



UNHCR

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

Flygningssökare

*ATT: Inge Boréus
Thomson*

03 APR. 2003

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28 March 2003

Notre/Our code: ROBNC/ 0036 /03
Votre/Your code:

Re: International protection response to asylum-seekers from Iraq

Kay
Dear Mr. Lunding,

Further to the press release dated 11 March 2003, issued by UNHCR Regional Office for the Baltic and Nordic Countries advising on a complete ban on forced returns of rejected asylum-seekers from Iraq, UNHCR's Department of International Protection at Headquarters in Geneva has just issued a communication to all UNHCR Offices advising on additional recommendations which UNHCR considers necessary to address the international protection needs of asylum-seekers from Iraq.

In light of the military action against Iraq, rapid movements of considerable numbers of Iraqis seeking international protection are now more likely. Notwithstanding the Office's efforts to ensure adequate protection and assistance in neighbouring countries, those fleeing may well disperse to many other countries, not least because of family or other links. A harmonised and coherent international protection response is therefore required.

In light of the above, as well as the considerable number of Iraqi asylum-seekers whose claims are currently pending, in UNHCR operations and especially in countries with individual asylum systems, the Office wishes to provide the following advice:

- The application of individual refugee status determination is no longer advisable given the rapidly evolving circumstances in Iraq nor might it be practical in situations where large numbers are involved. It is therefore recommended to suspend individual decision-making on international protection needs for currently pending asylum applications. Furthermore, it is recommended to suspend the individual processing of asylum requests in respect of all newly arriving asylum-seekers from Iraq until further notice. They should be registered as asylum-seekers in accordance with ExCom Conclusion No. 91, as and where feasible. (copy enclosed for ease of reference).

- In order to meet their international protection needs, it would, in UNHCR's view, be fully justified that temporary forms of protection be granted by countries with individual asylum systems to all asylum-seekers from Iraq, whether currently in the procedure or newly arriving, for an initial period of three months. In countries

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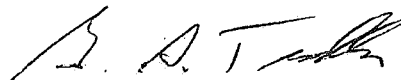
neighbouring Iraq, the Office has already advocated the granting of temporary protection given the likely numbers of Iraqis involved and based on the assumption that there will be a clear need for international protection.

- The aforementioned recommendations should not be interpreted to preclude the granting of refugee status either on an individual or on a group basis by countries which wish to do so. They should also not be understood to require the granting of status and protection to persons whose claims are compromised by involvement in excludable activities.
- Within the framework of international solidarity and burden-sharing and since securing adequate protection may be problematic, asylum-seekers from Iraq should not be returned to countries in the region where they might have stayed or through which they might have transited before applying for asylum in countries further afield. The possible arrival of larger numbers of asylum-seekers in neighbouring countries will put major strains on these countries, which justifies this departure from first country of asylum or safe third country considerations and is in line with international standards and practice.

In the context of the European Union, depending on the numbers currently present and arriving in EU countries, the Office will keep under active consideration a possible proposal to the Commission and Member States to activate the "EC Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof", 2001/55/EC of 20 July 2001.

13 ext regards,

Yours sincerely,



Gary Troeller
Regional Representative

Mr. Kim Lunding
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and Integration Affairs
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Today's date: Thursday, 27 March 2003

Executive Committee Conclusions

Conclusion on Registration of Refugees and Asylum-seekers

(No. 91 (LII) - 2001)

The Executive Committee,

Recalling its Conclusion No. 22 (XXXII) on the protection of asylum-seekers in situations of large-scale influx, Conclusion No. 35 (XXXV) on identity documents for refugees, Conclusion No. 39 (XXXVI) and Conclusion No. 64 (XLI) on refugee women and international protection, as well as Conclusion No. 73 (XLIV) on refugee protection and sexual violence;

Noting also that the 1951 Convention relating to the Status of Refugees in article 27, calls on States Parties to issue identity papers to refugees;

Mindful of the importance accorded to registration in the independent evaluation of UNHCR's emergency preparedness and response to the Kosovo crisis;

Welcoming the discussion which took place on registration in the context of the Global Consultations on International Protection;

(a) *Acknowledges* the importance of registration as a tool of protection, including protection against *refoulement*, protection against forcible recruitment, protection of access to basic rights, family reunification of refugees and identification of those in need of special assistance, and as a means to enable the quantification and assessment of needs and to implement appropriate durable solutions;

(b) *Recommends* that the registration of refugees and asylum-seekers should be guided by the following basic considerations:

(i) Registration should be a continuing process to record essential information at the time of initial displacement, as well as any subsequent demographic and other changes in the refugee population (such as births, deaths, new arrivals, departures, cessation, naturalization, etc.);

(ii) The registration process should abide by the

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