

# A new asylum law for the KRI and Iraq: Reality or wishful thinking?

Abdullah Omar Yassen 

Department of International Marketing and Languages, Erbil Technical Administrative College, Erbil Polytechnic University, Erbil, Iraq

## Correspondence

Abdullah Omar Yassen, Department of International Marketing and Languages, Erbil Technical Administrative College, Erbil Polytechnic University, Erbil, Iraq  
Email: [abdullah.yassen@epu.edu.iq](mailto:abdullah.yassen@epu.edu.iq)

## Abstract

Despite having its own internal population displacement due to conflict and civil war, Iraq and the Kurdistan Region continue to accommodate large numbers of refugees from Iran, Palestine, Syria and Turkey. However, Iraq has not ratified the internationally recognized legal framework for the protection of refugees. Currently, the protection offered to asylum seekers in Iraq is regulated by secondary legislation, mostly in the form of administrative circulars. The lack of an applicable law regulating the status of asylum seekers has led to local-level ad hoc policy implementation. Similarly, the Kurdistan Region of Iraq has no legal provisions in its domestic legislation to regulate the status of refugees. This study presents: (a) the argument that Iraq must adopt legislation to regulate the entry, exit and stay of migrants, in line with international protection for both asylum seekers and the provision of adequate rights to refugees, and in accordance with international human rights standards; (b) a proposal for provisions for such legislation in Iraq; and (c) a timely impetus to re-energize local strategies aimed at filling these normative legal gaps through domestic agreements rather than regional and/or international ones.

## INTRODUCTION

In 2020, UNHCR figures showed that a record of 82.4 million refugees are forcibly displaced in the world (UNHCR, Global Trend [2021b](#)), with millions being in protracted refugee situations (ExCom Conclusion 109 [LXI], [2009](#),

preamble para. 3) for an average of 25 years.<sup>1</sup> This compares to 17 years and 9 years in 2003 and 1991 respectively. Therefore, from the perspective of persons born in danger zones, one is more likely to be a refugee in 2019 than in 2014, yet less likely to find a durable solution (UNHCR Global Trends, 2018, p. 2). Although this figure is unprecedented and increases yearly, the international community has so far failed to find an adequate response.

Internationally, the mass influx of refugees has been variously addressed; some countries have adopted new asylum laws (Turkey, Law on Foreigners and International Protection No. 6458, 2013, and Qatar, Political Asylum Law No. 11, 2018), while others, such as Germany, have amended laws (Gesley, 2016) or adopted more restrictive policies (Hungary, Act CXLIII, 2017). Although the Middle East, in general, has huge refugee problems, it surprisingly lacks laws and policies to address them. Indeed, few countries in the region have domestic laws governing the status of refugees or a commitment to international refugee law, and instead, States have applied ad hoc policies (Janmyr, 2017, pp. 438–465). In Iraq and the KRI (Kurdistan Region of Iraq), such ad hoc systems have impacted many matters of protection, including admission, recognition, access to rights and services and the provision of durable solutions. Although this study explores some of the shortcomings caused by the lack of domestic asylum law for the protection of refugees, it will mainly focus on gaps in Iraqi legislation. In a forthcoming co-authored publication, we discuss the role of politics in detail.

Despite hosting thousands of refugees and internally displaced persons (IDPs), Iraq and the KRI also lack adequate legislation to deal with this unprecedented inflow. Like many neighbouring and European countries, the KRI hosts, as of January 2022, more than 1.5 million refugees from Syria, Iran, Turkey and Palestine and IDPs. Syrian numbers in the KRI have surged to more than 270,000, constituting 97 per cent of all Syrians currently residing in Iraq (UNHCR Iraq Factsheet, 2022). As well as these Syrians, some 40,000 non-Syrian refugees and asylum seekers (Turks, Iranians and Palestinians) have registered with the UNHCR in Iraq and, of these, the KRI hosts 9,000 from Turkey, 14,000 from Iran and 750 from Palestine (Joint Crisis Coordination Centre [JCCC], 2022). In addition, the KRI hosts 1.1 m Iraqi IDPs who fled Islamic State (IS) occupied areas, and together with the refugees, these IDPs comprise a 28 per cent population increase in the region. Until recently, one in four persons in the KRI were refugees or IDPs, a ratio higher than in Lebanon (1 in 6), Jordan (1 in 11) and Turkey (1 in 28). Due to regional political instability and security concerns, this situation is likely to remain protracted, creating a dramatic change in the KRI's demography and tremendous challenges for the local integration of long-term refugees. In this context, the argument presented in this study is that the lack of domestic law to date 'has resulted in the perpetuation of an unfavourable protection environment for asylum seekers and refugees in Iraq' (UNHCR, UPR 2014). Thus, new refugee law is required to provide adequate protection for those entering Iraqi territory, not only to improve the national asylum system but also to facilitate durable solutions.

## METHODOLOGY

This study primarily employed documentary, or doctrinal, research, also known as 'black-letter' law. To evaluate legal rules, comprehensive reference was made to international instruments, academic commentary, policy documents and independent reports (McConville & Chui, 2007, pp. 3-4). The approach uses legal reasoning to examine the national asylum law in Iraq, and whether there is any legal framework applicable to refugees entering Iraq. This examination is not only confined to the Refugee Convention but also focuses on other treaty obligations, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture, 1984), international human rights covenants, that is, the International Covenant on Civil and Political Rights (ICCPR, 1966), and regional human rights instruments such as the European Convention on Human Rights (ECHR, 1950), the American Convention on Human Rights (ACHR, 1969), and the African Charter on Human and People's Rights (ACHPR, 1981). Not only do these instruments complement the international refugee law regime and provide a wider scope of protection for refugees but they are also evidence of the evolution of public international law in the twentieth century, and have influenced the position of refugees in the international legal

order. This study also contains a critical evaluation of secondary hard copy and electronic legal sources, including textbooks, paper and electronic journals, legal encyclopaedias, policy documents, independent reports, academic commentaries, catalogues, databases, online research guides and other relevant websites. From this, a qualitative critique was formed, alongside an evaluation of State practice, to reflect on Iraq and the KRI's approach to the refugee problem and the legal vacuum in regulating refugee status.

As indicated above, although a doctrinal methodology predominantly relies on self-informed analysis of international instruments, this study also used UNHCR data to verify findings and evaluate specific issues related to refugees in asylum countries, countries of origin, resettlement countries and the location and legal status of refugees in these countries (UNHCR, Statistics & Operational Data, 2019). UNHCR data provide important information on people of concern to the UNHCR, such as refugees, asylum seekers and IDPs. It should also be noted that the various statistics, reports, surveys and interviews conducted by international organizations provide a broad scope of reference to identify issues in particular countries, for evaluation and comparison with other countries both inside and outside the region, to look at the issues from different perspectives. All these sources were particularly helpful when examining the State practice of Iraq and KRI in their response to the protection of Syrian, Palestinian, Iranian and Turkish refugees to identify, evaluate and compare the emerging issues with other countries, and highlight converging and diverging trends.

In this regard, the decisions of several international human rights monitoring bodies were considered, including the General Comments of the Human Rights Committee (HRC, 2019), and the five respective committees on Economic, Social and Cultural Rights (CESCR, 2019), Rights of the Child (CRC, 2019), Against Torture (CAT, 2019), Elimination of Racial Discrimination (CERD, 2019) and Elimination of Discrimination against Women (CEDAW, 2019). These monitoring bodies, in Gil-Bazo's view (2015a), have been instrumental in refugee protection by developing a sound body of case law on the rights of non-nationals. Reports from these enforcement mechanisms highlight the practice of these States and helped to identify violations in the provisions of international or regional instruments.

Lastly, the study reviewed the provisions of the Memorandum of Understanding (MoU) as an applicable legal framework for refugees in Iraq (Kagan, 2011). The MoU is an alternative legal instrument for regulating the status of refugees in the country (Evans Barnes, 2009). Its provisions were reviewed to identify whether the treatment of refugees in the country reflects the applicable international law and standards.

## THE LEGAL FRAMEWORK APPLICABLE TO REFUGEES IN IRAQ AND KRI

This section explores some of the legislative acts that theoretically address refugee matters, and how these have in practice struggled to address the protection of refugees. Then, it highlights how the lack of non-applicability has impacted many matters of protection, including admission, recognition, access to rights and services and the provision of durable solutions.

Although initially, Drafts of the Constitution of the Kurdistan Region in 2004 and 2008 made detailed references to asylum law and refugees in Arts. 17 and 19(19), these references were, given the large influx of refugees to the KRI, surprisingly removed from the 2009 draft. Unlike its counterparts, the Iraqi Constitution did recognize the right to seek and enjoy asylum, but only for political refugees. Qadir (2019) rightly points out that the founders of the Constitution disregarded the development of the scope of refugee protection in international law because it specifically singles out the protection of 'political' refugees. Even then, the Constitution states that granting asylum is subject to the 'laws and regulations in force', and does not confer the right on an individual; instead, it gives the legislature the discretion to determine the content of the right (Iraqi Constitution, 2005, Art 21[2]). However, the legislature has so far failed to determine such laws or develop a comprehensive asylum law. Iraq is not a signatory to the 1951 Refugee Convention or its 1967 Protocol Relating to the Status of Refugees, and thus their legal provisions are not applicable in the KRI and Iraq.

Two national legislative instruments have, however, been enacted. The first is the 1971 Political Refugee Law, which defines refugees as every person who seeks asylum in Iraq for political or military reasons (Political Refugee Act 51 of 1971, Art. 1[3]), and establishes benefits such as the right to work, and the same health and education services as Iraqis (Political Refugee Act 51 of 1971, Art. 11). However, it excludes categories of persons seeking asylum in Iraq for reasons of race, religion, ethnicity and membership of a particular social group and does not define what constitutes political and military reasons. The drafters have left the determination of the refugee status procedure to the Permanent Committee for Political Refugee Affairs (PCMOI) (Qadir, 2019). The second is the Law 21 of 2009 from the Ministry of Migration and Displacement Law (MMDL) and, although broadening the definition of refugee to that of the Refugee Convention (Art. 2[7]), MMDL is not implemented on the ground. Also, as with the 1971 law, the protection provided under this legislation generally lacks consistency in terms of rights and entitlements. Both laws are of a general nature in that they fail to consider the particulars of the foreigner as a refugee, and do not enshrine any provision on the entrance and departure of foreigners to and from Iraq. Instead, those seeking asylum in Iraq are admitted, usually temporarily.

Apart from these legislative acts, in October 2016 the UNHCR signed a MoU with Iraq to enhance the protection of refugees and asylum seekers. The MoU codified a division of responsibilities between the UNHCR and Iraq for refugee protection. The MoU can be seen as a 'shadow legal regime' because it is an alternative legal instrument for regulating the status of refugees in the country (Kagan, 2011, p. 14). The UNHCR notes that, due to the absence of international and national legal refugee instruments, the MoU establishes the parameters for cooperation between the Refugee Agency and Iraq on refugees and asylum seekers (Evans Barnes, 2009). Under the terms of the MoU, the Iraqi government provides registration and documentation, while the UNHCR provides advice, and technical and other support to the PCMOI, to facilitate the management of refugee affairs. Bruno Geddo, the UNHCR's Representative in Iraq, noted that the MoU is a milestone in the protection and respect for the rights of refugees and asylum seekers in Iraq and puts into practice the right to seek asylum in the country (United Nations Iraq, 2016). However, it is impossible to analyse the provisions of the MoU or compare it with the MoU of other countries in the region, such as Jordan and Lebanon (Stevens, 2013, 2016), because its full content is unavailable to the public, despite numerous attempts being made to obtain a copy. Such information as there is was taken from the United Nations Iraq website (United Nations Iraq, 2016).

Since there is no adequate domestic law regulating the status of refugees and asylum seekers in Iraq, they are instead treated under the residency law. The Law on the Residence of Foreigners no. 76 of 2017 determines the legal entrance requirement for foreigners to enter the territories of Iraq and KRI. Although the law is applicable in both territories, the application of the law differs between Iraq and the KRI. For example, asylum seekers entering Iraq irregularly will be penalized and are subject to detention (Art. 40). However, when asylum seekers irregularly enter the KRI, they are subject to Asayish (Security Forces) approval Law No. 5 (2011) Art. 3(14)), before being granted a 1-year residency which is renewable annually. They then – upon registering with UNHCR – receive an asylum seeker certificate from the UNHCR. After registration, they can reside legally in the KRI, and their identity card entitles them to basic rights, such as the right to work, healthcare and education. However, they cannot move freely within the region and may face penalties if they do not have a valid identity card, or if it is not renewed each year. The residency permit is also only valid within the KRI and so they cannot travel outside Kurdistan without a visa (Yassen 2019, 454). Even the role of the UNHCR is different in each territory. The above-mentioned MoU signed between the UNHCR and Iraq outlines the former's role in providing support for refugee protections and matters. In Iraq, the PCMOI determines the refugee status procedure but in the KRI this role is conducted by the UNHCR, since the KRI has no jurisdiction to grant Refugee Status Determination (RSD) (Iraqi Constitution 2005, Art. 110).

Even in terms of *refoulement*, there are hardly any cases of deportation in the KRI, while the practice of deportation in Iraq happens despite Art. 21(2) of the Iraqi Constitution explicitly prohibiting the forcible return of political refugees to the country from which they fled (Warda & Almafraji, 2020). There is much political pressure from neighbouring states, and this geopolitical issue cannot be easily fixed. For example, whereas it is difficult to

gain insight into exact numbers, Iranian Kurds dissidents tend to be in a state of legal limbo putting them at risk not only of *refoulement* but they are also 'never far from the long arm of Tehran' (Porter and Rodgers 2021). In its submission to the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review (UPR), the UNHCR (2014) was concerned that 'asylum-seekers and refugees are typically arrested for irregular entry into Iraq, the lack of a valid residence permit, possession of forged identification documentation and in a small number of cases owing to suspicion of engagement in criminal acts, with charges usually brought under the Terrorism Law'. Likewise, the Human Rights Committee has said that it is 'concerned at allegations that the current security situation and the lack of an adequate framework of protection have led to instances of *refoulement*' (HRC, 2015, paras. 23–24). Such actions are contrary to the provisions of the ICCPR 1966, Arts. 2, 6–7 and 13). The CESCR has therefore urged Iraq to ensure that an adequate protective legal framework is provided, in line with internationally recognized principles, including *non-refoulement* (HRC, 2015, paras 23–24; CRC, 2015, para 74). This principle prohibits the return of refugees or asylum seekers to territories where there are substantial grounds for believing they would be tortured or ill-treated (Lauterpacht & Bethlehem, 2003, pp.87–177). Today, it is generally agreed in international human rights law that protection under this right is absolute (Convention Against Torture, 1987, Art. 3). *Non-refoulement*, moreover, is regarded as a cardinal principle of modern refugee law (ExCom Conclusion No.65 (XLII), 1991, para. (c)) and an accepted principle of customary international law (Declaration of States Parties, 2001, preamble para. 4, UNHCR, the Principle of *Non-Refoulement* 1994; Goodwin-Gill & McAdam, 2007, pp.345–354; Hathaway, 2005, pp.263–370; Lauterpacht & Bethlehem, 2003, pp.87–177).<sup>2</sup>

Several United Nations Treaty bodies (CAT, 2015, paras. 8, 26; HRC, 2015, paras. 23–24; CESCR, 2015, paras. 21–22; CRC, 2015, para. 74; CERD, 2018, paras. 37–38; CEDAW, 2014, paras. 13–14) and the Refugee Agency (UNHCR) have continuously urged the Iraqi government to develop a comprehensive national legal framework for refugee protection, provide technical support to the authorities and enhance the protection environment for asylum seekers and refugees in the country. In their observations on Iraq's last Regular Report, the CESCR recommended that the State party should formulate and adopt domestic legislation guaranteeing the rights of refugees and asylum seekers 'to social protection, housing, health and education irrespective of their nationality, ethnicity, religion and location of refuge', in line with the international instruments (CESCR, 2015, paras. 21–22). The Committee has further recommended that the Iraqi government accede to the 1951 Refugee Convention and its 1967 Protocol (CESCR, 2015, paras. 21–22).

To this end, the UNHCR has pledged to

[...] advocate with Government to improve access to asylum procedures and reception conditions through providing asylum seekers and refugees the access to registration and documentation. For this reason, capacity development for Permanent Committee of Ministry of Interior will be prioritized to conduct registration including mobile missions as well as provision of technical expertise and support, including in the identification of vulnerable groups such as children at risk.

(UNHCR Iraq, 2017)

In its concluding observations, the Committee on the Elimination of Racial Discrimination notes that 'the population in the Kurdistan region has increased dramatically owing to the reported influx of refugees and internally displaced persons from conflict-affected regions. The Committee commends the Kurdistan Regional Government for supporting and providing a safe haven for displaced communities' (CERD, 2019, para. 37–38). The Committee noted that the lack of an adequate legal framework means refugees do not receive appropriate protection and 'face dire living conditions and obstacles in accessing basic services, including healthcare, adequate food, electricity and water'. The Committee thus recommended that 'the State party take all necessary measures to ensure that all refugees and internally displaced persons are treated without discrimination and enjoy equal protection of the law' (CERD, 2018, paras. 37–38; CEDAW, March 2014, paras. 13–14). Likewise, the CESCR praised Iraq for its hospitality towards asylum seekers and refugees in its territory; however, 'it expresses concern, at reported discriminatory practices in the protection

of refugees, notably in areas of social protection, housing, health and education' (UNHCR Iraq, 2017). In fact, the UNHCR Iraq Factsheet (2022) has noted that 'nearly one-in-five Syrian refugees rely on charity and cash assistance for food, and more than half report experiencing difficulties accessing healthcare services' in Iraq. More than a decade after fleeing war and conflict, they still live in dire circumstances.

The lack of an adequate protective legal framework has impacted not only the entry requirements, status and rights and duties of both refugees and the State but it has also affected durable solutions. The author has argued elsewhere that refugees in the KRI live in a state of limbo, and that all three durable solutions are unavailable to them (Yassen, 2019). The continuing flight of Syrian refugees to the KRI and neighbouring countries, combined with a lack of security and economic instability, means that voluntary repatriation to the region of origin is still unavailable. In a recent study, 85 per cent of Syrian refugees have reported that they intend to remain in the KRI for a foreseeable future unless the situation in Syria improves significantly (NRC 2022). Resettlement to a third country is almost non-existent. In 2022, the UNHCR's Projected Global Resettlement Needs estimated that 78,730 refugees need resettlement in Iraq, noting that 'Refugees were already among the most disadvantaged group of people in the increasingly desperate socio-economic situation wrought by protracted conflict and the economic crisis', and COVID-19 has had an even more devastating impact on the refugee population in Iraq. In terms of local integration, as noted above, refugees are provided with temporary protection for 1 year, renewable annually without the possibility of longer residency or naturalization. The latter is 'the legal act or process by which a non-citizen in a country may acquire citizenship or nationality of that country' (UNHCR Global Trend, 2021b). The Iraqi Nationality Law no. 26 of 2006 explicitly excludes refugees from naturalization in Iraq, with Art. 6 stipulating that a foreigner can apply for naturalization if they have been in Iraq for 10 years of continuous residence and entered the country legally. However, due to forced displacement and fleeing conflict, many refugees enter Iraq through irregular border crossings. Even those who have entered Iraq legally and have been in the country for more than 10 years have been unable to obtain citizenship and have not benefited from this provision. Research on the Iraqi citizenship law has addressed several additional reasons why refugees who have been in the KRI for generations have been unable to acquire Iraqi nationality (Yassen, 2021). There are continuing tensions between the Kurdistan Regional Government (KRG) and the Iraqi government over the budget, oil distribution and territories as well as the lack of recognized refugee status and citizenship rights for refugees. Although there may be the political will among KRI officials to grant long-term residency and even nationality to refugees, this willingness is not shared by the Iraqi federal government because granting more rights means a longer stay; also, providing legal protection to Syrians and Iranians could impact relations between Iraq and Iran, and Iraq and Syria, whose respective federal governments have close ties (Porter and Rodgers 2021). Likewise, providing refugee status to Turkish refugees could have consequences for the KRI's close economic relationship with Ankara. In addition, the Iraqi government might oppose giving national status to almost 300,000 Syrian, Iranian and Turkish refugees of Kurdish ethnic background as this might impact the demography of the country. This could also be constituted as contrary to the provision of the Iraqi Constitution which states that 'Iraqi citizenship shall not be granted for the purposes of the policy of population settlement that disrupts the demographic composition of Iraq' (Art. 18[5]). There are KRI-Iraq anxieties over the ethnic and sectarian compositions in the KRI, particularly in the disputed territories. This also has consequences for how the budget is distributed, and politicians elected in the parliament. What all this means is that refugees are victims of internal and regional conflict and they live in a state of temporariness all their lives, despite some of them having been in the country since the 1980s (Iranian refugees), the 1990s (Turkish refugees) or the 2000s (Syrians refugees).

## THE IRAQI REFUGEE LAW BILL 2017

The consensus among international humanitarian organizations is that, if there is no international commitment from Iraq to ratify the Refugee Convention, there should be a push towards introducing a comprehensive refugee

legal framework that aligns with international standards. In 2016, the Committee of Labour and Social Affairs, Migration and Displaced Persons, along with several international human rights organizations, drafted a new refugee law, on which the UNHCR has also commented. However, there was a huge backlash in the Iraqi community, House of Representatives and the Shura Council to the addition of a provision (Art. 14) granting citizenship to refugees once they have been in the country for 10 years. They also rejected Art. 9(2) for stating that refugees in Iraq would enjoy the same rights as Iraqis to access health, cultural and social services, own a business and be reunited with family (2020 رياض فخري). Today, almost 20 years after the removal of Saddam Hussein and the expected creation of democracy and economic stability, Iraq still faces a challenging political and economic climate. There is an increasing demand for basic services, limited financial and livelihood resources and, after years of war, unrepaired critical infrastructure. The continuing sectarian violence among Shias, Sunnis and Kurds has resulted in additional pressure on host communities and a fractured society.

There was great hope among international organizations and human rights activists that Iraq would introduce the draft law to regulate the asylum law. It was lauded by the UNHCR as very promising and hoped that a domestic asylum law would soon emerge. However, if one wants great certainty for the individual in the form of protection and assistance, and to hope that Iraq will fulfil its international obligations to meet human rights standards, then perhaps the enactment of such a law is essential for Iraq to move forward. Qadir (2019) argues that the new law, if adopted, magnifies the responsibility of Iraq towards refugees and provides further recognition and more integration. For precisely these reasons, Iraq may not want to adopt the law. The UNHCR (UPR Submission, 2014) is concerned that 'the delay in the passing of the new law has resulted in the perpetuation of an unfavourable protection environment for asylum-seekers and refugees' in Iraq. The procedure in the Iraqi parliament is that, once a draft law is presented, it has a first reading and is usually approved for a second reading before the parliament, subject to amendments, adopts it. However, the refugee law bill was completely rejected in the first reading and thrown out because 'it does not serve the interests of Iraq' (2020 رياض فخري). A member of parliament, Alia Nassif, noted that the bill in its current form threatens community peace and the social fabric, and will have no positive results for Iraq and Iraqis because of its inclusion of the provisions noted above (2019 محمد صباح). KRI officials are pessimistic that such a law will ever be adopted as it would be against the economic and political interests of Iraq with neighbouring countries, and its allies within the parties. Meanwhile, the KRI UNHCR (Iraq Factsheet, 2022) is supporting the drafting of Administrative Instructions to issue Humanitarian Residency Permits, which would address some of the current gaps in the legal framework in the region.<sup>3</sup> Despite the existence of these gaps, the KRG has applied ad hoc refugee policies in that refugees have temporary residency, are free to work and have also been given freedom of movement (JCCC, 2018; Syrian Civic Platform, 2018). Indeed, this policy by the KRI towards refugees sits in stark contrast to the strict policies and preventive legal measures adopted by many European and neighbouring countries, which have effectively closed their borders (Chatty, 2016; European Directorate-General for Internal Policies Policy Department A, 2017; Ineli-Ciger, 2018; Janmyr, 2021; Oxford Refugee Studies Centre, 2015; Stevens, 2017; UNHCR, Hungary as a Country of Asylum, 2016).

## Proposed provisions for the new law

Bearing in mind the rejected draft law mentioned above, there are potential provisions that could be accepted by parliament, possibly with amendments, and which would accord with Iraqi compliance with international human rights standards. According to the law, Iraqi and KRI authorities shall accord to refugees lawfully staying in their territory the most favourable treatment. To achieve this in practice, the PCMOI, supervised by the Ministry of Interior, should first establish a group of experts to work on a new law, and then allow a plenary vote on a motion requesting PCMOI members to table a legislative proposal to parliament which would establish an asylum law. All incorporated provisions should align fully with obligations under international human rights and refugee laws. The proposed law should also adopt the broad definition of the term refugee, as was the case with MMDL 21 of 2009,



Art. 2(7), but never enforced. The broad definition should replicate Art. 1(A)(2) of the Refugee Convention 1951, which states that a refugee is someone who, 'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of [their] nationality, and is unable to, or owing to such fear, is unwilling to avail [them]self of the protection of that country'.

The new law, therefore, needs to incorporate provisions on: (1) the obligations of refugees towards the asylum country, and non-discrimination between refugees and nationals; (2) the refugee's personal status and their right to access court; (3) a guarantee of the refugee's right to personal liberty and security; (4) a specific article on the right of refugees to access employment, housing and education; (5) freedom of movement and provision of identity papers, such as a residency card or travel document, to permit integration with the local community and eventual naturalization; (6) a requirement in the national law and proposed law outlining the individual's right to obtain naturalization through a faster and more efficient process; and (7) provision for all refugees and asylum seekers regularly residing in the country for the right to vote at administrative elections, to be part of the political process and the future of the society in which they live.

It is important for a provision enshrined to state that refugees are not penalized for unlawful entry because they may not have the appropriate documentation, such as a passport. The most important provision for inclusion in the new law is the principle of *non-refoulement* to prohibit the return of refugees or asylum seekers to territories where they would be in danger of torture or ill-treatment (Refugee Convention, 1951, Art. 33). Adopting such measures will allow Iraq and the KRI to deal with asylum issues in a structured manner, complementing both its obligations under international human rights instruments and the provisions in the Constitution.

## Implementation of principles in the proposed law

The following principles should be urgently implemented in the new proposed law:

- A Diversify and simplify entry permits for refugees to ensure they enter the country faster, and without being criminalized for illegal entry, as noted above;
- B Afford protection to individuals who are neither entitled to refugee status nor able to return to their country of origin because they face the death penalty, torture, inhuman or degrading treatment or punishment, or where there is on-going generalized violence or armed conflict. This is in line with the complementary protection mechanisms in refugee law outlined in Art. 3 of the Convention Against Torture 1984, which refers to the obligation of *non-refoulement* and confirms that the protection under this right is absolute. Iraq has acceded to the Convention and must comply with the provisions of this law.
- C Outline equal access to employment for refugees, in line with international and human rights law standards, and remove all discriminatory conditions and requirements that prevent access to social and health services. The law should remove all barriers to refugees accessing the job market, such as by simplifying all procedures for recognition of academic and professional qualifications obtained abroad. Those refugees who carry appropriate documentation should have their documents equalized according to local legislation. However, for those who do not carry them, the local authority is encouraged to recognize their precarious position, and instead permit them to undertake theoretical and practical exams. Having passed the designated exam, the refugee would be allowed to work in their chosen profession. Such steps, undoubtedly, would boost the economy in the region, and encourage refugees to earn a living and be self-reliant;
- D Incorporate the principle of non-discrimination by establishing a national independent body to investigate or even redress cases of discrimination. The body must develop standard procedures by organizing and integrating existing jurisprudence and norms. The legislation should ensure equal opportunities between refugees and the local community, for example, access to employment and the ability to practise their profession;
- E Provide the right to family reunion, to allow family members to unite in the asylum country;



- F Outline the quality of the living conditions of refugees, whether within the community or in camps in remote areas. The government should ensure that these conditions and the services provided in the camps meet international standards, and accommodate in the city those refugees living in empty buildings or tents;
- G Facilitate access to social services such as healthcare, education and employment, to help integration with local society by working in, and boosting, the economy. This will also prevent secondary movement to Europe, which is often by irregular means, and protect refugees from smuggling and trafficking. Indeed, the lack of employment, cost of living and family reunion are some of the reasons driving secondary displacement to Europe (Yassen, 2019);
- H Be in line with the provisions of the Iraqi Nationality Law of 2006, which outlines in Arts. 6-7 the requirements to be met before a foreign national can apply for Iraqi citizenship (Nationality Law 26, 2006). The local authority must accordingly hasten the naturalization process by giving all refugees regularly residing in the country the right to apply for citizenship. The term 'legal entry' must be removed to allow those who have entered Iraq and KRI through irregular border crossings to be eligible for naturalization;
- I Provide, through the PCMOI in Iraq, and JCCC in the KRI, registration and documentation to refugees to facilitate the management of their affairs. Both committees should deploy asylum support teams to assist the management of asylum applications during the RSD. In particular, this means streamlining refugee status determination procedures and establishing appropriate reception facilities for foreigners who seek protection in Iraq.

## THE MIDDLE EAST: A REGION WITH REFUGEE PROBLEMS BUT NO REFUGEE LAW AND POLICY

While the Refugee Convention and its 1967 Protocol are the two primary international legal instruments that provide for protection, in the Middle East, few States have acceded to these, and there is no regional refugee regime such as those found in Europe (ECHR, 1950), Latin America (ACHR, 1969) and Africa (ACHPR, 1981). This has been a contributing factor in the resolution of refugee problems in the regions. Although attempts were made in 1992 by the drafting of the Declaration of Refugees and Displaced Persons in the Arab World, in the end, the Declaration was only endorsed by Egypt. Observers such as Evans Barnes (2009) have noted that the absence of a regional protective instrument has contributed to the lack of a solution to refugee problems in the Middle East (Trad & Frangieh, 2007; ElMadmad, 1991). As Kagan (2011) perceptively notes, 'there is basically no refugee policy in the Middle East, [...] there are only refugee problems'.

As noted, the Middle East both produces and hosts millions of refugees due to conflict, sectarian violence, terrorism and a lack of democracy, with refugees from Syria and Iraq joining long-standing ones from Palestine, Afghanistan and elsewhere. Despite the clear, urgent need for more robust State obligations which protect refugees (Akram, 2018, p.692), the lack of appropriate international legal norms means that those claiming asylum have no legal status and are in 'situations of protracted vulnerability in host States with no apparent solutions' (ibid., p.691). Janmyr and Stevens (2021, p. 335) note that there are several reasons for the reluctance of many Arab States to accede to international refugee conventions, among which is the unresolved predicament of Palestinian refugees. In fact, over 2 million Palestinian refugees reside in the wider Middle East (the United Nations Relief and Works Agency for Palestine Refugees [UNRWA], 2019); as a result, Arab States 'do not wish to offer permanent residence', fearing that their ratification of the Refugee Convention would encourage local integration (Chatty, 2016; Ineli-Ciger, 2018; Janmyr, 2017; Oxford Refugee Studies Centre, 2015; Stevens, 2017). In fact, in 2017, the Iraqi government abolished the Saddam Hussein era Law 202, which stated that Palestinians were to be treated as equals to Iraqis because the government is wary of hosting refugee

populations whose prospects of returning home soon are remote; it also sees Palestine as an ally of the previous regime (Zeed, 2020).

In terms of Iraq and the KRI, as noted in Section 3, there are other reasons why the country has neither ratified the Refugee Convention nor adopted a domestic asylum law. These include the government-level fear that granting long-term residency and naturalization to Syrian, Turkish and Iranian refugees of ethnic Kurdish background would upset the sensitive demographic and socioeconomic balance. It could also negatively influence the KRI and Iraq's relationship with neighbouring countries and the internal conflict between the KRG and the Iraqi federal government.

## THE RIGHT TO ASYLUM FROM AN ISLAMIC PERSPECTIVE

The culture of sharing and hospitality is an ancient Arab/Kurdish nomadic tradition. Later, it became rooted in the Islamic tradition of protection and hospitality towards strangers and is reinforced in the Prophet's teachings and enshrined in the Quran. The Iraqi Constitution states explicitly that 'Islam is the official religion of the State and is a foundation source of legislation'; it warns legislative bodies that '[N]o law may be enacted that contradicts the established provisions of Islam' (Iraqi Constitution 2005, Art. 2). Islam thus respects, protects and fulfils the right to asylum, which is also enforced in Islamic law. Indeed, the Prophet Mohammed (Peace and Blessings be upon him) became a refugee (al-mouhajir) in 622, when he emigrated from Mecca to Medina to seek sanctuary. His displacement, the Hijrah, marks the birth of Islam and glorifies the refugee in the Islamic tradition (Abou-El-Wafa, 2009). The duty to provide protection to strangers is mentioned in the Quran, which notes that '[T]hose who believed and emigrated, and strove in the cause of Allah, as well as those who hosted them and gave them refuge, and supported them, these are the true believers. They have deserved forgiveness and a generous recompense' (Quran, Surat al-Anfal [The Spoils of War], Chapter 8, verse 74). In another verse, the Quran states that Muslims must provide protection to non-Muslims fleeing persecution and seeking asylum in an Islamic country: '[A]nd if any one of the polytheists seeks your protection, then grant him protection so that he may hear the words of Allah. Then deliver him to his place of safety' (Quran, Surat al-tawbah [The Repentance], Chapter 9, verse 6). Both these verses show that asylum is a duty for every Muslim and Muslim country towards anyone who requests it (Gil-Bazo, 2015b, pp. 3–28). Yet, one can argue that this religious discourse is not always applied in the modern context, despite Muslim countries currently hosting a large portion of the world's refugee population. There is a pressing need to nurture the theological discourse on the issue of forced migrant protection in Islam. Such Arab/Kurdish nomadic traditions could play a vital role not only in helping countries like Iraq to manage refugee protection in compliance with Islamic principles but also in recognizing the rights and dignity conferred on refugees by God. As such, the need for a comprehensive framework for the protection of Islamic refugees can be another solution to address the refugee plight in the country.

A significant feature of this research is the assessment of how ancient Arabic/Kurdish historical practices, and their legal frameworks, have over time defined the KRI as a safe space for forcibly displaced persons, within the broader culture of hospitality to refugees and asylum seekers based on ancient and diverse ethnic and religious communities. However, as noted, this tradition cannot be found in the legislative framework. Even though this normative Islamic character has expression in the Iraqi Constitution, the country must develop this institution through the establishment of a legislative framework to regulate asylum law comprehensively in both Iraq and the KRI. This argument is also developed by Kidwai (2014), which advocates a framework for forced migrant protection that is rooted in Islamic values but applicable to modern challenges. Such a framework would have vital practical value. However, they also acknowledge that any such enforcement mechanism still needs to be strengthened, and therefore further research is needed to identify how this might be achieved, starting with a discussion between Islamic states. One potential avenue to explore is the clearer incorporation of these values in law, rather than reliance on the application of Sharia law. However, it certainly seems that if the will exists to have such a discussion, there could be room for progression towards something that is more binding on the States that would provide greater certainty of individual protection (Yakoob & Mir, 2004).

Against this background, it has been argued that traditional and Islamic principles are so embedded in society that one might not need to adopt asylum law in the Middle East. Chatty (2017) argues that 'the notions of hospitality and generosity are so important in Middle Eastern cultures as to make it nearly impossible for the state to adopt international refugee law'. Despite the lack of existence of an international refugee law regime, the social reality is that *karam*, as a social obligation, effectively operates to provide the asylum seeker with sanctuary and refuge in most states in the Middle East (Chatty, 2017, p. 196).

## CONCLUSION

This research addresses the very significant issue of the refugee protection regime in Iraq and the KRI, and discusses the lack of a robust legal framework and mechanism for addressing refugees' long-term needs. It shows several legal gaps and inadequacies in the current ad hoc-based system dealing with refugees in Iraq and the KRI, specifically the lack of a legislative/systematic approach that could effectively provide protection and ensure durable solutions, with a view to citizenship and integration. To this end, the case was made for the significance of such laws and the necessity for Iraq to become a signatory to the Refugee Convention 1951 and its 1967 Protocol. It is also proposed that Iraq must adopt legislation to regulate the entry, exit and stay of migrants. There is no doubt that if adopted, the law would have a crucial role to play in satisfactorily defining the term refugee or providing refugees with a meaningful set of rights, alongside the scope provided by international protection for those who seek asylum in the country. In fact, it would be the first law of its kind to regulate both international protection and the status and rights of asylum seekers in Iraq. The new law in many ways would represent for Iraq a significant step forward towards the transformation and regulation of asylum.

Unlike many neighbouring and European countries that have pursued policies intended to limit the access of refugees to the borders of the country, the KRI has adopted ad hoc policies that welcome refugees to the region. Despite not ratifying the Refugee Convention, asylum seekers in Iraq are owed international protection by other international human rights instruments, such as the ICCPR and the Convention Against Torture. These instruments assert the fundamental rights of individuals regardless of their status within a given jurisdiction. Iraq has ratified the aforementioned conventions and, as noted by international monitoring bodies, although Iraq and KRI authorities were commended for their initial open-door policy towards refugees of many nationalities, both authorities are also under the obligation to refrain from *non-refoulement* of refugees to their regions of origin. UN treaty bodies have urged both Iraq and the KRI governments to establish procedures and guidelines for the protection of those who have sought refuge in the country.

I am mindful that structural difficulties within the KRI and federal Iraq, such as unemployment and lacking services, are often mentioned as obstacles to introducing a new law that would increase access to rights of refugees residing in Iraq. If and whether such a law could indeed increase inter-group tensions are important concern. Such tensions already exist. In response, a recent instruction introduced by the Ministry of Labor and Social Affairs of the KRG that prioritizes Iraqi Kurdish employees does testify to these concerns, but in an exclusionary manner (Ministry Decision 94, 2021). However, how to address these matters from a human rights perspective goes beyond the scope of this article and would require further investigation. This does not withstand the importance of recognizing the human rights of people seeking refuge in Iraq. Their recognition should not be presented as a matter of either/or, but as complementary to the importance of more access to human and social rights of Iraqi citizens.

## RECOMMENDATIONS

This research recommends the following for the international community, international organizations and the KRI and Iraqi governments:

- A The Iraqi government is urged to ratify the 1951 Refugee Convention and its 1967 Protocol in order to comply with the provisions of this refugee regime and show its commitment to refugee rights;
- B Among many States and international organizations, the KRI has special territorial and governance status and is often considered a state-like entity. However, until the declaration of statehood, the KRI is bound to Iraq's international commitment in respect of its ratifications to international conventions. As is the case with Iraq, the KRG has also not incorporated any legal provisions in its domestic legislation to regulate the status of refugees. Therefore, both governments are urged to establish an asylum system to treat displaced persons as refugees owed international protection, and not as guests owed hospitality. Such a system will regulate the asylum and refugee law policy and bring with it obligations towards displaced individuals. The enactment of specific legislation by Iraq and the KRI means that both governments comply with international human rights law. However, any laws, regulations and instructions issued by the Iraqi parliament are inapplicable in the KRI unless ratified by its parliament (Parliament Decree No. 11 of 1992). If Iraq adopts a refugee law, the KRI parliament is urged to follow suit to provide concrete protection to the 300,000 refugees residing in its territory;
- C The drafters of the KRI Constitution should reincorporate a provision on refugee matters into the draft of a new constitution.

## ACKNOWLEDGEMENTS

The author wishes to thank the anonymous reviewers for their engaged and constructive comments on this article. Special thanks to Prof. Maria-Teresa Gil-Bazo for her constructive comments on the earlier draft of this work; the author is extremely grateful to Dr. Mirjam Twigt for her helpful meticulous comments and suggestions during the revision process. The author also thanks Sharon Pointer for her excellent language editing. All opinions expressed in the article are those of the author who bears responsibility for any errors.

## DATA AVAILABILITY STATEMENT

The authors confirm that the data supporting the findings of this study are available within the article.

## ORCID

Abdullah Omar Yassen  <https://orcid.org/0000-0002-9319-7660>

## ENDNOTES

- <sup>1</sup> In its ExCom conclusion, the UNHCR High Commissioner '[n]otes with deep concern the plight of millions of refugees worldwide who continue to be trapped in "protracted refugee situations" for 5 years or more after their initial displacement, without immediate prospects for implementation of durable solutions'.
- <sup>2</sup> For a detailed analysis on the principle of *non-refoulement* as a norm of customary international law, see: Declaration of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees (Ministerial Meeting of States Parties, 12–13 December 2001) UN Doc. HCR/MMSP/2001/09. Preamble para. 4; and UNHCR, the Principle of Non-Refoulement as a Norm of Customary International Law. Response to the Questions Posed to UNHCR by the Federal Constitutional Court of the Federal Republic of Germany in Cases 2 BvR 1938/93, 2 BvR 1953/93, 2 BvR 1954/93 (31 January 1994) available at: <<http://www.refworld.org/docid/437b6db64.html>> accessed 20 October 2015; Guy Goodwin-Gill and Jane McAdam, 2007, pp.345–354; Elihu Lauterpacht and Daniel Bethlehem, 2003, pp. 87–177. However, minority views argue that *non-refoulement* is not an accepted principle of customary international law. See, for example, James Hathaway, 2005, pp. 263–370.
- <sup>3</sup> What this legalisation and subsequent instructions mean in practice for people seeking refuge in the KRI will be more closely examined in forthcoming work by author and research partner (forthcoming).

## REFERENCES

## JOURNALS

- Akram, S.M. (2018) Assessing the impact of the global compacts on refugees and migration in the Middle East. *International Journal of Refugee Law*, 30(4), 691–695.
- Barnes, A.E. (2009) Realizing protection space for Iraqi refugees: UNHCR in Syria, Jordan and Lebanon. *New Issues in Refugee Research, Research Paper No.*, 167, 1–34.
- Chatty, D. (2016) The Syrian humanitarian disaster: disparities in perceptions, aspirations, and behaviour in Jordan, Lebanon and Turkey. *IDS Bulletin*, 47(3), 19–34.
- Chatty, D. (2017) The duty to be generous (karam): alternatives to rights-based asylum in the Middle East. *Journal of the British Academy*, 5, 177–199.
- ElMadmad, K.H. (1991) An Arab convention on forced migration: desirability and possibility. *International Journal of Refugee Law*, 3(3), 461–481.
- Gil-Bazo, M.-T. (2015a) Introduction: the role of international organizations and human rights monitoring bodies in refugee protection. *Refugee Survey Quarterly*, 34(1), 1–10.
- Gil-Bazo, M.-T. (2015b) Asylum as a general principle of international law. *International Journal of Refugee Law*, 27(1), 3–28.
- Ineli-Ciger, M. (2018) Protecting Syrians in Turkey: a legal analysis. *International Journal of Refugee Law*, 29(4), 555–579.
- Janmyr, M. (2017) No country of asylum: 'legitimizing' Lebanon's rejection of the 1951 refugee convention. *International Journal of Refugee Law*, 29(3), 438–465.
- Janmyr, M. (2021) The 1951 refugee convention and non-signatory states: charting a research agenda. *International Journal of Refugee Law*, 33(2), 188–213.
- Kagan, M. (2011). We live in a country of UNHCR" The UN surrogate state and refugee policy in the Middle East. *New Issues in Refugee Research, Research Paper No.* 201.
- Kidwai, S N. (2014) The Rights of Forced Migrants in Islam (Islamic Relief Policy Paper)
- Oxford Refugee Studies Centre. (2015) The Syrian humanitarian disaster disparities in perceptions, aspirations and behaviour in Lebanon, Jordan and Turkey. *Refugee Study Center Research in Brief*, 3, 1–6.
- Qadir, A. (2019) Legal status of asylum seekers and refugees in Iraq and Kurdistan region of Iraq. *The Scientific Journal of Cihan University – Slemani*, 3(2), 501–521.
- Stevens, D. (2013) Legal status, labelling and protection: the case of Iraqi 'refugees' in Jordan. *International Journal of Refugee Law*, 25(1), 1–38.
- Stevens, D. (2016) Rights, needs or assistance? The role of the UNHCR in refugee protection in the Middle East. *International Journal of Human Rights*, 20(2), 264–283.
- Trad, S. & Frangieh, G. (2007) Iraqi refugees in Lebanon: continuous lack of protection. *Forced Migration Review*, 35–36.
- Yassen, A.O. (2021) Report on citizenship law: Iraq, [global governance Programme], GLOBALCIT, country report, 2021/12, [global citizenship]. Yassen, A. O. (2019) the prospects for durable solutions for Syrian refugees in the Kurdistan region of Iraq: a case study of Erbil governorate camps. *Refugee Survey Quarterly*, 38, 448–469.

## BOOKS

- Abou-El-Wafa, A. (2009) *The right to asylum between Islamic Shari'ah and international refugee law: a comparative study*. Riyadh: Saudi Arabia.
- Goodwin-Gill, G. & McAdam, J. (2007) *The refugee in international law*, 3rd edition. Oxford: Oxford University Press.
- Hathaway, J. (2005) *The rights of refugees under international law*. Cambridge: Cambridge University Press.
- Janmyr, M. & Stevens, D. (2021) Regional refugee regimes: middle east. In: Costello, C., Foster, M. & McAdam, J. (Eds.) *Oxford handbook of international refugee law*. Oxford: Oxford University Press.
- Lauterpacht, E. & Bethlehem, D. (2003) The scope and content of the principle of non-refoulement: opinion. In: Feller, E., Türk, V. & Nicholson, F. (Eds.) *Refugee protection in international law: UNHCR's global consultation on international protection*. Cambridge: Cambridge University Press, pp. 87–177.
- McConville, M. & Chui, W.H. (2007) *Introduction and overview' in Mike McConville and wing Hong Chui (eds) research methods for law*. Edinburgh: Edinburgh University Press, pp. 3–4.
- Stevens, D. (2017) Access to justice for Syrian refugees in Lebanon. In: Dallal, S. & Maria, O. (Eds.) *States, the law and access to refugee protection: fortresses and fairness*. New York, NY: Hart Publishing.

Yakoob, N. & Mir, A. (2004) In: Haddad, Y.Y. & Stowasser, B.F. (Eds.) *A contextual approach towards improving asylum law and practices in the Middle East*. Lanham, MA: Islamic Law and the Challenges of Modernity AltaMira Press, pp. 99-129.

## NATIONAL LEGISLATIONS

Acts Relating to Migration. Hungarian Act CXLIII of 2017. Amended January 2018  
 Constitution of the Republic of Iraq. Adopted 15 October 2005.  
 KRI Parliament Decree. No. 11 of 1992, 22 October 1991, Parliament  
 Law No. 5 (2011). An act for the Kurdistan Region – Iraq Security Forces (Asayish)  
 Law No. 76 of (2017). On the Residence of Foreigners in Iraq.  
 Law on Foreigners and International Protection. Adopted 4 April 2013. Law No. 6458, Official Gazette No: 28615.  
 Nationality Law No. 26. Iraqi Official Gazette Issue 4019. Adopted 7 March 2006.  
 Organizing Political Asylum. Qatari Law No. 11/2018. Adopted 4 September 2018.  
 The Ministry of Migration and Displacement. Iraqi Law No. 21. Adopted 2009.  
 The Political Refugee Act. Iraqi Act No. 51. Adopted 10 April 1971.

## INTERNATIONAL INSTRUMENTS

African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58.  
 American Convention on Human Rights (adopted 22 November 1969, entered into force 18 July 1978) 36 OAS TS 1; 1144 UNTS 123.  
 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85.  
 European Convention for the Protection of Human Rights and Fundamental Freedoms (as amended by Protocols Nos. 11 and 14, adopted 4 November 1950, entered into force 3 September 1953) 213 UNTS 221, ETS 5.

## UNHCR DOCUMENTS

ExCom Conclusion No. 109 (LXI). (2009). Conclusion on protracted refugee situations. Preamble (para. 3).  
 ExCom Conclusion No.65 (XLII). (1991). General Conclusion on International Protection. Para. (c).  
 International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.  
 Refworld. (2019). UN Committee against Torture (CAT) Retrieved from 15 April 2022 From <http://www.refworld.org/publisher/CAT.html>  
 The United Nations Relief and Works Agency for Palestine Refugees (UNRWA). (2019). Retrieved from 15 April 2022 From <https://www.unrwa.org/who-we-are>  
 UNHCR. (1994) the Principle of Non-Refoulement as a Norm of Customary International Law. Response to the Questions Posed to UNHCR by the Federal Constitutional Court of the Federal Republic of Germany in Cases 2 BvR 1938/93, 2 BvR 1953/93, 2 BvR 1954/93. Retrieved from 15 April 2022 From <http://www.refworld.org/docid/437b6db64.html>  
 UNHCR. (2001) Declaration of states parties to the 1951 convention and or its 1967 protocol relating to the status of refugees, ministerial meeting of states parties. UN doc. HCR/MMSP/2001/09. Preamble Para. 4.  
 UNHCR (2014) Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review. Retrieved from 15 April 2022 From <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1261&file=EnglishTranslation>  
 UNHCR. (2016) Hungary as a Country of Asylum: Observations on restrictive legal measures and subsequent practice implemented between July 2015 and March 2016. Retrieved from 15 April 2022 From <file:///E:/research%20on%20Hungary%20Asylum%20Policy/57319d514.pdf>  
 UNHCR. (2018) UNHCR Global Trends Forced Displacement in 2017. Retrieved from 15 April 2022 From <http://www.unhcr.org/5943e8a34>  
 UNHCR. (2019) Statistics & Operational Data. Retrieved from 15 April 2022 From <http://popstats.unhcr.org/en/overview>  
 UNHCR. (2021a) Projected global resettlement needs 2022 96-97 Retrieved from <https://www.unhcr.org/60d320a64.pdf>

- UNHCR. (2021b) Global trend forced displacement in 2020. Retrieved from 15 April 2022 From <https://www.unhcr.org/60b638e37.pdf>
- UNHCR (2022) Iraq Factsheet. Retrieved from 15 April 2022 From <https://reporting.unhcr.org/document/1732>
- UNHCR Documents:2020
- UNHCR Iraq. (2017) Refugees and asylum-seekers. Retrieved from 15 April 2022 From <http://reporting.unhcr.org/node/19383>
- UNHCR Operational Portal Refugee Situations. (2018). Syria Regional Refugee Response. Retrieved from 15 April 2022 From <http://data.unhcr.org/syrianrefugees/region.php?id=65&country=103>

## UNITED NATIONS TREATY BODIES

- Committee against Torture. (2015) Concluding Observations On The Initial Report of Iraq. UN Doc. CAT/C/IRQ/CO/1, paras. 8, 26.
- Committee on Economic, Social and Cultural Rights. (2015) Concluding Observations on the Fourth Periodic Report of Iraq. UN Doc. E/C.12/IRQ/CO/4, paras. 21–22.
- Committee on the Elimination of Discrimination against Women, Concluding observations on the combined fourth to sixth periodic reports of Iraq. UN Doc. CEDAW/C/IRQ/CO/4–6, 10 March 2014, paras 13–14.
- Committee on the Elimination of Racial Discrimination. (2018) Concluding Observations On the Combined Twenty-Second to Twenty-Fifth Periodic Reports of Iraq. UN Doc. CERD/C/IRQ/CO/22–25, paras. 37–38.
- Committee on the Rights of the Child. (2015) Concluding Observations On the Combined Second to Fourth Periodic Reports of Iraq. UN Doc. CRC/C/IRQ/CO/2–4, para 74.
- Human Rights Committee. (2015) Concluding observations on the fifth periodic report of Iraq. UN Doc. CCPR/C/IRQ/CO/5, paras. 23–24.
- Human Rights Committee. (2019) Monitoring civil and political rights. Retrieved from 15 April 2022 From <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>
- The Committee on Economic, Social and Cultural Rights. Adopted 28 May 1985. ECOSOC Resolution 1985/17. Retrieved from 15 April 2022 From <https://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx>

## WEBSITE

- Abdullah, B.T. (2022), 'Rojava migrants take refuge in the Kurdistan Region's Bardarash camp' Retrieved from <https://www.rudaw.net/english/kurdistan/120120222>
- Atlantic Council. (2015) A conversation with H.E. Masoud Barzani, president of the Kurdistan region of Iraq. Retrieved from 15 April 2022 From <http://www.atlanticcouncil.org/news/transcripts/a-conversation-with-h-e-masoud-barzani-president-of-the-kurdistan-region-of-iraq>
- Directorate-General for Internal Policies Policy Department A: Economic and Scientific Policy. (2017) Integration of Refugees in Greece, Hungary and Italy, Annex 3: Country Case Study Italy, IP/A/EMPL/2016–18. Retrieved from 15 April 2022 From [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/614194/IPOL\\_STU\(2017\)614194\(ANN03\)\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/614194/IPOL_STU(2017)614194(ANN03)_EN.pdf)
- IOM Displacement Tracking Matrix. (2019) Displacement Movements from Syria, weekly Update, 24–30 October 2019, Retrieved from 1 November 2019 From [http://iraqdtm.iom.int/Downloads/DTM%20Emergency%20Tracking/Syria%20Tracking/ET\\_Displacement%20from%20Syria\\_%20IRAQ\\_Weekly%20Oct%2024%20-%2030.pdf](http://iraqdtm.iom.int/Downloads/DTM%20Emergency%20Tracking/Syria%20Tracking/ET_Displacement%20from%20Syria_%20IRAQ_Weekly%20Oct%2024%20-%2030.pdf)
- Issam Fares Institute for Public Policy and International Affairs American University of Beirut. (2018) 101 Facts & Figures on the Syrian Refugee Crisis. Retrieved from 15 April 2022 From [file:///E:/Research%20on%20Syrian%20Refugees/20180601\\_101\\_facts\\_and\\_figures\\_on\\_syrian\\_refugee\\_crisis.pdf](file:///E:/Research%20on%20Syrian%20Refugees/20180601_101_facts_and_figures_on_syrian_refugee_crisis.pdf)
- Joint Crisis Coordination Centre. (2018a) JCC Statement on the Alarming Situation of Syrian Refugees in the Kurdistan Region. Retrieved from 15 April 2022 From <http://cabinet.gov.krd/a/d.aspx?s=040000&l=12&a=56760>
- Joint Crisis Coordination Centre. (2018b) Registered IDPs and Refugees in Kurdistan Region – Iraq for October 2018. Retrieved from 15 April 2022 From <file:///E:/Research%20on%20Syrian%20Refugees/1542019594.Total%20No.%20IDPs%20%20Refugees%20in%20Kurdistan%20Region-Iraq%20November%202018.pdf>
- Joint Crisis Coordination Centre. (2021) Humanitarian Situational Report: No. 7. Retrieved from 15 April 2022 From <https://jccrg.org/en/article/read/407>
- Joint Crisis Coordination Centre. Winterization needs for the displaced populations in the kurdistan region-Iraq, Report No. (21), 7 November, 2019. Retrieved from 15 April 2022 From <http://jcc.gov.krd/contents/files/07-11-2019/1573117212.JCC%20Report%20No%2021%20%20Winterization%20Needs%20for%20the%20Displaced%20People-Kurdistan%20Region-Iraq-%20November%202019.pdf>



- Library of Congress. (2016) Refugee law and policy: Germany. Retrieved from 15 April 2022 From <https://www.loc.gov/law/help/refugee-law/germany.php>
- NRC (2022) Closing the gap: from work rights to decent work for syrian refugees in KRI. Retrieved from 15 April 2022 From <https://www.nrc.no/globalassets/pdf/reports/closing-the-gap/closing-the-gap---report-design.pdf>
- Porter L and Rodgers W (2021) What about our future? The Iranian Kurds trapped in Iraq and forgotten by the international community. Retrieved 15 April 2022 from <https://www.independent.co.uk/news/world/middle-east/iraq-iran-kurds-b1902178.html>
- Syrian Civic Platform. (2018) Syrian refugees in the kurdistan region of Iraq situation report. Retrieved from 15 April 2022 From [http://www.scplatform.net/en/wp-content/uploads/2018/03/SCP\\_Syrian-Refugees-in-the-Kurdistan-Region-of-Iraq.pdf](http://www.scplatform.net/en/wp-content/uploads/2018/03/SCP_Syrian-Refugees-in-the-Kurdistan-Region-of-Iraq.pdf)
- United Nations Iraq. (2016) UNHCR, Ministry of Interior Achieve Milestone in Refugee Rights in Iraq with new Memorandum Signing. Retrieved from 15 April 2022 From <https://reliefweb.int/report/iraq/unhcr-ministry-interior-achieve-milestone-refugee-rights-iraq-new-memorandum-signing>
- Warda W.K. & Almafrazji H.S. (2020) Refugee protection Iraq country report. Respond Working Papers Global Migration: Consequences and Responses Paper 2020/33.
- Zeed A. (2020) Palestinians in Iraq protesting to have their rights restored. Retrieved from 15 April 2022 From <https://www.al-monitor.com/originals/2020/02/iraq-palestine-protests-refugees.html>
- رياض فخري 2020 لهذا يثير قانون التجنيس المخاوف في العراق  
Retrieved 15 April 2022 from <https://www.aljazeera.net/news/humanrights/2020/12/26/%D9%84%D9%87%D8%B0%D8%A7-%D9%8A%D8%AB%D9%8A%D8%B1-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%AA%D8%AC%D9%86%D9%8A%D8%B3-%D8%A7%D9%84%D9%85%D8%AE%D8%A7%D9%88%D9%81-%D9%81%D9%8A>
- محمد صباح 2019 انقسام برلماني بشأن تشريع قانون اللجوء يؤخر حسم قضايا 3 آلاف أجنبي  
Retrieved 15 April 2022 from <https://almadaper.net/view.php?cat=219253>

**How to cite this article:** Yassen, A.O. (2022) A new asylum law for the KRI and Iraq: Reality or wishful thinking?. *International Migration*, 00, 1–16. Available from: <https://doi.org/10.1111/imig.13046>