

## EASO COI QUERY SYSTEM

## IRAQ

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Urgent  Standard

## QUERY

**Question/ Subject****Palestinians in Iraq**

*Palestinians are not formally accepted as refugees in Iraq. Palestinians in Iraq are issued with documentation that does not confer either nationality or refugee status. What rights does this documentation confer? Specifically, can this act as a route to a travel document (laissez-passer) to Iraq?*

*Would a Palestinian who has been outside of Iraq for a particular time period be allowed re-entry? Do Palestinians in Iraq have permission to leave the country?*

1. What documentation is issued by Iraq to Palestinians in Iraq?
2. What rights does this documentation confer?
3. Can this documentation be used as a travel document/laissez-passer to Iraq?
4. Do Palestinians in Iraq require permission/approval to leave the country?
5. Is a Palestinian who has been outside the country for an extended period allowed to re-enter? What are the requirements to do so?

**Context /Background of query (If needed)****Preliminary search (Websites and sources checked by the requesting EU+ country)**  
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## ANSWER

**1. What documentation is issued by Iraq to Palestinians in Iraq?**

In correspondence with the European Asylum Support Office (EASO) on 6 December 2017, representatives of the UN High Commissioner for Refugees (UNHCR) stated that:

‘The following types of documents are issued to Palestinians in Iraq:

- **ID card:** The Permanent Committee of Refugee Affairs of the Ministry of Interior (PC-MOI) is in charge of registration and issuance of ID cards to Palestinians (registration of Palestinians by PC-MOI started in mid-2008). There are two types of ID cards [that] can be distinguished by their colour: The first one, which is red, is given to Palestinians who arrived in Iraq in 1948. The second one is yellow and given to Palestinians who arrived in 1967 onwards. ID cards issued to Palestinians are reportedly often not recognized or respected at security checkpoints.
- **Travel Document:** Palestinians who arrived in 1948 and their descendants have a right to obtain a travel document, issued by the Directorate of Residence Affairs, pursuant to Law No. 26 of 1961. Travel documents are normally valid for one year and can be extended. The travel document can only be issued/renewed in Iraq by the Directorate of Residence Affairs, upon approval from PC-MOI that the person is registered in the PC-MOI database.
- **Public Distribution System (PDS) cards:** These are issued by the Ministry of Trade.
- In addition, the Palestinian Embassy in Iraq issues “**Palestinian Authority Passports**”<sup>(1)</sup>.

According to the UNHCR report, *Relevant COI on the Situation of Palestinian Refugees in Baghdad*, from 30 March 2017:

‘Although Palestinian refugees hold ID cards issued by the Permanent Committee for Refugee Affairs of the Ministry of Interior (PC-MOI) on the basis of a registration exercise undertaken in 2008, these ID cards can be distinguished from those held by Iraqi nationals, making Palestinian refugees easily identifiable targets, including at checkpoints run by state or non-state actors. Government ID cards issued to Palestinian refugees are reportedly often not recognized or respected at security checkpoints. Fearing high levels of violence in Baghdad, but also harassment, intimidation and arbitrary arrest at checkpoints, Palestinian refugees reportedly seek to restrict their movements outside of Al-Baladiyat. Palestinian women and girls, especially those without male family members, are also reported to face harassment, threats and physical and verbal abuse by Shi’ite militias and ISF [Iraqi Security Forces]. For fear of harassment and kidnapping, many Palestinian teenage girls are reported to have dropped out of school. Restrictions on the freedom of movement affect all aspects of daily life, including access to education and employment, with often severe cumulative effects’<sup>(2)</sup>.

The Swedish (Lifos) and Norwegian (Landinfo) COI report on Palestinians in Iraq, published on 7 March 2014, provides more details on documentation, and distinguishing features of identity cards, resident permits and travel documents:

‘The Ministry of Interior (MOI) started to issue new identity cards for Palestinians refugees in January 2008. Identity cards issued to Palestinians vary in colour depending on the refugee group they belong to. Palestinian refugees from 1948 are issued red Identity cards (that is identity cards

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<sup>1</sup> UNHCR, email, 6 December 2017.

<sup>2</sup> UNHCR, *Relevant COI on the Situation of Palestinian Refugees in Baghdad*, 30 March 2017, available at: ([url](#)), accessed 7 November 2017.

with a red-coloured strip). Palestinians refugees who arrived to Iraq in 1967 and thereafter are issued yellow identity cards (that is identity cards with a yellow-coloured strip). All identity cards are valid for three years. The document is issued by the Permanent Committee for Refugee Affairs (PCRA) – al-Lajnah al-Da'imal' Shoun al-Laje'en- within the MoI. Each individual is issued a separate document. This is also applied for underage children. When applying for an identity card the applicant is required to submit a certificate of residency- ta'ed sakan. According to an official in PCRA the certificate of residency is not to be confused with the housing card issued to Iraqis. The certificate serves as verification for the person's ongoing residency, i.e. that he/she upholds a place of residence in the country. The certificate is issued upon request by the local area representative- Mukhtar. (...)

A Palestinian can apply for an identity card through proxy. In case the person is outside the country the proxy is drafted by the designated Iraqi embassy or diplomatic mission abroad. The proxy can only be given to a family member. Once the proxy is obtained the PCRA will issue a new document in accordance with the prevailing procedures. The PCRA also renews expired and lost identity cards. In the cases pertaining to loss of document the applicant is also requested to submit a statement from the police station or a judge confirming the loss of the document. (...)

Resident permits issued to Palestinians in Iraq are valid for one year. The permits are issued and renewed at the Directorate of Residency Affairs/Department of Arab Affairs (DRA/DAA). All Palestinians wishing to apply for a resident permit have to verify both their identity as well as their status. Verification of identity is confirmed through submission of the identity card for Palestinians. Verification of status is done by obtaining a letter from the Palestinian Embassy in Baghdad as well as a statement from the PCRA. In addition, the applicant is also requested to submit a certificate of residency- ta'ed sakan -in order to confirm that he/she is residing in the country<sup>(3)</sup>.

The UNHCR *Update of UNHCR Aide-Memoire of 2006, Protection Considerations for Palestinian refugees in Iraq*, dated July 2012, states:

'In mid-2008, the Ministry of Interior (MoI), with technical support from UNHCR, commenced the registration of all Palestinians in Iraq. This was completed in 2009 and all registered Palestinians were issued with ID cards by the MoI. All registered Palestinians have now been issued red identity cards. The PC-MoI provides residence permit with five year validity to Palestinians on presentation of their old residence cards issued by the former regime and a supporting letter from the Ministry of Displacement and Migration (MoDM). The issuance of the new ID cards has been a positive development, and has greatly enhanced freedom of movement for the Palestinian community. During 2010 and early 2011 UNHCR received a number of reports from Palestinians that the identity cards were not recognized by some security personnel at checkpoints, with some

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<sup>3</sup> Sweden (Lifos) and Norway (LandInfo), *Palestinians in Iraq*, 7 March 2014 ([url](#)), accessed 7 November 2017.

Palestinians reporting that they had been detained for several hours whilst clarification was sought with the MoI<sup>4</sup>).

## **2. What rights does this documentation confer?**

In correspondence with EASO on 6 December 2017, the UNHCR stated the following:

‘Pursuant to Decree 202 of 2001, Palestinians who arrived in Iraq in 1948 were to be ‘treated as Iraqi citizens in rights and duties’, with the exception of the right to obtain Iraqi nationality. Palestinians nevertheless enjoyed an otherwise broad range of rights in Iraq, including the right to work, own property, obtain travel documents and access public health care and education. Palestinians who arrived in Iraq in 1967 and later do not have the same rights; however, they have access to public services and work in private sector. Following the fall of former President Saddam Hussein in 2003, the abovementioned legislation remained in force. Despite the legal rights outlined, however, in practice Palestinians have since often been prevented from accessing or enjoying these rights. Since 2003, many Palestinians have been dismissed from their jobs both in public and the private sector and faced widespread discrimination regarding access to the job market’<sup>5</sup>).

According to the UNHCR report on Palestinian refugees in Iraq, published on July 2012:

‘There have been no significant changes in the rights and entitlements of the Palestinian refugees since the period of the former regime. With the identity cards issued by the MoI, Palestinians have access to public schools and health facilities, the public food distribution system (PDS) and are able to rent property. Palestinians in principle have access to public as well as private sector employment. In practice, however, as detailed below, the shortage of jobs in Iraq has adversely affected the Palestinian community, to an even greater extent than the rest of the Iraqi population. Palestinian refugees have the right to obtain a travel document, pursuant to Law No. 26 of 1961 (still in force)’<sup>6</sup>).

## **3. Can this documentation be used as a travel document/laissez-passer to Iraq?**

In 6 December 2017 correspondence with EASO, UNHCR stated the following:

Palestinians need to hold a travel document issued by either the Residence Affairs Directorate (MoI) for those that arrived in 1948 or a Palestinian Passport issued by the Palestinian Embassy

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<sup>4</sup> UNHCR, *Update of UNHCR Aide-Memoire of 2006, Protection Considerations for Palestinian refugees in Iraq*, July 2012, available at: ([url](#)), accessed 7 November 2017.

<sup>5</sup> UNHCR, email, 6 December 2017.

<sup>6</sup> UNHCR, *Update of UNHCR Aide-Memoire of 2006, Protection Considerations for Palestinian refugees in Iraq*, July 2012, available at: ([url](#)), accessed 7 November 2017.

in order to travel outside Iraq. In addition, an exit visa (from the Residency Directorate) is also required in order to leave Iraq and an entry visa is required to re-enter the country <sup>(7)</sup>.

In a report on Palestinians in Iraq, dated 7 March 2014, the Swedish Migration Agency (Lifos) and Norway's Landinfo provided detailed information on travel documents:

Only Palestinian refugees adhering to the refugee group of 1948 are entitled to Iraqi travel documents, pursuant to Law No. 26 of 1961 Travel Documents for Palestinians; and General Passport Law No.55/1959 (still in force), as well as the Law No. 65 of 1983. Travel documents are issued by the DRA/DAA28. Other Palestinians nationals can obtain passports issued by the Palestinian Authority. The travel documents are valid for five years but have to be renewed every year. The renewal is registered in the document. After five years the holder is required to apply for a new document. Palestinians wishing to apply for a travel document have to present their identity card, ration card, certificate of residency - ta'ed sakan, as well as a supporting letter from both the PCRA and the Palestinian Embassy. The documents are then submitted with the application form. Children under the age of 14 are included in their father's travel document. Children aged 14 and above receive separate documents. According to UNHCR, the authorities are considering issuing separate travel documents for all underage children. Reportedly, Iraqi embassies and diplomatic missions abroad do not issue travel documents to Palestinians refugees from Iraq. Travel documents can only be obtained through the DRA/DAA. When a Palestinian outside Iraq requests to have his/her travel document extended, renewed or updated to include additional family members the Iraqi embassy or diplomatic missions have to contact the Ministry of Foreign Affairs (MoFA). The embassy is also requested to submit the following information pertaining to the document holder;

- Number of the travel document
- Date of issue
- Place of issuance
- Name of holder
- Names of persons accompanying the document holder.

The embassy is thereafter required to comply with the instructions from the MoFA's Consular Department, and the DRA/DAA. Palestinians outside Iraq can authorize a representative, by proxy, certified by the Iraqi Embassy to apply for a travel document on their behalf. The proxy is submitted through the MoFA's Consular Department. The authorized representative can submit the application at the DRA/DAA. The representative is also required to submit a copy of the proxy as well as a copy of the applicant's travel document along with the application <sup>(8)</sup>.

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<sup>7</sup> UNHCR, email, 6 December 2017.

<sup>8</sup> Sweden (Lifos) and Norway (LandInfo), *Palestinians in Iraq*, 7 March 2014 ([url](#)), accessed 7 November 2017.

The UNHCR's *Update of UNHCR Aide-Memoire of 2006, Protection Considerations for Palestinian refugees in Iraq*, from July 2012, states that:

'Travel documents are issued by the Residence Directorate and are valid for one year. The process of obtaining a travel document takes around one month and requires security clearance from the competent authorities. The travel document allows Palestinians to leave and re-enter Iraq; however, an exit visa (from the Residency Directorate) is also required in order to leave Iraq and an entry visa is required to re-enter the country'<sup>(9)</sup>.

#### **4. Do Palestinians in Iraq require permission/approval to leave the country?**

UNHCR explained in a 6 December 2017 email to EASO that Palestinians do require permission/approval to leave the country:

'In addition to a travel document, Palestinians are required to obtain an approval (exit/re-entry visas, though these terms are not necessarily used in the document) prior to their travel and issued by the Directorate of Residence Affairs. The validity of the exit and re-entry visa varies. While in most cases, the exit visa is issued for three months, in some instances it may be issued up to 1 year, depending on the reason for the travel.

Article 17 and 18 of the Iraqi Political Refugee Law describes the penalty for refugees exiting Iraq illegally, without prior consent of the Minister of Interior. Article 17 stipulates that refugees cannot leave Iraq without prior approval from the MoI, whilst Article 18 imposes punishment through confiscation by the authorities of all movable and immovable property'<sup>(10)</sup>.

The Swedish Migration Agency (Lifos) and Norway's Landinfo report on Palestinians in Iraq published on 7 March 2014, explained entry/exit procedures as follows:

'All Palestinians residing in Iraq are requested to obtain approval from the MoI prior to their departure from the country. The DRA/DAA is in charge of issuing exit permits for Palestinians wishing to travel abroad. The exit permit allows Palestinian to reside outside the country for a period of three months. In some cases the applicant may have to give a reason for requesting an exit permit. There are also cases where a person may stay longer abroad, for example for studies. A representative from the Palestinian Embassy in Baghdad the delegation spoke to mentioned that his son who is currently studying in the Ukraine receives an entry visa upon arrival each time he visits Iraq. The representative also added that his son did not face any difficulties obtaining the visa since he is born in Iraq.

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<sup>9</sup> UNHCR, *Update of UNHCR Aide-Memoire of 2006, Protection Considerations for Palestinian refugees in Iraq*, July 2012, available at [ecoi.net](http://ecoi.net): ([url](#)), accessed 7 November 2017.

<sup>10</sup> UNHCR, email, 6 December 2017.

Exit permits are issued after consent from the PCRA. In order to obtain the PCRA's consent the applicant must first submit his/her identity card to the Committee. The identity card is returned upon re-entry to the country. Upon receiving the identity document the PCRA gives its consent which is drafted in a letter to the DRA/DAA instructing the designated authority to issue the permit. The permit, a blue-coloured sticker, is then added to the applicant's travel document (1948 refugee) or Palestinian passport issued by the Palestinian Authority (1967 refugees and other Palestinians). The permit is valid for 10 days during which the applicant may leave the country. Those who do not leave the country within that period have to pay a fine and apply for a new permit. In some cases the permit is renewed without any charge. It depends on the circumstances' (<sup>11</sup>).

##### **5. Is a Palestinian who has been outside the country for an extended period allowed to re-enter? What are the requirements to do so?**

In correspondence with EASO on 6 December 2017, UNHCR stated to EASO that 'the rules are neither completely clear nor transparent and implementation may vary' in such a situation. The same source reports that:

'There is some ambiguity of the rules/practice on the issue of re-entry in the case of an extended period (over 6 months) outside of Iraq:

- According to government sources, Palestinians should be treated as Iraqi citizens in rights as per Decree 202 of 2001, and thus should not be denied readmission to Iraq, provided they hold valid travel documents and an exit/re-entry approval (even if expired).
- UNHCR has received information from the representative of the Palestinian Embassy in Baghdad and the Palestinian community that Palestinians who stayed beyond the expiry of their exit / re-entry visas and validity of their travel documents will not be allowed to re-enter Iraq' (<sup>12</sup>).

The 7 March 2014 report on Palestinians in Iraq from the Swedish Migration Agency (Lifos) and Norway's Landinfo offices states that:

'Palestinians who have exceeded their sojourn abroad have to apply for a new permit. The application can be submitted either through the Iraqi embassy or through proxy. The DRA/DAA must first request clearance from the security department within the DRA before a new exit permit can be issued. The security department does a security check on the applicant's background. Once approved the DRA/DAA gives instructions to the designated embassy as well as all entry ports allowing the applicant to return. The Embassy also receives a copy of the approval upon which it issues an entry permit (visa) that is subsequently stamped in the applicant's travel document or Palestinian passport. It takes about 10 days to issue an approval. The entry permit is valid for three months during which the applicant can return to Iraq. The applicant must also pay

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<sup>11</sup> Sweden (Lifos) and Norway (LandInfo), *Palestinians in Iraq*, 7 March 2014 ([url](#)), accessed 7 November 2017.

<sup>12</sup> UNHCR, email, 6 December 2017.

a fine, either at the Iraqi embassy or the diplomatic mission abroad issuing the visa, in this case the applicant pays 40 USD or at the port of entry upon arrival to Iraq, in which case the fine is 80 USD. The applicant has to have a valid travel document or passport issued by the Palestinian Authority before he/she can apply for a new entry permit. Palestinians who left Iraq illegally can also be granted an entry permit. However, they must first verify that they are registered in Iraq and that they were earlier residents in the country. This can be verified through a letter from the PCRA as well as the MoMD and also the Palestinian Embassy in Baghdad. Palestinians who are born in Iraq can also be granted re-entry if they can verify that they are born in the country. Thereafter the applications are processed in the same manner as those with expired exit permits' (13).

The UNHCR report on Protection Considerations for Palestinian refugees in Iraq, from July 2012, explains the legal obstacles to return to Iraq:

'Article 17 and 18 of the Iraqi Political Refugee Law describes the penalty for refugees exiting Iraq illegally, without prior consent of the Minister of Interior. Article 17 stipulates that refugees cannot leave Iraq without prior approval from the Mol, whilst Article 18 imposes punishment through confiscation by the authorities of all movable and immovable property. In order for asylum-seekers and refugees to be able to return to Iraq, therefore, they need the approval of the MOI at the time of departure and are required to provide the reason for their travel outside Iraq and the duration of their sojourn abroad. Moreover, Article 10 (1/A) of the Passports Law No. 32 of 1999 imposes on any person who exits or attempts to exit, enters or attempts to enter, Iraq without a valid passport or travel document, a sentence of 5 to 15 years imprisonment, and confiscation of movable and immovable property. Article 10 (1/C) of the same law imposes imprisonment on anyone who exits or enters the country through unofficial border points. There is, however, no evidence to suggest that Palestinians have been disproportionately affected by these regulations over and above Iraqi citizens. In addition, Article 298 of the Iraqi Penal Law imposes a punishment of up to 15 years for anyone convicted of using forged official documents. Staff of the Iraqi Intelligence, Passport and Information Office at Baghdad International Airport conduct investigations and check the documents of returnees. Further verification is then conducted making use of the Mol's Central Information Database. Returnees who are found in possession of forged Iraqi documents will be detained and referred to the relevant authorities for legal processing. Palestinians holding a travel document issued either in Iraq or by the country's embassies abroad would be able to return legally after obtaining an entry visa to Iraq. However, as many Palestinians had no option but to resort to using forged Iraqi documents to leave Iraq, since borders of the neighbouring countries were sealed for the entry of Palestinians fleeing the country, they may be at risk of punishment upon return' (14).

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<sup>13</sup> Sweden (Lifos) and Norway (LandInfo), *Palestinians in Iraq*, 7 March 2014 ([url](#)), accessed 7 November 2017.

<sup>14</sup> UNHCR, *Update of UNHCR Aide-Memoire of 2006, Protection Considerations for Palestinian refugees in Iraq*, July 2012, available at [ecoi.net](#): ([url](#)), accessed 7 November 2017.

For more information about Palestinians in Iraq, including status, restrictions, documentation and rights, please consult following sources:

- Netherlands, Ministry of Foreign Affairs: *Algemeen ambtsbericht Irak*, 14 November 2016 ([url](#)), accessed 7 November 2017.
- ACCORD - Austrian Centre for Country of Origin and Asylum Research and Documentation: *Anfragebeantwortung zum Irak: Lage von PalästinenserInnen: Status, Einschränkungen, allgemeine Lage und Sicherheitslage (insbesondere in Bagdad), Lage von RückkehrerInnen [a-9491]*, 10 March 2016, available at: ([url](#)).
- Sweden (Lifos), 18 September 2015, *Temarapport: Palestinier i Bagdad* ([url](#)).
- UNHCR, *Relevant COI on the Situation of Palestinian Refugees in Baghdad*, 30 March 2017, ([url](#)).

**Disclaimer**

*The following response has been provided primarily for the purpose of information exchange in the framework of EASO Query COI System. Response to the COI request has been elaborated according to the User Guide for EASO Pilot COI Query System, Common EU Guidelines for Processing COI and EASO COI Report Methodology. The information provided has been researched, evaluated and processed with utmost care within a limited time frame. However, this document does not pretend to be exhaustive neither conclusive as to the merit of any particular claim to refugee status or asylum. If a certain event, person or organization is not mentioned in the report, this does not mean that the event has not taken place or that the person or organization does not exist.*