

## **Iraq: Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative (IFA/IRA)**

### **Ability of Persons Originating from (Previously or Currently) ISIS-Held or Conflict Areas to Legally Access and Remain in Proposed Areas of Relocation**

12 April 2017

This document provides decision-makers with specific country of origin information in relation to access/residency restrictions applicable to Iraqis originally from (previously or currently) ISIS-held or conflict areas, who seek to return from abroad to areas other than their area of origin. The information contained in this document needs to be carefully considered as part of the relevance analysis, among other elements, when assessing the availability of an Internal Flight Alternative or Relocation Alternative (IFA/IRA) for persons from (previously or currently) ISIS-held or conflict areas who are found to have a well-founded fear of persecution.

Unless specified otherwise, information contained in this document has been collected and verified by UNHCR. The information reflects the situation as of 12 April 2017.

Given the volatility of the situation in Iraq as well as frequent changes to regulations and practices concerning access to and residency in relatively safer areas, any consideration of an IFA/IRA needs to be made in light of up-to-date and relevant country of information. UNHCR intends to update this document as needed.

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## I. General Considerations

UNHCR's Position on Returns to Iraq, dated 14 November 2016, states:

*“In the current circumstances, with large-scale internal displacement, a serious humanitarian crisis, mounting inter-communal tensions, **access/residency restrictions in virtually all parts of the country** and increasing pressure exercised on IDPs [internally displaced persons] to prematurely return to their areas of origin following the retaking of these areas from ISIS, UNHCR does not consider it appropriate for States to deny persons from Iraq international protection on the basis of the applicability of an internal flight or relocation alternative. An internal flight or relocation alternative would only be available in the exceptional circumstances where an individual can legally access and remain in the proposed area of relocation, would not be exposed to a new risk of serious harm there, and has close family links in the proposed area, with the family willing and able to support the individual”.*<sup>1</sup>

UNHCR considers that in the vast majority of cases the relevance and/or reasonableness requirements for an IFA/IRA would not be met. As outlined in UNHCR's Guidelines on International Protection No. 4, it is for the decision-maker to identify a proposed area of relocation and the decision-maker bears the burden of proof of establishing that an analysis of relocation is relevant to the particular case. If an IFA/IRA is considered relevant, the decision-maker is responsible for providing evidence establishing that it is a reasonable alternative for the individual concerned.<sup>2</sup>

Iraqi nationals, irrespective of their area of origin, can practically and legally access Iraq by air through airports in Baghdad, Erbil, Sulaymaniyah, Najef and Basra,<sup>3</sup> provided they hold the necessary documentation. To that end, Iraqi embassies abroad can issue temporary one-way travel documents (laissez-passer) to Iraqi nationals seeking to return to Iraq.<sup>4</sup> UNHCR does not provide reception assistance or undertake individual returnee monitoring.

With more than three million Iraqis from conflict areas having been displaced into relatively safer areas of the country since 2014,<sup>5</sup> and the corresponding high levels of humanitarian needs in many of these areas, local authorities have increasingly introduced stringent entry and residency measures, including sponsorship requirements,<sup>6</sup> registration with local authorities and security clearance from various security agencies.<sup>7</sup> While Iraq is faced with many security challenges, in response to which authorities introduce measures to limit risks to the population, available reports provide evidence of the often discriminatory practices in terms of who is granted permission to access and remain in relatively safer areas. Access and residency requirements vary from governorate to governorate and do not only involve

<sup>1</sup> Emphasis added. United Nations High Commissioner for Refugees (UNHCR), *UNHCR Position on Returns to Iraq*, 14 November 2016, <http://www.refworld.org/docid/58299e694.html>, para. 27.

<sup>2</sup> UNHCR, *Guidelines on International Protection No. 4: “Internal Flight or Relocation Alternative” within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, <http://www.refworld.org/docid/3f2791a44.html>, paras 33-35.

<sup>3</sup> The conditions relating to road travel to other parts of the country will generally be the same as those for IDPs who seek to access other parts of the country; relevant access and residency restrictions would apply.

<sup>4</sup> Republic of Iraq / Ministry of Foreign Affairs, *Pass Doc*, accessed 12 April 2017, <http://www.mofa.gov.iq/en/submenu.php?id=61>.

<sup>5</sup> At the time of writing, more than three million Iraqis remain internally displaced; International Organization for Migration (IOM), *Displacement Tracking Matrix (DTM)*, updated 30 March 2017, <http://iraqdtm.iom.int/IDPsML.aspx>.

<sup>6</sup> Sponsorship requirements in Iraq are generally not grounded in law nor are they officially announced. They are reportedly subject to frequent changes. The implementation of the sponsorship requirements is reported to vary from checkpoint to checkpoint, and from officer to officer. Even if an individual satisfies all the stated sponsorship requirements, access is not guaranteed. In particular, ethnic and sectarian considerations may determine whether access is granted or denied. The lack of sponsorship, where required, is reported to frequently result in arrest and/or pressure to return to the area of original persecution; see UNHCR, *UNHCR Position on Returns to Iraq*, 14 November 2016, <http://www.refworld.org/docid/58299e694.html>, para. 21 (and sources quoted there) and footnote 184.

<sup>7</sup> UNHCR, *UNHCR Position on Returns to Iraq*, 14 November 2016, <http://www.refworld.org/docid/58299e694.html>, para. 21 (and sources quoted there).

a security screening, but are reported commonly to depend on the person's profile, including a person's ethnic/religious background, place of origin, and family composition.<sup>8</sup>

Access and residency restrictions imposed by local authorities are reported mostly to affect Sunni Arabs and Sunni Turkmen from (previously or currently) ISIS-held and conflict areas, who are reportedly considered a security threat and are often denied permission to access and/or residency in areas of relative safety on the basis of broad and discriminatory criteria.<sup>9</sup> In contrast, Shi'ites, Kurds and members of religious/ethnic minority groups do generally not face specific access or residency requirements in any part of the country (with the exception of Erbil Governorate).<sup>10</sup>

Road movements (e.g. from Baghdad Airport to Baghdad City, or between governorates) may expose Iraqis of certain ethnic or religious backgrounds to a risk of discriminatory treatment at checkpoints including arbitrary arrest, on the basis of broad and discriminatory profiling. This reportedly applies in particular to Sunni Arabs and Sunni Turkmen originating from (previously or currently) ISIS-held areas or areas affected by conflict, for reasons of their perceived support for ISIS.

When assessing an individual's ability to remain in a proposed area of relocation, decision-makers must also take into account the increasing pressure put on IDPs to return to their areas of origin following the retaking by the ISF/Kurdish forces of these areas from ISIS. Areas where individuals are pressured or coerced by local authorities or other actors to return to their areas of origin would not constitute a relevant internal flight alternative.<sup>11</sup>

## II. Entry and Residency Requirements

This section provides an overview of the information available to UNHCR about access and residency requirements in force at the time of writing in parts of Iraq not directly affected by armed conflict.

### 1) Baghdad Governorate

Iraqis can access Baghdad via Baghdad International Airport. According to information available to UNHCR, Iraqis of certain profiles who do not originate from Baghdad may be at risk of arbitrary arrest at any of the checkpoints between Baghdad International Airport and Baghdad City. This concerns in particular Sunni Arabs and Sunni Turkmen originating from (previously or currently) ISIS-held areas or areas affected by conflict, in relation to whom there are reports of arbitrary arrest and *incommunicado* detention on the basis of their perceived support for ISIS.<sup>12</sup>

Requirements for those seeking to reside in a particular area of Baghdad,<sup>13</sup> including required documentation, are reported to vary from one neighbourhood to another, and reportedly often depend on the person in charge in that specific neighbourhood (e.g. the *Mukhtar*, the officer in charge at checkpoints run by Iraqi Security Forces [ISF] or Popular Mobilization Units [PMU]). In general, requirements to settle in Baghdad are reported to be stricter in districts with a high concentration of

<sup>8</sup> Ibid.

<sup>9</sup> UNHCR, *UNHCR Position on Returns to Iraq*, 14 November 2016, <http://www.refworld.org/docid/58299e694.html>, para. 21 (and sources quoted there).

<sup>10</sup> In Erbil Governorate, specific entry and residency requirements are also in place for members of religious/ethnic minority groups (see below Section 5.a).

<sup>11</sup> As areas are retaken from ISIS, IDPs, particularly Sunni Arabs, reportedly face mounting pressure or even coercion from local authorities to return to their areas of origin. Reported means of pressure employed include, *inter alia*, notifications with deadlines to leave, harassment, forcible evictions, confiscation of identification documents, arrests for lack of legal documentation or for alleged violations of the Anti-Terrorism Law, and increasingly, destruction of homes and immediate forced returns to areas of origin or forced relocation to IDP camps. Such returns carry a high risk of secondary displacement; UNHCR, *UNHCR Position on Returns to Iraq*, 14 November 2016, <http://www.refworld.org/docid/58299e694.html>, para. 30 (and sources quoted there) and footnote 184.

<sup>12</sup> UNHCR, *Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative (IFA/IRA) in Baghdad for Sunni Arabs from ISIS-Held Areas*, May 2016, <http://www.refworld.org/docid/575537dd4.html>.

<sup>13</sup> Ibid., pp. 27-28.



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IDPs (mostly Sunni areas such as Adhamiyah, Karkh, Abu Ghraib and Mahmoudiyah Districts).<sup>14</sup> Persons originating from (previously or currently) ISIS-held areas or areas affected by conflict and who seek to settle in these areas of Baghdad must in general meet the following cumulative requirements:

1. A support letter from the *Mukhtar* and the Local Council confirming that the individual is an IDP residing (or intending to reside) in the particular neighbourhood/local council area;
2. Security clearance from five different security authorities (National Security, Federal Police Intelligence, Local Police Intelligence, Baghdad Operations, ISF Intelligence); and
3. Sponsorship from a resident of the neighbourhood in which s/he seeks to settle.<sup>15</sup> The sponsor must present four pieces of personal documentation, i.e. ID card, nationality certificate, address card (only accepted if issued in the sponsor's name) and ration/PDS (Public Distribution System) card. In some cases, the sponsor is reportedly asked for additional documentation such as a support letter from the *Mukhtar* or Local Council confirming that the sponsor is a resident of that area.

The support letter, security clearance and local sponsorship must be obtained without delay upon arrival in the neighbourhood in which the person seeks to settle. Even when meeting all the above requirements, residency is not guaranteed and remains at the discretion of the concerned local authorities.

Given the widespread prejudice and suspicion vis-à-vis persons of Sunni Arab origin, particularly when they originate from an area currently or previously under ISIS control, Sunni Arabs who return to Iraq from abroad are reported to find it difficult to secure a sponsor or obtain a support letter from the *Mukhtar*/Local Council if they have no pre-existing family or other links in Baghdad.

Even when individuals are able to obtain a support letter and to secure a sponsor, they still need to obtain security clearance from the five security agencies listed above, where they need to apply in person. Applying for security clearance may itself be fraught with difficulties for Iraqis of certain profiles, including in particular for Sunni Arabs and Sunni Turkmen from (previously or currently) ISIS-held and conflict areas, who may at that point be arrested and detained under the Anti-Terrorism Law of 2005 (Law No. 13 of 2005)<sup>16</sup> on the basis broad and discriminatory profiling.<sup>17</sup>

<sup>14</sup> Most Sunni Arab IDPs preferred to settle in Sunni-majority areas in light of the city's sectarian segregation and due to security concerns if they were to settle in a Shi'ite-majority area. In Baghdad, Sunni IDPs have reportedly been pressured to move out of Shi'ite and Sunni-Shi'ite mixed neighbourhoods: "They [IDPs from Al-Anbar in Baghdad] are routinely suspected of having ISIS sympathies simply because of their place of origin, and some spoke of having been pushed out by local residents in Shia areas. Thus, they were now experiencing their second displacement;" Refugees International, *Displaced in Iraq: Little Aid and Few Options*, 2 November 2015, <http://www.refworld.org/docid/563868d14.html>, p. 7. See also, UN Assistance Mission for Iraq (UNAMI), *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 13 July 2015, <http://www.refworld.org/docid/55a4b83c4.html>; Washington Post, *Iraqi Sunnis Flee Anbar only to Find New Dangers in Baghdad*, 17 May 2015, <http://wpo.st/kN6Q1>; The Atlantic, *The Hell after ISIS*, May 2016, <http://theatlantic.com/1NaRaLC>. See also REACH, *IDP and Refugee Camp Locations – As of January 2016*, March 2016, <http://bit.ly/2e7Nks5>.

<sup>15</sup> The sponsor should be originally from Baghdad as indicated on his or her ID card. In addition, the sponsor's housing card should show that s/he is a resident of the city.

<sup>16</sup> Law No. 13 of 2005, <http://bit.ly/2nVEflo>. See also UNAMI, *Report on the Death Penalty in Iraq*, October 2014, <http://www.refworld.org/docid/5445189a4.html>, pp. 39-30.

<sup>17</sup> "The large number of IDPs displaced across Iraq and the widespread and broad perception that Sunni Arabs are affiliated or sympathize with ISIS has reportedly also led to an increase in arrests of non-displaced Sunni Arabs and Sunni Turkmen living in Baghdad and other government-controlled areas under the Anti-Terrorism Law of 2005 (Law No. 13 for 2005). Reports find that those arrested under the Anti-Terrorism Law are often held in prolonged pre-trial detention and without access to a lawyer, medical assistance, or their families. Detention conditions are reported to be particularly harsh for detainees held under the Anti-Terrorism Law. The use of torture and other forms of ill-treatment, mostly used to elicit a confession, is reported to be pervasive, mostly during arrest and pre-trial detention in facilities of the Ministry of Interior and the Ministry of Defence. Detention reportedly sometimes occurs at informal sites where detainees, including children, are likely to be at even greater risk. Deaths of Sunni men in custody as a result of torture have been reported. The conditions in detention facilities and prisons are described as "harsh and life-threatening" due to food shortages, overcrowding, insufficient access to sanitation facilities and medical care, as well as widespread use of torture and other forms of ill-treatment. The criminal justice system reportedly remains deeply flawed with regular violations of defendants' right to a fair trial, in particular for defendants charged under the Anti-Terrorism Law. Defendants are reportedly regularly convicted on the basis of disputed confessions, including for



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Similarly, anyone who resides in Baghdad without having met all residency requirements listed above is not allowed to reside in Baghdad; at checkpoints in the city or during security raids they would be at risk of arrest and detention under the Anti-Terrorism Law of 2005.

Based on UNHCR's observations, the implementation of residency requirements usually becomes stricter following security incidents in Baghdad. Responsibility for such incidents is often broadly attributed to persons of Sunni Arab origin, especially those originating from (previously or currently) ISIS-held areas or conflict-affected areas, on account of their perceived sympathies for or affiliation with ISIS.

Sunni Arab IDPs in Baghdad face pressure to return to their areas of origin.<sup>18</sup>

## 2) Kirkuk City

As there is no airport in Kirkuk, returnees who arrive from abroad would have to use the airports of Erbil or Baghdad and travel overland to Kirkuk City. Iraqi nationals who are not from Kirkuk City but who wish to settle in the city upon their return to Iraq would generally be treated on a par with IDPs. Kirkuk Governorate has restricted access through its land checkpoints for Sunni Arab IDPs. Those who are allowed entry to the governorate are barred from accessing Kirkuk City and are subject to encampment in existing IDP camps in the governorate.<sup>19</sup> Sunni Arab IDPs in Kirkuk City and in IDP camps have repeatedly been pressured or coerced to return to their areas of origin.<sup>20</sup>

Persons of Kurdish ethnicity holding an ID card (*Jinsiyah*) issued in the Kurdistan Region of Iraq (KR-I) face no restrictions to access and reside in Kirkuk Governorate, including Kirkuk City. However, Kurds holding ID cards from governorates outside the KR-I have in some cases reportedly been pressured to leave Kirkuk and return to their places of origin. Turkmen (both Shi'ite and Sunni) and Christians are generally able to access and reside in Kirkuk Governorate, including Kirkuk City, provided they have a local sponsor.

## 3) Babel Governorate

As there is no airport in Babel Governorate, returnees who arrive from abroad would have to use the airports of Erbil or Baghdad and travel overland to Babel Governorate. Iraqi nationals who are not from Babel Governorate but who wish to settle in the governorate upon their return to Iraq would generally be treated on a par with IDPs. Persons displaced from (previously or currently) ISIS-held/conflict areas, particularly Sunni Arabs, have not been allowed access to the governorate since April 2015, irrespective of whether they have a sponsor. The only exceptions are IDPs with high-level political or family/tribal connections and who are able to get approval from the immigration committee of the Babel Provincial

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*long periods of imprisonment or capital punishment. In spite of repeated calls for a moratorium on all death sentences and executions by the UN and human rights organizations over due process and fair trial concerns, the death penalty is reportedly extensively used, with most of the death sentences reportedly imposed under the Anti-Terrorism Law*"; UNHCR, *UNHCR Position on Returns to Iraq*, 14 November 2016, <http://www.refworld.org/docid/58299e694.html>, para. 28.

<sup>18</sup> UNHCR, *UNHCR Position on Returns to Iraq*, 14 November 2016, <http://www.refworld.org/docid/58299e694.html>, paras 30, 39 (and sources quoted there).

<sup>19</sup> In the camps, IDPs are faced with restrictions on their freedom of movement, which are imposed in a manner disproportionate to any legitimate concern, including those related to security. As a result of movement restrictions, IDPs' access to basic services and economic opportunities is severely curtailed; UNHCR, *UNHCR Position on Returns to Iraq*, 14 November 2016, <http://www.refworld.org/docid/58299e694.html>, para. 22.

<sup>20</sup> UNHCR, *Mosul Weekly Protection Update, 11- 17 March, 2017*, 17 March 2017, <http://bit.ly/2p4C6YM>; UNHCR, *Mosul Weekly Protection Update, 25 February - 3 March, 2017*, 3 March 2017, <http://bit.ly/2mLMEI2>; UNHCR, *Mosul Weekly Protection Update, 18 - 24 February, 2017*, 24 February 2017, <http://bit.ly/2mLQOPX>; UNHCR, *Mosul Weekly Protection Update, 11 - 17 February 2017*, 17 February 2017, <http://bit.ly/2nro6aF>; UNHCR, *Mosul Weekly Protection Update, 21 - 27 January, 2017*, 27 January 2017, <http://bit.ly/2n6auRj>; UNHCR, *UNHCR Position on Returns to Iraq*, 14 November 2016, <http://www.refworld.org/docid/58299e694.html>, footnote 119 (and sources quoted there).



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Council or from the Governor's office. In July 2016, authorities in Babylon have notified an unknown number of IDPs that they must leave the Governorate and return to their areas of origin.<sup>21</sup>

#### **4) Southern Governorates**

##### ***a) Kerbala Governorate***

As there is no airport in Kerbala Governorate, returnees who arrive from abroad would have to use the airports of Baghdad or Najef and travel overland to Kerbala Governorate. Iraqi nationals who are not from Kerbala Governorate but who wish to settle in the governorate upon their return to Iraq would generally be treated on a par with IDPs. Persons displaced from (previously or currently) ISIS-held or conflict areas, particularly Sunni Arabs, have not been allowed access to Kerbala Governorate since August 2014, irrespective of whether they have a sponsor. The ban on IDPs' access was not strictly implemented until late 2015; however, as of early 2016, local authorities started to strictly enforce the ban. IDPs who arrived in Kerbala prior to the access ban face pressure to return to their areas of origin.<sup>22</sup>

##### ***b) Najef Governorate***

Iraqis from (previously or currently) ISIS-held/conflict areas, particularly Sunni Arabs, who return to Iraq from abroad via Baghdad or Najef airports and who wish to settle in Najef Governorate would generally be treated on a par with IDPs. They will not be allowed to enter and reside in Najef City unless they have a local sponsor and obtain security clearance from the National Security Agency. The sponsor is required to be a well-known personality such as a tribal leader or a member of the Najef Provincial Council.

##### ***c) Wassit Governorate***

As there is no airport in Wassit Governorate, returnees who arrive from abroad would have use Baghdad Airports and travel overland. Iraqi nationals who are not from Wassit Governorate but who wish to settle in the governorate upon their return to Iraq would generally be treated on a par with IDPs. Persons displaced from (previously or currently) ISIS-held or conflict areas, particularly Sunni Arabs, seeking to reside in Wassit Governorate require a local sponsor, who is known to the local ISF and the *Mukhtar* of the area, as well as security clearance from the local security forces.

##### ***d) Dhi-Qar, Missan, Muthanna and Qadissiyah Governorates***

As there are no airports in these governorates, returnees who arrive from abroad would have to use airports in other governorates and travel overland. They would generally be treated on a par with IDPs in the governorate in which they wish to settle. Persons displaced from (previously or currently) ISIS-held or conflict areas, particularly Sunni Arabs, seeking to access and reside in Qadissiyah, Missan, Muthanna and Dhi-Qar Governorates are required to pre-arrange for a sponsor to be present at the entry checkpoint. A sponsor is also required for registration with the Ministry of Migration and Displacement (MoMD) and in order to obtain security clearance from the local security services. Members of the local host community usually act as sponsors and could be acquaintances, members of the same tribe, or relatives who are long-term residents in the governorate concerned.

##### ***e) Basra Governorate***

Iraqis can access Basra via Basra Airport. In order to legally reside in Basra Governorate, persons originating from (previously or currently) ISIS-held or conflict areas, particularly Sunni Arabs, are required to obtain security clearance from the local security services and to register as IDPs at the local MoMD branch. However, persons originating from an area declared "safe" by the National Operations

<sup>21</sup> UNHCR, *UNHCR Position on Returns to Iraq*, 14 November 2016, <http://www.refworld.org/docid/58299e694.html>, footnote 119 (and sources quoted there).

<sup>22</sup> Ibid.



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Centre in the Office of the Prime Minister are not eligible to be registered by the MoMD in Basra, and, as such, are not able to regularize their stay in the governorate.<sup>23</sup>

At the time of writing, the following areas retaken from ISIS are considered “safe” by the National Operations Centre:

- Al-Anbar Governorate: Ameriyat Al-Fallujah, Al-Fallujah, Al-Habbaniyah, Al-Khalidiyah, Ramadi, Al-Wafaa, Al-Furat, Heet, Al-Kubaysah, Al-Baghdadi, Haditha, Al-Rahaliya, Al-Nukaib and Al-Rutba;
- Salah Al-Din Governorate: Baiji, Al-Seiniyah, Yathrib, Suliman Bek, Awja, Aziz Balad; and
- Diyala Governorate: Al-Muqdadiyah, Al-Sa’adiyah, Al-Mansouriyah and Al-Udhaim.

Those eligible to register with the MoMD in Basra further require a local sponsor in order to reside in Basra. Families who do not have a sponsor can be sponsored by the Basra branch of the MoMD and will be placed in the existing IDP camp (“5-Miles Camp” on the outskirts of Basra City, opened in August 2014). The same applies to individuals with family members who are already present in Basra: if these family members are not originally from Basra themselves, they cannot act as sponsors for their relatives, but the Basra branch of the MoMD can sponsor them. In contrast, single persons who do not have any family members who already reside in Basra are not eligible to be sponsored by the MoMD; they are therefore only able to reside in Basra if they have a sponsor.

In March 2017, the Ministry of Trade in Basra suspended the distribution of food rations through the Public Distribution System (PDS) to IDPs from Al-Anbar and Salah Al-Din Governorates.

## 5) Kurdistan Region of Iraq

Residency conditions vary considerably among the three governorates of the KR-I and depend on the individual’s ethnic/religious background, place of origin and pre-existing links in the KR-I.

### a) Erbil Governorate

Iraqis can generally access Erbil via Erbil International Airport without a sponsor or other requirements (but see below on exceptions for those from Ninewa Governorate). Following a security check, Arabs are issued an entry pass valid for 72 hours, while Christians are issued an entry pass valid for three to seven days. Turkmen, Yazidis, Shabaks and Kaka’is are generally not required to obtain entry permits when entering via Erbil Airport.

Specific entry instructions have been issued by the Kurdish security agency (*Asayish*) after the launch of the Mosul offensive on 17 October 2016: persons from Ninewa Governorate<sup>24</sup> seeking to enter Erbil via Erbil Airport (or via a road checkpoint) have to provide a local Kurdish sponsor, who must be present at the point of arrival and accompany the individual or family to the *Asayish* office in Ankawa (Erbil) to obtain a letter for the individual/family to remain in Erbil. This letter should be presented to the *Asayish* branch in the area in which the IDP chooses to reside within 48 hours from the date of issuance.<sup>25</sup>

Conditions for obtaining a residency permit (“tourist pass”) vary depending on the person’s profile and family. Kurds, Turkmen (not from Tal Afar), Yazidis, Shabaks and Kaka’is generally do not require a residency permit in order to legally reside in Erbil Governorate.<sup>26</sup> Arabs, Turkmen (from Tal Afar) as

<sup>23</sup> No other MoMD branches exclude IDPs who originate from areas declared “safe” from MoMD registration.

<sup>24</sup> These instructions apply to all persons from Ninewa Governorate, irrespective of their religious/ethnic background; however, the instructions are reportedly implemented in a more stringent manner for Arabs as well as Turkmen from Tal Afar (under ISIS control at the time of writing) compared to Christians, Turkmen (other than from Tal Afar), Yazidis, Shabaks and Kaka’is from Ninewa Governorate.

<sup>25</sup> IDPs who do not approach the local *Asayish* within 48 hours of entering Erbil Governorate would still be issued a residency document (“tourist pass”), however, they would likely be questioned about the reasons for not approaching the *Asayish* within the time limit.

<sup>26</sup> Turkmen (unless from Tal Afar), Yazidis, Shabaks or Kaka’is can generally reside in Erbil without obtaining residency documents. However, some local *Asayish* offices (e.g. in Soran) issue Yazidi, Shabak and Kaka’i IDPs with residency cards



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well as Christians not originating from the KR-I must obtain a short-term, renewable residency permit (“tourist pass”) in order to legally reside in Erbil Governorate. The “tourist pass” is needed in order to pass checkpoints, rent an apartment or stay in hotels, and to access the labour market.<sup>27</sup> IDPs residing in non-camp situations also require the “tourist pass” in order to register with the MoMD.<sup>28</sup>

### **Arabs; and Turkmen from Tal Afar**

Since the launch of the Mosul offensive on 17 October 2016, residency requirements have been tightened for Arabs (from all areas of origin, not only Ninewa), as well as Turkmen from Tal Afar. At the time of writing, the initial entry pass allows them to remain in Erbil Governorate for only 72 hours, following which they need to replace it with a renewable short-term residency document valid for one month only, issued by the local *Asayish* office in the neighbourhood where they wish to reside. Following a security check, families can obtain a renewable short-term residency document without further requirements. Single persons who already have family in Erbil Governorate can be added to their family’s file in the local *Asayish* office. Single men and women who do not have family in Erbil governorate require a valid work contract (usually proven through a support letter issued by the employer) in order to obtain a short-term residency document. Those without a valid work contract and without family in Erbil will not be issued a short-term residency document and are subject to expulsion from Erbil Governorate.

### **Christians**

Since October 2015, Christians have been required to approach the local *Asayish* office in the area where they seek to reside in order to exchange their entry permit (valid for three to seven days) for a short-term residency document (valid for six months). Furthermore, the following requirements apply:

- Christian families (except those from Ninewa Governorate) require a support letter from the church or the *Mukhtar* to prove that they have been displaced to Erbil Governorate;
- Christians families from Ninewa Governorate require a Kurdish sponsor, who needs to accompany them to the *Asayish*;
- Christian single men and women (from all areas) require a Kurdish sponsor, who needs to accompany them to the *Asayish*.

#### **b) Dohuk Governorate**

Residency requirements vary depending on the individual’s ethnic/religious background. Persons of Arab and Turkmen background, who do not originate from the KR-I and who arrive overland via Erbil Airport,<sup>29</sup> require a sponsor who is a permanent resident of Dohuk Governorate, in order to access and legally reside in Dohuk Governorate. Once allowed entry following a security check, the sponsored person has to apply for residency documents with the *Asayish* in the area in which s/he seeks to settle. Residency documents are issued for either one year or one month, depending on a security assessment undertaken by the *Asayish*. In practice, Arabs usually obtain renewable residency documents valid for one month only. Those who reside in Dohuk Governorate without a sponsor/residency documents face difficulties in accessing employment and are subject to arrest and forced relocation to Garmawa IDP Camp. Persons of Yazidi, Kurdish and Christian background do not require a residency permit.

#### **c) Sulaymaniyah Governorate**

Arabs and Turkmen originating from Tal Afar and who return to Iraq from abroad on international flights to Sulaymaniyah Airport, will be issued with a “tourist pass” (valid for 10, 15 or 30 days) following a security check. Within 10 days after arrival, and irrespective of the validity period of the “tourist pass”, they are required to report to the local *Asayish* office in the area in which they seek to reside. In certain areas, persons of Arab origin require a Kurdish sponsor in order to legally remain:

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(following the same procedures as for Arab IDPs). Also, in some cases, those who are undocumented and do not speak Kurdish are required to obtain residency documents from the local *Asayish*.

<sup>27</sup> Some employers, e.g. large companies, will not employ IDPs with a “tourist pass”, but require a yearly residence document.

<sup>28</sup> IDPs living in camps can instead provide a support letter from the camp manager in order to register with the MoMD.

<sup>29</sup> For arrivals via Erbil Airport, see Section 5.a.





# UNHCR

United Nations High Commissioner for Refugees

Haut Commissariat des Nations Unies pour les réfugiés

- Chamchamal
- Rania
- Dukan
- Piramagroon
- Arbat-Tanjro
- Bazyan
- Barda Qaraman, and
- Hajiawa.

Following a security check, the *Asayish* issues them a so-called “*Asayish Code*”, which provides them also with access to basic services and the right to work. Although persons of Arab origin seeking to reside in Sulaymaniyah district (including Sulaymaniyah City) do not require a Kurdish sponsor in order to legally remain in the area, they are, in practice, often not issued an “*Asayish Code*”. Instead, they only obtain short-term extensions of their “tourist pass”. Unlike those with an “*Asayish Code*”, persons holding a “tourist pass” do not have access to education, are not allowed to work, cannot open a local bank account, and face difficulties with renting accommodation given their uncertain legal status.

Since the beginning of the Mosul military operation on 17 October 2016, access and residency requirements for persons from Ninewa are the same as in Erbil Governorate (see above Section 5.a).