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1. Introduction and terms of reference

A large number of Iraqi citizens have sought asylum in Denmark in recent years. Over the past three years, Iraqi citizens have constituted the largest group of registered asylum seekers, accounting for 1 919 persons in 1998, 1 822 in 1999 and 2 458 in 2000.

In order to be able to process the many applications quickly and accurately, it has long been the wish of the Danish Immigration Service to gain a deeper and more balanced insight into the situation in Iraq. However, because *inter alia* of the sanctions imposed on that country, including the fact that Denmark has not had an embassy in Baghdad since 1991, it has hitherto not been possible to rely on the usual sources to obtain information on conditions in Iraq with a view to processing asylum applications and applications for family reunification.

With the support of the Ministry of Foreign Affairs, two employees of the Danish Immigration Service were given an opportunity to visit Iraq during the period from 8 to 15 March 2001 within the framework of the following terms of reference:

"Information is sought on the procedures for leaving and entering Iraq, including the documents which an Iraqi citizen must possess in order to leave or re-enter Iraq. In particular, information is sought on the way in which the Iraqi authorities treat Iraqi citizens returning to Iraq after a period of residence in Western Europe.

Information is also sought on the family law situation in Iraq, including which authorities are competent to officiate at weddings in Iraq and which types of documents are required in order for a marriage to take place. In addition, information is sought on the procedures for issuing ID cards and the characteristics of such cards.

Finally, as much information as possible is sought on other issues relevant to the granting of residence permits to Iraqi citizens.

As far as possible, such information should be obtained from the Iraqi authorities as well as from international organisations, Western diplomatic representations, NGOs and similar bodies."

The delegation spoke to all the diplomatic representations and international humanitarian organisations that it was able to meet in Baghdad. These included Western diplomatic representations, UN agencies and other well-known international organisations involved in humanitarian work in Iraq. They therefore constituted sources which had first-hand knowledge of the matters covered by the terms of reference. The delegation also had meetings with the Iraqi authorities. The information acquired was considered relevant only to the extent that it could be confirmed by the other sources or related to purely technical issues. There are no independent national Iraqi NGOs working in the field of human rights violations in Iraq.

The sources consulted in Iraq - both the diplomatic representations and the international humanitarian organisations - wished to be referred to in the report as a "Western diplomatic representation" and an "international humanitarian organisation" respectively. Their desire for anonymity stemmed *inter alia* from their need to be able to work in Iraq and to be able to cooperate with the Iraqi authorities. In the report, each source has been numbered in order to give an impression of the number of sources which commented on the various issues raised. One

organisation in Amman, Jordan, wanted to be referred to as "a UN agency in Amman dealing with refugees".

The Danish Immigration Service subsequently submitted a summary of this report to a UN agency in Geneva. According to that agency, the information contained in the report is consistent with the organisation's own information on conditions in Iraq, including the conditions for Iraqis returning to Iraq after a period of residence abroad.

The Danish Immigration Service also submitted to a UN refugee agency in Amman those sections of the report for which the agency had acted as source. The agency confirmed that the report correctly quotes the information which it had supplied.

It should be emphasised that this report does not detail the human rights violations which are being committed in Iraq. The report's contents mainly reflect a number of other circumstances which are also relevant to the processing of asylum applications submitted by Iraqi citizens in Denmark.

Iraq has a population of around 22 million. Arabs form the largest section, followed by Kurds. There are also Turkmen, Assyrian, Yezidi and Armenian populations. The vast majority of the Iraqi population is Muslim. Shia Muslims, who live mainly in Central and Southern Iraq, form the largest group. Sunni Muslims live mainly in Central and Northern Iraq. The rest of the population is made up of Christians, a small number of Mandaeans and a few Jews.

Iraq's ruling elite has traditionally been recruited from the Sunni Muslim minority, and throughout Iraq's history there have been frequent conflicts between that group and the Shia Muslims in Southern Iraq and the Kurds in Northern Iraq. The human rights situation in Iraq has been described as highly criticisable in a large number of reports, including the US Department of State's "2000 Country Report on Human Rights Practices - Iraq, February 2001", the "UNHCR's Background Paper on Refugees and Asylum, Iraq, June 2000" and the "Report of the Special Rapporteur on the situation of human rights in Iraq, January 2001". Those reports make it clear that the Iraqi regime has at its disposal an extensive security system which cracks down on any opposition by means of executions, imprisonment, torture and disappearances, and that a large number of fundamental human rights are being violated.

2. The humanitarian situation in Iraq

2.1 Introduction

According to an international humanitarian organisation (3), prior to 1990 Iraq was one of the leading countries in the Middle East with regard to social security benefits, education and health, etc. The Iraqi state used to provide maximum cover, but now the whole social security system has generally disintegrated.

A Western diplomatic representation (3) described the Iraqi economy as one of the world's last socialist economies based primarily on oil production. The source added that Russia, France and China are Iraq's main trading partners.

2.2 Oil for food programme

An international humanitarian organisation (4) pointed out that Iraq was offered an "Oil for food programme" as long ago as 1991. It was only in December 1996 (Security Council Resolution 986) that such a programme was implemented. The programme has now been running for four years. Iraq was initially allowed to sell oil for USD 2 billion every six months. In 2000 the sales limit was lifted, and Iraq sold oil for USD 18-19 billion. Two-thirds of the income generated by the programme is earmarked for humanitarian purposes such as food, housing, medicine and infrastructure.

From 1990 to 1996, Iraq had virtually no imports or exports. Conditions have improved since 1997. There is still room for improvement, but it is expected to be some time before the high levels of the past are achieved again. The source described the situation as "not good, but improved". It pointed out that the situation varies on a geographical basis. The situation is better in the towns than in rural areas, and better in Baghdad in Central Iraq than in Basra in the southern part of the country. The best conditions of all are found in the Kurd-controlled provinces in the north, thanks to international aid, customs revenue from trade with Turkey and the "Oil for food programme", which earmarks 13% of revenue for use in Northern Iraq. The situation in Southern Iraq is worst because of problems with the water supply and sanitary conditions. According to an international humanitarian organisation (3), Iraq used to have a sophisticated sewage system prior to 1990. USD 100 million used to be spent each year on its upkeep. Now, its maintenance costs account for just USD 8 million per annum.

The source went on to say that no-one needs to go hungry in Iraq, and that the rationing and food distribution system continues to operate effectively. However, it pointed out that there is a mood of despair. The source emphasised that survival depends on more than just food. For instance, some Iraqis are selling their monthly rations of powdered milk in order to obtain money for clothes, etc. A Western diplomatic representation (2) said that the lack of clean water in southern Iraq was one of the reasons why mothers are selling their powdered milk. According to the same source, the rations cost IQD 250 per person per month. This is equivalent to approximately one Danish krone. For the same amount it is possible to buy one packet of cigarettes, one soft drink or 0,5 kg of sugar. The source went on to say that some larger families (comprising 10 persons per household, for example) sell some of their rations. A Western diplomatic representation (1) said that 70% of the Iraqi population is receiving food via the "Oil for food programme".

Similarly, an international humanitarian organisation (6) pointed out that the "Oil for food programme" has ensured a positive development and that circumstances improved markedly between 1996 and 2000. However, the situation can still be difficult, and some families sell their most treasured possessions in order to raise money. According to the source, Iraqis liken the present-day situation in Iraq to the pre-1990 position. This leads to a state of frustration and stress, and constitutes a mental rather than a social catastrophe. The source said that 60% of the population lives in the five largest cities in Iraq, and that the problem of relative poverty is worst in southern Iraq.

According to another international humanitarian organisation (3), the "Oil for food programme" has not improved the situation, but has merely prevented things from getting worse.

According to a Western diplomatic representation (2), the food imported via the "Oil for food programme" is distributed by lorries to 15 storage depots. The government has a list of the retail companies which distribute the food to the Iraqis. There used to be a rationing system in Iraq, and the current rationing system is based on the old system. The source said that cooperation between the UN and the Iraqi government is good, and there is no large-scale smuggling of food. The source went on to say that the rations provide a basis for survival, but do not include meat or fish or sufficient vitamins.

An employee of a Western diplomatic representation (5) confirmed that the monthly rations cost IQD 250 per person. The same source said that the contents can vary, but typically comprise 2 pieces of soap, 2,5 kg of rice, 2 kg of sugar (the sugar is used for preserving and jam-making), 9 kg of flour, 150 grams of dried tea, cooking oil and occasionally 250 grams of dried beans. The monthly ration normally includes 500 grams of powdered milk, but at present (mid-March 2001) it includes only 50 grams. According to the source, this was because the regime had decided that the powdered milk should be shared with the Palestinians during the Palestinian uprising.

The same source said that some Iraqis are going hungry. Such persons are elderly Iraqis who have retired and who do not have a social network, relying solely on their pension to survive.

A Western diplomatic representation (3) said that the top salary for an Iraqi civil servant is around IQD 35 500 (USD 20) per month. It is therefore common for public employees to have jobs on the side, or - if they hold a position in which such a practice is possible - for them to supplement their income by taking bribes. An international humanitarian organisation (6) described the Iraqi system as fundamentally corrupt.

An international humanitarian organisation (5) described the prevailing atmosphere in Iraq as one without faith in the future. The source said that foreign labour accounted for one million persons prior to 1990. The foreign labour force consisted of everything from scientists to shoeshine boys. According to the source, the Iraqis had bought most of that labour force with their oil revenue. They wanted to train for prestigious jobs, and the source pointed out that, within the health sector (for example), it is considered prestigious to become a surgeon, while jobs such as nursing are not regarded as attractive. Consequently, Iraq had employed nursing staff from Egypt and Lebanon. Iraq's problems had been worsened by the fact that a large proportion of the foreign labour force left the country after 1990. Its problems had been further compounded by the impossibility of finding newly trained staff to fill the vacant posts.

An international humanitarian organisation (5) stressed the need for a large "cash component" in the "Oil for food programme" so as to enable more oil revenue to be used for services (such as transport) which extend beyond purely humanitarian objectives.

According to a Western diplomatic representation (2), the embargo has destroyed conditions for the middle class and created a class of nouveaux riches who are making money from the embargo.

An international humanitarian organisation (4) pointed out that, of the USD 12 billion raised from oil sales, only USD 9 billion has been used. The source concluded that the Iraqi government wanted to put the money aside for a "rainy day".

2.3 Unemployment

According to an international humanitarian organisation (6), unemployment in Iraq stands at approximately 60%. A Western diplomatic representation (4) estimated that the unemployment figure is around 70% and considered that it is one of the reasons for the view held by many Iraqis that there is no future for them in Iraq.

2.4 Health

According to an international humanitarian organisation (6), the health system has collapsed. The source said that the health system has two tiers - "top level" and "community level". The whole system at community level, which used to consist of small hospitals, has disappeared. The source emphasised that there is social uncertainty, but no-one is dying of social hardship.

A Western diplomatic representation (3) said that in state hospitals it is necessary to pay in order to speak to someone, to bribe the staff in order to get on to the operating list and to pay more money to get to the top of the list. Finally, bribes have to be paid to doctors and nurses, etc., in connection with the operation itself.

An international humanitarian organisation (3) said that the mortality rate for infants under age five has more than doubled over the past ten years. According to the same source, one in every five children suffers from malnutrition. Infant mortality in Iraq for children below the age of five is now on a par with that in Pakistan and Haiti. The organisation said that there are many cases of respiratory diseases.

An international humanitarian organisation (3) said that medicines are being delivered to Iraq, but also drew attention to the need for a large cash component in the "Oil for food programme" for the payment of transport and storage costs, etc.

2.5 Education

Prior to 1990, Iraq was one of the leading Middle Eastern countries in terms of education, and an international humanitarian organisation (4) described the Iraqis as competent and well-educated, but added that there is currently a lack of access to education.

According to an international humanitarian organisation (3), 50% of primary schools are not in a fit state to be used for educational purposes. According to the same organisation, the "Oil for food programme" has not helped improve the situation within the education sector. Teaching is carried out in double or triple shifts as there are too few classrooms. The organisation said that primary schooling is compulsory, but children as young as 12 have to work so that their families can survive.

According to an international humanitarian organisation, the most recent (1987) statistics revealed an illiteracy rate of 20,2% for men and 34,5% for women. Immediately after 1987 a large-scale effort was launched to teach illiterate Iraqis to read and write. It may therefore be assumed that the percentage of illiterates fell in subsequent years. Likewise, it may be assumed that the percentage rose again following the drop in investments after 1990. According to the same international humanitarian organisation, the educational gender divide has widened.

An international humanitarian organisation (6) said that the Iraqi education system, which is based on the English system, is still relatively good, but the 60% unemployment rate means that there is no incentive to study. Children below the age of 14 make up 40% of the population.

A Western diplomatic representation (2) said that it is not necessary to be a member of the Baath party in order to enter university. A UN agency in Amman working with refugees said that membership of the Baath party is essential if an Iraqi wants to study medicine, nuclear physics or natural science or train as an engineer at university. The same source added that artists who wish to exhibit their work must also have good connections with the Baath party.

3. Freedom of movement within Iraq

3.1 Freedom of movement between Government-controlled Iraq and Kurdish-controlled Northern Iraq

Since 1991 Iraq has been divided into Government-controlled Central and Southern Iraq and Kurdish-controlled Northern Iraq. The areas under Kurdish control are made up broadly speaking of the three northern provinces of Suleymaniya, Arbil and Dohuk and the Kurdish parts of the province of Nineveh. In 1994 fighting broke out there between the two Kurdish organisations, the PUK and the KDP. Since then there has been no joint Kurdish leadership, and the area has undergone a de facto split into two administrative regions. At present the KDP controls the north-western region bordering on Turkey and Iran and a single border-crossing point into Syria in the corner formed by Syria, Turkey and Northern Iraq. The KDP controls the two large towns of Arbil and Dohuk. The PUK controls the south-eastern part of the Kurdish-controlled area. The area borders on Iran. The area's principal town is Suleymaniya.

According to an international humanitarian organisation (4), the border is not visible in the form of barbed wire or mined areas. It is possible to cross the border on foot, and to travel between the Kurdish-controlled areas and Government-controlled Iraq is becoming increasingly easy. The same source also said that there is little interaction between the Kurdish-controlled areas and the rest of Iraq.

Various Western diplomatic representations and international humanitarian organisations agreed that it is possible for Iraqi citizens to move between Government-controlled Iraq and the Kurdish-controlled region in Northern Iraq. However, one source said that Arab Iraqis are not able to travel between the two areas.

A Western diplomatic representation (5) said that when travelling between Government-controlled Iraq and the Kurdish-controlled areas, a small sum of money is paid at the internal border to both Iraqi and Kurdish border authorities. According to the same source, the trip from Baghdad to the Kurdish-controlled areas can be made by taxi, private car or bus to e.g. Mosul in Government-controlled Northern Iraq and from there to e.g. Arbil in Kurdish-controlled Northern Iraq.

An employee of an international humanitarian organisation (2) said that Iraqis from Government-controlled Iraq have no problems visiting relatives in Kurdish-controlled Northern Iraq. At the border ID is presented and a small sum of money may be paid. Another international humanitarian organisation (4) said that it is possible for some Iraqi citizens to travel from Northern Iraq to Central or Southern Iraq, while other Iraqi citizens are unable to do so. Another Western diplomatic

representation (3) said that Iraqi citizens are free to travel to Kurdish-controlled Northern Iraq unless they are included in a list of wanted persons. The same source said that a small sum of money is paid at the border.

According to a Western diplomatic representation (1), the internal border between the two regions can be crossed by taxi by paying between IQD 1 000 and 2 000 Iraqi (USD 0,5 - 1) at the border crossing point. The same source said that the crossing point can sometimes be closed, and added that it is easier to travel from Northern Iraq to Baghdad than vice versa.

An employee of a Western diplomatic representation (4) said that only Kurdish Iraqis are free to travel back and forth between Kurdish-controlled Northern Iraq and Government-controlled Iraq. According to the same source, Arab Iraqis do not have the same freedom. However, an employee of an international humanitarian organisation (6) stated that Iraqi citizens are free to move between government-controlled Iraq and Kurdish-controlled Northern Iraq regardless of their ethnic origin. The same source stressed that Arab Iraqis are also able to travel between the two regions. The employee in question travels between the two regions in connection with his work for an international humanitarian organisation.

An international humanitarian organisation (2) said that it can be difficult for non-Iraqi employees of international organisations to travel to Northern Iraq. Several Western diplomatic representations said that diplomats are currently unable to obtain permission to travel to the Kurdish-controlled region.

3.2 Freedom of movement between the Kurdish areas

According to an international humanitarian organisation (5), it is possible to travel between the PUK and KDP-controlled parts of Northern Iraq. The same source stated that freedom of movement between the Kurdish-controlled areas applies more to women and less to men of fighting age.

According to a Western diplomatic representation (3), there is traffic between the PUK and KDP-controlled areas. The same source added that persons from the PUK-controlled area can take up residence in the KDP-controlled area and vice versa. An international humanitarian organisation (4) said that it can be problematic for Iraqis from the KDP-controlled area to travel to and take up residence in the PUK-controlled area and vice versa. According to the same source, it is possible to cross the internal Kurdish border without noticing it. An employee of an international humanitarian organisation (6) said that the two rival Kurdish organisations each have their own flag, and the only way of telling that the internal Kurdish border has been crossed is the fact that the flags change colour. The same employee commented that it is in theory possible for persons from the PUK-controlled area to take up residence in the KDP-controlled area and vice versa. However, persons from either of those areas are likely to be reluctant to take such action as there is some uncertainty as to what may happen to them.

3.3 Freedom of movement in government-controlled Iraq

According to an international humanitarian organisation (4), whereas in 1996 there were checkpoints every 100 km, it is now possible to drive the 400 km or so from Baghdad to Mosul and encounter checkpoints only outside Baghdad and Mosul.

In connection with entering and leaving Baghdad and visiting Samarra, Kerbala, Najaf and Babylon, the delegation observed that there are checkpoints on the Baghdad approach roads. Checkpoints typically consist of a shed at the side of the road with 3 - 5 uniformed soldiers, only some of whom carry handguns. Traffic passes through such checkpoints unimpeded. The delegation did not come across any checkpoints outside the other towns, which are between 100 and 200 km from Baghdad.

3.4 Scope for changing place of residence

An employee of an international humanitarian organisation (2) said that Iraqi citizens are free to change their place of residence in Iraq. This may involve certain formalities with regard to registering with the rationing office, for example. An employee of a Western diplomatic representation (4) said that Iraqi citizens are free to move and take up residence anywhere within Iraq. However, there is a part of Baghdad where Iraqi citizens can take up residence only if they were resident in the area prior to 1957.

4. Issuing of passports and exit visas

When an Iraqi citizen wishes to be issued with a passport, he must apply in person to the offices of the passport directorate and complete an application form. None of the sources consulted was aware of any requirement to provide details of the destination or duration of the proposed trip in connection with the passport application. All the sources consulted said that the passport directorate is part of the Ministry of the Interior and is fully controlled by the security services. They agreed that an Iraqi citizen who had come into conflict with the security services could not be issued with a passport until the dispute in question had been resolved. Criminal and other relevant records are closely scrutinised before a passport is issued. An international humanitarian organisation (1) added that Iraqi men must have completed their military service in order to receive a passport. According to an international humanitarian organisation (4), several passport offices have been set up in Iraq in recent years and it has consequently become easier to obtain a passport. The same organisation added that it was very common for inhabitants of the Kurdish provinces to travel to Government-controlled Iraq in order to obtain passports.

A humanitarian organisation (5) added that some Iraqis, including several of its local employees, had been refused passports while others had obtained them relatively quickly. The Iraqi authorities had not given any reason for their refusal.

A Western diplomatic representation (2) said that Iraqi men have been asked to enrol voluntarily in an expeditionary force which will ostensibly be used in the conflict between the Palestinians and Israel. The source anticipated an increase in visa applications if the volunteers are actually called up for training exercises, etc.

According to a Western diplomatic representation (1), certain groups of Iraqis are banned from obtaining exit permits. The men in question include university professors, academic staff in government ministries, certain groups of engineers and doctors and army and police officers. The list of persons banned from leaving the country is in the public domain, and according to the source is published in the Official Gazette of the Republic of Iraq.

An application for an exit permit is often submitted at the same time as an application for a passport. However, it is also possible to apply for an exit permit after the passport has been issued, as is the case when the person concerned is making multiple trips outside Iraq. Applications for exit permits are also submitted to the offices of the passport directorate. All the sources consulted said that an exit visa costs IQD 400 000 (= approximately USD 230). Similarly, in cases where the exit permit is not applied for at the same time as the passport, all the sources said that the various files are closely scrutinised to ensure that the applicant is not in dispute with the authorities. A diplomatic representation (2) added that the Iraqi security services have informants stationed in residential areas, and so any preparations for leaving the country, e.g. the sale of property, furniture, household goods, etc. are reported immediately to the authorities. All the sources consulted agreed that no Iraqi citizen who has been involved in a serious dispute with the authorities can legally obtain an exit permit.

According to two Western diplomatic representations (4 + 5) and two international humanitarian organisations (2 + 5), the application for an exit permit does not indicate details of the purpose of the proposed trip or the planned duration of the period of residence outside the country. According to an international humanitarian organisation (1), it is clear that applicants are asked about such details. However, the source was unaware of the extent to which such information is subsequently recorded.

A local employee of an international humanitarian organisation (2) said that special rules apply to Iraqi women seeking exit permits. An Iraqi woman who does not have a permit to reside in another country cannot leave Iraq unless she is escorted by her husband or another male relative. This means that, when a woman applies for an exit permit, an application must also be submitted by her male escort. The sum of IQD 400 000 must also be paid for the male escort's exit visa. The employee in question had therefore applied for and obtained a permit to reside in Dubai while she was still working in Baghdad. By presenting her Dubai residence permit at the offices of the passport directorate, she was exempted from the requirement for a male escort during her period of residence abroad. The male companion is apparently held responsible for the woman's return to Iraq. Male Iraqi citizens must have completed their military service before they can be issued with an exit permit.

The same source added that the exit permit is a piece of paper inserted in the passport.

A Western diplomatic representation (1) and an international humanitarian organisation (4) said that it could not be predicted who the authorities would issue an exit permit to. It is difficult for outsiders to find out why some applicants receive exit permits while others are turned down. It is often necessary to pay a bribe in order to obtain an exit permit, even in cases where there had been no dispute with the authorities.

The sources consulted agreed that corruption is rife in Iraq. It is therefore very common to pay public employees bribes for services. A UN agency in Amman working with refugees added that it can take up to twelve months to obtain a passport in Iraq. Payment of a bribe may substantially reduce the processing time. The same applies to hospital admissions and applications for planning permission, etc. The same organisation thought that it is possible for an applicant to obtain a passport and exit permit even if he is involved in a dispute with the authorities. It was also aware of a case in which an Iraqi army doctor had had his designation of occupation changed by means of a bribe in order to obtain a passport and exit permit. A humanitarian organisation (2) and two

Western diplomatic representations (3 + 5) considered it unlikely, although not entirely impossible, that persons involved in a serious conflict with the authorities would want to apply for a passport or exit permit. In such cases the bribe would have to be large, as the officials involved would risk serious reprisals if were revealed that they had issued a passport to a wanted person. An international humanitarian organisation (5) added that in such cases the official concerned would have to hold a high-ranking position in the passport directorate.

According to an international humanitarian organisation (4), it is much easier to obtain an exit permit now than it was in the past. A UN agency in Amman working with refugees added that the reason for this may be that the Iraqi authorities wanted to put pressure on the European governments by sending them a large number of Iraqi asylum seekers. Another explanation could be that an increase in the number of people leaving the country may reduce the number of people receiving rations and hence lessen the pressure on the humanitarian situation in Iraq. Furthermore, Iraqi expatriates usually send money home to their families, thereby alleviating the serious shortage of convertible currency in Iraq.

5. Leaving and entering Iraq

According to the head of the Iraqi passport control service at the border-crossing point between Syria and Iraq, around 30% of persons entering government-controlled Iraq from the west use that crossing point, while the remainder use the border-crossing point between Jordan and Iraq. Before entering Iraq, Iraqis in possession of a foreign travel document must obtain a visa from one of the Iraqi diplomatic representations abroad. Iraqi immigration officers conduct daily checks on Iraqis entering the country via Syria with foreign travel documents, and in particular US, Canadian, German and Scandinavian travel documents. According to the head of border controls, it is very common for Iraqis holding foreign travel documents to return to Iraq for holidays, family visits or business purposes, etc. Persons entering the country must complete an entry/exit form containing personal data and details of their passport number, visa number, address in Iraq and purpose of their visit. The immigration office keeps one half of the form while the other half is handed in when leaving the country.

A Western diplomatic representation (3) said that Iraqis from Central and Southern Iraq who have come into conflict with the authorities prefer to travel to Iran because it is less risky to cross the Iranian border illegally than to enter Syria or Jordan in similar fashion. According to a Western diplomatic representation (2), Iraqis who wish to leave government-controlled Iraq illegally for various reasons prefer to leave the country via the Kurdish provinces in the north. The thoroughness of the border controls at the Jordanian and Syrian border-crossing points, which are manned by several government officials and make use of computer records of persons banned from leaving the country, means that there is less likelihood of bribing one's way through. According to an international humanitarian organisation (1), it is possible to bribe the border control authorities to authorise departure from Iraq at the Syrian and Jordanian border-crossing points. A UN agency in Amman working with refugees said that the Iraqi border controls are less stringent today than they used to be, possibly because the authorities can see the advantage of allowing some Iraqis to leave the country. The agency informs the Jordanian border control authorities whenever an Iraqi asylum seeker claims to have left illegally. The Jordanian authorities can subsequently investigate whether the person concerned entered Jordan legally with a genuine Iraqi passport.

It is possible to leave Iraq for Jordan using falsified documents and also to bribe the border control guards. According to a Western diplomatic representation (1), it is not possible to bribe the border control authorities at the border with Jordan or Syria to authorise departure from Iraq without a passport or exit permit. It is possible to buy all sorts of falsified documents in Baghdad. The representation did not know whether it is possible to leave the country on a falsified passport and exit permit. According to an international humanitarian organisation (5), ordinary Iraqis could not afford the large bribe which would have to be paid in such cases to the border control guards in order to obtain permission to leave the country without a valid passport or exit permit.

As regards possible penalties for Iraqi citizens who leave Iraq **legally** and then re-enter the country at a later stage with either an Iraqi passport or foreign travel documents, an international humanitarian organisation (1) said that it had no grounds for suspecting that Iraqis who are forcibly returned to Iraq after being refused asylum in Jordan are persecuted when they return to Iraq. The organisation had been unable to discern any differentiation in the Iraqi authorities' treatment of Iraqi asylum seekers returning to Iraq from Jordan or Europe/the USA respectively. Iraqi citizens returning home after applying for asylum in Europe may be members of one of the Iraqi security services or simply "nutcases", i.e. risk takers. However, it was difficult to generalise about the Iraqi authorities' patterns of reaction, and an individual assessment therefore had to be made in each specific case. It was impossible to give any guarantees as to the conduct of the Iraqi authorities, which seemed to be somewhat arbitrary. Nor could it be ruled out that a former asylum seeker might incur the authorities' wrath. If the returning Iraqi has left Iraq on account of opposition activities or because he has been involved in such activities outside Iraq, the Iraqi authorities will certainly take retaliatory measures. All Iraqi diplomatic representations have been instructed to facilitate the return journey of any Iraqis who might wish to come back home. Around 3 900 Iraqis who had resided in Iran for a considerable period of time returned to Iraq in 1999 and 2000 with the organisation's assistance. As an agreement could not be reached with the Iraqi authorities on monitoring the Iraqis' reintegration into Iraqi society, it was impossible to speak with certainty about the situation for returning Iraqis. However, there had as yet been no indication that the people concerned were being persecuted or systematically discriminated against.

According to an international humanitarian organisation (2), Iraqi citizens who leave Iraq legally and then return to Iraq do not experience any problems with the authorities on account of the duration or destination of the period spent abroad. The organisation has several local employees who travel regularly to countries in the West to visit family members and receive medical treatment, etc. Although they may routinely be questioned by the authorities when they return, none of them has been persecuted or harassed on account of their stay abroad. One of the organisation's local employees added that she had travelled abroad on two occasions. On the first occasion she had been accompanied by a brother, on the second by an uncle. Neither she nor her escorts had been interrogated or questioned by the authorities on return. She had family in Denmark and wanted to visit that country provided she could obtain a Danish visa.

According to an international humanitarian organisation (3), there is no information available concerning the Iraqi authorities' treatment of Iraqis returning home after leaving the country legally.

According to an international humanitarian organisation (4), Iraqi citizens who leave Iraq legally and then return to Iraq do not experience any problems with the authorities on account of the duration or destination of the period spent abroad. However, they can expect to be questioned about their stay abroad and the purpose of their trip. The authorities are currently very aware of the fact

that Iraqis are travelling abroad and seeking residence permits. Insofar as a person's departure from the country is due to the poor economic conditions in Iraq, which the Iraqi authorities attribute to the policy of sanctions, any application for asylum made in the country visited will not affect the Iraqi authorities' reaction to the returning individual.

According to an international humanitarian organisation (5), local employees travel regularly to the organisation's training centre in Jordan and have never experienced any problems with the authorities when returning to Iraq. Other local employees have spent several weeks visiting family members in Rome, London and Bangkok and have likewise had no problems with the authorities on their return to Iraq. Another Iraqi citizen had spent two months in Switzerland and returned to Iraq without being persecuted or harassed by the authorities. However, he was questioned about the purpose of his stay abroad.

According to an international humanitarian organisation (6), Iraqis who leave Iraq legally and then return to Iraq do not experience problems with the authorities on account of their stay abroad. The same applies when the person concerned has applied for asylum in the country visited. The Iraqi authorities know that an application for asylum is a means of obtaining a residence permit and does not necessarily indicate that the person concerned is an active oppositionist. However, the person concerned can still expect to be questioned about his stay abroad.

An international humanitarian organisation (7) said it was aware of two Iraqis who had refugee status in Denmark and who had spent their maternity leave in Iraq in 1999 - 2000. The organisation was also aware of other Iraqis who had entered Iraq with Scandinavian and German aliens' passports in order to get married, visit their families or conduct business, etc. Finally, it was aware of an Iraqi who had refugee status in New Zealand and who travelled regularly into and out of Iraq without experiencing any problems with the authorities. As the very fact that the Iraqi authorities have issued a passport and exit permit indicates that they have no quarrel with the person leaving the country, that person will not have any problems with the authorities when returning to Iraq even if he has sought asylum in the country of residence. According to the organisation, he could expect to be persecuted on his return to Iraq only if he had taken part in opposition political activities during his stay abroad. Finally, the organisation had noticed some Iraqis driving around Baghdad in cars with Western European numberplates.

A UN agency in Amman working with refugees said that it received around 60 asylum applications per week from Iraqi citizens. Between 12 and 15% of those asylum seekers are accorded refugee status each year while the remainder are refused. Iraqis whose asylum applications are refused risk being forcibly returned to Iraq by the Jordanian authorities. This means that, when assessing asylum applications, the agency is aware that Iraqis who are refused asylum risk being sent back to Iraq unless they leave the country voluntarily. It was not aware of any cases of Iraqis who had sought asylum and who had subsequently been forcibly returned from Jordan being persecuted by the Iraqi authorities. Asylum applications were regularly received from "repeat applicants", i.e. Iraqis who had sought asylum on a previous occasion and who had been forcibly returned. It had no evidence that the Iraqi authorities would mete out different treatment to Iraqis who had sought asylum in Europe and subsequently been refused and returned to Iraq. The most common reason for seeking asylum relates to the tense humanitarian situation in Iraq, including in particular the lack of prospects for the future and the shortage of medical expertise and medicines for serious illnesses, etc. There have recently been cases in which rejected Iraqi asylum seekers have tried to create a "sur place" basis for a new asylum application by carrying out activities for opposition groups, e.g.

by writing articles in opposition newspapers and similar publications in Amman criticising the regime. The agency nevertheless refuses such persons asylum if there is evidence that the purpose of those activities is to obtain asylum.

According to a Western diplomatic representation (1), there is evidence that many Iraqis with dual nationality visit Iraq on a regular basis. This sometimes creates problems for the representation, e.g. when the person concerned enters Iraq with an Iraqi passport and then tries to leave the country with a foreign passport or vice versa. Iraqis who have sought asylum and who have been politically active in the country of the representation face serious problems on their return and risk torture. They do not normally face any problems if they have merely sought asylum and have not been engaged in political activities. However, such persons can expect to be questioned about their stay abroad. Between 300 and 400 Iraqis holding travel documents issued by the country of the representation visit Iraq each year.

A Western diplomatic representation (2) knew specifically of an Iraqi who had returned to Iraq with Dutch travel documents without experiencing any problems with the Iraqi authorities on account of his stay in the Netherlands. Under normal circumstances, Iraqis who have left Iraq legally can return to Iraq without running into problems with the authorities. This is also the case if the person concerned is in possession of foreign travel documents. As far as the representation was aware, the last time an Iraqi citizen was persecuted by the Iraqi authorities solely on account of a period of residence abroad was in 1992. The source added that it was considered possible that returning Iraqis who had been involved in opposition activities abroad could risk heavy-handed persecution on their return to Iraq.

According to a Western diplomatic representation (3), there is to the best of its knowledge no circular, decree or law making it a criminal offence to reside or seek asylum abroad. However, Iraqi laws, decrees and circulars are not always published. An Iraqi who has left Iraq legally will not face reprisals when returning to Iraq, even if he has sought asylum abroad. However, he will encounter problems if he has engaged in opposition political activities abroad. The representation was aware of several cases in which Iraqis holding travel documents issued by the country of the representation had entered and taken up residence in Iraq. There was no evidence that such persons would encounter problems with the authorities on account of applying for asylum or residing abroad. Iraqis returning home after a period of residence in Europe can expect to be questioned about their stay abroad.

According to a Western diplomatic representation (4), it has no evidence to suggest that Iraqi citizens are persecuted or harassed by the authorities if they have spent time in Europe. Local employees at the embassy travel regularly to Europe for family visits, etc., and have not experienced reprisals when returning to Iraq. The representation has issued visas to a number of Iraqi citizens travelling to Europe on business, and has no knowledge of the businessmen in question ever being harassed or persecuted on their return to Iraq on account of their stay in a European country.

According to a Western diplomatic representation (5), local employees travel regularly to European countries to visit family members and conduct business, etc. It is not aware of the persons concerned ever being harassed or persecuted on their return to Iraq. It had been asked by a European insurance company to investigate a case of possible insurance fraud as an Iraqi citizen who had been granted asylum in the relevant European country had visited Iraq and purportedly

paid to be admitted to hospital during his time there. According to the representation, it is very common for Iraqis holding European travel documents to return to Iraq to conduct various types of business there.

The director of the legal service at the Iraqi Ministry of Foreign Affairs was aware that a large number of the Iraqis who have travelled to Europe and elsewhere in recent years are seeking asylum. He considered that the policy of sanctions is the reason why so many Iraqis are leaving the country, and expressed sympathy for their views. He considered the fact that it may be necessary to seek asylum in order to establish grounds for residence to be a formality as the real reason is the tense humanitarian situation in Iraq.

6. Family law documents for family reunification purposes

According to the director of the legal service at the Iraqi Ministry of Foreign Affairs, the Danish Embassy in Damascus could supply a list of the various types of documents which the Danish Immigration Service requires to the Iraqi interests section in the same city. The Iraqi Ministry of Foreign Affairs would then ensure that cancelled copies of all the documents are issued.

The Danish Immigration Service subsequently asked the Danish Embassy in Damascus to obtain the following types of documents via the Iraqi interests section:

- marriage contracts
- marriage certificates
- paper stamps and similar register stamps from the Personal Status Courts/Sharia courts
- divorce certificates
- declarations of transfer of custody.