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3.10.5. Palestinians

COMMON ANALYSIS
Last update: June 2022

The analysis below is based on the following EUAA COI report and query: Targeting 2019, 3.4.1; Palestinians in Iraq 2021. Country Guidance should not be referred to as source of COI.

The Palestinian population in Iraq, in 2020, was estimated between 4 000 to 10 000 people, most of whom lived in Baghdad. They were living either in refugee camps or in the general community.

Step 1: Do the reported acts amount to persecution?

Some acts to which Palestinians could be exposed are of such severe nature that they would amount to persecution. As reported in 2020, most Palestinian refugees living in Iraq are Sunni Muslim and were therefore viewed with suspicion by Iraq's Shia Muslims. Being perceived as supporters of Saddam Hussein, hundreds of Palestinians in the country were arrested by coalition forces, while Shia militant groups were reported to target Palestinians, by killing and expelling them from predominantly Shia areas. As of 2021, Iraqi security forces had reportedly continued to carry out raids in search of suspected Sunni Islamist militants among Palestinians.

The severity and/or repetitiveness of other acts that Palestinians could be subjected to and whether they occur as an accumulation of various measures, should be considered. The legal status of Palestinians in Iraq remained unclear. This fact does not in itself amount to persecution; however, when it prevents access to public services this may reach the threshold for persecution. A change of their status in 2017 deprived Palestinians of some rights and it has further caused deterioration in their economic situation and restricted their freedom of movement. In December 2020, the Iraqi Parliament approved a legal amendment to the law on foreigners giving Palestinians who have resided in Iraq for a minimum of ten years the same rights as Iraqi nationals.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a Palestinian to face persecution should take into account **risk-impacting circumstances**, such as:

- **Home area:** Shia militant groups were reported to target Palestinians, by killing and expelling them from predominantly Shia areas. Various incidents against Palestinians refugees took place in Baghdad mainly based on the suspicion of being involved in terrorist activities.

- **(Perceived) links with former regime or (Sunni) militant groups:** As noted above, most Palestinian refugees living in Iraq are Sunni Muslim; this resulted in them being viewed with suspicion by Iraq's Shia Muslims and being accused of ISIL affiliation.

- **Lack of identity documents:** Palestinian refugees who do not have access to appropriate documentation are excluded from basic governmental services.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for an applicant under this profile, this persecution is highly likely to be for reasons of nationality. In some cases, it may also be for reasons of (imputed) political opinion, due to perceived support for former regime or Sunni militias (see 3.1. Persons perceived to be affiliated with ISIL).

Iraq is not an area of operations of United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and in most cases Article 12(1)(a) QD/QR would not be applicable (9).

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  See also CJEU, M*ostafa Abed El Karem El Kott and Others v Bevándorlási és Állampolgársági Hivatal, C-364/11*, judgment of 19 December 2012; CJEU, Bolbol v Bevándorlási és Állampolgársági Hivatal, C-31/09, judgment of 17 June 2010.

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