

## **Iraq**

### **EU engagement to date**

There is no EU readmission agreement or arrangement with Iraq, but a migration dialogue EU-Iraq with readmission as one of its major strands saw three meetings from December 2017 to March 2019. The EU called on Iraq to enhance cooperation on readmission based on positive experience with countries of the region, and to implement the EU-Iraq Partnership and Cooperation Agreement (in force since 1 August 2018) providing for an obligation to readmit own nationals who are illegally present on the territory of the other party (Article 105). At operational level, Frontex continued support for chartered flights (only rarely admitted by Iraq), and launched assistance in scheduled flights whose first phase presented a fairly positive record. A EURLO was also deployed to Iraq between March 2018 and March 2019.

### **Cooperation on readmission**

In 2019, 21 015 Iraqi nationals staying illegally in the Member States were issued return decisions and 5 315 effectively returned to Iraq resulting in a **return rate** of 25%. Member States submitted 759 readmission requests to Iraqi authorities, who issued 222 travel documents resulting in an **issuance rate** of 29%.

A total of 22 Member States reported having approached the authorities of Iraq for readmission matters related to its nationals in 2019.

A quarter of the Member States replied explicitly that Iraq never respects the Partnership and Cooperation Agreement (Article 105 providing for an obligation of readmission of own nationals), one Member State that it is rarely respected and another that it is very often the case.

Four Member States flagged that they have a **bilateral arrangement** with Iraq, one of which assessing that it is in principle respected, but only for criminals, and another one that it is only applied to voluntary returns. The remaining two informed that it is not respected.

Nine of the responding Member States representing two-thirds of Iraqi nationals ordered to leave assessed the cooperation with Iraqi authorities in **identification procedure** as poor or very poor. Four Member States representing 13% of Iraqi nationals ordered to leave rated it as average and the remaining nine Member States, standing for 20% of Iraqi nationals ordered to leave, as good or very good. Some of them indicated explicitly that even if the persons are identified as Iraqis, the travel documents are only issued in case of voluntary returns, others also indicated a possibility of return of criminal, sometimes only charged with a very serious offence.

In this context, 11 Member States confirmed that there is a business routine established in identification procedure, which in all but two, is considered to be often to always effectively implemented. However, a presence or lack of a business routine did not, as such, translate into effective cooperation, since some successful Member States indicated that cooperation was

very informal, and for some others the functioning routine covered only or almost only voluntary return.

Valid and expired passports were accepted for all responding Member States except three. Another three Member States informed about the use of information extracted from VIS. In more than two-thirds of responding Member States also other identity documents are accepted (although five of them flagged that photocopies are not approved of). However, it was repeatedly stated that successful identification is in principle not followed by issuing travel documents in case of forced returns. Consular interviews are organised in two-thirds of responding Member States (in five of them also by phone or videoconference), yet they bring results in principle only as much as voluntary return is at stake.

Identification missions were organised in five Member States, with two of them assessing their results as good, one as acceptable, and two as poor, since identification was not followed by issuance of travel documents.

For 10 Member States accounting for slightly more than half of return decisions issued the **issuance of travel documents** takes place in a timely manner, while for 11 others, representing slightly less than half, it does not. A number of Member States confirmed that travel documents are only issued for voluntary returns, with rare exceptions for (serious) criminal cases.

One Member State indicated that even persons with valid passports are not admitted to Iraq upon arrival unless it is a voluntary return.

Five Member States organised returns by **charter flights**, with a very limited number of returnees on board.

Seven Member States also reported restrictions imposed on **scheduled flights**, which mostly concerned a requirement of visas for the escorts.

Overall, for five Member States the **overall cooperation on return and readmission** is good or has improved. Eight Member States consider it as stable, seven assess it negatively, and one rate it as average.

*With a total of 21 015 Iraqi nationals ordered to leave in 2019, Iraq ranks fifth amongst visa-bound third countries whose nationals have been issued return decisions in the Member States. Overall, more than two-thirds of Member States interact with Iraq on readmission matters on a significant number of cases, even though only a fraction of the high number of return decisions issued to nationals of Iraq are followed up with requests for readmission. The PCA provisions and the bilateral arrangements (except one) are largely not respected. Identification processes deliver unsatisfactory or no results for Member States representing more than two-thirds of the return decisions issued and are rarely followed up with issuance of travel document, as in most cases Iraqi authorities only cooperate for voluntary and exceptional (criminal) cases of forced returns. Cooperation could be improved by agreeing on ways to cooperate on forced return along a clear and predictable procedure, and swift issuance of travel documents. This, potentially facilitated*

*by capacity building projects, should result in a better rate of issuance of travel documents and a higher return rate.*