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# KNOWING HOW TO GO

Iraqi asylum seekers and legal pathways to get to and stay in Europe

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UKaid

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## **Executive Summary**

Many refugees and other migrants migrate to Europe to seek asylum, and with asylum a more secure life and improved livelihoods. Recent REACH assessments have found that a number of these refugees and other migrants lack information about legal migration pathways when they set out on their migration journeys.<sup>1</sup> Aside from asylum, they are often unaware of other types of legal mechanisms that would enable them to remain in Europe legally.<sup>2</sup>

Among refugees and other migrants, Iraqis remain a highly represented group, the second most common nationality arriving in Europe via Greece, and the third most common nationality applying for asylum in Europe.<sup>3</sup> Ongoing violent conflict has displaced millions of Iraqis internally and has pushed thousands of others to external migration.<sup>4</sup> In 2015, 121,500 Iraqis arrived and sought asylum for the first time in Europe.<sup>5</sup> The same year, 26,545 first instance decisions were made for Iraqi asylum seekers, 15% of which were rejected.<sup>6</sup> In 2016, as the EU worked to process 2015's arrivals, the number of first instance decisions for Iraqis accordingly rose to 103,190, of which, approximately 37% were rejections – a jump in the rate of rejections from the year before.<sup>7</sup>

A lack of information and access to alternative legal migration pathways and protections means two things for Iraqis. First, Iraqis rely on asylum rather than other legal migration pathways that might be more appropriate for their case and more likely to be granted, and second, that many who are rejected for asylum feel they have no other option than to return to Iraq. With such large numbers of Iraqis on the move, there is a need for a greater understanding of Iraqi refugees and other migrants' knowledge of and access to legal migration pathways and other protection services.

This assessment seeks to better understand what types of legal migration pathways and other protection services Iraqi refugees and other migrants are aware of and attempt to access at different points during their migration journey. Furthermore, it highlights when, where and why Iraqi refugees and other migrants fail to access protection services.

The assessment is based on data collected through 50 semi-structured interviews conducted between 23 and 27 July 2017 with Iraqi returnees in the Kurdish Region of the Republic of Iraq (KRI) and the greater Baghdad region. The points below provide an overview of its key findings:

1. Very few respondents possessed knowledge of legal migration pathways prior to migrating from Iraq to Europe. The majority of participants were generally unfamiliar with legal migration pathways. Several participants indicated that the only channels of migration they were familiar with were irregular (such as purchasing a visa to Turkey and then traveling irregularly by sea to Greece). The 10 individuals that were aware of legal migration pathways did not try to access them, largely due to the high costs related to visa application and the lengthy procedure they anticipated.

<sup>&</sup>lt;sup>1</sup> REACH (2017) Children on the Move in Italy and Greece, June 2017; REACH (2017) Iraqi Migration to Europe in 2016: Drivers, Return and Reintegration.

<sup>&</sup>lt;sup>2</sup> REACH (2017) Iraqi Migration to Europe in 2016: Drivers, Return and Reintegration.

<sup>&</sup>lt;sup>3</sup> IOM (2017) Migration Flows to Europe – 2017 Quarterly Overview – March; Eurostat (2017) Asylum statistics.

<sup>&</sup>lt;sup>4</sup> IOM (2017) Iraq Mission Displacement Tracking Matrix.

<sup>&</sup>lt;sup>5</sup> Eurostat (2016) Record number of over 1.2 million first asylum seekers registered in 2015, Eurostat News release 44/2016 – 4 March 2016.

<sup>&</sup>lt;sup>6</sup> MMP (2017) Rejected but remaining: Analysis of the protection challenges that confront rejected asylum seekers remaining in Europe. <sup>7</sup> Ibid.

While 18 participants had heard of asylum, their answers reflected a lack of knowledge surrounding the asylum application procedure as many believed they could apply for asylum while still in Iraq.

- 2. Once they arrived in Europe, the majority of Iraqis were aware only of asylum as a legal migration pathway to remain in Europe. Aside from asylum, few individuals knew of other mechanisms. Thirty-three individuals were aware of and tried to access asylum. Twenty-one of the 33 participants were refused, while the other twelve left Europe before receiving a decision on their application. Only one man was successfully granted asylum.
- 3. While 19 participants were aware of the possibility to appeal a negative asylum decision, only three individuals tried to access appeal procedures. Respondents generally did not have confidence that they would be granted asylum when they appealed. They also described the process as taking too long.
- **4.** Very few participants were aware of other protection services that could have legally enabled them to stay in Europe. Of the 50 respondents, only two knew of subsidiary protection and only four knew of temporary protection.
- 5. Only one participant in 50 reported new knowledge of legal migration pathways and other protection services upon return to Iraq. Despite an assumption based on previous research, that upon return individuals would discuss migration with friends, family and community members and likely learn about pathways they had not been aware of previously, this did not appear to happen.<sup>8</sup> The vast majority of returnees reported not having learned of any new legal migration pathways or other protection services since returning to Iraq.
- 6. Finally, when asked about the types of legal migration pathways and other protection services they wished they had known about prior to migration or while still in Europe, 34 returnees out of 50 reported none. The rest expressed a wish to have been better informed of existing legal migration pathways or other protection services before migration or while in Europe, with half of them reporting that they wished they had known about subsidiary protection in particular.

<sup>&</sup>lt;sup>8</sup> REACH/MMP (2017) Youth on the Move: Investigating decision-making, migration trajectories and expectations of young people on the way to Italy; REACH/MMP (2017) Separated families: who stays, who goes and why? April 2017.

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## Introduction

In 2015, 999,745 refugees and other migrants arrived in Europe by sea.<sup>9</sup> In 2016, that number dropped to 363,348.<sup>10</sup> Despite the drop in arrivals, refugees and other migrants from the Middle East and North, East and West Africa in particular, continue to see European countries as offering safety and stability, as well as employment and educational opportunities not available in their countries of origin.<sup>11</sup> Tens of thousands of refugees and other migrants leave for Europe specifically to seek asylum through which they hope to access long-term safety and security, as well as improved access to rights and resources.<sup>12</sup> In 2015 alone, 1,321,560 asylum applications were made in European Union (EU) countries.<sup>13</sup>

A 2017 REACH assessment on the topic of Iraqi migration to Europe indicated that aside from asylum, refugees and other migrants are often unaware of other types of legal mechanisms that would enable them to remain in Europe legally.<sup>14</sup> There are a number of other legal migration pathways and other protection services, however, that such individuals could apply for. This assessment aims to build upon these findings by investigating what types of legal migration pathways and other protection services refugees and other migrants are aware of and try to access, at different points during their migration journey.

A 2013 report by Jesuit Refugee Service, based on 257 interviews with asylum seekers living throughout the EU, found that only 20% of asylum seekers understood the Dublin Regulation well, 47% were not informed on how to appeal a transfer, and 64% were not informed about discretionary clauses.<sup>15</sup> A 2017 study conducted by Ground Truth Solutions/Mixed Migration Platform into the perceptions of refugees, asylum seekers and migrants living in Austria, show that research participants generally did not feel well informed about the support and services available to them.<sup>16</sup> Respondents felt particularly uninformed about asylum procedures, employment opportunities and education. Only half of all refugees and asylum seekers living in Vienna had received professional advice about asylum procedures, while only one-third of refugees and asylum seekers living outside of Vienna had received such advice. At the same time, Human Rights Watch recently reported poor or no interpretation during some asylum interviews in Greece, and gaps in access to information and legal assistance in others.<sup>17</sup> These statistics demonstrate some of the challenges refugees and other migrants must overcome as they try to learn about and access legal pathways and protections services.

Without complete and accessible information on these migration pathways and services, refugees and other migrants end up migrating through informal and often dangerous means. They forego potential legal rights, without even knowing they existed. When refugees and other migrants are unaware of legal pathways and protections, and do not try to access these, they can be deported back to their country of origin where they may face violence and insecurity.

IRC (2016) The Refugee Crisis in Europe and the Middle East: A Comprehensive Response, Summer 2016.
 BBC News (2016) Migrant crisis: Migration to Europe explained in seven charts, 4 March 2016.

<sup>14</sup> REACH (2017) Iraqi Migration to Europe in 2016: Drivers, Return and Reintegration.

<sup>16</sup> Ground Truth Solutions (2017) Refugee, Asylum-seeker and Migrant Perceptions: Austrian States Excluding Vienna, 20 October 2017; Ground Truth Solutions (2017) Refugee, Asylum Seeker & Migrant Perceptions: Vienna, Austria, 14 June 2017.

<sup>&</sup>lt;sup>9</sup> IOM (2015) irregular Migrant, Refugee Arrivals in Europe Top One Million in 2015: IOM, 22 December 2015.

 <sup>&</sup>lt;sup>10</sup> IOM (2016) Mediterranean Migrant Arrivals Top 363,348 in 2016; Deaths at Sea: 5,079, 1 June 2017.
 <sup>11</sup> REACH (2017) Children on the Move in Italy and Greece; REACH (2017) Iraqi Migration to Europe in 2016: Drivers, Return and

Reintegration; REACH (2017) Migration from Afghanistan to Europe (2014-2017): Drivers, Return and Reintegration.

<sup>&</sup>lt;sup>15</sup> JRS (2013) Protection Interrupted: The Dublin Regulation's Impact on Asylum Seekers' Protection, Jesuit Refugee Service Europe.

<sup>&</sup>lt;sup>17</sup> Human Rights Watch (2017) Greece: A Year of Suffering for Asylum Seekers, 15 March 2017.

This assessment strives to shed light on gaps in knowledge as well as access to legal migration pathways and other protection services to better inform European governments and policy makers, as well as the development and humanitarian communities. Though the services exist, if refugees and other migrants are unaware of them or unable to access them, EU governments and non-governmental organisations (NGOs) may face challenges in fulfilling their obligation to provide protection services, and to safeguard the rights and dignity of asylum seekers. Moreover, this assessment seeks to inform humanitarian responses through the sharing of information on legal protections and ability to access such protections by refugees and other migrants leaving for Europe, and those already in Europe.

Through an improved understanding of which legal migration pathways and other protection services refugees and other migrants are aware of, and which legal migration pathways and other protection services refugees they are actually able to access, EU governments and NGOs can better identify gaps in information and provision of services. They would also know at what points during the migration cycle knowledge of legal migration pathways and other protection services refugees is lowest. Finally, they would learn which application processes refugees and other migrants find most challenging and sometimes ultimately give up on.

## Methodology

#### Approach

This assessment used a qualitative approach to evaluate Iraqi returnees' knowledge of and access to legal migration pathways and other protection services refugees prior to migrating from Iraq to Europe, while in Europe and back in Iraq. The assessment relied on semi-structured interviews with Iraqis who returned from Europe to Iraq between 2014 and 2016. The assessment sought to answer the following questions: i) Prior to their migration to Europe, what legal migration pathways were Iraqis aware of and which ones did they try to access; ii) Once in Europe, what legal migration pathways were Iraqis aware of and which ones did they try to access; iii) If Iraqis were denied asylum, did they try to access any other protection services refugees; iv) Once back in Iraq, what legal migration pathways and other protection services refugees were individuals aware of that they were not aware of before; and v) What types of legal migration pathways and other protection services do returnees wish they knew existed earlier.

Primary data was collected from 50 Iraqi returnees living in the greater Baghdad region and the Kurdish Region of Iraq (KRI). Twenty-five interviews were conducted in each region to provide equal regional representation. Data was collected through key informant interviews (KIIs), conducted over the phone by five enumerators. During the data collection, enumerators called participants identified through the REACH assessment 'Iraqi Migration to Europe in 2016: Drivers, Return and Reintegration' and asked interview questions in either Arabic or Kurdish depending on the respondent's language requirements. Enumerators had access to a soft copy of the questionnaire and a predetermined list of definitions of legal migration pathways and other protection services for refugees during the phone interview. While conducting the interviews, enumerators typed answers to the questionnaire directly into MS Word documents. Following the interviews, enumerators saved the files and submitted these for data cleaning and analysis. When not typed up and transcribed directly in English, answers were copied down first in either Arabic or Kurdish and then transcribed and translated into English by the enumerator.

Interviews followed a structured question route that included prompts to allow for and encourage response elaboration. All enumerators were regularly debriefed to double check the correctness of the data. Once the data was verified, preliminary data analysis began. All participants provided informed consent prior to taking part in the interview. To protect respondents' identities and ensure their well-being, names have been anonymised throughout this report. Basic information about each individual is available for reference in Annex 1.

#### Analysis

Data from the interviews was analysed using the qualitative data analysis software NVIVO. This software allowed for the coding of key types of legal pathways and protections to see which were the most well-known and accessed. The migration of respondents was broken down into three stages: Iraq prior to migration, upon arrival in Europe, and Iraq post return. Legal migration pathways and other protection services refugees were analysed according to the number of people who were aware of them and who tried to access them at each stage of the migration journey. This simple analysis at each stage of migration demonstrate information gaps, where participants did not know or understand how to access legal pathways, or gaps in access, when they did know about such pathways but they failed to access them.

#### **Challenges and limitations**

Due to the fact that this assessment was both qualitative and purposive, findings cannot be considered statistically representative of the population assessed. Instead, findings demonstrate trends in the experiences of Iraqi returnees who migrated to Europe and returned to Iraq between 2014 and 2016.

The following limitations should also be considered:

- This assessment focused on individuals who departed for Europe and returned to Iraq between 2014 and 2016. Their knowledge of and access to legal migration pathways and other protection services for refugees was therefore specific to this time period.
- Due to security constraints, it was not possible to collect data in other regions of Iraq. Further research could be conducted to gain a greater understanding of knowledge of and access to legal migration pathways and other protection services refugees across Iraq, particularly in southern governorates.
- The assessment entailed a purposive selection of participants within selected regions of Iraq, leading to the possibility of selection bias.
- As individuals remembered and described events that occurred up to three years prior, there is a potential for recall bias.
- Respondents were predominantly male.<sup>18</sup> Only four participants were female. Because of this, the sample cannot be considered gender-balanced.

#### A Note on Terminology

For the purpose of this assessment, **'refugees or other migrants'** refers to refugees, asylum seekers, economic migrants and other groups of displaced persons. It should be noted that when they enter Europe, people on the move - except people who have

<sup>&</sup>lt;sup>18</sup> During the respondent selection process, enumerators relied on a list of participants who agreed to participate in an assessment for the REACH report entitled "Iraqi Migration to Europe in 2016: Drivers, Return and Reintegration". From the list of previous participants, enumerators identified 50 respondents willing to participate in this assessment. Of the 50, 46 were male and 4 were female.

already been formally recognised as refugees by the United Nations High Commissioner for Refugees (UNHCR) and those arriving with formal travel documents and visas - are perceived as entering irregularly or without legal authorisation.

**Legal migration pathways** to Europe refer to legal mechanisms and policies that enable lawful migration from one country to another. This report recognises resettlement, family reunification, work visas, student visas and humanitarian visas as pathways for legal migration to Europe (though this list is not exhaustive).

**Asylum** – A legal status and form of protection granted based on the principle of *non-refoulement* and internationally recognised refugee rights.<sup>19</sup> Asylum protects refugees and other persons who flee persecution or serious harm in their country of origin and are therefore in need of international protection.<sup>20</sup> For the purpose of this assessment, asylum is considered a legal migration pathway once the person is already in Europe. Asylum cannot be considered a legal migration pathway prior to migration, as it can only be accessed in Europe.

**Asylum appeal** – The procedure whereby an individual who has been denied asylum appeals that decision.

**Family reunification** – Based on the UNHCR established family protection mandate, a family is entitled to protection by society and the State.<sup>21</sup> Under family reunification, the family members of a refugee are to enjoy the same status as that of the recognised refugee.<sup>22</sup>

**Humanitarian visas** – Humanitarian visas fall within the category of 'Protected Entry Procedures' and function as an authorisation to enable third country nationals to apply in situ for entry into EU territory on humanitarian grounds.<sup>23</sup> A thirdcountry national approaches a potential host state outside of its territory with an asylum claim or another claim for international protection and is provided with an entry permit in case his or her claim is approved.<sup>24</sup>

**Long-term residency** – Citizens from a country outside of the EU are eligible to become long-term residents when they have resided legally for an uninterrupted period of five years in an EU country.<sup>25</sup> Long-term residency provides similar rights to EU citizens including access to healthcare, education and employment.

**Resettlement** – UNHCR defines resettlement as "the transfer of refugees from an asylum country to another State that has agreed to admit them and ultimately grant them permanent settlement".<sup>26</sup>

**Student visa** – Student visas (in Europe) act as an authorisation issued by an EU member state government to students from countries outside of the Schengen Area who are already accepted at a certified educational establishment.<sup>27</sup>

<sup>26</sup> UNHCR, Resettlement.

<sup>&</sup>lt;sup>19</sup> The first mention of *non-refoulement* was made in the 1951 United Nations Convention relating to the Status of refugees, which, in Article 33(1), stipulates that: "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."; Eurostat, Glossary: Asylum; UNHCR, The 1951 Refugee Convention.
<sup>20</sup> Gil-Bazo, Maria-Teresa (2006) New Issues in Refugee Research: Refugee status, subsidiary protection, and the right to be granted

<sup>&</sup>lt;sup>20</sup> Gil-Bazo, Maria-Teresa (2006) New Issues in Refugee Research: Refugee status, subsidiary protection, and the right to be granted asylum unconditionally, UNHCR, Research Paper No. 136, November 2016.

 <sup>&</sup>lt;sup>21</sup> ÚNHCR (2001) Annual Tripartite Consultations on Resettlement, Geneva, 20-21 June 2001.
 <sup>22</sup> Ibid.

<sup>&</sup>lt;sup>23</sup> European Parliament (2014) Humanitarian visas: option or obligation?

<sup>&</sup>lt;sup>24</sup> Ibid.

<sup>&</sup>lt;sup>25</sup> European Commission, Already in the EU?

<sup>&</sup>lt;sup>27</sup> Schengen Visa Info, Student Schengen Visa.

**Temporary residency** – A temporary residency permit can be issued on the basis of study or temporary employment and allows the individual to access employment and social services such as healthcare and education.<sup>28</sup> A fixed-term or temporary residence permit for third-country nationals can usually be extended for one year at a time.<sup>29</sup>

**Work visa** – Work visas (in Europe) serve as an authorisation to citizens from countries outside of the Schengen Area, European Union and European Economic Area, who have already been engaged in employment with a company or institution with operations inside of a particular EU member state.<sup>30</sup>

In Europe, refugees and other migrants can apply to access legal migration pathways and other protection services to ensure their stay is legal and they have access to basic rights. **Other protection services** refer to services that can be applied for when legal migration pathways are inapplicable or inaccessible. This report recognises subsidiary protection and temporary protection as other protection services to remain in Europe.

**Subsidiary protection** – A protection that can be applied for by a third country national or stateless person who does not qualify as a refugee but who, if returned to his or her country of origin, "would face real risk of suffering serious harm…and is unable, or owing to such risk, unwilling to avail himself or herself of the protection of that country".<sup>31</sup> Grounds for the provision of subsidiary protection include threat of execution, torture or degrading treatment or punishment, and serious threat to life due to indiscriminate violence.

**Temporary protection** – This is defined by UNHCR as "[a] protection response to humanitarian crises, including large-scale influxes, and complex or mixed population movements, particularly in situations where existing responses are not suited or adequate".<sup>32</sup> Temporary protection is used as an exceptional measure to provide displaced persons with immediate and temporary protection. Importantly, temporary protection acts as a form of protection from *refoulement*.<sup>33</sup>

<sup>&</sup>lt;sup>28</sup> The Finnish Immigration Service, What is an EU residence permit?

<sup>&</sup>lt;sup>29</sup> Ibid.

<sup>&</sup>lt;sup>30</sup> Schengen Visa Info, Working (Employment) Schengen Visa – Residence Permit; European Commission, Employment, Social Affairs & Inclusion.

<sup>&</sup>lt;sup>37</sup> Gil-Bazo, Maria-Teresa (2006) New Issues in Refugee Research: Refugee status, subsidiary protection, and the right to be granted asylum unconditionally, UNHCR, Research Paper No. 136, November 2016.

<sup>&</sup>lt;sup>32</sup> UNHCR, Guidelines on Temporary Protection or Stay Arrangements.

<sup>&</sup>lt;sup>33</sup> Ibid.

## **Findings**

#### **Returnee Profile**

In total, enumerators conducted interviews with 50 Iraqi returnees. At the time of the interviews, twenty-five returnees were based in the greater Baghdad area. Another twenty-five were based in the Kurdish Region of the Republic of Iraq (KRI). Although interviews were conducted in these two regions, participants ascribed their origin to governorates all over Iraq (see Figure 1 below).





Thirty-nine individuals had reportedly never been displaced while 11 were registered as Internally Displaced Persons (IDP).

In total, 46 of the 50 participants were male and four were female. Though Iraqi women also make the return journey to Iraq, in this particular assessment women were underrepresented. In 2016, the International Organization for Migration's (IOM) Displacement Tracking Matrix (DTM) indicated that female returnees made up 51.09% of all assisted voluntary returns to Iraq between 2014 and 2016.<sup>34</sup> In this assessment, however, female returnees only represented 8% of respondents mainly due to difficulties in identifying female participants. Overall, the four women did not share many characteristics except for the fact that all four came from KRI, and three

<sup>&</sup>lt;sup>34</sup> IOM (2016) Displacement Tracking Matrix.

out of four chose to travel to Europe with their families rather than alone or with friends.

Iraqi returnees ranged in age from 19 to 50 years, with the median age of 27 years. The majority of returnees had completed secondary education, while half of all respondents had completed university (see Figure 2 below).

Figure 2: Highest level of education achieved prior to migration



Business and the sale of goods served as the primary source of income for most returnees. Savings and skilled labour (without a contract) tied for the second most common source of income. Fewer respondents accessed income through formal employment (with a contract), while fewer still stated their primary source of income as unskilled daily labour (no contract) and cash crop farming (see Figure 3 below).

Figure 3: Primary source of income prior to migration



Of the 50 participants, half returned to Iraq with the support of an organisation like IOM as voluntary assisted returnees. Twenty others returned voluntarily without assistance, and five individuals reported being forced to return by European authorities.

#### **Migratory Details**

Germany was the most desired European country of destination among participants – 31 respondents initially left Iraq for Germany. Finland, the second most desired country of destination, attracted ten respondents. Individuals also sought to migrate to the United Kingdom (UK), Sweden, Austria and the Netherlands (see Figure 4 below).





Participants were asked to list their top three reasons for choosing their particular country of destination. These were opportunity to apply for asylum, other legal protections for asylum seekers, and finally, employment opportunities (see Figure 5 below). In some cases, respondents only identified one or two reasons for choosing their country of destination.





Most Iraqis did not have family in their desired country of destination, so family, friends and an existing social network did not play a large role in their choice.

Forty respondents travelled alone to Europe. The remaining ten tended to travel with family members, though several travelled with friends. Three of the female returnees travelled with their families while one travelled by herself.

Knowledge and access to protections prior to leaving Iraq

Only 10 respondents out of 50 knew of legal migration pathways like family reunification, student visas and resettlement prior to leaving Iraq for Europe (see Figure 6 below).<sup>35</sup>





<sup>&</sup>lt;sup>35</sup> Though many participants were aware of asylum, and one was even aware of asylum appeal, neither can be considered a migration pathway prior to leaving for Europe, as both asylum and asylum appeal can only be accessed once an individual is physically in Europe.
<sup>36</sup> The questions of 1. What kind of legal pathways Iragis were aware of prior to traveling to Europe; and 2. What kinds of legal pathways leave aware of prior to traveling to access which is why the number of responses (54) is greater than the number of respondents (50).

None of the respondents attempted to access legal migration pathways prior to migrating to Europe due to a lack of information, time and money. As described above, a majority of participants did not know that such pathways existed to begin with. One man from Erbil indicated that the only way he knew to get to Europe was to travel irregularly.<sup>37</sup> The few individuals who were reportedly aware of legal migration pathways lacked knowledge about eligibility criteria and the application process. Two other respondents from Erbil misunderstood that they were ineligible to apply for a student visa until they completed their studies.<sup>38</sup>

## "I had information from organisations about resettlement in Europe, but I was not able to contact any NGOs and I did not know how to apply."<sup>39</sup>

Though two participants from Dohuk reportedly knew about legal migration pathways, both encountered difficulties accessing information on how to apply.<sup>40</sup> Others who knew about legal migration pathways did not attempt to access them due to the time they assumed it would take to process their applications. Several people anticipated long waiting periods. Finally, two respondents reportedly did not try to access legal migration pathways as they believed the application procedure would require a lot of money that they did not possess.<sup>41</sup>

Finally, for the few that were aware of legal migration pathways and understood how to apply, high visa application costs paired with a perceived lengthy waiting period deterred Iraqis from attempting to access legal migration pathways prior to migration.

#### Knowledge and access to protections in Europe

#### Knowledge and access to legal migration pathways once in Europe

Having arrived in Europe, most participants became aware of asylum as a legal migration pathway to legally remain in Europe (see Figure 7 below). Most attempted to access asylum with varying degrees of success and smaller numbers were aware of other migration pathways.

In general, respondents based in KRI tended to be better informed about legal migration pathways other than asylum than respondents from the greater Baghdad region. Specifically, eight out of nine participants who were aware of legal migration pathways, including temporary residency, long-term residency and student visas, came from KRI. This geographic divergence could be due to the fact that Kurdish applicants are less likely to be granted asylum.<sup>42</sup> Human Rights Watch notes that the EU has rejected a number of Iraqi asylum claims on this basis, returning failed asylum seekers to KRI which it perceives to be relatively safe and stable.<sup>43</sup> It seems probable, therefore, that Iraqi Kurds would know they were less likely to receive asylum, and would therefore consider migration to Europe through alternative legal migration pathways and other protection services.

<sup>&</sup>lt;sup>37</sup> Iraq\_Erbil\_01.

<sup>&</sup>lt;sup>38</sup> Iraq\_Erbil\_02, Iraq\_Erbil\_03.

<sup>&</sup>lt;sup>39</sup> Iraq\_Dohuk\_01.

<sup>&</sup>lt;sup>40</sup> Iraq\_Dohuk\_01; Iraq\_Dohuk\_07.

<sup>&</sup>lt;sup>41</sup> Iraq\_Erbil\_07; Iraq\_Erbil\_08.

<sup>&</sup>lt;sup>42</sup> Human Rights Watch, Refugees Outside of the Immediate Region of Iraq; See EU Action Plan on Iraq, Doc. 11425/99.

<sup>&</sup>lt;sup>43</sup> Human Rights Watch, Refugees Outside of the Immediate Region of Iraq.





Having arrived in Europe, 31 respondents reportedly attempted to access asylum. Eighteen of these 31 received rejections from their respective European host governments when they tried to claim asylum. While the 18 participants did not go into great detail about why their application had been rejected, several who were from KRI, or who were ethnically Kurdish, described being rejected because the European authorities reviewing their cases viewed the living and safety conditions in KRI as good enough to nullify their asylum application.<sup>45</sup>

"I did not get asylum because of my [ethnicity]. I am Kurdish, but I was born and lived in Mosul. I was displaced to Dohuk but [European authorities] did not believe me."46

Thirteen other respondents knew of and applied for asylum but left before they received their decisions. Despite the instability in their cities, one man from Basra (see Box 1 below) and another from Baghdad were told, before their decisions came, that their cases were not strong enough to be granted asylum.<sup>47</sup> As a result, both men decided to return to Iraq.

#### Box 1: Challenges to accessing asylum and legal migration pathways

Khaled travelled to Sweden to apply for asylum. Though he comes from Basra, at the time the Swedish government reviewed his application, the government's attitude towards Basra was neutral. Khaled explained that he thought the authorities believed his case and believed that his life was at risk in Basra. Despite this, however, they gave him no answer. After hearing no news, he decided to return to Iraq. Within ten days of returning to Iraq he learned that the Swedish government had decided to grant asylum to people from Basra, due to the risk to their lives in the city.<sup>48</sup>

<sup>&</sup>lt;sup>44</sup> The questions of 1. What kind of legal pathways participants were aware of once in Europe; and 2. What kinds of legal pathways individuals tried to access once in Europe; were asked in relation to multiple services which is why the number of responses (67) is greater than the number of respondents (50). <sup>45</sup> Iraq\_Erbil\_02; Iraq\_Erbil\_03.

<sup>46</sup> Iraq\_Dohuk\_06. <sup>47</sup> Iraq\_Baghdad\_03; Iraq\_Erbil\_08.

<sup>&</sup>lt;sup>48</sup> Iraq\_Erbil\_08. All names have been changed to protect the identity and security of respondents.

Other participants similarly decided to leave before receiving a decision, once they understood from social contacts that their cases were unlikely to be viewed as strong enough to be granted asylum. Moreover, witnessing friends and acquaintances be denied asylum and other legal migration pathways was disheartening for many. Upon seeing their friends rejected, a number of respondents decided to give up and return to Iraq. Many described a lack of confidence in the asylum and asylum appeal procedures, which was another factor in their decision to return.

In three cases, individuals left for Iraq after hearing that a family member had fallen ill, despite their asylum application procedure being open and ongoing. The only interviewee who reportedly successfully pursued asylum returned to Iraq as well, after feeling homesick and disappointed by the refugee situation in Europe.<sup>49</sup>

Twelve respondents who applied for asylum reported being aware of the asylum appeal procedure by which they could appeal an asylum rejection decision. Of the 12, one man attributed knowledge of the appeals procedure to the lawyers assigned to his case.<sup>50</sup> Awareness of the possibility to appeal an asylum rejection was higher among returnees from the greater Baghdad region. When they applied for asylum, their attorneys informed them of the right to appeal an asylum decision.

Following months of waiting, during which they were unable to work and send remittances to their families, many of those interviewed decided to return without filing an appeal. Only three of the 12 participants who were aware of appeal, actually decided to do so. Two of the three decided to return to Iraq before the results of the appeal were released, stating that the process took too long. One of them believed that even if he appealed his rejection, he would be rejected again, so he decided to return to Iraq instead.<sup>51</sup> A third man appealed his decision but explained that his appeal had also been rejected.

Two people attempted to access long-term residency upon arriving in Europe, however, both were rejected. Others knew of temporary residency, and one man had, by that time, heard of student visas. Despite their knowledge of legal migration pathways, none of these individuals tried to access them.

"My asylum application got rejected and when I tried to search for information about student visas, I discovered that cost a lot. I did not have much money at the time, so I returned to Iraq."<sup>52</sup>

Finally, after arriving in Europe, eight respondents remained unaware of any legal pathways to migration, including asylum, and did not try to access any to remain in Europe legally.

#### Knowledge of other protection services once in Europe

Aside from the above-mentioned legal migration pathways to Europe, only five participants of the 50 were aware of other protections they could access in Europe, specifically subsidiary and temporary protection (see Figure 8 below).

<sup>&</sup>lt;sup>49</sup> Iraq\_Baghdad\_21.

<sup>&</sup>lt;sup>50</sup> Iraq\_Baghdad\_19. <sup>51</sup> Iraq\_Baghdad\_10.

<sup>&</sup>lt;sup>52</sup> Iraq\_Baghdad\_08.





Two individuals knew of subsidiary protection, though neither tried to access it. Of the four interviewees who had reportedly heard of and tried to access temporary protection, three were successful.

"I could have accessed other protection services via a lawyer assigned to me, but I had no knowledge of these services."54

The largest challenge to accessing other protection services was a lack of information about such protections. Despite the existence of other protection services, and their theoretical availability to provide temporary protection for asylum seekers and other migrants as they apply for legal migration pathways, participants knew very little about them. Findings from this assessment indicate that the transfer of information regarding subsidiary and temporary protection remains limited among Iraqi returnees once they are back in Iraq.

#### Knowledge of protections back in Iraq

Since returning to Iraq, returnees likely came into contact with family, friends and other returnees who had some experience with migration to Europe. An interview question asked whether, since arriving in Iraq, respondents had gleaned any additional information about legal migration pathways or other protection services that they had not been aware of before (prior to leaving Iraq, or while in Europe). Figure 9 demonstrates that 49 out of 50 returnees reported not having learned about any legal migration pathways or other protection services since returning to Irag; only one man had learned about temporary and subsidiary protection since returning,<sup>55</sup> indicating that awareness of legal migration pathways and other protection services remains low, even after return.

<sup>&</sup>lt;sup>53</sup> The questions of 1. What kind of other protection services participants were aware of once in Europe; and 2. What kinds of other protection services they tried to once in Europe; were asked in relation to multiple services which is why the number of responses (51) is reater than the number of respondents (50). <sup>54</sup> Iraq\_Baghdad\_17.

<sup>&</sup>lt;sup>55</sup> Iraq\_Dohuk\_05.

Figure 9: Number of respondents by awareness of legal migration pathways and other protection services – back in Iraq<sup>56</sup>



Since returning to Iraq, those interviewed have had time to reflect on their migration experiences to varying degrees. A final question was therefore designed to try and uncover which legal migration pathways and other protection services they knew about at the time of the assessment that they wished they had known prior to migration or while still in Europe.

When asked this question, however, 34 out of 50 participants reported none (see Figure 10 below). This negative response could be due to the fact that at the time of data collection, interviewees were back in Iraq and preferred to think about the present. Back in Iraq, knowledge of legal migration pathways and other protection services would no longer be useful, except to someone considering another attempt at migration. It is possible that Iraqi returnees continued to think of asylum as their primary legal pathway to a future in Europe. Another possibility is that even after learning of alternative legal migration pathways and other protection services, individuals did not view themselves as eligible for such services and therefore did not see the relevance of having known about them earlier.





Eight returnees out of the 16 who did wish that had further knowledge or legal migration pathways and other protection services, however, wished they had known

<sup>&</sup>lt;sup>56</sup> The question of what kinds of legal migration pathways and other protection services participants were aware of since returning to Iraq was asked in relation to multiple services, which is why the number of responses (51) is greater than the number of respondents (50).
<sup>57</sup> The question of what kinds of legal migration pathways and other protection services did participants wish they had known about while they were in Europe was asked in relation to multiple services, which is why the number of responses (54) is greater than the number of respondents (50).

about subsidiary protection in particular. Some stated that they wished they had known more about family reunification, resettlement and work visas prior to leaving Iraq, and about asylum appeal to legally remain in Europe once they had arrived there. Three other returnees said they wished they had had more information about migration generally.

A number of respondents said that once they had returned it was too late to access legal migration pathways and other protection services, and therefore they did not wish they had known about any prior to returning. Sixteen others would have liked to have known more about such pathways and services. This reflects a lack of information regarding legal migration pathways and other protection services among Iraqi refugees and other migrants setting out to reach Europe and in Europe. Among other factors (such as legal migration pathways and other protection services rejection, pressing family matters in Iraq and a sense of frustration with the asylum system in Europe), a lack of information on how to access such protections could help explain why returnees decided to return in the first place.

### Conclusion

This assessment focused on the knowledge of and access to legal migration pathways and other protection services by Iraqi returnees who travelled to Europe and returned to Iraq between 2014 and 2016. Based on 50 key informant interviews, it sought to answer the following questions: i) Prior to their migration to Europe, what legal migration pathways were Iraqis aware of and which ones did they try to access; ii) Once in Europe, what legal migration pathways were Iraqis aware of and which ones did they try to access; iii) If Iraqis were denied asylum, did they try to access any other protection services refugees; iv) Once back in Iraq, what legal migration pathways and other protection services were individuals aware of that they were not aware of before; and v) What types of legal migration pathways and other protection services wish they knew existed earlier.

The assessment found that the majority of interviewees were not aware of and therefore did not try to access legal migration pathways prior to leaving Iraq for Europe. Only 10 individuals out of 50 reportedly knew of legal migration pathways such as family reunification, student visas and resettlement. Ultimately, none of the participants successfully accessed legal migration pathways prior to leaving for Europe, reportedly due to a lack of information, time and financial constraints. Those who were aware of legal migration pathways viewed visa application procedures as too expensive and lengthy. This finding indicates that information on legal migration pathways to Europe is not well communicated. An increased availability of information about the application procedure and eligibility criteria for student, work and humanitarian visas, family reunification and resettlement, in both Kurdish and Arabic, would help address this problem.

In Europe, most respondents were only aware of asylum as a potential legal pathway. Those who tried to access asylum were either unsuccessful and had their applications rejected, or decided to give up after having waited for months for a decision. This raises questions about the asylum system more generally, and about the transparency and efficiency of how asylum cases are processed in particular. As long as the 1951 Refugee Convention definition of refugee is used exclusively for asylum determination, a number of potentially very vulnerable and persecuted people will be excluded and denied protection.<sup>58</sup> For people like the two individuals who came from Mosul and Basra, where they were confronted with high levels of

<sup>&</sup>lt;sup>58</sup> Dohuk\_06 and Erbil\_08 came from Mosul and Basra respectively, where they were confronting high levels of violence and threat. Nevertheless, both men were denied asylum.

violence, knowing about alternative legal migration pathways and other protection services becomes even more important to avoid returning to almost guaranteed danger.

Of 50 participants, only nine were aware of other legal migration pathways once in Europe and only two tried to access these. No one was successful in accessing nonasylum legal migration pathways. Besides concerns over long waiting times and the likelihood that they would have to leave Europe, it is questionable whether these nine had access to sufficient information about these pathways to be able to apply. More could be done to highlight existing legal migration pathways, and especially how to apply for them.

Only five participants out of 50 were aware of protection services that might enable them to stay in Europe legally. Four of the five individuals actually tried to access other protection services like subsidiary and temporary protection but only three of them were successful (specifically temporary protection). Despite the fact that many of the respondents would have likely been eligible for other protection services, almost none knew about their existence. Furthermore, under both subsidiary and temporary protection, participants could have legally remained in Europe, worked, and appealed their negative asylum decisions. This finding indicates that EU governments and NGOs are not doing enough to raise awareness of such protections.

Having returned to Iraq, one man reported new knowledge of legal migration pathways and other protection services; the other 49 respondents only retained their previous knowledge. This would seemingly demonstrate that little knowledge sharing around these topics takes place between returnees and their communities in KRI and the greater Baghdad region. Though it is hard to draw a definitive conclusion as to why, it is possible that participants preferred not to talk about the specifics of migration upon their return.

Back in Iraq, when asked what kinds of legal migration pathways and other protection services they wish they had known existed prior to leaving Iraq and once in Europe, a majority reported none. Sixteen returnees, however, expressed a wish to have had more information while in Europe. The most popular legal migration pathways or other protection services respondents wished they had known about was subsidiary protection. This finding supports the assumption that more returnees would have tried to access this protection had they known about it. This finding also demonstrates that there is a need for greater transparency and dissemination around the existence of, and application for, subsidiary protection. It is possible that the 16 individuals who did wish they had more information generally, or about a specific legal migration pathway or other protection services, recognise that the outcome of their migration might have been different had they had more knowledge before leaving for Europe and while in Europe.

## **Annex 1: List of participants**

Consider including further details on the methodology, questionnaire, maps, etc. as annexes. Additional information, for example a clean dataset, could be included as a link.

Form ID	Nationality	Gender	Age	Return type	Displacement status	Governorate of origin
Iraq_Baghdad_01	Iraqi	Male	24	Assisted	Non-displaced	Baghdad, Iraq
Iraq_Baghdad_02	Iraqi	Male	22	Assisted	Non-displaced	Baghdad, Iraq
Iraq_Baghdad_03	Iraqi	Male	27	Voluntary	IDP	Baghdad, Iraq
lraq_Baghdad_04	Iraqi	Male	28	Assisted	Non-displaced	Baghdad, Iraq
Iraq_Baghdad_05	Iraqi	Male	25	Assisted	Non-displaced	Baghdad, Iraq
Iraq_Baghdad_06	Iraqi	Male	24	Voluntary	Non-displaced	Anbar, Iraq
lraq_Baghdad_07	Iraqi	Male	27	Assisted	IDP	Anbar, Iraq
lraq_Baghdad_08	Iraqi	Male	23	Assisted	IDP	Mosul, Iraq
Iraq_Baghdad_09	Iraqi	Male	25	Voluntary	Non-displaced	Baghdad, Íraq
Iraq_Baghdad_10	Iraqi	Male	27	Assisted	Non-displaced	Baghdad, Iraq
Iraq_Baghdad_11	Iraqi	Male	24	Assisted	Non-displaced	Baghdad, Iraq
Iraq_Baghdad_12	Iraqi	Male	25	Assisted	Non-displaced	Babel, Iraq
Iraq_Baghdad_13	Iraqi	Male	26	Voluntary	Non-displaced	Baghdad, Iraq
Iraq_Baghdad_14	Iraqi	Male	30	Assisted	Non-displaced	Baghdad, Iraq
Iraq_Baghdad_15	Iraqi	Male	24	Assisted	Non-displaced	Baghdad, Iraq
Iraq_Baghdad_16	Iraqi	Male	26	Assisted	Non-displaced	Baghdad, Iraq
Iraq_Baghdad_17	Iraqi	Male	25	Assisted	Non-displaced	Baghdad, Iraq
Iraq_Baghdad_18	Iraqi	Male	29	Assisted	Non-displaced	Baghdad, Iraq
Iraq_Baghdad_19	Iraqi	Male	24	Assisted	Non-displaced	Wassit, Iraq
Iraq_Baghdad_20	Iraqi	Male	27	Assisted	Non-displaced	Wassit, Iraq
Iraq_Baghdad_21	Iraqi	Male	28	Voluntary	Non-displaced	Wassit, Iraq
Iraq_Baghdad_22	Iraqi	Male	23	Assisted	Non-displaced	Wassit, Iraq
Iraq_Baghdad_23	Iraqi	Male	22	Assisted	Non-displaced	Wassit, Iraq
Iraq_Baghdad_24	Iraqi	Male	24	Assisted	Non-displaced	Wassit, Iraq
Iraq_Baghdad_25	Iraqi	Male	25	Assisted	Non-displaced	Wassit, Iraq
Iraq_Dohuk_01	Iraqi	Male	43	Assisted	Non-displaced	Ninewa, Iraq
Iraq_Dohuk_02	Iraqi	Male	47	Voluntary	IDP	Ninewa, Iraq
Iraq_Dohuk_03	Iraqi	Male	29	Voluntary	IDP	Ninewa, Iraq
Iraq_Dohuk_04	Iraqi	Male	44	Voluntary	IDP	Ninewa, Iraq
Iraq_Dohuk_05	Iraqi	Male	42	Voluntary	IDP	Ninewa, Iraq
Iraq_Dohuk_06	Iraqi	Male	25	Voluntary	IDP	Ninewa, Iraq
Iraq_Dohuk_07	Iradi	Male	35	Voluntary	IDP	Ninewa, Iraq
Iraq_Dohuk_08	Iraqi	Male	37	Voluntary	Non-displaced	Ninewa, Iraq
Iraq_Dohuk_09	Iraqi	Male	31	Voluntary	IDP	Ninewa, Iraq
Iraq_Erbil_01	Iraqi	Male	28	Assisted	Non-displaced	Erbil, Iraq
Iraq_Erbil_02	Iraqi	Female	34	Forced	Non-displaced	Erbil, Iraq
Iraq_Erbil_03	Iraqi	Male	38	Forced	Non-displaced	Erbil, Iraq
Iraq_Erbil_04	Iraqi	Male	24	Assisted	Non-displaced	Erbil, Iraq
Iraq_Erbil_05	Iraqi	Male	28	Assisted	Non-displaced	Erbil, Iraq
Iraq_Erbil_06	Iraqi	Male	19	Assisted	Non-displaced	Erbil, Iraq
lraq_Erbil_07	Iraqi	Male	26	Forced	Non-displaced	Erbil, Iraq
Iraq_Erbil_08	Iraqi	Male	39	Assisted	IDP '	Basra, Iraq
Iraq_Suly_01	Iraqi	Male	22	Voluntary	Non-displaced	Sulaymaniyah, Iraq
Iraq_Suly_02	Iraqi	Female	40	Forced	Non-displaced	Sulaymaniyah, Iraq
Iraq_Suly_03	Iraqi	Female	41	Forced	Non-displaced	Sulaymaniyah, Iraq
Iraq_Suly_04	Iraqi	Male	20	Voluntary	Non-displaced	Sulaymaniyah, Iraq
Iraq_Suly_05	Iraqi	Female	34	Voluntary	Non-displaced	Sulaymaniyah, Iraq
Iraq_Suly_06	Iraqi	Male	25	Voluntary	Non-displaced	Sulaymaniyah, Iraq
Iraq_Suly_07	Iraqi	Male	35	Voluntary	Non-displaced	Sulaymaniyah, Iraq
Iraq_Suly_08	Iraqi	Male	50	Voluntary	Non-displaced	Sulaymaniyah, Iraq

## Annex 2: Questionnaire

Question ID	Question	Answer options (if relevant)
Q_1A	Gender of respondent	Male/Female
Q_1B	Age (approximate)	Fill in age
Q_1C	Governorate or origin	Fill in governorate
Q_1D	District of origin	Fill in district
Q_1E	Have you previously been displaced?	Yes/No
Q_1F	Highest level of education achieved	Select one:
		-Primary education
		-Secondary education
		-University degree
		-Post graduate degree
		-Vocational training
		-No formal education
		-Other [specify]
Q_1G	Which source covered most of your household	Select one:
	expenses in a month pre-migration to Europe?	-Income from cash crop farming
		-Income from livestock farming
		-Income from rent
		-Income from business/sale of
		goods/services
		-Unskilled daily labour/no contract
		-Skilled daily labour/no contract
		-Formal employment/with contract
		-Government benefits
		-Humanitarian assistance
		-Gifts/remittances, borrowing/loans
		-Savings
		-Other [specify]
Q_1H	Type of return	Select one:
		-Voluntary
		-Assisted
		-Forced
Q_2A	Date of departure from Iraq	Month
		Year
Q_2B	What was your desired destination for migration in	Select one:
	Europe?	-UK
		-Germany
		-Finland
		-Sweden
		-Norway
		-Denmark
		-France
		-Austria
		-Hungary
		-Other [specify]
Q_2C	Why did you choose this country to migrate to?	Select up to 3 reasons:
		-Applying for asylum and/or refuge
		status
		-Other legal protections for asylum
		seekers
		-Family and friends already in
		country
		-Employment opportunities
		-Education opportunities
		-Health care services -Safety and stability

		-Other [specify]
Q_2D	Did you already have family in the country of	Yes/No
0.05	destination in Europe when you migrated there?	
Q_2E Q_2E_a	Did you travel alone? (IF NO to Q_2E) Who did you travel with?	Yes/No
Q_2E_a Q_2F	When did you arrive in Europe?	Month
G_21		Year
Q_2G	Did you reach your desired destination in Europe?	Yes/No
Q_2G_a	(IF NO to Q_2G) Why not?	
Q_2G_b	(IF NO to Q_2G) Where did you end up migrating	Select one:
	to?	-UK -Germany
		-Finland
		-Sweden
		-Norway
		-Denmark
		-France -Austria
		-Hungary
		-Other [other]
Q_3A	What kinds of legal pathways to migrate to Europe	
	were you aware of prior to travelling to Europe?	
Q_3B	What kinds of legal pathways to migrate to Europe	
Q_3C	did you try to access prior to traveling to Europe? Were you able to access legal pathways prior to	Yes/No
&_00	leaving for Europe?	103/10
Q_3C_a	(IF YES to Q_3C) How did you access these legal	
	pathways?	
Q_3C_b	(IF YES to Q_3C) If you had access to legal pathways but chose not to access them, why did	
	you choose not to?	
Q_3C_c	(IF NO to Q_3C) Why not?	
Q_4A	What kinds of legal pathways to remain in Europe	
0.45	were you aware of when you arrived?	
Q_4B	What kinds of legal pathways to remain in Europe did you try to access?	
Q_4C	Were you able to access legal pathways to remain	Yes/No
	in Europe?	
Q_4C_a	(IF YES to Q_4C) How did you access these legal	
	pathways?	
	(IF YES to Q_4C) If you had access to legal pathways but chose not to access them, why did	
Q_4C_b	you choose not to?	
	(IF NO to Q_4C) Why not?	
0.40	What kinds of other protection services were you	
Q_4C_c	aware of when you arrived?	
Q_4D	What kinds of other protection services did you try to access?	
Q_4E	Were you able to access other protection services	
_	in Europe?	
Q_4F	(IF YES to Q_4F) How did you access these other	Yes/No
0.45	protection services?	
Q_4F_a	(IF YES to Q_4F) If you had access to other	
Q_4F_b	protection services but chose not to access them, why did you choose not to?	
~~	(IF NO to Q_4F) Why not?	
	What types of other protection services are you	
Q_4F_c	now aware of (since returning to Iraq, that you	
Q_5A	weren't aware of while in Europe)?	

What types of other protection services do you wish you had known about when you were in Europe?

All Mixed Migration Platform reports are available at: <a href="https://www.mixedmigrationplatform.org">www.mixedmigrationplatform.org</a> For additional inquiries please contact MMP at: <a href="https://www.mixedmigrationplatform.org">additionplatform.org</a>



