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Home Office

# **Country Policy and Information Note**

## **Iraq: Internal relocation, civil documentation and returns**

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# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

## 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 support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

Updated: 15 June 2020

## 1. Introduction

### 1.1 Scope of this note

#### 1.1.1 Whether a person:

- (i) can feasibly be returned to Iraq (they have the requisite travel documents),
- (ii) can, in general, reasonably relocate elsewhere in Iraq if they are unable to return to their registered place of origin; and
- (iii) is at risk of serious harm sufficient to breach Article 3 of the European Convention on Human Rights (ECHR) / Article 15(b) of the Qualification Directive as a result of their lack of documentation.

### 1.2 Points to note

- 1.2.1 The Kurdish Region of Iraq (KRI) is also referred to as the Iraqi Kurdistan Region (IKR) throughout this document.
- 1.2.2 The term 'feasible' only refers to the physical process of being able to return someone to Iraq via air and does not take into account any circumstances or situations after arrival in Iraq.
- 1.2.3 A number of letters quoted and annexed in this report are dated and as such some information contained in the full annexed versions may not be correct. CPIT has only used information in the main body which remains accurate.

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## 2. Consideration of issues

### 2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Exclusion

- 2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses applies. If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection. Each case must be considered on its individual facts and merits.

- 2.2.2 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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## 2.3 Refugee Convention reason(s)

- 2.3.1 People who cannot return and / or relocate because of a lack documentation but are not otherwise at real risk of persecution do not fall within the definition of the Refugee Convention. This is because the reasons for their fear of harm do not relate to their actual or imputed political opinion, race, religion, nationality or membership of a particular social group.
- 2.3.2 In the absence of a link to one of the 5 Convention grounds necessary for the grant of refugee status, the question is whether the particular person will face a real risk of serious harm sufficient to qualify for Humanitarian Protection (HP).
- 2.3.3 For further guidance on the 5 Convention grounds, including particular social groups, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#). For guidance on HP, see the Asylum Instruction on [Humanitarian Protection](#).
- 2.3.4 For information and assessment about particular types of asylum and human rights claims, see the [country policy information notes on Iraq](#).

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## 2.4 Legal context

- 2.4.1 There have been 4 Country Guidance cases concerning Iraq since 2015. The first of which was [AA \(Article 15\(c\)\) \(Rev 2\) \[2015\] UKUT 544 \(IAC\)](#), heard on 18-19 May 2015 and promulgated on 30 October 2015 (hereafter referred to as 'AA'). This was a wide ranging-case which replaced all previous Country Guidance on Iraq, making findings on returns, documentation, relocation and security issues. In AA it was conceded by the respondent that a civilian with no distinguishing characteristics would, simply by virtue of his presence in one of the contested areas (the governorates of Anbar, Diyala, Kirkuk, Ninewa and Salah al Din) be at real risk of suffering serious harm of the type identified in Article 15(c) of the Council Directive 2004/83/EC (the Qualification Directive). For the reasons it gave at [101]-[106], the Upper Tribunal had no hesitation in endorsing that concession, noting that life in those areas (which were controlled at the time by Daesh) was characterised by systematic and widespread acts of violence and gross violations of international humanitarian law and abuses of human rights. The Upper Tribunal also concluded that certain parts of the so-called Baghdad Belts were affected by an internal armed conflict of such intensity that there was a generalised Article 15(c) risk there. It was not accepted that the remainder of Iraq, including Baghdad City, was affected by such a level of internal armed conflict.
- 2.4.2 In June 2017, the Court of Appeal (CoA), in [AA \(Iraq\) vs Secretary of State for the Home Department \[2017\] EWCA Civ 944](#) ('AA 2017'), remade one specific Country Guidance point in [AA](#) regarding documentation and feasibility of return. The rest of AA's findings were undisturbed.



- 2.4.3 The second Country Guidance case was [BA \(Returns to Baghdad Iraq CG\) \[2017\] UKUT 18 \(IAC\)](#), heard on 24-25 August 2016 and promulgated on 23 January 2017 (hereafter referred to as 'BA'). This case looked at the risk to those perceived as having collaborated with the West and the levels of violence in Baghdad City. The Upper Tribunal proceeded to give guidance which included a conclusion that the level of violence in Baghdad City remained significant but did not justify departing from the guidance in AA (Iraq).
- 2.4.4 The next Country Guidance case was [AAH \(Iraqi Kurds – internal relocation\) Iraq CG UKUT 212 \(IAC\)](#), heard on 27-28 February 2018 and promulgated on 26 June 2018 (hereafter referred to as 'AAH'), which supplemented Section C (about the Civil Status ID (CSID)) and replaced Section E (about return and relocation to the Kurdistan Region of Iraq (KRI)) of the Country Guidance annexed to the CoA's decision in [AA 2017](#).
- 2.4.5 The most recent Country Guidance case is [SMO, KSP & IM \(Article 15\(c\); identity documents\) Iraq CG \[2019\] UKUT 400 \(IAC\)](#), heard on 24-26 June 2019 and promulgated on 20 December 2019 (hereafter referred to as 'SMO'). This case looked at the levels of indiscriminate violence and the humanitarian situation across Iraq, identity documents and internal relocation. Part B (Documentation and Feasibility of Return (excluding KRI)) of the existing Country Guidance ([AA as amended by CoA](#)) was not revisited and remains in place (and is reprised in SMO in Para 425 section B). However it was found that the remainder of the guidance issued in [AA](#) required significant revision and the guidance in [BA](#) can no longer stand. This Country Guidance replaces all existing country guidance on Iraq.

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## 2.5 Internal relocation

### a. Relocation in general

- 2.5.1 Where a person is at risk of persecution or serious harm on return and cannot relocate internally to escape that risk, a grant of asylum or Humanitarian Protection will be appropriate if they do not meet one of the exclusion clauses.
- 2.5.2 With regard to the country's humanitarian and security situation, the Tribunal in [SMO](#) held that any civilian returning to Iraq would, in general, not face a real risk of being subjected to indiscriminate violence amounting to serious harm within the scope of Article 15(c) QD with the exception of the small mountainous area north of Baiji in Salah al-Din (see [Annex A](#)). The UT found this area to remain under doctrinal control by Daesh (paragraph 425 (30-31)). The UT in [SMO](#) held that 'the living conditions in Iraq as a whole, including the Formerly Contested Areas, are unlikely to give rise to a breach of Article 3 ECHR or (therefore) to necessitate subsidiary protection under Article 15(b) QD [...] [However] any such circumstances require individualised assessment in the context of the conditions of the area in question.' (paragraph 425 (35)).
- 2.5.3 The level of destruction of some of the cities (in particular Mosul) and whether they were suitable for living was an issue raised in [SMO](#) and is relevant for assessing internal relocation.

- 2.5.4 The Tribunal, however, also held that ‘The situation in the Formerly Contested Areas (the governorates of Anbar, Diyala, Kirkuk, Ninewah and Salah Al-Din) is complex, encompassing ethnic, political and humanitarian issues which differ by region. Whether the return of an individual to such an area would be contrary to Article 15(c) requires a fact sensitive, “sliding scale” assessment [...]’ (paragraph 425 (32))
- 2.5.5 For information and a detailed assessment of risk in light of the general country situation, see country policy and information note, [Iraq: Security and humanitarian situation](#).
- 2.5.6 In [SMO](#), the Tribunal held that:  
‘Where internal relocation is raised in the Iraqi context [i.e. within the areas controlled by the Government of Iraq], it is necessary to consider not only the safety and reasonableness of relocation but also the feasibility of that course, in light of sponsorship and residency requirements in operation in various parts of the country. Individuals who seek to relocate within the country may not be admitted to a potential safe haven or may not be permitted to live there.’ (paragraph 425 (46))
- 2.5.7 For information about residency requirements, see [Entry to the Kurdistan Region of Iraq \(KRI\)](#) and [Entry and residency requirements in areas outside the KRI](#).
- 2.5.8 The Tribunal in [SMO](#) also held that:  
‘As a general matter, it is necessary for an individual to have... [either a [Civil Status Identity Card \(CSID\)](#) or a [Iraqi National Identity Card \(INID\)](#)]...in order to live and travel within Iraq without encountering treatment or conditions which are contrary to Article 3 ECHR. Many checkpoints in the country are manned by Shia militia who are not controlled by the GOI [Government of Iraq] and are unlikely to permit an individual without a CSID or an INID to pass. A valid Iraqi passport is not recognised as acceptable proof of identity for internal travel.  
  
‘A Laissez Passer will be of no assistance in the absence of a CSID or an INID; it is confiscated upon arrival and is not, in any event, a recognised identity document. There is insufficient evidence to show that returnees are issued with a “certification letter” at Baghdad Airport, or to show that any such document would be recognised internally as acceptable proof of identity.’ (paragraph 425 (40-41))
- 2.5.9 The Tribunal in [SMO](#) also held that:  
‘P [Iraqi national returnee] is unable to board a domestic flight between Baghdad and the IKR without either a CSID, an INID or a valid passport. If P has one of those documents, the journey from Baghdad to the IKR by land is affordable and practical and can be made without a real risk of P suffering persecution, serious harm, or Article 3 ill treatment nor would any difficulties on the journey make relocation unduly harsh.’ (paragraph 425(51))
- 2.5.10 For information on internal relocation see [Freedom of movement](#).

- 2.5.11 For further guidance on considering internal relocation and factors to be taken into account, see the asylum instruction on [Assessing Credibility and Refugee Status](#).

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b. Relocation within / to the Formerly Contested Areas

- 2.5.12 In [SMO](#) the tribunal held:

‘With the exception of the small area... [of the mountainous area north of Baiji in Salah al-Din under doctrinal control by Daesh – see [Annex A](#)]... the general conditions within the Formerly Contested Areas do not engage Article 15 QD(b) or (c) or Article 3 ECHR and relocation within the Formerly Contested Areas may obviate a risk which exists in an individual’s home area. Where relocation within the Formerly Contested Areas is under contemplation, however, the ethnic and political composition of the home area and the place of relocation will be particularly relevant. In particular, an individual who lived in a former ISIL stronghold for some time may fall under suspicion in a place of relocation. Tribal and ethnic differences may preclude such relocation, given the significant presence and control of largely Shia militia in these areas. Even where it is safe for an individual to relocate within the Formerly Contested Areas, however, it is unlikely to either be feasible or reasonable without a prior connection to, and a support structure within, the area of question.’ (paragraph 425 (47))

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c. Relocation to Baghdad

- 2.5.13 The Tribunal in [SMO](#) held:

‘Baghdad is generally safe for ordinary civilians but whether it is safe for a particular returnee is a question of fact in the individual case. There are no on-entry sponsorship requirements for Baghdad but there are sponsorship requirements for residency. A documented individual of working age is likely to be able to satisfy those requirements. Relocation to Baghdad is likely to be reasonable for Arab Shia and Sunni single, able-bodied man and married couples of working age without children and without specific vulnerabilities. Other individuals are likely to require external support, i.e. a support network of members of his or her family, extended family or tribe, who are willing and able to provide genuine support. Whether such a support network is available is to be considered with reference to the collectivist nature of Iraqi society, as considered in [AAH \(Iraq\) \[para 96\]](#)’ (paragraph 425 (48)).

- 2.5.14 For information see [Entry and residency requirements in areas outside the KRI - Baghdad](#).

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d. Relocation to the Kurdistan Region of Iraq (KRI)

- 2.5.15 In general, Kurds who do not originate from the KRI can relocate to the region. Available country information suggests that ethnic Kurds are able to enter the KRI, although some sources say this may depend on certain circumstances (see [Entry to the Kurdistan Region of Iraq \(KRI\)](#)).

2.5.16 In [SMO](#) the Tribunal held:

‘For an Iraqi national returnee (P) of Kurdish origin in possession of a valid CSID or Iraqi National Identity Card (INID), the journey from Baghdad to the IKR [Iraqi Kurdish Region] is affordable and practical and can be made without a real risk of P suffering persecution, serious harm, or Article 3 ill treatment nor would any difficulties on the journey make relocation unduly harsh.

‘P is unable to board a domestic flight between Baghdad and the IKR without either a CSID, an INID or a valid passport. If P has one of those documents, the journey from Baghdad to the IKR by land is affordable and practical and can be made without a real risk of P suffering persecution, serious harm, or Article 3 ill treatment nor would any difficulties on the journey make relocation unduly harsh.’ (paragraph 425 (50-51))

2.5.17 However, the Tribunal in [SMO](#) also held:

‘P will face considerable difficulty in making the journey between Baghdad and the IKR by land without a CSID or INID. There are numerous checkpoints en route, including two checkpoints in the immediate vicinity of the airport. If P has neither a CSID or an INID there is a real risk of P being detained at a checkpoint until such time as the security personnel are able to verify P’s identity. It is not reasonable to require P to travel between Baghdad and IKR by land absent the ability of P to verify his identity at a checkpoint. This normally requires attendance of a male family member and production of P’s identity documents but may also be achieved by calling up “connections” higher up in the chain of command.

‘Once at the IKR border (land or air) P would normally be granted entry to the territory. Subject to security screening, and registering presence with the local mukhtar, P would be permitted to enter and reside in the IKR with no further legal impediments or requirements. There are no sponsorship requirements for entry or residence in any of the three IKR Governorates for Kurds.

‘Whether P would be at particular risk of ill-treatment during the security screening process must be assessed on a case-by-case basis. Additional factors that may increase risk include: (i) coming from a family with a known association with ISIL, (ii) coming from an area associated with ISIL and (iii) being a single male of fighting age. P is likely to be able to evidence the fact of recent arrival from the UK, which would dispel any suggestion of having arrived directly from ISIL territory.

‘If P has family members living in the IKR cultural norms would require that family to accommodate P. In such circumstances P would, in general, have sufficient assistance from the family so as to lead a “relatively normal life”, which would not be unduly harsh. It is nevertheless important for decision-makers to determine the extent of any assistance likely to be provided by P’s family on a case-by-case basis.

‘For Kurds without the assistance of family in the IKR the accommodation options are limited:

- (v) Absent special circumstances it is not reasonably likely that P will be able to gain access to one of the refugee camps in the IKR; these camps are already extremely overcrowded and are closed to newcomers. 64% of IDPs are accommodated in private settings with the vast majority living with family members;
- (vi) If P cannot live with a family member, apartments in a modern block in a new neighbourhood are available for rent at a cost of between \$300 and \$400 per month;
- (vii) P could resort to a “critical shelter arrangement”, living in an unfinished or abandoned structure, makeshift shelter, tent, mosque, church or squatting in a government building. It would be unduly harsh to require P to relocate to the IKR if P will live in a critical housing shelter without access to basic necessities such as food, clean water and clothing.
- (viii) In considering whether P would be able to access basic necessities, account must be taken of the fact that failed asylum seekers are entitled to apply for a grant under the Voluntary Returns Scheme, which could give P access to £1500. Consideration should also be given to whether P can obtain financial support from other sources such as (a) employment, (b) remittances from relatives abroad, (c) the availability of ad hoc charity or by being able to access PDS rations.

‘Whether P is able to secure employment must be assessed on a case-by-case basis taking the following matters into account:

- (vii) Gender. Lone women are very unlikely to be able to secure legitimate employment;
- (viii) The unemployment rate for Iraqi IDPs living in the IKR is 70%;
- (ix) P cannot work without a CSID or INID
- (x) Patronage and nepotism continue to be important factors in securing employment. A returnee with family connections to the region will have a significant advantage in that he would ordinarily be able to call upon those contacts to make introductions to prospective employees and to vouch for him;
- (xi) Skills, education and experience. Unskilled workers are at the greatest disadvantage, with the decline in the construction industry reducing the number of labouring jobs available;
- (xii) If P is from an area with a marked association with ISIL, that may deter prospective employers.’ (paragraph 425 (52-57))

2.5.18 The tribunal in [SMO](#) held the following in regard to non-Kurdish returnees’ ability to relocate to the IKR:

‘The ability of non-Kurdish returnees to relocate to the IKR is to be distinguished [from Kurdish returnees]. There are no sponsorship requirements for entry or residence in Erbil and Sulaymaniyah, although single Arab and Turkmen citizens require regular employment in order to secure residency. Arabs from former conflict areas and Turkmen from Tal Afar are subject to sponsorship requirements to enter or reside in Dohuk.

Although Erbil and Sulaymaniyah are accessible for such individuals, particular care must be taken in evaluating whether internal relocation to the IKR for a non-Kurd would be reasonable. Given the economic and humanitarian conditions in the IKR at present, an Arab with no viable support network in the IKR is likely to experience unduly harsh conditions upon relocation there.’ (paragraph 425 (58))

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## 2.6 Assessment of risk arising from a lack of documentation

### a. General points

- 2.6.1 In deciding whether an individual can return to their home governate or internally relocate and avoid humanitarian conditions that may breach Article 3 of the ECHR, decision makers must determine whether the person has or can acquire (or reacquire) identity documentation necessary to
- Make their return to Iraq feasible;
  - Be able to travel within Iraq; and
  - Access various public and private services
- 2.6.2 A person who claims that they face a risk of harm solely because they lack documentation required to make their return feasible does not qualify for international protection.
- 2.6.3 Decision makers must read the [Documentation](#) and [Redocumentation](#) sections carefully to determine whether a person can obtain documentation (in particular, the Civil Status ID (CSID) or the Iraqi National Identity Card (INID)).
- 2.6.4 Decision makers should note that obtaining Iraqi civil and travel documentation can be complex and circular. For example, to obtain a passport a person needs a CSID, but they can also use a passport in support of an application for a CSID.
- 2.6.5 The onus is on the person to show why they cannot reasonably obtain necessary documentation.

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### b. The Civil Status ID Card (CSID)

- 2.6.6 The CSID is the key document to enable a person to access services such as financial assistance, employment, education, housing and medical treatment and individuals must possess one in order to be able to travel internally across the country. It is also a gateway to obtaining other documents (see [Civil Status ID Card \(CSID\)](#)).

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### c. Iraqi Nationality Certificate (INC)

- 2.6.7 The Iraqi Nationality Certificate (INC) is another important document, although not as important as the CSID. The tribunal in [AAH](#) held that an INC ‘simply serves to confirm that the holder is an Iraqi citizen. It does not hold the practical significance of a CSID... An Iraqi in possession of a CSID can ordinarily use that document to obtain a replacement INC and in any event,



the absence of an INC would not have any particular consequences for his ability to function in society. Conversely possession of an INC could assist the holder in replacing a lost CSID.’ (paragraph 95)

- 2.6.8 For more information about the card and how to obtain (re obtain) an INC see [Iraqi Nationality Certificate \(INC\)](#).

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d. [Iraqi National Identity Card \(INID\)](#)

- 2.6.9 The Iraqi National Identity Card (INID) replaces the INC and the CSID. However, CSIDs are still accepted and are being produced in CSA offices where INID terminals are not yet installed.
- 2.6.10 For more information on how to obtain an INID, see [Documentation - Iraqi National Identity Card \(INID\)](#).

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e. [Obtaining a CSID in the UK](#)

- 2.6.11 The UT in [SMO](#) were not asked to revisit the extant country guidance on the way in which an individual might obtain a replacement CSID from within the UK. The Tribunal in [AA](#) held:

‘...that it is possible for an Iraq national living in the UK to obtain a CSID through the consular section of the Iraqi Embassy in London, if such a person is able to produce a current or expired passport and/or the book and page number for their family registration details. For persons without a passport, or who are unable to produce the relevant family registration details, a power of attorney can be provided to someone in Iraq who can thereafter undertake the process of obtaining the CSID for such person from the Civil Status Affairs Office in their home governorate’ (paragraph 177).

- 2.6.12 The Tribunal in [SMO](#) held an Iraqi national in the UK would be able to apply for a CSID in the way explained in [AA](#), however added that:

‘We have not been asked to revisit the extant country guidance on the way in which an individual might obtain a replacement CSID from within the UK, for which see [173]-[177] of AA (Iraq) and [26] of AAH (Iraq). We add only this: whilst the INID is clearly replacing the CSID in Iraq, consulates do not have the electronic terminals necessary to issue the INID and continue to issue the CSID instead, as confirmed in a Canadian Immigration and Refugee Board report which is quoted at 5.6.9 of the respondent’s CPIN entitled Internal Relocation, civil documentation and returns, dated February 2019. An Iraqi national in the UK would be able to apply for a CSID in the way explained in AA (Iraq) and, if one was successfully obtained, we find that it would be acceptable evidence of the individual’s identity throughout Iraq. Notwithstanding the plan to replace the old CSID system with the INID by the end of 2019, we accept what was said by EASO (in February 2019) and the Danish Immigration Service and Landinfo (in November 2018), that implementation was delayed and that the CSID was still being used in Iraq, and that it continues to be issued in those parts of the country in which the INID terminals have not been rolled out. Given this evidence, and the fact that the CSID has been a feature of Iraqi society for so long, we do not

accept that there will come a time at the end of this year when the CSID suddenly ceases to be acceptable as proof of identity.’ (paragraph 383)

2.6.13 The UT in [SMO](#) held (bold added by the author for emphasis):

‘We consider the number of individuals who do not know and could not ascertain their volume and page reference [of their family registration details] would be quite small, however. **It is impossible to overstate the importance of an individual’s volume and page reference in the civil register. These details appear on numerous official documents, including an Iraqi passport, wedding certificate and birth certificate, as well as the CSID.** It was suggested in a report from the British Embassy in Baghdad, quoted at 6.1.9 of the Internal Relocation CPIN of February 2019, that “[a]ll Iraqi nationals will know or be able to easily obtain this information”. We find the former assertion entirely unsurprising. **The volume and page reference in the civil register is a piece of information which is of significance to the individual and their family from the moment of their birth. It is entered on various documents and is ever present in that person’s life.** We do not lose sight of the fact that there remain a significant number of people in Iraq who are undocumented. We do not consider that problem to be attributable to a difficulty with recalling the relevant information. It is instead attributable to the closure – until comparatively recently – of the local CSA offices at which people were required to obtain replacement documents and to their reluctance to return to those areas from a place of relocation.’ (paragraph 391)

2.6.14 The Tribunal in [SMO](#) also held that:

‘Notwithstanding the phased transition to the INID within Iraq, replacement CSIDs remain available through Iraqi Consular facilities. Whether an individual will be able to obtain a replacement CSID whilst in the UK depends on the documents available and, critically, the availability of the volume and page reference of the entry in the Family Book in Iraq, which system continues to underpin the Civil Status Identity process. Given the importance of that information, most Iraqi citizens will recall it. That information may also be obtained from family members, although it is necessary to consider whether such relatives are on the father’s or the mother’s side because the registration is patrilineal.’ (paragraph 425 (42))

‘[...] The likelihood of obtaining a replacement identity document by the use of proxy, whether from the UK or on return to Iraq has reduced due to the introduction of the INID system.’ (paragraph 425 (45))

2.6.15 Since SMO was promulgated in December 2019 further information regarding the issuance of CSIDs in the UK has been obtained by the Home Office in April 2020 [see [Annex I](#)]. When asked to describe the process of obtaining a CSID from the Iraqi Embassy in London the Returns Logistics department stated:

‘CSID cards are being phased out and replaced by INID (Iraq National Identification) cards. It is not currently possible to apply for an INID card outside of Iraq. As a result, the Iraqi embassy in London are advising their nationals in the UK to apply instead for a ‘Registration Document (1957)’



which they can use to apply for other documents such as passports or an INID card once they have returned to Iraq.

‘The registration document (1957) must be applied for on the applicant’s behalf by a nominated representative in Iraq. In order to start the application, the individual requiring documentation would normally provide at least one copy of a national identity document [see paragraph 2.6.24 for list of national identity documents] and complete a power of attorney (to nominate a representative in Iraq) at the Iraqi embassy along with the embassy issued application forms. If they have no copies of identity documents they also would need to complete a British power of attorney validated by the FCO and provide parents names, place and date of birth to their nominated representative in Iraq.

‘Once issued the nominated representative will send the registration document (1957) to the applicant in the UK. The process takes 1-2 months.

‘The HO cannot apply for documentation other than Laissez Passers on someone’s behalf but the embassy is willing to check to see if the individual already holds documents and provide copies if necessary.’

- 2.6.16 Based on the above information, it is highly unlikely that an individual would be able to obtain a CSID from the Iraqi Embassy while in the UK. Instead a person would need to apply for a registration document (1957) and would then apply for an INID upon return to their local CSA office in Iraq.

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#### f. Obtaining a CSID or INID in Iraq

- 2.6.17 The Tribunal in [SMO](#) also considered how a person who had returned to Iraq or proxy, such as a family member or friend, may be able to obtain a CSID in Iraq. The Tribunal found:

‘Once in Iraq, it remains the case that an individual is expected to attend their local CSA [Civil Status Affairs] office in order to obtain a replacement document. All CSA offices have now re-opened, although the extent to which records have been destroyed by the conflict with ISIL is unclear, and is likely to vary significantly depending on the extent and intensity of the conflict in the area in question.

‘An individual returnee who is not from Baghdad is not likely to be able to obtain a replacement document there, and certainly not within a reasonable time. Neither the Central Archive nor the assistance facilities for IDPs are likely to render documentation assistance to an undocumented returnee.

‘The likelihood of obtaining a replacement identity document by the use of proxy, whether from the UK or on return to Iraq, has reduced due to the introduction of the INID system. In order to obtain an INID, an individual must attend their local CSA office in person to enrol their biometrics, including fingerprints and iris scans. The CSA offices in which INID terminals have been installed are unlikely – as a result of the phased replacement of the CSID system – to issue a CSID, whether to an individual in person or to a proxy. The reducing number of CSA offices in which INID terminals have not been installed will continue to issue CSIDs to individuals and their proxies upon production of the necessary information’ (paragraph 425 (43-45)).

2.6.18 It should be noted an individual would be unable to travel to their local CSA from Baghdad to apply for new documentation without a CSID or INID. The UT in [SMO](#) stated that:

‘As a general matter, it is necessary for an individual to have one of these two documents [CSID or INID] in order to live and travel within Iraq without encountering treatment or conditions which are contrary to Article 3 ECHR. Many of the checkpoints in the country are manned by Shia militia who are not controlled by the GOI and are unlikely to permit an individual without a CSID or an INID to pass. A valid Iraqi passport is not recognised as acceptable proof of identity for internal travel.’ (paragraph 11)

2.6.19 At the time of writing there is not a current list of the CSA offices that are no longer issued CSIDs. It will consequently be for an individual appellant who does not have a CSID or an INID to establish on the lower standard that they cannot obtain a CSID by the use of proxy, whether from the UK or on arrival in Baghdad. See paragraph 389 of [SMO](#) for more information.

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g. Return documentation and feasibility of return

2.6.20 The passport and laissez-passer (the term used by the Iraqis for an emergency travel document) are travel documents and should not be confused with civil documentation such as the Civil Status ID (CSID) card which enables access to various services.

2.6.21 If a person has a passport, an expired passport or a laissez-passer then return is **feasible**. If they do not have or cannot obtain either of these documents then return is **not feasible**.

2.6.22 The Iraqi authorities state that to obtain a passport a person (who is 18 or over) needs to go to an Iraqi consulate and present:

- a Civil Status ID (CSID) **and**
- an Iraqi Nationality Certificate (INC) **and**
- a Residency card (for those outside Iraq) (see [Redocumentation – Passport](#))

2.6.23 Regarding laissez-passers, the UT in [SMO](#) stated:

‘The Laissez Passer has been a feature of the Iraq CG landscape for years. In AA (Iraq), the Tribunal considered the feasibility of return in some detail, which in turn necessitated consideration of the ways in which an individual might obtain a passport or a Laissez Passer. At that stage, Dr Fatah explained that an individual who wished to obtain a Laissez Passer was required to produce “either a CSID or INC or a photocopy of a previous Iraqi passport and a police report noting that it had been lost or stolen is required in order to obtain a Laissez-passer”. Further enquires made by Dr Fatah with the Iraqi Consulate in London suggest that this is no longer the case, and that an individual must simply be able to establish their nationality in order to obtain a Laissez Passer. In the absence of documentation, an Iraqi national can request family members in Iraq to present documents to the Ministry of Foreign Affairs to prove the individual’s nationality or, failing that, “legal procedures will then be started to prove the Iraqi nationality of the failed

asylum seeker through a list of questions in relation to their life in Iraq". These details are checked against Iraqi records, and once verified the individual will be issued with a document enabling the individual to return to Iraq. Dr Fatah goes on to state in his report that the website of the Iraqi Ministry of Foreign Affairs states that the resulting document is valid for six months and that it "permits a single entry into Iraq". (paragraph 375)

- 2.6.24 An application for a laissez-passer is considered on a case-by-case basis by the Iraqi Embassy in London. Information obtained from the Home Office's Returns Logistics department in April 2020 [see [Annex I](#)] stated:

'For the enforced return of a FAS [Failed Asylum Seeker] there is no interview requirement. However, they will need to hold at least one of the following (copy or original, valid or expired) in order for the Iraqi Embassy to issue a Laissez Passer:

- Passport
- Birth Certificate
- Marriage Certificate
- Civil Status ID (CSID)
- Iraqi Nationality Certificate (INC)
- Iraqi National Identity Card (INID)
- Iraq Citizenship certificate
- Iraq residency card
- Registration Document (1957)

'The embassy verification process tends to take 10-14 days. [...] All categories of voluntary cases will be considered (including those without documents) but they will usually require an interview face to face or by phone'

- 2.6.25 The information obtained from Returns Logistics [see [Annex I](#)] further stated that family members in Iraq can present any of the documentation listed in the paragraph above to the Ministry of Foreign Affairs in Iraq in order to help prove the individual's nationality. Additionally, phone numbers or signed affidavits from family members in Iraq are also useful to the verification process. Once an individual's verification in Iraq is complete it is sent to the Iraqi Embassy in London to issue a laissez-passer, however straight forward verification of documents can be done locally at the Embassy in London. Verification takes between 10 and 14 days if done locally, however if enquiries are required in-country it could take up to 30+ days.
- 2.6.26 Foreign National Offenders who have completed their custodial sentence in the UK can be issued with a laissez-passer after being enrolled onto an interview and documentation scheme run by the Home Office in conjunction with the Iraqi Embassy (see [Returns Logistics information on the Iraq country page on Horizon](#) and the [Country returns guide](#) (this guide is updated regularly)).

- 2.6.27 The onus is on the person to demonstrate, including by providing appropriate documentary evidence, that they are unable to obtain the necessary documentation.

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h. Process of return and onward travel

- 2.6.28 The tribunal in [SMO](#) held that:

‘Return of former residents of the Iraqi Kurdish Region (IKR) will be to the IKR and all other Iraqis will be to Baghdad. The Iraqi authorities will allow an Iraqi national (P) in the United Kingdom to enter Iraq only if P is in possession of a current or expired Iraqi passport relating to P, or a Laissez Passer.

‘No Iraqi national will be returnable to Baghdad if not in possession of one of these documents.

‘[...] Where P is returned to Iraq on a Laissez Passer or expired passport, P will be at no risk of serious harm at the point of return by reason of not having a current passport.’ (paragraph 425 (36, 37 and 39))

- 2.6.29 Previously the KRG (Kurdistan Regional Government) authorities had responsibility for immigration; this is now centralised with the authorities in Baghdad deciding on immigration matters for the whole of Iraq. Former residents of the KRI **who do not return voluntarily** are returned to Baghdad, from where they will travel to their destination. Those who are prepared to obtain a travel document can return to the KRI voluntarily, to either Erbil or Sulamaniyyah, without having to transit Baghdad (see [Returns Logistics information on the Iraq country page on Horizon](#) and the [Country returns guide](#) (this guide is updated regularly)).
- 2.6.30 As noted in paragraph 2.5.8 above, the UT in [SMO](#) found that as a general matter it is necessary for an individual to have either a CSID or a INID in order to travel by land within Iraq without encountering treatment or conditions which are contrary to Article 3 of the ECHR (paragraph 425 (40)). As noted in paragraph 2.5.9, the UT in [SMO](#) also held that an individual cannot board a domestic flight between Baghdad and IKR without a CSID, an INID or a valid passport.
- 2.6.31 Those persons whose return is feasible and who could acquire a CSID prior to arriving in Baghdad, either in the UK or via a proxy in Iraq (providing that the CSID obtained by the proxy is brought or sent to Baghdad for when the returnee arrives there), would be able to return to their home governorate via the various security checkpoints and are, in general, unlikely to encounter treatment or conditions which are contrary to Article 3 of the ECHR.
- 2.6.32 However, those who return to Baghdad without a CSID and who would be required to travel internally to a CSA office in another area of Iraq to obtain one (or an INID) **would** be at risk of encountering treatment or conditions which are contrary to Article 3 of the ECHR. In these cases a grant of Humanitarian Protection is therefore appropriate (unless the person is excluded from such protection).

- 2.6.33 For more information see the Situation on Return to Iraq RE: CSIDs and Feasibility of Return flow charts.

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i. Conditions on return

Undocumented individuals

- 2.6.34 A person who is unable to replace their CSID and/or obtain an INID is likely to face significant difficulties in accessing services and thus risk being exposed to humanitarian conditions which are likely to result in destitution sufficient to amount to a breach of Article 3 of the ECHR / Article 15(b) of the QD.
- 2.6.35 A person who can be feasibly returned and is at real risk of destitution because of a lack of documents should be granted Humanitarian Protection (unless the person is excluded from such protection).
- 2.6.36 Where an individual is unable to obtain a CSID or INID within a reasonable time frame, consideration must be given to their other means of support (i.e. family members etc). While a family may be able to provide support, it may not be possible for the returnee to access it. As an example, while a wealthy family based in Mosul could provide an undocumented individual with food and shelter, the undocumented individual would not be able to travel internally from Baghdad airport to Mosul without being at risk of encountering treatment or conditions which are contrary to Article 3 ECHR at the various security checkpoints along the route. In cases such as these, a grant of Humanitarian Protection is appropriate (unless the person is excluded from such protection).

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Documented individuals

- 2.6.37 The situation is different for documented individuals returning to their home area and they would not, in general, face conditions which breach Article 3 ECHR. In considering whether it would be in breach of Articles 3 and 8 ECHR or Article 15(b) of the Qualification Directive to return a documented individual to their home area within the Formerly Contested Areas or Baghdad the UT in [SMO](#) held that (bold added by the author for emphasis):
- 'Nevertheless, we remind ourselves that the threshold is that in *N v UK* and we accept the respondent's submission that **the cumulative difficulties faced by a healthy, documented male returning to their place of origin in the formerly contested areas do not cross that threshold. Such an individual would be able to access food through the PDS or other humanitarian assistance programmes. They would have access to the limited employment options available. There is some primary healthcare available there. The risks of food insecurity and water scarcity, together with the risks from disease and unexploded ordnance, even in the worst affected areas and even in respect of those who would be required to live in a critical shelter arrangement, do not reach the high threshold required for us to conclude that there is a general risk of conditions which breach Article 3 ECHR, or engage Article 15(b) QD.** A healthy, documented male returning to a home area in

the formerly contested areas, therefore, will not generally be able to establish that theirs is a very exceptional case where the humanitarian grounds against removal are sufficiently compelling to require such protection.’ (paragraph 331)

2.6.38 However the UT in [SMO](#) also held that:

‘It is imperative to recall that the minimum level of severity required by Article 3 is relative and depends on all the circumstances of the case, including the duration of the treatment, its physical and mental effects and the sex, age and state of health of the individual concerned: *Saadi v Italy* (2009) 49 EHRR 30. Although it is clear to us that a documented, healthy male would not, on return to a home area in the formerly contested areas, encounter conditions in breach of Article 3 ECHR, additional vulnerabilities including those considered under the ‘sliding scale’ of Article 15(c) might conceivably combine to cross the *N v UK* threshold. In considering any such submission, decision makers will nevertheless wish to recall that that the combination of factors in *Said*, including mental health problems and a lack of family support, offset by clan support and remittances from the UK, were held by the Court of Appeal to be so short of the *N v UK* threshold that remittal to the Upper Tribunal would serve no purpose: [32]-[33] refers.’ (paragraph 332)

2.6.39 In [AA](#), the UT found that the assessment of whether a person would be at risk of destitution because of a lack of a CSID should **only** be made if return was feasible. However, this position was reversed by the [Court of Appeal \(CoA\) in June 2017](#) (Annex: C 9). Decision makers **must** now assess the risk arising from a lack of a CSID **regardless** of ‘feasibility of return’ (whether a person can be returned or not).

2.6.40 Decision makers must therefore first determine whether or not an individual would face any harm on return stemming from a lack of CSID before considering whether their return is feasible. In cases where an individual would be at risk on return due to a lack of documentation (i.e. facing destitution or possible ill treatment due to the requirement to travel internally within Iraq to obtain a CSID/IND) a grant of Humanitarian protection would be appropriate.

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## 2.7 Certification

2.7.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

Section 3 updated: 12 May 2020

## 3. Evidence in Country Guidance case

- 3.1.1 Read the determination and the annexes for further information about the evidence used in the Country Guidance case of [SMO, KSP & IM \(Article 15\(c\); identity documents\) CG Iraq \[2019\] UKUT 400 \(IAC\)](#).

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Section 4 updated: 12 May 2020

## 4. Return of Iraqi nationals

### 4.1 Returns to Baghdad

- 4.1.1 The British Embassy in Baghdad (BEB) observed in 2012 that to return to Iraq, a person needs a valid passport, expired passport or laissez-passer (an emergency travel document issued by an Iraqi Embassy). The Iraqi authorities introduced these procedures in October 2011. EU letters are currently not accepted for any returns to Baghdad<sup>1, 2</sup> (see [Annex B](#) and [Annex C](#)).
- 4.1.2 The British Embassy letter also noted that on arrival at Baghdad International Airport all passengers, irrespective of nationality, had their biometric details captured<sup>3</sup>.
- 4.1.3 The 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.’<sup>4</sup>
- 4.1.4 The source also noted:
- ‘I have not heard of any reports of ethnic or religious discrimination in applying procedures at BIAP [Baghdad International Airport] 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 warrants of arrest for criminal activity unrelated to immigration matters, they would not be detained and would not be escorted back to Iraqi Kurdistan.’<sup>5</sup>
- 4.1.5 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 (see [Annex D](#)). The only exception to this would be if they

<sup>1</sup> BEB, ‘Renewal or reissuance of a civil status ID card [...]’, 22 January 2012, [Annex B](#)

<sup>2</sup> BEB, ‘Return Procedures for UK failed asylum seekers’, 8 April 2012, [Annex C](#)

<sup>3</sup> BEB, ‘Return Procedures for UK failed asylum seekers’, 8 April 2012, [Annex C](#)

<sup>4</sup> BEB, ‘Return Procedures for UK failed asylum seekers’, 8 April 2012, [Annex C](#)

<sup>5</sup> BEB, ‘Return Procedures for UK failed asylum seekers’, 8 April 2012, [Annex C](#)

had committed a criminal offence and a warrant had been issued for their arrest. The MoDM advised that any detention under such circumstances was implemented by the Iraqi police, located a couple of kilometres away from BIAP. The letter also noted:

‘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 [International Organisation of Migration] 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.’<sup>6</sup>

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## 4.2 Flights to the Kurdistan Region of Iraq (KRI)

- 4.2.1 There are international flights to [Erbil International Airport \(EBL\)](#)<sup>7</sup> and [Sulamaniyah International Airport \(ISU\)](#)<sup>8</sup>. However, it should be noted that all enforced returns are to Baghdad and that only those willing to return voluntarily can travel directly to the KRI.

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Section 5 updated: 12 May 2020

## 5. Documentation

### 5.1 Civil registration system

- 5.1.1 A paper published in the Canadian Studies in Population (CSIP) in 2014, based on a United Nations Population Fund (UNFPA) funded field visit to Iraq, 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, for example a birth, marriage or divorce, would be manually inputted onto the family register<sup>9</sup>.
- 5.1.1 The same source noted that 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<sup>10</sup>.
- 5.1.2 The paper explained the precise way in which family records were maintained, based on three unique information markers: the sijil (family

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<sup>6</sup> BEB, ‘Monitoring of Returnees at Baghdad Airport’, 8 April 2012, [Annex D](#)

<sup>7</sup> Website of Erbil International Airport (EBL), undated, [url](#).

<sup>8</sup> Website of Sulaymaniyah International Airport (ISU), undated, [url](#).

<sup>9</sup> CSIP, ‘The Iraqi civil registration system and the test of political upheaval’, 2014, (p.112-115), [url](#).

<sup>10</sup> CSIP, ‘The Iraqi civil registration system and the test of political upheaval’, 2014, (p.112-115), [url](#).



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 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.’<sup>11</sup>

- 5.1.3 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 an external hard drive, with one hard drive for each governorate. However, the source added: ‘There are backups up until 1978, but because of staff shortage problems, there are no backups after 1978.’<sup>12</sup>
- 5.1.4 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.’<sup>13</sup>
- 5.1.5 A letter from the British Embassy in Baghdad, dated 7 April 2012 (see [Annex E](#)), 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 reaffirmed 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)<sup>14</sup>.
- 5.1.6 A Landinfo report dated 16 December 2015 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 stated there were over 300 population registration offices (unofficially called Civil Status Offices or Civil Status Departments, or Jinsiya<sup>15</sup>) [although the Canadian Studies in Population paper puts it as 275<sup>16</sup>]. However, the Landinfo report corroborated that each family had their own registration number, which was

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<sup>11</sup> CSIP, ‘The Iraqi civil registration system and the test of political upheaval’, 2014, (p.112-115), [url](#).

<sup>12</sup> CSIP, ‘The Iraqi civil registration system and the test of political upheaval’, 2014, (p.112-115), [url](#).

<sup>13</sup> CSIP, ‘The Iraqi civil registration system and the test of political upheaval’, 2014, (p.112-115), [url](#).

<sup>14</sup> BEB, ‘Re-documentation procedures’, 7 April 2012. [Annex E](#).

<sup>15</sup> Landinfo, ‘Travel documents and other identity documents’, 16 December 2015, (p.15) [url](#)

<sup>16</sup> CSIP, ‘The Iraqi civil registration system and the test of political upheaval’, 2014, (p.115), [url](#).

listed on the personal ID card. The source also confirmed that any Iraqi could obtain a copy of their page in the family registry<sup>17</sup>.

- 5.1.7 The family registry had several synonymous names in the unofficial English translation: family book; family census and family registry 57 (after the 1957 law which introduced civil registration in Iraq following the 1957 census)<sup>18</sup>.
- 5.1.8 A letter from the BEB dated 22 January 2012 based on information obtained from the MoDM, MoI, IOM and the IRC also corroborated that civil ID records were held locally<sup>19</sup>.
- 5.1.9 The International Organization for Migration (IOM) Country Fact Sheet on Iraq, dated August 2014, listed addresses for the Department of Civil Affairs in the KRI and Baghdad<sup>20</sup>.
- 5.1.10 The BEB letter, dated 7 April 2012, also confirmed the existence of an archive system in Baghdad: '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.'<sup>21</sup>
- 5.1.11 Additionally, the source, which cited information from the NGO Qandil, noted: '[...] even if a family lost all of their documents they can obtain copies from the Central Archives.'<sup>22</sup>
- 5.1.12 The Landinfo report dated 16 December 2015 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<sup>23</sup>.
- 5.1.13 A BEB letter dated 4 December 2014 (see [Annex F](#)) 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.'<sup>24</sup>
- 5.1.14 The Canadian Studies in Population paper, dated 2014, observed that the Iraqi system was unique for several 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 thirdly, 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<sup>25</sup>.
- 5.1.15 The same source noted that:

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<sup>17</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.15) [url](#).

<sup>18</sup> BEB, 'Re-documentation procedures', 7 April 2012. [Annex E](#).

<sup>19</sup> BEB, 'Renewal or reissuance of a civil status ID card [...]', 22 January 2012, available on request

<sup>20</sup> IOM, 'Country Fact Sheet on Iraq', August 2014, [url](#).

<sup>21</sup> BEB, 'Re-documentation procedures', 7 April 2012. [Annex E](#).

<sup>22</sup> BEB 'Re-documentation procedures', 7 April 2012. [Annex E](#).

<sup>23</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.18) [url](#).

<sup>24</sup> BEB, 'Internal movement/civil documentation', 4 December 2014. [Annex F](#).

<sup>25</sup> CSIP, 'The Iraqi civil registration system and the test of political upheaval', 2014, (p.117), [url](#).

'[...] the CR/VS [civil registration/vital statistics] 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.'

<sup>26</sup>

5.1.16 According to the MoDM there were numerous other potential institutions (schools, hospitals, etc) where the civil record could be identified<sup>27</sup>.

5.1.17 This was corroborated by information in the Canadian Studies in Population paper of 2014:

'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.'

<sup>28</sup>

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## 5.2 Overview of key documents

5.2.1 Freedom of movement in Iraq is respected under the Iraqi Constitution. Article 44(1) states that 'each Iraqi has freedom of movement, travel and residence inside and outside of Iraq.'<sup>29</sup> However, in practice citizenship documents are required to move around the country and access services. In an interview conducted by the BEB in July 2011, representatives from the IOM and the MoDM observed: '[...]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.'

<sup>30</sup>

<sup>26</sup> CSIP, 'The Iraqi civil registration system and the test of political upheaval', 2014, (p.117), [url](#).

<sup>27</sup> BEB 'Re-documentation procedures', 7 April 2012. [Annex E](#).

<sup>28</sup> CSIP, 'The Iraqi civil registration system and the test of political upheaval', 2014, (p.112-115), [url](#).

<sup>29</sup> Iraqi Constitution, 'Article 44', adopted on 15 October 2005, [url](#).

<sup>30</sup> BEB, 'Freedom of Movement and requirements to relocate', 27 July 2011. [Annex G](#).

- 5.2.2 The European Asylum Support Office (EASO) published a report entitled 'Iraq – Internal Mobility' in February 2019 which stated:
- 'In Iraq, proper civil documentation is necessary to one's ability to carry on daily life and access basic rights, public services, education, food assistance, housing, employment, register in order to receive state aid or welfare benefits, to rent a house, register with the police in one's neighbourhood, or to sell vehicles or large items. Civil documentation is necessary for movement in and around Iraq and passage through security checkpoints. Several sources state that individuals without valid identity documentation have restricted freedom of movement and may be at risk of being arrested.'<sup>31</sup>
- 5.2.3 Two of the most important documents used in Iraq are the Iraqi Nationality Certificate (INC) and the Iraqi Civil Status ID (CSID). A UNHCR briefing explained that these documents are required 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.'<sup>32</sup> The report observed that other documents used in Iraq are Residence Address Cards, food ration cards (also known as the Public Distribution Card (PDS)), birth certificates and death certificates<sup>33</sup>.
- 5.2.4 The BEB in a letter dated July 2011 (see [Annex G](#)) corroborated this information. It noted 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 [...] We were told that in order to relocate from one part of Iraq to another, it was necessary to provide four documents mentioned above.'<sup>34</sup>
- 5.2.5 The Australian Government's Department for Foreign Affairs and Trade (DFAT) also corroborated this information and stated in an October 2018 report that 'Iraqi citizens have four officially-issued identity documents: a nationality certificate (jinsiya), a civil status identity card (bitaka shakhsiyeh or bitaqa hawwiya), a residence card and a public distribution system (food ration) card. The civil status card is the most reliable of the four.'<sup>35</sup>
- 5.2.6 The UNHCR, in a paper dated September 2014, noted that a lack of civil documentation made it difficult for people to register with the MoDM and apply for residence, limiting 'access to all sets of civil and economic rights'<sup>36</sup>.

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### 5.3 Internally Displaced Persons (IDPs)

- 5.3.1 In February 2019, EASO, based on a range of sources, noted:

<sup>31</sup> EASO, 'Country of Origin Information Report - Iraq: Internal Mobility', February 2019, (p.19), [url](#).

<sup>32</sup> UNHCR, 'Country of Origin Information: Iraq', October 2005, (p.132), [url](#).

<sup>33</sup> UNHCR, 'Country of Origin Information: Iraq', October 2005, (p.132), [url](#).

<sup>34</sup> BEB, 'Freedom of Movement and requirements to relocate', 27 July 2011. [Annex G](#).

<sup>35</sup> DFAT, 'Country Information Report: Iraq', October 2018, (p.31), [url](#).

<sup>36</sup> UNHCR, 'Emergency Response for the Iraq situation', September 2014, (p.9), [url](#)

‘During the conflict period with ISIL [Islamic State of Iraq and the Levant], there were frequent cases of missing or lost civil identification due to fleeing or destruction of homes. Many Iraqis who lived in ISIL areas lost one or more of their pieces of civil documentation or had them confiscated by ISIL or were issued with documents from IS unrecognised by the government. The UN estimated in 2016 that as many as 50% of displaced families had at least one family member missing essential civil identity documents. MRG’s [Minority Rights Group International] 2016 research report on IDPs [Internally Displaced Person] from Ninewa and Anbar found that 78% of the more than 50 IDPs interviewed, mostly Anbaris who had been displaced to Baghdad, had encountered difficulties re-obtaining civil documentation linking this to high illiteracy and exacerbated by communal suspicion of Arab Sunnis from former IS areas. Landinfo stated that internally displaced people frequently require assistance to re-obtain their national ID card if they live elsewhere than where they are registered as ID cards are issued in their home district according to their family registration. The same holds true for the nationality certificate. DIS [Danish Immigration Service]/Landinfo wrote in November 2018 that the lack of civil documentation for functioning in Iraqi society is a “major obstacle” for IDPs to return.’<sup>37</sup>

#### 5.3.2 A UNHCR report published on 1 November 2019 stated:

‘Due to the lack of civil documentation, many IDPs and returnees are unable to access basic services such as education and health care, experience restrictions on their freedom of movement, are exposed to increased risk of arrest and detention, and may be excluded from recovery and reconstruction programmes. IDPs and returnees cite various challenges in obtaining civil documentation, such as the high transportation cost to access government offices in their places of origin, lengthy processing times, and difficulties in obtaining security clearance to travel and to obtain documentation.’<sup>38</sup>

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### 5.4 Civil Status ID Card (CSID)

#### 5.4.1 In Arabic the Civil Status ID (CSID) card is called ‘Bitaka shakhsyeh’, but it is also referred to as ‘Bitaqa hawwiya’<sup>39</sup> or ‘Jensiya’<sup>40</sup>.

#### 5.4.2 The February 2019 EASO report stated:

‘All Iraqis are required to have a national civil status ID card, which is issued by the Civil Status Affairs Directorate, under the General Directorate for Nationality in the Ministry of Interior. In Arabic, it is called bitaqat hawwiyat al-ahwal al-shakhsiya. It is issued in the district where a person is registered and on the basis of information in the person’s family register. Family registers (also known as family book, or family census or sijilla al-qayd or sijil al ahwal alshakhsiyya) are kept manually and created locally in approximately 300 civil status registration offices across Iraq and information is updated with birth, death, marriages, and changes to civil status.’<sup>41</sup>

<sup>37</sup> EASO, ‘County of Origin Information Report - Iraq: Internal Mobility’, February 2019, (p. 20-21), [url](#)

<sup>38</sup> UNHCR, ‘Brief report on civil documentation for IDPS’, 1 November 2019, [url](#).

<sup>39</sup> Landinfo, ‘Travel documents and other identity documents’, 16 December 2015, (p.17) [url](#)

<sup>40</sup> BEB, ‘Freedom of Movement and requirements to relocate’, 27 July 2011. [Annex G](#).

<sup>41</sup> EASO, ‘County of Origin Information Report - Iraq: Internal Mobility’, February 2019, (p.20), [url](#).

5.4.3 The 2015 Landinfo report stated that the CSID is 'deemed to be the most important personal document, since it is used in all contact with the public authorities, the health service, the social welfare services, schools, and when buying and selling houses and cars. In addition, the ID card must be presented when applying for other official documents, for example a passport.'<sup>42</sup>

5.4.4 The same source also stated that CSID must include the following data:

- Personal name
- Name of father and paternal grandfather
- Surname
- Name of mother and maternal grandfather
- Gender
- Signature of authorised representative
- Date of issue
- Signature of issuer
- Full name of issuer
- Date of birth in digits and letters
- Place of birth
- Marital status
- Name of spouse
- Religious affiliation

'The right-hand side of the card's front page contains the name of the issuing regional office, a register number indicating the number of the family book in which the person is registered, as well as the page number in the family book. The serial number is entered on the top left-hand side. The font of the serial number is serif, and the figures increase in size. These digits and the signature of the issuer give an indication of the authenticity of the card.'<sup>43</sup>

5.4.5 The BEB in a letter dated April 2012 noted that the card contained a person's:

- Photograph (on the front of the card);
- District of registration and governorate;
- Record number;
- Page number from the main identity record book held by the Civil ID Office;
- Name;
- Father's and grandfather's name;

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<sup>42</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.17) [url](#)

<sup>43</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.16-17) [url](#)



- Surname or tribal name;
- Sex;
- Signature
- Signature of the Authorising Officer;
- Signature of the Issuing Officer;
- Date of issue<sup>44</sup>

5.4.6 The same source stated the reverse of the card listed a person's:

- Occupation/job;
- (written and numerical) date of birth;
- Place of birth
- Significant markings e.g. scars;
- Marital status;
- Spouse's name;
- Place of registration;
- Eyes, hair and face colour;
- Height; and
- Blood group<sup>45</sup>

5.4.7 The 2015 Landinfo report further stated:

'To be issued an ID card, applicants must fill in an application form signed by the head of the household, a guardian or a lawyer, and enclose two passport photos. They must also be able to document their identity by submitting a birth certificate (upon first issuing) and the ID card of a close relative such as their father or grandfather.

'It costs 1,000 Iraqi dinars (approximately USD 8) to be issued an ID card.

'No photos are required for children under the age of 1–2. It is acceptable for women to wear a hijab in their photo. The authorities in the Kurdistan region require four photos.'<sup>46</sup>

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## 5.5 Iraqi Nationality Certificate (INC)

5.5.1 The December 2015 Landinfo report stated:

'Nationality certificates (shahadat jinsiyya in Arabic) are issued to all Iraqi nationals upon application. The awarding of citizenship is regulated by the Iraqi Nationality Law (2006).

'[...] The nationality certificate is necessary when applying for work in the public sector, in education contexts and when using other public services. In

<sup>44</sup> BEB 'Re-documentation procedures', 7 April 2012. [Annex E](#).

<sup>45</sup> BEB 'Re-documentation procedures', 7 April 2012. [Annex E](#).

<sup>46</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.18) [url](#)

addition, the nationality certificate is a required breeder document when applying for a passport, birth certificates for own children, a marriage certificate and death certificate. Children can be issued a nationality certificate from a young age, but normally obtain one around the age of 12.<sup>47</sup>

- 5.5.2 A report written by the Danish Refugee Council (DRC), the International Rescue Committee (IRC) and the Norwegian Refugee Council (NRC) and published by ReliefWeb in 2019 stated that the nationality certificate 'is issued through the General Nationality Directorate at the governorate level, under the Ministry of Interior.'<sup>48</sup>
- 5.5.3 The UNHCR Baghdad letter dated 3 November 2011 confirmed that the INC proved that a person was an Iraqi citizen<sup>49</sup>.
- 5.5.4 Landinfo further stated:

'According to information obtained by the Canadian immigration authorities in 2013 (IRB, 2013) from the IOM, Iraqis living in Iraq need the following documents in order to be issued a nationality certificate:

- Father's or brother's nationality certificate
- Applicant's ID card
- Applicant's or father's housing card
- Applicant's or father's ration card
- Four passport photos against a white background

'According to the Kurdish Regional Government (KRG), it should be sufficient to enclose either the mother's or the father's nationality certificate and ID card with the application, in addition to the ration card and housing card. This is in line with the Iraqi Nationality Law, which states that a person born to an Iraqi mother or father is entitled to Iraqi citizenship. When Landinfo asked the Iraqi embassy in Oslo, however, it stated that a mother cannot apply for citizenship on behalf of her child without the consent of the child's father. A father, on the other hand, can apply for citizenship for his child without the consent of the child's mother.'<sup>50</sup>

- 5.5.5 The same source also described the process of applying for an INC for people living outside of Iraq and stated:

'Iraqis who live outside Iraq can apply for a nationality certificate at an Iraqi embassy. The application procedure has been described on the website of the Iraqi Ministry of Foreign Affairs. The following must be enclosed with the application:

- The applicant must fill in an application form and enclose a colour passport photo. The passport photo must be stamped by the consulate and confirmed by a fingerprint of the applicant's left thumb in the designated spot. This, in turn, must be certified by the consul.

<sup>47</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.23-24) [url](#)

<sup>48</sup> DRC, IRC, NRC, 'Paperless people of post-conflict Iraq', 2019, (p.8), [url](#).

<sup>49</sup> UNHCR Baghdad, 'Assistance & conditions at Baghdad airport', 3 Nov 2011, available on request

<sup>50</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.25) [url](#)



- A colour copy of the applicant's father's or mother's nationality certificate.
- A colour copy of the applicant's father's or mother's ID card
- A additional colour passport photo
- A self-declaration if the applicant is an adult, or a declaration from the applicant's father if the applicant is under the age of 18.<sup>51</sup>

5.5.6 EASO additionally stated in February 2019 that 'In practice, both the ID card [CSID] and nationality certificate are required to obtain the services listed in the second paragraph above [see paragraph 5.4.3 for the services referred to], and may also be requested from people crossing check points. Iraqis reportedly "always keep both documents on them".<sup>52</sup>

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## 5.6 Iraqi National Identity Card (INID)

5.6.1 In October 2018 DFAT stated:

'In March 2016, the government began issuing new electronic identity cards, with the intention of replacing the old national civil status card and nationality certificates. The new card has an electronic chip where biometric data is stored. Data stored on the card include the owner's photo and iris information. The information will be held on a central digitised national register. The new ID card is reportedly also equipped with a range of visible and invisible features to protect against counterfeiting.

'The process to obtain a new electronic ID card involves first making an appointment with the local civil status office via the website of the directorate for national ID cards. The applicant can download an application form from the same website and must complete it before meeting the local civil status office. The applicant must bring their current ID card, proof of citizenship, proof of residence, ration card, and the IQD 5000 [Iraqi Dinar] [approximately £3.21 GBP<sup>53</sup>] fee. The civil status office will retain these documents, which will be invalidated when the new card is issued. All applicants must attend the office in person to take the photo and iris scan. The local civil status office sends the application form and biometric data to the central office in Baghdad where the information is checked and the card personalised before being returned to the local civil status office. The government reported that it has distributed the equipment necessary to issue the cards to all provinces (including the Kurdistan Region) with the exception of Anbar, Nineveh and Salah-al-Din, where military operations continue.<sup>54</sup>

5.6.2 In November 2018, the Danish Immigration Service and Landinfo published a joint report on the issuance of the new Iraqi ID card, focussing on the Iraqi Kurdistan Region of Iraq (KRI). The report stated:

'The national ID card is a new electronic and biometric system for the entire country in which each Iraqi citizen will be given their own personal

<sup>51</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.25) [url](#)

<sup>52</sup> EASO, 'County of Origin Information Report - Iraq: Internal Mobility', February 2019, (p.20), [url](#).

<sup>53</sup> Xe Currency Converter, 'Iraqi Dinar to British Pound Conversion', 5 February 2020, [url](#)

<sup>54</sup> DFAT, 'Country Information Report: Iraq', October 2018, (p.32), [url](#).

registration number. The main server of the new ID card is located in Baghdad. The system has been implemented in KRI in the bigger cities. However, the old ID card is still being issued outside the bigger cities. The validity of the card is ten years. However, a renewal is required when there is a change in civil status, for instance by marriage or divorce; then a new application must be submitted in order to have a new ID card issued.

‘There are 43 branches (registration offices) of the Directorate of Nationality and Civil Status in Erbil Province. 11 of these branches can issue the new ID card. The remaining branches are still issuing the old type of ID card. So far, approx. 180,000 persons out of a population of 2 million have received the new ID card in Erbil.’<sup>55</sup>

5.6.3 The same source also provided detailed information regarding the procedures for issuance of the identity card:

‘Firstly, applicants must download the application form on the Internet. Secondly, the applicant must fill in the form and sign up for an appointment to visit the local branch of the Directorate of Nationality and Civil Status. In Erbil, however, there is an exception in that you do not need to make an appointment, because many citizens do not have an Internet connection.

‘When submitting the application form, applicants must present their ID card, nationality certificate and residence card (only held by the head of household). These documents will be checked at the Directorate of Nationality and Civil Status.

‘With regard to registration of children under the age of 12, they do not give biometry to get a new National ID card. They only need to have their picture taken. For a child to be registered, the parents must show proof of marriage by the court, and two witnesses. At the age of 12, the child must give full biometry in order to get a new national ID card.

‘All applicants must give fingerprints of all ten fingers, have their iris scanned, and take a colour photo. These data will be stored in the chip placed on the card. Information about a person’s religion is also stored in the chip; information about religion does not appear on the ID card.

‘When all ID documents have been controlled through three filters, they are sent to Baghdad where the main servers are placed. In Baghdad, a personal identification number is produced for each citizen.

‘Director Azaz stated that it takes seven to ten days to have a new card issued. According to the KRG Mol (Kurdistan Regional Government Ministry of Interior), the processing time is one month.

‘The price for a new ID card is 5,000 Iraqi dinars [approximately £3.21 GBP<sup>56</sup>]. In case the ID card get lost, the price for a reissued ID card is 25,000 IQD [approximately £16.14 GBP<sup>57</sup>]; in case the ID card gets lost a

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<sup>55</sup> DIS & Landinfo, ‘Report on issuance of the new Iraqi ID card’, (p.6) November 2018, [url](#).

<sup>56</sup> Xe Currency Converter, ‘Iraqi Dinar to British Pound Conversion’, 5 February 2020, [url](#)

<sup>57</sup> Xe Currency Converter, ‘Iraqi Dinar to British Pound Conversion’, 5 February 2020, [url](#)

second time, the price for a new card will be 50,000 IQD [approximately £32.25 GBP<sup>58</sup>].

'[...] Asked what Iraqi citizens abroad can do to either renew an old ID-card or to replace an ID-card that is lost, Director Azaz replied that Iraqi citizens, who live abroad, need to go to Iraq to obtain a new national ID card.'<sup>59</sup>

#### 5.6.4 EASO stated in February 2019:

'There are also new electronic biometric ID cards issued since September 2015. These cards are intended to replace the old ID and nationality certificate. They cannot be issued through Iraqi embassies and Iraqis abroad must go to Iraq to get one. The cards cannot be issued to a proxy representative due to the need for fingerprints and iris-scans. According to Dr Chatelard, "despite repeated announcements that the ID and nationality were going to be merged into one document including a personal identification number, implementation has been delayed". [...] Old ID cards are still in use and still being issued.'<sup>60</sup>

#### 5.6.5 The British Consulate General in Erbil (BCGE) provided information on the INID in a letter dated 20 June 2017<sup>61</sup> (see [Annex H](#)).

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Section 6 updated: 12 May 2020

## 6. Redocumentation

### 6.1 Assistance

#### 6.1.1 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 could obtain replacement documents<sup>62</sup>.

#### 6.1.2 EASO stated in February 2019:

'In 2014, UNHCR reportedly assisted with re-documentation efforts, supporting the Ministry of Migration and Displacement and the Ministry of Interior with establishing re-documentation centres for IDPs who fled Mosul, Salah al Din, Diyala, Anbar, and Kirkuk, as well as in Anbar. It assisted 7000 IDP children in 2015-2016, many of whom were supported in acquiring civil documentation. UNHCR reported that in the course of 2017, 18600 "vulnerable Iraqis" had received legal documents and more than 23300 had received legal assistance in relation to documentation through its centres, mobile courts, or mobile documentation teams.

'According to experiences described by IDPs interviewed by MRG, there are "no standard registration of application requirements" that government offices follow, the process of applying for reissuance is complex, "non-standardized and fraught with allegations of corruption".'<sup>63</sup>

<sup>58</sup> Xe Currency Converter, 'Iraqi Dinar to British Pound Conversion', 5 February 2020, [url](#)

<sup>59</sup> DIS & Landinfo, 'Report on issuance of the new Iraqi ID card', (p.6-7) November 2018, [url](#).

<sup>60</sup> EASO, 'County of Origin Information Report - Iraq: Internal Mobility', February 2019, (p.22), [url](#).

<sup>61</sup> BCGE, 'Iraqi National ID Card', 20 June 2017, [Annex H](#).

<sup>62</sup> BEB, 'Internal movement/civil documentation', 4 December 2014. [Annex F](#).

<sup>63</sup> EASO, 'County of Origin Information Report - Iraq: Internal Mobility', February 2019, (p.22), [url](#).

- 6.1.3 On 1 November 2019, UNHCR published a report on civil documentation for IDPs. The report provided updates on the 'Mobile Civil Documentation Project' and stated:

'Since April 2019, UNHCR has collaborated with the Ministry of Interior (Mol) of the Government of Iraq to implement mobile missions to dispatch government officials to issue civil documentation to IDPs in camps and out-of-camp locations.

'By November 2019, with the collaboration of the Kurdistan Regional Government (KRG), Mol has launched missions to issue Civil Status IDs (CSIDs) and Iraqi Nationality Certificates (INCs) to IDPs in three camps in Erbil Governorate (Baharka, Harsham, Debaga), three camps in Ninewa Governorate (Hasansham U2 and U3, AlKhazir) and five camps in Duhok Governorate (Chamishko, Darkar, Bersive 1 and 2, Garmawa). As of the end of November, Mol issued a total of 7,123 CSIDs and 11,226 INCs to IDPs.

'In addition, between 26 October and 3 November, Mol piloted a mission in a UNHCR-supported community centre in Kasnazan sub-district in Erbil Governorate to issue Unified ID Cards (UNIDs) to IDPs living in urban areas. As a result, Mol issued a total of 471 UNIDs for IDPs displaced from Anbar Governorate. During November, Mol also launched missions to issue UNIDs in camps in Sulaymaniyah Governorate (Ashti) and Kirkuk Governorate (Laylan 1).

'Throughout the missions, UNHCR and partners provided material and technical support to Mol by preparing applications, establishing registration centres, and providing necessary equipment such as computers, printers and office supplies. UNHCR and partners will continue to work with Mol to expand the missions to different governorates to facilitate IDPs' access to civil documentation.'<sup>64</sup>

- 6.1.4 UNHCR published a fact sheet of the documentation of IDPs in October 2019 and stated that 'As part of its effort to help IDPs obtain documentation, since 2018, UNHCR has rehabilitated 2 offices in Kirkuk Governorate and three offices in Ninewa Governorate and donated five vehicles to the Mosul Civil Affairs Directorate Office. Rehabilitation of 4 more offices in Ninewa is ongoing.'<sup>65</sup> Furthermore, 'In November [2019], the Ninewa Directorate of Civil Affairs, Passports and Residencies inaugurated the first national identification card centre in Ninewa. UNHCR rehabilitated the building and provided furniture and devices.'<sup>66</sup>

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## 6.2 Passport

- 6.2.1 Landinfo's 2015 report on travel documents, citing various sources, stated:

'In order to be issued a passport, the applicant must, in addition to the completed application form, present the following documents:

- A national ID Card (Bitaka Shakhsiyeh / Jinsiya / Hawiya).

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<sup>64</sup> UNHCR, 'Brief report on civil documentation for IDPs', 1 November 2019, [url](#)

<sup>65</sup> UNHCR, 'Iraq; Civil Documentation for IDPs', October 2019, [url](#)

<sup>66</sup> UNHCR, 'Brief report on civil documentation for IDPs', 1 November 2019, [url](#)

- An Iraqi nationality certificate (Shahadet Jinsiyaa).
- A certificate of residence (Bitaka Sakan / Zanyari). This applies to applicants living in Iraq. Applicants who live outside Iraq must enclose their residence permit from the country they live in. Only heads of households must present a certificate of residence (GDN [General Directorate for Nationality], meeting in Baghdad April 2012). According to the Director-General of GDN, it is not strictly necessary to present this card, but it will be required if there is any doubt about the place of residence.
- Two colour passport photos (three for persons applying from abroad) against a white background. In addition, 25,000 Iraqi dinars (or an amount equivalent to USD 20 [approximately £15.32 GBP<sup>67</sup>]) must be included, and fingerprints must be given upon submission and collection.<sup>68</sup>

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### 6.3 Civil Status ID Card (CSID)

- 6.3.1 The British Embassy stated, in 2012<sup>69</sup> and 27 July 2011<sup>70</sup>, that to obtain a replacement CSID an individual would usually return to the Civil ID Office where his or her original family record was held. This was also acknowledged in the Landinfo report dated December 2015<sup>71</sup>.
- 6.3.2 The British Embassy letter, dated 7 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, because there was no database of civil status records. However, the source noted that the book page information could be obtained through other offices that held records, for example the Passport Directorate or court that issued a marriage certificate<sup>72</sup>.
- 6.3.3 A letter from the British Embassy dated January 2012 noted that if CSID card had been lost an individual would need 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'<sup>73</sup>.
- 6.3.4 The British Embassy in Baghdad, in a letter dated 4 December 2014, reiterated that other potential sources, for example a school or hospital, could be accessed to independently verify a person's ID<sup>74</sup>.

<sup>67</sup> Xe Currency Converter, 'Iraqi Dinar to British Pound Conversion', 5 February 2020, [url](#)

<sup>68</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.8) [url](#)

<sup>69</sup> BEB, 'Renewal or reissuance of a civil status ID card [...]', 22 January 2012, [Annex B](#).

<sup>70</sup> BEB, 'Freedom of Movement and requirements to relocate', 27 July 2011. [Annex G](#).

<sup>71</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.18) [url](#)

<sup>72</sup> BEB, 'Re-documentation procedures', 7 April 2012. [Annex E](#).

<sup>73</sup> BEB, 'Renewal or reissuance of a civil status ID card [...]', 22 January 2012, [Annex B](#).

<sup>74</sup> BEB, 'Internal movement/civil documentation', 4 December 2014. [Annex F](#).

- 6.3.5 The letter from the British Embassy Baghdad dated 7 April 2012 explained that the Civil Status Law 65 of 1972 required Iraqi consulates to liaise with the Nationality Directorate to enable citizens living overseas to acquire their CSID card. This could be completed by filing an application from any of the following: the head of family (male or female); the applicant (record holder); a guardian; or a lawyer with the power of attorney<sup>75</sup>.
- 6.3.6 The source explained that to obtain a replacement CSID card, a person should provide a copy of the lost ID, or the ID of a close relative such as a father or brother. According to interlocutors an ID 'book page' record number remains the same throughout their entire life and the pages are closely related to their relatives: if their own ID or a copy is not available it is usually straightforward to identify the citizen from other relative's records<sup>76</sup>.
- 6.3.7 Landinfo's December 2015 report noted if the ID card was lost, the applicant's identity could be verified based on their father or brother's ID card<sup>77</sup>.
- 6.3.8 The Landinfo report outlined that it was possible to give power of attorney to 'retrieve' an ID card in Iraq:
- 'Alternatively, Iraqis in Norway can authorise a proxy to apply for and collect an ID card at the local population registration office where they are registered. When applying for a new card via a proxy, the applicant must issue a written authorisation to a person in the applicant's home country. The authorisation shall be sent via the embassy in the country where the applicant is staying, and the embassy must stamp the letter. This can be difficult if the applicant is unable to verify his/her identity, however. This means that the applicant must present a passport, a birth certificate, an old ID card or a nationality certificate. When the consul in Norway was asked whether it was likely that a local population registration office issued new ID cards via a proxy in return for payment in cases where the authorisation had not been certified by an embassy, the consul said that it was possible (Iraqi embassy in Norway, telephone conversation, March 2012).'<sup>78</sup>
- 6.3.9 The source also observed:
- 'An ID card issued to a proxy without an authorisation stamped by an embassy is considered valid in Iraq as long as the ID card itself is genuine.
- 'All ID documents issued in Iraq to nationals living or staying abroad must be certified by an Iraqi embassy or consulate in the country where the Iraqi national is staying, or, if relevant, by another embassy if the host country does not have an Iraqi embassy (Iraqi Ministry of Foreign Affairs). Iraqi nationals in Norway can have their documents certified at the Iraqi embassy in Oslo (Iraqi embassy in Norway, meeting, February 2012).'<sup>79</sup>
- 6.3.10 The 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

<sup>75</sup> BEB, 'Re-documentation procedures', 7 April 2012. [Annex E](#).

<sup>76</sup> BEB, 'Re-documentation procedures', 7 April 2012. [Annex E](#).

<sup>77</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.18) [url](#)

<sup>78</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.19), [url](#)

<sup>79</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.19), [url](#)



registered to a local Civil Status Office in Iraq, they could be registered with the Iraqi Embassy<sup>80</sup>. The December 2015 Landinfo report, corroborated that it is possible for children born outside Iraq to be registered at one of Iraq's Embassies. The source explained that the parents must present:

- the child's birth certificate, certified by the ministry of foreign affairs in the country of birth;
- their own Iraqi ID cards (both the mother's and father's);
- their own nationality certificates (both the mother's and father's)
- a marriage certificate unless it is stated in the parents' ID cards that they are married to each other<sup>81</sup>

6.3.11 Landinfo's December 2015 report stated that following a meeting with the General Directorate of Nationality in April 2012 and email correspondence with the Public Aid Organization in January 2011, it was possible to obtain an CSID card via proxy or for a lawyer or relative to be given power of attorney to obtain a replacement CSID, so that an individual did not need to return to their local office in person:

'In Iraq, ID cards can be issued via a proxy. A husband and father can apply for and be issued ID cards for his wife and children. If the card is lost, however, the holder must meet in person to be issued a new card (GDN, meeting in Baghdad, April 2012). This does not apply to children under the age of 12.

'It is also possible to authorise another person to apply for an ID card on one's behalf. In such case, it is normal to ask a relative for help. The identity of both the applicant and the authorised person must then be documented.

'ID cards can be issued via an authorised proxy also in the Kurdistan region in Iraq. For example, all internally displaced persons (IDPs) living in the Kurdistan region can receive assistance from a lawyer at the Protection Assistance Centre (PAC) to have their ID cards updated if they are registered in Baghdad or other places far from the Kurdistan region. PAC is run by non-governmental organisations on assignment for the UNHCR. The authorities require all Iraqis to update their ID cards in connection with all changes in marital status.

'According to the Public Aid Organization (PAO), an Iraqi non-profit organisation that runs the Protection Assistance Centre in Erbil (emails, January 2011), all Iraqi nationals can authorise another person to obtain a new national ID card on their behalf. This is confirmed by the Iraqi consul in Norway (conversation, October 2013). There are PAC centres in all the governorates.'<sup>82</sup>

6.3.12 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

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<sup>80</sup> BEB, 'Re-documentation procedures', 7 April 2012. [Annex E](#).

<sup>81</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.20), [url](#)

<sup>82</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.18-19), [url](#)

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.<sup>83</sup>

6.3.13 The same source noted that the book page number was key to locating an ID card. An official from the MoDM advised that the minimum 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 a relative could confirm their identity. UNCHR advised that the minimum requirements for identifying a civil status record was the book page number of one member of the family. Qandil corroborated information that if an individual did not know their page number they could submit their parents' ID<sup>84</sup>.

6.3.14 A UNHCR report, dated May 2016, noted:

'In order to apply for the issuance/renewal of a civil ID card, the person must be able to produce the following documents:

- i. Nationality certificate;
- ii. Housing confirmation issued by the City Council of the area of displacement and legalized by the District Commissioner addressed to the Directorate of Civil Status, or support letter from MoDM;
- iii. Housing card (issued from the person's original location);
- iv. Civil ID card of the individual's father or brother to support his/her claim;
- v. Police report (in case of loss of ID card);
- vi. Displacement confirmation letter (for IDPs from Mosul displaced to Najef).<sup>85</sup>

6.3.15 Human Rights Watch (HRW) stated in a report in February 2018 that:

'Iraqis seeking new or replacement civil documents need to first obtain an application form from a judge and take it to the Civil Status Directorate, where intelligence and National Security Service officers run a security check. If the applicant has an immediate relative whose name appears on a wanted list, the applicant automatically fails the security check and the application is denied.'<sup>86</sup>

6.3.16 Human Rights Watch also reported in April 2018 that Iraqi National Security Service forces denied security clearances to immediate family members of suspected ISIL members<sup>87</sup>.

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## 6.4 Iraqi Nationality Certificate (INC)

6.4.1 In December 2015 Landinfo stated:

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<sup>83</sup> BEB, 'Re-documentation procedures, 7 April 2012. [Annex E](#).

<sup>84</sup> BEB, 'Re-documentation procedures, 7 April 2012. [Annex E](#).

<sup>85</sup> UNHCR, 'COI for Assessments for Internal Relocation Alternative', May 2016, (pp.27-28), [url](#)

<sup>86</sup> HRW, 'Families of Alleged ISIS Members Denied IDs', 25 February 2018, [url](#)

<sup>87</sup> HRW, 'ISIS Suspects' Homes Confiscated', 19 April 2018, [url](#)



'It is possible to apply for a replacement of a lost or damaged nationality certificate. The procedure is as follows (Iraqi Ministry of Foreign Affairs):

- Submit a written application to be issued a new nationality certificate on grounds of loss or damage.
- Fill in the application form available from the Nationality Directorate's (GDN) local offices and Iraqi embassies, and enclose it with the written letter of application.

'For applications submitted to embassies, the consul must note the applicant's reason for applying on the reverse side of the application form, as well as the applicant's full name, and ensure that the applicant's fingerprint is stamped above the name. The consul must sign this document in person and seal it with the consulate/embassy's stamp. If the application is for replacement of a nationality certificate because the old one is damaged, the original nationality certificate must be enclosed. If the application is for a new certificate because the old one is lost, a copy of the applicant's father's or brother's nationality certificate must be enclosed, along with confirmation from the embassy that it is a true copy.

'A copy of the applicant's father's and mother's passports must also be enclosed, and they must also carry a "certified true copy" stamp from the embassy. Four recent passport photos are required. The cost of being issued a new nationality certificate is 3,600 Iraqi dinars [equivalent to £2.33 GBP<sup>88</sup>].

'[...] A nationality certificate can be issued several times, but the reason why a new one is required must always be stated.'<sup>89</sup>

6.4.2 The same source further stated 'it is only possible to be issued a nationality certificate by appearing in person, and not via a proxy. Applicants living abroad can authorise someone in Iraq to follow up the application procedure in Iraq.'<sup>90</sup>

6.4.3 In February 2019 EASO described the process of reacquiring an INC from outside Iraq and stated that 'applications are also received though [sic] embassies that refers applications to [the] relevant directorate. However, a first degree relative will need to also provide their own nationality certificate showing the number under which the family is registered in the family census (sijillat al-qaid) and certify that the applicant is related to them.'<sup>91</sup>

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Section 7 updated: 12 May 2020

## **7. Entry to the Kurdistan Region of Iraq (KRI)**

### **7.1 Entry requirements and sponsorship**

7.1.1 In February 2019 EASO published a report citing various sources entitled 'Iraq: Internal mobility' which stated:

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<sup>88</sup> Xe Currency Converter, 'Iraqi Dinar to British Pound Conversion', 12 February 2019, [url](#).

<sup>89</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.25-26), [url](#)

<sup>90</sup> Landinfo, 'Travel documents and other identity documents', 16 December 2015, (p.26), [url](#)

<sup>91</sup> EASO, 'County of Origin Information Report - Iraq: Internal Mobility', February 2019, (p.23), [url](#).

‘Two Kurdish officials and IOM stated that every person who crosses the border into KRI must present themselves to the Kurdish intelligence service (Asayish) within 48 hours, and that at [the time of their] checkpoint entry their name and ID-documents are checked against a database and a residence permit is issued for a month. DIS/Landinfo remarked that every Iraqi citizen returning to KRI via the airports in KRI will be permitted to stay for three days, but after than [sic] must approach the Asayish within 48 hours and [an] “extension of this three-day residence permit might be difficult to obtain”. Dr Chatelard [an independent consultant and social scientist associated with the Iraq branch of the French Institute in the Near East] also described the requirements as being in possession of official identity documents (ID card, nationality certification or passport), passing an identity check by the Asayish military police, and having a photo taken on the spot to create a one-month residence card. A fee of 10 000 IQD [approximately £6.47 GBP<sup>92</sup>] applies.’<sup>93</sup>

7.1.2 EASO further stated that ‘According to two sources interviewed by DIS/Landinfo in 2018, Kurds from the rest of Iraq “do not need special permission” and “can enter and reside in KRI without any problems” or the need for a sponsor. DFAT also stated that people originating from KRI or are ethnically Kurdish should have “relative ease” entering KRI, however, this may vary case-by-case.’<sup>94</sup>

7.1.3 The same source also stated the following in regard to entry sponsorship requirements:

‘Sponsorship requirements for entry were “eased or discontinued” after Mosul was retaken in 2017, according to DIS/Landinfo. However, they were also told by sources that some individuals may, on a case-by-case basis, still be required to present a sponsor and some IDPs have been denied entry due to security considerations and certain individuals with “heightened security concerns” in the past have reportedly been detained. According to Australia’s DFAT, writing in October 2018, admission into the KRI is at the discretion of the KRG, “which has increased restrictions, including requiring individuals to have a sponsor” though implementation is frequently “inconsistent in practice”.

‘Sources told DIS/Landinfo that examples of people who require a sponsor for KRI include:

- Single female-headed households who cannot explain the absence of their husbands;
- Single men and women without families; and
- Young Arab men; who had been denied access or had difficulty gaining access to KRI depending on their relations.’<sup>95</sup>

7.1.4 In November 2019 the UNHCR published a document looking at access and residency requirements for persons from formerly ISIS-held or conflict-affected areas, particularly Sunni Arabs in different governorates across Iraq.

<sup>92</sup> Xe Currency Converter, ‘Iraqi Dinar to British Pound Conversion’, 12 February 2019, [url](#).

<sup>93</sup> EASO, ‘County of Origin Information Report - Iraq: Internal Mobility’, February 2019, (p.35), [url](#).

<sup>94</sup> EASO, ‘County of Origin Information Report - Iraq: Internal Mobility’, February 2019, (p.38), [url](#).

<sup>95</sup> EASO, ‘County of Origin Information Report - Iraq: Internal Mobility’, February 2019, (p.35-36), [url](#).

The document stated that no sponsor is required for entry into Erbil and Sulaymaniyah but that in the Dohuk Governorate 'Arabs from formerly ISIS-held or conflict-affected areas and Turkmen from Tal Afar (Ninewa Governorate) require a sponsor from Duhok in order to enter, unless they obtain a temporary travel authorization from the checkpoint near Hatara village. This authorization is issued for short-term visits for medical or similar reasons.'<sup>96</sup>

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## 7.2 Residency requirements

### 7.2.1 The November 2019 UNHCR document stated the following in regard to residency requirements in the Dohuk, Erbil and Sulaymaniyah governorates:

**'Dohuk Governorate:** Arabs from formerly ISIS-held or conflict-affected areas and Turkmen from Tal Afar must regularize their stay by obtaining the approval from the local Asayish, based on which they obtain a residency permit. When approaching the Asayish, the individual must be accompanied by the sponsor from Duhok who facilitated his/her entry into Dohuk Governorate.

**'Erbil and Sulaymaniyah Governorates:** Persons originating from outside the KR-I must approach the local Asayish in the neighbourhood in which they seek to reside in order to obtain a residency card ("information card"). They do not require a sponsor. Single Arab and Turkmen men, however, require regular employment and must submit a support letter from their employer in order to obtain a one-year, renewable residency card. Those without regular employment receive only a one-month renewable residency. Holders of a one-month residency card face difficulties to finding regular employment due to the short duration of their permits.'<sup>97</sup>

### 7.2.2 In November 2018, the Danish Immigration Service (DIS) and Landinfo published a joint report looking at the possibility to enter and access the Kurdistan Region of Iraq (KRI) following a joint fact finding mission in April 2018. The report stated:

'There are no legal norms or rules, but according to one international source with good insight in the KRG's practice of entry regulations for IDPs and other Iraqis, the sponsorship requirements have been lifted for many cases. However, there are still groups that are required to have a sponsor to get residency in KRI. The procedures are, however, subject to frequent changes, and are often applied differently on a case-by-case basis.

'Conditions for residency among the three governorates Dohuk, Erbil and Sulaimania may vary considerably.

'Despite the lack of legal norms, sources had the impression that sponsorship requirement applies to people who wish to obtain a residence permit in the KRI. The demand for sponsorship also applies for Christians and Turkmen. The Christian church would reportedly often be the sponsor for Christians. In general, the camps will be a sponsor for the IDP, but if the

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<sup>96</sup> UNHCR, 'Information on Access and Residency Requirements in Iraq', November 2019, [url](#).

<sup>97</sup> UNHCR, 'Information on Access and Residency Requirements in Iraq', November 2019, [url](#).

camp has deregistered a person, this person would have to go through the registration procedures again.

'[...] For Iraqis who originate from Anbar, Ninewa, Salah al-Din and Diyala it is now easier to get a residence permit to KRI, depending on their ID documents. In case there is no exit stamp in their passport, they will be asked questions. [...] Another source said that it is very difficult for any Arabs (Sunni or Shia) to get residency. There are many steps you have to go through in order to obtain residency. For Arabs, particularly young single men, it will be very difficult to obtain it. The Kurdish Intelligence Service, the Asayish, needs to approve all residencies, rental contract etc., which is a major blockage.

'The initial entry permit issued to a displaced family or individual can be replaced by a residence permit from the local Asayish office in the neighbourhood where they plan to live. A confirmation letter from the mukhtar/district council is needed in order to obtain the residence permit, which is initially valid for one month. A residence permit is renewable for a period of six months and then a further twelve months. Applications should be lodged at the local Asayish Office. A residence permit is required for Arab, Turkmen and other minority IDPs.'<sup>98</sup>

#### 7.2.3 DFAT noted in October 2018:

'Upon entry into the Kurdistan Region, people (including foreigners) born in the region or with family ties in the region may obtain Kurdish identity papers, including national identity papers noting residence in the Kurdistan Region. Iraqis from outside the region and other foreigners require a residency card, which is issued after presentation in person at the residency office in the neighbourhood in which they would like to reside. The residency card allows the holder to move around the Kurdistan Region freely and obtain access to services.'<sup>99</sup>

#### 7.2.4 The United States Department of State (USSD) Country Report on Human Rights Practices for 2018 in Iraq stated that 'Authorities required non-residents to obtain permits that authorized limited stays in the IKR [Iraqi Kurdistan Region]. These permits were generally renewable. Citizens who sought to obtain residency permits for KRG-controlled areas required sponsorship from a resident in the region. Humanitarian actors described the sponsorship program as effective in enabling the return of thousands of IDPs.'<sup>100</sup>

#### 7.2.5 The February 2019 EASO report citing various sources stated:

'Dr Chatelard observed that Kurds from Kirkuk would have to follow the same procedure as others to settle in the KRI and that "being Kurdish does not carry specific privileges". She also noted that proving Kurdish ethnicity is not necessarily straightforward; she noted that many Kurds who have lived all their lives in governorates outside KRI do not speak Kurdish, and knew of several such cases where people's "Kurdishness" has been put in doubt when they tried to enter KRI by air of [sic] road, and who subsequently have

<sup>98</sup> DIS/Landinfo, 'Iraq – Possibility to enter and access the KRI', November 2018, (p.37-38) [url](#).

<sup>99</sup> DFAT, 'Country Information Report: Iraq', October 2018, (p.31), [url](#).

<sup>100</sup> USSD, 'Country Report on Human Rights Practices 2018 – Iraq', 13 March 2019, (p35), [url](#)

preferred to abide by the sponsorship requirement to avoid problems. Regarding ethnic Kurds from Kirkuk, the fact-finding mission report of Danish Immigration Service stated that according to three sources, ethnic Kurds, including those from Kirkuk can enter freely and are exempted from sponsorship requirements in KRI; however, Human Rights Watch said it was uncertain if that is the case, mentioning that there are also “examples of [Kurdish] IDPs who are able to get into Kirkuk but not able to go from Kirkuk to KRI”. It is also said in the same report that according to UNHCR, “Kurds who are registered as living in Kirkuk cannot re-register or buy property in any part of KRI. If a man from Kirkuk marries a woman from another part of the Kurdish controlled areas or KRI, her file is moved to Kirkuk. A couple like this would not be able to move in and out of Kirkuk, and they would not be able to move to or buy property in KRI”. DFAT wrote in October 2018 that “officially, non-ethnic Kurds are unable to purchase property”.

‘In October 2017, Iraqi federal forces took back Kirkuk from KRG control following the independence referendum in KRI, and Kurds from Kirkuk were given access to Erbil without a residence permit requirement, while Sunnis and Shia did require one. Dr Chatelard observed that many Kurdish residents of Kirkuk were allowed into KRI without restriction after October 2017 retaking of Kirkuk. Two sources said that it is a challenge for Kurds registered elsewhere to review ID documents and that it is impossible for Kurds from Kirkuk to change registration to Erbil without “paying bribes and having the right contacts.”’<sup>101</sup>

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### 7.3 Restrictions

7.3.1 The November 2018 joint report by DIS and Landinfo stated that some IDPS are denied entry into the KRI due to security considerations resulting in certain individuals have been detained<sup>102</sup>.

7.3.2 The February 2019 EASO report stated that individuals must be security cleared by Asayish to enter and those who have issues entering the KRI are suspected of being Daesh members who appear on ‘security lists’<sup>103</sup>. The same source further stated:

‘In email correspondence with EASO, a civilian rights officer for Minority Rights Group International (MRG) who focuses on Iraq and conducts field research there stated that:

“The KRG imposes different entry requirements that can vary according to a person’s ethnic and religious identity, or perceived political affiliations. For example, persons of Kurdish ethnicity from any part of Iraq are generally able to enter the KRI with ease, whereas those of Arab or other ethnicities are normally required to show that they have a sponsor inside the KRI before they are allowed to enter. Members of minorities have also experienced differential treatment, with entry generally being easier for Christians and Yezidis than for Shabak and Turkmen, for example. Entry requirements are sometimes arbitrary, poorly communicated, and subject to change with little

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<sup>101</sup> EASO, ‘County of Origin Information Report - Iraq: Internal Mobility’, February 2019, (p.38), [url](#).

<sup>102</sup> DIS/Landinfo, ‘Iraq – Possibility to enter and access the KRI’, November 2018, (p.36) [url](#).

<sup>103</sup> EASO, ‘County of Origin Information Report - Iraq: Internal Mobility’, February 2019, (p.35), [url](#).

notice. Perceived political affiliations can also affect a person's ability to relocate to the KRI and to move freely within the region. KRG officials regularly condition good treatment and access to services on support for the main Kurdish political parties. This affects even religious minorities that the KRG has allowed into the region in large numbers, such as Christians and Yazidis. For example, Christians have been prevented from entering the KRG during times when Christian-led protests were planned, and Yazidis have also reported restrictions on their freedom of movement within the region. Within the KRI, non-Kurdish residents face restrictions on their ability to own property, businesses, and other restrictions.”<sup>104</sup>

7.3.3 The USSD Country Report on Human Rights Practices for 2018 in Iraq stated:

‘Citizens of all ethnosectarian backgrounds, including Kurds, crossing into the IKR [Iraqi Kurdistan Region] from central or southern regions were obligated to cross through checkpoints and undergo personal and vehicle inspection. The government imposed similar restrictions on IDPs from Ninewa Governorate and the disputed territories.

‘Officials prevented individuals whom they deemed security threats from entering the region. KRG [Kurdistan Regional Government] officials generally admitted minority IDPs into the IKR, although security checks reportedly were lengthy on occasion. Entry reportedly was often more difficult for men, particularly Arab men traveling without family.’<sup>105</sup>

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Section 8 updated: 12 May 2020

## 8. Entry and residency requirements in areas outside the KRI

### 8.1 Baghdad

8.1.1 UNHCR stated in a report published in April 2017 that:

‘Requirements for those seeking to reside in a particular area of Baghdad, including required documentation, are reported to vary from one neighbourhood to another, and reportedly often depend on the person in charge in that specific neighbourhood (e.g. the Mukhtar, the officer in charge at checkpoints run by Iraqi Security Forces (ISF) or Popular Mobilization Units (PMU)). In general, requirements to settle in Baghdad are reported to be stricter in districts with a high concentration of IDPs (mostly Sunni areas such as Adhamiyah, Karkh, Abu Ghraib and Mahmoudiyah Districts). Persons originating from (previously or currently) ISIS-held areas or areas affected by conflict and who seek to settle in these areas of Baghdad must in general meet the following cumulative requirements:

‘1. A support letter from the Mukhtar and the Local Council confirming that the individual is an IDP residing (or intending to reside) in the particular neighbourhood/local council area;

<sup>104</sup> EASO, ‘County of Origin Information Report - Iraq: Internal Mobility’, February 2019, (p.35-36), [url](#).

<sup>105</sup> USSD, ‘Country Report on Human Rights Practices 2018 – Iraq’, 13 March 2019, (p35), [url](#)



'2. Security clearance from five different security authorities (National Security, Federal Police Intelligence, Local Police Intelligence, Baghdad Operations, ISF Intelligence); and

'3. Sponsorship from a resident of the neighbourhood in which s/he seeks to settle. The sponsor must present four pieces of personal documentation, i.e. ID card, nationality certificate, address card (only accepted if issued in the sponsor's name) and ration/PDS (Public Distribution System) card. In some cases, the sponsor is reportedly asked for additional documentation such as a support letter from the Mukhtar or Local Council confirming that the sponsor is a resident of that area.

'The support letter, security clearance and local sponsorship must be obtained without delay upon arrival in the neighbourhood in which the person seeks to settle. Even when meeting all the above requirements, residency is not guaranteed and remains at the discretion of the concerned local authorities.

'Given the widespread prejudice and suspicion vis-à-vis persons of Sunni Arab origin, particularly when they originate from an area currently or previously under ISIS control, Sunni Arabs who return to Iraq from abroad are reported to find it difficult to secure a sponsor or obtain a support letter from the Mukhtar/Local Council if they have no pre-existing family or other links in Baghdad.

'Even when individuals are able to obtain a support letter and to secure a sponsor, they still need to obtain security clearance from the five security agencies listed above, where they need to apply in person. Applying for security clearance may itself be fraught with difficulties for Iraqis of certain profiles, including in particular for Sunni Arabs and Sunni Turkmen from (previously or currently) ISIS-held and conflict areas, who may at that point be arrested and detained under the Anti-Terrorism Law of 2005 on the basis [of] broad and discriminatory profiling.'<sup>106</sup>

#### 8.1.2 The same report further stated:

'[...] anyone who resides in Baghdad without having met all residency requirements listed above is not allowed to reside in Baghdad; at checkpoints in the city or during security raids they would be at risk of arrest and detention under the Anti-Terrorism Law of 2005.

'Based on UNHCR's observations, the implementation of residency requirements usually becomes stricter following security incidents in Baghdad. Responsibility for such incidents is often broadly attributed to persons of Sunni Arab origin, especially those originating from (previously or currently) ISIS-held areas or conflict-affected areas, on account of their perceived sympathies for or affiliation with ISIS.'<sup>107</sup>

#### 8.1.3 The November 2019 UNHCR document stated that while there are no sponsorship requirements for entry into Baghdad, 'Persons from formerly ISIS-held or conflict-affected areas require two sponsors from the

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<sup>106</sup> UNHCR, 'Persons from ISIS-held Areas to Remain in Proposed Area', 12 April 2017, (p3-4), [url](#)

<sup>107</sup> UNHCR, 'Persons from ISIS-held Areas to Remain in Proposed Area', 12 April 2017, (p5), [url](#)

neighbourhood in which they intend to reside as well as a support letter from the local mukhtar.’<sup>108</sup>

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## 8.2 Kirkuk

### 8.2.1 The February 2019 EASO report stated:

‘DIS/Landinfo wrote that due to the change in control over Kirkuk in October 2017 from Kurdish to Iraqi control, large numbers of people were displaced, and there were conflicting reports on how many Kurdish IDPs had returned with some saying most had and others saying they had not. Other IDPs have reportedly returned, who are mostly Arab IDPs from camps in Kirkuk and KRI.

‘Dr Chatelard made the observation in October 2018 that if Kirkuk airport reopens at some point, the issue of entry and residency requirements will depend on who has the upper hand on the city and airport. If the situation remains the same as today, requirements will be similar to those in Baghdad. If the Kurds take over control of Kirkuk again, the situation will be similar to that of Erbil or Sulaymaniyah, as was the case before October 2017.’<sup>109</sup>

### 8.2.2 An article published in September 2019 by Kurdistan24 stated that Kirkuk airport was going to be open for domestic flights by the end of 2019 or early 2020<sup>110</sup>, however CPIT was unable to find any information to suggest that the airport was open at the time of writing.

### 8.2.3 The November 2019 document published by the UNHCR stated the following in regard to Kirkuk City: ‘Following the re-establishment of central government control on 16 October 2017, sponsorship requirements have been lifted. Persons from formerly ISIS-held or conflict-affected areas however require a support letter from the local mukhtar in the neighbourhood in which they intend to reside.’<sup>111</sup>

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## 8.3 Southern governorates

### 8.3.1 In a February 2019 report EASO stated the following general information on entry and residence in the southern governorates (the report provides information on Babel/Babylon, Kerbala, Najaf, Wassit, Dhi Qar, Missan, Muthanna, Qadissiyah, and Basrah governorates):

‘According to Dr Chatelard, sponsorship requirements for movement to the south are not specific to people displaced from territories formerly held by ISIS nor to Najaf, but “apply across the board”. Dr Chatelard commented that someone wishing to relocate to Najaf or any other province needs a sponsor, explaining that the concept of sponsorship is broad: it may be an employer [...], a relative, or any other type of reputable institution or well-established private company. Noteworthy is that there are Sunni speciality doctors in

<sup>108</sup> UNHCR, ‘Information on Access and Residency Requirements in Iraq’, November 2019, [url](#).

<sup>109</sup> EASO, ‘County of Origin Information Report - Iraq: Internal Mobility’, February 2019, (p.28), [url](#).

<sup>110</sup> Kurdistan24, ‘Iraq integrity commission says Kirkuk airport “only 1% completed”, 26 Sept 2019, [url](#)

<sup>111</sup> UNHCR, ‘Information on Access and Residency Requirements in Iraq’, November 2019, [url](#).

several hospitals in Najaf, Karbala and several other cities of the Shiite south who work and live there during the week, sponsored by their employer, but generally without their families who stay in Sunni areas of Baghdad or Sunni majority governorates. The problem is not to be Sunni in a Shiite-majority area, or to have to cross a checkpoint manned by Shiite militias or federal police. Rather, it is the capacity of the person “to be able to leverage the right protection” which is one function of the sponsorship system. DFAT explained similarly that in southern Iraq, sources indicate that “internal relocation to the south is difficult for ethnic and religious minorities and that Shia without familiar, tribal, or political networks would face difficulty assimilating into the community”. They gave the assessment that relocation is “possible for anyone with local, familial, tribal, or political networks and difficult for those without them”.<sup>112</sup>

8.3.2 For more information on each of the southern governorates listed above see section 3.3 of the February 2019 EASO report entitled ‘[Iraq: Internal Mobility](#)’<sup>113</sup>.

8.3.3 The November 2019 UNHCR document stated ‘Persons from formerly ISIS-held or conflict-affected areas require a local sponsor as well as a support letter from the local mukhtar in order to legally reside in Babel, Basra, Dhi-Qar, Kerbala, Missan, Muthanna, Najef, Qadissiyah and Wassit Governorates.’<sup>114</sup>

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Section 9 updated: 12 May 2020

## 9. Freedom of movement

### 9.1 General

9.1.1 In November 2018, the Danish Immigration Service (DIS) and Landinfo published a joint report following a joint fact finding mission in April 2018. The report stated that:

‘Every IDP who wishes to navigate from one place to another needs security clearances:

- Firstly, if an IDP wants to return to his/her area of origin or just want to make a short visit to check on the properties, the conditions etc. the person must first achieve permission from the local communities in the place of displacement [...].
- Secondly, the local security actors in the area of displacement must grant the IDP permission to leave.
- Thirdly, the local security actors on the road from the area of displacement to the area of origin must grant permission to pass through.

<sup>112</sup> EASO, ‘County of Origin Information Report - Iraq: Internal Mobility’, February 2019, (p.29-31), [url](#).

<sup>113</sup> EASO, ‘County of Origin Information Report - Iraq: Internal Mobility’, February 2019, (sec. 3.3), [url](#).

<sup>114</sup> UNHCR, ‘Information on Access and Residency Requirements in Iraq’, November 2019, [url](#).

- Finally, the local security actors and the local communities, for instance head of civil administration, i.e. the mukhtars, must grant permission for the IDPs to return to the area of origin.

‘The procedure to obtain permission is that the IDP’s name is checked through a security database, which contains names of known and suspected terrorist profiles. Every security actor has their own, independent security database, which means that when IDPs travel from one place to another, they will be checked in several different databases. In case the IDPs pass the clearance in the databases, they must register themselves as returnees and are then allowed to travel back to their area of origin.

‘There are many cases of IDPs who are allowed to leave their area of displacement, but are not allowed to return to their area of origin. In this regard, local mukhtars and sheikhs play an important role, and if they vouch for a person, he/she will obtain permission to return.

‘In some cases, the local communities do not want certain individuals or families to return. For instance, there are specific areas of Kirkuk and Mosul where IDPs or group of IDPs are not able to return to. There can also be local tribal dynamics that can determine whether a person obtains an approval. With regards to Sunni Arabs, it is often only those who clearly show support of the local leadership, who are able to return.’<sup>115</sup>

#### 9.1.2 The same source further stated:

‘In addition to the above-mentioned security clearance procedures, there are some restrictions on the freedom of movement. The Kurdish authorities stated that there is full freedom of movement for the IDPs to leave the camps; however, there are some vulnerable groups such as single women or victims of sexual crimes who have limitations on protection provided to them.

‘Another source said that in the Kurdish controlled IDP-camps the freedom of movement has been more limited compared to camps under Iraqi government control. In some cases mobile phones and/or ID documents have been taken from the IDPs. Without an ID-card, they are not able to travel outside the camps due to the frequent appearances of checkpoints.

‘On the possibility to travel between the retaken areas and other parts of Iraq, in general, it is relatively easy. There is a lot of traffic between KRI and Mosul and KRI and Kirkuk. On the road from Mosul to Sinjar, traveling is more difficult since there are approximately 30 checkpoints, each manned by different groups and the level of control and unpredictability varies from each group.’<sup>116</sup>

#### 9.1.3 The United States Department of State (USSD) Country Report on Human Rights Practices for 2018 stated:

‘The constitution and law provides for the freedom of internal movement, foreign travel, emigration, and repatriation, but the government did not consistently respect these rights. In some instances authorities restricted movements of displaced persons, and authorities did not allow some IDP

<sup>115</sup> DIS/Landinfo, ‘Iraq – Possibility to enter and access the KRI’, November 2018, (p.26-27) [url](#).

<sup>116</sup> DIS/Landinfo, ‘Iraq – Possibility to enter and access the KRI’, November 2018, (p.27) [url](#).

camp residents to depart without specific permission, thereby limiting access to livelihoods, education, and services. Many parts of the country liberated from ISIS control suffered from movement restrictions due to checkpoints of PMF units and other government forces. In other instances local authorities did not always recognize security permits of returnees nor comply with the central government's orders to facilitate, but not force, returns.

'[...] The law permits security forces to restrict in-country movement pursuant to a warrant, impose curfews, cordon off and search areas, and take other necessary security and military measures in response to security threats and attacks. There were numerous reports that government forces, including the ISF [Iraq Security Forces], Peshmerga, and the PMF [Popular Mobilization Forces], selectively enforced regulations, including for ethnosectarian reasons, requiring residency permits to limit entry of persons into areas under their control.

'During the year the ISF decreased the number of checkpoints in many parts of the country.'<sup>117</sup>

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## 9.2 Women

### 9.2.1 In February 2019 EASO stated:

'Freedom of movement for women is generally not respected by law or custom, on cultural grounds and at times, reinforced by religious norms.

'[...] Women cannot obtain civil status documentation without the consent of a male relative. Women whose husbands are dead or missing and who cannot obtain identity documents for themselves may be unable to receive humanitarian aid or government services because ID documents necessary to receive aid are issued under the name of the male head of household or because they cannot provide documents confirming the deaths of their male guardians.

'[...] MRG [Minority Rights Group International] stated that Female IDPs have also reportedly found it especially difficult to reacquire documentation due to the need to travel to offices in areas that are "impossible to access". The MRG's civilian rights officer explained that single women and widows, or women who have to travel alone without a male companion, are likely to face difficulty relocating and re-establishing themselves due to the dominant social norms that view men as the heads of the family and that a woman travelling alone would be seen with suspicion. MRG commented in correspondence to EASO for this report that widows or divorced women would be particularly prone to being looked down upon or harassed. DFAT similarly noted that single people, but women and children in particular, without existing networks in the region of relocation, would have trouble relocating to the KRI and face similar official and societal discrimination as in other parts of Iraq.'<sup>118</sup>

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<sup>117</sup> USSD, 'Country Report on Human Rights Practices 2018 – Iraq', 13 March 2019, (p32-33), [url](#)

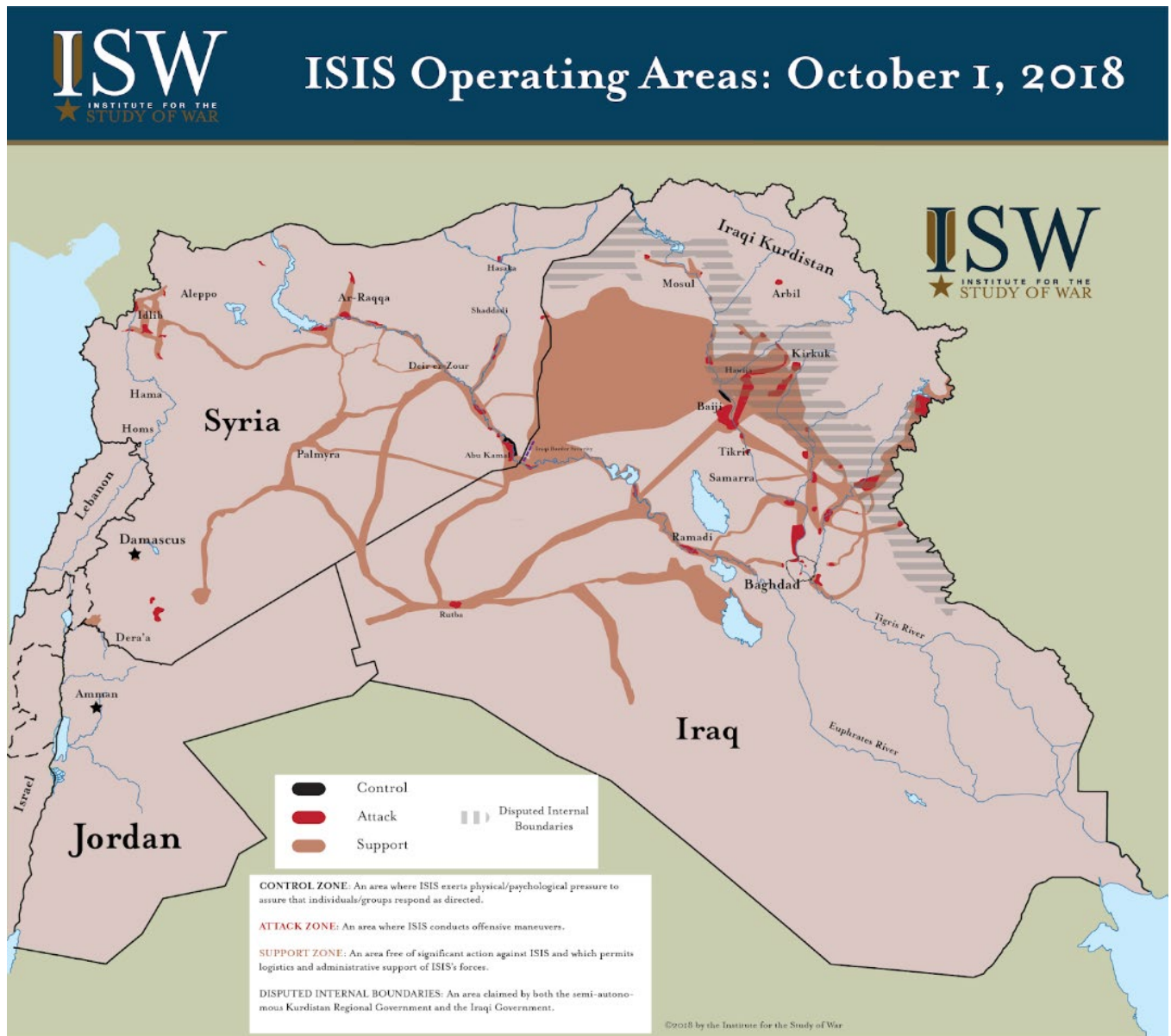
<sup>118</sup> EASO, 'County of Origin Information Report - Iraq: Internal Mobility', February 2019, (p.49-50), [url](#).





# Annex A: Institute for the Study of War

## Map of ISIL's Operating Areas – used in the case of SMO



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# Annex B: 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](http://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 or 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](http://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 way 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

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



British Embassy  
Baghdad

International Zone  
Baghdad

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



British Embassy  
Baghdad

International Zone  
Baghdad

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



British Embassy  
Baghdad

International Zone  
Baghdad

[www.fco.gov.uk](http://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 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.

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 confirmed 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

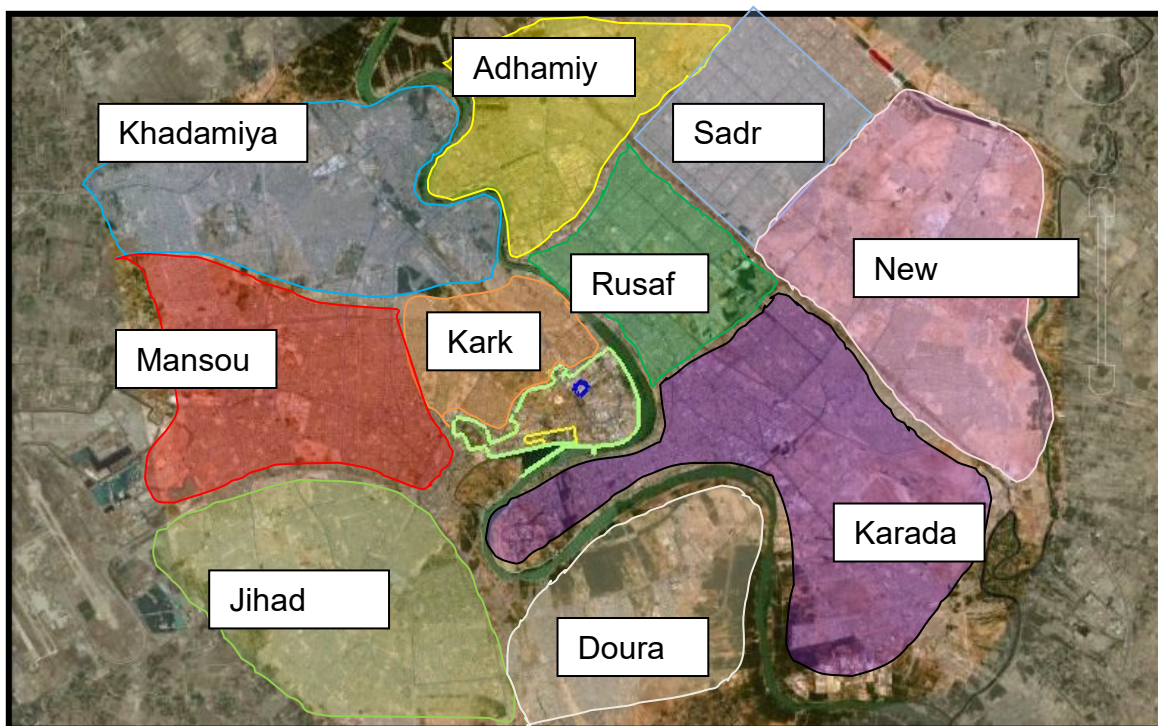


Figure 1

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
  - All 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:

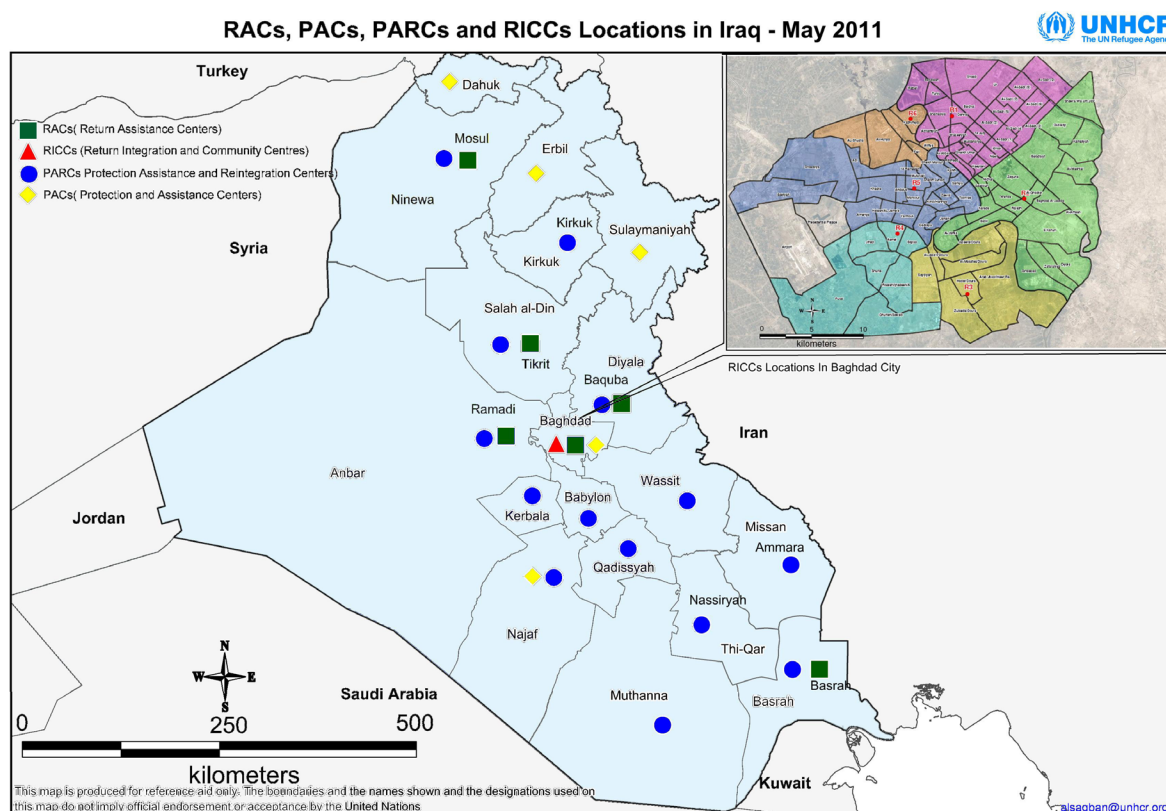


Figure 2

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 MoMD 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 MoMD 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 or 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](http://www.mofa.gov.iq/eng/faq/default.aspx)

British Embassy  
Baghdad

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# Annex F: 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

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 G: 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 H: Letter from the British Consulate General Erbil, 'Iraqi National ID Card', 20 June 2017



British Consulate General Erbil

20 June 2017

## **Iraqi National ID Card**

The Iraqi National ID Card is issued by the Iraqi Ministry of Interior. It replaces the Nationality Certificate and Civil Status ID.

It contains the following information:

Front side

Republic of Iraq, Ministry of Interior, General Directorate of Nationality

- Photo of ID card holder
- Document number (12 decimal digits)
- Access number for RFID chip (9 alphanumeric digits)
- Given name
- Father's name
- Grandfather's name (paternal)
- Surname (only if holder has one)
- Mother's name
- Grandfather's name (maternal)
- Gender
- Blood type

Rear side

- Issuing authority
- Date of issue (YYYY/MM/DD)
- Date of expiry (YYYY/MM/DD)
- Place of birth (only the city/town of birth, no country)
- Date of birth (YYYY/MM/DD)
- Family number

## **Plan for new cards**

Please note the old IDs are still accepted and the Iraqi National ID card is only implemented, so far, in the cities not suburbs in KR.

1. Merging both civil states card (Hawya Ahwal Al mdani) and the Iraqi Nationality (Jinsiya) in one solid document. The aim is to complete the process by end 2018.
2. By end 2018 the new ID will be used instead of the current information card (Bitaqat Al Ma3lumat)
3. Renew, update and clean the old data base system to stop attempts of duplications and forgery
4. Unifying all different type and issued ID for both regional and central government for the period of 1991 – 2003 then 2003 -2016

## **Procedure to obtain new card**

When getting the new card you must:

1. Submit application for the new biometric ID + fees (the form contain all yr personal and family data + address and other relevant details)
2. Present both civil ID card and Iraqi nationality and hand them over to the department of civil states.
3. Submit biometrics and digital photo
4. Child under 12 are not entitled to this process and they can keep their ID (this doesn't apply on new born)

How it is processed:

1. The department will then send the collected data to the central data base at Iraq's MOI to be checked & recorded centrally then permits the department to process and issue the new card.
2. No deadline is identified because of operational/technical issues which related to the security and military ops taking place in other parts of Iraq
3. More details of contain, info and a sample of the card is attached:





British Consular General  
Erbil

This letter has been compiled by staff of the British Consular General in Erbil, 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 I: Information obtained from the Home Office's Returns Logistics Department – April 2020

Failed Asylum Seekers (FAS)

Laissez Passers (LPs)

- 1) Please can you describe the process of obtaining a Laissez Passer for a failed asylum seeker from the Iraqi Embassy in London in as much detail as possible (please include details of what documents are required, if they have to undergo an interview, timescales etc).

**For the enforced return of a FAS there is no interview requirement. However, they will need to hold at least one of the following (copy or original, valid or expired) in order for the Iraqi Embassy to issue a Laissez Passer:**

- Passport
- Birth Certificate
- Marriage Certificate
- Civil Status ID (CSID)
- Iraqi Nationality Certificate (INC)
- Iraq National Identity Card (INID)
- Iraq residency card
- Registration Document (1957)

**The embassy verification process tends to take 10-14 days. We only currently have agreement to enforce the return of single males.**

**All categories of voluntary cases will be considered (including those without documents) but they will usually require an interview face to face or by phone.**

- 2) Can an individual obtain LPs for the rest of their family (i.e. spouses, children etc)? **Voluntary cases only. For enforced cases see answer to Q1.**
- 3) What documents do family members in Iraq have to present to the Ministry of Foreign Affairs in order to prove the FAS's nationality? **Any from the list in response to Q1. Phone numbers or signed affidavits from family members in Iraq are also useful to the verification process.**
- 4) What happens once a FAS's nationality is verified by the Ministry of Foreign Affairs in Iraq? i.e. does this verification get sent to the Iraqi Embassy in London to issue a LP? **Yes but most of the straight forward verification of documents can be done locally by the embassy.**
- 5) How long does this verification take? **10-14 days locally, up to 30 days+ if enquiries are required in-country.**
- 6) Are these processes the same for individuals who originate in the Kurdistan Region of Iraq? **Yes**

### **Civil Status Identity Cards (CSIDs)**

1) Please can you describe the process of obtaining a Civil Status Identity Card for a failed asylum seeker from the Iraqi Embassy in London in as much detail as possible (please include details of what documents or information are required, timescales etc).

**CSID cards are being phased out and replaced by INID (Iraq National Identification) cards. It is not currently possible to apply for an INID card outside of Iraq. As a result, the Iraqi embassy in London are advising their nationals in the UK to apply instead for a 'Registration Document (1957)' which they can use to apply for other documents such as passports or an INID card once they have returned to Iraq.**

**The registration document (1957) must be applied for on the applicant's behalf by a nominated representative in Iraq. In order to start the application, the individual requiring documentation would normally provide at least one copy of a national identity document (see above list Q1, FAS) and complete a power of attorney (to nominate a representative in Iraq) at the Iraqi embassy along with the embassy issued application forms. If they have no copies of identity documents they also would need to complete a British power of attorney validated by the FCO and provide parents names, place and date of birth to their nominated representative in Iraq.**

**Once issued the nominated representative will send the registration document (1957) to the applicant in the UK. The process takes 1-2 months.**

**The HO cannot apply for documentation other than Laissez Passers on someone's behalf but the embassy is willing to check to see if the individual already holds documents and provide copies if necessary.**

2) Can an individual obtain CSIDs for the rest of their family (i.e. spouses, children etc)? **See answer to Q1 CSID cards. The male head of the family in the UK will apply on their behalf.**

3) Please can you describe the process of obtaining a CSID via a proxy in Iraq in as much detail as possible including what information would be required, what government department issue the replacement CSID, timescales etc. **See above answer to Q1 (CSIDs).**

4) What people in Iraq can act as a proxy for a FAS (i.e. is it strictly family members or can it be friends, Mukhtars in the FAS' village etc. **See response to Q1 (CSID cards). They need to obtain a power of attorney from the embassy (and a British one validated by the FCO is applicable) for a representative in Iraq to act on their behalf. It is just a nominated representative of their choice.**

5) Would it be possible for the Iraqi Embassy in London to produce a CSID for the FAS while they are still in the UK based on the information provided by the proxy in Iraq? **Yes. See answer to Q1 above. The embassy just operates a 'post box service' for the Ministry of Interior who process them.**

6) Are these processes the same for individuals who originate in the Kurdistan Region of Iraq? **Yes.**

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Return of Iraqi nationals
  - Returns to Baghdad
  - Flights to the Kurdistan Region of Iraq (KRI)
- Documentation
  - Civil registration system
  - Overview of key documents
  - Internally Displaced Persons (IDPs)
  - Civil Status ID Card (CSID)
  - Iraqi Nationality Certificate (INC)
  - Iraqi National ID Card (INIC)
- Redocumentation
  - Assistance
  - Passport
  - Civil Status ID Card (CSID)
  - Iraqi Nationality Certificate (INC)
- Entry to the Kurdistan Region of Iraq (KRI)
  - Entry requirements
  - Residency requirements
- Entry restrictions
- Entry to areas outside the Kurdistan Region of Iraq (KRI)
  - Entry restrictions in Kirkuk
  - Entry restrictions in Baghdad and the south

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **11.0**
- valid from **29 June 2020**

## Changes from last version of this note

Updated information on obtaining a CSID via the Iraqi Embassy in London.

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