



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, Mandaeans, 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.

Questions

1. Do you grant subsidiary protection pursuant to Art. 15 lit. c of the Qualification Directive to asylum seekers from Iraq? Concerning which areas?
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?
3. Do you carry out (forced) returns to Iraq? Are there individuals/groups that you do not return?

Responses

	Country	Wider Dissemination	Response
	Belgium	Yes	<ol style="list-style-type: none">1. According to the assessment of the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) there are strong regional differences in the security situation in Iraq. The CGRS considers the situation in the following provinces in accordance with Article 15 C of the Qualification Directive: Nineveh, Salah-al Din, Diyala, Anbar and Kirkuk. Since October 2015 asylum applicants from Baghdad are no longer granted subsidiary protection status merely because they originate from Baghdad. http://www.cgrs.be/en/news/cgrs-iraq-policy-no-more-freezing-decisions-bagdad2. If there are clear indications that an internal flight alternative is available (individual assessment), the asylum applications might be rejected on this ground. Internal Flight alternative will in principle not be applied for vulnerable groups.3. In 2016, more than 1,000 Iraqi nationals returned to Iraq on a voluntary basis, 8 people could be returned in the framework of a forced return. The forced returns often concern people involved in criminal activities or who pose a threat to public security. There is no list of groups/individuals who can not be returned.

	Bulgaria	Yes	<p>1. Each application for international protection is examined on a case by case basis taking into account the situation in the country of origin and the facts on the case. If the requirements for granting refugee status are not met, the grounds for providing subsidiary protection are considered.</p> <p>2. The internal flight/protection option pursuant to Art. 8 of the Qualification Directive has been applied in some cases, most often for asylum seekers from Iraqi Kurdistan. Each decision is taken based on a case by case analysis.</p> <p>3. Yes, Migration Directorate - Ministry of Interior, which is the responsible authority in Bulgaria, carries out forced returns to Iraq. TCNs from vulnerable groups, including UAMs, are not returned.</p>
	Croatia	Yes	<p>1. Applications for international protection are carried out on an individual basis, taking in consideration all circumstances relevant for the specific case. In case applicant does not meet conditions to be granted asylum Ministry of the Interior shall examine the conditions to be granted subsidiary protection according to the Article 15(c) of the Qualification Directive 2011/95/EU. The conditions for subsidiary protection are applied for applicants from all areas of Iraq affected by armed conflicts.</p> <p>2. No.</p> <p>3. No forced returns to Iraq have been carried out.</p>
	Cyprus	Yes	<p>1. Cyprus does grant subsidiary protection pursuant to Art. 15 lit. c of the Qualification Directive to asylum seekers from Iraq. Asylum seekers originating from the Kurdish governorates are not granted subsidiary protection based on Art. 15 it c of the Qualification Directive. Of course their application, like all other applications, is still examined on its own merits.</p> <p>2. No</p> <p>3. No</p>

	Czech Republic	No	
	Estonia	Yes	<ol style="list-style-type: none"> 1. Estonia does not have a policy regarding granting international protection to asylum seekers from Iraq. Decisions are made on a case by case basis. In case refugee status is not granted, the need for subsidiary protection is assessed. 2. Up to now internal flight/protection has not been applied. 3. There are no general restrictions concerning returns to Iraq, but individual circumstances are being assessed when returning persons to Iraq.
	Finland	Yes	<ol style="list-style-type: none"> 1. Yes. Subsidiary protection pursuant to Art. 15 lit. c of the Qualification Directive is granted to persons from the active war zones, such as Mosul and Tel Afar. (Persons from the district of Hawija in Kirkuk, which is currently under ISIS control, are granted asylum.) In addition, the following are considered areas, where there is a high risk of indiscriminate violence: Anbar, Ninewah, Salah al-Din, and the so called Baghdad Belts (areas surrounding Baghdad that border Anbar, Diyala and Salah al-Din). Concerning asylum applicants from these areas, there will be an individual case-by-case scrutiny according to the Elgafaji sliding scale. Finland considers 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 Article 15 (c). However, there may be individual circumstances that place a person at enhanced risk and in such cases subsidiary protection pursuant to Art 15 (c) may be granted. 2. Internal protection pursuant to Art. 8 of the Qualification Directive is considered to be an alternative in certain situations. Possible areas for internal flight are Southern Iraq, Baghdad and the Kurdistan Region of Iraq and Kirkuk. Young, unmarried and healthy men, who are able to work, are generally considered to be better able to resort to internal flight than families, women or children. The decision to apply the internal flight alternative is always based on an individual case-by-case assessment. - Internal flight to Southern Iraq: Shia Arabs from Baghdad or elsewhere in Central Iraq are generally considered to be able to resort to internal protection in Southern Iraq if the threat does not come from the state of Iraq. This applies at least to healthy males who are able to work. Sunnis

			<p>can also be considered to be able to resort to internal protection in Southern Iraq if they have ties to or they have previously lived in Southern Iraq in an area where they would be safe from persecution or would receive protection from authorities. - Internal flight to Baghdad: It is usually considered possible for Shia Arabs, Feyli Kurds and Shia Turkmens. Internal flight to Baghdad is, in general, not applied to Sunni Arabs or Sunni Turkmens who originate from the areas controlled by or closely associated with ISIS. - Internal flight to Kurdistan Region of Iraq: Internal flight to KRI is applied mainly to Kurds with ties to the area. In case of Arabs (Sunni, Shia, Iraqi Palestinian) or Turkmens internal flight to Iraqi Kurdistan is applied only in special circumstances. In order to apply internal flight to Kurdistan a person must have strong ties to the area. - Internal flight to Kirkuk: Internal flight to Kirkuk is considered an alternative for Kurds residing outside the Kurdistan Region of Iraq. - Internal flight is not applied to single women or minors without family. In addition, internal flight is not applied, in general, to members of persecuted minorities.</p> <p>3. Yes, forced returns to Iraq are carried out. Based on an individual case-by-case scrutiny, for example individuals with serious health issues, women without a network of family support or unaccompanied minors 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.</p>
	France	No	
	Germany	Yes	<p>1. Protection pursuant to Art. 15 c Qualification Directive (QD) due to the mere presence of a person upon return will be granted to persons originating from the provinces of Anbar, Nineveh, Diyala and the West of Kirkuk. For the provinces of Saladin, Baghdad and Babil an internal armed conflict is considered but individual risk-increasing aspects are necessary to grant protection.</p> <p>2. Generally, internal protection will be applied rather seldom. In every case an individual assessment has to be made taking especially into account the ethnicity and religion of an applicant.</p> <p>3. The Federal Office for Migration and Refugees does not carry out returns of rejected applicants. All questions concerning the stay including the expulsion of an alien lie within the responsibility of the Federal States. However, according to statistics the number of expulsions to Iraq is low. In 2016,</p>

			only 10 persons were returned to Iraq. In 2017(as of 06.06.17) 5 persons were returned to Iraq
	Hungary	Yes	<p>1. Hungary grants subsidiary protection for asylum seekers from Iraq if they come from certain areas where there is a risk of serious harm according to Art. 15 lit. c of the Qualification Directive unless internal flight alternative is available.</p> <p>2. See the answer to question 1. The list of safe regions is continuously updated and the availability as internal flight alternative is examined individually in each case.</p> <p>3. Each case is examined individually whether it is possible to carry out a forced return to Iraq or not. If the asylum authority rejects the Iraqi citizen's application, according to the national law it is possible to carry out a forced return to Iraq although the Iraqi Embassy cooperates merely if an Iraqi citizen wants to return voluntary. Hungary does not return unaccompanied minors, individuals with non-refoulement and individuals with health issues whose treatment is not available in the area where they would be returned to.</p>
	Ireland	No	
	Italy	Yes	<p>1. Italy granted the subsidiary protection under art. 15, lett, c) Directive 2011/95/UE due to “indiscriminate violence” to the applicants from the Governorates of Anbar, Baghdad, Dyala, Kirkuk and Salah al Din. Italy evaluate the situation of the applicants coming from the Governorates di Dahuk, Erbil (except Makhmur area) and Sulaymaniya, case by case, eventually giving them the humanitarian protection due to the instability of the area.</p> <p>2. Italy didn't transpose QD art.8 in National law, so it doesn't apply internal flight/protection.</p> <p>3. No. Italy does not carry out (forced) returns to Iraq.</p>
	Latvia	Yes	<p>1. Yes. We grant subsidiary protection pursuant to Art. 15 lit. c to Iraqi asylum seekers from active war zones such as Mosul, however recently there have been no such cases. In 2016, we applied Art.</p>

			<p>15 lit. c for some asylum seekers from Kirkuk governorate due to ISIS presence in the area. In 2015, Art. 15 lit. c was applied for asylum seeker from Baghdad due to the high level of violence in 2014 (“Iraq Body Count” data on 2014 was cited in the decision).</p> <p>2. Cases where Art. 8 is applied are few. Currently, we consider the freedom of movement in Iraq to be very limited due to the so-called sponsorship requirement and the high number of displaced individuals. This is especially problematic for some groups such as Sunni Arabs. However, Art 8 might be applied in certain cases, most often for asylum seekers from Iraqi Kurdistan region who might move to another area within Iraqi Kurdistan or ethnic Kurds who are residing outside Iraqi Kurdistan. Having had a job in another city or a relative living there is usually a strong indicator that the asylum seeker might safely move to another area.</p> <p>3. Yes, we do. Most common profile of returned asylum seekers is ethnic Kurds coming from Iraqi Kurdistan region. We do not return people with serious health issues, single women and unaccompanied minors and possibly other vulnerable groups.</p>
	Lithuania	Yes	<p>1. In Lithuania, asylum seekers from Iraq are mostly from the Kurdistan region. Considering the article 15 c of the Qualification Directive which determines the situation when the international protection should be granted, Kurdistan does not fall into the definition of the situation under the article mentioned. Since Lithuania did not have a lot of practice regarding the cases of asylum seekers from Iraq (outside from Kurdistan), no remarks can be made regarding this question.</p> <p>2. There are not many asylum seekers from Iraq, which is why it cannot be concluded that certain groups are distinguished. Each application is examined individually. There have been several cases of asylum seekers from Baghdad - when it was not found that they could be protected if they are resettled to other region of Iraq - they were granted an international protection.</p> <p>3. Since in the majority cases asylum seekers are from Kurdistan, when the negative decision is made the decision to return to Kurdistan is also made accordingly. Therefore yes, asylum seekers who received a negative decision are returned. During the period of 2016 and 2017 (till May 16) there were no forced returns to Iraq and 2 cases of voluntary return.</p>

	Luxembourg	Yes	<p>1. Yes. Luxembourg grants subsidiary protection in accordance with the Qualification Directive which is transposed in the Law of 18 December 2015 on international protection and temporary protection. During 2016, Luxembourg granted subsidiary protection to 8 Iraqi nationals. A case-by-case study is done and no specific areas have been determined which would automatically trigger subsidiary protection. However, asylum seekers originating from the provinces of Al Anbar, Salah ad Din, Nineveh (Mosul), Diyala and Kirkuk are more likely to be eligible to be granted subsidiary protection, especially if they are Sunni Muslims.</p> <p>2. A decision will be taken based on a case by case analysis, the findings provided by the country of origin information and the general situation of the country of origin. It may be noted that, in general, unless a specific and personal risk of persecution is presented and manifested, we apply the internal flight option in our decisions. - Sunni Arabs: Unless Sunni Muslims present a valid reason why they could not safely life in the Sunni dominated areas, we apply an internal flight option to the areas of Al-Kadhimiya, Al Karkh or Al-Mansour and more precisely to major Sunni neighborhoods of Bagdad, such as Al-Khadhra, Al-Jamia, Al-A'amiriya and Al-Adel. It should be noted that for both Sunni and Shia Arabs, the areas in and around Bagdad are generally considered to provide a safe living area. - Shia Arabs: Unless Shia Muslims present a valid reason why they could not safely life in the predominately Shia areas, we apply the internal flight option to all the 9 districts of southern Iraq. Due the fact that the south of Iraq is Shia dominated, chances are high that asylum seekers have family members living in these areas. Furthermore, they can safely reach these districts, on foot, by car or by airplane, and there are possibilities in these regions to earn a living. - Other ethnicities (Christians, Yezidis, Baha'is, Assyrians, Turkmens, Circassia's, Jews, etc.): The Luxembourgish Ministry of Foreign Affairs considers asylum seekers of these ethnicities to be persons at risk in Iraq, and mostly grants international protection. Therefore the internal flight option is not being considered in these cases.</p> <p>3. No. Luxembourg does not carry out forced returns to Iraq. However, it conducted 58 voluntary returns during 2016.</p>
	Malta	Yes	<p>1. Subsidiary protection on Article 15(c) of the Qualification Directive is granted to Iraqi asylum seekers coming from the so-called contested areas of Ninewah, Kirkuk, Diyala, Salah al-Din and</p>

			<p>Anbar, who do not qualify for refugee status.</p> <p>2. IPA/IFA is considered as a viable alternative for Iraqi Shi'a' (to Baghdad or the governorates in Southern Iraq) and Kurds (the Kurdistan region of Iraq). IPA/IFA is not applied in relation to Arab Sunnis, Yazidis and other ethnic/religious minorities.</p> <p>3. No forced returns to Iraq have been carried out.</p>
	Netherlands	Yes	<p>1. Yes, asylum seekers from the governorates of Anbar, Ninewa and from certain parts of the so-called 'Baghdad belts', and asylum seekers from the following districts: Baiji, Tikrit, Dawr en Shirqat in the governorate of Salah al Din and the district Hawija in the governorate of Kirkuk are eligible for subsidiary protection according to article 15(c) of the Qualification Directive.</p> <p>2. As part of the assessment of the application it will be examined whether an asylum seeker from an area identified as an area which meet the threshold of Article 15c can have access to internal protection in other areas of the country, including Baghdad city. To decide whether internal relocation is possible, the personal circumstances of the applicant will be taken into account. In general it is not expected that minors without family and persons belonging to a vulnerable minority (Christians, Yazidis, Mandaeans, Jews, Shabak, Kaka'I, Bahai's and Turkmen, and single women from Central and South Iraq) relocate to, for example, Baghdad city. The Kurdish Region can also be considered as IPA. To decide whether internal relocation to this region is possible the personal circumstances of the applicant will be taken into account (e.g. whether the asylum seeker is registered in de Kurdish Region, comes from an area which is controlled by the KGD , has family in the Kurdish Region...) Paragraph C7/13 Dutch Implementation Guidelines (Vreemdelingencirculaire)</p> <p>3. Iraq only provides travel documents if the alien wants to return. Forced return to Iraq is only possible with a valid passport. Aside from that, forced return to KRG (Kurdistan Regional Government) area's is also possible for North-Iraqi aliens with criminal antecedents who have (a copy of) documents of the alien and/or family members. The Netherlands do not have a special return policy for specific groups or individuals.</p>

	Slovak Republic	Yes	<p>1. Yes. Subsidiary protection is granted to persons from regions where there are ongoing fights such as Mosul and surroundings. Similarly, persons from other parts of Iraq such as Baghdad are assessed individually.</p> <p>2. Internal flight alternative could be applied, however, only after an individual assessment. As possible areas could be considered regions of Kirkuk and Northern Iraq under Kurdish administration. However, this could be considered only in case of certain persons such as young healthy male with family and personal ties to the region, i.e. he is of a Kurdish origin and his family lives there which is able to provide him protection. In case of other asylum seekers from Iraq e.g. Iraqi Palestinians, other religious groups or minorities, this option could not be applied. However, everything is subject to individual assessment.</p> <p>3. Based on the current small number of asylum seekers, no forced returns have been carried out. However, assisted voluntary returns of Iraqis have been conducted through IOM. Forced returns would be possible only in case of certain persons e.g. young healthy males from Northern Iraq. Forced returns would not be carried out in case of single women, children or disabled.</p>
	Spain	Yes	<p>1. Subsidiary protection is applied on the basis of 15C to the following applicants: 1.- Place of origin: the 'contested' governorates (Al-Anbar, Diyala, Kirkuk/At-Ta'mim, Ninewah and Salah al-Din) + no relocation alternative. 2.- Sunni (Arab) Muslims + Individual characteristics: (profession or place of origin or family connections...) + no relocation alternative. 3.- No relocation alternative because of their special vulnerability, mainly women and minors.</p> <p>2. Taking into account the country of origin information, it is considered there is an internal/regional armed conflict taking place in some areas of Iraq (the "contested" areas). With regard to IPA, the possibility of internal protection alternative in Iraq in some cases is actually considered. Given the diversity of the Iraqi population, not only the place of origin of the applicant is considered but also other characteristics such as their ethnic origin, religious affiliation, family context, economic status etc. The assessment is done on a case by case basis. At the present moment family network and religious affiliation is considered to be one of the most important factors for considering IPA.</p>

			<p>3. Spain does not actually carry out forced returns to Iraq.</p>
	Sweden	Yes	<p>1. The Swedish Migration Agency finds that the current situation in Nineveh, and in some parts of the provinces of Kirkuk and Anbar (in the areas in Kirkuk and Anbar controlled by ISIS), is so severe that all civilians, if returned, would face a risk of being subject to such treatment as stated in article 3 of the European convention on human rights and article 15 b of Council Directive 2011/95/EU. Since the security situation varies in the provinces of Kirkuk, Anbar , Salah al-Din, Diyala and Baghdad an individual assessment has to be done in every asylumcase (Elgafaji C- 465/07). An applicant who, after an individual assessment is considered to be in need of international protection due to the security situation in the provinces mentioned above fullfills the criterias in article 15 c of Council Directive 2011/95/EU.</p> <p>2. In general the Swedish Migration Board does not find that there is an internal flight option for unaccompanied minors and for women without male connection in the part of the country which could be considered as an internal flight option. An internal flight option is possible to Erbil and Sulaymaniyah in the Kurdistan Region of Iraq, and the cities Baghdad, Basra and Najaf.</p> <p>3. The Swedish Migration Agency does not carry out forced returns to Iraq.</p>
	United Kingdom	Yes	<p>1. It is only if the person does not qualify under the Refugee Convention that decision makers need to make an assessment of the need for protection firstly under Articles 15(a) and (b) of the Qualification Directive/Articles 2 and 3 of the European Convention on Human Rights (ECHR) and, if that is unsuccessful, under Article 15(c) of the Qualification Directive. In general, the humanitarian situation is not so severe that a person is likely to face a breach of Articles 15(a) and (b) of the Qualification Directive/Articles 2 and 3 of the ECHR. However, decision makers must consider each case on its merits. There may be cases where a combination of circumstances means that a person will face a breach of Articles 15(a) and/or (b) of the Qualification Directive/Articles 2 and 3 of the ECHR on return. In assessing whether an individual case reaches this threshold, decision makers must consider: where the person is from (as humanitarian conditions are more severe in some areas than others, and this may also impact on whether the person becomes an IDP on return, if they were not already prior to leaving the country); Internal relocation is, in general, possible to all areas of Iraq except Anbar</p>

			<p>and Ninewah governorates, the parts of Kirkuk governorate in and around Hawija, and the parts of the ‘Baghdad Belts’ (the residential, agricultural and industrial areas that encircle the city of Baghdad) that border Anbar, Diyala and Salah al-Din, areas which are still assessed as meeting the Article 15(c) threshold.</p> <p>2. In the Country Guidance (CG) case of AA (Article 15(c)) (Rev 2) [2015] UKUT 544 (IAC) (30 October 2015) (hereafter referred to as ‘AA Iraq’), which replaces all other country guidance on Iraq, the Upper Tribunal (UT) held that internal relocation is possible, in general, to the areas that do not meet the threshold of Article 15(c) of the Qualification Directive (QD). Since AA Iraq was promulgated, the security situation has changed in the ‘contested’ areas. In particular: o Daesh (Islamic State) have lost territory; o Government of Iraq (GoI) and/or associated forces have regained control of some areas; o the level of violence has declined; and o Internally Displaced Persons (IDPs) are returning to their areas of origin Internal relocation is, in general, possible to all areas of Iraq except Anbar and Ninewah governorates, the parts of Kirkuk governorate in and around Hawija, and the parts of the ‘Baghdad Belts’ (the residential, agricultural and industrial areas that encircle the city of Baghdad) that border Anbar, Diyala and Salah al-Din, areas which are still assessed as meeting the Article 15(c) threshold.</p> <p>3. Yes. The UK returns both criminal and failed asylum seeker cases to Baghdad where we hold a valid or expired passport and we have recently negotiated a returns process for undocumented criminal cases only, Iraq continues to refuse the return of undocumented failed asylum seekers. The KRG will accept the return of undocumented criminal cases only using the EUL, they will not currently accept the return of undocumented failed asylum seekers.</p>
	Norway	Yes	<p>1. We consider the Norwegian Immigration Act section 28 (b) (covers in most cases art. 15 (c)) to be automatically applicable to asylum seekers from Ninewa, Salah Al-Din and Anbar. We consider that there the level of violence is at such an extreme level that subsidiary protection can be granted solely because an applicant originates from these areas. Also, based on the sliding scale thinking, we do consider that there are other areas where the violence has reached a high level, and where the level of proof needed regarding an individualized threat is lower and subsidiary protection based on the Norwegian Immigration Act section 28 1 (b) may be granted (Kirkuk, Diyala and Baghdad).</p>

Applicants originating from Kurdish controlled areas in the provinces of Kirkuk and Diyala are not deemed to meet the threshold for subsidiary protection. These areas are considered safer than those held by the GoI/various armed groups.

2. The Norwegian Directorate of Immigration (UDI) has concluded that the authorities in the Kurdish Region of Iraq (KRI) are able to protect citizens against non-governmental persecutors. However, UDI is aware of the fact that although the overall situation is characterized by law and order, the clan structures are strong and the willingness on the part of the Kurdish regional government (KRG) to provide protection may to some extent be affected by the influence of private individuals, clans and political parties. Furthermore, COI information suggests that the KRG are hesitant to intervene in matters considered to be within the domain of the family. Therefore, the UDI does not consider the authorities in the KRI to be able to protect its citizens against honor-based violence. As a general rule it is our view that the authorities in Central and Southern Iraq (GoI) are not sufficiently able to protect civilians against non-governmental persecutors. The UDI will therefore in most cases not refer applicants from Central or Southern Iraq, to seek protection from the authorities. In UDI's opinion, Iraqi authorities (GoI) show a general willingness to protect their citizens. The authorities have implemented a number of measures to improve the situation in the judicial system and the police service. However, according to information obtained by the UDI, the police force in the Central and Southern Iraq suffers from serious shortage of resources. A vast number of those recruited to the force is unqualified personnel, the training is insufficient and the knowledge about prevailing law is inadequate. The investigation methods of the police have significant weaknesses, and the motivation to follow up complaints and reports is low. Iraq is a country with widespread corruption, which affects both the police and other parts of the justice sector. In addition, there is infiltration by various militias, and the courts of law are to some extent influenced by clan affiliations. In some cases, conditions such as ethnicity or religious affiliation effect whether people get assistance or not. In 2014 semiofficial militias were mobilized on a large scale under the name "Popular Mobilization Units (PMU). They consist of different, preferably Shiite, militias and assist the authorities in combating ISIS, both in Baghdad and in Central Iraq. Command lines between these militias and the authorities are, however, extremely vague, the authorities control over these militias are limited, and there are several reports that militias have been responsible for killings and other serious human rights violations.

			<p>3. All those with an obligation to leave Norway can be returned by force to Iraq as long as the original passport has been located/does exist. The passport does not need to be currently valid.</p>
--	--	--	--