



# COUNTRY POLICY BULLETIN

## Iraq

### 1. **Introduction**

This Bulletin has been produced by the Country Specific Asylum Advice Team, Border and Immigration Agency (BIA), Home Office principally to provide guidance to asylum support decision makers dealing with representations that the applicant satisfies regulation 3(2) of the Immigration and Asylum (Provision of Accommodation to Failed Asylum-Seekers) Regulations 2005 and specifically satisfies regulation 3(2)(e) where pending a decision on a fresh asylum claim under paragraph 353 of the Immigration Rules support is necessary to avoid a breach of the European Convention on Human Rights (ECHR).

- 1.2 This Bulletin is about issues arising on route and method of return to Iraq and it should therefore be used by anyone in BIA who needs to address those issues. However, factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document or safety of route of return, should not generally be taken into account when considering the merits of an asylum or human rights claim. Asylum caseworkers should refer to the Iraq Operational Guidance Note for guidance on asylum claims. The OGN may be accessed via the following link:

<http://www.ind.homeoffice.gov.uk/documents/countryspecificasylumpolicyogns/>

- 1.3 Asylum Support Policy Bulletin 71 provides guidance on the criteria that a failed asylum seeker must meet to qualify for support under section 4 of the Immigration and Asylum Act 1999 (IAA 1999), and the conditions under which this support shall be provided. The bulletin may be accessed via the following link:

<http://www.ind.homeoffice.gov.uk/6353/12358/pb71.pdf>.

- 1.4 The IOM assist voluntary return to Iraq in the following ways:

- 1) arranges for necessary domestic transportation in the UK to the airport from which the flight will depart
- 2) arranges for travel documents (returns are done via EU letter and no passport is required);
- 3) provides air transportation from the UK to Iraq by scheduled airlines; and
- 4) arranges for transportation from the point of entry to the final destination in Iraq (IOM do not accompany returnees to their final destination);
- 5) provides reintegration assistance after arrival.<sup>1</sup>

### 2. **Main Issues Raised**

- 2.1 This Bulletin sets out the main issues raised in support of claims from Iraqi failed asylum seekers that they are taking all reasonable steps to leave the UK or to place themselves in a position in which they are able to do so, despite not having applied to IOM for voluntary return. This Bulletin covers issues of documentation, safety of travel and general security.

### 3. **Availability of Documents**

- 3.1 Documents, which are widely available, are the Iraqi Nationality Certificate as well as the Iraqi Civil Status ID, both of which are issued by the Directorate of Travel and

<sup>1</sup> Head of IOM Mission in UK. Dated 10 November 2006

Nationality/Ministry of Interior. In the KRG area, these documents are issued by the Directorate of Nationality and Civil Status/Ministry of Interior (Governorate of Sulaymaniyah) and the Directorate of Nationality and Civil Identification (Governorates of Erbil and Dohuk).<sup>2</sup> These documents are obtained by applying in person as there is no reliable postal service.<sup>3</sup> These documents are the main identification documents within Iraq and are requested 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. Although the Iraqi Civil Status ID card is more commonly used, both can be used for general purposes and at roadblocks. Iraqis will also often present an ID from their place of work. Iraqi Civil States ID or Iraqi Citizen Papers are needed to cross from KRG into Government Controlled Iraq.<sup>4</sup>

- 3.2** Another document used at times is the Residence Address Card, which certifies the holder's address and is needed to buy real estate, a car or mobile phone or to submit a job application. Instead of the Residence Address Card, one can also obtain a one-time document certifying a person's residence from the local mayor (Mukhtar). In the KRG area, only one-time documents certifying a person's residence are available.<sup>5</sup>
- 3.3** The food ration card, which allows its holder to obtain the monthly food ration through the Public Distribution System (PDS), is issued by the Ministry of Trade and is also widely accepted as an identification document. In the KRG area, the food ration card is issued by the Directorate of Food/Ministry of Trade (Governorate of Sulaymaniyah) and the General Company for the Trade of Food Items/Ministry of Finance and Economy (Governorates of Erbil and Dohuk).<sup>6</sup>
- 3.4** Birth certificates are usually obtained in public hospitals or health centres. A copy of the birth certificate has to be sent to the PDS centre to include the newborn on the family's food ration card. Death certificates are issued by public hospitals indicating the time, date and reasons of the death. Deaths occurring outside a hospital need to be approved by the Civil Status Court that issues a certificate proving the death. A copy of the death certificate is to be sent to the PDS centre to exclude the deceased from the family's food ration card. In the KRG area, birth/death certificates need to be sent to the Directorate of Food (Governorate of Sulaymaniyah) and the General Company for the Trade of Food (Governorates of Erbil and Dohuk) for (de)registration of a person in the PDS.<sup>7</sup>
- 3.5** In order to relocate within Iraq, an individual must be in possession of all the following documents:
- the personal identification number which is issued by the General Directorate of Citizenship in accordance with Iraqi civil law number 65 (1972);
  - the Iraqi Nationality Certificate which shows that the holder is Iraqi;
  - a letter of confirmation from the place of work in the intended relocation town and/or the approval of the Mukhtar of the intended relocation town; and
  - a declaration from the security services that the person is not involved in criminal activities.<sup>8</sup>
- 3.6** Without all this documentation supporting official relocation, individuals would be unable to access food which is rationed and would be denied access to work.<sup>9</sup> A person wishing to remain in, or move to, an area of Iraq other than his or her home town does not have to visit his home town to obtain the requisite documentation for a relocation application.<sup>10</sup>

<sup>2</sup>COIS Iraq Report October 2006 Section 30

<sup>3</sup> FCO Letter dated 6 November 2006

<sup>4</sup> FCO Letter dated 22 January 2007

<sup>5</sup>COIS Iraq Report October 2006 Section 30

<sup>6</sup> COIS Iraq Report October 2006 Section 30

<sup>7</sup> COIS Iraq Report October 2006 Section 30

<sup>8</sup> FCO Letter dated 6 November 2006

<sup>9</sup> FCO Letter dated 22 January 2007

<sup>10</sup> FCO Letter dated 6 November 2006

- 3.7** The Ministry of Migration and Displacement branch offices issue documents to internally displaced persons (IDPs) that certify they are IDPs. These documents are used by the Ministry of Trade to honour the ration cards that IDPs have with them (from their place of origin) at the place of displacement. Ration cards are used for basic provisions such as rice, beans, cooking oil, detergent, tea, salt, flour, petrol and other fuel products. They can only be used in a specific shop or store in the person's neighbourhood. But local Ministry of Trade offices can exchange the ration cards if persons move to another district. The majority of people comply with the arrangements for relocation and rationing.<sup>11</sup> The ration card is a very important form of ID and can be checked relatively quickly by the Iraqi authorities.<sup>12</sup>
- 3.8** UNHCR reported in 2005 that returnees often face difficulties in obtaining necessary documentation following return to Iraq, though there are regional differences with the authorities in the three Northern Governorates having efficient mechanisms in place. There is support by legal advice centres operated by the authorities available.<sup>13</sup> However the FCO confirm that obtaining an Iraqi Civil Status Identity Card is a simple process. Once a person registers in an area, he or she is given a ration card. A person returning to his or her town would already be registered and would not have to apply for a new ration card, as they are not removed from the list if they go overseas.<sup>14</sup> The FCO advice is that it generally takes approximately one day to obtain the necessary documentation on return to Iraq.<sup>15</sup>
- 3.9** **Conclusion** Although in 2005 UNHCR state that returnees often face difficulties in obtaining documentation IOM have confirmed that they are unaware of any problems experienced by returnees in obtaining the necessary documentation after return, and have not been called upon to help in that regard.<sup>16</sup> IOM confirm that no assistance from them has been needed in obtaining documents on return to Iraq as no problems have been experienced. As such it is considered that the process of obtaining documents on return to Iraq would not make return unreasonable.

#### **4. Safety of travel**

##### **4.1 *Travel to Iraq***

- 4.1.1** In all circumstances it is Home Office preference that people, who have no basis to remain, including failed asylum seekers, leave the UK voluntarily. Assistance with travel and reintegration assistance are available to qualifying individuals from the IOM. IOM are able to organise travel to all parts of the country to suit individuals' choice of final destinations. In working through their travel arrangements with IOM, individuals are not restricted to return to the town/village of origin.
- 4.1.2** As with all nationalities, should an Iraqi who has no basis to remain fail to leave the UK voluntarily, he will be liable for enforced removal. During this early stage of the programme of enforced returns on charter flights, we are removing those individuals who are from the KRG area. The KRG will only accept back those who come from the KRG area. We provide details of those we wish to return to the KRG area to the KRG authorities at least 14 days in advance of their return.
- 4.1.3** The limited programme of enforced returns by charter flight to date is largely due to operational considerations which mean that UK Government staff and contractors are limited to flying in and out of Iraq on specially equipped aircraft. In the planning we are also mindful of concerns about the situation on the ground and our wider diplomatic engagement with the authorities in Iraq.

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<sup>11</sup> FCO Letter dated 6 November 2006

<sup>12</sup> FCO Letter dated 22 January 2007

<sup>13</sup> UNHCR COI report, 3 October 2005

<sup>14</sup> FCO letter dated 21 July 2006

<sup>15</sup> FCO Letter dated 22 January 2007

<sup>16</sup> Head of IOM Mission in UK. Dated 10 November 2006

- 4.1.4** We are returning Iraqis on scheduled flights where they have agreed to return to Iraq but do not qualify under any of the voluntary returns programmes. We return people from the KRG to Erbil and all others to Baghdad. All returnees who have not taken up voluntary return with IOM receive \$100 to assist them on their return.
- 4.1.5** The numbers of Iraqis who have returned to Iraq under the Voluntary Assisted Return and Reintegration Programme (VARRP) between 01/04/05 and 30/09/06 is 2,522. The majority of these travelled on the charter flights which depart on a fortnightly basis and alternate between Erbil and Sulaymaniyah. Since they began in August 2005 until the end of September 2006 1,494 have travelled. There have been no returns overland since the end of August 2005, although this route is still an option. There is no longer a need to run charter flights to Erbil and Sulaymaniyah as there is sufficient capacity on commercial flights. The last charter was on 21 December 2006.

#### **Returns by commercial flights via Amman to Erbil, Baghdad and Basra**

MONTH	NORTH	BAGHDAD	BASRA	KIRKUK	MOSUL
SEPT 05	18	2	2	14	4
OCT 05	9	2	0	8	0
NOV 05	12	0	0	0	0
DEC 05	9	0	0	0	0
JAN 06	9	7	0	22	3
FEB 06	7	8	0	21	7
MAR 06	34	1	0	16	2
APR 06	22	1	0	17	3
MAY 06	37	4	1	13	0
JUNE 06	14	3	0	12	1
JULY 06	16	1	0	5	0
AUG 06	8	1	0	4	1
SEPT 06	4	0	2	4	0

- 4.1.6** There are international airports at Baghdad, Erbil, Sulaymaniyah and Basra. Baghdad International Airport (BIAP) was returned to Iraqi control in August 2004. Iraqi Airways has joined Royal Jordanian Airlines on its pre-war Baghdad-Amman route; DHL, the German-owned international couriers, also fly into the airport.<sup>17</sup>
- 4.1.7** There are daily flights to Baghdad: Royal Jordanian Airlines twice a day, Iraqi Airways twice a day, Ishtar from Dubai twice a week, Jobitar from Dubai twice a week and Jobitar from Cairo twice a week. Flights from Baghdad: Royal Jordanian Airlines twice a day to Amman, Iraqi Airways twice a day to Amman, Iraqi Airways daily to Dubai, Iraqi Airways four flights a week to Erbil, Ishtar twice a week to Dubai, Jobitar twice a week to Dubai and Jobitar twice a week to Cairo. Austrian Airlines also fly into Erbil. Returnees to Baghdad use rented cars/buses hired by IOM, airport taxis or are met at the airport by relatives and leave in their cars.
- 4.1.8** The UNHCR COI report, October 2005, stated that "Travel by air to and from Baghdad's international airport is highly insecure. Insurgents have targeted civil aviation with small arms and missiles on several occasions." The UNSC report, dated 7 March 2005, added that "Aircraft, together with their cargo and passengers, continue to be exposed to a high level of threat both on the ground and when in Iraqi airspace."<sup>18</sup>
- 4.1.9** The KRG plans to begin international flights via Kurdish Airlines from Erbil, beginning with London. In mid-2006 regular European flights to Erbil began when Austrian Airways

<sup>17</sup> Intelligence Unit (EIU), Transport and communications, 3 October 2006

<sup>18</sup> COIS Iraq Report October 2006 Section 30

launched a twice-weekly service. Direct flights from Istanbul in Turkey to Erbil and Sulaymaniyah in the KRG run three times a week.<sup>19</sup>

**4.1.10** IOM requires those voluntarily returning to Iraq to sign a waiver confirming their acknowledgement that conditions in Iraq may not yet be safe and that IOM has no responsibility for them once they have been returned to Iraq.<sup>20</sup>

**4.1.11 Conclusion** There are a number of routes available for people wishing to travel to or from Iraq with daily flights into and out of BIAP. Although the UNHCR COI Report dated October 2005 highlights some insecurities in travelling by air to and from Baghdad airport numerous airlines continue to fly to Baghdad on a daily basis. (See 4.1.7) From September 2005 to September 2006 30 Iraqi nationals were returned using Baghdad airport without incident. There are also some overland bus routes into and out of Iraq. Between 01/04/05 and 30/09/06 2,522 individuals have taken advantage of the VARRP programme run by the IOM and have returned to Iraq. There is no evidence to date of any problems encountered by the returnees during their journey to Iraq. Taking into account the general possibility of travelling to Iraq and that a considerable number of people have returned with the assistance of the IOM it is considered that travel from the UK to Iraq is both possible and reasonable.

## **4.2 Travel within Iraq**

**4.2.1** Whilst there are no nationwide legal restrictions on freedom of movement Iraqis are affected by the prevailing insecurity in the country (fighting, ambushes, highway robbery, roadside bombs, mines/UXO); curfews; closures of roads, airports and borders as well as frequent checkpoints on the roads that severely restrict freedom of movement.<sup>21</sup>

**4.2.2** In July 2004 the Iraqi Interim Government passed the Order for Safeguarding National Security allowing the Prime Minister to declare a state of emergency in any part of Iraq suffering ongoing violence, except those administered by the KRG, for up to 60 days at a time. The state of emergency allows the Prime Minister to restrict freedom of movement, impose curfews, declare restrictions or bans on public gatherings and powers to search property and detain suspects. The emergency law was extended on 6 January 2005 for 30 days to guard against attacks in the run-up to the nation's 30 January 2005 elections. Since then, the emergency law has been renewed on a monthly basis.<sup>22</sup> Under the emergency laws and subject to judicial review, the Prime Minister has the power to restrict freedom of movement by imposing curfews or cordoning off certain areas. In several cities and towns curfews are in place, restricting people's freedom of movement, mainly during the night. Fallujah is only accessible to residents holding the necessary ID cards.<sup>23</sup>

**4.2.3** Women's freedom of movement is further limited due to the specific harassment and threats against them. This has increased the pressure on women to have a male family member to accompany them. The US Department of State reported in 2005 that some authorities have continued to require women to have the approval of their husband, father or brother to obtain a passport. This has been strongly denied by government officials.<sup>24</sup>

**4.2.4** Even though there are no legal restrictions as regards choosing one's place of residence in the country, there are a number of practical restrictions mostly based on political and security considerations.<sup>25</sup>

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<sup>19</sup> Intelligence Unit (EIU), Transport and communications, 3 October 2006

<sup>20</sup> Head of IOM Mission in UK. Dated 10 November 2006

<sup>21</sup> COIS Iraq Report October 2006 Section 30

<sup>22</sup> COIS Iraq Report October 2006 Section 8

<sup>23</sup> COIS Iraq Report October 2006 Section 30

<sup>24</sup> COIS Iraq Report October 2006 Section 30

<sup>25</sup> COIS Iraq Report October 2006 Section 30

- 4.2.5** The UNHCR COI report, October 2005, stated that “The main routes leading out of Baghdad are highly insecure, in particular the airport road, the roads leading West to Jordan and Syria (which pass through Ramadi and Fallujah) and South to Hilla (which pass through the ‘triangle of death’). All vehicular travel on these roads is extremely dangerous, and there have been numerous attacks on civilian vehicles and military convoys, during the day and at night.” The report added that “... no major route into Iraq is to be considered safe.”<sup>26</sup>
- 4.2.6** However ordinary Iraqis generally use roads on a daily basis. The road from Erbil to Kirkuk is heavily used and whilst there are occasional incidents, these are few. The road runs predominantly through open fields. There are oilfields on the outskirts of Kirkuk but these do not increase the threat to those using the road. A significant section of the road is inside the KRG controlled area (approximately 2/3 in KRG and 1/3 out). The road south of central Kirkuk is a more dangerous stretch. There are four separate checkpoints on the road: two on the outskirts of Erbil controlled by the Peshmerga, one at the edge of the KRG area where there are Peshmerga and Iraqi Army and one on the outskirts of Kirkuk which is controlled by the Iraqi Army. There are also periodic patrols by US forces, predominantly on the stretch in Kirkuk province. The roads are used less at night.<sup>27</sup>
- 4.2.7** The roads are generally used for purposes such as deliveries of goods by lorry and van and public transport such as buses, coaches and taxis. Ordinary Iraqis do not consider travel around the country by road so unsafe that they have largely curtailed travel around the country. Travel by road is more difficult and dangerous for people whose countries are participating in international coalition forces in Iraq.<sup>28</sup>
- 4.2.8** Bus services run from Baghdad and other main cities. Baghdad has an extensive bus system with double-deckers, and also private minibuses and share-taxis. Buses are poorly maintained and they are often involved in accidents. Services are irregular and frequently change route.<sup>29</sup>
- 4.2.9** Travel within townships is possible with taxis available in areas of greater population areas. As taxis are known to be used as Vehicle Borne Improvised Explosive Device (VBIEDs), the Multinational Forces (MNF) treat them with some suspicion. Travelling in a taxi raises the risk of ‘escalation of force’ incidents from MNF and Personnel Security Detachments (PSD). Travel between population centres has the risk of attack by Improvised Explosive Devices (IED), VBIED and being ambushed. Additionally there are still criminal elements on many of the roads who establish illegal Vehicle Check Points (VCP) in order to extort money.<sup>30</sup>
- 4.2.10** Highway 10, the route between Amman in Jordan and Baghdad, was regularly attacked by criminal gangs and insurgents in 2004. The FCO noted in 2005 that attackers made no distinction between the nationalities of the targets. Both Iraqis and foreigners were attacked.<sup>31</sup> In 2007 the FCO noted that Highway 10 is at very high risk from insurgent activity.<sup>32</sup>
- 4.2.11 *Conclusion*** UNHCR in their December 2006 position paper advised against the possibility of internal relocation in all parts of Central or Southern Iraq stating that there is no internal flight alternative, given the reach of both state and non-state agents of persecution, the lack of national protection and grave insecurity and human rights violations prevailing in those

<sup>26</sup> COIS Iraq Report October 2006 Section 30

<sup>27</sup> FCO Letter dated 8 September 2006

<sup>28</sup> FCO Letter dated 8 September 2006

<sup>29</sup> Expedia

<sup>30</sup> COIS Iraq Report October 2006 Section 30

<sup>31</sup> COIS Iraq Report October 2006 Section 30

<sup>32</sup> FCO Letter dated 27 February 2007

parts.<sup>33</sup> They have therefore concluded that it is highly unlikely that asylum-seekers who fear persecution in Central and Southern Iraq will be able to find a place in this region where they would be safe from persecution. However, asylum and human rights claims are not decided on the basis of a general approach, they are based on the circumstances of the particular individual and the specific risk to that individual. It is important that individual consideration be given to whether the applicant's well-founded fear of persecution in one area is likely to exist in another part of Iraq. UNHCR's conclusion that it is unsafe for all persons in Central and Southern Iraq to relocate is not therefore accepted, but each case must be considered on its individual merits.

**4.2.12** FCO confirm that a range of travel routes continue to be viable across Iraq – this includes the route from Erbil to Kirkuk, making travel around the country generally possible. Even if an Iraqi cannot return to their home town or village there are other areas in Iraq where they can relocate. Although the UNHCR COI Report dated October 2005 highlights some insecurities on roads in Iraq, the situation, as confirmed by the FCO, is that ordinary Iraqis generally use the roads on a daily basis. Although there are no legal restrictions on freedom of movement the number of check points, road closures and emergency laws restrict this in practice. Road travel is considered generally more difficult at night and for those nationals of countries who are participating in the international coalition forces in Iraq. However we do not accept that travel within Iraq is so insecure as to make return to Iraq unreasonable. Ordinary Iraqi citizens use the roads in Iraq for travel on a day to day basis and therefore it is considered that travel within Iraq on the internal roads is generally possible and reasonable. It is considered reasonable for a returnee to travel to another destination on arrival in Iraq if necessary or if he wishes to do so. Returnees are not required to return to their home town/village, however onward travel assistance will be provided to the destination selected by the returnee. This could be to his home town/village or to some other final destination.

## **5. List of Source Documents**

- Country of Origin Information Service (COIS), Iraq Country of Origin Information Report October 2006 [http://www.homeoffice.gov.uk/rds/country\\_reports.html](http://www.homeoffice.gov.uk/rds/country_reports.html)
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- FCO Letter dated 8 September 2006 (Travel in Iraq.)
- FCO Letter dated 15 August 2006 (Kurds in Iraq.)
- FCO Letter dated 6 November 2006 (Documentation for movement in Iraq.)

<sup>33</sup> UNHCR return advisory and position on international protection needs of Iraqis outside Iraq. Dated 18 December 2006

- FCO Letter dated 27 February 2007 (Highway 10)
- The New York Times dated 18 September 2006. Most Tribes in Anbar agree to unite against insurgents. <http://www.nytimes.com/2006/09/18/world/middleeast/18iraq.html>
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- Intelligence Unit (EIU), Transport and communications (via LexisNexis), 3 October 2006

**Asylum Policy Directorate**  
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