



EMN Ad-Hoc Query on Policies regarding asylum seekers from Iraq

Requested by Jutta SAASTAMOINEN on 3rd May 2017

Protection

Responses from Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Slovak Republic, Spain, Sweden, United Kingdom, Norway (22 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

Background information:

Iraqi nationals are the largest group of asylum seekers in Finland. In 2016, the Finnish Immigration Service made 16,308 decisions on asylum applications submitted by Iraqi nationals. Therefore, the Finnish Immigration Service regularly scrutinizes the security situation of Iraq as well as its policies concerning Iraqi nationals. The topic also raises great political and public interest in Finland. For these reasons, the Finnish Immigration Service would like to know what the policies of other Member States concerning Iraqi asylum seekers are.

Please note that this query is an update to the query launched by Finland on 17th September 2015, “Ad-Hoc Query on Asylum seekers from Iraq”. You can find the open compilation of the previous query in attachment to this query.

We respect the usual time given for responses, i.e. four calendar weeks. However, the Finnish Immigration Service would greatly appreciate responses received by May 24th.

Summary

Responses were received from 22 Member States (BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO, SE, SK, UK).

All Member States except Ireland, Czech Republic and France indicated that their answers were for wider dissemination. The summary is based on the answers of those 19 countries whose answers are for public dissemination.

1. Do you grant subsidiary protection pursuant to Art. 15 lit. c of the Qualification Directive to asylum seekers from Iraq? Concerning which areas?

Eighteen out of nineteen responding Member States stated that they grant subsidiary protection pursuant to Art. 15 lit. c of the Qualification Directive. Lithuania couldn't make any remarks regarding this question, since it receives asylum applications mostly from the persons originating from the Kurdistan region (which is considered mostly safe).

The Member States grant secondary protection pursuant to Art. 15 lit. c to asylum seekers coming from the following areas:

Anbar: BE, DE, ES*, FI*, IT, MT, NL, NO, SE*, UK

Babil: GE*

Bagdad: DE*, IT, NO*, SE*, SK*, LV*

Bagdad Belts: FI*, NL, UK

Dahuk: IT*

Diyala: BE, DE, ES*, IT, MT, NO*, SE*

Erbil: IT*

Kirkuk: BE, DE (western part of Kirkuk), ES*, IT, MT, NL (Hawija), NO*, SE*, LV*, UK (parts of Kirkuk in and around Hawija)

Mosul (and surroundings): FI, LV*, SK

Nineveh: BE, DE, ES*, FI*, , NL, MT, NO, UK

Salah al Din: BE, DE*, ES*, FI*, IT, NL (some parts), NO, SE*

Sulaymaniya: IT*

*Member State indicated in its answer that some form of an individual assessment is conducted before granting protection pursuant to Art. 15 lit. c

Bulgaria, Estonia, Luxembourg and Croatia did not name any specific areas and stated that the decisions are made on a case by case basis. Finland considered there to be an armed conflict in the provinces of Babil, Diyala and Kirkuk, as well as the city of Baghdad, but that the level of indiscriminate violence does not generally meet the threshold of Art. 15 (c). Cyprus stated that it does not grant protection pursuant to art. 15 (c) to the asylum seekers originating from the Kurdish governorates. Sweden added that it considers the current situation in Nineveh, and in the areas in Kirkuk and Anbar controlled by ISIS, so severe that they are assessed according to the art. 15 (b) of the Qualification Directive.

2. **Do you apply the internal flight/protection option pursuant to Art. 8 of the Qualification Directive in Iraq? Where? Are there groups for which you do not apply it?**

Croatia, Cyprus and Italy do not apply the internal flight/protection option and Estonia has not applied it so far. Other 15 responding Member States have applied the option, however, applying it was said to mainly require an individual case-by-case assessment. Spain stated that at the present moment one of the most important factors for considering internal flight/protection option were family network and religious affiliation.

All of the Member States, who specified the areas for the internal flight/protection option (namely BG, FI, LV, MT, NL, SE, SK), considered at least parts of Kurdistan region as an option of internal flight/protection for Kurds seeking asylum. Baghdad was also named as an option for internal flight by Finland, Malta, Netherlands and Sweden, but this option was said to be available only after an individual assessment has

been conducted. Other areas mentioned were Southern Iraq (FI, MT), Kirkuk (FI, SK) and the cities of Basra and Najaf (SE). United Kingdom considered internal flight generally possible to all areas not meeting the threshold of Article 15(c) of the Qualification Directive.

Overall, young healthy males with family and personal ties to the region were considered to be better able to resort to internal flight than other groups/persons. Seven Member States specified that they do not (generally or at all) apply the internal flight/protection option to following asylum seekers:

- **Belgium:** in principle for vulnerable groups
- **Finland:** single women, minors without family or, in general, to the members of persecuted minorities (e.g. Sunni Arabs or Sunni Turkmen who originate from the areas controlled by or closely associated with ISIS)
- **Luxembourg:** other ethnicities than Shia and Sunni Arabs (Christians, Yezidis, Baha'is, Assyrians, Turkmen, Circassia's, Jews, etc.)
- **Netherlands:** generally did not expect that minors without family and persons belonging to a vulnerable minority (Christians, Yazidis, Mandaean, Jews, Shabak, Kaka'I, Bahai's and Turkmen, and single women from Central and South Iraq) relocate to, for example, Baghdad.
- **Malta:** Arab Sunnis, Yazidis and other ethnic/religious minorities
- **Slovak Republic:** single women, children or disabled, other religious groups or minorities e.g. Iraqi Palestinians
- **Sweden:** unaccompanied minors or women without male connection

3. Do you carry out (forced) returns to Iraq? Are there individuals/groups that you do not return?

Over half of the responding Member States (BE, BG, DE, FI, EE, HR, NL, LV, LT, NO, UK) do or have carried out (forced) returns to Iraq. However, Lithuania specified that, during the period of 2016 and 2017 (till May 16), it has not returned anyone forcefully. In addition to this, Slovak Republic stated that it has not done any forced returns to Iraq due to the small number of applicants. Germany also added that question of expulsion of an alien lies within the responsibility of the Federal States and that according to statistics, the number of expulsions to Iraq is low (10 persons in year 2016).

Five out of eleven Member States, (BG, FI, LV, HR, SK) that carried out (forced) returns, specified certain groups that they would not return: unaccompanied minors (BG, LV, HR, SK), people with serious health issues (FI, LV, HR, SK) and single women or women without a network of family support (FI, LV, SK). In addition, Bulgaria stated that it would not forcefully return third country nationals from vulnerable groups and Hungary would not return individuals with non-refoulement. In case of unaccompanied minors, Finland concluded that they may be granted a residence permit on compassionate grounds and thus be exempted from returning to Iraq, even if they do not qualify for international protection.