

TE Bvwg Erkenntnis 2021/5/19 W285 2181772-1

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Entscheidungsdatum

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Norm

AsylG 2005 §54

AsylG 2005 §55 Abs1

AsylG 2005 §58 Abs2

AsylG 2005 §8 Abs1 Z1

BFA-VG §9 Abs2

BFA-VG §9 Abs3

B-VG Art133 Abs4

VwGVG §28

Spruch

W285 2181772-1/31E

IM NAMEN DER REPUBLIK!

Das Bundesverwaltungsgericht erkennt durch die Richterin Dr. Eva WENDLER als Einzelrichterin über die Beschwerde des XXXX , geboren am XXXX , Staatsangehörigkeit: Irak, vertreten durch Rechtsanwalt Mag. Dr. Helmut BLUM, LL.M., MAS, gegen die Spruchpunkte II. bis VI. des Bescheides des Bundesamtes für Fremdenwesen und Asyl vom 01.12.2017, Zahl: 1072148405-150612462, betreffend die Abweisung des Antrages auf internationalen Schutz hinsichtlich des Status des subsidiär Schutzberechtigten und Rückkehrentscheidung, zu Recht:

A) I. Die Beschwerde gegen Spruchpunkt II. wird als unbegründet abgewiesen.

II. Der Beschwerde gegen die Spruchpunkte III. bis VI. des angefochtenen Bescheides wird stattgegeben, diese werden behoben und festgestellt, dass gemäß § 9 Abs. 2 und 3 BFA-VG eine Rückkehrentscheidung auf Dauer unzulässig ist. XXXX , geboren am XXXX , wird gemäß §§ 54, 55 Abs. 1 und 58 Abs. 2 Asylgesetz 2005 der Aufenthaltstitel „Aufenthaltsberechtigung plus“ für die Dauer von zwölf Monaten erteilt.

B) Die Revision ist gemäß Art. 133 Abs. 4 B-VG nicht zulässig.

Text

Entscheidungsgründe:

I. Verfahrensgang:

Der Beschwerdeführer stellte am 03.06.2015 einen Antrag auf internationalen Schutz gemäß § 2 Abs. 1 Z 13 AsylG 2005.

Am 05.06.2015 fand vor einem Organ des öffentlichen Sicherheitsdienstes die niederschriftliche Erstbefragung des Beschwerdeführers zu seinem Antrag auf internationalen Schutz statt.

Sodann fand die niederschriftliche Einvernahme des Beschwerdeführers im Asylverfahren vor dem Bundesamt für Fremdenwesen und Asyl, Regionaldirektion XXXX, am 28.09.2017 statt.

Mit dem oben im Spruch angeführten Bescheid des Bundesamtes vom 01.12.2017 wurde der gegenständliche Antrag auf internationalen Schutz sowohl hinsichtlich der Zuerkennung des Status des Asylberechtigten gemäß § 3 Abs. 1 iVm § 2 Abs. 1 Z 13 AsylG, als auch hinsichtlich der Zuerkennung des Status des subsidiär Schutzberechtigten gemäß § 8 Abs. 1 iVm § 2 Abs. 1 Z 13 AsylG in Bezug auf den Herkunftsstaat Irak, abgewiesen (Spruchpunkte I. und II.), dem Beschwerdeführer ein Aufenthaltstitel aus berücksichtigungswürdigen Gründen gemäß § 57 AsylG nicht erteilt (Spruchpunkt III.), gemäß § 10 Abs. 1 Z 3 AsylG iVm § 9 BFA-VG gegen ihn eine Rückkehrentscheidung gemäß § 52 Abs. 2 Z 2 FPG erlassen (Spruchpunkt IV.), gemäß § 52 Abs. 9 FPG festgestellt, dass seine Abschiebung gemäß § 46 FPG in den Irak zulässig ist (Spruchpunkt V.) und dem Beschwerdeführer eine Frist zur freiwilligen Ausreise gemäß § 55 Abs. 1 bis 3 FPG von 14 Tagen ab Rechtskraft der Rückkehrentscheidung eingeräumt (Spruchpunkt VI.).

Mit Schriftsatz der damaligen bevollmächtigten Rechtsvertretung des Beschwerdeführers vom 27.12.2017, beim Bundesamt am 29.12.2017 einlangend, erhob der Beschwerdeführer gegen diesen Bescheid das Rechtsmittel der Beschwerde und beantragte, das Bundesverwaltungsgericht möge eine mündliche Beschwerdeverhandlung durchführen, der Beschwerde stattgeben und dem Beschwerdeführer den Status des Asylberechtigten, allenfalls des subsidiär Schutzberechtigten zuerkennen; in eventu feststellen, dass die Rückkehrentscheidung auf Dauer unzulässig ist und ihm von Amts wegen einen Aufenthaltstitel gemäß § 55 AsylG zuerkennen; in eventu den angefochtenen Bescheid beheben und zur Verfahrensergänzung und neuerlichen Entscheidung an das Bundesamt zurückverweisen.

Die gegenständliche Beschwerde und die Bezug habenden Verwaltungsakten wurden vom Bundesamt vorgelegt und sind am 04.01.2018 beim Bundesverwaltungsgericht eingelangt.

Infolge der Ladung zur bzw. Verlegung der mündlichen Verhandlung vor dem Bundesverwaltungsgericht zog die bisherige bevollmächtigte Rechtsvertretung mit Schreiben vom 09.09.2019 die Vertretungsvollmacht zurück.

Mit Schreiben des Bundesverwaltungsgerichtes vom 19.09.2019 wurden dem Beschwerdeführer sowie dem Bundesamt zur Vorbereitung der mündlichen Beschwerdeverhandlung ein Konvolut von aktuellen und relevanten Länderberichten zum Irak zur Kenntnisnahme übermittelt und zugleich die Möglichkeit der Abgabe einer schriftlichen Stellungnahme bis zum Beginn der mündlichen Verhandlung oder der mündlichen Stellungnahme im Rahmen der mündlichen Verhandlung eingeräumt.

Mit Schreiben vom 18.09.2019, beim Bundesverwaltungsgericht am 19.09.2019 einlangend, wurde die Vertretungsvollmacht des nunmehrigen Rechtsvertreters des Beschwerdeführers bekanntgegeben.

Per E-Mail vom 23.09.2019 gab das Bundesamt die Teilnahme eines informierten Vertreters an der mündlichen Verhandlung bekannt.

Das Bundesverwaltungsgericht führte am 03.10.2019 eine öffentliche mündliche Beschwerdeverhandlung durch, an welcher der Beschwerdeführer, seine Rechtsvertretung, ein Dolmetscher für die Sprache Kurdisch-Sorani sowie ein Vertreter des Bundesamtes teilnahmen. Im Zuge der mündlichen Verhandlung wurde die Lebensgefährtin des Beschwerdeführers als Zeugin vernommen.

Mit am 03.10.2019 mündlich verkündetem und am 04.02.2020 schriftlich ausgefertigtem Erkenntnis zu Zahl G311 2181772-1/15E wies das Bundesverwaltungsgericht die Beschwerde hinsichtlich des Spruchpunktes I. als unbegründet ab (Spruchpunkt A I.). Hinsichtlich des Spruchpunktes II. wurde der Beschwerde stattgegeben, dem Beschwerdeführer der Status des subsidiär Schutzberechtigten in Bezug auf den Herkunftsstaat Irak zuerkannt (Spruchpunkt A II.) und

eine für ein Jahr gültige, befristete Aufenthaltsberechtigung als subsidiär Schutzberechtigter erteilt (Spruchpunkt A III.). Weiters wurden die Spruchpunkte III. bis VI. des Bescheides ersatzlos behoben (Spruchpunkt A IV.). Die Revision erklärte das Bundesverwaltungsgericht gemäß Art. 133 Abs. 4 B-VG für nicht zulässig (Spruchpunkt B).

Gegen die Spruchpunkte A II. bis A IV. richtete sich eine durch das Bundesamt für Fremdenwesen und Asyl eingebrachte Amtsrevision.

Mit Erkenntnis vom 23.09.2020, Ra 2020/14/0134-7, hat der Verwaltungsgerichtshof das angefochtene Erkenntnis in seinen Spruchpunkten A II. bis A IV. wegen Rechtswidrigkeit infolge Verletzung von Verfahrensvorschriften aufgehoben.

Die Gerichtsakten wurden dem Bundesverwaltungsgericht daraufhin zur neuerlichen Entscheidung über die Beschwerde hinsichtlich der Spruchpunkte II. bis VI. des angefochtenen Bescheides vom VwGH am 14.10.2020 (einlangend) rückübermittelt.

Das Bundesverwaltungsgericht bestellte im fortgesetzten Verfahren nach Gewährung von diesbezüglichem Parteiengehör mit Beschluss vom 02.12.2020 gemäß § 52 Abs. 2 AVG iVm § VwGVG einen Sachverständigen aus dem Fachgebiet Länderkunde Irak und beauftragte diesen mit der Erstellung eines Gutachtens hinsichtlich der aktuellen Lage in Kirkuk.

Zudem wurde ergänzendes Berichtsmaterial zur Lage im Irak (Kurzinformation der Staatendokumentation, Naher Osten – Covid-19 vom 14.08.2020; WHO, Covid-19 vom 16.08.2020) ins Verfahren eingeführt.

Mit Schreiben vom 22.01.2021 übermittelte das Bundesverwaltungsgericht dem bevollmächtigten Vertreter des Beschwerdeführers sowie dem Bundesamt für Fremdenwesen und Asyl das durch den Sachverständigen am 18.01.2021 in englischer Sprache abgefasste Gutachten im Rahmen des Parteiengehörs und gewährte diesen die Möglichkeit zur Einbringung einer schriftlichen Stellungnahme binnen zweiwöchiger Frist.

Am 04.02.2021 brachte der bevollmächtigte Vertreter des Beschwerdeführers eine schriftliche Stellungnahme ein und übermittelte zugleich einen Gewerbeschein, Dienstvertrag und Lohnzettel des Beschwerdeführers.

Eine Stellungnahme des Bundesamtes für Fremdenwesen und Asyl langte nicht ein.

II. Das Bundesverwaltungsgericht hat erwogen:

1. Feststellungen:

Mit am 03.10.2019 mündlich verkündetem und am 04.02.2020 schriftlich ausgefertigtem Erkenntnis des Bundesverwaltungsgerichtes zu Zahl G311 2181772-1/15E wurde die gegenständliche Beschwerde hinsichtlich des Spruchpunktes I. des angefochtenen Bescheides als unbegründet abgewiesen (Spruchpunkt A I.). Hinsichtlich des Spruchpunktes II. wurde der Beschwerde stattgegeben, dem Beschwerdeführer der Status des subsidiär Schutzberechtigten in Bezug auf den Herkunftsstaat Irak zuerkannt (Spruchpunkt A II.) und eine für ein Jahr gültige, befristete Aufenthaltsberechtigung als subsidiär Schutzberechtigter erteilt (Spruchpunkt A III.). Weiters wurden die Spruchpunkte III. bis VI. des Bescheides ersatzlos aufgehoben (Spruchpunkt A IV.).

Das Bundesverwaltungsgericht traf in dieser Entscheidung auszugswise nachfolgende Feststellungen:

„Der Beschwerdeführer führt die im Spruch angeführte Identität (Namen und Geburtsdatum), ist Staatsangehöriger des Irak, Angehöriger der Volksgruppe der Kurden und bekennt sich formal zum moslemischen Glauben sunnitischer Ausrichtung, übt seine Religion jedoch nicht aus und führt einen eher westlich orientierten Lebensstil. Seine Muttersprache ist Kurdisch-Sorani (vgl. aktenkundige Kopien des irakischen Personalausweises, irakischen Staatsbürgerschaftsnachweises; Erstbefragung vom 05.06.2015, AS 35 ff; Niederschrift Bundesamt vom 28.09.2017, S 1 ff; Verhandlungsprotokoll vom 03.10.2019, S 3 ff).

Der Beschwerdeführer ist gesund und arbeitsfähig. Es wird festgestellt, dass der Beschwerdeführer an keinen lebensbedrohlichen Erkrankungen im Endstadium leidet, die im Irak nicht behandelbar wären (vgl. Erstbefragung vom 05.06.2015, AS 39; Niederschrift Bundesamt vom 28.09.2017, S 2 f).

Der Beschwerdeführer reiste am 20.04.2015 mit einem Bus legal von Erbil aus nach Istanbul/Türkei. In der Folge reiste er teils schlepperunterstützt, teils selbstständig über Griechenland, Nordmazedonien, Serbien und Ungarn bis nach Österreich, wo er am 03.06.2015 den gegenständlichen Antrag auf internationalen Schutz stellte. Den Reisepass ließ er

in der Türkei beim Schlepper zurück (vgl Erstbefragung vom 05.06.2015, AS 39 ff; Niederschrift Bundesamt vom 28.09.2017, S 4; Verhandlungsprotokoll vom 03.10.2019, S 5).

In Ungarn musste der Beschwerdeführer am 02.06.2015 einen Asylantrag, wartete dort jedoch nicht den Ausgang des Verfahrens ab, sondern reiste nach Österreich weiter. In weiterer Folge wurde ein Dublin-Verfahren mit Ungarn durchgeführt, im Zuge dessen dem Beschwerdeführer vor dem Bundesamt für Fremdenwesen und Asyl, EAST Ost, am 31.08.2015 Parteiengehör zur Außerlandesbringung gewährt wurde. In der Folge wurde der Antrag des Beschwerdeführers auf internationalen Schutz vom 03.06.2015 mit Bescheid des Bundesamtes vom 05.09.2015 zurückgewiesen, festgestellt, dass Ungarn zur Prüfung des Antrages zuständig ist und die Außerlandesbringung des Beschwerdeführers angeordnet sowie die Zulässigkeit der Abschiebung nach Ungarn festgestellt. Der dagegen erhobenen Beschwerde des Beschwerdeführers wurde mit Erkenntnis des Bundesverwaltungsgerichtes vom 21.09.2015, W144 2114424-1, stattgeben und der Bescheid behoben. Das gegenständliche Asylverfahren des Beschwerdeführers wurde somit zugelassen (vgl Erstbefragung vom 05.06.2015, AS 41 f; Bescheid des Bundesamtes vom 05.09.2015, AS 103 ff; Erkenntnis des Bundesverwaltungsgerichtes vom 21.09.2015).

Seit seiner Einreise nach Österreich hält sich der Beschwerdeführer ununterbrochen im Bundesgebiet auf und verfügt über durchgehende Hauptwohnsitzmeldungen seit 26.06.2015 (vgl Auszug aus dem Zentralen Melderegister vom 03.10.2019).

Der Beschwerdeführer ist strafgerichtlich unbescholten (vgl Strafregisterauszug vom 03.10.2019).

Geboren ist der Beschwerdeführer in Erbil, Kurdistan, wo er mit seiner Familie bis etwa 2005 lebte und dort die Grundschule und drei Klassen der Mittelschule besuchte. 2005 kehrte die Familie nach Kirkuk zurück, woher sie ursprünglich auch stammt. Dort schloss der Beschwerdeführer das Gymnasium ab und studierte in der Folge vier Jahre Rechtswissenschaften. Das Studium beendete er im Studienjahr 2011/2012. Daraufhin war er für knapp ein Jahr auf Arbeitssuche. Ab 27.12.2012 bekam er für etwa neun Monate eine Stelle als bewaffneter Security-Mitarbeiter beim Sicherheitsdienst des XXXX und dessen Außenstelle („ XXXX“) XXXX . Im Zuge dieser Tätigkeit absolvierte er zuvor ein etwa zweiwöchiges Training als bewaffneter Securitymitarbeiter und verdiente sodann während der Tätigkeit monatlich etwa USD 700,00. Während dieser Zeit in Erbil wohnte der Beschwerdeführer unter der Woche gemeinsam mit drei Kollegen in einer Wohnung in Erbil und kehrte am Wochenende nach Kirkuk zur Familie zurück. Anschließend kehrte er etwa Ende August 2013 nach Kirkuk zurück, wo er bis zu seiner Ausreise aus dem Irak in einer Buchhandlung als Buchverkäufer gearbeitet hat und monatlich etwa USD 525,00 verdiente. In der Zeit in Kirkuk lebte der Beschwerdeführer immer und bis zur Ausreise im Elternhaus (vgl Erstbefragung vom 05.06.2015, AS 39 ff; Niederschrift Bundesamt vom 28.09.2017, S 3 ff; Verhandlungsprotokoll vom 03.10.2019, S 3 ff; aktenkundiges universitäres Abschlusszeugnis vom 23.12.2013 samt Übersetzung sowie Ausweis der kurdischen XXXX als Rechtsanwalt; aktenkundiges Zertifikat des XXXX vom 01.11.2012; aktenkundiges Bestätigungsschreiben über die Tätigkeit des Beschwerdeführers bei „ XXXX “ vom 26.02.2013; Konvolut von Fotos des Beschwerdeführers mit seinen Kollegen, alle bewaffnet und in Uniform; aktenkundige Kopie des Dienstausweises des Beschwerdeführers des XXXX).

Der Vater des Beschwerdeführers ist bereits 2011 verstorben. Die Mutter, zwei Brüder und zwei Schwestern leben nach wie vor im Elternhaus in Kirkuk. Eine dritte Schwester ist bereits verheiratet und lebt im Bezirk XXXX in Suleimaniya. Die Mutter lebt von der Pension des verstorbenen Vaters in Höhe von etwa USD 500,00. Einer der Brüder des Beschwerdeführers ist inzwischen Peshmerga und sorgt mit seinem Einkommen für die Familie. Es besteht regelmäßiger Kontakt des Beschwerdeführers zu seiner Mutter und seinen Geschwistern (vgl Erstbefragung vom 05.06.2015, AS 39 ff; Niederschrift Bundesamt vom 28.09.2017, S 3 ff; Verhandlungsprotokoll vom 03.10.2019, S 3 ff).

Der Beschwerdeführer ist ledig und hat keine Kinder. Er hat in Österreich keine verwandtschaftlichen Beziehungen, lebt jedoch mit seiner Freundin, XXXX , österreichische Staatsangehörige, und deren minderjähriger Tochter seit 01.06.2016 im gemeinsamen Haushalt in Österreich (vgl Erstbefragung vom 05.06.2015, AS 39 ff; Niederschrift Bundesamt vom 28.09.2017, S 3 ff; Verhandlungsprotokoll vom 03.10.2019, S 3 ff sowie Zeugeneinvernahme, S 11; Auszug aus dem Zentralen Melderegister vom 03.10.2019).“

Ergänzend zu den im Erkenntnis des Bundesverwaltungsgerichtes vom 03.10.2019 bereits getroffenen Feststellungen werden nunmehr nachfolgende Feststellungen getroffen:

Der Beschwerdeführer hält sich seit seiner Asylantragstellung im Juni 2015 nach wie vor ununterbrochen im Bundesgebiet auf. Er verfügt im Bundesgebiet seit 26.06.2015 über durchgehende Hauptwohnsitzmeldungen. Der

Beschwerdeführer ist strafgerichtlich unbescholten (vgl. Auszüge aus dem Zentralen Melderegister sowie dem Strafregister jeweils vom 11.05.2021).

Der Antrag auf internationalen Schutz hinsichtlich der Zuerkennung des Status des Asylberechtigten nach § 3 Abs. 1 AsylG 2005 wurde mit Erkenntnis des Bundesverwaltungsgerichtes vom 03.10.2019 rechtskräftig abgewiesen. Dem Beschwerdeführer drohte somit weder zum Zeitpunkt seiner Ausreise aus dem Irak eine individuelle, konkrete und asylrelevante Bedrohung oder Verfolgung und wurde eine solche individuelle Gefährdung auch im Falle seiner Rückkehr verneint.

Der Beschwerdeführer war im Vorfeld der Ausreise – wie bereits im Erkenntnis des Bundesverwaltungsgerichtes vom 03.10.2019 festgestellt – etwa ab Ende August 2013 durchgehend in Kirkuk wohnhaft, wo er gemeinsam mit seiner Mutter und seinen Geschwistern im Elternhaus lebte, in einer Buchhandlung als Buchverkäufer gearbeitet hat und monatlich etwa USD 525,00 verdiente. Eine Änderung der familiären Bezüge des Beschwerdeführers in Kirkuk liegt nicht vor.

Der Beschwerdeführer leidet nicht an im Irak bzw. konkret in Kirkuk nicht behandelbaren, schweren Erkrankungen. Ein derartiges Vorbringen wurde nicht erstattet.

Der Beschwerdeführer war in Österreich von 13.11.2019 bis 13.02.2021 als Arbeiterlehrling in einem Gastronomiebetrieb beschäftigt. Der Beschwerdeführer arbeitet nunmehr seit 22.01.2021 als Lagerarbeiter und ist zusätzlich seit Juni 2020 als Zeitungszusteller selbständig erwerbstätig. Er verdient monatlich etwa EUR 2.000,-, ist selbsterhaltungsfähig und bezieht keine staatlichen Unterstützungsleistungen. Er lebt nach wie vor mit seiner Lebensgefährtin, einer österreichischen Staatsbürgerin, und deren minderjähriger Tochter im gemeinsamen Haushalt und ist in das soziale und familiäre Umfeld seiner Lebensgefährtin eingebunden (vgl. Beilagen zur Stellungnahme vom 04.02.2021, Sozialversicherungsdatenauszug vom 11.05.2021, Auszug aus dem Zentralen Melderegister vom 11.05.2021, aktenkundige Unterstützungsschreiben, Verhandlungsprotokoll vom 03.10.2019, S 6, 11).

Der Beschwerdeführer hat die deutsche Sprache erlernt und im September 2017 eine ÖSD-Deutschprüfung auf dem Niveau A2 gut bestanden. Der Beschwerdeführer hat sich einen Freundes- und Bekanntenkreis in Österreich aufgebaut, ist Mitglied in einer Hobby-Fußballgruppe sowie in einem Verein für Hundebesitzer, er verrichtete im Zeitraum 2018/2019 gemeinnützige Arbeiten für eine Stadtgemeinde sowie Hilfsarbeiten in seiner Nachbarschaft (vgl. aktenkundiges ÖSD-Zertifikat vom 15.09.2017; Bestätigungen und Unterstützungsschreiben aus seinem privaten Umfeld/Beilagen zum Verhandlungsprotokoll vom 03.10.2019).

Zur entscheidungsrelevanten Lage im Irak:

Zusätzlich zu den bereits dem Erkenntnis des Bundesverwaltungsgerichtes vom 03.10.2019 zugrunde gelegten Feststellungen werden zur aktuellen Lage in Kirkuk die folgenden Feststellungen getroffen:

Der nichtamtliche Sachverständige XXXX, ein in Erbil lebender Journalist, der für verschiedene Medien wie etwa XXXX arbeitet und seine Masterarbeit über XXXX verfasste, erstattete am 18.01.2021 nachfolgende Anfragebeantwortung:

Introduction

The oil-rich Kirkuk governorate is a potential flashpoint for ethnic disputes (between Kurds, Turkmen and Arabs) over territory and resources.² Since the mid-1970s, the Iraqi government has also expelled thousands of ethnic Kurdish, Assyrian and Turkmen families from the oil-rich Kirkuk area through what is known as the 'Arabization' policy.³ The policy was mainly aimed against Kurds to weaken Kurdish claims on Kirkuk, which was proclaimed by Kurdish nationalist leaders as the 'heart of Kurdistan' or the 'Jerusalem of Kurdistan'. The Kurdish parties have long claimed Kirkuk as part of Iraqi Kurdistan, but it lies just south of the 'Kurdistan Autonomous Region' delineated by the Iraqi government in 1974.⁴ The current borders of the Kurdistan Region include the provinces of Erbil, Duhok, Sulaymaniyah (Slemani), and Halabja. After the fall of Saddam Hussein and the formation of a new government and constitution, Article 140 was written to address land disputes between the Kurdistan Regional Government (KRG), (now recognized by the Iraqi constitution) and the Iraqi Federal Government, including areas in the governorates of Diyala, Kirkuk, Nineveh, and Saladin. The process would include a census and a referendum (for the population to decide to fall under KRG or Baghdad control).⁵ However, the article was never implemented and disputes over territory remained between Baghdad and Erbil (the capital of the Kurdistan Region). In September 2017, the Iraqi Kurds held an independence referendum and included disputed territories like Kirkuk in the process despite opposition of Baghdad. But after a

Kurdish majority voted for independence, Baghdad and neighbouring countries punished the Iraqi Kurds, shut down the border and the airports. The Kurds also failed to gain international support for the referendum. In October 2017, Kirkuk was taken by Iraqi armed forces and Iranian-backed militias. As a result many Kurds fled Kirkuk in 2017. Prior to 2017, Kurdish Peshmerga forces protected Kirkuk city from 2014 until 2017 against ISIS attacks.

1. Travel options

The oil-rich Kirkuk Governorate doesn't have any airport, despite plans to open a civilian airport.⁶

However, there are several options to return from Europe to Kirkuk. First of all there are flights from Europe to Baghdad International Airport (BGW)⁷. Moreover, there are flights to the Kurdistan Region of Iraq from Europe to Erbil International Airport (EIA), and to Sulaymaniyah International Airport (SIA).⁸ Other options are to travel to Turkey and to take a domestic flight to one of the Turkish airports

in the southeast Turkey and take a bus or taxi from there to Iraq. However, according to Mohammed

Bakr, a Research Assistant at The Institute of Regional and International Studies (IRIS), and former English Editor at Kirkuk Now, most Kurds do not use Baghdad airport.⁹ Most Kurds only use the EIA or the SIA airports in the Kurdistan Region. "It is not only the airport, people can also take the bus, they just buy a ticket and can go from Turkey (to Europe). It depends on how much money they have." ¹⁰ According to Salam Omer, Editor-In-Chief at Kirkuk Now there are several options.¹¹ Some travel through Turkey, while others travel by plane from the Kurdistan Region. However, before the COVID- 19 pandemic it was much easier and as a result there are less flights companies flying from Iraq to Europe and back. The main flight companies that fly to Erbil and Suleymaniyah are companies like Iraqi Airways, Qatar Airways, Egypt Air, Turkish Airlines, Austrian Airlines and Pegasus.¹² But due to the new COVID-19 strain and a rise in cases of COVID-19 in Europe there are regular cancellations of flights. So far, it seems Qatar Airways is having the least cancellations.

Considering the land routes, sources from Kirkuk say the routes between Kirkuk province and Erbil and Sulaymaniyah in general are safe. Although there are different groups manning the checkpoints, from Kurdish Peshmerga Forces to Iraqi Federal Police and the Iranian-backed Shia Militias, the Popular Mobilization Forces (PMF), also known as Hasdh Shaabi in Arabic. "In general, people travel by car and its safe. But as you know the disputed territories are always like a no man's land, because as you know there are different security forces and a conflict of interest between the KRG (Erbil) and Baghdad, and then you have ISIS and Hasdh Shaabi (Iranian-backed Shia militias)," said Kirkuk Now Editor-in-Chief Salam Omar.¹³ "We travel there for work, so we are very cautious, but any civilian can travel."

However, in 2018 there were reports of kidnapping incidents by ISIS on the highway connecting Baghdad to the Kirkuk province.¹⁴ According to researcher Mohammed Bakr there is always a risk travelling to Baghdad, due to the fact there are ISIS sleeper cells in the countryside of Kirkuk, in areas like Dibis, Hawija.¹⁵ According to analysis of the European Asylum Support Office, "the Baghdad- Kirkuk highway was described as one of the most dangerous routes in Iraq with sources noting militant activities targeting travellers, such ambushes, kidnappings, and fake ISIL checkpoints, killings, robberies, targeted assassinations of government officials and security forces, car bombings, and ISIL

raids on travellers. Cases of unexploded ordnances were also reported on roads in Kirkuk."¹⁶

However, during interviews most mention that in general the road to Baghdad is safe. Nevertheless, most Kurds prefer Erbil or Suleymaniyah for travel abroad (via airports there) since the distance is shorter, less traffic jams and in general much safer.

2. Security situation in Kirkuk

[Grafik entfernt, Anm.]

Source: Security incidents in Kirkuk province from the blog of Iraq expert Joel Wing.¹⁷

According to research and NGO reports and interviewees with locals from Kirkuk the Islamic state (ISIS) is mostly active in the countryside of Kirkuk governorate, not in the city of Kirkuk since the defeat of ISIS in the Kirkuk province in October 2017.¹⁸ According to Iraq expert Joel Wing almost all

the violence in Kirkuk "takes place in the south (not in the city of Kirkuk) where the insurgents were never defeated during the war."¹⁹ Since the fall of Saddam Hussein in 2003, Kirkuk saw large-scale violence, such as assassinations, bombings and kidnapping for ransom. In 2013, there was an

increase in attacks with a rising insurgency in Sunni Arab areas in Iraq.²⁰

Washington Institute for Near East policy Iraq expert Michael Knights also claimed “when Baghdad was at its worst in 2007, urban Kirkuk matched its per capita incident rate of one attack per month per 5,000 residents.”²¹ As Baghdad’s security improved in 2010, Kirkuk’s incident rate per capita was three times higher than the capital’s, he added. When I did field research in Kirkuk in 2011, there was also a large number of kidnappings of civilians for ransom and assassinations.²² Between 2014 and 2017 ISIS occupied a part of the countryside of the Kirkuk governorate when Iraqi army units fled, and Peshmerga forces took over Kirkuk city.²³ In this time period, ISIS controlled the Hawija district, southeast of Kirkuk city, as well as the sub-districts of Rashad, Riyadh and Abasi and carried out several

attacks on Kirkuk city that were repelled by Peshmerga forces.²⁴ ISIS was held off for three years by Kurdish forces until Iraqi forces defeated it in early October 2017 in Hawija, in the countryside of Kirkuk. Since then ISIS did not control any territory anymore in Kirkuk. But while Kurdish Peshmerga forces controlled the town before 2017, the security situation changed in Kirkuk when Iraqi forces and Iranian-backed militias took over Kirkuk in October 2017 from the Kurdish Peshmerga forces in response to a Kurdish independence referendum in September 2017 which included the Kurdistan Region and territories disputed between Baghdad and Erbil. However, the Iraqi PM Mustafa al- Kadhimi ordered the Iranian-backed PMF (Popular Mobilization Units) to leave the city and now the local police and the Counter Terrorism Units control the city, while the Iranian-backed PMF groups are still in the countryside of Kirkuk.²⁵ Kurdish Peshmerga forces left Kirkuk, the police is not anymore dominated by Kurds and the Asayish (Kurdish security police) also left the province. However, Iran-backed groups still “exercise influence in the governorate through their economic offices, political

agreements, and locally recruited militias.”²⁶ Recently, the PMF held a commemoration ceremony for

slain Iranian General Qasem Soleimani and Iraqi militia commander Abu Mahdi al-Muhandis, which again underlined PMF’s continued influence in the province and also plan to distribute land to PMF fighters.²⁷

Kirkuk has also been plagued by assassinations since the fall of Saddam Hussein. According to the International Crisis Group only in the period between 2015 and September 2017 saw at least 30 assassinations in Kirkuk city, targeting Arab and Turkmen politicians and government employees, many of them in the North Oil Company.²⁸ According to the news website Niqash there were at least 52 murders in Kirkuk between 2015 and 2017.²⁹ After 2017, ISIS remained mostly active in the rural areas of Kirkuk such as Daquq and Hawija “intimidating civilians who cooperate with the government, kidnapping and attacking both mukhtars (community leaders appointed by the government) and tribal

leaders, stealing food and supplies from civilians, and burning crops – especially at night.”³⁰ According

to a Turkmen civilian, the level of kidnapping was much higher in 2010 and before 2014. “Between 2004 to 2017 there were many kidnappings.”³¹ Tara Aziz, a Kurdish journalist for Kirkuk Now also mentioned that there is a high-level of security forces and checkpoints in Kirkuk. “Which is kind of scary for people, especially for children, when they see security forces everywhere, but people and adults are feeling more safe now because they think that they are protected,” she said. “There is no more serious security problem.”³² One Arab civilian also noted that in general the security situation is safe. “In some areas around the city (the Kirkuk countryside) Daash (Arab acronym for ISIS) is still active. It goes back and forth, but no one can guarantee security 100 per cent,” he said.³³ Also according to IRIS researcher Mohammed Bakr the districts like Hawija, Daquq and Dibis are very prone to ISIS sleeper cells, especially Hawija. There is a great risk of ISIS sleeper cells. “But inside the city is relatively safe.”³⁴ Another report mentioned that there “are pockets of ISIS fighters around the governorate, especially in Hawija in Kirkuk Governorate and in the Hamreen Mountains extending over Diyala, Kirkuk and Salah al-Din Governorates and the group is relatively more active in the governorate compared to other parts of Iraq.”³⁵ Another report also confirmed that ISIS is carrying out a low-level insurgency in southern Kirkuk.³⁶ Therefore, one could conclude that the city is relatively safe compared to the outer districts. But there is always a risk of violence by ISIS or tensions between Kurdish civilians and the Iraqi security forces. Kirkuk also haven’t seen the same kind of recent violence like in south Iraq (including Baghdad) where activists have been kidnapped and assassinated by unknown armed groups (most likely pro-Iranian backed militia

groups) after large-scale protests against the government.³⁷ There were a number of protests in Kirkuk city, but in general they remained small.³⁸ Also in the recent months liquor shops have been targeted in Baghdad by Iranian-backed Shia militias.³⁹ But so far no liquor shops have been targeted in Kirkuk.

According to the European Asylum Support Office “looking at the indicators, it can be concluded that

‘mere presence’ in the area would not be sufficient to establish a real risk of serious harm under Article

15(c) QD (of subsidiary protection) in the governorate of Kirkuk, however, indiscriminate violence reaches a high level, and, accordingly, a lower level of individual elements is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.”⁴⁰

3. Livelihood in Kirkuk: economic situation health care, housing, shelter

According to analysis from the UN-linked Inter-Agency Information and Analysis Unit in 2010 “in spite of the presence of large amounts of oil, Kirkuk governorate experiences little economic benefit from its presence.⁴¹ “16% of jobs in the governorate are provided by agriculture, compared to a national average of 21%. In addition, female economic activity is low at 14%, falling to 7% in urban areas outside of Kirkuk city.”⁴² According to data from the Inter-Agency Information and Analysis Unit from March 2009, unemployment in Kirkuk was 9 per cent among females and 8 per cent among men.⁴³ The report added that Kirkuk performs quite well according to humanitarian and development indicators compared to the rest of Iraq.⁴⁴ Another assessment from the EU-funded Local Area Development Programme in Iraq from 2018 suggested that the economic situation for people in Kirkuk is general better than the rest Iraq.⁴⁵ The report from 2018 said the poverty rate in Kirkuk Governorate is 9.1%, and in 18.9% in Iraq.⁴⁶ However, it also noted that poverty increased after ISIS occupied areas in Kirkuk after 2014 and that current data on poverty is not available.

“Overall, deprivation in Kirkuk province is also among the lowest in Iraq, reflecting relatively improved conditions for health, employment, education and economic opportunities,” it concluded.⁴⁷

However, according to a recent IOM report from January 2020 job-seekers felt that the unemployment

rate in Kirkuk city was, on average, 59%.⁴⁸ Nevertheless, compared to other provinces in Iraq Kirkuk scores quite good on unemployment. “Graduates, women, youth and IDPs were mentioned most often

as likely to be unemployed or underemployed, while people with disabilities, low income or those with

lower education levels were also mentioned,” the IOM report said. ⁴⁹ Interviewees suggest the Kirkuk is suffering from the general economic situation in Iraq due to the COVID-19 pandemic, the low oil prizes (also partially caused by the pandemic) and the devaluation of the Iraqi dinar and higher prizes.⁵⁰

The World Bank is projecting a contraction of the Iraqi GDP of 9.7% in 2020.⁵¹ According to REACH analysis (a NGO focused on analysis of the humanitarian situation) Baghdad is also struggling to pay the salaries of the country's six million public sector employees and millions of others working in the private and informal sector have lost their employment and livelihoods as a result of the COVID-19 crisis.⁵² UNICEF and the World Bank in a recent report are estimating that an additional 4.5 million Iraqis (11.7%) will be pushed below the poverty line in 2020. Losses to jobs and rising prices are causing the national poverty rate to climb to 31.7% from 20% in 2018.⁵³ “The economic situation, you can consider it like other provinces under the federal government. So there is less support from the federal government,” Salam Omer, Editor-In-Chief at Kirkuk Now said, adding that the economic situation was better 2-3 years ago.⁵⁴ “It's also just because the general economic situation in Iraq is quite bad with oil prices. COVID everything,” he said. As a result, the Kirkuk authorities have difficulties paying for the trash collection and there is a lot of garbage in the streets.”

The Kurdistan Regional Government (KRG) has also not able to pay salaries on time last year due to Baghdad not willing to give the Kurdistan Region's budget share, citing Kurdistan Region's independent oil exports without Baghdad's permission. In Kirkuk, a large number of Kurds are still receiving government salaries from the KRG (which regularly have been delayed due to the Baghdad cuts). As a result, there were some protests from Kurdish teachers in Kirkuk in May demanding their salaries to be paid by Baghdad instead.⁵⁵ According to researcher Mohammed Bakr its much cheaper for many Kurds from Kirkuk to live in Kirkuk rather than in the Kurdistan Region where rent prices are more expensive. “You can rent a fairly good house for like \$100,” he said.⁵⁶ This while in the Kurdistan Region Kurds

were paying at least 300,000 dinar per month for rent, while getting a salary of around 600,000 dinar per month. He also mentioned that Kurds that are employed by the KRG are badly affected by the lack of salaries, but those that are not paid by Erbil (KRG) are relatively doing well. However, he said there is still some economic activity despite of the recent economic crisis and the majority own their own houses. "So you can say there is there is there is that there isn't much job opportunity, but living is cheap. That's why I think now a lot of people have returned to Kirkuk," he added.⁵⁷

Regarding health care people in general have access to healthcare, but the healthcare just as in the rest of Iraq is quite in a bad shape. According to UNOCHA stated in its 2019 Humanitarian Needs Overview that 35 % of primary health centres are not functional in Kirkuk governorate.⁵⁸ According to

Salam Omar, the quality of hospitals in Kirkuk is not the same as in Erbil, Baghdad or Slemani.

"There's health care, but it's not very good." ⁵⁹ According to IRIS researcher Bakr there is no discrimination between Kurds and non-Kurds for receiving health care, adding that the health care is bad for everyone in Kirkuk. "If you have like a connection (to doctors), you can get perhaps better treatment. For instance, if you know a doctor at the hospital, then he or she will visit the patient, treatment etc. but for the majority it is the same," he concluded.⁶⁰ Other non-Kurdish interviewees agreed that the health care in Kirkuk is quite bad. According to an assessment of the EU-funded Local

Area Development Programme in Iraq from 2018 there are around 9 hospitals in the Kirkuk province (7 public and 2 private).⁶¹ It mentions the main hospitals as the: 1. Azadi general educational hospital,

425-bed capacity, 2. Kirkuk general hospital, 318-bed capacity, 3. Children's hospital, 120-bed capacity, 4. Daquq hospital, 50- bed capacity, 5. Hawija hospital, 126-bed capacity (out of service because of security conditions).⁶² Moreover, in 2020 a new COVID-19 hospital was opened with 150- bed capacity funded by the Shia Imam Hussein Holy Shrine.⁶³

[...]

4. Possibility for people who worked for US institutions to return and religious freedom

So far, there are no specific recent reports of people in Kirkuk being harassed recently for working with US institutions. In the past, the US ran a Provincial Reconstruction Team in Kirkuk in the Kirkuk Governorate building.⁶⁶ But this was closed during the US troops withdrew in December 2011.⁶⁷ One Arab civilian mentioned that those that worked for the US cannot live in places outside of Kirkuk city,

in places like Hawija (where Jihadist insurgents are still active). He also mentioned that in the "dark days" in 2007 definitely people working with US were targeted (by Jihadist groups).⁶⁸

However, during the fight against ISIS in 2014 US troops came back to Iraq, including to Kirkuk as part of the US-led Coalition against ISIS. One well-informed source mentioned that after the October 2017 events (when Iraqi forces took Kirkuk from Peshmerga forces) some of those working with US diplomatic missions had to leave the city of Kirkuk. "But I am sure most of them don't want to tell anyone that they work for Americans," the source mentioned.⁶⁹ Iranian-backed forces that started to play a more prominent role in Kirkuk after the October 2017 events. Also before 2017, the PMF had offices in Kirkuk. However, the PMF played an important role in taking Kirkuk from the Kurdish Peshmerga forces in October 2017. These groups are more hostile towards Iraqis working with US forces than the Kurdish forces that controlled Kirkuk between 2014-2017, but there are not known incidents of Kurds working with US forces being kidnapped. On 27 December 2019, one US military contractor was killed in a rocket attack on a military base in Kirkuk.⁷⁰ The militia rocket attack in Kirkuk in 2019 triggered retaliatory strikes in Iraq and Syria, culminating in the US killing of Iranian General Qasem Soleimani and the deputy head of the PMF, Abu Mahdi al-Muhandis in a drone strike on Baghdad airport on January 3, 2020.⁷¹ In February 2020, a military base in Kirkuk that hosts US troops came under rocket fire, which again underlined the continued influence of PMF groups.⁷² Also recently, the PMF held a commemoration ceremony for slain Iranian General Qasem Soleimani in Kirkuk.⁷³

According to journalist Tara Aziz you always have to protect yourself when working and living in Kirkuk. "You cannot guarantee that you will be safe, but you have to protect yourself," she said.⁷⁴ She herself visited the US two years ago as part of a State Department program but she did not share any pictures of this event due to safety reasons. "There are still people who cannot understand that it may be a normal thing (to visit the US) or maybe just an educational program. They see it as political side and they say like I am hired from the US Department to spy on people." She

added that you can never guarantee that you will be safe. However, one source claimed he knew a Kurd that was working with

the US consulate in Kirkuk was still going to Erbil for work.⁷⁵

On religious freedom in Kirkuk: there are people who are not religious and not Islamic, but in general

try to keep it among themselves.⁷⁶ This is logical also due to the presence of Jihadist groups in Kirkuk

in the past such as ISIS and Al Qaida. "However, there are different religious communities in Kirkuk, such as the Kakayi (that face attacks by ISIS), Christians, Shia Muslims, Sunni Muslims, and others. There are also alcoholic shops inside the city of Kirkuk. ⁷⁷ However, it's difficult for Muslims to sell alcohol. However, a US report on religious freedom mentioned after the "return of central government

control in Kirkuk in late 2017, Kurds, Turkomans, Kaka'i, Christians, and other minorities faced discrimination, displacement, and in some cases, violence from PMF and Iraqi security forces. Media outlets carried numerous reports of Shia PMF groups invading, looting, and burning the houses of Kurds, Sunni Turkomans, Sunni Arabs, and other ethnic minorities in Kirkuk Governorate."⁷⁸ The report mentioned that especially the religious Kakayi minority (that live in villages outside of Kirkuk city) face harassment by the PMF.⁷⁹ However, most of these violations took place in places like Tuz Khurmatu. "In 2018 Kaka'i leaders had reported that the central government's Shia Endowment had forcibly taken over several places of Kaka'i worship in Kirkuk, Diyala, and Baghdad, converting them into mosques," the State Department report said.⁸⁰

6. Changing security and political circumstances from 2013 to 2020

There were a lot of changes in Kirkuk from 2013 until 2017. A Jihadist insurgency and protests by Sunni Arabs started to increase in Iraq in 2013 due to the domination of Iraqi Shia parties of the Iraqi government and the general sense of loss of power and marginalization by the Sunni Arab community.

Between 2014-2017 ISIS controlled the countryside of Kirkuk and the Peshmerga forces controlled the city. The Kurds were a very dominant force (within the police and with Asayish forces) even before 2014, but after 2014 Iraqi police and the army left the province Kurdish Peshmerga forces dominated

the province. However, after October 2017, Iraqi security forces, including Iranian-backed forces took over the city. As a result, between approximately 150,000 to 200,000 Kurds fled Kirkuk to the Kurdistan Region. However, reports indicate that a large number of the people who fled in October 2017 have returned to their area of origin in Kirkuk.⁸¹ This excludes mostly members of the KDP, including the KDP security service Asayish.⁸² However, almost no Kurds returned to the city of Tuz Khurmatu, where shops were burned and looted.⁸³ Several buildings were also destroyed in the area.⁸⁴

The city of Tuz Khurmatu saw several tensions between the Sunni Kurdish backed by Kurdish Peshmerga forces and the Shia Turkmen population backed by Iranian-backed militias. Now the city is dominated by Shia Turkmen, while before Kurds played a stronger role in the security situation in Tuz

Khurmatu. According to IRIS researcher Mohammed Bakr most of the Kurds returned to Kirkuk city because it was too expensive for them to rent houses in the Kurdistan Region, apart from people that

could afford it.⁸⁵ He also mentioned while Kurdish security forces in the past mistreated Arab and Turkmen civilians, now Arabs and Turkmen have more power. He mentioned especially Turkmen have

more power now "so they can mistreat the Kurds and get away with it."⁸⁶ While in the past there were

abuses by Kurds against other ethnic groups. He also mentioned that in the past those affiliated to the main Kurdish parties: the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) could get away with anything in Kirkuk. ⁸⁷ But now the opposite is the case and it's the other way around and in some cases arrest warrants were issued for members of Kurdish parties.⁸⁸ As a result, a number of Kurds do not feel comfortable anymore living in Kirkuk since they consider Kirkuk to be part of the historical Kurdish homeland. There were also renewed land disputes in the countryside of Kirkuk between Kurds and Arabs after Iraqi forces took over Kirkuk in 2017 and claims of renewed Arabization. During the Baath-regime time in the 1960s Saddam tried to Arabize Kurdish

villages in Kirkuk.⁸⁹ After 2003, Kurdish villagers returned with security provided by Peshmerga Forces. Kurdish residents of the Palkana village claim that ethnic Arab Iraqis from other cities try to seize their properties.⁹⁰ There have also been land disputes between Shia Turkmen and Arab villagers in the past.

7. Situation of IDPs, refugees and Kirkuk refugees in the Kurdistan Region

According to statistics from the Kurdistan Regional Government (KRG) there are 956,759 IDPs and refugees in the Kurdistan Region in 2020: a total of 698,902 IDPs, and also 238,170 Syrian, 8,452 Turkish, 10,535 Iranian, and 700 Palestinian refugees. Only 3 per cent from the total of IDP numbers from Kirkuk.⁹¹ According to Hoshang Mohammed, Director General of the Kurdistan Regional Government's (KRG) Joint Crisis Coordination Centre (JCC), there are over 20,000 IDPs from Kirkuk living in the Kurdistan Region.⁹² He added there are also Kurds among them, but he had no accurate data. Another JCC source said claimed all the Kurdish IDPs returned, and if they do live in the Kurdistan Region "they do not live in camps (but in houses)."⁹³ According to Mevan Akreyi, camp manager for the local NGO the Barzani Foundation (BCF) the IDPs from Kirkuk are all Sunni Arabs.

He said most of Kirkuk displaced civilians stayed with extended family in Erbil or was supported by the KDP (in Erbil).⁹⁴ "Thus rarely you would found a displaced families in the camp," he said.

About the camp conditions he said the situation is quite good, apart from the medical situation. "The condition of the refugee camps are quite good and stable they have many privileges like they have the right of movement to work, however the situation of medical and sanitary is not good because UNHCR is the mean responsible for providing what ever they need (refugees camps are UNHCR mandates) while the IDP camps are the government's responsibility and the situation of the both sector is not quite good as refugee camps."⁹⁵ He added "since the opening of the camp we have faced an accumulated issue with medication especially after most of the medical providers left the camp. Sanitary is much better than the medical sector." He added that they "have a serious issue with the lack of medication especially for the chronic disease cases."

The KRG's JCC Director Hoshang Mohammed earlier told Kurdistan 24 that the situation is getting worse though due to the financial crisis in the Kurdistan Region and Iraq (due COVID-19 pandemic, including its effect on plummeting oil prices, and Baghdad's decision to suspend payments of the autonomous region's share of the national budget). "It's a very challenging situation; we have a lot of

pressure on our financial capabilities and this has pushed the services to a limit," he said, indicating that "continued support" is required, so they can keep helping vulnerable groups.⁹⁶ Due to visa issues in Baghdad and pandemic, NGOs also have more difficulty to bring foreign staff to Iraq. However, so far COVID-19 did not have a significant effect on the IDP and refugee camps.

8. Possibilities for settlement in the Kurdistan Region for Kirkukis

Several Kurdish interviews say no guarantor is required.⁹⁷ According to the IOM in 2016 Kurds, including Kurds from Kirkuk, are exempted from the sponsorship requirement. ⁹⁸ Also the UNCHR in 2017 mentioned that Kurds do not require a residency permit to reside in the Erbil province.⁹⁹ Kirkuki

Kurds just have to go through the same process as other citizens for living in a house (registering at municipality and Asayish). However, the economic situation in the Kurdistan Region of Iraq (KR-I) is currently very bad due to the pandemic, low oil prices, Iraqi dinar devaluation, and there is a lack of jobs (a large number of people lost their jobs in the private sector). Most employees in the Kurdistan Region have not been paid their salaries for several months. More of civilians are often dependent on jobs for the ruling Kurdish parties PUK (in Suleymaniyah province and Halabja) and the KDP (in Erbil and Duhok) for patronage, services and jobs.

Also Kurds from Kirkuk can settle in all provinces of Kurdistan, but the rent prizes are much higher in Erbil compared to Kirkuk province. A healthy, single man from Kirkuk can gain a foothold in the Kurdistan Region, but the last few years the Kurdish government have not been able to pay salaries on

time or paid reduced salaries. Most of the jobs are not in the private sector, but the government sector

and the Iraqi parties have used the oil income to buy loyalty through providing salaries and land to their supporters. Due to the bad economic conditions and lack of jobs, many youth have tried to emigrate to Europe.¹⁰⁰ Especially in

the year 2020 the situation is gotten worse in all of Iraq with poverty levels growing and people not being able to pay their rent.

According to a 2016 report from the Danish Refugee Council, "ethnic Kurds, including Kurds from Kirkuk who can freely enter KRI, are exempted from the requirement of a sponsor. Human Rights Watch said that it is possible for ethnic Kurds with long residency in Kirkuk to gain access to KRI.

With regard to the possibility for Kurds from Kirkuk not only to enter KRI but also to settle, Qandil (NGO) said that ethnic Kurds have no problem settling in KRI.¹⁰¹ The report quoted the Head of General Security Directorate, Asayish, Esmat Argushi, however, said that for ethnic Kurds with long-term residency in Kirkuk, the same procedure for entry into KRI applies as for all other Iraqi citizens.

Local sources also suggest Kurds are registered as living in Kirkuk can register or buy property in any part of KRI (Kurdistan Region of Iraq) (Suleymaniyah and Erbil). "As long if you are a Kurd, you're totally allowed to buy property in the Kurdistan Region," Bakr said.¹⁰² "Basically you are treated as someone who is from the KRI," he added. "So many people from Kirkuk bought houses in Slemani and Hawler (Erbil), they haven't faced any problem with the procedures," Tara Aziz said.¹⁰³ Also Bakr added people with a residency in Kirkuk, should go to the Asayish to register in the place they live. However, to get a residency card for Suleymaniyah (Slemani) or Erbil (Hewler) could be more difficult without connections to the ruling parties (KDP in Erbil, Duhok, or PUK in Suleymaniyah, he added. He said having a residency card from Erbil or Suleymaniyah would give certain benefits, such as being able to renew a passport without going back to Kirkuk. Thus Kurds from Kirkuk can settle in the Kurdistan Region of Iraq easily, but sometimes need political party connections to find jobs or make procedures easier.

Concluding remarks

It seems that it's possible for someone who used to provide security for the US consulate to live and

work in Kirkuk. Nevertheless, it would be advised to hide their current or previous affiliation to the US to the general population. Especially after Kirkuk was taken over by Iraqi forces and Iranian-backed militias in 2017 that are more hostile towards the US than the Kurdish security forces. Economically wise the situation in Iraq is not very good, including in Kirkuk. Although in general, Kirkuk seems to be doing better than other Iraqi provinces regarding jobs. Security wise the city of Kirkuk is not in a bad shape, but the countryside of Kirkuk is still very dangerous (in towns like Hawija, Riyadh, Rashad, Daquq and Dibis). Before 2017, ISIS controlled a part of Kirkuk, while Kurdish Peshmerga forces controlled the city. This changed after 2017, when ISIS in south Kirkuk was defeated and later Iraqi forces took Kirkuk from Peshmerga forces. As a result, Iranian-backed groups became more influential in Kirkuk which could pose security threats to those that work (or worked) with the US government or military. There is a bigger threat to activists and Iraqis that worked with US forces especially after the increased US-Iran tensions in Iraq during the Trump presidency and the killing of an Iranian top general near Baghdad airport by the US on 3 January 2020. Interpreters that worked with US and UK forces have also feared for their lives from Iranian-backed forces while the US and Coalition is scaling down its troop presence in Iraq.¹⁰⁴ Nevertheless, there are not known incidents of Kurds that worked with the US being kidnapped in the last few years. However, this could always change dependent on the level of tensions between the US and Iran in Iraq (things could improve between Iran and the US with a new Biden administration in 2021). In 2017 several Kurds that worked with the US left Kirkuk, when Iran-backed forces took over. However, it's also easy and possible for Kurds from Kirkuk to settle in Suleymaniyah or Erbil (Hewler) before and after 2017. Many Kurds however decided to return to Kirkuk after the security situations stabilization and relations improved again between Erbil and Baghdad. Nevertheless, the economic situation is very bad in the Kurdistan Region and it might be difficult to find jobs in either the Kurdistan Region of Iraq (KRI) or in Kirkuk due to the worsening economic situation in Iraq.

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Quelle: Bundesverwaltungsgericht BVwg, <https://www.bvwg.gv.at>

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