



Ad-Hoc Query on Asylum seekers from Iraq

Requested by FI EMN NCP on 17th September 2015

Compilation produced on

Responses from: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Finland, France, Estonia Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Slovenia, Sweden, United Kingdom plus Norway and Croatia (23 in Total)

<u>Disclaimer</u>: 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.

1. Background Information

Iraqi nationals have currently been the largest group among the asylum seekers in Finland. For example last week 80 % (1348 persons) of the asylum seekers were from Iraq. Therefore political interest has risen whether there are any differences amongst the Member States regarding their policies concerning Iraqi asylum seekers.

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?

In approximately half of the responses the state did not have a list of disputed areas which natives are granted subsidiary protection according to the area. Instead decisions were made case by case. Most often in the list of disputed areas were mentioned the following areas: Nineveh, Salah- al Din, Diyala, Kirkuk and Al Anbar. In addition the following areas were mentioned in one or few lists: At Tamim, Baghdad, Babil, Wasit and Kerbala.

- 2. Do you currently carry out forced returns to Iraq? In approximately half of the responses forced returns to Iraq have not been carried out this year. In around 1/3 of the responses forced returns to Iraq were currently carried out, however many of them had faced problems during the process.
- 3. How many asylums and other protection status have been granted and how many asylum applications have been rejected (excluding dismissal of a case) this year concerning asylum seekers from Iraq?

 In approximately half of the responses the amount of decisions concerning Iraq asylum seekers was more than 50. In these cases the amount of positive decisions varied between 30 % 99,6 %, median was 75 %. In approximately half of the responses the total amount of decisions (excluding Dublin decisions) was less than 50 which cannot be considered a comprehensive sample.

We would very much appreciate your responses by the 8th of October 2015.

2. Responses¹

If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

_	noi necessar	tiy represent the	official policy of an EMN NCPs' Member State.										
			2.	urrently no forced returns to Iraq are planned.									
			3.										
			3.										
				January – June 2015	nuary – June 2015								
				1st and 2nd instance									
				Nationality	Final positive decisions	Final negative decisions	Other decisions	Subsidiary protection					
				Iraq	185	61	168	55	7				
			Source: 1	Federal Ministry of the	Interior								
	Belgium	No	This EM further.	IN NCP has provided a	a response to the	e requesting EM	MN NCP. Hov	vever, they have	requested that their response is not disseminated				
	Bulgaria	Yes		have the obligation an	d opportunity to of the application	o consider all	the circumstan	ces of the appli	camined on an individual basis. The case workers icant's refugee story on the individual basis. The accordance with the COI report and in accordance				
			2.	Yes.									
			3.	Decisions 1.131.8.201	ecisions 1.131.8.2015 concerning Iraqi asylum seekers:								
				Refugee status	Subsidiary protection	Refusa	ls:						
				92	29		156						

<u>*</u>	Cyprus	Yes	1.	1. Yes we do as far as concerned the North, West, Central and East governorates that is Ninawa, At Tamim, Diyala, Al Anbar, Bagdad, Babil, Salah Ad Din, Wasit. Regarding to asylum seekers originating from the Kurdish Region of Iraq, we examine the cases on an individual basis and we do not grand subsidiary protection pursuant to Art. 15 lit. c of the Qualification Directive.							
			2.	2. Not applicable							
			3.	3. <u>Decisions 1.131.8.2015 concerning Iraqi asylum seekers:</u>							
				Applications 01.01	1.2015-31.08.2015: (56)						
				Decisions 01.01.20	015-31.08.2015: Subsidi	ary Protection (6), Recog	nise (15), Negative (0)				
	Czech Republic	No	1.	1. This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.							
	Estonia	Yes	1.	1. Estonia has no current policy on granting subsidiary protection pursuant to Article 15 (c) of the QD to asylum seekers from Iraq. The decisions are made case by case.							
			2.	Yes, in principle for from Iraq.	orced returns from Esto	nia to Iraq are carried ou	it, although there have l	been difficulties in getti	ing travel documents		
			3.	Decisions 1.1.2015	-31.8.2015 concerning I	raqi asylum seekers:					
				Asylum	Secondary protection	Other residence permits	Positive decisions altogether	Negative decisions altogether			
				0	0	0	0	2			
+	Finland	Yes	1. The current policy of Finland is that the natives of the so called disputed areas (the Governorates of Ninewa, Kirkuk, Diyala and Salah Al-Din), Baghdad and Governorates of Al-Anbar and Babel are granted subsidiary protection pursuant to Art. 15 lit. c of the Qualification Directive, unless they are considered able to internally relocate elsewhere in Iraq. (Valid September 2015)								
			2.	2. Involuntary returns from Finland to Iraq have been successful in individual cases. In general, we are currently unable to return to Iraq the Iraqi citizens whose asylum applications have been rejected, unless they are returning voluntarily.							
			3.	Decisions 1.131.8	3.2015 concerning Iraqi	asylum seekers:					

			Asylum	Secondary protection	Other residence permits	Positive decisions altogether	Negative decisions altogether	Unfounded applications (included in the negative decisions)		
			205	104	19	328	69	13		
France	Yes	2.	France does not have a peculiar policy concerning asylum seekers from Iraq. The granting of the refugee status or of the sprotection pursuant to Art. 15 (c) of the Qualification Directive depends on the applicant's profile. For instance, in the case of minorities (mostly Christians and Yazidis), refugee status is granted pursuant to Art. 1 of the Convention relating to the Refugees. Normally, Iraqi asylum seekers whose application is rejected can be subject to forced or voluntary return to Iraq. However, i the country's political situation, forced returns to Iraq are suspended since March 2015. In the first semester of 2015, a total of 1327 asylum applications were lodged. 1249 Iraqi citizens were granted refugee subsidiary protection whereas 19 asylum applications were rejected. ³							
Germany	Yes	2.	It is assumed that there general, it is assumed the for civilians exists that residence there. The sa With regard to the city characteristics which lethreat to an individual. Protection pursuant to a connecting feature is as In the period from Janu Decisions on application	hat, with respect to the warrants the conclusion me applies for those regord Baghdad, a lower leval to an intensification Internal protection is of Art. 15 lit. c of the Quavailable to the Geneva Cary to August 2015, fix	aforementioned proving a forementioned proving n of significant risk to it gions that have fallen in wel of risk to civilians is of the general conflict-rally considered as an exclification Directive, how Convention for Refugee we Iraqi nationals were of	ces, and with the except ndividuals resulting soluto the hands of the ISIS is assumed. As a result of related dangers are requestion in individual cal- wever, is only granted of es and as such, refugee pure	tion of the city of Bagh ely from a return into the St. of this, individual risk-auired for the acceptance ases in Iraq. occasionally, because as protection is granted.	dad, a level of risk ne area of origin and aggravating e of a substantial a general rule, a		

³ Source: French Office for the Protection of Refugees and Stateless Persons (OFPRA).

			Asylum/refuge e protection	Subsidiary protection	National prohibition of deportation	Positive decisions (altogether)	Negative decisions	Decisions in Dublin procedure		
			8,800	122	48	8,970	33	907		
Hungary	Yes	2. 3	according to Article 1: considered as such a re individually in each ca Each case is examined Iraqi citizen's application cooperates merely if ar Between 01.01.2015 a	5c of the Directive 201 gion. The list of safe re se. individually whether it on, according to the nata Iraqi citizen wants to respect to the safe respective.	is possible to carry out ional law it is possible return voluntary.	f they come from certain al flight alternative is a sphated and the availabile a forced return to Iraq to carry out a forced return to asylum status, 33 jected.	available. The Region of lity as internal flight also be as internal flight also be as a lith ough the lith ough t	of Kurdistan may be ternative is examined partment rejects the large Embassy		
Ireland	No	This EM further.	N NCP has provided a	a response to the reque	esting EMN NCP. Hov	wever, they have reques	sted that their response	is not disseminated		
Italy	Yes	2. 3. 3.	granted on a case-by-case basis. 2. Yes, there have been some cases of Iraqi citizens. However, within the framework of the yearly quota, Italy has favoured initiativaimed to encourage and implement assisted Voluntary Return programmes. 3. During 2015, Italy has received 308 applications for international protection from Iraqi citizens. From 1 January to 2 October 2015, 4 decisions were taken on applications submitted by Iraqi asylum seekers, including some applications submitted before 2015. See ta below:							

	-		oucy of an Entry	protection	permi	ts	altogether	altogeth		pplications included in the	e
										egative decisions)	
			88	307		15	410		34	18	
Latvia	Yes	1. 2. 3.	 According to the current approach asylum seekers who originate from Ninawa, Kirkuk and Baghdad are entitled to receive subsider protection pursuant to Art. 15 lit. c of the Qualification Directive. There are no forced returns to Iraq in 2015 so far. In 2014 – 7 forced returns; Increase in asylum claims from Iraqi citizens started from September 2015. In 2015 the total number of Iraqi asylum seekers – subsidiary protection granted – 5, rejected – 9, dismissal -12. 								
Lithuania	Yes	2.	1. Yes. Applicants received this year were only from around Mosul. 2. No. 3. 3 applicants were granted subsidiary protection.								
Luxembourg	Yes	1. 2. 3.		mined (yet) which	ch would autom	atically trigger so	ubsidiary protecti		ase study is don	ne and no specific	areas
			Asylum (Refugee status)	Subsidiary protection	Other residence permits	Positive decisions altogether	Negative decisions altogether	Unfounded applications (included in the negative decisions)	Incompetent	Implicit withdrawal	
			9	6 (out of which 1 has been granted by the high administrativ	_	15 (including the high administrativ e ruling in 1	4	-	4	7	

		e cour	t)	case)						
* Malta	Yes	Commissioner received 4 of lodged. The Office notes the application is assessed on a cc. 2. No forced returns to Iraq wercas. 3. In 2014 and 2015 (until 31st.)	In 2014 and 2015 (until 31 st August) the Office concluded seven cases lodged by persons who claimed to be Iraqi nationals. Of the three were recognised as refugees, one was granted subsidiary protection status, two were rejected and one was discontinued (explicit							
Netherlands	Yes	Diyala en Babil. For the othe policy on Iraq. 2. The State Secretary of Securi moratorium has been prolong Ta'mim, Diyala en Babil. Th moratorium is effective. For provinces of Iraq that are passport. The authorities of Ir involved is willing to return. Forced return to the region the	ty and Justice has implement ed until 16 October 2015. This means forced return is not not covered by the moratoric raq only provide nationals of at is under control of the Kur If the Iraqi national in case d	king is based on an individual as ed a decision- and return morator to be moratorium concerns the provipossible and is not carried out to time, forced return is possible and Iraq with laissez passers (substitution dish authorities is possible. This oes not have a Iraqi passport, he	bar, Ninewa, Salaheddin, Ta'mim (Kirkuk), sessment. We are currently reviewing our rium for certain provinces of Iraq. The nces Bagdad, Anbar, Ninewa, Salaheddin, these provinces, for the period that the return carried out if the person involved has a validate of a travel document) if the person is limited to the Iraqi nationals from this or she can travel with a document as					

			Reje	ected	1855		1005		2860
			Tota	nl	6400		3055		9455
	Poland	Yes	which area 2. Forced ret October d	a of the country the turns to Iraq are su ue to their written of	y are coming from aspended since 29 demands for return	April 2014. How to the country of o	vever four forced ret	urns of Iraqi citize	protection to them, no matter ns are planned for the end of or international protection was
*	Slovak Republic	Yes	Iraq. They 2. Yes, In go existence impedime such coun	come from Bagdad eneral the Slovak F of impediments to nts to expulsion are try is carried out.	Republic carries of expulsion is asset on identified in ed from 1.1.2015 to Subsidiary protection	ut forced returns to ssed individually a relation to the resp	to Iraq but treats each according to section pective country and the of third country nat Application refused as	h decision about for the Act on R to the other party to to the o	orced return individually. The desidence of Foreigners. If the the proceedings, the return to
			1	11	granted 11	rejected 0	unfounded 0	inadmissible 0	
				asylum or subsidia	ary protection). F				e of the forms of international the other 11 cases the asylum

	П	<u>, , , , , , , , , , , , , , , , , , , </u>		oucy of an EMIN NCP	3 1/10/11/04/1 200000							
*	Slovenia	Yes	1.	No.								
			2.	2. No.								
			3.	3. From 1.1.205-31.8.2015 decisions concerning Iraq asylum seekers are following: 14 asylum application; 4 negative decisions, 2								
				dismissals from application.								
	Sweden	Yes		Nineva and Salah al-Din. For the Governorates of Kirkuk and Diyala the criteria for internal armed conflict are fulfilled with the notice that the violence is not that extensive as in Anbar, Nineva and Salah al-Din. An individual assessment of the person's exposition for danger has to be done. The other parts of Iraq are assessed that there is other severe conflicts (national law - outside Art. 15 lit. c).								
			3.									
				Asylum	Secondary protection	Other residence permits	Positive decisions altogether	Negative decisions altogether	Unfounded applications (included in the negative decisions)			
				247	65	25	337	325	9			
				Particularly distressing	g circumstances are not	included.						
				Sweden has had 6 600	asylum seekers this yea	ar (Jan-Sep), from whic	h 3 500 applied in Sept	ember.				
N. C.	United Kingdom	Yes	1.	 Sweden has had 6 600 asylum seekers this year (Jan-Sep), from which 3 500 applied in September. In October 2015, in the country guidance case of AA (Article 15(c)) Iraq CG [2015] UKUT 00544 (IAC), the court concluded Article 15(c) of the Qualification Directive applied in the provinces of Anbar, Diyala, Kirkuk, (aka Ta'min), Ninewah and Salah Al-din. It also applies to certain parts of the "Baghdad Belts". However, a person from one of these provinces may be able to relocate to Baghdad (city), the south or the KRI. This will depend on the particular facts of the case and the individual circumstances of the person 								

	not necessar	ily represent the	official policy of	<u>an EMN NCP</u>	<u>'s' Member State</u>	? <u>.</u>					
			assistar Genera in the U be lega	nce to those what lly, there are no JK. However, to l barriers to rer	o choose to do so countries to what there may be sormoval. We continue	o. nich as a matter of i	mmigration policy it is difficult to rer to Iraq where app	we cannot ren nove to becaus propriate and or	nove those who	o leave voluntarily and have no legal basis to be situation, or where the basis.	to remain
				-	Humanitarian protection	Other grants of leave	Positive decisi altogether	ons Negativ altogeth	ier	Unfounded applications (including the negations)	
				123	6	57	186	436		N/A	
Norwa	ay	Yes				Statistics, August 2 When it comes to return the state of		inces: Anbar, I	Babel, Diyala, l	Kerbala, Kirkuk, Nin	ewa og
			Salah a longer : return, 2. Yes. The change	I-Din. When it so serious that that previously nough those wh	t comes to Bagd applicants with a allowed Iraqi a no have been retu arding this and a	ad, the Norwegian A negative decision opplicants with a neg	Appeals Board decrequire internation rative decision to r	cided in June of all protection. 'emain in Norwalt back to the Ki	f 2015 that the The Appeals Boay. Now it will areas. It	security situation there oard lifted a suspension lifted a suspension lifted be possible for them is assumed that there	re is no ion on n to return.
			Citizenship	Convention refugees	Other refugee status	Humanitarian grounds	15 month rule	UM limited	Rejection	Dublin III ordinance	
			Iraqi	10	4	6	0	0	15	41	

		Safe 3rd country	Withdrawn/ dismissed	total 94	
Croatia	Yes	and Sa			ne natives of the so called disputed areas (the Governorates of Ninewa, Kirkuk, Diyala Al-Anbar and Babel are not granted subsidiary protection pursuant to Art. 15 lit. c of
