



UNHCR

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

Iran (26) (246)

Memorandum

14/11-03

UNHCR

Case postale 2500
CH-1211 Genève 2

To/A: All Representatives and Chiefs of Mission in the Field
All Regional Coordinators, Regional Representatives,
All Heads of Offices, Field Offices and Liaison Officers in the Field
All Protection Officers in the Field
All Directors of Bureaux and Divisions
All Liaison Officers, Senior Resource Managers, Protection Officers,
Legal Advisors, Heads of Desks and Desk Officers, Chiefs of Section
and Heads of Units/Services at Headquarters

From/De: Erika Feller, Director, Department of International Protection
Ekber Menemencioglu, Director, Bureau for CASWANAME

File
Code/Dossier PR00

Date/date: 31 October 2003

Subject/Objet: **Update to the International Protection Response to Asylum-
Seekers From Iraq**

1. On 29 July 2003, following earlier advice of 7 March, 20 March and 26 June 2003, UNHCR requested a continued ban on forced returns to Iraq as well as on the return of Iraqi asylum seekers to countries in the region, regardless of their prior stay or transit in these countries. It further recommended that States grant a form of temporary protection to Iraqi asylum seekers (including to new arrivals), and advised those governments wishing to resume individual processing of asylum claims to take into consideration possible new protection needs.
2. The current situation in Iraq is extremely volatile and unstable. It continues to be characterized by frequent security incidents and an absence of law and order in many parts of the country. In addition, Iraq continues to be fraught with the irregular provision of basic services, a high rate of unemployment, and a severe housing shortage. In light of the dependency of much of the population on food and other types of assistance for survival, the scheduled end of the United Nations Oil for Food Programme on 21 November 2003 as well as the still unclear modalities of its takeover by the Coalition Provisional Authority represents yet another factor of uncertainty for the Iraqi population.
3. The evacuation of nearly all international UN staff from Iraq following the bomb attack on the UN's Headquarters in Baghdad on 19 August 2003 has significantly curtailed the ability of UNHCR and its partners to engage in protection, returnee monitoring and / or re-integration activities in Iraq since these activities require, in addition to regular presence, frequent travel and contact with local authorities in different parts of the country. Under the

current circumstances, such activities are severely limited and will in all probability continue to be so in the near future.

4. In view of the above, UNHCR maintains its advice of 29 July 2003, as follows:

- UNHCR requests a continuation of the ban on forced returns to all parts of Iraq, including of rejected asylum seekers, until further notice. Furthermore, no returns should be promoted at this time. This advice will be reviewed again in January 2004.
- UNHCR recommends that States continue to grant a form of temporary protection to Iraqi asylum seekers. States should be aware that current conditions may still lead to forced displacements from Iraq.
- UNHCR continues to encourage governments who have resumed or intend to resume processing of asylum claims, to take into consideration both compelling reasons for non-return arising out of atrocious forms of past persecution as well as the possibility of persecution emanating from non-state agents active in Iraq.
- In situations where large numbers of Iraqi asylum seekers are present, mainly in countries in the region, UNHCR offices will maintain their suspension of refugee status determination, including with regard to all newly arriving asylum-seekers from Iraq, until further notice. Where and as feasible, Iraqi asylum-seekers should continue to be registered in accordance with ExCom Conclusion No. 91, as mentioned in the Memorandum of 20 March 2003.
- UNHCR reiterates its request that, within the framework of international solidarity and burden-sharing, asylum seekers from Iraq should not be returned to countries in the region regardless of their prior stay or transit.

5. In view of the situation in Iraq, UNHCR is clearly not promoting voluntary returns. The Office will, however, continue to provide assistance in close co-ordination with host governments and upon clearance by the CPA, to individuals who insist on returning to Iraq in spite of current conditions and whose return is non-contentious. To this end, and where feasible, UNHCR shall continue to use its Voluntary Repatriation Form while at the same time ensuring that potential returnees are fully informed of the situation in Iraq and of the fact that, due to the lack of staff on the ground, UNHCR can neither monitor returnees, nor provide them with any assistance in Iraq. At this stage, return assistance would consist of submitting requests for clearance to the CPA, and possibly other types of assistance as explained in UNHCR/IOM/74/03 and UNHCR/FOM/74/03 of 31 October 2003 (Assistance for voluntary returns to Iraq).

6. Please ensure that the aforementioned recommendations are shared with all relevant governmental and non-governmental counterparts. Representatives and their staff are also requested to closely monitor and regularly report on the situation of asylum-seekers from Iraq in their respective countries both in terms of numbers, government responses and their standard of treatment. UNHCR will review this advice in January 2004.