah.[293]Mosul airport is closed at the current time following the fall of Mosul city to ISIL.[294]

Iraqi Airways (IA) is the major civil aviation provider in Iraq. In 2013, IA had a fleet size of 25 aircraft operating 28 routes.[295] There are direct flights available from London to Baghdad; London to Erbil (in the Kurdistan Region of Iraq (KRI)) and London to Sulymaniyah (again in KRI) .[296] Further details can be found via: http://www.iraqiairways.com.iq/

The following table shows selected departures from Baghdad to other airports in Iraq:

Baghdad to		
Basra	IA903	16:45hrs
Erbil	IA941	10:00hrs
	IA923	12:00hrs
	IA907	17:00hrs
	IA951	18:00hrs
	IA929	20:45hrs
Najaf	IA139	10:15hrs
	IA118	17:30hrs
Sulaymaniyah	IA949	12:00hrs
	IA919	17:00hrs

[297]

Further flight details can be found via the Iraqi Airways website or through a flight tracking website such as flightstats.com. See: Baghdad airport departures

The British Embassy in Baghdad, in a letter dated 4 December 2014 advised: 'Domestic and international scheduled commercial flights to Erbil and Sulaymaniyah airports in the Kurdistan Region were subject to last minute cancellation over the Summer [of 2014] in response to specific security threats but at the time of writing are all operating as normal. The same applies to scheduled commercial services in and out of Baghdad, Basrah and Najaf airports'.[298]

[293] Janes Sentinel Country Risk Assessments: Iraq, 'Infrastructure', 20 February 2014, Subscription only – available on request
[294] Rudaw, 'Fighting and Chaos in Mosul as Insurgents seize airport, government office', 10 June 2014, http://rudaw.net/english/middleeast/iraq/10062014, date accessed: 15 December 2014
[295] Janes Sentinel Country Risk Assessments: Iraq, 'Infrastructure', 20 February 2014, Subscription only – available on request
[296] Iraqi Airways, Schedule of flights, undated, accessed: 16 December 2014
[297] Sourced via Flightstats, Baghdad International Airport, undated, accessed 15 and 16 December 2014, NB: availability may vary by day, http://www.flightstats.com/go/FlightStatus/flightStatusByAirport.do?airportCode=BGW&airportQueryType=0, date accessed: 16 December 2014
[298] Letter from the British Embassy Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014, Annex P

Annex M: Letter from the British Embassy Baghdad, 'Violence in Baghdad by area', 31 August 2013

British Embassy Baghdad

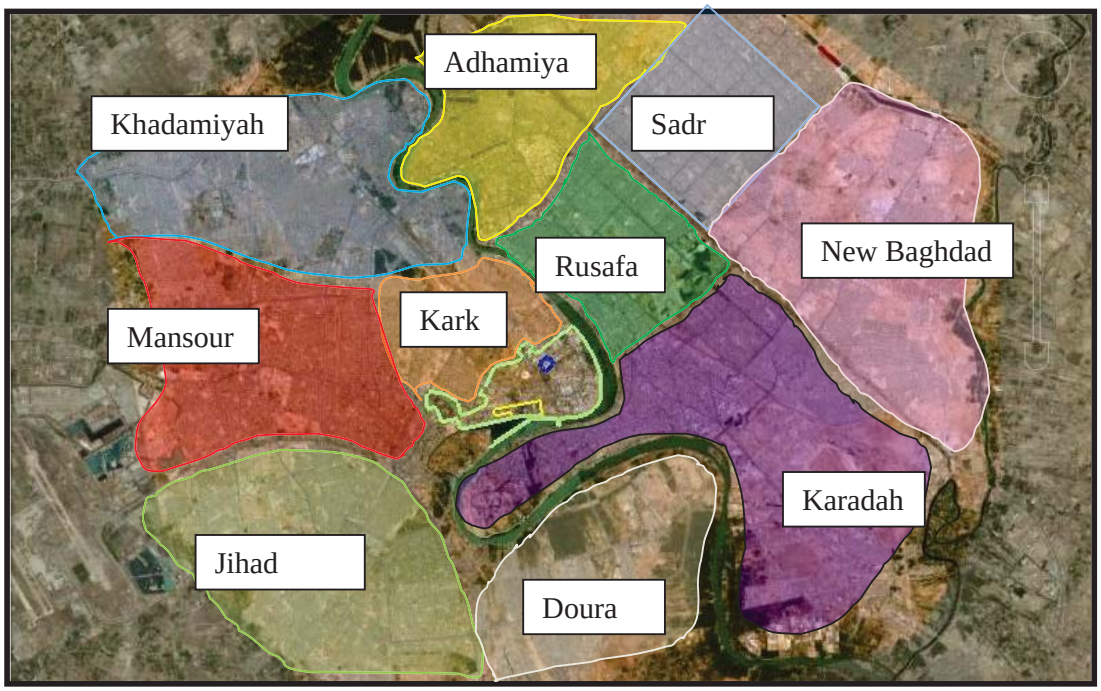
International Zone Baghdad

www.fco.gov.uk

31 August 2013

ISSUE: Violence in Baghdad by Area

The information and analysis provided in this report has been obtained locally from the International Organisation for Migration (IOM), the United Nations Assistance Mission for Iraq (UNAMI) and security analysts working for the British Embassy in Baghdad.



Khadamiyah: Formerly a Sunni area in the Saddam era. Sunnis were largely driven out by Shia militia during sectarian fighting in 2006/7. The area is still mixed, but now with a larger Shia populace than was previously the case. Attacks in this area have increased in the past twelve months and there is a fairly steady tempo of incidents targeting both ISF and local civilians throughout the district. Attacks typically involve the use of SAF or UVIEDs. Of significance has been an increase in VBIED attacks over recent months as part of the ongoing cycle of co-ordinated Sunni insurgent attacks countrywide. The attacks predominantly take place targeting markets, restaurants, mosques and other gathering places for the Shia community.

Mansour: A predominantly Sunni area, and as a result the area of strongest Sunni extremist influence. UVIED attacks against ISF are fairly common, but again targeted. It is rare to see VBIED or indiscriminate attacks in this area as Sunni extremists don't want to alienate the largely Sunni populace. We have seen a slight increase in activity over recent months including roadside IED and SAF attacks targeting civilians and ISF. There has been at least one suicide attack targeting a café in the mixed Ameriyah area.

Karkh: This is a mixed area with a strong security presence. Many of the government ministries and foreign embassies are located here, and as such security is better. Day to day activity is low, with incidents very rare. Occasionally Sunni extremists will mount attacks in this area, using VBIEDs to target government ministries (the last attack was a complex suicide attack targeting the Ministry of Justice on 14 March 2013).

Jihad Bayaa: This used to be a mixed area but is now almost wholly Shia. It does however sit along a number of ethnic fault lines with the Sunni dominated Mansour district to its north and ethnically mixed Doura district to its east. As a result it has increasingly witnessed some of the highest levels of violence in the city. On a day to day basis attacks take place targeting food stores and cafes and roadside IEDs are common place. SAF attacks are also a frequent occurrence including both targeted assassinations and random drive by shoots. Jihad Bayaa is also frequently exploited by Sunni insurgent groups conducting co-ordinated VBIED attacks targeting the local community.

Doura: Previously a Sunni area, though now mixed. The security situation is generally good but has deteriorated somewhat over recent months. Attacks are still lower that the nearby Jihad Bayaa district and are typically targeted IEDs or UVIEDs against ISF or GoI workers.

Karradah: The most prosperous area of the city, housing many business interests, government ministries and foreign embassies. The area is ethnically mixed though with Shia predominance in the east. Islamification attacks have increased over recent months with a number of attacks targeting shops selling alcohol. Roadside IED and SAF attacks targeting both ISF and civilians are infrequent but increasing in number. The area remains susceptible to VBIED attacks due to the number of high profile businesses, including banks and hotels housing foreign visitors, and government ministries.

Rusafa: A largely mixed population in a busy area, containing both the Ministry of Interior (MOI) and Baghdad Police College (BPC). Attacks here are generally carried out by Sunni extremists targeting ISF with IEDs and UVIEDs. These attacks are again generally targeted and don't lead to collateral damage. Shia militia did use advanced IEDs in this area towards the end of 2011, though these were targeted against US private security companies and again did not lead to collateral damage. Previously attacks on US Forces or western interests were far bolder, with some allegations of ISF collusion.

Adhamiyah: A largely Shia area with small Sunni enclaves. The threat is characterised by UVIEDs against ISF or government officials. The far eastern parts of Adhamiyah, along with Sadr City and New Baghdad are the areas where Sunni extremists are most likely to employ

VBIEDs or IEDs in crowded areas in order to cause civilian casualties. These attacks are indiscriminate generally, and tend to occur early morning. SAF attacks targeting local civilians are also common place in the area with frequent reports of drive by shoots and assassinations.

Sadr City: Traditionally quite an impoverished area of Baghdad during the Saddam era, the area is entirely Shia. Violence has increased in the area over the past year as rising sectarian violence has led to Sunni insurgents conducting a number of high profile attacks in the area. Criminality is also rife and SAF attacks are a frequent occurrence and probably attributable to in-fighting between different criminal gangs.

New Baghdad: An entirely Shia area of eastern Baghdad, which shares many of the characteristics of Sadr City. It is not as impoverished, though did have a Shia militia presence during the times of sectarian violence. New Baghdad has witnessed increased levels of sectarian violence over the past year and has seen a steady tempo of VBIED attacks targeting local civilians in busy commercial areas. IED and SAF attacks are also relatively frequent albeit random in nature and not assessed as targeted.

According to figures obtained from UNAMI for the period January to April 2013, the following incidents were recorded for the Baghdad area as a whole:

- 91 Armed Conflict incidents
- 409 Terrorism incidents
- 59 Crime incidents
- 31 Civil Unrest incidents
- 7 Hazard incidents

British Embassy
Baghdad

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Annex N: Letter from the British Embassy Baghdad, 'Mixed Sunni/Shia marriages', 9 May 2011

British Embassy
Baghdad

International Zone
Baghdad

www.fco.gov.uk

9 May 2011

ISSUE: MIXED SUNNI/SHIA MARRIAGES

In addressing questions relating to the above issue, we consulted a senior advisor to the UK Police Advisory team currently serving in Baghdad , a Intelligence Analyst from a commercial company working in Baghdad and a Iraqi representative of an International NGO with offices across Iraq. Our contacts explained that personal information relating to an individual's religious identity (e.g. Sunni or Shia) is not disclosed on any identification documents currently used in Iraq. Such information may be disclosed, i.e. to a police officer, but an individual has the right to refuse. In practise though, an individual's tribal name and place of birth will give a clear indication of their religious identity.

An individual's identity document may be requested for any number of reasons, including presentation to security officers/police at check-points, applying for a job, liaison with Government of Iraq departments etc. This documentation is also required as part of the broader process when an individual decides to relocate to a new area of Iraq. In order to relocate, an individual must be in possession of the following documents:

- The personal identification number which is issued by the General Directorate of Citizenship in accordance with Iraqi Civil Law Number 65 (1972);
- Iraqi nationality certificate;
- Letter of confirmation from the Civil Administrator of the intended relocation address;
- Letter from the police station in the intended area of relocation
- Declaration from the security services that the person is not involved in criminal activities.

An individual seeking to relocate without these documents is likely to face difficulties in accessing basic food stuff as part of the ration programme. They may also face difficulties with police and security officials if their identity cannot be verified from centrally held records. An

individual may not be given access to a particular area, i.e. with furniture/belongings without presenting identity documents. A Internally Displaced Person (IDP) who isn't able to buy or rent accommodation in their new location may also face difficulties when the authorities refuse to issue the required Housing Card which allows access to social services and schools etc.

We were told that there are no significant risks to mixed Sunni/Shia families and couples as opposed to those of the same religious affiliation. Marriages are possible through registration at a civil court ceremony without the requirement to provide evidence of one's religious identity. We were told that a marriage certificate will indicate whether the ceremony was carried out in accordance with Sunni or Shia practise. Although records are not maintained, anecdotal evidence suggests that the number of such marriages is increasing. According to our contacts, there are a number of areas in Central Baghdad and other major cities where mixed Sunni and Shia families live together. It was explained however that this is not always the case in rural and tribal areas where mixed marriages are less common. In other areas, it may be possible for a Sunni man to marry a Shia lady but not vice-versa. In rural areas, a mixed marriage couple may also face security risks from groups such as al-Qa'ida and the Islamic State of Iraq occasionally as part of ongoing 'Islamification' activities. Mixed marriage couples in the Kurdistan Region face no problems or security risks.

The Iraqi Government has welcomed mixed marriages and in 2006 introduced a scheme whereby Sunni and Shia couples were able claim US$2,000 once they were married. This scheme was introduced to help break down sectarian division. We were told by one interlocutor that this programme has since ended. One contact also said that that the Iraqi Government has contributed to the creation of divisions between Sunni and Shia by government departments preferring to employ people from one sect or the other.

It is difficult to offer an accurate assessment of the level of infiltration of the Iraqi Government and Iraqi Security Forces. However, according to our contacts, both Sunni insurgents and Shi'a militias are infiltrated into ministries and the security forces. It is further claimed that ISF, especially the Iraqi Police, are largely infiltrated by Shi'a militias who are funded and directed by Iran. Infiltration is suspected to reach to senior levels in Government and Security circles. We were told that it would be a straightforward process for a senior member of the government or a security body to take advantage of their position to access personal information of any other individual.

2nd Secretary Migration (MDO)
British Embassy, Baghdad

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Annex O: Sources of Country of Origin Information (COI)

For the latest country information on the situation in Iraq, decision makers should refer to the following sources or contact Country Policy and Information Team (CPIT):

- UN's Office for the Coordination of Humanitarian Affairs, Iraq
- Humanitarian Response.info, Iraq
- Shelter cluster.org, Iraq
- International Organisation for Migration, Iraq
- Reliefweb, Iraq (COI portal)
- Refworld, Iraq (COI portal)
- Institute for the Study of War
- Musing on Iraq, a blog by Joel Wing
- BBC News, Middle East
- Al Jazeera, Middle East

Additionally decision makers are recommended to refer to the current COI library resources available on Iraq, these include:

- Country Information and Guidance report: The security situation in the 'contested' areas of Iraq, 22 August 2014
- COI Service bulletin, Security situation, August 2013
- COI Service bulletin, Treatment of persons returning to Iraq, including failed asylum seekers; the situation of internally displaced persons and procedures to re-obtain documentation to access services and facilitate internal movement, April 2012
- COI Service report, Iraq, August 2011

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Annex P: Letter from the British Embassy in Baghdad, 'Internal movement/civil documentation and access to essential services in host communities', 4 December 2014

British Embassy
Baghdad

International Zone
Baghdad

www.fco.gov.uk

4 December 2014

Internal movement/civil documentation and access to essential services in host communities

The information contained in this letter has been drawn from a number of sources including the Ministry of Migration and Displacement (MoMD) in Baghdad, the Bureau of Displacement and Migration (BDM) in Erbil, the Ministry of Interior in Baghdad, the Ministry of Interior and the Asayish in Erbil and the United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM).

Since February 2014, the activities of the Islamic State of Iraq and the Levant (ISIL) inside Iraq have left large areas of the country outside the control of the Iraqi government and its security forces. The areas most seriously affected to date are the provinces to the west and north of the capital, Baghdad: namely, Anbar, Ninewah, Salah-ad-Din, Diyala or Tam'mim (Kirkuk) provinces. This letter provides information on the impact this has had on internal movement, the provision of civil documentation and access to essential services in host communities. In doing so, it is important to recognise that the situation is complex and fluid. Therefore, what is reported below is subject to change.

To date, over 2 million Iraqi people have been displaced within the country's borders. Some 750,000 are temporarily settled in the Kurdistan Region of Iraq. But the displacement is equally spread across the central and southern regions of Iraq and, in total, internally displaced people (IDP) have been identified in more than 1,700 locations countrywide.

According to Iraqi government (GoI) contacts, there are no restrictions placed on the movement of IDPs within Iraq's borders. However, we do know that restrictions are sometimes put in place in response to specific security concerns to protect IDPs, the host population and visiting

pilgrims. For example, during times of religious pilgrimage to Najaf and Kerbala, movement restrictions have been imposed on IDPs along pilgrimage routes but these are temporary.

Restrictions have also been imposed when there are legitimate capacity constraints in camps or shelters. Such restrictions are more often than not imposed by the local, governorate authorities rather than by the central government in Baghdad.

Despite official assurances to the contrary, some temporary restrictions have also been put in place for IDPs travelling to the Kurdistan Region. For example, some IDP families of mostly Arab ethnicity were recently refused entry through the Sherawa (Kirkuk-Erbil) and Sheikh Abdul Qader (Mosul-Erbil) entry points. Individuals moving back and forth between the Kurdistan Region and areas still occupied by ISIL forces have also been refused entry. This reflects the Kurdish authorities continuing concern with regard to terrorist activity within the Kurdistan Region of the kind most recently witnessed in Erbil city on 19 November when there was an improvised explosive attack close to the Governor's Office. In the days following that incident, several checkpoints were closed and all IDPs seeking access to the Kurdistan Region were refused entry.

A significant change in November is that the previous requirement to have a sponsor who is resident in the Kurdistan Region prior to admission has been removed (allegedly because sponsorships were being openly sold at certain checkpoints) and instead a new entry procedure is now in operation which requires IDPs to present themselves to the nearest Asayish office for screening and approval. Once approved, IDPs are issued with a residency card that entitles them to move freely within the governorates and rent private houses. Transit opportunities still exist for those who have valid plane tickets. Those arriving by air at Erbil or Sulamaniyah airports are similarly directed to report to the nearest Asayish office to regularise their stay. It is worth re-iterating the point that admission does remain at the discretion of Kurdish immigration and border officials and that temporary restrictions can be imposed and withdrawn without notice.

Domestic and international scheduled commercial flights to Erbil and Sulaymaniyah airports in the Kurdistan Region were subject to last minute cancellation over the Summer in response to specific security threats but at the time of writing are all operating as normal. The same applies to scheduled commercial services in and out of Baghdad, Basrah and Najaf airports.

Travel by road north from Baghdad to the Kurdistan Region remains perilous but not impossible as evidenced by an Iraqi staff member from this Embassy who made the six-hour journey by taxi from Baghdad to his home town of Sulaymaniyah without incident in November.
Given the long history of internal displacement in Iraq, there are well established procedures whereby those not in possession of their civil documents (e.g., civil status ID cards, nationality certificates, ration cards, etc) can obtain replacements. Under normal circumstances, this would involve a visit by the individual or an immediate relative to the ID Office in their home province. For those IDPs from provinces now under the control of ISIL, replacement civil documents can be obtained with the help of the UNHCR's network of Protection Assistance & Reintegration Centres (PARC), Protection Assistance Centres (PAC) and partner organisations (for example, in the Kurdistan Region, UNHCR are supported by Qandil in Erbil, Harikar in Duhok and CDO in Sulaymaniyah) operating elsewhere across the country. The UNHCR has also recently established joint centres with the Ministry of Interior in Baghdad and Najaf to assist IDPs with re-documentation and we are told these are working well. As a minimum, individuals are required to identify their book page and page number or that of a family member. All Iraqi nationals will know or be able to easily obtain this information.

While there is a risk that the original civil ID records held in provincial capitals such as Mosul and Ramadi may have been destroyed by the occupying ISIL forces, back-up ID records are

retained in the Baghdad Central Archive. Though not as efficient or quick to access as the originals, these central records provide an alternative means of ID verification. In addition to civil ID records, other potential sources for independent verification include school and hospital records. A more detailed and still valid account of re-documentation procedures can be found in this Embassy's letter of 7 April 2012. It remains this Embassy's considered view that Iraqis returning from overseas will be able to reacquire their civil documents through these more regular means.

Owing to their high numbers and continued mobility, IDP registration remains complex and challenging. The UNHCR is working with the GoI and KRG authorities to harmonise registration procedures, including the wide scale use of biometrics, but a common format and practice is unlikely in the short term. In the Kurdistan Region, registration questionnaires and software have been deployed to enhance needs profiling. Across central and southern Iraq, the UNHCR is also funding close to 300 staff positions in MoMD regional offices. However, serious capacity issues remain and practical assistance through these offices is largely limited to cash donations. Against this background, registration is not a pre-requirement for access to shelter and emergency relief being provided by the UNHCR and its partners. In line with its Protection Cluster strategy, the monitoring teams of the UNHCR and its partners have reached close to 700,000 individuals throughout Iraq to determine needs, vulnerabilities, registration status, demographic information and accommodation circumstances. Access to other essential services depends on their location and housing situation. It is noted that a significant number of IDPs remain self-sufficient and are residing with family, friends, in rented property or in hotels. The number residing in purpose built camps or shelters still remains comparatively low in accordance with current capacity but this is expected to increase as winter approaches and new camps and more permanent housing solutions become available.

The Iraqi IDP community remains highly mobile and heavily influenced by security and economic factors. Many have chosen to stay close to their homes in the hope that they can return when safe to do so. However, as already seen, those wishing to return to areas liberated by the Kurdish Peshmerga and Iraqi Security Forces in recent months have been prevented from doing so because of mines and other improvised explosive devices (IEDs) left by ISIL. There is no current data describing displacement by Iraqi ethnicity but anecdotal evidence suggests the displacement across the country is still mixed with Sunnis displaced equally to both the Kurdistan Region and the Shia provinces in the south.

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Annex Q: Letter from the British Embassy in Baghdad, 'Returns Procedure for UK failed asylum seekers', 8 April 2012

British Embassy
Baghdad

International Zone
Baghdad

www.fco.gov.uk

8 April 2012

ISSUE: Returns Procedure for UK failed asylum seekers

In addressing questions relating to the above issue, I have discussed this with the Ministry of Displacement and Migration, (MoDM) in Baghdad; International Organisation for Migration (IOM), in Baghdad, the European Integrated Rule of Law Mission for Iraq and is also based on my own knowledge. From these sources, we were able to clarify a number of issues pertaining to the returns procedure for UK failed asylum seekers returning to Baghdad.

The document used for the enforced return of UK failed asylum seekers is usually a valid passport. Instructions were issued by the Iraqi Authorities in October 2011 that the use of EU Letters were no longer acceptable. They stated that returns could only take place with a Passport or Laissez Passer Passport which is an emergency travel document that can be issued by the Iraqi Embassy. The Ministry of Interior, the Director General of Nationality ID and the Head of Immigration at Baghdad International Airport (BIAP) have also confirmed that an expired passport is also acceptable and so on occasions these are also used for enforced returns.

To date the Iraqi Embassy in London has played no part in the documentation process for the return of enforced returnees, even those cases where visiting senior Iraqi immigration officials have pre-cleared returnees as being Iraqi Citizens; unless the person voluntarily wishes to return to Iraq. UKBA have a list of 215 Iraqi Nationals who have been pre-cleared by senior Iraqi Immigration Officials as Iraqi Nationals for return. This list was submitted to the Iraqi Ministry of Foreign Affairs in January 2012 with lobbying reminders taking place in February 2012 and most recently in March and April 2012 seeking their assistance to issue Laissez Passer emergency travel documents. The Ministry of Foreign Affairs (MFA) said in March 2012 that they will be contacting the Ministry of Interior and Ministry of Displacement and Migration to find a solution to the list of 215. On 8 April they told us that they now plan to send an MFA led Mission to the United Kingdom to encourage Iraqis to return voluntarily. They suggested that if

this was not successful, then they would consider an enforced arrangement for those whose appeal rights have been exhausted. They emphasised however that they prefer the return of voluntary returnees.

When the UK Border Agency seeks to enforce a return to Iraq, the pre-clearance procedure involves a Senior Iraqi Immigration Official interviewing them face to face during a visit to the United Kingdom to confirm their nationality. In addition to the nationality confirmation interview with the Senior Iraqi Immigration Official the returnee (Failed Asylum Seekers or Foreign National Offenders) also requires either a passport, expired passport or potentially a Laissez Passer Passport (if the Iraqi Embassy will issue such a document). This process provides strong evidence of both identity and nationality prior to removal which minimises the risk of somebody being detained on arrival. Since the introduction of the new system (i.e. not to return on EU letters), there have been no detentions upon arrival in Iraq. With so many checks and balances, in our opinion, the new revised procedures will prevent a returnee being detained upon arrival as they have adequate documentary evidence of their identity and nationality.

Since my arrival in October 2011, I am not aware of any cases where returnees have been detained.

MoDM and MOI advise that returnees do not need both a travel document and their civil ID before they are allowed to leave the airport. Returnees are allowed to pass through check points on the basis of their travel document. If they do not have a copy of their Civil ID card, once home or at their temporary accommodation they are then required to regularise their Civil ID and other documents either direct with the MoDM or with the assistance of one of the UNHCR assistance centres.

I have not heard of any reports of ethnic or religious discrimination in applying procedures at BIAP e.g. specifically targeted at Kurds. It is important to understand that a Kurdish returnee from Iraqi Kurdistan is an Iraqi Citizen so can return anywhere in Iraq. We are currently in negotiations with the KRG Government to return direct to Iraqi Kurdistan in order to speed up and simplify the process. However, if an enforced returnee who originates from Iraqi Kurdistan is sent via BIAP it is important to understand that they have been pre-cleared for arrival and have a valid or expired passport or laissez passer passport. Assuming they have no outstanding warrants of arrest for criminal activity unrelated to immigration matters, they would not be detained and would not be escorted back to Iraqi Kurdistan.

There are frequent Iraqi Airways flights from Baghdad to Iraqi Kurdistan (Erbil/Sulaymaniyah) as follows:

Erbil					
Time	Departing	Time	Arriving	Flight	Day
20:00:00	Baghdad	21:00:00	Erbil	IA 243	Monday
22:00:00	Erbil	02:00:00	Stockholm	IA 243	Monday
08:00:00	Erbil	09:00:00	Baghdad	IA 908	Monday
15:30:00	Sulaimaniya	16:00:00	Erbil	IA 907	Monday
09:00:00	Erbil	09:30:00	Sulaimaniya	IA 908	Tuesday
12:00:00	Baghdad	13:00:00	Erbil	IA 907	Tuesday
07:30:00	Sulaimaniya	08:00:00	Erbil	IA 177	Wednesday
08:45:00	Erbil	10:45:00	Oman	IA 177	Wednesday
11:45:00	Oman	13:45:00	Erbil	IA 178	Wednesday
14:00:00	Erbil	15:00:00	Sulaimaniya	IA 178	Wednesday

07:30:00	Erbil	08:00:00	Sulaimaniya	IA 914	Wednesday
07:30:00	Sulaimaniya	18:15:00	Erbil	IA 913	Wednesday
13:00:00	Baghdad	14:00:00	Erbil	IA 907	Wednesday
14:45:00	Erbil	15:15:00	Sulaimaniya	IA 907	Wednesday
18:30:00	Baghdad	19:30:00	Erbil	IA 243	Thursday
20:30:00	Erbil	00:30:00	Stockholm	IA 243	Thursday
10:00:00	Mosul	10:30:00	Erbil	IA 110	Thursday
11:15:00	Erbil	15:15:00	Dubai	IA 109	Thursday
07:00:00	Erbil	08:00:00	Baghdad	IA 908	Thursday
09:00:00	Baghdad	10:00:00	Erbil	IA 119	Thursday
10:45:00	Erbil	13:15:00	Tehran	IA 119	Thursday
14:00:00	Tehran	15:30:00	Erbil	IA 120	Thursday
16:15:00	Erbil	17:15:00	Baghdad	IA 120	Thursday
18:00:00	Baghdad	19:00:00	Erbil	IA 907	Thursday
01:30:00	Stockholm	07:30:00	Erbil	IA 244	Friday
08:30:00	Erbil	09:30:00	Baghdad	IA 244	Friday
08:00:00	Erbil	08:30:00	Sulaymaniyah	IA 133	Friday
12:00:00	Beirut	14:00:00	Erbil	IA 134	Friday
14:45:00	Erbil	15:15:00	Sulaymaniyah	IA 134	Friday
23:30:00	Sulaymaniyah	00:00:00	Erbil	IA 104	Friday
12:00:00	Baghdad	13:00:00	Erbil	IA 907	Friday
14:00:00	Erbil	15:00:00	Baghdad	IA 908	Friday
10:00:00	Sulaymaniyah	10:30:00	Erbil	IA 177	Saturday
11:15:00	Erbil	13:15:00	Oman	IA 177	Saturday
14:15:00	Oman	16:15:00	Erbil	IA 178	Saturday
17:00:00	Erbil	17:30:00	Sulaymaniyah	IA 178	Saturday
08:00:00	Erbil	08:30:00	Sulaymaniyah	IA 912	Saturday
18:00:00	Sulaymaniyah	19:00:00	Erbil	IA 911	Saturday
13:30:00	Baghdad	14:30:00	Erbil	IA 907	Saturday
15:15:00	Erbil	15:45:00	Sulaymaniyah	IA 908	Saturday
07:00:00	Erbil	08:00:00	Baghdad	IA 908	Sunday
09:00:00	Baghdad	10:00:00	Erbil	IA 907	Sunday
11:00:00	Erbil	11:30:00	Sulaymaniyah	IA 179	Sunday
18:00:00	Sulaymaniyah	18:30:00	Erbil	IA 180	Sunday
13:00:00	Baghdad	14:00:00	Erbil	IA 909	Sunday
14:45:00	Erbil	15:15:00	Sulaymaniyah	IA 909	Sunday

I have checked regarding the capture of biometric data at BIAP. All arriving passengers irrespective of nationality now have their biometrics captured. I had mine recorded on arrival and again more recently for a Baghdad Identity card. As Iraq strives to improve the security situation, the capture of biometric data is becoming increasingly common for all citizens.

First Secretary Migration Policy and Projects
British Embassy
Baghdad

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Annex R: Letter from the British Embassy in Baghdad, 'Monitoring of Returnees at Baghdad International Airport (BIAP)', 8 April 2012

British Embassy
Baghdad

International Zone
Baghdad

www.fco.gov.uk

8 April 2012

ISSUE: Monitoring of Returnees at Baghdad International Airport (BIAP)

In addressing questions relating to the above issue, I have discussed this with the Ministry of Displacement and Migration, (MoDM) in Baghdad; the International Organisation for Migration (IOM), in Baghdad, Ministry of Interior (MOI), Qandil "A Swedish Humanitarian Aid Organisation" and Refugee Action's representative in Iraq, and it is also based on my own knowledge. From these sources, we were able to clarify a number of issues pertaining to the Monitoring of Returnees at Baghdad International Airport.

The MoDM are satisfied that there is no risk of mistreatment or abuse of returnees at Baghdad International Airport (BIAP). The IOM concur saying that the immigration officer checks the passport or travel document issued by the Iraqi Authorities. If they are correct then the passenger can proceed and leave the airport. Enforced Returnees from the UK are pre-cleared during pre-clearance visits to the UK by Iraqi immigration officials so the risks are further minimised. In some cases according to the head of Immigration at BIAP, they help enforced returnees if there are any doubts as to their nationality "on a humanitarian basis" but this has not been required for any UK returnee since the new Iraqi policy on returns was introduced in October 2011 (i.e. not to return on an EU letter).

Since the introduction of the new October 2011 Iraqi returns policy, there have been no cases of any UK enforced returnees being detained who have returned on a valid or expired Iraqi passport. To date, no enforced returnees have returned using a laissez passer travel document as the Iraqi Embassy in London will not currently issue them to enforced returnees. Only voluntary returnees have returned using laissez passer travel documents for whom we have received no reports of them being detained on arrival by any of our interlocutors. There are no detention facilities within the complex at BIAP.

The MoDM were adamant that no Iraqi would be arrested even if they had left the country illegally e.g. with smugglers. The only exception to this would be if they had committed a

criminal offence before their departure e.g. theft, for which a warrant had been issued. The IOM commented that in the past any detention under such circumstances was implemented by the Iraqi police in the police station a couple of kilometres away from BIAP. But the IOM also confirmed that this would only be in the case of a judicial order, i.e. a warrant for their arrest.

According to Iraqi Law, all passengers should carry a passport or a travel document when returning to Iraq. However, on some occasions, when enforced returnees do not have any documents, the IOM recommend that their relatives take to BIAP some ID or other proof of Iraqi nationality. All enforced returnees from the UK under the policy issued in October 2011 by the Ministry of Foreign Affairs and Ministry of Interior, return either with a valid or expired passport or potentially with a Laissez Passer passport as we are no longer allowed to issue EU Letters for returnees. In practice as mentioned above; to date there have been no enforced returns using Laissez Passer Passports as the Iraqi Embassy in London will only issue Laissez Passer passports to voluntary returnees. To date this has worked smoothly for the Iraqis who have been returned in this way. According to the IOM and MOI, there have been no cases of any enforced returnees from the UK being detained at BIAP under the new returns policy.

Qandil, MoDM, MOI and IOM all confirmed that there have been no reports of ethnic or religious discrimination in applying procedures with Kurds. Returnees to Iraqi Kurdistan would not be detained by the Government of Iraq Immigration Service in Baghdad but would be free to make their own way home. The only exception to this would be if there was a judicial order or warrant for their arrest due to previous criminal activity as would be the case with any Iraqi citizen. MoDM in particular emphasised that discrimination of Kurds was something from the past under the previous regime, this was no longer the case.

There are no detention facilities within BIAP the nearest facility is at a small police station a few kilometres away. None of the organisations we contacted could describe the facilities but MoDM emphasised that Enforced Returnees or Voluntary returnees would not be detained on arrival. None of the organisations we contacted could elaborate on whether in the past any enforced returnees had been detained. IOM had heard of returnees “having problems” i.e. being “questioned for longer”, especially if returned on Laissez Passer documents. If this was the case in the past, this pre-dates the new Iraqi policy (October 2011) that requires returnees to obtain a Laissez Passer document if they do not have a passport. Qandil have confirmed that all cases they have managed under the Assisted Voluntary Returns programme have been processed satisfactorily.

First Secretary Migration Policy and Projects
British Embassy
Baghdad

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Annex S: Case law

The following case law is relevant to consider the basis of claim in this country information and guidance product. The guidance section above (section 1) outlines relevant sections to consider. The links below provide access to the full text:

- **HM and others (Article 15(c)) Iraq CG [2012] UKUT 00409(IAC) (13 November 2012)**
- **MK (documents – relocation) Iraq CG [2012] UKUT 00126 (IAC) (25 April 2012)**
- **Hamzeh & Ors v Secretary of State for the Home Department [2013] EWHC 4113 (Admin) (20 December 2013)**
- **SH (Iran) & Anor v Secretary of State for the Home Department [2014] EWCA Civ 1469 (12 November 2014**

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1.0	24.12.2014	First version of updated template.

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