

Guidance Note: Iraq

Guidance note: Iraq

June 2022



Manuscript completed in May 2022

Neither the European Union Agency for Asylum (EUAA) nor any person acting on behalf of the EUAA is responsible for the use that might be made of the information contained within this publication.

Luxembourg: Publications Office of the European Union, 2022

PDF ISBN 978-92-9400-512-0 doi: 10.2847/289340 BZ-04-22-000-EN-N

© European Union Agency for Asylum (EUAA), 2022

Cover Photo: Map of Iraq and its surroundings, desaturated from the original, © iStock (photographer: Romanista), 13 July 2021

Reproduction is authorised provided the source is acknowledged. For any use or reproduction of photos or other material that is not under the EUAA copyright, permission must be sought directly from the copyright holders.



Contents

Introduction	5
General remarks	11
Actors of persecution or serious harm	13
Refugee status: guidance on particular profiles	17
Preliminary remarks	17
Profiles	18
Subsidiary protection.....	38
Article 15(a) QD	38
Article 15(b) QD	39
Article 15(c) QD	41
Actors of protection	46
Internal protection alternative	48
Part of the country	48
Safety	49
Travel and admittance.....	50
Reasonableness to settle	51
Exclusion.....	54
Crime against peace, war crime, crime against humanity	55
Serious (non-political) crime.....	56
Acts contrary to the purposes and principles of the United Nations	57
Danger to the community or the security of the Member State	57
Abbreviations.....	58



Introduction



This guidance note summarises the conclusions of the common analysis on Iraq and should be read in conjunction with it. The complete ‘Country Guidance: Iraq’ is available at

<https://euaa.europa.eu/country-guidance-iraq-2022>

The country guidance is developed in accordance with [Article 11 of the EUAA Foundation Regulation \(EU\) No. 2021/2303](#)⁽¹⁾. It represents the common assessment of the situation in the country of origin by senior policy officials from EU Member States, in accordance with current EU legislation and jurisprudence of the Court of Justice of the European Union (CJEU).

This guidance does not release Member States from the obligation to individually, objectively and impartially examine each application for international protection. Each decision should be taken on the basis of the individual circumstances of the applicant and the situation in Iraq at the moment of the decision, according to precise and up-to-date country information, obtained from various relevant sources (Article 10 of the Asylum Procedures Directive).

The analysis and guidance provided within this document are not exhaustive.

Why is country guidance developed?

The country guidance is intended as a tool for policy-makers and decision-makers in the context of the Common European Asylum System (CEAS). It aims to assist in the examination of applications for international protection by applicants from Iraq, and to foster convergence in decision practices across Member States.

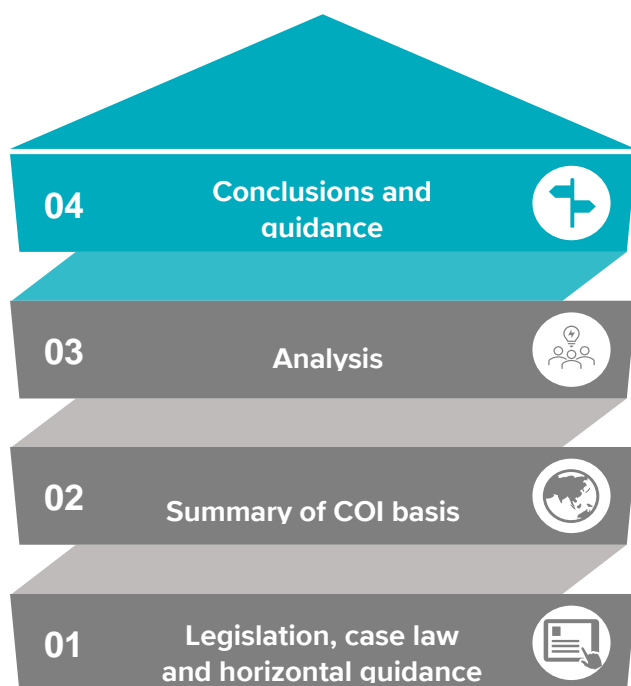
On 21 April 2016, the Council of the European Union agreed on the creation of a senior-level policy network, involving all Member States and coordinated by the European Union Agency for Asylum (EUAA), with the task to carry out a joint assessment and interpretation of the

⁽¹⁾ Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, available at <https://eur-lex.europa.eu/eli/reg/2021/2303/oj>.



situation in main countries of origin ⁽²⁾. The network supports EU-level policy development based on common country of origin information (COI), by jointly interpreting such information in light of the relevant provisions of the asylum acquis and taking into account the content of the EUAA training material and practical guides where appropriate. The development of common analysis and guidance notes is now included as a key area in the new mandate of the EUAA and it is currently regulated under [Article 11 EUAA Regulation](#).

What is included in the guidance note?



The guidance note summarises the **conclusions** of the common analysis in a light user-friendly format, providing practical guidance for the analysis of the individual case. It is the ‘executive summary’ of the complete ‘[Country Guidance: Iraq](#)’.

In the comprehensive ‘[Country Guidance: Iraq](#)’, you will also find a second, more detailed, part – the **common analysis**. The common analysis defines the relevant elements in accordance with legislation, jurisprudence and horizontal guidance, summarises the relevant factual basis according to the available COI, and analyses the situation in the respective country of origin accordingly.

The common analysis is available at <https://euaa.europa.eu/country-guidance-iraq-2022>.



Links to the relevant part of the common analysis (in English) are provided throughout this guidance note.

What is the scope of this update?

The current version of the guidance updates and replaces the ‘Country Guidance: Iraq’

⁽²⁾ Council of the European Union, Outcome of the 3461st Council meeting, 21 April 2016, 8065/16, available at <http://www.consilium.europa.eu/media/22682/st08065en16.pdf>.



(January 2021).

This update mainly focuses on the chapters of [subsidiary protection \(Article 15\(c\) QD\)](#) and [internal protection alternative](#), as well as on the [potential refugee status protection needs for the following profiles](#): persons (perceived to be) affiliated with the Islamic State of Iraq and the Levant (ISIL), Sunni Arabs, human rights and political opposition activists and protesters, journalists and media workers, (perceived) collaborators of Western armed forces, organisations or companies, individuals perceived to transgress moral codes, individuals considered to have committed blasphemy and/or apostasy, religious and ethnic minorities and stateless persons, women and persons involved in and affected by blood feuds in the context of tribal conflict.

Minor changes have also been introduced in other parts of the horizontal framework of the document. These changes do not generally impact the assessment of the situation in Iraq as per the previous version of the guidance from January 2021.

Is this guidance binding?

The country guidance is not binding. However, in accordance with Article 11 of the EUAA Regulation, Member States have the obligation to take into account the guidance notes and common analysis when examining applications for international protection, without prejudice to their competence for deciding on individual applications.

Who was involved in the development of this country guidance?

This document is the result of the joint assessment by the Country Guidance Network, whose work was supported by a Drafting Team of selected national experts and by the EUAA. The European Commission and UNHCR provided valuable input in this process.

The guidance note, accompanied by the common analysis, were finalised by the Country Guidance Network in May 2022 and endorsed by the EUAA Management Board in June 2022.

What is the applicable legal framework?

In terms of applicable legal framework, the common analysis and guidance note are based on

the provisions of the [1951 Geneva Convention](#) ⁽³⁾ and of the [Qualification Directive \(QD\)](#) ⁽⁴⁾; as well as on jurisprudence of the CJEU; where appropriate, the jurisprudence of the European Court of Human Rights (ECtHR) is also taken into account.

What guidance on qualification for international protection is taken into account?

The horizontal guidance framework applied in this analysis is based primarily on the following general guidance:



These and other relevant EUAA practical tools can be found at <https://euaa.europa.eu/practical-tools-and-guides>.

⁽³⁾ United Nations General Assembly, 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

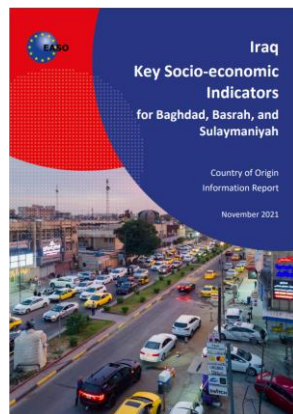
⁽⁴⁾ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

Relevant UNHCR guidelines are also taken into account ⁽⁵⁾.

What country of origin information has been used?

The EUAA Country Guidance documents should not be considered and should not be used or referenced as sources of COI. The information contained herein is based on EUAA COI reports and, in some instances, on other sources as indicated. Unlike the Country Guidance, these represent COI sources and can be referenced accordingly.

This update is mainly based on the following recent COI:



EUAA COI Report: Iraq – Key socio-economic indicators (November 2021)



EUAA COI Report: Iraq – Targeting of Individuals (January 2022)



EUAA COI Report: Iraq – Security situation (January 2022)

In addition, relevant country of origin information from UNHCR on access and residency requirements in Iraq ⁽⁶⁾, issued in January 2021, has been taken in consideration in the '[COI Report: Iraq – Key socio-economic indicators \(November 2021\)](#)'.

This guidance should be considered valid as long as current events and developments fall within the trends and patterns observed within the reference period of the respective COI reports. New developments that cause substantial changes and result in new trends may impact the assessment provided in the present guidance. All effort is made to update the

⁽⁵⁾ UNHCR Handbook and guidelines on procedures and criteria for determining refugee status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, as well as other guidance, policy documents and UNHCR ExCom and Standing Committee conclusions are available at <https://www.refworld.org/rsd.html>.

⁽⁶⁾ UNHCR, Iraq: Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Iraq: Ability of Persons Originating from Formerly ISIS-Held or Conflict-Affected Areas to Legally Access and Remain in Proposed Areas of Internal Relocation, January 2021, available at <https://www.refworld.org/docid/5ffc243b4.html>



EUAA COI reports and country guidance documents regularly and to reflect any such significant changes accordingly. Individual applications should always be assessed in light of the most up-to-date available COI.



To access EUAA COI reports, visit <https://euaa.europa.eu/country-reports>.

How does country guidance assist in the individual assessment of applications for international protection?

The guidance note and common analysis follow the steps of the examination of an individual application for international protection. This document looks into the relevant elements according to the QD and provides a general assessment of the situation in the country of origin, along with guidance on relevant individual circumstances which should be taken into account.



For additional information and to access other available country guidance, see <https://euaa.europa.eu/asylum-knowledge/country-guidance>.



General remarks

Last updated: June 2022

Iraq's recent history has been characterised by a series of conflicts with political, ethnic and sectarian dimensions. In 2021, Iraq was still confronted with multiple armed conflicts and internal tensions taking place in different governorates of the country.

Since its territorial defeat in 2017, ISIL shifted its modus operandi to guerrilla warfare, organising its fighters in small mobile cells and using bases in remote areas to carry out attacks against security forces, *mukhtars*, civilians and infrastructure such as power facilities.

The Iraqi government supported by the international coalition against ISIL launched a series of successful counterterrorism operations in the central governorates and Baghdad. The US military mission in Iraq ended by the end of 2021, while the US continued to provide training, logistics and advisory support.

The assassination of Qasem Soleimani, the Commander of the Quds Forces of the Revolutionary Guards Corps (IRGC-QF) and Abu Mahdi al Muhandis, the deputy of the Popular Mobilisation Forces (PMF) by the US in January 2020 triggered a wave of retaliatory attacks from various Iranian backed militias on US assets in Iraq.

Since July 2015, Turkey renewed its military operations against the Kurdistan Worker's Party (PKK) inside Iraq and launched a large-scale border offensive.

Iranian and Turkish military forces conducted attacks in the border area to target groups based in Kurdistan Region of Iraq (KRI), which Turkey and Iran assess to be involved in cross-border terrorism.

Since October 2019, Iraq witnessed massive protests. After a lockdown in the beginning of 2020, due to the pandemic, new protests took place in Central Iraq and the KRI.

On 10 October 2021, Iraq held parliamentary elections. The Sadrist Movement of Moqtada el Sadr won the elections while the Shia factions representing the Iran-aligned militias suffered a significant defeat.



The individual assessment of international protection needs should take into account the presence and activity of different actors in the applicant's home area and the situation in the areas the applicant would need to travel through in order to reach their home area. This country guidance is based on an assessment of the general situation in the country of origin.



Read more in the common analysis.



Actors of persecution or serious harm

Last updated: January 2021

*Minor updates added: June 2022

Risks to which a population of a country or a section of the population is generally exposed do not normally create in themselves an individual threat, which would qualify as serious harm ([Recital 35 QD](#)). Generally, persecution or serious harm must take the form of conduct on the part of an actor ([Article 6 QD](#)).

According to [Article 6 QD](#), actors of persecution or serious harm include:

Figure 1. Actors of persecution or serious harm.



Read more in the common analysis.

This section includes guidance concerning some of the main actors of persecution or serious harm in Iraq. The list is non-exhaustive.

Their reported areas of control are outlined below:

- The **Iraqi Security Forces (ISF)** control most of Iraq, excluding the KRI. In some areas, ISF only holds nominal control, whereas in practice control is exercised by PMF, e.g. areas in Salah al-Din and Diyala.
- In certain areas in north/central Iraq, **PMF** are dominant (e.g. areas in Salah al-Din). Southern governorates are considered areas of shared control between ISF and PMF.
- **Kurdistan Regional Government (KRG)** upholds the sole responsibility for the security of the KRI, however, gaps in KRG control have been reported. Peshmerga forces are the KRG armed forces.
- **ISIL** no longer holds territory in Iraq however, ISIL relies on remote desert bases, mountain ranges, valleys and orchards in the Baghdad Belts and the Central provinces of Iraq. It



established furthermore safe havens in Iraq's Disputed Internal Boundaries (DIBs) due to gaps in the security system.

Other actors such as Turkey, Iran, the Kurdistan Worker's Party (PKK) were also present and reportedly carried out attacks in Iraq, in particular in the KRI.

- The **Iraqi State actors** include members of security forces and other authorities, such as provincial/local councils or other local officials, e.g. *mukhtars*. It should also be noted that the distinction between official State forces and non-State forces is not always clear. The Iraqi State authorities, in particular the Iraqi Security Forces (ISF) including the Iraqi army and the federal and local police, have been involved in committing a wide range of human rights violations, in particular within the course of fighting ISIL and after their defeat in December 2017. In the context of protests, security forces have reportedly used excessive force against protesters resulting in numerous deaths. Government agents have also reportedly targeted individuals in relation to the protest movement by means of arrests, intimidation, unlawful detention, etc.



[Read more in the common analysis.](#)

- In addition to the ISF, there are also other armed groups affiliated with the Iraqi State.

The **PMF**, also referred to as the Popular Mobilisation Units (PMU), can be considered as complex umbrella organisation consisting of many different militias, out of which the majority are Shia militias. Although PMF are legally a State institution, in practice they retain autonomous control and influence, some of them with close links to the most important political parties.

The **Tribal Mobilisation militias** are composed of fighters from Sunni tribes. The Tribal Mobilisation militias are generally active locally in their own places of origin. The nature of these forces is difficult to categorise because some take orders directly from Iraqi forces and local authorities, while others strongly affiliate with and respond to orders from larger PMF.

Since 2014, elements of the PMF have been engaged in unlawful killings, disappearances, extortion and revenge attacks in the course of the fighting against ISIL. PMF have also been engaged in criminal activities and other abuses against civilians. Forced displacement, evictions, arrests, looting of homes, demolition of houses, threats, sexual abuse, harassment and discrimination by PMF and local militias were also reported. In the context of protests, PMF have reportedly used excessive force against protesters resulting in numerous deaths. PMF members have also reportedly targeted individuals in relation to the protest movement by means of assassinations, abductions, beatings, intimidation, etc.



The PMF are generally considered State actors, although the State is unable to exert full control. Depending on the level of affiliation with the State in the particular case, other militias may be considered State or non-State actors.



[Read more in the common analysis.](#)

- The **KRG authorities**, such as the Peshmerga, the municipal police, and the *Asayish*, are accused of committing a wide range of human right violations such as arbitrary arrests, enforced disappearances, unlawful killings, torture and other forms of ill-treatment of ISIL-suspects, as well as retaliatory violence against Sunni Arab civilians. There were also reports of pressure and harassment by the KRG of certain ethnic minorities to declare themselves to be Kurds; as well as reports of detention of political opponents, violent suppression of demonstrations, killing of journalists and harassment of news outlets.



[Read more in the common analysis.](#)

- **ISIL** is a Salafi jihadist militant group, designated by the UN and internationally sanctioned as a terrorist organisation, whose goal is the establishment and expansion of a caliphate. In its campaign to 'purify' its territory according to its *takfir* doctrines, ISIL targeted Shia, as well as ethnic and religious minorities such as Christians, Yazidi, Shabaks, Kaka'i, and Kurds. It has committed violations, such as mass casualty attacks, forced displacements, forced conversions, abductions, systematic and widespread killing of those not in conformity with their ideology, sexual violence, including sexual slavery, human trafficking, penalisation under its parallel justice system, etc.

ISIL was declared militarily defeated in December 2017 and it has not held territory in Iraq. ISIL has been seeking to establish itself in places where conventional military operations have been challenging, such as valleys, mountains and deserts across northern and central Iraq and during the reference period (1 August 2020 – 31 October 2021) it had recorded activity in Anbar, Ninewa, Erbil, Baghdad Belts, Diyala, Kirkuk and Salah al-Din and the disputed areas.



[Read more in the common analysis.](#)

- **Tribes** in Iraq are often involved in conflicts and armed with heavy weapons. Tribal transgressions can result in violence. Tribal dispute mechanisms can involve violation of human rights, such as the practice of '*fasliya*' and 'honour' killings. It is also reported that tribes have enacted informal justice, revenge, assassinations and disappearances

in tribal justice against ISIL suspects and continue to impede the return of persons perceived to have affiliation to ISIL.



Read more in the common analysis.

- In specific situations, **other non-State actors** of persecution or serious harm may include the family (e.g. in the case of honour-based violence, targeting of lesbian, gay, bisexual, trans, intersex or queer (LGBTIQ) persons, female genital mutilation (FGM), domestic violence), FGM practitioners, criminal gangs, etc.



Read more in the common analysis.

Refugee status: guidance on particular profiles

Preliminary remarks

Last updated: January 2021
*Minor updates added: June 2022

All elements of the definition of a refugee in accordance with the QD should be fulfilled for the qualification of the applicant as a refugee:



Article 2(d) QD Definitions

‘refugee’ means a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 [exclusion] does not apply;

[Article 9 QD](#) outlines how ‘persecution’ should be assessed.

[Article 10 QD](#) provides further clarification on the different reasons for persecution (race, religion, nationality, political opinion, or membership of a particular social group). A link (nexus) between those reasons and the persecution or the absence of protection should be established in order for the applicant to qualify for refugee status.

Guidance on specific profiles of applicants, based on their personal characteristics or affiliations with a certain group (e.g. political, ethnic, religious), is provided below.

An individual assessment is required for every application. It should take into account the individual circumstances of the applicant and the relevant country of origin information. Factors to take into account in this assessment may include, for example:

- home area of the applicant, presence of the potential actor of persecution and their capacity to target a person of interest;
- nature of the applicant’s actions (whether they are perceived negatively and/or whether individuals engaged in such actions are seen as a priority target by the actor of persecution);
- visibility of the applicant (i.e. to what extent it is likely that the applicant is known to or could be identified by the potential actor of persecution); noting, however, that the

applicant does not need to be individually identified by the actor of persecution, as long as his or her fear of persecution is well-founded;

- resources available to the applicant to avoid persecution (e.g. relation to powerful individuals, network);
- etc.

The fact that an applicant has already been subject to persecution or to direct threats of such persecution, is a serious indication of the applicant's well-founded fear, unless there are good reasons to consider that such persecution will not be repeated ([Article 4\(4\) QD](#)).



Read more in the common analysis.

Profiles

This section refers to some of the profiles of Iraqi applicants, encountered in the caseload of EU Member States. It provides general conclusions on the qualification for refugee status of the profiles and guidance regarding additional circumstances to take into account in the individual assessment. Some profiles are further split in sub-profiles, with different conclusions with regard to the risk analysis and/or nexus to a reason for persecution. The corresponding number of the profile and a link to the respective section in the common analysis are always provided for ease of reference.

The conclusions regarding each profile should be viewed without prejudice to the credibility assessment of the applicant's claims.



When reading the table below, the following should be borne in mind:

- An individual applicant could fall under **more than one profile** included in this guidance note. The protection needs associated with all such circumstances should be fully examined.
- The **risk analysis** paragraphs focus on the level of risk and some of the relevant risk-impacting circumstances. Further guidance with regard to the qualification of the acts as persecution is available within the respective sections of the common analysis.
- The table below summarises the conclusions with regard to different profiles and sub-profiles and aims at providing a practical tool to case officers. While examples are provided with regard to sub-profiles at differentiated risk and circumstances which may increase or decrease the risk, these **examples are non-exhaustive** and to be taken into account in light of all circumstances in the individual case.
- **Persons who belonged to a certain profile in the past or family members** of an individual falling under a certain profile may have protection needs

similarly to those outlined for the respective profile. This is not explicitly mentioned in the table below, however, it should be taken into account in the individual assessment.

- The **potential nexus** paragraphs indicate a possible connection to the reasons for persecution according to [Article 10 QD](#). The common analysis sections provide further guidance whether a nexus to a reason for persecution would in general be substantiated or may be substantiated depending on the individual circumstances in the case.
- For some profiles, the connection may also be between the **absence of protection** against persecution and one or more of the reasons under [Article 10 QD](#) ([Article 9\(3\) QD](#)).

Last updated: June 2022

2.1. Persons

(perceived to be)
affiliated with
ISIL

Risk analysis:

In case of **individuals with (perceived) affiliation with ISIL**, in general, a well-founded fear of persecution would be substantiated, as persons perceived to be associated with ISIL are a priority target of all security actors.

For **family members of individuals with (perceived) ISIL affiliation**, the individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk impacting circumstances such as:

- family status (e.g. single or widowed woman, female heads of households)
- child with single or widowed mother and/or a foreign, dead or missing father
- tribal affiliation
- area of origin
- etc.

Potential nexus: (imputed) political opinion

* [Exclusion](#) considerations could be relevant to this profile.



Read more in the common analysis.



2.2. Sunni Arabs

Last updated: June 2022

Risk analysis: Being a Sunni Arab in itself would normally not lead to a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as:

- area of origin
- tribe
- age
- gender
- etc.

In case of perceived affiliation with ISIL, see 2.1 Persons (perceived to be) affiliated with ISIL.

In the case of Sunni Arabs who may be affected by the de-Baathification process, see 2.7 Former Baath party members.

Potential nexus: (imputed) political opinion (e.g. ISIL affiliation, Baath party).

In individual cases, race (ethnicity, e.g. in cases of blocked returns by KRG) and/or religion.



[Read more in the common analysis.](#)

2.3. Human rights and political opposition activists and protesters

Last updated: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- leadership role and degree of involvement in the protests
- nature of activities
- political and/or sectarian background of the individual
- gender
- visibility
- being known to the authorities (e.g. previous arrest)
- etc.

The sole fact of participating in a protest in the past may not be sufficient to establish a well-founded fear of persecution.



Potential nexus: (imputed) political opinion.



Read more in the common analysis.

2.4. Journalists and media workers

Last updated: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- nature of activities (topic they report on)
- political and/or sectarian background of the individual
- gender
- visibility
- being known to the authorities
- etc.

Potential nexus: (imputed) political opinion.



Read more in the common analysis.

2.5. Deserters from armed forces

Last updated: January 2021

Risk analysis: The risk is considered very low. Risk-impacting circumstances could include:

- forces the applicant belonged to
- rank/position of the applicant
- situation during which the desertion occurred (e.g. during disturbances or state of emergency)
- etc.

Potential nexus: (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile.



Read more in the common analysis.



2.6. Individuals approached for recruitment by armed groups

Last updated: January 2021

Risk analysis: The risk for an individual would only be substantiated in exceptional cases. Risk-impacting circumstances could include:

- gender
- area of origin
- ethnic/religious background (e.g. Kurds for the PKK, Sunni Arabs for ISIL)
- age
- presence/influence of armed groups
- etc.

Potential nexus: While the risk of forced recruitment as such may not generally imply a nexus to a reason for persecution, the consequences of refusal, could, depending on individual circumstances, substantiate such a nexus, among other reasons, to (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile.



Read more in the common analysis.

2.7. Former Baath party members

Last updated: January 2021

Risk analysis: In general, the risk of persecution for a regular Baath party member is minimal and dependent on the specific individual circumstances. Risk-impacting circumstances could include:

- supporting in public the ideology of the Baath party
- having had a high-ranking position in the party
- being a former Saddam-era military or police officer
- having served in the intelligence services during the Saddam regime
- potential (perceived) affiliation with ISIL
- etc.

See also 2.1 Persons (perceived to be) affiliated with ISIL and 2.2 Sunni Arabs.

Potential nexus: (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile.



Read more in the common analysis.



2.8. Members of the Iraqi Security Forces (ISF), Popular Mobilisation Forces (PMF), Peshmerga and local police

Last updated: January 2021

*Minor updates added: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of work and origin (proximity to areas where ISIL continues to operate)
- visibility of the applicant
- position within the organisation
- period since leaving the forces
- personal enmities
- etc.

Potential nexus: (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile.



Read more in the common analysis.

2.9. Individuals perceived to oppose ISIL

Last updated: January 2021

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of work and origin (areas where ISIL continues to operate)
- tribal affiliation and the tribe's standing vis-à-vis ISIL
- visibility of the applicant
- position within the community
- public expression of support for the government or condemnation of ISIL's actions
- personal enmities
- etc.

Since ISIL's operational capabilities have diminished significantly, the threat posed by ISIL to individuals under this profile has decreased compared to previous years.

Potential nexus: (imputed) political opinion and/or religion (e.g. when they are accused as *takfir* by ISIL).



Read more in the common analysis.

2.10. (Perceived) collaborators of Western armed forces, organisations, or companies

Last updated: January 2021

*Minor updates added: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as:

- nature and period of occupation (e.g. interpreters)
- visibility of the occupation
- previous threats
- etc.

Potential nexus: (imputed) political opinion and/or religion (e.g. in the case of interpreters).



Read more in the common analysis.

2.11. Humanitarian workers

Last updated: January 2021

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- gender (see also 2.16.4 Women acting in the public sphere)
- nature of activities (e.g. providing assistance to women and children associated with ISIL, see also 2.1 Persons (perceived to be) affiliated with ISIL)
- region of work/activity
- etc.

Potential nexus: (imputed) political opinion and/or religion (e.g. when they are accused as *takfir* by ISIL).



Read more in the common analysis.

2.12. LGBTIQ persons

Last updated: January 2021



Risk analysis: Well-founded fear of persecution would in general be substantiated.

Potential nexus: membership of a particular social group.



[Read more in the common analysis.](#)

2.13. Individuals perceived to transgress moral codes

Last updated: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- the moral and/or societal norm transgressed
- gender (the risk is higher for women)
- conservative environment
- area of origin
- perception of traditional gender roles by the family and society
- etc.

Potential nexus: religion (e.g. inter-sect/inter-ethnic marriages, as well as in individual cases of persons targeted by Shia militias), membership of a particular social group, and/or race (ethnicity).



[Read more in the common analysis.](#)

2.14. Individuals considered to have committed blasphemy and/or apostasy

Last updated: June 2022

Risk analysis: Well-founded fear of persecution would in general be substantiated.

However, the risk assessment should take into account the religious or non-religious practices the applicant will engage in and whether those would expose him or her to a real risk, also taking into account his or her home region (the risk is generally lower in the KRI), family and ethnic background, gender, etc.

See also **2.15 Religious and ethnic minorities, and stateless persons.**



Potential nexus: religion.



Read more in the common analysis.

2.15.1. Turkmen

Last updated: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin (e.g. Shia Turkmen in areas where ISIL continues to operate)
- perceived affiliation with ISIL (especially for Sunni Turkmen)
- religion
- gender
- etc.

Potential nexus: race (ethnicity) and/or religion.

In some cases, especially for Sunni Turkmen, (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile, in particular for Turkmen affiliated with the PKK, the PMF or ISIL.



Read more in the common analysis.

2.15.2. Yazidis

Last updated: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin (e.g. Yazidi in areas where ISIL continues to operate)
- (lack of) identity documents
- gender
- etc.

Potential nexus: religion, race and/or nationality.

* [Exclusion](#) considerations could be relevant to this profile, in particular in the case of members of Yazidi militia.



[Read more in the common analysis.](#)

2.15.3. Christians

Last updated: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin (e.g. Christians in areas where ISIL continues to operate are at a higher risk, risk is lower in KRI)
- gender
- etc.

Potential nexus: religion.

[Read more in the common analysis.](#)

2.15.4. Shabak

Last updated: January 2021

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- the area of origin
- etc.

Potential nexus: race and/or religion (in relation to persecution by ISIL).

[Read more in the common analysis.](#)

2.15.5. Kaka'i

Last updated: January 2021

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- the area of origin (higher risk in areas where ISIL continues to operate, lower risk in KRI)
- etc.

Potential nexus: race and/or religion.



Read more in the common analysis.

2.15.6. Sabeen-Mandaeans

Last updated: January 2021

*Minor updates added: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin (the risk is lower in KRI)
- language
- gender
- occupation
- etc.

Potential nexus: religion and/or race (in particular in the KRI).



Read more in the common analysis.

2.15.7. Baha'i

Last updated: January 2021

*Minor updates added: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- (lack of) identity documents
- statelessness
- area of origin
- etc.

Potential nexus: religion.



Read more in the common analysis.

2.15.8. Bidoon

Last updated: January 2021

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- (lack of) identity documents

- statelessness
- area of origin
- etc.

Potential nexus: race and/or nationality (statelessness).



Read more in the common analysis.

2.15.9. Fayli Kurds

Last updated: January 2021

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- (lack of) identity documents
- statelessness
- area of origin (south of Iraq, areas where ISIL continues to operate)
- etc.

Potential nexus: race, religion and nationality (statelessness)



Read more in the common analysis.

2.15.10. Palestinians

Last updated: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of habitual residence
- (perceived) links with former regime or (Sunni) militant groups
- (lack of) identity documents
- etc.

Potential nexus: nationality (statelessness), (imputed) political opinion (perceived support for Sunni militias or ISIL, see also 2.1 Persons (perceived to be) affiliated with ISIL).



Read more in the common analysis.



2.16. Women

2.16.1 Violence against women and girls: overview

Last updated: June 2022

Risk analysis: Not all women and girls would face the level of risk required to establish a well-founded fear of persecution in relation to violence. Risk-impacting circumstances could include:

- perception of traditional gender roles in the family
- poor socio-economic situation
- area of origin
- influence of the tribe
- etc.

Potential nexus: membership of a particular social group (e.g. women who have been victims of sexual abuse, women who have left their violent marriage).



Read more in the common analysis.

2.16.2 Forced marriage and child marriage

Last updated: June 2022

Risk analysis: Not all women and girls would face the level of risk required to establish a well-founded fear of persecution in relation to forced marriage and child marriage. Risk-impacting circumstances could include:

- young age
- area of origin (particularly affecting rural areas)
- perception of traditional gender roles in the family
- poor socio-economic situation of the family
- living in IDP situation
- etc.

Potential nexus: membership of a particular social group (e.g. women who have refused to enter in a forced or child marriage).



Read more in the common analysis.

2.16.3 Female genital mutilation/cutting (FGM/C)

Last updated: January 2021



Risk analysis: Not all women and girls would face the level of risk required to establish a well-founded fear of persecution in relation to FGM/C. Risk-impacting circumstances could include:

- young age
- area of origin (particularly affecting KRI)
- ethnicity (particularly affecting Kurdish girls)
- religion (most common among Sunnis)
- perception of traditional gender roles in the family
- level of education
- local power/influence of the (potential) husband and his family or network
- etc.

Potential nexus: membership of a particular social group.



[Read more in the common analysis.](#)

2.16.4 Women acting in the public sphere

Last updated: June 2022

Risk analysis: Not all women would face the level of risk required to establish a well-founded fear of persecution in relation to acting in the public sphere. Risk-impacting circumstances could include:

- area of origin
- conservative environment
- visibility of the applicant (e.g. nature of the work, public statements perceived negatively by the actor of persecution)
- perception of traditional gender roles by the family or network
- etc.

Potential nexus: (imputed) political opinion and/or religion, membership of a particular social group (women who work in jobs perceived as not acceptable based on traditional gender roles).



[Read more in the common analysis.](#)

2.16.5 Women perceived to have transgressed moral codes

See the profile **2.13 Individuals perceived to transgress moral codes**.



Read more in the common analysis.

2.16.6 Women perceived to be associated with ISIL

See the profile **2.1 Persons (perceived to be) affiliated with ISIL**.



Read more in the common analysis.

2.16.7 Single women and female heads of households

Last updated: June 2022

Risk analysis: Not all single women and female heads of households would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- personal status
- area of origin and residence (e.g. IDP camps)
- perception of traditional gender roles in the family or community
- economic situation
- education
- etc.

Potential nexus: membership of a particular social group (e.g. divorced women or widows).



Read more in the common analysis.

2.17. Children

2.17.1 Violence against children: overview

Last updated: January 2021

Risk analysis: Not all children would face the level of risk required to establish a well-founded fear of persecution in relation to violence. Risk-impacting circumstances could include:

- gender (boys and girls may face different risks)
- perceived affiliation with ISIL (See the profile 2.1 Persons (perceived to be) affiliated with ISIL)
- age

- perception of traditional gender roles in the family
- poor socio-economic situation of the child and the family
- etc.

Potential nexus: (imputed) political opinion (e.g. in case of perceived link to armed groups), religion (e.g. when persecution is by extremist groups), and/or membership of a particular social group (e.g. children victims of sexual abuse).



Read more in the common analysis.

2.17.2 Child marriage

See **2.16.2 Forced marriage and child marriage** under the Profile **2.16 Women**.

2.17.3 FGM/C

See **2.16.3 Female genital mutilation/cutting (FGM/C)** under the Profile **2.16 Women**.

2.17.4 Child labour and child trafficking

Last updated: January 2021

Risk analysis: Not all children would face the level of risk required to establish a well-founded fear of persecution in relation to child labour and/or child trafficking. Risk-impacting circumstances could include:

- age
- gender
- poor socio-economic status of the child and his/her family
- being in an IDP situation
- etc.

Potential nexus: The individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated.



Read more in the common analysis.

2.17.5 Child recruitment



Last updated: January 2021

*Minor updates added: June 2022

Risk analysis: Well-founded fear of persecution would only be substantiated in exceptional cases. Risk-impacting circumstances could include:

- gender
- area of origin, ethnic/religious background (e.g. Kurds for the PKK, Sunni Arabs for ISIL)
- age (being an adolescent)
- being an IDP
- the presence/influence of armed groups
- etc.

Potential nexus: The individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated.



[Read more in the common analysis.](#)

2.17.6 Education of children and girls in particular

Last updated: January 2021

Risk analysis: Not all children would face the level of risk required to establish a well-founded fear of persecution in relation to deliberate restrictions on access to education. Risk-impacting circumstances could include:

- (lack of) identification documents
- ethno-religious background
- gender (girls are at a higher risk)
- disabilities
- age
- perception of traditional gender roles in the family
- poor socio-economic situation of the child and the family
- area of origin
- etc.

Potential nexus: The individual circumstances of the child should be taken into account. For example, in the case of denied identity documentation due to belonging to a minority group, nationality and/or race may apply.



Read more in the common analysis.

2.17.7 Children born under ISIL who lack civil documentation

Last updated: June 2022

Risk analysis: Not all children would face the level of risk required to establish a well-founded fear of persecution in relation to deliberate restrictions on access to documentation. Risk-impacting circumstances could include:

- single or widow mother
- foreign, dead or missing father
- etc.

Potential nexus: membership of a particular social group



Read more in the common analysis.

2.17.8 Children without a care-taker

Last updated: January 2021

Risk analysis: Not all children would face the level of risk required to establish a well-founded fear of persecution in relation to absence of a care-taker. Risk-impacting circumstances could include:

- (lack of) identification documents
- whether their parentage is known
- being born out of illicit sexual relations
- area of origin
- religion
- ethnicity
- etc.

Potential nexus: membership of a particular social group (e.g. abandoned children or children of unknown parentage).



Read more in the common analysis.



2.18. Persons living with disabilities and persons with severe medical issues

Last updated: January 2021

*Minor updates added: June 2022

Risk analysis: The lack of personnel and adequate infrastructure to appropriately address the needs of individuals with (severe) medical issues fails to meet the requirement of Article 6 QD regarding the existence of an actor that inflicts persecution or serious harm, unless the individual is intentionally deprived of healthcare.

In the case of **persons living with mental and physical disabilities**, not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- age
- nature and visibility of the mental or physical disability
- negative perception by the family
- etc.

Potential nexus: membership of a particular social group (e.g. persons living with noticeable mental disabilities).



Read more in the common analysis.

2.19. Persons involved in and affected by blood feuds in the context of tribal conflict

Last updated: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- intensity of the blood feud
- possibility of conflict resolution
- ethnicity and religion of the tribes
- social status of the tribes
- area of origin (area where the rule of law is weak, urban or rural area)
- etc.

Potential nexus: race (descent, referring to members of a tribe).

* [Exclusion](#) considerations could be relevant to this profile.



Read more in the common analysis.



2.20. Individuals accused of ordinary crimes

Last updated: January 2021

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin of the applicant and the prevalent justice mechanisms
- the nature of the crime for which the applicant is prosecuted
- the envisaged punishment
- the applicant's gender
- etc.

Potential nexus: In general, no nexus to a Convention reason for persecution. This is without prejudice to the assessment in cases where the prosecution is motivated by, initiated, or conducted on a discriminatory basis related to a Convention ground.

* [Exclusion](#) considerations could be relevant to this profile.



Read more in the common analysis.



Subsidiary protection

Article 15(a) QD

Death penalty or execution

Last updated: June 2019

Death penalty is envisaged under the Iraqi Penal Code No.11 of 1969, the Anti-Terrorism Law, the Military Penal Code and the Iraqi Internal Security Forces Penal Code of 2008. Under the 2005 Constitution of Iraq, the President ratifies death sentences 'issued by the competent courts'.

Crimes that carry the death penalty in Iraq include offences such as crimes against internal or external security and state institutions, acts of terrorism, kidnapping, rape, drug trafficking leading to death, prostitution, 'aggravated' murder and human trafficking leading to death, etc.

Iraq continues to carry out capital punishment and is among the top three countries in the Middle East that impose and carry out executions. The death penalty is executed by hanging.

In the areas under its control, ISIL imposed punishment such as for refusal to join them or for transgressing the moral codes as they are set by ISIL and its strict interpretation of the Sharia Law. This includes executions, which would fall under the scope of [Article 15\(a\) QD](#).

Some profiles of applicants from Iraq may be at risk of death penalty or execution. In such cases there could be nexus to a Convention ground (see for example the profile [2.1 Persons \(perceived to be\) affiliated with ISIL](#)).

In cases where there is no nexus to a reason for persecution under the definition of a refugee (for example, in some cases of [2.20 Individuals accused of ordinary crimes](#)), the need for subsidiary protection under [Article 15\(a\) QD](#) should be examined.

Please note that [exclusion](#) considerations could be relevant.



Read more in the common analysis.



Article 15(b) QD

Torture or inhuman or degrading treatment or punishment

Last updated: June 2019

As noted in the chapter on [Refugee status](#), some profiles of applicants from Iraq may be at risk of torture or inhuman or degrading treatment or punishment. In such cases, there would often be a nexus to a reason for persecution falling under the definition of a refugee, and those individuals would qualify for refugee status. However, with reference to cases where there is no nexus to a Convention ground, the need for subsidiary protection under [Article 15\(b\) QD](#) should be examined.

When examining the need for protection under [Article 15\(b\) QD](#), the following considerations should be taken into account:

- **Healthcare unavailability and socio-economic conditions:** It is important to note that serious harm must take the form of conduct of an actor ([Article 6 QD](#)). In themselves, the general unavailability of healthcare, education or other socio-economic elements (e.g. situation of IDPs, difficulties in finding livelihood opportunities, housing) are not considered to fall within the scope of inhuman or degrading treatment under [Article 15\(b\) QD](#), unless there is intentional conduct of an actor, such as the intentional deprivation of the applicant of appropriate healthcare.
- **Criminal violence:** Criminal networks in Iraq have been exploiting children for drug trafficking and dealing purposes and migrants for forced labour. Actors such as PMF and tribes are also reported to engage in criminality. Criminal violence is usually motivated by financial gain and power struggle. Where there is no nexus to a reason for persecution under the refugee definition, the risk of crimes, such as killing, armed robbery, kidnapping, destruction of property, extortion, forced labour, child recruitment, trafficking for sexual exploitation, etc. may qualify under [Article 15\(b\) QD](#).
- **Arbitrary arrests, illegal detention and prison conditions:** Special attention should be paid to the phenomena of arbitrary arrests and illegal detention, as well as to prison conditions. When assessing the conditions of detention, the following elements can, for example, be taken into consideration (cumulatively): number of detained persons in a limited space, adequacy of sanitation facilities, heating, lighting, sleeping arrangements, food, recreation or contact with the outside world.

Reports mention that there are arbitrary arrests, prolonged detention, including in secret detention facilities, and widespread torture, especially of terrorism suspects. Detention facilities have been described by UNAMI as seriously overcrowded and with poor infrastructure, including the facilities for juveniles; and children are not always separated from adult detainees. Torture is reported to remain a widespread practice in



police detention, interrogation cells, and in prisons. Detained ISIL suspects have been subjected to treatment such as electrocution, solitary confinement, and beatings by investigators. There were reports of deaths in custody following torture or other ill-treatment. International human rights groups documented a wide range of torture and abuses in detention facilities run by the Ministry of Interior and, to a lesser degree, in facilities of the Ministry of Defence and in facilities run by the KRG. In KRI, the access of local and international organisations to detention facilities is also severely limited, rendering monitoring of the situation almost impossible.

Furthermore, it can be assessed that in cases where the prosecution or punishment is grossly unfair or disproportionate, or where subjecting a person to prison conditions which are not compatible with respect for human dignity, a situation of serious harm under [Article 15\(b\) QD](#) can occur. Where there is no nexus to a reason for persecution, such treatment may qualify under [Article 15\(b\) QD](#).

Please note that [exclusion](#) considerations could be relevant.



Read more in the common analysis.



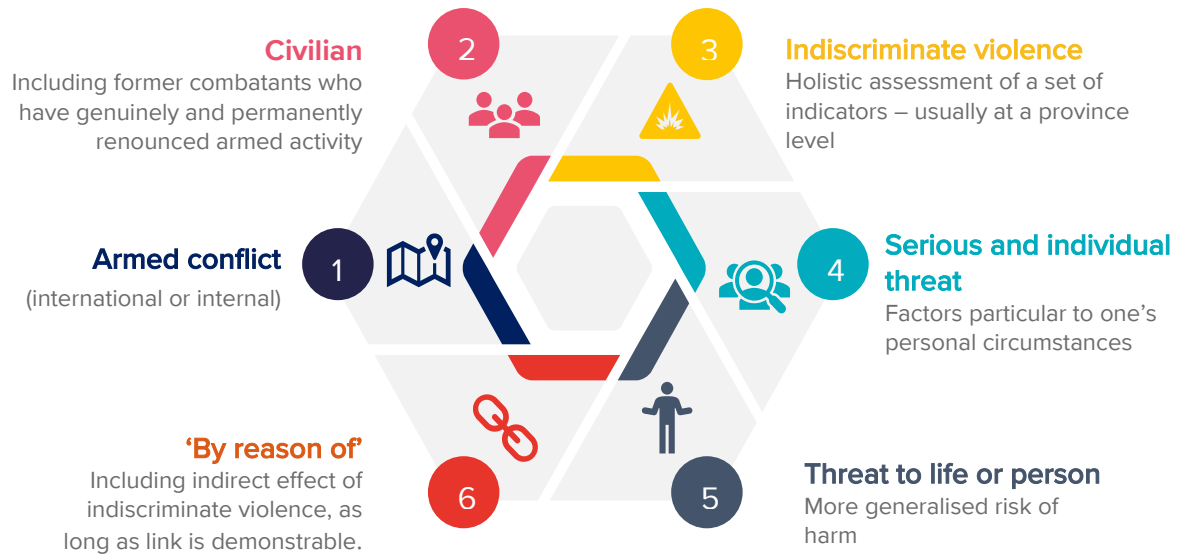
Article 15(c) QD

Serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict

Last updated: June 2022

The necessary elements in order to apply [Article 15\(c\) QD](#) are:

Figure 2. Article 15(c) QD: elements of the assessment.



In order to apply [Article 15\(c\) QD](#), the above elements should be established cumulatively.



Read more in the common analysis.

The following is a summary of the relevant conclusions concerning the situation in Iraq:

- a. Armed conflict:** There are multiple overlapping non-international (internal) armed conflicts taking place in Iraq, most prominently, the conflict between the Iraqi government and ISIL. Parts of Iraq are also affected by an international armed conflict involving Turkey, as the conflict in Turkey between Turkey and the PKK has extended to the northern Iraqi territory. The section Indiscriminate violence below provides further guidance with regard to the geographical scope of the armed conflicts taking place on the territory of Iraq.



Read more in the common analysis.



- b. Civilian:** [Article 15\(c\) QD](#) applies to a person who is not a member of any of the parties to the conflict and is not taking part in the hostilities, potentially including former combatants who have genuinely and permanently renounced armed activity. The applications by persons under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found not to qualify as civilians under [Article 15\(c\) QD](#). For example:

- ISIL and associated groups
- new militant factions of ISIL remnants: (e.g. 'White flags')
- other militant groups, such as Jamaat Ansar Al-Islam, the Naqshbandi Order, Jaysh Al-Mujahideen and the Islamic Army of Iraq
- ISF
- PMF and other militia groups
- KRG forces
- PKK
- tribes

It should be noted that actively taking part in hostilities is not limited to openly carrying arms but could also include substantial logistical and/or administrative support to combatants.

It is important to underline that the assessment of protection needs is forward-looking. Therefore, the main issue at hand is whether the applicant will be a civilian or not upon return. The fact that the person took part in hostilities in the past would not necessarily mean that Article 15(c) QD would not be applicable to him or her.



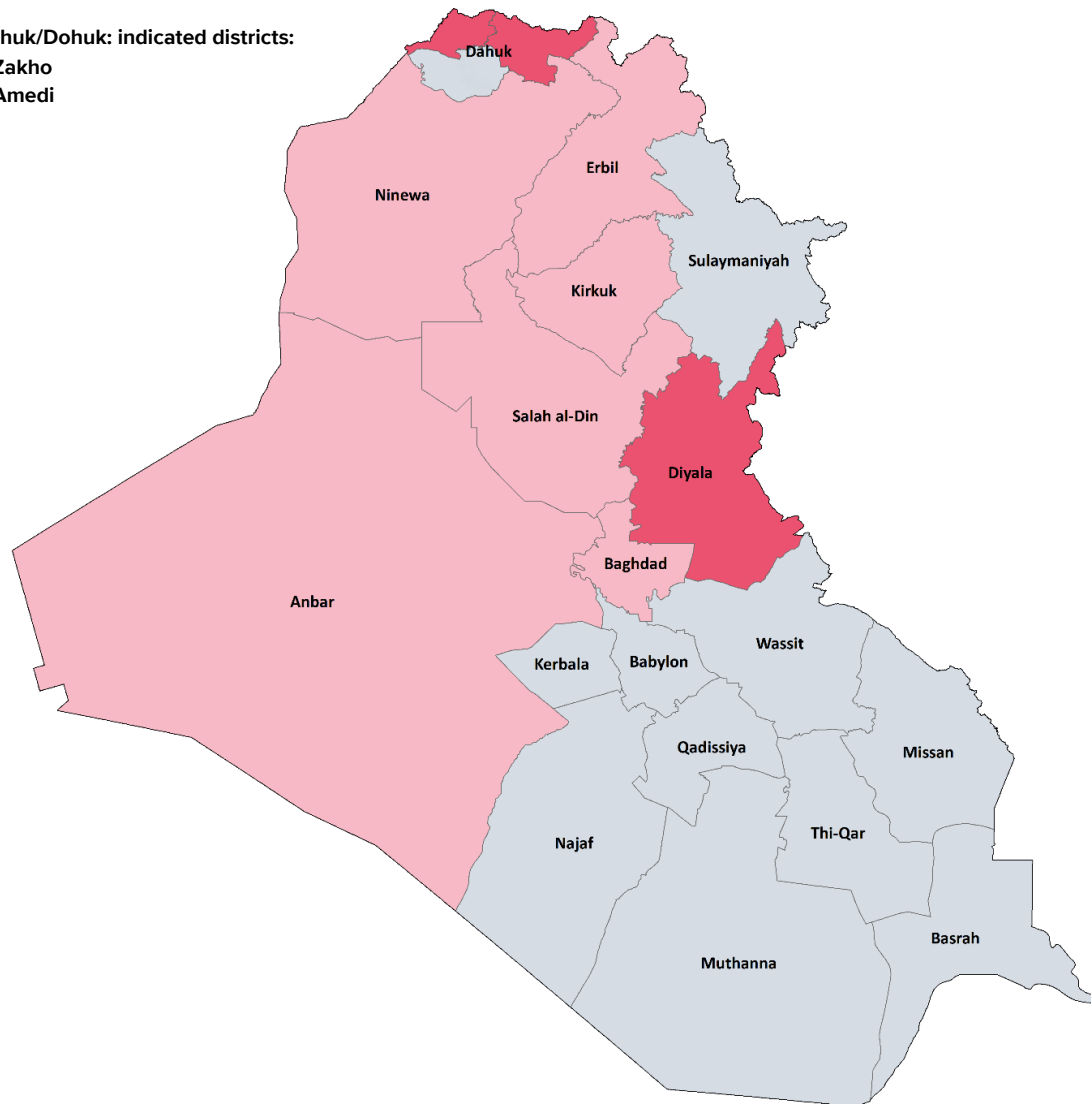
Read more in the common analysis.

- c. Indiscriminate violence:** Indiscriminate violence takes place to a different degree in different parts of the territory of Iraq. The map below summarises and illustrates the assessment of indiscriminate violence per governorate in Iraq. This assessment is based on a holistic analysis, including quantitative and qualitative information for the reference period (1 August 2020 – 31 October 2021). Up-to-date country of origin information should always inform the individual assessment.



Figure 3. Level of indiscriminate violence in Iraq (based on information up to 31 October 2021).

Dahuk/Dohuk: indicated districts:
1. Zakho
2. Amedi



- Mere presence** would be considered sufficient in order to establish a real risk of serious harm under Article 15(c) QD.
- Indiscriminate violence reaches a **high level** and a **lower level of individual elements** is required to establish a real risk of serious harm under Article 15(c) QD.
- Indiscriminate violence is taking place, however **not at a high level**, and a **higher level of individual elements** is required to establish a real risk of serious harm under Article 15(c) QD.
- In general, there is **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

For the purposes of the guidance note, the governorates of Iraq are categorised as follows:



Territories where 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD, however, indiscriminate violence reaches **a high level**, and, accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

This includes the governorates of *Diyala*, and the districts of *Amedi* and *Zakho* (*Dohuk* governorate).

Territories where indiscriminate violence is taking place, however **not at a high level** and, accordingly, **a higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

This includes the governorates of *Anbar*, *Baghdad*, *Erbil*, *Kirkuk*, *Ninewa*, *Salah al-Din*.

Territories where, in general, there is **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

This includes the governorates of *Babil/Babylon*, *Basrah*, *Dahuk/Dohuk* (except the districts of *Amedi* and *Zakho*), *Kerbala*, *Missan*, *Muthanna*, *Najaf*, *Qadissiya*, *Sulaymaniyah incl. Halabja*, *Thi-Qar/Dhi-Qar*, *Wassit*.



Read more in the common analysis.

d. Serious and individual threat:

In the context of the 'sliding scale', each case should be assessed individually, taking into account the nature and intensity of the violence in the area, along with the combination of personal circumstances present in the applicant's case. Certain personal circumstances could contribute to an enhanced risk of indiscriminate violence, including its direct and indirect consequences. While it is not feasible to provide exhaustive guidance what the relevant personal circumstances could be and how those should be assessed, the following are highlighted as possible examples of circumstances which may impact the ability of a person to assess and/or avoid risks related to indiscriminate violence in a situation of an armed conflict:

- age
- gender
- health condition and disability, including mental health issues
- economic situation
- knowledge of the area
- occupation of the applicant and/or place of residence



- family members or support network
- etc.



Read more in the common analysis.

- e. **Threat to life or person:** The risk of harm as per [Article 15\(c\) QD](#) is formulated as a ‘threat to a civilian’s life or person’ rather than as a (threat of) a specific act of violence. Some of the commonly reported types of harm to a civilian’s life or person in Iraq include killings, injuries, abductions, retaliatory violence by the armed forces, forced displacements, forced recruitment of minors, explosive remnants of war, etc.



Read more in the common analysis.

- f. **Nexus:** The nexus ‘by reason of’ refers to the causal link between the indiscriminate violence and the harm (serious threat to a civilian’s life or person) and includes:
- harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict, *and*
 - harm which is indirectly caused by the indiscriminate violence in a situation of armed conflict. Indirect effects are only considered to a certain extent and as long as there is a demonstrable link with the indiscriminate violence, for example: widespread criminal violence as a result of the collapse of State institutions in the context of the conflict with ISIL, destruction of the necessary means to survive, destruction of infrastructure.



Read more in the common analysis.



Actors of protection

Last updated: January 2021

[Article 7 QD](#) stipulates that protection can only be provided by:

a. the **State**;

b. **parties or organisations controlling the State or a substantial part of the territory of the State**;

provided they are **willing and able** to offer protection, which must be:

effective and of a **non-temporary nature**.

Such protection is generally provided when the actors mentioned take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by **operating an effective legal system for the detection, prosecution and punishment** of acts constituting persecution or serious harm,

The Iraqi State

The presence and control of the Iraqi State have become stronger since the defeat of ISIL. It can be concluded that the State may, depending on the individual circumstances of the case, be considered able and willing to provide protection that meets the requirements of Article 7 QD in **Baghdad** and **southern Iraq**. In most other parts of **northern and central Iraq**, including the disputed territories, the capacity of the State is limited and the criteria under [Article 7 QD](#) would generally not be met.

When assessing the availability of State protection, **individual circumstances**, such as ethnicity, home region, gender, social status, wealth, personal connections, actor of persecution and type of human rights violation must be taken into account.

The Iraqi State is in general considered able and willing to provide protection that meets the requirements of [Article 7 QD](#) for **Shia Arabs in Baghdad and southern Iraq**. This is without prejudice to the assessment in cases where State protection is considered not available due to individual circumstances. With regard to **Sunni Arabs**, the availability of state protection is considered limited, but may in individual cases be available.

State protection is generally not considered available for **members of minority religions and ethnicities, Palestinians, LGBTIQ persons and victims of domestic or honour-related violence, and gender-based violence**, including harmful traditional practices, such as forced and child marriage and FGM/C.



It should be noted that if the actor of persecution is a PMF, and the group in question is considered a State actor, effective protection is presumed not to be available in accordance with [Recital 27 QD](#).



Read more in the common analysis.

The Kurdistan Regional Government

In general, the KRG is considered to be an actor of protection meeting the requirements of [Article 7 QD](#). However, in certain individual circumstances, such as for persons perceived as associated with ISIL, political opponents, LGBTIQ, in relation to harmful traditional practices, honour-based and domestic violence, the KRG may be unwilling to provide protection within the meaning of [Article 7 QD](#).



Read more in the common analysis.

Parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State

No such actors are identified in Iraq.



Read more in the common analysis.

In case protection needs have been established in the home area, and if it is established that there is no actor who can provide protection in the meaning of [Article 7 QD](#), the examination may continue with consideration of the applicability of internal protection alternative (IPA).



Internal protection alternative

Last updated: June 2022

The required elements in order to apply [Article 8 QD](#) are:

Figure 4. Internal protection alternative: elements of the assessment.



In relation to these elements, when assessing the applicability of IPA, the case officer should consider the general situation in the respective part of Iraq, as well as the individual circumstances of the applicant. The burden of proof lies with the determining authority, while the applicant remains under an obligation to cooperate. The applicant is also entitled to submit elements to indicate that IPA should not be applied to him or her. Those elements have to be assessed by the determining authority.



Read more in the common analysis.

Part of the country

The guidance regarding IPA focuses on the three cities of Baghdad, Basrah and Sulaymaniyah. The selection of the three cities for this joint assessment does not prevent case officers from considering the application of IPA to other areas of Iraq, provided that all criteria are met.

The ethno-religious background of the person and the region they originate from should be taken into account. In general:

- For individuals of **Kurdish ethnicity** IPA would be considered in KRI.
- For **Arab applicants**, IPA would be assessed with regard to other parts of Iraq.
- In the case of **ethno-religious minorities**, IPA should primarily be assessed with regard to the region where their communities are concentrated.

When choosing a particular part of Iraq with regard to which to examine the applicability of IPA, where relevant, existing ties with the place, such as previous experience and/or availability of a support network could, for example, be taken into account.



Read more in the common analysis.



Safety

The criterion of safety would be satisfied where there is no well-founded fear of persecution or real risk of serious harm, or where protection is available.

■ Absence of persecution or serious harm

The assessment should take into account:

► general security situation

The general security situation in particular in the cities of **Baghdad, Basrah and Sulaymaniyah** should be assessed in accordance with the analysis under the section on [Article 15\(c\) QD](#).

► actor of persecution or serious harm and their reach

In case where the person fears persecution or serious harm by **State actors**, there is a presumption that IPA would not be available (e.g. persons perceived to be associated with ISIL). In specific cases, where the reach of a certain State actor is clearly limited to a particular geographical area (e.g. a PMF, the KRG, the Peshmerga), the criterion of safety may be satisfied with regard to other parts of Iraq.

With regard to persecution or serious harm by **ISIL**, it should be noted that the operational capacity of the armed group has decreased, however, it is still active in certain regions.

In some cases, where the applicant faces persecution or serious harm for reasons related to the prevalent tribal and social norms in Iraq and the actor of persecution or serious harm is **Iraqi society** at large (e.g. LGBTIQ, certain ethno-religious minorities), IPA would in general not be considered safe.

For certain particularly vulnerable individuals, such as women and children, if the actor of persecution or serious harm is the **(extended) family, tribe or community** (e.g. fasliya marriage, FGM), taking into account the reach of these actors and the lack of State protection, IPA would in general not meet the requirement of safety.

It should be underlined that it cannot be reasonably expected that the applicant abstains from practices fundamental to his or her identity, such as those related to their religion or sexual orientation, in order to avoid the risk of persecution or serious harm.

See the chapter [1. Actors of persecution or serious harm](#).



► **whether the profile of the applicant is considered a priority target and/or a threat by the actor of persecution or serious harm**

The profile of the applicant could make him or her a priority target for the State or for insurgent groups, increasing the likelihood that the actor of persecution or serious harm would attempt to trace the applicant in the potential IPA location.

► **personal enmity**

Some private disputes, including those based on honour and blood feuds, could strengthen the determination of the actor of persecution or serious harm to trace the applicant.

► **other risk-enhancing circumstances**

The information under the section [Profiles](#) should be used to assist in this assessment.



Read more in the common analysis.

■ **Availability of protection against persecution or serious harm**

Alternatively, the case officer may determine that the requirement of safety is satisfied if the applicant would have access to protection against persecution or serious harm as defined in [Article 7 QD](#) in the area where IPA is considered. In the case of persecution by the State, a presumption of non-availability of State protection applies.



The requirement of **safety** may be satisfied in the cities of Baghdad, Basrah and Sulaymaniyah, depending on the profile and the individual circumstances of the applicant.

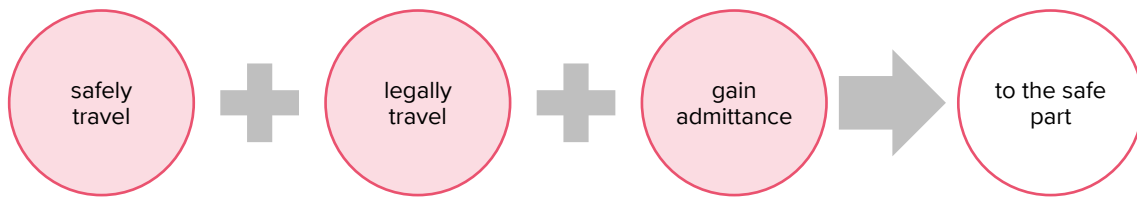


Read more in the common analysis.

Travel and admittance

As a next step, the case officer should establish whether the applicant can:



Figure 5. Travel and admittance as requirements for IPA.

- ▶ **Safely travel:** The requirement of safety of travel in the cities of Baghdad, Basrah and Sulaymaniyah would in general be considered met. For some profiles, in particular for individuals who may be perceived as associated with ISIL, this requirement should be carefully assessed on an individual basis.
- ▶ **Legally travel:** There are in principle no legal restrictions for Iraqis to travel in Iraq, including in the cities of Baghdad, Basrah and Sulaymaniyah.
- ▶ **Gain admittance to:** There are certain administrative restrictions or requirements for persons from previously ISIL-held or conflict-affected areas to be admitted in parts of the country, including the cities of Baghdad, Basrah and Sulaymaniyah. This refers mostly to requirements for residency, in the case of Baghdad, Basrah and Sulaymaniyah. Sunni Arabs and in some cases Turkmen men are particularly affected by such requirements. The assessment of whether the requirement of gaining admittance is likely to be met, should take into account the individual circumstances of the applicant (ethno-religious background, place of origin, identity documents, security clearance, family status, existing social ties and having a potential sponsor, etc.). The individual case should be assessed based on the most recent COI available.



Read more in the common analysis.

Reasonableness to settle

According to [Article 8 QD](#), IPA can only apply if the applicant ‘can reasonably be expected to settle’ in the proposed area of internal protection.

General situation

The following elements should be examined based on available country of origin information:

- the situation with regard to food security;
- the availability of basic infrastructure and services, such as:
 - shelter and housing;
 - basic healthcare;



- hygiene, including water and sanitation;
- the availability of basic subsistence that ensures access to food, hygiene and shelter, such as through employment, existing financial means, support by a network or humanitarian aid.

The general situation in the area in consideration should be examined in light of the criteria described above, and not in comparison with standards in Europe or other areas in the country of origin.

Based on the available COI, it is found that the general circumstances prevailing in Baghdad, Sulaymaniyah and Basrah, assessed in relation to the factors above, do not preclude the reasonableness to settle in the cities, however, a careful examination should take place, particularly when assessing the availability of IPA to Basrah. The assessment should take into account the individual circumstances of the applicant.



[Read more in the common analysis.](#)

Individual circumstances

In addition to the general situation in the area of potential IPA, the assessment whether it is reasonable for the applicant to settle in that part of the country should take into account the individual circumstances of the applicant, such as:

- ethno-religious and linguistic background
- civil documentation
- support network
- family status
- age
- gender
- state of health
- professional and educational background and financial means
- etc.

The individual considerations could relate to certain vulnerabilities of the applicant as well as to available coping mechanisms, which would have an impact when determining to what extent it would be reasonable for the applicant to settle in a particular area. It should be noted that these factors are not absolute, and they would often intersect in the case of the particular applicant, leading to different conclusions on the reasonableness of IPA.



[Read more in the common analysis.](#)

Conclusions on reasonableness



The general conclusions on the reasonableness of IPA for particular profiles of applicants are based on an assessment of the general situation in cities of Baghdad, Basrah and Sulaymaniyah, and the individual circumstances of such applicants.



Taking into account the ethno-religious background of the applicant, it could be substantiated that IPA in the cities of Baghdad, Basrah, Sulaymaniyah would be reasonable for **single able-bodied men** and **married couples without children**, who have identification documents and have no additional vulnerabilities, including when they do not have a support network. In the case of **families with children**, internal protection alternative may be reasonable, including without a support network, where the best interests of the child have been duly assessed.

Although the situation related to settling in the three cities entails certain hardships, it can still be concluded that such applicants would be able to ensure their basic subsistence, housing, shelter and hygiene, and access to basic healthcare.

In order to ensure their basic needs, **other profiles** of applicants would in general need a support network in the area of potential IPA. However, additional individual circumstances may be relevant to take into account when assessing the reasonableness of IPA.

It should be highlighted that these conclusions are without prejudice to the criteria of safety, travel and admittance and that the individual circumstances in the case at hand should be fully examined.



[Read more in the common analysis.](#)



Exclusion

Last updated: January 2021

*Minor updates added: June 2022



Given the serious consequences that exclusion may have for the individual, the exclusion grounds should be interpreted restrictively and applied with caution.

The examples in this chapter are non-exhaustive and non-conclusive. Each case should be examined on its own merits.

Applying the exclusion clauses, where there are serious reasons to consider that the applicant has committed any of the relevant acts, is mandatory.

Exclusion should be applied in the following cases:

Grounds for exclusion

Refugee status

- a crime against peace, a war crime, or a crime against humanity
- a serious non-political crime outside the country of refuge prior to his or her admission as a refugee
- acts contrary to the principles and purposes of the United Nations

Subsidiary protection

- a crime against peace, a war crime, or a crime against humanity
- a serious crime
- acts contrary to the principles and purposes of the United Nations
- constituting a danger to the community or to the security of the Member State in which the applicant is present
- other crime(s) (under certain circumstances)

It should be underlined that the determining authority has the burden of proof to establish the elements of the respective exclusion grounds and the individual responsibility of the applicant; while the applicant remains under an obligation to cooperate in establishing all facts and circumstances relevant to his or her application.



Read more in the common analysis.

In the context of Iraq, the need to examine possible exclusion issues may arise, for example, in cases of applicants under the following profiles. The list is non-exhaustive:



- Members of the Baath regime, such as by Baath party members of a certain rank or level, intelligence services, members of the military, judicial and administrative institutions
- Insurgent and/or extremist groups (e.g. ISIL, Al-Qaeda)
- Members of ISF and Peshmerga, intelligence services (e.g. *Asayish*) and other security actors
- Members of PMF
- Members of PKK
- Members of Sahwa, a local counterinsurgency movement that cooperated with the US to expel al-Qaeda in Iraq
- Individuals involved in tribal feuds

Crimes committed by Iraqi applicants outside of Iraq (e.g. participation in ISIL's international activities, participation in the activities of Iraqi militia in the conflict in Syria), could also lead to exclusion considerations.

The Qualification Directive does not set a time limit for the application of the grounds for exclusion. Applicants may be excluded in relation to events occurring in the recent and more distant past, such as during the regime under Saddam Hussein (1968 - 2003).



Read more in the common analysis.

The following subsections provide guidance on the potential applicability of the exclusion grounds in the context of Iraq.

Crime against peace, war crime, crime against humanity

[Article 12\(2\)\(a\) QD](#) and [Article 17\(1\)\(a\) QD](#) refer to specific serious violations of international law, as defined in the relevant international instruments ⁽⁷⁾.

It can be noted that the ground 'crime against peace' would rarely arise in asylum cases. However, it may be of relevance with regard to high-ranking officials responsible for the invasion of Kuwait.

⁽⁷⁾ The [Rome Statute of the International Criminal Court](#) is a particularly relevant instrument in this regard. See also the 'Grave Breaches' provisions of the 1949 Geneva Conventions and Additional Protocol I, common Article 3 and relevant provisions of Additional Protocol II, the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY) and Statute of the International Criminal Tribunal for Rwanda (ICTR).



Violations of international humanitarian law by different parties in the current and in past conflicts in Iraq could amount to war crimes, such as the use of prohibited weapons and the deliberate indiscriminate attacks on civilians, etc.

Reported crimes such as murder, torture, and rape by the different actors could amount to crimes against humanity when committed as part of a widespread and systematic attack against the civilian population. Crimes in the context of past events, such as the Al-Anfal military campaign could also trigger the consideration of exclusion in relation to 'crimes against humanity'.

Some acts in the current conflicts, such as extrajudicial killings, torture, forced disappearance, could amount to both war crimes and crimes against humanity.

According to COI, especially (former) members of insurgent groups (e.g. ISIL), security actors (e.g. ISF, PMF), as well as Baathists, can be implicated in acts that would qualify as war crimes and/or crimes against humanity. Relevant situations, which should be considered in relation to this exclusion ground include, for example:

- Iraq - Iran war (1980 - 1988): international armed conflict;
- Al-Anfal military campaign (1987 - 1988);
- Invasion of Kuwait (1990 - 1991): international armed conflict; and subsequent uprising;
- Kurdish civil war (1995 - 1998): non-international armed conflict;
- Invasion of Iraq (2003): international armed conflict;
- Armed conflict between ISF and insurgent groups as from 2004: non-international armed conflict;
- Sectarian conflict/civil war (post 2003): non-international armed conflict;
- ISIL conflict (2014 - ongoing): non-international armed conflict;
- Turkey - Iraq conflict (2019 - ongoing): international armed conflict.

Serious (non-political) crime

In the context of Iraq, widespread criminality makes the exclusion ground 'serious (non-political) crime' particularly relevant. This is related to criminal activities of organised groups and gangs, as well as activities of ISIL and some militia, but the ground also applies to serious crimes committed by individuals not related to such groups.

Some particularly relevant examples of serious (non-political) crimes include kidnapping, extortion, trafficking for the purposes of sexual exploitation, etc. For example, criminal gangs in Basrah have exploited the security gap and there has been a rise in robberies, kidnapping, murder, and drug trafficking.

Violence against women and children (for example, in relation to FGM, domestic violence, honour-based violence, forced and child marriage) could also potentially amount to a serious (non-political) crime.



Some serious (non-political) crimes could be linked to an armed conflict (e.g. if they are committed in order to finance the activities of armed groups) or could amount to fundamentally inhumane acts committed as a part of a systematic or widespread attack against a civilian population, in which case they should instead be examined under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).

Acts contrary to the purposes and principles of the United Nations

(Former) membership in terrorist groups such as ISIL and Al-Qaeda could trigger relevant considerations and require an examination of the applicant's activities under [Article 12\(2\)\(c\) QD/Article 17\(1\)\(c\) QD](#), in addition to the considerations under [Article 12\(2\)\(a\) QD/Article 17\(1\)\(a\) QD](#), mentioned in the sections above.

The application of exclusion should be based on an individual assessment of the specific facts in the context of the applicant's activities within that organisation. The position of the applicant within the organisation would constitute a relevant consideration and a high-ranking position could justify a (rebuttable) presumption of individual responsibility. Nevertheless, it remains necessary to examine all relevant circumstances before an exclusion decision can be made.

Where the available information indicates possible involvement in crimes against peace, war crimes or crimes against humanity, the assessment would need to be made in light of the exclusion grounds under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).

Danger to the community or the security of the Member State

In the examination of the application for international protection, the exclusion ground under [Article 17\(1\)\(d\) QD](#) is only applicable to persons otherwise eligible for subsidiary protection.

Unlike the other exclusion grounds, the application of this provision is based on a forward-looking assessment of risk. Nevertheless, the examination takes into account the past and/or current activities of the applicant, such as association with certain groups considered to represent a danger to the security of the Member States or criminal activities of the applicant.



Read more in the common analysis.

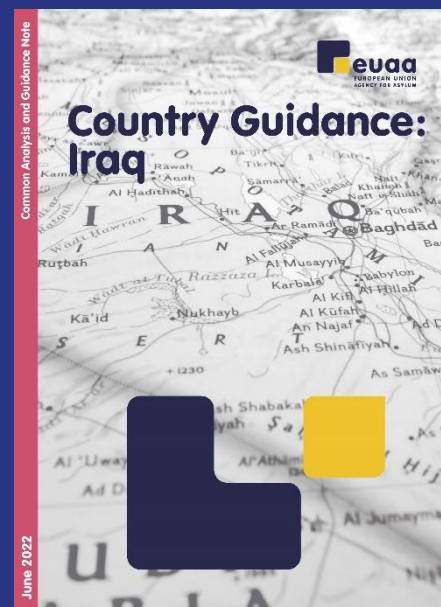
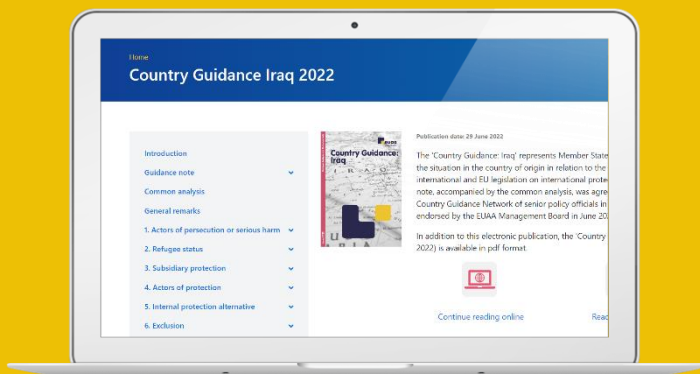


Abbreviations

CJEU	Court of Justice of the European Union
COI	Country of origin information
EUAA	European Union Agency for Asylum
EU	European Union
FGM/C	female genital mutilation/cutting
IDP(s)	Internally displaced person(s)
IPA	internal protection alternative
ISF	Iraqi Security Forces
ISIL	The Islamic State of Iraq and the Levant, also known as the Islamic State of Iraq and Syria (ISIS), the Islamic State, or Daesh
KRG	Kurdistan Regional Government
KRI	Kurdistan Region of Iraq – refers to Dohuk, Erbil, Sulaymaniyah governorates
LGBTIQ persons	Persons: <ul style="list-style-type: none"> ■ who are attracted to others of their own gender (lesbian, gay) or any gender (bisexual); ■ whose gender identity and/or expression does not correspond to the sex they were assigned at birth (trans, non-binary); ■ who are born with sex characteristics that do not fit the typical definition of male or female (intersex); and ■ whose identity does not fit into a binary classification of sexuality and/or gender (queer).
NGO	non-governmental organisation
PKK	Kurdistan Worker's Party
PMF	Popular Mobilisation Forces
QD (Qualification Directive)	Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted
UN	United Nations
UNAMI	United Nations Assistance Mission for Iraq
UNHCR	United Nations High Commissioner for Refugees
US	United States of America



The comprehensive common analysis, which forms the basis for this guidance note is available in e-book and pdf format in English.



Find them at

<https://euaa.europa.eu/country-guidance-iraq-2022>

doi: 10.2847/289340

