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Subject: Inventory of replies to the questionnaire on Iraq (telex 5386)

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NOTE
from: General Secretariat

to: CIREA

Subject: Inventory of replies to the questionnaire on Iraq (telex 5386)

Delegations will find attached an addendum to Belgium's reply coming from the Office of the Commissioner-General for Refugees and Stateless Persons.
1. Statistics


- **Aliens' Office**
  
  Number of applications received by the Aliens' Office: 505

- **Office of the Commissioner-General for Refugees and Stateless Persons**
  
  Number of admissible applications: 375
  Number of favourable decisions as to the substance (granted): 122
  Number of unfavourable decisions as to the substance (rejected): 153
  Number of applications without decision: 100

- **Permanent Commission of Appeal for Refugees**
  
  Number of appeals against rejection decisions: 105
  Number of decisions in conformity with the Commissioner-General: 27
  Number of decisions not in conformity (granted): 24
  Number of appeals without decision: 54

- **Total**
  
  Number of admissions: 146
  Number of rejections: 160
  Without decision: 199


<table>
<thead>
<tr>
<th>Year</th>
<th>1993</th>
<th>1994</th>
<th>1995</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of applications</td>
<td>92</td>
<td>83</td>
<td>99</td>
</tr>
<tr>
<td>Number of admissions</td>
<td>25</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Number of rejections</td>
<td>37</td>
<td>44</td>
<td>33</td>
</tr>
<tr>
<td>Without decision</td>
<td>30</td>
<td>34</td>
<td>56</td>
</tr>
</tbody>
</table>
2. Profile of the Iraqi asylum-seeker

2.1. Applicant profile

2.1.1. Ethnic origin

Belgium receives asylum-applicants from only one Iraqi ethnic group, namely the Kurds. Only a minority of the Iraqi asylum-applicants are Kurds (about 14% of the applications). Most Kurds originate in Northern Iraq.

2.1.2. Religion

About 70% of would-be refugees are Christians. Assyrian Christians predominantly apply for asylum.

About 30% of would-be refugees are Muslims of which a minority are Shiites.

2.1.3. Sex

About 60% men and 40% women. The majority of the women applying for asylum (about 90%) follow their spouses and do not therefore have a separate background of persecution.

2.1.4. Age

57% of Iraqi asylum-applicants are in the 18 to 30-year age group.

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minors</td>
<td>4.7%</td>
</tr>
<tr>
<td>18 – 25 years</td>
<td>21.9%</td>
</tr>
<tr>
<td>25 – 30 years</td>
<td>35.1%</td>
</tr>
<tr>
<td>30 – 35 years</td>
<td>12.0%</td>
</tr>
<tr>
<td>35 – 40 years</td>
<td>8.7%</td>
</tr>
<tr>
<td>over 40 years</td>
<td>17.2%</td>
</tr>
</tbody>
</table>

2.1.5. Socio-professional origin

The majority of Iraqis appear to be farmers (mainly from Northern Iraq) and traders (mainly from Baghdad). A minority have varying skilled professions such as teachers, journalists and students. No precise data are available at the Commissioner-General’s Office.

Most Iraqi asylum-applicants are fairly well-off. Sources at the Commissioner-General’s Office confirm that only well-to-do Iraqis have the possibility of leaving their country.
2.1.6. Place of birth and residence

Three areas can be distinguished:

Northern Iraq: mainly Kurds and a number of Christians
Southern Iraq: Shiites
Baghdad: mainly Christians

2.2. Reasons given

2.2.1. Membership of a party

Kurdish would-be refugees frequently claim to be members of or to sympathize with the two largest Kurdish parties, i.e. the Patriotic Union of Kurdistan (P.U.K.) and the Democratic Party of Kurdistan (D.P.K.).

A minority of Shiites claim to be members of an illegal Islamic opposition party “Al Dawaa al Islamiya”.

2.2.2. Religious affiliation

The majority of Iraqi applications for asylum are based on problems caused by religious conviction.

About 70% of the would-be refugees are Assyrian Christians who claim to have been discriminated against by the Iraqi population and authorities (particularly in Baghdad) or who allege to be victims of the problems between the various Kurdish factions in Northern Iraq.

A limited number of asylum-applicants from Southern Iraq claim to have been persecuted on the grounds of their Shiite religious beliefs.

2.3. Travel arrangements and route taken

A distinction can be made between two groups:

- Asylum-applicants who have fled Northern Iraq:

  They leave the country illegally and do not therefore have travel documents. They cross the Turkish-Iraqi border on foot or on horseback with the aid of guides and then continue their journey by road towards Istanbul. Overland transport arrangements are made for the journey from Istanbul to Belgium.
Asylum-applicants who have fled Baghdad:

About 80% flee by road to Amman (Jordan), from where they choose to fly to Western Europe (mainly Brussels). This stage of the journey is usually made legally, with a valid passport.

About 20% leave the country via Northern Iraq and therefore follow the refugee route via Istanbul.

2.4. Documents

The following documents are presented in support of an asylum application:

- passports
- identity cards
- diplomas
- baptismal certificates
- driving licences
- military service records.

As the Belgian diplomatic representation in Iraq has been closed down, it is virtually impossible to check the documents for authenticity.

3. Assessment of applications in accordance with the Geneva Convention

3.1. Assessment of applications based on:

3.1.1. General situation

As a rule, applications for asylum based principally on the general situation in Iraq are rejected on the grounds that there is no personal history of persecution.

3.1.2. Membership of a particular group

- military: see below
- ethnic: see below
- social group: does not apply to Iraq
- religion: see below.

3.1.3. Collective persecution/discrimination

Collective persecution is not accepted for any category of asylum-applicants.
3.1.4. Militant activity within opposition parties

For an asylum-application based mainly on militant activities within an opposition party, there is a fairly favourable presumption.

3.1.5. Religion

Christians

The majority of applications for asylum from Christian Iraqis are rejected, as it appears from information at the Commissioner-General’s Office that any anti-Christian discrimination in no way corresponds to discrimination bordering on persecution.

Shiites

Applications for asylum from Shiites are considered fairly favourably.

3.1.6. Desertion or failure to report for military service

A favourable presumption is exercised in this respect.

3.2. Internal flight

No use is made of the "internal flight" concept in processing Iraqi dossiers.

3.3. Iraq above the 36th parallel

The same applies as for the rest of Iraq. This is also based on the information available on the situation of Christians.

3.3.2. Kurds

A fairly negative presumption obtains in respect of Kurds from free Kurdistan as account is taken of the actual situation in that part of the country (i.e. the Iraqi authorities have no influence whatsoever, and power is in the hands of the Kurds). However, this does not prevent certain specific persecution stories of Kurds from the free zone from being considered positively.
4. *Political situation in Iraq*

The political situation in Iraq is assessed on the basis of several sources: human rights reports from official bodies and other organizations, domestic and foreign media, ambassadors' reports...

5. *Procedure*

The Belgian authorities (Aliens' Office, Office of the Commissioner-General for Refugees and Stateless Persons and the Permanent Commission of Appeal for Refugees) systematically invite all would-be refugees to one or more interviews, at which interpreters can be used.

Asylum-applicants may be assisted by a lawyer at the Commissioner-General's Office and the Permanent Commission of Appeal for Refugees.

6. *Repatriation*

Expulsion of rejected asylum-applicants is the Aliens' Office's responsibility. To date Iraqi asylum-applicants who have exhausted all the procedures have not been expelled to Iraq.