



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. Consequently, 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 The fact that a COI Focus could be out of date, does not necessarily mean that the policy that is being implemented by the Commissioner General is no longer up-to-date.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 is published for informative purposes only and is not binding in any way. 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.

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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

Since 2013, the security situation in Iraq has largely been determined by the rise of and the battle against the Islamic State of Iraq and Syria (ISIS). On 9 December 2017, then Prime Minister al-Abadi announced that the last piece of ISIS territory on Iraqi soil was recaptured and that this put an end to the ground war against the terror organization. The repulsion of ISIS and the recapture of territories occupied by the organization has had a clearly visible, positive impact on the security situation in Iraq. However, ISIS cells remain active in several Iraqi provinces and the Iraqi security forces, the Shia militias and the Kurdish Peshmerga still carry out actions against the organization. This displays itself in strong regional differences regarding the level of violence, the scale of random violence and the impact of the conflict. Additionally, as part of the conflict with the PKK, the Turkish army carries out air strikes and ground operations against PKK targets in the northern border regions of Iraq.



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, refugee status is granted as a result of people belonging to a particular group. In that case, the applicant only has to prove that he belongs to that population group. He does not have to prove any individual persecution.

The Commissioner General normally grants refugee status independently from the applicant's region of origin. In certain cases, granting refugee status may depend on the applicant's region of origin because the situation for certain population groups can vary per region.

Below, a **non-exhaustive** survey is given of the risk groups in Iraq, which draws attention to the main risk profiles the CGRS is facing in its daily functioning.

- religious and ethnic minorities, such as Christians, Yazidis, Baha'is, Jews, Assyrians, Armenians, Turkmens, Palestinians, Shabaks;
- persons associated with the foreign presence in the country;
- supporters, sympathizers or members of political parties;
- single women;
- persons fearing honour-related violence;
- persons engaging in activities that do not fit in with the religious convictions of extremist groups;
- journalists or media professionals;
- human rights activists;
- NGO workers;
- persons who run a risk of persecution because of their sexual orientation;
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The Commissioner General applies the principle of an internal flight alternative only in exceptional cases, where 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, the scale of random violence and the impact of the IS ground offensive differs dramatically per region. Although the current situation in a specific region can still be very complex, this information shows that there is no longer any province in Iraq in which the situation is of such nature that subsidiary protection must be granted to every civilian coming from this province merely because of the general security situation, regardless of the personal circumstances. However, this does not exclude that subsidiary protection will still be granted to an applicant if he can prove that he needs protection and has no internal flight alternative. Indeed, in specific circumstances, Iraqi applicants can escape threat to their life and person as a result of the



security situation by settling outside of their native region or region of origin. The internal settlement alternative principle is only applied exceptionally, only when there is concrete proof that the applicant has a real residence alternative.

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 at the moment of decision-making.

4. EXCLUSION

The CGRS will always examine if persons involved with the former regime of Saddam Hussein, or persons who have been member of the Iraqi security services or armed groups (e.g. ISIS), fall under article 1F of the Geneva 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 he/she had a commanding role in such acts, he/she will be excluded from the refugee convention and the status of subsidiary protection.