

Baghdad in 10th of April 2018

To : Embassy of Sweden

Attn. :

Subject: Answering queries regarding formalities in Iraq

Dear

Hope that this letter finds you well.

With reference to your queries regarding the subject matter, we would like to highlight the following:

First: Which Iraqi documents can be authenticated?

This query is not clear. Please clarify.

In this respect, please find below the Iraqi documents which can be used for verifying personality:

1. Personal ID Card;
2. Iraqi Certificate of Citizenship;
3. Passport.

National ID card replaces the personal ID card and Iraqi Certificate of Citizenship for which a national ID card is issued.

Second: To what extent have the new national identity cards (البطاقة الكارتية نيشنيماني/الوطنية) been issued?

Under the law of National ID card No. 3 of 2016 applicable since the date of publishing it in the Official Gazette in edition No. 4396 dated 1st February 2016, national ID cards have been issued to limited number of Iraqi citizens inside Iraq.

Still big number of Iraqi citizens have not obtained national ID cards till now specially those residents of Kurdistan Region and the disputed areas.

For Iraqi citizens abroad, the mechanism of issuing national ID cards for them has not been activated yet.

Third: Why is sometimes the signature of the passport holder missing in (apparently) genuine Iraqi passports? What "valid" explanations could there be for this? Are there any differences between the governorates,

or is a signature missing just because of negligence on the part of the authorities? Will a signature be required in the new passports (the ones that are to replace the A-series passports), which are under preparation. When will the authorities start issuing the new passports?

We have communicated with the Ministry of Interior and verified that that blank of passport holder's signature is to be left by official authorities for two reasons:

- i- It is not important that passport holder to affix his signature on the passport;
- ii- There is big load of work in Directorates of Passports which necessitate ignoring this signature field.

We were informed that Iraqi Ministry of Interior intends to cross off the signature field from passports.

Iraqi authorities started to issue Passport Category A since 2010 and still issuing it.

Fourth: Registration of births, deaths, marriages and divorces locally is according to information from UK Home Office and other sources gathered centrally at the Civil Status Directorate in Baghdad. To what extent is the process electronic these days? Thanks to the central (microfiche) archive system it seems to be highly unusual that personal civil ID records go missing.' But how have births etc. been registered in areas under control of "Daesh", and are any steps being taken now by the Iraqi authorities to remedy those that were registered by "Daesh" or not at all?

Directorate of Civil Status, Passports and National ID cards endeavors to use electronic processing for recording births, deaths and other family entries specially after adopting the National ID system. It worth to mention that completion of the aforementioned electronic processing will take long time (maybe years).

For recording births and deaths in Iraqi areas which were under the control of ISIS, ISIS continued recording those births, deaths and other family entries in the records and continued issuing certificates of birth, death, divorce and marriage.

No law or regulations have been promulgated for documents and entries recorded and/or issued by ISIS since 10th June 2014 till the liberation date of those areas. For the actual processing of those documents and entries issued or recorded ISIS are considered null with no legal value. Those people who has birth, death, marriage or divorce record during the period of ISIS command to specific areas, should visit the Personal Status Courts requesting the issuance of birth or death certificate, marriage or divorce registration again according to the procedures applicable in Iraqi courts. Birth certificates issued by the court will be the basis for birth registration in civil status registration department instead of the delivery document issued by the hospital.

Fifth: According to the Personal Status Law two witnesses are required for the marriage contract to be initiated. This may apply also when the marriage contract is registered at a Personal Status Court. Is that a fact (that a marriage contract has to be witnessed by two persons) and how many PSCs are there in Iraq?

Under Article six of Personal Status Law No. 188 of 1959 as amended, requires attendance of two witnesses for drawing up marriage contract before Personal Status Courts.

It worth to mention that attendance of the two witnesses should be at the time of executing the marriage contract which can be out of the court but for those marriage contracts which are executed before the court, the court should verify that the two witnesses appear before the judge at the time of drawing up the marriage contract.

Number of Personal Status Courts in Iraq (excluding Kurdistan Region) is 168 courts; while number of Personal Status Courts in Kurdistan is 180. It worth to mention that the aforementioned number of courts is increasable in light of the population expansion.

Sixth: According to a Norwegian "Landinfo" report, "Iraq: Muslim marriage and divorce", (12 September 2014) the Hanafi tradition may give room for accepting marriage contracts without the usual witnesses, but this practice is not common in Iraq. If it occurs, where is it likely to occur? Would any court approve marriage contracts without being certified by witnesses? Is there a new law in Iraq saying that people over the age of 18 do not need witnesses when registering the wedding?

Iraqi law necessitates attendance of two witnesses for the marriage contract. Please refer to the answer of the above question (five).

In case that marriage contract is drawn up out of the court, it can be authenticated by the court through filing a claim before the court by either party (husband or wife) against the other. In such case, acknowledgment of the two parties (husband and wife) may be sufficient for the court and it may not request attendance of the two witnesses.

Attendance of witnesses is not a condition for marriage of non-Muslims.

Seventh: According to the Personal Status Law the marriage contract must also be signed by the couple and the judge. Are there any exceptions to this requirement?

Marriage contract should be signed by husband, wife and the judge according to Article Ten/3 of Personal Status Law No. 188 of 1959 and its amendments. In practice, signatures of husband and wife are to be affixed on the original contract in the book of marriages. If a copy of the marriage contract will be given later to the couple or either of them, such copy will be signed by the

current judge of the court only without signatures of the couple or the witnesses.

If the marriage contract is drawn up out of the court, then a claim is filed before the court of authenticating it, such marriage contract will be authenticated by a court decision on which the signature of the judge only will be affixed.

Eighth: When it comes to journeys abroad for military personnel are there any restrictions to leave Iraq for any category of personnel in the ISF? If there are, are these restrictions different if you're a high ranking officer or have some important function or if you're an ordinary soldier or policeman. Does in this case also the length of the journey abroad matter?

Public sector in Iraq stipulates for his public officers (including military servants) not to travel abroad unless the consent of governmental authorities they work for are obtained. Travel abroad can be via one of the following two ways:

1. Official delegation. In such case the public or military officer is delegated by the governmental authority for which he works in order to perform official works abroad.
2. Vacation out of Iraq. Public officers (including military officers) are not allowed to travel abroad even if during his ordinary vacation time unless a consent from the governmental authority for which he works is obtained. For this purpose, the said public officer request vacation disclosing that he/she will spend it abroad. It worth to mention that the authority of approving such vacations out of Iraq is given to ministers and senior officers of the governmental sector.

For approving such vacations abroad, there is no specific criteria in this respect as it depends on the evaluation of the person empowered to give such approval.

We hope that our answers above cover all your queries.
For further clarification, please feel free to contact us.

Regards,