



POLICY PAPER IRAQ

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DISCLAIMER

A country-specific policy paper provides the main points regarding the policy rules that are applied by the Commissioner General when assessing requests for asylum from a specific country.

A country-specific policy paper begins with a brief, simplified summary of the complex situation in a country of origin. The situation outline only covers the asylum-related aspects of the situation in that country. A non-exhaustive overview is then provided of the at-risk groups in the country of origin. The focus lies on the at-risk profiles that the CGRS encounters during its day-to-day work. In addition, it only covers the policy themes that are relevant for the country of origin or any special policy rules that apply to that particular country. Subsequently, a country-specific policy paper does not contain a complete overview of all of the possible issues that may be faced by the citizens of the relevant country of origin.

The policy implemented by the Commissioner General is based on a thorough analysis of accurate and up-to-date information on the general situation in the country of origin. This information is collated in a professional manner from various, objective sources, including the EASO, the UNHCR, relevant international human rights organisations, non-governmental organisations, professional literature and coverage in the media. When determining policy, the Commissioner General does not simply examine the COI Focuses, drawn up by Cedoca and published on this website, as these deal with just one aspect of the general situation in the country of origin. The fact that a COI Focus could be out of date, does not necessarily mean that the policy that is being implemented by the Commissioner General is no longer up-to-date.

The policy paper does not reflect the complexity of the asylum application assessment process. When assessing an application for asylum, the Commissioner General not only considers the actual situation in the country of origin, at the moment of decision-making, he also takes into account the individual situation and personal circumstances of the applicant for international protection concerned. Every asylum application is examined individually. An applicant must comprehensively demonstrate that he has a well-founded fear of persecution or that there is a clear personal risk of serious harm. He cannot, therefore, simply refer back to the general conditions in his country, but must also present concrete, credible and personal facts.

A policy paper only has an informative value and is published without obligation and in order to provide information. No rights, of any nature, can be derived from the content of a country-specific policy paper. The information is of a general nature and is not adapted to applicants' personal or specific circumstances. A country-specific policy paper cannot therefore be used as a resource for corroborating an application for asylum or an appeal against a decision made by the Commissioner General.

The information contained in a policy paper is checked as carefully as possible. The CGRS puts a great deal of effort into updating policy papers and ensuring they are as complete as possible. Despite these efforts, it is possible that the content encompasses oversights or inaccuracies. The CGRS cannot be held liable for any direct or indirect damage resulting from access to, consultation or use of the information published in a policy paper.

For a better understanding of the policy themes that may be dealt with in a country-specific policy paper, see web page "About the CGRS/Policy".

1. SITUATION OUTLINE

As a result of an increase in violence and terrorist acts, the security and human rights situation in Iraq has deteriorated since 2013. In 2014, the situation escalated further. As a result of the ground offensive that IS has been carrying out in Iraq since June 2014, the situation has escalated further. This has led to a bloody, internal armed conflict. Citizens are being targeted by the conflicting parties on the basis of ethnic, religious or political reasons. The available information shows that the level of violence and the impact of the IS ground offensive differs dramatically per region. These strong regional variations characterise the security and human rights situation in Iraq. In practical terms, this means that the situation in Northern and Southern Iraq is different to the Central Iraqi provinces.



2. PERSECUTION IN THE CONTEXT OF THE REFUGEE CONVENTION

A high number of at-risk groups can be distinguished in Iraq. According to the situation in which he finds himself, the applicant must be able to demonstrate that he belongs to a specific at-risk group or must present additional concrete and individual facts in relation to persecution.

In general, refugee status is granted to an applicant as a result of specific or individual elements or facts. In some cases, the status of refugee is granted as a result of people belonging to a particular group. In this case, the applicant for international protection must only demonstrate that he belongs to this population group. He does not need to demonstrate individual persecution.

The Commissioner General grants the refugee status in principle, independent of the region from which the applicant originates. In certain cases, the granting of refugee status may sometimes depend on the applicant's region of origin because the situation for certain population groups can vary per region. For example, the situation for Christians in Mosul differs from the situation of Christians that live in the area that used to be governed by the Kurdistan Regional Government (KRG).

Below is a **non-exhaustive** summary of the at-risk groups in Iraq that focuses on the at-risk profiles that the CGRS encounters during its day-to-day work.

- religious and ethnic minorities, such as Christians, Yazidi, Baha'i, Jews, Assyrians, Armenians, Turkmen, Palestinians, the Shabak;
- persons who have had a high or managerial position in the former regime of Saddam Hussein;
- persons who are associated with the foreign presence in the country;
- (ex)military persons;
- police officers;
- supporters, sympathisers or members of political parties;
- single women;
- persons who fear honour-related violence;
- persons whose activities do not fit within the religious convictions of extremist groups;
- journalists or persons who work in the media;
- human rights activists;
- NGO staff;
- persons who risk persecution due to their sexual orientation;
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The Commissioner General applies the principle of an internal flight alternative only in exceptional cases. This principle is only applicable if it can be clearly demonstrated that the applicant has a genuine and stable internal flight alternative.

3. SUBSIDIARY PROTECTION

The available information shows that the level of violence and the impact of the IS ground offensive differs dramatically per region. These strong regional differences characterise the conflict in Iraq. For these reasons, when assessing the need for protection, the CGRS not only takes into account the current situation in Iraq but also examines the security situation in the area from which the applicant originates.



The Commissioner General is of the opinion that there is an exceptional situation as determined in article 48/4, § 2, c) of the Aliens Act in:

- the Central Iraqi provinces of Nineveh, Salah- al Din, Diyala, Anbar and Kirkuk;
- the Southern Iraqi province of Babil.

The CGRS is currently in the process of verifying whether it is still correct to grant subsidiary protection status per se to all applicants coming from Bagdad or the surrounding districts in Iraq. Until this verification process has led to a conclusion on this matter, the Commissioner general has decided to temporarily suspend decision making for all applicants originating from this region.

Under certain circumstances, Iraqi applicants for international protection can withdraw from the threat to their lives or person as a result of the security situation in the aforementioned provinces by settling outside their region of birth or origin. The principle of the internal settlement alternative is only and exclusively applicable if it can be clearly demonstrated that the applicant has a genuine and stable settlement alternative.

The Commissioner General is of the opinion that there is no exceptional situation as determined in article 48/4, § 2, c) of the Aliens Act in:

- the four northern provinces of Dohuk, Erbil, Suleymaniyah and Halabja;
- the southern provinces Najaf, Kerbala, Basra, Wassit, Qadisiya, Thi-Qar, Missan and al-Muthanna

The CGRS constantly monitors the situation in Iraq. When assessing the need for subsidiary protection, the Commissioner General takes account of the actual situation in Iraq as is the case at the moment of decision-making.

4. EXCLUSION

The CGRS will also examine whether persons are linked to the former regime of Saddam Hussein or were members of a militia (e.g. IS) under article 1F of the Refugee Convention.

If there are serious reasons for assuming that the applicant was directly involved in war crimes and crimes against humanity, or it is clear that they had a commanding role in this type of act, they will be excluded from the Refugee Convention and the status of subsidiary protection.