

**Geneva:** Tuesday, 5 May 2009

**Briefer:** Ron Redmond / UNHCR spokesman

**Topics:** 1 - UNHCR revises guidelines for Iraqi asylum claims

This is a summary of what was said by the UNHCR spokesperson at today's Palais des Nations press briefing in Geneva. Further information can be found on the UNHCR websites, [www.unhcr.org](http://www.unhcr.org) and [www.unhcr.fr](http://www.unhcr.fr), which should also be checked for regular media updates on non-briefing days.

#### 1 - UNHCR revises guidelines for Iraqi asylum claims

The improved security situation in Iraq, particularly the southern governorates and Al-Anbar governorate, has allowed UNHCR to revise its guidelines on eligibility for Iraqi asylum seekers for the first time since the end of 2007. UNHCR previously advised that all Iraqis from the central and southern governorates should be considered refugees -- unless they are in categories, such as those who have committed war crimes, who are specifically excluded. Now UNHCR believes the international protection needs of those originating from Al-Anbar and the southern governorates should be individually assessed.

However, UNHCR advises that people belonging to specific groups from these governorates which have been identified as at risk should receive favourable consideration. These groups include, among others, members of religious and ethnic minorities; public officials; Iraqis perceived as opposing armed groups or political factions; Iraqis affiliated with the multinational forces or foreign companies; certain professionals; media workers; UN and NGO workers; human rights activists; and homosexuals.

In most of the central governorates of Baghdad, Diyala, Kirkuk, Ninewa and Salah Al-Din there is ongoing violence, conflict and human rights violations. UNHCR believes that all asylum-seekers from these areas continue to need international protection and should not be sent back there. Where the numbers of Iraqi asylum-seekers are such that individual refugee status determination is not feasible, as in countries neighbouring Iraq, UNHCR encourages the adoption of a *prima facie* approach in which recognition is given to all members of the group.

For asylum-seekers from the three Northern Governorates of Dahuk, Erbil and Sulaymaniyah, UNHCR is maintaining its previous position that claims should be

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individually assessed. However, UNHCR advises foreign governments not to forcibly return people to the three Northern Governorates who did not originate there.

It is estimated that hundreds of thousands of Iraqis have sought refuge in neighbouring countries, mainly in Syria and Jordan but also in Lebanon, Egypt and further afield. Last year, over 40,000 asylum applications were made by Iraqis in industrialized countries around the world.

The improvement of the situation in Iraq does not yet constitute fundamental changes sufficient to promote or encourage massive returns to Iraq or to allow for the general application of the cessation clauses removing refugee status. Therefore, UNHCR recommends that individuals already benefiting from international protection, whether on a *prima facie* basis or following individual status determination, retain their status.

Given the evolving security situation in some areas, UNHCR recommends that caution be exercised when governments consider the return of persons from the southern governorates or Al-Anbar Governorate found not to be in need of international protection. Return should be considered strictly on an individual basis after due consideration is given to the security situation in the area of return; whether the person can return to the place of origin; and if there is the necessary support structure for normal reintegration.

In our experience, most governments listen carefully to our advice. UNHCR has more than 50 staff working in 12 locations inside Iraq, plus a network of implementing partners. Ultimately the effectiveness of international refugee legislation depends on the willingness of states to uphold the letter and spirit of the law. While UNHCR can encourage states to abide by their international obligations, we cannot compel them to do so.

Further information on the latest guidelines is available on the UNHCR website.