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Iranian Kurdish Refugees in the Kurdistan Region of Iraq (KRI)

*Report from Danish Immigration Service's fact-finding mission to
Erbil, Suleimaniyah and Dohuk, KRI*

7 to 24 March 2011

Copenhagen, June 2011

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Overview of fact finding reports published in 2010 and 2011

Honour Crimes against Men in Kurdistan Region of **Iraq (KRI)** and the Availability of Protection, Report from Danish Immigration Service's fact-finding mission to Erbil, Sulemaniyah and Dahuk, KRI, 6 to 20 January 2010

2010: 1

Entry Procedures and Residence in Kurdistan Region of **Iraq (KRI)** for Iraqi Nationals, Report from Danish Immigration Service's fact-finding mission to Erbil, Sulemaniyah, Dahuk, KRI and Amman, Jordan, 6 to 20 January and 25 February to 15 March 2010

2010: 2

Human rights issues concerning Kurds in **Syria**, Report of a joint fact finding mission by the Danish Immigration Service (DIS) and ACCORD/Austrian Red Cross to Damascus, Syria, Beirut, Lebanon, and Erbil and Dohuk, Kurdistan Region of Iraq (KRI), 21 January to 8 February 2010

2010: 3

Allegations against the National Agency for the Prohibition of Traffic in Persons (NAPTIP) and warnings against return to **Nigeria**, Report from Danish Immigration Service's fact-finding mission to Abuja, Nigeria, 9 to 17 June 2010

2010: 4

Security and Human Rights in **South/Central Iraq**, Report from Danish Immigration Service's fact-finding mission to Amman, Jordan and Baghdad, Iraq, 25 February to 9 March and 6 to 16 April 2010

2010: 5

Human Rights and Security Issues concerning Tamils in **Sri Lanka**, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka, 19 June to 3 July 2010

2010: 6

Rohingya refugees in Bangladesh and Thailand, Fact finding mission to **Bangladesh and Thailand**, 4 to 17 February 2011

2011: 1

Update on Entry Procedures at Kurdistan Regional Government (KRG) Checkpoints and Residence in Kurdistan Region of **Iraq (KRI)**, Report from Danish Immigration Service's fact-finding mission to Erbil, Suleimaniyah and Dohuk, KRI, 7 to 24 March 2011

2011: 2

Iranian Kurdish Refugees in the Kurdistan Region of **Iraq (KRI)**, Report from Danish Immigration Service's fact-finding mission to Erbil, Suleimaniyah and Dohuk, KRI, 7 to 24 March 2011

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Introduction and disclaimer

The Danish Immigration Service (DIS), Documentation and Research Division has undertaken a fact-finding mission to Erbil, Suleimaniyah and Dohuk in Kurdistan Regional of Iraq (KRI). The mission took place from 7 to 24 March 2011. The purpose of the missions was twofold:

- Update information on entry procedures at Kurdistan Regional Government (KRG) checkpoints and residence in KRI.
- Gather information on the situation of Iranian Kurdish refugees in KRI.

As a result of the fact-finding mission in March 2011 the DIS publish two separate reports of which the report at hand is devoted the situation of Iranian Kurdish refugees in KRI. The other report is devoted to updated information on entry and residence procedures in KRI.

Regarding the situation of Iranian Kurdish refugees, the mission exclusively focused on collecting information about the refugees who had previously lived in Al-Tash Refugee Camp near Al-Rumadi in Al-Anbar Province. As the majority of these refugees were relocated to Barika and Kawa refugee camps in KRI in 2005 the main focus of the report at hand is on the situation of Iranian refugees residing in Barika and Kawa camps in KRI.

The report focuses on issues concerning the situation of Iranian Kurdish refugees, including residence, integration into the KRI society, the attitude of the KRG authorities and the local community toward the refugees, security and risk of refoulement. Furthermore, the report provides a brief insight into the living conditions in Barika and Kawa refugee camps.

In KRI the delegation visited Barika Refugee Camp near Suleimaniyah and Kawa Refugee Camp near Erbil. In addition, the delegation consulted United Nations High Commissioner for Refugees (UNHCR) Iraq, Non-Governmental Organisations (NGOs), the media, KRG authorities and representatives of Iranian refugees in Barika and Kawa refugee camps as well as a representative of an Iranian opposition party in KRI. A list of all sources is included at the end of this report. All sources have been referred to as requested by them.

All sources consulted were informed that the delegation's mission-report would be a public document. All sources were also informed that they would have their statements forwarded to them for corrections, comments and approval. Altogether sixteen sources were consulted and eight requested to have their statements forwarded for final approval. All sources accepted to have their final statements included into the report at hand.

It should be noted that in a few cases the delegation (i.e. the authors of this report) found it necessary to carefully adjust or clarify phrases in some of the approved notes by adding minor supplementary explanations. These small adjustments have been marked with a closed bracket [...].

The delegation received support from UNHCR Iraq (Baghdad/Erbil), during its preparations and the visit in KRI. UNHCR Iraq organized a number of the delegation's meetings in KRI and the visits to Barika and Kawa refugee camps.

The delegation consulted UNHCR Iraq (Erbil and Baghdad) and meeting notes were sent to UNHCR Iraq for comments/corrections and approval.¹ After some delay UNHCR Iraq corrected and approved the notes forwarded² but shortly afterwards³ UNHCR Iraq withdrew all its statements from the report at hand.

The delegation to Erbil, Suleimaniyah and Dohuk comprised Jens Weise Olesen, Chief Adviser (Head of Delegation) and Majid Behbahani, Regional Adviser (Middle East), both Documentation and Research Division, DIS.

The report is available on DIS's website: www.newtodenmark.dk

¹ E-mail correspondence from DIS to UNHCR Iraq, April 13, 2011.

² E-mail correspondence from UNHCR Iraq to DIS, May 8, 2011.

³ E-mail correspondence from UNHCR Iraq to DIS, May 11, 2011.

Background

During the Iran-Iraq war in the 1980's thousands of Iranian Kurds fled to Iraq. While a part of the refugees were people whose home towns in the border area were destroyed or occupied, others were members of Iranian Kurdish opposition groups, particularly the Democratic Party of Iranian Kurdistan (PDKI).

In 1982 the Iranian Kurdish refugees were all relocated to Al-Tash Refugee Camp, a controlled refugee camp in Al-Anbar Province 145 km. west of Baghdad.

Upon the fall of Saddam Hussein's regime in 2003 and due to increasingly difficult living and security conditions 3.200 Al-Tash refugees moved to Suleimaniyah Governorate in KRI on their own initiative and they were assisted by the local authorities, UNHCR and other agencies to resettle. At the closure of Al-Tash camp in November 2005, the vast majority of its 12.000 residents either moved or were relocated by UNHCR to KRI. The refugees who settled in KRI either reside in rented accommodations or are now accommodated in the Kawa Refugee Camp near Erbil and the Barika Refugee Camp near Suleimaniyah.⁴

⁴ UNHCR, *Iraq: Iranian Kurds to be transferred from insecure Al Tash camp*, 11. October 2005, <http://www.unhcr.org/print/434b8e9920.html>; UNHCR, *Iranian refugees flee Al Tash camp*, 8. July 2003, and Human Rights Watch, *Flight From Iraq*, 9 May 2003, <http://www.hrw.org/en/reports/2003/05/09/flight-iraq-0>

1. Residence for Iranian refugees in KRI

1.1 Iraqi ID-cards, PDS cards, and travel documents

Regarding Iranian refugees' ID cards in KRI, Public Aid Organization (PAO)/Protection and Assistance Center (PAC), Erbil, explained that these refugees are provided with an Iraqi ID card and a residence permit. In addition UNHCR has issued a UNHCR certificate to all Iranian refugees in KRI by which the refugees are free to travel throughout Iraq. The majority of the Iranian refugees who previously lived in Al-Tash Refugee Camp have relatives in Al-Rumadi whom they sometimes visit by carrying the UNHCR certificate.

The Kawa Camp Council and the Kawa Camp Committee (hereafter "the Kawa camp representatives") stated that the refugees in Kawa camp do not hold Iraqi residence cards, but only KRG ID cards and UNHCR refugee registration cards. Refugees holding UNHCR refugee registration cards can travel throughout Iraq; the KRG ID card does not permit the refugees to travel freely within Iraq. The camp representatives added that the refugees have not yet been given a UNHCR refugee registration card for 2011. The camp representatives have complained to the UNHCR regarding this but so far they have not received a reply from the agency.

All Iranian refugees in Al-Tash were initially provided with an Iraqi ID card, but these ID cards were taken from them by UNHCR when they moved to Kawa Refugee Camp in KRI. Instead they were given a UNHCR refugee registration card and a KRG ID card was issued for each family, not for each individual as before. The result is that all the members of each family are dependent on each other when they wish to travel unless they make a copy of the ID but this is illegal. The camp representatives stated that each individual should be issued an ID card. When asked if all adult refugees are issued their own individual KRG ID card the camp representatives explained that all Iranian refugees above the age of 18 have been issued a personal KRG ID card.

Concerning residence in KRI the spokesmen for Iranian refugees in Barika Refugee Camp explained that the refugees in Barika camp only have temporary residence permits. The permit, which is an ID for refugees, is to be renewed every six months. In addition, the refugees also hold UNHCR refugee registration cards. Only persons above 18 years of age will get an ID card. Minors are registered in their parents ID card.

All refugees in Barika hold a Public Distribution System (PDS) card, i.e. the food ration distribution system in Iraq. However, the food rations are insufficient to support a family. On the other hand this problem is applicable to all Iraqis.

Edrees N. Salih, Country Director, Qandil (A Swedish Humanitarian Aid Organisation), Erbil, stated that the Iranian refugees have access to PDS cards [i.e. access to food rations]. However, the PDS system poses a major problem for the refugees as the food rations are often delayed or even absent. In addition some vital food stuffs such as flour and rice are not always of a good quality or adequate quantity.

1.2 Citizenship

According to Edrees N. Salih (Qandil), it is not for the KRG to decide whether Iranian refugees can be granted Iraqi citizenship or not as this is exclusively for the Government of Iraq (GoI) to decide. Edrees N. Salih regretted that the refugees cannot obtain Iraqi citizenship and added that the issue

of citizenship is a sensitive political issue in Iraq at the moment. As long as the refugees cannot obtain citizenship or be resettled abroad they will continue to suffer from a lack of rights, and Edrees N. Salih did not expect that the return to Iran is an option right now. The refugees cannot even travel abroad legally as they do not have the right to an Iraqi passport.

Regarding the citizenship issue Shokr Yaseen Yaseen, Director of Bureau, Bureau of Migration & Displacement (BMD), KRG Ministry of Interior, Erbil, stated that if one reads the Iraqi constitution it will be obvious why KRG cannot solve this issue on its own. It is the Gol which will have to decide on this issue.

The spokesmen for Iranian refugees in Barika Refugee Camp stated that a few refugees in Barika hold an Iraqi citizenship as their forefathers had been Iraqi citizens. The spokesmen stated that the refugees would be happy to become Iraqi citizens as the UNHCR is not providing them with sufficient financial support nor helping them with resettlement. As Iraqi citizens they would be entitled to an Iraqi passport and be able to travel abroad. In addition they would also be entitled to be employed in the public sector and they would get access to better services than those provided by UNHCR.

Mohamed Saheebi, Member of Central Committee of Democratic Party of Iranian Kurdistan (PDKI), and Dara Nategh, Secretary General of Union of Kurdish Democratic Youth of Iran (a youth organisation under PDKI), Suleimaniyah, considered the refugees in Barika to be “lost”, i.e. to be squeezed between the United Nations (UN) and the KRG/Gol. The refugees do not enjoy the same legal rights as Iraqi citizens. For instance they cannot obtain Iraqi national ID cards or Iraqi passports. The only positive thing one can say about their situation is that they enjoy safety and security in KRI. Back in 2004 a few hundred Iranian refugees were granted Iraqi citizenship by the Gol, but since then no Iranian refugee has been granted citizenship.

According to Sarbast Tawfiq, Mayor of District Qushtapa⁵, the main problems for the Iranian refugees are that they can neither return to Iran, nor obtain Iraqi citizenship, or be resettled in a third country. UNHCR has tried a couple of times to make the Iranian authorities guarantee the safety of the refugees if they go back to Iran, but no guarantee has so far been given. On the other hand, the Gol has not yet been willing to grant citizenship to the Iranian refugees because Gol has no interest in increasing the number of Kurdish citizens in Iraq by granting citizenship to refugees of Kurdish origin. In addition Western countries are not disposed to receive Iranian refugees in Iraq for resettlement.

Sarbast Tawfiq stated that although the Iranian refugees in Kawa Camp do not have particular difficulties with regard to access to public services or with their relationship with the local community and the KRG authorities, they are facing serious problems with regard to their legal rights and status. So far it has not been possible for the Iranian refugees to obtain Iraqi citizenship, and they, therefore, do not enjoy the same basic legal rights as Iraqi citizens have. For instance, they do not have the right to registrar property (movable or immovable) in their own names, and they have no right to apply for an Iraqi passport.

⁵ Kawa Refugee Camp is located in District of Qushtapa near Erbil.

Muhamad Muhamad Abdulla Hamo, Director, Directorate of Displacement and Migration (DDM), Dohuk, stated that according to Iraqi law it is only the Gol that can decide on citizenship and no one is ready to solve the problems for the Iranian refugees. The issue has become political and it is not an easy problem to solve. Muhamad A. Hamo concluded that “the solution lies in the hands of the Gol in Baghdad as the question concerns the Iraqi constitution”.

According to Mohamed Saheeb and Dara Nategh (PDKI) the Iranian Government is putting pressure on the Gol not to support the refugees, and that is why no serious effort is made by the Gol to improve the situation of Iranian refugees in Iraq.

The Kawa camp representatives stated that if the refugees were granted Iraqi citizenship many of their problems would be solved. However, citizenship only solves problems for those refugees who wish to stay in Iraq. For those who wish to be resettled the problems remain as citizenship does not pave the way for resettlement. On the other hand the camp representatives had no expectations that the refugees would ever be granted Iraqi citizenship. Even if they did, the dire economic situation for the refugees would still be there.

Muhamad Muhamad Abdulla Hamo (DDM) agreed that Iranian refugees in KRI are squeezed between the Gol concerning citizenship and the UNHCR concerning resettlement. These concerns are being shared by the KRG but the issue is out of the hands of KRG.

Shokr Yaseen Yaseen (BDM) explained that an Iranian woman recently threatened to set herself on fire in a public park in Erbil if no solution to her problems would be found. The NGO Kurdish Human Rights Watch collected money for the woman and in this way solved her immediate problems. This is only one out of many similar cases and so far the Iranian refugees' problems have not been solved properly. The KRG has established a special department for training courses for KRG immigration officers and this is to be taken as a sign that the KRG is trying to solve some of the problems these refugees are facing. On the other hand, Shokr Yaseen Yaseen emphasized that the KRG is not in position to grant asylum to anyone, and the KRG cannot grant citizenship.

1.3 Freedom of movement

Edrees N. Salih (Qandil) had not heard of limitations in freedom of movement for Iranian refugees within KRI.

The spokesmen for Iranian refugees in Barika Refugee Camp explained that the refugees can travel throughout KRI but not to the rest of Iraq. If they had had an ordinary Iraqi ID card they would be able to travel throughout Iraq. It was added that the refugees cannot even go to Baghdad for medical treatment and they cannot travel abroad, except when they contract a smuggler in human beings. This is the only option if they wish to go abroad.

Regarding freedom of movement the Kawa camp representatives explained that the refugees can travel throughout KRI if they bring along their KRG ID card. The camp representatives complained that the refugees are trapped in Kawa Refugee Camp in the sense that they, according to law, cannot move to another location in KRI and settle there. They may travel freely in Erbil Governorate and in the rest of KRI, but not to South/Central (S/C) Iraq or abroad.

1.4 Political freedom

Mohamed Saheebi and Dara Natigh (PDKI) explained that there are two categories of PDKI members in KRI: members of the Iranian Peshmerga which is the military wing of PDKI, and ordinary members of PDKI like most refugees of the Barika Refugee Camp.

PDKI generally enjoys political freedom in KRI. The party is free to express its views publicly, hold conferences and public meetings, publish its own newspaper and control its own radio station in Suleimaniyah. However, there are some limitations. For instance, if PDKI plans to organize a conference, it should apply for permission with the Asayish. When asked whether there have been cases where the Asayish has not permitted a particular PDKI activity, Mohamed Saheebi and Dara Natigh referred to two cases: the anniversary celebration of the foundation of PDKI and the anniversary celebration of the foundation of the republic of Mahabad. According to Mohamed Saheebi and Dara Natigh the reason for the Asayish not to give permission to these celebrations is that KRG does not want to provoke the Iranian government and thereby jeopardize KRGs diplomatic and political relationship with Iran.

2. Integration of Iranian refugees in KRI

As regards access to public services like education and health care services, Sarbast Tawfiq stated that there is no difference between the Iranian refugees and the local residents as the refugees have access to all services which KRG offers its citizens. In addition the refugees are provided with free electricity and clean water which local resident people have to pay for.

Kamal Rauf, Editor in Chief, Hawlati newspaper, Suleimaniyah, explained that Iranian refugees in Iraq are registered and supported by UNHCR and they all have access to basic services such as health care and education as well as housing and the labour market.

Regarding Iranian refugees in Suleimaniyah Governorate, Bahroz Qashany, Governor of Suleimaniyah Governorate, Suleimaniyah, stated that Iranian Kurdish refugees enjoy the same rights as any other Iraqi, including the IDPs. In addition these refugees are also under the protection of UNHCR and it is UNHCR that provide the refugees with all relevant documents.

2.1 Labour market, property and banking

2.1.1 Access to labour market

Regarding Iranian refugees in KRI Kamal Rauf (Hawlati) explained that there are two groups of Iranian citizens in KRI: the official Iranian refugees registered by the UNHCR, and those Iranians who have come to KRI as migrant workers. There are approximately 30,000 Iranian migrant workers in KRI. In order for them to get access to the labour market they need a support letter from one of the two political parties in KRI.

Regarding the refugees' access to the labour market Abdulghani Shukry Faris, Headmaster, and Mawlood Aziz Omar, Assistant Headmaster of Kawa Primary School, Kawa Refugee Camp explained that the refugees have their own businesses (especially as small shopkeepers or drivers), take casual jobs, or are employed on short-term contracts in the public sector. It was added that because the refugees do not hold Iraqi citizenship they cannot be employed in the public sector on a long-term basis.

Regarding the refugees' access to the labour market the Kawa camp representatives explained that the refugees cannot be employed in the public sector in KRI. However, some have from time to time been temporarily employed by the city council of Erbil. It was added that the monthly salary for such jobs are approximately 300.000 Iraqi Dinars (approximately USD 250) of which 50.000 is spent on transportation.

As regards access to the labour market in KRI, Ismael Fatah, Headmaster, Barika Primary School, Barika Refugee Camp, stated that Iranian refugees have the right to work, but as they are not Iraqi citizens they cannot be employed in the public sector which employs a large proportion of Iraqis. The refugees are free to take up any job in the private sector, but due to unemployment and lack of contacts many find it hard to find anything else than casual labour.

When asked why Iranian refugees cannot be employed in the public sector Ismael Fatah explained that Gol in Baghdad does not accept foreigners in public jobs. As long as one is not an Iraqi citizen one cannot be employed by the government.

Ismael Fatah added that during their previous stay in Al-Tash Camp many refugees were employed in the public sector, mostly as unskilled casual labourers employed on short-term contracts, and the refugees did also receive some contributions from the government. However, when the refugees were transferred to Barika Camp the government no longer supported them.

According to the Kawa camp representatives it is very difficult for the refugees to get jobs in the local community because of their special KRG ID cards. The camp representatives emphasized that the refugees' prospects are dim and uncertain, their main problem being lack of access to permanent jobs.

Those refugees who have graduated from school do not have access to qualified jobs. Most often they end up having casual jobs like cleaning. In addition they cannot get access to public jobs in KRI. When asked if employment in private companies was an option for the refugees the camp representatives explained that it is very difficult for them to find such jobs as there are many people seeking employment in KRI, and there is a huge pressure on the labour market. In addition many companies are owned by Turkish or Iranian persons, and these companies will most often bring along labourers from their owner's home country. It was added that private companies often demand a sponsor or guarantor in order to employ a refugee. However, the camp representatives admitted that an ID card would suffice as a sponsor, i.e. as identification.

Dara Natigh (PDKI) explained that he had visited a number of European countries, including Denmark, during the last two years in order to inform about the lack of rights of Iranian refugees in KRI. A major problem faced by the Iranian refugees is that they cannot be employed in the public sector after graduating from university in KRI.

The Kawa camp representatives pointed to the fact that many refugees in Kawa live a hard life. There are many disabled persons who will not be able to work and many families are economically vulnerable. The main reason why it is so difficult for the refugees to find jobs is the fact that they do not hold Iraqi citizenship.

Regarding the Iranian refugee's access to the labour market and income generating activities, Edrees N. Salih (Qandil) stated that the refugees mostly have casual jobs and they have, therefore, no regular income. The refugees cannot be employed in the public sector due to not having Iraqi citizenship, and this is the reason why they have no choice but to get casual jobs with irregular low income. Thus, they are poor and they still need cash to meet some of their basic needs. However, the Iranian refugees in Barika and Kawa camps do not receive any financial help from anywhere. Sometimes UNHCR provides some financial support to the most vulnerable families only, but as regards ordinary refugee families, there is no regular cash assistance from UNHCR or Qandil.

The only cash Iranian refugees receive is the income they generate through their casual jobs. Normally the refugees would go to the local marketplace and wait for someone who needs labour to come and pick them up. During certain periods they may get a job every day, but seasonal fluctuations in the need for labour can make it difficult to be hired during certain periods. However, their income is not stable and they are generally poor. On the other hand, some wealthy Iraqis may donate cash in order to assist those refugees that are disabled or otherwise unable to provide for themselves.

Regarding women and their access to the labour market Edrees N. Salih (Qandil) stated that culturally and traditionally it is not generally accepted that girls and women between 15 and 35 years of age take up jobs outside the domain of their families. This phenomenon is normal among Iraqis in KRI as well as among Iranian refugees.

When asked what kind of jobs are available for those children who have left primary school Ismael Fatah explained that most of them work as cleaners at hospitals and some are shoemakers.

2.1.2. Ownership/registration of property

Regarding ownership and registration of property the Kawa camp representatives explained that the Iranian refugees do not enjoy the same legal rights as Iraqi citizens of KRI as they cannot legally buy property irrespective of whether this is immobile or mobile. Thus they cannot buy a house or a car.

The spokesmen for Iranian refugees in Barika Refugee Camp stated that the refugees cannot even own a car as they are not entitled as refugees to register a car in KRI. In order to get a car they need to engage and pay an Iraqi citizen for registering the car in his or her name.

Edrees N. Salih (Qandil) confirmed that Iranian refugees cannot buy property in Iraq, including houses and land. They cannot even buy a car and get it registered in their own name.

2.1.3. Opening bank accounts

When asked whether Iranian refugees may open a bank account in KRI, Edrees N. Salih (Qandil) stated that most Iraqis do not have a bank account. Bank accounts are for the wealthy people and not for refugees and poor people. Edrees N. Salih added that he did not know whether it is legally possible or not for Iranian refugees to open a bank account in KRI.

Bahroz Qashany had never heard of anyone who was unable to open a bank account in KRI. However, as the Iranian refugees are not wealthy they may not find it easy to be registered by a bank as regular customers with credit cards.

Concerning bank accounts the spokesmen for Iranian refugees in Barika Refugee Camp stated that the refugees are not entitled to open personal bank account. Therefore they cannot buy immobile property such as a house or land.

Regarding bank accounts the Kawa camp representatives stated that the refugees may not open a bank account in Iraq. When asked why this is so the camp representatives stated that they had never tried to open a bank account as they had never had any money to put into the account.

2.2. Access to education

According to Ismael Fatah all Iranian refugees have access to primary and secondary as well as higher education in KRI. The enrolments fees are very small. It was added that Iranian refugees in KRI are free to move around all over the KRI.

Ismael Fatah explained that each year between 10 and 12 pupils drop out of his primary school at Barika Camp. The reason for this is that their parents are poor and cannot afford their children to attend school as they need the income from their children's labour. However, the majority of the

children continue their education and pass on to secondary school. Graduate students in Barika have access to higher education and they may enrol at any university in the KRI.

The spokesmen for Iranian refugees in Barika Refugee Camp explained that the majority of pupils and students leave school in Barika before they graduate from secondary school. Most of the school dropouts are between 14 and 15 years of age. The vast majority of the dropouts try to find a job as casual labourers while others try to go to Europe in order to seek asylum. It was added that approximately 130 young men in the camp went to Denmark to apply for asylum.

The difficult humanitarian situation in Kawa camp has, according to the Kawa camp representatives, limited children's access to school. Many parents cannot afford to let their children attend school. When asked why this could be the case the camp representatives explained that approximately 60 new pupils are expected to begin school each year, but many parents let their children work instead of sending them to school. Approximately half of all these children are working with house cleaning and other casual tasks for the municipality. The rest attend school up to 7th grade, i.e. intermediary level. Only one or two secondary school student ever makes it to college. Within the last 30 years only 20 students in Kawa have graduated from college. It was added that the refugees have free access to universities in KRI. However, no refugee student has ever graduated from a university. The camp representatives explained that the reason for this is that refugee students often have to work much in order to support themselves and their families.

As regards school dropouts Abdulghani Shukry Faris and Mawlood Aziz Omar, stated that there are very few children who don't complete their primary education.

2.3. Access to health care

Concerning access to health care and hospitals the spokesmen for Iranian refugees in Barika Refugee Camp explained that all refugees have free access to these services. However, they also pointed to the fact that some of the refugees have life threatening diseases or diseases that cannot be treated in KRI or in Baghdad. These patients will need to go abroad for proper treatment. When asked if private hospitals and clinics in KRI would be able to provide treatment to such patients the spokesmen stated that private treatment is very expensive and unaffordable for the refugees. A few refugees have borrowed money in order to be treated but this is not an option for the refugees in general.

The Kawa camp representatives stated that a young refugee girl died from a stroke the day before the delegation's visit to Kawa Refugee Camp. The girl needed to go abroad for treatment but could not go because the UN did not assist her. Even though the girl was under the UNHCR umbrella she was not assisted, according to the camp representatives.

Edrees N. Salih (Qandil) explained that the refugees in Barika and Kawa camps have access to education at all levels as well as health care and hospitals. All Iranian refugees have access to public hospitals and clinics in KRI. Edrees N. Salih explained that it is quite common among the refugees to consider most diseases as life threatening, and they would often request to be treated at a private hospital or a clinic. However, UNHCR does not assist the refugees with regard to treatment at private clinics and hospitals. On the other hand, should a refugee be in need of vital

treatment at a private hospital or clinic she or he would be able to get financial assistance from the UNHCR.

Sarbast Tawfiq explained that some of the refugees in Kawa Camp suffer from severe mental diseases which need urgent treatment. In addition many of the refugees suffer from depression due to more than 30 years of uncertainty about their future.

3. Attitudes towards Iranian refugees in KRI

3.1. Local community

Regarding the attitude of the local community the spokesmen for Iranian refugees in Barika Refugee Camp stated that the refugees have no problems with the surrounding communities. There are no tensions between the refugees and their neighbours. The refugee children interact with Iraqi children from outside the camp and they attend the same classes in the schools inside the Barika Refugee Camp.

According to the Kawa camp representatives the surrounding community does not show any kind of negative attitude towards the Iranian refugees. It was added that there is no hatred or racism against the refugees, and in general Kurds are open-minded and they let everybody into their society.

As regards the Iranian refugees' interaction with the local community, Edrees N. Salih (Qandil) stated that Iranian Kurdish refugees are Kurds and are considered as such by the local communities in KRI. Edrees N. Salih had never heard about any tension between Iranian refugees and local communities, and added that there are only minor differences between Iraqi and Iranian Kurds. On the other hand, Edrees N. Salih pointed out that being refugee is tantamount to having a different social and legal status. And this fact is existed everywhere.

Regarding the relationship between the local community and the refugees Sarbast Tawfiq explained that the local people consider the Iranian refugees as Kurds, and the refugees' Iranian background or refugee status has no influence on the local community's attitude towards them. Tensions have never been reported between the refugees of the Kawa camp and the local people.

When asked whether the local community or the local authorities have a discriminatory attitude towards the refugees from Kawa Camp Abdulghani Shukry Faris and Mawlood Aziz Omar replied that the refugees are Kurds and are considered as such by both the local community and the authorities, and they have never heard of any refugee being treated in a discriminatory way. The refugees are well-integrated into the society, and there are even refugees who enter into marriage with the local people.

3.2. KRG authorities

The spokesmen for Iranian refugees in Barika Refugee Camp stated that the authorities in Suleimaniyah are in no way negative towards the refugees in Barika, and the attitude of the authorities was described as "positive". However, neither the local authorities nor the KRG assist the refugees economically.

Edrees N. Salih (Qandil) stated that to his knowledge there is no systematic negative attitude by the KRG authorities towards Iranian refugees in KRI.

As regards the local authorities' attitude towards the refugees Sarbast Tawfiq stated that the KRG authorities do not treat the Iranian Kurds differently compared to the local people, and no discriminatory treatment or negative attitude towards the refugees from the local authorities has so far been observed or reported.

Mohamed Saheebi (PDKI) explained that the KRG does not assist Iranian refugees in KRI, and this has caused some tensions between the KRG authorities and the refugees. The Iranian government has tried to take advantage of this by further provoking these tensions in order to make the situation worse.

4. Presence and activities of Iranian authorities in KRI

4.1. Military and intelligence operations

Mohamed Mirza, Head of Political Department, General Security Office, Asayish, Erbil, had no knowledge of any previous incidents concerning Iranian security forces and Iranian refugees in KRI.

Sarbast Tawfiq explained that the KRG authorities provide the refugees with a high level security in order to protect them against Iranian agents, local criminals as well as terrorism.

Mohamed Saheebi and Dara Nategh (PDKI) considered it safe and secure for Iranian refugees to reside in KRI and there have been no major security incidents against Iranian refugees in KRI during the last six or seven years. However, the Iranian security agents would not hesitate to cause harm to the Iranian Kurdish political oppositional activists as soon as they get a chance to infiltrate the Iranian community in KRI.

When asked why the Barika refugees wish to be resettled Mohamed Saheebi and Dara Nategh (PDKI) explained that even if the refugees obtain Iraqi citizenship, they will still not feel safe. There is no doubt that citizenship will solve some of their problems, particularly their economic problems by giving them the opportunity to be employed in the public sector. But, according to Mohamed Saheebi and Dara Natigh, those who are politically active will still be at risk of being harmed by Iranian security agents in KRI. Although Iranian agents also operate in Western countries, Iran's influence and intelligence activities are much more significant in Iraq, including KRI, and this is primarily due to Iraq's geographical closeness to Iran. The more politically high profile and politically active an Iranian refugee in KRG is, the more he or she is in security risk, and obtaining Iraqi citizenship, in this sense, does not make any difference. There is evidence of intimidation of Iranian refugees in Iraq by Iranian security agents. It is not unusual that these agents make phone calls to refugees in order to intimidate them.

Sarbast Tawfiq explained that the majority of the Iranian Kurdish refugees in Kawa Camp have come to Iraq due to political reasons. They are civilians and are not involved in any armed struggle against the Iranian government in spite of their affiliation with Iranian Kurdish opposition parties.

4.2. Iranian consulates in Erbil and Suleimaniyah

When asked if the Asayish has any relations with the Iranian consulate in Erbil Mohamed Mirza (Asayish) stated that there is no direct contact between the Asayish and the consulate. It was added that the Asayish does not consider the presence of the Iranian consulates in KRI as problematic with regard to the Iranian refugees in KRI. The refugees are not being harassed or intimidated by the Iranian consulates.

According to Mohamed Saheebi and Dara Nategh (PDKI) there is a widespread concern, not only among Iranian Kurds but also among Iraqi Kurds, regarding the activities of the Iranian consulates in KRI. These consulates are the centres of the Iranian Revolutionary Guard's intelligence activities in KRI. KRG does not have the capacity to stop these activities, and even if it had it would still fear that this would harm the relationship between KRG and Iran.

5. Risk of refoulement

Concerning risk of refoulement the spokesmen for Iranian refugees in Barika Refugee Camp stated that no refugee have been deported back to Iran. They emphasized that the KRI authorities would never deport an Iranian refugee to Iran. The majority of the refugees in Barika Refugee Camp are, according to the spokesmen, political refugees and many are members of the PDKI.

Edrees N. Salih (Qandil) has no information of Iranian refugees being forcibly returned to Iran by KRG authorities.

Mohamed Saheebi and Dara Nategh (PDKI) stated that no Iranian Kurdish refugee has been forcibly returned to Iran during the last six years. They emphasized, however, that if the Asayish suspects that an Iranian refugee in KRI is undertaking intelligence activities on behalf of the Iranian government, he or she will be deported to Iran.

When asked if any Iranian refugee in KRI have ever been deported by the KRI authorities to Iran against his or her will, Kamal Rauf (Hawlati) stated that attempts to do this has occurred on two occasions. Both cases took place in mid-2010 and they did not involve families but only two individuals.

However, in one of the occasions the person in question was not a refugee and not registered at the UNHCR. This person was a young woman who arrived in KRI together with an Iranian group of political activists. The group was invited to KRI by PDKI in Suleimaniyah. The woman in question was later accused of prostitution and the KRG authorities attempted to return her to Iran but in the end she was permitted to remain in KRI. Kamal Rauf explained that he met with the Asayish in Suleimaniyah in order to get the authorities to refrain from deporting the [...] Iranian woman.

The other case concerned a young man from Iran who repeatedly got involved in fist fighting at the market place in Suleimaniyah as well as in drug and alcohol abuses. When the KRI authorities decided to deport the man in question UNHCR tried to intervene. However, as Suleimaniyah is rather close to the Iranian border the young man was deported even before UNHCR had a chance to circumvent the deportation.

6. Voluntary return to Iran

According to Sarbast Tawfiq, UNHCR Iraq has tried a couple of times to make the Iranian authorities guarantee the safety of the refugees if they go back to Iran, but no guarantee has so far been given.

Sarbast Tawfiq explained that in 2010 a poll was carried in Kawa Refugee Camp and the refugees were asked which one of the following three options they would prefer as a permanent solution to their longstanding problems:

- Return to Iran if their security could be guaranteed
- Be granted Iraqi citizenship and stay permanently in Iraq
- Resettlement in a third country.

The poll showed that the refugees were equally divided into three groups with regard to these options.

7. Return to KRI

Regarding return of rejected asylum seekers Muhamad Abdulla Hamo (DDM) requested that returning authorities in European countries support these returnees with a reintegration programme. This does not take place today and there are European countries that return rejected asylum seekers without any assistance and without a return agreement with the KRG.

Consulted organisations, institutions, agencies and persons

Abdulghani Shukry Faris, Headmaster, Kawa Primary School, Kawa Refugee Camp.

Bahroz Qashany, Governor of Suleimaniyah Governorate, Suleimaniyah.

Dara Nategh, Secretary General of Union of Kurdish Democratic Youth of Iran, Suleimaniyah.

Edrees N. Salih, Country Director, Qandil (A Swedish Humanitarian Aid Organisation), Erbil.

Ismael Fatah, Headmaster, Barika Primary School, Barika Refugee Camp.

Kamal Rauf, Editor in Chief, Hawlati newspaper, Suleimaniyah.

Mawlood Aziz Omar, Assistant Headmaster, Kawa Primary School, Kawa Refugee Camp.

Mohamed Mirza, Head of Political Department, General Security Office, Asayish, Erbil.

Mohamed Saheebi, Member of Central Committee of Democratic Party of Iranian Kurdistan (PDKI), Suleimaniyah.

Muhamad Abdulla Hamo, Director, Directorate of Displacement and Migration (DDM), Dohuk.

Public Aid Organization (PAO)/Protection and Assistance Center (PAC), Erbil.

Sarbast Tawfiq, Mayor of District Qushtapa.

Shokr Yaseen Yaseen, Director of Bureau, Bureau of Migration & Displacement (BMD), KRG Ministry of Interior, Erbil.

Spokesmen for Iranian refugees in Barika Refugee Camp.

Kawa Camp Council and Kawa Camp Committee, Kawa Refugee Camp.⁶

United Nations High Commissioner for Refugees (UNHCR), UNHCR Iraq (Baghdad/Erbil)

⁶ The Kawa Refugee Camp representatives comprised Mohamad Ali Palini, Karim Ahmed Palani and Iran Mohamad Abassi from Kawa Camp Council, and Karim Ahmed Hussein, Jamshid Rasul Rasheed and Mansur Murady from Kawa Camp Committee.

Abbreviations

BMD – Bureau of Migration & Displacement

DDM – Directorate of Displacement and Migration

DIS – Danish Immigration Service

Gol – Government of Iraq

KRG – Kurdistan Regional Government

KRI – Kurdistan Region of Iraq

Mol – Ministry of Interior

NGO – Non-Governmental Organisation

PAC – Protection and Assistance Center

PAO – Public Aid Organization

PDKI – Democratic Party of Iranian Kurdistan

PDS – Public Distribution System

S/C Iraq – South/Central Iraq

UN – United Nations

UNHCR – United Nations High Commissioner for Refugees

Annex 1: Visits to Barika and Kawa refugee camps

Visit to Barika Refugee Camp

The delegation visited the Barika Refugee Camp which is located between Arbat and Darbandikhan near Suleimaniyah. According to the spokesmen of the Barika refugees the camp hosts 420 families, i.e. 2,500 individuals who are all refugees from Iran. The majority of the refugees were transferred from the previous Al-Tash Refugee Camp in 2005.⁷

The spokesmen for Iranian refugees in Barika Refugee Camp regretted that Barika camp does not receive the funds from UNHCR and the KRG authorities that it needs to make life tolerable for its inhabitants. Prior to 2003 the Iranian refugees received housing, food rations, education etc. from the UNHCR and some were offered resettlement, but since then they have not been assisted adequately by the UNHCR. The spokesmen claimed that the refugees now have to pay for electricity and that their houses are not being refurbished and thus are deteriorating. The refugees were all transferred from Al-Tash Refugee Camp on May 25, 2005.

Regarding the economic conditions in Barika the spokesmen for Iranian refugees in Barika Refugee Camp stated that only one quarter of the refugees are able to manage for themselves as they have some form of employment, mostly as casual labourers. However, the rest of the inhabitants in Barika are elderly or children and they cannot work. As a result many families are poor and daily life is very difficult for them. The spokesmen stated that up to 95% of the 2,500 inhabitants are poor and some of them have life threatening diseases that cannot be treated in Barika or anywhere else in KRI. As refugees they have no access to S/C Iraq and they have no right to be employed in the public sector as ordinary Iraqis have. It was estimated that approximately 100 inhabitants in Barika have chronic diseases, and this is especially common among the elderly and the children. It was added that if international NGOs, humanitarian organizations and the KRG did not assist the refugees the humanitarian situation in the camp would have been very critical.

The spokesmen for Iranian refugees in Barika Refugee Camp stated that neither the GoI nor the KRG provide financial assistance to the refugees in Barika. Most likely this is because the two governments assume that UNHCR is supporting the refugees. This is, according to the spokesmen for the refugees, however, not the case, and it was stated that 95% of the refugees are poor. The jobs that are available are almost all temporary casual labour and very often poorly paid. When asked if they have requested assistance from the Sulaimaniyah Governorate the spokesmen stated that they have requested assistance from the office of the Governor of Suleimaniyah on several occasions but to no avail.

⁷ According to Mohamed Saheebi, Member of Central Committee of Democratic Party of Iranian Kurdistan, and Dara Nategh, Secretary General of Union of Kurdish Democratic Youth of Iran, there are two categories of Iranian refugees in Barika Refugee Camp: refugees from the previous Al-Tash Refugee Camp who comprise the largest group of refugees in Barika, and refugees who came directly from Iran to KRI.

When asked how the 130 young men that according to the spokesmen for Iranian refugees in Barika Refugee Camp went to Denmark could travel abroad the spokesmen explained that they all left Iraq with the help of smugglers.

The spokesmen for Iranian refugees in Barika Refugee Camp stated that the public services as well as the infrastructure in Barika camp are very bad. Roads are not asphalted and it is difficult to walk around in the camp during rainy periods. The houses were originally built by UNHCR but they are now in bad condition. It is difficult to keep them heated and very often several families live in the same house.

The spokesmen for Iranian refugees in Barika Refugee Camp explained that the main problem that preoccupies the refugees is that they are squeezed between the UN system and the Iraqi authorities. The UNHCR has made many promises which it does not keep.

The delegation also visited the local primary school at Barika Refugee Camp which among others accommodates the children of the refugees from the camp. The total number of students at the primary school is 362 pupils of whom 170 are girls and 192 are boys. Ismael Fatah, Headmaster of primary school, Barika Refugee Camp, requested the international community to allocate funds in order to increase the capacity of the school. Lack of capacity has resulted in two shifts teaching which according to Ismael Fatah reduces the quality of education.

The pupils at the primary school at Barika Camp are taught in Kurdish, and Arabic is a compulsory subject on the curriculum. Ismael Fatah added that pupils at primary school level are able to write and read Arabic but they are not yet able to speak the language. Kurdish forms the basis of teaching and the pupils also speak Kurdish when they are with their families.

Ismael Fatah stated that in addition to his primary school there is another primary school in Barika accommodating 320 pupils and a secondary school enrolling 400 students. It was added that the two primary schools also enrol pupils from the surrounding community. Approximately half of all pupils and students enrolled in Barika's three schools are from the local community.

Finally, Ismael Fatah regretted that Barika camp does not have any kindergarten. A kindergarten would be an important psychological contribution to prepare the children for primary education. The pupils are approximately at the age of six when they begin primary school.

Visit to Kawa Refugee Camp

The delegation visited Kawa Refugee Camp which is located in Qushtapa district approximately 25 kilometres south-east of Erbil city.

UNHCR had explained to the delegation that there was widespread dissatisfaction with UNHCR among the refugees in the Kawa Refugee Camp because they were focussed on the prospects for resettlement, and the refugees believe that UNHCR does not help them with this. Thus, UNHCR did not participate in the delegation's visit to the camp or in its meeting with the camp representatives. During the visit to the camp KRG police officers were present and the officers monitored the situation during the entire visit.

The Kawa Refugee Camp has an elected Camp Council and a Camp Committee. The delegation held a joint meeting with the Camp Council's three members and three members of the 12

member Camp Committee (hereafter “the Kawa camp representatives”). The delegation was invited on a tour of the camp and was spontaneously invited into the homes of three different families during its tour. In addition, the delegation held a meeting with the school headmaster and assistant headmaster of the Kawa Primary School.

According to the Kawa camp representatives 230 families or 1,346 individuals reside in this camp. It was added that the refugees are all Kurdish Iranian refugees, and a large number of them originate from the Iranian Kurdish city of Sar-e-Pol-e-Zahab near the border between Iran and Iraq. They were initially living in the Al-Tash Refugee Camp but in November 2005 the majority of the refugees were relocated to Kawa Camp. It was noted that some of the refugees had been relocated to Kawa Camp earlier. The camp had the features of an ordinary Iraqi village with free access to the surrounding area and villages. The land on which the camp was built had been donated by the KRG. The houses were brick and/or concrete houses and they had been built with the support of the Swedish NGO Qandil and UNHCR⁸. Each house had clean water and electricity. The camp’s facilities included a health clinic, primary, intermediary and secondary schools, a playground/park and meeting rooms. In addition the camp was supplied with an ambulance.

According to Abdulghani Shukry Faris, Headmaster, and Mawlood Aziz Omar, Assistant Headmaster of Kawa Primary School, there are good facilities at Kawa camp: sanitation facilities, paved roads, police station, health clinic, and water channel etc.

The Kawa camp representatives stated that the refugees in Kawa do not get any financial assistance from anyone. Neither the KRG nor the international community provide financial support to the refugees and all their income originates from the casual labour they may get.

The Kawa camp representatives explained that some of the very poor refugees or disabled persons in Kawa Refugee Camp are assisted by the more wealthy refugees. There are 117 disabled refugees in the camp. It was added that those refugees who are blind are assisted by the Association of Blinds by a grant of 50.000 Iraqi Dinars per month. On the other hand, neither KRG nor the municipality provide the Kawa camp with any kind of economic assistance. Because of the very difficult situation in Kawa Refugee Camp the KRG Minister of Interior permitted the Kawa Camp Council and Kawa Camp Committee to call for a demonstration in front of the UN compound in Erbil. However, the demonstration was postponed by the Ministry because of the rather tense situation in Iraq, in KRI and in the region on the whole.

According to the Kawa camp representatives there is no assistance to the refugees in Kawa from the local community. The KRG has stated that it is only responsible for the safety of the refugees and not for the refugees’ well-being. The camp representatives considered that the refugees in Kawa are deprived of their rights but they acknowledged that the KRG has its own internal and regional problems to look after, including its trouble with the GoI. However, the representatives could not accept that the Iranian refugees in Kawa are marginalized and kept on the edge of society. “We are victims of all events in Iraq and we are victims of the First and the Second Golf War”, the camp representatives stated. When asked why the refugees in Kawa do not

⁸ Sarbast Tawfiq, Mayor of District Qushtapa, stated that in 2009, 219 houses were built in Kawa Refugee Camp for the families and the individuals. Presently 220 families or 2400 individuals live in the camp.

demonstrate against the KRG instead of demonstrating against UNHCR the camp representatives explained that the present security situation in KRI is not conducive for demonstrations.

Regarding the general situation of the refugees in Kawa the Kawa camp representatives stated that the refugees in Kawa are in a “minus zero” situation as they all want to be resettled abroad. When the refugees lived in the Al-Tash Refugee Camp they were promised by the UNHCR that they would be resettled. At that time between 300 and 400 families were resettled, but since then no one has been resettled. Before the refugees were relocated from Al-Tash to Kawa they had been told by UNHCR that they would all be resettled when they came to Kawa. However, this never happened.

The Kawa camp representatives requested that the international organisations like UNHCR should leave the refugees alone if they cannot provide them with the assistance they need, including assistance with regard to resettlement, obtaining Iraqi citizenship and financial support.

The Kawa camp representatives explained that all refugees in Kawa are looking for a better life, but they do not even have the opportunity to travel abroad in search for a better life. The refugees do not hold Iranian passports and they cannot get Iraqi passports either, thus they cannot legally travel outside Iraq.

The Kawa camp representatives stated that presently there are 250 young men in the Kawa camp. 56 young men have already left the camp in order to go to Europe and several of these are heading for Scandinavian countries, especially Denmark. The remaining youngsters are only awaiting their chance to go to Europe.

When asked how those refugees from Kawa who went to Europe to seek asylum were able to finance their journey the camp representatives explained that those asylum seekers borrowed money from their relatives and the asylum seekers will later pay back the money.

When asked what becomes of the young girls left behind in the Kawa camp, the Kawa camp representatives referred to a recent Iraqi newspaper article with the heading: “Girls hair gets white in their parent’s home”.

The Kawa camp representatives called attention to the fact that the Iranian refugees in KRI are squeezed between the UNHCR and the KRG in the sense that the refugees are not resettled in a third country on the one hand, and on the other hand they are not granted Iraqi citizenship. When the Iranian refugees once held meetings with the UNHCR and the KRG, they were told by both parties: “You are all Kurds, You live in a Kurdish country and You are safe!”. However, the camp representatives believed that there is a huge difference between the residents of KRI and the refugees. The refugees do not hold citizenship, thus they do not enjoy the same rights as other citizens in KRI, including the right to freedom of movement and the right to be employed in the public sector. The camp representatives stated: “We are left to ourselves and our lives are not good. We are being told lies, and our children and youngsters cannot even get use of their education. The UNHCR is playing games with us, and we do not get any support any longer. The UNHCR does not even respond to our appeals and we do not want to see UNHCR anymore. We want UN to leave us alone as we all feel exploited by UNHCR.” The camp representatives finally stated that next to the Palestinian refugees the Iranian Kurdish refugees are the second oldest refugee group in the world. The Iranian refugees have been refugees for more than 30 years.

The delegation also visited Kawa Primary School at Kawa Refugee Camp. According to Abdulghani Shukry Faris and Mawlood Aziz Omar, 418 pupils (232 boys and 160 girls) are enrolled at the school. The school comprises grades one to six which accounts for primary education in Iraq. It was added that one-fourth of the pupils come from the surrounding areas.

The school's curriculum is the same as the rest of Iraq. There is also another primary school, an intermediary school (grade 7-9) and a secondary school (grade 10-12) in the area which accommodate the children and the youth who continue their education after primary school.

Abdulghani Shukry Faris and Mawlood Aziz Omar stated that the teaching language at Kawa Primary school is Kurdish, but Arabic is also taught as a compulsory second language. By the end of primary school all children are literate in Kurdish and Arabic, i.e. they can read and write in both languages. However because Arabic is not the pupils' mother tongue their ability to speak and understand Arabic is rather limited.

According to Abdulghani Shukry Faris and Mawlood Aziz Omar, the school staff has a very good relationship with the parents.

Abdulghani Shukry Faris and Mawlood Aziz Omar explained that although the primary school suffers from some shortcomings they still manage to provide the pupils with a good primary education.