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Guidance note

GUIDANCE NOTE
Last update: November 2024

The current version of the document supersedes the one issued in June 2022.

The guidance note on Iraq is produced by the European Union Agency for Asylum (EUAA) together with EU+ countries4 in accordance with Article 11 of the EUAA Regulation5. It is based on and summarises the conclusions of the comprehensive common analysis. The aim of the guidance note and the common analysis is to assist EU+ countries in the examination of applications for international protection, thereby fostering convergence of asylum practices and decisions across the EU.

Where not specified otherwise, the analysis and guidance refer to Iraq as a whole, including the Kurdistan Region of Iraq (KRI) and the disputed territories.

The guidance note is part of the 'Country Guidance: Iraq' and should be read in conjunction with the Common analysis.

In Iraq, a wide range of groups and individuals can be considered as actors of persecution or serious harm, in particular the Iraqi Federal State actors, the Popular Mobilisation Forces (PMF), the Kurdistan Regional Government (KRG) and the Islamic State of Iraq and the Levant (ISIL). Members of tribes or even family members, as well as criminal groups can also be perpetrators of human rights violations. The Kurdistan Worker's Party (PKK) and foreign armed forces have also engaged in conflicts with impact on civilians. See Actors of persecution or serious harm.

Among the most commonly encountered profiles of applicants for international protection, the following would be **highly likely to qualify for refugee status**:

- Persons with diverse SOGIESC (also referred to as LGBTIQ persons)

- Converts from Islam
- Journalists and media workers engaged in critical reporting on controversial political or other sensitive issues or seen as criticising government officials
- Individuals with perceived ISIL affiliation (exclusion considerations are particularly relevant for this profile)

Further guidance is provided on the **risk-impacting circumstances** which may affect the probability of granting refugee status for the following profiles such as:

- Human rights and political opposition activists, protesters and other perceived critics of the authorities
- Other Journalists and media workers
- (Perceived) collaborators of Western armed forces, organisations, or companies
- Family members of individuals with perceived ISIL affiliation
- Sunni Arabs
- Individuals perceived to transgress moral codes
- Individuals considered to have committed blasphemy and/or apostasy, including atheists (other than converts)
- Religious and ethnic minorities
- Women and girls
- Children
- Persons involved in and affected by blood feuds in the context of tribal conflict

For Persons living with disabilities and/or with severe medical issues the threshold of persecution would be reached in exceptional cases. For Individuals perceived to be opposed to ISIL, the threat posed by ISIL has decreased compared to previous years, however, personal circumstances are still to be considered.

If an applicant is not considered eligible for refugee status, Member States should proceed to consider the granting of **subsidiary protection**.

Article 15(a) QD/QR relating to the risk of death penalty or execution may be applicable when there is a reasonable degree of likelihood of death penalty or execution by the Iraqi State or execution by other actors, such as ISIL.

Article 15(b) QD/QR relating to the risk of torture or inhuman or degrading treatment or punishment may be applicable, such as in case of deliberate denial of or unequal access to healthcare or other basic services, arbitrary arrests and detentions, life-threatening prison conditions, and violent crimes.

With regard to subsidiary protection under Article 15(c) QD/QR:

- There are **no areas** in Iraq where the degree of indiscriminate violence reaches such an exceptionally high level that substantial grounds are shown for believing that a civilian, returned to the relevant area, would, **solely on account of their presence** there, face a real risk of being subject to the serious threat referred to in Article 15(c) QD/QR.

- Indiscriminate violence in situations of armed conflict reaches **a high level** in Amedi district (Dohuk governorate). Accordingly, a lower level of individual elements is required to show substantial grounds for believing that a civilian, returned to the area, would face a real risk of serious harm.

- In the governorates of Anbar, Baghdad, Diyala, Erbil, Kirkuk, Ninewa and Salah-al-din, indiscriminate violence is taking place, however **not at a high level**. Accordingly, a higher level of individual elements is required to show substantial grounds for believing that a civilian, returned to the area, would face a real risk of serious harm.

- In the governorates of Dohuk (except Amedi district), Sulaymaniyah, Babil, Basrah, Kerbala, Missan, Muthanna, Najaf, Qadissiya, Dhi-Qar and Wassit, it is considered that there is in general **no real risk of serious harm** under Article 15(c) QD/QR.

When assessing the availability of state protection, either by the Iraqi State or by the KRG, individual circumstances, such as home area, ethnicity and gender, must be taken into account. When the Iraqi State or the KRG is the actor of persecution, as is the case for some profiles in Iraq, it is presumed that protection is not available. See Actors of protection.

Internal protection alternative (IPA) may be applicable in Baghdad and Sulaymaniyah, in accordance with Article 8 QD/QR. More specifically, the requirement of safety may be satisfied in these cities, depending on the profile and the individual circumstances of the applicant. The

existence or possibility to obtain civil documentation is a crucial factor to consider in relation to the travel and admittance requirement as well as for the reasonableness to settle in the proposed area of relocation. Taking into account the ethno-religious background of the applicant, IPA in Baghdad and Sulaymaniyah would be reasonable for single able-bodied men and married couples without children, who have identification documents and have no additional vulnerabilities, including when they do not have a support network. In the case of families with children, internal protection alternative may be reasonable, including without a support network, where the best interests of the child have been duly assessed. Other profiles of applicants would in general need a support network in the area of potential IPA.

Finally, exclusion considerations may be relevant in a number of cases concerning applicants from Iraq, and in particular for Individuals with perceived ISIL affiliation.

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  The assessment and guidance reflect the conclusions of the EUAA Country Guidance Network, which consists of EU Member States, Iceland, Norway and Switzerland. The guidance note has been endorsed by the EUAA Management Board.

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  Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010.

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