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7. Exclusion

COMMON ANALYSIS
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Article 12(2) QD and Article 17 QD

Article 12(2) QR and Article 17 QR



For general guidance on Exclusion, see EUAA Practical Guide: Exclusion and EUAA Practical Guide on Exclusion for Serious (Non-Political) Crimes.

Given the serious consequences that exclusion may have for the individual, the exclusion grounds should be interpreted restrictively and applied with caution.

The examples mentioned in this chapter are non-exhaustive and non-conclusive. Each case should be examined on its own merits.

In the context of Iraq, various circumstances may require consideration of the potential applicability of exclusion grounds. The QR/QD does not set a time limit for the application of the grounds for exclusion. Applicants may be excluded in relation to events occurring in the recent and more distant past, such as under the regime of Saddam Hussein (1968-2003).

More specifically, the need to examine possible exclusion issues in the context of Iraq may arise, for example, in cases of applicants also being former or current members of the groups cited below. This list is non-exhaustive:

- members of the Baath regime, such as Baath party members of a certain rank or level, intelligence services, members of the military, judicial and administrative institutions, including police officers and prison guards;

- insurgent and/or extremist groups (e.g. ISIL, Al-Qaeda);

- members of ISF and Peshmerga, intelligence services (e.g. *Asayish*) and other security actors;
- members of PMF;
- members of the PKK;
- members of Sahwa, a local counter-insurgency movement that cooperated with the US to expel al-Qaeda in Iraq;
- individuals involved in tribal feuds.

Crimes committed by Iraqi applicants outside Iraq (e.g. participation in ISIL's international activities, participation in the activities of Iraqi militias in the conflict in Syria), could also lead to exclusion considerations.

The contents of this chapter include:

- 7.1. Exclusion based on the commission of international crimes
- 7.2. Exclusion based on the commission of a serious crime
- 7.3. Exclusion based on acts contrary to the purposes and principles of the United Nations

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