

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1401
Land:	Irak
Kilde:	EASO
Titel:	COI Query. Palestinians in Iraq
Udgivet:	5. august 2021
Optaget på baggrundsmaterialet:	17. september 2021



COI QUERY

Country of Origin	IRAQ
Main subject	<u>Palestinians in Iraq</u>
Question(s)	1. <u>Background</u> 2. <u>Legal status of Palestinians in Iraq</u> 3. <u>Treatment of Palestinians in Iraq by state and non-state actors</u>
Date of completion	5 August 2021
Query Code	Q21-2021
Contributing EU+ COI units (if applicable)	N/A

Disclaimer

This response to a COI query has been elaborated according to the [EASO COI Report Methodology](#) and [EASO Writing and Referencing Guide](#).

The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

The information in the response does not necessarily reflect the opinion of EASO and makes no political statement whatsoever.

The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 5 August 2021. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE – Iraq

Palestinians in Iraq

This EASO COI Query Response aims to update information regarding the legal status of Palestinian refugees in Iraq and their treatment by state and non-state actors. The reporting period is from 1 January 2018 to 30 June 2021. For previous information on the situation of Palestinian refugees in Iraq, it is possible to consult the [EASO COI Query Response on Palestinians in Iraq](#), last updated on 4 January 2018, the [EASO COI Report on Iraq, Targeting Individuals](#), (section 3.4.15 Palestinians), published on March 2019 and the [EASO COI Query Response on Ethnoreligious minorities and stateless persons](#), (section 2.1 Palestinians), published on 11 September 2020.

1. Background

The migration of Palestinian refugees in Iraq can be divided into three major movement waves connected to historical events. The first wave dates back to 1948, when Palestinians arrived in Iraq as refugees as a result of the war surrounding the creation of Israel; the second wave occurred in 1967 after Israel's occupation of the West Bank and the Gaza Strip; the third wave dates back to 1991, after the Iraqi invasion of Kuwait, when Palestinian refugees fled or were expelled from the country, being perceived as supporters of Saddam Hussein.¹

According to the Australian DFAT 2020 report on Iraq, the estimated number of Palestinians in Iraq ranges from 4 000 to 10 000 and they are living either in refugee camps or in the general community.²

2. Legal status of Palestinians in Iraq

The protection of Palestinians in Iraq does not fall under the mandate of the UN Relief and Works Agency for Palestine Refugees (UNRWA), rather under the Iraqi legislation and UNHCR.³

Sources reported that the legal status of Palestinians in Iraq is unclear.⁴ Article 6(II) of the Iraqi Nationality Law No.26 of 2006 states that 'Iraqi nationality shall not be granted to Palestinians as a guarantee to their right to return to their homeland'.⁵ A report published by the European University Institute (EUI) in May 2021 noted that the law does not provide Iraqi nationality to Palestinians, even to those who have been in the country for generations, adding however that in 2017 an amendment to this law was made exempting Palestinian women married to Iraqi men, and giving them Iraqi

¹ Reuters, Palestinians in Iraq fearful after loss of Saddam-era privileges, 20 December 2018, [url](#); PRC, Palestinians Refugees in Iraq: Unsteady Situations, 13 August 2018, [url](#)

² Australia, DFAT, Country Information Report, Iraq, 17 August 2020, [url](#), p. 21-22

³ European Network on Statelessness and ISI, Country Position Paper, Statelessness in Iraq, November 2019, [url](#), p.15; Yassen, O.A., Report on Citizenship Law: Iraq, May 2021, EUI, [url](#), p. 12

⁴ Australia, DFAT, Country Information Report, Iraq, 17 August 2020, [url](#), p.22; Al-Monitor, Why is Iraq now stripping Palestinians of their rights?, 8 January 2018, [url](#)

⁵ Iraq, Iraqi Gazette, Iraqi Nationality Law, Law 26 of 2006, 7 March 2006, Art 6, II, [url](#); Yassen, O.A., Report on Citizenship Law: Iraq, May 2021, EUI, [url](#), p. 6

nationality in order to maintain the unity of the family.⁶

The Iraqi government does not recognise the refugee status of Palestinians, while the Kurdistan Regional Government (KRG) does.⁷ Palestinian refugees in Iraq are reportedly classified as follows:

‘Palestinian refugees: Those who have entered Iraq since 1948. There are 9,500 refugees, most of whom live in Baghdad in a government housing complex (Mujama’a Al Baladiat, municipal complex), and their number reaches more than 5,000 refugees, while the others live in other Iraqi provinces. The state provides them with all the rights that are provided to the Iraqi citizen, such as education, health, ration card, and other social services such as their inclusion in the social protection network.’⁸

The legal status of Palestinians and their situation in Iraq changed after the fall of Saddam Hussein, under whose regime they had enjoyed full rights with the exception of citizenship.⁹ Specifically, in 2017 the Iraqi Parliament abolished the law of 2001 (Decree 202 of 2001)¹⁰ that stated that ‘Palestinians permanently residing in Iraqi shall be treated as Iraqis in respect of all rights and duties, with the exception of the right to the Iraqi nationality’.¹¹

The new law passed by the government in 2017 (Law No.76 of 2017) classified Palestinians as foreigners, ending their permanent residency status.¹² The 2017 law also overruled some rights that were previously granted to Palestinians, such as the acquisitions of the ration card and retirement.¹³ Palestinians have also lost the right to free healthcare and education. There are reports of some Palestinians being granted a one-month residency, and others a permit for two to three months by the Ministry of Foreign Affairs. While it is reported that ‘most Palestinians have refugee travel documents only, which can limit their freedom of movement’.¹⁴ In KRG, Palestinians are allowed to work in the private sector however they are required to renew their refugee status annually.¹⁵

In Iraq, four documents are issued to Iraqi nationals: residence card; citizenship certificate or nationality certificate; civil status identity card and the Public Distribution System/PDS (food ration) card. Persons without these documents cannot access public services such as healthcare, employment, education, housing and obtaining a passport. Therefore, Palestinian refugees, who have not access to these documents are at the same time excluded from governmental services and basic needs.¹⁶

In a Written statement submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status to the UN, the organisation stated:

‘According to the Association of Palestinians in Iraq, the new law will deny more than four thousand Palestinian refugees - who live in Iraq - the issuance of travel documents and

⁶ Yassen, O.A., Report on Citizenship Law: Iraq, May 2021, EUI, [url](#), pp.6, 12

⁷ USDOS, 2020 Country Reports on Human Rights Practices, 30 March 2021, [url](#), p.34; Australia, DFAT, Country Information Report, Iraq, 17 August 2020, [url](#), p.21

⁸ Warda, W.Kh. & Almajraji S.H., Hamurabi Human Rights Organization, Integration, Policies, Practises and Experiences, Iraq Country Report, Paper 2020/64, August 2020, [url](#), p. 16

⁹ Yassen, O.A., Report on Citizenship Law: Iraq, May 2021, EUI, [url](#), pp. 12-13; Australia, DFAT, Country Information Report, Iraq, 17 August 2020, [url](#), p. 21-22

¹⁰ Yassen, O.A., Report on Citizenship Law: Iraq, May 2021, EUI, [url](#), pp. 12-13; UN General Assembly, Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status, 12 February 2020, [url](#), p.2

¹¹ Iraq, Iraqi Gazette, Iraq: Resolution by the Revolutionary Command Council on the Treatment of Palestinians Permanently Residing in Iraq as Iraqis (2001), 24 September 2001, [url](#)

¹² Australia, DFAT, Country Information Report, Iraq, 17 August 2020, [url](#), p.22

¹³ Warda, W.Kh. & Almajraji S.H., Hamurabi Human Rights Organization, Integration, Policies, Practises and Experiences, Iraq Country Report, Paper 2020/64, August 2020, [url](#), p. 17

¹⁴ Australia, DFAT, Country Information Report, Iraq, 17 August 2020, [url](#), p.22

¹⁵ USDOS, 2020 Country Reports on Human Rights Practices, 30 March 2021, [url](#), p.34

¹⁶ European Network on Statelessness and ISI, Country Position Paper, Statelessness in Iraq, November 2019, [url](#)

identity cards, and will be forced to pay entry fees to schools and universities while they were previously exempt from them.¹⁷

The economic situation of Palestinians deteriorated as a result of the 2017 law,¹⁸ which also had a negative humanitarian impact on Palestinian refugee children.¹⁹

On 19 March 2019, the Iraqi Government withdrew the 2018 decision on the suspension of the provision of food rations for non-Iraqi persons. Palestinians and other non-Iraqi populations were affected from the 2018 decision but as from March 2019 the government resumed the food rations for Palestinians.²⁰

Citing WAFA news agency, the Middle East Monitor reported that in December 2020 the Iraqi Parliament approved 'a legal amendment to the law on foreigners giving Palestinians who have resided in Iraq for a minimum of ten years the same rights as Iraqi nationals, with the exception of citizenship, running for public office and voting'.²¹ However, no other sources could be found to corroborate this information.

In February 2020, a media source reported that Palestinians took to the streets in Baghdad to call for their rights as refugees. The protests followed the announcement by UNHCR, during the same month, informing to have stopped paying housing rent for about 30 Palestinian households in Iraq.²²

3. Treatment of Palestinians in Iraq by state and non-state actors

The majority of Palestinian refugees living in Iraq is Sunni Muslim and this resulted to be viewed with suspicion by Iraq's Shia Muslim.²³ Being perceived as supporters of Saddam, in the aftermath of 2003 invasion of Iraq, 'hundreds' of Palestinians in the country were arrested by coalition forces, while Shia militant groups were reported to target Palestinians, by killing and expelling them from predominantly Shia areas. The 2020 DFAT report further stated that:

'Iraqi security forces have continued to carry out raids in search of suspected Sunni Islamist militants among Palestinians. Family members of those detained by security forces have alleged many have been subjected to torture, while others remain unaccounted for'.²⁴

A 2019 report by UNHCR stated that:

'Palestinian refugees continue to be faced with a sentiment or perception among some segments of the Iraqi population, including among law enforcement agencies, that they received preferential treatment from the former Government of President Saddam Hussein and/or that they are supportive of ISIS, or previously, Al-Qa'eda in Iraq'.²⁵

According to the same report, various incidents against Palestinians refugees took place in

¹⁷UN General Assembly, Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status, 12 February 2020, [url](#), p.2

¹⁸ Reuters, Palestinians in Iraq fearful after loss of Saddam-era privileges, 20 December 2018, [url](#); PRC, Palestinians Refugees in Iraq: Unsteady Situations, 13 August 2018, [url](#)

¹⁹ Warda, W.Kh. & Almafrazji S.H., Hamurabi Human Rights Organization, Integration, Policies, Practises and Experiences, Iraq Country Report, Paper 2020/64, August 2020, [url](#), p. 17

²⁰ UNHCR, International Protection Considerations with Regard to People Fleeing the Republic of Iraq, May 2019, [url](#), p.111

²¹ MEMO, Iraq amends law giving Palestinian residents same rights as nationals, 11 December 2020, [url](#)

²² Al-Monitor, Palestinians in Iraq protesting to have their rights restored, 19 February 2020, [url](#)

²³ Reuters, Palestinians in Iraq fearful after loss of Saddam-era privileges, 20 December 2018, [url](#)

²⁴ Australia, DFAT, Country Information Report, Iraq, 17 August 2020, [url](#), pp. 21-22

²⁵ UNHCR, International Protection Considerations with Regard to People Fleeing the Republic of Iraq, May 2019, [url](#), p.109

Baghdad²⁶ mainly based on the suspicion of being involved in terrorist activities. UNHCR added that:

‘Access to fair judicial proceedings and state protection is reported to be a particular challenge for Palestinians, which renders them easy targets for abuse and exploitation by militias and tribes, including for confiscation of property and forced eviction from their homes. Palestinians are often reluctant to report such incidents to the authorities for fear that this would further affect their situation, due to possible links between the perpetrators of the abuse and the authorities, or the real or perceived negative bias of the police against Palestinians.’²⁷

²⁶ The majority of Palestinians reside in Baghdad.

²⁷ UNHCR, International Protection Considerations with Regard to People Fleeing the Republic of Iraq, May 2019, [url](#), p.110

SOURCES USED

Al-Monitor, Why is Iraq now stripping Palestinians of their rights?, 8 January 2018, <https://www.al-monitor.com/originals/2018/01/palestinians-refugees-iraq-law-rights.html>, accessed 28 July 2021

Al-Monitor, Palestinians in Iraq protesting to have their rights restored, 19 February 2020, <https://www.al-monitor.com/originals/2020/02/iraq-palestine-protests-refugees.html#ixzz72ZwdQBpa>, accessed 4 August 2021

Australia, DFAT (Department of Foreign Affairs and Trade), Country Information Report, Iraq, 17 August 2020, <https://www.ecoi.net/en/file/local/2036511/country-information-report-iraq.pdf>, accessed 27 July 2021

European Network on Statelessness and ISI (Institute on Statelessness and Inclusion), Country Position Paper, Statelessness in Iraq, November 2019, <https://www.ecoi.net/en/file/local/2021270/StatelessJourneys-Iraq-final.pdf>, accessed 28 July 2021

Iraq, Iraqi Gazette, Iraq: Resolution by the Revolutionary Command Council on the Treatment of Palestinians Permanently Residing in Iraq as Iraqis (2001), No.3897, 24 September 2001, <https://www.refworld.org/docid/5c7558ca7.html>, accessed 28 July 2021

Iraq, Iraqi Gazette, Iraqi Nationality Law, Law 26 of 2006, No.4019, 7 March 2006, <https://www.refworld.org/docid/4b1e364c2.html>, accessed 28 July 2021

MEMO (Middle East Monitor), Iraq amends law giving Palestinian residents same rights as nationals, 11 December 2020, <https://www.middleeastmonitor.com/20201211-iraq-amends-law-giving-palestinian-residents-same-rights-as-nationals/>, accessed 4 August 2021

PRC (Palestinian Return Centre), Palestinians Refugees in Iraq: Unsteady Situations, 13 August 2018, <https://prc.org.uk/en/post/3911/palestinian-refugees-in-iraq-unsteady-situations>, accessed 27 July 2021

Reuters, Palestinians in Iraq fearful after loss of Saddam-era privileges, 20 December 2018, <https://www.reuters.com/article/us-iraq-palestinians-rights/palestinians-in-iraq-fearful-after-loss-of-saddam-era-privileges-idUSKCN1OJ2CM>, accessed 27 July 2021

UN Committee Against Torture, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Second periodic report submitted by Iraq under article 19 of the Convention, due in 2019, CAT/C/IRQ/2, 20 November 2019, https://www.ecoi.net/en/file/local/2033307/cat_c_irq_2_E.pdf, accessed 28 July 2021

UN General Assembly, Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status, A/HRC/43/NGO/51, 12 February 2020, <https://undocs.org/pdf?symbol=en/A/HRC/43/NGO/51>, accessed 4 August 2021

UNHCR (United Nations High Commissioner for the Refugees), International Protection Considerations with Regard to People Fleeing the Republic of Iraq, May 2019, <https://www.refworld.org/pdfid/5cc9b20c4.pdf>, accessed 29 July 2021

UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East), Where we work, n.d., <https://www.unrwa.org/where-we-work>, accessed 28 July 2021

USDOS (United States Department of State), 2020 Country Reports on Human Rights Practices, 30 March 2021, <https://www.state.gov/wp-content/uploads/2021/03/IRAQ-2020-HUMAN-RIGHTS-REPORT.pdf>, accessed 29 July 2021

Warda, W.Kh. & Almajraji S.H. for Hamurabi Human Rights Organization, Integration, Policies, Practises and Experiences, Iraq Country Report, Paper 2020/64, August 2020, <https://www.ecoi.net/en/file/local/2037530/FULLTEXT01.pdf>, accessed 28 July 2021

Yassen, O.A., Report on Citizenship Law: Iraq, European University Institute, May 2021, https://cadmus.eui.eu/bitstream/handle/1814/71403/RSCAS_GLOBALCIT_CR_2021_12.pdf?sequence=1&isAllowed=y, accessed 28 July 2021

SOURCES CONSULTED

EASO COI Query Response, Ethnoreligious minorities and stateless persons (January 2019-August 2020), 11 September 2020, https://coi.easo.europa.eu/administration/easo/PLib/2020_10_Q23_EASO_COI_Query_Response_Iraq_Ethnoreligious_minorities_and_stateless_persons.pdf, accessed 28 July 2021

EASO Country of Origin Information Report, Iraq, Targeting of Individuals, March 2019, https://coi.easo.europa.eu/administration/easo/PLib/Iraq_targeting_of_individuals.pdf, accessed 29 July 2021

EASO COI Query Response, Palestinians in Iraq, Updated 4 January 2018, https://coi.easo.europa.eu/administration/easo/PLib/EASO_Query_Palestinians_in_Iraq_for_COI_portal_public.pdf, accessed 28 July 2021

Gassner, J.I., The Rights of Displaced Palestinians in their Country of Origin: Land Ownership and Residency, 18-19 June 2019, https://coi.easo.europa.eu/administration/easo/PLib/2019_06_Jaradat_Gassner_PRESENTATION_Displaced_Palestinians_Residency_Landownership_Rights.pdf, accessed 27 July 2021